390-A-13
Curtis Rd.
Presumpscot River Place - Phase 3
Lloyd Wolf and Bob Adam

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

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

AMP/pdo/JN98089/Hallowell_5-15-03

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: AGENT	[signature]	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.#		Staff	Staff	
NOI #	FP	Date	Acc. Date	Def. Date	After Photos

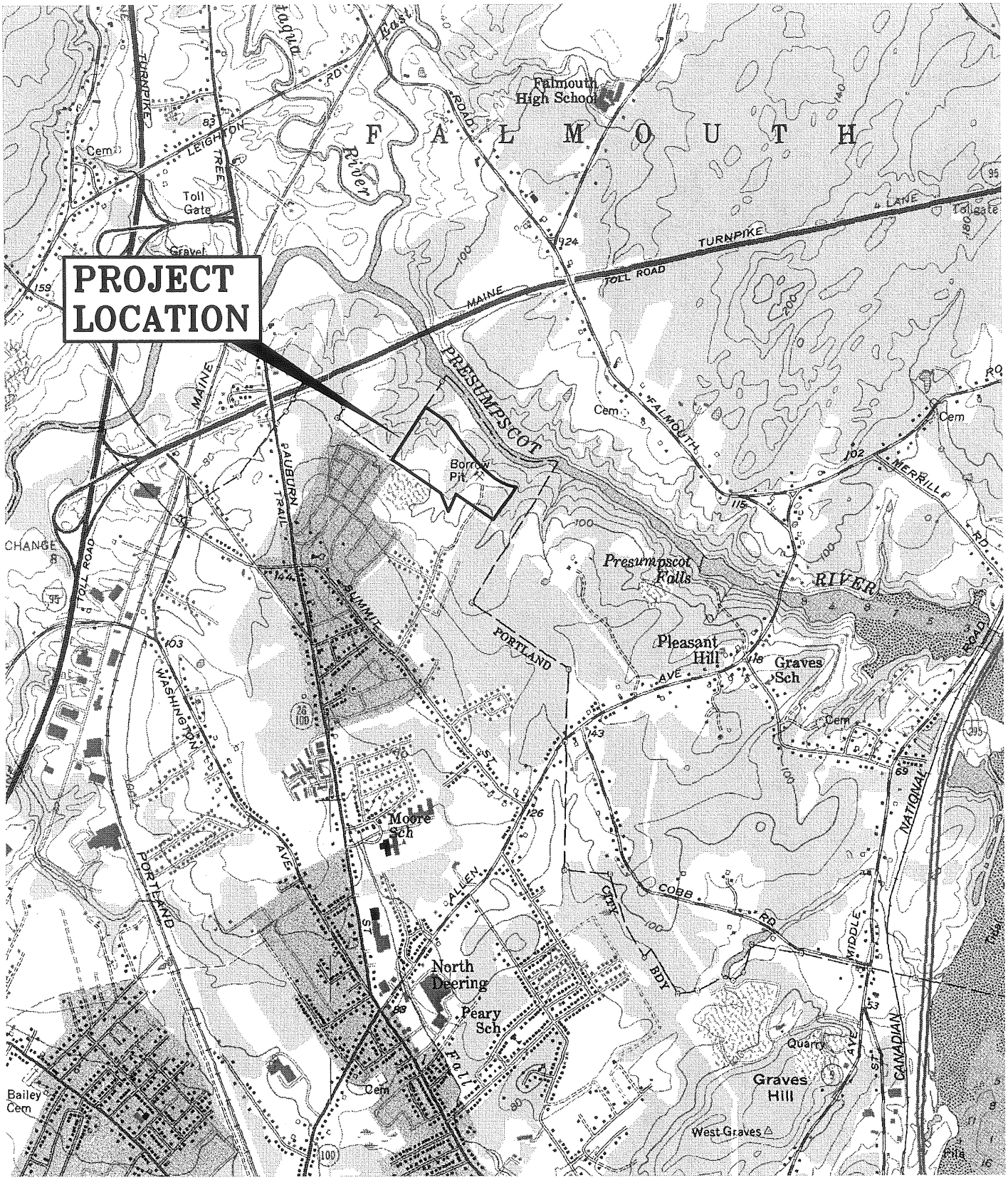
May 15, 2003

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,



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: GJL	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

GORRILL-PALMER CONSULTING ENGINEERS, INC.
PO BOX 1237 15 SHAKER ROAD
GRAY, MAINE 04039

Telephone # 207-657-6910 Fax #207-657-6912 E-Mail mailbox@gorrillpalmer.com

FACSIMILE TRANSMITTAL SHEET

To:	Ben Grover	Fax:	829-5502
	Burt Wolf		773-6310
	Bob Adam		781-7193
	Dawn Hallowell		822-6303
	Jay Reynolds		756-8258
	Jeff Tarling		756-8279
	Todd Merkle		874-8816
From:	Doug Reynolds	Pages:	3
Re:	Presumpscot River Place	Date:	5-12-03

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☒ For Your Information

- Comments

Attached is a copy of field observations/meeting minutes for site walks during the week of May 6, 2003.

DAILY FIELD REPORT

Project: Presumpscot River Place — Project No: 98089

Client: Burt Wolf & Bob Adam — Dates:5-6-03, 5-7-03, 5-9-03

Gorrill-Palmer Consulting Engineers Inc. Field Rep: Doug Reynolds

Weather: Varies — Temp. Range:50-55

Time Arrived on site : Varies — Departed site at: Varies

Work in Progress: Installation of underdrain in vicinity of Curtis Road & Erosion control Repairs

Work Conducted by GPCEI Representative: General Site Observation & Meeting with review Agents

Observations - Discussions - Recommendations

On 5-6-03 (Clear), the site was in generally good condition, with the exception of a couple of areas along the silt fence, which had been damaged, which were pointed out to Matt Grover. It was also noted that at the 18" culvert crossing, an area of disturbed slope was located on the downstream side of the silt fence, which should be protected. Matt Grover was also was also notified that the stockpile located on Lot 4 should be stabilized, as well as the sideslopes of the roadway. The silt fence on the Northerly side of Hope Avenue is in good condition with the exception of a section in the vicinity of STA 30+00 where the previously installed silt fence has been damaged by the weather. The contractor has installed a stone check dam in this location however; the silt fence still needs to be reestablished.

On 5-7-03 (Cloudy), I met onsite with Jeff Tarling, the arborist for the City of Portland, to determine if three trees located on Lot 30 could be removed within the "Undisturbed Zone". The trees are standing at an approximate 45-degree angle from the ground and appear to be being held up by adjacent trees. Removal of trees within the Undisturbed Zone is allowed if they appear to be a hazard. It was Mr. Tarling's opinion was that the trees were dead and could be a hazard to possibly children playing on them. Erosion Control items identified on 5-6-03 had been addressed at the time of the 5-7-03 site visit, with the exception of the disturbed slope on the downstream side of the silt fence.

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On 5-9-03, (Rain), I met with Dawn Hallowell from the MDEP to discuss the removal of the trees on Lot 30. Ms. Hallowell indicated that it was her opinion that the "trees are not threatening any structure (or potential structure) and do not appear to be a hazard. Therefore, they need to be left in place." Based upon Ms. Hallowell's ruling, no action should be taken with these trees at this time.

Another item noted at this visit is the area of disturbed slope on the downstream side of the silt fence at the 18" culvert crossing, mentioned above, slid into the top of the rip rap on the inlet side of the culvert. The contractor was addressing the slope failure, during the site visit with silt fence. Matt Grover indicated that additional rip rap would be added to area to reduce the chance of further failures. Ms. Hallowell also expressed concern about additional areas around the 18" culvert crossing, where she requested additional measures be added, either silt fence or rip rap.

Reviewed By: _____

Distribution: Ben Grover, Todd Merkle, Jay Reynolds, Burt Wolf, Bob Adam, Dawn Hallwell, Jeff Tarling, File

If there are any discrepancies, please notify the sender immediately.

PO Box 1237
15 Shaker Road
Gray, ME 04039

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

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..."

COPY

RE: PRESUMPSCOT PLACE - PHASE III
TENTATIVE SCHEDULE OF WORK

CLEARING: 9/30/02 - 10/18/02

GRUBBING: 10/28/02 - 11/12/02

EROSION: 10/10/02 - 10/30/02

EXCAVATION: 10/30/02 - 11/30/02

FILL: 11/5/02 - 12/13/02

SEWER: 11/20/02 - 12/15/02

PUMP STATION: 1/10/03 - 1/15/03

STORM DRAIN: 12/9/02 - 1/17/03

WATER: 1/15/03 - 2/15/03

ELECTRICAL: Spring 2003

GRAVEL: 11/15/02 - 2/28/03

PAVEMENT: Spring 2003

LOAM & SEED: Spring 2003

January 30, 2002

Mr. Al Palmer
Gorrill-Palmer Consulting Engineers, Inc.
PO Box 1237
Gray ME 04039

RE: Presumpscot River Place Subdivision - Vicinity of Curtis Road

CBL: 389-G-003

Dear Mr. Palmer:

On January 22, 2002, the Portland Planning Board voted on the following motions for the 30-lot Presumpscot River Place Subdivision in the vicinity of Curtis Road proposed by Bob Adam and Lloyd Wolf.

1. The Planning Board voted 5-0 (Malone absent) that the plan is in conformance with the Subdivision Ordinance. The approval is subject to the following conditions:

   i. That all easements (pedestrian walkways and drainage) shall be submitted to Corporation Counsel for review and approval and shall be referenced in any affected property deeds.

   ii. Parking shall be prohibited on both sides of Hope Avenue between stations 10+00 and 13+00; and that parking shall be prohibited 100 feet on both sides of the street from the Curtis Road/Hope Street intersection. "No parking signs" shall be installed at these locations as directed by the City Traffic Engineer.

   iii. That the applicant submit a street deed including metes and bounds description for Hope Avenue for review and approval by Corporation Counsel.

   iv. That the design and specifications for the sewer pump station shall be submitted for Public Works review and approval. Should the design require additional land

for the sewer pump station reservation shown on the subdivision plan, the reservation shall be increased in size.

v. That a revised plan shall be submitted for City staff review and approval reflecting a stabilized outlet channel replacing the level lip spreader at the easterly end of Hope Avenue. Prior to clearing vegetation for the outlet channel, applicant shall contact the City Arborist to field locate the outlet channel in order to minimize tree clearance.

vi. That the drainage easement note on the recording plat shall be revised to read: "30 ft. Private Drainage Easement Centered on Drainage Course." The pedestrian easement notes on the plan shall reference "City of Portland Pedestrian Easement."

vii. That a letter shall be submitted by the subdivision land surveyor to City staff for review and approval, confirming that the survey shown and stamped on the subdivision recording plat survey includes all the lot lines and street rights-of-way of the subdivision.

viii. That the undisturbed zones on the recording plat shall be clearly labeled with dimensions.

ix. That utility capacity letters shall be submitted to City staff for review and approval. A letter shall also be submitted confirming Central Maine Power's review of the two road crossings through their easements.

x. That the recording plat shall not be released for recording until either: 1) Falmouth land west of the subdivision is annexed by the City of Portland, or 2) the applicant's right to connect to sewer in Falmouth is approved in writing from the Town of Falmouth and the applicant's right to construct Hope Avenue is approved by the Town of Falmouth.

xi. That access to lot 16 shall be only from Hope Avenue.

xii. The recording plat shall be revised to clearly specify the conveyance of land regarding the "outparcel" along Curtis Road.

xiii. No certificate of occupancy shall be issued for any house lot in the subdivision until the base pavement has been completed along the entire length of Hope Avenue in Portland as well as Falmouth.

2. The Planning Board voted 5-0 (Malone absent) not to grant the request for a waiver of a sidewalk on the westerly side of Curtis Road.

The approval is based on the submitted subdivision plan and the findings as contained in Planning Report #4-02, which is attached.

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

1. Mylar copies of the construction drawing for the subdivision must be submitted to the Public Works Department prior to the release of the plat.

2. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount must be submitted to and approved by the Planning Division and Public works prior to the recording of the subdivision plat. The subdivision approval is valid for three (3) years.

3. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.

4. Prior to construction, a preconstruction meeting shall be held at the project site with the contractor, development review coordinator, Public Work's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the preconstruction meeting.

6. If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

7. The Development Review Coordinator must be notified five (5) working days prior to date required for final site inspection. The Development Review Coordinator can be reached at the Planning Department at 874-8632. Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as all site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If there are any questions regarding the Board's actions, please contact Richard Knowland at 874-8725.

Sincerely,

Jaimey Caron, Chair
Portland Planning Board

cc: Alexander Jaegerman, Planning Director
Sarah Hopkins, Development Review Program Manager
Richard Knowland, Planner/Senior Planner
Jay Reynolds, Development Review Coordinator

Marge Schmuckal, Zoning Administrator
Jodine Adams, Inspections
William Bray, Director of Public Works
Larry Ash, Traffic Engineer
Tony Lombardo, Project Engineer
Eric Labelle, City Engineer
Jeff Tarling, City Arborist
Penny Littell, Associate Corporation Counsel
Lee Urban, Director of Economic Development
Lt. Gaylen McDougall, Fire Prevention
Don Hall, Appraiser, Assessor's Office
Susan Doughty, Assessor's Office
Approval Letter File
Larry Mead, Assistant City Manager
Lloyd Wolf, Diversified Properties, P. O. Box 10127, Portland, ME 04104
Bob Adam, 286 Falmouth Road, Falmouth Maine 04105
George Theberge, Town Planner, Town of Falmouth, Falmouth, ME 04105

April 15, 2003

Goldeneye Corp.
Robert L. Adam & Lloyd B. Wolf
662 East Bridge Street
Westbrook, Maine 04092

RE: Presumpscot River Place Phase III Infrastructure Requirements

Dear Bob and Burt,

The following is a list of requirements that would need to be followed by each lot owner if they intend on building while A.H. Grover, Inc. is still on site constructing the infrastructure of Presumpscot River Place Phase III.

1) All vehicles entering Hope and Curtis will pass at their own risk.
2) No Parking will be allowed within the Road Right of Way while under construction.
3) Each driveway will need to be built with a stabilized construction entrance immediately at the start of lot construction. No tracking of mud onto Hope and Curtis will be allowed.
4) The sewer services can not be connected to until testing has been completed within the right of way. Please check with A.H. Grover, Inc. before connecting.
5) The water services can not be connected to until testing/chlorination has been completed within the road right of way. Please check with A.H. Grover, Inc. before connecting.
6) No excavation, stumps, wood or building materials can be piled in the road right of way.
7) Care has to be taken not to damage the water service shut off boxes and granite curb. These two items always get damaged and always end up costing the road contractor a great deal of time and costs to repair.

These concerns can easily be managed and met if everyone takes care during the construction process.

Sincerely,

Benjamin C. Grover

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

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.

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,

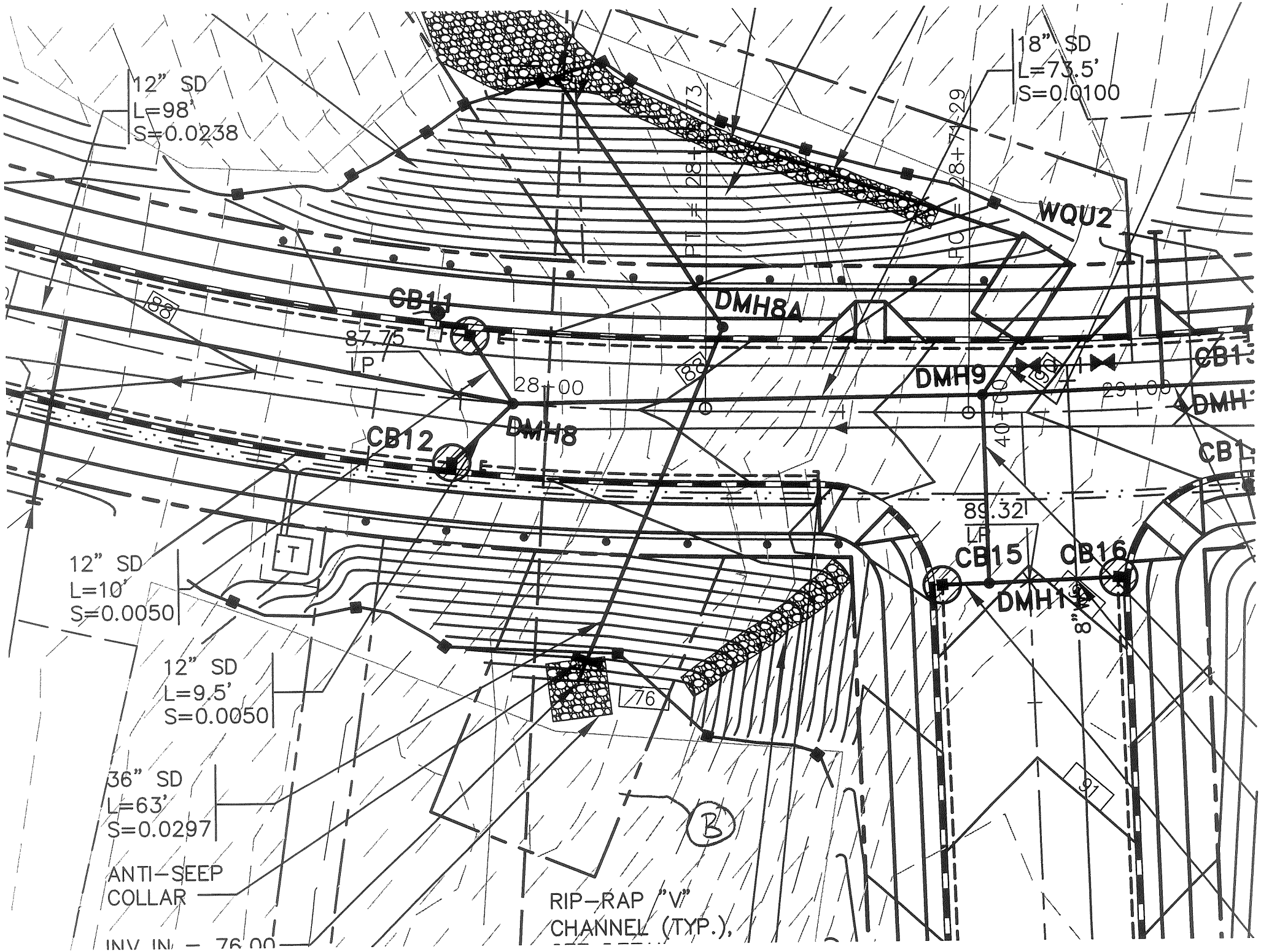
Gorrill-Palmer Consulting Engineers, Inc.

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

AMP/hh/JN98089/KnowlandC/R 4/11/03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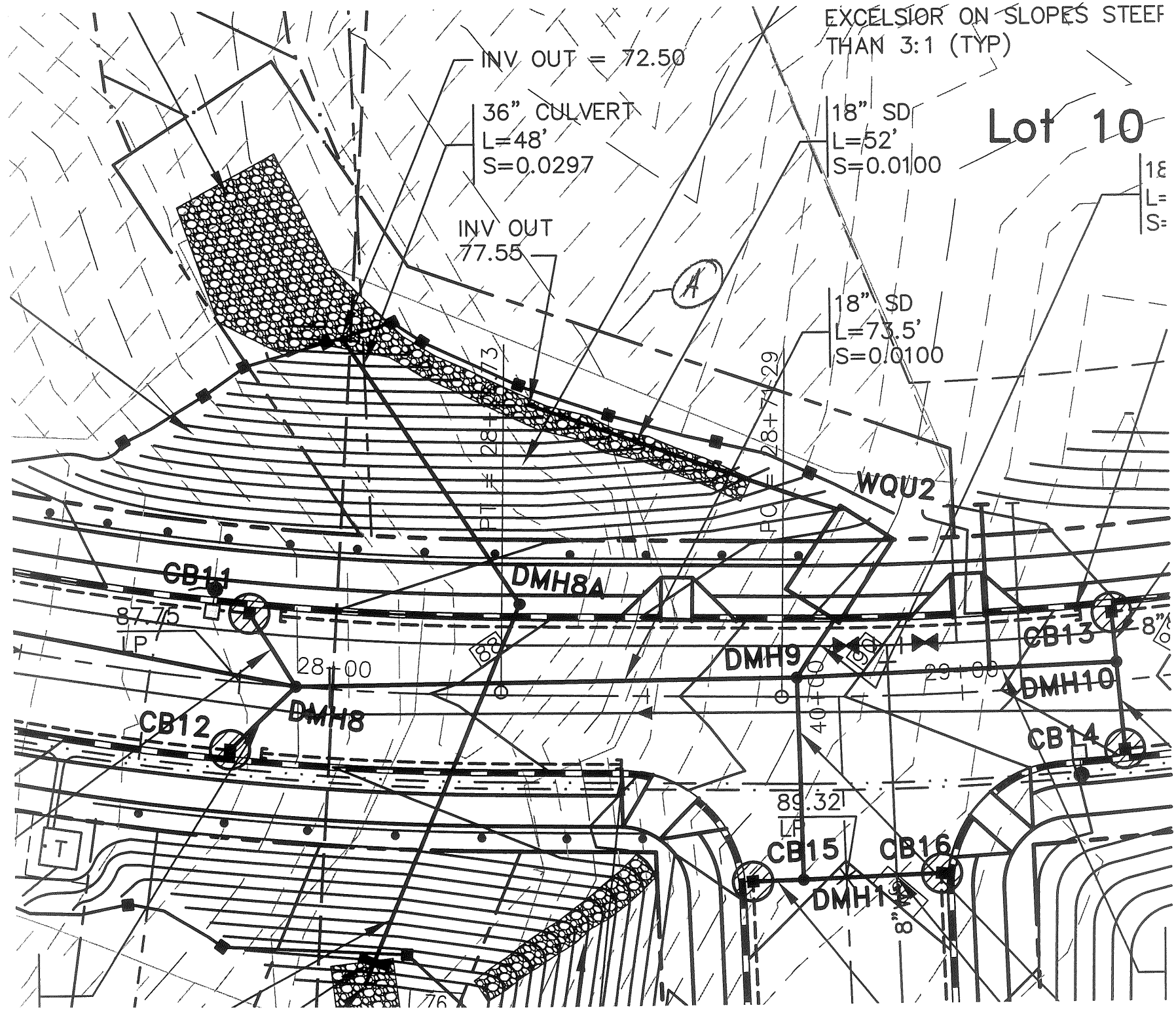
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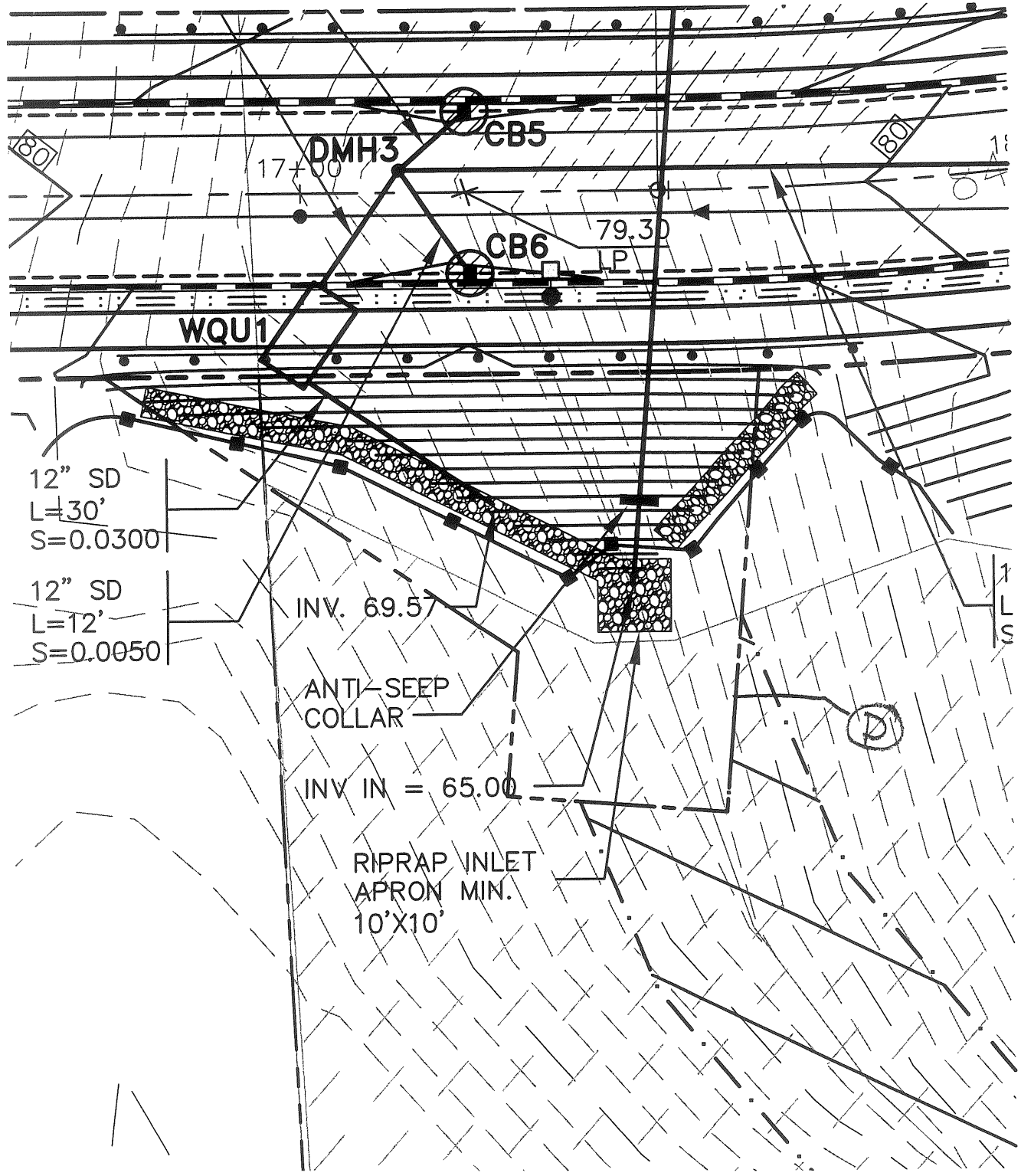
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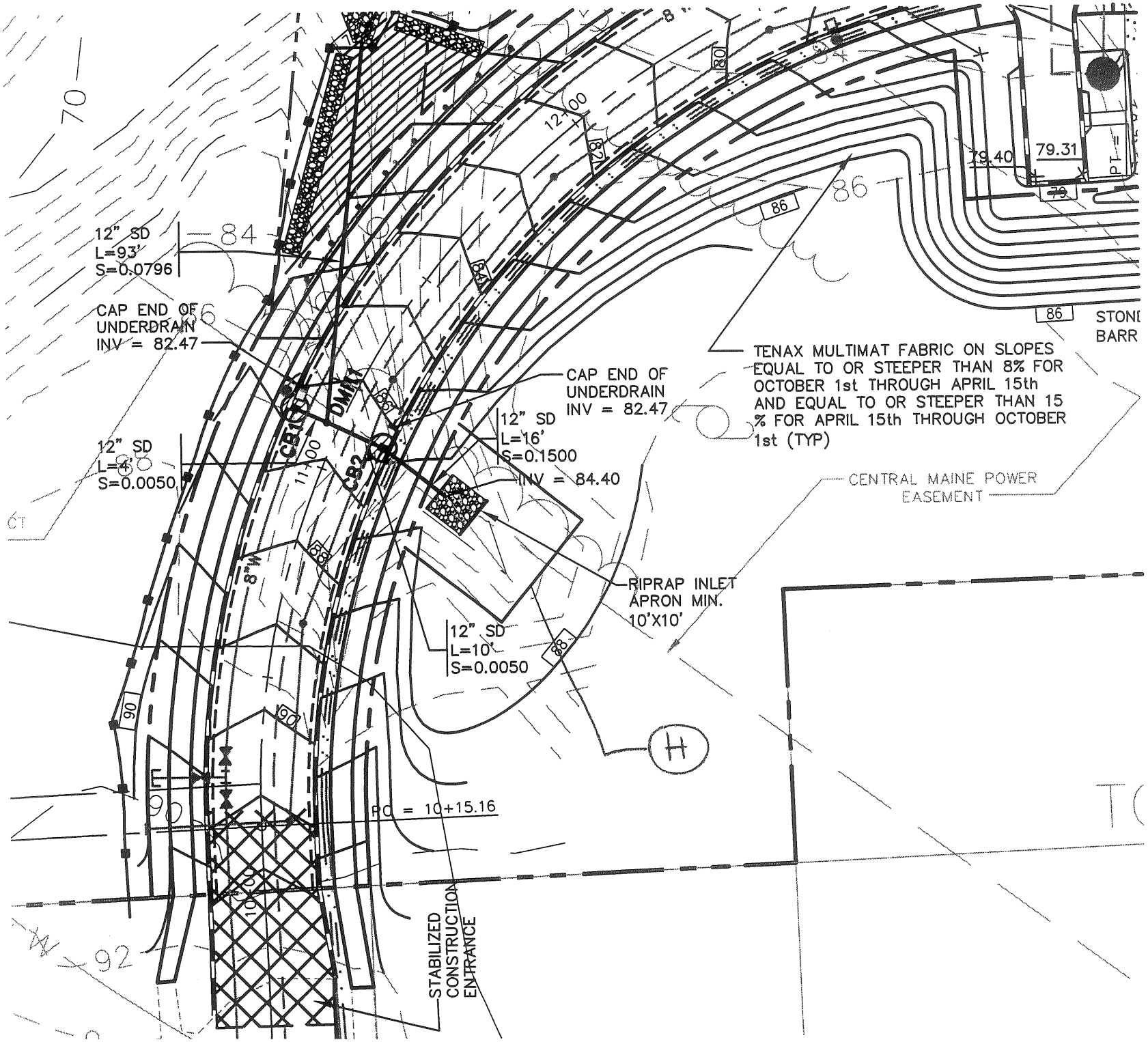
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OCTOBER 1st THROUGH APRIL 15th
AND EQUAL TO OR STEEPER THAN 15
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1st (TYP)
CENTRAL MAINE POWER
EASEMENT
RIPRAP INLET
APRON MIN.
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12" SD
L=10'
S=0.0050
PC = 10+15.16
STABILIZED
CONSTRUCTION
ENTRANCE
79.40
79.31
STONE
BARR

GORRILL-PALMER CONSULTING ENGINEERS, INC.
PO BOX 1237 15 SHAKER ROAD
GRAY, MAINE 04039

Telephone # 207-657-6910 Fax #207-657-6912 E-Mail mailbox@gorrillpalmer.com

FACSIMILE TRANSMITTAL SHEET

To:	Burt Wolf	Fax:	773-6310
	Bob Adam		797-5936 ✓
	Ben Grover		829-5502
	Jay Reynolds		756-8258 ✓
	Todd Merkle		756-8258
From:	Ryan Barnes	Pages:	1+Cover
Re:	Presumpscot River Place	Date:	4-9-03

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☒ For Your Information

- Comments

Attached please find field observations from my sitewalk on April 8, 2003. Please contact us with any questions.

Thanks

GORRILL-PALMER CONSULTING ENGINEERS, INC.
PO BOX 1237 15 SHAKER ROAD
GRAY, MAINE 04039

Telephone # 207-657-6910 Fax #207-657-6912 E-Mail mailbox@gorrillpalmer.com

FACSIMILE TRANSMITTAL SHEET

To:	Ben Grover	Fax:	829-5502 ✓
	Todd Merkle		756-8258 ✓
	Jay Reynolds		756-8258
From:	Doug Reynolds	Pages:	3
Re:	Presumpscot River Place	Date:	3-31-03

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☒ For Your Information

- Comments

Attached is a copy of my field observations from March 20th and 26th.

DAILY FIELD REPORT

Project: Presumpscot River Place Project No: 98089

Client: Burt Wolf & Bob Adam Date:3-20-03

Client's Rep.:

Gorrill-Palmer Consulting Engineers Inc. Field Rep: Doug Reynolds

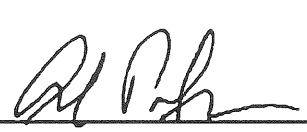
Weather: Clear Temp. Range:25-30

Time Arrived on site: 7:30 AM Departed site at: 8:30 AM

Work in Progress: Backfilling around Drain manhole 8.

Observations-Discussions - Recommendations

In anticipation of the predicted heavy rain for today and tomorrow, erosion control measures were specifically discussed with the Ben Grover. It was suggested that silt fence/wood waste berm be installed at station 10+05 to the left, in the areas where water services and services were installed. It was suggested that the temporary ditch along the right edge of road (Sta. 11+00 to 13+00) would benefit from stone check dams. The silt fence/wood waste berm (Sta. 13+25, left) should be extended to contain any flow. Ben indicated that an additional wood waste berm would be placed above the silt fence above the riprap apron at Sta. 14+00. At the culvert crossing at Sta. 17+50, Ben indicated that he would be repairing a section of snow damaged silt fence and adding wood waste berm on the inlet side of the road. He was also going to add some temporary riprap at the "v" channel on the inlet side. The outlet side would receive additional wood waste protection. The remainder of the roadway remains in stable condition. The culvert crossing at Sta. 28+00 is stable. Both water quality units have been installed; outlet piping will be completed this week. At Sta. 34+00, in an area where sanitary sewer installation was started; Ben indicated that he would protect these areas to prevent potential fall hazards.

Reviewed By: 

Distribution: Ben Grover, Todd Merkle, Jay Reynolds, File

If there are any discrepancies, please notify the sender immediately.

PO Box 1237
15 Shaker Road
Gray, ME 04039

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

DAILY FIELD REPORT

Project: Presumpscot River Place Project No: 98089

Client: Burt Wolf & Bob Adam Date:3-26-03

Client's Rep.:

Gorrill-Palmer Consulting Engineers Inc. Field Rep: Ryan Barnes

Weather: Clear Temp. Range:40-45

Time Arrived on site : 2:30 pm Departed site at: 3:00 pm

Work in Progress: Installation of underdrain

Installation of 12" of gravel in over excavated area in the field.

Observations-Discussions - Recommendations

The contractor is in the process of removing unsuitable material from beneath the proposed roadway, and replacing it with 12" of gravel. Large stockpiles of clay are currently positioned on the side of roadway, and will be removed from the site once the roadway is stable enough to allow truck traffic. Stone check dams have been added on the site in the area of the ditch at STA 13+00 and in the vicinity of the rip-rap apron for the inlet of the culvert at STA 14+00. Hope Avenue is in need of sweeping, the contractor will sweep the road as soon as his sweeper is fixed, he has also been adding stone to the construction entrance on Hope Avenue as necessary to maintain its integrity.

Reviewed By:

Distribution: Ben Grover, Todd Merkle, Jay Reynolds, File

If there are any discrepancies, please notify the sender immediately.

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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

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

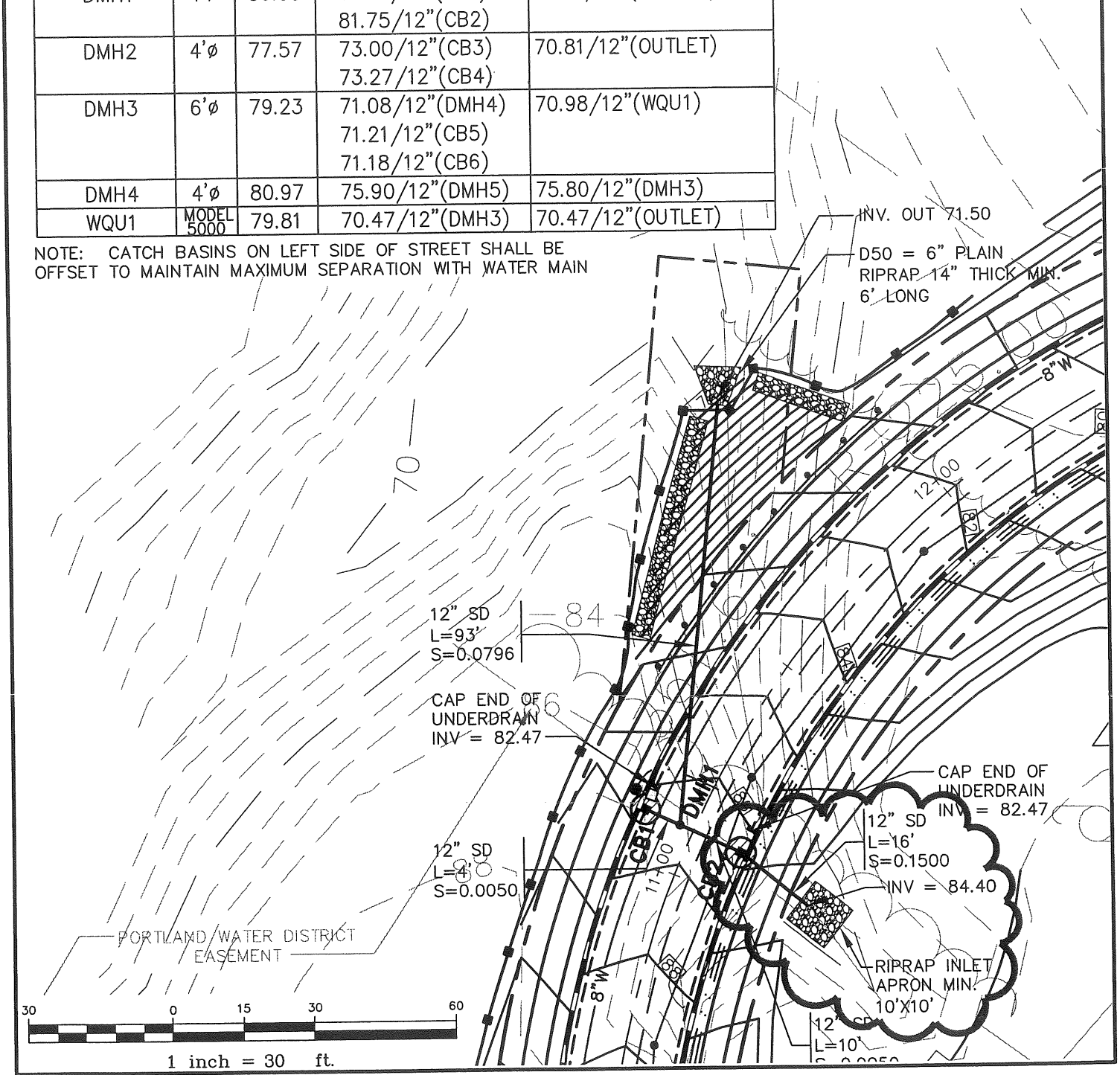
Cc: Mr. Burt Wolf
Mr. Bob Adam
Mr. Ben Grover, A.H. Grover
Mr. Jay Reynolds, City of Portland
Mr. Tony Lombardo, City of Portland

DER/der/98089/Knowland2-4-03

STORM DRAIN APPURTENANCE SCHEDULE

STRUCTURE	SIZE	RIM	INV IN/SIZE(FROM)	INV OUT/SIZE(TO)
CB1	4'ø	86.03	82.53/6" (UD)	81.80/12"(DMH1)
CB2	4'ø	86.03	82.00/12"(FI)	81.80/12"(DMH1)
CB3	4'ø	77.04	2@73.54/6" (UD)	73.04/12"(DMH2)
CB4	4'ø	77.04	2@73.54/6" (UD)	73.04/12"(DMH2)
CB5	4'ø	78.71	2@75.21/6" (UD)	71.25/12"(DMH3)
CB6	4'ø	78.71	2@75.21/6" (UD)	71.25/12"(DMH3)
DMH1	4'ø	86.53	81.78/12"(CB1) 81.75/12"(CB2)	78.91/12"(OUTLET)
DMH2	4'ø	77.57	73.00/12"(CB3) 73.27/12"(CB4)	70.81/12"(OUTLET)
DMH3	6'ø	79.23	71.08/12"(DMH4) 71.21/12"(CB5) 71.18/12"(CB6)	70.98/12"(WQU1)
DMH4	4'ø	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: PRESUMPSCOT RIVER PLACE - PHASE 3

Figure No. SK5

Sebago Technics
Engineering Expertise You Can Build On

03P047

TO: **Jay Reynolds, DRC/ Planner**

FROM: **Jim Seymour – Development Review Coordinator, Sebago Technics, Inc.**

RE: **901 Washington Avenue , J. B. Brown & Sons - Parking Lot Expansion**

DATE: **April 1, 2003**

Sebago Technics made a site visit and has reviewed the After-the-Fact Site Plan and supporting documentation for the 901 Washington Avenue- 44 car expanded parking lot. The following comments are submitted in outline format:

1. **Stormwater Management**

   A. The existing portion of the site envelope was at one time fully developed; therefore, no additional stormwater runoff would be anticipated due to the proposed improvements. The insignificant amount of runoff could be directed to the proposed water quality unit. I have no data to either support or deny the claim. I only question whether the substituted treatment tank was approved, because the Vortechnics (original tank) was/is sized for 11 cfs, and the 6 foot diameter HIL tank has an operating range of 3 to 8 cfs. If the substitution was made and approved, then the increase will likely be insignificant. Please check to assure the substitution was approved by the staff.

   B. The condition of the current CB 1001 is poor as the catch basin stone has been damaged and needs replacing. Furthermore, the curbing as shown on the plan from the northeast corner of the spaces to CB 1001 has not been installed, leading to rutted soil and pavement cracking at the proposed gutter line. Granite curb shall be installed from the corner of Pheasant Hill Road to the first space.

   C. The edge of parking along the Washington Avenue side shall be constructed with a low profile curb of either granite or bituminous material. The vehicles drive onto the landscaped area and plows damage the pavement lawn interface. The curb shall blend with the existing curbs at each end of the new parking spaces. The current grades that are flat and require spot grades shall be established to show that current grades direct water to the CB5.

   D. The existing basins shall be cleaned of all sediment.

2. **Road Access/Circulation**

A. The southwesterly entrance off Rainbow Mall Road appears to be used for parallel parking as well. There appears to be adequate room given the wide aisle space, but the spaces need to be delineated to assist controlling sight and safety concerns next to the entrance.

B. The sidewalk from Washington Avenue to the parking lot has not been constructed in accordance with the plan. The sidewalk was repaired within 20 feet of the parking spaces and narrowed to 4 feet in width. The striped section has also been narrowed to 5 feet instead of the 9 feet width as shown on the plan. Furthermore, the condition of the sidewalk from the repaired point to Washington Avenue is poor. The paving is falling apart and is cracked and heaving; therefore, repaving the sidewalk to its original condition and width is recommended.

3. **Grading/Erosion Control**

A. The site needs to be planted and graded to accommodate the new curbing installation required. This should repair the areas damaged by plowing.

4. **Utility Installation/Location**

A. No lighting is prevalent near the sidewalk and parking area. A light is needed where the two intersect to enhance both pedestrian and vehicle safety.

5. **General**

A. The current condition of Pheasant Hill Road from Washington Avenue to the entrance of the site is in deplorable condition. We are not sure if this is the responsibility of the site owner, or of the PRUD residential development. However, it is in need of repair and regrading. The pavement is lifting, falling apart, and is ponding runoff which will cause further degradation to the road. Whether the responsibility of the road repair is that of the applicants, homeowners association, or City, the repair is needed immediately and should be done this spring.

Please contact our office with any questions.

TS:ts/jc

GORRILL-PALMER CONSULTING ENGINEERS, INC.
PO BOX 1237 15 SHAKER ROAD
GRAY, MAINE 04039

Telephone # 207-657-6910 Fax #207-657-6912 E-Mail mailbox@gorrillpalmer.com

FACSIMILE TRANSMITTAL SHEET

To:	Burt Wolf	Fax:	773-6310
	Bob Adam		781-7193
	Ben Grover		829-5502
	Jay Reynolds		756-8258
	Todd Merkle		756-8258 ✓
From:	Ryan Barnes	Pages:	1 +Cover
Re:	Presumpscot River Place	Date:	4-3-03

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☒ For Your Information

- Comments

Attached please find field observations from my sitewalk on April 3, 2003. Please contact us with any questions.

Thanks

DAILY FIELD REPORT

Project: Presumpscot River Place

Project No: 98089

Client: Burt Wolf & Bob Adam

Date:4-2-03

Client's Rep.:

Gorrill-Palmer Consulting Engineers Inc. Field Rep: Ryan Barnes

Weather: Clear

Temp. Range:40-45

Time Arrived on site : 8:05 am

Departed site at: 8:40 am

Work in Progress: Storm Drain Installation

Observations-Discussions - Recommendations

The contractor has installed additional silt fence and stone check dams around the rip-rap installed for the inlet of the cross pipes at STA 14+50 as requested. No other concerns are apparent at this time.

Reviewed By: RL Palmer

Distribution: Ben Grover, Todd Merkle, Jay Reynolds, File

If there are any discrepancies, please notify the sender immediately.

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16 Shaker Road
Gray, ME 04039

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PO BOX 1237 15 SHAKER ROAD
GRAY, MAINE 04039

Telephone # 207-657-6910 Fax #207-657-6912 E-Mail mailbox@gorrillpalmer.com

FACSIMILE TRANSMITTAL SHEET

To:	Burt Wolf	Fax:	773-6310
	Bob Adam		781-7193
	Ben Grover		829-5502
	Jay Reynolds		756-8258
	Todd Merkle		756-8258
From:	Ryan Barnes	Pages:	1+Cover
Re:	Presumpscot River Place	Date:	4-3-03

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☒ For Your Information

- Comments

Attached please find field observations from my sitewalk on April 3, 2003. Please contact us with any questions.

Thanks

DAILY FIELD REPORT

Project: Presumpscot River Place

Project No: 98089

Client: Burt Wolf & Bob Adam

Date:4-2-03

Client's Rep.:

Gorrill-Palmer Consulting Engineers Inc. Field Rep: Ryan Barnes

Weather: Clear

Temp. Range:40-45

Time Arrived on site : 8:05 am

Departed site at: 8:40 am

Work in Progress: Storm Drain Installation

Observations-Discussions - Recommendations

The contractor has installed additional silt fence and stone check dams around the rip-rap installed for the inlet of the cross pipes at STA 14+50 as requested. No other concerns are apparent at this time.

Reviewed By: RL Palmer

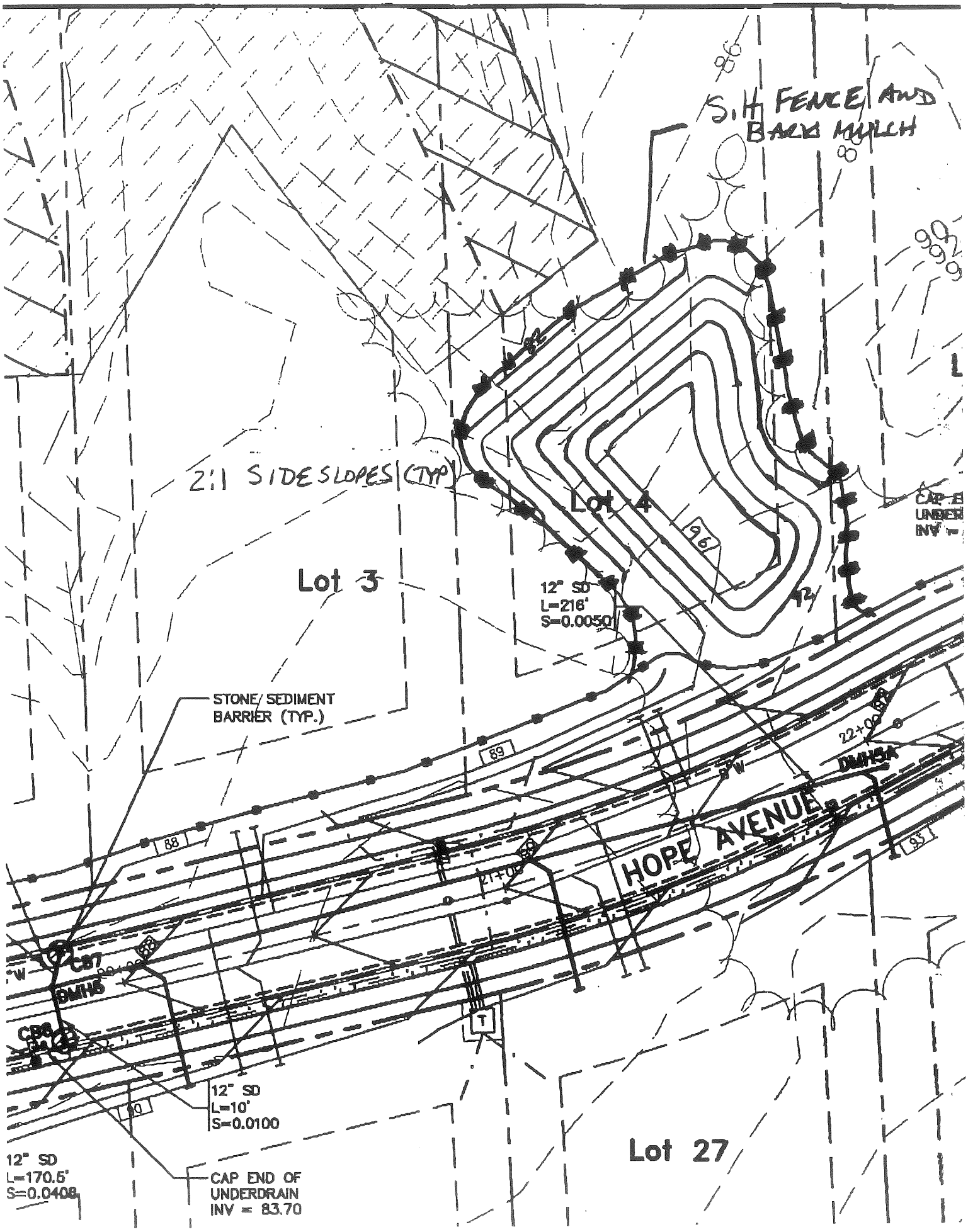
Distribution: Ben Grover, Todd Merkle, Jay Reynolds, File

If there are any discrepancies, please notify the sender immediately.

PO Box 1237
15 Shaker Road
Gray, ME 04039

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

1" = 30'


S.I. FENCE AND BALED MULCH
2:1 SIDESLOPES (TYP)
Lot 4
Lot 3
Lot 27
12" SD
L=216'
S=0.0050
STONE/SEDIMENT BARRIER (TYP.)
HOPE AVENUE
DMH5A
CB7
DMH5
CB6
12" SD
L=10'
S=0.0100
12" SD
L=170.5'
S=0.0408
CAP END OF UNDERDRAIN
INV = 83.70

GORRILL-PALMER CONSULTING ENGINEERS, INC.
PO BOX 1237 15 SHAKER ROAD
GRAY, MAINE 04039

Telephone # 207-657-6910 Fax #207-657-6912 E-Mail mailbox@gorrillpalmer.com

FACSIMILE TRANSMITTAL SHEET

To: Jay Reynolds Fax: 756-8258

From: Doug Reynolds Pages: 2

Re: Presumpscot River Place Date: 4/10/03

☐ Urgent ☐ For Review ☒ Please Comment ☐ Please Reply ☐ For Your Information

● Comments

Jay,

As discussed, AH Grover is making a request to place stockpile material on Lot 4 of Presumpscot River Place. The attached sketch depicts the approximate amount fill to be placed on lot 4. AH Grover will place silt fence and bark mulch around the stockpile as necessary to provide for erosion control.

Please let me know if this is acceptable, or if you require further information.

Thanks

DAILY FIELD REPORT

Project: Presumpscot River Place

Project No: 98089

Client: Burt Wolf & Bob Adam

Date:4-8-03

Client's Rep.:

Gorrill-Palmer Consulting Engineers Inc. Field Rep: Ryan Barnes

Weather: Flurries

Temp. Range:30-35

Time Arrived on site : 8:10 am

Departed site at: 8:40 am

Work in Progress: Installation of sewer lateral for Lot #4 and #26

Observations-Discussions - Recommendations

The contractor was in the process of reshaping the construction entrance at Hope Avenue as I arrived on site. The contractor is in the process bringing the road to subgrade level after the laterals are installed. No other concerns are apparent at this time.

Reviewed By:

Distribution: Ben Grover, Todd Merkle, Jay Reynolds, Burt Wolf, Bob Adam, File

If there are any discrepancies, please notify the sender immediately.

PO Box 1237
15 Shaker Road
Gray, ME 04039

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

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

March 20, 2003

Mr. Stephen Mohr
Mohr and Seredin
18 Pleasant Street
Portland, ME 04101

RE: Presumpscot River Preserve Trail, Vicinity of Curtis Road and Hope Avenue
#2003-0031, CBL 389 G003

Dear Mr. Stephen:

On March 20, 2003, the Portland Planning Authority granted minor site plan and shoreland regulations approval to construct a trail along the Presumpscot River Preserve in the vicinity of Curtis Road and Hope Avenue. The approvals are subject to the following conditions.

1. The site plan shall be revised eliminating the reference to the "future parking" by lot 16. This is an element that needs to be reviewed separately.

2. The site plan shall be revised reflecting the following notes:

   a. The entire site shall be developed and/or maintained as depicted on the site plan. Approval of the Planning Authority or Planning Board shall be required for any alteration to or deviation from the approved site plan, including, without limitation: topography, drainage, landscaping, retention of wooded or lawn areas, access, size, location, and surfacing of parking areas and location and size of buildings.

   b. All erosion and sediment control measures shall be designed and installed in accordance with Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices published by the Cumberland County Soil and Water Conservation District and Maine Department of Environmental Protection, March 1991 or latest edition.

389 Congress Street • Portland, Maine 04101 • (207) 874-8721 • FAX 756-8258 • TTY 874-8936

6. The Development Review Coordinator must be notified five (5) working days prior to date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874-8632. Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This essential as all site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If there are any questions, please contact Rick Knowland at 874-8725.

Sincerely,

Alexander Jaegerman
Planning Division Director

cc: Lee D. Urban, Planning and Development Department Director
Sarah Hopkins, Development Review Services Manager
Larry Mead, Assistant City Manager
Richard Knowland, Senior Planner
Jay Reynolds, Development Review Coordinator
Marge Schmuckal, Zoning Administrator
Karen Dunfey, Inspections
Larry Ash, Traffic Engineer
Tony Lombardo, Project Engineer
Eric Labelle, City Engineer
Jeff Tarling, City Arborist
Penny Littell, Associate Corporation Counsel
Lt. Gaylen McDougall, Fire Prevention
Don Hall, Appraiser, Assessor's Office
Approval Letter File

2-28-03

TO: ALEX JAEGERMAN
SARAH HOPKINS

FROM: RICK KNOWLAND

RE: HOPE AVENUE STREET NUMBERING PROBLEM

SEE ATTACHED MEMO. THERE IS A PROBLEM WITH THE HOPE AVENUE STREET NUMBERS.

AS I UNDERSTAND IT, JIM ROBBINS WOULD LIKE PLANNING TO SOLVE THE PROBLEM, NORMALLY THIS IS A PUBLIC WORKS FUNCTION. WE NEED TO TALK ABOUT THIS ASAP SINCE WE ARE GETTING CALLS FROM PEOPLE WANTING TO KNOW THEIR STREET NUMBER ON HOPE AVE.

CC: JAY REYNOLDS

CITY OF PORTLAND, MAINE
DEPARTMENT OF PUBLIC WORKS
OPERATIONS/ENGINEERING - INSPECTIONS
M E M O R A N D U M

TO: Richard Knowland, Planning
FROM: Jim Robbins, Engineering
DATE: January 27, 2003
SUBJECT:

In the process of making a street numbering plan for Presumpscot River Place III, I noticed that they called the street Hope Avenue. When we accepted the portion of the street between Alice Street and the Falmouth town line on March 20, 2000 it was called Hope Lane. Also Hope Lane was numbered in from the Falmouth line, so if it is extended it will be necessary to change the street numbers on the existing houses. House Number 9 will have to be changed to Number 12.

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

March 12, 2003

Al Palmer
Gorrill-Palmer Consulting Engineers, Inc.
P. O. Box 1237
15 Shaker Road
Gray, ME 04039

RE: Presumpscot River Place III

Dear Al:

As the Presumpscot River Place III development has proceeded, it has become apparent there are a number of minor revisions that need to be addressed on the subdivision plan and or recording plat. Most of these revisions represent drafting changes to the plan.

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.

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.

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".

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?

O:\PLAN\CORRESP\RICK\LETTERS\3-12-03AlPalmerPresumpRiverIII.doc

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

March 11, 2003

Mr. Anthony Lombardo, P.E.
City of Portland
Public Works Department
55 Portland Street
Portland, ME 04101

Subject: Presumpscot River Place
Storm Drain Extension

Dear Tony:

As discussed, enclosed please find a revised copy of Sheet 11 of the plans set of the above referenced project. Revisions to the plan include the addition of Drain manholes 5A and 6A, 319 linear feet of 12" storm drain pipe and storm drain services for lot 24 to 28. This results in the addition of the following:

- Two stormdrain manholes
- 319 linear feet of 12" storm drain, and
- four storm drain laterals

Please review and comment on the enclosed plan, as soon as possible, such that the contractor can order the required materials.

Please do not hesitate to contact me with any questions.

Sincerely

Gorrill-Palmer Consulting Engineers, Inc.

Douglas E. Reynolds, P.E.
Project Engineer

Copy: Burt Wolf
Bob Adam
Ben Grover, A.H. Grover
Jay Reynolds, City of Portland
Todd Merkle, City of Portland

DER/der/JN98089/Lombardo3-6-03

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

December 11, 2002

Ms. Dawn Hallowell
Maine DEP
Bureau of Land and Water Quality
312 Canco Road
Portland, Maine 04103

RE: Presumpscot River Place
MDEP #L-19486-L2-C-N, #L-19486-L6-D-N, #L-19486-TE-E-N
Letter of Correspondence #3

Dear Dawn:

This letter is intended to transmit the attached SK-1, which depicts the revised stream crossing at approximately Station 28+00 of Hope Avenue. As discussed, the previous location of the 36" cross culvert would require the removal of a significant amount of bedrock. Based on cost, the contractor proposes to introduce a bend in the culvert, by means of a manhole, to avoid the blasting of the bedrock. This option has been reviewed and approved in concept with the City of Portland Engineer, Tony Lombardo.

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.

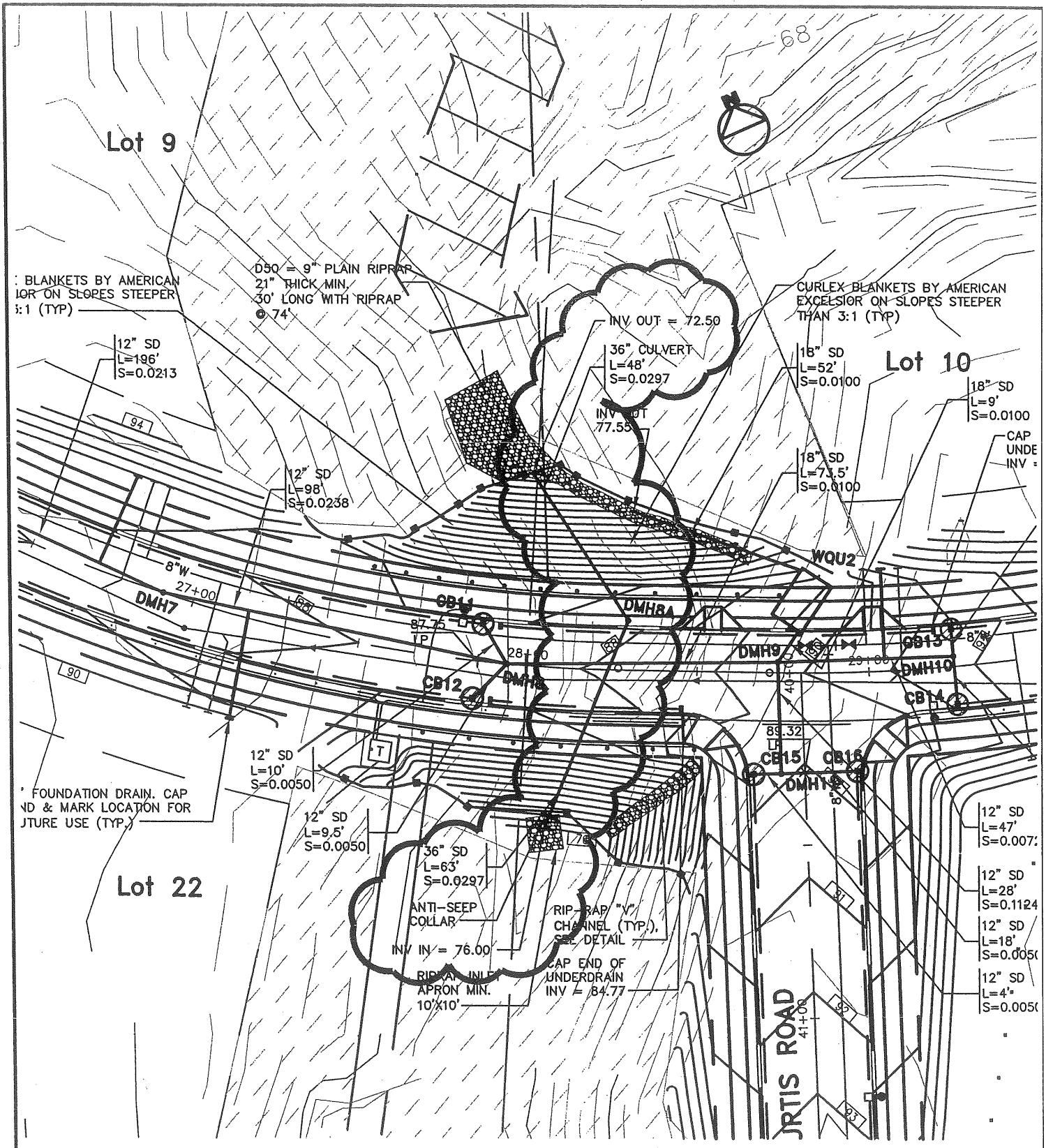
Sincerely,

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/Hallowell12-11-02



STRUCTURE	SIZE	RIM	INV IN/SIZE(FROM)	INV OUT/SIZE(TO)
DMH8A	6'ø	88.4±	74.13/36"(INLET)	73.93/36"(OUTLET)

Design: DER	Date: DEC 2002
Draft: CAH	Job No.: 98089
Checked: AMP	Scale: 1"=30'
File Name: 98089-1_sp.dwg	

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

Drawing Name: Stream Crossing #3

Project: PRESUMPSCOT RIVER PLACE - PHASE 3

Figure No. SK1

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

December 11, 2002

Ms. Dawn Hallowell
Maine DEP
Bureau of Land and Water Quality
312 Canco Road
Portland, Maine 04103

RE: Presumpscot River Place
MDEP #L-19486-L2-C-N, #L-19486-L6-D-N, #L-19486-TE-E-N
Letter of Correspondence #3

Dear Dawn:

This letter is intended to transmit the attached SK-1, which depicts the revised stream crossing at approximately Station 28+00 of Hope Avenue. As discussed, the previous location of the 36" cross culvert would require the removal of a significant amount of bedrock. Based on cost, the contractor proposes to introduce a bend in the culvert, by means of a manhole, to avoid the blasting of the bedrock. This option has been reviewed and approved in concept with the City of Portland Engineer, Tony Lombardo.

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/Hallowell12-11-02

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

July 10, 2003

Mr. Joeseph Robinson
33 Eastfield Road
Portland, ME 04102

RE: Request to Clear
Lot 19, Presumpscot River Place III

Dear Mr. Robinson,

Thank you for your written request to clear the trees from your lot (#19), prior to issuance of the building permit.

Please consider this letter your approval to clear your lot. This approval is based on the submitted plan. As part of this approval, no wetland areas as shown on the plan can be cleared, grubbed, or disturbed.

Sincerely,

Jay Reynolds
Development Review Coordinator

CC: Sarah Hopkins, Development Review Services Manager
Todd Merkle, Public Works Department
Mike Nugent, Inspection Services Manager
Marge Schmuckal, Zoning Administrator

389 Congress Street • Portland, Maine 04101 • (207) 874-8721 • FAX 756-8258 • TTY 874-8936

East Coast Development, LLC
General Contractors
33 Eastfield Rd.
Portland, ME 04102
*415-7586 * 749-4444*
Fax 871-0152

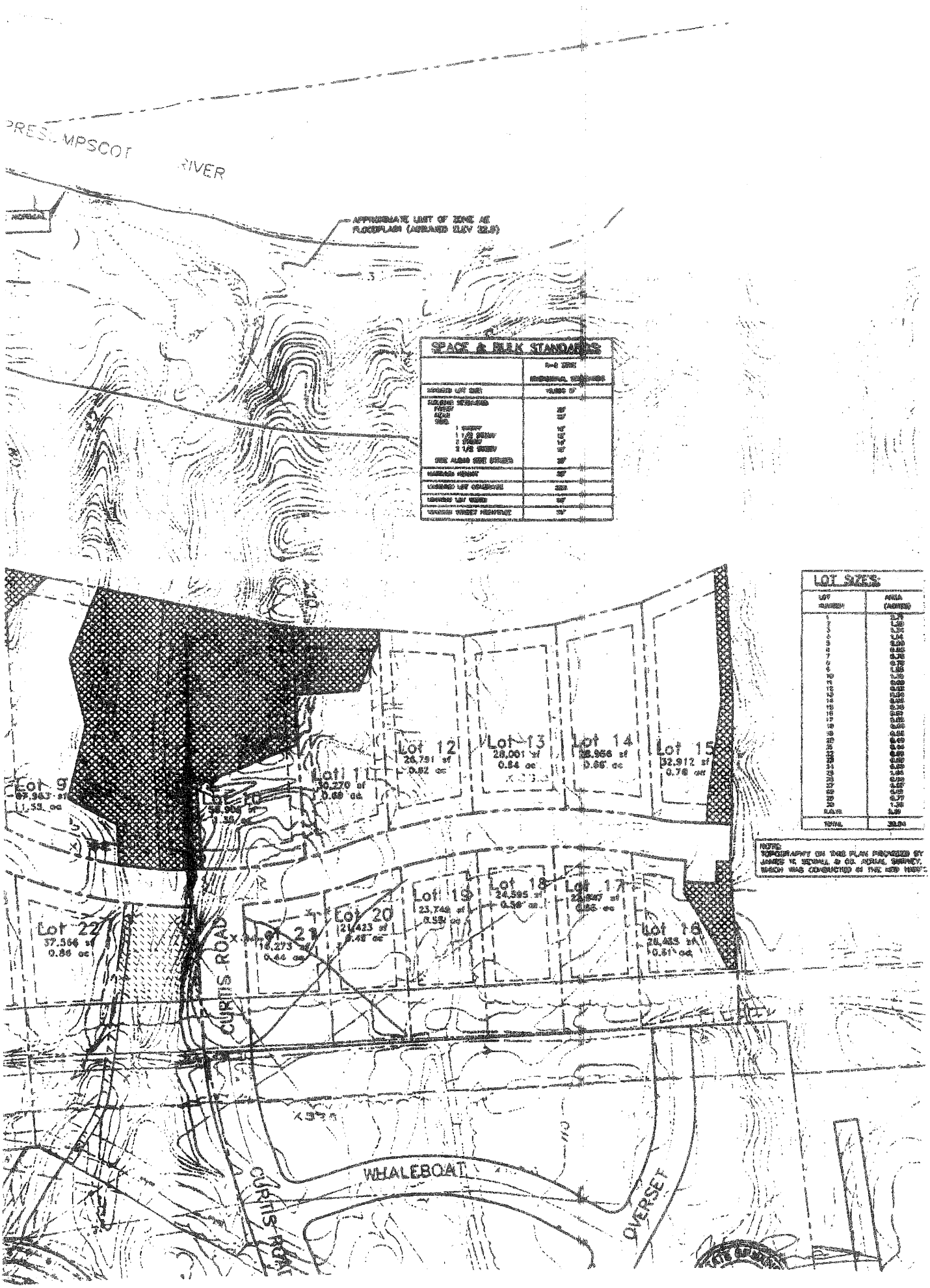
July 5, 2003

Mr. Reynolds -

Per our phone conversation, I am formally requesting permission from the City of Portland Planning Board to clear-cut lot 19, in the Presumpscot River Place Developement on Hope Ave., Portland. Enclosed is a letter I received from Bob Adam, authorizing me to clear lot 19, on Hope Ave., Portland.
I am also submitting a plot plan designating the areas to be cleared, it will also indicate the location of the driveway and foundation within the envelope package.
I am planning on purchasing the property in a couple of weeks and would appreciate a response from you as soon as possible. Please contact me @ 415-7586 if you have any questions. Please fax me a copy of the letter giving me permission @ 871-0152.

Sincerely,

Joe Robinson


PRES. MPSCOT
RIVER
APPROXIMATE LIMIT OF ZONE AE FLOODPLAIN (AVERAGED ELEV 12.0)
SPACE & BULK STANDARDS
Lot 9
Lot 10
Lot 11
Lot 12
28,791 sf
0.82 ac
Lot 13
28,001 sf
0.64 ac
Lot 14
Lot 15
32,912 sf
0.76 ac
Lot 16
Lot 17
Lot 18
24,595 sf
0.56 ac
Lot 19
23,748 sf
0.55 ac
Lot 20
21,433 sf
0.49 ac
Lot 21
19,273 sf
0.44 ac
Lot 22
37,366 sf
0.86 ac
CURTIS ROAD
CURTIS ROAD
WHALEBOAT
OVERSET
LOT SIZES:
LOT NUMBER
AREA (ACRES)
TOTAL

Goldeneye Corp.
662 Bridge Street
Westbrook, ME 04092
Tel. 207-797-5935

June 23, 2003

Joe Robinson
% Carol Thorne
ERA Agency 1
152 US Route 1
Scarborough ME 04074

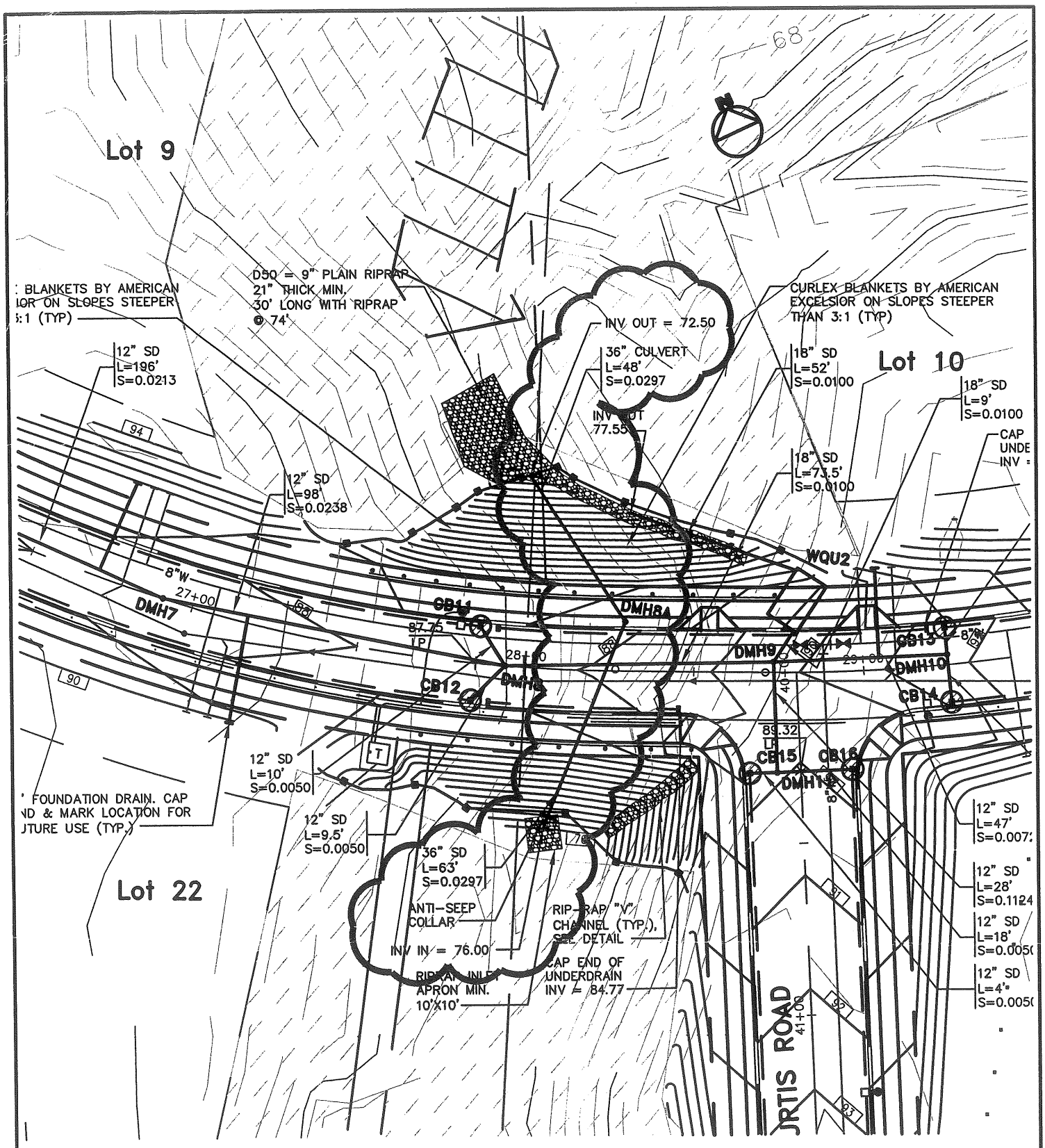
Tree Cutting

Dear Joe,

This letter authorizes you to clear your lot #19 after your have purchased it.

Very truly yours,

Bob Adam



STRUCTURE	SIZE	RIM	INV IN/SIZE(FROM)	INV OUT/SIZE(TO)
DMH8A	6'ø	88.4±	74.13/36"(INLET)	73.93/36"(OUTLET)

Design: DER	Date: DEC 2002
Draft: CAH	Job No.: 98089
Checked: AMP	Scale: 1"=30'
File Name: 98089-1_sp.dwg	

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

Drawing Name: Stream Crossing #3

Project: PRESUMPSCOT RIVER PLACE - PHASE 3

Figure No. SK1

PLANNING REPORT #62-00

PRESUMPSCOT RIVER PLACE SUBDIVISION (PHASE 3)

VICINITY OF CURTIS ROAD

ROBERT ADAM AND LLOYD WOLF, APPLICANTS

Submitted to:

Portland Planning Board
Portland, Maine

November 28, 2000

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

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

The applicant is also requesting a waiver from sec.14-498(n)(4) since several lots are not at right angles to street lines.

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

II. FINDINGS

Zone:	R-1 Residential
Land Area:	21.97 acres
Number of Lots:	18
Lot Size:	14,397 sq. ft. (lot #15) to 4.72 acres (lot #2)

In 1989, the Planning Board approved a subdivision for this property. Unfortunately 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 applicant's own 40 acres of land in Falmouth and Portland abutting on the east and west sides of Presumpscot River Place III and contemplates developing these parcels at a later date. The westerly parcel is landlocked from Falmouth by the Presumpscot River and the Turnpike.

Since the last workshop, two of the proposed streets have been renamed since they conflicted with existing street names. Cushing Avenue is now Eagle Avenue. Vail Road is now named Pratt Road.

Within the past week, the applicant has reduced the number of lots from 27 to 18. Nine lots along the southerly side of Eagle Avenue (adjacent to the CMP power lines) have been removed from the plan reducing the land area of the subdivision from 29 acres to just under 22 acres. These are relatively flat and not the steep slope lots discussed previously in staff memos and this report. This change appears related to the residential referendum question.

At the August 22nd workshop, an area plan was submitted that shows the applicant's entire landholdings in Portland and Falmouth. This has helped provide a context of this development to the surrounding area. See Green Book, section L.

As indicated in previous staff memos, on February 29th and April 10th of this year, a neighborhood meeting (sponsored by Councilor Hibbard) was held to discuss this development. A summary of public comments from these meetings is shown on Attachment F.

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 applicant'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 7 and 8. 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.

Lot layout and development on steep slopes

We have previously commented on the layout of several lots on the north side of Eagle Avenue, west of Brothers Road. The contorted configuration of these lots (2, 4 and 5) may maximize density but it increases the likelihood of environmental problems because it opens up back land that is problematic (steep slopes) to develop. See section #4 of this report. For example, lot 4 is 790 feet long (almost a city subdivision block) yet it has only 50 feet of street frontage. Lot 2 has a similar contrived configuration. Both lots and possibly lot 5 do not meet the lot line requirements of the subdivision ordinance.

Staff is therefore recommending that the subdivision be reconfigured eliminating lots 2 and 4 and incorporating this land into the remaining subdivision. Further discussion of this issue is shown below.

Lot Configuration

Sec. 14-498(h)(4) of the subdivision ordinance states the following:

> "Where feasible, side lot lines shall be at right angles to street lines (or radial to curving street lines.)"

At a minimum, the configuration of lots 2, 4, and 5 possibly do not appear to meet this standard. These lots as presently configured would need a waiver from the Planning Board under sec. 14-506(a) of the hardship subdivision ordinance. The lot lines are contorted. If these lots were to be developed to meet the above standards, there would be 4 lots rather than 7 lots, west of The Brothers Road (northerly side) along Eagle Avenue. The present plan has a lot configuration that could not otherwise be developed with a subdivision layout contemplated by sec. 14-498(h)(4). The configuration also increases the likelihood of environmental problems because it opens up back land that is problematic to develop. See section #4 of this report.

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 pedestrian without resorting to stairs.

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

The colored slope map in the Green Book (section M) shows the slope values of the site, the building windows and the limit of disturbance. The slope issue is particularly magnified on lots 2 and 4 because the buildable area of the lots are cut off by steep slopes. These lots have 33% to 50% slopes directly adjacent to the building windows. The implications are that a homeowner may have a very small 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. Rather than looking at the buildable areas along Eagle Avenue and designing a lot layout accordingly, lots 2 and 4 have been configured to provide a long narrow land bridge (straddling steep ravines) that eventually leads to a building envelope that is once again surrounded by steep slopes.

A more appropriate subdivision design would be to find buildable areas near Eagle Avenue so that development can be avoided in these steeper more sensitive areas.

To address the lot layout and steep slope issues discussed in this report, planning staff is recommending that lot 2 be combined with lot 1 and lot 4 be combined with lot 5. This would result in a net reduction of 2 lots west of The Brothers Road.

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 the 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. He will be attending Tuesday's public hearing. His comments regarding steep slopes, erosion and build ability 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."

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, there appears to be little consideration in identifying specific stands of trees within individual lots. Although each lot has a line of disturbance, clear cutting may occur within the building envelope because only trees in excess of 24 inches in diameter are required to be saved. As the Board reviews the subdivision plan, note the actual size of the building envelopes. There exists the potential for large areas of this subdivision land to be clear cut. Lot 11 is an excellent example of a large building envelope that could be clear cut. Depending on the location, there is less of a concern with smaller size lots such as lots 6, 7, 15 and 16.

There are several options to address this issue: reduce the overall size of certain building envelopes; identify specific stands of trees or specimen trees that are worthy of preserving and adjust the building envelopes accordingly; require that trees of _X_ minimum size must be conserved _X_ distance from the building footprint or have an envelope within an envelope in which a house may slide but that the remainder of the envelope except for appropriate yard spaces and driveways is left undisturbed.

A letter received earlier 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

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 ongoing 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.

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 proposed to add note #5 on the recording plat. This note was submitted this week. We are in the process of reviewing it and we will have comments in time for Tuesday's meeting. The note provides for periodic inspection of the subdivision infrastructure by the project design engineer (Gorrill-Palmer.)

With regard to site construction activities on individual lots, note #7 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. Unfortunately the note applies only to lots 2 and 4. We would suggest that it apply more broadly to include all lots having excessive slopes or that are adjacent to streams. We received the note this week and we are in the process of reviewing it.

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.

Recording Plat

This week we received an updated list of recording plat notes and we are in the process of reviewing them and we should have comments on them for Tuesday's meeting. The updated recording plat was in response to staff comments to clarify certain aspects of this development.

III. 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 #62-00.

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

Note: There are a number of issues regarding this subdivision. We are recommending that the public hearing take place and that consideration be tabled. An updated set of motions will be distributed at Tuesday's meeting.

Attachments

A. Green Book
B. Subdivision Plan
C. Area Map
D. Revised Recording Plat Notes
E. Development Review Coordinator Site Construction Photo
F. Written Public Comment

ATTACHMENT E-1

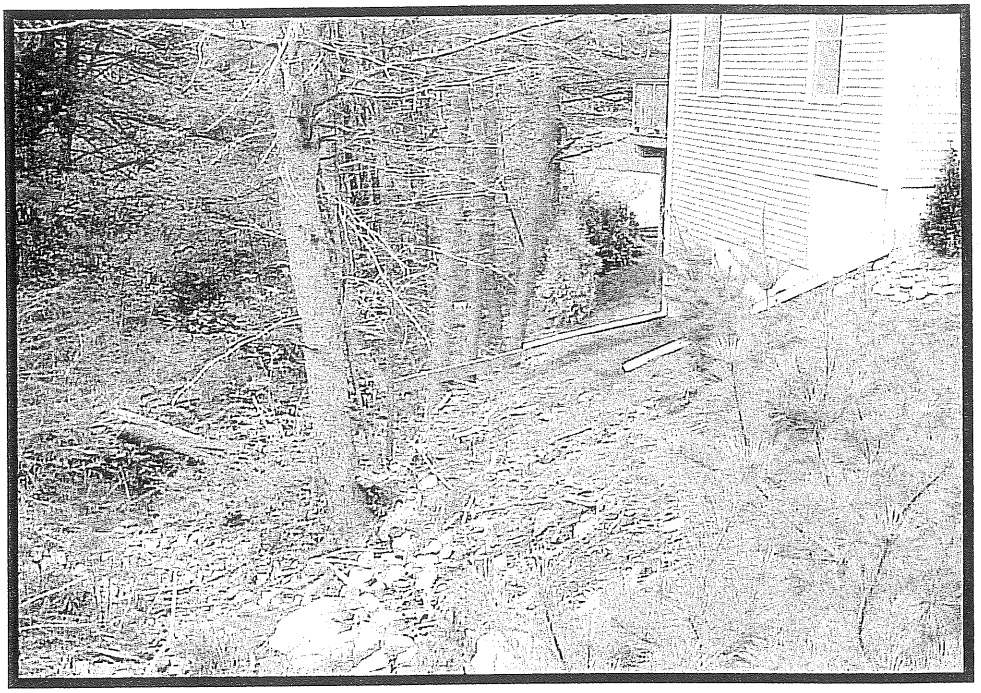


PHOTO 1: Alice Street residence.

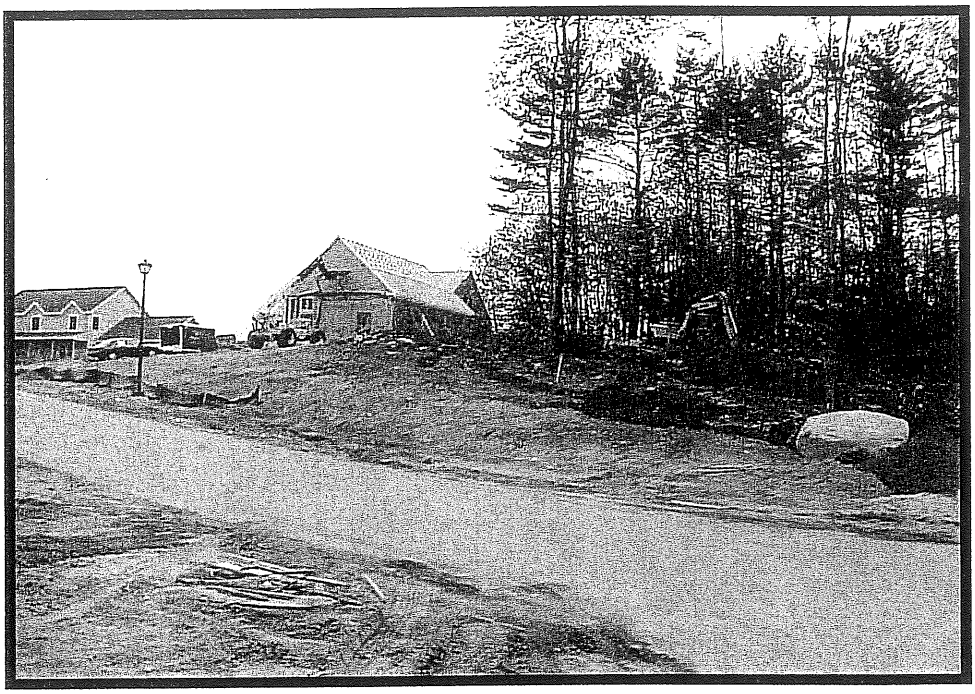


PHOTO 2: Lots 24 and 22 Auburn Pines.

DH

SITE PHOTOGRAPHS
Portland, Maine

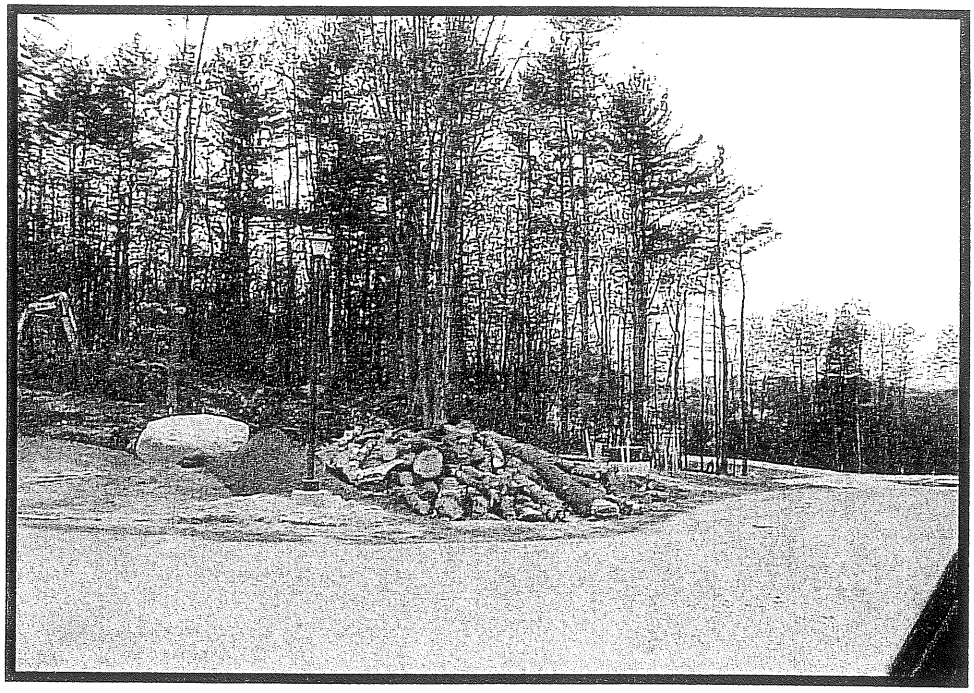


PHOTO 3: Lot 21 Auburn Pines.

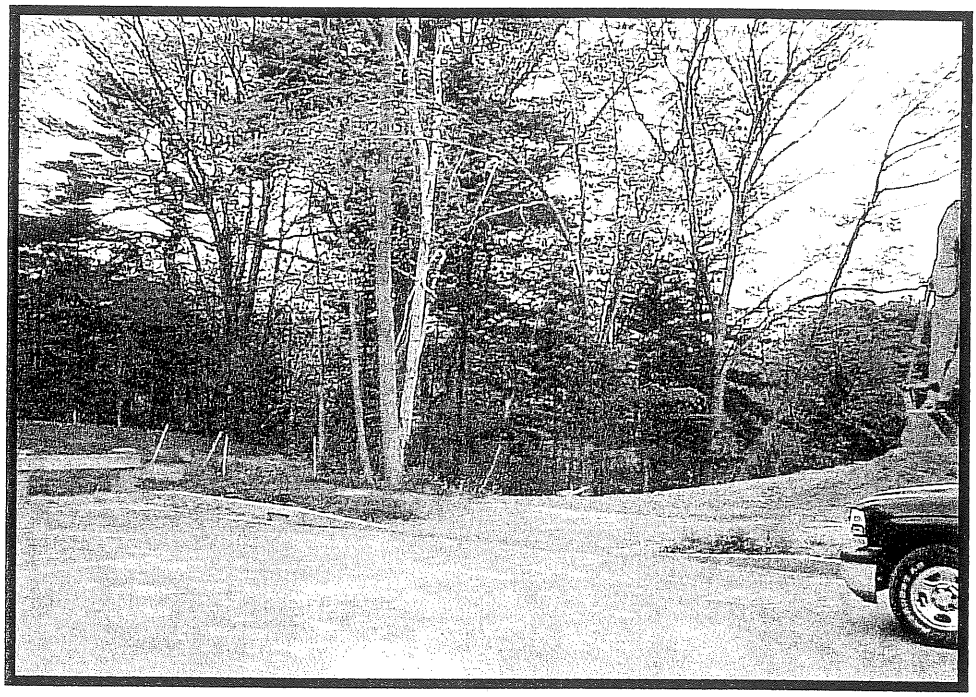


PHOTO 4: 154 Beverly Street.

DH

SITE PHOTOGRAPHS
Portland, Maine

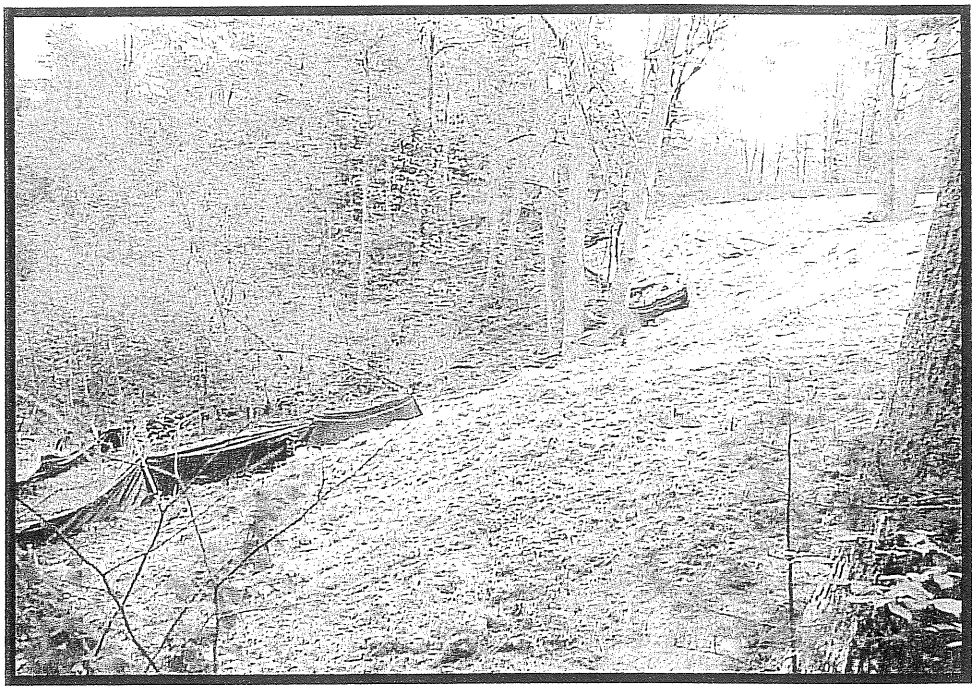


PHOTO 5: 155 Beverly Street.

PHOTO 6: 155 Beverly Street.

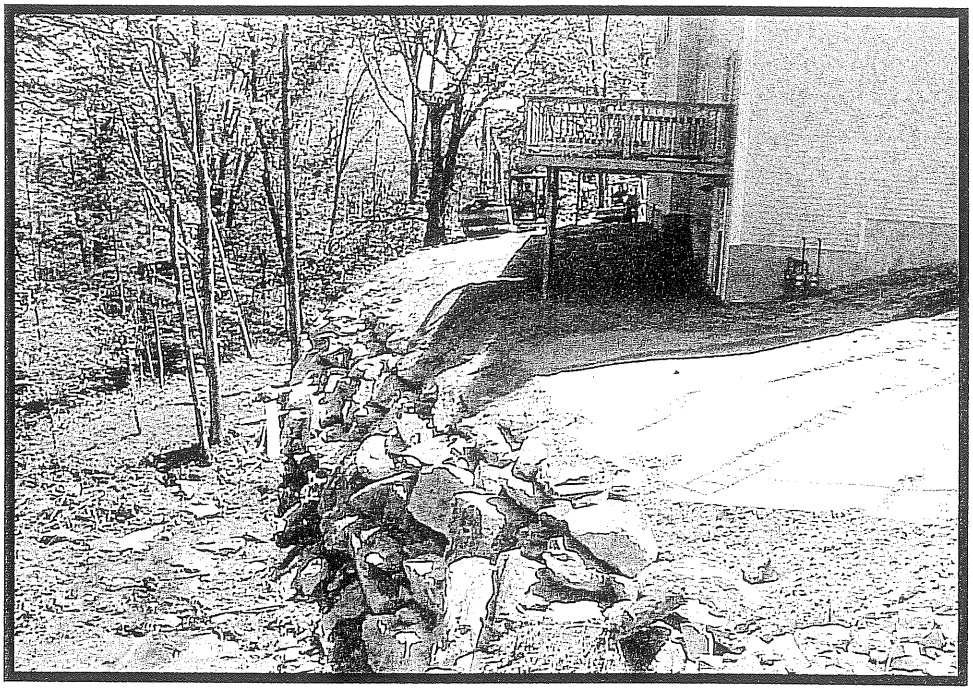


PHOTO 7: Oceanwood

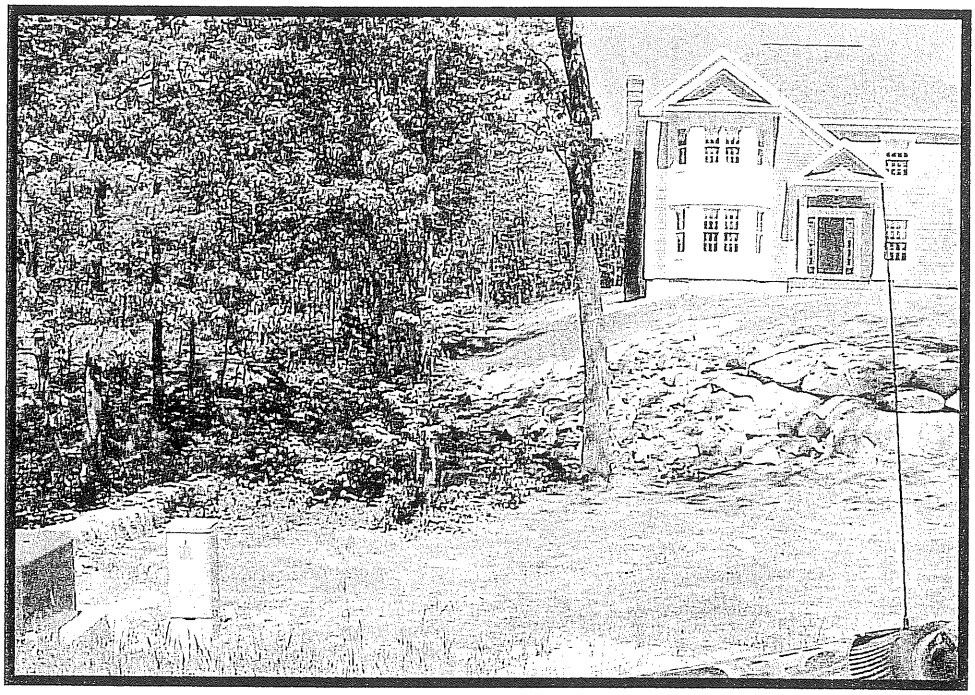


PHOTO 8: Pheasant Hill Drive

DH

SITE PHOTOGRAPHS
Portland, Maine

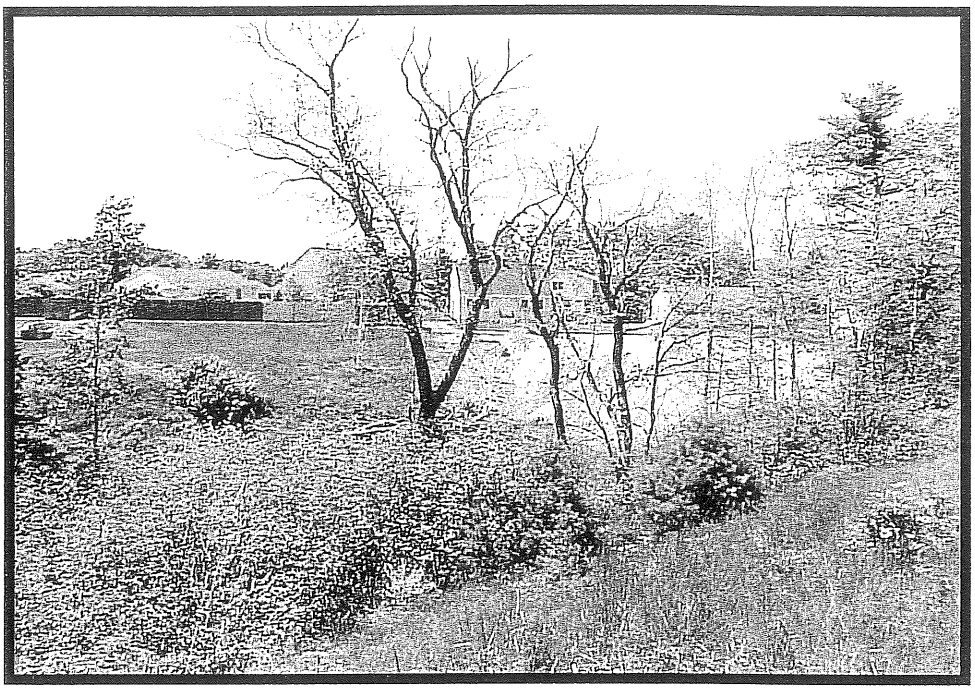


PHOTO 9: Beverly Street

PHOTO 10: Beverly Street

DH

SITE PHOTOGRAPHS
Portland, Maine

ATTACHMENT F

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.

ATTACHMENT G

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

PO Box 1237
26 Main St.
Gray, ME 04039

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

Meeting Notes

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

On Monday July 16, 2001, a neighborhood meeting was held for the Presumpscot River Place Phase 3 subdivision. All abutters within 500 feet of the proposed project were notified via mailed letters, which were sent out on July 5, 2001. This meeting was held to meet the requirements of the City of Portland Planning Department.

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

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

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

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

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

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

Prepared by: Doug Reynolds

DER/der/JN98089/meetingnotes7-16-01

PRESUMPSCOT RIVER PLACE

NEIGHBORHOOD MEETING SIGN-UP

7/16/01

NAME	Address
1. Ronald Dorler Jr.	4 Alice Court
2. Laurie Hesselink	3 Alice St.
3. MICHAEL PEISNER	26 OVERSET
4. STEVE BERG	10 Whalebeat
5. Joseph Goodman	92 Alice St.

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

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

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

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

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

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

- Should Curtis Road be widened? What is the roadway width?
- The lot at the end of Curtis Road. Fill has been added but there is no silt fence.

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

July 16, 2001

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

RE: Presumpscot River Place III – Proposed Conditions

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

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

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

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

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

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

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

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

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

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

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

(a) **The land within the 250' shoreland zone, which is currently not proposed for development within the developers' April 11, 2001 subdivision plan (the "Subdivision Plan");**

(b) **The land in the floodplain adjacent to Lots 1, 2, 3, 8 & 9 which is not designated for development; and**

(c) **The land within Lots 9, 10, and 11, as shown in Subdivision Plan, which land is perched immediately above the land in the shoreland zone, and development of which would create both a visual threat to the shoreland zone and a unreasonable threat of erosion.**

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

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

Sincerely,

Laura M. Gagnon

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

RONALD J. & JENNIFER A. DORLER

4 ALICE COURT
PORTLAND, MAINE 04103

Phone 207 878-4186
Home Phone 207 878-8945

July 17, 2001

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

Subject: Presumpscot River Place, Phase 3 Project

Dear Members of the Planning Board;

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

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

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

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

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

Sincerely,

Ronald J. Dorler Jr.
Jennifer A. Dorler

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

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

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

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

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

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

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

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

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

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

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

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

Require the Reservation of Additional Usable Public Open Space

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

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

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

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

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

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

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

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

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

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

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

2. There is a documented inadequacy in the open space and recreational areas of the neighboring communities which has been documented in the Land Bank Commission Report.

3. The development is located next to a river of statewide significance, which is also documented in the Land Bank Commission Report. The Presumpscot River takes on added significance with the reduction in emissions by the Sappi Mill in Westbrook, and the anticipated removal of the Smelt Hill Damn downstream. There are no other developments in Portland, now or in the future, that are so situated.

4. The unique topography of this property warrants special consideration. Auburn Pines, Pheasant Hill, Copley Woods, and other North Deering developments are located on attractive parcels, but none of these developments faced the topographical challenges of PRP III. As indicated in my November 28th, 2000 letter to the Board, even the developers' own experts concede that development of these crowned promontories, these "fingers" of land, create a risk of erosion, and the only question is whether these risks can be sufficiently controlled through the remedial measures suggested to date. This is a factual question for the Board, and one in which there is sufficient evidence in the record to decide that the proposed controls are *not* adequate.

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

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

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

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

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

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

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

The 30% "Disturbed Area" Requirement

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

Conclusion

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

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

Sincerely,

James I. Cohen

JIC/bac
Enclosures

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

EXHIBIT A – PROPOSED CONDITIONS TO PRP III

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

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

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

   (a) The land within the 250' shoreland zone, which is currently not proposed for development within the developers' April 11, 2001 subdivision plan (the "Subdivision Plan");

   (b) The land in the floodplain adjacent to Lots 1, 2, 3, 8 & 9 which is not designated for development; and

   (c) The land within Lots 9, 10, and 11, as shown in Subdivision Plan, which land is perched immediately above the land in the shoreland zone, and development of which would create both a visual threat to the shoreland zone and a unreasonable threat of erosion.

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

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

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

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

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

C. *The Ground Rules Recast in 1987*

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

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

July 12, 2001

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

RE: Presumpscot River Place III

Dear Mr. Caron:

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

Thank you.

Sincerely,

Paul Ureneck
28 Whaleboat Rd.
Portland, Me. 04103

HOUSE OF REPRESENTATIVES
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Business: (207) 838-2450

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

Dear Mr. Knowland,

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

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

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

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

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

Sincerely,

Boyd P. Marley
State Representative

Printed on recycled paper

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

Mr. Knowland;

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

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

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

a. Blasting which caused me concern about my own foundation.

b. Burning such that large and still hot ash pieces fell all over our (and neighbors) property causing concerns that they could start a fire and requiring cleaning of our deck, cars and other personel property.

c. Trucks and other machinery starting very early in the morning and running until at least 9:00 at night.

d. All of the above could occur on any day of the week including Saturday and Sunday.

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

Thank You for your time and consideration.

Best Regards
David P.

Laetsch

24 Whitehead

Circle

dlaetsch@southworthproducts.com

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

Dear Mr. Knowland,

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

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

Thank you for your attention to this.

Sincerely yours,

Barbara Peisner
26 Overset Rd.
Portland

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

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

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

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

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

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

Sincerely - Carolyn Bennett

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

Dear Mr. Knowland,

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

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

Thank you for your attention to this.

Sincerely yours,

Barbara Peisner
26 Overset Rd.
Portland

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

June 25, 2001

Attn: Richard Knowland

We have been informed of the up coming workshop session being held 6/26/01 to discuss the subdivision proposal by Lloyd Wolf. I am submitting our comments on this proposal. Attached is a letter we sent you last year and still feel strongly about this topic and our concerns have not changed. Please refer back to this letter again and take these comments into consideration.
Again, our concern is not just the 27 lots that are proposed, but please consider the entire parcel of land which will include over 100 lots!! That is a significant amount of traffic on one road - Curtis Rd.. If this proposal is approved, it is imperative that additional access roads be implemented prior to the development of any lots.

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

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

Planning Board
Richard Knowland
Joe Gray
Jaimey Caron

Attn: Mr.. Knowland
Thank you for the informative meeting on April 10, 2000. It provided a lot of valuable information. As a resident on Curtis Rd., I am very concerned with the limited road access out of the new development. The additional access roads that were proposed by your committee still do not solve the problem of excess cars on Curtis Rd.. These roads only create a "funnel" of cars to the top of Curtis. The solution should be another access road on the other side on the development, so then the cars can exit Caron or Carter St.. I believe they called this road "Hope Rd.". I understand that this road would be in Falmouth, but the developer already owns that land and has future plans of development. Instead of waiting for the future development to begin and then putting in Hope Rd., I strongly feel Hope Rd. should be addressed NOW and implemented with this beginning phase 1 of this development. If Falmouth will not OK the road, then perhaps Portland should reconsider approving any of this development!
I also would like the planning board to view this development as a whole of all of its phases. Not just the 27 lot phase 1. The planning board needs to consider all of the land the developer owns. The land includes: land to the right of the 27 lots which will be developed into approx.. 50 lots; and the land to the left (in Falmouth) which can be developed into perhaps another 50 lots. This makes a total of approx.. 130 lots, NOT just 27 lots!!!.
We were also told at the meeting that the road sewers of the new development will empty into the Presumpscot River. I was shocked to hear this! I can't believe that all of those pollutants will be allowed to go directly into the river, especially since they have been working hard to clean up that river. I can't

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

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

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

Sincerely,

Carolyn & Mark Williams

131 Curtis Rd.

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

December 20, 1999

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

Dear Mr. Knowland,

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

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

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

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

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

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

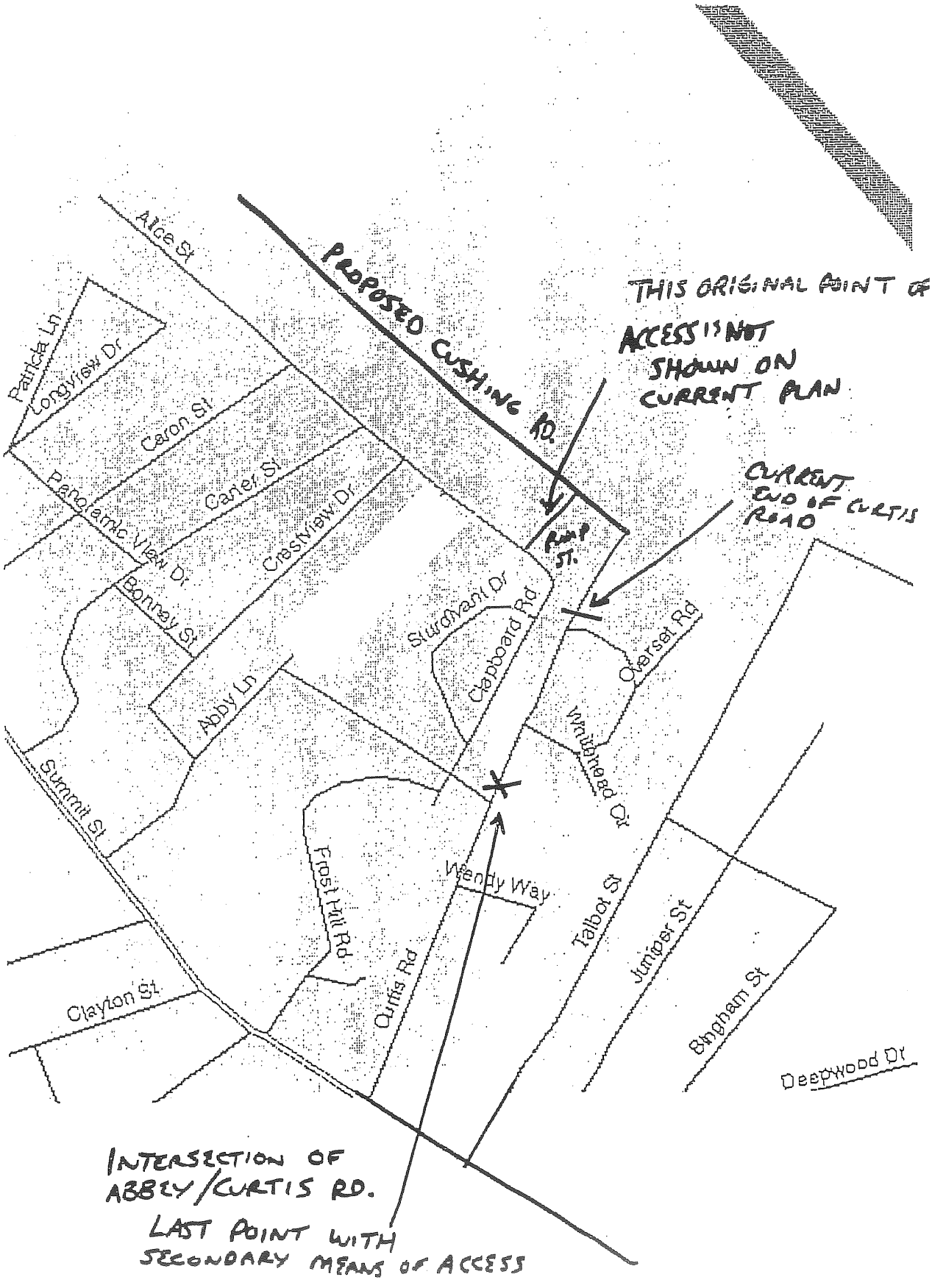
I would respectfully ask the Planning staff and Board to seriously consider the points raised in this letter regarding emergency and riverfront access. Obviously, I believe there needs to be further hearings and opportunity for input on this matter and I would ask that I be notified on an on-going basis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

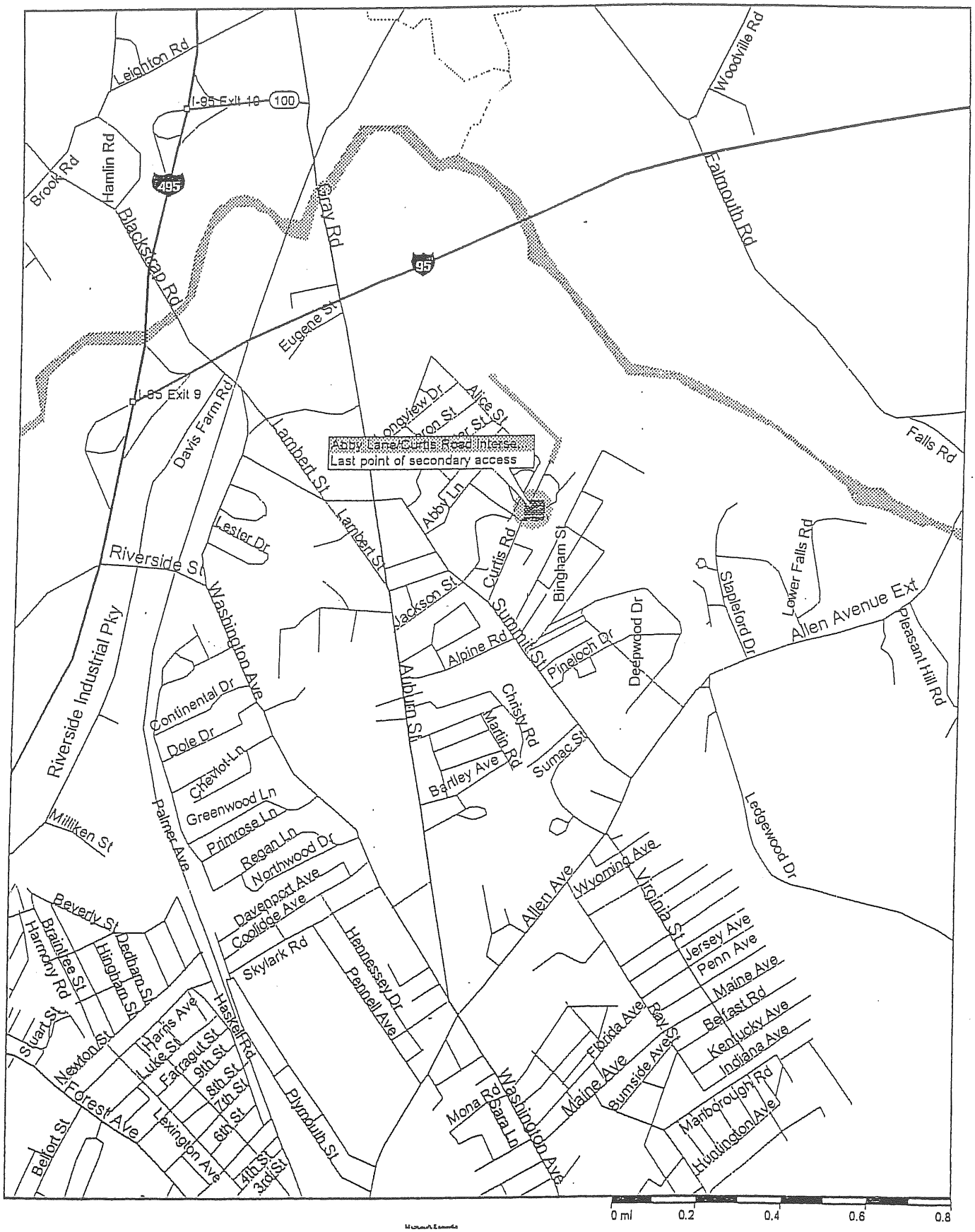
Thank you in advance for your anticipated assistance.

Sincerely,

Steven M. Berg

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


Alice St
PROPOSED CUSHING RD.
THIS ORIGINAL POINT OF ACCESS IS NOT SHOWN ON CURRENT PLAN
CURRENT END OF CURTIS ROAD
Patricia Ln
Longview Dr
Caron St
Panoramic View Dr
Caner St
CrestView Dr
Barney St
Pine St.
Sturdivant Dr
Clapboard Rd
Oversat Rd
Whitehead Dr
Abby Ln
Summit St
Frost Hill Rd
Curtis Rd
Wendy Way
Talbot St
Juniper St
Bingham St
Deepwood Dr
Clayton St
INTERSECTION OF ABBEY/CURTIS RD.
LAST POINT WITH SECONDARY MEANS OF ACCESS


Abby Lane/Curtis Road Intersection
Last point of secondary access
Leighton Rd
I-95 Exit 10
100
Brook Rd
Hamlin Rd
495
Blackstap Rd
Gray Rd
95
Eugene St
I-95 Exit 9
Davis Farm Rd
Woodville Rd
Falmouth Rd
Falls Rd
Longview Dr
Alice St
Cameron St
Forest St
Lambert St
Abby Ln
Curtis Rd
Bingham St
Riverside St
Lester Dr
Washington Ave
Jackson St
Summit St
Alpine Rd
Pineloch Dr
Deepwood Dr
Stapleford Dr
Lower Falls Rd
Allen Avenue Ext
Pleasant Hill Rd
Riverside Industrial Pky
Continental Dr
Dole Dr
Chevriot Ln
Greenwood Ln
Primrose Ln
Regan Ln
Northwood Dr
Davenport Ave
Coolidge Ave
Auburn St
Christy Rd
Martin Rd
Bartley Ave
Sumac St
Milliken St
Palmer Ave
Ledgewood Dr
Allen Ave
Wyoming Ave
Virginia St
Jersey Ave
Penn Ave
Maine Ave
Belfast Rd
Kentucky Ave
Indiana Ave
Marlborough Rd
Huntington Ave
Florida Ave
Bumside Ave
Park St
Maine Ave
Mona Rd
Para Ln
Washington Ave
Beverly St
Brainilee St
Harmony Rd
Dedham St
Hingham St
Skylark Rd
Hennessey Dr
Pannell Ave
Stuart St
Newton St
Harris Ave
Luke St
Farragut St
Haskell Rd
9th St
8th St
7th St
6th St
5th St
4th St
3rd St
Forest Ave
Lexington Ave
Bellort St
Plymouth St
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0.2
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0.6
0.8

DEAR SIR:

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

Francis E Egan
37 Colby Lane

March 28, 2000

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

Re: Presumpscot River Place III Development

Dear Mr. Gray:

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

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

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

Regards,

Fredric W. Williams

Deborah L. Thurston

12 Andrews Avenue
Falmouth, Maine 04105

April 6, 2000

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

Planning Board Members:

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

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The Presumpscot River Trail

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

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

One India Street Portland, Maine 04101 207.775.2411 FAX 772.7673 info@trails.org

Preservation of Open Space

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

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

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

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

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

Trails Plan

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

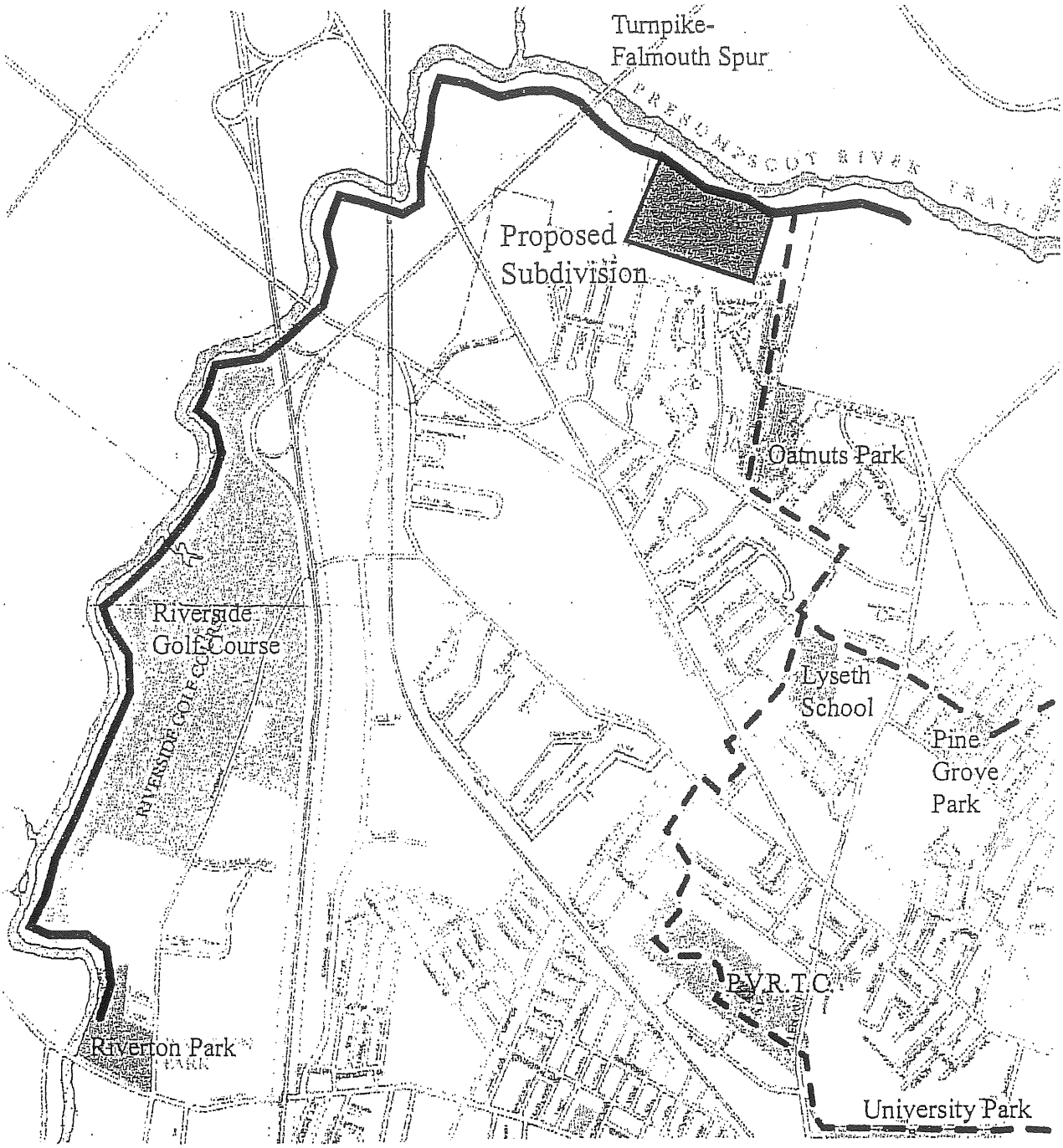
The trail alignment uses the existing river trail to the full extent, and adds features such as boardwalks or bridges to span streams and wetland areas. The entire river trail lies within the Shoreland Zone, and much of it is in the 100-year floodplain. Proposed access corridors include one at the western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

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

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

Sincerely,

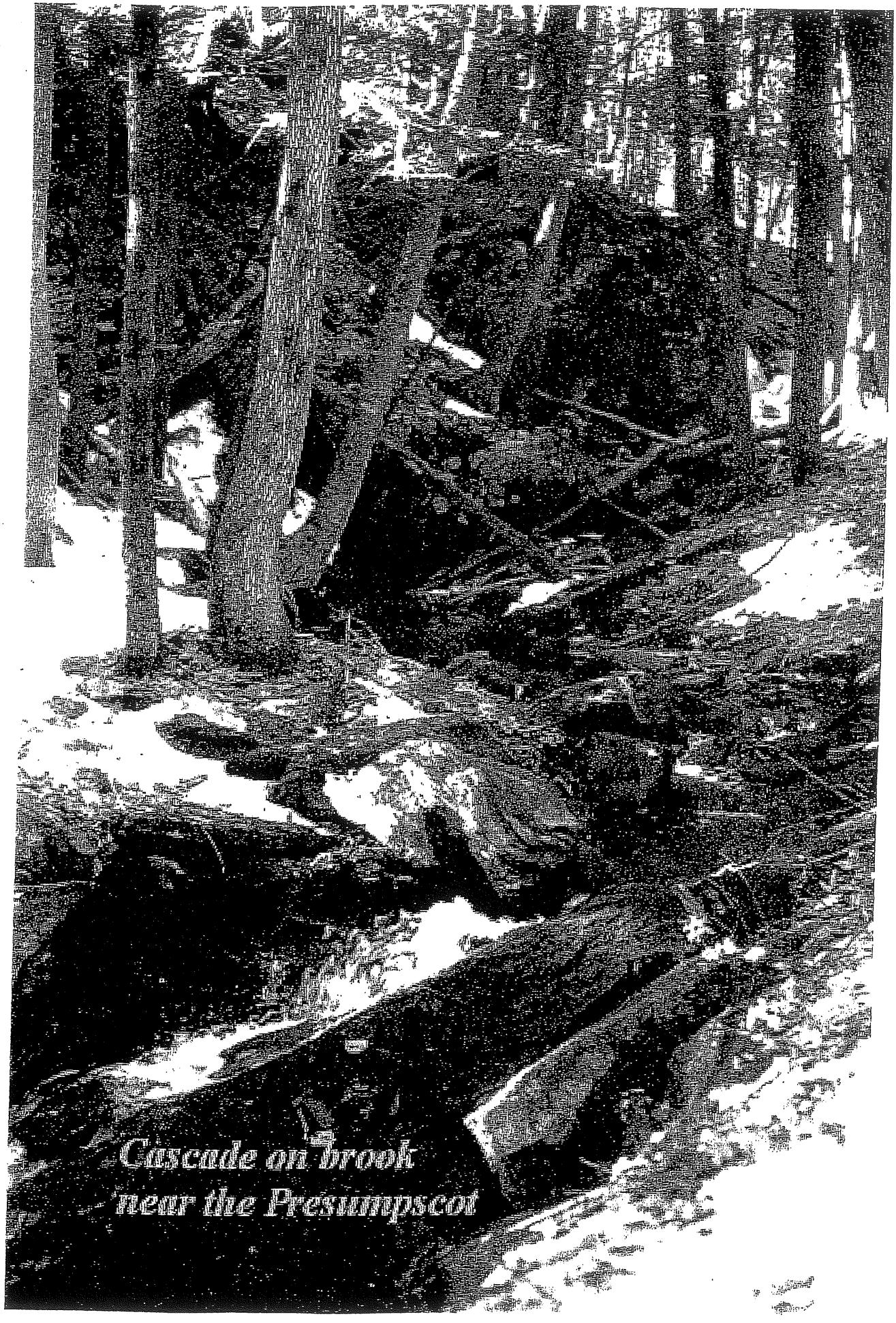
Elizabeth Ehrenfeld
President



Presumpscot River Trail
Vision Map

PORTLAND TRAILS

Figure 2



Cascade on Brook near the Presumpscot

Claim 3

April 11, 2000

Mr. Jamie Cameron
Portland Planning Board

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

My wife and I have lived at 51 OLDE BIRCH Lane for the past 14 years. The development planned will impact us in a few ways, but primarily due to the traffic pattern that will ensue. The development plans are for all traffic to use Curtis Road which connects with Summit. Adding 27-54 cars to the current traffic load will pose real problem. For the past three years I have had to wait in line with four cars, at a minimum, to leave Summit Street and turn on to Allen Avenue Extension. I have even had to wait patiently in order to enter Summit Street from Olde Birch Lane, something that never took place when we initially moved into our home. My concern is that the traffic is getting worse before the new homes are

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

The other matter of concern to my wife and me is that there are few open areas in our section of Portland. I think an opportunity exists with Mr. Wolf's development to address this issue in a way that is environmentally appealing. Some type of modest park area near the ~~Fore~~ river banks would protect the current beauty and provide neighbors an opportunity to enjoy this area. Keeping this space open to residents is very important and can never be revisited if not addressed at this time.

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

Thank you,

Dan & Brenda Bacon
31 OLDE Birch Ln
Portland 04103
207-878-2502

CC Jay Hibbard

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

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

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

Thank you for your assistance in these two matters.

CC: Portland.CityHall(RWK)

ll April 2000

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

Dear Mr. Knowland:

I write to you as a concerned resident who attended the informational meeting l0 April regarding the residential development known as Presumpscot River Place III.

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

l. What provisions for public space(park, etc.) are provided for in this project. District 5 has very little available public space, perhaps the least of any area in the city. A development of this projected size will have a great impact regarding this issue.

2. What provisions have been made by the developer to maintain access to the Presumpscot River frontage and the existing trail there?

3. What is the impact of increased traffic on Curtis Road(no study has been done), and the fact that all traffic from this development will funnel up this one egress?
It is my understanding that at a previous review meeting for an earlier stage of this project(I and II)that the Planning Board required more than a one street access. The proposal last night(April l0) still, in effect, offers only a one-street access to the area.

4. What is the environmental impact on the Presumpscot River by increased and accelerated runoff draining from this developed area? An environmental impact study needs to be done. The developer said this runoff would be treated "mechanically;" exactly what does this process mean? As for waste, why are pumps being installed in individual dwellings? Additionally, much of this area is low-lying and natural wetland. These areas need to be identified(regardless of size); streams also must be identified. What is the impact on these wetlands? What will be done about erosion from increased runoff?

5. How could the developer, as stated at the meeting, propose originally that lots would be developed with river frontage when general requirements state that none can take place within 250 feet of a wetland, great pond or river? This was presented last night as a compromise offered by the developer to be applauded by the concerned residents and embraced by the planning board.

6. Why isn't the whole plan being broached at this time? Accepted piecemeal, the plan will perhaps be viewed as workable; as a whole, its impact may be deemed harmful and unacceptable.

7. What is the anticipated impact of the development of the "landlocked" Falmouth section?

8. What is the role of the planning board at meetings of this type?

9. What is the impact projected for local schools? While you stated last night that this was not part of your legal purview, it is an impact that is signfiicant. To whom do I address such concern?

10. If legally you are required only to notify residents within 500 feet of the planned development, why did you notify all residents north of Summit St. of this meeting?

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

Sincerely yours,

James W. Provencher

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

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

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

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

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

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

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

sincerely,
Doug Moody
85 Curtis Road
Portland, Maine

CC: Portland.CityHall(STB)

April 13, 2000

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

Dear Members of the Portland Planning Board:

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

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

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

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

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

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

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

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

Sincerely,

Kimberly Irvin Snow
40 Curtis Road

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

Planning Board
Richard Knowland
Joe Gray
Jaimey Caron

Attn: Mr.. Knowland

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

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

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

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

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

Sincerely,
Carolyn & Mark Williams
131 Curtis Rd.

29 Curtis Road
Portland, Me. 04103

April 17, 2000

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

Dear Mr Knowland,

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

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

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

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

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

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

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

Very truly yours,

Ralph and Arlene Coffin

Ralph Coffin
Arlene K. Coffin

April 19, 2000

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

RE: Prescumpscot River Place , Curtis Road

Dear Sir;

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

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

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

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

Very truly,

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

April 30, 2000

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

Dear Planning Board:

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

1) The proposed subdivision would cause undue adverse effect on the natural beauty of the area as well as the significant wildlife habitat. As the North Deering development boomed over the last several years, the area soon became one of Portland's communities with the least amount of open space relative to its population.
In a conversation with Bob Adams six months ago, he mentioned that Portland Park & Recreation had approached him in regards to purchasing the land for trails and nature preservation. It may be worth while for the Planning Board to request that the historical preservation committee prepare an evaluation of the proposed subdivision based on the standards of section 14-651(3). We believe the people in the community who use those trails along with the numerous wildlife that we have seen living in the proposed planning area would greatly appreciate it.

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

3) The proposed subdivision could cause an increased traffic flow to a small residential area. The two access roads from the proposed subdivision indirectly lead into Curtis Road. We would like to request that there is a traffic evaluation for Curtis Road and a consideration of safety for the children in this small neighborhood.

4) Finally, the proposed subdivision could have a negative environmental impact on the entire Portland community. Can all the contaminants created from the proposed subdivision project be controlled so it does not pollute the already endangered Presumspcot River? Does the proposed filtration system control every runoff possibility that would be created from the project? Has there been any current environmental study regarding the areas around the Presumspcot River?

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

Sincerely,

Sandi Goodman-Brown

Larry Brown

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

Stephen E. Champagne
21 Wendy Way
Portland, Maine 04103

May 9, 2000

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

Re: Presumpscot River Place III

Dear Planning Board Member:

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

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

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

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

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

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

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

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

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

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

Very truly yours,

Stephen E. Champagne

O:\SEC\PERSONAL\river subdivision.wpd

FRIENDS OF THE PRESUMPSCOT RIVER
P.O. BOX 223
S. WINDHAM, ME 04082

May 24, 2000

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

Dear Mr. Gray;

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

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

We have concerns about the proposed development in four areas:

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

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

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

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

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

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

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

Thank you for your kind attention.

Sincerely,

Will Plumley

Will Plumley
President
892-4597

Melissa Mirarchi
106 Summit Street
Portland, ME 04103

May 25, 2000

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I appreciate your response and your consideration.

Sincerely yours,

Melissa Mirarchi

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

May 25, 2000

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

RE: Presumpscot River Place III

Dear Mr. Gray,

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

Wetland Mapping:

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

Unnumbered Lot between Lots 19 and 18

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

Sidewalk Exemption

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

Significant Wildlife Habitat:

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

Construction Monitoring:

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

Shoreland Access:

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

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

Thank you for your time and consideration.

Sincerely,

Steven M. Berg

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

Michael and Barbara Peisner
26 Overset Road
Portland, ME 04103

May 26, 2000

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

Dear Mr. Gray:

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

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

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

Very truly yours,

Michael B. Peisner

Barbara K. Peisner

O:\MBP\PERSONAL\home-subdiv.ltr.wpd

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

Attention: Josephe Gray

Dear Mr. Gray:

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

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

Sincerely,

Eleanor and Robert Rodgers

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

May 28, 2000

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

RE: ADAMS/WOLF DEVELOPMENT AT END OF CURTIS ROAD

Dear Mr. Gray:

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

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

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

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

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

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

Sincerely,

Pamela M. Green

Pamela M. Green

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

Planning Board
Attn: Rick Knowland, Joe Gray, and Jaimey Caron

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

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

I appreciate all of your help into looking at all possibilities.
Thank you,
Carolyn Williams
-----Original Message-----
From: Mark S. Williams <cmwill@concentric.net>
To: Rick Knowland <rwk@ci.portland.me.us>
Date: Saturday, April 15, 2000 10:47 PM
Subject: Presumscot River Place III

Planning Board
Richard Knowland
Joe Gray
Jaimey Caron

Attn: Mr.. Knowland

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

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

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

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

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

Sincerely,

Carolyn & Mark Williams
131 Curtis Rd.

Pamela Keef
58 Roberts Street
Portland, ME 04102

May 28, 2000

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

Re: Presumpscot River Place – Phase III Subdivision

Dear Mr. Caron:

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

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

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

Very Truly Yours,

Pamela Keef

Pamela Keef

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

May 30, 2000

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

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

Dear Jamie:

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

COMMENTS

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

I. Consideration of Future Development is Critical

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

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

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

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

- **Water main extensions.** Portland's Subdivision Ordinance requires developers to install water mains with the approval of the Portland Water District. *Sec. 14-499(3).* In issuing its approval, the Water District is required to apply the water main extension rules of Maine's PUC, which is PUC Chapter 650. This requires that new main extensions be sized for future growth and development – even if there is no development currently permitted, applied for, or in the actual planning stages. Developers under the PUC rules must pay for the added costs related to such future growth, even if such growth does not occur during the 10 year payback period allowed under the law. This policy makes sense: if future growth were not considered, water districts would constantly need to dig up and replace their existing mains every time a new development required additional capacity.

- **Street Coordination.** Portland's Subdivision Ordinance permits the Planning Board to consider the degree to which streets in a subdivision are "coordinated with the street system of the surrounding areas," and further that "all streets must provide for the continuation or appropriate projection of streets in surrounding areas. . . ." *Sec. 14-498(b)(2)* Of necessity, this involves projection of what will be built in the surrounding areas. If a development will be located next door, the time to coordinate the streets is now, not after the houses are built and the lawns landscaped.

- **Blocks.** The Ordinance also permits the Planning Board to require the reservation of easements for underground utility crossings and pedestrian traffic "where needed or desirable." *Sec. 14-498(g)(2).* This open ended standard requires consideration of future development in order determine where or whether to locate a utility easement.

- **Open Space.** The Ordinance permits the Planning Board to consider whether recreational areas exist in "close proximity" to the proposed subdivision. *Sec. 14-498(i)(1).* This provision permits the Planning Board to "peek" at what is next door to the subdivision, or down the road, and take such review into consideration when deciding whether to attach conditions to an approval.

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

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

II. Traffic Issues Demand Closer Attention.

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

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

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

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

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

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

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

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

III. <u>Recreational and Open Space Concerns -- Destruction of the "Last Frontier"</u>

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

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

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

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

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

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

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

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

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

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

V. Environmental Considerations Demand Reduced Development.

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

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

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

PROPOSED SOLUTION

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

A. Pheasant Hill – when this development was approved in the Rainbow Mall area, the developer reserved a number of acres along Fall Brook for public use.

B. Stroudwater – a development along the Stroudwater River by Peter Kennedy, currently before this Board, which development was approved a number of years ago but has since lapsed, included the conveyance by the developer of nearly half the acreage to the public for a trail along the Stroudwater River.

C. Eastern Prom – a development near India Street along the water from the late 1980's which was proposed but never built (and whose precise name is unknown to me) would have gated off the former Eastern Prom rail line from public access. This development was thankfully never built, and we now have a beautiful park along the Prom which just now is being connected to Back Cove.

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

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

CONCLUSION

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

Sincerely,

James I. Cohen

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

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

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

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

1) Overcrowding at Lyseth School. New housing will only increase the overcrowding that has resulted in modular classrooms and a very poor school facility.

2) A lack of open space for children to play. The only area where kids can play either in an organized activity or just in a pick up format is behind Lyseth School. The overuse of this space has resulted in very poor quality fields and a general lack of space for kids to play. North Deering does not have a park for children and adults to use.

3) The access to this new development will put additional strain on Summit Street, Alpine Street and Curtis Road. The steady and steep incline on Curtis will result in a very unsafe situation for children in the neighborhood. The steady stream of traffic to this new development will generally lower the quality and safety of the neighborhood.

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

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

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

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

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

7 Whaleboat Road
Portland, Maine 04103
June 25, 2001

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

Re: Presumpscott River Place (Phase III)

Dear Mr. Knowland,

I am writing regarding the proposed development by Robert Adam and Lloyd Wolf for a 27 lot residential subdivision on a 29 acre parcel north of Curtis Road.

My family has resided at the above address, located near the north end of Curtis Road, since February of 1987. I am concerned about an incident related to the development of this property which occurred in either 1987 or 1988 and which I believe should be taken into consideration in the planning of the current development.

There was a large vernal pool on the property which was under consideration for development at that time. Shortly before the property was flagged for wetland locations, we saw bulldozers being offloaded from a flatbed truck at the end of Curtis Road and heard the bulldozer activity. It wasn't until several months later that we discovered that the vernal pool had been filled in. We had previously seen numerous tadpoles in the pool and had also seen a spotted salamander in the area. I don't know what other species that habitat had supported.

We recently received copies of "before" and "after" aerial photos of the area taken by James W. Sewall. A photo taken on April 3, 1986 clearly shows the vernal pool and wetland area. Based on the scale of the photo, it appears that the vernal pool was about a half acre in area. A photo taken on December 12, 1988 shows the area after it was filled in.

I understand that the planning for the current proposed development involves sensitive environmental issues. It is important that a significant margin of safety be provided, including setbacks and buffers to protect the Presumpscott River and any remaining wetland locations. Based on the past behavior by the developers, I believe that it is extremely important that the most stringent measures possible are taken to prevent further environmental damage.

Photocopies of the photos are enclosed. The full size photos are available for your use if requested. Thank you for your consideration of this matter.

Sincerely,

Carol Gillis

Enc.
cc: Joseph Gray, City Manager; Jay Hibbard, City Counselor;
Boyd Marley, State Representative;

Paula K. Broydrick
90 Longview Drive
Portland, ME 04103

August 19, 2000

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

Dear Mr. Gray:

Re: Curtis Road proposed subdivision

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

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

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

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

Thank you for your attention.

Sincerely,

Paula K. Broydrick

ATTACHMENT F

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

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

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

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

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

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

- Should Curtis Road be widened? What is the roadway width?
- The lot at the end of Curtis Road. Fill has been added but there is no silt fence.

Paula K. Broydrick
90 Longview Drive
Portland, ME 04103

August 19, 2000

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

Dear Mr. Gray:

Re: Curtis Road proposed subdivision

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

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

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

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

Thank you for your attention.

Sincerely,

Paula K. Broydrick

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

May 30, 2000

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

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

Dear Jamie:

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

COMMENTS

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

I. Consideration of Future Development is Critical

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

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

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

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

- **Water main extensions.** Portland's Subdivision Ordinance requires developers to install water mains with the approval of the Portland Water District. *Sec. 14-499(3)*. In issuing its approval, the Water District is required to apply the water main extension rules of Maine's PUC, which is PUC Chapter 650. This requires that new main extensions be sized for future growth and development – even if there is no development currently permitted, applied for, or in the actual planning stages. Developers under the PUC rules must pay for the added costs related to such future growth, even if such growth does not occur during the 10 year payback period allowed under the law. This policy makes sense: if future growth were not considered, water districts would constantly need to dig up and replace their existing mains every time a new development required additional capacity.

- **Street Coordination.** Portland's Subdivision Ordinance permits the Planning Board to consider the degree to which streets in a subdivision are "coordinated with the street system of the surrounding areas," and further that "all streets must provide for the continuation or appropriate projection of streets in surrounding areas. . . ." *Sec. 14-498(b)(2)* Of necessity, this involves projection of what will be built in the surrounding areas. If a development will be located next door, the time to coordinate the streets is now, not after the houses are built and the lawns landscaped.

- **Blocks.** The Ordinance also permits the Planning Board to require the reservation of easements for underground utility crossings and pedestrian traffic "where needed or desirable." *Sec. 14-498(g)(2)*. This open ended standard requires consideration of future development in order determine where or whether to locate a utility easement.

- **Open Space.** The Ordinance permits the Planning Board to consider whether recreational areas exist in "close proximity" to the proposed subdivision. *Sec. 14-498(i)(1)*. This provision permits the Planning Board to "peek" at what is next door to the subdivision, or down the road, and take such review into consideration when deciding whether to attach conditions to an approval.

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

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

II. Traffic Issues Demand Closer Attention.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

V. Environmental Considerations Demand Reduced Development.

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

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

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

PROPOSED SOLUTION

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

A. Pheasant Hill – when this development was approved in the Rainbow Mall area, the developer reserved a number of acres along Fall Brook for public use.

B. Stroudwater – a development along the Stroudwater River by Peter Kennedy, currently before this Board, which development was approved a number of years ago but has since lapsed, included the conveyance by the developer of nearly half the acreage to the public for a trail along the Stroudwater River.

C. Eastern Prom – a development near India Street along the water from the late 1980's which was proposed but never built (and whose precise name is unknown to me) would have gated off the former Eastern Prom rail line from public access. This development was thankfully never built, and we now have a beautiful park along the Prom which just now is being connected to Back Cove.

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

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

CONCLUSION

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

Sincerely,

James I. Cohen

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

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

Planning Board
Attn: Rick Knowland, Joe Gray, and Jaimey Caron

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

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

I appreciate all of your help into looking at all possibilities.
Thank you,
Carolyn Williams
-----Original Message-----
From: Mark S. Williams <cmwill@concentric.net>
To: Rick Knowland <rwk@ci.portland.me.us>
Date: Saturday, April 15, 2000 10:47 PM
Subject: Presumscot River Place III

Planning Board
Richard Knowland
Joe Gray
Jaimey Caron

Attn: Mr.. Knowland

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

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

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

Very Truly Yours,

Pamela Keef

Pamela Keef

Dear Planning Board,

No more housing in N. Deering!
There has been at least 200 houses built
In my area in the past year.
Please stop over development!!

T. Tsonis
Lambert St.

Pamela Keef
58 Roberts Street
Portland, ME 04102

May 28, 2000

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

Re: Presumpscot River Place – Phase III Subdivision

Dear Mr. Caron:

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

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

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

May 28, 2000

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

RE: ADAMS/WOLF DEVELOPMENT AT END OF CURTIS ROAD

Dear Mr. Gray:

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

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

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

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

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

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

Sincerely,

Pamela M. Green

Pamela M. Green

Melissa Mirarchi
106 Summit Street
Portland, ME 04103

May 25, 2000

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I appreciate your response and your consideration.

Sincerely yours,

Melissa Mirarchi

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

May 25, 2000

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

RE: Presumpscot River Place III

Dear Mr. Gray,

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

Wetland Mapping:

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

Unnumbered Lot between Lots 19 and 18

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

Sidewalk Exemption

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

Significant Wildlife Habitat:

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

Construction Monitoring:

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

Shoreland Access:

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

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

Thank you for your time and consideration.

Sincerely,

Steven M. Berg

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

Stephen E. Champagne
21 Wendy Way
Portland, Maine 04103

May 9, 2000

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

Re: Presumpscot River Place III

Dear Planning Board Member:

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

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

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

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

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

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

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

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

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

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

Very truly yours,

Stephen E. Champagne

O:\SEC\PERSONAL\river subdivision.wpd

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

December 20, 1999

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

Dear Mr. Knowland,

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

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

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

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

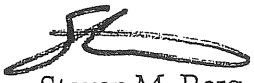
Linking Neighborhoods: Not only would the secondary means of access off Alice Street to PRP III reduce the distance without a secondary means of access to the houses in PRP III, but it would also allow for the ability for residents of the new subdivision to travel along Alice (past the developer's home!)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

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

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

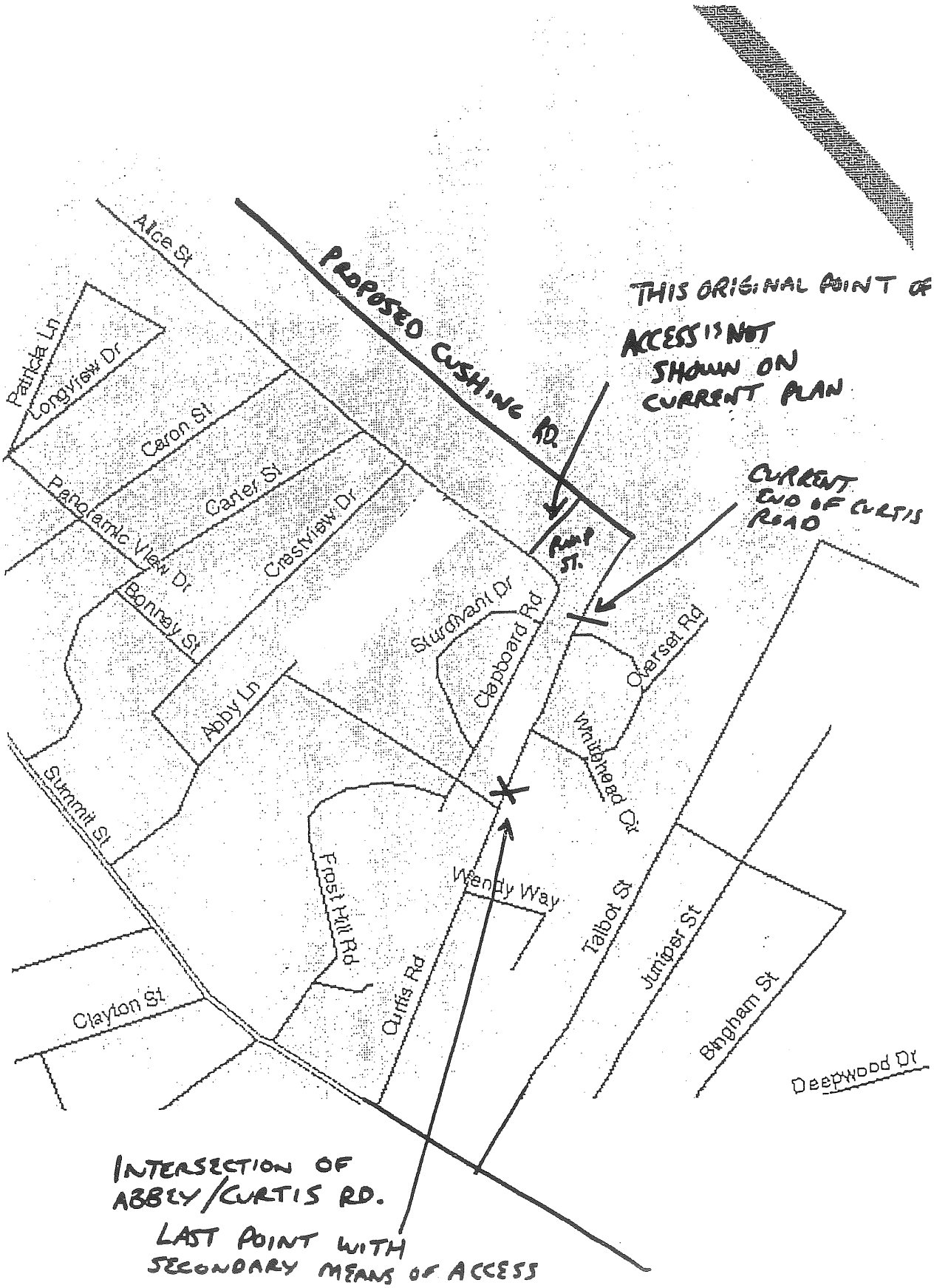
Thank you in advance for your anticipated assistance.

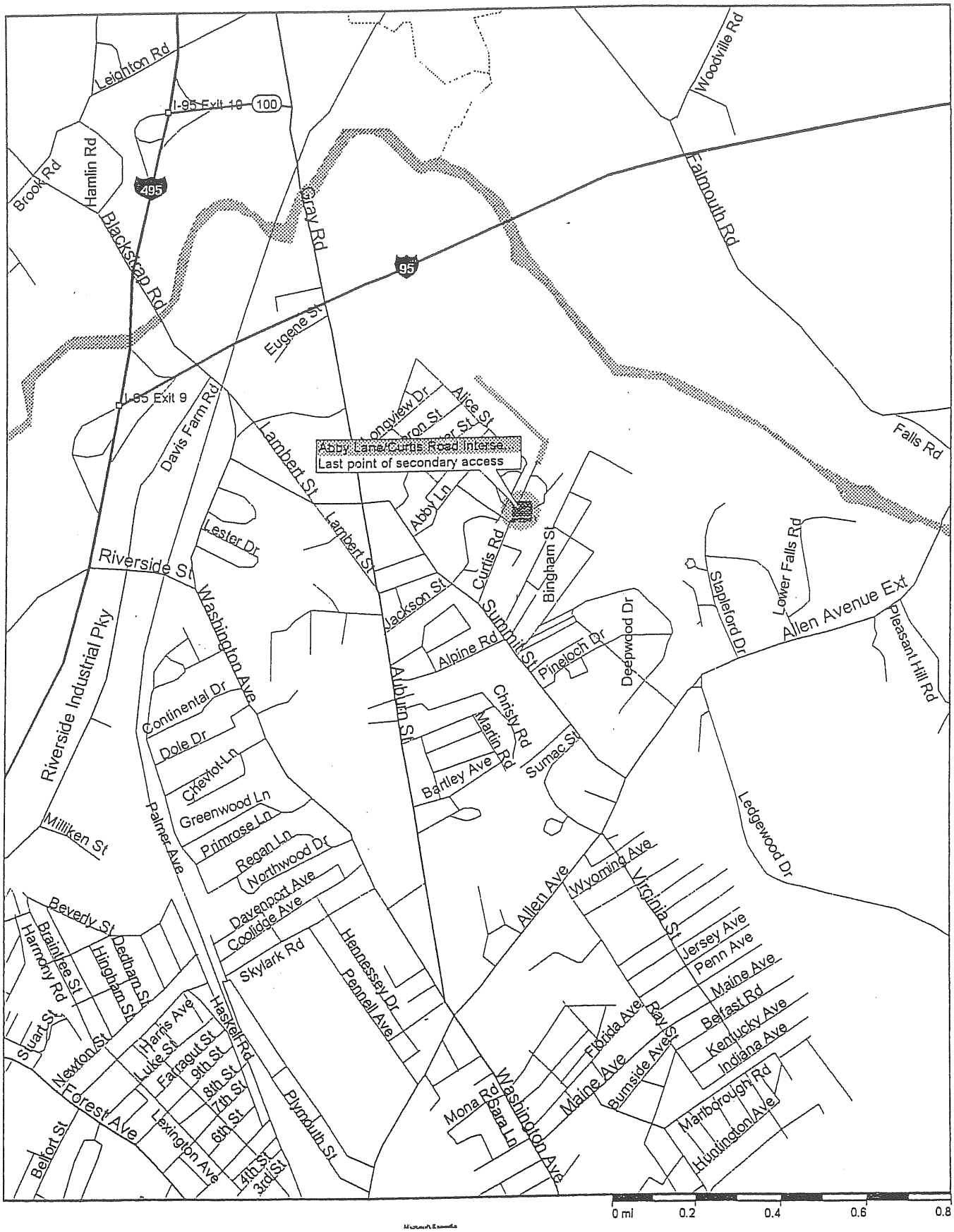
Sincerely,



Steven M. Berg

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


Alice St
PROPOSED CUSHING RD.
THIS ORIGINAL POINT OF ACCESS IS NOT SHOWN ON CURRENT PLAN
CURRENT END OF CURTIS ROAD
Patricia Ln
Longview Dr
Caron St
Carter St
Pan Atlantic View Dr
Bonney St
CrestView Dr
Pump St.
Sturgeon Dr
Clapboard Rd
Quarset Rd
Abby Ln
Wrightead Dr
Summit St
Frost Hill Rd
Wendy Way
Curtis Rd
Talbot St
Juniper St
Bingham St
Deepwood Dr
Clayton St
INTERSECTION OF ABBEY/CURTIS RD.
LAST POINT WITH SECONDARY MEANS OF ACCESS


Leighton Rd
I-95 Exit 10
100
Woodville Rd
Brook Rd
Hamlin Rd
495
Blackstrap Rd
Gray Rd
95
Falmouth Rd
Eugene St
I-95 Exit 9
Davis Farm Rd
Longview Dr
Alice St
Lambert St
Abby Lane/Curtis Road Intersec...
Last point of secondary access
Falls Rd
Abby Ln
Lester Dr
Riverside St
Curtis Rd
Bingham St
Stapleford Dr
Lower Falls Rd
Allen Avenue Ext
Pleasant Hill Rd
Jackson St
Summit St
Deepwood Dr
Alpine Rd
Pinetoch Dr
Washington Ave
Riverside Industrial Pky
Auburn St
Continental Dr
Dole Dr
Chevlot Ln
Greenwood Ln
Primrose Ln
Regan Ln
Northwood Dr
Christy Rd
Martin Rd
Bartley Ave
Sumac St
Milliken St
Palmer Ave
Ledgewood Dr
Beverly St
Braintree St
Harmony Rd
Dedham St
Hingham St
Davenport Ave
Coolidge Ave
Skylark Rd
Hennessey Dr
Pennell Ave
Allen Ave
Wyoming Ave
Virginia St
Jersey Ave
Penn Ave
Maine Ave
Belfast Rd
Kentucky Ave
Indiana Ave
Stuart St
Newton St
Harris Ave
Luke St
Farragut St
Haskell Rd
9th St
8th St
7th St
6th St
5th St
4th St
3rd St
Forest Ave
Lexington Ave
Belfort St
Plymouth St
Mona Rd
Para Ln
Florida Ave
Bay St
Burnside Ave
Maine Ave
Washington Ave
Marlborough Rd
Huntington Ave
0 mi
0.2
0.4
0.6
0.8

Michael and Barbara Peisner
26 Overset Road
Portland, ME 04103

May 26, 2000

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

Dear Mr. Gray:

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

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

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

Very truly yours,

Michael B. Peisner

Michael B. Peisner

Barbara K. Peisner

Barbara K. Peisner

O:\MBP\PERSONAL\home-subdiv.ltr.wpd

ATTACHMENT G

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

Attention: Josephe Gray

Dear Mr. Gray:

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

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

Sincerely,

Eleanor and Robert Rodgers

April 6, 2000

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

Planning Board Members:

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

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David Littell
Vice President
Jim Cohen
Vice President
Jennifer Stewart
Treasurer
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Eliza Cope Nolan
Walter Rumery
Mike Saxl
Nathan Smith, Co-Founder
Jeff Sommer
Richard Spencer, Co-Founder
Phil Thompson
Lois Winter

The Presumpscot River Trail

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

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

One India Street Portland, Maine 04101 207.775.2411 FAX 772.7673 info@trails.org

Preservation of Open Space

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

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

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

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

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

Trails Plan

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

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

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

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

Sincerely,

Elizabeth Ehrenfeld
President

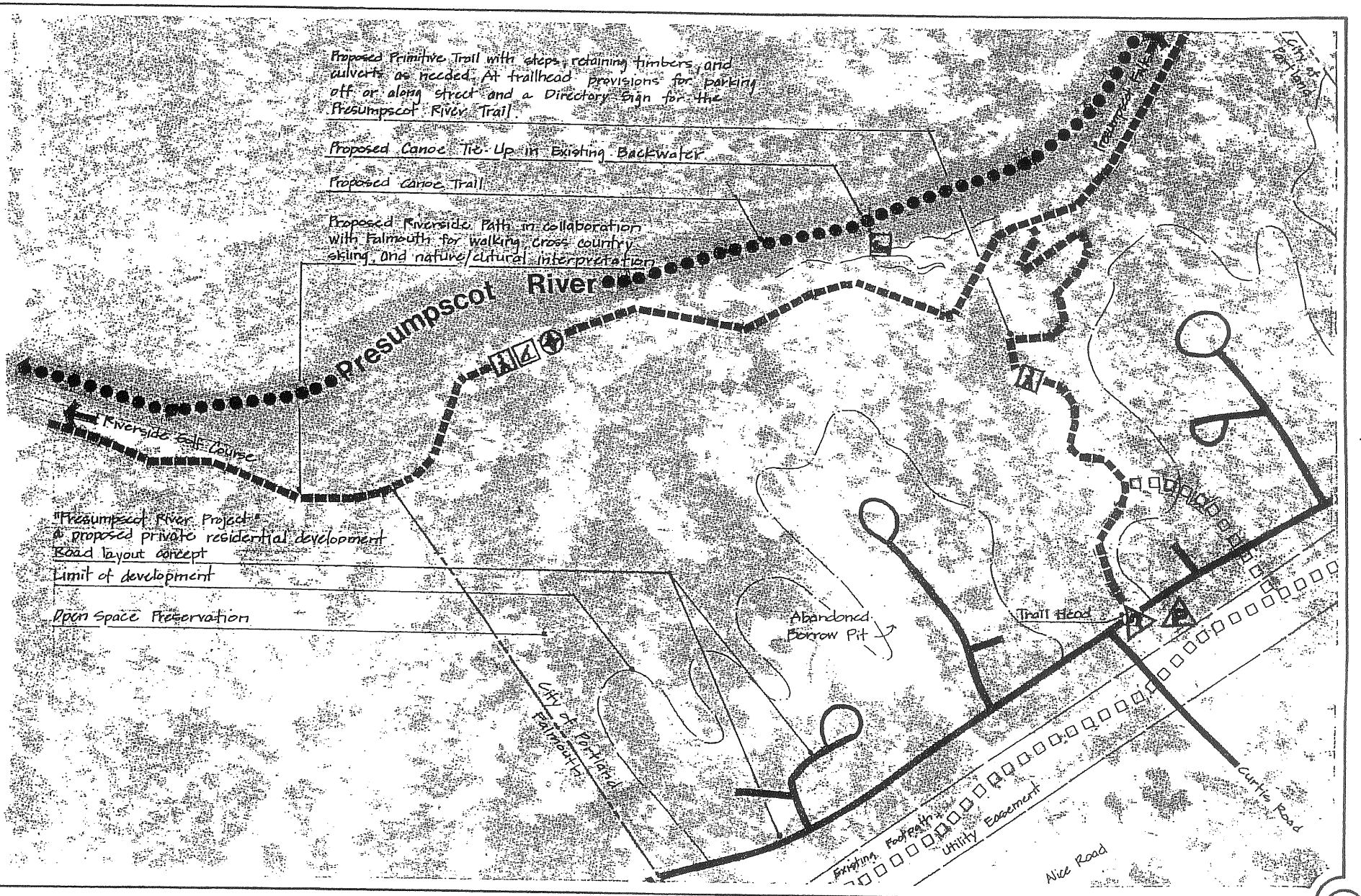
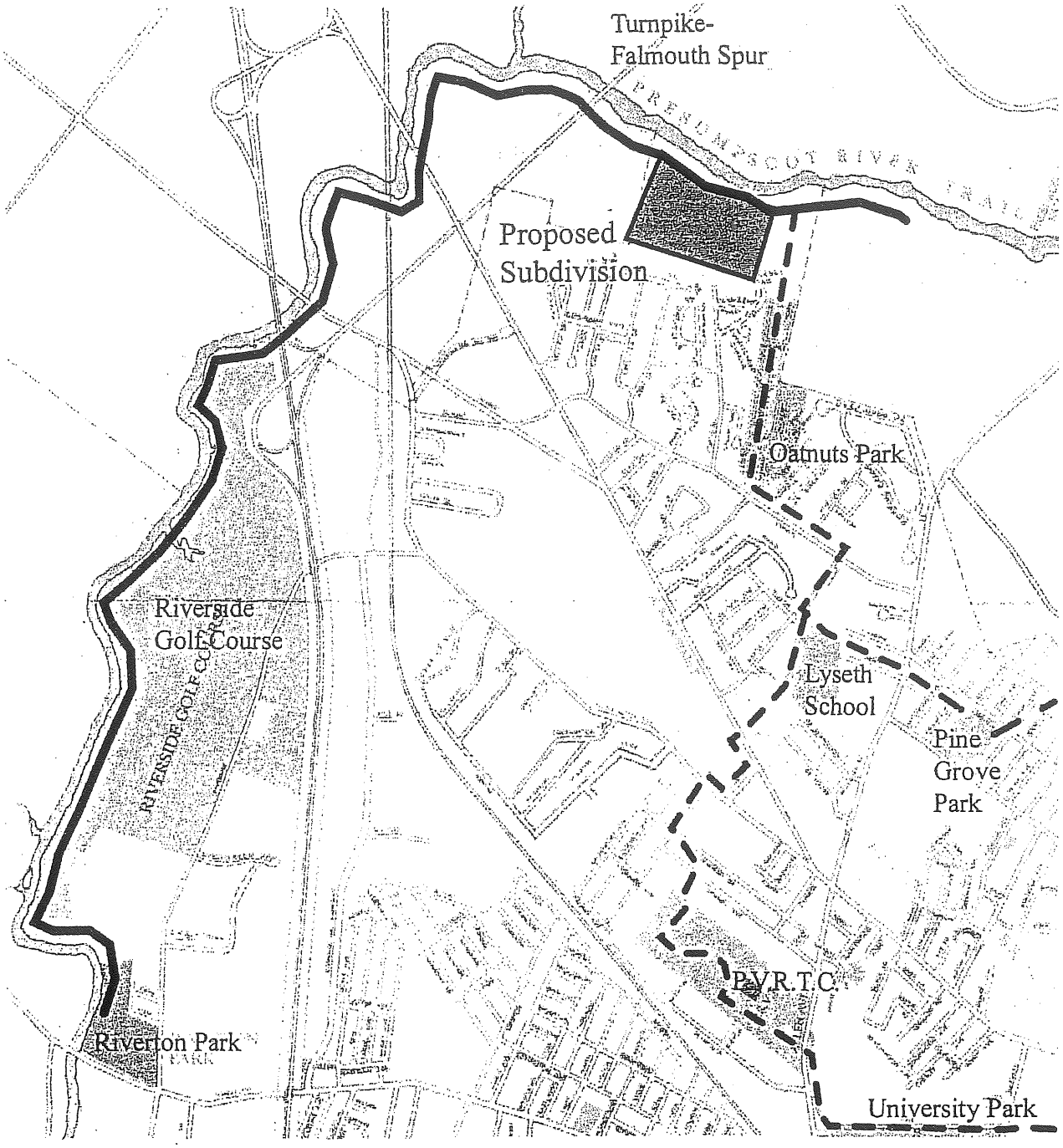


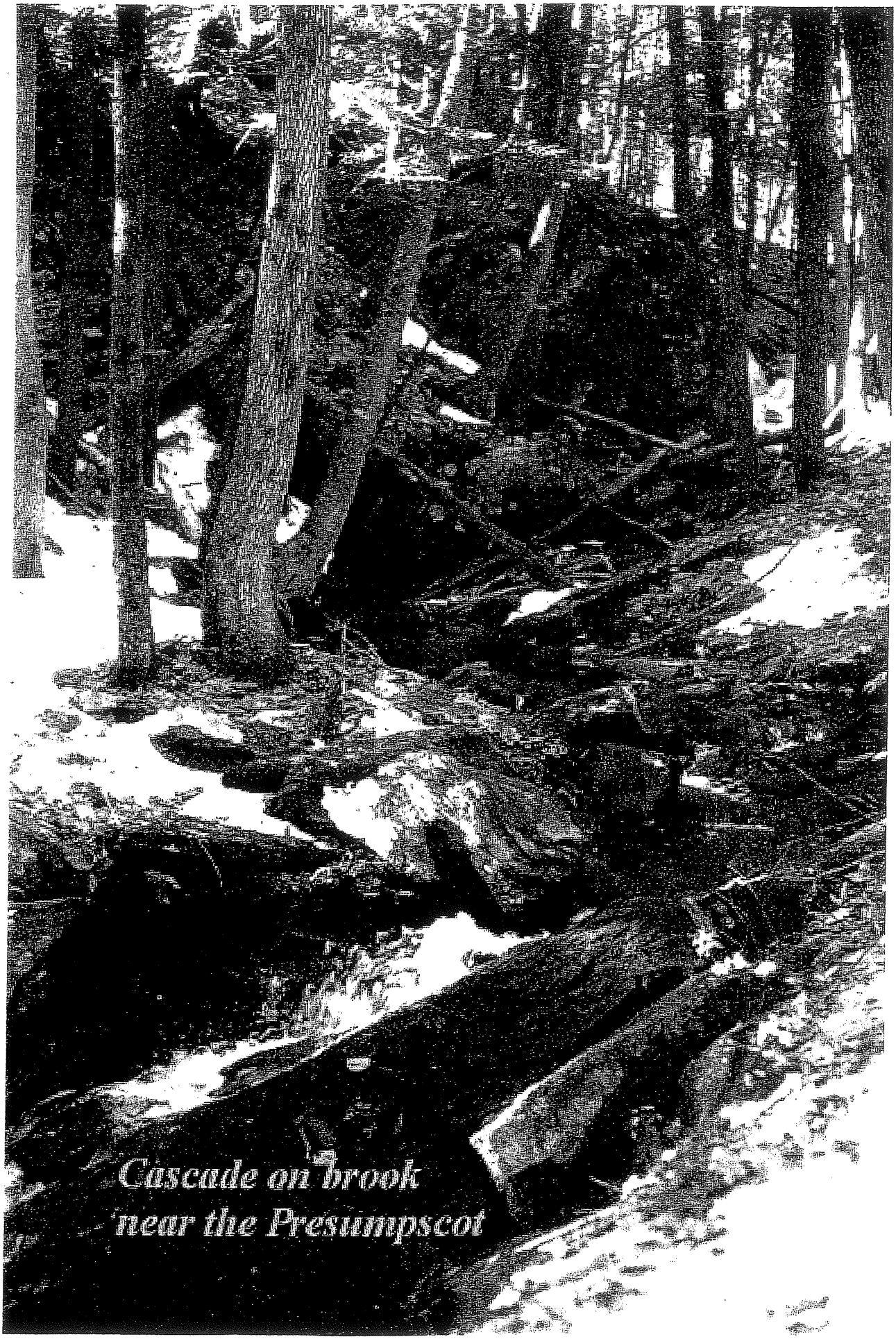
Figure 1 PORTLAND SHOREWAY ACCESS PLAN LOWER PRESUMPSCOT RIVER TRAIL



Presumpscot River Trail
Vision Map

PORTLAND TRAILS

Figure 2



Cascade on brook near the Presumpscot

Slide no 3

FRIENDS OF THE PRESUMPSCOT RIVER
P.O. BOX 223
S. WINDHAM, ME 04082

May 24, 2000

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

Dear Mr. Gray;

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

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

We have concerns about the proposed development in four areas:

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

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

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

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

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

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

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

Thank you for your kind attention.

Sincerely,

Will Plumley

Will Plumley
President
892-4597

April 30, 2000

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

Dear Planning Board:

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

1) The proposed subdivision would cause undue adverse effect on the natural beauty of the area as well as the significant wildlife habitat. As the North Deering development boomed over the last several years, the area soon became one of Portland's communities with the least amount of open space relative to its population.
In a conversation with Bob Adams six months ago, he mentioned that Portland Park & Recreation had approached him in regards to purchasing the land for trails and nature preservation. It may be worth while for the Planning Board to request that the historical preservation committee prepare an evaluation of the proposed subdivision based on the standards of section 14-651(3). We believe the people in the community who use those trails along with the numerous wildlife that we have seen living in the proposed planning area would greatly appreciate it.

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

3) The proposed subdivision could cause an increased traffic flow to a small residential area. The two access roads from the proposed subdivision indirectly lead into Curtis Road. We would like to request that there is a traffic evaluation for Curtis Road and a consideration of safety for the children in this small neighborhood.

4) Finally, the proposed subdivision could have a negative environmental impact on the entire Portland community. Can all the contaminants created from the proposed subdivision project be controlled so it does not pollute the already endangered Presumspcot River? Does the proposed filtration system control every runoff possibility that would be created from the project? Has there been any current environmental study regarding the areas around the Presumspcot River?

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

Sincerely,

Sandi Goodman-Brown

Larry Brown

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

April 19, 2000

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

RE: Prescumpscot River Place , Curtis Road

Dear Sir;

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

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

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

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

Very truly,

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

29 Curtis Road
Portland, Me. 04103

April 17, 2000

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

Dear Mr Knowland,

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

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

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

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

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

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

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

Very truly yours,

Ralph and Arlene Coffin

Ralph Coffin
Arlene D. Coffin

April 13, 2000

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

Dear Members of the Portland Planning Board:

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

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

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

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

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

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

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

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

Sincerely,

Kimberly Irvin Snow
40 Curtis Road

ll April 2000

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

Dear Mr. Knowland:

I write to you as a concerned resident who attended the informational meeting l0 April regarding the residential development known as Presumpscot River Place III.

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

l. What provisions for public space(park, etc.) are provided for in this project. District 5 has very little available public space, perhaps the least of any area in the city. A development of this projected size will have a great impact regarding this issue.

2. What provisions have been made by the developer to maintain access to the Presumpscot River frontage and the existing trail there?

3. What is the impact of increased traffic on Curtis Road(no study has been done), and the fact that all traffic from this development will funnel up this one egress?
It is my understanding that at a previous review meeting for an earlier stage of this project(I and II)that the Planning Board required more than a one street access. The proposal last night(April l0) still, in effect, offers only a one-street access to the area.

4. What is the environmental impact on the Presumpscot River by increased and accelerated runoff draining from this developed area? An environmental impact study needs to be done. The developer said this runoff would be treated "mechanically;" exactly what does this process mean? As for waste, why are pumps being installed in individual dwellings? Additionally, much of this area is low-lying and natural wetland. These areas need to be identified(regardless of size); streams also must be identified. What is the impact on these wetlands? What will be done about erosion from increased runoff?

5. How could the developer, as stated at the meeting, propose originally that lots would be developed with river frontage when general requirements state that none can take place within 250 feet of a wetland, great pond or river? This was presented last night as a compromise offered by the developer to be applauded by the concerned residents and embraced by the planning board.

6. Why isn't the whole plan being broached at this time? Accepted piecemeal, the plan will perhaps be viewed as workable; as a whole, its impact may be deemed harmful and unacceptable.

7. What is the anticipated impact of the development of the "landlocked" Falmouth section?

8. What is the role of the planning board at meetings of this type?

9. What is the impact projected for local schools? While you stated last night that this was not part of your legal purview, it is an impact that is signfiicant. To whom do I address such concern?

10. If legally you are required only to notify residents within 500 feet of the planned development, why did you notify all residents north of Summit St. of this meeting?

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

Sincerely yours,

James W. Provencher

April 11, 2000

Mr. Jamie Carson
Portland Planning Board

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

My wife and I have lived at 31 Olde Birch Lane for the past 14 years. The development planned will impact us in a few ways, but primarily due to the traffic pattern that will ensue. The development plans are for all traffic to use Curtis Road which connects with Summit. Adding 27-54 cars to the current traffic load will pose real problem. For the past three years I have had to wait in line with four cars, at a minimum, to leave Summit Street and turn on to Allen Avenue Extension. I have even had to wait patiently in order to enter Summit Street from Olde Birch Lane, something that never took place when we initially moved into our home. My concern is that the traffic is getting worse before the new homes are

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

The other matter of concern to my wife and me is that there are few open areas in our section of Portland. I think an opportunity exists with Mr. Wolf's development to address this issue in a way that is environmentally appealing. Some type of modest park area near the ~~Fore~~ River banks would protect the current beauty and provide neighbors an opportunity to enjoy this area. Keeping this space open to residents is very important and can never be re-visited if not addressed at this time.

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

Thank you,

Dan & Brenda Bacon
51 OLDE Birch Ln
Portland 04103
207-878-2502

CC Jay Hibbard

March 28, 2000

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

Re: Presumpscot River Place III Development

Dear Mr. Gray:

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

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

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

Regards,

Fredric W. Williams

Deborah L. Thurston

12 Andrews Avenue
Falmouth, Maine 04105

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

Planning Board
Richard Knowland
Joe Gray
Jaimey Caron

Attn: Mr.. Knowland

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

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

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

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

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

Sincerely,
Carolyn & Mark Williams
131 Curtis Rd.

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

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

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

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

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

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

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

sincerely,
Doug Moody
85 Curtis Road
Portland, Maine

CC: Portland.CityHall(STB)

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

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

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

Thank you for your assistance in these two matters.

CC: Portland.CityHall(RWK)

MAINE AUDUBON SOCIETY

Gilsland Farm, 20 Gilsland Farm Road
P.O. Box 6009 • Falmouth, Maine 04105-6009 • (207) 781-2330
The responsible voice for Maine's environment and natural resources.

August 22, 2000

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

Re: Zoning Concept – Vicinity of Rand Road

Dear Mr. Gray:

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

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

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

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

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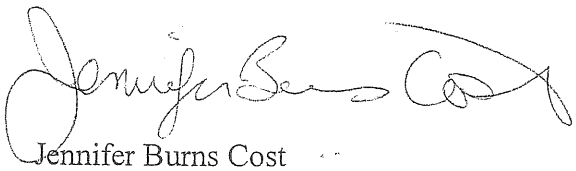
increase the likelihood of local extirpations. While rezoning the CMP parcel and a portion of the Snyder parcel ROS will provide increased protection from fragmentation, the permitted uses could still cause habitat fragmentation and loss. For example, cemeteries, golf courses, ballfields, swimming pools,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

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

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

Sincerely,



Jennifer Burns Cost
Staff Attorney

Enclosure

DEAR SIR.

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

Francis E Egan
37 Ashley Lane

PLANNING REPORT #62-00

PRESUMPSCOT RIVER PLACE SUBDIVISION (PHASE 3)

VICINITY OF CURTIS ROAD

ROBERT ADAM AND LLOYD WOLF, APPLICANTS

Submitted to:

Portland Planning Board
Portland, Maine

November 28, 2000

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

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

The applicant is also requesting a waiver from sec.14-498(n)(4) since several lots are not at right angles to street lines.

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

II. FINDINGS

Zone:	R-1 Residential
Land Area:	21.97 acres
Number of Lots:	18
Lot Size:	14,397 sq. ft. (lot #15) to 4.72 acres (lot #2)

In 1989, the Planning Board approved a subdivision for this property. Unfortunately 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 applicant's own 40 acres of land in Falmouth and Portland abutting on the east and west sides of Presumpscot River Place III and contemplates developing these parcels at a later date. The westerly parcel is landlocked from Falmouth by the Presumpscot River and the Turnpike.

Since the last workshop, two of the proposed streets have been renamed since they conflicted with existing street names. Cushing Avenue is now Eagle Avenue. Vail Road is now named Pratt Road.

Within the past week, the applicant has reduced the number of lots from 27 to 18. Nine lots along the southerly side of Eagle Avenue (adjacent to the CMP power lines) have been removed from the plan reducing the land area of the subdivision from 29 acres to just under 22 acres. These are relatively flat and not the steep slope lots discussed previously in staff memos and this report. This change appears related to the residential referendum question.

At the August 22nd workshop, an area plan was submitted that shows the applicant's entire landholdings in Portland and Falmouth. This has helped provide a context of this development to the surrounding area. See Green Book, section L.

As indicated in previous staff memos, on February 29th and April 10th of this year, a neighborhood meeting (sponsored by Councilor Hibbard) was held to discuss this development. A summary of public comments from these meetings is shown on Attachment F.

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 applicant'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 7 and 8. 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.

Lot layout and development on steep slopes

We have previously commented on the layout of several lots on the north side of Eagle Avenue, west of Brothers Road. The contorted configuration of these lots (2, 4 and 5) may maximize density but it increases the likelihood of environmental problems because it opens up back land that is problematic (steep slopes) to develop. See section #4 of this report. For example, lot 4 is 790 feet long (almost a city subdivision block) yet it has only 50 feet of street frontage. Lot 2 has a similar contrived configuration. Both lots and possibly lot 5 do not meet the lot line requirements of the subdivision ordinance.

Staff is therefore recommending that the subdivision be reconfigured eliminating lots 2 and 4 and incorporating this land into the remaining subdivision. Further discussion of this issue is shown below.

Lot Configuration

Sec. 14-498(h)(4) of the subdivision ordinance states the following:

> "Where feasible, side lot lines shall be at right angles to street lines (or radial to curving street lines.)"

At a minimum, the configuration of lots 2, 4, and 5 possibly do not appear to meet this standard. These lots as presently configured would need a waiver from the Planning Board under sec. 14-506(a) of the hardship subdivision ordinance. The lot lines are contorted. If these lots were to be developed to meet the above standards, there would be 4 lots rather than 7 lots, west of The Brothers Road (northerly side) along Eagle Avenue. The present plan has a lot configuration that could not otherwise be developed with a subdivision layout contemplated by sec. 14-498(h)(4). The configuration also increases the likelihood of environmental problems because it opens up back land that is problematic to develop. See section #4 of this report.

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 pedestrian without resorting to stairs.

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

The colored slope map in the Green Book (section M) shows the slope values of the site, the building windows and the limit of disturbance. The slope issue is particularly magnified on lots 2 and 4 because the buildable area of the lots are cut off by steep slopes. These lots have 33% to 50% slopes directly adjacent to the building windows. The implications are that a homeowner may have a very small 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. Rather than looking at the buildable areas along Eagle Avenue and designing a lot layout accordingly, lots 2 and 4 have been configured to provide a long narrow land bridge (straddling steep ravines) that eventually leads to a building envelope that is once again surrounded by steep slopes.

A more appropriate subdivision design would be to find buildable areas near Eagle Avenue so that development can be avoided in these steeper more sensitive areas.

To address the lot layout and steep slope issues discussed in this report, planning staff is recommending that lot 2 be combined with lot 1 and lot 4 be combined with lot 5. This would result in a net reduction of 2 lots west of The Brothers Road.

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 the 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. He will be attending Tuesday's public hearing. His comments regarding steep slopes, erosion and build ability 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. Unfortunately the effectiveness of a buffer is questionable when the outer edge of the building envelope is too steep to begin with.

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 necessarily the best one. A less intrusive approach to development would avoid extensive engineering measures such as extensive regrading, rip rap or retaining walls by avoiding building lot envelopes near excessively steep areas.

See also section #8 of this report involving building envelopes and tree clearing. Also see Attachment E which includes photos of construction activities that have taken place on steep slopes.

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 the original 27 lot subdivision which has now been reduced to 18 lots. 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 traffic capacity and safety issues for this subdivision and finds it acceptable. Mr. Ash has also had the Traffic Division perform traffic counts on Curtis Road. He will be attending Tuesday's public hearing.

General Circulation

In previous workshops, 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) also known as the Cladboard/Alice extension, which is adjacent to the City sewer pump station. 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 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. The developer has provided a second access-Pratt Road. Given the location of Pratt 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. This becomes important because assuming Eagle Avenue is extended further west (into Falmouth) in the future, the next street would be Hope Lane, a distance of about 1,700 feet from Curtis Road. The normal subdivision standard is for a block not to exceed 800 feet long (Sec. 14-498(g)). Hope Lane is currently a right-of-way stub located off Alice Street to serve this parcel.

If a connecting roadway were planned further to the west from Pratt Road, it would provide a more balanced circulation system by improving its integration with the existing street network. The Transportation Plan recommends the interconnection of neighborhood streets, so there are multiple paths of travel to get to destinations within and between neighborhoods.

In the May 30th staff memo, we outlined two options to resolve this issue. The developer chose 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 probably no longer be needed. The new right of way would be constructed as part of the PRP III subdivision improvements or a future phase.

B. The applicant dedicates a street running from Eagle Avenue westerly through Falmouth and connecting to Hope Avenue or another roadway that connects into Alice Street. This option guarantees there will be a second significant access way from Cushing 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 public hearing, staff will walk the staked centerline to review the site conditions. We have also requested a street dedication for the right-of-way.

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, 6, 7, 8, 15 to 18 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, 5 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 9 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. The applicant has revised the plan to increase the number of gravity service lots. However there are still a significant number of house lots that will have non-gravity service requiring either a force main or an individual residential pump system. In a memo dated 8/22/00 Anthony Lombardo, Public Works Engineer, stated "the applicant has no control of the exact locations for the proposed homes and any combination of topography and utilization of a daylight basement for bathrooms, sinks or washers will require that as many as 4 or 5 more homes will require residential lift stations."

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. One alternative to explore would be to install a second pump station at the end of The Brothers. As of the writing of this report a homeowner's association document has not been submitted to the city for review.

Most recent comments from Anthony Lombardo are shown in the Green Book. Mr. Lombardo was on vacation this week so he will not have seen the final project submissions that we received this week.

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 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 extensively 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 revised recording plat (received this week) does have a similar notice. We are in the process of reviewing it.

2. Is there a way to avoid a private force main sewer and formation of a homeowners association for sewer maintenance responsibilities? Explore feasibility of installing a public pump station at the end of The Brothers.

3. 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.

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 large (greater than 24 inch caliper) trees 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, there appears to be little consideration in identifying specific stands of trees within individual lots. Although each lot has a line of disturbance, clear cutting may occur within the building envelope because only trees in excess of 24 inches in diameter are required to be saved. As the Board reviews the subdivision plan, note the actual size of the building envelopes. There exists the potential for large areas of this subdivision land to be clear cut. Lot 11 is an excellent example of a large building envelope that could be clear cut. Depending on the location, there is less of a concern with smaller size lots such as lots 6, 7, 15 and 16.

There are several options to address this issue: reduce the overall size of certain building envelopes; identify specific stands of trees or specimen trees that are worthy of preserving and adjust the building envelopes accordingly; require that trees of _X_ minimum size must be conserved _X_ distance from the building footprint or have an envelope within an envelope in which a house may slide but that the remainder of the envelope except for appropriate yard spaces and driveways is left undisturbed.

A letter received earlier 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

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 ongoing 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.

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 proposed to add note #5 on the recording plat. This note was submitted this week. We are in the process of reviewing it and we will have comments in time for Tuesday's meeting. The note provides for periodic inspection of the subdivision infrastructure by the project design engineer (Gorrill-Palmer.)

With regard to site construction activities on individual lots, note #7 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. Unfortunately the note applies only to lots 2 and 4. We would suggest that it apply more broadly to include all lots having excessive slopes or that are adjacent to streams. We received the note this week and we are in the process of reviewing it.

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.

Recording Plat

This week we received an updated list of recording plat notes and we are in the process of reviewing them and we should have comments on them for Tuesday's meeting. The updated recording plat was in response to staff comments to clarify certain aspects of this development.

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

PO Box 1237
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Gray, ME 04039

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E-Mail:gpcei@maine.rr.com

January 2, 2002

Mr. Dave Coffin
Portland Water District
225 Douglass Street
PO Box 3553
Portland, ME 04104-3553

RE: Presumpscot River Place Phase III
Portland, Maine

Dear Dave:

Gorrill-Palmer Consulting Engineers, Inc. is pleased to respond to the review comments we received in a letter from you dated December 19, 2001 regarding the above referenced project. For ease of review, each of your comments is repeated below followed by our response. A complete revised plan set has been provided for your review.

Page 7

***Comment 1** – Water main profile should follow road profile (Sta 15+00 to 17+00)*

Response – The water main in this area has been adjusted to follow the profile of the road. An air release valve has been added at the highpoint.

***Comment 2** – Show 24" water main in Road Plan & Profile (Need Indenture Agreement to cross with road and utilities)*

Response – The existing 24" water main crosses Hope Avenue beneath the existing roadway and therefore is not shown on the proposed profile. Please let us know if we still require the Agreement mentioned above.

***Comment 3** – Possible conflict Sta 13+00 – 8" sanitary and 8" water.*

Response – The water main profile has been revised to maintain a minimum 18" vertical separation to the sanitary main. The utility crossings have been shown on the profiles.

Comment 4 *– Change 12" water main to 8" in profile (typ).*

Response – The profiles have been revised as necessary.

PAGE 8

Comment 1 *– Draw water main 8' off center line Sta 24+00 to 26+00.*

Response – The water main location has been revised as requested.

Comment 2 *– Water main shall be consistently 8' off centerline of street.*

Response – The water main location has been adjusted as necessary.

PAGE 9

Comment 1 *– Conflict water main and sanitary Sta 28+90 (Curtis Road main).*

Response – The Curtis Road main has been shown as being 18" minimum below the sanitary main.

Comment 2 *– Remove 8" gate valve Sta 31+50; Add 8" g.v. Curtis Road at Hope Avenue.*

Response – The plan has been revised as requested.

Comment 3 *– Move sewer lateral to lot 10 to east side of water service to get away from water tee and fittings.*

Response – The plan has been revised as requested.

PAGE 10

Comment 1 *– Use offset C.B. on water main side of street to allow proper clearance.*

Response – A note has been added to the Grading and Drainage Plans requiring the use of offset catch basins.

Comment 2 *– How much room for water main between C.B.5 & DMH3? (Typical many locations on plan)*

Response – Based upon the design criteria of the City of Portland Technical and Design Standards and Guidelines, the catch basins have been located along the gutter line of the roadway and the storm drain lines are located at 3 feet off the centerline. Per you request, the catch basins have been specified as offset to allow for greater clearance to the water main. Based upon these factors, a minimum of 2 feet of lateral clearance from the structures to the water main is available.

Comment 3 *– Possible Conflicts with water main and laterals: CB3 to DMH1; DMH1 to OUTLET; CB3 to DMH2; CB5 to DMH3.*

Response – The utility crossings have been added to the profiles and utility inverts were adjusted as necessary.

PAGE 11

Comment 1 *– Possible conflicts with water main and lateral from CB 11 to DMH8.*

Response – The utility crossings have been added to the profiles and utility inverts were adjusted as necessary.

PAGE 12

Comment 1– *Slide DMH9 & CB15 12', more or less, westerly to give more clearance for tee and water main to Curtis Road.*

Response – The plan has been revised as requested.

PAGE 13

Comment 1 *– B.O. uses 2" gate valve now not ball valve.*

Response – The detail has been revised as requested.

Comment 2 *– Hyd detail: delete note about ¾" threaded rod (not used).*

Response – The detail has been revised as requested.

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 this office.

Sincerely,

Gorrill-Palmer Consulting Engineers, Inc.

Douglas E. Reynolds, P.E.
Project Engineer

Copy: Mr. Rick Knowland, City of Portland
Mr. Burt Wolf
Mr. Bob Adam
Mr. Tony Lombardo
Mr. Steve Bushey

DER/hh/JN98089/Coffingresponse12/29/01

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

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E-Mail:gpcei@maine.rr.com

December 4, 2001

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

Subject: Presumpscot River Place III
Planning Board Review

Dear Rick:

On behalf of Bob Adam and Burt Wolf, please accept this letter to transmit amended subdivision plans for Presumpscot River Place Phase 3. Due to the compressed time frame between when the City executed their option to proceed with the land purchase (November 6, 2001) and this Planning Board Meeting, the plans have completed to the greatest extent practicable. The information that has not been included within the plans at this time is minor in nature, such as construction detailing, and would be completed prior to public hearing.

A copy of the preliminary review set has been delivered to Tony Lombardo's office for his review. A set has also been delivered to Steve Bushey for his review.

Please do not hesitate to contact this office with any questions.

Sincerely,

Gorrill-Palmer Consulting Engineers, Inc.

Alton M. Palmer, P.E.
Vice President

Copy: Steve Bushey, Deluca-Hoffman Assoc.
Tony Lombardo, City of Portland
Bob Adam
Burt Wolf
Terry Snow

AMP/hh/JN98089/Knowland12-4-01

GORRILL-PALMER
CONSULTING ENGINEERS, INC.
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LETTER OF TRANSMITTAL

263

TO City Of Portland
389 Congress Street
Portland ME 04101

JOB NUMBER/PHONE 98089

DATE 9/19/2001

ATTENTION Mr. Rick Knowland

RE: PRP

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

____ Shop drawings ____ Prints X Plans ____ Specifications ____ Samples

____ Copy of letter ____ Change order ____ Other:

COPIES	DATE	NUMBER	DESCRIPTION
1	9/19/2001		11 x 17 Subdivision Plan
1	9/19/2001		11 x 17 Eagle Avenue Extension

THESE ARE TRANSMITTED as checked below:

____ For your approval ____ Approved as submitted ____ Resubmit _____ copies for approval

X For your use ____ Approved as noted ____ Submit _____ copies for distribution

X 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_____

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

GORRILL-PALMER
CONSULTING ENGINEERS, INC.
P.O. Box 1237
GRAY, MAINE 04039

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

LETTER OF TRANSMITTAL

238

TO City Of Portland
389 Congress Street
Portland ME 04101

JOB NUMBER/PHONE	DATE
98089	9/5/2001

ATTENTION: Mr. Rick Knowland

RE: PRP
Portland, ME

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

X Shop drawings ____ Prints X Plans ____ Specifications ____ Samples

____ Copy of letter ____ Change order ____ Other:

COPIES	DATE	NUMBER	DESCRIPTION
3	9/5/2001		Full Size Plan Sets
2	9/5/2001		Full Size Hope Ext. Plan
1	9/5/2001		11 X 17 Hope Ext. Plan

THESE ARE TRANSMITTED as checked below:

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REMARKS

COPY TO

SIGNED Doug T Gorrill

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

PRODUCT 13127T

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

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August 2, 2001

Rick Knowland
Portland Planning Department
City of Portland
389 Congress Street
Portland, ME 04101-3503

Re: Presumpscot River Place
Planning Board Conditions of Approval

Dear Rick:

Gorrill-Palmer Consulting Engineers, Inc. is pleased to respond to the conditions of approval, which were offered for the Board's Consideration within the Planning Report #32-01 dated July 24, 2001. For your convenience each of the items are presented below followed by our response.

Potential Conditions of Approval

Comment i – *That the homeowners association documents for the private force main sewer line shall be revised for review and approval by city staff.*

Response – It is our understanding that this comment is being addressed in communications between Terry Snow and Penny Littell from the City of Portland.

Comment ii – *That recording plat note #6 shall be replaced with the following note: "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 residents. No concentrated runoff shall occur in this area. This note shall appear on the property deed of all lots with undisturbed zones."*

Response – Note 6 on the plat has been revised as requested, with the exception of revising the sentence, "No concentrated runoff shall occur in this area." to read, "No concentrated flow shall be directed to this area." Concentrated flows occur in these areas presently, and we believe that the Staff's intent was to preclude runoff fro the home construction being directed towards these areas in concentrated flow. A copy of the revised plat, as well as a blown up version of the notes is included with this letter.

Comment iii – *That the undisturbed zone for lots 9 and 10 shall be enlarged reflecting a minimum 80 foot setback from the outer shoreland zone line.*

Response – The undisturbed areas for lots 9 and 10 have been revised.

Comment iv *– That the subdivider shall submit for city staff review and approval appropriate documentation on the size and specifications for the individual lot sewer lift stations. Subdivider shall disclose to the prospective property owner in writing the size and specifications of the lift* stations.

Response – A revised 11"x17" detail sheet 14 was submitted on July 20, 2001, which included the pump system information. Our office has forwarded full size plans to Tony Lombardo for his review and comment. The subdivision plat note 14 refers to sheet 14 as well as sheets 7, 8 and 9 with regard to disclosing the information to the prospective property owner.

Comment v*- 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.*

Response – It is our understanding that this comment is being addressed in communications between Terry Snow and Penny Littell from the City of Portland.

Comment vi – That a revised street alignment plan for Eagle Avenue shall be submitted for city staff review and approval.

Response – It is our understanding that the Planning Office will contact us next week to conduct a site walk to review the revised alignment of the future roadway.

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.

al

Alton M. Palmer, P.E.
Vice President

Copy: Bob Adam
Burt Wolf
Terry Snow, Esq

AMP/hh/JN98089/Knowlandresponse8/2/01

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LETTER OF TRANSMITTAL

180

TO Portland Planning Dept

JOB NUMBER/PHONE 98089

DATE 7/23/2001

ATTENTION Rick Knowland

RE: Presumpscot River Place

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

____ Shop drawings X Prints ____ Plans ____ Specifications ____ Samples

____ Copy of letter ____ Change order ____ Other:

COPIES	DATE	NUMBER	DESCRIPTION
2	7/23/2001		Revised Hope Road Extension With Prior Layout

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REMARKS

COPY TO Tony Lombardo

SIGNED Doug Reed

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

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LETTER OF TRANSMITTAL

171

TO Portland Planning Dept

JOB NUMBER/PHONE 98089

DATE 7/18/2001

ATTENTION Rick Knowland

RE: Presumpscot River Place

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

____ Shop drawings X Prints ____ Plans ____ Specifications ____ Samples

____ Copy of letter ____ Change order ____ Other:

COPIES	DATE	NUMBER	DESCRIPTION
7	7/18/2001		Revised subdivision Plan
7	7/18/2001		Large Scale Subdivision Plan Notes

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REMARKS

COPY TO

SIGNED Doug Bucks

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

PRODUCT 13127T

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Gorrill-Palmer Consulting Engineers, Inc.
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July 5, 2001

Subject: Presumpscot River Place Subdivision
Portland, Maine

Dear Neighbor:

Bob Adam and Burt Wolf have filed a Subdivision Application with the City of Portland for Presumpscot River Place, Phase 3, which is the development of 27 residential lots at the end of Curtis Street. The project site is located on the southwestern side of the Presumpscot River, bounded on the northwest by the Maine Turnpike Exit 9 Spur. Alice Street, Curtis Road and Whaleboat Road bound the project to the southwest. The current proposal will result in the creation of 27 residential lots with access to/from Curtis Road as well as Alice Street.

In accordance with the procedures adopted by the City of Portland Planning Board, the applicants will conduct a Neighborhood Meeting on Monday, July 16th at 6:00 PM at the State of Maine Room on the 2nd Floor of City Hall. City Hall is located at 389 Congress Street. You are invited to attend this meeting to receive additional information relative to the proposed project

Written comments or inquires concerning this project are encouraged and can be directed to:

Mr. Robert Adam
286 Falmouth Road
Falmouth ME 04105
(207) 781-3224

or

Mr. L. Burt Wolf
PO Box 10127
Portland ME 04104
(207) 773-4988

Sincerely,

Gorrill-Palmer Consulting Engineers, Inc.

Alton M. Palmer, P.E.
Vice President

AMP/der/JN98089/Abutters Letter7-5-01

GORRILL-PALMER CONSULTING
ENGINEERS INC.
PO BOX 1237
GRAY, MAINE 04039

TELEPHONE# 207-657-6910 FAX # 207-657-6912
EMAIL - GPCEI@MAINE.RR.COM

FACSIMILE TRANSMITTAL SHEET

To: Rick Knowland Fax: 756-8258

From: Doug Reynolds Pages: 3

Re: Pleasumpscot King Place Date: 6/28/01

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ For Your Information

Attached Are Revised PLAT NOTES

CALL IF YOU NEED MORE INFO

Doug

DeLUCA HOFFMAN ASSOCIATES, INC.
CONSULTING ENGINEERS

776 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

FAX COVER SHEET

To: Rick Knowland

From: Steve Bushey

Fax #

Date: 2/3/00

Phone:

Pages (Incl. Cover):

Re: Presumptive Rule Change

☐ Urgent ☒ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

COMMENTS:

FYI - DEP STANDARDS

3. **Easement required; transmission line or gas pipeline.** In the case of a gas pipeline or a transmission line carrying 100 kilovolts or more, a permit under this chapter may be obtained prior to any acquisition of lands or easements to be acquired by purchase. The permit must be obtained prior to any acquisition of land by eminent domain.

4. **Notice to landowners; transmission line or gas pipeline.** Any person making application under this article, for approval for a transmission line or gas pipeline shall, prior to filing a notification pursuant to this article, provide notice to each owner of real property upon whose land the applicant proposes to locate a gas pipeline or transmission line. Notice must be sent by certified mail, postage prepaid, to the landowner's last known address contained in the applicable tax assessor's records. The applicant shall file a map with the town clerk of each municipality through which the pipeline or transmission line is proposed to be located, indicating the intended approximate location of the pipeline or transmission line within the municipality. The applicant is not required to provide notice of intent to construct a gas pipeline or transmission line other than as set forth in this subsection. The department shall receive evidence regarding the location, character and impact on the environment of the proposed transmission line or pipeline. In addition to finding that the requirements of section 484 have been met, the department, in the case of the transmission line or pipeline, shall consider whether any proposed alternatives to the proposed location and character of the transmission line or pipeline may lessen its impact on the environment or the risks it would engender to the public health or safety, without unreasonably increasing its cost. The department may approve or disapprove all or portions of the proposed transmission line or pipeline and shall make such orders regarding its location, character, width and appearance as will lessen its impact on the environment, having regard for any increased costs to the applicant.

§ 488. Applicability

This article does not apply to any development in existence or in possession of applicable state or local licenses to operate or under construction on January 1, 1970, or to any development the construction and operation of which has been specifically authorized by the Legislature prior to May 9, 1970, or to public service corporation transmission lines, except transmission lines carrying 100 kilovolts or more, nor does it apply to the renewal or revision of leases of parcels of land upon which a structure or structures have been located as of March 15, 1972, nor to the rebuilding or reconstruction of natural gas pipelines or transmission lines within the same right-of-way.

1. **Unorganized areas.** Deleted. Laws 1993, ch. 383, § 26.

2. **Organized areas.** Deleted. Laws 1993, ch. 383, § 26.

3. **Standards, guidelines, definitions and revisions.** Repealed. Laws 1995, ch. 704, Pt. A, § 16.[11]

4. **Exemption.** Repealed. Laws 1989, ch. 769, § 5.

5. **Subdivision exemptions.** The following development is exempt from this article:

[11]Repeal effective July 1, 1997 applies retroactively to July 3, 1980. See Laws 1995, 704, § C-3.

A. Deleted. Laws 1993, ch. 383, § 26.

B. A development that consists only of a subdivision if:

(1) The average density of the subdivision is not higher than one lot for every 5 acres of developable land in the parcel;

(2) At least 50% of the developable land in the parcel is preserved in perpetuity through conservation easements pursuant to Title 33, chapter 7, subchapter VIII-A, in common areas no smaller than 10 acres in size and of dimensions that accommodate within each common area boundary a rectangle measuring 250 feet by 500 feet;

(3) The conservation easements preserve the land in an essentially undeveloped natural state including the preservation of farmland having a history of agricultural use and the preservation of forest land for harvesting by uneven-aged selection methods designed to retain the natural character of the area, except that other methods of harvesting are permissible following a natural disaster;

(4) The conservation easements grant a 3rd-party right of enforcement, as defined in Title 33, section 476, to the department. The conservation easements granting a 3rd-party right of enforcement must be submitted to and accepted by the commissioner;

(5) All significant wildlife habitat that is mapped or that qualifies for mapping under section 480-B, subsection 10 is included in the preserved land area under subparagraph (3);

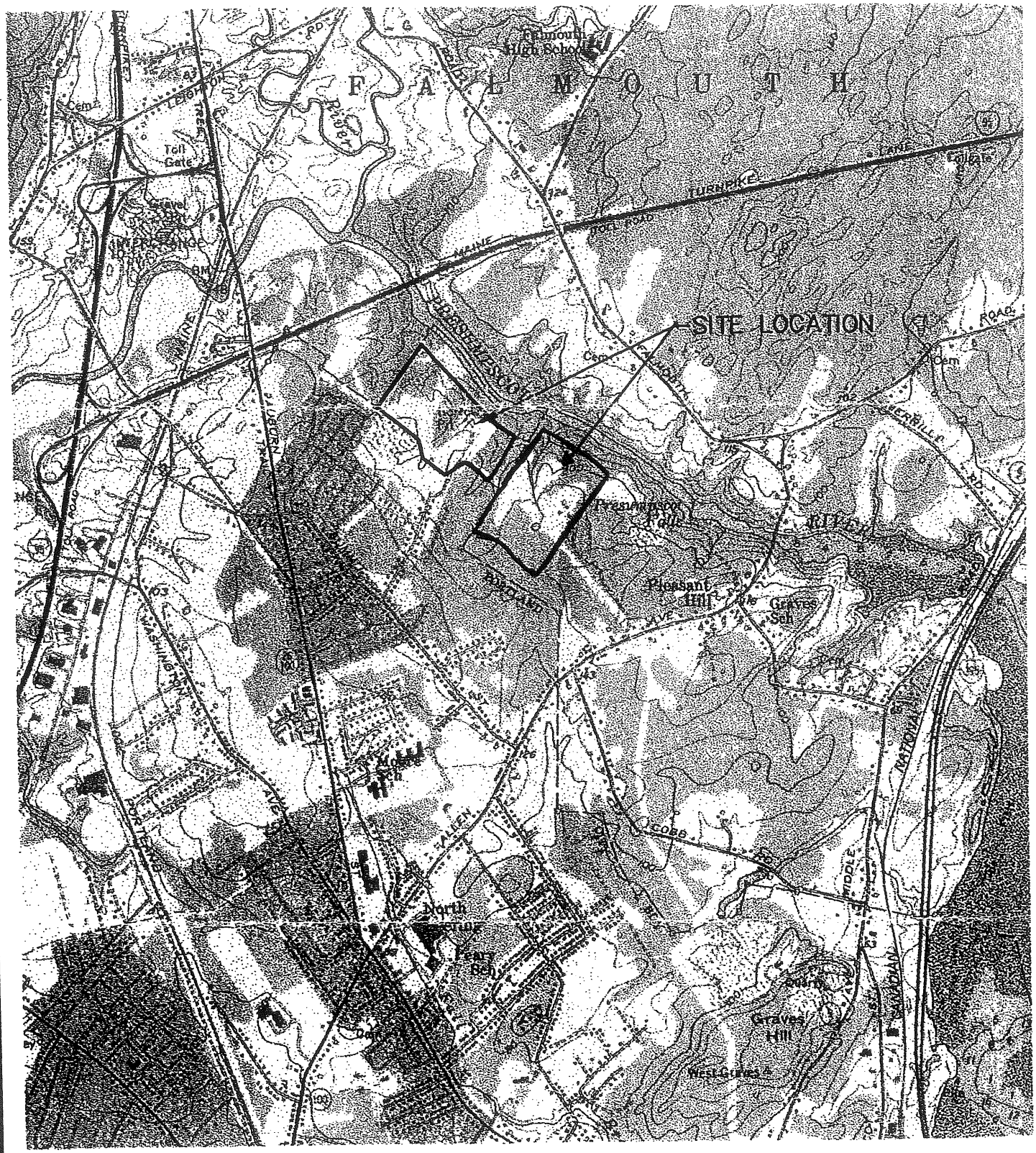
(6) No clearing, grading, filling or other development activity occurs on sustained slopes in excess of 30%;

(7) If the developable land in the parcel not subject to the requirements of subparagraphs (3) and (5) is located wholly or in part in the watershed of any lake or pond classified GPA under section 465-A, long-term measures to control phosphorus transport are taken in accordance with a phosphorus control plan that is consistent with standards for phosphorus control adopted by the board;

(8) Soil erosion and sedimentation during development of the subdivision are controlled in accordance with a plan approved by the municipality in which the subdivision is located or by the soil and water conservation district for the county in which the subdivision is located;

(9) The nonpreserved, developable land in the parcel is not located wholly or partly within the shoreland zone of a lake or pond classified GPA under section 465-A; and

(10) At the time all necessary conservation easements are filed with the department and at least 30 days prior to the commencement of clearing and construction activity, the person creating the subdivision notifies the commissioner in writing on a form supplied by the commissioner that the exemption afforded by this paragraph is being used. The person creating the subdivision shall file with that form a set of site plans, including the



U.S.G.S. 7.5 MINUTE SERIES PORTLAND WEST QUADRANGLE

Design: TLG	Date: 01/13/00	
Draft: DMP, V.V	Job No.: 99071	
Checked: TLG	Scale: -	

Gorrill-Palmer Consulting Engineers, Inc.
Traffic and Civil Engineering Services
PO Box 1237, 31 Main Street
Gray, ME 04039
207-659-6910

Drawing Name:
U.S.G.S. Location Map

Project:
Presumpscot Place
Portland, Maine

Figure No.
1

NOTICE OF INTENT TO FILE

Please take notice that **Burt Wolf PO Box 10127 Portland, ME 04101 (207) 773-4988 and**

(Name, Address and Phone Number of Applicant)

Bob Adam 286 Falmouth Road Falmouth, ME 04105 (207) 781-3224

is intending to file a Site Location of Development permit application with the Maine Department of Environmental Protection pursuant to the provisions of 38. M.R.S.A. §§ 481-490 on or about **February 27, 2002**

(anticipated filing date)

The application is for **after the fact permitting of a 22 Residential Subdivision in Falmouth and the new construction**

(summary of project)

of a 30 lot Residential Subdivision in Portland known as Presumpscot River Place.

at the following location: **The Falmouth portion is located off from Stapleford Drive.**

(project location)

The Portland portion is located off from Curtis Road and Hope Avenue.

A request for a public hearing or a request that the Board of Environmental Protection assume jurisdiction over this application must be received by the Department, in writing, no later than 20 days after the application is found by the Department to be complete and is accepted for processing. Public comment on the application will be accepted throughout the processing of the application.

The application will be filed for public inspection at the Department of Environmental Protection's office in *(Portland,)* during normal working hours. A copy of the application may also be seen at the municipal offices in

Portland, Maine.

Written public comments may be sent to the Department of Environmental Protection, Bureau of Land & Water Quality, 17 State House Station, Augusta, Maine 04333.

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

PO Box 1237
26 Main St.
Gray, ME 04039

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

January 21,2002

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

Subject: Presumpscot River Place Phase III
Sidewalk Waiver Request

Dear Rick,

This letter is intended to meet your request from your email dated January 11, 2002. You requested that the Applicant an submit updated waiver request for the section of Curtis Road.

At this time, the applicant requests a waiver of the sidewalk requirement for the sidewalk along the left side (west) of Curtis Road, as depicted on the current design plans. This area is adjacent to a stream crossing and the addition of the sidewalk on this side of the street would reduce the buffer to this area. During a pre-submission meeting with the Maine Department of Environmental Protection, it was strongly suggested by the MDEP that sidewalks not be installed adjacent to this area to reduce potential natural resource impacts.

Please contact this office if you have any questions.

Sincerely,

Gorrill-Palmer Consulting Engineers, Inc.

Alton M. Palmer, P.E.
Vice President

copy: Burt Wolf
Bob Adam

AMP/der/JN98089/Knowland1-21-02

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

PO Box 1237
26 Main St.
Gray, ME 04039

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

January 18, 2002

Mr. George Thebarge
Town of Falmouth
271 Falmouth Road
Falmouth, ME 04105-2098

Subject: Presumpscot River Place Phase 3
Portland, Maine

Dear George:

Enclosed please find the latest subdivision plan for the above referenced project. We have provided this plan to you upon the request of Rick Knowland, a senior planner for the City of Portland. As can be seen on the attached plan the extension of Hope Avenue crosses through a portion of the Town of Falmouth. It should be noted that this portion of Falmouth is currently being reviewed by the State Legislature for annexation into the City of Portland.

Please contact this office if you require further information or have any questions.

Sincerely,

Gorrill-Palmer Consulting Engineers, Inc.

Douglas E. Reynolds, P.E.
Project Engineer

Copy: Rick Knowland, City of Portland w/o enc.
Burt Wolf w/o enc
Bob Adam w/o enc
Terry Snow, Esq. w/o enc

DER/der/JN98089/thebarge1-18-01

GORRILL-PALMER
CONSULTING ENGINEERS, INC.
P.O. Box 1237
GRAY, MAINE 04039

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

LETTER OF TRANSMITTAL

457

TO City Of Portland
389 Congress Street
Portland ME 04101

JOB NUMBER/PHONE: 98089
DATE: 1/18/2002
ATTENTION: Rick Knowland
RE: Presumpscot River Place

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

___ Shop drawings X Prints ___ Plans ___ Specifications ___ Samples

___ Copy of letter ___ Change order ___ Other:

COPIES	DATE	NUMBER	DESCRIPTION
16	1/18/2002		11 x 17 Reduced Plan Set
1	1/18/2002		Neighborhood Meeting Notes And Sign-up List
1	1/18/2002		Copy of Certified Mail Receipt

THESE ARE TRANSMITTED as checked below:

___ For your approval ___ Approved as submitted ___ Resubmit ___ copies for approval

X For your use ___ Approved as noted ___ Submit ___ copies for distribution

X 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 Doug Bruls

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

PRODUCT 13127T

FOLD AT (>) TO FIT COMPANION 771 DU-O-VUE ENVELOPE. PRINTED IN U.S.A. B

CITY OF PORTLAND, MAINE
MEMORANDUM

TO: Sarah Greene, Planner

DATE: 7/21/89

FROM: Stephen K. Harris, Planning Engineer

SUBJECT: Presumpscot River Place III

The sub-division has been reviewed by Public Works Staff for conformance with City of Portland Technical and Design Standards and has received approval for the location and application of the infrastructure and related easements. I, therefor recommend approval of the sub-division plan with the following conditions of approval.

1. That construction drawings be submitted to Public Works for review prior to cutting, grubbing, or any constuction activity.

2. That underdrain be utilized as required by conditions in the roadways and pump station access road.

3. That Geo-textile fabric be utilized under roadway sub-base as conditions require.

City of Portland
Planning Department

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

FAX TRANSMISSION COVER SHEET

Date: 2-8-00

To: AL PALMER

Company:

Fax #: 657-6912

From: R. KNOWLAND

RE: AL- CONFIRMED A MEETING WITH STEVE BUSHEY IN OUR OFFICE WED., FEB 16TH AT 9:00, ATTACHED IS AN E-MAIL THAT CAME IN THIS MORNING

YOU SHOULD RECEIVE 2 PAGE(S),
INLUDING THIS COVER SHEET.
IF YOU DO NOT RECEIVE ALL THE PAGES,
PLEASE CALL 207-874-8721 OR 207-874-8719.

City of Portland
Planning Department

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

FAX TRANSMISSION COVER SHEET

Date: 2-15-00

To: AL PALMER

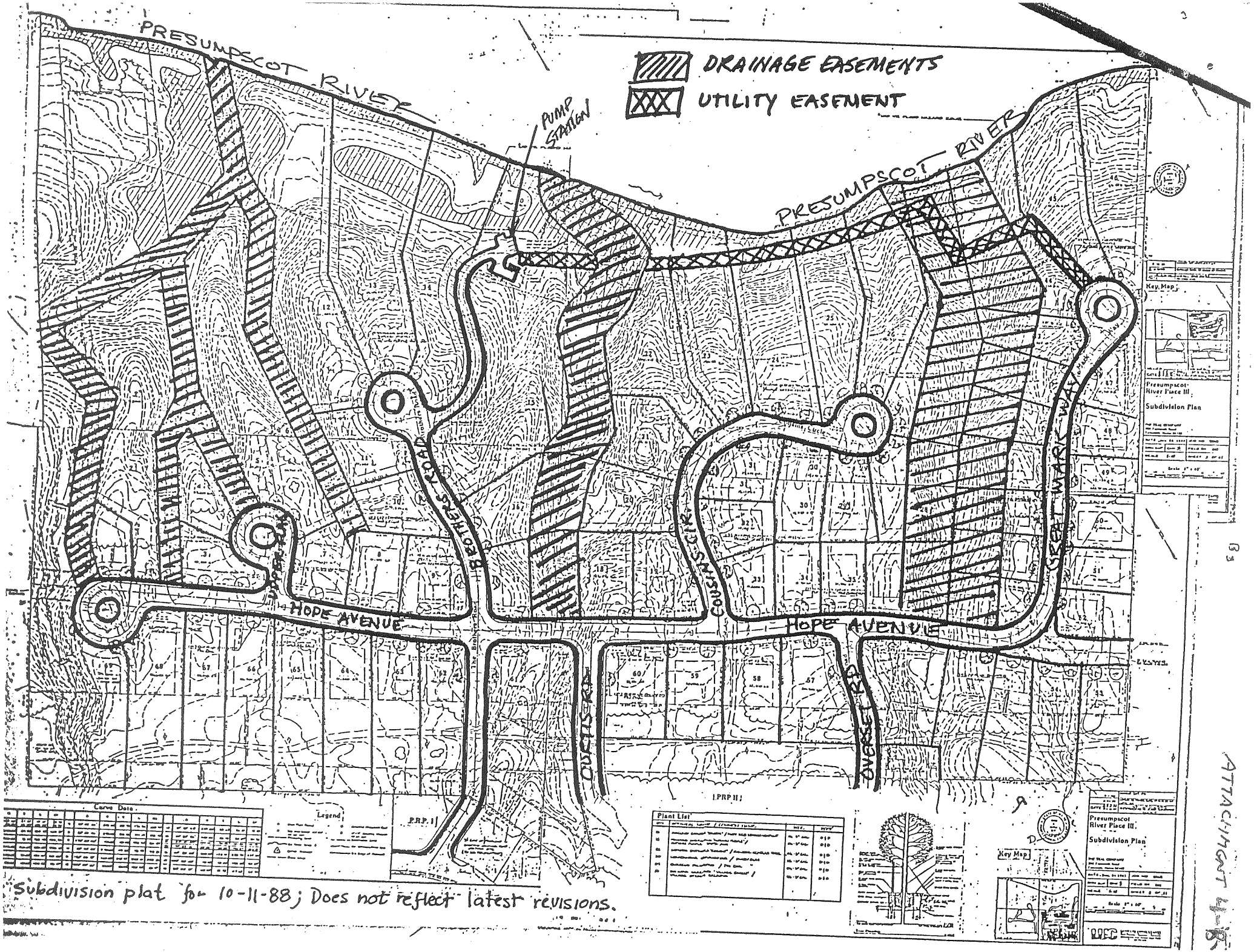
Company:

Fax #: 657-6912

From: RICK KNOWLAND

RE: AL ATTACHED IS A LETTER CONCERNING PROPOSED RIVER PLACE SUBD.

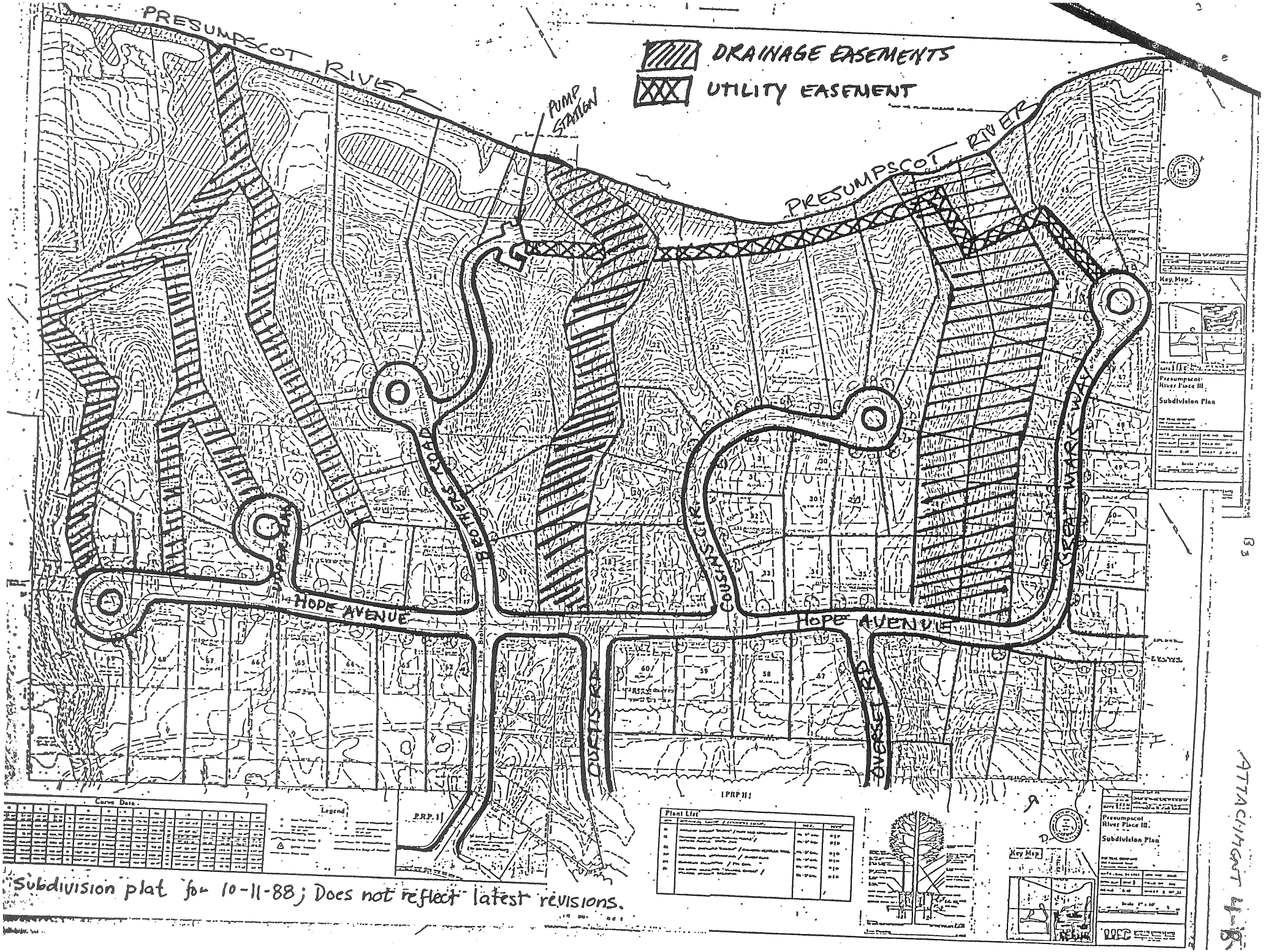
YOU SHOULD RECEIVE 5 PAGE(S),
INLUDING THIS COVER SHEET.
IF YOU DO NOT RECEIVE ALL THE PAGES,
PLEASE CALL 207-874-8721 OR 207-874-8719.



Subdivision plat for 10-11-88; Does not reflect latest revisions.

B3

ATTACHMENT 4-B



Subdivision plat for 10-11-88; Does not reflect latest revisions.

B3

ATTACHMENT 4-B

Secs. 14-478—14-490. Reserved.

ARTICLE IV. SUBDIVISIONS*

Sec. 14-491. Authority and purpose.

This article is adopted pursuant to the terms and provisions of 30-A M.R.S.A. Sections 3001 and 4403, as amended. The purpose of this article is to provide for the harmonious and economic development of the city; for the orderly subdivision of land and its development; for the orderly development of the general area surrounding such subdivision; for the coordination of streets within the general area; for adequate provisions for drainage, flood control, light, air and other public purposes; for the adequate and proper installation of streets, drainage, sanitary sewers, water and other utilities and facilities; for the dedication to the city of land for streets, alleys or other public purposes or the transfer to the city of easements or other rights or privileges; for the reservation for the city of land to be acquired for public facilities; and to protect public safety.
(Code 1968, § 603.1; Ord. No. 158-68, § 10, 5-6-68; Ord. No. 149-79, 6-6-79; Ord. No. 155-89, § 1, 11-20-89)

Sec. 14-492. Jurisdiction.

This article shall govern each and every subdivision of land within the limits of the city unless specifically exempted in section 14-508. When application is made for the resubdividing of a previously recorded subdivision under the provisions of these regulations, it shall be treated as a new subdivision provided the applicant is the owner of rights in the recorded subdivision.
(Code 1968, § 603.3; Ord. No. 158-68, § 10, 5-6-68; Ord. No. 149-79, 6-6-79)

Sec. 14-493. Definitions.

The following words and phrases, when used in this article, shall have the meanings respectively ascribed to them:

Alley shall mean any way designed primarily for vehicular or utility access to the back or side of premises otherwise abutting on a street, except driveways unless officially designated otherwise.

Easement shall mean a right, privilege or liberty which one has in land owned by another for some special and definite purpose.

Engineer shall mean a registered professional engineer in good standing with the state board of registration for engineers.

***Cross reference**—Ordinances dedicating or accepting any plat or subdivision in the city saved from repeal, § 1-4(8).

State law reference—Land subdivisions, 30-A M.R.S.A. § 4403.

Esplanade shall mean that portion of a street right-of-way which is located between the curbline and the edge of the sidewalk closest to the street.

Freshwater wetland shall mean freshwater swamps, marshes, bogs and similar areas which are:

(1) Inundated or saturated by surface or groundwater at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils; and

(2) Not considered part of a great pond, coastal wetland, river, stream or brook.

These areas may contain small stream channels or inclusions of land that do not conform to the criteria of this subsection.

Land development plan shall mean any part or element of the land development plan for the city as adopted by city council resolution No. 540 of 1974, as amended.

Lot shall mean a parcel or portion of land in a subdivision or plat of land, separated from other parcels or portions by description as on a subdivision of record or survey map or by metes and bounds, for the purpose of sale or lease to another.

Nonresidential subdivision shall mean a subdivision which is not intended for human habitation, such as a commercial or industrial subdivision.

Performance guarantee shall mean a surety bond, letter of credit or escrow account in an amount and form meeting the requirements of section 14-501.

Planned unit development shall mean a residential subdivision consisting of attached dwellings or a series of attached dwellings intended for separate ownership, with open spaces, recreational areas, access ways and buildings which are designed, built and controlled in accordance with a unified development plan.

Recording plat shall mean the completed subdivision plat in form for approval and recording.

Roadway shall mean that portion of a street between the regularly established curblines, or that part of a street or alley devoted to vehicular traffic.

Sidewalk shall mean that portion of a street not included in the roadway, and devoted in whole or part to pedestrian traffic.

Sketch plan shall mean a very simple layout to show the location of the subdivision to gain informal comments of city staff.

Street shall mean a public way for vehicular and pedestrian traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land, place or however otherwise designated, excepting, however, an alley.

(1) *Arterial street* shall mean a heavily travelled street of considerable continuity used primarily as a traffic artery among large areas.

(2) *Collector street* shall mean a nonarterial street which carries traffic from a minor street to arterial streets, including the principal entrance to streets of a residential development and streets for circulation within such a development.

(3) *Marginal access street* shall mean a minor street which is adjacent to and substantially parallel with an arterial street and which provides access to abutting properties and protection from through traffic.

(4) *Minor street* shall mean a street which services one (1) or more minor streets used primarily for access to abutting properties.

(5) *Cul-de-sac or dead-end street* shall mean with only one (1) outlet.

Subdivider or applicant shall mean any individual, firm, association, syndicate, partnership, corporation, trust or any other legal entity commencing proceedings under these regulations to effect a subdivision of land hereunder for himself or for another.

Subdivision shall mean the division of a lot, tract or parcel of land into three (3) or more lots, including lots of forty (40) acres or more, within any five-year period whether accomplished by sale, lease, development, buildings or otherwise and as further defined in 30-A M.R.S.A. Section 4401. The term subdivision shall also include the division of a new structure or structures on a tract or parcel of land into three (3) or more dwelling units within a five-year period and the division of an existing structure or structures previously used for commercial or industrial use into three (3) or more dwelling units within a five-year period. The area included in the expansion of an existing structure is deemed to be a new structure for the purposes of this paragraph. A dwelling unit shall include any part of a structure which, through sale or lease, is intended for human habitation, including single-family and multifamily housing condominiums, time-share units and apartments.

Subdivision plat shall mean a plan of the proposed subdivision for presentation to the planning board and the public.

Surveyor shall mean a qualified registered surveyor of good standing with the state board of registration.

Tract (or parcel) of land shall mean all contiguous land in the same ownership, provided that lands located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof.

Vicinity sketch shall mean a sketch of the proposed subdivision location, not necessarily drawn to scale, showing the proximity of the subdivision to surrounding streets and highways. (Code 1968, § 603.5; Ord. No. 158-68, § 10, 5-6-68; Ord. No. 149-79, 6-6-79; Ord. No. 127-87, § 1, 2-18-87; Ord. No. 247-88, 11-28-88; Ord. No. 155-89, § 2, 11-20-89)

Cross reference—Definitions and rules of construction generally, § 1-2.

Sec. 14-494. Guidance to subdivider.

The purpose of the preapplication procedure is to afford the subdivider an opportunity to avail himself of the advice and assistance of the planning board, and to consult early and

informally with the board staff before preparation of the subdivision plat and before formal application for its approval, to insure the development of a subdivision plan with mutual benefits for the subdivider and the city.
(Code 1968, § 603.2; Ord. No. 158-68, § 10, 5-6-68; Ord. No. 149-79, 6-6-79)

Sec. 14-495. Procedure for approval of a subdivision.

(a) *Application for approval:*

(1) To obtain approval of a proposed subdivision the subdivider or applicant shall prepare for the planning board a subdivision plat, a vicinity sketch, and a recording plat in accordance with the requirements and standards established by this article.

(2) The sketch plan may be prepared for staff and planning board review if desired by the applicant prior to formal submission of the subdivision plat.

(3) The subdivider shall supply and submit five (5) copies of the complete subdivision plat and the vicinity sketch to the office of the planning authority at least fifteen (15) days prior to a regularly scheduled meeting of the planning board, to be in order for consideration by the board at the meeting.

(4) The planning authority shall forward a copy of the subdivision plat and vicinity sketch to the public works authority, parks authority, fire department and building authority, all of which shall submit recommendations to the planning authority by the time of the initial hearing on the subdivision plat.

(5) Prior to the date upon which the planning authority meets to consider the subdivision plat the applicant shall pay all costs incurred in providing public notice. The planning authority shall determine the amount of this fee based on the actual costs incurred in newspaper advertising and postage, and shall also be responsible for collecting and accounting for such fee. Public notice in the form of newspaper advertisement shall be provided for any proposed subdivision that contains ten (10) or more lots or encompasses five (5) or more acres of land.

(6) Notice shall be provided in accordance with section 14-32. Notice shall also be sent to the clerk and the reviewing authority of municipalities that abut or include any portion of a proposed subdivision.

(7) The city council may from time to time establish by order reasonable application fees to defray the costs of reviewing subdivisions.

(b) *Timing of subdivision review:* A public hearing shall be commenced within thirty (30) days following the receipt of a complete subdivision application. The staff shall notify the applicant in writing either that the application is complete or, if it is determined to be incomplete, the specific additional materials needed to make it a complete application. The planning board shall render its decision on any application submitted to it within sixty (60) days following receipt of a complete application, or such other time as may be mutually agreed to by the planning board and the applicant.

(c) *Engineering requirements:*

(1) The applicant shall furnish the public works authority with all engineering data and plans necessary for the completion of the required improvements, as enumerated in section 14-496(2). Such plans may be furnished apart from but at the same time as the subdivision plat and vicinity sketch and shall be certified by a registered professional engineer.

(2) The public works authority shall review the plans submitted as required in subsection (c)(1) above and shall approve, approve conditionally, or disapprove same within ten (10) days of submission as to whether such plans are in conformance with the standards set forth in this article.

(d) *Subdivision plat approval:* The planning board shall approve, approve conditionally or disapprove such subdivision plat at a public meeting. If approved conditionally, the conditions and reasons shall be stated and given in writing to the subdivider and, if necessary, the planning board may require the subdivider to submit a revised subdivision plat. If the planning board should disapprove the subdivision plat, the reasons for such action shall be stated and given in writing to the subdivider, and the board may state the conditions under which the proposed subdivision would be approved. One (1) copy of the subdivision plat as acted upon by the planning board shall be retained in its office, one (1) copy forwarded to the public works authority and one (1) copy returned to the subdivider.

(e) *Effect of subdivision plat approval:* Receipt of the approved copy of the subdivision plat of the subdivider is not authorization that he may proceed with the construction of any improvements. No construction will proceed until the recording plat has been approved by the planning board and has been properly recorded as required hereinafter in subsection (g).

(f) *Recording plat approval:*

(1) The applicant shall submit the recording plat and five (5) copies thereof to the planning authority at least fifteen (15) days prior to the date of the meeting of the planning board at which it is intended to be considered, which copies shall be distributed as hereinafter provided.

(2) Consideration of the recording plat, however, shall not take place until approvals required in subsections (c) and (d) are obtained.

(g) *Recording:*

(1) When the recording plat is approved, the subdivider shall pay the actual cost of recording and reproducing five (5) copies of the plat, one (1) of which shall be on mylar for the public works authority records.

(2) The recording plat shall be recorded in the office of the county registry of deeds by the subdivider.

(3) The registry book and page numbers will then be recorded on the five (5) copies of the plan, of which one (1) shall be kept at the office of the planning board, one (1) sent to

the building authority, one (1) copy on mylar sent to the public works authority, one (1) to the assessor's office and one (1) to the subdivider.

(4) Unless the subdivider shall record his or her approved recording plat within three (3) years after the planning board has approved the subdivision plat, the recording plat approval shall become null and void. The preceding sentence notwithstanding, if the planning board's initial approval of a subdivision is based in part upon the granting of a variance from any of the applicable subdivision approval standards, no such variance shall be valid unless that fact shall be expressly noted on the face of the recording plat and shall be noted in a certificate, each of which shall conform to 30-A M.R.S.A. Section 4406, and such recording plat or such certificate or both of them are recorded in the Cumberland County Registry of Deeds within ninety (90) days of final subdivision approval.

(h) *Sectional recordings:* Following subdivision plat approval, the planning board may permit the subdivision to be divided into two (2) or more sections for recording purposes subject to any conditions that the board deems necessary in order to insure the orderly development of the plan. The applicant may seek approval of and record a sectional recording plat with the county registry of deeds only if the section constitutes at least twenty (20) percent of the total number of lots contained in the approval plat and, in addition, shows the entire tract or parcel. In these circumstances, if the first section of the plat has been recorded within three (3) years after planning board approval, subdivision plat approval of the remaining sections of the plat shall remain in effect for five (5) years after planning board approval.
(Code 1968, § 603.6; Ord. No. 158-68, § 10, 5-6-68; Ord. No. 149-79, 6-6-79; Ord. No. 692-81, 5-18-81; Ord. No. 123-85, 10-7-85; Ord. No. 127-87, §§ 2—4, 2-18-87; Ord. No. 94-88, 7-19-88; Ord. No. 155-89, §§ 3, 4, 11-20-89)

Editor's note—Ord. No. 94-88, adopted July 19, 1988, amended § 14-495(g)(4) to read as herein set out. See also the editors note to Art. III of this chapter for additional provisions relative to Ord. No. 94-88.

Sec. 14-496. Plat requirements.

Each and every modification of the information required to be shown on the plat in this section shall be applied for in writing by the subdivider. The decision of the planning board on such request shall be final.

(1) *Information on subdivision plat.* The following information shall be shown on one (1) subdivision plat unless otherwise indicated:

a. Date, north point, title and graphic scale. Scale shall not be more than sixty (60) feet to the inch unless lots are more than an acre, but in no event more than one hundred (100) feet to the inch;
b. Based on a recent survey by the subdivider, existing contours at two (2) feet intervals or as otherwise required by the public works authority. Existing structures which are to remain will be delineated;
c. Names of proposed streets, width of rights-of-way, and typical cross section reservation, and depth of construction materials;

d. Locations, widths and purposes of other rights-of-way or easements to be recorded;
e. All appropriate street curve information, including point of curvature, point of tangency, tangent distance, radii and interior angle, in standard engineering format;
f. Location of those utilities existing on or adjacent to the tract to be subdivided, including size and elevation of buried or underground utilities (may be shown on separate plan);
g. Tract boundary lines and property lines of lots, with accurate dimensions and either bearings or deflection angles. All lots shall be numbered;
h. Names of adjacent property owners with parcels over twenty-five thousand (25,000) square feet or names of adjacent subdivision;
i. Designation of flood hazard areas, as defined by the National Flood Insurance Program and shown on the city flood hazard boundary map, as well as any other areas in the subdivision subject to inundation by storm water or storm sewer overflow;
j. Existing historic sites and structures which either appear on the National Register or are nominated to the National Register by the state historic preservation officer;
k. Proposed private and public utility system including water, gas, telephone, fire hydrants, and any other services which shall supply the area (may be shown on separate plan);
l. Sanitary sewer and storm drain plans and profiles showing size, kind and slope of pipe, proposed manhole rim and invert elevations and catch basin locations and drains (may be shown on separate plan);
m. Lighting plan showing the location, design, height and spacing from each other of the support poles, in accordance with standards and specifications established by the public works authority (may be shown on separate plan);
n. Tree plan showing groups of existing, sizeable trees which the subdivider intends to preserve (may be shown on separate plan);
o. A detailed plan of the entire subdivision and the immediate vicinity showing all existing and proposed drainage both on and off-site including drainage swales, ditches, etc., with directional flow arrows and approximate slope grades, and showing proposed finished "spot elevations" around the perimeter of the subdivision. Proposed drainage shall be shown as it may affect or restrict development on individual lots and with reference to improvements for which a performance guarantee is required under this article. Where deemed feasible by the public works authority, proposed finished contours at intervals of two (2) feet shall be provided on the drainage plan upon request (may be shown on separate plat):
p. Location and designation of any zoning district boundaries affecting the subdivision:;
q. All future phases and sections of the subdivision proposed by the subdivider (may be shown on separate plat);

r. Proposed parks and school sites, or other public open space that the developer proposes to convey to the city;

s. Names and addresses of registered professional engineer, subdivider and owner:

t. At the option of the subdivider, any other information that may be necessary for the full and proper consideration of the subdivision shall be submitted in writing;

u. Streets and right-of-way monuments and property line markers;

v. Vicinity sketch, as defined in section 14-493 (may be shown on separate plan);

w. Total site data, including total area of the subdivision, total area in streets, total area in recreation or open space and number of house lots;

x. Additional submission items if required by the planning board and insofar as feasible (may be shown on separate sheets or by other appropriate method):

1. When private sewage systems are used, the results and supporting data of a soil test of each lot in the subdivision conducted by a soil evaluator licensed in the state;
2. When the adequacy of the subdivision's load bearing capacity is in question, the results and supporting data of test borings conducted by a professional engineer registered in the state;
3. When conditions warrant, a program which shall be implemented by the subdivider to control dust, erosion and sedimentation and/or vehicular traffic during construction;
4. Evidence of the applicant's financial capability to carry out all phases of the proposed development;
5. Evidence of state and federal approvals, licenses or permits required by law, or the status of applications therefor;
6. Price range of houses that will be built in the subdivision;
7. Traffic impact analysis;
8. High intensity soil survey, if required by the planning authority;
9. Evidence of technical capacity to undertake the development;
10. Types and estimated quantities of solid waste to be generated by the development;
11. Construction plan outlining the anticipated sequence of construction of the major features of the project including without limitation roads, retention basins, sewer lines, seeding and other erosion and sedimentation control measures, and pollution abatement measures and also setting forth the approximate dates for commencement and completion of the project;
12. A narrative and a plan showing all proposed buffer strips, their dimensions, and maintenance plans and responsibilities; and
13. A description of any wetlands, wildlife and fisheries habitats, archaeological sites or unusual natural areas located on or near the project site and a description of the methods that will be used to protect such areas.

14. Where submission drawings are available in electronic form, the applicant shall submit any available electronic CADD.DXF files with final plans.

(2) *Recording plat.* The recording plat shall be an original ink drawing on linen or mylar, or as necessary to be acceptable to the registry of deeds, and shall be tied to an accepted street or to a proposed street under construction and bonded to insure construction. This plat also shall show the following:

a. Title, date, graphic scale, north arrow, name, signature and registration number or seal of a registered land surveyor licensed in the state, name and address of developer and owner;

b. Tract boundary lines and property lines of lots, with accurate dimensions and either bearings or deflection angles. All lots shall be numbered;

c. All appropriate street curve information, including point of tangency, tangent distance, radii and interior angles, in standard engineering form;

d. Street names, width of street rights-of-way and typical cross section showing only surface dimensions of roadway pavement, esplanade and sidewalk reservation;

e. Street and right-of way monuments and property markers. Iron pipes shall be designated by a small circle at the point of installation;

f. Locations, dimensions and purposes of any easement or right-of-way;

g. Purpose for which sites, other than residential lots, are dedicated or reserved; it being understood that any reservations of areas shall be subject to the proper zoning thereof;

h. Reference to recorded subdivision plats of adjoining platted land by book and page number;

i. Space for the signatures of the planning board and date of approval;

j. Where required by 30-A M.R.S.A. Section 4406, the fact that initial approval or subsequent amendment of a subdivision is based in part upon the granting of a variance from any of the applicable subdivision approval standards.

(3) *Alterations to an approved plot.* The planning authority may approve alterations to an approved recording plat when all of the following conditions are met; otherwise, a new subdivision plat must be submitted to the planning board:

a. The rearrangement of lot lines does not increase the number of lots within a block or other subdivision unit or area;

b. The alteration will not affect any street, alley, utility easement or drainage easement;

c. The alteration meets all of the minimum requirements of this article, article III of this chapter on zoning and other applicable state and local codes:

d. The alteration is approved by the public works authority and the fire department.

Such approved alterations shall be properly recorded in the registry within thirty (30) days thereof or they shall be null and void. Recording of approved alterations also shall be in accordance with the requirements of 30-A M.R.S.A. Section 4406.

(4) *Vacation of plats.* Any such plat recorded, or any portion thereof, may be vacated with the consent of the city council as follows:

a. At any time before the sale of any lot therein, by written instrument, signed by the city and the owners of such subdivision, declaring the same to be vacated and describing therein the part or portion to be so vacated.

b. At any time after the sale of any lot therein and by written instrument, signed by the city and all owners of record of lots shown on the plat, declaring the same to be vacated and describing therein the part or portion to be so vacated.

Any instrument so executed vacating all or a portion of any plat shall be duly filed and recorded in the county registry of deeds. The execution and recording of the instrument described in subsection (4)b. above shall vest fee simple title to the centerline of the street, alley or easement for public passage so vacated in the owners of abutting properties. Title to property located within the vacated streets, alleys or easements for public passage shall pass to abutting property owners free and clear of any rights of the public or other owners of lots shown in the plan, but subject to the rights of the owners of any public utility installations which have been previously erected therein.

(Code 1968, § 603.7; Ord. No. 158-68, § 10, 5-6-68; Ord. No. 149-79, 6-6-79; Ord. No. 127-87, §§ 5, [12], 2-18-87; Ord. No. 95-88, §§ 1, 2, 7-19-88; Ord. No. 155-89, § 5, 11-20-89; Ord. No. 177-93, §§ 1, 2, 1-4-93; Ord. No. 165-97, 1-6-97)

Editor's note—Ord. No. 95-88, adopted July 19, 1988, amended subsections (2) and (3) of this section to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 95-88.

Sec. 14-497. General requirements.

(a) *Review criteria.* When reviewing any subdivision for approval, the planning board shall consider, among others, the following review criteria and before granting approval shall determine that the proposed subdivision:

(1) Will not result in undue water or air pollution. In making this determination it shall at least consider the elevation of land above sea level and its relation to the flood plains, the nature of soils and subsoils and their ability to adequately support waste disposal; the slope of the land and its effect on effluents; the availability of streams for disposal of effluents; the conformity to the applicable state and local health and water resources regulations;

(2) Has sufficient water available for the reasonably foreseeable needs of the subdivision;

(3) Will not cause unreasonable burden on an existing water supply;

(4) Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;

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

(6) Will provide for adequate sanitary waste and storm water disposal and will not cause an unreasonable burden on municipal services if they are utilized;

(7) Will not cause an unreasonable burden on the ability of the city to dispose of solid waste and sewage if municipal services are to be utilized;

(8) Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the department of inland fisheries and wildlife or by the city, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline. For subdivisions within historic districts designated pursuant to article IX of this chapter, the planning board shall apply the standards of section 14-651(3) of article IX. The planning board may request that the historic preservation committee prepare an evaluation of the proposed subdivision based upon the standards of section 14-651(3);

(9) Is in conformance with the land development plan or its successor;

(10) The subdivider has adequate financial and technical capacity to meet the standards of this section;

(11) Whenever situated, in whole or in part, within the watershed of any pond or lake or within two hundred fifty (250) feet of any wetland, great pond or river as defined in Title 38, chapter 3, subchapter I, article 2-B, will not adversely affect the quality of such body of water or unreasonably affect the shoreline of such body of water;

(12) Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater;

(13) Is or is not in a flood-prone area, based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant. If the subdivision, or any part of it, is in such an area, the subdivider shall determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one (1) foot above the 100-year flood elevation;

(14) All potential wetlands within the proposed subdivision shall be identified on any maps submitted as part of the application, regardless of the size of those wetlands. Any mapping of wetlands may be done with the help of the local soil and water conservation district; and

(15) Any river, stream or brook within or abutting the proposed subdivision shall be identified on any maps submitted as part of the application. For purposes of this section, "river, stream or brook" has the same meaning as in Title 38 M.R.S.A. Section 480-B, subsection 9.

(b) *Burden of proof.* In all instances the burden of proof shall rest upon the person proposing the subdivision.

(c) *Conformity with Code.* Any proposed subdivision shall be in conformity with all relevant provisions of this Code.

(d) *Reserved.*

(e) *Construction records and inspection.*

(1) The project engineer and city engineer shall have the right to enter and inspect the construction site during all phases of the project to ensure compliance with this article.

(2) After approval of the subdivision plat and prior to the construction of any of the subdivision's public improvements, the subdivider shall supply the city engineer with a complete set of engineering drawings on mylar or linen showing all streets, sanitary sewers and surface water drains and all appurtenant work within the subdivision.

(3) The subdivider shall provide the project engineer with a complete and accurate list of any changes from the engineering drawings as approved by the planning board prior to the release of the performance bond.

(Code 1968, § 603.8; Ord. No. 158-68, § 10, 5-6-68; Ord. No. 149-79, 6-6-79; Ord. No. 127-87, §§ 6, [13], 2-18-87; Ord. No. 155-89, § 6, 11-20-89; Ord. No. 15-92, § 31, 6-15-92; Ord. No. 221-93, 5-17-93)

Sec. 14-497.5. Adjustment of dimensional requirements for subdivisions in the R-3 zone.

Notwithstanding section 14-90 and any other section of this chapter, up to twenty-five (25) percent of the lots in a subdivision located in the R-3 zone may have reduced street frontage and/or lot widths, provided that the planning board finds as part of subdivision approval that the following standards are met:

(1) The subdivision is approved for the first time on or after December 1, 1997;

(2) The subdivision has a minimum land area of three (3) acres;

(3) The fire department determines that the reduced street frontage is adequate to provide access required to provide emergency services to each lot; and

(4) A lot with reduced lot width shall meet all required setbacks.

(Ord. No. 165-97, § 6, 12-1-97)

Sec. 14-498. Technical and design standards.

(a) *Adoption and amendment of standards:* The public works authority may promulgate technical and design standards for subdivisions and site plans. Such technical and design standards or any amendments thereto shall become effective only upon approval of the planning board following a public hearing before the planning board. In approving the technical and design standards, the planning board may direct staff to make changes with respect to format and text but, to the extent that standards are based upon sound engineering practice, shall not direct changes in the standards themselves. Such standards shall be additional to and consistent with the provisions of this article and shall be necessary and reasonable and shall be in accord with sound engineering practice. The public works authority shall maintain for public inspection current copies of the effective standards.

(b) *Street plan:*

(1) All streets shall be platted along contour elevations which result in minimum grades and greatest visibility whenever practicable, with consideration given for anticipated use of the land.

(2) 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.

(3) Reserve strips or spite strips for unspecified or unacceptable purposes are prohibited.

(4) Street right-of-way widths shall not be less than:

a. Fifty (50) feet for marginal access street;

b. Fifty (50) feet for minor street;

c. Sixty (60) feet for collector street.

Proposed subdivisions along existing, or dedicated, or platted streets where rights-of-way are inadequate shall provide additional land to meet the minimum standards.

(5) Streets shall not occupy more land than needed to provide access nor create unnecessary fragmentation of the subdivision into small blocks. Streets will be designed to discourage outside traffic from traversing the development.

(6) All dead-end streets shall provide for a cul-de-sac or, in the case of a dead-end street which will be extended, a temporary turn-around at the end of the street, subject to the approval of the public works authority.

(7) The minimum roadway width including esplanades and sidewalks shall be:

a. Fifty (50) foot right-of-way, thirty-two (32) foot pavement, five (5) foot sidewalks and four (4) foot esplanades and curb.

b. Sixty (60) foot right-of-way, forty (40) foot pavement, five (5) foot sidewalks and five (5) foot esplanades and curb.

c. Street right-of-way on the islands in Casco Bay shall comply with article III of chapter 25.

(8) Sidewalks and curbs:

a. Sidewalks shall be constructed on each side of each street in accordance with article III of chapter 25. Sidewalks to be used by pedestrians are to be so located as to minimize contacts with normal automotive traffic, with preference given to interior walks away from streets in common open space in block interiors.

b. Curbs shall be constructed on each side of each street. The curbing shall be constructed as provided in article VI of chapter 25.

(c) *Street design:*

(1) Profiles of each street or way in the subdivision shall be shown on the subdivision plat. They shall be drawn to a longitudinal scale of forty (40) feet to one (1) foot and a vertical scale of four (4) feet to one (1) inch. Such profiles shall include separate profiles of each side line and center line of the street or way. Any buildings abutting on the street shall be shown in standard engineering format as requested by the public works authority.

(2) Street grades in all proposed subdivisions shall be subject to the approval of the public works authority.

(3) The public works authority shall establish the sequence in which work is to be accomplished. Where it is determined by the public works authority that work has been completed prior to the receipt of all approvals required by this article or which is out of sequence or is not in compliance with the standards of this section and of chapter 25, the director of parks and public works or an inspector from the public works authority may issue a stop work order. Work shall recommence only after the stop work order has been lifted by the director of parks and public works or an inspector from the public works authority. Violation of the stop work order shall be considered an offense.

(d) *Street and subdivision names:*

(1) Street names for all subdivisions shall appear on the subdivision plat and be subject to approval by the planning board.

(2) Subdivision names for plats shall be subject to approval by the planning board and not duplicate the name of any plat already recorded.

(e) *Exception for private streets within PRUD's and manufactured housing parks.* Private streets within PRUD's and manufactured housing parks shall be exempt from the street right-of-way and roadway width requirements set forth above, provided that no such street shall be accepted by the city unless it is first improved to the standards set forth above at the expense of those persons requesting the street acceptance. Private streets within a PRUD or a manufactured housing park shall meet specifications established by the public works department. All private streets shall be designed by a professional engineer and shall be built according to accepted engineering standards.

(f) *Sewers and storm drains:*

(1) The design of all sewers and storm drains shall be subject to approval by the public works authority.

(2) All subdivisions shall be provided with adequate storm drain systems within the subdivision separate from any sanitary sewer system required in article III of chapter 25.

(3) Any natural or manmade areas, systems or facilities designated for stormwater control purposes and intended for city maintenance shall, except for detention or retention ponds or basins and regularly free-flowing watercourses, be structurally enclosed in accordance with the standards of the public works authority, and shall be dedicated with sufficient land for maintenance purposes. Warranty deeds to such areas shall be submitted for acceptance by the city council at the same time as the acceptance of streets. All such areas as are not intended for city maintenance shall be permanently protected and maintained by private agreement, deed covenant or restriction, as appropriate, in form approved by the corporation counsel.

(4) The approval of the plumbing inspector is required for all subdivisions involving the use of septic tanks and drainage fields for sewage disposal.

(5) The subdivider shall be responsible for the construction of all sewers and storm drains including manholes, catch basins and any other appurtenances as may be deemed necessary by the public works authority. All work shall be in accordance with public works specifications.

(6) The public works authority shall establish the sequence in which work is to be accomplished. Where it is determined by the public works authority that work has been completed prior to the receipt of all approvals required by this article or which is out of sequence or is not in compliance with the standards of this section and of chapter 24, the director of parks and public works or an inspector from the public works authority may issue a stop work order. Work shall recommence only after the stop work order has been lifted by the director of parks and public works or an inspector from the public works authority. Violation of the stop work order shall be considered an offense.

(g) *Blocks:*

(1) A maximum block length of eight hundred (800) feet, measured from the nearest street lines of intersecting streets, shall be observed except where, in the opinion of the planning board, conditions justify a departure from this standard. In general, block size should be the maximum consistent with the use and shape of the site and the convenience and safety of the occupants.

(2) In blocks exceeding eight hundred (800) feet in length, measured from the nearest street lines of intersecting streets, the planning board may require where feasible the reservation of a twenty (20) foot wide easement to the city through the block to provide for the crossing of underground utilities and pedestrian traffic where needed or desirable and may further specify, at its discretion, that a four (4) foot wide paved foot path be included.

(3) The length, width and shape of blocks shall be determined on the basis of:

a. Provision of adequate building sites suitable to the special needs of the type of use contemplated;
b. Zoning requirements as to lot sizes, setbacks and dimensions;
c. Needs for convenient access, circulation, control and safety of street traffic;
d. Limitations and opportunities of topography.

(4) Blocks with lots having double frontage on streets shall be avoided.

(5) The foregoing dimensions may be adjusted by the planning board where type of use or topography requires such modification.

(h) *Lots:*

(1) Lot sizes shall conform to the zoning ordinance in article III of this chapter and the city health code.

(2) Where easements for public utilities, storm or sanitary sewers are contemplated, the lot lines shall be located in such a manner as to facilitate construction of such facilities and the maintenance thereof.

(3) Lots which are reserved or laid out for business, commercial or industrial purposes shall have sufficient width and depth to accommodate the off-street parking and loading facilities required for the type of use and development contemplated, as established in article III of this chapter.

(4) Where feasible, side lot lines shall be at right angles to street lines (or radial to curving street lines).

(i) *Public open space:*

(1) In all subdivisions open space may be provided for parks, recreational and other public areas. Where no public open space or recreational areas exist in close proximity to the subdivision, or where a lack of such areas in the subdivision would require its

disapproval under section 14-497(a), general requirements, the planning board may require provision of land for park or recreational purposes. Such lands may be designated for public or private ownership in accordance with the conditions stated in this section, subject to the approval of the planning board.

(2) If a tract or parcel is intended for public ownership and is so designated on the subdivision plat, the acceptance of such land shall be first recommended by the various departments and the planning board and sent to the city council for final determination.

(3) If a tract or parcel is designed or intended to be owned and used in common for recreational or other public or semipublic purposes and such intent is so designated on the subdivision plat, appropriate documents in form approved by the corporation counsel shall be submitted to the planning board. Such documents shall clearly:

a. Set forth the nature of the permanent organization under which common ownership is to be established, including its purpose; how it shall be governed and administered; the provisions made for permanent care and maintenance of the common property for its share of the cost of administering and maintaining such common property;

b. Set forth the extent of common interest held by the owner of each individual parcel in the tract held in common with others.

(j) *Access to shoreline:*

(1) In all subdivisions having shore frontage on the island of Casco Bay, existing legal rights of public access to the shoreline shall be preserved. The proposed street layout and circulation plan shall be suitably integrated with such existing public access in a manner that reasonably promotes the public use of such access. The proposed street layout and circulation plan shall also be designed to preserve any legal rights to any significant water views and scenic vistas from such rights-of-way.

(2) In all subdivisions having any lots within the shoreland zone, legal rights of private access to waters shall, to the extent reasonably feasible, be established for the benefit of all lots within the subdivision not otherwise having such access.

(Code 1968, 603.9; Ord. No. 158-68, § 10, 5-6-68; Ord. No. 149-79, 6-6-79: Ord. No. 41-84, § 1, 6-18-84; Ord. No. 98-85, § 1, 7-15-85; Ord. No. 127-87, §§ 7, 8, 2-18-87; Ord. No. 104-87, 10-19-87; Ord. No. 66-88, 7-18-88; Ord. No. 201-89, § 1, 12-18-89)

Editor's note—Ord. No. 66-88, adopted July 18, 1988, amended § 14-498 by adding subsections (c)(3) and (f)(6). The ordinance further provided as follows:

Be it further ordained and determined by the city council that the above amendments are necessary in order to prevent further work being done which is not in accordance with City technical standards. Therefore, this enactment shall take effect immediately as an emergency pursuant to Article II, Section 8 of the Charter and shall further apply to all pending proceedings, applications, petitions and to all projects which have work that remains to be completed at the date of enactment of these amendments.

Sec. 14-499. Required improvements.

Prior to the release of the approved recording plat the subdivider shall file a guarantee as hereinafter provided, and prior to release of such guarantee the subdivider shall have completed all improvements as follows:

(1) All streets shall be graded in conformity with the requirements set out in section 14-498 and in accordance with article III of chapter 25.

(2) On all streets, side streets, and alleys, a suitable hard surfaced permanent pavement shall be installed meeting the requirements set forth in article III of chapter 25.

(3) Water, gas and sanitary sewer mains and storm drains shall be constructed prior to the installation of paving with all mains being extended from all lots having sufficient stub outs to avoid subsequent breaking of pavement.

(4) Sidewalks and curbs shall be constructed as required in section 14-498.

(5) Adequate storm drains shall be constructed subject to the provisions of section 14-496 and in accordance with the department of public works specifications.

(6) A total of two (2) trees per lot, which shall be street trees, shall be planted near the street line in full public view on private property, as directed by the city arborist pursuant to "Aboricultural Specifications and Standards of Practice" contained in the public works authority's "Technical and Design Standards." Existing healthy trees may be credited toward this requirement, subject to the approval of the city arborist.

(7) Permanent markers will be set as prescribed by the public works authority.

(8) All utility lines shall be placed underground unless otherwise approved by the planning board.

(9) Street lighting shall be installed in accordance with the standards of the public works authority.

(10) A public water supply shall be installed subject to the approval of the Portland Water District.

(11) Erosion control measures shall be taken both during and after construction in accordance with the standards of the public works authority.

(Code 1968, § 603.10; Ord. No. 158-68, § 10, 5-6-68; Ord. No. 149-79, 6-6-79; Ord. No. 127-87, § 9, 2-18-87; Ord. No. 105-87, § 1, 10-19-87)

Sec. 14-499.5. Additional requirements for manufactured housing parks.

All manufactured housing parks and subdivisions as defined in section 14-47 shall meet the requirements for residential subdivisions established by this article, the site plan and the zoning ordinance, in addition to the following requirements for manufactured housing parks:

(1) The entire development shall be properly screened from abutting neighborhoods and uses. Such screen shall consist of plantings, or a combination of earth berm and

plantings, not less than three (3) feet in width and six (6) feet in height at the time of initial occupancy of such development, and shall be set back on corner lots so as to comply with section 14-434. Individual shrubs or trees, as approved by the city arborist, shall be planted so as to establish a dense visual screen year round. At least fifty (50) percent of the plantings shall consist of evergreens. Such screen shall thereafter be permanently maintained in a condition meeting the specifications and intent of this subsection. In cases where such screen areas are to be separately owned, the deed of conveyance shall contain a requirement that the grantee shall likewise maintain the screen area. Such requirement shall be in a form acceptable to the corporation counsel. Any area intended to be owned and used in common shall thereafter be maintained by a permanent organization as set forth in section 14-498(i)(3). Existing vegetation may substitute for new plantings if it forms an acceptable dense visual screen consistent with the intent of this subsection.

(2) All manufactured housing units and any accessory structure within such development shall be located at least fifty (50) feet from any external property boundary of the development where the proposed park density is two (2) or more times greater than the density of residential development on adjacent parcels or the maximum permitted density of adjacent vacant parcels.

(3) All units within such development shall be set back from any existing collector or arterial street, as defined in section 14-493, in accordance with the setback provisions for the underlying zone.

(4) All fuel oil supply systems shall be constructed and installed within the foundation wall or underground in accordance with all applicable codes and regulations.

(5) All trash containers, bottled gas tanks, storage sheds, utility meters, or other similar items or accessory structures except parking garages, shall be located and suitably screened by plantings or fencing so as not to be clearly visible from the street or abutting properties.

(6) All manufactured housing units shall be placed either on a foundation which forms a complete enclosure under exterior walls, or on suitable blocks on a foundation pad, in which case the unit shall be boxed or skirted with suitable material designed for such use.

(7) All manufactured housing units shall be properly installed, blocked and levelled or affixed to a foundation wall, so as to rest on the wheels used to transport the unit. Any hitch or tow bar shall be removed from the unit after it is placed on its foundation.

(8) Notwithstanding the provisions of sections 14-498 and 14-499, private roads within a manufactured housing park shall be a minimum of twenty-three (23) feet wide, with a minimum pavement width of twenty (20) feet.

(Ord. No. 611-82, § 1, 7-7-82; Ord. No. 358-84, § 1, 12-17-84; Ord. No. 201-89, § 2, 12-18-89)

Sec. 14-500. Additional requirements for nonresidential subdivisions.

All nonresidential subdivisions must meet the requirements for residential subdivisions established by this article, the site plan in article V of this chapter and the zoning ordinance in article III of this chapter, in addition to the following considerations, except as waived by the planning board due to the commercial or industrial nature of the development:

(1) Proposed industrial parcels shall be suitable in area and dimensions to the commercial or industrial development anticipated.

(2) Street rights-of-way and pavement shall be adequate to accommodate the type, weight and volume of traffic anticipated to be generated.

(3) The design and installation of public utilities including water, sewers and storm water drainage, shall be adequate to accommodate the anticipated usage.;

(4) Streets carrying truck traffic shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

(Code 1968, § 603.11; Ord. No. 158-68, § 10, 5-6-68; Ord. No. 149-79, 6-6-79)

Sec. 14-501. Performance and defect guarantees; engineering review and inspection fees.

(a) The performance guarantee shall be a surety bond, letter of credit or escrow account with a responsible financial institution. It shall be in the name of the city and shall be approved by the finance director as to financial sufficiency and the corporation counsel as to proper form and legal sufficiency. The performance guarantee may be provided in whole or in part by means of a surety bond given by a contractor to the developer, provided that the city is included in the bond as an additional named insured and that the bond states that the amount provided for in the bond cannot be reduced without the prior written approval of the city. Such a bond shall be reviewed by the finance director as to financial sufficiency and by the corporation counsel as to proper form and legal sufficiency.

(b) Performance guarantees shall be required to ensure the fulfillment of all improvements as required by section 14-499, as well as the requirement in article III of chapter 25 that the subdivider shall give to the city, at the time of acceptance of the street, a warranty deed to the property within each street within the subdivision, as well as delivery to the city, at the time of acceptance of streets, of the warranty deeds to all other improvements intended for city maintenance. Such guarantee shall specify the completion of the improvements required in the subdivision and delivery to the city of such deed or deeds within twenty-four (24) months from the date of such guarantee. Furthermore, the performance guarantee shall be released only upon the tendering of a defect guarantee as required in subsections (e) and (f).

(c) The guarantee shall be equal in value to one hundred (100) percent of the estimated cost of the improvements as determined by the public works authority. The guarantor shall not be released from the guarantee except by a release in writing from the public works authority and the planning authority.

(d) Performance guarantees may be reduced by the public works authority and the planning authority in the manner provided herein. After all underground work has been completed and inspected to the satisfaction of the public works authority, including sanitary sewers, storm drains, catch basins, manholes, and any other required improvements constructed chiefly below grade, the subdivider shall be eligible to receive a reduction in the performance guarantee equal to the estimated cost of the improvements. In no case shall the performance guarantee be reduced to a value which is less than the estimated cost of completing all prescribed improvements remaining uncompleted as determined by the public works authority.

(e) Upon the satisfactory completion of the subdivision's prescribed improvements, excepting tree planting and other landscaping if in the opinion of the city arborist the installation of such plantings is not feasible due to weather conditions, the subdivider shall file a defect guarantee prior to the city's acceptance of any and all streets within the subdivision. The defect guarantee shall ensure the workmanship and the durability of all materials used in the construction of the roadways, curbing, esplanades, sidewalks, sanitary sewerage systems (including manholes and house drain laterals), storm drainage systems (including manholes, catch basins and catch basin drains), street lighting, tree planting, other appropriate landscaping and all other public improvements which may become defective within one (1) year period, all as determined by the public works authority. The defect guarantee shall also ensure the proper installation of any required tree plantings or landscaping which were not installed prior to the filing of the defect guarantee during the next appropriate planting season, as determined by the city arborist.

(f) The defect guarantee shall be a surety bond, letter of credit or escrow account with a responsible financial institution, equal in value to ten (10) percent of the estimated cost of public improvements. It shall be in the name of the city and shall be approved by the finance director as to financial sufficiency and the corporation counsel as to proper form and legal sufficiency. A guarantee which contains appropriate terms and conditions to cover both the performance and defect guarantee provisions as specified in subsections (a)—(e) above is an acceptable form of guarantee.

(g) A performance bond shall also be required to ensure the completion of all improvements as required by section 14-499.5, as well as all improvements for the circulation, recreation, landscaping, light, air, drainage and service needs of a planned unit development which are not subject to section 14-501(b). For purposes of this subsection, sections 14-501(c) and (d) shall also apply. The planning authority may waive all or any portion of this requirement if it determines that the developer has a proven record of satisfactory performance and sufficient financial capability.

(h) At the same time that the developer posts a performance guarantee, the developer shall also pay to the city the subdivision inspection fee equal to one and seven-tenths (1.7) percent of the estimated costs of improvements required by this article. This amount may be increased if the public works authority and the planning authority determine that it is not sufficient to

cover the city's costs to adequately inspect the required improvements. If a performance guarantee is extended beyond its original expiration date, then an additional inspection fee in an amount to be determined by the city shall be required.

(i) The developer shall pay, at time of application for subdivision review, a fee to cover the engineering review costs to be incurred by the city. The fee shall be based upon the estimated hours of review time and prevailing hourly rate for reimbursement of city costs, and shall be estimated by the city.

No land use permits of any kind shall be processed, reviewed or issued, no signed subdivision plats shall released or recorded, and no building permits of any kind shall be issued, for any project whose permit fee is governed by this ordinance unless all charges due under this ordinance have been paid.
(Code 1968, § 603.12;.Ord. No. 158-68, § 10, 5-6-68; Ord. No. 149-79, 6-6-79; Ord. No. 611-82, §§ 2, 3, 7-7-82; Ord. No. 127-87, § 10, 2-18-87; Ord. No. 524-87, §§ 1, 2, 5-18-87; Ord. No. 122-91, § 1, 9-16-91; Ord. No. 262-96, §§ 1, 2, 5-20-96)

Sec. 14-502. Extension of the guarantee period.

When the subdivider constructs improvements for which a performance guarantee is required and the public works authority has reasonable doubt concerning the stability or proper construction of such improvements, the subdivider shall be required to do such further work on the improvements as the public works authority shall order before the improvements will be accepted by the city. If the subdivider's current performance guarantee shall expire before the extent or necessity for such further work can be determined, the subdivider shall be required to extend his or her guarantee covering such improvements, or secure a new guarantee, for such further period and in such amount as the public works authority shall deem necessary.
(Code 1968, § 603.13; Ord. No. 158-68, § 10, 5-6-68; Ord. No. 149-79, 6-6-79; Ord. No. 127-87, § 11, 2-18-87)

Sec. 14-503. Sale of partially completed subdivisions.

The purchasing party or other succeeding owner of a subdivision for which a recording plat has received prior approval shall assume full responsibility for completion of the subdivision's improvements until acceptance of such improvements by the city. The purchaser or other succeeding owner of an unaccepted subdivision shall be required to comply with all the provisions of this article as if he were the original subdivider, and shall become responsible for completing such improvements in the same manner as the original subdivider.
(Code 1968, § 603.14; Ord. No. 158-68, § 10, 5-6-68; Ord. No. 149-79, 6-6-79)

Sec. 14-504. Enforcement, conveyance, markers and recording.

(a) No person may sell, lease, develop or build upon or convey for consideration, offer or agree to sell, lease, develop or build upon or convey for consideration any land in a subdivision unless the subdivision has been approved by the planning board, and unless a recording plat showing permanent marker locations at all lot corners has been recorded in the county registry of deeds.

(b) The term permanent marker is limited to the following: A granite monument for street monumentation and an iron pin or drill hole in ledge for property delineation, or as otherwise approved by the public works authority. No subdivision plan shall be recorded by the registry of deeds which has not been approved as required by this article. Approval for the purpose of recording shall appear in writing on the recording plat. No public utility, water district, sanitary district or any utility company of any kind shall install services to any lot in a subdivision which has not received planning board approval.

(c) Any person who sells, leases, develops or builds upon or conveys for consideration any land in a subdivision which has not been approved as required by this article shall be punished by a fine of not more than five hundred dollars ($500.00) for each such occurrence. The city may institute proceedings to enjoin any violation of this section.
(Code 1968, § 603.15; Ord. No. 158-68, § 10, 5-6-68; Ord. No. 149-79, 6-6-79)

Sec. 14-505. Appeals.

An appeal from any final decision of the planning board regarding subdivision approval may be taken by the applicant or his authorized agent to superior court in accordance with Rule 80B of the Maine Rules of Civil Procedure.
(Code 1968, § 603.16; Ord. No. 158-68, § 10, 5-6-68; Ord. No. 149-79, 6-6-79)

Sec. 14-506. Modifications.

(a) Except for the requirements set forth in sections 14-498 and 14-499 pertaining to the provision and construction of curbs and sidewalks, the planning board if it finds that extraordinary conditions exist or that undue hardship may result from strict compliance with these regulations may vary the regulations so that substantial justice may be done and the public interest secured; provided that such variation will not have the effect of nullifying the intent and purpose of the land development plan and the regulations of this article.

(b) Where the planning board finds that extraordinary conditions exist or that undue hardship may result from strict compliance with the requirements set forth in sections 14-498 and 14-499 pertaining to the provision and construction of curbs and sidewalks, it may vary the regulations so that substantial justice may be done and the public interest secured; provided that such variation will not have the effect of creating potentially hazardous vehicle and pedestrian conflict or nullifying the intent and purpose of the land development plan and the regulations of this article. For purposes of this subsection, the planning board may, but need not, consider such circumstances as where a street is a dead-end street, or where an alternative walking route is reasonably available, or where a street is scheduled for major reconstruction, or where the development of abutting land is substantially restricted.

(c) The standards and requirements of this article may be modified by the planning board in the case of a plan and program for a planned unit development which in the judgment of the planning board provides adequate public spaces and improvements for the circulation,

recreation, light, air and service needs of the tract when fully developed and populated, and which also provides such covenants or other legal provisions as will assure conformity to and achievement of the land development plan.

(d) If at any time before or during the construction of the required improvements the subdivider demonstrates to the satisfaction of the project engineer and the public works authority that unforeseen conditions make it necessary or preferable to modify the design of the required improvements, the public works authority may authorize modifications provided that the modifications do not amount to a waiver or substantial alteration of the function of any improvements required by the planning board.
(Code 1968, § 603.17; Ord. No. 158-68, § 10, 5-6-68; Ord. No. 149-79, 6-6-79; Ord. No. 41-84, §§ 2, 3, 6-18-84)

Sec. 14-507. Conditions.

In granting variances and modifications, the planning board and city council may require such conditions as will, in their judgement, secure substantially the objectives of the standards or requirement so varied or modified.
(Code 1968, § 603.18; Ord. No. 158-68, § 10, 5-6-68; Ord. No. 149-79, 6-6-79)

Sec. 14-508. Exemptions.

(a) This article does not apply to subdivisions approved prior to June 6, 1979, nor to subdivisions in existence prior to June 6, 1979, nor to subdivisions which have been legally recorded in the registry of deeds prior to June 6, 1979.

(b) A division accomplished by devise, condemnation, order of court, gift to a person related to the donor by blood, marriage or adoption, unless the intent of such gift is to avoid the objectives of this article, or by transfer of any interest in land to the owner abutting thereon shall not be considered to create a lot or lots for purposes of this article.
(Code 1968, § 603.19; Ord. No. 158-68, § 10, 5-6-68; Ord. No. 149-79, 6-6-79)

Secs. 14-509—14-520. Reserved.

Town of Falmouth, Maine

M. Harris, Town Manager

271 Falmouth Road
Falmouth, Maine 04105
(207) 781-5253

Complete Packet of action -

August 4, 1995

Josephine Waig
404 Gray Road
Falmouth, Maine 04105

Dear Ms. Waig:

As a result of our meeting with Town Planner George Thebarge last Friday, I returned to your property at 404 Gray Road with Mr. Thebarge and the Town Engineer, Tony Hayes, to inspect the fill activities that have occurred. As a result, I can confirm that the fill should not have been placed on the property without a permit from the Falmouth Planning Board.

To help in preparing an application to the Planning Board, I have enclosed some pages from the town's Watershed Management Plan that explain why the town regulates this type of filling activity and the questions you need to ask before going further with your project. Because the area around your property is low and there is a major drainage between you and your neighbor to the north, it is necessary to ensure that your filling does not cause flooding or drainage problems for others.

The drainage that flows along your northerly property line appears to drain a section of the Gray Road through your driveway culvert. Another culvert crosses the Gray Road and connects a wetland from the opposite side of the street. These two drainages flow along your property line and down toward the Hurricane Road through another wetland area. Finally, another major drainage system comes across your property from the abutting farm fields to the south and west down to the drainage outlet at Hurricane Road.

Given these conditions, we will recommend that the Planning Board require that you provide a drainage analysis by an engineer to document that your fill activities have not and will not block drainage or cause flooding on abutting property or the public roads.

You should also be aware that the drainage along your north property line may be considered to be a stream by the Maine Department of Environmental protection. If they call it a stream, your fill activities may be subject to requirements for a Natural Resources Protection Act permit. Also, if your fill extends down into the wetland areas toward Hurricane Road, an Army Corps of Engineers wetland fill permit may be necessary. You should consult with those state and federal agencies.

If you have any questions or need further assistance, please call me or George Thebarge at 781-5253.

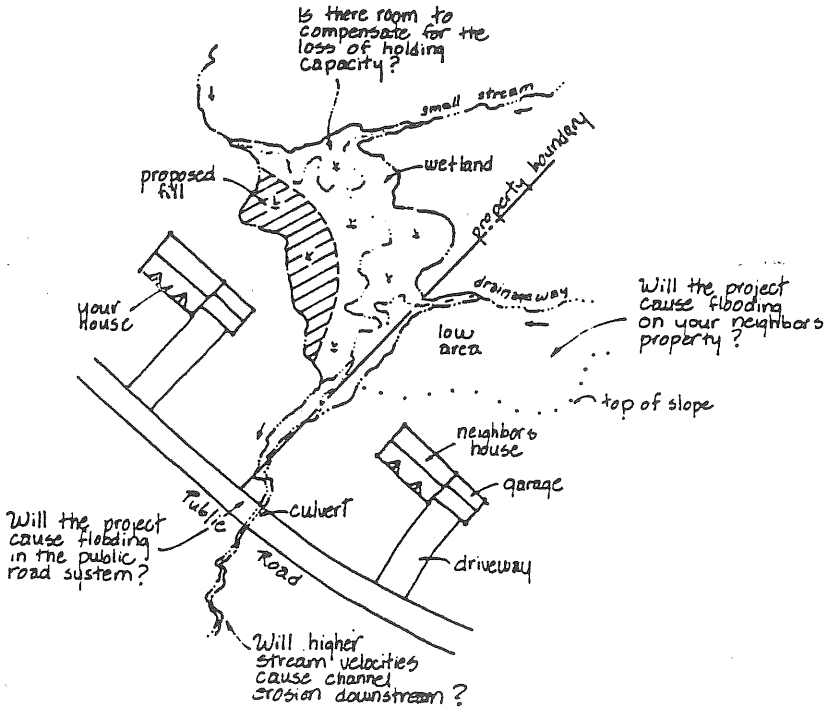
Sincerely yours,

Doug Webster

Doug Webster
Code Enforcement Officer

Filling a Wetland or Other Flood Storage Area

After examining alternatives and checking with local, state, and federal authorities, you propose to extend your backyard by filling part of a wetland that lies behind the house. The outlet to the wetland is somewhat constricted as it passes under a public road. You have noticed that the water elevation in the wetland rises and falls considerably, depending on the time of year and the amount of rainfall. This variation in water levels is a clue that the wetland is acting as a stormwater storage area within your watershed, so your job is to ensure that this wetland continues to play this vital role.



Filling a flood storage area raises many questions.

If you fill the wetland, where will the floodwater go the next time it rains? There are five possibilities:

1. It will back up onto your property, flooding an area that has not flooded before.
2. It will flood your neighbor's property.
3. It will bypass both properties and flood the public road just a few hundred feet downstream.
4. All of the above.
5. No adverse effect is noticed because the wetland contains excess storage capacity.

In order to deal effectively with the complications of the natural drainage system, you will need to hire an engineer to find out which of these scenarios is most likely to occur, and to design a solution, if one is needed. There are four options:

1. Compensate for the loss of storage capacity by excavating additional space elsewhere on the perimeter of the wetland.
2. Ask your neighbor for an easement to flood part of his property, if limited space or the hydrology of the situation doesn't allow it to be done on your property.
3. Prove that reducing the holding capacity of the wetland will improve stormwater management in the area, or at least have a neutral effect.
4. Pay for improvements to your neighbor's property and the public road system to prevent flooding, assuming that other downstream effects are minimal or favorable.

In addition to the increased flood hazard, you will need to ensure that the edge of the fill is stabilized and does not erode. Raising the velocity of flood flow through your property by decreasing channel width and/or storage capacity may also cause erosion elsewhere in the watershed. These and other erosion and sediment control considerations should be a major part of an engineering study.

Cardinal Points of Filling Flood Storage Areas

- Many features of the natural drainage system store flood water. If you fill one of these areas, where will this flood water go?
- You have both a moral and a legal obligation to compensate for loss of flood storage capacity, or to pay for improvements on other properties to handle increased flood flows, if necessary.
- Filling wetlands and other flood storage areas can result in increased erosion, sedimentation, and pollution elsewhere in the watershed.
- State and federal laws allow the filling of wetlands only if the project is necessary and there is no practicable alternative. Filling a wetland to extend a backyard may not be regarded as a good candidate for receipt of a permit. Check with DEP and the Army Corps of Engineers before proceeding with the project. See Section 5.

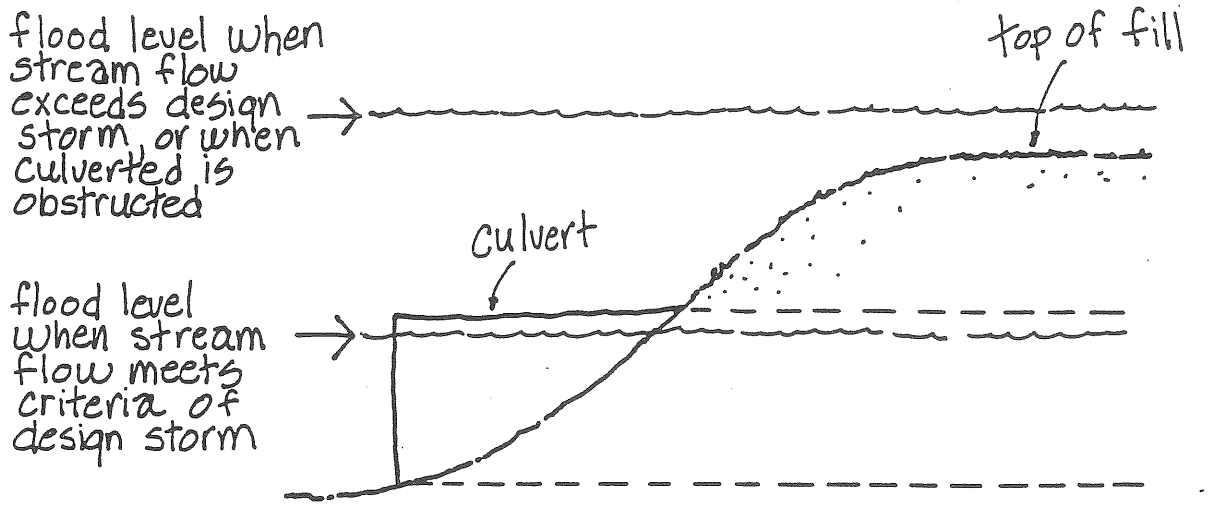
Installing a Culvert

If you are proposing to cross a stream or fill in a wetland or flood storage area, you may be required to install a culvert or other drainage structure as part of your project. Although your engineer can do this

rather easily, there are a number of issues you should consider, besides culvert size, during this process.

Culvert sizes are based on their ability to handle the flow of water generated by the watershed above the culvert during a rainstorm of a certain intensity. This is usually the 25-year storm, meaning that every year a storm of that intensity has a 1 in 25 chance of occurring.

However, changes in the watershed above the culvert over a period of time can greatly effect its capacity. Development in the watershed may increase the rate of runoff, and debris from past storms may accumulate and obstruct the stream or the culvert itself. In addition, there are many storms that produce greater stream flows than the 25 year storm.



Many factors contribute to flooding besides culvert size.

What happens when, as a result of these conditions, the culvert cannot handle the flow coming into it? One or more of the following events commonly occur:

1. Water flows over the road and washes it out.
2. Water backs up behind the culvert and floods your property or your neighbor's property.
3. Water becomes diverted into another drainage channel, perhaps the public road system, and washes it out.
4. All of the above.
5. The water that backs up is stored by a wetland or floodplain until the storm is over.
6. Water flows over the road without damaging it.

Obviously, the last two events are the more desirable ones, but they seldom happen except by design. Consequently, when designing the installation of culverts, consideration should be given to how stormwater flows that exceed the design storm will be managed.

Cardinal Points on Installing Culverts

- "Design Storms" are simply a way of sizing culverts and other drainage structures. To make sure that stormwater flows in excess of the design storm are handled properly, you need to do extra design work.
- At a minimum, flood water in excess of the design storm should be able to flow over the road without damaging it. This means that the entire part of the road lying below the flood level must be stabilized to prevent erosion by the force of moving water.
- Because of turbulence, strengthening the inlet and outlet areas of the culvert may be necessary.
- Even the best designed culvert can be blocked easily by debris. What provisions are being made to keep that from happening?
- If flood water is not likely to flow over the road, is there a safe place to store it?
- Have you checked with local, state, and federal authorities to see what other requirements may apply to your project? See Section 5.

Town of Falmouth

(Authority: *Zoning and Site Plan Review Ordinance*)

Most development activities require a permit.

Falmouth's ordinances do not regulate natural drainage systems directly in the same manner as state and federal law. However, in order to ensure orderly growth and to protect people and property from adverse consequences of development, the Town reviews a wide array of development activity within its borders. You should notify the Planning Office or the Code Enforcement Officer of any proposed activity that meets the following thresholds for size and location:

a) When your project involves any earthmoving, filling, or removal of vegetation ***within the Shoreland Zone.***

b) When your project involves the placement or removal of 16 cubic yards of fill or more (more than a dump truck load) ***anywhere in Falmouth.***

If your project is already being reviewed as part of an application for a building permit, private way, site plan, or subdivision, applying for additional review is not necessary.

Standards Common to All

Most permits require you to avoid impacts before considering mitigation measures.

The purpose of reviewing development activities under most permit systems is to protect the public interest in certain resources without interfering unduly in a landowner's ability to develop his or her property. The complexity of permitting procedures is often the direct result of trying to balance these sometimes competing interests.

State and federal laws state clearly that a person must make a reasonable effort to avoid impacts to regulated resources before considering mitigation measures. For example, a developer proposes to fill a wetland and replace its flood storage capacity using engineering measures. However, after reviewing the developer's proposal and the characteristics of the site, the permitting authority may determine that the wetland could easily be avoided by relocating the development onto a more suitable part of the property. The project would be approved once the developer redesigned it to avoid the wetland.

Because many impacts to the natural drainage system can be avoided through better site selection and better site planning, these activities should be regarded as fundamental to the permitting process. The importance of this principle should become apparent after examining the standards below, which are common to almost all permits dealing with the natural drainage system.

- Avoid filling, draining, or building structures on any part of the natural drainage system, if possible. Examine alternatives and obtain professional design help, if necessary, to determine feasibility of alternatives.

- Minimize any necessary alteration to the natural drainage system through efficient planning , design, and implementation of the project.

- Do not increase flooding.

- Do not cause erosion or sedimentation.

- Maintain water quality.
- Leave naturally vegetated buffer strips between wetlands, streams, waterbodies, and developed areas.
- Maintain the natural flow of water to the greatest extent practicable.

Contact Addresses and Phone Numbers

Federal

U.S. Army Corps of Engineers
Maine Project Office
RR 2, Box 1855
Manchester, ME 04351
623-8367

State

Maine Department of Environmental Protection
Bureau of Land Quality Control
312 Canco Road
Portland, ME 04103
822-6300

Local

Town Planner
Falmouth Municipal Offices
271 Falmouth Road
Falmouth, ME 04105
781-5253

Section 5: Guide to Permits

Introduction

Advance planning and research are the keys to success.

Most projects that occur within or near the natural drainage system require permits from a local, state, or federal agency. Frequently, ***more than one permit will apply***, and so anyone proposing development activity within these areas should consult with all three authorities listed in this section.

Most people dislike having to justify their actions or having to prove that their projects will not endanger the public health, safety, and welfare. However, advance planning and research can reduce the difficulty in getting your project approved. It will usually also save money in the long run by avoiding unnecessary delays and improving the project functionally and aesthetically.

Some people will wonder why even some apparently small projects require a permit. The reason is that a significant adverse effect on a neighbor's property or the environment doesn't always depend on project size. In fact, large projects which are properly designed and executed often produce less side effects than small projects which have been done improperly. Another important reason is that impacts to the natural drainage system are cumulative. The cumulative effect of many small projects can be equivalent to the impact of a large project, or worse.

Army Corps of Engineers

(Authority: *Clean Water Act, Rivers and Harbors Act*)

Jurisdiction covers all waterbodies, streams, and wetlands in Falmouth.

All wetlands, streams, and waterbodies in the United States fall under the jurisdiction of the Clean Water Act. In addition, the Rivers and Harbors Act provides overlapping jurisdiction in coastal areas. Although certain kinds of agricultural and navigational activities are exempted under Army Corps regulations, most kinds of development activity require a permit. The permits fall into a number of different categories, depending on the size, location, and probable impacts of the proposed project. The purpose of the different permits is to allow the Army Corps to concentrate its attention on those activities which represent the greatest potential impacts to the nation's ground and surface waters.

Determining which permits apply to any given project can be difficult for anyone unacquainted with Army Corps regulations. This has lead to frequent misunderstandings concerning the extent of Army Corps jurisdiction, or the requirements for the protection of surface and ground waters under federal law.

One source of controversy concerns the application of Nationwide Permit # 26, which applies to many wetlands in Falmouth. Under this general permit, persons proposing to conduct certain minor development activities are not required to notify the Army Corps of Engineers of the proposed action,

so long as they observe a number of standards contained in Army Corps regulations. The activities that qualify under this permit are carefully defined. However, the Army Corps can still require an individual permit depending on the circumstances of each project.

Unfortunately, many people have interpreted Nationwide Permit #26 as an exemption from proper development practices, or as a license to fill wetlands without demonstrating that there in no practicable alternative. When this happens, as it frequently does, the law is being violated.

The best way to comply with federal law is to inquire from the Army Corps office in Augusta what specific permit procedures and development standards apply to your proposed action before undertaking detailed planning or engineering work. This rule applies throughout Falmouth and includes all parts of the natural drainage system.

Maine Department of Environmental Protection

(Authority: *Natural Resources Protection Act*)

Permits are required when development activities will occur on or within 100 feet of certain protected natural resources.

The jurisdiction of Maine's Natural Resources Protection Act is not as comprehensive as federal law. Nonetheless, it includes much of the natural drainage system in Falmouth. Because DEP and Army Corps jurisdictions overlap, your project may require permits from both agencies.

Under DEP's rule making authority, two kinds of permits are issued. One requires individual review of the project by DEP staff. The other, called Permit by Rule, allows the project to proceed so long as DEP is notified in writing of the proposed action at least 14 days prior to commencement of the work (the waiting period begins when the notice is received by DEP). The project must also meet certain standards as described in DEP regulations. Projects covered by Permit By Rule are generally those that are expected to have a minimal impact on the regulated resource.

DEP classifies wetlands as Class I, II, and III wetlands, in order of their importance. It will generally be more difficult to justify altering a Class I wetland than it will a Class II wetland. Similarly, it will be more difficult to justify altering a Class II wetland than a Class III wetland. The purpose of this system is to expedite administration of the law and to give the most protection to the most important natural resource areas.

The jurisdiction of the Natural Resources Protection Act applies to ***coastal wetlands***, ***great ponds***, ***freshwater wetlands***, ***significant wildlife habitat***, and ***rivers, streams, or brooks*** as defined in the law. Although identifying such areas is sometimes easy, it more often requires specialized knowledge of state regulations and departmental guidelines, as well as the ability to accurately identify and delineate drainage features in the field. Anyone who has any doubt as to the location of NRPA boundaries on their project site should call DEP. They are usually glad to provide on site assistance, if necessary.

Permits from DEP are required whenever a person proposes filling, draining, or building structures ***on, over, or within*** a protected natural resource as defined in the law, or, whenever a person proposes to disturb soil material ***adjacent to*** these areas, when that soil is in a position to wash into the resource. Generally, DEP considers soil to be in a position to wash in when the project is located within 100 feet of a regulated resource. However, given specific site conditions, soil may be in a position to wash in outside the 100 foot area. DEP retains authority to regulate the activity in either case.

Some of the protected natural resources which are most likely to be encountered in Falmouth are described below:

Coastal Wetlands

Are defined as all tidal and subtidal lands. These include all of Casco Bay's mudflats, shoals, and ledges, as well as the sand and cobble beaches at MacWorth Island and Falmouth Foreside. Other coastal wetlands include the Presumpscot River estuary, along with all the mudflats and saltmarshes below the Presumpscot Falls Dam, plus the Mill Creek estuary, including the channel and its adjacent wetlands at least as far as Interstate 95 and the lower portion of Norton brook.

Great Ponds

Are defined as natural freshwater bodies over 10 acres in size, or, if manmade, over 30 acres in size. The only body of water meeting this size requirement in Falmouth is Highland Lake. The jurisdiction over great ponds includes adjacent wetlands which, during normal high water, are connected to the lake by surface water.

Freshwater Wetlands

Refers to freshwater wetlands which are ***over ten acres in size***. It is not always easy to determine how large a wetland is for jurisdictional purposes, because of possible overlap with wetlands regarded as part of a river, stream, or brook, or a great pond. Nonetheless, wetlands in Falmouth that appear to meet this threshold for size, regardless of these other factors, are indicated by 10+ on the Natural Drainage System map. Wetland size should always be confirmed in the field if you are applying for a permit.

River, stream, or brook

Includes any stream ***channel*** with banks and an exposed mineral bottom, such as mud, rock, sand, or gravel, plus their associated ***floodplain wetlands*** and the ***floodway***.

Floodplain wetlands are defined as those lands adjacent to a stream which are inundated with flood water during a 100 year flood event and which, under normal circumstances, support a prevalence of vegetation adapted for life in saturated soils. The floodway is the area within a floodplain needed to discharge a 100 year flood without increasing the flood elevation by more than one foot. Whereas floodplain wetlands can usually be identified on the basis of field observation, the floodway requires engineering data, a flood insurance rate map, or reference to DEP departmental guidelines.

Ponds and their adjacent wetlands which are less than 10 acres in size are also considered part of a river, stream, or brook, *when they contain both an inlet and an outlet stream.*

Drainageways are depressions in the ground that conduct water to streams. They do not have banks or exposed mineral bottoms, although they may be wetlands. Whereas streams are regulated under the NRPA, *drainageways are not.*

Section 7 has more detail on some of the various combinations of streams, ponds, and wetlands that are regulated *as streams* under the NRPA. However, field conditions are often so complex that professional assistance will usually be needed to determine DEP jurisdiction accurately.

Some of the streams in Falmouth that are obviously regulated by DEP under the definition for a river, stream, or brook include the Presumpscot River, the East and West Branches of the Piscataqua River, Hobbs Brook, Meader Brook, Norton Brook, and Chenery Brook.

July 28, 1995

To: Falmouth Planning Board

Re: Brook between 404 and 408 Gray Road

I am an heir to the property of Harold and Mary Adams at 408 Gray Road.

My concern is that if the Waig's finish filling in the brook that they've already started, when the water is high it will flood the cellar on our property. That is why I'm against them getting a permit to fill this brook in. My parents, for 37 years, had a sump pump in the cellar for that reason.

I came to the office on Monday, July 24 for someone to investigate this problem. I also went to the DEP on Canco Road and spoke to Dawn Hallowell. She made out a complaint and they're supposed to investigate this also.

Could you be kind enough to let me know your decision.

Thank you.

Judy M. Russell

Judy M. (Adams) Russell
P.O. Box 64
248 Todds Corner Road
St. Albans, ME 04971
(207) 938-4211

Received 8/1 '95
Certified Mail

R6/75

town of FALMOUTH MAINE

July 26, 1995

Josephine Waig
404 Gray Rd
Falmouth, ME 04105

Dear Ms Waig:

It has been brought to the attention of the town's Code Enforcement Office that you are placing fill on part of your property. Section 5.34 of the town's zoning ordinance requires that a permit be obtained for the placement of fill.

I inspected the property this morning and saw evidence of fill being placed and bulldozer tracks. I also noted that there is a stream/drainage way on or near your property close to where some fill has been placed. Please note standard #9 on the reverse side of the enclosed fill permit application.

Please fill out the enclosed fill permit and return it to this office at your earliest convenience. If you have any questions call me at this office at 781-5253.

Sincerely,

Doug Webster

Doug Webster
Code Enforcement Officer

I am an heir to the property of Harold and Mary Adams at 408 Gray Road.

My concern is that if the Waig's finish filling in the brook that they've already started, when the water is high it will flood the cellar on our property. That is why I'm against them getting a permit to fill this brook in. My parents, for 37 years, had a sump pump in the cellar for that reason.

I came to the office on Monday, July 24 for someone to investigate this problem. I also went to the DEP on Canco Road and spoke to Dawn Hallowell. She made out a complaint and they're supposed to investigate this also.

Could you be kind enough to let me know your decision.

Thank you.

Judy M. Russell

Judy M. (Adams) Russell
P.O. Box 64
248 Todds Corner Road
St. Albans, ME 04971
(207) 938-4211

Received 8/1 95
Certified Mail

town of FALMOUTH
MAINE

August 7, 1995

Judy Russell
P.O. Box 64
248 Todds Corner Road
St. Albans, ME 04971

Dear Ms. Russell:

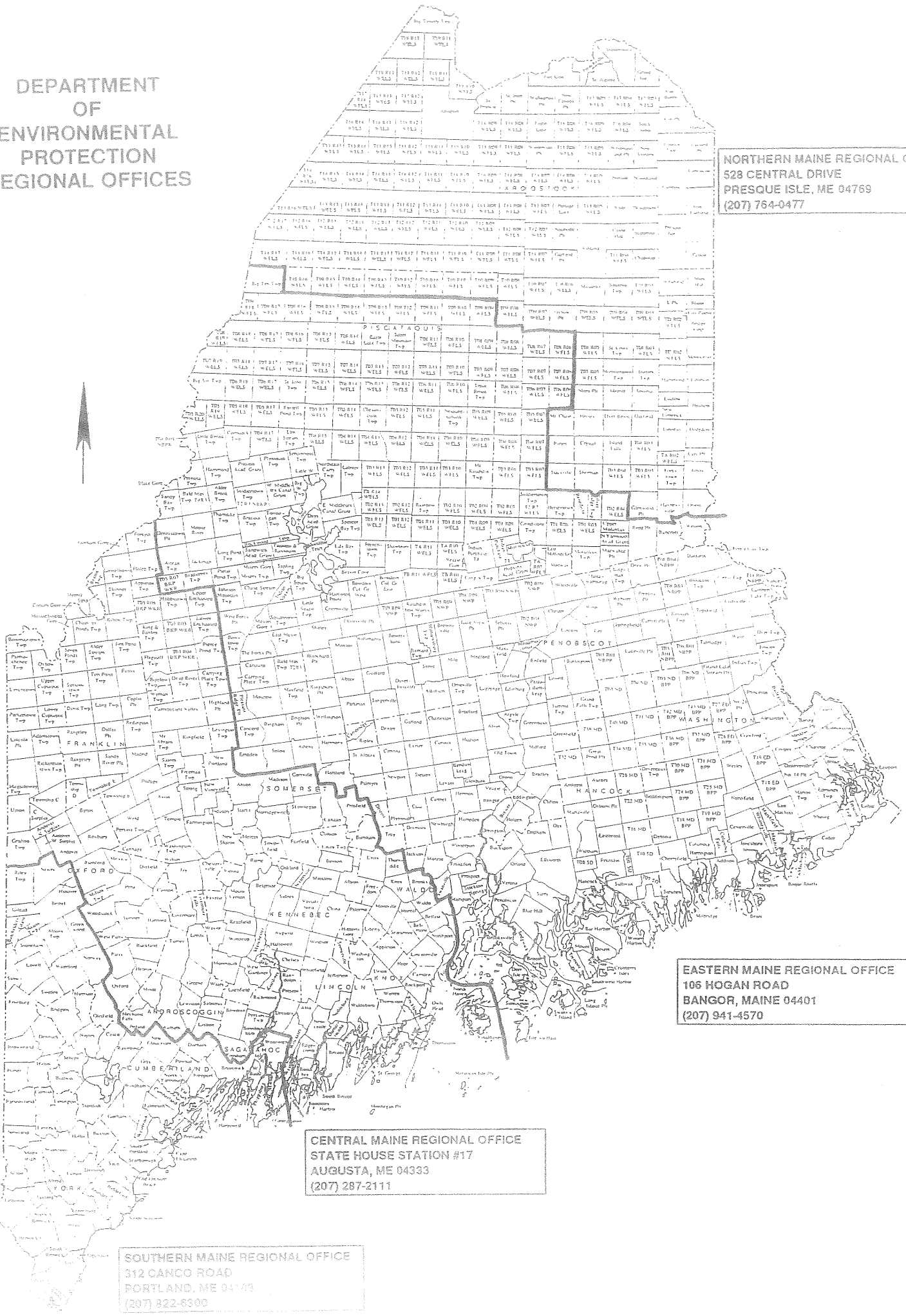
Enclosed please find a copy of the letter that was sent to Josephine Waig by Doug Webster, Code Enforcement Officer, per your request. If you have any questions, please give us a call at 781-5253.

Sincerely,

Jennifer Phinney
Planning Secretary

Enc.

DEPARTMENT OF ENVIRONMENTAL PROTECTION REGIONAL OFFICES



NORTHERN MAINE REGIONAL OFFICE
528 CENTRAL DRIVE
PRESQUE ISLE, ME 04769
(207) 764-0477

EASTERN MAINE REGIONAL OFFICE
106 HOGAN ROAD
BANGOR, MAINE 04401
(207) 941-4570

CENTRAL MAINE REGIONAL OFFICE
STATE HOUSE STATION #17
AUGUSTA, ME 04333
(207) 287-2111

SOUTHERN MAINE REGIONAL OFFICE
312 CANCO ROAD
PORTLAND, ME 04103
(207) 822-6300

Erosion Control for Homeowners

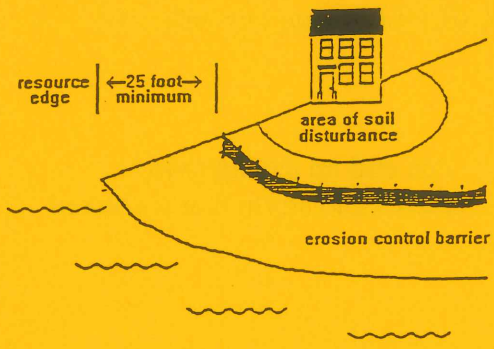
Before Construction

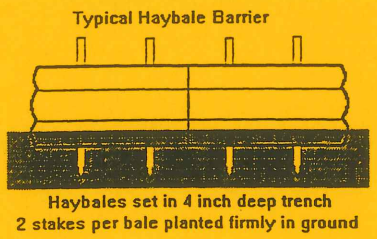
1. If you have hired a contractor, make sure you have discussed your permit-by-rule with them. Talk about what measures they plan to take to control erosion. Everybody involved should understand what the resource is and where it is located. Most people could identify the edge of a lake or a river. The edges of wetlands, however, are often not obvious. Your contractor may be the person actually pushing dirt around but you are both responsible for complying with the permit-by-rule.

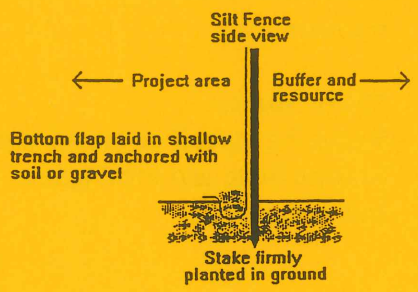
2. Call around and find sources for your erosion controls. You will probably need silt fence, hay bales and grass seed or conservation mix. Some good places to check are feed stores, hardware stores, landscapers and contractor supply houses. It is not always easy to find hay or straw during late winter and early spring. It may also be more expensive during those times of year. Plan ahead. Purchase a supply early and keep it under a tarp.

3. Before any soil is disturbed, make sure an erosion control barrier has been installed. The barrier can be either a silt fence, a row of staked hay bales, or both. Use the drawings below as a guide for correct installation and placement. The barrier should be placed as close as possible to the activity.

If a contractor is installing the barrier, double check it as a precaution. Erosion control barriers should be installed "on the contour", meaning at the same level along the land slope, whenever possible. This keeps stormwater from flowing to the lowest point of the barrier where it builds up and overflows or destroys it.







During Construction

1. Use lots of hay or straw mulch on disturbed soil. The idea behind mulch is to prevent rain from striking the soil directly. It is the force of raindrops striking the soil that causes a lot of erosion. More than 90% of erosion is prevented by keeping the soil covered.

2. Inspect your erosion control barriers frequently. This is especially important after a rainfall. If there is muddy water leaving the project site, then your erosion controls are not working as intended. In that situation, stop work and figure out what can be done to prevent more soil from getting past the barrier.

(over)

After Construction

1. After the project is complete, replant the area. All ground covers are not equal. For instance, a mix of creeping red fescue and Kentucky bluegrass is a good choice for lawns and other high maintenance areas. The same mix would not be a good choice for stabilizing a road shoulder or a cut bank that you don't intend to mow.

2. If you finish your project after September 15, then do not spread grass seed. There is a very good chance that the seed will germinate and be killed by a frost before it has a chance to become established. Instead, mulch the site with a thick layer of hay or straw. In the spring, rake off the mulch and seed the area. Don't forget to mulch again to hold in moisture and prevent the seed from washing away.

3. Keep your erosion control barrier up and maintained until the area is permanently stabilized.

Why Control Erosion?

***Protect Water Quality**

When soil erodes into protected resources such as streams, rivers, wetlands and lakes it has many effects. Eroding soil particles carry phosphorus to the water. An excess of phosphorus can lead to explosions of algae growth called blooms. In addition, when the soil settles out on the bottom it smothers fish eggs and small animals eaten by fish. There are lots of other impacts as well, all bad.

***Protect Soil**

It has taken thousands of years for our soil to develop. We cannot afford to waste this valuable resource.

***Save Money**

Replacing topsoil or gravel washed off your property is expensive. You end up paying twice because State and local agencies spend your tax dollars digging out ditches and storm drains choked with sediment.

Chapter 305: PERMIT BY RULE

1. **Introduction.** A "permit by rule" or "PBR", when approved by the Department of Environmental Protection (DEP), is an approval for an activity that requires a permit under the Natural Resources Protection Act (NRPA). Only those activities described in this chapter may proceed under the PBR process. A PBR activity will not significantly affect the environment if carried out in accordance with this chapter, and generally has less of an impact on the environment than an activity requiring an individual permit. A PBR satisfies the Natural Resources Protection Act (NRPA) permit requirement and Water Quality Certification requirement.

   If a proposed activity is not described in this chapter, or will not be conducted in accordance with the standards of this chapter, the applicant must obtain an individual permit prior to beginning the activity.

   A. **Location of activity.** The location of an activity may affect whether an activity qualifies for PBR, and whether review by the Department of Inland Fisheries and Wildlife is required.

      (1) Type of resource. For some types of activities, the availability of a PBR is affected by the type of natural resource in or adjacent to which the activity is proposed. For example, an applicant proposing an activity consisting of "Movement of rocks or vegetation" may receive a PBR only if the activity will take place in a great pond, river, stream or brook. Limitations concerning the location of activities are addressed in the "Applicability" provision in each section of this chapter.

      (2) Essential habitat. Essential habitats include areas critical to the survival of threatened and endangered species such as the bald eagle, least tern, roseate tern, and piping plover. If the activity is located in essential habitat, such as near an eagle nesting site, a PBR is only available if the applicant obtains written approval from the Department of Inland Fisheries and Wildlife (IF&W). This approval from IF&W must be submitted to the DEP with the PBR notification form, and the applicant must follow any conditions stated in the IF&W approval.

NOTE: Maps showing areas of essential habitat are available from the Department of Inland Fisheries and Wildlife regional headquarters, municipal offices, the Land Use Regulation Commission (for unorganized territories) and DEP regional offices. If the activity is located in essential habitat, IF&W must be contacted to request and obtain a "certification of review and approval".

   B. **Notification.** The applicant must file notice of the activity with the DEP prior to beginning work on the activity. The notification must be on a form provided by the DEP and must include any submissions required in this chapter. The applicant must keep a copy to serve as the permit.

      The notification form must be sent to the DEP by certified mail (return receipt requested), or hand delivered to the DEP and date stamped by the department.

   C. **Effective period**

      (1) Beginning of period. The PBR becomes effective 14 calendar days after the DEP receives the notification form, unless the DEP approves or denies the PBR prior to that date. If the DEP

does not speak with or write to the applicant within this 14 day period regarding the PBR notification, the applicant may proceed to carry out the activity.

There are three exceptions regarding the effective date of an approved PBR:

(a) Activities listed in Section 10 (Stream crossings) occurring in association with forest management are exempt from the 14 day waiting period.

(b) Activities listed in Section 2 (Soil disturbance) and Section 10 (Stream crossings) performed or supervised by individuals currently certified in erosion control practices by the DEP are exempt from the 14 day waiting period. To be certified in erosion control practices, an individual must successfully complete all course requirements of the Voluntary Contractor Certification Program administered by the DEP's Nonpoint Source Training and Resource Center.

(c) Activities that are part of a larger project requiring a permit under the Site Location of Development or the Storm Water Management Acts may not proceed until any required permit under those laws is obtained.

NOTE: Activities that are part of a larger project may require other permits from the DEP also. These other laws may prohibit the start of construction of any part of the project unless a permit under that law is obtained. In these cases, while not a violation of this rule, starting work on a PBR approved activity would be a violation of those other applicable laws.

(2) End of period. The PBR is generally effective for 2 years from the date of approval, except that a PBR for "Replacement of structures" under Section 4 is effective for 3 years.

NOTE: Activities that qualify under this chapter may need to meet other local, state and federal requirements. Examples -- (1) If an activity extends below the low water line of a lake, coastal wetland or international boundary water, the applicant should contact the Bureau of Parks and Lands (287-3061) concerning possible lease or easement requirements, or (2) If an activity will involve work below the mean high water line in navigable waters of the United States, the applicant should contact the Army Corps of Engineers (623-8367).

D. **Discretionary authority.** Notwithstanding compliance with the PBR applicability requirements and standards set forth in this chapter, the DEP may require an individual permit application to be filed in any case where credible evidence indicates that the activity:

(1) May violate the standards of the NRPA (38 M.R.S.A. Section 480-D);

(2) Could lead to significant environmental impacts, including cumulative impacts; or

(3) Could adversely impact a resource of special concern.

If an individual permit is required pursuant to this subsection, the DEP shall notify the applicant in writing within the 14 calendar day waiting period described in sub-section (C) above. When the

DEP notifies an applicant than an individual permit is required, no work may be conducted unless and until the individual permit is obtained.

E. Violations. A violation of law occurs when a person, or his or her agent, performs or causes to be performed any activity subject to the NRPA without first obtaining a permit from the DEP, or acts contrary to the provisions of a permit. The person, his or her agent, or both, may be held responsible for the violation. Commonly, the "person" is the landowner, and the "agent" is the contractor carrying out the activity. A violation occurs when:

(1) An activity occurs that is not allowed under PBR, whether or not a PBR notification form has been filed with and/or approved by the DEP;

(2) An activity occurs that is allowed under PBR, but a PBR for the activity has not become effective prior to the beginning of the activity; or

(3) An activity occurs that is allowed under PBR and a PBR for the activity is in effect, but the standards specified in this chapter are not met.

See the "applicability" provision under each activity for rules concerning what activities are allowed under PBR. A PBR is only valid for the person listed on the notification form, or for his or her agent.

Each day that a violation occurs or continues is considered a separate offense. Violations are subject to criminal penalties and civil penalties of not less than $100 nor more than $10,000 for each day of that violation (38 M.R.S.A. Section 349).

NOTE: A local Code Enforcement Officer (CEO) may take enforcement action for a violation of the Natural Resources Protection Act if he or she is authorized to represent a municipality in District Court, and he or she has been certified as familiar with court procedures, 30-A M.R.S.A. Section 4452(7).

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10. Stream crossings (bridges, culverts and fords)

A. Applicability

(1) This section applies to the construction of a bridge span or culvert crossing of a river, stream or brook, and associated accessway construction within 25 feet of the river, stream or brook crossing excluding the following:

(a) Crossings of outstanding river segments identified in 38 M.R.S.A. Section 480-P;

(b) Crossings of any river as defined by 38 M.R.S.A. Section 436-A(11), the Mandatory Shoreland Zoning Act (information is available at the Town Office);

(c) Crossings of any portion of a river, stream or brook that experiences tidal action; or.

(d) Crossings that are part of a larger project, excepting recreation trails, involving multiple crossings of a natural resource or more than one natural resource. Projects consisting of multiple natural resource crossings must obtain an individual permit under the Natural Resources Protection Act.

(2) This section also applies to the establishment of a permanent stream ford for purposes of timber harvesting, livestock, agriculture and construction and maintenance of a utility line.

(3) This section applies to crossings associated with recreation trails that are: less than 12 feet wide; utilize a span or bridge, without abutments; and not maintained for highway vehicles. Multiple recreation trail crossings constructed in this manner may be submitted on one PBR notification form as long as the activities are located within one town.

(4) A stream crossing associated with forest management activities is exempt from the 14 day waiting period required in Section 1(C)(1).

(5) A stream crossing performed or supervised by individuals currently certified in erosion control practices by the DEP is exempt from the 14 day waiting period required in Section 1(C)(1).

(6) This section does not apply to an activity that is not or will not be in compliance with the terms and conditions of permits issued under the Site Location of Development Law, 38 M.R.S.A. Sections 481 to 490, the Storm Water Management Law, 38 M.R.S.A. Section 420-D, or the Natural Resources Protection Act, 38 M.R.S.A. Sections 480-A to 480-Z.

(7) This section does not apply to an activity that will not conform to the local shoreland zoning ordinance.

NOTE:

(1) Contact the local Code Enforcement Officer for information on local shoreland zoning requirements.

(2) Maintenance and repair of a public or private crossing of a river, stream or brook is exempt from the NRPA provided that:

(a) Erosion control measures are taken to prevent sedimentation of the water;

(b) The crossing does not block fish passage in the water course; and

(c) Any replaced culvert is not more than 25% longer than the culvert being replaced and is not longer than 75 feet.

(3) A permit may be required from the US Army Corps of Engineers for the following types of projects:

(a) Any activity involving impacts (direct and secondary) to freshwater wetlands; or

(b) An activity within a river, stream or brook between October 2 and July 14.

A copy of the PBR notification form should be submitted to the Corps of Engineers for these activities (US Army Corps of Engineers, RR 2 Box 1855, Manchester, ME 04351).

B. Submissions

(1) For any work involving trenching or disturbance of substrate in a river, stream or brook that occurs between October 2 and July 14, notice of approval for the proposed work from the Department of Inland Fisheries and Wildlife, the Atlantic Salmon Authority and the Department of Marine Resources must be submitted to the DEP with the notification form.

(2) Photographs showing the completed project and the affected area must be submitted within 20 days of the activity's completion. The photographs must be sent with a copy of the notification form or labelled with the applicant's name and the town in which the activity took place.

C. Standards

(1) The following measures must be taken to prevent erosion of soil or fill material from disturbed areas into the resource:

(a) Staked hay bales or silt fence must be properly installed between the area of soil disturbance and the resource before the activity begins;

(b) Hay bales or silt fence barriers must be maintained until the disturbed area is permanently stabilized;

(c) Within 7 calendar days following the completion of any soil disturbance, and prior to any storm event, mulch must be spread on any exposed soils;

(d) All disturbed soils must be permanently stabilized; and

(e) Within 30 days of final stabilization of the site, any silt fence must be removed.

NOTE: For guidance on erosion and sedimentation controls, consult the Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices, dated March 1991. This handbook and other references on silt fence or hay bale installation and site stabilization are available from the DEP.

(2) If a perennial watercourse to be crossed is used for navigation, the crossing must consist of a bridge span or pipe arch with at least 4 feet of clearance during normal high water for boat traffic.

(3) If the stream to be crossed is a perennial watercourse and has a slope of more than 2%, a bridge or a pipe arch must be used to maintain the natural streambed.

(4) Fill sideslopes in a stream or floodplain wetland must be maintained at a slope no shallower than 3 horizontal to 1 vertical and no steeper than 1.5 horizontal to 1 vertical. Fill sideslopes must be stabilized at the completion of the activity.

NOTE: Uncompacted soils or sandy soils that are saturated at the toe of a slope will be unstable at a 1.5 to 1 slope.

(5) A bridge or culvert must provide an opening with a cross-sectional area at least equal to 3 times the cross-sectional area of the stream channel or sufficient in size to accommodate 25-year frequency water flows.

NOTE: Stream crossings allowable under this section but located in flood hazard areas (i.e. A zones) as identified on a community's Flood Insurance Rate Maps (FIRM) or Flood Hazard Boundary Maps (FHBM) must be designed and constructed under the stricter standards contained in that community's National Flood Insurance Program (NFIP). For example, a crossing may be required to pass a 100-year flood event.

(6) Road surfaces must be constructed in a manner to prevent erosion of material into the river, stream or brook.

(7) Surface water on or adjacent to crossing approaches must be diverted through vegetative filter areas at least 25 feet long to avoid sedimentation of the watercourse. Roadside ditches may not extend to the resource being crossed.

NOTE: Surface water on or adjacent to crossing approaches should be diverted through vegetative filter areas to avoid sedimentation of the watercourse. Because roadside ditches may not extend to the resource being crossed, filter areas should be established in accordance with the following tables:

Average slope of land between exposed mineral soil and normal high water mark (percent)	Width of strip between ditch terminus and normal high water mark (feet along surface of the ground)
0	25
10	45
20	65
30	85
40	105
50	125
60	145
70	165

(8) A stream ford must be lined with crushed stone, blasted ledge, washed stone, gabion blankets or geotextile material for erosion control when the natural stream bed does not consist of ledge or rock.

(9) A stream ford must allow for fish passage at all times of the year and may not impound water. The fords must also allow for maintenance of normal stream flows.

(10) Culvert crossings must:

(a) Be limited to 75 feet in length. This limit may not be exceeded within a half-mile length of the stream or within the length of stream controlled by the applicant, if less;

(b) Follow the alignment and grade of the existing stream channel where possible. On perennial streams the culvert's gradient may not exceed 1%;

(c) At the outfall, have the bottom of the culvert installed at or below stream bed elevation, except for additional culverts at the same crossing;

(d) Where 2 or more culverts are installed, be offset in order to concentrate low flows into the culvert within the natural channel;

(e) Be seated on firm ground, or on geotextiles, logs or other materials used to stabilize the ground;

(f) Be covered by soil to a minimum depth of 1 foot or according to the culvert manufacturer's specifications, whichever is greater;

(g) Have the soil compacted at least halfway up the side of the culvert; and

(h) Have the inlet and outlet ends stabilized by riprap or other means to avoid erosion of material around the culvert.

(11) Wheeled or tracked equipment may not operate in the water. Equipment operating on the shore may, where necessary, reach into the water with a bucket or similar extension. Equipment may cross streams on rock, gravel or ledge bottom.

(12) Work below the normal high water line must be done during periods of low water level or flow.

(13) If the activity occurs in a coastal wetland, great pond, river, stream or brook between October 2 and July 14, the activity must occur during the time period approved by the Department of Inland Fisheries and Wildlife, the Atlantic Salmon Authority and the Department of Marine Resources.

(14) If work is performed in a river, stream or brook that is less than three feet deep at the time of the activity and at the location of the activity, the applicant must provide for temporary diversion of flow to the opposite side of the channel while work is in progress.

(a) Diversion may be accomplished by placing sandbags, timbers, sheet steel, concrete blocks, 6+ mil polyethylene or geotextiles from the bank to midstream on the upstream side of the activity. No more than two-thirds (2/3) or 25 feet of stream width, whichever is less, may be diverted at one time.

(b) Any material used to divert water flow must be completely removed upon completion of the activity, and the stream substrate must be restored to its original condition.

(c) A pump may be operated, where necessary, for a temporary diversion. The pump outlet must be located and operated such that erosion or the discharge of sediment to the water is prevented.

(15) All wheeled or tracked equipment that must travel or work in a vegetated wetland area must travel and work on mats or platforms in order to protect wetland vegetation.

(16) All excavated material must be stockpiled either outside the wetland or on mats or platforms. Hay bales or silt fence must be used, where necessary, to prevent sedimentation.

(17) The use of untreated lumber is preferred. Lumber pressure treated with chromated copper arsenate (CCA) may be used, provided it is cured on dry land in a way that exposes all surfaces to the air for a period of at least 21 days prior to construction. Wood treated with creosote or pentachlorophenol may not be used where it will contact water.

D. Definitions. The following terms, as used in this chapter, have the following meanings, unless the context indicates otherwise:

(1) Cross-sectional area. The cross-sectional area of a stream channel is determined by multiplying the stream channel width by the average stream channel depth. The stream channel width is the straight line distance from the normal high water line on one side of the channel to the normal high water line on the opposite side of the channel. The average stream channel depth is the average of the vertical distances from a straight line between the normal high water marks of the stream channel to the bottom of the channel.

(2) Crossing. Any activity extending from one side to the opposite side of a protected natural resource, or to an island or upland within a protected natural resource whether under, through or over that resource. Such activities include, but are not limited to roads, fords, bridges, culverts, utility lines, water lines, sewer lines and cables, as well as maintenance work on these crossings.

(3) Fill. a. (verb) To put into or upon, supply to, or allow to enter a water body or wetland any earth, rock, gravel, sand, silt, clay, peat, or debris; b. (noun) Material, other than structures, placed in or adjacent to a water body or wetland.

(4) Ford. A permanent crossing of a stream utilizing an area of existing, non-erodible substrate of the stream, such as ledge or cobble, or by placing non-erodible material such as stone or geotextile on the stream bottom.

(5) Perennial watercourse. A river, stream or brook depicted as a solid line on the most recent edition of a United States Geological Survey 7.5 minute series topographic map, or if not available, a 15 minute series topographic map.

(6) Riprap. Heavy, irregular-shaped rocks that are fit into place on a slope, without the use of mortar.

(7) Used for navigation. Those rivers, streams or brooks used by motorized watercraft.

ATTACHMENT 18a

CITY OF PORTLAND, MAINE
MEMORANDUM

TO: Sarah Greene, Planner

FROM: Bill Bray, City Traffic Engineer

DATE: July 20, 1989

SUBJECT: Presumpscot River Place III

I have reviewed the plans for PRP III and have the following comments. This project will feed significant traffic onto Summit Street, which is the subject of a multi year improvement project totalling about $2 million, and is still underway. Summit Street is a collector street for the entire North Deering neighborhood, and this subdivision will contribute about 800 vehicles per day to Summit Street traffic. In an attempt to estimate a reasonable share of traffic attribuable to this development, I proposed an improvement contribution of $1,000 per lot. After discussions with the applicant, a total contribution toward Summit Street improvements of $70,000 for the entire subdivision was agreed upon.

All other traffic related concerns have been resolved and I recommend its approval.

/jy

STATE OF MAINE

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NATURAL RESOURCES PROTECTION ACT

Permit By Rule Standards

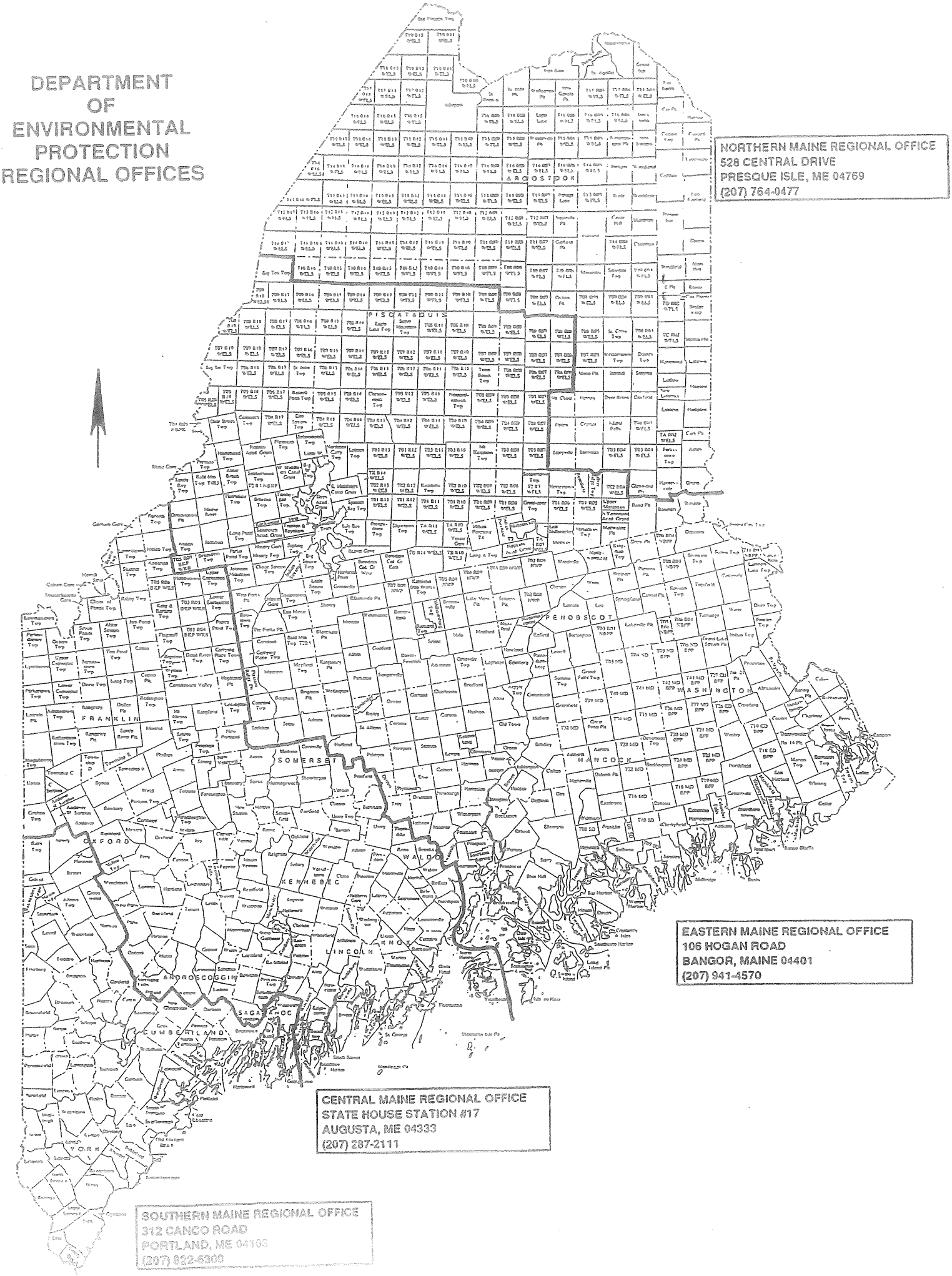
Chapter 305

SECTION 2
SOIL DISTURBANCE

Bureau of Land and Water Quality
No. DEPLW12-B1999

Effective: February 1989
Revised: June 1, 1999

DEPARTMENT OF ENVIRONMENTAL PROTECTION REGIONAL OFFICES



NORTHERN MAINE REGIONAL OFFICE
528 CENTRAL DRIVE
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(207) 764-0477

EASTERN MAINE REGIONAL OFFICE
106 HOGAN ROAD
BANGOR, MAINE 04401
(207) 941-4570

CENTRAL MAINE REGIONAL OFFICE
STATE HOUSE STATION #17
AUGUSTA, ME 04333
(207) 287-2111

SOUTHERN MAINE REGIONAL OFFICE
312 CANCO ROAD
PORTLAND, ME 04103
(207) 822-6300

Erosion Control for Homeowners

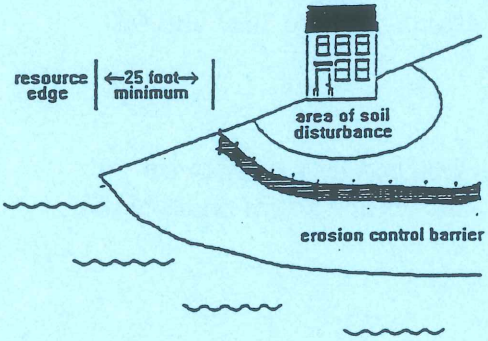
Before Construction

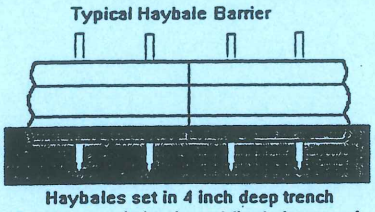
1. If you have hired a contractor, make sure you have discussed your permit-by-rule with them. Talk about what measures they plan to take to control erosion. Everybody involved should understand what the resource is and where it is located. Most people could identify the edge of a lake or a river. The edges of wetlands, however, are often not obvious. Your contractor may be the person actually pushing dirt around but you are both responsible for complying with the permit-by-rule.

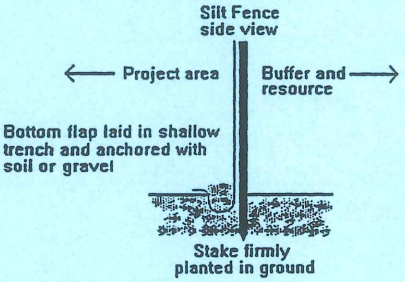
2. Call around and find sources for your erosion controls. You will probably need silt fence, hay bales and grass seed or conservation mix. Some good places to check are feed stores, hardware stores, landscapers and contractor supply houses. It is not always easy to find hay or straw during late winter and early spring. It may also be more expensive during those times of year. Plan ahead. Purchase a supply early and keep it under a tarp.

3. Before any soil is disturbed, make sure an erosion control barrier has been installed. The barrier can be either a silt fence, a row of staked hay bales, or both. Use the drawings below as a guide for correct installation and placement. The barrier should be placed as close as possible to the activity.

If a contractor is installing the barrier, double check it as a precaution. Erosion control barriers should be installed "on the contour", meaning at the same level along the land slope, whenever possible. This keeps stormwater from flowing to the lowest point of the barrier where it builds up and overflows or destroys it.







During Construction

1. Use lots of hay or straw mulch on disturbed soil. The idea behind mulch is to prevent rain from striking the soil directly. It is the force of raindrops striking the soil that causes a lot of erosion. More than 90% of erosion is prevented by keeping the soil covered.

2. Inspect your erosion control barriers frequently. This is especially important after a rainfall. If there is muddy water leaving the project site, then your erosion controls are not working as intended. In that situation, stop work and figure out what can be done to prevent more soil from getting past the barrier.

(over)

After Construction

1. After the project is complete, replant the area. All ground covers are not equal. For instance, a mix of creeping red fescue and Kentucky bluegrass is a good choice for lawns and other high maintenance areas. The same mix would not be a good choice for stabilizing a road shoulder or a cut bank that you don't intend to mow.

2. If you finish your project after September 15, then do not spread grass seed. There is a very good chance that the seed will germinate and be killed by a frost before it has a chance to become established. Instead, mulch the site with a thick layer of hay or straw. In the spring, rake off the mulch and seed the area. Don't forget to mulch again to hold in moisture and prevent the seed from washing away.

3. Keep your erosion control barrier up and maintained until the area is permanently stabilized.

Why Control Erosion?

*Protect Water Quality

When soil erodes into protected resources such as streams, rivers, wetlands and lakes it has many effects. Eroding soil particles carry phosphorus to the water. An excess of phosphorus can lead to explosions of algae growth called blooms. In addition, when the soil settles out on the bottom it smothers fish eggs and small animals eaten by fish. There are lots of other impacts as well, all bad.

*Protect Soil

It has taken thousands of years for our soil to develop. We cannot afford to waste this valuable resource.

*Save Money

Replacing topsoil or gravel washed off your property is expensive. You end up paying twice because State and local agencies spend your tax dollars digging out ditches and storm drains choked with sediment.

Chapter 305: PERMIT BY RULE

1. **Introduction.** A "permit by rule" or "PBR", when approved by the Department of Environmental Protection (DEP), is an approval for an activity that requires a permit under the Natural Resources Protection Act (NRPA). Only those activities described in this chapter may proceed under the PBR process. A PBR activity will not significantly affect the environment if carried out in accordance with this chapter, and generally has less of an impact on the environment than an activity requiring an individual permit. A PBR satisfies the Natural Resources Protection Act (NRPA) permit requirement and Water Quality Certification requirement.

   If a proposed activity is not described in this chapter, or will not be conducted in accordance with the standards of this chapter, the applicant must obtain an individual permit prior to beginning the activity.

   A. **Location of activity.** The location of an activity may affect whether an activity qualifies for PBR, and whether review by the Department of Inland Fisheries and Wildlife is required.

      (1) Type of resource. For some types of activities, the availability of a PBR is affected by the type of natural resource in or adjacent to which the activity is proposed. For example, an applicant proposing an activity consisting of "Movement of rocks or vegetation" may receive a PBR only if the activity will take place in a great pond, river, stream or brook. Limitations concerning the location of activities are addressed in the "Applicability" provision in each section of this chapter.

      (2) Essential habitat. Essential habitats include areas critical to the survival of threatened and endangered species such as the bald eagle, least tern, roseate tern, and piping plover. If the activity is located in essential habitat, such as near an eagle nesting site, a PBR is only available if the applicant obtains written approval from the Department of Inland Fisheries and Wildlife (IF&W). This approval from IF&W must be submitted to the DEP with the PBR notification form, and the applicant must follow any conditions stated in the IF&W approval.

NOTE: Maps showing areas of essential habitat are available from the Department of Inland Fisheries and Wildlife regional headquarters, municipal offices, the Land Use Regulation Commission (for unorganized territories) and DEP regional offices. If the activity is located in essential habitat, IF&W must be contacted to request and obtain a "certification of review and approval".

   B. **Notification.** The applicant must file notice of the activity with the DEP prior to beginning work on the activity. The notification must be on a form provided by the DEP and must include any submissions required in this chapter. The applicant must keep a copy to serve as the permit.

      The notification form must be sent to the DEP by certified mail (return receipt requested), or hand delivered to the DEP and date stamped by the department.

   C. **Effective period**

      (1) Beginning of period. The PBR becomes effective 14 calendar days after the DEP receives the notification form, unless the DEP approves or denies the PBR prior to that date. If the DEP

does not speak with or write to the applicant within this 14 day period regarding the PBR notification, the applicant may proceed to carry out the activity.

There are three exceptions regarding the effective date of an approved PBR:

(a) Activities listed in Section 10 (Stream crossings) occurring in association with forest management are exempt from the 14 day waiting period.

(b) Activities listed in Section 2 (Soil disturbance) and Section 10 (Stream crossings) performed or supervised by individuals currently certified in erosion control practices by the DEP are exempt from the 14 day waiting period. To be certified in erosion control practices, an individual must successfully complete all course requirements of the Voluntary Contractor Certification Program administered by the DEP's Nonpoint Source Training and Resource Center.

(c) Activities that are part of a larger project requiring a permit under the Site Location of Development or the Storm Water Management Acts may not proceed until any required permit under those laws is obtained.

NOTE: Activities that are part of a larger project may require other permits from the DEP also. These other laws may prohibit the start of construction of any part of the project unless a permit under that law is obtained. In these cases, while not a violation of this rule, starting work on a PBR approved activity would be a violation of those other applicable laws.

(2) End of period. The PBR is generally effective for 2 years from the date of approval, except that a PBR for "Replacement of structures" under Section 4 is effective for 3 years.

NOTE: Activities that qualify under this chapter may need to meet other local, state and federal requirements. Examples -- (1) If an activity extends below the low water line of a lake, coastal wetland or international boundary water, the applicant should contact the Bureau of Parks and Lands (287-3061) concerning possible lease or easement requirements, or (2) If an activity will involve work below the mean high water line in navigable waters of the United States, the applicant should contact the Army Corps of Engineers (623-8367).

D. Discretionary authority. Notwithstanding compliance with the PBR applicability requirements and standards set forth in this chapter, the DEP may require an individual permit application to be filed in any case where credible evidence indicates that the activity:

(1) May violate the standards of the NRPA (38 M.R.S.A. Section 480-D);

(2) Could lead to significant environmental impacts, including cumulative impacts; or

(3) Could adversely impact a resource of special concern.

If an individual permit is required pursuant to this subsection, the DEP shall notify the applicant in writing within the 14 calendar day waiting period described in sub-section (C) above. When the

DEP notifies an applicant than an individual permit is required, no work may be conducted unless and until the individual permit is obtained.

E. **Violations.** A violation of law occurs when a person, or his or her agent, performs or causes to be performed any activity subject to the NRPA without first obtaining a permit from the DEP, or acts contrary to the provisions of a permit. The person, his or her agent, or both, may be held responsible for the violation. Commonly, the "person" is the landowner, and the "agent" is the contractor carrying out the activity. A violation occurs when:

(1) An activity occurs that is not allowed under PBR, whether or not a PBR notification form has been filed with and/or approved by the DEP;

(2) An activity occurs that is allowed under PBR, but a PBR for the activity has not become effective prior to the beginning of the activity; or

(3) An activity occurs that is allowed under PBR and a PBR for the activity is in effect, but the standards specified in this chapter are not met.

See the "applicability" provision under each activity for rules concerning what activities are allowed under PBR. A PBR is only valid for the person listed on the notification form, or for his or her agent.

Each day that a violation occurs or continues is considered a separate offense. Violations are subject to criminal penalties and civil penalties of not less than $100 nor more than $10,000 for each day of that violation (38 M.R.S.A. Section 349).

NOTE: A local Code Enforcement Officer (CEO) may take enforcement action for a violation of the Natural Resources Protection Act if he or she is authorized to represent a municipality in District Court, and he or she has been certified as familiar with court procedures, 30-A M.R.S.A. Section 4452(7).

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2. **Soil disturbance**

A. **Applicability**

(1) This section applies to an activity involving soil disturbance or fill placement adjacent to, but not in:

(a) A coastal wetland, great pond, river, stream or brook or significant wildlife habitat contained within a freshwater wetland; or

(b) Freshwater wetlands consisting of or containing:

(i) Under normal circumstances, at least 20,000 square feet of aquatic vegetation, emergent marsh vegetation or open water, except for artificial ponds or impoundments; or

(ii) Peatlands dominated by shrubs, sedges and sphagnum moss.

NOTE: The Natural Resources Protection Act ("NRPA") regulates activities adjacent to the protected natural resources only if operated in such a manner that material or soil may be washed into them. If existing barriers (i.e. ice berms, retaining walls) or site conditions (i.e. negative slope) are such that material or soil could not wash into the resource, then the activity is not regulated under the NRPA. The use of silt fence and hay bale barriers does not change the law's applicability to an activity.

(2) This section does not apply to an activity where sustained slopes are steeper than 3 horizontal feet: 1 vertical foot (approximately 33% slope) between the normal high water line or upland edge of the protected resource and the soil disturbance.

(3) Activities that qualify for permit by rule under another section are not required to comply with this section unless expressly stated in that section.

(4) A soil disturbance activity performed or supervised by individuals currently certified in erosion control practices by the DEP is exempt from the 14 day waiting period required in Section 1(C)(1).

(5) This section does not apply to an activity that is not or will not be in compliance with the terms and conditions of a permit issued under the Site Location of Development Law, 38 M.R.S.A. Sections 481 to 490, the Storm Water Management Law, 38 M.R.S.A. Section 420-D, or the Natural Resources Protection Act, 38 M.R.S.A. Sections 480-A to 480-Z.

(6) This section does not apply to an activity that does not conform to the local shoreland zoning ordinance.

NOTE: Contact the local Code Enforcement Officer for information on local shoreland zoning requirements. In most shoreland areas, a 75 or 100 foot undisturbed buffer strip is required between the disturbed areas and the water or wetland.

B. Submissions

(1) The applicant is required to submit photographs of the area which will be affected by the activity proposed.

(2) Photographs showing the completed project and the affected area must be submitted within 20 days of the activity's completion. The photographs must be sent with a copy of the notification form or labelled with the applicant's name and the town in which the activity took place.

C. Standards

(1) A 25 foot setback must be maintained between the normal high water line or upland edge of the protected natural resource and the activity. Existing vegetation within the setback zone may not be disturbed. Areas that have slopes of 3 horizontal feet: 1 vertical foot (approximately 33% slope), or steeper, may not be counted when determining the 25 foot setback.

(2) The setback requirement does not apply to:

(a) The planting of vegetation for the purpose of controlling erosion;

(b) The removal or replacement of underground storage tanks when performed in accordance with 38 M.R.S.A. Section 566-A;

(c) The placement or replacement of a foundation or supports for a legally existing structure or addition that is not closer to a protected natural resource than the existing structure. Any fill, other than that required to maintain the integrity of the structure such as foundation backfill, must meet the 25 foot setback standard; or

(d) The closure of a landfill in conformance with the DEP's solid waste management rules.

(3) The following measures must be taken to prevent erosion of soil or fill material from disturbed areas into the 25 foot buffer and the resource:

(a) Staked hay bales or silt fence must be properly installed between the area of soil disturbance and the edge of the 25 foot buffer to the resource before the activity begins;

(b) Hay bales or silt fence barriers must be maintained until the disturbed area is permanently stabilized;

(c) Within 7 calendar days following the completion of any soil disturbance, and prior to any storm event, mulch must be spread on any exposed soils;

(d) All disturbed soils must be permanently stabilized; and

(e) Within 30 days of final stabilization of the site, any silt fence must be removed.

NOTE: For guidance on erosion and sedimentation controls, consult the Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices, dated March 1991. This

handbook and other references on silt fence or hay bale installation and site stabilization are available from the DEP.

D. **Definitions.** The following terms, as used in this chapter, have the following meanings, unless the context indicates otherwise:

(1) Fill. a. (verb) To put into or upon, supply to, or allow to enter a water body or wetland any earth, rock, gravel, sand, silt, clay, peat, or debris; b. (noun) Material, other than structures, placed in or adjacent to a water body or wetland.

(2) Land adjacent to a protected natural resource. Any land area within 100 feet, measured horizontally, of the normal high water line of a great pond, river, stream or brook or the upland edge of a coastal wetland or freshwater wetland.

(3) Structure. Anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground. Examples of structures include buildings, utility lines and roads.

(4) Upland edge. The boundary between upland and wetland.

NOTES:

(1) Section 480-Q(15-A) of the NRPA exempts the installation, removal or repair of a septic system from permitting requirements as of March 1, 1995, as long as the system complies with all requirements of the subsurface wastewater disposal rules adopted by the Department of Human Services pursuant to 22 M.R.S.A. Section 42(3).

(2) The placement of wastewater treatment facilities or disposal systems by people in possession of an overboard discharge license or conditional discharge permit is exempt from the NRPA, subject to certain conditions (see Chapter 596 of DEP Regulations "Overboard Discharges: Licensing, Relicensing, Transfer and Abandonment of Licenses").

NOTE: Contact the local Code Enforcement Officer for information on local shoreland zoning requirements. In most shoreland areas, a 75 or 100 foot undisturbed buffer strip is required between the disturbed areas and the water or wetland.

B. Submissions

(1) The applicant is required to submit photographs of the area which will be affected by the activity proposed.

(2) Photographs showing the completed project and the affected area must be submitted within 20 days of the activity's completion. The photographs must be sent with a copy of the notification form or labelled with the applicant's name and the town in which the activity took place.

C. Standards

(1) A 25 foot setback must be maintained between the normal high water line or upland edge of the protected natural resource and the activity. Existing vegetation within the setback zone may not be disturbed. Areas that have slopes of 3 horizontal feet: 1 vertical foot (approximately 33% slope), or steeper, may not be counted when determining the 25 foot setback.

(2) The setback requirement does not apply to:

(a) The planting of vegetation for the purpose of controlling erosion;

(b) The removal or replacement of underground storage tanks when performed in accordance with 38 M.R.S.A. Section 566-A;

(c) The placement or replacement of a foundation or supports for a legally existing structure or addition that is not closer to a protected natural resource than the existing structure. Any fill, other than that required to maintain the integrity of the structure such as foundation backfill, must meet the 25 foot setback standard; or

(d) The closure of a landfill in conformance with the DEP's solid waste management rules.

(3) The following measures must be taken to prevent erosion of soil or fill material from disturbed areas into the 25 foot buffer and the resource:

(a) Staked hay bales or silt fence must be properly installed between the area of soil disturbance and the edge of the 25 foot buffer to the resource before the activity begins;

(b) Hay bales or silt fence barriers must be maintained until the disturbed area is permanently stabilized;

(c) Within 7 calendar days following the completion of any soil disturbance, and prior to any storm event, mulch must be spread on any exposed soils;

 Soils Disturbance

MeDEP Excerpts 2/1/00

Presumpscot River Place

4-A. Product. Repealed. P.L. 1995, ch. 700, § 5.

4-B. Reclamation. "Reclamation" means the rehabilitation of the area of land affected by mining under a plan approved by the department, including, but not limited to, the stabilization of slopes and creation of safety benches, the planting of forests, the seeding of grasses and legumes for grazing purposes, the planting of crops for harvest and the enhancement of wildlife and aquatic resources, but not including the filling in of pits and the filling or sealing of shafts and underground workings with solid materials unless necessary for protection of ground water or safety.

4-C. Primary sand and gravel recharge areas. Repealed. Laws 1993, c. 383, § 14.

4-D. Significant ground water aquifer. "Significant ground water aquifer" means a porous formation of ice-contact and glacial outwash sand and gravel or fractured bedrock that contains significant recoverable quantities of water which is likely to provide drinking water supplies.

4-E. River, stream or brook. "River, stream or brook" has the same meaning as in section 480-B, subsection 9.[9]

4-F. Shoreland zone. "Shoreland zone" has the same meaning as "shoreland areas" in section 435[10]. Terms used within this definition have the same meanings as in section 436-A.

5. Subdivision. A "subdivision" is the division of a parcel of land into 5 or more lots, other than lots for single-family, detached, residential housing, common areas or open space, to be offered for sale or lease to the general public during any 5-year period, if the aggregate land area includes more than 20 acres; or the division of a parcel of land into 15 or more lots for single-family, detached, residential housing, common areas or open space, to be offered for sale or lease to the general public within any 5-year period, if the aggregate land area includes more than 30 acres. The aggregate land area includes lots to be offered together with the roads, common areas, easement areas and all portions

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[9]Title 38 M.R.S.A. § 480-B(9) defines "river, stream or brook" as:

a channel between defined banks. A channel is created by the action of surface water and has 2 or more of the following characteristics.

A. It is depicted as a solid or broken blue line on the most recent edition of the U.S. Geological Survey 7.5-minute series topographic map or, if that is not available, a 15-minute series topographic map.

B. It contains or is known to contain flowing water continuously for a period of at least 3 months of the year in most years.

C. The channel bed is primarily composed of mineral material such as sand and gravel, parent material or bedrock that has been deposited or scoured by water. [*continued on next page*]

D. The channel contains aquatic animals such as fish, aquatic insects or mollusks in the water or, if no surface water is present, within the stream bed.

E. The channel contains aquatic vegetation and is essentially devoid of upland vegetation.

"River, stream or brook" does not mean a ditch or other drainage way constructed and maintained solely for the purpose of draining storm water or a grassy swale.

[10]Title 38 M.R.S.A. § 435 (in part) defines "shoreland areas" as including those areas within 250 feet of the normal high water line of any great pond, river or saltwater body, within 250 feet of the upland edge of a coastal or freshwater wetland, or within 75 feet of the high-water line of a stream.

H. The transfer of contiguous land by a permit holder to the owner of a lot within a permitted subdivision is exempt from review under this article, provided that the land was not owned by the permit holder at the time the department approved the subdivision. Further division of the transferred land must be reviewed under this article.

The exception described in paragraph F does not apply, and the subdivision requires site location approval, whenever the use of a lot described in paragraph F changes or the lot is offered for sale or lease to the general public without the limitations set forth in paragraph F. For the purposes of this subsection only, a parcel of land is defined as all contiguous land in the same ownership provided that lands located on opposite sides of a public or private road are considered each a separate parcel of land unless that road was established by the owner of land on both sides of the road subsequent to January 1, 1970. A lot to be offered for sale or lease to the general public is counted, for purposes of determining jurisdiction, from the time a municipal subdivision plan showing that lot is recorded or the lot is sold or leased, whichever occurs first, until 5 years after that recording, sale or lease.[12]

6. **Structure.** A "structure" means:

A. Deleted. Laws 1993, c. 383, § 18.[13]

B. Buildings, parking lots, roads, paved areas, wharves or areas to be stripped or graded and not to be revegetated that cause a total project to occupy a ground area in excess of 3 acres. Stripped or graded areas that are not revegetated within a calendar year are included in calculating the 3-acre threshold.

See Pg 19

7. **Storage facility.** Repealed. Laws 1995, c. 704, Pt. A, § 6. Effective July 1, 1997.

§ 482-A. Noise effect. Repealed. Laws 1993, c. 383, § 19.

§ 483. Notification required; board action; administrative appeals. Repealed. Laws 1989, c. 546, § 8.

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[12]The last sentence of this paragraph is affected by transition language. It provides that the provision, among others enacted by Laws 1993, ch. 383, does not apply to a development for which a permit was required under the Site Law prior to October 13, 1993. See Laws 1993, ch. 383, § 42. The transition language also provides, in part, that " Unless a subdivision has been proposed or created prior to the effective date of this Act:

A. A lot that is offered for sale or lease to the general public 5 years or more prior to the effective date of this Act, and still offered on that date, is no longer counted for purposes of determining jurisdiction as of that date;

B. A lot that is first offered for sale or lease to the general public within 5 years prior to the effective date of this Act, and still offered on that date, is no longer counted for puposes of determining jurisdiction more than 5 years after the date of the first offering; ...". Laws 1993, ch. 383, § 42.

The "effective date of this Act" referred to is October 13, 1993.

[13]Deletion effective October 13, 1993. Deleted paragraph "A" read: "A building or buildings on a single parcel constructed or erected with a fixed location on or in the ground or attached to something on or in the ground which occupies a ground area in excess of 60,000 square feet or contains a total floor area of 100,000 square feet or more; or".... Laws 1993, ch. 383, § 18.

(2) A decision to require the application of one or more standards made on the commissioner's own initiative must be made within 15 working days after the application is filed with the department.

Nothing in this subsection may be construed to exempt a proposed development from review for flooding potential due to increases in storm water runoff caused by the development.

15. Exemption for former military bases. Development on a military base at the time ownership of the military base is acquired by a state or local development authority is exempt from review under this article. Subsequent transfer of ownership of a former military base or any portion of a former military base by a state or local development authority to another entity does not affect the exemption granted under this subsection. Development proposed or occurring on a former military base after ownership of the military base is acquired by a state or local development authority is subject to review under this article.

For purposes of this subsection, "military base" means all property under the ownership or control of a federal military authority prior to the acquisition of ownership by a state or local development authority, the ownership of which is subsequently acquired by a state or local development authority. For purposes of this subsection, "ownership" means a fee interest or leasehold interest in property.

16.[34] (CONFLICT: Text as repealed and replaced by PL 1995, ch. 625, Pt. A, @53) Small road quarry. A quarry regulated by the department under article 8 is exempt from review under this article.

16. (CONFLICT: Text as repealed by PL 1995, ch. 700, @9) Small road quarry.

17. Structure area within residential lots. Buildings, roads, paved areas or areas to be stripped or graded and not revegetated that are located within lots used solely for single-family residential housing are not counted toward the 3-acre threshold described in section 382,[35] subsection 6, paragraph B for purposes of determining jurisdiction. A road associated only with such lots is also not counted toward the 3-acre threshold. For purposes of this subsection, "single-family residential housing" does not include multi-unit housing such as condominiums and apartment buildings.[36]

18. Roundwood and lumber storage yards. A roundwood or lumber storage yard and any road associated with the yard is exempt from review under this article, as provided in this subsection.

A. A roundwood or lumber storage yard and any road associated solely with the yard, constructed on or after the effective date of this subsection, is exempt from review under this

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[34]⇒38 MRSA 488(16) as repealed and replaced by PL 1995, ch. 625, Pt. A, § 53 and repealed by PL 1995, ch. 700, § 9, is repealed effective September 19, 1997. This change applies retroactively to July 4, 1996. See PL 1997, c. 502, §§ 11 and 18.

[35]⇒Section number corrected to "482" effective September 19, 1997.

[36]Laws 1995, ch. 493, § 21 (effective July 3, 1995) (in part): "Those sections of this Act that amend Title 38, section 488, subsection 10 and enact Title 38, section 488, subsection 17 apply retroactively to any residential subdivision approved by the Environmental Improvement Commission, the Commissioner of Environmental Protection, the Board of Environmental Protection, the Department of Environmental Protection, the Maine Land Use Regulation Commission or any municipal planning board on or after May 9, 1970."

an unreasonable adverse effect on ground water quantity, the Board shall consider all relevant evidence to that effect, such as evidence that:

1. The quantity of water to be taken from ground water sources will not substantially lower the found water table, cause salt water intrusion, cause undesirable changes in ground water flow patterns, or cause unacceptable ground subsidence.

C. Submissions. Applications for approval of proposed developments shall include evidence that affirmatively demonstrates that there will be no unreasonable adverse effect on ground water quantity, including information such as the following, where appropriate:

1. Estimates of the quantity of ground water to be used by the proposed development.

2. In the areas where salt water intrusion, the lowering of the ground water level, or land subsidence have been or can be reasonably be expected to be a problem, a report by a duly qualified person addressing the potential effects of ground water use by the proposed development.

D. Terms and Conditions. The Board may, as a term or condition of approval establish any reasonable requirement to ensure that there will be no unreasonable adverse effect on ground water quantity, such as requiring that:

1. A development obtain its water from a surface water source, public community supply, or utility.

2. Wells in the surrounding area be monitored to determine the effect of the development on ground water levels.

3. People in the surrounding area, whose wells are adversely affected by the development, be provided with new wells or another source of potable water for their use and comumption.

9. <u>Buffer Strips</u>

A. Preamble. The Board recognizes the importance of natural buffer strips in protecting water quality and wildlife habitat. The Board also recognizes that buffer strips can serve as visual screens which can serve to lessen the visual impact of incompatible or undesirable land uses. The width and nature of buffer strips, if required, shall be determined by the Board on a case-by-case basis.

B. Scope of Review. In determining whether the developer has made adequate provision for buffer strips, when appropriate, the Board shall consider all relevant evidence to that effect, such as evidence that:

1. Water bodies within or adjacent to the development will be adequately protected from sedimentation and surface runoff by buffer strips.

NOTE: The following GUIDELINES address the width of buffer strips which should be established between water bodies and operations to extract natural

resources or borrow pit operations.

-No portion of any ground area disturbed by the extraction of natural resources or sand, fill or gravel on land sloping toward the water should be closer to the normal high water mark of a flowing, standing, or tidal body of water than is indicated by the following table:

Average slope of Land Between Mineral Soil and Normal Water Mark (Percent)	Width of Strip Between Exposed Mineral, Exposed Soil and Normal High Water Mark (Feet High Along Surface of the Ground)
0	50
10	90
20	130
30	170
40	210
50	250
60	290
70	330

2. Buffer strips will provide adequate space for movement of wildlife between important habitats.

3. Buffer strips will shield adjacent uses from unsightly developments and lighting.

   a. Developments involving the excavation of natural resources and borrow pit operations will retain a minimum buffer strip of 150 feet from all property lines. If written permission of the abutter is obtained, a buffer strip of no less than 25 feet may be allowed. <u>This buffer may be eliminated between abutting properties containing borrow pits or topsoil mining operations, with written permission of the abutting property owner.</u> The working edge of an extractive activity will be no closer than 150 feet to any public road or way, <u>except for a topsoil mining operation, which will be no closer than 25 feet to any public road or way</u>.

NOTE: The following GUIDELINES should be considered in establishing visual buffer strips.

1. Plant materials used in the screen planting will be at least four feet high when planted and be of such evergreen species as will produce ultimately a dense visual screen at least eight feet high. Alternatively, a six-foot high wooden fence, without openings wider than 1", may be substituted.

2. The screen will be maintained permanently, and any plant material which does not live will be replaced within one year.

3. Screen planting will be so placed that at maturity it will be no closer than three feet away from any street or property line.

4. The screen will be broken only at points of vehicular or pedestrian access.

5. Fencing and screening will be so located within the developer's property line to allow access for maintenance on both sides without intruding upon

development site, the Board shall consider all relevant evidence to that effect.

D. Terms and Conditions. The Board may, as a term or condition of approval, establish any reasonable requirement to ensure that a proposed development will not adversely affect preservation of any historic site.

12. Preservation of Unusual Natural Areas

A. Preamble. The Board recognizes the importance of preserving unusual natural areas for educational and scientific purposes.

B. Definition. As used in this section, "unusual natural area" means any land or water area, usually only a few acres in size, which is undeveloped and which contains natural features of unusual geological, botanical, zoological, ecological, hydrological, other scientific, educational, scenic, or recreational significance. By way of illustration, and not limitation, such are, as may include: rare or exemplary plant communities; individual plant species of unusual interest because of size, species or other reasons; unusual or exemplary bogs; unusually important wildlife habitats, particularly those of rare or endangered species; unusual land forms; fossils and other deposits of importance to geologists; outstanding scenic areas; and others of similar character.

C. Scope of Review. In determining whether a proposed development will have an adverse effect on the preservation of unusual natural areas either on or near the development site, the Board shall consider all relevant evidence to that effect.

D. Terms and Conditions. The Board may, as a term or condition of approval, establish any reasonable requirement to ensure that a proposed development will not adversely affect the preservation of natural areas.

13. Access to Direct Sunlight

A. Preamble. The Board recognizes that some existing structures utilize active or passive solar energy systems for purposes such as heating air or water, and that, in these instances, it may be an unreasonable effect on existing uses to deny access to direct sunlight.

B. Scope of Review. In determining whether a proposed development will have an adverse effect on access to direct sunlight, the Board shall consider all relevant evidence to that effect, such as evidence that:

1. Structures within the proposed development will not block access to direct sunlight to structures utilizing solar energy through active or passive systems.

C. Terms and Conditions. The Board may, as a term or condition of approval, establish any reasonable requirement to ensure that a proposed development will

MANDATORY SHORELAND ZONING ACT
(TITLE 38, M.R.S.A., SECTIONS 435-449)

38 _ 435. Shoreland areas

To aid in the fulfillment of the State's role as trustee of its waters and to promote public health, safety and the general welfare, it is declared to be in the public interest that shoreland areas be subject to zoning and land use controls. Shoreland areas include those areas within 250 feet of the normal high-water line of any great pond, river or saltwater body, within 250 feet of the upland edge of a coastal wetland, within 250 feet of the upland edge of a freshwater wetland except as otherwise provided in section 438-A, subsection 2, or within 75 feet of the high-water line of a stream. The purposes of these controls are to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect commercial fishing and maritime industries; to protect freshwater and coastal wetlands; to control building sites, placement of structures and land uses; to conserve shore cover, and visual as well as actual points of access to inland and coastal waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.

It is further declared that, in accordance with Title 12, section 402, certain river and stream segments, as identified in the Department of Conservation's 1982 Maine Rivers Study and as specifically delineated in section 437, are significant river segments and deserve special shoreland zoning controls designed to protect their natural and recreational features.

Zoning ordinances adopted pursuant to this article need not depend upon the existence of a zoning ordinance for all of the land and water areas within a municipality, notwithstanding Title 30-A, section 4503, as it is the intention of the Legislature to recognize that it is reasonable for municipalities to treat shoreland areas specially and immediately to zone around water bodies rather than to wait until such time as zoning ordinances may be enacted for all of the land within municipal boundaries.

All existing municipal ordinances dealing with subjects of this section currently in effect and operational on April 18, 1986, are declared to be valid and shall continue in effect until rescinded, amended or changed according to municipal ordinance, charter or state law.

38 _ 436. Definitions (REPEALED)

38 _ 436-A. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Coastal wetlands. "Coastal wetlands" means all tidal and subtidal lands; all lands below any identifiable debris line left by tidal action; all lands with vegetation present that is tolerant of salt water and occurs primarily in a salt water or estuarine habitat; and any swamp, marsh, bog, beach, flat or other contiguous low land which is subject to tidal action during the maximum spring tide level as identified in tide tables published by the National Ocean Service. Coastal wetlands may include portions of coastal sand dunes.

1-A. Basement. "Basement" means any portion of a structure with a floor-to-ceiling height of 6 feet or more and having more than 50% of its volume below the existing ground level.

2. Commercial fishing activities. "Commercial fishing activities" means activities directly related to commercial fishing and those commercial activities commonly associated with or supportive of commercial fishing, such as the manufacture or sale of ice, bait and nets, and the sale, manufacture, installation or repair of boats, engines and other equipment commonly used on boats.

11. River. "River" means a free-flowing body of water including its associated flood plain wetlands from that point at which it provides drainage for a watershed of 25 square miles to its mouth.

11-A. Stream. "Stream" means a free-flowing body of water from the outlet of a great pond or the point of confluence of 2 perennial streams as depicted by a solid blue line on the most recent edition of a United States Geological Survey 7.5-minute series topographic map, or if not available, a 15-minute series topographic map, to the point where the body of water becomes a river or flows to another water body or wetland within a shoreland area.

12. Structure. "Structure" means anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences.

13. Timber harvesting. "Timber harvesting" means the cutting and removal of trees from their growing site and the attendant operation of cutting and skidding machinery, but not the construction or creation of roads. Timber harvesting does not include the clearing of land for approved construction.

38 _ 437. Significant river segments identified

For purposes of this chapter, significant river segments include the following:

1. Aroostook River. The Aroostook River from St. Croix Stream in Masardis to the Masardis and T.10, R.6, W.E.L.S. townline, excluding segments in T.9, R.5, W.E.L.S.; including its tributary the Big Machias River from the Aroostook River in Ashland to the Ashland and Garfield Plantation townlines;

2. Dennys River. The Dennys River from the railroad bridge in Dennysville Station to the dam at Meddybemps Lake, excluding the western shore in Edmunds Township and No. 14 Plantation;

3. East Machias River. The East Machias River from 1/4 of a mile above the Route 1 bridge in East Machias to the East Machias and T.18, E.D., B.P.P. townline, and from the T.19, E.D., B.P.P. and Wesley townline to the outlet of Crawford Lake in Crawford, excluding Hadley Lake;

4. Fish River. The Fish River from the bridge in Fort Kent Mills to the outlet of Eagle Lake in Wallagrass, and from the Portage Lake and T.14, R.6, townline to the Portage Lake and T.13, R.7, W.E.L.S. townline, excluding Portage Lake;

5. Machias River. The Machias River from the Whitneyville and Machias townline to the Northfield T.19, M.D., B.P.P. townline;

6. Mattawamkeag River. The Mattawamkeag River from the outlet of Mattakeunk Stream in Winn to the Mattawamkeag and Kingman Township townline, and from the Reed Plantation and Bancroft townline to the East Branch, including its tributaries the West Branch from the Mattawamkeag River to the Haynesville T.3, R.3, W.E.L.S. townline and from its inlet into Upper Mattawamkeag Lake to the Route 2 bridge; the East Branch from the Mattawamkeag River to the Haynesville and Forkstown Township townline and from the T.4, R 3, W.E.L.S. and Oakfield townline to Red Bridge in Oakfield; the Fish Stream from the Route 95 bridge in Island Falls to the Crystal-Patten townline; and the Baskehegan Stream from its inlet into Crooked Brook Flowage in Danforth to the Danforth and Brookton Township townline;

7. Narraguagus River. The Narraguagus River from the ice dam above the railroad bridge in Cherryfield to the Beddington and Devereaux Township townline, excluding Beddington Lake;

8. East Branch of Penobscot. The East Branch of the Penobscot from the Route 157 bridge in Medway to the East Millinocket and Grindstone Township townline;

1-A. Minimum guidelines; limitations. The minimum guidelines adopted under subsection 1 may not require a municipality, in adopting an ordinance, to:

A. Treat an increase in hours or days of operation of a nonconforming use as an expansion of a nonconforming use; or

B. Treat as a single lot, 2 or more contiguous lots, at least one of which is nonconforming, owned by the same person or persons on the effective date of the municipal ordinance and recorded in the registry of deeds if the lot is served by a public sewer or can accommodate a subsurface sewage disposal system in conformance with state subsurface wastewater disposal rules, and:

(1) Each lot contains at least 100 feet of shore frontage and at least 20,000 square feet of lot area; or

(2) Any lots that do not meet the frontage and lot size requirements of subparagraph (1) are reconfigured or combined so that each new lot contains at least 100 feet of shore frontage and 20,000 square feet of lot area.

For purposes of this paragraph the term "nonconforming" means that a lot does not meet the minimum standards for lot area and shore frontage required by municipal ordinances adopted pursuant to this article.

1-B. Notification to landowners. This subsection governs notice to landowners whose property is being considered for placement in a resource protection zone.

A. In addition to the notice required by Title 30-A, section 4352, subsection 9, a municipality shall provide written notification to landowners whose property is being considered by the municipality for placement in a resource protection zone. Notification to landowners must be made by first-class mail to the last known addresses of the persons against whom property tax on each parcel is assessed. The municipal officers shall prepare and file with the municipal clerk a sworn, notarized certificate indicating those persons to whom notice was mailed and at what addresses, and when, by whom and from what location notice was mailed. This certificate constitutes prima facie evidence that notice was sent to those persons named in the certificate. The municipality must send notice not later than 14 days before its planning board votes to establish a public hearing on adoption or amendment of a zoning ordinance or map that places the landowners' property in the resource protection zone. Once a landowner's property has been placed in a resource protection zone, individual notice is not required to be sent to the landowner when the zoning ordinance or map is later amended in a way that does not affect the inclusion of the landowner's property in the resource protection zone.

B. In addition to the notice required by this Title or by rules adopted pursuant to this Title, the board shall provide written notification to landowners whose property is being considered by the board for placement in a resource protection zone. Notification to landowners must be made by first-class mail to the last known addresses of the persons against whom property tax on each parcel is assessed. The board shall prepare and file with the commissioner a sworn, notarized certificate indicating those persons to whom notice was mailed and at what addresses, and when, by whom and from what location notice was mailed. This certificate constitutes prima facie evidence that notice was sent to those persons named in the certificate. The board must send notice not later than 30 days before the close of the public comment period prior to formal consideration of placement of the property in a resource protection zone by the board. Upon request of the board, the municipality for which the ordinance is being adopted shall provide the board with the names and addresses of persons entitled to notice under this subsection. Notification and filing of a certificate by the department are deemed to be notification and filing by the board for purposes of this section.

which abut those waters. Following adoption by the board, these ordinances or provisions are effective and binding within the municipality and must be administered and enforced by that municipality. The board may adopt modifications to ordinances adopted pursuant to this subsection. Preparation and notice of proposed modifications, prior to consideration by the board, may be initiated by the commissioner.

5. Exemptions. Any areas within a municipality that are subject to nonmunicipal zoning and land use controls may be exempted from the operation of this section upon a finding by the commissioner that the purposes of this chapter have been accomplished by nonmunicipal measures.

6. Variances.

7. Exclusion of recreational boat storage buildings. Notwithstanding subsection 3, the exclusion of recreational boat storage buildings from the definition of "functionally water-dependent uses" is deemed to be incorporated into each municipal shoreland zoning ordinance on the effective date of this subsection, regardless of any prior approval of the ordinance by the commissioner.

38 _ 439. Requirements (REPEALED)

38 _ 439-A. Additional municipal powers, limitations

1. Additional controls. In addition to the ordinances required by this chapter, municipalities may adopt zoning and land use controls applicable to other bodies of water as may be required to protect the public health, safety and general welfare and further the purposes of this article.

2. Jurisdiction. Notwithstanding the scope of shoreland areas as identified in section 435, the jurisdiction of municipal shoreland zoning and land use control ordinances adopted under this article may include any structure built on, over or abutting a dock, wharf, pier or other structure extending or located below the normal high-water line of a water body or within a wetland. Accordingly, municipalities may enact ordinances affecting structures that extend or are located over the water or are placed on lands lying between high and low waterlines or within wetlands.

3. Soil evaluation reports. Any other law notwithstanding, when a zoning ordinance adopted in conformity with this article requires a written report of soil suitability for subsurface waste disposal or commercial or industrial development, that report must be prepared and signed by a duly qualified person who has made an on-the-ground evaluation of the soil properties involved. Persons qualified to prepare these reports must be certified by the Department of Human Services and include Maine State Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of soil properties and can provide proof of this training and experience in a manner specified by the Department of Human Services. The Department of Human Services may promulgate rules for the purpose of establishing training and experience standards required by this subsection.

4. Setback requirements. Notwithstanding any provision in a local ordinance to the contrary, all new principal and accessory structures and substantial expansions of such structures within the shoreland zone as established by section 435 must meet the water setback requirements approved by the board, except functionally water-dependent uses. For purposes of this subsection, a substantial expansion of a building is an expansion that increases either the volume or floor area by 30% or more. This subsection is not intended to prohibit a municipal board of appeals from granting a variance, subject to the requirements of this article and Title 30-A, section 4353, nor is it intended to prohibit a less than substantial expansion of a legally existing nonconforming structure, as long as the expansion does not create further nonconformity with the water setback requirement.

upland edge of a wetland is approved by the municipal planning board. The plan must be implemented at the time of construction and must be designed to meet the minimum guidelines adopted by the Board of Environmental Protection as the vegetation matures. Rules adopted pursuant to this subparagraph are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A; and

(3) The municipal planning board approves a written mitigation plan. The plan must be developed, implemented and maintained by the property owner. A mitigation plan must provide for the following mitigation measures.

(a) Unstabilized areas resulting in soil erosion must be mulched, seeded or otherwise stabilized and maintained to prevent further erosion and sedimentation to water bodies and wetlands.

(b) Roofs and associated drainage systems, driveways, parking areas and other nonvegetated surfaces must be designed or modified, as necessary, to prevent concentrated flow of storm water runoff from reaching a water body or wetland. Where possible, runoff must be directed through a vegetated area or infiltrated into the soil through the use of a dry well, stone apron or similar device.

The written plans required pursuant to subparagraphs 2 and 3 must be filed in the registry of deeds of the county in which the property is located.

A copy of all permits issued pursuant to this paragraph must be forwarded by the municipality to the department within 14 days of the issuance of the permit.

5. Timber harvesting. Municipal ordinances must regulate timber harvesting within the shoreland area. Notwithstanding any provision in a local ordinance to the contrary, standards for timber harvesting activities may not be less restrictive than the following:

A. Selective cutting of no more than 40% of the trees 4 inches or more in diameter, measured at 4 1/2 feet above ground level, in any 10-year period, provided that a well-distributed stand of trees and other natural vegetation remains;

B. Within a shoreland area zoned for resource protection abutting a great pond there may not be timber harvesting within the strip of land extending 75 feet inland from the normal high-water line except to remove safety hazards or if a municipality adopts an ordinance pursuant to this paragraph. A municipality may adopt an ordinance that allows limited timber harvesting within the 75-foot strip in the resource protection zone when the following conditions are met:

1) The ground is frozen;
2) There is no resultant soil disturbance;
3) The removal of trees is accomplished using a cable or boom and there is no entry of tracked or wheeled vehicles into the 75-foot strip of land;
4) There is no cutting of trees less than 6 inches in diameter; no more than 30% of the trees 6 inches or more in diameter, measured at 4 ½ feet above ground level, are cut in any 10-year period; and a well-distributed stand of trees and other natural vegetation remains; and
5) A licensed professional forester has marked the trees to be harvested prior to a permit being issued by the municipality; and

C. Any site within a shoreland area zoned for resource protection abutting a great pond, beyond the 75-foot strip restricted in paragraph B, where timber is harvested must be reforested within 2 growing seasons after the completion of the harvest, according to guidelines adopted by the board.

must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot in height and "velocity zone" means an area of special flood hazard extending from offshore to the inland limit of the primary frontal dune along an open coast and any other area subject to high-velocity wave action from storms or seismic sources.

D. The total ground-floor area of all principal and accessory structures is limited to a maximum of 1,500 square feet.

E. All structures, except functionally water-dependent structures, are set back from the normal high-water line or upland edge of a wetland to the greatest practical extent, but not less than 75 feet. In determining the greatest practical extent, the planning board shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site's elevation in regard to the floodplain and its proximity to moderate-value and high-value wetlands.

38 _ 440. Federal flood insurance

In addition to controls required by this chapter, municipalities may extend or adopt zoning and subdivision controls beyond the limits established by this chapter in order to protect the public health, safety and welfare and to avoid problems associated with flood plain development.

Zoning ordinances adopted or extended pursuant to this section shall be pursuant to and consistent with a comprehensive plan.

Zoning ordinances adopted or extended pursuant to this section need not depend upon the existence of a zoning ordinance for all of the land and water area within a municipality, despite the provisions of Title 30-A, section 4503, to the contrary, provided such ordinances are required for entrance of the municipality into the Federal Flood Insurance Program. Ordinances or amendments adopted by authority of this section shall not extend beyond an area greater than that necessary to comply with the requirements of the Federal Flood Insurance Program.

Zoning ordinances adopted or amended pursuant to this section shall designate as a resource protection zone or its equivalent, as defined in the guidelines adopted pursuant to section 438-A, subsection 1, all areas within the floodway of the 100-year flood plain along rivers and in the velocity zone in areas subject to tides, based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps. This provision does not apply to areas zoned for general development or its equivalent, as defined in the guidelines adopted pursuant to section 438-A, subsection 1, as of the effective date of this paragraph, or within areas designated by ordinances as densely developed. The determination of which areas are densely developed shall be based on a finding that, as of the effective date of this paragraph, existing development meets the definition in section 436, subsection 3.

All communities shall designate floodway areas, as set out in this section, as resource protection zones as of the effective date of a community's entry into the regular program of the National Flood Insurance Program or July 1, 1987, whichever comes later.

In those areas that are within the floodway, as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, all proposed activities which are permitted within the shoreland area must be shown not to increase the 100-year flood elevation. In addition, all structures built in the floodway shall have their lowest floor, including the basement, one foot above the 100-year flood elevation.

38 _ 443-A. Cooperation; enforcement

1. Consultation with state agencies. All agencies of State Government shall cooperate to accomplish the objectives of this article. To that end, the commissioner shall consult with the governing bodies of municipalities and with other state agencies to achieve the purposes of this article, and shall extend to municipalities all possible technical and other assistance for that purpose.

2. Legal actions. In any legal action in which the pleadings challenge the validity or legality of any ordinance adopted pursuant to this article, the Attorney General shall be made a party until removed by the Attorney General's consent.

3. Remedies. Any municipality which fails to adopt, administer or enforce zoning and land use ordinances as required under this article shall be subject to the enforcement procedures, equitable remedies and civil penalties set forth in sections 347 to 349.

38 _ 444. Enforcement

Any person who orders or conducts any activity in violation of a municipal ordinance adopted under this chapter is penalized in accordance with Title 30-A, section 4452.

The Attorney General, the district attorney or municipal officers or their designee may enforce ordinances adopted under this chapter.

A public utility, water district, sanitary district or any utility company of any kind may not install services to any new structure located in a shoreland area, as defined by section 435, unless written authorization attesting to the validity and currency of all local permits required under this chapter has been issued by the appropriate municipal officials or other written arrangements have been made between the municipal officers and the utility.

38 _ 444-A. Civil suit

1. Suit authorized. Any water utility, as defined in Title 35-A, section 102, may commence a civil action for injunctive relief against an owner of property in the shoreland zone when the following conditions are met.

A. A violation of a municipal shoreland zoning ordinance is alleged to have occurred.

B. The water utility bringing the civil action has a water supply that is directly affected by the alleged violation.

2. Suit prohibited. An action may not be brought under this section if the Federal Government, State Government or a municipality of the State has commenced and is pursuing an administrative, civil or criminal action to remedy the alleged violation.

3. Notice. An action may not be commenced under this section unless the plaintiff has given at least 60 days' notice to the alleged violator, the department, the Attorney General, and the municipality or municipalities in which the violation is alleged to have occurred. If the violation occurs within the jurisdiction of the Maine Land Use Regulation Commission, the commission must be given notice in place of the department and the municipality.

4. Jurisdiction. An action may be commenced in the District Court or Superior Court in the county in which the violation is alleged to have occurred.

5. Intervention. The Attorney General may intervene in any case brought under this section.

38 _ 448. Municipalities establish commercial fishing and maritime activity zones

A municipality may, within coastal shoreland areas of that municipality, adopt zoning ordinances establishing a commercial fishing and maritime activity zone. In creating that zone, the municipality shall consider at least the following:

1. **Utilization.** The number of commercial fishermen and the utilization of the shoreland area;

2. **Availability.** The availability of shoreland area for commercial fishing;

3. **Demand for property.** The demands for shoreland property for commercial and residential purposes not related to commercial fishing or maritime activity; and

4. **Access.** Access to the shore and availability of space appropriate for commercial fishing and maritime activities.

38 _ 449. Shoreland zoning report to Legislature

The Commissioner of Environmental Protection shall biennially report to the Legislature on the implementation and impact of local shoreland zoning ordinances. The report shall include:

1. **Commissioner assistance.** A description of the assistance and supervision that the commissioner has provided to the municipalities in carrying out their shoreland zoning responsibilities;

2. **Summary of violations.** A summary of the shoreland zoning violations investigated by municipal code enforcement officers and related court actions; and

3. **Recommendations.** Where appropriate, any recommendations for legislation relating to shoreland zoning.

PL 1997, ch. 748, sec. 7. Report; shoreland zoning, By January 15, 2003, the Department of Environmental Protection shall submit a report to the joint standing committee of the Legislature having jurisdiction over natural resources matters regarding compliance with the Maine Revised Statutes, Title 38, section 439-A, subsection 4-A. The report must evaluate use of and compliance with the alternative expansion provisions of that subsection and evaluate the environmental benefit of the provisions in comparision with the measures permissible under Title 38, section 439-A, subsection 4.

8. SCENIC OR NATURAL BEAUTY

The applicant has submitted a report prepared by Eco-Analyst Inc. dated 8-20-87, regarding an evaluation of the sites wildlife rare or endangered species and other unusual features. This report is included as Attachment 5. A summary of the report is shown below:

> "Three small streams pass through the site and empty into the Presumpscot River. These streams have considerable value, bot as wildlife habit and a scenic amenity. All the streams and their tributaries are in deep ravines. . . .and should be protected.
> "The most important requirement to protect the streams is maintenance of the existing riparian vegetation. The vegetation serves two primary functions - the provision of shading to prevent heating of the water and stabilization of the steep slopes to prevent erosion and subsequent sedimentation of the streams. I recommend a prohibition on all cutting within 15 feet of the steep slopes to the streambed with an additional 20 foot buffer where a shelterwood cut will be allowed."
>
> "Several specimens of downy rattlesnake plantain (Goodyera pubescens), a plant formerly on teh Maine rare plant list, were found within the ravnes on the drier sites. The buffers would afford protection to this species."
>
> "A probable deer wintering area was found in the northern portion of the property near the Presumpscot River. I observed typical habitat of thick hemlock understory with a dense overstory. Many piles of very old droppings were seen. Although not definitive, the evidence strongly suggests that a late winter site visit would find deer in the area."
>
> "The area in question is primarily on steeper slopes and within the open space zone along the river. It should not be developed. Prohibition of cutting in the area will afford the necessary protection."
>
> "No other unusual flora or fauna were found."

The subdivision plan indicated that trees shall not be cleared within 75 feet of the Presumpscot River except for removing dead and diseased trees. The proposed lots adjacent to the river are very long with a depth ranging from 340 feet (lot 45) to 820 feet (lot 5). The topography of these lots is generally very steep although segments of the lots are somewhat flat. The steepness of the site particularly in relation to those lots on the river side of the parcel is evident on Attachment 3. Attachment 3 indicates the type of soil found on a portion of the site. For example, suffield silt loam soil has slope characteristics of between 25 to 45%.

Fax

To: Rick Knowland

Date: 2/2/00

pages: 2

207 756 8258

From: Patty CARTON

Fax: 729-8267
Phone: 373-0972

Hi Rick,

I think your timeline is great! Thank you for taking the initiative to do this. Perhaps we can have an initial meeting to divide up duties and fine tune the details a little.

I think we need to decide on goals for sponsorship and how we will proceed with this.

Also, if we are to do another raffle how and what do we ~~need~~ want to raffle.

I think we should plan to go to some auctions together to gather ideas too. The Children's Museum is having their auction March 17th - Friday night @ 6:00 pm @ Holiday Inn By The Bay.

I think also we should look at the last 2 auctions and think about what brought in the most $. Was it more profitable to have several large items in the raffle or to put them in the live auction. I think it depends on if people are coming to the auction to really spend or not. I will get all the records from Sarah for us to review.

Thanks, Patty

PRPJ

PUBLIC HEARING

J.P City do the work on the trail, not the applicant

did have a legislature subcommittee meeting last week

Joann Summit 155 Pleasant Ave

chosing since Word Trade Tower

against it completely shouldn't be developed

prime wilderness property

boat ramp Kayak

discovered a big field on the site multiplicat of uses swimming pool, ball field 100 acres field area 25 acres

this is not the area for housing

be a planning board not a permission board — look at head

Don 50 Jackson St.

traffic analysis

Steve Berg 10 Whaleboat Rd

0 · fill pik application 21,22 clear cut the lots

0 · piece of land by Curtis Rd doesn't show ownership a the plan

0 · should be subject to annexation

Joseph Goodwin 91 Alice St

subject to annexation and the road built prior to construction

- pump station requirement that it be boxed in, landscaped use a muffler

David Brenneman

philosophical opposed to sidewalk waivers

this develop sidewalk on both sides of the street

children in each house

will probably be 30 to 60 kids

shouldn't grant the waiver

- does overcliff stop?
- no parking on Curtis x Hope

why do we need to ban parking

should be a stop sign at Curtis and Overcliff

slow down the traffic without speed bumps

- should be contingent upon annexation ~~that~~

Jim Cohen 62 Deepwood Drive

some questions as others

Steve Chapman 22 Wendy Way

Curtis Rd an accident waiting to happen

alot of kids playing in the street

people drive 40 m.p.h down the hill

a narrow street

give some more thought to the Curtis Rd situation

Jim Harmon 59 Curtis Rd.

- construction brings mud + dirt up Curtis Rd
- a bunch posted to keep streets clean + safe
- mud spring slippery conditions someone may get hurt

Gary Smith 190 Deepwood Drive

Sidewalks are a must

- will these kids be walking to school

Ken Cole certainty that Hope Ave will be built

Snow agrees to it as a condition of approval whether or not annexed its a condition of approval that Hope will be built

K.C. no access to Overcut from lot 16

Cyrus sidewalk waiver question

A.P. sidewalk DOP suggestion not building it

A.P. requires for a stabilized construction routing entrance also street cleaning under E+C section

That the recording

11 KC only residential access to lot 16 will be from Hope Av

Require sod plat to specify land will be conveyed shall be shown on the plan

12 Require sod plat to specify land will be conveyed lot shall be shown on the plan so it is clear

13 No building permit shall be issued until Hope Ave ~~is constructed~~ has base pavement.

No C of O for any unit until base pavement in Fairmount + Portland

CITY OF PORTLAND
EXECUTIVE DEPARTMENT
Memorandum

January 22, 2002

TO: Alex Jaegerman, Chief Planner
FROM: Larry Mead, Assistant City Manager

SUBJECT: Presumpscot River Place 3A Pedestrian Easement

Reference has been made in the Planning staff review of PRP 3A's subdivision review to the pedestrian easement connecting Alice Street with Hope Avenue. The Planning staff has recommended that the pathway be improved using a graded stone dust material over an appropriate base. In addition the staff has recommended that there be put in place a property line delineation on a portion of one side of the easement in order to clearly define that this is a publicly accessible pathway and not part of a residential side yard.

If this level of improvement is required it should be the responsibility of the City to carry out the improvements. In the process of negotiating a purchase and sales agreement with the owners the City requested that this easement be put in place as part of the subdivision. The owners agreed to this condition. However it was very clear that their responsibility was to provide the easement only, and that they would not be responsible for any improvements to the footpath. The City agreed to this arrangement. Given this background improvements would be the responsibility of the City. I have discussed this matter with the City Manager. He is in agreement that the City will be responsible for improvements related to an improved stone dust surface and delineation of easement boundaries using a fence or planted material along a portion of one side of the easement (that portion abutting a buildable lot on Hope Ave).

I trust that this memo adequately addresses this issue.

Cc: Joseph E. Gray, City Manager
Rick Knowland, Senior Planner
Penny Littell, Associate Corporation Counsel

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 #4-02:

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

   Potential Conditions of Approval

   i. That all easements (pedestrian walkways and drainage) shall be submitted to Corporation Counsel for review and approval and shall be referenced in any affected property deeds.

   ii. Parking shall be prohibited on both sides of Hope Avenue between stations 10+00 and 13+00; and that parking shall be prohibited 100 feet on both sides of the street from the Curtis Road/Hope Street intersection. "No parking signs" shall be installed at these locations as directed by the City Traffic Engineer (see Attachment D).

   iii. That the applicant submit a street deed including metes and bounds for Hope Avenue for review and approval by Corporation Counsel.

   iv. That the design and specifications for the sewer pump station shall be submitted for Public Works review and approval. Should the design require additional land for the sewer pump station reservation shown on the subdivision plan, the reservation shall be increased in size.

   v. That a revised plan shall be submitted for City staff review and approval reflecting a stabilized outlet channel replacing the level lip spreader at the easterly end of Hope Avenue. Prior to clearing vegetation for the outlet channel, applicant shall contact the City Arborist to field locate the outlet channel in order to minimize tree clearance.

   vi. That the drainage easement note on the recording plat shall be revised to read: "30 ft. Private Drainage Easement Centered on Drainage Course." That the pedestrian easement notes on the plan shall reference "City of Portland Pedestrian Easement."

vii. That a letter shall be submitted by the subdivision land surveyor to City staff for review and approval, confirming that the survey shown and stamped on the subdivision recording plat survey includes all the lot lines and street rights-of-way of the subdivision.

viii. That the undisturbed zones on the recording plat shall be clearly labeled with dimensions.

ix. That utility capacity letters shall be submitted to City staff for review and approval. A letter shall also be submitted confirming Central Maine Power's review of the two road crossings through their easements.

Pathways be installed as per letter dated 1/22/02 from Langmead attesting to City's willingness to undertake this improvement, (not an obligation of the applicant)

2. Sidewalk waiver for the westerly side of Curtis 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 requirement for the westerly side of Curtis Road.

X. That the recording plat not be released for recording until either:

1) Falmouth land west of subdivision is annexed by the City of Portland, or

2) the applicant's right to connect to sewer in Falmouth is approved in writing from the Town of Falmouth.

and

the applicant's right to construct Hope Ave is approved by the City of Falmouth

XI - ~~that approval of subdivision is~~ Contingent upon

Planning & Urban Development

Alexander Jaegerman
Planning Director

CITY OF PORTLAND

February 1, 2002

Mr. Larry Mead, Assistant City Manager
City of Portland
City Hall
389 Congress Street
Portland, ME 04101

RE: Presumpscot River Place Walkway

Dear Mr. Mead,

At the Planning Board's January 22, 2002 public hearing of the Presumpscot River Place Subdivision, the Board received your letter concerning the pedestrian easement along lot 22. The Board reviewed the issue of a walkway along lot 22 and determined that a pedestrian walkway should be built as part of the improvements for this subdivision. Based on your letter of January 22, 2002 and the stated commitment of the City of Portland to complete the walkway, the Planning Board accordingly, did not impose a condition of approval on Bob Adam and Burt Wolf to complete this improvement. It is therefore, the expectation of the Planning Board that the walkway shall be completed by the City in a timely manner, in conjunction with the subdivision street improvements prior to sale and development of adjacent lots.

Sincerely,

Jaimey Caron, Chair
Planning Board

cc: Joseph E. Gray, Jr., City Manager
Alexander Jaegerman, Planning Director
Richard Knowland, Senior Planner
Penny Littell, Associate Corporation Counsel

CITY OF PORTLAND, MAINE
PLANNING BOARD

Jaimey Caron, Chair
Deborah Krichels, Vice Chair
Kenneth M. Cole III
Cyrus Y. Hagge
Erin Rodriquez
Mark Malone
Orlando E. Delogu

January 30, 2002

Mr. Al Palmer
Gorrill-Palmer Consulting Engineers, Inc.
PO Box 1237
Gray ME 04039

RE: Presumpscot River Place Subdivision - Vicinity of Curtis Road

CBL: 389-G-003

Dear Mr. Palmer:

On January 22, 2002, the Portland Planning Board voted on the following motions for the 30-lot Presumpscot River Place Subdivision in the vicinity of Curtis Road proposed by Bob Adam and Lloyd Wolf.

1. The Planning Board voted 5-0 (Malone absent) that the plan is in conformance with the Subdivision Ordinance. The approval is subject to the following conditions:

   i. That all easements (pedestrian walkways and drainage) shall be submitted to Corporation Counsel for review and approval and shall be referenced in any affected property deeds.

   ii. Parking shall be prohibited on both sides of Hope Avenue between stations 10+00 and 13+00; and that parking shall be prohibited 100 feet on both sides of the street from the Curtis Road/Hope Street intersection. "No parking signs" shall be installed at these locations as directed by the City Traffic Engineer.

   iii. That the applicant submit a street deed including metes and bounds description for Hope Avenue for review and approval by Corporation Counsel.

   iv. That the design and specifications for the sewer pump station shall be submitted for Public Works review and approval. Should the design require additional land for the sewer pump station reservation shown on the subdivision plan, the reservation shall be increased in size.

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

1. Mylar copies of the construction drawing for the subdivision must be submitted to the Public Works Department prior to the release of the plat.

2. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount must be submitted to and approved by the Planning Division and Public works prior to the recording of the subdivision plat. The subdivision approval is valid for three (3) years.

3. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.

4. Prior to construction, a preconstruction meeting shall be held at the project site with the contractor, development review coordinator, Public Work's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the preconstruction meeting.

6. If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

7. The Development Review Coordinator must be notified five (5) working days prior to date required for final site inspection. The Development Review Coordinator can be reached at the Planning Department at 874-8632. Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as all site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If there are any questions regarding the Board's actions, please contact Richard Knowland at 874-8725.

Sincerely,

Jaimey Caron, Chair
Portland Planning Board

cc: Alexander Jaegerman, Planning Director
Sarah Hopkins, Development Review Program Manager
Richard Knowland, Planner/Senior Planner
Jay Reynolds, Development Review Coordinator
Marge Schmuckal, Zoning Administrator
Jodine Adams, Inspections
William Bray, Director of Public Works
Larry Ash, Traffic Engineer

GORRILL-PALMER
CONSULTING ENGINEERS, INC.
P.O. Box 1237
GRAY, MAINE 04039

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

LETTER OF TRANSMITTAL

551

TO City Of Portland
389 Congress Street
Portland ME 04101

JOB NUMBER/PHONE 98089

DATE 3/12/2002

ATTENTION Mr. Rick Knowland

RE: PRP - Phase 3
Portland, ME

WE ARE SENDING YOU X 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	3/12/2002		SLDA Application
1	3/12/2002		NRPA Application
1	3/12/2002		Full set Of Plans

THESE ARE TRANSMITTED as checked below:

___ For your approval ___ Approved as submitted ___ Resubmit ___ copies for approval

_X_ 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 George Thebarge, Town Of Falmouth

SIGNED Doug Reynolds/1141

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

PRODUCT 13127T

FOLD AT (>) TO FIT COMPANION 771 DU-O-VUE ENVELOPE. PRINTED IN U.S.A. B

COPY

December 16, 2002

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

Subject: Presumpscot River Place
Application #1990-0148
Letter from City dated December 9, 2002

Dear Jay,

Bob Adam and I would like to thank you for advising us of the situation that occurred on Hope Avenue on the 9th of this month. This letter is intended to provide a written response to the issues raised in your letter.

Item 1: We were glad to hear that your office has reviewed the limits of clearing and found that they were in accordance with the approved plan in comparison to prior allegations by other City staff. We agree that the edge of the non-disturb zone needs to be protected to insure that they are not negatively impacted by construction. A.H. Grover has installed the perimeter silt fence which will provide the necessary separation to the construction activities.

Item 2: In no way do we condone Ben Grover's unprofessional behavior, and we have discussed the issue with him and our consultant to insure that this incident is not repeated. Gorrill-Palmer Consulting Engineers Inc. will be conducting periodic construction observations to insure that the work is progressing in an adequate fashion, and that proper erosion control measures are in place and maintained. Perhaps it would be feasible for you to contact Gorrill-Palmer Consulting Engineers Inc. prior to any future site walks so that they may attend, and assist in insuring that any necessary remedial measures are implemented.

While it does not excuse Mr. Grover's behavior, we believe that you should be aware of an issue that may have influenced his attitude during your sitewalk. Mr. Grover has filed a letter with the City Engineer's office on November 13, 2002, registering a complaint relative to a dispute with a City Inspector on a different project. That matter has not been resolved, and Mr. Grover's frustration over it not being resolved, obviously carried over in his discussions with you.

Item 3: Earthwork operations commenced on-site on Thursday, December 5th. As you are aware, the progression of construction from clearing to earthwork is a dynamic situation, and Grover was proceeding with what they interpreted was adequate measures to insure that no sediment was exported from the work areas. The necessary materials for the erosion control measures were on-site at the time

of your site walk and installed the following day. On December 11, 2002 we conducted a site visit with Dawn Hallowell of the MDEP, and she was satisfied that all necessary erosion control measures were in place, and that proper Best Management Practices were being performed. A copy of the meeting minutes with the MDEP are attached.

Both Bob and I obviously regret that this unfortunate situation happened, and are confident after discussions with Mr. Grover that the project will proceed in an orderly and professional manner. Please do not hesitate to contact either of us or Gorrill-Palmer Consulting Engineers Inc. to address any concerns that you may have on this project.

Sincerely,

BURT

Burt Wolf

Copy: Bob Adam
Joseph Gray, City Manager
Lee Urban, Planning and Development Director
Alexander Jaegerman, Planning Division Director
Katherine Earley, Engineering Manager, Dept of Public Works
Eric Labelle, City Engineer
Sarah Hopkins, Development Services Manager
Richard Knowland, Senior Planner
Marge Schmukal, Zoning Administrator
Tony Lombardo, Project Engineer
Todd Merkle, Public Works Dept.
Jeff Tarling, City Arborist
Penny Littell, Associate Corporation Counsel
Inspections Department
Dawn Hallowell, MDEP
Becky Maddox, MDEP
Fred Gallant, MDEP
Al Palmer, Gorrill-Palmer Consulting Engineers Inc.
Ben Grover, A.H. Grover, Inc.

DAILY FIELD REPORT

Project: Presumpscot River Place
Project No: 98089
Client: Burt Wolf & Bob Adam
Date:12-11-02
Client's Rep.: Burt Wolf & Bob Adam
Gorrill-Palmer Consulting Engineers Inc. Field Rep: Doug Reynolds
Weather: Clear
Temp. Range:10 - 15
Time Arrived on site : 7:30 am
Departed site at: 9:00 am

Work in Progress: AH Grover was in the process of grading the extension of Curtis Road to Hope Avenue. The area for installation of the 36" culvert was being prepared for installation at Sta. 28+00. Erosion control measures were in place adjacent to the culvert excavation. The stabilized construction entrance was in place. Silt fence was being installed along the length of Hope Avenue to the south.

Observations-Discussions - Recommendations

As part of the Site Visit, Dawn Hallowell & Becky Maddox from the MDEP met with Ben Grover, Burt Wolf, Bob Adam and myself. We met to discuss the requirements, which the MDEP will require for erosion control measures on the project and at the culvert crossings specifically. Ms. Hallowell reviewed the measures that were currently in place, which included the use of silt fence along the roadway sideslopes and wood waste mulch adjacent to the edge of the existing stream bed. She indicated that she was satisfied with the current measures and recomended that she be contacted prior to the construction of the two other stream crossings on the project. Mr. Grover had originally had 1 1/2" crushed stone check dams within the stream bed, perpendicular to the stream. Previously, Ms. Hallowell had requested that the check dams be removed. At this onsite meeting, Ms. Hallowell agreed that the use of the stone check dams would be beneficial to the current situation until the culvert was installed. It was agreed that three check dams be installed within the stream bed until the culvert is in place. Ms. Hallowell was satisfied with the erosion control measures that were currently in place and indicated that she may stop by the site at future times unannounced. Ms. Hallowell did not request any additional erosion control measures to be added.

Reviewed By:

Distribution: Attendees, Jay Reynolds, City of Portland, file.

PO Box 1237
15 Shaker Road
Gray, ME 04039

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

27 2002

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

PO Box 1237
26 Main St.
Gray, ME 04039

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

February 25, 2002

Subject: Presumpscot River Place Subdivision
Portland, Maine

Dear Abutter:

Bob Adam and Burt Wolf intend to file permit applications with the Maine Department of Environmental Protection* for after the fact permitting of existing portions of the Presumpscot River Place subdivision, as well as the subdivision known as Presumpscot River Place Phase 3 located at the end of Curtis Road in Portland. The project site is located on the southwestern side of the Presumpscot River, bounded on the northwest by the Maine Turnpike Exit 9 Spur. Alice Street, Curtis Road and Whaleboat Road bound the project to the southwest. The project is bounded to the east by Stapleford Drive. The Portland portion of subdivision is currently undeveloped. The existing Falmouth portion is developed as single-family homes. A copy of the Notice of Intent to file the application is enclosed.

The existing Falmouth portion of the project consists of approximately 46 acres and has been subdivided into 22 lots. The portion of the project within Portland consists of a total of approximately 31 acres subdivided into 30 lots.

Written comments or inquires concerning this project are encouraged and can be directed to:

Mr. Robert Adam
286 Falmouth Road
Falmouth ME 04105
(207) 781-3224

or

Mr. L. Burt Wolf
PO Box 10127
Portland ME 04104
(207) 773-4988

Sincerely,

Gorrill-Palmer Consulting Engineers, Inc.

Alton M. Palmer, P.E.
Vice President

* Natural Resource Protection Act Permit (38 MRSA §§ 480 A to 480X)

AMP/cmp/JN98089/Abutter-Notice of intent2/02

2-24-02

PUBLIC NOTICE:
NOTICE OF INTENT TO FILE

Please take notice that

Burt Wolf PO Box 10127 Portland, ME 04104 (207) 773-4988 and
(name, address and phone number of Applicant)
Bob Adam 286 Falmouth Road Falmouth, ME 04105 (207) 781-3224

in intending to file a Natural Resource Protection Act Permit application pursuant of the provisions of 38 M.R.S.A. §§ 480-A through § 480-V on or about February 27,2002
(anticipated filing date)

This application is for

The development of a 30-lot subdivision, which includes the alteration of 6,976 s.f. of
(description of the project)
freshwater wetlands and 3 stream crossings.

at the following location:

The subdivision is located off from Curtis Road and Hope Avenue
(project location)

A request for a public hearing or a request that the Board of Environmental assume jurisdiction over this application must be received by the Department, in writing, no later than 20 days after the application is found by the Department to be complete and is accepted for processing. A public hearing may or may not be held at the discretion of the Commissioner or Board of Environmental Protection. Public comment on the application will be accepted throughout the processing of the application.

The application will be filed for public inspection at the Department of Environmental Protections' office in Portland during normal working hours. A copy of the application may also be seen at the municipal offices in

Portland, Maine

Written public comments may be sent to the Department of Environmental Protection, Bureau of Land and Water Quality, 17 State House Station, Augusta, Maine 04333-0017.

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

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

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

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

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

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

April 6, 2000

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

Planning Board Members:

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

Officers
Elizabeth Ehrenfeld
President
David Littell
Vice President
Jim Cohen
Vice President
Jennifer Stewart
Treasurer
Bill Sweeney
Secretary

Trustees
Colin Baker
John Herrick
Tom Jewell, Co-Founder
Mark Jordan
Bob Krug
Marina Schauffler

Advisory Trustees
Timothy Brooks
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Bruce Hyman
Susy Kist
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J. Peter Monro
Eliza Cope Nolan
Walter Rumery
Mike Saxl
Nathan Smith, Co-Founder
Jeff Sommer
Richard Spencer, Co-Founder
Phil Thompson
Lois Winter

The Presumpscot River Trail

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

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

One India Street Portland, Maine 04101 207.775.2411 FAX 772.7673 info@trails.org

Preservation of Open Space

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

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

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

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

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

Trails Plan

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

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

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

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

Sincerely,

Elizabeth Ehrenfeld
President

- Should Curtis Road be widened? What is the roadway width?
- The lot at the end of Curtis Road. Fill has been added but there is no silt fence.

April 19, 2000

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

RE: Prescumpscot River Place , Curtis Road

Dear Sir;

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

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

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

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

Very truly,

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

ll April 2000

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

Dear Mr. Knowland:

I write to you as a concerned resident who attended the informational meeting l0 April regarding the residential development known as Presumpscot River Place III.

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

l. What provisions for public space(park, etc.) are provided for in this project. District 5 has very little available public space, perhaps the least of any area in the city. A development of this projected size will have a great impact regarding this issue.

2. What provisions have been made by the developer to maintain access to the Presumpscot River frontage and the existing trail there?

3. What is the impact of increased traffic on Curtis Road(no study has been done), and the fact that all traffic from this development will funnel up this one egress?
It is my understanding that at a previous review meeting for an earlier stage of this project(I and II)that the Planning Board required more than a one street access. The proposal last night(April l0) still, in effect, offers only a one-street access to the area.

4. What is the environmental impact on the Presumpscot River by increased and accelerated runoff draining from this developed area? An environmental impact study needs to be done. The developer said this runoff would be treated "mechanically;" exactly what does this process mean? As for waste, why are pumps being installed in individual dwellings? Additionally, much of this area is low-lying and natural wetland. These areas need to be identified(regardless of size); streams also must be identified. What is the impact on these wetlands? What will be done about erosion from increased runoff?

5. How could the developer, as stated at the meeting, propose originally that lots would be developed with river frontage when general requirements state that none can take place within 250 feet of a wetland, great pond or river? This was presented last night as a compromise offered by the developer to be applauded by the concerned residents and embraced by the planning board.

6. Why isn't the whole plan being broached at this time? Accepted piecemeal, the plan will perhaps be viewed as workable; as a whole, its impact may be deemed harmful and unacceptable.

7. What is the anticipated impact of the development of the "landlocked" Falmouth section?

8. What is the role of the planning board at meetings of this type?

9. What is the impact projected for local schools? While you stated last night that this was not part of your legal purview, it is an impact that is signfiicant. To whom do I address such concern?

10. If legally you are required only to notify residents within 500 feet of the planned development, why did you notify all residents north of Summit St. of this meeting?

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

Sincerely yours,

James W. Provencher

29 Curtis Road
Portland, Me. 04103

April 17, 2000

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

Dear Mr Knowland,

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

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

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

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

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

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

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

Very truly yours,

Ralph and Arlene Coffin

Ralph Coffin
Arlene K. Coffin

April 13, 2000

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

Dear Members of the Portland Planning Board:

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

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

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

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

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

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

The other matter of concern to my wife and me is that there are few open areas in our section of Portland. I think an opportunity exists with Mr. Wolf's development to address this issue in a way that is environmentally appealing. Some type of modest park area near the ~~Fore~~ river banks would protect the current beauty and provide neighbors an opportunity to enjoy this area. Keeping this space open to residents is very important and can never be re-visited if not addressed at this time.

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

Thank you,

Dan & Brenda Bacon
51 OLDE Birch Ln
Portland 04103
207-878-2500

CC Jay Hibbard

March 28, 2000

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

Re: Presumpscot River Place III Development

Dear Mr. Gray:

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

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

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

Regards,

Fredric W. Williams

Deborah L. Thurston

12 Andrews Avenue
Falmouth, Maine 04105

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

Planning Board
Richard Knowland
Joe Gray
Jaimey Caron

Attn: Mr.. Knowland

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

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

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

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

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

Sincerely,
Carolyn & Mark Williams
131 Curtis Rd.

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

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

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

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

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

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

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

sincerely,
Doug Moody
85 Curtis Road
Portland, Maine

CC: Portland.CityHall(STB)

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

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

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

Thank you for your assistance in these two matters.

CC: Portland.CityHall(RWK)

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

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

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

Sincerely,

Kimberly Irvin Snow
40 Curtis Road

April 11, 2000

Mr. Jamie Carson
Portland Planning Board

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

My wife and I have lived at 31 OLDE BIRCH Lane for the past 14 years. The development planned will impact us in a few ways, but primarily due to the traffic pattern that will ensue. The development plans are for all traffic to use Curtis Road which connects with Summit. Adding 27-54 cars to the current traffic load will pose real problem. For the past three years I have had to wait in line with four cars, at a minimum, to leave summit Street and turn on to Allen Avenue Extension. I have even had to wait patiently in order to enter Summitt Street from Olde Birch Lane, something that never took place when we initially moved into our home. My concern is that the traffic is getting worse before the new homes are

FOREST MANAGEMENT PLAN FOR PRESUMPSCOT RIVER PLACE: PHASE III
Portland, Maine

Submitted To:

Douglas Reynolds
GORRILL-PALMER CONSULTING ENGINEERS, INC.
P.O. Box 1237
Gray, ME 04039

Submitted By:

Paul C. Leeper
Vice President
ECO-ANALYSTS INC.
P.O. Box 224
Bath, Maine 04530

May 9, 2000

1.0 INTRODUCTION

This report is an update of reports issued from 1987 through 1990 by ECO-ANALYSTS INC. that discussed the natural resources contained in the Presumpscot River Place III subdivision in Portland Maine. This is intended as a stand alone summary document and will report on the following resources:

- forest resources
- streams
- rare, threatened or endangered species
- valuable wildlife habitats.

However for more specific information the reader should refer to documents submitted in the late 1980's (described below). The existing resources will be described and specific management recommendations will be discussed.

2.0 METHODS

We used a combination of previously reported information on the site, information from state and federal agencies, the proposed subdivision plot plan, and a site walk to document the resources and develop recommendations.

Previously submitted information included:

- Letter from Harold L. Brown (ECO-ANALYSTS INC.) to J. David Haynes (Land Use Consultants) dated August 20, 1987 regarding wildlife habitats;
- Forest Management Plan for the Presumpscot River Place III Subdivision, Portland Maine submitted to Dave Kamila (Land Use Consultants) dated February 1989;

Information from agencies included:

- Map from Maine Inland Fisheries and Wildlife Department to Douglas Reynolds (Gorrill-Palmer Consulting Engineers, Inc.) showing the location of threatened species in the project vicinity;

- Letter from Emily C. Pinkham (Information Specialist, The Natural Areas Program, Maine Department of Conservation) to Douglas Reynolds (Gorrill-Palmer Consulting Engineers, Inc.) dated February 2000 regarding rare and exemplary botanical features;

- Letter from Kim Tripp (U.S. Fish and Wildlife Service) to Douglas Reynolds (Gorrill-Palmer Consulting Engineers, Inc.) dated March 1, 2000 regarding species listed under the Endangered Species Act.

The site walk occurred on May 2, 2000. Two (2) biologists searched the parcel for significant wildlife habitats (including deer wintering areas), streams, rare or exemplary plants, and animals (or potential habitats) that are listed on Maine's threatened or endangered list. The starting points of streams were flagged in the field . Data was collected on plants and animals observed and any significant wildlife habitats were noted and described.

3.0 RESULTS

3.1 FOREST RESOURCES

No evidence was seen on site that any commercial cutting had occurred on the site since our last investigations in the late 1980's. Therefore stocking estimates of our original forest management plan are unchanged except that the trees are now approximately 12 years older.

The land form generally slopes to the northeast towards the Presumpscot River and is cut with steep ravines and associated streams. The parcel is comprised of old fields, clear cut areas, mixed wood forest that was commercially harvested in recent years, uncut softwood forest, wetlands

and streams. The forested areas were probably all one stand type before commercial harvesting previous to 1987. The harvesting created new habitats by removing just the large high value trees in some areas and clear cutting in other areas.

In 1989 the entire parcel had an estimated basal area of 4790.0 square feet of which 1039.5 (22%) was located in the 250 foot shoreline zone. The average basal area per acre was 68.1 square feet. Trees in the dominant or co-dominant crown classes comprised 70.3% of all trees. Only 14.1% of the trees were judged to be suppressed. The trees were young and vigorous as 71.4% were tallied in the "good" vigor category.

3.2 STREAMS

Many of the ravines on the site carry jurisdictional streams. Under 38 MRSA § 480-B a river, stream or brook is defined as a channel between defined banks. A channel is created by the action of surface water and has 2 or more of the following characteristics.

A. It is depicted as a solid or broken blue line on the most recent edition of the U.S. Geologic Survey 7.5 minute series topographic map or, if that is not available, a 15 minute series topographic map.

B. It contains or is known to contain flowing water continuously for a period of at least 3 months of the year in most years.

C. The channel bed is primarily composed of mineral material such as sand and gravel, parent material or bedrock that has been deposited or scoured by water.

D. The channel contains aquatic animals such as fish, aquatic insects or mollusks in the water or, if no surface water is present, within the stream bed.

E. The channel contains aquatic vegetation and is essentially devoid of upland vegetation.

For our purposes we concentrated on items "C" and "D" above since none of the ravines had blue lines on the topographic maps but were known to contain flowing water for at least three months of the year.

Streams were identified in the field in the following ravine areas:

- Stream 1- coming from Alice Street flowing between the Falmouth town line and Lots 27, 1, and 2;
- Stream 2- a small stream feeding Stream 1 approximately 80 feet long beginning between Lots 27 and 1;
- Stream 3- this stream has two (2) fingers extending up between Lots 2,3, and 4; it also empties into Stream 1;
- Stream 4- between Lots 4 and 10 beginning approximately 500 feet from the Presumpscot River;
- Stream 5- between Lots 12 and 13 beginning approximately 500 feet from the Presumpscot River and flow into Stream 6;
- Stream 6- between Lots 16 and 17 flowing down the southeastern edge of the parcel.

All of these streams had eroded mineral channel beds ranging from cobble/boulder to finer sands and clays. There are a number of fingers which run off the streams. Occasionally they channelize for a short distance but they do not have true stream characteristics since wetland vegetation such as sphagnum and cinnamon fern grew in the "channels".

3.3 VALUABLE WILDLIFE HABITATS

Valuable wildlife habitats on the parcel include the following:

- the riparian zones of the streams
- the riparian zone of the Presumpscot river
- two (2) vernal pools within the floodplain of the Presumpscot River

A potential deer wintering area was investigated in the 1980's and during our site walk on May 2, 2000. This area is an area of uncut hemlock (*Tsuga canadensis*) in the shoreland zone. The majority of the softwood stand is located across the border in the town of Falmouth. It is our professional opinion that this area is not a deer wintering area. On a site visit on February 9, 1989, following a recent snow, we found no deer beds on the site. Our visit on May 2, 2000 revealed no evidence of browsing and no deer droppings.

The vernal pools identified were located in the floodplain of the Presumpscot River in front of Lots 10 and 11. Wood frog (*Rana sylvatica*) eggs were observed in both pools and a green frog (*Rana clamitans*) was observed in the larger pool. No turtles were observed here or anywhere else on the parcel.

The riparian zone of the river (and the vernal pools) will be protected under the proposed plan because no development is proposed in the shoreland zone. Protection of the riparian zones of the streams will be further addressed in the management plan (Section 4.0).

3.4 RARE, THREATENED AND ENDANGERED SPECIES

Based on the information received from state agencies we searched on site for the following species:

- Spotted Turtles — *Clemmys guttata*
- Allegheny Vine — *Adlumia fungosa*
- Wild Garlic — *Allium canadense*
- Fern-leaved False Foxglove — *Aureolaria pedicularia*
- Upright Bindweed — *Calystegia spithamaea*
- Variable Sedge — *Carex polymorpha*
- Clothed Sedge — *Carex vestita*
- American Chestnut — *Castanea dentata*
- Engelmann's Spikerush — *Eleocharis engelmannii*
- Bottlebrush Grass — *Elymus hystrix*
- Variegated Horsetail — *Equisetum variegatum*
- Great Blue Lobelia — *Lobelia siphilitica*
- Mountain Honeysuckle — *Lonicera dioica*
- Marsh Milkwort — *Polygala cruciata*

- Slender Knotweed — *Polygonum tenue*
- American Sea-Blite — *Suaeda calceoliformis*
- Columbia Water-meal — *Wolffia columbiana*
- Horned Pondweed — *Zannichellia palustris*

Searches of the property including the wetlands and vernal pools revealed no evidence of Spotted Turtles. Similarly none of the rare plant species identified as being found within 4 miles of the site were found on the parcel. Although the most recent search took place in early spring (when some plants had not leafed out nor had fruiting bodies) the majority of the plants species on the site were identified (Appendix A). The only problematic species were the rare sedges and grasses. None of the sedges encountered on the property had leaf characteristics or growing characteristics similar to *C. polymorpha* or *C. vestita.* In addition *C. polymorpha* grows on Deerfield soils of which none were mapped on this site. The Bottlebrush grass is known from alluvial soils so would most likely grow in the protected shoreline zone.

4.0 MANAGEMENT PLAN AND RECOMMENDATIONS

This plan will present management goals, and discuss overall recommendations to achieve the management goals. The goals of the management plan are as follows:

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

The proposed subdivision plan has changed since 1989, most notably that the 2000 plan has no lots within the 250 foot shoreline zone of the Presumpscot River. This immediately helps attain goals #1 and #3, the protection of the river, the river bank, and maintenance of valuable wildlife habitat. The recommendations are basically the same as supplied in the 1989 plan except they reflect an update of state environmental regulations and the changes in the proposed plan. They are as follows:

1. No cutting should be done within the wetland areas except for utility easements. The majority of the wetlands are located in the Shoreland Zone in which no activities are proposed. Therefore this issue is avoided.

2. No cutting should be done within 25 feet of the streams except for utility easements and access roads. In addition any areas along the ravines with sustained side slopes greater than 3:1 (33%) should not be cut. This will prevent siltation and erosion into the watercourses and the Presumpscot River. Cutting within any drainage easement is permitted.

3. Use shelter wood cuts as borders between cleared areas and uncleared areas. A shelter wood cut is a partial thinning of trees and undergrowth which results in a border protecting the remaining trees from wind throw, sun scald, and other stress. It also creates valuable edge habitat for wildlife.

4. Reserve from cutting exceptionally large trees and snag trees. Trees with a D.B.H. of 24 inches or greater should not be cut except when they occur within planned roadways, utility easements, and building windows. These trees can improve the health of the forest by acting as seed trees and are frequently used as nesting trees for animals and birds. They can also be esthetically pleasing. Snags, standing dead wood or severely waning trees should also be reserved from cutting (unless a safety hazard) to preserve wildlife habitat for cavity nesters.

5. Building windows should be restricted to areas with sustained 3:1 slopes (33%) or less to prevent erosion and sedimentation from clearing and construction practices.

5.0 CONCLUSIONS

The Presumpscot River Place III parcel is made up of old fields, mixed wood forest, uncut softwood forest, wetlands, and streams. The forest has been subjected to a commercial harvest in recent years (before 1987). It is an under stocked to fully stocked parcel and is generally young and vigorous. Valuable wildlife habitat exists in the riparian zones along the streams in the parcel's

ravines and along the Presumpscot River. Two (2) vernal pools were found along the river in the Shoreland Zone that is being reserved from the development. No deer wintering areas were found on the site. No rare, threatened, or endangered plants or animals were found on the site.

Management recommendations are designed to place the subdivision on the parcel while protecting the Presumpscot River, maintaining or improving the health of the forest, maintaining valuable wildlife habitats, and creating an aesthetically pleasing area on the Presumpscot River and future homeowners. These recommendations include no cutting in wetland areas, 25 foot buffers on either side of the streams, no cutting on sustained slopes greater than 33%, shelter wood cuts between cleared and uncleared areas, and preservation of large (greater than 24 inch D.B.H.) trees and snag trees where practicable.

The proposed development and the recommendations outlined in this report should protect the wildlife and wildlife habitats on this parcel and, by using sound forest management practices, maintain or improve the ecological diversity and health of the various habitats on the parcel. The most positive factor in this plan is the maintenance of an undisturbed 250 foot shoreland zone along the Presumpscot River. The majority of the wetlands and other valuable wildlife habitats contained on this parcel occur in this undisturbed zone. This will also maintain the parcel as an aesthetically pleasing area for landowners.

APPENDIX A

Plant Species List from

May 2,2000 Site Visit

Appendix A. Plants found at Presumpscot River Place on May2, 2000.

	Common name	Species
	TREES	
x	Abies balsamea	Balsam fir
?	Acer negundo	Box-elder
x	Acer rubrum	Red maple
x	Acer saccharum	Sugar maple
x	Amelanchier sp.	Shadbush
x	Betula alleghaniensis	Yellow birch
x	Betula papyrifera	White birch
x	Betula populifolia	Grey birch
x	Carpinus caroliniana ssp. virginiana	Blue beech or American hornbeam
x	Fagus grandifolia	American beech
x	Fraxinus americana	White ash
x	Malus sylvestris	Apple
x	Ostrya virginiana	Ironwood
x	Pinus strobus	White pine
x	Populus grandidentata	Big toothed aspen
	Populus tremuloides	Quaking aspen
x	Prunus pensylvanica	Fire/Pin cherry
x	Prunus serotina	Black cherry
x	Quercus alba	White oak
x	Quercus rubra	Red oak
x	Sorbus americana	Mountain ash
x	Tsuga canadensis	Hemlock
x	Ulmus americana	American elm
	SHRUBS	
x	Alnus incana ssp. rugosa	Speckled alder
x	Berberis thunbergii	Japanese barberry
x	Comptonia peregrina	Sweet fern
x	Cornus amomum	Silky dogwood
x	Juniperus communis	Field juniper
x	Lonicera canadensis	American fly honeysuckle
x	Lonicera morrowii	Morrow's honeysuckle
x	Rhus hirta	Staghorn sumac
x	Ribes sp.	Wild currant and gooseberry
x	Rosa multiflora	Multiflora rose
x	Rosa sp.	Wild rose
x	Rubus sp.	Bramble
x	Salix bebbiana	Beaked willow
x	Spiraea alba v. latifolia	Meadowsweet
x	Vaccinium angustifolium	Lowbush blueberry
x	Vaccinium corymbosum	Highbush blueberry
x	Viburnum dentatum	Arrowwood
x	Viburnum lantanoides	Hobblebush
x	Viburnum nudum v. cassinoides	Wild raisin

Appendix A. Continued.

	Common name	Species
	HERBACEOUS	
X	Anemone quinquefolia	Wood anemone
X	Aralia nudicaulis	Sarsaparilla
X	Aster cordifolius	Heart-leaved aster
X	Aster macrophyllus	Large leaf aster
X	Aster spp.	Aster
X	Calamagrostis canadensis	Bluejoint
X	Carex lucorum	
X	Carex pedunculata	Long-stalked sedge
X	Carex sp. with red scales	Sedge
X	Carex spp.	Sedges
X	Carex stricta	Tussock sedge
X	Daucus carota	Queen Anne's lace
X	Dryopteris intermedia	Fancy woodfern or Evergreen woodfern
X	Dryopteris sp.	Woodfern
X	Equisetum arvense	Field horsetail
X	Equisetum sylvaticum	Wood horsetail
X	Erythronium americanum	Trout-lily or Dog-tooth-violet
X	Fragaria vesca	Woodland strawberry
X	Gaultheria procumbens	Wintergreen
X	Geranium maculatum	Wild geranium
X	Geum sp.	Avens
X	Hieracium sp.	Yellow hawkweed
**	Hypericum sp.	St. Johnswort
X	Impatiens capensis	Jewelweed/Touch-me-not
X	Iris versicolor	Blueflag
	Juncus sp.	Rush
***	Lamiaceae	Mint family
X	Luzula multiflora	Common wood rush
X	Maianthemum canadense	Canada mayflower
X	Mitchella repens	Partridgeberry
X	Nasturtium officinale	Watercress
X	Oenothera biennis	Evening primrose
X	Onoclea sensibilis	Sensitive fern
X	Osmunda cinnamomea	Cinnamon fern
X	Osmunda claytoniana	Interrupted fern
X	Poaceae	Grasses
X	Polystichum acrostichoides	Christmas fern
X	Potentilla simplex	Common cinquefoil
X	Pteridium aquilinum	Bracken fern
X	Pyrola elliptica	Shinleaf
X	Ranunculus acris	Tall buttercup
X	Ranunculus cf. hispidus var. caricetorum	Swamp buttercup or northern crowfoot
X	Rubus hispidus	Trailing dewberry
X	Sagittaria sp.	Arrowhead
X	Solidago rugosa	Rough-stemmed goldenrod
X	Solidago spp.	

Appendix A. Continued.

	Common name	Species
	HERBACEOUS Continued	
X	Taraxacum officinale	Dandelion
X	Thalictrum pubescens	Tall meadow-rue
X	Toxicodendron rydbergii	Western poison ivy
X	Trientalis borealis	Starflower
X	Trifolium pratense	Red clover
X	Trillium erectum	Red trillium
X	Veratrum viride	False hellebore
X	Veronica officinales	Common speedwell
X	Viola sp.	
	VINES	
X	Parthenocissus quinquefolia	Virginia creeper

** Small opposite, entire, punctate leaved herb growing under sumac, not sure of its identification.

*** Seedlings with opposite, cordate leaves in stream floodplain, not sure of its identification

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

PO Box 1237
31 Main St.
Gray, ME 04039

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

May 9, 2000

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

Subject: Presumpscot River Place Phase III
Additional Information

Dear Rick,

This letter is intended to follow-up our previous submittals of April 11th and April 25th for the above referenced project. Based upon your verbal directions, the following items are being required by the Staff to be submitted prior to this project being reviewed at a workshop with the Planning Board. All of the requested information has been provided, and therefore, it does not appear that there should be any reason for the project not to be scheduled for the next workshop. It is our understanding that the project has been scheduled for review during the workshop on April 30th. Please advise us on any revision to the schedule as soon as possible. Enclosed please find 7 copies of the requested additional information, which includes the following:

- Letter from Dr. Nathan Hamilton regarding the Phase 1 Archaeological Survey.
- Update to the Natural Resource Reports previously prepared by Eco-Analysts.
- Updated Wetland Permitting Plan with intermittent streams as located by Eco-Analysts. This plan has also been revised to reflect new structure envelopes for the lots east of Cushing Avenue. The envelopes have been revised to reflect the latest slopes mapping (previously provided to your office as part of the April 11th submittal) as well as the wetland/stream information. A maximum disturbance limit has also been added to the lots east of Cushing Avenue which abut the steep slope/ravine areas. The reductions in the structure envelopes is summarized below:

Lot No.	Reduction in Structure Envelope (s.f.)
1	2,270
2	13,110
3	7,275
4	10,835
5	1,190
10	1,585
12	930
13	4,715

Our office looks forward to your review of this information. Please contact this office if you have any questions.

Sincerely,

Gorrill-Palmer Consulting Engineers, Inc.

Alton M. Palmer, P.E.
Vice President

Enclosure

copy: Burt Wolf
Bob Adam

AMP/aw/JN98089/Knowland5-9-00

8 May 2000

Douglas E. Reynolds, PE
Gorrill-Palmer Consulting Engineers, Inc.
31 Main Street
P.O. Box 1237
Gray, Maine

Project: MHPC #2193 - Residential Subdivision Curtis Road, Portland, Maine
Phase I Archaeological Survey

Dear Doug:

We concluded the Phase I archaeological testing of the Curtis Road Subdivision on 6 May 2000. The testing included 30 test pits on select portions of the river terraces and most were excavated to depths of 60cm to 1m. No prehistoric cultural remains were recovered from surface examination or during subsurface testing. A small number of historic period artifacts were recovered in the test pits that consist of expended brass bullet shells or casings and a single gun flint. The gun flint is likely of English origin and appears to date to the late eighteenth century (*ca.* 1760-1800). Given the size of the flint, it would likely have been used on a pistol. We expanded the test pit that contained the flint to a 1m square and no additional eighteenth century remains were found. All other historic period remains were early 20th century in date of manufacture. The Phase I efforts did not identify any cultural remains of the prehistoric period and does not warrant any additional archaeological testing.

The project did provide some interesting geographic and elevation information on sediment deposits from the 1996 flood along the lower Presumpscot River.

The report will be placed on file with Maine Historic Preservation Commission at the beginning of next week. We appreciate the opportunity to be of service to Gorrill-Palmer Consulting Engineers and look forward to the opportunity to consult with you in the future.

Sincerely,

Nathan D. Hamilton, Ph.D.

Nathan D. Hamilton, Ph.D.

FIRST NEIGHBORHOOD MEETING

PROSPECT RIDGE PLACE SUBDIVISION

(DATE)

SUMMARY OF PUBLIC COMMENTS

- HOW IS ADDITIONAL DEVELOPMENT GOING TO IMPACT CURTIS ROAD? AT THE CREST OF THE HILL ON CURTIS ROAD TWO KIDS WERE HIT IN 1969. CARS ARE PARKED ON BOTH SIDES OF THE STREET. ONE ACCESS TO THE SUBDIVISION IS A PROBLEM. ACCESS IS KEY. HAS TROUBLE BACKING HIS CAR OUT OF THE DRIVEWAY

- DEVELOPMENT NEEDS A SECOND ACCESS.

- LIVES ON CARTER ST; HEAVY EQUIPMENT HAS BEEN GOING ON CARTER ST; SPEEDING; THE SITUATION SHOULD BE LOOKED AT

- THIS PROPOSAL WILL FUNNEL MORE CARS INTO SUMMIT ST; WILL GET BUSIER; SHOULD FIND ANOTHER ACCESS WAY OTHER THAN SUMMIT ST.

- HOW MANY CARS WOULD COME UP CURTIS RD. WITH THIS DEVELOPMENT?

- CURTIS RD. ALONE DOESN'T WORK FOR ACCESS; NEED A 2ND ACCESS RIGHT NOW. CURTIS IS A SPEEDWAY, A LONG STRAIGHT ROAD. CALLED THE CITY ABOUT A STOP SIGN OR SPEED BUMPS

- LIVES ON CARTERET. WATER PRESSURE IS A PROBLEM. LIVED THERE FOR 23 YEARS

- WATER PRESSURE IS A PROBLEM

- NEED TO HAVE THE PORTLAND WATER DISTRICT AT THE NEXT MEETING

- DOES THIS DEVELOPMENT HAVE ANY ACCOMMODATION FOR PUBLIC ACCESS ALONG THE PRESUMPSCOT RIVER? THIS PROJECT SKIRTS DEP SITE LOCATION REVIEW. A UNIQUE OPPORTUNITY FOR THE CITY TO PICK THIS LAND FOR PARKLAND

- RECENTLY $10,000 WAS SPENT ON A LITTLE LEAGUE FIELD; NO OTHER FIELDS. CITY SHOULD TAKE THIS INTO CONSIDERATION

- IT SOUNDS LIKE PEOPLE ON MOUNTAIN BIKES AND OTHERS WON'T BE ABLE TO USE THE RIVER TRAIL ANYMORE

- THIS AREA NEEDS A MASTER PLAN FOR STREETS AND GREENSPACES SHOULD OF BEEN OTHER STREET CONNECTIONS TOO INCREMENTAL

- THERE IS NO GOOD SAFE SOLUTION FOR ACCESS

- ACCESS ISSUES FOR FIRE SAFETY

- QUESTION ON SEWER CAPACITY

- MORE PEOPLE WILL BE HEARING THE NOISE OF THE PUMP STATION; BACK UP OF THE PUMP STATION DURING BIG RAIN STORMS

- WILL YOU BE CREATING ANY DETENTION BASINS?

- HAVE THE SOILS BEEN TESTED FOR CLAY? CONCERN ABOUT WHETHER PORTIONS OF THIS SITE ARE DEVELOPABLE (CLAY SHINGLING). FRIENDS OF THE PRESUMPSCOT RIVER ARE DOING PLANNING FOR THE RIVER CORRIDOR

- THIS PROJECT SHOULD BE LOOKED INTO A GLOBAL CONTEXT

- A BLIND CURVE EXISTS BY CLADBOARD AND ALICE

- WHAT ABOUT SCHOOL CAPACITY?

- WHOLE AREA NEEDS TO BE LOOKED AT ... SCHOOLS, ACCESS, RECREATION ... SCHOOLS AND GAME FIELDS ARE OVER-CROWDED. MORE HOUSES WILL HURT THE SCHOOLS

- SEWER CAPACITY QUESTION. NEEDS TO TAKE INTO ACCOUNT THE AUBURN PINES DEVELOPMENT

- WHAT ABOUT THE IMPACT OF RUN-OFF FROM THE ROADWAY INTO THE RIVER?

- WHAT IS THE LONG RANGE PLAN FOR THIS DEVELOPMENT? IT IS BEING DONE IN A PIECEMEAL MANNER.

- CONCERNED ABOUT SAFETY, SCHOOLS, ATHLETIC FIELDS. CITY SHOULD DO WHAT IS RIGHT AND WHAT IS GOOD FOR THE LONG TERM.

- DEVELOPER SHOULD SHOW THE ENTIRE LANDHOLDINGS OF THE DEVELOPER.

- BRING THE PORTLAND WATER DISTRICT TO A MEETING

- TRAFFIC IS A CONCERN TOOMUCH FOR SUMMIT AND CURTIS

NEIGHBORHOOD MEETING ON
PROJUMPJCOT RIVER PLACE SUBD.
4-10-00
BUMMARY OF PUBLIC COMMENTS

- EVEN WITH THE NEW ACCESS, PEOPLE WILL STILL GO UP CURTIS ROAD
- HAS A TRAFFIC STUDY BEEN DONE?
- NEW ACCESS WON'T HELP CURTIS ROAD, PUT AN ACCESS SOMEWHERE ELSE.
- IF THE DEVELOPER OWNS THE LAND, EXTEND THE STREET
- WHY CAN'T AN ACCESS TO ROUTE 100 BE DONE NOW?
- BLOCK OFF CURTIS ROAD FROM THE DEVELOPMENT
- IS THERE A PLAN FOR OPEN SPACE FOR THIS DEVELOPMENT? WHY NOT ~~HAVE~~ INCORPORATE RECREATION SPACE? SHOULD HAVE AN IMPACT FEE FOR OPEN SPACE. SHOULD HAVE SPEED BUMPS OR POLICE TO SLOW DOWN VEHICLES. CONSTRUCTION VEHICLES GOING DOWN CURTIS ROAD IS A DANGER TO KIDS.
- WATER SUPPLY AND PRESSURE CONCERNS
- WHAT IS THE IJO FIRE FLOW STANDARD?
- THE PLAN SHOULD SHOW THE ENTIRE LANDHOLDINGS OF THE DEVELOPER.

- THE DEVELOPER SHOULD SHOW A LAYOUT OF THE REMAINING VACANT LAND

- WHAT IS THE SELLING PRICE OF HOUSES?

- A POND HAS BEEN FILLED IN ON THE PROPERTY.

- WATER QUALITY AND STORMWATER RUNOFF TO THE PRESUMPSCOT RIVER IS AN IMPORTANT ISSUE.

- TRAFFIC IS AN IMPORTANT ISSUE.

- CURTIS ROAD IS NARROW AT THE TOP. SHOULD CAREFULLY REVIEW THESE THINGS BEFORE WE GO FORWARD.

- THE GRANDSCHEME HASN'T BEEN PROVIDED YET. ALL THE HOUSELOTS FOR THE DEVELOPERS LANDHOLDINGS HAVE NOT BEEN SHOWN.

- ORIGINAL PLAN IS 11 YEARS OLD

- WHAT HAPPENS IF CURTIS ROAD ISN'T WIDENED ENOUGH?

- DOESN'T TRUST THE CITY.

- A QUESTION OF TRAFFIC STATISTICS FOR THIS AREA

- A TRAFFIC COUNT SHOULD BE DONE ON CURTIS ROAD

- DEVELOPMENT IS LIKE A TRAFFIC FUNNEL. DEVELOPER SHOULD SHOW THE ENTIRE DEVELOPMENT SCHEME

- LAND HAS GULLYS AND BROOKS. ARE YOU GOING TO BULLDOZE THESE AREAS? THERE IS AN EFFORT TO CLEAN UP THE PENOBSCOT RIVER.

- SEND NOTICES TO ALL PEOPLE ON SUMMIT STREET

- NORTH DEERING NEEDS MORE OPEN SPACE

- ~~ON JACKSON STREET~~ THERE ARE ALOT OF SMALL KIDS ON JACKSON STREET - A SAFETY CONCERN WITH TRAFFIC

- SEND NOTICES TO OTHER STREETS LIKE JACKSON

- SCHOOLS ARE OVERCROWDED. TOO MANY MIDDLE SCHOOL CLASSROOMS. NORTH DEERING IS OVERCROWDED. TRAFFIC IS AN ISSUE. THERE ARE NO PARKS. NO OPEN SPACE AND RECREATION FOR KIDS TO GO TO. CITY IS LETTING RESIDENTS DOWN WITH RESPECT TO SCHOOL AND OPEN SPACE. ~~CITY~~ CITY IS MISSING THE BIG PICTURE STUFF.

- SCHOOL CAPACITY ISSUE.

- SHOULD LOOK AT SCHOOL CAPACITY FOR 5 TO 10 YEARS

NEIGHBORHOOD MTG
4-10-00

traffic circulation

building envelopes, site disturbance, tree clearance, steep slopes

water

environmental impact wetlands

WILLIAMSON-PIN

new access has been added people will still go up Curtis

have you done a traffic study

Doug Moody access won't help curtis road put an access somewhere else

IF he owns the land, extend the street

why can't an access to route 100 be done now?

block off Curtis Road

IS there a plan for open space for this develop why not have recreation space? should have an impact fee for open space. should have speed bumps or police protection construction vehicles going down Curtis danger to kids

* School issue

will not be affected by water pressure because of the 24 inch feeder line

12 inch in Auburn 12 inch in Summit

what is the ISO fire flow standard

what about showing the entire landholdings?

* how developer show a layout remaining of vacant land

selling price of houses?

Bow 60-125K price of lots

pond has been filled in Grondin did it

- enviro standard Pennichuck River study due in Jan
- water-quality + water quantity NOW
- DOT traffic standard

Hogg, what is your position on this subdivision?

Curtis Rd is narrow at the top Look at these things before we go forward

grid scheme hasn't been provided all the house lots haven't been provided

plan is 11 years old ; management situation depends on whose perspective

Doug Mindy what happens if Curtis road isn't widened enough

don't trust the city

traffic statistic question

✳ Larry Bull have a street corner done on Curtis Rd

Jim Cohen traffic funnel
should show the entire development scheme

land has gullies and brooks are you going to bulldoze these they are trying to clean up the Presumpscot River

send notices to Summit St. people

open space W.D. needs more open space
JM Land Bank will be training a meeting next Wed.

Tom Jewell

lives on Jackson St alot of small kids are on this street

*do other streets like Jackson for education

Bill Kirsch meet in a modular school class
north dearg is overcrowded
traffic, open space; no place for kids to go
there are no parks
city is letting them done → school, open space
the big picture stuff

school capacity issue

look at 5 to 10 years from now capacity

*other access P.B. comment

traffic no exiting Curtis to Summit

has developer consulted with Portland Trails

people use the trails all the time any public access to these trails in the future?

would they consider preservation easements for this land? it would be a welcome gesture to the neighborhood if public access was provided

Jim Cohen difference between reserving open land and reserving trail access

* Curtis Road traffic info

* Keep ~~the~~ street clean from muddy trucks

falmouth land would be good for open space

* should curtis road be wider?
what is the width

* Curtis Road

* end of curtis fill no silt fence

- DURING ~~GANLIGN~~ REVIEW OF GANLIGN PRELIMINARY RIVER PLACE PHASE, THE PLANNING BOARD INDICATED A CONCERN ABOUT HAVING ANOTHER ACCESS FOR THIS DEVELOPMENT

- TRAFFIC COUNTS SHOULD BE DONE FOR CURTIS ROAD

- HAS THE DEVELOPER CONSULTED WITH PINELAND TRAILS?

- PEOPLE USE THE TRAILS ALL THE TIME, WILL THERE BE ANY PUBLIC ACCESS TO THESE TRAILS IN THE FUTURE?

- WOULD THE DEVELOPER CONSIDER PRESERVATION EASEMENTS FOR THIS LAND? IT WOULD BE A WELCOME GESTURE TO THE NEIGHBORHOOD IF PUBLIC ACCESS WAS PROVIDED.

- THERE IS A DIFFERENCE BETWEEN RESERVING OPEN LAND AND RESERVING TRAIL ACCESS

- CURTIS ROAD TRAFFIC INFO IS NEEDED?

- KEEP THE STREET CLEAN FROM MUDDY CONSTRUCTION TRUCKS

- FALMOUTH LAND WOULD BE GOOD FOR OPEN SPACE

- SHOULD CURTIS ROAD BE WIDENED? WHAT IS THE ROADWAY WIDTH?

- THE LOT AT THE END OF CURTIN ROAD. FILL HAS BEEN ADDED BUT THERE IS NO SILT FENCE.

CYRO

CYRO INDUSTRIES
FAX TRANSMISSION

TO: RICK KNOWLAND

FAX NUMBER: 207-756-8258

FROM: CONSTANCE G. BONE, SPHR

DATE: NOVEMBER 28, 2000

NUMBER OF PAGES TO FOLLOW: 1

IF YOU DO NOT RECEIVE ALL PAGES, PLEASE CONTACT:

CONSTANCE G. BONE, SPHR
HUMAN RESOURCES SUPERVISOR
CYRO INDUSTRIES
P.O. BOX 591
SANFORD, ME 04073
T: (207)490-4213 F: (207)490-4246

SUBJECT: PRESUMPSCOT RIVER PLACE

SPECIAL INSTRUCTIONS: PLEASE DELIVER THIS DOCUMENT TO
MR. JAMEY CARON, CHAIR
PORTLAND PLANNING BOARD
CITY OF PORTLAND

From: "Mark S. Williams" <cmwill@concentric.net>
To: "Rick Knowland" <rwk@ci.portland.me.us>
Date: Mon, Feb 7, 2000 7:32 PM
Subject: New development off of Curtis Rd.

2/7/00
City of Portland planning board

Attn: Rick Knowland
Joe Gray

Mr. Knowland, thank you for returning my phone call. It has been brought to my attention that the new subdivision off of Curtis Rd. has only one access road in and out of the 27 home development; which is Curtis Rd. As a property owner on Curtis Rd., I am not happy with this plan. We already are a busy street and do not need an additional 60 cars passing through our street. I have seen a map of the proposed subdivision and clearly there are several other options for another entrance/access road at the other end of the development onto Alice St. Another access road will help distribute the traffic off of Curtis Rd. and the overflow could easily use either Carter St. or Crestview Dr.. It also has been brought to my attention that one of the developers live off of Alice, could this be why the have routed all the traffic to Curtis Rd.?

I have spoken to several other neighbors who agree that additional access roads are needed. And I would also like the Board to look into the development that is being developed at the end of Alice St. (connects with Auburn St.) -- this development is also going to cause a substantial increase in traffic throughout the area I have mentioned and also Summit St..

Please contact all residents on Curtis Rd. of future plans, so we may add our input.
Thank you for your time,
Carolyn & Mark Williams
131 Curtis Rd.
Portland, ME 04103
878-9805

CC: "Joe Gray" <jeg@ci.portland.me.us>

From: " Ray Williams" <raywill@maine.rr.com>
To: Portland.CityHall(RWK)
Date: Tue, Feb 8, 2000 10:52 AM
Subject: New developement off Curtis RD

Mr. Knowland and Mr. Gray,

It has come to my attention that another development is being considered for the end of Curtis Rd, and that Curtis Rd is the only access in and out of this development. First of all, I am strongly opposed to any more development in this area, we do not need to build any more houses in this area. This section of Portland has great charm to it because of it`s rural feel in an urban setting. It is just this type of sprawl that is destroying the charm of this area and many other areas in the state. Why these developers feel they must put a house on every plot of land is totally beyond any reason that I can think of. When I first moved here twenty years ago, there was no Alice, Whaleboat, or Overset Streets, now that they are here the traffic flow has at least tripled, and several of my neighbors have requested a stop sign to help slow down the traffic. If this develpment must be put in, there absolutely must be other streets used to access it, Curtis Rd cannot be the only way in and out.

Thank you for your time.

Ray&Tammy Williams
93 Curtis RD

CC: Portland.CityHall(JEG)

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

February 7, 2000

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

Dear Mr. Gray,

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

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

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

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

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

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

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

Thank you in advance for your anticipated assistance.

Sincerely,

Steven M. Berg

CC: Portland Planning Board

March 31, 2000

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

Re: Proposed Subdivision
Presumpscot River Place #3

Dear Mr. Gray:

As a resident of Portland and potential home builder, I would like to express my support for the proposed subdivision by Dr. Wolf and Mr. Adams known as Presumpscot River Place #3 which is located at the end of Curtis Road. Although I specifically viewed Lot #4, I was impressed with the overall subdivision lot sizes, configurations and most importantly location.

This subdivision offers home builders the rare opportunity to have an executive home situated in a private rural setting. Spacious building lots which are close to schools, shopping and Center City but far enough away to offer a very quiet, peaceful setting are extremely difficult to find in Portland. I would therefore, urge your review of this proposal at the scheduled workshop on April 11, 2000.

Sincerely,

Constance G. Bone

Constance G. Bone

cc: James Cloutier, City Councilor
Philip Dawson, City Councilor
Jay Hibbard, City Councilor
Nicholas Mavodones, Mayor
Nathan Smith, City Councilor

Joseph Gray
Department of Planning and Urban Development
389 Congress St.
Portland, Me 04101

Dear Mr. Gray,

We are writing in regards to the Adams-Wolf development at the end of Curtis Road in Portland, Me. It has been brought to our attention that there has been some degree of resistance from the neighbors in this community about the proposed sub-division. We are writing to you as interested parties who are in hopes of residing in this sub-division. We have been in contact with both Mr. Adams and Mr. Wolf over the past several months in anticipation of building a new home located at lot 27 in Phase III of Presumpscot River Place.

We are aware of the concerns of increased traffic through the Curtis Road area, the potential for increased enrollments at Lyseth and Lyman Moore schools, along with concerns over soil testing and water pressure. These concerns are a result of people who care for their neighborhood and value their schools, as do we. However, the same concerns can be raised with any development. This same street(s) from which the concerns have been voiced were developed and the same arguments could have been made when they were building their new homes in this area.

Mr. Adams and Mr. Wolf seem to have addressed any and all concerns brought forth to them and complied with all the ordinances and codes. Mr. Wolf's and Mr. Adams's availability and flexibility to meet with these neighbors should affirm their genuine concerns for this community.

The subject of schools is always a concern for any parent in a school district. It seems though that the resistance concerning crowding in the school would be from throughout the school district. I believe this has been addressed with the appropriate school personnel. As far as the water pressure arguments, this neighborhood is located at the bottom of the hill for a gravity feed and is next to a river if the threat of fire is a concern. Soils will be or have already been without a doubt been addressed by your office. The increase in traffic would be only residential from neighborhood people with the same concerns for child safety and noise pollution.

Having addressed all of the concerns that have been made known to us, all of which seem manageable, we respectively ask you to give the needed approvals for this development which I'm sure will become a valuable asset to the City of Portland and the surrounding neighborhood.

Respectfully Yours,

Theodore and Julie Volger

From: "Mark S. Williams" <cmwill@concentric.net>
To: "Rick Knowland" <rwk@ci.portland.me.us>
Date: Mon, Feb 7, 2000 7:32 PM
Subject: New development off of Curtis Rd.

2/7/00
City of Portland planning board

Attn: Rick Knowland
Joe Gray

Mr. Knowland, thank you for returning my phone call. It has been brought to my attention that the new subdivision off of Curtis Rd. has only one access road in and out of the 27 home development; which is Curtis Rd. As a property owner on Curtis Rd., I am not happy with this plan. We already are a busy street and do not need an additional 60 cars passing through our street. I have seen a map of the proposed subdivision and clearly there are several other options for another entrance/access road at the other end of the development onto Alice St. Another access road will help distribute the traffic off of Curtis Rd. and the overflow could easily use either Carter St. or Crestview Dr.. It also has been brought to my attention that one of the developers live off of Alice, could this be why the have routed all the traffic to Curtis Rd.?

I have spoken to several other neighbors who agree that additional access roads are needed. And I would also like the Board to look into the development that is being developed at the end of Alice St. (connects with Auburn St.) -- this development is also going to cause a substantial increase in traffic throughout the area I have mentioned and also Summit St..

Please contact all residents on Curtis Rd. of future plans, so we may add our input.
Thank you for your time,
Carolyn & Mark Williams
131 Curtis Rd.
Portland, ME 04103
878-9805

CC: "Joe Gray" <jeg@ci.portland.me.us>

From: "Mark S. Williams" <cmwill@concentric.net>
To: "Rick Knowland" <rwk@ci.portland.me.us>
Date: Mon, Feb 7, 2000 7:32 PM
Subject: New development off of Curtis Rd.

2/7/00
City of Portland planning board

Attn: Rick Knowland
Joe Gray

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131 Curtis Rd.
Portland, ME 04103
878-9805

CC: "Joe Gray" <jeg@ci.portland.me.us>

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

December 20, 1999

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

Dear Mr. Knowland,

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

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

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

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

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

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

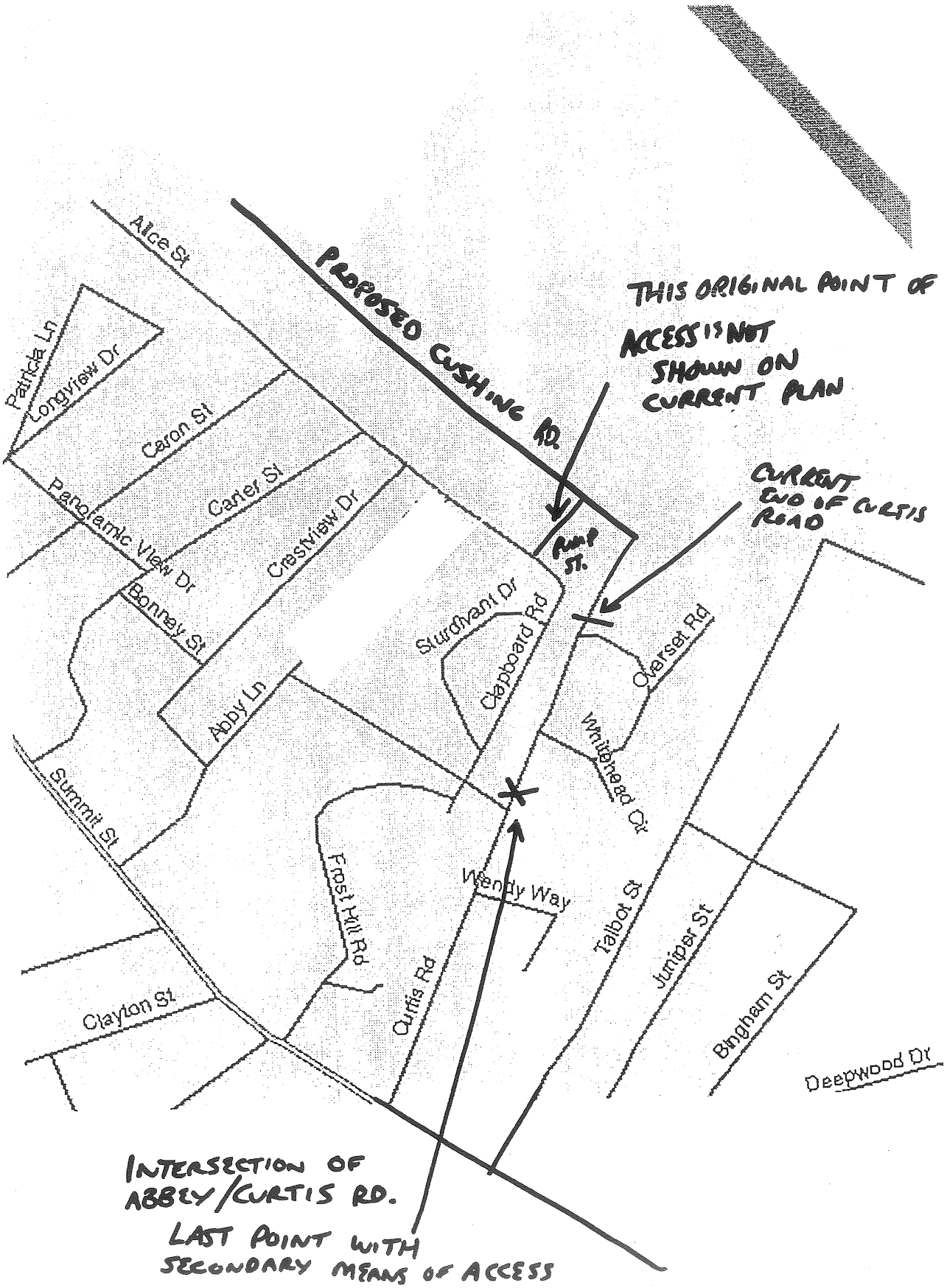
I would respectfully ask the Planning staff and Board to seriously consider the points raised in this letter regarding emergency and riverfront access. Obviously, I believe there needs to be further hearings and opportunity for input on this matter and I would ask that I be notified on an on-going basis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

Thank you in advance for your anticipated assistance.

Sincerely,

Steven M. Berg

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


Alice St
PROPOSED CUSHING RD.
THIS ORIGINAL POINT OF ACCESS IS NOT SHOWN ON CURRENT PLAN
CURRENT END OF CURTIS ROAD
Patricia Ln
Longview Dr
Caron St
Carter St
Panoramic View Dr
CresNview Dr
Bonney St
Abby Ln
Sturdivant Dr
Clapboard Rd
Pine St.
Oakerset Rd
Whitbread Cir
Summit St
Frost Hill Rd
Curtis Rd
Wendy Way
Talbot St
Juniper St
Bingham St
Clayton St
Deepwood Dr
INTERSECTION OF ABBEY/CURTIS RD.
LAST POINT WITH SECONDARY MEANS OF ACCESS

Abby Lane/Curtis Road Intersection
Last point of secondary access
0 mi
0.2
0.4
0.6
0.8
Falls Rd
Woodville Rd
Falmouth Rd
Gray Rd
Eugene St
Blackstrap Rd
Hamlin Rd
Brook Rd
Leighton Rd
I-95 Exit 10
I-95 Exit 9
Davis Farm Rd
Riverside Ind Pky
Riverside St
Washington Ave
Lambert St
Jackson St
Auburn St
Summit St
Curtis Rd
Abby Ln
Alice St
Onaview Dr
Cotton St
Bingham St
Deepwood Dr
Pinelodh Dr
Alpine Rd
Chrisly Rd
Martin Rd
Bartley Ave
Sumac St
Allen Avenue Ext
Lower Falls Rd
Stapleford Dr
Pleasant Hill Rd
Ledgewood Dr
Allen Ave
Wyoming Ave
Virginia St
Jersey Ave
Penn Ave
Maine Ave
Belfast Rd
Kentucky Ave
Indiana Ave
Bumstide Aves
Ray Rd
Florida Ave
Maine Ave
Washington Ave
Mona Rd
Sara Ln
Manbrough Rd
Huntington Ave
Plymouth St
Hennessey Dr
Pennell Ave
Skylark Rd
Coolidge Ave
Davenport Ave
Northwood Dr
Regan Ln
Primrose Ln
Greenwood Ln
Chetlot Ln
Dole Dr
Continental Dr
Palmer Ave
Millken St
Beverly St
Dearborn St
Hungerford St
Braintree St
Harmony Rd
Stuart St
Newton St
Harris Ave
Lukie St
Fairgault St
Hasselthaw Rd
9th St
8th St
7th St
6th St
5th St
4th St
3rd St
Lexington Ave
Forest Ave
Bellott St
Lester Dr

June 11, 2000

46 Jackson Street
Portland, ME
04103

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

Dear Mr. Gray:

We have serious reservations about the proposed development for a 27-lot residential subdivision on a 28-acre parcel north of Curtis road.

First, there is the question of the burden that any such development places upon the city of Portland. A recent report in Scarborough showed that the average new home costs the town of Scarborough $1,200 more per year in services than it receives in taxes. The town of Falmouth is considering imposing an impact fee of $5,000 on each new home to offset school-construction costs. The schools in North Deering are already overcrowded. We don't mind our taxes rising to cover expenses, but there has to be a sense of fairness. Put simply, new construction does not appear to be paying its share and appears to be getting a free ride.

There is also the matter of traffic for the people who live on Curtis Road and the surrounding areas. With the completion of the Falmouth Crossing Shopping Center there will already be a considerable increase in motorists seeking shortcuts around the Northgate Shopping Plaza and utilizing Summit Avenue. It appears that this developer owns considerable acreage. Is it not possible for him to build an access road into the development? As it stands now all traffic will funnel into Curtis road which is a narrow road. This will yet again increase traffic on Summit Avenue. With a possible 80 new homes in this new area, we are looking at a possible 160 cars coming to and from this development alone.

Finally, it is worth noting that the Presumpscot River, on which this development is to be situated, is the only river in the Northeastern United States to make the list of the thirteen most endangered rivers. Although this listing by American Rivers is a consequence of the damns on the river, we are worried that this development will harm a fishery which is a public-trust resource. The problem of runoff from these new homes has also not been seriously considered. As we understand the proposal, putting filters in the storm drains will do nothing for any chemical runoff from lawns and gardens. We are also worried about the destruction of habitat for wildlife and the loss of potential open spaces for trails and recreation. North Deering has no dedicated open spaces or parks. What kind of environment are we building to attract and keep people in this city? Would it not be at least possible to have a buffer zone *owned by the city*

166 Summit St.
Portland, ME 04103

(207) 797-4563
E-mail: pjanums@maine.rr.com

June 9, 2000

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

cc: Elizabeth Ehrenfeld, Portland Trails

Re: Proposed 28-acre subdivision off Curtis Road by Bob Adam and Lloyd Wolf

Dear Mr. Gray:

I was unable to attend your workshop session on May 30th, but would like to express my feelings concerning the above-referenced subdivision.

A beautiful trail winds along the river there, with hemlocks overhanging the water and a little stream cascading into the Presumpscot, and no development in sight. This trail is truly a gem, especially when you consider the number of people living within walking distance, and how you feel like you're a thousand miles away when walking there. In fact, an important factor in my buying my house on Summit Street was that I could walk out my front door, through the woods, all the way down to this peaceful and special spot along the river.

I would love to see the trail wrap around one day to join up with the Riverton Trolley Park Trail, perhaps part of a Presumpscot Greenbelt, where people could hike or canoe or fish. At the turn of the century, there used to be river boats that would go from the Riverton Trolley Park to Pleasant Falls and back. It would be great to see this scenic treasure -- right in our backyard -- preserved and enjoyed again.

I am not against the subdivision per se: although I am a big advocate of clustered housing and open space, the subdivision is in keeping with the neighborhood. However, I fervently hope that a large-enough scenic easement is planned so that the houses are not evident from the trail; the 250' currently planned does not seem nearly wide enough. I also hope that public access will not be a problem, since I understand that the river

easement might remain under the ownership and control of the subdevelopers. Perhaps openspace funds might be considered to purchase this parcel for the city?

If there is anything I can do to help preserve this asset for the community, please let me know. Here in Maine, we will always have beautiful trails an hour or two away, but we may not always have a beautiful walk after dinner, unless we preserve these areas. And it is the beautiful walk after dinner that does more to preserve our sanity.

Sincerely,

Patti Janums

Patti Janums

Michael A. Burner, Jr.
33 Overset Rd.
Portland, ME 04103
(207) 797-4179

May 26th, 2000

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

RE: Proposal by Bob Adam and Lloyd Wolf for subdivision north of Curtis Rd.

Dear Mr. Gray.

I do not know who owns the subject land or where exactly the property is, but people in this neighborhood and the entire Portland Community use the trails in the area between the current homes and the river for hiking and mountain biking. I believe it is especially important for the entire City of Portland to have the ability to access the trail along the river. I would like to encourage the planning board to make serious consideration for this.

If you have any questions please feel free to contact me.

Michael A. Burner, Jr.

between the new homes and the river? The owner *has* proposed a buffer zone, but the ownership and use of this would be at *his* discretion. We think that we can do better than this. Article (8) of the Portland Code (Sec. 14-497), Subdivision Review Standards, addresses these issues. We do not get a sense that the planners are keeping this article in mind in their considerations.

To sum it up, we would like to see more ***real*** planning done by *city government* instead of the developer dictating the course of events. Land ownership has a social and public dimension, not just a financial one.

Yours truly,

David M.W. Travers C. Holly Travers

David M.W. Travers Holly Travers

cc: Cheryl Leeman, Mayor, City of Portland

May 25, 2000

Dear Mr Gray,

As residents of Curtis Rd we would like to voice our concerns about the development being proposed at the end of Curtis Rd. We understand that the development initially approved in 1989 called for multiple accesses from the subdivision. Those accesses are no longer available and we are concerned that this will cause a heavy traffic situation on one residential road. The outlet onto Clapboard will not relieve this situation because the traffic will ultimately dump onto Curtis Rd from Abby. The developer also owns the property that borders the parcel and in the future will also develop this land. We ask that the city look at the whole picture. Since there appears to be no access into Falmouth any additional development will have access through Overset Rd, a small street which connects to Curtis Rd, and once again all the traffic will flow onto Curtis Rd.

Our other concern has to do with the land itself. This land borders the Presumpscot River and we believe that the effect of this development on the river should be fully investigated. As recently as Mothers Day, May 14, we,

Joseph Gray Jr.
Director of Planning & Urban Development
City Hall
Portland Maine

Stephen Colucci
48 Alice St.
Portland Maine

Dear Mr. Gray,

My name is Steve Colucci and I am a resident of Alice St. in Portland. I've lived at this residence for over 9 years now. When we moved to this house we were the next to last home on a dead end street. During this time Alice St. has been extended two times to accommodate new homes. This has resulted in 30 plus homes when complete.

I am taking the time to write to you to let you know that I support the proposed Presumpscot River Place III development at the end of Curtis Rd. I'm aware that this proposed development has upset some of the surrounding neighbors. Their primary cause of concern being the increased traffic flow and speed up and down Curtis Rd. I have to say I can't blame them for being upset. I strongly believe that if the city, the developers and neighbors worked closely together a solution to traffic flow and speed could be resolved to everyones satisfaction. Stopping the development from proceeding ahead is not the answer. Growth and progress in the city will continue to occur.

By simply providing two entrances/exits from the new development, installing speed bumps and maybe a strategically placed stop sign or two, I believe the traffic issue can be resolved. This model of speed bumps is currently working well on Hennessey Drive. I feel speed bumps should be strongly considered on both Alice and Curtis streets. I would also like to point out that, for the most part, it's not the local residence that speed on the neighborhood streets, but the contractors working in the area. I see them speeding everyday on Alice St. while building the new homes in Auburn Pines. Somehow the contractors need to be slowed down before someone gets seriously hurt.

You should also know that I'm currently interested in purchasing lot 12 in the new development. My wife and I have already sold our home in preparation to build this spring. We plan on building our final and larger home in Portland. It's very important to the both of us that our children remain in the local Portland schools. I'm concerned with all the delays this development is currently caught up in and the potential delay it may cause to the approval process. I've also heard that the city may require the developer to reconfigure several lots. I hope this doesn't occur, as one of the positive features of this development is the rural setting and non-cookie cutter style lots.

In closing, I'd just like to say that I support the proposed development and hope that the project can be reviewed by the city on the April 11th workshop.

Sincerely,

Stephen Colucci

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

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

- **Water main extensions.** Portland's Subdivision Ordinance requires developers to install water mains with the approval of the Portland Water District. *Sec. 14-499(3).* In issuing its approval, the Water District is required to apply the water main extension rules of Maine's PUC, which is PUC Chapter 650. This requires that new main extensions be sized for future growth and development – even if there is no development currently permitted, applied for, or in the actual planning stages. Developers under the PUC rules must pay for the added costs related to such future growth, even if such growth does not occur during the 10 year payback period allowed under the law. This policy makes sense: if future growth were not considered, water districts would constantly need to dig up and replace their existing mains every time a new development required additional capacity.

- **Street Coordination.** Portland's Subdivision Ordinance permits the Planning Board to consider the degree to which streets in a subdivision are "coordinated with the street system of the surrounding areas," and further that "all streets must provide for the continuation or appropriate projection of streets in surrounding areas. . . ." *Sec. 14-498(b)(2)* Of necessity, this involves projection of what will be built in the surrounding areas. If a development will be located next door, the time to coordinate the streets is now, not after the houses are built and the lawns landscaped.

- **Blocks.** The Ordinance also permits the Planning Board to require the reservation of easements for underground utility crossings and pedestrian traffic "where needed or desirable." *Sec. 14-498(g)(2).* This open ended standard requires consideration of future development in order determine where or whether to locate a utility easement.

- **Open Space.** The Ordinance permits the Planning Board to consider whether recreational areas exist in "close proximity" to the proposed subdivision. *Sec. 14-498(i)(1).* This provision permits the Planning Board to "peek" at what is next door to the subdivision, or down the road, and take such review into consideration when deciding whether to attach conditions to an approval.

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

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

II. Traffic Issues Demand Closer Attention.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

V. Environmental Considerations Demand Reduced Development.

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

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

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

PROPOSED SOLUTION

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

A. Pheasant Hill – when this development was approved in the Rainbow Mall area, the developer reserved a number of acres along Fall Brook for public use.

B. Stroudwater – a development along the Stroudwater River by Peter Kennedy, currently before this Board, which development was approved a number of years ago but has since lapsed, included the conveyance by the developer of nearly half the acreage to the public for a trail along the Stroudwater River.

C. Eastern Prom – a development near India Street along the water from the late 1980's which was proposed but never built (and whose precise name is unknown to me) would have gated off the former Eastern Prom rail line from public access. This development was thankfully never built, and we now have a beautiful park along the Prom which just now is being connected to Back Cove.

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

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

CONCLUSION

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

Sincerely,

James I. Cohen

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

Dear Planning Board,

No more housing in N. Deering!
There has been at least 200 houses built
In my area in the past year.
Please stop over development!!

T. Tsonis
Lambert St.

Pamela Keef
58 Roberts Street
Portland, ME 04102

May 28, 2000

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

Re: Presumpscot River Place – Phase III Subdivision

Dear Mr. Caron:

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

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

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

Very Truly Yours,

Pamela Keef

Pamela Keef

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

Planning Board
Attn: Rick Knowland, Joe Gray, and Jaimey Caron

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

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

I appreciate all of your help into looking at all possibilities.
Thank you,
Carolyn Williams
-----Original Message-----
From: Mark S. Williams <cmwill@concentric.net>
To: Rick Knowland <rwk@ci.portland.me.us>
Date: Saturday, April 15, 2000 10:47 PM
Subject: Presumscot River Place III

Planning Board
Richard Knowland
Joe Gray
Jaimey Caron

Attn: Mr.. Knowland

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

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

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

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

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

Sincerely,

Carolyn & Mark Williams

131 Curtis Rd.

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

May 28, 2000

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

RE: ADAMS/WOLF DEVELOPMENT AT END OF CURTIS ROAD

Dear Mr. Gray:

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

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

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

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

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

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

Sincerely,

Pamela M. Green

Pamela M. Green

Melissa Mirarchi
106 Summit Street
Portland, ME 04103

May 25, 2000

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I appreciate your response and your consideration.

Sincerely yours,

Melissa Mirarchi

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

May 25, 2000

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

RE: Presumpscot River Place III

Dear Mr. Gray,

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

Wetland Mapping:

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

Unnumbered Lot between Lots 19 and 18

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

Sidewalk Exemption

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

Significant Wildlife Habitat:

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

Construction Monitoring:

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

Shoreland Access:

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

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

Thank you for your time and consideration.

Sincerely,

Steven M. Berg

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

be tragic to lose forever this wild and natural green space within the city for lack of careful and measured planning.

It is my understanding that it would be possible to allow the developer to build phase III of the Presumpscot River Place housing development while at the same time preserving trail access to the river and preserving a green strip along the riverbank. We hope that while reviewing this proposed development the Planning Board will remain mindful of the importance of preserving public trails, green space and existing wildlife habitat, all of which will benefit residents of this City for many generations to come.

Very Truly Yours,

Joseph Goodman

May 30, 2000

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

Dear Jamie:

We are writing to express our concerns regarding the proposed subdivision and development of land along the Presumpscot River by Adams and Wolfe. This development is located a short walk from our home and will have an impact on the traffic, schools, and the remaining open space and wildlife habitat of our neighborhood. We urge the City to conduct a closer inspection of this development and possibly reconfigure the current plans.

The development is presently set for 27 lots, but it is common knowledge that it can grow to more than 80 lots. This issue was raised at a public informational meeting on April 10 and not disputed by the developer's representatives. Whatever impacts are expected can thus likely increase threefold. The impact on traffic in North Deering from this development will certainly be noticed because it all has to travel via Curtis Road. The current delays we experience getting onto Summitt Street and then for accessing Allen Avenue Extension will only worsen unless a better traffic plan is studied and developed.

The impact on the local public school will be felt immediately in that more portable classrooms will be needed. The issue of school crowding in Portland is not a new one, but add 27- 80+ homes to an already crowded school and the problem compounds. On a related matter, these same children will need open space in their neighborhood, at least on par with what is available in other areas of Portland. Besides the school grounds, we have no open space for recreation in this section of town. I heard of no specific plans to address this matter at the April 10 meeting. Now is the time to carefully configure the proposed development to allow for some publicly available open space, possibly via the creation of a park, playground and scenic trails and walkways along this wondrous river.

We urge you to consider these matters prior to making a final decision on this development. We need to anticipate this development growing to the 80+ lot figure to best understand the potential problems. It is not unheard of to approve the development with some conditions, and in this case the conditions should be related to the potential traffic, school and open space challenges that will ensue as the development expands.

We appreciate your consideration of this matter, and would like to be listed as an interested party in this proceeding as it moves forward.

Sincerely,

Dan and Brenda Breton
51 Olde Birch Lane
Portland, ME 04103

May 30, 2000

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

Dear Jamie:

We are writing to express our concerns regarding the proposed subdivision and development of land along the Presumpscot River by Adams and Wolfe. This development is located a short walk from our home and will have an impact on the traffic, schools, and the remaining open space and wildlife habitat of our neighborhood. We urge the City to conduct a closer inspection of this development and possibly reconfigure the current plans.

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We appreciate your consideration of this matter, and would like to be listed as an interested party in this proceeding as it moves forward.

Sincerely,

Dan and Brenda Breton
51 Olde Birch Lane
Portland, ME 04103

Joseph & Hilary Goodman
92 Alice Street
Portland, ME 04103

May 29, 2000

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

Re: Presumpscot River Place – Phase III Subdivision

Dear Mr. Caron:

I am a resident of North Deering and an abutter to the proposed Presumpscot River Place Phase III subdivision. My wife, Hilary, and I write to express our concern about the location of this proposed subdivision and to request that the Portland Planning Board give serious consideration to the need to preserve the Presumpscot River corridor as a natural wildlife habitat and the need to create public green space within North Deering.

As residents of North Deering, we are frustrated by the lack of green space located within North Deering. While Portland has several beautiful parks throughout the City, the amount of green space per capita plummets when one reaches North Deering. Currently, at least, residents of North Deering (and others) have access to the Presumpscot River, and people frequently can be found hiking along the river's edge or sitting quietly and enjoying the peaceful solitude that can only be found in natural and undeveloped places. If Phase III of the housing development is approved in its current form, however, we fear that we will eventually lose all means of access to this beautiful river corridor. We request that before approving Phase III of this project, the Planning Board insist that the developers preserve public access to the Presumpscot River and the land immediately adjacent to it.

Along with our desire to see more public green space created in North Deering, we are equally concerned about the potential destruction of wildlife habitat, which will certainly occur if construction in this area is not carefully controlled. The Presumpscot River corridor is an amazing natural resource – especially given that it is located within the city limits. On three recent occasions while walking on the path along the Presumpscot River near where we live, I spotted a wild turkey in the woods. It is a treasure to live in a city and yet so close to naturally occurring wildlife habitats. It would

ATTACHMENT G

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

Attention: Josephe Gray

Dear Mr. Gray:

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

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

Sincerely,

Eleanor and Robert Rodgers

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

May 25, 2000

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

RE: Presumpscot River Place III

Dear Mr. Gray,

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

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Shoreland Access:

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

Thank you for your time and consideration.

Sincerely,

Steven M. Berg

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

From: "Mark S. Williams" <cmwill@concentric.net>
To: "Rick Knowland" <rwk@ci.portland.me.us>
Date: Mon, Feb 7, 2000 7:32 PM
Subject: New development off of Curtis Rd.

2/7/00
City of Portland planning board

Attn: Rick Knowland
Joe Gray

Mr. Knowland, thank you for returning my phone call. It has been brought to my attention that the new subdivision off of Curtis Rd. has only one access road in and out of the 27 home development; which is Curtis Rd. As a property owner on Curtis Rd., I am not happy with this plan. We already are a busy street and do not need an additional 60 cars passing through our street. I have seen a map of the proposed subdivision and clearly there are several other options for another entrance/access road at the other end of the development onto Alice St. Another access road will help distribute the traffic off of Curtis Rd. and the overflow could easily use either Carter St. or Crestview Dr.. It also has been brought to my attention that one of the developers live off of Alice, could this be why the have routed all the traffic to Curtis Rd.?

I have spoken to several other neighbors who agree that additional access roads are needed. And I would also like the Board to look into the development that is being developed at the end of Alice St. (connects with Auburn St.) -- this development is also going to cause a substantial increase in traffic throughout the area I have mentioned and also Summit St..

Please contact all residents on Curtis Rd. of future plans, so we may add our input.
Thank you for your time,
Carolyn & Mark Williams
131 Curtis Rd.
Portland, ME 04103
878-9805

CC: "Joe Gray" <jeg@ci.portland.me.us>

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

May 30, 2000

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

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

Dear Jamie:

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

COMMENTS

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

I. Consideration of Future Development is Critical.

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

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

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

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

- **Water main extensions.** Portland's Subdivision Ordinance requires developers to install water mains with the approval of the Portland Water District. *Sec. 14-499(3).* In issuing its approval, the Water District is required to apply the water main extension rules of Maine's PUC, which is PUC Chapter 650. This requires that new main extensions be sized for future growth and development – even if there is no development currently permitted, applied for, or in the actual planning stages. Developers under the PUC rules must pay for the added costs related to such future growth, even if such growth does not occur during the 10 year payback period allowed under the law. This policy makes sense: if future growth were not considered, water districts would constantly need to dig up and replace their existing mains every time a new development required additional capacity.

- **Street Coordination.** Portland's Subdivision Ordinance permits the Planning Board to consider the degree to which streets in a subdivision are "coordinated with the street system of the surrounding areas," and further that "all streets must provide for the continuation or appropriate projection of streets in surrounding areas. . . ." *Sec. 14-498(b)(2)* Of necessity, this involves projection of what will be built in the surrounding areas. If a development will be located next door, the time to coordinate the streets is now, not after the houses are built and the lawns landscaped.

- **Blocks.** The Ordinance also permits the Planning Board to require the reservation of easements for underground utility crossings and pedestrian traffic "where needed or desirable." *Sec. 14-498(g)(2).* This open ended standard requires consideration of future development in order determine where or whether to locate a utility easement.

- **Open Space.** The Ordinance permits the Planning Board to consider whether recreational areas exist in "close proximity" to the proposed subdivision. *Sec. 14-498(i)(1).* This provision permits the Planning Board to "peek" at what is next door to the subdivision, or down the road, and take such review into consideration when deciding whether to attach conditions to an approval.

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

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

II. Traffic Issues Demand Closer Attention.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

V. Environmental Considerations Demand Reduced Development.

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

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

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

PROPOSED SOLUTION

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

A. Pheasant Hill – when this development was approved in the Rainbow Mall area, the developer reserved a number of acres along Fall Brook for public use.

B. Stroudwater – a development along the Stroudwater River by Peter Kennedy, currently before this Board, which development was approved a number of years ago but has since lapsed, included the conveyance by the developer of nearly half the acreage to the public for a trail along the Stroudwater River.

C. Eastern Prom – a development near India Street along the water from the late 1980's which was proposed but never built (and whose precise name is unknown to me) would have gated off the former Eastern Prom rail line from public access. This development was thankfully never built, and we now have a beautiful park along the Prom which just now is being connected to Back Cove.

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

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

CONCLUSION

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

Sincerely,

James I. Cohen

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

Dear Planning Board,

No more housing in N. Deering!
There has been at least 200 houses built
In my area in the past year.
Please stop over development!!

T. Tsonis
Lambert St.

Pamela Keef
58 Roberts Street
Portland, ME 04102

May 28, 2000

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

Re: Presumpscot River Place – Phase III Subdivision

Dear Mr. Caron:

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

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

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

Very Truly Yours,

Pamela Keef

Pamela Keef

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

Planning Board
Attn: Rick Knowland, Joe Gray, and Jaimey Caron

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

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

I appreciate all of your help into looking at all possibilities.
Thank you,
Carolyn Williams
-----Original Message-----
From: Mark S. Williams <cmwill@concentric.net>
To: Rick Knowland <rwk@ci.portland.me.us>
Date: Saturday, April 15, 2000 10:47 PM
Subject: Presumscot River Place III

Planning Board
Richard Knowland
Joe Gray
Jaimey Caron

Attn: Mr.. Knowland

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

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

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

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

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

Sincerely,

Carolyn & Mark Williams

131 Curtis Rd.

PAMELA M. GREEN
146 Roaring Brook Road
Portland, Maine 04103
(207) 878-2279

May 28, 2000

Joseph E. Gray, Jr.
Director of Planning and Urban Development
Portland City Hall
389 Congress Street
Portland, ME 04101

RE: ADAMS/WOLF DEVELOPMENT AT END OF CURTIS ROAD

Dear Mr. Gray:

I would like to comment on the proposed subdivision at the end of Curtis Road. I live in North Deering on property that abuts the so-called "Oat Nuts" woods.

When I moved to North Deering in 1985, I was surprised to learn that there is no park to serve such a heavily populated neighborhood. That being the case, I felt lucky to live next to one of the few wooded areas in North Deering. Two friends and I walk our dogs every morning in the woods, often crossing the power line and going all the way to the Presumpscot River. We have spotted a beaver along the river, and I once saw a wild turkey cross the path up ahead.

We have enjoyed the woods. When my kids were little, I used to pull them on the toboggan along the paths. We have always cross-country skied out there. Now my son and his friends build snowboard jumps on a hill next to a stream. In my Girl Scout troop are girls who live on Olde Birch Lane, Alice Street, and Whitehead Circle (off Overset Road). At one of our upcoming meetings we plan to start at my house and walk to each of the girls' houses completely through the woods. It can be done!

I understand that the developers' plans go beyond this 27-lot parcel and include the Presumpscot River and the Falmouth side of the municipal boundary. A shortsighted decision now will deny access to a beautiful section of the Presumpscot River to future generations.

The woods are a treasure and a resource that will be lost forever once the first house is built. What we don't need is more houses in North Deering and traffic on Summit Street and Curtis Road. What we do need is more green space.

If the City has no intention of giving the residents of North Deering a park or open space, please consider very carefully before you take away the little natural area we have remaining. Thank you for your consideration.

Sincerely,

Pamela M. Green

Pamela M. Green

Melissa Mirarchi
106 Summit Street
Portland, ME 04103

May 25, 2000

Mr. Joseph Gray, Jr.
Director of Planning and Urban Development
Portland City Hall
389 Congress Street
Portland, ME 04101

Dear Mr. Gray, Mr. Jay Hibbard and Members of the Portland Planning Board,

I am writing to you with my sincere and deep concerns regarding the proposed development of Presumpscot River Place. I would very much appreciate your taking the time to address my concerns during your meeting on May 30th and in a letter.

First, I want to address the fact that this proposed development already was approved by the Board in 1989. So many things have changed in the past eleven years that I implore you to consider: literally hundreds of new housing units have been erected within a one mile radius of the proposed site; Lyseth and Lyman Moore schools have had to resort to modular classrooms; and according to the City's *Green Spaces, Blue Edges: An Open Space and Recreation Plan for the City of Portland,* which was written in the mid 1990's, the 2,721 acre North Deering neighborhood had, at the time of publication, only 70 acres of public open space. That is 7.3 acres of open space per 1,000 residents, which was "significantly less than the citywide average of 19 acres per 1,000 residents." Considering the ongoing increase in North Deering's population, there is certainly significantly *less* than 7.3 acres per 1,000 residents today. What are your thoughts about these changes?

According to *Green Spaces, Blue Edges*, some 1,144 new housing units were added to the North Deering neighborhood during the 1980's, an increase of 40%. New homes in North Deering accounted for 34% of new growth in housing units within the entire city during the 1980s. How many new housing units were added to the North Deering neighborhood during the 1990's?

Green Spaces, Blue Edge included "opportunities for potential linkages," via the *Portland Shoreway Access Plan*, that included a trail running from Oak Nuts Park to the Presumpscot River, as well as a canoe or pedestrian trail from Westbrook through Portland and Falmouth along the Presumpscot River corridor. How many of these plans have come to pass and what efforts are being made today to take advantage of these opportunities?

I understand that the developer has proposed leaving 250 feet back the river for public use. I also understand that there is no plan for creating a right of way to get to that land. Am I correct in believing that the proposed development would render the shore of the Presumpscot River inaccessible to the people of North Deering and others who enjoy the river? Am I also correct in my understanding that a 250 foot corridor by a river is required by law anyway?

Number 8 of the Subdivision Review Standards Section 14-497 in Portland's Land Use Code states that a proposed subdivision will not have "an undue adverse effect on the scenic natural beauty of the area." or on "a rare and irreplaceable natural area." Clearly,

this proposed subdivision would have a significant adverse effect on the area's natural beauty, as well as on a rare and irreplaceable natural area. What are your comments on this?

According to *Green Spaces, Blue Edges*, "A hallmark of our park system is the preservation of ... natural features because they are viewed as important community resources...Protection of such natural resources as open space has an inherent value to the community beyond its aesthetic or recreational role. ...There are substantial social, civic and economic benefits to be gained by protecting significant natural resources. Conservation of natural resources should include a complete array of natural features and habitats so that the public may learn about and experience the full realm of Portland's natural environment." I would appreciate hearing your current stand on what the City published in the mid 1990's.

Green Spaces, Blue Edges states that "most residents in Portland are within a reasonable walking distance (ten minute walk) of an open space. There are however areas of the City in which there are gaps in the distribution of open space where this is not achieved." North Deering, according to *Green Spaces, Blue Edges*, is such an area. What are your comments on this?

From an environmental point of view, I am concerned about the many brooks and streams that run to the Presumpscot through the proposed development site. What will be done to protect these brooks and streams, and how much distance will be kept between them and any proposed properties? What will be done to protect the many small vernal pools — essential breeding grounds for many amphibians and other inhabitants of the area — the loss of which could destroy the balance of the area's eco system? Finally, how does the developer plan to buffer the Presumpscot from runoff (lawn fertilizers and herbicides, etc.) and to create a visual buffer, to protect river users from view of the development. (As I'm sure you are aware, when Smelt Hill Dam is removed this section of the river will be much more desirable for fishing, kayaking, canoeing and other recreational activities.)

Another concern about this development is, of course, traffic. According to number 5 of the Land Use Code, a proposed subdivision will not "cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highway or public roads existing or proposed." Since school buses (Portland and Falmouth), delivery trucks, and every vehicle from every house in every phase of the development along the Presumpscot (including houses in Falmouth) will ultimately funnel through Curtis Road and then onto Summit Street, this development will, without a doubt, create unreasonable road congestion and unsafe conditions. How do you address this concern? What exactly will be done to control speeding on Curtis Road and Summit Street?

In light of the above, the proposed development along the Presumpscot River strikes me as an extremely bad idea. Perhaps, instead, funding (city, state and national) could be found to purchase some or all of this land to provide North Deering residents, both now and for generations to come, with the open space the Planning Department has stressed is needed. Has this or have other possibilities been considered?

I appreciate your response and your consideration.

Sincerely yours,

Melissa Mirarchi

Steven M. Berg
10 Whaleboat Road
Portland, Maine 04103
207 878-8394

May 25, 2000

Joseph Gray, Jr.
Director of Planning and Urban Development
City of Portland
389 Congress Street
Portland, Maine 04101

RE: Presumpscot River Place III

Dear Mr. Gray,

As an abutter to the proposed Presumpscot River Place Phase III (PRP III) subdivision, I am writing to express my additional concerns regarding the plan currently under review. I am pleased the developer has made several steps to improve upon prior versions, however, the following issues remain unresolved:

Wetland Mapping:

It doesn't appear from the 4/25/00 Wetland Delineation map submitted to the City that all of the flagged wetlands contained throughout this project were included on the documentation submitted. For example, wetland delineation flagging tape is present on Lot 18, yet it does not appear on any of the plans submitted. Several other pockets of wetlands, which provide filtration and other benefits to this environmentally sensitive piece of land, appear to have been left off the plans. The City should verify all wetland mapping before approval is granted.

Unnumbered Lot between Lots 19 and 18

During 1999, the developer placed fill on the unnumbered lot between Lots 19 and 18 and is currently attempting to market this lot at the end of Curtis Road. (Between Vail and Curtis Road) It is clear, however, that this lot was not contemplated in either part of the previously approved Presumpscot River Place I or II subdivisions, nor is the developer including this parcel for review in this subdivision proposal. The square footage of this unnumbered lot should be included in this current review even though the inclusion may require the developer to obtain additional permitting from both the Department of Environmental Protection and the Army Corps of Engineers, especially due to the filling of wetland vegetation which has occurred on this parcel. Additionally, no erosion control methods have been utilized during or after the filling of this lot by the developer. The soils placed on the site continue to erode and silt into the unnamed stream between Lots 19 and 18.

Sidewalk Exemption

The developer's engineer has requested an exemption from the City's requirement to place sidewalks on both sides of residential streets. Other than a cost saving measure for the developer, it is unclear why this exemption would be considered given the fact that all streets in this neighborhood (which this developer built) have sidewalks on both sides of the street. Parents truly appreciate this desirable safety feature not only for their children, but also for personal walking safety. Should the developer's reason for seeking the exemption be for strictly aesthetic purposes as presented, the City should require the contribution of an amount equal to the funds saved by the developer to assist in the construction of a sidewalk along Allen Avenue Extension to provide for the safety of all inhabitants of this portion of North Deering.

Significant Wildlife Habitat:

It is unclear from the report submitted if the biologists hired by the developer actually spent much time on this parcel. Several deer wintering areas are found throughout this parcel as are numerous other species of mammals and wildlife. Wild turkeys and even a bald eagle can be found on this property, yet no mention is made in the report submitted to the City. This entire parcel, not just the 250' strip of land along the river for which the developer has refused to discuss any future plans, provide a much needed and critical habitat for a diverse wildlife population. This is a critical environmentally sensitive parcel that the City should use all available resources to protect for future generations.

Construction Monitoring:

The developer has stated that the "sweeping of the construction debris will be done on an "as necessary basis". The City should require that sweeping of the streets in the immediate vicinity of this large scale development be completed daily at a minimum and more often if necessary. The scale of this project will require upwards of 50 or more truckloads a day travelling over these local roads. The dust and mud generated by these trucks must be minimized.

Shoreland Access:

A final point of this letter concerns the developer's apparent lack of attention to providing public access to the Presumpscot River as set forth in City's Shoreland ordinances. While the developer has for years graciously allowed area residents unrestricted access across the many well worn trails and pathways now found throughout PRP III, the plan as currently proposed offers no access from North Deering to the trailways abutting the Presumpscot River. With the limited recreational facilities available to residents of the North Deering neighborhoods, these trails offer countless residents, both here and throughout the city, the active and passive opportunities to enjoy this unique and peaceful riverfront trail system.

I would respectfully ask the Planning staff and Board to seriously consider the points raised in this letter regarding the failure to correctly identify all wetland areas, creation of lots without proper approval and the lack of public riverfront access.

Thank you for your time and consideration.

Sincerely,

Steven M. Berg

CC: Portland Planning Board
Maine Department of Environmental Protection
Army Corps of Engineers

Michael and Barbara Peisner
26 Overset Road
Portland, ME 04103

May 26, 2000

Mr. Joseph E. Gray, Jr.
Director, Planning and Urban Development
City of Portland
389 Congress Street
Portland, ME 04101

Dear Mr. Gray:

This is to support the application of Burt Wolf for approval of a new subdivision at the end of Curtis Road. We live in the adjoining subdivision, and have known since we moved in over 13 years ago that that land was going to be developed. Frankly, we are surprised that it has taken so long.

We have recently become interested in buying a lot in the new subdivision. We like where we are, in terms of schools, neighborhood, and general quality of life. When we bought our present home, we had one baby, and now we have three children, ages 7 to 13. As we look to find a home more suitable to our present circumstances, our ideal is not to go very far.

We understand the concerns about traffic on Curtis Road, etc. They result from a lack of long-range planning on the part of the City of Portland many years ago, in not assuming that all buildable land in the City would be developed, which would have allowed the appropriate steps to be taken then. We hope that the City will take active steps to rectify the traffic issue, with measures such as speed bumps. These issues are not the fault of the developer, and we do not think that this subdivision should be denied for such issues.

Very truly yours,

Michael B. Peisner

Michael B. Peisner

Barbara K. Peisner

Barbara K. Peisner

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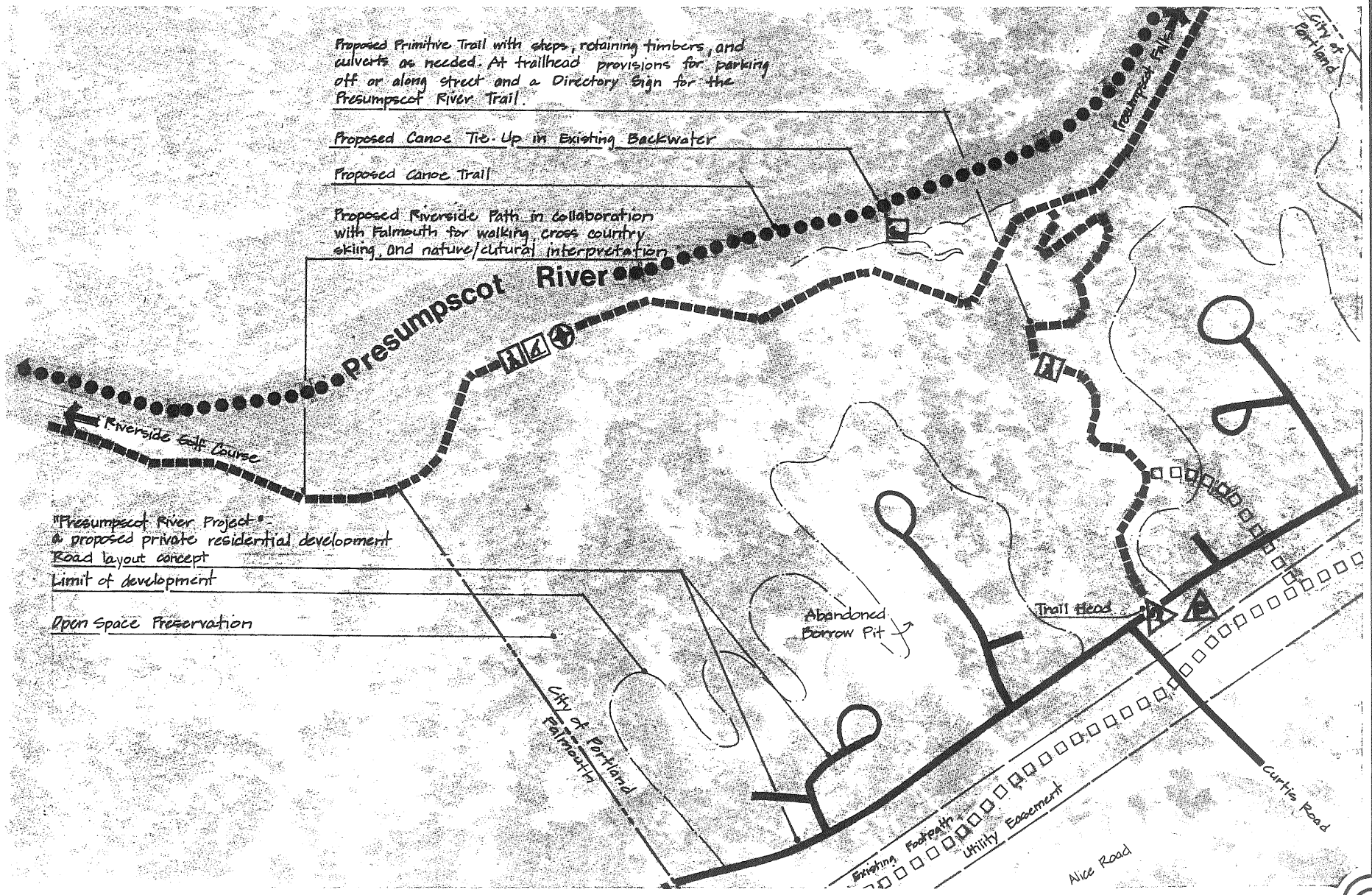

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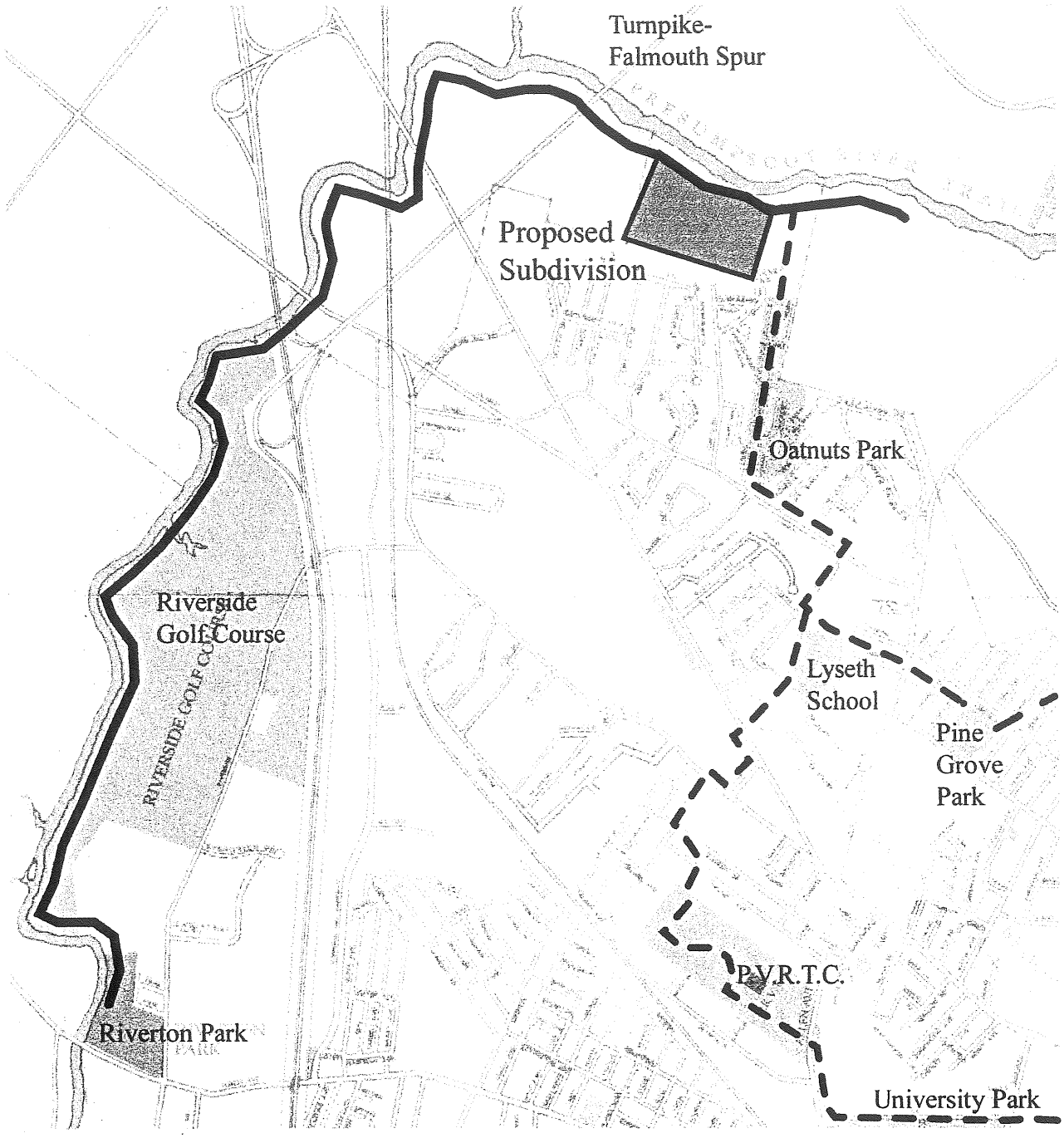

Presumpscot River Trail
Vision Map

PORTLAND TRAILS

Figure 2

Pool on brook near the Presumpscot

figure 3

April 6, 2000

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City of Portland
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Portland, Maine 04101

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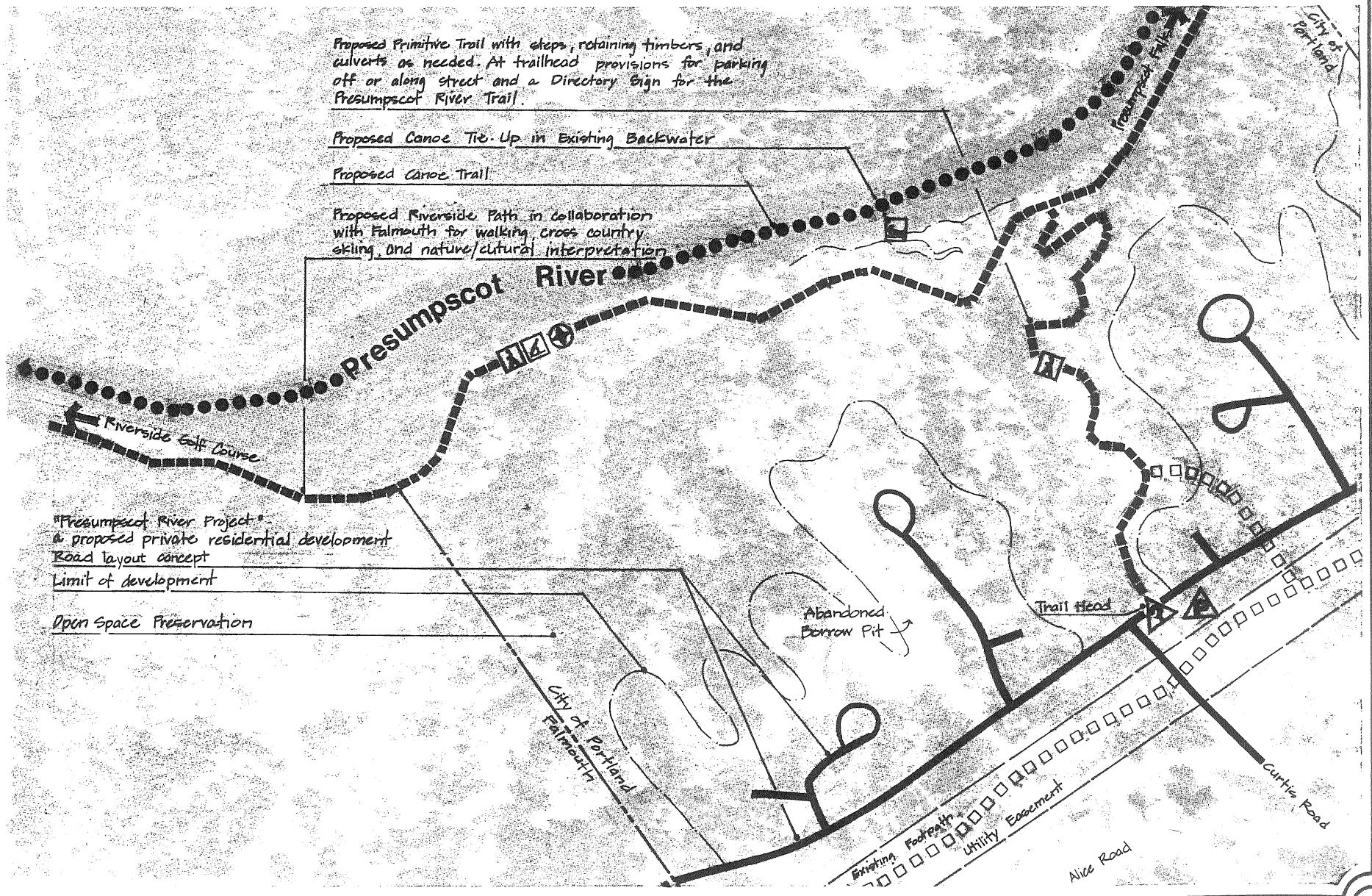

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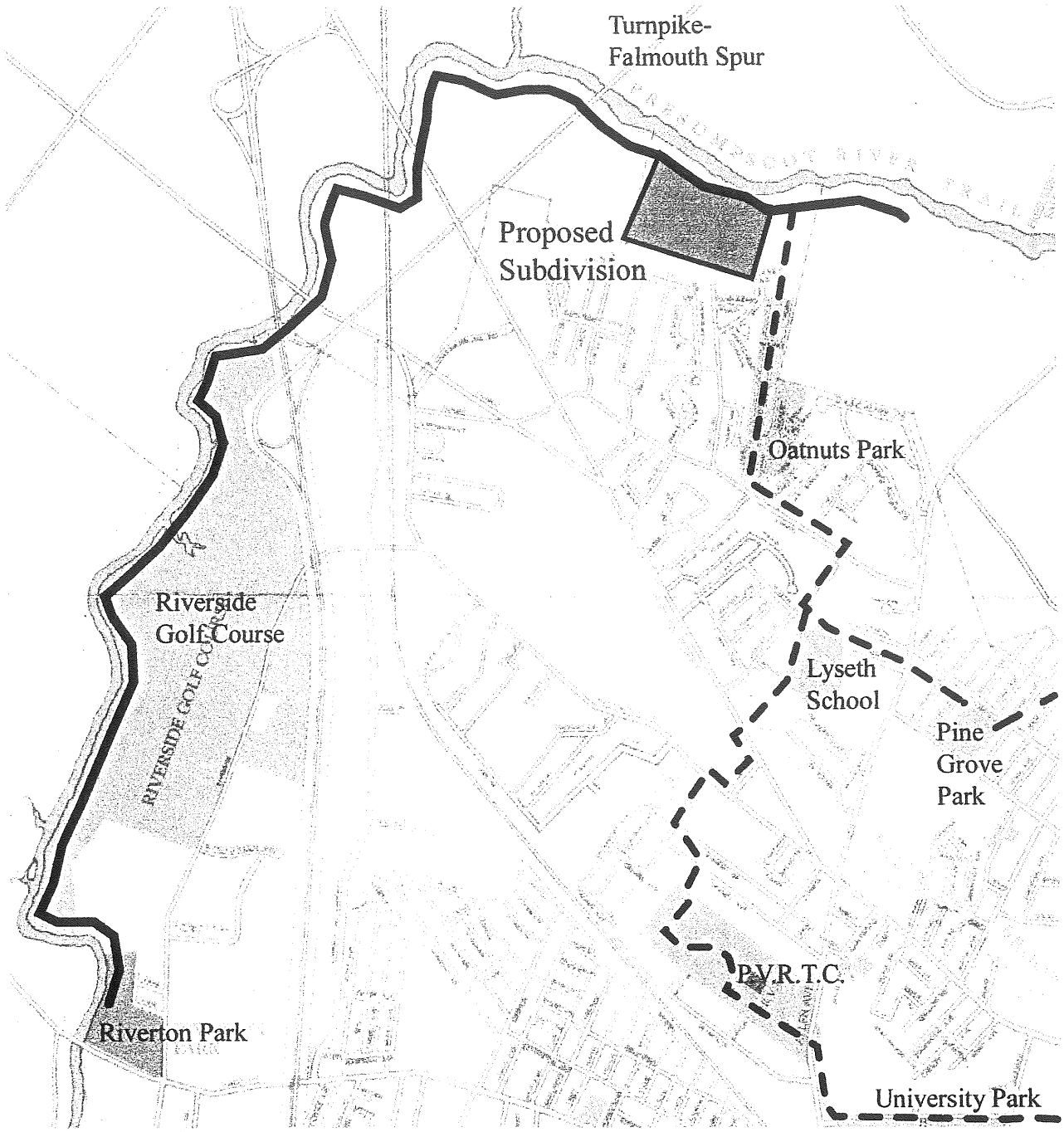


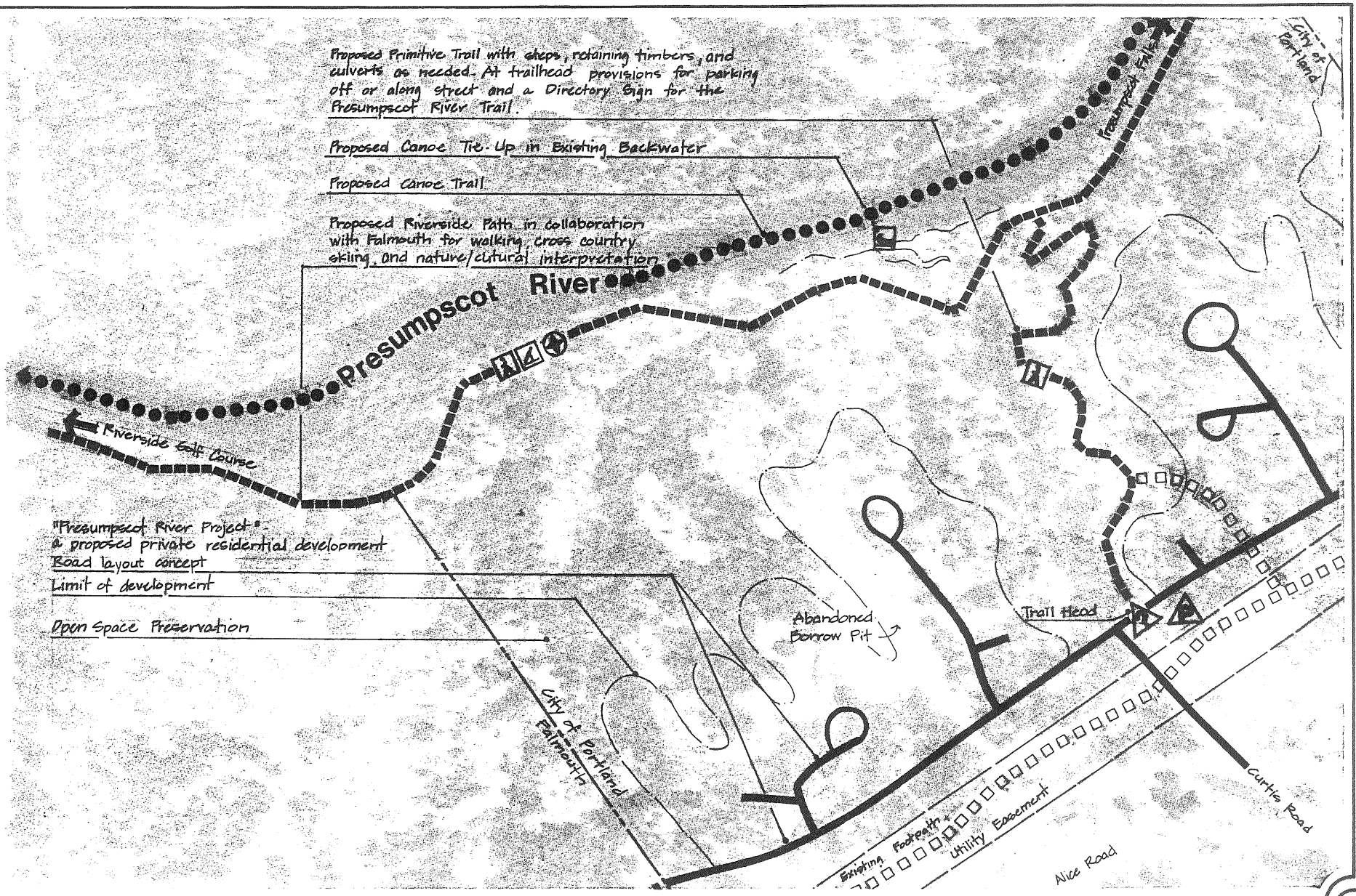
Presumpscot River Trail
Vision Map

PORTLAND TRAILS

Figure 2

Cascade on brook near the Presumpscot

figure 3



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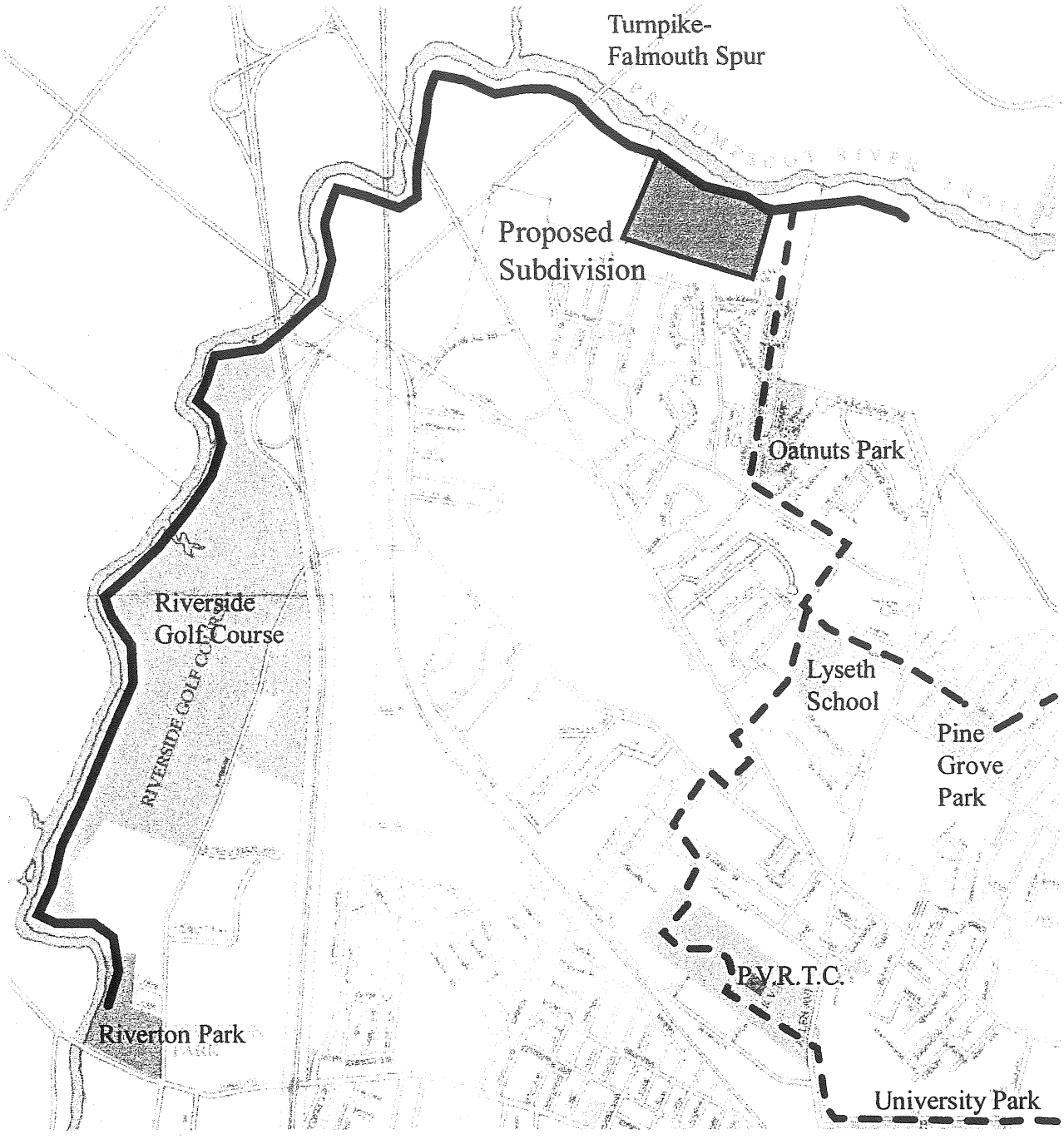

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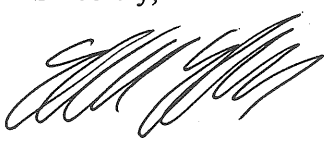

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The Presumpscot River is one of the most scenic corridors in Portland, and increasing numbers of residents are discovering the area near the Phase III development. This stretch of the river is perhaps the most beautiful area of undeveloped land in Portland, with old growth pines providing deep shade along the riverbanks, and a sense of solitude not typically found in an urban environment. Tributary streams on this stretch of the river include a most unusual brook descending from the area of Oatnuts Park, with numerous pools and small cascades (Figure 3).

Residents of North Deering neighborhoods have discovered this unusual area. The riverbank already has a well-worn footpath developed over many years from neighborhood residents and fishermen walking along the river, and those that have discovered the area are frequent visitors. The Portland Open Space Plan (*Green Spaces, Blue Edges)*, adopted by the City Council in 1995, identified North Deering as the area with lowest percentage of open space and parkland of all areas of the city. The North Deering neighborhood has 7.3 acres of open space per 1,000 residents compared to the citywide average of 19 acres per 1,000 residents. Recently, the Land Bank has indicated that the North Deering area should be a top priority in their efforts.

The land adjacent to the river is well within the river floodplain, and is not suitable for development purposes. As indicated on the maps of the development, wetland areas along the river bottomlands and the tributary streams are common, and these areas are also unsuitable for development. These features do not preclude trail development, and the use of these areas for trails and recreation provides a significant public benefit for otherwise unusable land.

While the land adjacent to the river is not part of the Phase III proposal, public access to and use of this land will be restricted unless provisions for access are made as part of the proposed development. Falmouth Conservation Trust already has a trail easement on the Falmouth property immediately downriver of the proposed development. Public access in the area of the proposed development would create a continuous link to this trail and ensure that this stretch of the river is available to all. Portland Trails believes preservation of the land along the river, either through donation of a conservation easement, sale of a conservation easement, or purchase of the land itself, is a critical step. Portland Trails is a willing partner for any efforts to preserve this land for public use.

With respect to the Phase III development, efforts should be made to preserve public access through set aside of corridors to reach the river trail. Utilizing existing stream corridors or land that is not well suited for development would have little effect on the amount of land available for residential development. The river trail is buffered from proposed building envelopes by the width of the floodplain and wetland areas. However, construction on steep slopes in this development will result in unavoidable visual impacts, and will likely result in drainage and runoff impacts to the wetland areas at the base of the slopes.

Trails Plan

We include a map showing our recommended trail alignment and access corridors for Phase III (Figure 4). This is a preliminary alignment, and we would welcome the opportunity to work with the developer to revise these plans in ways that would integrate better with the proposed development. While the land along the river is not part of the proposed development, we include the trail alignment as it is integral to the discussion.

The trail alignment uses the existing river trail to the full extent, and adds features such as boardwalks or bridges to span streams and wetland areas. The entire river trail lies within the Shoreland Zone, and much of it is in the 100-year floodplain. Proposed access corridors include one at the western end of Cushing Avenue that would extend to the river, and a second corridor beginning near the intersection of Curtis Rd. and Cushing Avenue and extending to the river. These access corridors would utilize proposed drainage easement areas and would likely be hidden from view of the proposed residences. A third corridor is shown that connects the end of Oatnuts Park to the river. This land is not part of the proposed Phase III development, but is a key part of the trail plan as it provides a pedestrian link to Oatnuts Park and other proposed trail networks. This corridor also contains the stream shown in Figure 3, which is important to protect for both habitat preservation and aesthetic values.

Accommodating public access means also providing parking. On-street parking is available on Curtis Road to access the trail corridor near the Curtis Rd.- Cushing Avenue intersection. Additional parking may be available on land within the CMP powerline easement. Parking at the western end of Cushing Avenue would require setting aside space for this purpose. Parking to access the third corridor from Oatnuts Park would be available at the end of Overset Lane. This could be modified when final development plans for that portion of the property are submitted.

Overall, the proposed trail plan has little impact on the area proposed for development, and provides a number of benefits for residents of the area. We would welcome the opportunity to present the trail plan in more detail to the Planning Board, and can easily plan a site visit if the Planning Board wished to do so. We are also willing to work with the developers of the property to integrate the trail into the plans for the property. Please contact us if you have questions, or would like to discuss these issues further.

Sincerely,

Elizabeth Ehrenfeld
President

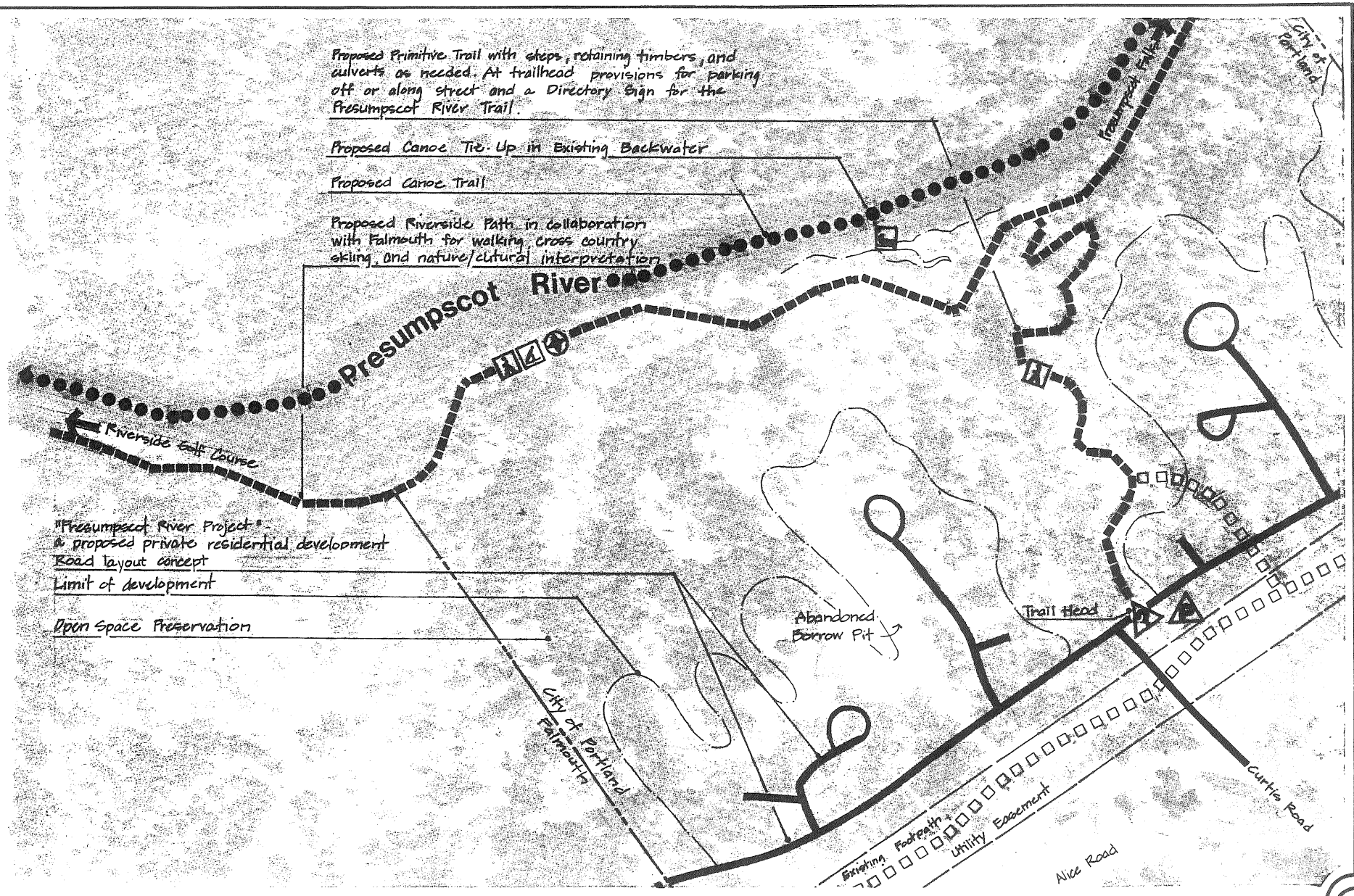
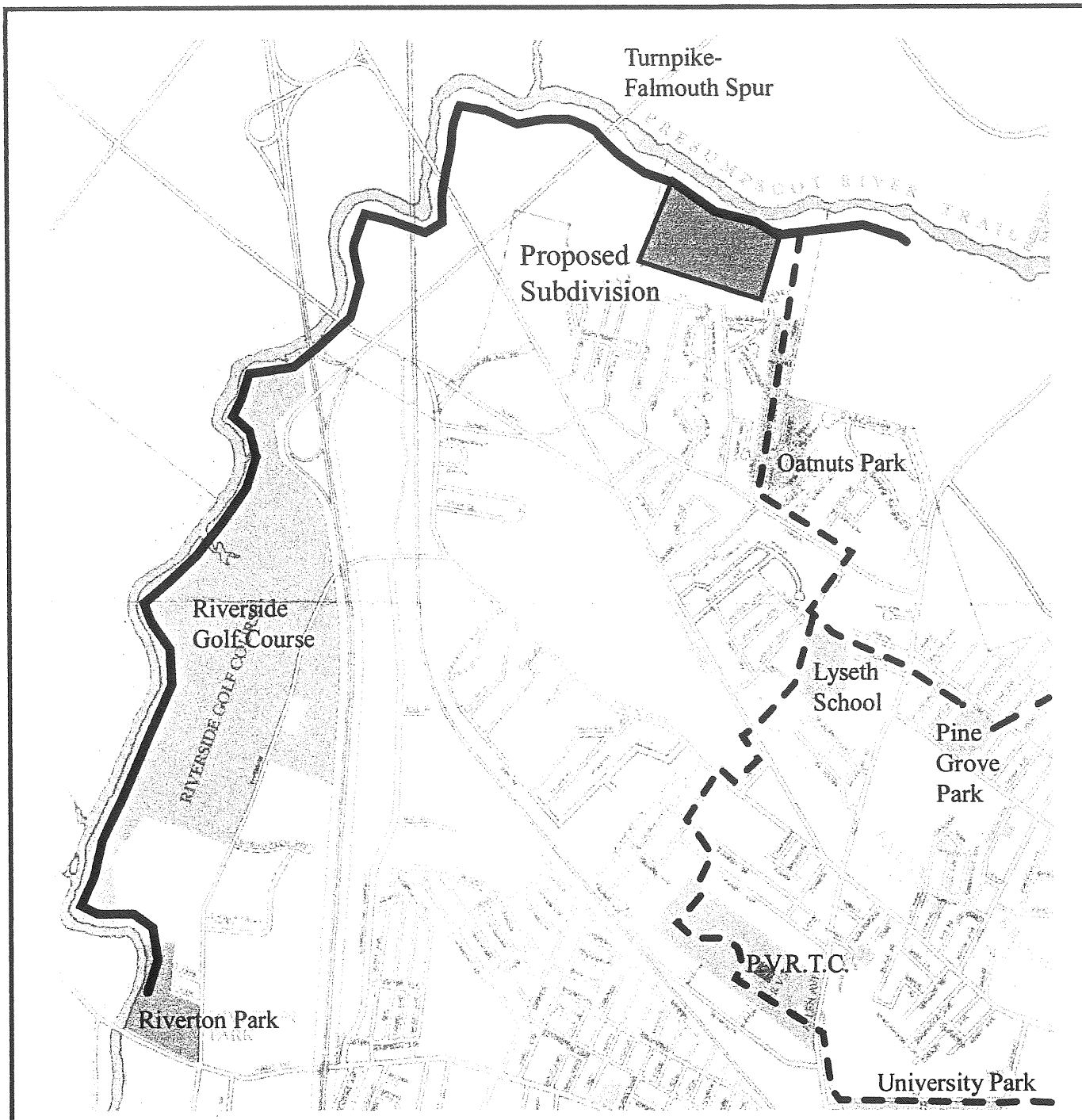


Figure 1 **PORTLAND SHOREWAY ACCESS PLAN** **LOWER PRESUMPSCOT RIVER TRAIL**



Presumpscot River Trail
Vision Map

PORTLAND TRAILS

Figure 2

Pool on brook near the Presumpscot

Figure 3

From: Gorrill-Palmer Consulting Engineers Inc. <gpcei@maine.rr.com>
To: Rick Knowland <RWK@ci.portland.me.us>
Date: Wednesday, May 24, 2000 9:52 AM
Subject: PRP III

Rick

Attached are the attendee lists for the two meetings.

Al

Public Meeting
Presumpscot River Place
April 10, 2000

* did not receive notice of meeting

Name	Address	Phone
Russ Kenney	61 Abby Lane	797-2879
William Calby	46 Clayton Street	797-3948
Amy Johnson	15 Curtis Road	797-3295
Arlene Coffin	29 Curtis Road	797-4373
Ralph Coffin	29 Curtis Road	797-4373
James Provencher	20 Abby Lane	797-7228
Barbara Ardito	17 Overset Road	878-2047
David Nelson	48 Overset Road	797-3736
Diane Kelekyan	48 Overset Road	797-3736
Diane Kelly	21 Curtis Road	797-9934
Bill Hunt	131 Abby Lane	797-9944
*Bill Green	146 Roaring Brook Road	878-2279
*David Dardano	38 West Lymne Avenue	878-3922
Doug & Shelley Moody	85 Curtis Road	878-3770
Pat Stultz	5 Panoramic View Dr	797-6549
Wendy & Jim Harman	59 Curtis Road	797-0239
Janet & Steve Colucci	48 Alice Street	
Amy Hornblower	70 Alice Street	878-0243
David Anderson	10 Overset Road	797-5755
*Kimberly Irvin Snow	40 Curtis Road	797-8161
Betsy Pelikan	113 Abby Lane	797-8174
E.K. Noyes	Lot ?	797-7056
*David & Holly Travers	46 Jackson Street	797-2379
*Jim & Joan Cohen	62 ? Drive	797-9638
*Mickey & Cheryl Haas	Roaring Brook	797-8384
*Steve Berg	10 Whaleboat Road	878-8394
Curtis & Stacey Roberts	123 Alice Street	797-6208
Joseph Goodman	92 Alice Street	878-5341
Rick Finberg	142 Curtis Road	797-7412
Ann Eisenhart	57 Overset Road	797-2365
Bob Reno	45 Overset Road	797-3118
John Burton	158 Curtis Road	797-6937
*Carolyn & Mark Williams	131 Curtis Road	878-9805
Jen Mure	174 Curtis Road	878-2523

05/24/2000 20:59 FAX 001

Presumpscot River Place – Phase III
Public Informational Meeting
February 29, 2000
Lyman Moore Middle School Library

List of Attendees

1. Jane Elwell	32 Alice Street	878-3726
2. Mike Elwell	32 Alice Street	878-3726
3. Joe Esposito	60 Curtis Road	797-8655
4. Ralph Coffin	29 Curtis Road	797-4373
5. Marty Foley	80 Alice Street	797-3749
6. Sally White	47 Abby Lane	797-4516
7. Mac White	47 Abby Lane	797-4516
8. Francis Egan	37 Abby Lane	797-0307
9. Dorothy Nichols	88 Curtis Road	797-5939
10. Esther Coffin	15 Carter Street	797-2304
11. Anne Walp	Wendell Street	797-0470
12. Donata Nelson	Auburn Pines	797-8256
13. Gene Ardito	17 Overset Road	878-2047
14. Lucei Proforno	45 Curtis Street	797-3332
15. John Burton	158 Curtis Street	797-6937
16. Barbara Peisner	26 Overset Road	797-6651
17. Michael Peisner	26 Overset Road	797-6651
18. Janet & Steve Colucci	48 Alice Street	797-6208
19. Steven Berg	10 Whaleboat	878-8394
20. Curtis Roberts	123 Alice Street	797-6208
21. Sandi Goodman-Brown	126 Alice Street	797-8223
22. Joseph Goodman	92 Alice Street	878-5341

City Representatives

1. Rick Knowland	Planning Department	874-8725
2. Jay Hibbard	City Council	874-8300

Applicant's Representatives

1. Burt Wolf	Applicant	773-4988
2. Bob Adams	Applicant	781-3224
3. Al Palmer	Applicant's Engineer	657-6910
4. Doug Reynolds	Applicant's Engineer	657-6910

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FIRST NEIGHBORHOOD MEETING
PRESUMPSCOT RIVER PLACE SUBDIVISION
2-29-00
SUMMARY OF PUBLIC COMMENTS

- How is additional development going to impact Curtis Road? At the crest of the hill on Curtis Road two kids were hit in 1969. Cars are parked on both sides of the street. One access to the subdivision is a problem. Access is key. Has trouble backing his car out of the driveway.
- Development needs a second access.
- Lives on Carter street; heavy equipment has been going on Carter Street; speeding; the situation should be looked at.
- This proposal will funnel more cars into Summit Street; will get busier; should find another access way other than through Summit Street.
- How many cars would come up Curtis Road with this development?
- Curtis Road alone doesn't work for access. Need a 2nd access right now. Curtis is a speedway, a long straight road. Called the City about a stop sign or speed bumps.
- Lives on Carter Street. Water pressure is a problem. Lived there for 23 years.
- Water pressure is a problem.
- Need to have the Portland Water District at the next meeting.
- Does this development have any accommodation for public access along the Presumpscot River? This project skirts DEP site location review. A unique opportunity for the City to pick this up for parkland.
- Recently $10,000 was spent on a little league field; no other fields. City should take this into consideration.
- It sounds like people on mountain bikes and others won't be able to use the river trail anymore.
- This area needs a master plan for streets and green spaces. There should have been other street connections. This has occured too incrementally.
- There is no good safe solution for access.
- Access issues for fire safety.
- Question on sewer capacity.

- More people will be hearing the noise of the pump station; back up of the pump station during big rain storms.
- Will you be creating any detention basins?
- Have the soils been tested for clay? Concern about whether portions of this site are developable (clay shingling.) Friends of the Presumpscot River are doing planning for the river corridor.
- This project should be looked into a global context.
- A blind curve exists by Cladboard and Alice.
- What about school capacity?
- Whole area needs to be looked at . . . schools, access, recreation . . . schools and game fields are over-crowded. More houses will hurt the schools.
- Sewer capacity question. Needs to take into account the Auburn Pines development.
- What about the impact of run-off from the roadways into the river?
- What is the long range plan for this development? It is being done in a piecemeal manner.
- Concerned about safety, schools, athletic fields. City should do what is right and what is good for the long term.
- Developer should show his entire landholdings.
- Bring the Portland Water District to a meeting.
- Traffic is a concern. Too much traffic for Summit and Curtis.

SECOND NEIGHBORHOOD MEETING ON
PRESUMPSCOT RIVER PLACE SUBDIVISION
4-10-00
SUMMARY OF PUBLIC COMMENTS

- Even with the new access, people will still go up to Curtis Road
- Has a traffic study been done?
- New access won't help Curtis Road. Put an access somewhere else.
- If the developer owns the adjacent land, extend the street.
- Why can't an access to route 100 be done now?
- Block off Curtis Road from the development.
- Is there a plan for open space for this development? Why not incorporate recreation space? Should have an impact fee for open space. Should have speed bumps or police to slow down vehicles. Construction vehicles going down Curtis Road is a danger to kids.
- Water supply and pressure concerns.
- What is the ISO fire flow standard?
- The plan should show the entire landholdings of the developer.
- The developer should show a layout of the remaining vacant land.
- What is the selling price of houses?
- A pond has been filled in on the property.
- Water quality and stormwater runoff to the Presumpscot River is an important issue.
- Traffic is an important issue.
- Curtis Road is narrow at the top. Should carefully review these things before we go forward.
- The grand scheme hasn't been provided yet. All the house lots for the developers landholdings have not been shown.
- Original plan is 11 years old.
- What happens if Curtis Road isn't widened enough?
- Doesn't trust the City.

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- A question on traffic statistics for this area.
- A traffic count should be done on Curtis Road.
- Development is like a traffic funnel. Developer should show the entire development scheme.
- Land has gullys and brooks. Are you going to bulldoze these areas? There is an effort to clean up the Presumpscot River.
- Send notices to all people on Summit Street.
- North Deering needs more open space.
- There are a lot of small kids on Jackson Street - a safety concern with traffic.
- Send notices to other streets like Jackson.
- School are overcrowded. Too many modular classrooms. North Deering is overcrowded. Traffic is an issue. There are no parks. No open space and recreation for kids to go to. City is letting residents down with respect to schools and open space. City is missing the big picture stuff.
- School capacity issue.
- Should look at school capacity for 5 to 10 years.
- During review of earlier Presumpscot River Place phase, the planning board indicated a concern about having another access for this development.
- Traffic counts should be done for Curtis Road.
- Has the developer consulted with Portland Trails?
- People use the trails all the time. Will there be any public access to these trails in the future?
- Would the developer consider preservation easements for this land? It would be a welcome jesture to the neighborhood if public access was provided.
- There is a difference between reserving open land and specifically providing for trail access.
- Curtis Road traffic info is needed.
- Keep the street clean from muddy construction trucks.
- Falmouth land would be good for open space.

- Should Curtis Road be widened? What is the roadway width?
- The lot at the end of Curtis Road. Fill has been added but there is no silt fence.

Name	Address	Phone
*Melissa Mirarchi	106 Summit Street	878-0905
Richard Knowland	City of Portland	
Deane J. Simmons	5 Overset Road	797-0847
Peggy Moore	123 Crest View	797-6455
John Mulley	105 Alice Street	878-2802
Martin Foley	80 Alice Street	797-3749
Paul Gillis	7 Whaleboat Road	797-0740
Chuck Place	173 Summit Street	797-0347
*Joseph Espositi	60 Curtis Road	797-8655
Karen & Ken Hachborn	150 Curtis Road	797-9657

From: Mark S. Williams <cmwill@concentric.net>
To: Rick Knowland <rwk@ci.portland.me.us>
Date: Sunday, May 28, 2000 2:01 PM
Subject: Fw: Presumpscot River Place III

Planning Board
Attn: Rick Knowland, Joe Gray, and Jaimey Caron

My husband and I will not be able to attend the May 30th planning Board meeting. But I did want to submit our comments and concerns again to the Board regarding the new development - Presumpscot River Place subdivision. Attached is a copy of our earlier letter to the board.

I also have some additional information that may be beneficial. I am a Dental Hygienist and met a patient named Brad Guay. Brad is a NEMO (Nonpoint service Education Municipal Official) Program Manager. He works for Cumberland County soil and water conservation and is employed by the federal government. His job is to only educate town planners on developments that are near water ways. He works with Yarmouth and Freeport. He stated that he does have information that may be of help in the planning of the subdivision. There and some state laws that town planners and developers do not know exist. Since he does not work for Portland, he may be limited in his help; but did say it was OK to contact him and he could send out some information. It may be of help if Rick could contact Brad Guay 207-839-7839 x114 or email safespring@aol.com ; just mention that "the dental hygienist that cleaned your teeth recommended Brad". I contacted Jay Hibbard with this information and he told me to pass it on to Rick.

I appreciate all of your help into looking at all possibilities.
Thank you,
Carolyn Williams
-----Original Message-----
From: Mark S. Williams <cmwill@concentric.net>
To: Rick Knowland <rwk@ci.portland.me.us>
Date: Saturday, April 15, 2000 10:47 PM
Subject: Presumscot River Place III

Planning Board
Richard Knowland
Joe Gray
Jaimey Caron

Attn: Mr.. Knowland
Thank you for the informative meeting on April 10, 2000. It provided a lot of valuable information. As a resident on Curtis Rd., I am very concerned with the limited road access out of the new development. The additional access roads that were proposed by your committee still do not solve the problem of excess cars on Curtis Rd.. These roads only create a "funnel" of cars to the top of Curtis. The solution should be another access road on the other side on the development, so then the cars can exit Caron or Carter St.. I believe they called this road "Hope Rd.". I understand that this road would be in Falmouth, but the developer already owns that land and has future plans of development. Instead of waiting for the future development to begin and then putting in Hope Rd., I strongly feel Hope Rd. should be addressed NOW and implemented with this beginning phase 1 of this development. If Falmouth will not OK the road, then perhaps Portland should reconsider approving any of this development!
I also would like the planning board to view this development as a whole of all of its phases. Not just the 27 lot phase 1. The planning board needs to consider all of the land the developer owns. The land includes: land to the right of the 27 lots which will be developed into approx.. 50 lots; and the land to the left (in Falmouth) which can be developed into perhaps another 50 lots. This makes a total of approx.. 130 lots, NOT just 27 lots!!!
We were also told at the meeting that the road sewers of the new development will empty into the

Presumpscot River. I was shocked to hear this! I can't believe that all of those pollutants will be allowed to go directly into the river, especially since they have been working hard to clean up that river. I can't believe that the planning board approved Auburn Pines to do the same thing! A better solution would be to install a sewer system to collect runoff.

It is also a shame to lose all of the woods and trails. Perhaps the city of Portland should consider placing a park or leaving the natural woods for a preserve instead of another development.

I thank the board for listening and considering all of the information. PLEASE keep in mind - we are not talking about 27 homes (or 60 additional cars), but are concerned with the total of all of the phases of the development, which can involve approx.. 130 or more homes (or 260 cars).

Sincerely,
Carolyn & Mark Williams
131 Curtis Rd.

F A X

To:	Richard Knowland
Company:	
Fax number:	+1 (207) 756-8258
Business phone:	
From:	Kimberly Irvin Snow
Fax number:	+1 (207) 797-8161
Business phone:	
Home phone:	
Date & Time:	4/13/00 2:36:28 PM
Pages:	3
Re:	Presumpscot River Place III

Richard,
Thank you for sharing such valuable information with us at the public meeting on April 10.
Please distribute this letter to the members of the Planning Board.
Thanks.
Kimberly Irvin Snow

From: "Douglas W Moody" <dmoody@maine.rr.com>
To: Portland.CityHall(RWK)
Date: Tue, Apr 11, 2000 7:41 PM
Subject: Curtis Road

To Portland Planning Board and City Council
Attn: Jay Hibbard District 5
Richard Knowland Senior Planner

This is my reaction as a very concerned resident of Curtis Road to the public meeting held last night at Lyman Moore. As I stated at the meeting, I don't see how the city planners can justify using Curtis Road as the only access into the new development. I heard a number of times that there were to be two other access roads, but again as I tried to point out last night all of these funnel out of Curtis Road.

I live at 85 Curtis Road and I was a little dismayed that the planning board and Mr. Hibbard seem to be more interested in the tax dollars which this new development would bring before they do an adequate job of really studying the impact to the people who have been paying taxes to the city for decades.
I would implore you to take a really close look at other means of reaching this development other than Curtis Road.

As pointed out last night all the standards of land use have to be met before such a project can reach final approval. I do not understand how in good faith this development can not

"cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highway or public roads existing or proposed" (standard 5, Land Use)

This is my main concern, I won't bother you at present with other concerns such as loss of open space, overcrowding at the local school, or other points of traffic congestion.

sincerely,
Doug Moody
85 Curtis Road
Portland, Maine

CC: Portland.CityHall(STB)

April 30, 2000

City of Portland
Planning & Urban Development
389 Congress Street
Portland, Maine 04101

Dear Planning Board:

As residents of the North Deering neighborhood and an owner of property which abuts the proposed Presumspcot River Place III Project, there are several concerns we would like to address regarding the negative social and environmental impact the proposed subdivision would create.

1) The proposed subdivision would cause undue adverse effect on the natural beauty of the area as well as the significant wildlife habitat. As the North Deering development boomed over the last several years, the area soon became one of Portland's communities with the least amount of open space relative to its population.
   In a conversation with Bob Adams six months ago, he mentioned that Portland Park & Recreation had approached him in regards to purchasing the land for trails and nature preservation. It may be worth while for the Planning Board to request that the historical preservation committee prepare an evaluation of the proposed subdivision based on the standards of section 14-651(3). We believe the people in the community who use those trails along with the numerous wildlife that we have seen living in the proposed planning area would greatly appreciate it.

2) Over the past year there has been some considerable growth of new homes in the North Deering neighborhood that has infused the already over-crowded schools with additional students. Unfortunately there is an immediate need as to what type of quality education our children are going to be able to receive in an over-crowded school; the small modular classrooms are definitely not the best learning environment for our children. We have heard that there has been discussions to address this current problem, however it may be several years before an action plan is implemented. Without proper planning, we feel our children will be at a disadvantage.

3) The proposed subdivision could cause an increased traffic flow to a small residential area. The two access roads from the proposed subdivision indirectly lead into Curtis Road. We would like to request that there is a traffic evaluation for Curtis Road and a consideration of safety for the children in this small neighborhood.

4) Finally, the proposed subdivision could have a negative environmental impact on the entire Portland community. Can all the contaminants created from the proposed subdivision project be controlled so it does not pollute the already endangered Presumspcot River? Does the proposed filtration system control every runoff possibility that would be created from the project? Has there been any current environmental study regarding the areas around the Presumspcot River?

As residents of North Deering, we hope you give serious consideration to these factors as you review the impact of the proposed Presumpscot River Place III Project as to its affect on the quality of life of the current residents, the safety of their children, the protection of the wildlife, and the natural beauty of the surrounding area and river.

Sincerely,

Sandi Goodman-Brown

Larry Brown

Sandi & Larry Brown
126 Alice Street
Portland Maine 04103
(207) 797-8223

April 19, 2000

Richard Knowland, Senior Planner
City of Portland
389 Congress Street
Portland, Maine 04101

RE: Prescumpscot River Place , Curtis Road

Dear Sir;

Regarding the development of 27 house lots on the Prescumpscot River Place III plans, I would like to again voice my concern about the traffic to and from the project. Curtis Road should not be the only access to this project.

I was present at the planning board meetings when phase I and II were presented. I believe if your review the records from the phase II meeting you will find that the members on the board at that time, advised the developer that any future homes would require another road access. When this was told to Mr. Wolf, he owned land on Allen Ave., extension and that was the suggested route.

After speaking with you at the April 10th meeting, I understand the disadvantages with the Allen Ave. plan, and might look favorably to an extension of Cushings Ave. to Alice street. I still think further study should be given to the exact ownership of Pamela Road and how it might be used to connect this development to Alice Street.

I want to close by again requesting that you forward this letter to other board members and work with the developer to devise another access to these homes before the project begins. Thank you.

Very truly,

Wendy Harmon

Wendy Harmon
59 Curtis Road
Portland, Maine 04103
797-0239

29 Curtis Road
Portland, Me. 04103

April 17, 2000

Richard Knowland
Senior Planner
Planning and Urban Development
389 Congress Street
Portland, Me. 04101

Dear Mr Knowland,

We are two of the people who attended the meeting May 10th at Lyman Moore School, regarding the building of 27 houses, in the area at the end of Curtis Road.

Ideally we would like to see the project denied and the land be purchased by the city and preserved as a nature park or other public land. Realistically we don't believe this will happen.

We are very concerned, as the other area residents are, with the traffic problems. As has been said, we already have a problem with heavy traffic and speeding on Curtis Road.

We understand a traffic volume survey will be done on Curtis Road. If the building project is approved, by the planning board, we would like to see traffic calming devices put in place, on Curtis Road, to curb the speeding.

Also, we feel strongly that another access street to the building project, other than Curtis Road, is badly needed. With another building project phase already in the planning, by the builder, adjacent to the 27 house project, using Overset Street and Curtis Road as the only means of access, would make the traffic on Curtis Road unbearable.

We feel the only solution to the traffic problem is a connection to the project with Allen Avenue extension. Another access, as proposed, by the pumping station, will not divert much, if any, of the traffic away from Curtis Road.

In addition to the traffic problem, this project will have a huge impact on the area schools, athletic fields and play grounds. Also, we think, although we have been told otherwise, our water pressure will be adversely affected.

Very truly yours,

Ralph and Arlene Coffin

Ralph Coffin
Arlene K. Coffin

April 13, 2000

Members of the Portland Planning Board
389 Congress Street
Portland, ME 04101

Dear Members of the Portland Planning Board:

My husband and I moved to 40 Curtis Road six years ago. Since then we have started a family and are quickly outgrowing our two-bedroom Cape. We love this neighborhood. It's quiet. Kids can play in their front yards without being perilously close to traffic. And neighbors know each other by virtue of being able to go outside, work in their yards or shovel their driveways, and still be heard as they chat across the street.

We love this neighborhood so much that we met with a home designer a few weeks ago whom we charged with the task of developing blue prints for how we could remodel our house to suit our growing needs for space. Then I attended the public meeting on April 10 regarding the proposed residential development known as Presumpscot River Place III, and after discussing what I learned with my husband, I called a real estate agent the next day to help us find a new home.

Before attending the meeting, we knew a little about the 28 lot subdivision. We knew it would increase traffic on Curtis, but we had decided that it would probably make Curtis look and feel a bit like Summit Street and that we could live with that amount of increased traffic---as long as we had our newly remodeled dream home. However, at the meeting it was made clear that this 28 lot subdivision is only the beginning. The developer has proposed this number of sites in the hopes that it will be more palatable to the Planning Board than his true plan of developing up to 80 lots. Not once during the meeting did the developer say that this was not his plan. In fact they kept reiterating that and 80-site plan had been approved 11 years ago as if to say that surely 28 lots should be incontestable. Also, it is probably no accident that the number of acres of the subdivision is one less than what would trigger a site location order by the Department of Environmental Protection.

The current plan of having Curtis be the main point of access is unacceptable. The addition of an access point on Alice Street should be seen as the ruse that it is. Anyone traveling to downtown Portland will still be funneled to Curtis via Clapboard. Even the developer agreed this would happen. If and when subsequent developments get approved, the "access" road via Overset will still funnel all cars to Curtis. Curtis will not look like Summit; it will look like Allen Avenue and Summit will look like Washington Avenue. I can only imagine that upper Curtis will have to be widened to accommodate emergency and public utility vehicles, not to mention the increase in residential traffic, oil delivery trucks, school buses and other vehicles that must service an ever growing population. No longer will I feel safe in letting my children run around in the front yard or play basketball in the driveway.

During the meeting, I couldn't help but feel that this development was all but approved. Yet, I feel I have to register my dismay at the way the traffic department

neglected to require the developer to perform a traffic study on Curtis Road, the street most affected by this development. I can only hope that a traffic study will be conducted in the near future and will show an unacceptable increase in the volume of traffic on this quiet street. I also have to say that I am not against development per se, or even wholly against this development in particular. But when a development such as this will so radically change the look and feel of an already established neighborhood, I must voice my concern.

Please bear in mind the developer's grand plan for all of his property holdings along the Presumpscot River. Do not make the mistake of approving development in a piecemeal fashion simply because it is more palatable at the time. I urge the Planning Board to consider limiting the number of lots available for housing and establishing areas of public open space in the developer's proposal. This will diminish the impact of the new development not only on Curtis Road but also on the other surrounding streets. In a few years when the developer makes subsequent proposals for the rest of his property, please consider that the neighborhoods most affected by the new subdivisions are not that which abut his land, but that of Curtis Road and Summit Street which will have to accommodate hundreds of additional vehicles traveling to and from the new neighborhoods.

I wish we didn't have to leave this neighborhood, but I know that the value of our house as a peaceful, suburban haven will vanish if and when Presumpscot River Place III is approved. During a year in which the City of Portland scrambles for cash, I imagine that the need for a bigger tax base will win out over preserving the quiet neighborhood feel of Curtis Road. But I hope that you will address my concerns and those presented by other North Deering residents as you make your deliberations on this subdivision. Thank you.

Sincerely,

Kimberly Irvin Snow
40 Curtis Road

ll April 2000

Mr. Richard Knowland
Senior Planner
Planning & Urban Development
389 Congress St.
Portland, Maine 04101

Dear Mr. Knowland:

I write to you as a concerned resident who attended the informational meeting l0 April regarding the residential development known as Presumpscot River Place III.

I wish to register my concern about a number of issues related to the environmental and social impact of this proposed project.

l. What provisions for public space(park, etc.) are provided for in this project. District 5 has very little available public space, perhaps the least of any area in the city. A development of this projected size will have a great impact regarding this issue.

2. What provisions have been made by the developer to maintain access to the Presumpscot River frontage and the existing trail there?

3. What is the impact of increased traffic on Curtis Road(no study has been done), and the fact that all traffic from this development will funnel up this one egress?
It is my understanding that at a previous review meeting for an earlier stage of this project(I and II)that the Planning Board required more than a one street access. The proposal last night(April l0) still, in effect, offers only a one-street access to the area.

4. What is the environmental impact on the Presumpscot River by increased and accelerated runoff draining from this developed area? An environmental impact study needs to be done. The developer said this runoff would be treated "mechanically;" exactly what does this process mean? As for waste, why are pumps being installed in individual dwellings? Additionally, much of this area is low-lying and natural wetland. These areas need to be identified(regardless of size); streams also must be identified. What is the impact on these wetlands? What will be done about erosion from increased runoff?

5. How could the developer, as stated at the meeting, propose originally that lots would be developed with river frontage when general requirements state that none can take place within 250 feet of a wetland, great pond or river? This was presented last night as a compromise offered by the developer to be applauded by the concerned residents and embraced by the planning board.

6. Why isn't the whole plan being broached at this time? Accepted piecemeal, the plan will perhaps be viewed as workable; as a whole, its impact may be deemed harmful and unacceptable.

7. What is the anticipated impact of the development of the "landlocked" Falmouth section?

8. What is the role of the planning board at meetings of this type?

9. What is the impact projected for local schools? While you stated last night that this was not part of your legal purview, it is an impact that is signfiicant. To whom do I address such concern?

10. If legally you are required only to notify residents within 500 feet of the planned development, why did you notify all residents north of Summit St. of this meeting?

In addition to these concerns, I have some concerns related specifically to you as senior planner and your performance at last night's meeting. Above, I asked for clarification of your role in "informational meetings" of this type; further, I wonder if you are aware that at last night's meeting you appered very reticent to respond to questions and concerns and were very vague about how concerned residents could have actual impact on the process? Perhaps you were exercising caution, not to appear biased. I think you appeared very discouraging of input and as one who regarded "hard" and specific questions as a'"hassle." This and the generally unsatisfatory tenor of the meeting moved me to write of similar concerns directly to District 5 City Councilor,Mr Jay Hibbard. Could you please clarify your apparant reluctance that evening for me?

Sincerely yours,

James W. Provencher

April 11, 2000

Mr. Jamie Cannon
Portland Planning Board

I am writing in reference to a proposed 27 home development that will be located at the end of Curtis Road in Portland. I attended an informational meeting last night at which time the developer, his representative/spokesperson, members of the city planning team and councilor Joyce Hobbard discussed the proposal with a fairly large group of Portland residents.

My wife and I have lived at 51 OLDE BIRCH Lane for the past 14 years. The development planned will impact us in a few ways, but primarily due to the traffic pattern that will ensue. The development plans are for all traffic to use Curtis Road which connects with Summit. Adding 27-54 cars to the current traffic load will pose real problems. For the past three years I have had to wait in line with four cars, at a minimum, to leave Summit Street and turn on to Allen Avenue Extension. I have even had to wait patiently in order to enter Summit Street from Olde Birch Lane, something that never took place when we initially moved into our home. My concern is that the traffic is getting worse before the new homes are

even in place. Because the development has a potential for 89 lots/homes, now is the time to plan for the future impact on traffic. I urge you to study this matter before granting final approval. I also urge that you study and consider requiring an alternate entrance to the new development to avoid the bottleneck at Curtis Road.

The other matter of concern to my wife and me is that there are few open areas in our section of Portland. I think an opportunity exists with Mr. Wolf's development to address this issue in a way that is environmentally appealing. Some type of modest park area near the ~~Fore~~ river banks would protect the current beauty and provide neighbors an opportunity to enjoy this area. Keeping this space open to residents is very important and can never be re-visited if not addressed at this time.

Please feel free to contact me if you want specific information on the current traffic situation or if you have any questions about our concerns.

Thank you,

Dan & Brenda Bazeton
31 OLDE Birch Ln
Portland 04103
207-878-2500

CC Jay Hibbard

March 28, 2000

Mr. Joseph Gray Jr.
Director of Planning & Urban Development
City Hall
389 Congress Street
Portland, Maine 04101

Re: Presumpscot River Place III Development

Dear Mr. Gray:

After having lived in Gray and Portland for the last 18 years, we are consolidating households and have an interest in building within the City of Portland. Having sold my house in Gray, as well as our land, and Deb's condo in Portland, we have been looking for a rural setting close to our offices on which to build, given that both my sons will be off to college shortly.

We are considering the aforementioned Presumpscot River Place property, given it's large lot size, privacy and proximity to downtown. This development would appear to attract the type of homeowner that the City would appreciate having on its real estate tax rolls, rather than having them move out to the Falmouth or Cumberland areas, and we feel that this land offers us the type of environment we would enjoy building in at this phase in our lives.

We are writing to support this project, especially since we are now renting in anticipation of building, and would like to have the viability of this project resolved as soon as possible. We appreciate your time and look forward to hearing about Prusumpscot River Place's moving forward in the near future.

Regards,

Fredric W. Williams

Deborah L. Thurston

12 Andrews Avenue
Falmouth, Maine 04105

From: "Mark S. Williams" <cmwill@concentric.net>
To: "Rick Knowland" <rwk@ci.portland.me.us>
Date: Sat, Apr 15, 2000 10:47 PM
Subject: Presumscot River Place III

Planning Board
Richard Knowland
Joe Gray
Jaimey Caron

Attn: Mr.. Knowland

Thank you for the informative meeting on April 10, 2000. It provided a lot of valuable information. As a resident on Curtis Rd., I am very concerned with the limited road access out of the new development. The additional access roads that were proposed by your committee still do not solve the problem of excess cars on Curtis Rd.. These roads only create a "funnel" of cars to the top of Curtis. The solution should be another access road on the other side on the development, so then the cars can exit Caron or Carter St.. I believe they called this road "Hope Rd.". I understand that this road would be in Falmouth, but the developer already owns that land and has future plans of development. Instead of waiting for the future development to begin and then putting in Hope Rd., I strongly feel Hope Rd. should be addressed NOW and implemented with this beginning phase 1 of this development. If Falmouth will not OK the road, then perhaps Portland should reconsider approving any of this development!

I also would like the planning board to view this development as a whole of all of its phases. Not just the 27 lot phase 1. The planning board needs to consider all of the land the developer owns. The land includes: land to the right of the 27 lots which will be developed into approx.. 50 lots; and the land to the left (in Falmouth) which can be developed into perhaps another 50 lots. This makes a total of approx.. 130 lots, NOT just 27 lots!!!

We were also told at the meeting that the road sewers of the new development will empty into the Presumpscot River. I was shocked to hear this! I can't believe that all of those pollutants will be allowed to go directly into the river, especially since they have been working hard to clean up that river. I can't believe that the planning board approved Auburn Pines to do the same thing! A better solution would be to install a sewer system to collect runoff.

It is also a shame to lose all of the woods and trails. Perhaps the city of Portland should consider placing a park or leaving the natural woods for a preserve instead of another development.

I thank the board for listening and considering all of the information. PLEASE keep in mind - we are not talking about 27 homes (or 60 additional cars), but are concerned with the total of all of the phases of the development, which can involve approx.. 130 or more homes (or 260 cars).

Sincerely,
Carolyn & Mark Williams
131 Curtis Rd.

From: "Betsy Pelikan" <bpelikan@maine.rr.com>
To: Portland.CityHall(jhibbard)
Date: Tue, Apr 11, 2000 2:46 PM
Subject: Presumpscot River Place III

My name is Betsy Pelikan and I reside at 113 Abby Lane, just off of Curtis Road in Portland. I attended last night's meeting regarding the Presumpscot River Place III development. I found it to be very informative and I thank you for that. I would just like to briefly follow up on a point which was raised at the meeting with regard to assuring that Curtis Road will in fact be studied by the traffic engineer. I did find it odd that while several streets were studied with regard to traffic patterns, the street which is clearly most affected by the new development, Curtis Road, was overlooked. If you could forward this e-mail to the appropriate personnel I would appreciate that.

On another note, since it is understandable that a developer's concerns do not involve the local schools, I would like to feel confident that the City Council takes this into consideration. Lyseth already has approximately 700 students in a facility built for roughly 400. I get nervous when I read newspaper articles in the Portland Press Herald repeatedly stating that Portland school enrollment has decreased, when that is clearly not the case in North Deering. As the City Councilor for District 5, Jay, I would like assurances that you are making our needs known to the School Department and whomever else should be made aware of this situation. Especially in light of how quickly this district is growing (Presumpscot River Place III, Auburn Pines, the development going in by Summit and Abby, Washington Crossing, etc.), not to mention the fact that Portland elementary schools are already in need of approximately $80 million in renovations, I sincerely hope that Lyseth School's overcrowding will be examined sooner rather than later.

Thank you for your assistance in these two matters.

CC: Portland.CityHall(RWK)

FRIENDS OF THE PRESUMPSCOT RIVER
P.O. BOX 223
S. WINDHAM, ME 04082

May 24, 2000

Joe Gray
Director of Planning & Urban Development
City of Portland
389 Congress St.
Portland, ME 04101

Dear Mr. Gray;

This letter comments on the proposed Presumpscot Place Phase 3 development. Please share these comments with all participants in the May 30 workshop on this proposed development.

Incorporated in 1992, Friends of the Presumpscot River (FOPR) is a non-profit organization committed to restoring and protecting the water quality, wildlife habitat, recreational opportunities, and shorelands of the Presumpscot River through ongoing stewardship and advocacy. With members in every town along the river, and also members who live as far away as Alaska, FOPR represents the public interest regarding the Presumpscot River. FOPR is a member of American Rivers, the River Network, and the Natural Resources Council of Maine.

We have concerns about the proposed development in four areas:

1. Water quality in the Presumpscot River may be harmed by storm water runoff, non-point source pollution, and reduced riparian buffering capability resulting from increases in impervious surfaces and this new usage of the land.
2. Wildlife habitat will be lost. This is a precious opportunity for the City of Portland to preserve a unique pocket of wildlife habitat.
3. Left undeveloped, the land provides significant recreational opportunities including walking and nature observation. This alternative use should be seriously considered. This significant parcel of undeveloped land along the Presumpscot in Portland has great potential value to current and future residents of Portland. Ways to protect and preserve it should be vigorously pursued.
4. Finally, our mission includes shorelands. These rugged acres have remained undeveloped through the 17th, 18th, 19th, and 20th centuries. With steep slopes and ravines, we believe that housing is not the highest and best use.

Clearly, this subdivision is in violation of Section 14-497, item 8 of Portland Code for the following reasons:

1. Presumpscot Place Phase 3 will have an undue adverse impact on the natural beauty of the area.
2. The development will compromise wildlife habitat.
3. This is an irreplaceable natural area.

As you know, the Casco Bay Estuary Project is developing a management plan for the Presumpscot River. This is not an overall watershed management plan, but a plan concentrating on the river corridor from Sebago Lake to Casco Bay; approximately 25 miles. This process began in 1999 and includes a wide range of stakeholder groups. The plan is scheduled for completion in January, 2001. The steering committee has identified three significant areas for study:

1. Fishery restoration
2. Open space/public access/development
3. Cumulative environmental impacts

Friends of the Presumpscot River is a participant in this planning process. When completed in January, 2001, this plan will inform decision-making in communities along the river in all three of these areas. If the City of Portland is considering approving Presumpscot Place Phase 3, it should wait until work is complete on the Presumpscot River Management Plan eight months from now.

It is the Planning Board's responsibility to interpret and uphold all of Portland's land use ordinances. Burden of proof in all matters rests with the developer. Friends of the Presumpscot River asks that you exercise vision and use your authority to protect this land for the use of wildlife and for the enjoyment of future generations.

Thank you for your kind attention.

Sincerely,

Will Plumley

Will Plumley
President
892-4597

From: Ellie Rodgers <Ellie_Rodgers@onf.com>
To: Portland.CityHall(RWK)
Date: Fri, May 26, 2000 12:30 PM
Subject: Curtis St. development

Attention: Josephe Gray

Dear Mr. Gray:

Trying to get out of our driveway on Summit St. is now very difficult. The addition of three more streets at the end of Curtis Rd. will make it even more difficult. Before any additional houses are allowed to be built, there should be another access road to Allen Avenue in addition to the Summit St. access.

Also the current crowding at Lyseth School shoud be solved before any new development is approved.

Sincerely,

Eleanor and Robert Rodgers

April 6, 2000

Planning Board
City of Portland
389 Congress Street
Portland, Maine 04101

Planning Board Members:

We are writing to state our concerns about the proposed Presumpscot River Place Phase III. Portland Trails is particularly interested in development of a trail along the river, as this is a goal we have worked towards for a number of years. Because it is part of this trail, we are also concerned about preservation of land along the river corridor and its tributary streams, and development of access points for the trail system. These goals are very compatible with the proposed Phase III development, and can be integrated into the development with little or no loss of developable land. Also, the development of trails and protection of river bottom lands will ultimately enhance the value of the development, and provide significant recreational benefits to both the residents of the development, and the residents of surrounding neighborhoods, and the City as a whole.

The Presumpscot River Trail

This stretch of the river has been identified as a priority for trail development for over a decade. The Portland Shoreway Access Plan, adopted by the City Council in 1987, presented a conceptual trail alignment and access points for the specific area now proposed for development (see Figure 1). This alignment included a primitive trail, canoe landing points, a trailhead and parking near Curtis Road. This early plan, with minor modifications, remains very applicable for the proposed development.

Portland Trails has included a trail along this stretch of the river in its Vision Map since 1992. The trail in the area of the proposed development forms a critical segment for a planned trail extending from Riverton Park past the golf course and down the river to the area currently proposed for Phase III (see Figure 2). A second planned link includes development of a trail to the river from Oatnuts Park, with a connection to Pine Grove Park, Lyseth and Lyman Moore Schools and the trails under construction in this area.

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One India Street Portland, Maine 04101 207.775.2411 FAX 772.7673 info@trails.org

Preservation of Open Space

The Presumpscot River is one of the most scenic corridors in Portland, and increasing numbers of residents are discovering the area near the Phase III development. This stretch of the river is perhaps the most beautiful area of undeveloped land in Portland, with old growth pines providing deep shade along the riverbanks, and a sense of solitude not typically found in an urban environment. Tributary streams on this stretch of the river include a most unusual brook descending from the area of Oatnuts Park, with numerous pools and small cascades (Figure 3).

Residents of North Deering neighborhoods have discovered this unusual area. The riverbank already has a well-worn footpath developed over many years from neighborhood residents and fishermen walking along the river, and those that have discovered the area are frequent visitors. The Portland Open Space Plan (*Green Spaces, Blue Edges)*, adopted by the City Council in 1995, identified North Deering as the area with lowest percentage of open space and parkland of all areas of the city. The North Deering neighborhood has 7.3 acres of open space per 1,000 residents compared to the citywide average of 19 acres per 1,000 residents. Recently, the Land Bank has indicated that the North Deering area should be a top priority in their efforts.

The land adjacent to the river is well within the river floodplain, and is not suitable for development purposes. As indicated on the maps of the development, wetland areas along the river bottomlands and the tributary streams are common, and these areas are also unsuitable for development. These features do not preclude trail development, and the use of these areas for trails and recreation provides a significant public benefit for otherwise unusable land.

While the land adjacent to the river is not part of the Phase III proposal, public access to and use of this land will be restricted unless provisions for access are made as part of the proposed development. Falmouth Conservation Trust already has a trail easement on the Falmouth property immediately downriver of the proposed development. Public access in the area of the proposed development would create a continuous link to this trail and ensure that this stretch of the river is available to all. Portland Trails believes preservation of the land along the river, either through donation of a conservation easement, sale of a conservation easement, or purchase of the land itself, is a critical step. Portland Trails is a willing partner for any efforts to preserve this land for public use.

With respect to the Phase III development, efforts should be made to preserve public access through set aside of corridors to reach the river trail. Utilizing existing stream corridors or land that is not well suited for development would have little effect on the amount of land available for residential development. The river trail is buffered from proposed building envelopes by the width of the floodplain and wetland areas. However, construction on steep slopes in this development will result in unavoidable visual impacts, and will likely result in drainage and runoff impacts to the wetland areas at the base of the slopes.

Trails Plan

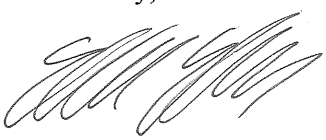
We include a map showing our recommended trail alignment and access corridors for Phase III (Figure 4). This is a preliminary alignment, and we would welcome the opportunity to work with the developer to revise these plans in ways that would integrate better with the proposed development. While the land along the river is not part of the proposed development, we include the trail alignment as it is integral to the discussion.

The trail alignment uses the existing river trail to the full extent, and adds features such as boardwalks or bridges to span streams and wetland areas. The entire river trail lies within the Shoreland Zone, and much of it is in the 100-year floodplain. Proposed access corridors include one at the western end of Cushing Avenue that would extend to the river, and a second corridor beginning near the intersection of Curtis Rd. and Cushing Avenue and extending to the river. These access corridors would utilize proposed drainage easement areas and would likely be hidden from view of the proposed residences. A third corridor is shown that connects the end of Oatnuts Park to the river. This land is not part of the proposed Phase III development, but is a key part of the trail plan as it provides a pedestrian link to Oatnuts Park and other proposed trail networks. This corridor also contains the stream shown in Figure 3, which is important to protect for both habitat preservation and aesthetic values.

Accommodating public access means also providing parking. On-street parking is available on Curtis Road to access the trail corridor near the Curtis Rd.- Cushing Avenue intersection. Additional parking may be available on land within the CMP powerline easement. Parking at the western end of Cushing Avenue would require setting aside space for this purpose. Parking to access the third corridor from Oatnuts Park would be available at the end of Overset Lane. This could be modified when final development plans for that portion of the property are submitted.

Overall, the proposed trail plan has little impact on the area proposed for development, and provides a number of benefits for residents of the area. We would welcome the opportunity to present the trail plan in more detail to the Planning Board, and can easily plan a site visit if the Planning Board wished to do so. We are also willing to work with the developers of the property to integrate the trail into the plans for the property. Please contact us if you have questions, or would like to discuss these issues further.

Sincerely,



Elizabeth Ehrenfeld
President

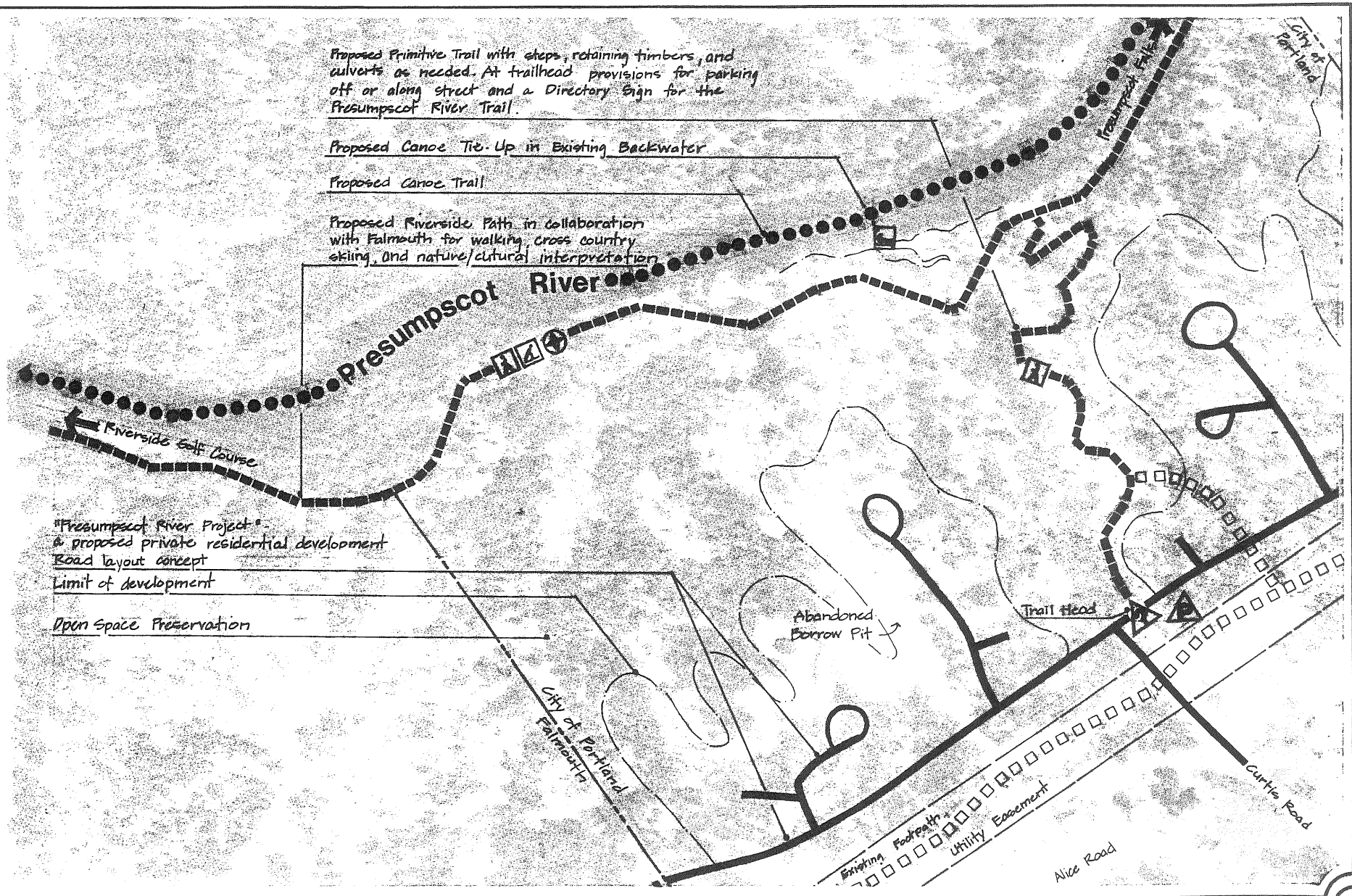
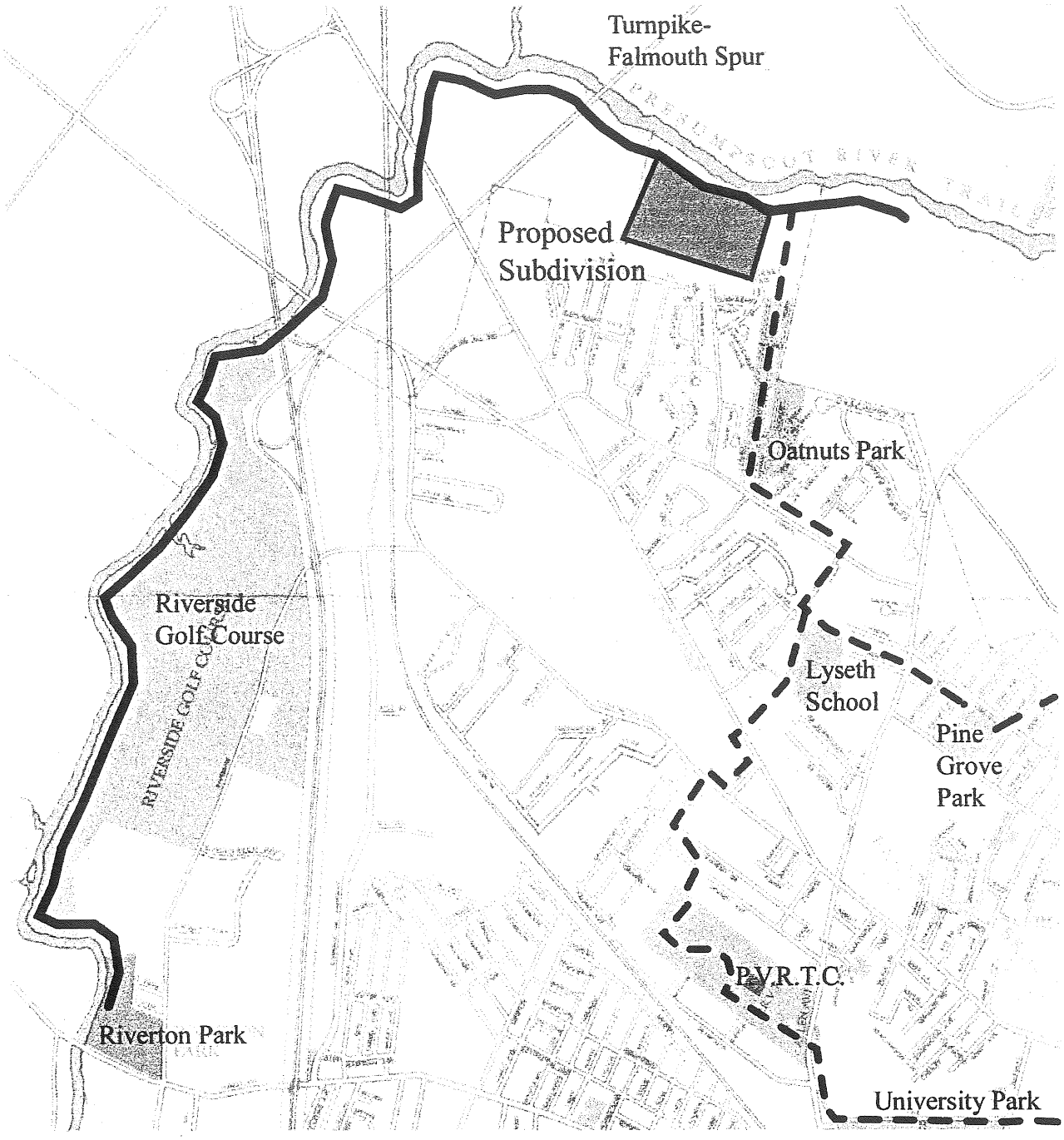


Figure 1 PORTLAND SHOREWAY ACCESS PLAN LOWER PRESUMPSCOT RIVER TRAIL



Presumpscot River Trail
Vision Map

PORTLAND TRAILS

Figure 2

Cascade on brook near the Presumpscot

figure 3

ATTACHMENT G-1

EASEMENT DEED

EASEMENT DEED made this _____ day of _____, 2001, by and between AJS FAMILY LIMITED PARTNERSHIP, a Maine Limited Partnership, of Portland, in the County of Cumberland and State of Maine and ROBERT ADAM, of Falmouth, in the County of Cumberland and State of Maine (hereinafter referred to as the "Grantors") and the CITY OF PORTLAND, a body corporate and politic, in the County of Cumberland and State of Maine (hereinafter referred to as the "Grantee").

WHEREAS, Grantors are the owners of a certain lot or parcel of land located in the Town of Falmouth, County of Cumberland and State of Maine, and recorded at the Cumberland County Registry of Deeds as follows:

1. AJS Family Limited Partnership - Book 16418, Page 247; and
2. _____ - Book _____, Page ___; and

WHEREAS, Grantee desires a dedicated roadway connection from Eagle Avenue located in Portland through Grantors' land described herein to Hope Avenue, also located in Portland; and

WHEREAS, Grantors are willing to grant an easement for said dedicated roadway through Grantors' land for the purposes herein described.

NOW THEREFORE, for One Dollar ($1.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantors hereby grant unto Grantee an easement in common with Grantors, their respective successors and assigns, over that portion of Grantors' property described in Exhibit A and annexed hereto ("roadway area").

This easement shall be for all purposes for which a public road may be used including ingress and egress by pedestrians or vehicles and for the installation of utilities, and said roadway area may be improved for any such purpose which shall include construction, use, maintenance and repair of a road, utilities and appurtenant facilities.

Grantors and Grantee further covenant and agree as part consideration of this easement deed that the following covenants, obligations, conditions and restrictions shall be binding on the Grantors and Grantee herein, their respective successors and assigns:

1. The covenants and restrictions set forth herein are intended to be and shall be considered covenants which run with the real estate described in Exhibit A annexed hereto ("roadway area") and shall bind all subsequent owners of the real estate described in Exhibit A annexed hereto, except to the extent provided herein.

2. Grantors reserve for themselves, their successors and assigns, the right to construct a road in the roadway area unless and until such time as the Grantee constructs a road. At such time as any party constructs a road that meets the standards acceptable to the City of Portland or the Town of Falmouth as the case may be and either municipality requests that the road be dedicated as a public street, Grantors shall convey by warranty deed the fee interest in said roadway area to the respective municipality.

3. The covenants set forth herein are enforceable by Grantee or Grantors as a contract beneficiary.

4. To the extent that the road layout may be located in an area which differs from that described in Exhibit A, Grantors hereby agree to execute a corrective deed to Grantee, prior to the commencement of any roadway construction, so as to assure the City of the ability to develop the roadway in a manner which shall satisfy the environmental and engineering issues created by the topography in the area, provided any such change is generally in the same area as that described in Exhibit A.

5. Grantee hereby agrees that it will use reasonable environmental and engineering standards in locating and approving the engineering and location of the roadway.

6. In the event Grantors fail to comply with the covenants set forth herein, and fail to cure such non-compliance within any applicable cure period, Grantee shall be able to exercise any of its rights under the documents executed in connection with the grant, maintain an action in law or in equity against Grantors to recover the damages incurred by Grantee from any such failure, and to require Grantors (through injunctive relief or specific performance) to comply with the provisions and covenants set forth herein and to immediately cure any failure to comply with the covenants set forth herein by Grantors.

7. Grantors shall indemnify and hold the Grantee and its agents harmless from and against any and all claims, demands, liability, loss, cost or expenses (including, but not limited to, attorneys fees and other costs of litigation) which may be incurred by Grantee arising out of or in any way related to Grantors' breach of any of its rights under this easement deed as a result of such breach.

This easement deed shall be binding upon Grantors' respective successors and assigns and shall inure to the benefit of and be enforceable by Grantee, its successors, transferees and assigns.

This easement deed shall be construed in accordance with and governed by the laws of the State of Maine.

IN WITNESS WHEREOF, this easement deed has been duly executed by the Grantors and Grantee on the date above written.

CITY OF PORTLAND

_____ By:_____
Joseph E. Gray, Jr.
Its City Manager

AJS FAMILY LIMITED PARTNERSHIP

_____ By:_____
Lloyd B. Wolf
Its Authorized Partner

_____ _____
Robert Adam

STATE OF MAINE
CUMBERLAND, SS.

, 2001

Personally appeared the above-named JOSEPH E. GRAY, JR. and gave oath to the foregoing and acknowledged the foregoing to be his free act and deed in his said capacity and the free act and deed of said CITY OF PORTLAND.

Before me,

_____
Attorney at Law/Notary Public

STATE OF MAINE
CUMBERLAND, SS.

, 2001

Personally appeared the above-named LLOYD B. WOLF and gave oath to the foregoing and acknowledged the foregoing to be his free act and deed in his said capacity and the free act and deed of said AJS FAMILY LIMITED PARTNERSHIP.

Before me,

_____
Attorney at Law/Notary Public

STATE OF MAINE
CUMBERLAND, SS.

, 2001

Personally appeared the above-named ROBERT ADAM and gave oath to the foregoing and acknowledged the foregoing to be his free act and deed.

Before me,

_____
Attorney at Law/Notary Public

ATTACHMENT I-1

Law Office of Terry N. Snow, P.A.
294 Main Street, P.O. Box 275
Cumberland, Maine 04021-0275
E-Mail: TNSnowlaw@aol.com

AUG 23 2001

Terry N. Snow, Esq.
J. Gregory Lestage, Esq.

Telephone: (207) 829-6363
Facsimile: (207) 829-4481

August 21, 2001

Penny Littell, Esq.
Corporate Counsel's Office
City of Portland
389 Congress Street
Portland, ME 04101-3509

Re: PRP III

Dear Penny:

Enclosed find a revised deed relating to the dedication of Eagle to Hope for PRP III. SEE ATTACHMENT G

Also, in the Declaration previously forwarded to you, Paragraph 18 will be revised to state the following:

"18. Riverfront Area: The Declarant has designated an area of approximately two hundred fifty (250) feet in width located on the north-easterly sideline of the subdivision and the southwesterly side of the Presumpscot River extending from the northwesterly sideline of the Town of Falmouth at land now or formerly known as Presumpscot River Place - Falmouth in a southwesterly direction adjacent to PRP III and other land of Declarant's to the northwesterly sideline of PRP III at line of land of the Town of Falmouth, being more particularly described in Exhibit A annexed hereto. Declarant, their successors and assigns covenant and agree that if this area is not conveyed to the City of Portland within two (2) years from the date of final approval of PRP III, this area will be conveyed to a 501(c)(3) charitable group chosen by Declarant or their successors or

assigns. If Declarant's land located in Falmouth bounded on the east by the Presumpscot River; on the north by the Maine Turnpike; and on the south and west by the Falmouth-Portland line, containing approximately thirty-eight (38) acres and being more particularly described in Exhibit B annexed hereto, is annexed from being located in the Town of Falmouth to being located in the City of Portland prior to the aforementioned conveyance to either the City of Portland or 501(3)(c) charitable group, then said 250-foot area in Falmouth described in Exhibit B shall also be conveyed to the City of Portland or charitable group as the case may be.

At such time as conveyance of the 250-foot area described in Exhibit A, Declarant or their successors or assigns shall convey a thirty (30) foot easement for pedestrian access extending from the northeasterly sideline of Eagle Avenue along the northwesterly sideline of Portland line of land and southeasterly sideline of Falmouth line of land in a northeasterly direction to the southwesterly sideline of said 250-foot area. This easement shall be for pedestrian traffic only, and no vehicles shall be allowed.

In the event Declarant receives final approval for PRP IV, Declarant agrees to grant an additional thirty (30) foot pedestrian easement from Oak Nut Park through PRP IV to the southwesterly sideline of the 250-foot area. This easement is over land near the southeasterly sideline of the City of Portland line of land and northwesterly sideline of the Town of Falmouth line of land. Declarant reserves the right to establish the location of said easement. This easement shall be conveyed only if PRP IV has been finally approved prior to the conveyance to either the City of Portland or a 501(3)(c) charitable group as set forth above."

The 250-foot area and 30-foot easement along the northwesterly sideline of the City of Portland land extending from Eagle Avenue will be shown on the plan and referenced to the conditions as set forth in the Declaration.

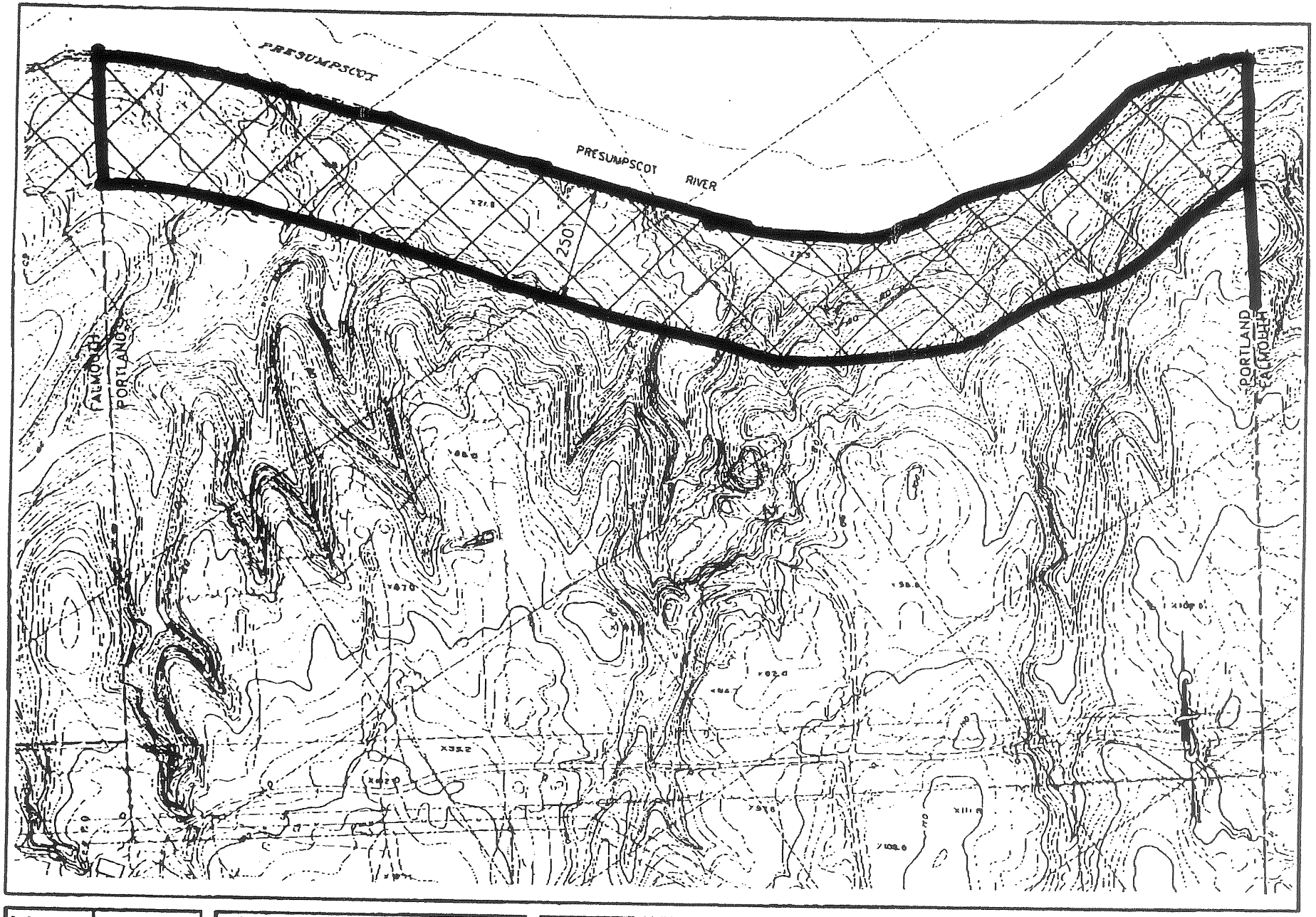
Once you have had an opportunity to review the enclosed, please give me your comments.

Very truly yours,

Terry N. Snow

TNS/njp
Enclosure

cc Al Palmer
Lloyd B. Wolf
Robert Adam



Design	Date: AUG 2001
Draft CH	Job No.: 98089
Checked DER	Scale: 1"=250'
File Name: 98089PP1_BOARDS.DWG	

Gorrill-Palmer Consulting Engineers, Inc.
Traffic and Civil Engineering Services
PO Box 1237, 26 Main Street
Gray, ME 04039
207-657-6910

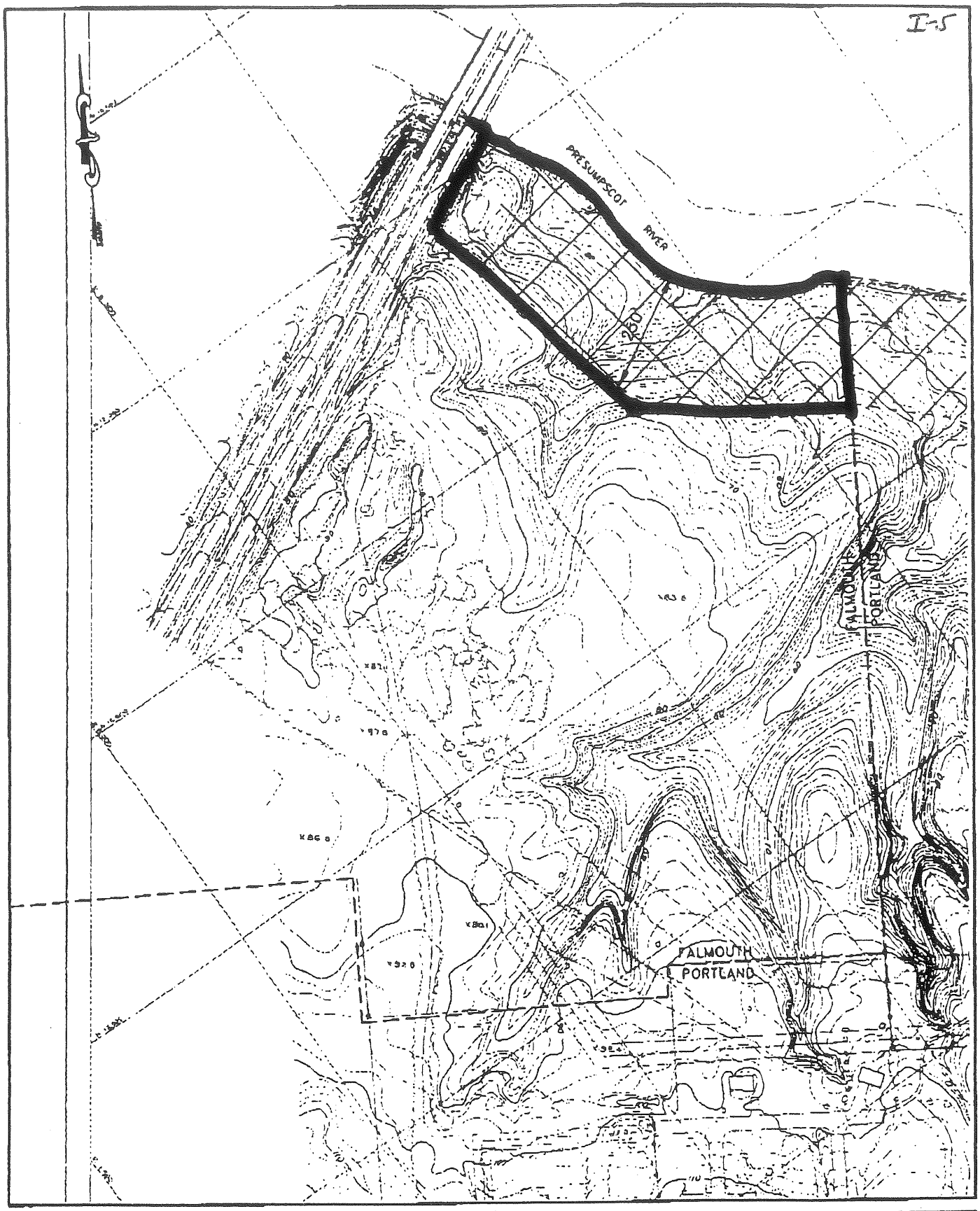
Drawing Name: Portland Riverfront – Shoreland Zone

Project: PRESUMPSCOT RIVER PLACE

Exhibit A

4-T

202



Design:	Date AUG 2003
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File Name: 98089_PRT_BOARDS	

Gorrill-Palmer Consulting Engineers, Inc.
Traffic and Civil Engineering Services
PO Box 1237, 26 Main Street
Cray, ME 04039
207-657-6910

Drawing Name: Falmouth Riverfront Shoreland Zone

Project: PRESUMPSCOT RIVER PLACE

Exhibit B

ATTACHMENT J6

Gorrill-Palmer Consulting Engineers, Inc.
Traffic and Civil Engineering Services

PO Box 1237
26 Main St.
Gray, ME 04039

207-657-6910
FAX: 207-657-6912
E-Mail:gpcei@maine.rr.com

Meeting Notes

Subject:	Neighborhood Meeting – Presumpscot River Place Phase 3
Attendees:	Al Palmer, Gorrill-Palmer Consulting Engineers, Inc. Doug Reynolds, Gorrill-Palmer Consulting Engineers, Inc. Bob Adam See attached sign-up list
Date:	July 16, 2001, 6:00 PM
Job #:	98089
Distribution:	Rick Knowland, Burt Wolf, Bob Adam, File

On Monday July 16, 2001, a neighborhood meeting was held for the Presumpscot River Place Phase 3 subdivision. All abutters within 500 feet of the proposed project were notified via mailed letters, which were sent out on July 5, 2001. This meeting was held to meet the requirements of the City of Portland Planning Department.

Gorrill-Palmer Consulting Engineers, Inc. started the meeting with a brief introduction of the project and then opened the floor to questions. Listed below is a brief summary of the questions from the abutters and the responses provided.

Mr. Dorler, who lives at 4 Alice Court, expressed his concern that the width of Garsoe Drive and Alice Court were inadequate during this past winter and had concerns that adding more traffic would make the situation worse. Mr. Palmer responded that he did not believe that the streets were City accepted streets during the past winter and that the plowing situation would be improve once the City of Portland was responsible for the plowing of the roads.

Mr. Berg expressed his continued concern with the loss of the existing trail system within the development area. Mr. Palmer assured him that the trails that exist to the north and south of the development area would remain in their current condition and that no measures were anticipated to be taken to limit the use of the undeveloped areas.

Mr. Berg asked why the area between Curtis Road and Pratt Road was not considered a lot in the subdivision. It was indicated that the area is being conveyed to the abutter to the west, as has always been the case.

Mr. Goodman asked about the accessibility to the riverfront property. It was indicated that the applicant was currently having negotiations with the City of Portland concerning easements to and the purchase of this land.

Gorrill-Palmer Consulting Engineers, Inc. closed the meeting by indicating to the attendees that there would be a public hearing with the Planning Board on July 28, 2001.

Prepared by: Doug Reynolds

DER/der/JN98089/meetingnotes7-16-01

PRESUMPSCOT RIVER PLACE

NEIGHBORHOOD MEETING SIGN-UP

7/16/01

NAME	Address
1. Ronald Dorler Jr.	4 Alice Court.
2. Laurie Hesselink	3 Alice St.
3. MICHAEL PEISNER	26 OVERSET
4. STEVE BERG	10 Whalebout
5. Joseph Goodman	92 Alice St.

FIRST NEIGHBORHOOD MEETING
PRESUMPSCOT RIVER PLACE SUBDIVISION
2-29-00
SUMMARY OF PUBLIC COMMENTS

- How is additional development going to impact Curtis Road? At the crest of the hill on Curtis Road two kids were hit in 1969. Cars are parked on both sides of the street. One access to the subdivision is a problem. Access is key. Has trouble backing his car out of the driveway.
- Development needs a second access.
- Lives on Carter street; heavy equipment has been going on Carter Street; speeding; the situation should be looked at.
- This proposal will funnel more cars into Summit Street; will get busier; should find another access way other than through Summit Street.
- How many cars would come up Curtis Road with this development?
- Curtis Road alone doesn't work for access. Need a 2nd access right now. Curtis is a speedway, a long straight road. Called the City about a stop sign or speed bumps.
- Lives on Carter Street. Water pressure is a problem. Lived there for 23 years.
- Water pressure is a problem.
- Need to have the Portland Water District at the next meeting.
- Does this development have any accommodation for public access along the Presumpscot River? This project skirts DEP site location review. A unique opportunity for the City to pick this up for parkland.
- Recently $10,000 was spent on a little league field; no other fields. City should take this into consideration.
- It sounds like people on mountain bikes and others won't be able to use the river trail anymore.
- This area needs a master plan for streets and green spaces. There should have been other street connections. This has occured too incrementally.
- There is no good safe solution for access.
- Access issues for fire safety.
- Question on sewer capacity.

- More people will be hearing the noise of the pump station; back up of the pump station during big rain storms.
- Will you be creating any detention basins?
- Have the soils been tested for clay? Concern about whether portions of this site are developable (clay shingling.) Friends of the Presumpscot River are doing planning for the river corridor.
- This project should be looked into a global context.
- A blind curve exists by Cladboard and Alice.
- What about school capacity?
- Whole area needs to be looked at . . . schools, access, recreation . . . schools and game fields are over-crowded. More houses will hurt the schools.
- Sewer capacity question. Needs to take into account the Auburn Pines development.
- What about the impact of run-off from the roadways into the river?
- What is the long range plan for this development? It is being done in a piecemeal manner.
- Concerned about safety, schools, athletic fields. City should do what is right and what is good for the long term.
- Developer should show his entire landholdings.
- Bring the Portland Water District to a meeting.
- Traffic is a concern. Too much traffic for Summit and Curtis.

SECOND NEIGHBORHOOD MEETING ON
PRESUMPSCOT RIVER PLACE SUBDIVISION
4-10-00
SUMMARY OF PUBLIC COMMENTS

- Even with the new access, people will still go up to Curtis Road
- Has a traffic study been done?
- New access won't help Curtis Road. Put an access somewhere else.
- If the developer owns the adjacent land, extend the street.
- Why can't an access to route 100 be done now?
- Block off Curtis Road from the development.
- Is there a plan for open space for this development? Why not incorporate recreation space? Should have an impact fee for open space. Should have speed bumps or police to slow down vehicles. Construction vehicles going down Curtis Road is a danger to kids.
- Water supply and pressure concerns.
- What is the ISO fire flow standard?
- The plan should show the entire landholdings of the developer.
- The developer should show a layout of the remaining vacant land.
- What is the selling price of houses?
- A pond has been filled in on the property.
- Water quality and stormwater runoff to the Presumpscot River is an important issue.
- Traffic is an important issue.
- Curtis Road is narrow at the top. Should carefully review these things before we go forward.
- The grand scheme hasn't been provided yet. All the house lots for the developers landholdings have not been shown.
- Original plan is 11 years old.
- What happens if Curtis Road isn't widened enough?
- Doesn't trust the City.

- A question on traffic statistics for this area.
- A traffic count should be done on Curtis Road.
- Development is like a traffic funnel. Developer should show the entire development scheme.
- Land has gullys and brooks. Are you going to bulldoze these areas? There is an effort to clean up the Presumpscot River.
- Send notices to all people on Summit Street.
- North Deering needs more open space.
- There are a lot of small kids on Jackson Street - a safety concern with traffic.
- Send notices to other streets like Jackson.
- School are overcrowded. Too many modular classrooms. North Deering is overcrowded. Traffic is an issue. There are no parks. No open space and recreation for kids to go to. City is letting residents down with respect to schools and open space. City is missing the big picture stuff.
- School capacity issue.
- Should look at school capacity for 5 to 10 years.
- During review of earlier Presumpscot River Place phase, the planning board indicated a concern about having another access for this development.
- Traffic counts should be done for Curtis Road.
- Has the developer consulted with Portland Trails?
- People use the trails all the time. Will there be any public access to these trails in the future?
- Would the developer consider preservation easements for this land? It would be a welcome jesture to the neighborhood if public access was provided.
- There is a difference between reserving open land and specifically providing for trail access.
- Curtis Road traffic info is needed.
- Keep the street clean from muddy construction trucks.
- Falmouth land would be good for open space.

ATTACHMENT D-1

SUBDIVISION RECORDING PLAT NOTES

NOTES:

1. THIS PLAN IS SHEET 2 OF A PLAN SET OF 17 SHEETS ENTITLED "PRESUMPSCOT RIVER PLACE PHASE 3," WHICH IS ON RECORD IN THE CITY OF PORTLAND PLANNING OFFICE.

2. DEVELOPMENT OF THE PARCELS PROPOSED AS PART OF THIS PLAN SHALL BE IN ACCORDANCE WITH DIVISION 6 (SECTIONS 14-76 THROUGH 14-81) OF CHAPTER 14, LAND USE, OF THE CODE OF ORDINANCES OF THE CITY OF PORTLAND, SUPPLEMENT 5, DATED JANUARY 1999 OR AS AMENDED FROM TIME TO TIME. EXCERPTS OF THE DIMENSIONAL REQUIREMENTS ARE PRESENTED BELOW.

MINIMUM LOT SIZE	10,000 S.F.
MINIMUM FRONTAGE	50 FT.
MINIMUM SETBACKS:	
FRONT YARD	25 FT.
REAR YARD	25 FT.
SIDE YARD *	
1 STORY	12 FT.
1 1/2 STORIES	12 FT.
2 STORIES	14 FT **
2 1/2 STORIES	16 FT.
SIDE YARD * ON SIDE STREETS	20 FT.
MINIMUM LOT WIDTH	80 FT.

* THE WIDTH OF ONE (1) SIDE YARD MAY BE REDUCED ONE (1) FOOT FOR EVERY FOOT THAT THE OTHER SIDE YARD IS CORRESPONDINGLY INCREASED, BUT NO SIDE YARD SHALL BE LESS THAN TWELVE (12) FEET IN WIDTH.
** SIDE YARDS SHOWN ON PLAN ARE 14 FEET AND MAY BE INCREASED OR DECREASED DEPENDING UPON NUMBER OF STORIES.

3. STRUCTURE ENVELOPES AS SHOWN ON THIS PLAN INCLUDING LOTS 1,2,3,8,9,10,11,12,13,14,16,17 AND 27 REPRESENT THE MAXIMUM AREA FOR CONSTRUCTION OF THE PRINCIPAL AND ACCESSORY STRUCTURE. ANY CHANGES TO SUCH AREA MUST RECEIVE THE WRITTEN APPROVAL OF THE CITY OF PORTLAND PLANNING BOARD OR PLANNING AUTHORITY PRIOR TO COMMENCEMENT OF CONSTRUCTION AND MUST BE RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS WITH A REFERENCE TO THE PLAN BOOK AND PAGE FOR THIS PLAN.

4. EACH LOT SHALL REQUIRE THE SUBMISSION OF A SITE PLAN FOR REVIEW AND APPROVAL PRIOR TO THE ISSUANCE OF A BUILDING PERMIT, AND SHALL BE SUBJECT TO REVIEW PURSUANT TO ARTICLE V OF CHAPTER 14 OF THE PORTLAND CITY CODE.

5. THE OWNERS OF LOTS 1 THROUGH 17 AND 27 SHALL RETAIN EITHER A LICENSED CIVIL ENGINEER OF LANDSCAPE ARCHITECT TO ASSIST IN DESIGN OF THE IMPROVEMENTS ON THEIR LOTS. THE OWNERS OF THESE LOTS SHALL ALSO RETAIN THAT "PROFESSIONAL" TO PROVIDE CONSTRUCTION PHASE SERVICES INCLUDING, BUT NOT LIMITED TO, PERIODIC SITE INSPECTION FOR ADHERENCE TO ALL REQUIRED EROSION AND SEDIMENTATION CONTROL MEASURES AND TO ADDRESS ANY CHANGES IN FIELD CONDITIONS WHICH REQUIRE MODIFICATION TO THE DESIGN OF THE LOT IMPROVEMENTS. AT A MINIMUM, THE FOLLOWING SITE INSPECTION MUST BE CONDUCTED:

- -SUBSEQUENT TO STAKING OF HOUSE AND DRIVEWAY, INSTALLATION OF SILT FENCE AND PRIOR CLEARING.
- -UPON COMPLETION OF CLEARING AND GRUBBING.
- -UPON COMPLETION OF ROUGH GRADING
- -UPON COMPLETION OF FOUNDATION
- -UPON COMPLETION OF FINAL GRADING
- -UPON COMPLETION OF SURFACE RESTORATION
- -PRIOR TO REMOVAL OF EROSION CONTROL MEASURES

THE PROFESSIONAL (CIVIL ENGINEER OR LANDSCAPE ARCHITECT) SHALL PROVIDE A WRITTEN STATEMENT UPON COMPLETION OF CONSTRUCTION OF LOT IMPROVEMENTS AFFIRMING THAT THE WORK IS IN SUBSTANTIAL CONFORMANCE TO THE APPROVED PLANS AND THAT ALL CONDITIONS OF APPROVAL HAVE BEEN SATISFIED. THIS NOTE SHALL APPEAR IN ALL PROPERTY DEEDS EXCEPT LOTS 18 THROUGH 26.

6. 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.

7. A MINIMUM OF TWO TREES PER LOT SHALL BE CONSERVED OR PLANTED IN THE FRONT YARD OF EACH LOT MEETING THE CITY OF PORTLAND'S ARBORICULTURAL SPECIFICATION AND STANDARD OF PRACTICE AND LANDSCAPE DESIGN GUIDELINES. DEVELOPER MAY CONTRACT FOR THE PLACEMENT OF LANDSCAPING, BUT SHALL REMAIN ULTIMATELY LIABLE TO THE CITY OF PORTLAND FOR FINANCIAL OBLIGATION FOR COMPLIANCE WITH CITY ORDINANCES AND APPROVALS. SUCH FINANCIAL OBLIGATION SHALL BE NEITHER TRANSFERABLE NOR WAIVABLE BY THE DEVELOPER PURSUANT TO CONDITIONS AND LIMITATIONS OF SECTION 6 OF THE CITY OF PORTLAND, MAINE TECHNICAL AND DESIGN STANDARDS AND GUIDELINES.

8. ALL DRIVEWAYS SHALL BE PAVED WITHIN SIX (6) MONTHS OF THE RECEIPT OF A TEMPORARY CERTIFICATE OF OCCUPANCY AND SHALL BE A MINIMUM OF 12' WIDE. INDIVIDUAL HOMEOWNERS SHALL BE RESPONSIBLE FOR PAVING OF DRIVEWAY.

9. PRIVATE DRAINAGE EASEMENTS: TREE CLEARING OR VEGETATION DISTURBANCE, FILLING, REGRADING, CONSTRUCTION OF BUILDINGS, OR OTHER OBSTRUCTIONS SHALL BE PROHIBITED WITHIN THE PRIVATE DRAINAGE EASEMENTS, UNLESS APPROVED IN WRITING BY THE CITY OF PORTLAND PLANNING DEPARTMENT UNDER SITE PLAN REVIEW. THIS RESTRICTION SHALL BE SPECIFICALLY NOTED IN ALL APPLICABLE DEEDS.

10. NO PUBLIC SERVICES (I.E. SNOW PLOWING, TRASH REMOVAL, LIGHTING) WILL BE PROVIDED UNLESS AND UNTIL THE PROPOSED STREETS ARE ACCEPTED BY THE CITY COUNCIL.

11. EACH LOT SHALL REQUIRE THE SUBMISSION OF A MINOR/MINOR SITE REVIEW PRIOR TO THE ISSUANCE OF A BUILDING PERMIT AND SHALL BE SUBJECT TO REVIEW PURSUANT TO ARTICLE V OF CHAPTER M OF THE PORTLAND CITY CODE.

12. THE DESIGN ENGINEER OF RECORD, GORRILL-PALMER CONSULTING ENGINEERS, INC., SHALL PROVIDE A WRITTEN STATEMENT UPON COMPLETION OF CONSTRUCTION OF THE SUBDIVISION INFRASTRUCTURE AFFIRMING THAT THE WORK IS IN SUBSTANTIAL CONFORMANCE TO THE APPROVED PLANS AND THAT ALL CONDITIONS OF APPROVAL HAVE BEEN SATISFIED. THE APPLICANT SHALL ALSO RETAIN GORRILL-PALMER CONSULTING ENGINEERS, INC. TO PROVIDE CONSTRUCTION PHASE SERVICES FOR THE SUBDIVISION INFRASTRUCTURE INCLUDING BUT NOT LIMITED TO, PERIODIC SITE INSPECTION FOR ADHERENCE TO ALL REQUIRED EROSION AND SEDIMENTATION CONTROL MEASURES AND TO ADDRESS ANY CHANGES IN FIELD CONDITIONS WHICH REQUIRE MODIFICATIONS TO THE DESIGN OF THE SUBDIVISION INFRASTRUCTURE.

13. THE CITY OF PORTLAND WILL NOT ACCEPT SEWER UTILITIES ON STREETS REQUIRING LOW PRESSURE FORCE MAIN AND SUCH UTILITIES SHALL REMAIN THE SOLE RESPONSIBILITY OF THE INDIVIDUAL HOMEOWNER AND/OR ASSOCIATION. THIS RESTRICTION SHALL BE SPECIFICALLY NOTED IN ALL APPLICABLE DEEDS.

14. LOTS WITHIN THIS SUBDIVISION MAY REQUIRE INSTALLATION OF INDIVIDUAL PRIVATE PUMP STATIONS TO CONVEY SANITARY WASTES TO THE MUNICIPAL SYSTEM. REFER TO SHEETS 7, 8, 9 AND 14 OF THE PLAN SET FOR ADDITIONAL INFORMATION REGARDING PUMPING OF INDIVIDUAL LOTS. EACH DEED SHALL INDICATE THAT DEPENDANT UPON THE ELEVATION OF THE LOWEST PLUMBING FIXTURE, A PRIVATE PUMP SYSTEM MAY BE REQUIRED. THE PERSPECTIVE PURCHASERS WILL BE PROVIDED WITH A COPY OF SHEETS 7, 8, 9, AND 14 OF THE PLAN SET PRIOR TO CLOSING.

15. OWNERS OF LOTS 8, 9, 10 11, 12, AND 13 WILL BE REQUIRED TO BE MEMBERS OF A HOMEOWNERS ASSOCIATION THAT WILL BE SOLELY RESPONSIBLE FOR THE OPERATION AND MAINTENANCE OF A LOW-PRESSURE SEWER FORCE MAIN WITHIN THE RIGHT-OF-WAY OF THE BROTHERS ROAD. THE CITY OF PORTLAND SHALL NOT HAVE ANY ONGOING RESPONSIBILITY ON THE PROPER MAINTENANCE AND OPERATION OF THIS SYSTEM.

16. THE OWNERS OF LOTS 1, 2, 3, 4, 10, 11, 12, 13, 14, 16 AND 17 MAY NEED TO OBTAIN A MDEP PERMIT-BY-RULE FOR SOIL DISTURBANCE WITHIN 100 FEET OF A PROTECTED NATURAL RESOURCE. INDIVIDUAL LOT OWNERS WILL BE RESPONSIBLE FOR OBTAINING THIS PERMIT, IF NECESSARY BASED UPON THEIR LIMITS OF DISTURBANCE.

17. DEVELOPER MAY CONTRACT FOR THE INSTALLATION OF IMPROVEMENTS NOTED ON THE PLAN BUT SHALL REMAIN ULTIMATELY LIABLE TO THE CITY OF PORTLAND FOR THE FINANCIAL OBLIGATION FOR COMPLIANCE WITH THE CITY ORDINANCES AND APPROVALS. SUCH FINANCIAL OBLIGATION SHALL BE NEITHER TRANSFERABLE NOR WAIVABLE BY THE DEVELOPER PURSUANT TO CONDITIONS AND LIMITATIONS OF THE SUBDIVISION AND SITE PLAN ORDINANCE OF THE CITY OF PORTLAND WITHOUT PRIOR APPROVAL OF THE TRANSFER BY THE PLANNING AUTHORITY.

18. RIGHTS OF LOT OWNERS TO PROPERTY ADJACENT TO THE RIVER PURSUANT TO DECLARATION OF COVENANTS AND RESTRICTIONS OF THE SUBDIVISION.

19. "NO PARKING" STREET SIGNS SHALL BE INSTALLED ALONG THE SUBDIVISION ROADWAYS PRIOR TO THE ISSUANCE OF THE FIRST HOUSE LOT CERTIFICATE OF OCCUPANCY (WHETHER PERMANENT OR TEMPORARY) FOR THIS SUBDIVISION.

20. THE PROPOSED STRUCTURE ON LOT 18 SHALL FRONT ON CURTIS STREET, UNLESS THE DEVELOPER EXTENDS EAGLE AVENUE TO THE LIMIT OF THIS LOT.

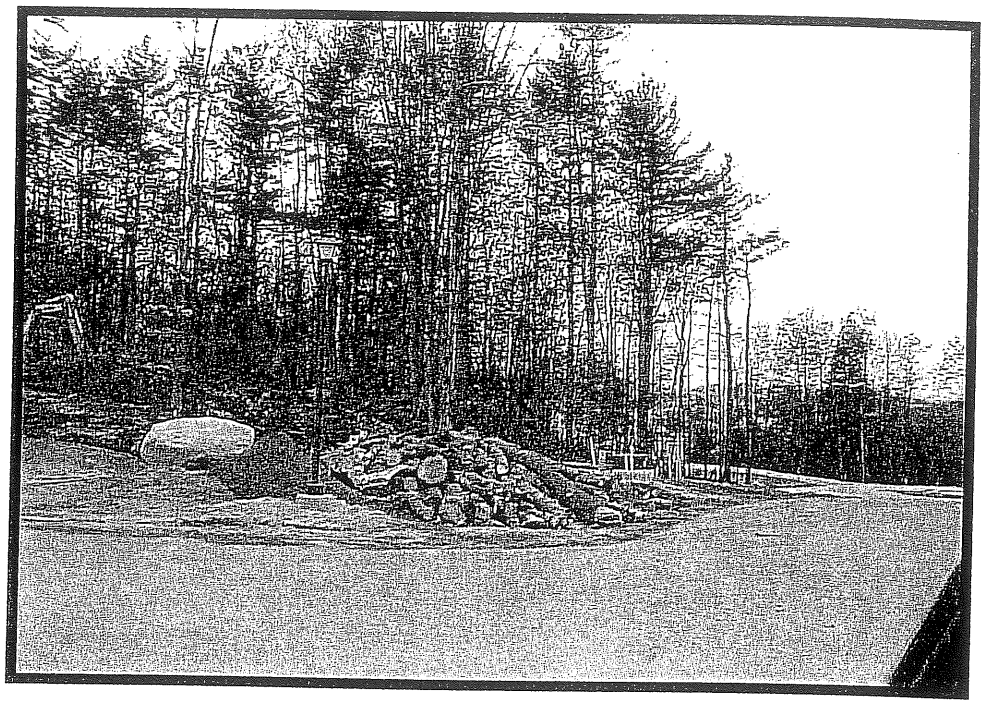

PHOTO 3: Lot 21 Auburn Pines.

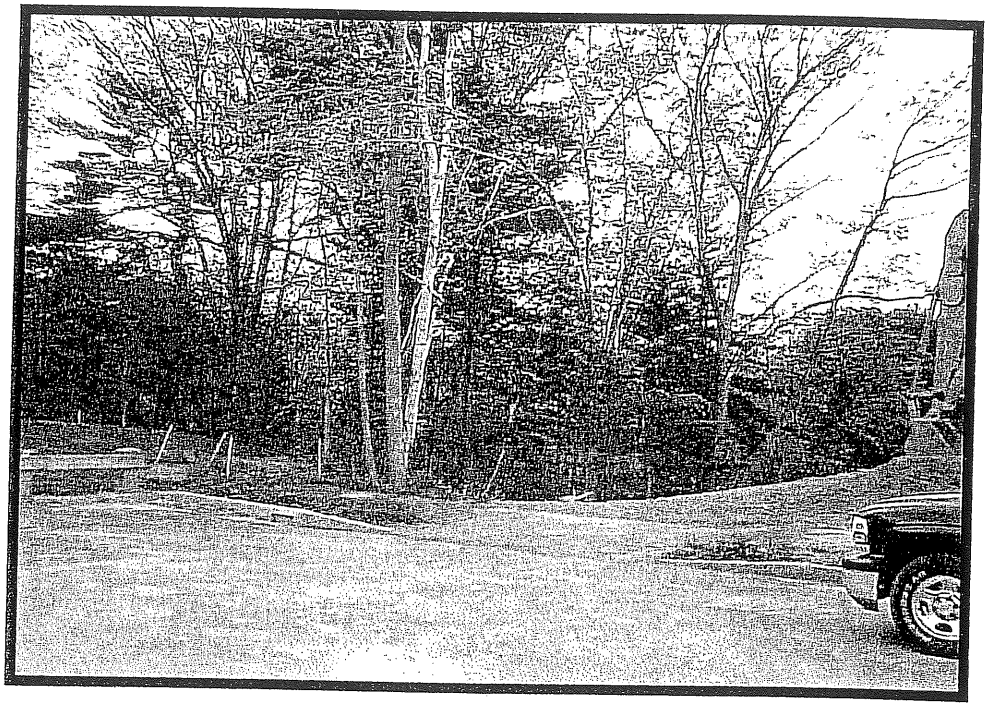

PHOTO 4: 154 Beverly Street.

DH

SITE PHOTOGRAPHS
Portland, Maine

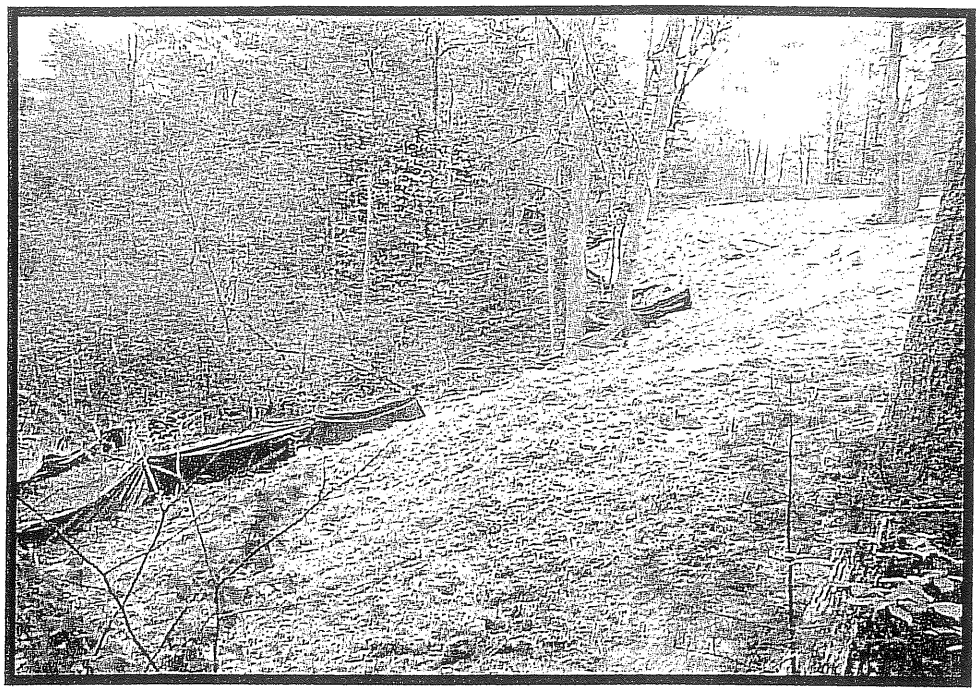

PHOTO 5: 155 Beverly Street.

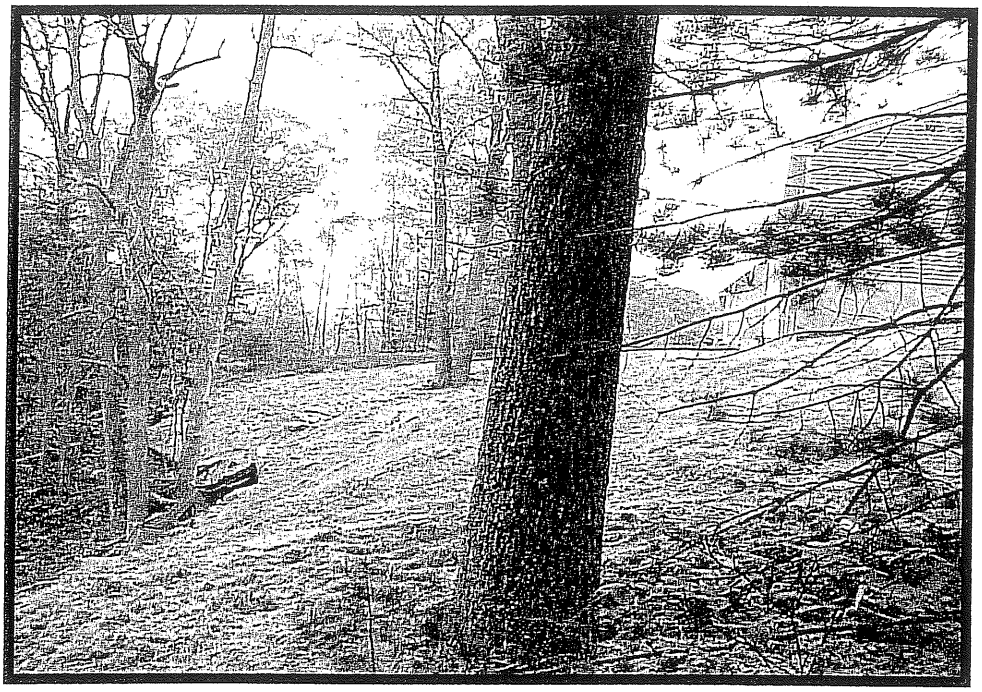

PHOTO 6: 155 Beverly Street.

DH

SITE PHOTOGRAPHS

Portland, Maine

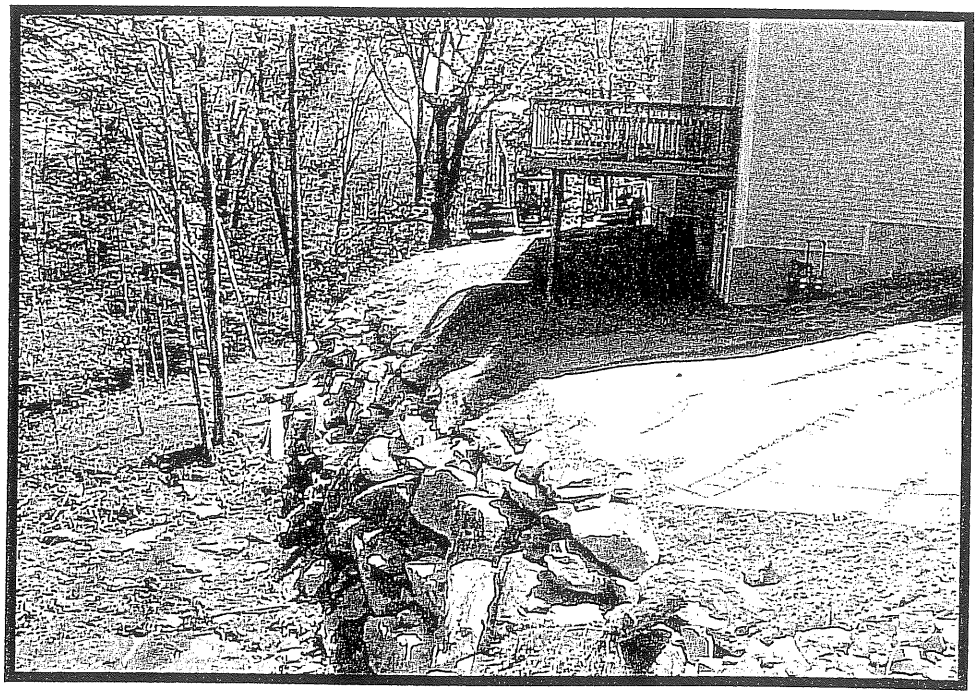

PHOTO 7: Oceanwood

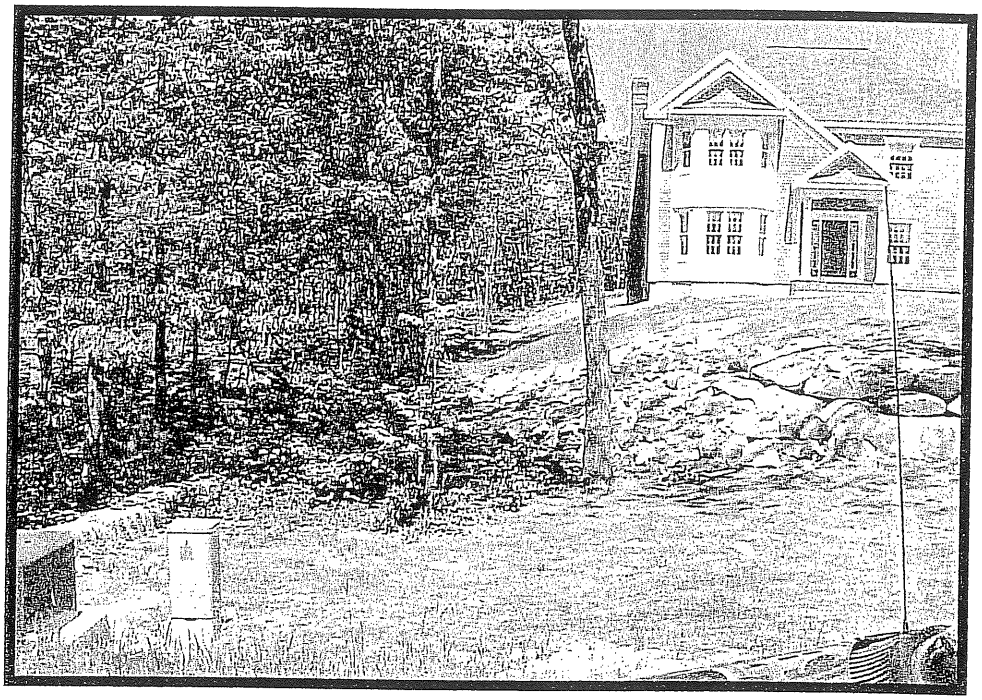

PHOTO 8: Pheasant Hill Drive

DH

SITE PHOTOGRAPHS

Portland, Maine

PHOTO 9: Beverly Street

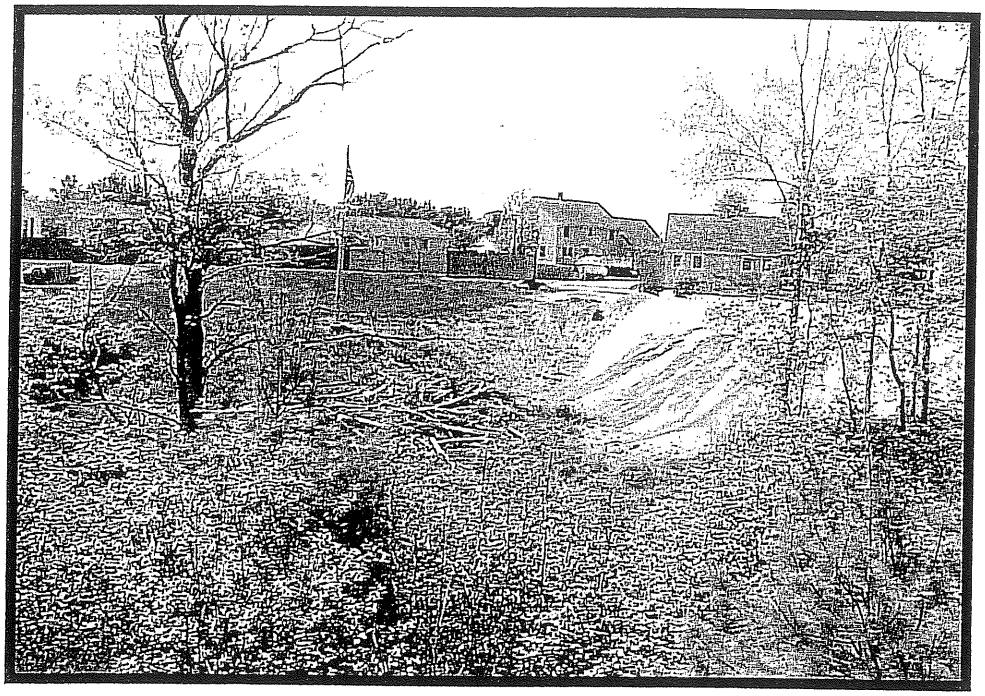

PHOTO 10: Beverly Street

DH

SITE PHOTOGRAPHS
Portland, Maine

CITY OF PORTLAND, MAINE
MEMORANDUM

TO: Chair Caron and Members of the Planning Board

FROM: Richard Knowland, Senior Planner

DATE: August 22, 2000

RE: Presumpscot River Place III Subdivision

A workshop has been scheduled to discuss the 27 lot Presumpscot River Place residential subdivision. The applicant has submitted a new packet of information that is attached. The cover letter includes responses to earlier Planning Board and staff comments. Also attached is a copy of the last workshop memo.

Perhaps the most significant submission is a map that shows the applicant's entire landholdings in Portland and Falmouth. The basic plan has not changed much since the last workshop. The building envelopes of lots 13, 14 and 16 were slightly reduced. We asked that consultant recommendations and/ or discrepancies in the earlier submission be addressed on the plan. Responses were provided on these issues. This is a large subdivision with obvious topographic and soil constraints that pose numerous design and engineering challenges. The land features are not typical of most subdivisions.

Assuming that detailed technical issues can be addressed in the final subdivision plan, there are two fundamental issues posed by the plan: (1) how this development fits in the context of the "big picture" for this area; and (2) lot layout and development on steep slopes.

Land holdings plan

As requested by the Planning Board, an area plan depicting the applicant's past and present subdivision plans in Portland and Falmouth has been submitted. It also includes vacant land with conceptual lot layouts. This should give the Board a perspective on the "big picture" and how this subdivision fits in with the existing and future development in the area.

A critical element of the big picture is circulation. We have discussed in previous memos, the importance of multiple street connections so as to fully integrate the development into the existing street network, as well as consideration of the circulation needs for adjacent vacant land. (Portland Transportation Plan)

The current circulation plan retains Curtis Road as the main roadway into the development. A second street, Vail Road, is proposed near Curtis Road adjacent to the City sewer pump station on Alice Street/Clapboard Road. The plan also shows Cushing Avenue extended westerly

through Falmouth to Hope Lane in Portland. Presumably, this access would be available when development occurs in Falmouth.

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At previous workshops, we have discussed slope issues relating to this development including future implications for construction, disruption to ground cover and natural features, erosion and sedimentation control.

- 8% slope is the maximum slopes standard for roadways in subdivisions (City of Portland).
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A more appropriate subdivision design would locate buildable areas near Cushing Avenue so that development can be avoided in these steeper move sensitive areas.

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Other staff comments

Updated comments from Steve Bushey, Development Review Coordinator, are included as Attachment C.

Attachments

A. Gorrill-Palmer Project Update Letter Dated July 20, 2000
B. Updated Site Plans
C. Steve Bushey, Development Review Coordinator Memo Dated August 10, 2000

ATTACHMENT A-1

GP Gorrill-Palmer Consulting Engineers, Inc.
Traffic and Civil Engineering Services

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July 20, 2000

Rick Knowland
Portland Planning Department
City of Portland
389 Congress Street
Portland, ME 04101-3503

Re: Presumpscot River Place

Dear Rick:

Gorrill-Palmer Consulting Engineers, Inc. is pleased to respond to comments we received May 25, 2000 from you, comments from Steve Bushey which you received in an e-mail dated May 23, 2000, as well as comments we received from Tony Lombardo in an e-mail dated June 27, 2000. For your convenience each of the comments are presented below followed by our response.

Rick Knowland's comments dated May 25, 2000

Comment 1 *– A plan should be submitted showing all of the applicant's land holdings in Portland and Falmouth (including the developed subdivision in Falmouth). It would be helpful to also show the earlier phases of PRP. All of your subdivision plans should show the applicant's landholdings to the Presumpscot River.*

Response – A plan showing the all of the applicant's land holdings in the vicinity of the proposed project is enclosed with this package. Based upon comments received at the Planning Board meeting the undeveloped land held by the Applicant has been conceptually shown as subdivided to depict a future maximum buildout. See Attachment A for Land Holdings Plan.

Comment 2 *– The color-coded slope map should be updated to show the new building envelopes.*

Response – A revised color-coded slopes map is enclosed within this package. Revisions made include recommendations from Eco-Analysts, which slightly reduce the building envelopes for lots 13, 14 & 16. No adjustments to the building envelopes were made based upon information provided by S.W. Cole Engineering. See Attachment B for information provided by Eco-Analysts and S.W. Cole Engineering.

Comment 3 *– It has become apparent that the two access ways (Curtis Road and Clapboard/Alice connection) are inadequate to serve this development. As indicated in my May 1st letter to Burt Wolf, the Clapboard/Alice connection is an improvement over Curtis Road being the lone access, but it does not address the need of connecting this subdivision with the street network of the neighborhood. Technically two access ways are provided, but due to the proximity of Clapboard/Alice connection to Curtis Road, most cars will use Curtis Road anyway and so this is not an effective way to integrate this subdivision with the surrounding* street *network. There has been a great deal of public comment on this issue.*

In order to resolve this issue we will be recommending to the Planning Board that either A or B is imposed as a condition of approval for this subdivision.

A. *That the applicant acquire land for a right of way to Alice Street, west of Curtis Road that would provide 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, the Clapboard/Alice access would no longer be needed. This new right of way would be constructed as part of the PRP III subdivision improvements.*
B. *The applicant dedicates a street running from Cushing Avenue westerly through Falmouth and connecting to Hope Avenue or another roadway that connects into Alice Street. The dedication shall be in a form acceptable to corporation counsel.*

The applicant will need to stake the central line of the roadway in the field so that the city can be assured that the location of the roadway is feasible. We may require additional engineering information if necessary.

The dedicated roadway should be shown on the subdivision plan so all of the work required for this street dedication needs to be done in advance of the public hearing.

Response – As shown on the Land Holdings plan within Attachment A, a potential access road connecting to Hope Road is shown as part of the future Falmouth development. This would be dedicated in a form acceptable to corporation counsel.

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Response – Please see attached discussion from S.W. Cole Engineering (Attachment B) regarding this issue.

Comment 3 - The Forest Management Plan by Eco-Analyst also provides beneficial recommendations, which should be included as conditions in any approval for the project. Specifically, the subdivision plan should have explicit line notation etc. for the no cut zones, wetland setback areas, shelter wood cuts, large trees to be preserved and building windows. This is so important, as you know what happens when each of the lots is developed by builders not associated with the Developer. There must be specific limits held on a plan in order to allow proper enforcement to take place once construction begins.

Response – The plan has been designed to incorporate the recommendations from Eco-Analysts and the envelopes have been revised as mentioned above (See Attachment B). The building envelopes, as shown on the subdivision plan, require the individual lot developers to build the structure within these envelopes.

Comment 4– The developer should provide evidence of all State level natural permits being obtained prior to the start of construction.

Response – Prior to construction the applicant will be required to obtain a Site Location of Development Act Permits, as well as MDEP Natural Resource Protection Act and Army Corp of Engineers wetland alteration permits.

Comment 5 As we have discussed in the past, it is my recommendation that proposed lots 2, 3, 4 & 5 be combined into only two lots. Current lot layout does not meet the subdivision requirements for sideline orientation and lot configuration. It is my opinion this area would be better developed as only two lots.

Response – While it is agreed that some of the side lot lines for lots 2, 4 and 5 are not at right angles to the street line, it is noted that the lot lines adjacent to the street are at right angles. It is noted that the current configuration of these lots north of Cushing Avenue results in one less lot than was previously approved by the Planning Board in 1989. In reviewing the previously approved plan, it is noted that there is no significant difference in the configuration of the side lot line in question for Lot 2 (i.e. the line abutting Lot 1). The previously approved plan included a short segment of a public street (Pumpkin Knob) in this area with eight lots north of Cushing Avenue. In reconsidering the previously approved lot layout it was noted by the Project Team, that with deletion of Pumpkin Knob, the lots could be minimally reconfigured with the loss of only one lot. In comparing the previously approved lot configuration with the current plan, it is noted that no additional land areas would be "opened up" for development. The only substantive revision is that the length of the driveways accessing the lots is increased, which is offset by the deletion of approximately 400 feet of roadway. In addition to reducing the overall cost of development, the deletion of Pumpkin Knob also reduces the extent of public streets, which ultimately would be accepted and maintained by the City. It also appeared that the configuration of Lots 2, 4 and 5 were consistent with the recently approved Lot 15 of the Auburn Pines Subdivision. It should be noted that in a previous response to comments letter dated April 11, 2000, the Developer requested that the Board consider a request for a waiver under Sec 14-506(a) to allow the configuration of these lots. The previously approved layout for Pumpkin Knob is shown on a plan in Attachment C. If it is the wish of the Board, the applicant will return to the previously approved layout of this area with Pumpkin Knob.

Comment 6 *Foundation drainage is critical, as was identified in the soils report. I did not see any provisions on the plans for each lots foundation drainage and a collection system in the street for the foundation drains. Drains must be provided on all lots. Some lots may allow a surface discharge, however this is not certain until actual preliminary lot grading plans are completed.*

Response – A drainage trends plan is attached and located within Attachment D. The drainage trends plan includes potential drainage patterns and sill elevations, to which the proposed lots could be graded. Each lot will require an individual grading plan, by individual lot developers, to determine the exact drainage requirements, sill elevations and connection to the proposed roadways. This approach was use on the Maggie Lane subdivision and has been successful with respect to providing the planning and inspection departments with individualized lot plans at the time of obtaining a building permit. Also shown on this plan is the revised storm drain system with foundation drain services and foundation drain outlet areas for surface discharge. The storm drain system has been extended to the high points in the roadways for potential connection of foundation drain services. Potential driveway locations are shown on this plan.

Comment 7 *Preliminary lot grading should be provided, as well as all driveway locations. This is critical since we have run into a lot of problems with projects under construction where driveways don't work with the street grade and or location.*

Response – See Response to Comment 6

Comment 8 *The plan and profiles appear to be based on actual centerline survey data, while the subdivision plan shows what appears to be aerial topography. I randomly compared a few centerline grades from the profiles with the aerial topo and found there to be a one to two foot difference in grades. Again this will pose a challenge for some of the lots if/when they are developed. The engineer should provide finish sill elevations based on actual survey data and not the aerial topo.*

Response – See Response to Comment 6

Comment 9 *The Public Works Dept. should provide specific comments on the sanitary sewer layout for both the gravity and pressure sewers. Again looking at the aerial topo contours on some of the lots, I find that some of the lots may not be able to tie into the sewer via gravity when it appears they are intended to. Lots 21, 22, 23 seem to have this problem, assuming a 7'-8" basement and sewer connection which passes beneath the footing at ¼"/ft. out to the street. We have found this to be a problem at other streets currently under construction. The Dept. should also comment on the need for a single collector pump station on the ends of Cushing Avenue and the Brothers road so that all house services would be gravity, rather than to have individual pump stations.*

Response – It is our understanding that the Public Works Department has reviewed the project in regards to the use of gravity and pumps systems for each lot. The utility plans have been revised to include a legend, which depicts whether the lot would be first floor gravity, first floor pump, basement gravity and basement pump. This legend would be based upon the potential sill

elevations of each lot and the locations of the buildings on each lot. There may be lots, which could be either gravity or pump based upon the siting of the house on the lot.

Comment 10 The utility plan should be reviewed by the fire Dept. for proper locations.

Response – It is our understanding that the Planning staff has forwarded copies of submitted information to the fire department for their review.

Comment 11 The culvert under Cushing Avenue should be specified as to size and type. It is noted that the Public Works Dept. typically only uses RCP and PVC pipe.

Response – The culvert has been specified on the attached plans as a 36" RCP pipe. Calculations for the sizing of this culvert are contained within this package as Attachment E

Comment 12 I recommend underdrain be installed throughout all the new streets. Public works should also comment.

Response – The plans have been revised to included underdrain as requested.

Comment 13 The subdivision plan should contain a note for the requirement to provide 6" of topsoil per the Soils Report recommendations.

Response – This will be addressed on the subdivision plan.

Comment 14 The applicant has provided a stormwater report which adequately addresses stormwater quantity control and quality treatment. My most important concern is for the adequate provision for foundation drainage and underdrain.

Response –We are pleased that stormwater quantity and quality have been satisfactorily reviewed. The foundation drains and underdrain issues are discussed above.

Comment 15 The applicant has provided an erosion control report, which outlines the measures to be taken by the developer's contractor. Any conditions of approval should include provisions requiring the Applicant's engineer be retained during construction to provide oversight and involvement for insurance that proper erosion control measures are installed. The conditions should also state that the erosion control provisions and requirements run with the lot developments. What we find is that the Developer's contractor builds the road, and then other building contractors work on each lot and there is no coordination or coverage for erosion control on each lot. A prime example is the tracking of mud onto the street. It is always difficult to get either the street contractor or individual lot builders to take responsibility on clean up of the street. They always point to the other guy for responsibility.

Response –It is the Developers understanding that the inspection fees paid by the Developer to the City prior to the start of construction would include the erosion control measures as they are included in the performance bond. If the City is being paid to provide this service, we question why the Developer should also retain a separate engineer to duplicate these services.

Tony Lombardo's comments dated June 27, 2000

Plans

Comment Sheet 2 *Boundary Map/Subdivision Plan – The applicant needs to identify the abutting landowners as well as labeling all of the connecting streets.*

Response – The abutters and streets have been identified on the plan.

Comment Sheet 3 *Subdivision Plan with Topography – The connecting street system needs to be identified by the applicant. For example, Vail St. connects into an unidentified street.*

Response – The streets have been identified on the plan.

Comment Sheet 4 *Layout Plan & Profile.. Vail Road & Curtis Road – The Vail Road plan view should identify the existing intersecting street.*

Response – The street has been identified on the plan.

Comment Sheet 6 *Layout Plan & Profile.. The Brothers Road – The plan view only specifies sidewalk on the easterly side of the road. Public Works is requesting the applicant continue the sidewalk around the cul-de-sac and connect with the Cushing Road sidewalk.*

Response – It should be noted that the applicant has requested a waiver relative to this issue. Refer to our letter dated January 10, 2000 for a discussion relative to this walk.

Comment Sheet 7 *Utility Plan & Profile.. Vail Road – A proposed sewer main extending from SMH1 crosses the Curtis Road Pump Station property, southerly. A sewer easement should be specified for this crossing.*

Response – Whereas the ownership for the proposed sewer system will eventually be taken over by the City, and the City owns the pump station, it is our assumption that an easement would not be required.

General

Comment 1 *The plans do not specify any driveway openings. Will the applicant/developer build driveway openings?*

Response – As discussed above, potential driveway locations are shown on the plan contained within Attachment D.

Comment 2 *The application indicates the developer plans only to build the roads and infrastructure and not the lots. This causes several concerns for Public Works. Does the applicant plan to install all proposed curb? Without specifying driveway openings, the installation of*

tipdown curb will need to be installed at a later date, causing a new street to be excavated for purposes of installing curb and building driveways. The applicant needs to make clear to what degree of completion he plans to build the roads. Certainly the integrity of any new pavement surface and new curb is threatened during the construction of homes.

Response – It is the applicants intention that the roadway be maintained by the applicant at base course level without curbing through one winter to allow a portion of the lots to be developed. It is the applicants desire to have at least half of the lots developed prior to installation of final course pavement and curbing. Driveway openings and aprons will be constructed at the expense of the applicant on any lots that are not developed at the time of final paving and prior to acceptance of the road by the City.

Comment 3 *The applicant proposed some gravity sewer and some force main sewer. However, without specifying building locations and proposed sill elevations, it is not clear actually how many proposed lots will need to be served by the proposed force main sewer or gravity sewer.*

Response – See response 6 to Steve Bushey's comments.

Comment 4 *The necessity of a conceptual grading plan for homesites is evident when determining which proposed lots will require drainage easements.*

Response – See response 6 to Steve Bushey's comments.

Gorrill-Palmer Consulting Engineers, Inc. appreciates the opportunity to respond to these comments and look forward to your review. Should you have any questions or require any additional information please contact this office.

Sincerely,

Gorrill-Palmer Consulting Engineers, Inc.

Alton M. Palmer, P.E.
Vice President

Copy: Mr. Bob Adam
Mr. Burt Wolf
Mr. Terry Snow, Esq.
AMP/aw/JN98089/Knowlandresponse6-19-00

ATTACHMENT C

From: "Steve Bushey" <srbushey@maine.rr.com>
To: "Rick Knowland" <RWK@ci.portland.me.us>
Date: Thu, Aug 10, 2000 8:49 AM
Subject: PRP III

Rick,

I have given a cursory review of the latest submission for Presumpscot River Place III dated July 20, 2000 and provide the following comments:

1. The Applicant is continuing to show a lot layout consisting of lots 1-7 along the northeast side of Cushing Avenue. I continue to recommend the lot configuration be reduced to 4 lots along this section due to the excessive driveway lengths, slope constraints, lot constructability etc. as well as the lot lines not being in conformance with the subdivision regulations.

2. The Portland Water district should provide a review of the plans for all layout and design of the water distribution system.

3. The Public Works dept. should provide a review of the proposed sanitary sewer system. I note , that in the unlikely event that all the new homes were to have basements with sanitary facilities in them, then pratically every home will require an individual pump. As it is, many of the homes, i.e. all of The Brothers road, will require individual pump stations. The Public Works department should assess the need for local pump stations at the end of each street, so that all homes can have gravity sewer service to the street.

4. I would like to review any conditions of approval that may be put together prior to any action taken by the Board.

5. Perhaps I am missing a plan, but I do not seem to have a plan that clearly identifies all allowable clearing limits, buffer areas, trees to remain etc. If drawing #3 is intended to serve this purpose, then I do not think it is sufficiently prepared to show these items.

6. I will continue to review the plans and will provide you any further comments as they may arise.

If you have any questions please call.

Steve Bushey Acting development review Coordinator.

CITY OF PORTLAND, MAINE
MEMORANDUM

TO: Chair Caron and Members of the Planning Board

FROM: Richard Knowland, Senior Planner

DATE: August 22, 2000

RE: Presumpscot River Place III Subdivision

A workshop has been scheduled to discuss the 27 lot Presumpscot River Place residential subdivision. The applicant has submitted a new packet of information that is attached. The cover letter includes responses to earlier Planning Board and staff comments. Also attached is a copy of the last workshop memo.

Perhaps the most significant submission is a map that shows the applicant's entire landholdings in Portland and Falmouth. The basic plan has not changed much since the last workshop. The building envelopes of lots 13, 14 and 16 were slightly reduced. We asked that consultant recommendations and/ or discrepancies in the earlier submission be addressed on the plan. Responses were provided on these issues. This is a large subdivision with obvious topographic and soil constraints that pose numerous design and engineering challenges. The land features are not typical of most subdivisions.

Assuming that detailed technical issues can be addressed in the final subdivision plan, there are two fundamental issues posed by the plan: (1) how this development fits in the context of the "big picture" for this area; and (2) lot layout and development on steep slopes.

Land holdings plan

As requested by the Planning Board, an area plan depicting the applicant's past and present subdivision plans in Portland and Falmouth has been submitted. It also includes vacant land with conceptual lot layouts. This should give the Board a perspective on the "big picture" and how this subdivision fits in with the existing and future development in the area.

A critical element of the big picture is circulation. We have discussed in previous memos, the importance of multiple street connections so as to fully integrate the development into the existing street network, as well as consideration of the circulation needs for adjacent vacant land. (Portland Transportation Plan)

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through Falmouth to Hope Lane in Portland. Presumably, this access would be available when development occurs in Falmouth.

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ATTACHMENT A-1

GP Gorrill-Palmer Consulting Engineers, Inc.
Traffic and Civil Engineering Services

PO Box 1237
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July 20, 2000

Rick Knowland
Portland Planning Department
City of Portland
389 Congress Street
Portland, ME 04101-3503

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Response – The plan has been designed to incorporate the recommendations as noted in the S.W. Cole High Intensity Soil Survey.

Comment 2 - *The soils survey and wetland boundaries do not match, specifically in reference to the hydric soil limits. The wetland scientist apparently has provided a letter suggesting that the some areas mapped as the hydric soils are actually "made land." This representation is not made at all in the soils report by S.W. Cole. In fact, the S.W. Cole report says little about previous site disturbance for the extraction of gravel as is suggested by the wetland scientist. As with previous projects which have possible wetland limitations, it may be beneficial that a peer review be made for the wetland delineation. The plans also do not show wetlands in the ravines, which seems odd.*

Response – Please see attached discussion from S.W. Cole Engineering (Attachment B) regarding this issue.

Comment 3 - The Forest Management Plan by Eco-Analyst also provides beneficial recommendations, which should be included as conditions in any approval for the project. Specifically, the subdivision plan should have explicit line notation etc. for the no cut zones, wetland setback areas, shelter wood cuts, large trees to be preserved and building windows. This is so important, as you know what happens when each of the lots is developed by builders not associated with the Developer. There must be specific limits held on a plan in order to allow proper enforcement to take place once construction begins.

Response – The plan has been designed to incorporate the recommendations from Eco-Analysts and the envelopes have been revised as mentioned above (See Attachment B). The building envelopes, as shown on the subdivision plan, require the individual lot developers to build the structure within these envelopes.

Comment 4– The developer should provide evidence of all State level natural permits being obtained prior to the start of construction.

Response – Prior to construction the applicant will be required to obtain a Site Location of Development Act Permits, as well as MDEP Natural Resource Protection Act and Army Corp of Engineers wetland alteration permits.

Comment 5 As we have discussed in the past, it is my recommendation that proposed lots 2, 3, 4 & 5 be combined into only two lots. Current lot layout does not meet the subdivision requirements for sideline orientation and lot configuration. It is my opinion this area would be better developed as only two lots.

Response – While it is agreed that some of the side lot lines for lots 2, 4 and 5 are not at right angles to the street line, it is noted that the lot lines adjacent to the street are at right angles. It is noted that the current configuration of these lots north of Cushing Avenue results in one less lot than was previously approved by the Planning Board in 1989. In reviewing the previously approved plan, it is noted that there is no significant difference in the configuration of the side lot line in question for Lot 2 (i.e. the line abutting Lot 1). The previously approved plan included a short segment of a public street (Pumpkin Knob) in this area with eight lots north of Cushing Avenue. In reconsidering the previously approved lot layout it was noted by the Project Team, that with deletion of Pumpkin Knob, the lots could be minimally reconfigured with the loss of only one lot. In comparing the previously approved lot configuration with the current plan, it is noted that no additional land areas would be "opened up" for development. The only substantive revision is that the length of the driveways accessing the lots is increased, which is offset by the deletion of approximately 400 feet of roadway. In addition to reducing the overall cost of development, the deletion of Pumpkin Knob also reduces the extent of public streets, which ultimately would be accepted and maintained by the City. It also appeared that the configuration of Lots 2, 4 and 5 were consistent with the recently approved Lot 15 of the Auburn Pines Subdivision. It should be noted that in a previous response to comments letter dated April 11, 2000, the Developer requested that the Board consider a request for a waiver under Sec 14-506(a) to allow the configuration of these lots. The previously approved layout for Pumpkin Knob is shown on a plan in Attachment C. If it is the wish of the Board, the applicant will return to the previously approved layout of this area with Pumpkin Knob.

Comment 6 Foundation drainage is critical, as was identified in the soils report. I did not see any provisions on the plans for each lots foundation drainage and a collection system in the street for the foundation drains. Drains must be provided on all lots. Some lots may allow a surface discharge, however this is not certain until actual preliminary lot grading plans are completed.

Response – A drainage trends plan is attached and located within Attachment D. The drainage trends plan includes potential drainage patterns and sill elevations, to which the proposed lots could be graded. Each lot will require an individual grading plan, by individual lot developers, to determine the exact drainage requirements, sill elevations and connection to the proposed roadways. This approach was use on the Maggie Lane subdivision and has been successful with respect to providing the planning and inspection departments with individualized lot plans at the time of obtaining a building permit. Also shown on this plan is the revised storm drain system with foundation drain services and foundation drain outlet areas for surface discharge. The storm drain system has been extended to the high points in the roadways for potential connection of foundation drain services. Potential driveway locations are shown on this plan.

Comment 7 Preliminary lot grading should be provided, as well as all driveway locations. This is critical since we have run into a lot of problems with projects under construction where driveways don't work with the street grade and or location.

Response – See Response to Comment 6

Comment 8 The plan and profiles appear to be based on actual centerline survey data, while the subdivision plan shows what appears to be aerial topography. I randomly compared a few centerline grades from the profiles with the aerial topo and found there to be a one to two foot difference in grades. Again this will pose a challenge for some of the lots if/when they are developed. The engineer should provide finish sill elevations based on actual survey data and not the aerial topo.

Response – See Response to Comment 6

Comment 9 The Public Works Dept. should provide specific comments on the sanitary sewer layout for both the gravity and pressure sewers. Again looking at the aerial topo contours on some of the lots, I find that some of the lots may not be able to tie into the sewer via gravity when it appears they are intended to. Lots 21, 22, 23 seem to have this problem, assuming a 7'-8" basement and sewer connection which passes beneath the footing at ¼"/ft. out to the street. We have found this to be a problem at other streets currently under construction. The Dept. should also comment on the need for a single collector pump station on the ends of Cushing Avenue and the Brothers road so that all house services would be gravity, rather than to have individual pump stations.

Response – It is our understanding that the Public Works Department has reviewed the project in regards to the use of gravity and pumps systems for each lot. The utility plans have been revised to include a legend, which depicts whether the lot would be first floor gravity, first floor pump, basement gravity and basement pump. This legend would be based upon the potential sill

elevations of each lot and the locations of the buildings on each lot. There may be lots, which could be either gravity or pump based upon the siting of the house on the lot.

Comment 10 The utility plan should be reviewed by the fire Dept. for proper locations.

Response – It is our understanding that the Planning staff has forwarded copies of submitted information to the fire department for their review.

Comment 11 The culvert under Cushing Avenue should be specified as to size and type. It is noted that the Public Works Dept. typically only uses RCP and PVC pipe.

Response – The culvert has been specified on the attached plans as a 36" RCP pipe. Calculations for the sizing of this culvert are contained within this package as Attachment E

Comment 12 I recommend underdrain be installed throughout all the new streets. Public works should also comment.

Response – The plans have been revised to included underdrain as requested.

Comment 13 The subdivision plan should contain a note for the requirement to provide 6" of topsoil per the Soils Report recommendations.

Response – This will be addressed on the subdivision plan.

Comment 14 The applicant has provided a stormwater report which adequately addresses stormwater quantity control and quality treatment. My most important concern is for the adequate provision for foundation drainage and underdrain.

Response –We are pleased that stormwater quantity and quality have been satisfactorily reviewed. The foundation drains and underdrain issues are discussed above.

Comment 15 The applicant has provided an erosion control report, which outlines the measures to be taken by the developer's contractor. Any conditions of approval should include provisions requiring the Applicant's engineer be retained during construction to provide oversight and involvement for insurance that proper erosion control measures are installed. The conditions should also state that the erosion control provisions and requirements run with the lot developments. What we find is that the Developer's contractor builds the road, and then other building contractors work on each lot and there is no coordination or coverage for erosion control on each lot. A prime example is the tracking of mud onto the street. It is always difficult to get either the street contractor or individual lot builders to take responsibility on clean up of the street. They always point to the other guy for responsibility.

Response –It is the Developers understanding that the inspection fees paid by the Developer to the City prior to the start of construction would include the erosion control measures as they are included in the performance bond. If the City is being paid to provide this service, we question why the Developer should also retain a separate engineer to duplicate these services.

Tony Lombardo's comments dated June 27, 2000

Plans

Comment Sheet 2 Boundary Map/Subdivision Plan – The applicant needs to identify the abutting landowners as well as labeling all of the connecting streets.

Response – The abutters and streets have been identified on the plan.

Comment Sheet 3 Subdivision Plan with Topography – The connecting street system needs to be identified by the applicant. For example, Vail St. connects into an unidentified street.

Response – The streets have been identified on the plan.

Comment Sheet 4 Layout Plan & Profile.. Vail Road & Curtis Road – The Vail Road plan view should identify the existing intersecting street.

Response – The street has been identified on the plan.

Comment Sheet 6 Layout Plan & Profile.. The Brothers Road – The plan view only specifies sidewalk on the easterly side of the road. Public Works is requesting the applicant continue the sidewalk around the cul-de-sac and connect with the Cushing Road sidewalk.

Response – It should be noted that the applicant has requested a waiver relative to this issue. Refer to our letter dated January 10, 2000 for a discussion relative to this walk.

Comment Sheet 7 Utility Plan & Profile.. Vail Road – A proposed sewer main extending from SMH1 crosses the Curtis Road Pump Station property, southerly. A sewer easement should be specified for this crossing.

Response – Whereas the ownership for the proposed sewer system will eventually be taken over by the City, and the City owns the pump station, it is our assumption that an easement would not be required.

General

Comment 1 The plans do not specify any driveway openings. Will the applicant/developer build driveway openings?

Response – As discussed above, potential driveway locations are shown on the plan contained within Attachment D.

Comment 2 The application indicates the developer plans only to build the roads and infrastructure and not the lots. This causes several concerns for Public Works. Does the applicant plan to install all proposed curb? Without specifying driveway openings, the installation of

tipdown curb will need to be installed at a later date, causing a new street to be excavated for purposes of installing curb and building driveways. The applicant needs to make clear to what degree of completion he plans to build the roads. Certainly the integrity of any new pavement surface and new curb is threatened during the construction of homes.

Response – It is the applicants intention that the roadway be maintained by the applicant at base course level without curbing through one winter to allow a portion of the lots to be developed. It is the applicants desire to have at least half of the lots developed prior to installation of final course pavement and curbing. Driveway openings and aprons will be constructed at the expense of the applicant on any lots that are not developed at the time of final paving and prior to acceptance of the road by the City.

Comment 3 *The applicant proposed some gravity sewer and some force main sewer. However, without specifying building locations and proposed sill elevations, it is not clear actually how many proposed lots will need to be served by the proposed force main sewer or gravity sewer.*

Response – See response 6 to Steve Bushey's comments.

Comment 4 *The necessity of a conceptual grading plan for homesites is evident when determining which proposed lots will require drainage easements.*

Response – See response 6 to Steve Bushey's comments.

Gorrill-Palmer Consulting Engineers, Inc. appreciates the opportunity to respond to these comments and look forward to your review. Should you have any questions or require any additional information please contact this office.

Sincerely,

Gorrill-Palmer Consulting Engineers, Inc.

Douglas E. Bacon for

Alton M. Palmer, P.E.
Vice President

Copy: Mr. Bob Adam
Mr. Burt Wolf
Mr. Terry Snow, Esq.
AMP/aw/JN98089/Knowlandresponse6-19-00

ATTACHMENT C

Site Plan Review

From: "Steve Bushey" <srbushey@maine.rr.com>
To: "Rick Knowland" <RWK@ci.portland.me.us>
Date: Thu, Aug 10, 2000 8:49 AM
Subject: PRP III

Rick,

I have given a cursory review of the latest submission for Presumpscot River Place III dated July 20, 2000 and provide the following comments:

1. The Applicant is continuing to show a lot layout consisting of lots 1-7 along the northeast side of Cushing Avenue. I continue to recommend the lot configuration be reduced to 4 lots along this section due to the excessive driveway lengths, slope constraints, lot constructability etc. as well as the lot lines not being in conformance with the subdivision regulations.

2. The Portland Water district should provide a review of the plans for all layout and design of the water distribution system.

3. The Public Works dept. should provide a review of the proposed sanitary sewer system. I note , that in the unlikely event that all the new homes were to have basements with sanitary facilities in them, then pratically every home will require an individual pump. As it is, many of the homes, i.e. all of The Brothers road, will require individual pump stations. The Public Works department should assess the need for local pump stations at the end of each street, so that all homes can have gravity sewer service to the street.

4. I would like to review any conditions of approval that may be put together prior to any action taken by the Board.

5. Perhaps I am missing a plan, but I do not seem to have a plan that clearly identifies all allowable clearing limits, buffer areas, trees to remain etc. If drawing #3 is intended to serve this purpose, then I do not think it is sufficiently prepared to show these items.

6. I will continue to review the plans and will provide you any further comments as they may arise.

If you have any questions please call.

Steve Bushey Acting development review Coordinator.

PHOTO 1: Alice Street residence.

PHOTO 2: Lots 24 and 22 Auburn Pines.

DH

SITE PHOTOGRAPHS
Portland, Maine

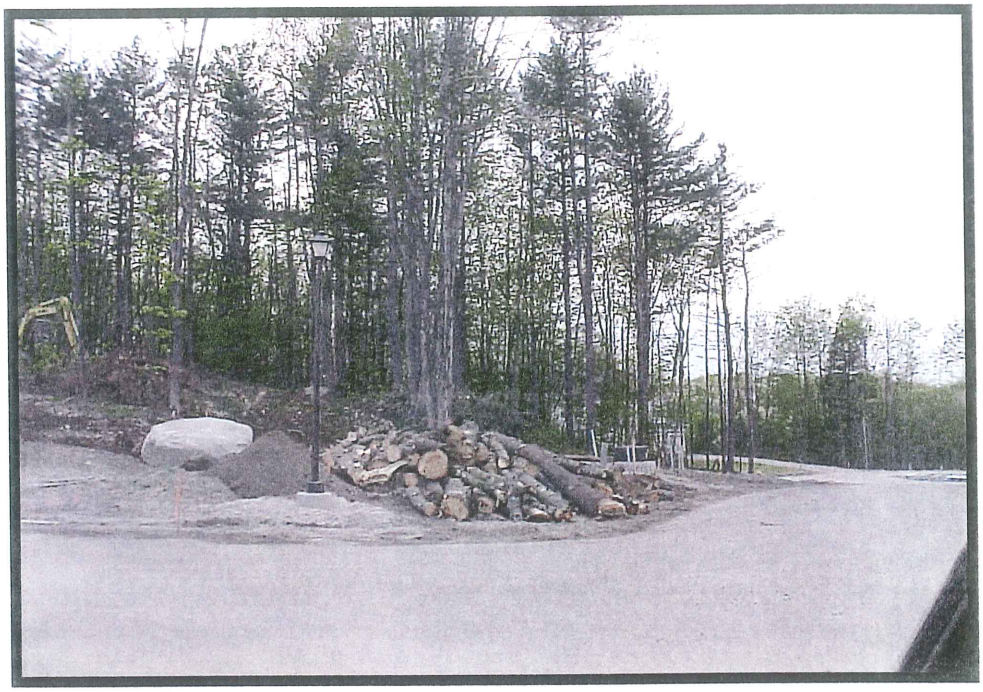

PHOTO 3: Lot 21 Auburn Pines.

PHOTO 4: 154 Beverly Street.

DH

SITE PHOTOGRAPHS
Portland, Maine

PHOTO 5: 155 Beverly Street.

PHOTO 6: 155 Beverly Street.

DH

SITE PHOTOGRAPHS
Portland, Maine

PHOTO 7: Oceanwood

PHOTO 8: Pheasant Hill Drive

DH

SITE PHOTOGRAPHS
Portland, Maine

PHOTO 9: Beverly Street

PHOTO 10: Beverly Street

DH

SITE PHOTOGRAPHS
Portland, Maine

PHOTO 1: Alice Street residence.

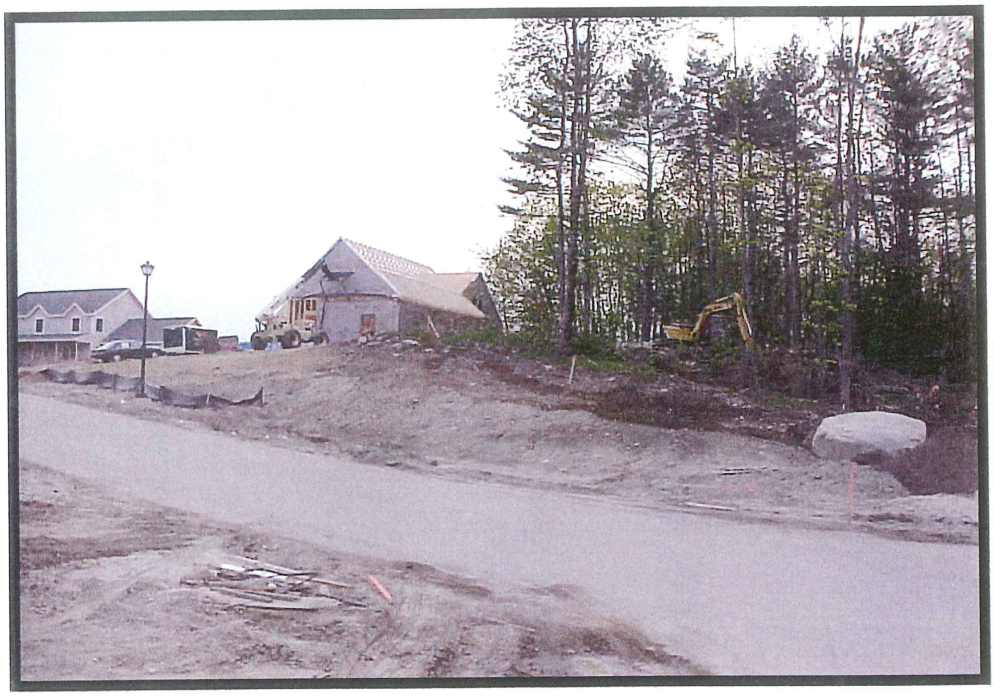

PHOTO 2: Lots 24 and 22 Auburn Pines.

DH

SITE PHOTOGRAPHS
Portland, Maine

Planning & Urban Development

Joseph E. Gray Jr.
Director

CITY OF PORTLAND

September 28, 1999

Burt Wolf
Diversified Properties
P O Box 10127
Portland ME 04104

Dear Burt:

Staff has reviewed your submitted conceptual plan for land off Curtis Road and offers the following comments:

1. The plan is difficult to review. As I mentioned previously, the plan should show adjacent streets and development so we can better understand the context of the development. This basic information is needed to provide any meaningful comments on the plan.

2. A number of the lots are on very steep slopes. How are these slopes going to be protected? We would recommend that building envelopes be planned for these lots so that the optimum location for building can be determined to avoid problems of slope stability, erosion, and sedimentation control.

3. How is tree clearance going to be addressed in the shoreland area and the steep slopes. A detailed plan was developed before; is that still going to be used?

4. Please refer to sec. 14-497 of the subdivision ordinance that outlines the submission requirement.

5. You will need to formally submit a subdivision application with the Building Inspections office. The fee is $25 per lot.

6. A traffic report should be submitted. Please contact Larry Ash on the specific information that will be needed.

7. Location of major drainage swales.

8. Show the 75-foot building setback from the shoreland edge.

9. Will the roadways have granite curb and sidewalks on both sides of the street?

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10. Previously we discussed the opportunity for a trail along the Presumpscot River. I'll be in touch with Portland Trails concerning Presumpscot River trail plans.

In order to have a productive workshop we will need more information so that the Board can provide you with more meaningful comments. Before we finalize your first workshop date, more information needs to be submitted. Please call me if you have any questions on this letter.

Sincerely,

Richard Knowland
Senior Planner

cc: Joseph E. Gray, Jr., Director of Planning and Urban Development
Alexander Jaegerman, Chief Planner
S. Bushey, DeLuca-Hoffman
Anthony Lombardo, Public Works

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Planning & Urban Development

Joseph E. Gray Jr.
Director

CITY OF PORTLAND

May 1, 2000

Burt Wolf
Diversified Properties
P O Box 10127
Portland, ME 04104

RE: Presumpscot River Place

Dear Burt,

Attached is a summary of resident comments at the February 29th and April 10th neighborhood meetings. This summary was not intended to be detailed minutes of the meeting rather a highlight of issues that were raised at the meeting. I have also included letters and e-mails which we have received since the last Planning Board workshop.

A common theme in many of their comments is the need for a second means of access. While the Clapboard/Alice connection is an improvement over Curtis Road being the lone access, it also means that many vehicles will use Curtis Road and we will still end up with a superblock extended along Cushing Avenue. I realize you do not control properties along Alice Street, but I would strongly suggest that you consider acquiring such land for a more direct access point to Pamela Road, Crest View Drive, Carter Street or Caron Street. This has been a major issue mentioned by residents so it should be seriously considered. Also, if you are going to need a waiver from the maximum 800 foot block standard of the subdivision ordinance, it is an indication that you should be looking at a variety of circulation options.

Should you have any questions on this letter please call me.

Sincerely,

Richard Knowland

Richard Knowland, Senior Planner

cc: Joseph E. Gray, Jr., Director of Planning and Urban Development
Alexander Jaegerman, Chief Planner
Larry Ash, Traffic Engineer
Penny Littell, Associate Corporation Counsel
Al Palmer, Gorrill-Palmer, P. O. Box 1237, 31 Main St, Gray, Maine 04036

Planning & Urban Development

Joseph E. Gray Jr.
Director

CITY OF PORTLAND

January 27, 2000

Al Palmer
Gorrill-Palmer
P.O. Box 1237
31 Main Street
Gray, ME 04039

RE: Presumpscot River Place III

Dear Al:

This memo is intended to provide updated staff comments on the Presumpscot River Place II Subdivision.

- The revised subdivision plan does not have the lot numbers so it is difficult to follow the narrative. Please also add the adjacent municipal lines.

- Please confirm the source and methodology of the topography shown on the plan. Have you independently confirmed the accuracy? Accurate topography is critical in planning appropriate building envelopes.

- Are the building envelopes limits on where the houses are built or do they include tree clearance and regrading?

- Please provide documentation on whether the development meets Sec. 14-497(8).

  Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the department of inland fisheries and wildlife or by the city, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.

  In order to properly address this standard, I believe you should have some type of environmental assessment prepared addressing the specific elements of the standard.

- Please confirm whether this subdivision qualifies for jurisdiction under the site location law by itself or in combination with Presumpscot River Place I and II.

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- For lots north of Cushing Avenue, I would suggest that the slopes be categorized (in percentage terms) so that the Planning Board can understand the relative steepness of the topography. Perhaps slope percentages could be color coded in categories on a plan.

  I would suggest that the slopes be categorized as 0 to 8%; greater than 8% to 15%; greater than 15%.

- All wetlands should be delineated on the plan. Show the delineation of wetland boundaries and the source of the delineation. Also will the development require wetland permits? If so how much filling will be required?

- What are your plans for water quality treatment given its proximity to streams and the Presumpscot River? It may make sense to have a central treatment area for the development before the water heads into the river.

- See also previous staff memo. Our comments to date are based on a conceptual plan. Obviously we will have more comments as the plan evolves into a complete plan.

Should you have any questions on this letter please call me.

Sincerely,

Richard Knowland
Senior Planner

cc: Joseph E. Gray, Jr., Director of Planning and Urban Development
Alexander Jaegerman, Chief Planner
Steve Bushey, Development Review Coordinator
Marge Schmuckal, Zoning Administrator
Anthony Lombardo, Project Engineer

Planning & Urban Development

Joseph E. Gray Jr.
Director

CITY OF PORTLAND

January 27, 2000

Al Palmer
Gorrill-Palmer
P.O. Box 1237
31 Main Street
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Richard Knowland

Richard Knowland
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City of Portland
Planning Department

389 Congress Street, 4th Floor
Portland, ME 04101
207-874-8721 or 207-874-8719
Fax: 207-756-8258

FAX TRANSMISSION COVER SHEET

Date: 5-30-00

To: AL PALMER

Company:

Fax #: 657-6912

From: R. KNOWLTON

RE: ATTACHED IN THE PRP SOAK MEMO MINUS ATTACHMENTS. PRP IS 2ND ON THE AGENDA

YOU SHOULD RECEIVE _____ PAGE(S),
INLUDING THIS COVER SHEET.
IF YOU DO NOT RECEIVE ALL THE PAGES,
PLEASE CALL 207-874-8721 OR 207-874-8719.

(7) Will not cause an unreasonable burden on the ability of the city to dispose of solid waste and sewage if municipal services are to be utilized;

(8) Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the department of inland fisheries and wildlife or by the city, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline. For subdivisions within historic districts designated pursuant to article IX of this chapter, the planning board shall apply the standards of section 14-651(3) of article IX. The planning board may request that the historic preservation committee prepare an evaluation of the proposed subdivision based upon the standards of section 14-651(3);

(9) Is in conformance with the land development plan or its successor;

(10) The subdivider has adequate financial and technical capacity to meet the standards of this section;

(11) Whenever situated, in whole or in part, within the watershed of any pond or lake or within two hundred fifty (250) feet of any wetland, great pond or river as defined in Title 38, chapter 3, subchapter I, article 2-B, will not adversely affect the quality of such body of water or unreasonably affect the shoreline of such body of water;

(12) Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater;

(13) Is or is not in a flood-prone area, based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant. If the subdivision, or any part of it, is in such an area, the subdivider shall determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one (1) foot above the 100-year flood elevation;

(14) All potential wetlands within the proposed subdivision shall be identified on any maps submitted as part of the application, regardless of the size of those wetlands. Any mapping of wetlands may be done with the help of the local soil and water conservation district; and

(15) Any river, stream or brook within or abutting the proposed subdivision shall be identified on any maps submitted as part of the application. For purposes of this section, "river, stream or brook" has the same meaning as in Title 38 M.R.S.A. Section 480-B, subsection 9.

(b) *Burden of proof.* In all instances the burden of proof shall rest upon the person proposing the subdivision.

(c) *Conformity with Code.* Any proposed subdivision shall be in conformity with all relevant provisions of this Code.

(d) *Reserved.*

(4) *Vacation of plats.* Any such plat recorded, or any portion thereof, may be vacated with the consent of the city council as follows:

a. At any time before the sale of any lot therein, by written instrument, signed by the city and the owners of such subdivision, declaring the same to be vacated and describing therein the part or portion to be so vacated.

b. At any time after the sale of any lot therein and by written instrument, signed by the city and all owners of record of lots shown on the plat, declaring the same to be vacated and describing therein the part or portion to be so vacated.

Any instrument so executed vacating all or a portion of any plat shall be duly filed and recorded in the county registry of deeds. The execution and recording of the instrument described in subsection (4)b. above shall vest fee simple title to the centerline of the street, alley or easement for public passage so vacated in the owners of abutting properties. Title to property located within the vacated streets, alleys or easements for public passage shall pass to abutting property owners free and clear of any rights of the public or other owners of lots shown in the plan, but subject to the rights of the owners of any public utility installations which have been previously erected therein.

(Code 1968, § 603.7; Ord. No. 158-68, § 10, 5-6-68; Ord. No. 149-79, 6-6-79; Ord. No. 127-87, §§ 5, [12], 2-18-87; Ord. No. 95-88, §§ 1, 2, 7-19-88; Ord. No. 155-89, § 5, 11-20-89; Ord. No. 177-93, §§ 1, 2, 1-4-93; Ord. No. 165-97, 1-6-97)

Editor's note—Ord. No. 95-88, adopted July 19, 1988, amended subsections (2) and (3) of this section to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 95-88.

Sec. 14-497. General requirements. SUBDIVISION REVIEW STANDARDS

(a) *Review criteria.* When reviewing any subdivision for approval, the planning board shall consider, among others, the following review criteria and before granting approval shall determine that the proposed subdivision:

(1) Will not result in undue water or air pollution. In making this determination it shall at least consider the elevation of land above sea level and its relation to the flood plains, the nature of soils and subsoils and their ability to adequately support waste disposal; the slope of the land and its effect on effluents; the availability of streams for disposal of effluents; the conformity to the applicable state and local health and water resources regulations;

(2) Has sufficient water available for the reasonably foreseeable needs of the subdivision;

(3) Will not cause unreasonable burden on an existing water supply;

(4) Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;

(5) Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highway or public roads existing or proposed;

(6) Will provide for adequate sanitary waste and storm water disposal and will not cause an unreasonable burden on municipal services if they are utilized;

Planning & Urban Development

Joseph E. Gray Jr.
Director

CITY OF PORTLAND

September 28, 1999

Burt Wolf
Diversified Properties
P O Box 10127
Portland ME 04104

Dear Burt:

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1. The plan is difficult to review. As I mentioned previously, the plan should show adjacent streets and development so we can better understand the context of the development. This basic information is needed to provide any meaningful comments on the plan.

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3. How is tree clearance going to be addressed in the shoreland area and the steep slopes. A detailed plan was developed before; is that still going to be used?

4. Please refer to sec. 14-497 of the subdivision ordinance that outlines the submission requirement.

5. You will need to formally submit a subdivision application with the Building Inspections office. The fee is $25 per lot.

6. A traffic report should be submitted. Please contact Larry Ash on the specific information that will be needed.

7. Location of major drainage swales.

8. Show the 75-foot building setback from the shoreland edge.

9. Will the roadways have granite curb and sidewalks on both sides of the street?

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10. Previously we discussed the opportunity for a trail along the Presumpscot River. I'll be in touch with Portland Trails concerning Presumpscot River trail plans.

In order to have a productive workshop we will need more information so that the Board can provide you with more meaningful comments. Before we finalize your first workshop date, more information needs to be submitted. Please call me if you have any questions on this letter.

Sincerely,

Richard Knowland
Senior Planner

cc: Joseph E. Gray, Jr., Director of Planning and Urban Development
Alexander Jaegerman, Chief Planner
S. Bushey, DeLuca-Hoffman
Anthony Lombardo, Public Works

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Planning & Urban Development

Joseph E. Gray Jr.
Director

CITY OF PORTLAND

January 27, 2000

Al Palmer
Gorrill-Palmer
P.O. Box 1237
31 Main Street
Gray, ME 04039

RE: Presumpscot River Place III

Dear Al:

This memo is intended to provide updated staff comments on the Presumpscot River Place II Subdivision.

- The revised subdivision plan does not have the lot numbers so it is difficult to follow the narrative. Please also add the adjacent municipal lines.

- Please confirm the source and methodology of the topography shown on the plan. Have you independently confirmed the accuracy? Accurate topography is critical in planning appropriate building envelopes.

- Are the building envelopes limits on where the houses are built or do they include tree clearance and regrading?

- Please provide documentation on whether the development meets Sec. 14-497(8).

  Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the department of inland fisheries and wildlife or by the city, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.

  In order to properly address this standard, I believe you should have some type of environmental assessment prepared addressing the specific elements of the standard.

- Please confirm whether this subdivision qualifies for jurisdiction under the site location law by itself or in combination with Presumpscot River Place I and II.

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- For lots north of Cushing Avenue, I would suggest that the slopes be categorized (in percentage terms) so that the Planning Board can understand the relative steepness of the topography. Perhaps slope percentages could be color coded in categories on a plan.

  I would suggest that the slopes be categorized as 0 to 8%; greater than 8% to 15%; greater than 15%.

- All wetlands should be delineated on the plan. Show the delineation of wetland boundaries and the source of the delineation. Also will the development require wetland permits? If so how much filling will be required?

- What are your plans for water quality treatment given its proximity to streams and the Presumpscot River? It may make sense to have a central treatment area for the development before the water heads into the river.

- See also previous staff memo. Our comments to date are based on a conceptual plan. Obviously we will have more comments as the plan evolves into a complete plan.

Should you have any questions on this letter please call me.

Sincerely,

Richard Knowland

Richard Knowland
Senior Planner

cc: Joseph E. Gray, Jr., Director of Planning and Urban Development
Alexander Jaegerman, Chief Planner
Steve Bushey, Development Review Coordinator
Marge Schmuckal, Zoning Administrator
Anthony Lombardo, Project Engineer

O:\PLAN\DEVREVW\CURTIS\LETTERS\PALMER.JMD

(7) Will not cause an unreasonable burden on the ability of the city to dispose of solid waste and sewage if municipal services are to be utilized;

(8) Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the department of inland fisheries and wildlife or by the city, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline. For subdivisions within historic districts designated pursuant to article IX of this chapter, the planning board shall apply the standards of section 14-651(3) of article IX. The planning board may request that the historic preservation committee prepare an evaluation of the proposed subdivision based upon the standards of section 14-651(3);

(9) Is in conformance with the land development plan or its successor;

(10) The subdivider has adequate financial and technical capacity to meet the standards of this section;

(11) Whenever situated, in whole or in part, within the watershed of any pond or lake or within two hundred fifty (250) feet of any wetland, great pond or river as defined in Title 38, chapter 3, subchapter I, article 2-B, will not adversely affect the quality of such body of water or unreasonably affect the shoreline of such body of water;

(12) Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater;

(13) Is or is not in a flood-prone area, based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant. If the subdivision, or any part of it, is in such an area, the subdivider shall determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one (1) foot above the 100-year flood elevation;

(14) All potential wetlands within the proposed subdivision shall be identified on any maps submitted as part of the application, regardless of the size of those wetlands. Any mapping of wetlands may be done with the help of the local soil and water conservation district; and

(15) Any river, stream or brook within or abutting the proposed subdivision shall be identified on any maps submitted as part of the application. For purposes of this section, "river, stream or brook" has the same meaning as in Title 38 M.R.S.A. Section 480-B, subsection 9.

(b) *Burden of proof.* In all instances the burden of proof shall rest upon the person proposing the subdivision.

(c) *Conformity with Code.* Any proposed subdivision shall be in conformity with all relevant provisions of this Code.

(d) *Reserved.*

(4) *Vacation of plats.* Any such plat recorded, or any portion thereof, may be vacated with the consent of the city council as follows:

a. At any time before the sale of any lot therein, by written instrument, signed by the city and the owners of such subdivision, declaring the same to be vacated and describing therein the part or portion to be so vacated.

b. At any time after the sale of any lot therein and by written instrument, signed by the city and all owners of record of lots shown on the plat, declaring the same to be vacated and describing therein the part or portion to be so vacated.

Any instrument so executed vacating all or a portion of any plat shall be duly filed and recorded in the county registry of deeds. The execution and recording of the instrument described in subsection (4)b. above shall vest fee simple title to the centerline of the street, alley or easement for public passage so vacated in the owners of abutting properties. Title to property located within the vacated streets, alleys or easements for public passage shall pass to abutting property owners free and clear of any rights of the public or other owners of lots shown in the plan, but subject to the rights of the owners of any public utility installations which have been previously erected therein.

(Code 1968, § 603.7; Ord. No. 158-68, § 10, 5-6-68; Ord. No. 149-79, 6-6-79; Ord. No. 127-87, §§ 5, [12], 2-18-87; Ord. No. 95-88, §§ 1, 2, 7-19-88; Ord. No. 155-89, § 5, 11-20-89; Ord. No. 177-93, §§ 1, 2, 1-4-93; Ord. No. 165-97, 1-6-97)

Editor's note—Ord. No. 95-88, adopted July 19, 1988, amended subsections (2) and (3) of this section to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 95-88.

Sec. 14-497. General requirements. SUBDIVISION REVIEW STANDARDS

(a) *Review criteria.* When reviewing any subdivision for approval, the planning board shall consider, among others, the following review criteria and before granting approval shall determine that the proposed subdivision:

(1) Will not result in undue water or air pollution. In making this determination it shall at least consider the elevation of land above sea level and its relation to the flood plains, the nature of soils and subsoils and their ability to adequately support waste disposal; the slope of the land and its effect on effluents; the availability of streams for disposal of effluents; the conformity to the applicable state and local health and water resources regulations;

(2) Has sufficient water available for the reasonably foreseeable needs of the subdivision;

(3) Will not cause unreasonable burden on an existing water supply;

(4) Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;

(5) Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highway or public roads existing or proposed;

(6) Will provide for adequate sanitary waste and storm water disposal and will not cause an unreasonable burden on municipal services if they are utilized;

(7) Will not cause an unreasonable burden on the ability of the city to dispose of solid waste and sewage if municipal services are to be utilized;

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Any instrument so executed vacating all or a portion of any plat shall be duly filed and recorded in the county registry of deeds. The execution and recording of the instrument described in subsection (4)b. above shall vest fee simple title to the centerline of the street, alley or easement for public passage so vacated in the owners of abutting properties. Title to property located within the vacated streets, alleys or easements for public passage shall pass to abutting property owners free and clear of any rights of the public or other owners of lots shown in the plan, but subject to the rights of the owners of any public utility installations which have been previously erected therein.

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(4) Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;

(5) Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highway or public roads existing or proposed;

(6) Will provide for adequate sanitary waste and storm water disposal and will not cause an unreasonable burden on municipal services if they are utilized;

City of Portland
Planning Department

389 Congress Street, 4th Floor
Portland, ME 04101
207-874-8721 or 207-874-8719
Fax: 207-756-8258

FAX TRANSMISSION COVER SHEET

Date: 2-3-00

To: STOVE BUSHEY

Company:

Fax #:

From: R. KNOWLAND

RE: STOVE - THANKS FOR FAXING THE MATERIAL. COULD YOU TAKE A QUICK LOOK AT THIS DRAFT MEMO AND GET BACK TO ME? I'M TRYING TO EXPLAIN THE CONCEPT OF SLOPE (SEE PAGE 2 OF THE MEMO) CAN YOU THINK OF OTHER EXAMPLES THAT I COULD USE TO EXPLAIN HOW STEEP CERTAIN THINGS ARE OR HOW STEEP SLOPE CAN CAUSE FAILURES. THANKS

RIK

YOU SHOULD RECEIVE 3 PAGE(S),
INLUDING THIS COVER SHEET.
IF YOU DO NOT RECEIVE ALL THE PAGES,
PLEASE CALL 207-874-8721 OR 207-874-8719.

City of Portland
Planning Department

389 Congress Street, 4th Floor
Portland, ME 04101
207-874-8721 or 207-874-8719
Fax: 207-756-8258

FAX TRANSMISSION COVER SHEET

Date: 11/22/99

To: AL PALMER

Company:

Fax #: 657-6912

From: R. KNOWLAND

RE: P.B. MEMO ON PRP III SEE YOU TOMORROW AT THE JITC. IT DOES NOT INCLUDE THE ATTACHMENTS

YOU SHOULD RECEIVE 3 PAGE(S),
INLUDING THIS COVER SHEET.
IF YOU DO NOT RECEIVE ALL THE PAGES,
PLEASE CALL 207-874-8721 OR 207-874-8719.

Zoning Division
Marge Schmuckal
Zoning Administrator

Department of Urban Development
Joseph E. Gray, Jr.
Director

CITY OF PORTLAND

TO: Rick Knowland, Senior Planner

FROM: Marge Schmuckal, Zoning Administrator

SUBJECT: Presumpscot River Place- phase III

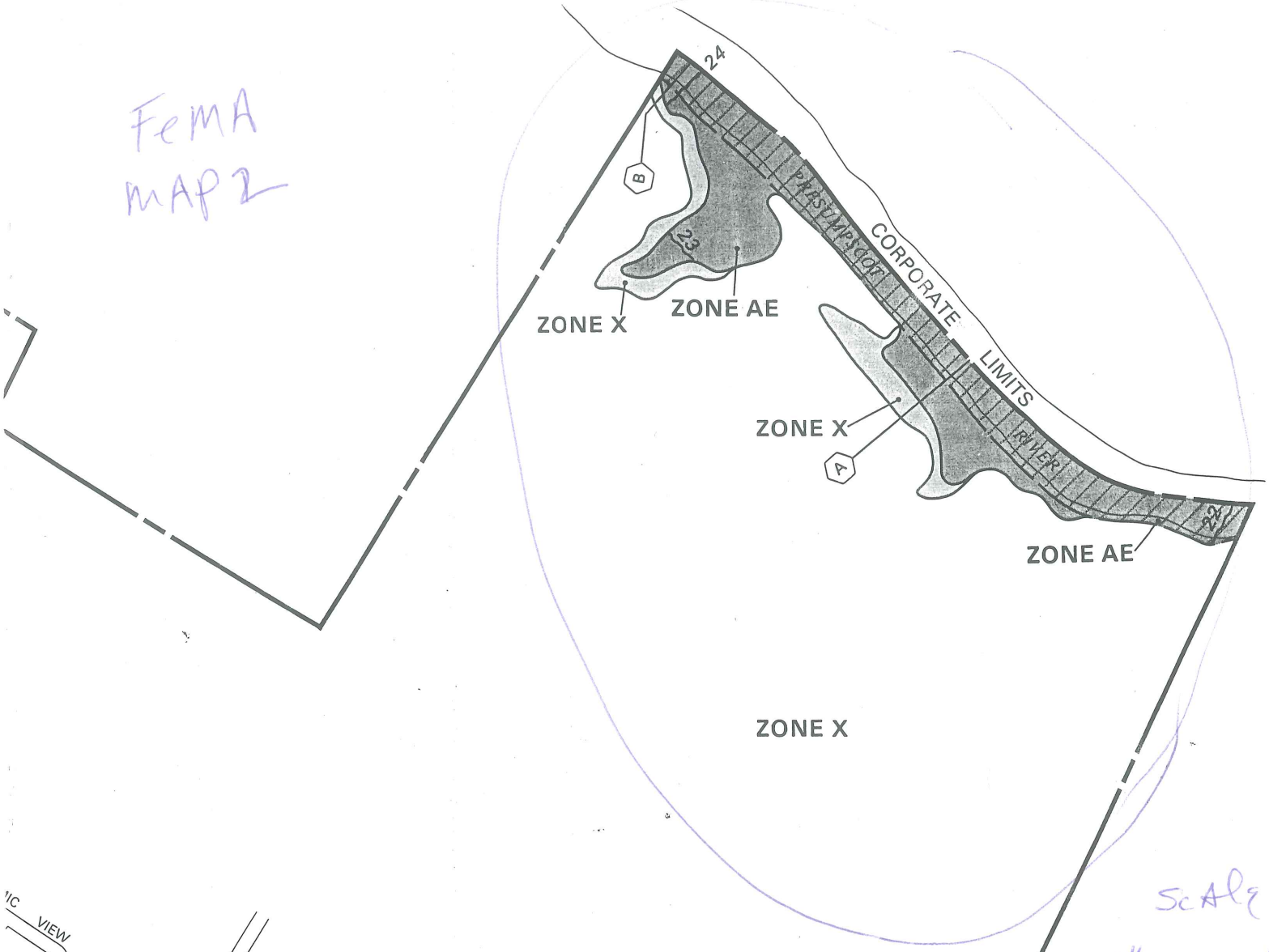
DATE: December 15, 1999

Rick, I have been reviewing the plans you gave me a while back concerning this development by Dr. Wolf (I think it is he who is developing this project). I think that, at the very least, part of this property is in a flood zone along the Presumpscot River. However the sketch plans I have from Gorrill-Palmer are not well marked for doing a good determination as to where everything is. I am attaching a copy of the appropriate FEMA Map that shows the flood plain area.

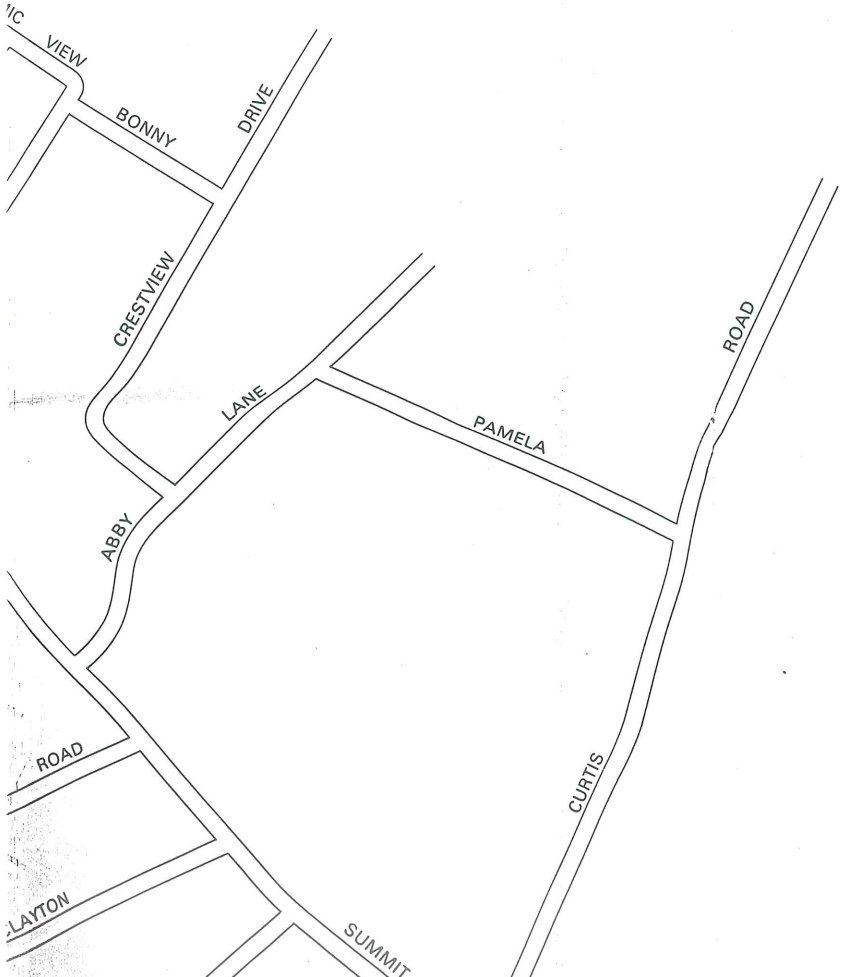
Can we set-up a time to get together and try scaling out where the proposed lots are being located? I don't think it would be fair to a future land owner to have to pay the burden of flood insurance and have to submit a surveyor's elevation certificate everytime they might want to build a deck or shed or garage etc. We could also discuss at our Wednesday site plan meeting. However, I would like to do some measurements first so I think I know what I doing. Thanks

cc: Joe Gray, Planning
Alex Jaegerman, Planning
Mark Adelson, Housing & Neighborhood Services
Charlie Lane, Corp. Counsel

FEMA MAP 2



SCALE
1" = 400'



Planning Department

CITY OF PORTLAND

Richard Knowland
Senior Planner

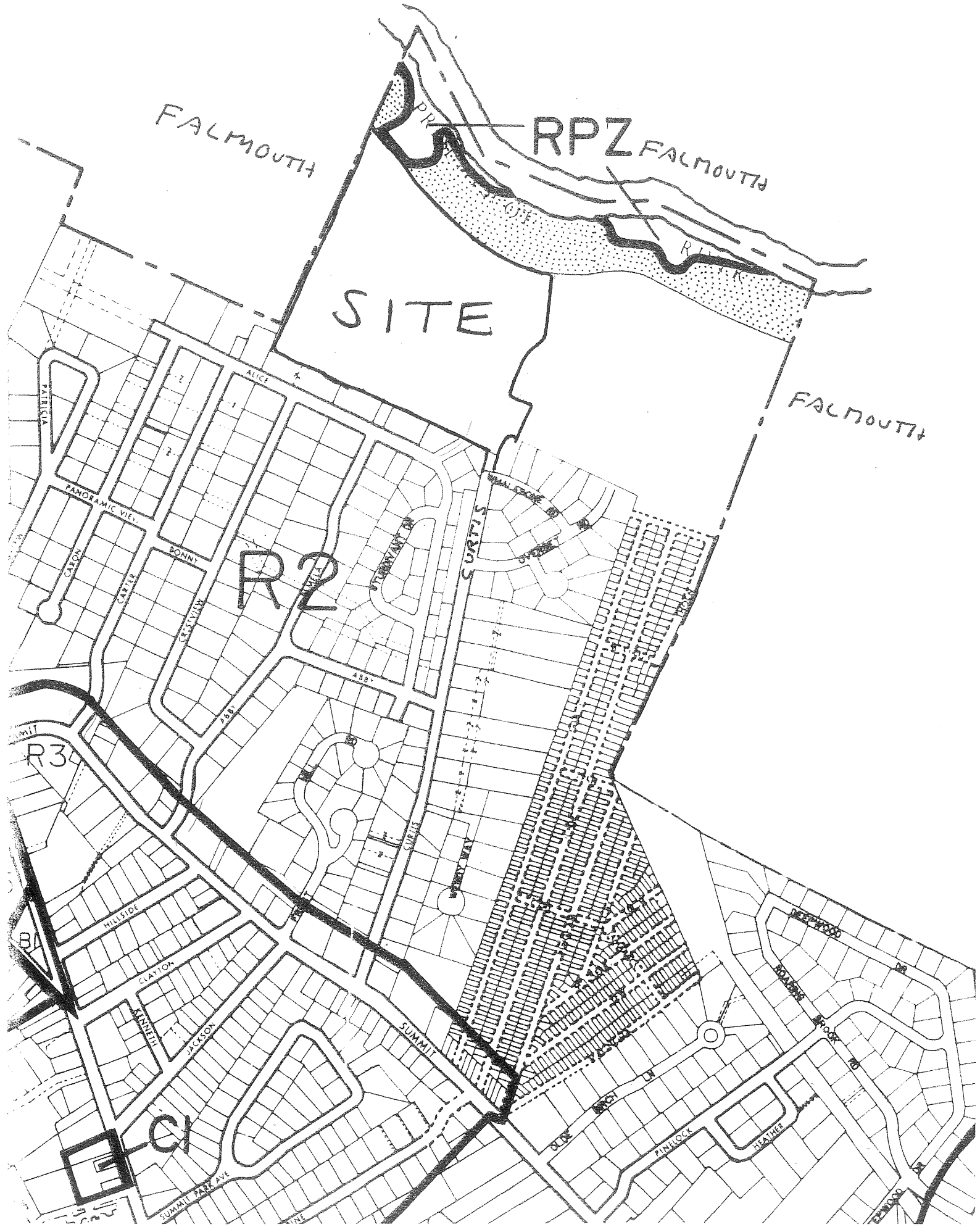
2-9-00

JIM,

ATTACHED IS THE INFORMATION ON THE PRESUMPSCOT RIVER PLACE SUBDIVISION (CURTIS ROAD). THERE HAVE BEEN TWO WORKSHOPS SO FAR WITH ABOUT ONE MORE BEFORE WE HAVE A PUBLIC HEARING. SHOULD YOU HAVE ANY QUESTIONS, PLEASE CALL ME.

RK

389 Congress St., 4th fl. • Portland, ME • (207) 874-8725 • Fax 756-8258
E-mail: rwk@ci.portland.me.us


FALMOUTH
RPZ
FALMOUTH
SITE
FALMOUTH
R2
R3
C1
PATRICIA
ALICE
PANORAMIC VIEW
CARSON
CARTER
BONNY
CRESTVIEW
ABBY
STEWART DR
CURTIS
CURTIS
HILLSIDE
CLAYTON
KENNETH
JACKSON
SUMMIT
SUMMIT PARK AVE
PINELOCK
HEATHER
MEADOWOOD
ROADSIDE
BROOK
RD

CITY OF PORTLAND, MAINE
DEVELOPMENT REVIEW APPLICATION
PLANNING DEPARTMENT PROCESSING FORM

19990148
I. D. Number

Bob Adam and Burt Wolf
Applicant

10/21/99
Application Date

c/o P.O. Box 1237, Gorham, ME 04039
Applicant's Mailing Address

Curtis Road - Presumpscot Rive
Project Name/Description

Gorrill-Palmer Consulting Eng.
Consultant/Agent

Curtis Rd, Portland Maine
Address of Proposed Site

657-6910 **657-6912**
Applicant or Agent Daytime Telephone, Fax

389-G-003
Assessor's Reference: Chart-Block-Lot

Proposed Development (check all that apply): ☐ New Building ☐ Building Addition ☐ Change Of Use ☒ Residential
☐ Office ☐ Retail ☐ Manufacturing ☐ Warehouse/Distribution ☐ Parking Lot ☒ Other (specify) **27 lot subdivision**

	28.2	**R2**
Proposed Building square Feet or # of Units	Acreage of Site	Zoning

Check Review Required:

☐ Site Plan (major/minor)
☐ Subdivision # of lots ____
☐ PAD Review
☐ 14-403 Streets Review
☐ Flood Hazard
☐ Shoreland
☐ HistoricPreservation
☐ DEP Local Certification
☐ Zoning Conditional Use (ZBA/PB)
☐ Zoning Variance
☐ Other ____

Fees Paid: Site Plan **$0.00** Subdivision **$675.00** Engineer Review ____ Date: **10/21/99**

Planning Approval Status:

Reviewer ____

☐ **Approved**
☐ **Approved w/Conditions** See Attached
☐ **Denied**

Approval Date ____ Approval Expiration ____ Extension to ____ ☐ Additional Sheets Attached

☐ OK to Issue Building Permit ____ ____ ____
signature date

Performance Guarantee ☐ **Required*** ☐ **Not Required**

* No building permit may be issued until a performance guarantee has been submitted as indicated below

☐ Performance Guarantee Accepted	date	amount	expiration date
☐ Inspection Fee Paid	date	amount	
☐ Building Permit Issued	date		
☐ Performance Guarantee Reduced	date	remaining balance	signature
☐ Temporary Certificate of Occupancy	date	☐ Conditions (See Attached)	
☐ Final Inspection	date	signature	
☐ Certificate Of Occupancy	date		
☐ Performance Guarantee Released	date	signature	
☐ Defect Guarantee Submitted	submitted date	amount	expiration date

Gulf of Maine

Coastal Ecosystems Program

Draft/rough maps of Presumpscot River Phase III subdivision attached.

Wildlife in Casco Bay

Lobsters, clams, bald eagles, terns, alewife, eelgrass and people all share Casco Bay and its surroundings. We're all interrelated, and we are all part of the essence of Casco Bay's heritage. As barometers of the Bay's health, fish and wildlife measure the quality of our environment and help define the character of our lives. However, rapid population growth and associated development activities threaten to destroy or degrade natural habitats in Casco Bay and its surrounding watershed.

For further information, please contact:

U.S. Fish and Wildlife Service
Gulf of Maine Coastal Ecosystems Program
4R Fundy Road
Falmouth, Maine 04105
(207) 781-8364
FAX (207) 781-8369
R5ES_GOMP@mail.fws.gov
http://gulfofmaine.fws.gov
Project Leader, Stewart Fefer

Protecting fish and wildlife habitat in the Casco Bay watershed

In coordination with the Casco Bay Estuary Project, U.S. Fish and Wildlife Service's Gulf of Maine Program biologists identified important fish and wildlife habitat in the fifteen towns surrounding Casco Bay. Using data collected from state and federal agencies and non-governmental organizations, Gulf of Maine Program biologists identified habitat for colonial waterbirds, seabirds, wading birds, fish, eelgrass, cordgrass, marine worms, shellfish and endangered/threatened species. After mapping habitat for individual species or closely related groups of species, Gulf of Maine Program biologists overlayed the habitat information for each species to create a map identifying important fish and wildlife habitat for all species included in this study. This fact sheet briefly summarizes the methodology, presents results, and seeks to catalyze voluntary efforts to protect habitat in the Casco Bay region.

IDENTIFYING IMPORTANT FISH AND WILDLIFE HABITAT IN THE 15 TOWNS SURROUNDING CASCO BAY:

To identify important habitat, Gulf of Maine Program biologists completed a GIS analysis that involved four major components:

1. Select species: The first step in completing this study was to select plants and animals representing a cross-section of important species in the Casco Bay estuary. Species were selected on the basis of: ecological importance, economic importance, institutional importance, sensitivity to development pressures, and availability of data.

2. Identify and map habitat for each species or group of species: For some species, such as least terns, precise field surveys were available so habitat could be mapped with confidence from existing data. For other species, such as great blue herons, scientifically verified sitings were insufficient to fully represent areas actually used by herons. In those instances, field sitings were supplemented with habitat suitability profiles that identified appropriate habitat, based on selected environmental conditions. Habitat suitability profiles were developed by reviewing scientific literature and by seeking advice from species experts.

Recognizing that some habitat provides greater ecological value than other habitat, relative habitat values were determined for each species. Habitat scarcity, intensity of use, the quality of environmental conditions, and the amount of habitat disturbance were all important in assigning relative habitat values.

Once identified, habitat was mapped for each species or species group. Habitat maps for a single species or species group can focus protection, enhancement and restoration efforts for specific purposes, such as shellfish management, endangered species recovery, or fish passage maintenance.

3. Create a composite map of important habitat for all species evaluated: Any complicated array of biological data can be confusing for planners, conservationists and others faced with land use decisions. Therefore, Gulf of Maine Program biologists overlaid relative habitat value maps for each species or species group to create a composite map identifying important habitat for all the species evaluated. All habitat identified has value for one or more of the species included in this analysis. In general, the higher the habitat score, the

printed on recycled paper

What is GIS?

Geographic Information Systems (GIS) technology is a computer mapping tool that can assemble, store, manipulate and display data that is linked to mapped locations. GIS is a powerful tool because it allows us to ask questions, relate information from different sources and display results clearly. In this habitat study, for example, we collected the best available data on the habitat of 27 different species. GIS, in combination with appropriate biological analysis, allowed us to combine all the information on a final map displaying important fish and wildlife habitat in the region.

What is the Gulf of Maine Coastal Ecosystems Program?

Established in 1991 as one of eleven U.S. Fish and Wildlife Service Coastal Ecosystems Programs, the Gulf of Maine Program focuses on protecting and restoring economically, recreationally and ecologically important fish and wildlife habitat in coastal areas throughout the Gulf of Maine watershed. Using existing scientific data along with biological expertise, outreach skills and state-of-the-art computer mapping capabilities, Gulf of Maine Program offers technical assistance and participates with interested individuals and organizations -- including state agencies, local conservation commissions, land trusts, angling clubs and statewide organizations and agencies -- in protecting and restoring nationally important fish and wildlife resources.

higher the quality of the habitat and the greater the number of species using that habitat. While the composite map highlights areas with important habitat values, it is useful to recognize that:

- other areas in the watershed are likely to be important for other fish and wildlife species not included in this analysis,
- this analysis is based on the best available information and identifies habitats most likely to be used, and
- wildlife populations increase, decrease and change location over time.

As additional information is collected, it can be incorporated into this analysis.

4. Create maps identifying conservation lands in all 15 towns to overlay with important habitat information: Maps of important habitat become most valuable for land use-decision makers when combined with a knowledge of what important habitats are permanently protected and which are not. Gulf of Maine Program staff took the lead in developing a plan to collect and compile existing data on the conservation status of all lands in the region. By developing a comprehensive work plan, gathering information from local land trusts, hiring a consultant to work with town planners, reviewing draft products, and distributing information to towns and land trusts, Gulf of Maine Program played an important role in making this information readily available. The conservation lands database is maintained at Maine Coast Heritage Trust for future updating.

In conducting all of this work, the Gulf of Maine Program coordinated with a panel of biologists, planners and activitists from state agencies and non-governmental agencies to substantiate methodology and findings. By collating and analyzing existing information, the individual species maps, the composite habitat map and the conservation lands maps provide useful tools for conservation. The maps offer individuals, local land trusts, conservation commissions, water quality monitoring groups, and statewide organizations and agencies with information that can catalyze and support habitat protection efforts in the 15 towns surrounding Casco Bay.

Gulf of Maine Program produced all habitat maps and conservation lands maps at a large watershed-wide scale and at a smaller scale suitable for use in each of the 15 towns. Multi-color maps are available through the Gulf of Maine Program:

- in the 75-page technical report, *"Identification of Important Habitats in the Lower Casco Bay Watershed,"* which details methodology and documents data sources,
- on our Gulf of Maine Program Internet site at http://gulfofmaine.fws.gov
- on a CD (readable with ArcView computer software), and/or
- in large format color copies.

(A small black and white version of the composite habitat map is illustrated on the last page of this publication).

IDENTIFYING IMPORTANT FISH AND WILDLIFE HABITAT AT RISK:
Gulf of Maine Program biologists and Casco Bay Estuary Project staff also examined related but more specific questions: "What would happen to existing habitat if lands surrounding Casco Bay developed to the extent currently permitted?" and "What habitats are at most risk from potential development?" In the Casco Bay watershed, where the population has risen 24% and housing units have increased 47% in the last 20 years, answers are critical if area residents want to protect fish and wildlife resources.

To answer these questions, Casco Bay Estuary Project staff completed a "build-out analysis" of the 15 towns surrounding the Bay that predicted potential future land cover. Gulf of Maine Program compared the results of the build-out analysis with the summary habitat map to identify important fish and wildlife habitats that

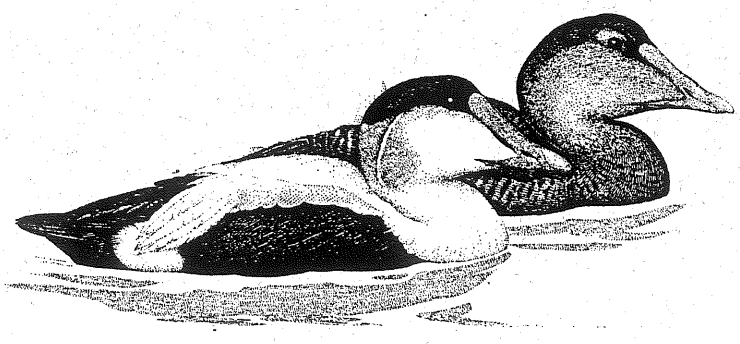
may be at risk from development. A description of this "work-in-progress" is available from the Casco Bay Estuary Project in a 15-page report. This information may be particularly useful for communities seeking to identify and minimize potential threats to existing fish and wildlife habitat. The information may also serve as a focal point for local conservation groups interested in directing protection efforts to habitats which may be most threatened by land development. However, we strongly recommend that groups interested in using this information for habitat protection contact the U.S. Fish and Wildlife Service's Gulf of Maine Program for guidance and technical assistance.

WHERE DO WE GO FROM HERE?

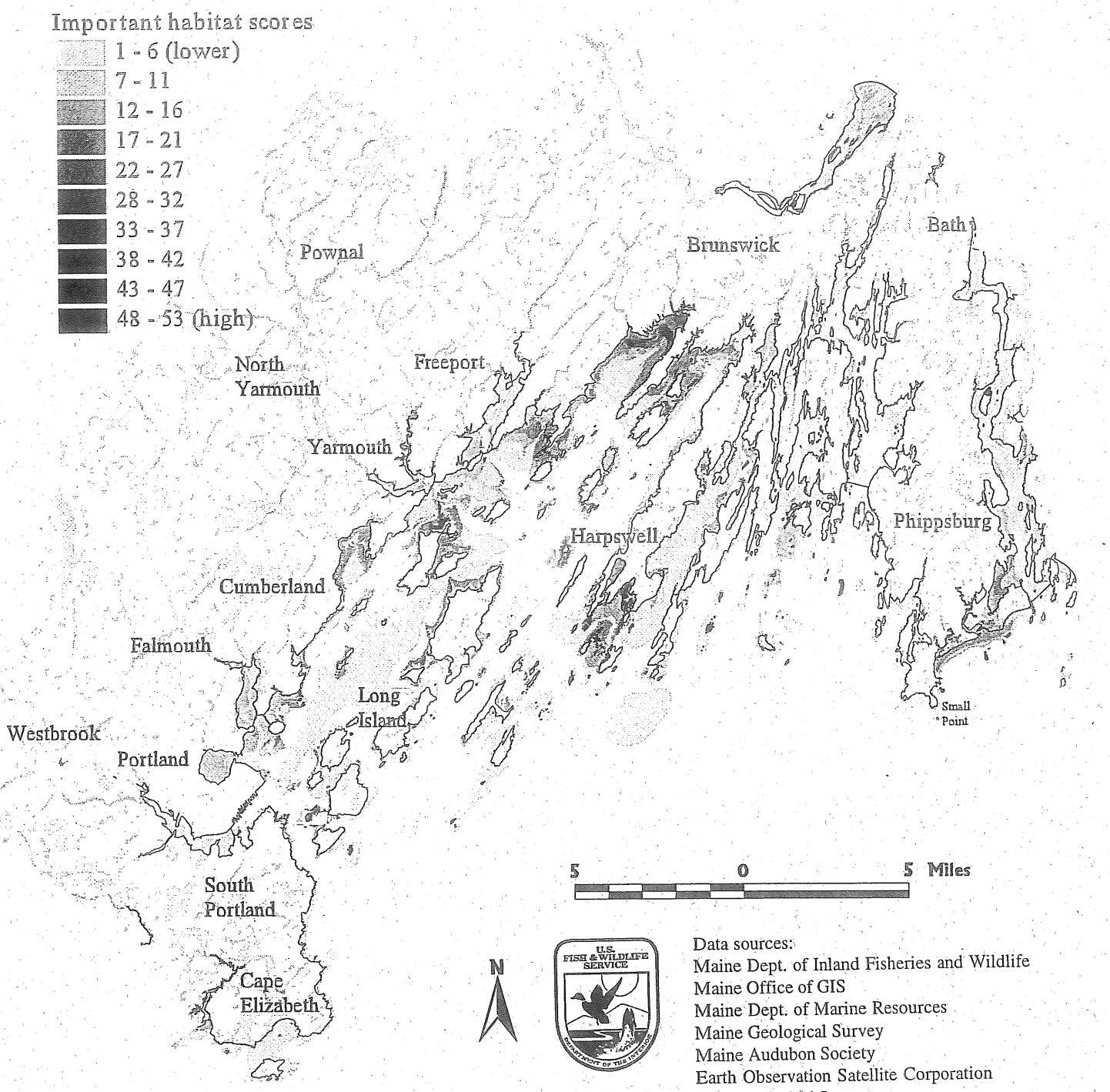
The results of this comprehensive analysis can catalyze voluntary partnership-based habitat protection efforts in the 15 towns surrounding Casco Bay. Partnerships involving landowners, land trusts, state conservation organizations and state and federal agencies interested in protecting water quality and habitat are being developed in association with the Casco Bay Estuary Project. The Gulf of Maine Program is assisting in carrying out habitat management, restoration, and protection efforts by providing biological data, identifying important habitats and existing conservation lands, and providing information about matching federal grant programs for habitat protection focused on migratory birds, (shorebirds, waterfowl, wading birds, etc.), endangered and threatened species, anadromous fish and coastal wetlands. Casco Bay Estuary Project has establish a Casco Bay Land Opportunity Fund (administered by Maine Coast Heritage Trust and the Gulf of Maine Program), designed to help local groups protect important habitat identified in the analysis. Habitat protection will require active partnerships with many individuals and organizations. To the extent that we all work together, pooling our time, resources and expertise, the future for wildlife ... and for us ... will be in good hands in Casco Bay.

If this information stimulates your interest, please share your ideas with us and get involved in habitat protection efforts in Casco Bay. Gulf of Maine Coastal Ecosystems Program staff can:

- present a slide talk and lead a discussion for your organization on habitat protection and restoration opportunities.
- answer specific questions on the habitat analysis-- methods, applications and potential funding sources for habitat protection and restoration.
- direct you to the 75-page technical report, data catalog and habitat maps (available in hard copy, on CD and on our Internet home page). Digital versions of maps are readable with ArcView computer software.
- send you additional copies of this publication.
- send you a one-page fact sheet summarizing this analysis.
- provide you with large scale fish and wildlife habitat maps that will provide more detail for habitat protection work in specific coastal areas.
- discuss habitat protection opportunities with you.

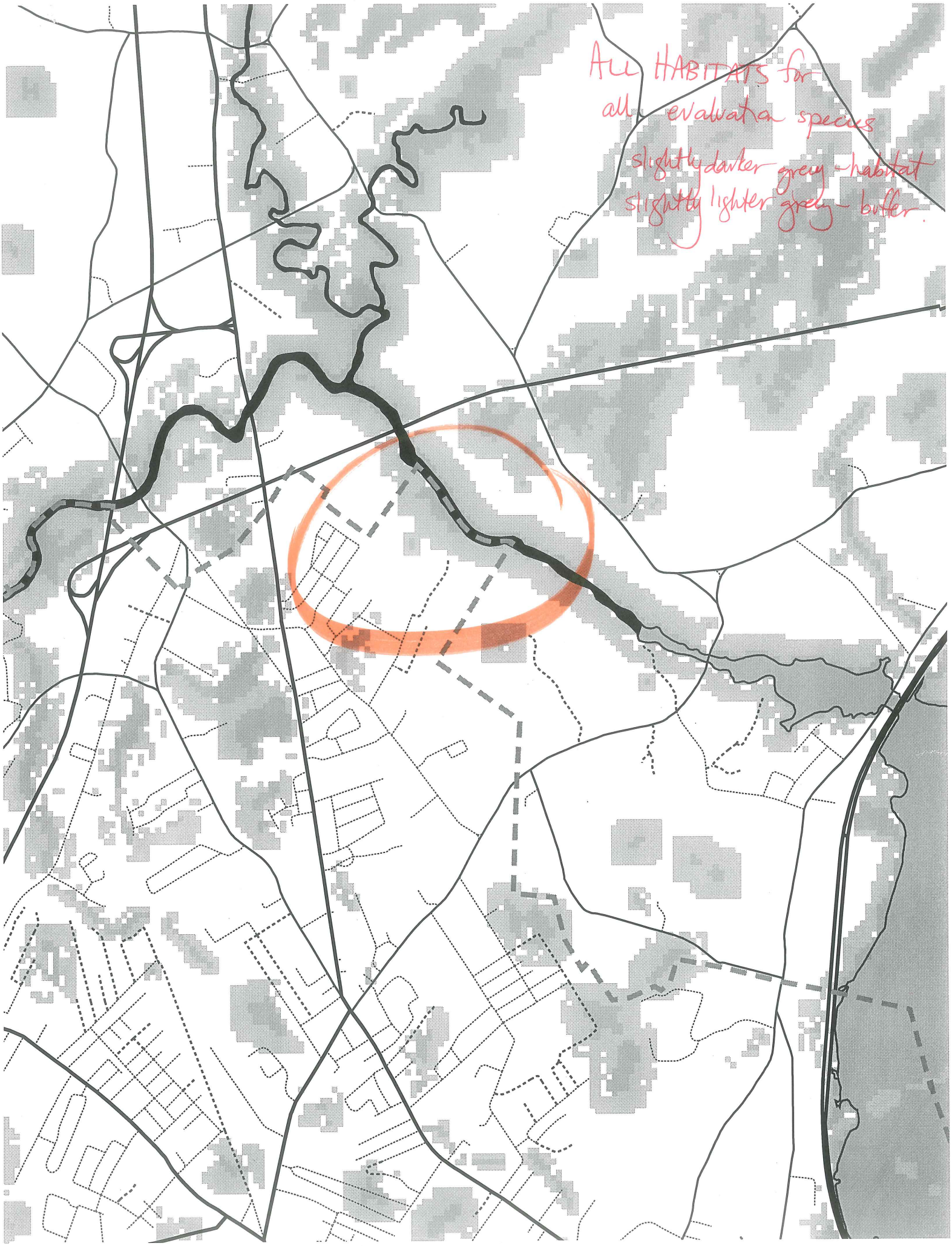


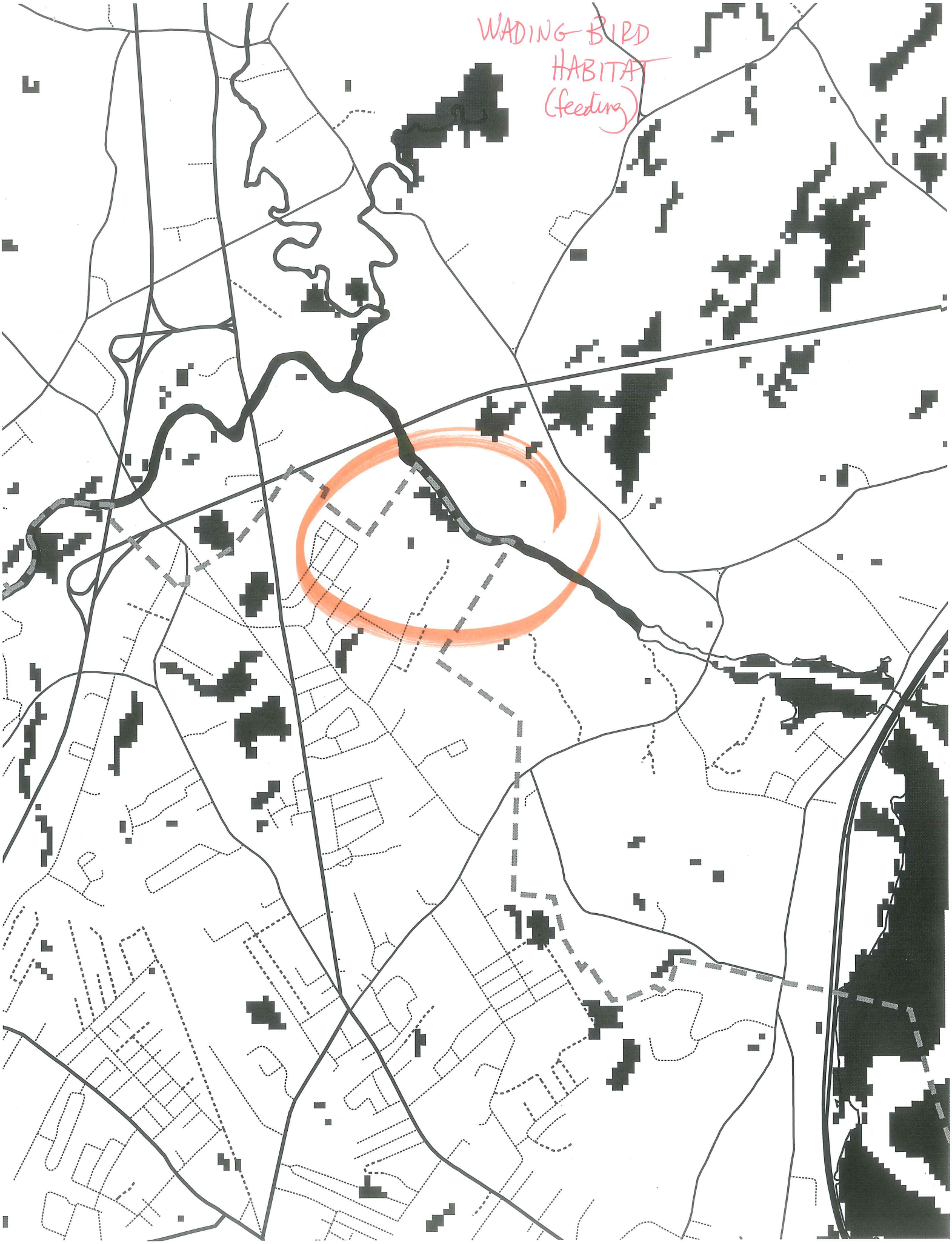
Important habitats for all evaluation species (Lower 15 towns in Casco Bay Watershed)

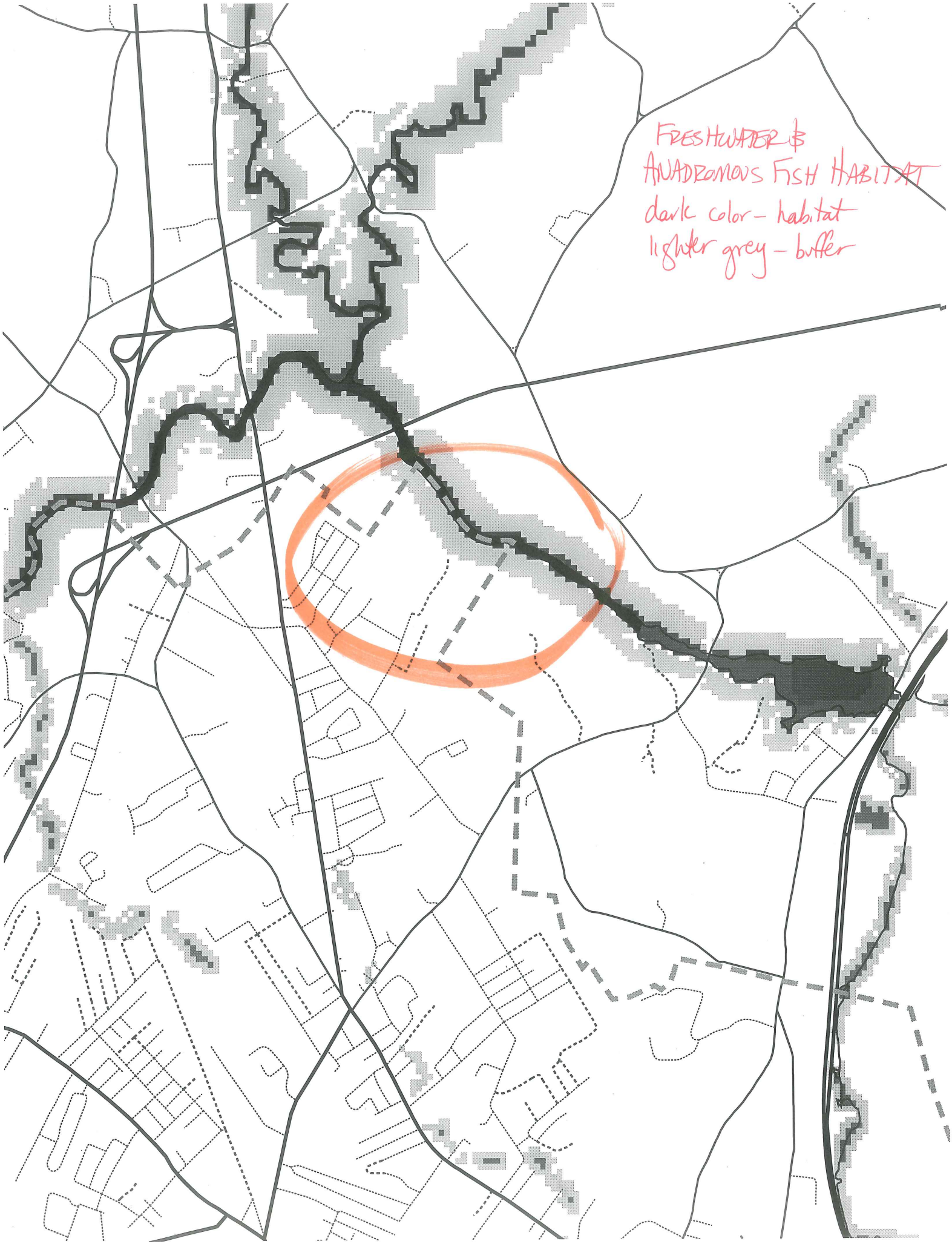


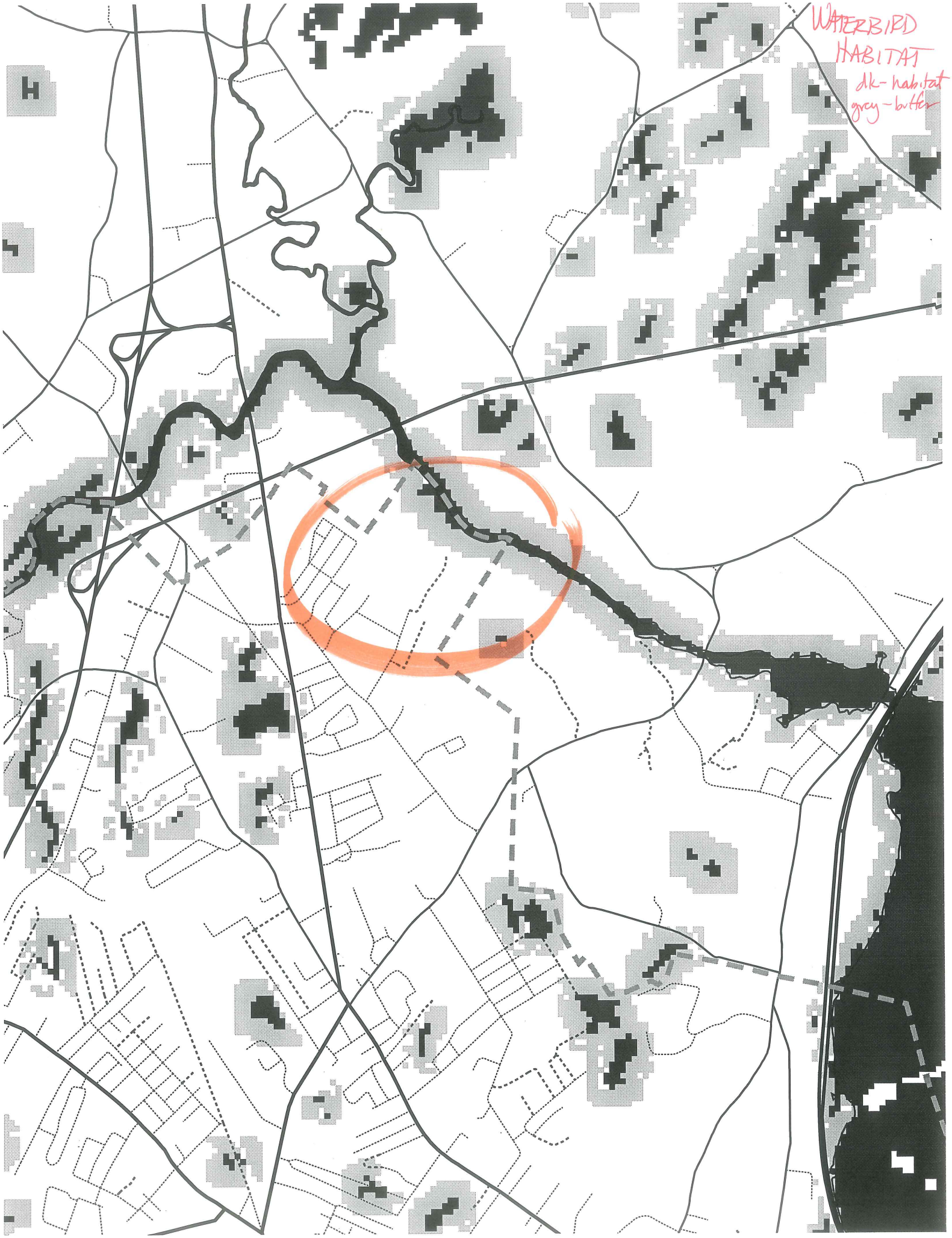
Data sources:
Maine Dept. of Inland Fisheries and Wildlife
Maine Office of GIS
Maine Dept. of Marine Resources
Maine Geological Survey
Maine Audubon Society
Earth Observation Satellite Corporation
U.S. Geological Survey
U.S. Fish and Wildlife Service
National Wetland Inventory

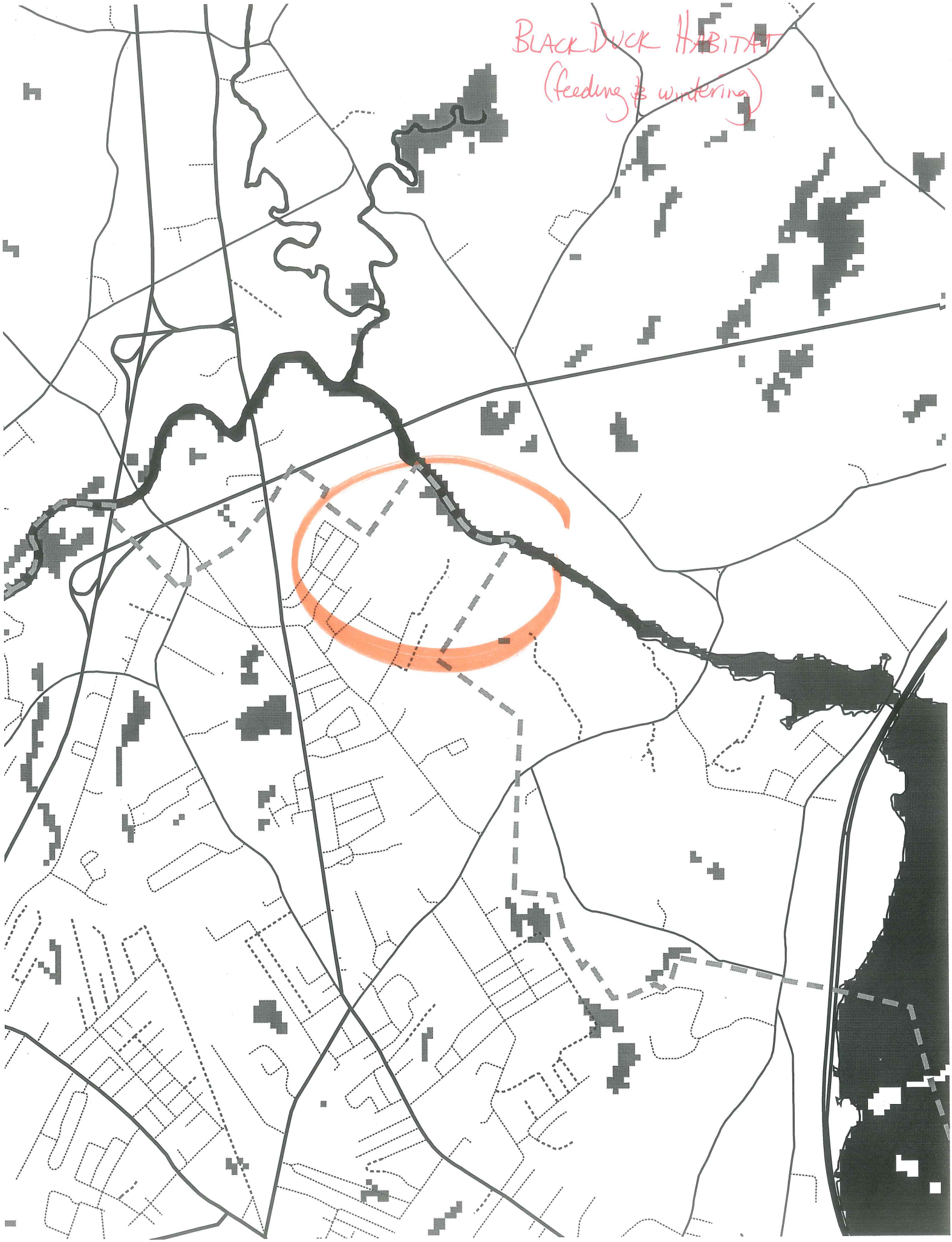
Prepared by:
U.S. Fish and Wildlife Service
Gulf of Maine Project


ALL HABITATS for
all evalvata species
slightly darker grey - habitat
slightly lighter grey - buffer.


WADING BIRD
HABITAT
(feeding)


FRESHWATER &
ANADROMOUS FISH HABITAT
dark color - habitat
lighter grey - buffer


WATERBIRD
HABITAT
dk- habitat
grey - buffer


BLACK DUCK HABITAT
(feeding & wintering)

FRESHWATER WETLANDS
(NWI)

3/3

Orlando — more comfortable with open space + access

- Cushing Ave linkages important
- backlands you need to make some difficult decisions & ref shoreland area

PRP WKSHP

5-30-00

LARRY ASP

500 north of Abbey Ln 33 m

1000 at summit

840 capacity problems - normal situation

speed is consistent 32-35 m.p.h

Mark Vail connector

L.A not adequate separation

Orlando width of Curtis - is it adequate emergency, safety parking

L.A. yes

Erin income with this project

L.A add 200-225 trips per day

STEVE BUSBY

transition between approved plan and reality of site plan

site constraints → soil, slope

subd. plan need more

shows photographs

AL PALMER - TERRY SNOW - BOB ADAM - TOM GORDON

test configuration

max. disturbance limits

Code report will be amended to be consistent

Curto, Brou and Vail sidewalk on one side of the street

circulation Vail meets the intent of the ordinance
doesn't like option B now

could handle upto 3000 cars per day to
retain residential character

O&D, west design to accomodate Hyde
block off access route in Falmouth
linking into Alice is difficult at best

Cyrus no access to Falmouth
why not just do the whole parcel
need to look at the whole thing - total build-
this is the total long term impact
getting concerned need to look at long t

Ken need to need more
big picture
fragile resources need to be dealt
must look at a whole
this neighborhood has been done on a
piecemeal basis

Deb needs to see the larger picture
public access needs to be addressed
nonmotor trails out now
needs public access -
master plan long term vision

Planning Department

CITY OF PORTLAND

Richard Knowland
Senior Planner

8-11-06

TONY

IN CASE YOU DIDNT GET A COPY OF THE LATEST PRP3 PLAN, HERE IT IS. MORE OF THE SAME. ATTACHED IS A MEMO FROM STEVE BUSHEY ON THIS PROJECT.

389 Congress St., 4th fl. • Portland, ME • (207) 874-8725 • Fax 756-8258

Planning & Urban Development

Joseph E. Gray Jr.
Director

CITY OF PORTLAND

February 14, 2000

Mr. Al Palmer
Gorrill-Palmer Consulting Engineers
P.O. Box 1237
31 Main Street
Gray ME 04039

RE: Presumpscot River Place

Dear Al:

In light of the planning board workshop, I thought it would be helpful to summarize some of the issues and submission requirements for this development. This letter outlines several variables that need to be considered in planning appropriate building windows for this development. These factors includ wetland delineation, environmental assessment, soil survey and other information. Until this information is provided, it is premature to discuss the location of final building windows. Once this information has been provided and we have the opportunity to review it, we would be happy to discuss the final building window plans. This information includes the following.

Wetland Delineation . . . We have not received a copy of the wetland delineation report for this site (sec. 14-497(14). This information which was previously requested, needs to be submitted at your earliest convenience, rather than as suggested in your 2-3-2000 letter, submission for the final plan. This information is vital in any discussion of building envelope and site layout planning.

High Intensity Soil Survey . . . At the last workshop, concern was expressed on the types of soil on the property and how this could affect slope stability. A high intensity soil survey needs to be completed (sec. 14-496(x)(8).

Environmental Assessment . . . As indicated previously, an environmental assessment needs to be completed for this site to address sec. 14-497(8). This is also critical information in planning building envelopes and the subdivision layout. Obtaining letters from various state agencies will be helpful, but a real site assessment needs to take place. Back in 1987 and 1989 an environmental analysis of the site was done. It has been 10 plus years since this work was completed, so it should be updated accordingly with appropriate field work.

O:\PLAN\DEVREVW\CURTIS\LETTERS\PALMER2.JMD

Slopes . . . At the workshop, there was discussion of allowing development on slopes of greater than 15%. I would suggest that the slope map be revised showing slopes in increments of 5% over 15%. The Board seemed willing to consider development on 15% plus slopes; but it would be helpful to see how the envelope and steeper slopes mesh.

Lot Configuration . . . Sec. 14-498(h)(4) states the following:

> "Where feasible, side lot lines shall be at right angles to street lines (or radial to curving street lines.)"

At a minimum, the configuration of lots 2, 4, and 5 do not appear to meet this standard. These lots as presently configured would need a waiver from the planning board under sec. 14-506(a) of the subdivision ordinance. The lot lines are contorted as in pork chop lots. If these lots were to be developed to meet the above standards, there would be 5 lots rather than 7 lots, west of The Brothers Road (northerly side.) Our recommendation would be to combine several of these lots together to meet the subdivision standard. The present plan has a contrived lot configuration that could not otherwise be developed with a subdivision layout contemplated by sec. 14-498 (h)(4). The configuration also increases the likelihood of environmental problems because it opens up back land that is problematic (steep slopes) to develop.

Other Issues

Permits . . . Please clarify what type of DEP or Army Corps of Engineer permits will be required for this development. Indicate the types of permit, the specific location of the activity (such as lot numbers, road crossings) and a summary of the construction activity.

Circulation . . . After the planning board workshop, we discussed with Larry Ash, the traffic circulation issues of this subdivision. Mr. Ash concurs that both Curtis Road and the Clapboard Road extension should be built for this subdivision. The need for a second access outweighs the need for a 300 foot separation between the streets. It may be possible to loop the roadway so it matches up with Brothers Road, providing more of a separation.

Stormwater Quality

As indicated previously, we are concerned about the water quality impacts of this development. The response in your February 3, 2000 letter was not the response we were looking for. To provide better guidance on this issue, see the attached excerpt from the BMPS (chapter 5.2.2, determining the appropriate level of stormwater treatment.)

Neighborhood Meeting

We would strongly recommend that the developer schedule a meeting with the neighborhood prior to the planning board public hearing. There appears to be a lot of interest in this development on the part of the neighborhood.

As I indicated in my previous letter of January 27th, the submission of material to date has been conceptual. Obviously we will have more comments as the plan evolves into a more complete plan. Should you have any questions on this letter, please call me.

Sincerely,

Richard Knowland
Senior Planner

cc: Joseph E. Gray, Jr., Director of Planning and Urban Development
Alexander Jaegerman, Chief Planner
Steve Bushey, Development Review Coordinator
Tony Lombardo, Project Engineer
Larry Ash, Traffic Engineer

O:\PLAN\DEVREVW\CURTIS\LETTERS\PALMER2.JMD

discussed in section 5.2.1, TSS can be used as an indicator parameter **regardless of the receiving watercourse**, in order to select BMPs and the required level of treatment.

5.2 DETERMINING THE APPROPRIATE LEVEL OF STORMWATER TREATMENT

5.2.1 Pollutant Attenuation With Indicator Parameter

While there is a suite of parameters of concern relative to stormwater runoff from developed sites (e.g., heavy metals, nutrients, suspended solids, petroleum hydrocarbons, etc.) it is generally considered impractical to monitor and/or regulate all chemical constituents which may be present in urban runoff. Therefore, it is necessary to select an "indicator" or target parameter which is predictive of other typical urban runoff pollutants. Since lakes are particularly sensitive to phosphorus, it is the target parameter for BMP selection and design in lake watersheds. For other watersheds Total Suspended Solids (TSS) provides a reasonable indicator of stormwater pollutant load. Many pollutants found in urban runoff are bound to particulate matter, and are often expressed on the basis of pollutant mass per total suspended solids mass (IEP, 1991). Therefore, for purposes of this manual, TSS will be the indicator parameter for all sites, unless (1) other specific concerns are raised for the project or (2) the development, or a portion thereof, drains directly or indirectly to a sensitive lake or pond. In the latter case the appropriate level of stormwater treatment will be based on an areal phosphorus allocation for the site.

5.2.2 Recommended Stormwater Treatment/Pollutant Removal Levels for the State of Maine

For developments, or portions thereof, which drain directly or indirectly to sensitive lakes or ponds (see definitions) the required level of stormwater treatment will be necessary to limit increase in phosphorus export from the development site to that allocated for the development. This is determined by multiplying the areal phosphorus allocation for the lake's watershed by the nonwetland area of the development (see Phosphorus Control in Lake Watersheds: a Technical Guide for Evaluating New Development (DEP, 1992)).

For developments, or portions thereof, which *do not* drain directly or indirectly to sensitive lakes or ponds the required pollutant removal levels, based on Total Suspended Solids (TSS) as an indicator parameter, are as follows:

For ***residential subdivisions***, stormwater from each identified subwatershed on the site should be treated by BMPs to the following criteria:

Subdivisions with an existing impervious surface road or new or upgraded roads with less than 4,000 sq. ft. of additional impervious road area:	15% TSS Removal
Subdivisions with new or upgraded roads greater than 4,000 sq. ft. of impervious road surface:	40% TSS Removal

For ***developments other than residential subdivisions***, stormwater from each identified subwatershed on the site must be treated by BMPs to remove TSS to the levels shown in Figure 5.1. (This figure is modified from the Commonwealth of Virginia Department of Conservation and Recreation) based on the percent of each subwatershed in the development which is covered by impervious surfaces.

City of Portland
Planning Department

389 Congress Street, 4th Floor
Portland, ME 04101
207-874-8721 or 207-874-8719
Fax: 207-756-8258

FAX TRANSMISSION COVER SHEET

Date: 8-13-00

To: B. WOLF

Company:

Fax #: 773-6875

From: R. KNOWLAND

RE: LATEST BUSHEY COMMENTS ON PRP

YOU SHOULD RECEIVE 2 PAGE(S),
INLUDING THIS COVER SHEET.
IF YOU DO NOT RECEIVE ALL THE PAGES,
PLEASE CALL 207-874-8721 OR 207-874-8719.

From: "Steve Bushey" <srbushey@maine.rr.com>
To: "Rick Knowland" <RWK@ci.portland.me.us>
Date: Thu, Oct 19, 2000 8:25 AM
Subject: PRP III

Rick,

I have briefly reviewed the latest submission dated October 10, 2000 for the PRP III project and find that substantial progress has been made towards addressing comments from Tony Lombardo and I. However I remain concerned about the lot layout for lots 1-7. The applicant has submitted drawing A which shows a conceptual footprint for houses on Lots 2 and 4. For me, these plans show that it will be necessary to build driveways which are as much as 400 ft. long and then houses that have slopes immediately around the foundation that are in some instances 1.5:1. These are excessively steep. An arguement could be made that retaining walls could be used to improve these exterior conditions however I am inclined to think that indeed these lots remain sufficiently difficult to develop. I am interested in knowing Staff's and the Board's position on these lots and the lot layouts, as I seem to be the only party really continuing to raise concern on the applicant's proposal.

I would also like to get a full set of plans to complete my review, since the last couple of submissions i have received have only included select drawings.

Finally, the Public Works Dept. should comment on the new proposal for the sanitary sewer services and overall infrastructure proposal since all these items will become City responsibility in the future.

if you have any questions please call.

Steve Bushey acting development Review Coordinator

Planning & Urban Development

Joseph E. Gray Jr.
Director

CITY OF PORTLAND

May 1, 2000

Burt Wolf
Diversified Properties
P O Box 10127
Portland, ME 04104

RE: Presumpscot River Place

Dear Burt,

Attached is a summary of resident comments at the February 29th and April 10th neighborhood meetings. This summary was not intended to be detailed minutes of the meeting rather a highlight of issues that were raised at the meeting. I have also included letters and e-mails which we have received since the last Planning Board workshop.

A common theme in many of their comments is the need for a second means of access. While the Clapboard/Alice connection is an improvement over Curtis Road being the lone access, it also means that many vehicles will use Curtis Road and we will still end up with a superblock extended along Cushing Avenue. I realize you do not control properties along Alice Street, but I would strongly suggest that you consider acquiring such land for a more direct access point to Pamela Road, Crest View Drive, Carter Street or Caron Street. This has been a major issue mentioned by residents so it should be seriously considered. Also, if you are going to need a waiver from the maximum 800 foot block standard of the subdivision ordinance, it is an indication that you should be looking at a variety of circulation options.

Should you have any questions on this letter please call me.

Sincerely,

Richard Knowland, Senior Planner

cc: Joseph E. Gray, Jr., Director of Planning and Urban Development
Alexander Jaegerman, Chief Planner
Larry Ash, Traffic Engineer
Penny Littell, Associate Corporation Counsel
Al Palmer, Gorrill-Palmer, P. O. Box 1237, 31 Main St, Gray, Maine 04036

Planning Department

CITY OF PORTLAND

Richard Knowland
Senior Planner

11-11-00

GAYLAND,

LATEST PRPS PLAN FOR YOUR REVIEW. LET ME KNOW WHAT YOU THINK. I'D LIKE TO SCHEDULE A MEETING WITH THE CONSULTANT TO GO OVER OUR COMMENTS THIS WEEK OR OCT 23RD

THANKS
RK

389 Congress St., 4th fl. • Portland, ME • (207) 874-8725 • Fax 756-8258
Email: rwk@ci.portland.me.us

From: Gaylen McDougall
To: Rick Knowland
Date: Tue, Oct 17, 2000 2:06 PM
Subject: prp3

Rick, I reviewed the plans. Is this the overview? He seems to be addressing second access thru Falmouth. I did not see any hydts.

Mac

City of Portland
Planning Department

389 Congress Street, 4th Floor
Portland, ME 04101
(207)874-8721 or (207)874-8719
Fax: (207)756-8258

FAX TRANSMISSION COVER SHEET

Date: 10-25-10

To: AL PALMER

Company:

Fax #: 657-6912

From: R. KNOWLAND

RE: AL- COMMENTS FROM STEVE BUSHEY ON PRP3

YOU SHOULD RECEIVE 2 PAGE(S),
INLUDING THIS COVER SHEET.
IF YOU DO NOT RECEIVE ALL THE PAGES,
PLEASE CALL (207)874-8721 OR (207)874-8719.

From: Larry Ash
To: Rick Knowland
Date: Tue, Nov 28, 2000 10:57 AM
Subject: Presumpscot River Place

Rick: I do not have any specific traffic related issues pertaining to this proposed development as the associated street network is capable of absorbing vehicular increases due to the development.

Neighborhood issues related to speed, volumes , etc., can be appropriately handled through the traffic calming ordinance in the City Code.

PRP III WKSHP
FEB 8, 2000

Al P. presentation
talks about 8 to 15 percent slopes
daylight basement
won't build Curtis Room

get input from Fire Dept

Ken concerned about shoreway access

Burt future owners should decide they want open space
Ken show it on the plan - access in can't be deferred

John C. 30 acre site location — does the trail kick in
the 30 acres
area has been developed in a piecemeal basis
stub of Cushing Ave - is it realistic to go thru the gulley
reconfigure it
* Slapbat elbow odd intersec bad radius

Erin reviewed collectively unique opportunity
Unit comfortable with total minor site plan review

Mark 15%. OK 25%. maybe OK

* John look at soils lot of clay relation to slop
potential slumps vegetation

Deb maybe open to 25% still, slumping
min. disturb center percentage of the
lot
should it automatically say no
15% too restrictive

Jaimie engineers corrects upfront
no problems with 15% if it's done properly

Planning Department

CITY OF PORTLAND

Richard Knowland
Senior Planner

11-1-00

TONY,

ENCLOSED FOR YOUR REVIEW IS THE LATEST PAP 3 PACKET. LET ME KNOW WHAT YOU THINK. I'D LIKE TO SCHEDULE A MEETING WITH THE CONSULTANT TO GO OVER OUR COMMENTS THE WEEK OF OCT 23RD.

THANKS

RK

PRP 3

PUBLIC HEARING

11-28-00

public streets granite curb sime sidewalk

waivers which Jill let the applicant describe

A great deal of attention has been focused on the buildability of a number of lots within this subdivision because of the presence of steep slopes and ravines that traverse the site. Tree clearance, soil disturbance are critical issues since they affect the long term stability of slopes. The exsting groundcover, understory vegetation and their root structures are part of an intricate natural system that stabilizes soils and steep slopes of the site. In previous staff memos and this report we outline these issues in more detail. We can talk about this further and Steve Bunting

erodible soils

Attachment M in the Green Book color slope map

Attachment E

- Contorted lots lots 2 and 4 narrow string peninsula of land surrounded by steep slope increases the likelyhood of environmental because it opens up back land that is problematic to develop
- building envelopes are particularly large for the larger size lots. this has implication for a clear cutting since you can cut any tree less than 24 inches in diameter

building envelope concept

nondisturbed area

PRP 3 PUBLIC HEARING
NOV 28, 2000

Steve Bushey presentation

Terry Inn
Steve Howell → Cole
Tom Carroll
Paul Cooper Econ
Doug Reynolds
B. Wolf
B. Adams

AL Palmer
building envelope 43% of the subdivis.

cond #3 should it apply to all the lot
tie to cond IV
lots 2 and 4 identical to 1989 approval

lot 2 14%
* mentions Auburn Pines no restriction on clearance or regrading
we are requiring more than other subdivisions expensive home tennis court, pools

Steve Howell S.W. Cole
unique site slopes are current very stable
no erosion
slopes have been worked deep + complex root syst
site was originally farmland cleared in the 1950's
trees are 100 year old
hasn't found any past evidence of erosion

Frick report Lamoine soils limitations to development are severe

---

Jackson St

how much tax $ will it generate? how much will be lost to the city

what about after development when people move?

what mechanisms will be in place

what about cleared land pesticides, herbicides

Bill Norwood Lester Dr. represents people in legislature

a special plot of land a balancing act

unique land real concerns about topo + slopes

his constituents has contacted him about this

advance conditions of approval

enclave a place of port

Steve Berg 10 Whalehoat Rd

has created now another lot lots 18 and 19 is unnumbered

between Pratt and Curtis

sidewalk waiver just cost cutting measure

need construction monitoring

shoreland access restricting to homeowners doesn't answer the access question

" undue adverse impact of natural features scenic natural beauty standard

Don Bretton 51 Old Birch Lane

dynamic proposal 8 to 18 lots

cross country skiing walking through the property

address environmental impact of Eagle to ext. including traffic

* shallow pond with tad poles filled it in before the wetland analysis was done

Curtis Roberts

mentions kids playing area

where are kids going to play

access

environmental concerns what is the storm you should be concerned about the fingers, where is the environmental critic

wind wipe through this area people will burn more oil

blend things with tax revenues

habitat 8 point buck walked up in his yard lady slow slippers are around

Filmore stopped development way down

Holly Travers 46 Jackson St

what about the access trails to the river?

_____ erosion gullies forming, trees slow down water, protect slopes, hold the side of the gully if you take trees down this will affect soil stability

lots 2+4 are gerrymander get rid of them
use the 30% standard additional blowdowns
despite restrictn problm at Pheasant Hill
shallow routes ofp
without conditions that can be enforced conditions were ignored
~~pretty~~ never took action
Auburn Pines is not a model of good planning
~~about~~ your responsibility to create expansive houses
for the few
look at enviro

Joseph Goodman 92 Alice
open space very limited in N.D.
kids play hockey by his house
no open space for kids to play
gigantic ravines wind going thru this area
is strong
plenty of wildlife
enforcement issues in Falmouth they
stripped down to the river needs enforcement
what about a survey of trees 24" or greater

Donna Brannan 22 Overcliff
In 10 years everybit of N.D will be developed
a special piece of land needs to be careful
developer
access is needed to the river river is owned
by all of us
add a condition to provide public access
fastest growing area in Portland, need
open space

needs more openspace for N.D besides the streets go past their house
this development in piecemeal doesn't look at the entire development or town

Steve Caluccio Alice Ct lives there for 10 years
supports the project
lives in Scarboro come back
use the objective criteria if it meets the criteria allow it to happen

Steve Champagne 21 Wendy Way
quoted scenic beauty subd. standards
have discretion to deny this project
town is being torchered for a project
should pay the developer
is unique in the N.E of the area in the N.E.
the dam is coming down
second access is an illusion a 1st stage of a massive development

Mike Ellwell 32 Alice
one small door one small door
needs a comp plan should be proactive
For if this area is lost a gem
a unique area don't lose it

Wendy Horman 5 – Curtis Rd

different phases have followed this for years

2nd access is not good

781 cars with the buildout

when will the small road be built during construct

timeframe with Falmouth when it would be constructe

500 Anchor full of vegetation + wildlife now there isn't any?

recreation easement for just lot owners

have lived in this neighborhood since the 1960s

no farming past the powerline not as represented by the consultant

hydrant info has it been looked at

need another access

Board questions + comments

T. S. easement access to owners thru Falmouth + Portland when Portland acquires the land

rec easement & terminate upon acquisition by Portland

Cyrus comp plan issues Board is looking at the bigger issue Curtis Rd can not be the only access only alt access extend Eagle to Hope

Hope + Eagle need to connect within a specific Timeframe

Proft Rd doesn't really provide a connection.

don't build Proft → use it towards extender Eagle Ave.

need to be built for a certain time-out (5 years) or the next phase

need a final disposition of Hope + Eagle

put it towards Eagle

Orlando

take out Proft at this time

should look at an alternative way out

land will support some level of

DGB concerned about the access

steep slopes of the road & need to know whether its feasible to build

need for a public access to the river

Cyrus not prepared to vote on this table ll opportunities

been a contractor for along time

as a contractor 2+4 having a hard time to see how a house can be built

2+4 don't work as buildable lot

reconfigure bring to the street long peninsulas should be no builds

Micro burst, 100 year flood, rain storm
cut a whole in the tree canopy, it
unravels can't be put back toget
deed restriction or pull it back
[mentions 200 ft]
a unique opportunity
seriously consider 2 to
merge 1 to 4 to 5
doesn't care if he comes back with more
lots on lot 11
* must know
we know that Eagle can be connect to Hope

↑ Alex read his notes
Cyrus likes Alex's statement

Orlando mentions combining lots
wants an access easement perhaps using
a boundary line as know where it is
for lot owners + the public
look at the roadway width → is 24 ft wide
* enough since it's going to be the major
access width needs to be wide enough
supports the conditions of approval
Eagle to ext a bond structure or some
other way to do it ← Concerned about
how this would be enforced

Erin supports the lot reconfigure
no further than the back boundary of lots
midway to lot lines 1 & 2

easement running to the lot owners shown go to the
public also
eagle ave to hope ave a prerequisite to
any further development connection
should be made now

Deb lots 1 & 2 support consolidation
4 & 5
~~Ex~~ trees this should be perpetually preserved
for too fragile
endorse making the building envelopes the
smaller is familiar with blowdown
Condition #4
endorse all the conditions

blowdown a tree survey shall be a
no tree greater than 12 inches in diameter except for
a location of a house or driveway

Ken combine lots don't move building envelopes
if they want to reconfigure 10, 11, 12 fine

O.O. this is an approvable project

J.C. need to know whether Eagle can be built
need to combine the lots, protect the fingers efficient layout would be better the long fingers need to be looked at

table to sometime on the future
6-0 (Malone absent)

Send a P.B report to Wendy Horman
J9 Curtis K

From: Larry Ash
To: Rick Knowland
Date: Tue, Nov 28, 2000 10:57 AM
Subject: Presumpscot River Place

Rick: I do not have any specific traffic related issues pertaining to this proposed development as the associated street network is capable of absorbing vehicular increases due to the development.

Neighborhood issues related to speed, volumes , etc., can be appropriately handled through the traffic calming ordinance in the City Code.

CH wants to know what the shareland area will be used for

for the road, needs to be a clock ie within 15 years

Deb shares CH concern road may never be built or will take forever

wants a connection

OD at some point roadway is needed

like intersects topo upscale houses

good for Portland + the tax base

stormwater, recreation, access

CH. still concerned how far do we go before we get a 2nd access need to draw a line

Erin ☐ definitive access rights

☐ Curtis Rd impact

✱ ○ some type of timeframe for the Falmouth access

Deb some type of public access should be provided from Custo Rd down to the river and along the river

lot 4+5 issue adjo lots 1+2 should be combined

severe building limitation — soil classification diminishing some of the potential

K.C. declaration of restric

* wants cutting restriction

at a min. the open space needs to be dedicated to lot owners

* sub. law does allow joint Pal./Planning b.b. meetings

joint review

OD shows Deb's view on access

need more confidence that the roadway develop will occur. no phase 4 any more

down until the road network is done cushing to hop

J.C. doesn't want a lot of condition of approval

stormwater management

P1

Joanna Sinnett
155 Pleasant Avenue
Portland, Maine,
04103
December 11, 2001.

Chairman of Planning Board
Portland City Hall
389 Congress Street
Portland, Maine,
04101

Dear Mr. Chairman:

I am writing you concerning the the land for the proposed park at the end of Curtis Road along by Presumscott (SP?) River. I first heard of it on the morning talk show on WGAN AM radio. After I got up that morning I drove out there and walked all through there to see what that land is. It is a potencial diamond mine but from your perspective you are dealing with a pig in a poke because you don't realize the possibilities and the potencial long range. I understand there are also two proposals by a developer to put a housing development down there. One the original proposal and the

mid to late 1940's. There is plenty of housing in Portland but not always affordable. I have written this paragraph to address the issue of the developer wanting to developed this land which is not appropriate for housing or anything else except a park which could be the envy of the whole country.

I understand the alternative to housing development is to purchase that land by eminent domain. My recommendation is for the city to purchase the land for a park.

When I walked the land, I went on the wooded trails that went through the woods and along the riverside. Time did not permit to walk the trail along by the power lines to know where that trail goes and evaluate it. I estimate there is about a hundred acres down there by drawing the perimeter along by the road over to and along by the river and over to the field and back to the road inclusive of the powerline trail. You could have about twenty five

because she is my councilor according to council district lines, but according to geographical lines Nathan Smith would be my councilor. So you see in a way I have two councilors which is why I always went to neighborhood meetings at Deering High School when Tom Kane was on the council. Also I would like a copy of this to go to Karen Geraghty because she is Mayor. Am I right that Nathan Smith took Tom Kane's place or is he still at large? I am mixed up between last year and this although I understood City Hall to tell me that he took Tom's place.

R S V P

Truly

Joanna Linnett

From: <DnEMILLER@aol.com>
To: Portland.CityHall(RWK)
Date: Tue, Jan 22, 2002 3:01 PM
Subject: Adam & Wolf development

RE: Proposed Adam & Wolf development, #1999-0148

Please be advised that the city's use of 24 foot road ways for residentioal developments has some serious short comings. I encourage you not to permit adoption of the narrow 24 foot street for this develpment.

I am a resident on one of your new 24' streets, Garsoe Drive. I have found the street is too narrow to back out of a driveway, and not bump a car parked on opposite the driveway.This has happened to us twice ---once at night when I was driving, and once at night when my wife's sister dropped her off at our home. Yes, I've learned the hard way about the problem, and hopefully I will not repeat it. But what about all the friends and relatives who may use our driveway of an evening??? If we forget to remind them, or they forget our reminder by the time they are leaving our drive, it's body shop time again!

Clearly, a 24 foot residential roadway is unsatisfactory. Thank you for considering this problem. I hope you will not repeat it with on Hope Street.

Thank you.

Don C. Miller, 45 Garsoe Drive, Portland.

2 DEVELOPMENT OF THE PARCELS PROPOSED AS PART OF THIS PLAN SHALL BE IN ACCORDANCE WITH DIVISION 6 (SECTIONS 14-76 THROUGH 14-81) OF CHAPTER 14, LAND USE, OF THE CODE OF ORDINANCES OF THE CITY OF PORTLAND, SUPPLEMENT 5, DATED JANUARY 1999. EXCERPTS OF THE DIMENSIONAL REQUIREMENTS ARE PRESENTED BELOW

REULSGO PRP 3
SUBDIVISION PLAN
NOTES JUNE, 2001

MINIMUM LOT SIZE	10,000 S.F.
MINIMUM FRONTAGE	50 FT
MINIMUM SETBACKS:	
FRONT YARD	25 FT.
REAR YARD	25 FT
SIDE YARD *	
1 STORY	12 FT
1 1/2 STORIES	12 FT
2 STORIES	14 FT **
2 1/2 STORIES	16 FT
SIDE YARD * ON SIDE STREETS	20 FT.
MINIMUM LOT WIDTH	80 FT.

* THE WIDTH OF ONE (1) SIDE YARD MAY BE REDUCED ONE (1) FOOT FOR EVERY FOOT THAT THE OTHER SIDE YARD IS CORRESPONDINGLY INCREASED. BUT NO SIDE YARD SHALL BE LESS THAN TWELVE (12) FEET IN WIDTH.
** SIDE YARDS SHOWN ON PLAN ARE 14 FEET AND MAY BE INCREASED OR DECREASED DEPENDING UPON NUMBER OF STORIES.

3 STRUCTURE ENVELOPES AS SHOWN ON THIS PLAN REPRESENT THE MAXIMUM AREA FOR CONSTRUCTION OF THE PRINCIPAL STRUCTURE. ANY CHANGES TO SUCH AREA MUST RECEIVE THE WRITTEN APPROVAL OF THE CITY OF PORTLAND PLANNING AUTHORITY PRIOR TO COMMENCEMENT OF CONSTRUCTION AND MUST BE RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS WITH A REFERENCE TO THE PLAN BOOK AND PAGE FOR THIS PLAN

4 EACH LOT SHALL REQUIRE THE SUBMISSION OF A SITE PLAN FOR REVIEW AND APPROVAL PRIOR TO THE ISSUANCE OF A BUILDING PERMIT, AND SHALL BE SUBJECT TO REVIEW PURSUANT TO ARTICLE V OF CHAPTER 14 OF THE PORTLAND CITY CODE

5. THE OWNERS OF ALL LOTS EXCEPT LOT 18 THROUGH LOT 28 SHALL RETAIN EITHER A LICENSED CIVIL ENGINEER OR LANDSCAPE ARCHITECT TO ASSIST IN DESIGN OF THE IMPROVEMENTS ON THEIR LOTS. THE OWNERS OF THESE LOTS SHALL ALSO RETAIN THAT "PROFESSIONAL" TO PROVIDE CONSTRUCTION PHASE SERVICES INCLUDING, BUT NOT LIMITED TO, PERIODIC SITE INSPECTION FOR ADHERENCE TO ALL REQUIRED EROSION AND SEDIMENTATION CONTROL MEASURES AND TO ADDRESS AND CHANGES IN FIELD CONDITION WHICH REQUIRE MODIFICATION TO THE DESIGN OF THE LOT IMPROVEMENTS. AT A MINIMUM, THE FOLLOWING SITE INSPECTION MUST BE CONDUCTED:

- SUBSEQUENT TO STAKING OF HOUSE AND DRIVEWAY, INSTALLATION OF SILT FENCE AND PRIOR CLEARING
- UPON COMPLETION OF CLEARING AND GRUBBING.
- UPON COMPLETION OF ROUGH GRADING
- UPON COMPLETION OF FOUNDATION
- UPON COMPLETION OF FINAL GRADING
- UPON COMPLETION OF SURFACE RESTORATION
- PRIOR TO REMOVAL OF EROSION CONTROL MEASURES

6. NO CONSTRUCTION, GROUND DISTURBANCES OR REGRADING SHALL OCCUR WITHIN THE UNDISTURBED ZONE SHOWN ON THE VARIOUS LOTS. NO CONCENTRATED RUNOFF SHALL OCCUR IN THIS AREA. TREES IN EXCESS OF 16 INCHES IN THE UNDISTURBED ZONE SHALL NOT BE CUT EXCEPT TO ENSURE SAFETY HAZARDS. STORM DAMAGED, DISEASED, UNSAFE OR DEAD TREES MAY BE REMOVED IN THE UNDISTURBED ZONE PROVIDED THE CREATION OF ANY CLEARED OPENING IN EXCESS OF 250 SQUARE FEET SHALL BE REPLANTED WITH NATIVE SPECIES UNLESS EXISTING TREE GROWTH IS PRESENT

7 A MINIMUM OF TWO TREES PER LOT SHALL BE [illegible]

Note 6
No cutting grades, tree clearing or disturbance of ground cover or vegetation - will be permitted in the non disturbance zone except for which [illegible] clearing may present danger to persons or property as determined by [illegible]

No cutting of trees or brush

Except dying trees as approved by City Arborist

III. 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 #62-00.

1. The plan is in conformance with the subdivision ordinance of the Land Use Code.

Potential Conditions of Approval

i. That the homeowners association documents for the private force main sewer line shall be revised for review and approval by city staff.

ii. That lot 2 be eliminated and combined with lot 1; and that lot 4 be eliminated and combined with lot 5.

iii. That recording plat note #7 shall be revised to include all lots within the subdivision. (Note this requires a licensed civil engineer or landscape architect to provide field inspection of key site construction milestones for each lot).

iv. That the total area of the building envelopes shall be revised such that the building envelopes do not exceed __X__ percent of the total land area of the lots.

v. That the subdivider shall submit for city staff review and approval appropriate documentation on the size and specifications for the individual lot sewer lift stations. Subdivider shall disclose to the prospective property owner in writing the size and specifications of the lift stations.

vi. That the applicant submit a street dedication for the extension of Eagle Avenue to Hope Lane for review and approval by Corporation Counsel.

vii. Note: Recording plat notes are still under review.

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).

3. Side lot lines at right angles to street waiver (sec. 14-498 (h) (4) for lots 2,4 and 5.

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 such variation will not have the effect of nullifying the intent and purpose of the land development plan and the subdivision regulation.

As a result, the Board does/does not grant the request for a waiver for the lots listed above.

2 DEVELOPMENT OF THE PARCELS PROPOSED AS PART OF THIS PLAN SHALL BE IN ACCORDANCE WITH DIVISION 6 (SECTIONS 14-76 THROUGH 14-81) OF CHAPTER 14, LAND USE, OF THE CODE OF ORDINANCES OF THE CITY OF PORTLAND, SUPPLEMENT 5, DATED JANUARY 1999. EXCERPTS OF THE DIMENSIONAL REQUIREMENTS ARE PRESENTED BELOW / or as amended from time to time

REULSGO PRP3 SUBDIVISION PLAN NOTES JUNE, 2001

MINIMUM LOT SIZE	10,000 S.F.
MINIMUM FRONTAGE	50 FT
MINIMUM SETBACKS:	
FRONT YARD	25 FT.
REAR YARD	25 FT
SIDE YARD *	
1 STORY	12 FT
1 1/2 STORIES	12 FT
2 STORIES	14 FT **
2 1/2 STORIES	16 FT
SIDE YARD * ON SIDE STREETS	20 FT.
MINIMUM LOT WIDTH	80 FT.

* THE WIDTH OF ONE (1) SIDE YARD MAY BE REDUCED ONE (1) FOOT FOR EVERY FOOT THAT THE OTHER SIDE YARD IS CORRESPONDINGLY INCREASED. BUT NO SIDE YARD SHALL BE LESS THAN TWELVE (12) FEET IN WIDTH.

** SIDE YARDS SHOWN ON PLAN ARE 14 FEET AND MAY BE INCREASED OR DECREASED DEPENDING UPON NUMBER OF STORIES.

3 STRUCTURE ENVELOPES AS SHOWN ON THIS PLAN REPRESENT THE MAXIMUM AREA FOR CONSTRUCTION OF THE PRINCIPAL STRUCTURE. ANY CHANGES TO SUCH AREA MUST RECEIVE THE WRITTEN APPROVAL OF THE CITY OF PORTLAND PLANNING AUTHORITY PRIOR TO COMMENCEMENT OF CONSTRUCTION AND MUST BE RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS WITH A REFERENCE TO THE PLAN BOOK AND PAGE FOR THIS PLAN

including lots 1, 2, 3, 8, 9, 10, 11, 12, 13, 14, 16 and 17

OR BOARD

4 EACH LOT SHALL REQUIRE THE SUBMISSION OF A SITE PLAN FOR REVIEW AND APPROVAL PRIOR TO THE ISSUANCE OF A BUILDING PERMIT, AND SHALL BE SUBJECT TO REVIEW PURSUANT TO ARTICLE V OF CHAPTER 14 OF THE PORTLAND CITY CODE

5. THE OWNERS OF ALL ~~LOTS EXCEPT LOT 18 THROUGH LOT 26~~ LOT(S) 1 thru 7 / ANY SHALL RETAIN EITHER A LICENSED CIVIL ENGINEER OR LANDSCAPE ARCHITECT TO ASSIST IN DESIGN OF THE IMPROVEMENTS ON THEIR LOTS. THE OWNERS OF THESE LOTS SHALL ALSO RETAIN THAT "PROFESSIONAL" TO PROVIDE CONSTRUCTION PHASE SERVICES INCLUDING, BUT NOT LIMITED TO, PERIODIC SITE INSPECTION FOR ADHERENCE TO ALL REQUIRED EROSION AND SEDIMENTATION CONTROL MEASURES AND TO ADDRESS AND CHANGES IN FIELD CONDITION WHICH REQUIRE MODIFICATION TO THE DESIGN OF THE LOT IMPROVEMENTS. AT A MINIMUM, THE FOLLOWING SITE INSPECTION MUST BE CONDUCTED:

- SUBSEQUENT TO STAKING OF HOUSE AND DRIVEWAY, INSTALLATION OF SILT FENCE AND PRIOR CLEARING
- UPON COMPLETION OF CLEARING AND GRUBBING.
- UPON COMPLETION OF ROUGH GRADING
- UPON COMPLETION OF FOUNDATION
- UPON COMPLETION OF FINAL GRADING
- UPON COMPLETION OF SURFACE RESTORATION
- PRIOR TO REMOVAL OF EROSION CONTROL MEASURES

S

written ... ment

This note shall appear in all property deeds except lots 18 through 26.

6. NO CONSTRUCTION, GROUND DISTURBANCES OR REGRADING SHALL OCCUR WITHIN THE UNDISTURBED ZONE SHOWN ON THE VARIOUS LOTS. NO CONCENTRATED RUNOFF SHALL OCCUR IN THIS AREA. TREES IN EXCESS OF 16 INCHES IN THE UNDISTURBED ZONE SHALL NOT BE CUT EXCEPT TO ENSURE SAFETY HAZARDS. STORM DAMAGED, DISEASED, UNSAFE OR DEAD TREES MAY BE REMOVED IN THE UNDISTURBED ZONE PROVIDED THE CREATION OF ANY CLEARED OPENING IN EXCESS OF 250 SQUARE FEET SHALL BE REPLANTED WITH NATIVE SPECIES UNLESS EXISTING TREE GROWTH IS PRESENT

This note shall appear in the property deeds of

7 A MINIMUM OF TWO TREES PER LOT SHALL BE ...

8 ALL DRIVEWAYS SHALL BE PAVED WITHIN SIX (6) MONTHS OF THE RECEIPT OF CERTIFICATE OF OCCUPANCY AND SHALL BE A MINIMUM OF 12' WIDE INDIVIDUAL HOMEOWNERS SHALL BE RESPONSIBLE FOR PAVING OF DRIVEWAY

9 PRIVATE DRAINAGE EASEMENTS: TREE CLEARING, CONSTRUCTION OF BUILDINGS, FILLING, REGRADING, OR OTHER OBSTRUCTIONS SHALL BE PROHIBITED WITHIN THE PRIVATE DRAINAGE EASEMENTS, UNLESS APPROVED IN WRITING BY THE CITY OF PORTLAND PLANNING DEPARTMENT UNDER SITE PLAN REVIEW.

10. NO PUBLIC SERVICES (I.E. SNOW PLOWING, TRASH REMOVAL, LIGHTING) WILL BE PROVIDED UNLESS AND UNTIL THE PROPOSED STREETS ARE ACCEPTED BY THE CITY COUNCIL.

11 THE CITY OF PORTLAND WILL NOT ACCEPT SEWER UTILITIES ON STREETS REQUIRING LOW PRESSURE FORCE MAIN AND SUCH UTILITIES SHALL REMAIN THE SOLE RESPONSIBILITY OF THE INDIVIDUAL HOMEOWNER AND/OR ASSOCIATION, AND NO SUCH RESTRICTION SHALL BE NOTED ON THE DEEDS

12. THE DESIGN ENGINEER OF RECORD, GORRILL-PALMER CONSULTING ENGINEERS, INC., SHALL PROVIDE A WRITTEN STATEMENT UPON COMPLETION OF CONSTRUCTION OF THE SUBDIVISION INFRASTRUCTURE AFFIRMING THAT THE WORK IS IN SUBSTANTIAL CONFORMANCE TO THE APPROVED PLANS AND THAT ALL CONDITIONS OF APPROVAL HAVE BEEN SATISFIED. THE APPLICANT SHALL ALSO RETAIN GORRILL-PALMER CONSULTING ENGINEERS, INC. TO PROVIDE CONSTRUCTION PHASE SERVICES FOR THE SUBDIVISION INFRASTRUCTURE INCLUDING BUT NOT LIMITED TO, PERIODIC SITE INSPECTION FOR ADHERENCE TO ALL REQUIRED EROSION AND SEDIMENTATION CONTROL MEASURES AND TO ADDRESS ANY CHANGES IN FIELD CONDITIONS WHICH REQUIRE MODIFICATIONS TO THE DESIGN OF THE SUBDIVISION INFRASTRUCTURE

13. EACH LOT SHALL REQUIRE THE SUBMISSION OF A MINOR/MINOR SITE REVIEW PRIOR TO THE ISSUANCE OF A BUILDING PERMIT AND SHALL BE SUBJECT TO REVIEW PURSUANT TO ARTICLE V OF CHAPTER 14 OF THE PORTLAND CITY CODE

14 LOTS WITHIN THIS SUBDIVISION MAY REQUIRE INSTALLATION OF A PRIVATE PUMP STATION TO CONVEY SANITARY WASTES TO THE MUNICIPAL SYSTEM. REFER TO SHEETS 7, 8 AND 9 OF THE PLAN SET FOR ADDITIONAL INFORMATION REGARDING PUMPING OF INDIVIDUAL LOTS.

15 OWNERS OF LOTS 8, 9, 10 11, 12, AND 13 WILL BE REQUIRED TO BE MEMBERS OF A HOMEOWNERS ASSOCIATION THAT WILL BE RESPONSIBLE FOR THE OPERATION AND MAINTENANCE OF A LOW-PRESSURE SEWER FORCE MAIN WITHIN THE RIGHT-OF-WAY OF THE BROTHERS ROAD.

16 THE OWNERS OF LOTS 1, 2, 3, 4, 10, 11, 12, 13, 14, 16 AND 17 MAY NEED TO OBTAIN A MDEP PERMIT-BY-RULE FOR SOIL DISTURBANCE WITHIN 100 FEET OF A PROTECTED NATURAL RESOURCE. INDIVIDUAL LOT OWNERS WILL BE RESPONSIBLE FOR OBTAINING THIS PERMIT, IF NECESSARY BASED UPON THEIR LIMITS OF DISTURBANCE

17 DEVELOPER MAY CONTRACT FOR THE INSTALLATION OF IMPROVEMENTS NOTED ON THE PLAN BUT SHALL REMAIN ULTIMATELY LIABLE TO THE CITY OF PORTLAND FOR THE FINANCIAL OBLIGATION FOR COMPLIANCE WITH THE CITY ORDINANCES AND APPROVALS. SUCH FINANCIAL OBLIGATION SHALL BE NEITHER TRANSFERABLE NOR WAIVABLE BY THE DEVELOPER PURSUANT TO CONDITIONS AND LIMITATIONS OF THE SUBDIVISION AND SITE PLAN ORDINANCE OF THE CITY OF PORTLAND WITHOUT PRIOR APPROVAL OF THE TRANSFEREE BY THE PLANNING AUTHORITY.

18 RIGHTS OF LOT OWNERS TO PROPERTY ADJACENT TO THE RIVER PURSUANT TO DECLARATION OF COVENANTS AND RESTRICTIONS OF THE SUBDIVISION.

5-24-01

TO: STEVE BUSHEY
TONY LOMBARDO
MARC SCHMUCKAL
GAYLAND McDONALD
JEFF TARLINI

SENT OUT TO EVERYONE ON 5-24-01

PLEASE REVIEW THE ATTACHED (REVISED) PLANS FOR PRP 3. WE WILL BE REVIEWING THESE AT THE MAY 30TH STAFF MEETING.

THANKS
RK

PRP 3

WKSHP JUNE 26, 2001

B. Wolf presentation

eliminate certain lots a better plan

issue of acquiring land

approval will not preclude city buying the land

50ft r-o-w from curb if along the shore

10 acres in Falmouth

bring F land into Public control

Zone for elders housing

"according to the ordinance"

AL Palmer

talks about upgrading lot

reconfigured lots

D.H. comment about housing + access

street dedication what do we want?

talk to Penny about this

should be looked at individually

mentions Carlucci site plan

Erin public access concern
enforceability issues
this issue was raised before
what is the applicant proposing? how long?
Snow two years
if conveyance doesn't happen within 2 years
will be conveyed to a conservation or
charitable group

Cyrus board doesn't have the authority
asks staff what power the board has
is concerned about Falmouth language re
for the roadway
access be dedicated for the future in case
the land changes hands
So will work with penny on this

Orlando doesn't like the 30%
wants a better rational

Ken echos Orlando
exception 10 miles
has no rational basis
give them more flexibility
it is arbitrary negotiate with the
developer
unless roadway no approval

Deb agrees with the street name

Mark likes the improved plan
a "land donation standard" troubled by it
what right does the Board have the right
to require the land
does it agree with RSA's

public comment

Steve Berg 10 Whalebone Rd
nicer project
waiver of sidewalk along Curtis Rd
who will be maintaining the sidewalks along the
detention area? grass grows high
clear cutting of lots CMP has the right
to clear cut 150' wide
wants a buffer between the two
subdivisions

Jim Cohen 62 Deepwood Dr.
250 ft may not be an adequate buffer

has open space been provided
not a prior pro quo

John Jackson Jr

traffic impact study was it born

Holly Travers land in Falmouth

From: Larry Ash
To: Rick Knowland
Date: Fri, Jun 2, 2000 1:17 PM
Subject: Re: prpiii

Rick: 1. between Abby Lane and the end of Curtiss Rd--..550 veh per day with an 85th % speed of 33mph

2. between Abby Lane and Wendy Way approx 1000 veh/day and an 85th of 33mph

3. between Wendy Way and Summit approx 1000 vpd and 33mph.

>>> Rick Knowland 06/02 10:51 AM >>>
Larry, I wasn't able to write down quick enough what some of your survey results were on prp such as traffic counts and speed. Could you do a quick e-mail on some of those stats? Thanks.

City of Portland
Planning Department

389 Congress Street, 4th Floor
Portland, ME 04101
(207)874-8721 or (207)874-8719
Fax: (207)756-8258

FAX TRANSMISSION COVER SHEET

Date: 7-6-01

To: AL PALMON

Company:

Fax #:

From: RICK KNOWLAN

RE: AL - AS PROMISED WRITTEN COMMENTS ON LOTS 1, 27 AND 18 FROM MARGE. THIS NEEDS TO BE ADDRESSED ASAP.

YOU SHOULD RECEIVE 2 PAGE(S),
INLUDING THIS COVER SHEET.
IF YOU DO NOT RECEIVE ALL THE PAGES,
PLEASE CALL (207)874-8721 OR (207)874-8719.

From: Marge Schmuckal
To: RICK KNOWLAND
Date: Fri, Jul 6, 2001 12:23 PM
Subject: RE: Presupscot River Place 3

Rick,
A review of the most current subdivision plans show that the proposed street construction does not meet the intent of 14-403 streets. The newly proposed streets would not technically be considered a "14-403 street" at this stage. However, the newly proposed street called Eagle Avenue would not be constructed up to City Standards as outlined for existing unimproved and improved but unpaved streets. Lots # 1 and #27 front entirely on the newly proposed Eagle Avenue. Eagle Avenue does not continue to the end of these proposed lots. This puts the future owners of these properties in jeopardy. Section 14-403 would require these new owners extend the street to the end of their properties.

I would also like to point out that lot #18 is an apparent corner lot. Eagle Avenue does not continue to the end of that side of lot #18. However, this lot does have frontage on Curtis Road. Again, so a potential homeowner is not in jeopardy of the requirement to extend Eagle Avenue to the end of their lot, I suggest that either it be required at this subdivision stage to have Eagle Avenue extended to the end of lot #18, or to limit the development of this lot to front only on Curtis Road. I would suggest that there be a plan note that would restrict the frontage of lot #18 to be only on Curtis Road. I would also go so far as to suggest that if a future home owner proposed to front their home toward Eagle Avenue, that the burden to extend the street up to City standards be place upon the Contractor/Developer and not upon the future home owner.

It would be at this stage of development that the Contractor/Developer should be required to meet the intent of all the City Codes. The burden of new streets in a new subdivision should be upon the Developer and not upon a future homeowner.

7/6/01

CC: ALEX JAEGERMAN; Marge Schmuckal; MARK ADELSON;...

7 Whaleboat Road
Portland, Maine 04103
June 25, 2001

Mr. Richard Knowland, Se
Planning Department
City Hall, 4th Floor
389 Congress Street
Portland, Maine 04101

Re: Presumpscott River P

Dear Mr. Knowland,

I am writing regarding the
residential subdivision on

My family has resided at
February of 1987. I am c
which occurred in either
the planning of the curre

There was a large vernal
that time. Shortly before
being offloaded from a fl
It wasn't until several m
We had previously seen
the area. I don't know w

We recently received co
Sewall. A photo taken
on the scale of the photo
taken on December 12,

I understand that the pla
environmental issues. I
setbacks and buffers to
Based on the past beha
most stringent measure

Photocopies of the pho
requested. Thank you

Sincerely,

Carol Gillis

Enc.
cc: Joseph Gray, City Manager; Jay Hibbard, City Counselor;
Boyd Marley, State Representative;

DEPARTMENT OF PLANNING AND URBAN DEVELOPMENT

RICHARD KNOWLAND
SENIOR PLANNER

7-19-01

DAWN,

ENCLOSED IS A COMPLAINT THAT WE RECEIVED FROM A RESIDENT REGARDING THE PRESUMPSCOT RIVER PLACE SUBDIVISION. THE DEP WILL BE REVIEWING THIS SUBDIVISION SO I'D BE INTERESTED IN YOUR THOUGHTS.

THANKS
RIK

From: Marge Schmuckal
To: RICK KNOWLAND
Date: Fri, Jul 6, 2001 12:23 PM
Subject: RE: Presupscot River Place 3

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A review of the most current subdivision plans show that the proposed street construction does not meet the intent of 14-403 streets. The newly proposed streets would not technically be considered a "14-403 street" at this stage. However, the newly proposed street called Eagle Avenue would not be constructed up to City Standards as outlined for existing unimproved and improved but unpaved streets. Lots # 1 and #27 front entirely on the newly proposed Eagle Avenue. Eagle Avenue does not continue to the end of these proposed lots. This puts the future owners of these properties in jeopardy. Section 14-403 would require these new owners extend the street to the end of their properties.

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7/6/01

CC: ALEX JAEGERMAN; Marge Schmuckal; MARK ADELSON;...

CITY OF PORTLAND, MAINE
PLANNING BOARD

October 1, 2001

Jaimey Caron, Chair
Deborah Krichels, Vice Chair
Kenneth M. Cole III
Cyrus Y. Hagge
Erin Rodriquez
Mark Malone
Orlando E. Delogu

Mr. Lloyd Wolf
Diversified Properties
PO Box 10127
Portland ME 04104

RE: Presumpscot River Place III Subdivision; Vicinity of Curtis Road
Application #1999-0148

Dear Dr. Wolf:

On September 25, 2001, the Planning Board voted 5 to 1 (Cyrus against, Malone absent) to table consideration of the Presumpscot River Place III subdivision application. The application has been tabled to the Planning Board's meeting of November 13th.

Should you have any questions concerning this letter, please call the Planning Office.

Sincerely,

Jaimey Caron, Chair
Portland Planning Board

Alexander Jaegerman, Chief Planner
Richard Knowland, Senior Planner
Marge Schmuckal, Zoning Administrator
Tony Lombardo, Project Engineer
Jay Reynolds, Development Review Coordinator
William Bray, Deputy Director/City Traffic Engineer
Nancy Knauber, Associate Engineer
Eric Labelle, City Engineer
Jeff Tarling, City Arborist
Penny Littell, Associate Corporation Counsel
Lt. Gaylen McDougall, Fire Prevention
Inspections Department
Lee Urban, Director of Economic Development
Don Hall, Appraiser, Assessor's Office
Susan Doughty, Assessor's Office
Approval Letter File

Planning & Urban Development

CITY OF PORTLAND

August 2, 2001

Al Palmer
Gorrill-Palmer Consulting Engineers
P. O. Box 1237
26 Main Street
Gray, ME 04036

RE: Presumpscot River Place III Subdivision; Vicinity Curtis Road
(CBL# 389-G003)

Dear Mr. Palmer,

At your request, the Portland Planning Board voted 5-0 (Delogu, Rodriguez absent) to table the July 24th public hearing for the Presumpscot River Place III subdivision application to the September 11, 2001 Planning Board meeting.

Should you have any questions on this letter, please contact the Planning Department office.

Sincerely,

Jaimey Caron, Chair
Portland Planning Board

CC: Alexander Jaegerman, Chief Planner
Sarah Hopkins, Developmental Review Service Manager
✓ Richard Knowland, Senior Planner
Marge Schmuckal, Zoning Administrator
Penny Littell, Associate Corporation Counsel
Anthony Lombardo, Project Engineer

389 Congress Street • Portland, Maine 04101 • (207) 874-8721 • FAX 756-8258 • TTY 874-8936

REVISED 9-25-01

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, Senior Planner

DATE: November 8, 2001

RE: Presumpscot River Place Subdivision

On September 25, 2001, the Planning Board tabled consideration of the Presumpscot River Place Subdivision to the Board's November 13th meeting. We are recommending that this item be tabled again.

The applicant is in the process of revising the subdivision layout in light of the city agreement to purchase a portion of their land holdings. On November 1st, the Land for Maine's Future Board awarded the City $483,000 to help pay for this land acquisition. A revised subdivision plan and City acquisition of land for park purposes is a "go".

Executive Department

Larry S. Mead
Assistant City Manager

CITY OF PORTLAND

November 5, 2001

Lloyd B. Wolf
Robert Adam
c/o Terry N. Snow, P.A.
P.O. Box 275
Cumberland, Maine 04021-0275

Dear Mr. Adam and Mr. Wolf:

On November 1, 2001, the Land For Maine's Future Board voted unanimously to support the City's application for funding to purchase approximately 48 acres of your property along the Presumpscot River in Portland and Falmouth. The LMF Boards action awarded the City a grant in excess of $483,000 (four hundred eighty three thousand dollars).

This grant allows the City to go forward with our agreement dated September 21, 2001. By this letter I give notice to you that the City will not elect the termination option provided for in section 1(b) of the agreement. The City looks forward to your successful receipt of Planning Board approval for your proposed subdivision identified as PRP3A.

Sincerely,

Larry S. Mead
Assistant City Manager

Cc: Mayor and Members of the Portland City Council
Joseph E. Gray, City Manager

III. 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 #62-00.

1. The plan is in conformance with the subdivision ordinance of the Land Use Code.

Potential Conditions of Approval

i. That the homeowners association documents for the private force main sewer line shall be revised for review and approval by city staff.

ii. That lot 2 be eliminated and combined with lot 1; and that lot 4 be eliminated and combined with lot 5. The building envelopes shall be revised for planning staff review and approval.

iii. That recording plat note #7 shall be revised to include all lots within the subdivision. (Note this requires a licensed civil engineer or landscape architect to provide field inspection of key site construction milestones for each lot).

iv. That the total area of ~~the building envelope~~s shall ~~be revised such that the building envelopes do~~ not exceed 30 percent of the total land area of ~~the~~ lot~~s~~. (disturbed lots 2, 3, 4, 5, 9, 10, 11, 12, 13 and 14; each)

v. That the subdivider shall submit for city staff review and approval appropriate documentation on the size and specifications for the individual lot sewer lift stations. Subdivider shall disclose to the prospective property owner in writing the size and specifications of the lift stations.

vi. That the applicant submit a street dedication for the extension of Eagle Avenue to Hope Lane for review and approval by Corporation Counsel.

vii. ~~Note~~: That the Recording plat notes ~~are still under review~~ shall be reviewed and approved by planning staff.

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).

3. Side lot lines at right angles to street waiver (sec. 14-498 (h) (4) for lots 2,4 and 5.

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 such variation will not have the effect of nullifying the intent and purpose of the land development plan and the subdivision regulation.

As a result, the Board does/does not grant the request for a waiver for the lots listed above.

From: Anthony Lombardo
To: RICK KNOWLAND
Date: Tue, Nov 28, 2000 10:36 AM
Subject: Presumpscot River Place....III

Rick,
I addressed the issue of the lots being served individually by residential lift stations, more than three (3) submittals ago. Public Works is satisfied with the proposal, with the condition that the developer must establish an "associaton" and corresponding legal document that states the following:

" All lots, as identified on the recording plat, that shall be served with residential lift stations, must provide their own maintenance, repair and/or replacement of this system. All force main sewer within the City right of way, that serves these lots will not be accepted by the City and must be maintained by the Homeowners Association."

From: Larry Ash
To: Rick Knowland
Date: Tue, Nov 28, 2000 10:57 AM
Subject: Presumpscot River Place

Rick: I do not have any specific traffic related issues pertaining to this proposed development as the associated street network is capable of absorbing vehicular increases due to the development.

Neighborhood issues related to speed, volumes , etc., can be appropriately handled through the traffic calming ordinance in the City Code.

From: Anthony Lombardo
To: RICK KNOWLAND
Date: Tue, Nov 28, 2000 10:36 AM
Subject: Presumpscot River Place....III

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III. 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 #62-00.

1. The plan is in conformance with the subdivision ordinance of the Land Use Code.

Potential Conditions of Approval

i. That the homeowners association documents for the private force main sewer line shall be revised for review and approval by city staff.

ii. That lot 2 be eliminated and combined with lot 1; and that lot 4 be eliminated and combined with lot 5. The building envelopes shall be revised for planning staff review and approval.

iii. That recording plat note #7 shall be revised to include all lots within the subdivision. (Note this requires a licensed civil engineer or landscape architect to provide field inspection of key site construction milestones for each lot).

iv. That the total area of ~~the building envelope~~s disturbed lots 2, 3, 4, 5, 9, 10, 11, 12, 13 and 14 shall ~~be revised such that the building envelopes do~~ not exceed (30) X percent of the total land area of ~~the~~ each lots.

v. That the subdivider shall submit for city staff review and approval appropriate documentation on the size and specifications for the individual lot sewer lift stations. Subdivider shall disclose to the prospective property owner in writing the size and specifications of the lift stations.

vi. That the applicant submit a street dedication for the extension of Eagle Avenue to Hope Lane for review and approval by Corporation Counsel.

vii. That the shall be reviewed and approved by planning staff. ~~Note~~: Recording plat notes ~~are still under review~~.

2. Sidewalk waiver for a portion of the following streets (separate motion for each street).

Pratt Road
Curtis Road
Eagle Avenue
The Brothers Road

III. 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 #62-00.

1. The plan is in conformance with the subdivision ordinance of the Land Use Code.

Potential Conditions of Approval

i. That the homeowners association documents for the private force main sewer line shall be revised for review and approval by city staff.

ii. That lot 2 be eliminated and combined with lot 1; and that lot 4 be eliminated and combined with lot 5. The building envelopes shall be revised for planning staff review and approval.

iii. That recording plat note #7 shall be revised to include all lots within the subdivision. (Note this requires a licensed civil engineer or landscape architect to provide field inspection of key site construction milestones for each lot).

iv. That the total area of ~~the building envelope~~ outvideo lots 2, 3, 4, 5, 9, 10, 11, 12, 13 and 14 s shall ~~be revised such that the building envelopes do~~ not exceed 30% percent of the total land area of ~~the~~ each lots.

v. That the subdivider shall submit for city staff review and approval appropriate documentation on the size and specifications for the individual lot sewer lift stations. Subdivider shall disclose to the prospective property owner in writing the size and specifications of the lift stations.

vi. That the applicant submit a street dedication for the extension of Eagle Avenue to Hope Lane for review and approval by Corporation Counsel.

vii. ~~Note~~ That the Recording plat notes ~~are still under review~~ shall be reviewed and approved by planning staff.

2. Sidewalk waiver for a portion of the following streets (separate motion for each street).

Pratt Road
Curtis Road
Eagle Avenue
The Brothers Road

CHERYL AND WILLIAM HUNT
131 Abby Lane
Portland, Maine 04103
Tel 797-9944

November 21, 2000

Mr. Jamie Caron, Chair
Planning Board
City of Portland
389 Congress Street
Portland, Maine 04101

Re: Presumpscot River Place – Phase III

Dear Mr. Caron:

I live at 131 Abby Lane in Portland, and I am writing on behalf of my family to express our strong concerns regarding the proposed subdivision and development of land along the Presumpscot River known as Presumpscot River Place – Phase III. Our home is one house away from the corner of Abby Lane and Curtis Road; the subdivision is located less than a quarter mile from our house. I have a number of concerns about the proposed development, which are set forth below.

Future Development

The subdivision currently before the Planning Board represents only a portion of the originally approved (but now lapsed) 80-lot subdivision. I realize that the current proposal is for only 27 lots, but the developer has indicated that the remaining land is likely to be developed at some point in the future. I am concerned that this phased-in approach may hinder meaningful review of the big picture by the Planning Board. I am also concerned that the developers' consultant actually referred to the original approval (during neighborhood meetings hosted by the Planning Staff) as a justification for the plans now before the Planning Board. I would hope that the Board recognizes that much has changed since that original approval, and the fact that it was approved once means little today.

The Planning Board should consider not only the direct impact of the development currently before it, but also the likely future developments. Future development directly affects the traffic plans and studies related to this phase of the development, as well as the scenic, wildlife, and recreational impacts of the development. The developer cannot ask that the Planning Board put blinders on and ignore such inevitable development, regardless of who may develop the land in the future.

Traffic Issues

Numerous area residents expressed their concerns about traffic impact at the neighborhood meetings. The concerns are real. Curtis Road was "the end of the line" when constructed; it was not built as a through road. Yet, the road has already been stressed by the

development of Abby Lane, Wendy Way, the Whaleboat/Overset subdivision, and the Clapboard/Sturdivant subdivision. Further, the street is not well lit (owing in part to the mature trees) and its sidewalks are not regularly plowed in the winter. A higher traffic count will pose an increased risk to the neighborhood. The issue of widening Curtis Road was raised at one of the neighborhood meetings. The developer could not say whether the proposed development and future developments would cause a need for widening, as a traffic study had not been conducted. As an aside, the lack of such an obviously critical study truly called into question the credibility and skill of the traffic engineer, and should raise red flags with the Planning Board. I know that the developer did eventually prepare a traffic study of Curtis Road (which, in my opinion is flawed as the measuring devises were located well away from the intersection with Summit Street). If widening is warranted, it will significantly reduce the property values of the residents. It is by fervent opinion that, if widening is warranted it should be at the developer's expense, not the taxpayers'. If it is not warranted, the developer should pay for increased lighting on Curtis Road and tree trimming (to maximize the existing lighting). Further, the issue of sidewalk plowing must be addressed.

As currently proposed, the subdivision has at least two entry points, but both proposed entry roads require the use of Curtis Road. Whether traffic goes east or west from the development, it must use Curtis Road the vast majority of the time. It is possible that traffic heading away from downtown might turn onto Abby Lane instead of the upper portion of Curtis Road. Traffic could also use Alice Road if the developer amends the plans to provide a third means of egress from the development. This solution is inadequate. Traffic heading toward downtown will again be forced to Curtis Road (via Clapboard and Abby). Traffic heading west or north would likely use Curtis Road (via Clapboard and Abby) as well because alternate routes (through the new Auburn Pines subdivision, for example) are more circuitous and narrow than Curtis Road). Traffic heading east (downtown, to schools, or to I-295) would use Curtis Road exclusively, and this will comprise the majority of the traffic.

My house sits at the intersection of Abby and Clapboard, so any use of Abby Lane directly impacts my property. Pedestrians, runners, and children on bikes, skateboards and roller blades are forced to be in the street; Abby Lane does not have gutters or sidewalks. Traffic moves rapidly as it turns onto Abby from both Curtis and Clapboard. I can't count the number of times cars have run across my lawn nor can I count the times I (or someone I have observed) have had to "jump" onto someone's lawn to get out of the way of a speeding car. Any increase in traffic will pose an increased risk to the neighborhood. Accordingly, I feel strongly that the developer should pay for sidewalks, gutters and improved lighting on Abby Lane as a condition of approval.

The impact of 27 houses will inconvenience the neighborhood and will increase traffic from Summit Street onto Allen Avenue Extension, which is the primary outlet for North Deering residents heading north, south and east. However, the real problem is the future Phase IV, which would double the size of the subdivision. The associated traffic would all funnel towards Curtis Road.

Recreational and Open Space

After I moved to North Deering, I was appalled at the lack of open space. I had believed the myth that North Deering was Portland's frontier, blessed with much open space. However, North Deering has less than half of the open space available to other residents in the City. We are constrained by city-size, quarter acre lots, yet there are no parks and no public trails other than at the schools. I was, however, pleasantly surprised to find an absolutely one-of-a-kind property not only in Maine's largest city, but right in my own neighborhood. My family uses this area frequently for hiking, for walking our dog and for some relative peace and solitude. Having grown up in a more rural setting, we truly appreciate having this property nearby. The woods alone are beautiful, but the Presumpscot River makes the property truly spectacular. We're still finding new aspects to explore. Of course, once subdivision is built, we can never go back and the residents of North Deering and Portland in general will have lost a treasure.

Now is the time to recognize the valuable resource we have in this land. If development is to occur at all, it should be in a very careful manner. Configuring the development to allow some publicly available open space would meet the needs of area residents, and the City at large. I feel that this is reasonable given the nature of this land and its meaning.

Habitat

This area along the river is home to wildlife that has no other sanctuary within Portland. My neighbors have reported seeing eagles, beaver, deer and coyote in this area. The reduction in discharges from the Sappi mill in Westbrook has improved the quality of this stretch of river. The opening of the Smelt Hill Dam will afford even more opportunities for nurturing and sustaining the development of aquatic habitat along this stretch of river. The developer has proposed that no development will occur within the 250' shoreland setback. While this is a step in the right direction, it does not go far enough. A narrow band of land along the river is not adequate wildlife habitat. 250 feet affords little space for wildlife to move around. The problem is magnified by expected future development along the river. The only solution requires that more open space be preserved to allow the river habitat to function adequately.

Environmental

Environmental concerns are important to subdivision approval. This land slopes continuously and severely toward the river. In fact, it is a downward slope from Summit Street all the way to the river. 27 new houselots will create new impervious surfaces for runoff into the river. That runoff will be laden with road salt and sand, lawn fertilizers and chemicals. The area in which the proposed development will be located has a number of gullies and streams, and wetlands, which are extraordinarily scenic. There is even a small gorge along one of the brooks. All of these lands are located on lowlands, substantially below where all of the houselots would be placed under the current subdivision plans. And the grade is quite steep in many spots. As with the river, these lands would be threatened from erosion and runoff from the development, and therefore placed at risk. It is important for the development to be configured to minimize such harmful impact to the natural environment.

My understanding is that the City's subdivision ordinance makes natural beauty, street development, open space, and wildlife factors to be considered in the approval process. Given that, I do not feel the proposed subdivision should be approved, as it is not in the public interest. However, if approval is considered, I feel strongly that the Planning Board should set some conditions to address my concerns relative to traffic congestion, recreation, wildlife and the environment. Thank you for your consideration.

Sincerely,

William E. Hunt, Jr.

Michael and Barbara Peisner
26 Overset Road
Portland, ME 04103

November 27, 2000

Mr. Joseph E. Gray, Jr.
Director, Planning and Urban Development
City of Portland
389 Congress Street
Portland, ME 04101

Dear Mr. Gray:

This is to voice our continued support for the application of Burt Wolf for approval of a new subdivision at the end of Curtis Road, as stated in our prior letter dated May 26, 2000, a copy of which is attached.

We understand the concern about access to the Presumpscot River, since we too enjoy walking down to and along the River. We hope that the matter can be addressed while still allowing the development to proceed. For example, easements could be laid out to allow pedestrian access to the existing trails in the woods from the new streets.

This subdivision could add much to the City of Portland and we look forward to living there.

Very truly yours,

Michael B. Peisner

Barbara K. Peisner

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Michael and Barbara Peisner
26 Overset Road
Portland, ME 04103

May 26, 2000

Mr. Joseph E. Gray, Jr.
Director, Planning and Urban Development
City of Portland
389 Congress Street
Portland, ME 04101

Dear Mr. Gray:

This is to support the application of Burt Wolf for approval of a new subdivision at the end of Curtis Road. We live in the adjoining subdivision, and have known since we moved in over 13 years ago that that land was going to be developed. Frankly, we are surprised that it has taken so long.

We have recently become interested in buying a lot in the new subdivision. We like where we are, in terms of schools, neighborhood, and general quality of life. When we bought our present home, we had one baby, and now we have three children, ages 7 to 13. As we look to find a home more suitable to our present circumstances, our ideal is not to go very far.

We understand the concerns about traffic on Curtis Road, etc. They result from a lack of long-range planning on the part of the City of Portland many years ago, in not assuming that all buildable land in the City would be developed, which would have allowed the appropriate steps to be taken then. We hope that the City will take active steps to rectify the traffic issue, with measures such as speed bumps. These issues are not the fault of the developer, and we do not think that this subdivision should be denied for such issues.

Very truly yours,

Michael B. Peisner

Barbara K. Peisner

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From: Melissa <mmirarch@maine.rr.com>
To: Portland.CityHall(RWK)
Date: Sun, Nov 26, 2000 11:12 AM
Subject: A Letter to the Planning Board re the Public Hearing onPresumpscot River Place

Dear Rick,

I have attached, and pasted below, a letter to the Planning Board regarding Tuesday's meeting about Presumpscot River Place. Please include it in the meeting packages. Thank you very mucy.

Melissa Mirarchi

P.S. I don't trust technology much yet. Would you mind typing "received" (or something similar) and hitting "reply" to let me know you recieved this letter? Thanks!

November 23, 2000

Mr. Jamie Caron, Chair
Planning Board, City of Portland
389 Congress Street
Portland, Maine 04104

Dear Mr. Caron and Members of the Board,

I am writing to you with my sincere and deep concerns regarding the proposed development of Presumpscot River Place.

I walk in those woods with my dog, Emma, on a daily basis. From a personal interest point of view, I would hate to lose that daily blessing. From an environmental point of view, I am very concerned about the land itself, let alone the animals who inhabit it and have no place left to move. Specifically, I'm concerned about the wetlands and vernal pools, breeding grounds for many amphibians and other inhabitants of the area, and about the ³fingers² of land that run down to the river, flanked by deep ravines and streams. All these are part of a fragile ecosystem that leads into the Presumpscot. How will you preserve this delicate system? How will you protect it from lawn fertilizer and other household chemical runoff? How is it possible to build homes on these very sandy points of land without erosion ultimately destroying both the homes and the land forms?

I also want to re-address some issues that have not yet, to my knowledge, been answered. In a letter I wrote for the May 30th Board meeting, I mentioned the fact that this proposed development was already approved by the Board in 1989. I wrote about how many things have changed in the past eleven years and asked you to consider these changes. Again, I ask you to

consider them:

* hundreds (if not thousands) of new housing units have been erected within a one mile radius of the proposed site
* Lyseth and Lyman Moore schools have since resorted to modular classrooms
* your own report, Green Spaces, Blue Edges: An Open Space and Recreation Plan for the City of Portland, stated that the 2,721 acre North Deering neighborhood had, at the time of publication, only 70 acres of public open space, 7.3 acres of open space per 1,000 residents, [3]significantly less than the citywide average of 19 acres per 1,000 residents.[2]

Considering the ongoing increase in North Deering's population, there is certainly significantly less than 7.3 acres per 1,000 residents today.

According to Green Spaces, Blue Edges, some 1,144 new housing units were added to the North Deering neighborhood during the 1980's, an increase of 40%. New homes in North Deering accounted for 34% of new growth in housing units within the entire city during the 1980s. How many new housing units were added to the North Deering neighborhood during the 1990's?

Green Spaces, Blue Edges included [3]opportunities for potential linkages,[2] via the Portland Shoreway Access Plan, that included a trail running from Oak Nuts Park to the Presumpscot River, as well as a canoe or pedestrian trail from Westbrook through Portland and Falmouth along the Presumpscot River corridor. How many of these plans have come to pass and what efforts are being made today to take advantage of these opportunities?

I understand that the developers have proposed leaving 250 feet along the river for public use, and that there is no plan for creating a right of way to get to that land. Am I correct in my understanding that a 250 foot corridor by a river is required by law? Am I also correct in believing that the proposed development would render the shore of the Presumpscot River inaccessible to the people of North Deering and others who enjoy the river?

Number 8 of the Subdivision Review Standards Section 14-497 in Portland[1]s Land Use Code states that a proposed subdivision will not have [3]an undue adverse effect on the scenic ... natural beauty of the area...[2] or on [3]a rare and irreplaceable natural area.[2] Clearly, this proposed subdivision will have a significant adverse effect on the area[1]s natural beauty, as well as on a rare and irreplaceable natural area.

According to Green Spaces, Blue Edges, [3]A hallmark of our park system is the preservation of ... natural features because they are viewed as important community resources...Protection of such natural resources as open space has an inherent value to the community beyond its aesthetic or recreational role. ...There are substantial social, civic and economic benefits to be gained by protecting significant natural resources. Conservation of natural resources should include a complete array of natural features and habitats so that the public may learn about and experience the

full realm of Portland[1]s natural environment.[2]

Green Spaces, Blue Edges states that [3]most residents in Portland are within a reasonable walking distance (ten minute walk) of an open space. There are however areas of the City in which there are gaps in the distribution of open space where this is not achieved.[2] North Deering, according to Green Spaces, Blue Edges, is such an area.

My final concern about this development is, of course, traffic. According to number 5 of the Land Use Code, a proposed subdivision will not [3]cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highway or public roads existing or proposed.[2] Since school buses (Portland and Falmouth), delivery trucks, and every vehicle from every house in every phase of the development along the Presumpscot (including houses in Falmouth) will ultimately funnel through Curtis Road and then onto Summit Street, this development will without a doubt create unreasonable road congestion and unsafe conditions.

I encourage you to consider my concerns, as well as those of North Deering residents who are not able to speak for themselves: the animals who live in this rare open space, and the population yet to be born. They, too, would enjoy the blessing of a walk along the river.

Sincerely yours,

Melissa Mirarchi

CC: Portland.gwgwia("jcohen@verrilldana.com")

From: <Ralco31@aol.com>
To: Portland.CityHall(RWK)
Date: Sun, Nov 26, 2000 3:46 PM
Subject: Presumpscot River Place

November 26,

2000

Dear Mr. Knowland:

This is a follow up to our letter to you on April 17, 2000. Our feelings regarding the Presumpscot Development remain unchanged.

We have lived on Curtis Road since 1959 and have enjoyed the subject area for outdoor recreation. We used to cross country ski and snowshoe and presently walk our dog there. There are trails all through the woods and along the river bank, testifying to the use of it by more than a few people. We've seen numerous small animals and birds on our hikes and lots of deer sign.

The fingers of land that lead down to the river are divided by deep gullies with small brooks running through some of them to the river. To build streets and houses there would require extensive bulldozing and "fill" to level the land. This would be irresponsible destruction of the natural terrain.

Additionally, it is our understanding that the building of more houses and therefore more lawns and the cutting of trees could have an adverse effect on the storm water run-off, causing erosion.

We plan to attend the public hearing on Tuesday, November 28 at 7:00p.m. and support the opposition to this environmentally, destructive imposition on this area.

Sincerely,

Ralph and Arlene Coffin

November 28, 2000

Mr. Jamey Caron, Chair
Portland Planning Board
City of Portland
389 Congress Street
Portland, ME 04101-3503

Subject: Presumpscot River Place

Dear Mr. Caron and other members of the Planning Board,

I am writing to voice my support of the above referenced project. As a resident of the City of Portland, I would strongly encourage the Planning Board to approve this project after they have completed their review to insure that the development is proposed in accordance with the applicable regulations. The development is unique in that it provides a residential opportunity in the City of Portland that is in high demand, but low supply. The proposal includes several large lots, namely Lots 2, 4, 10 and 11 that will provide an opportunity to construct "upscale" structures on relatively large lots that will allow the owner an opportunity to create a personalized residence with a sense of privacy that is seldom found in an urban setting. Many of the lots in other developments lend themselves to a "cookie cutter" approach, while this property will allow for customization of a residence to draw on the attributes of the individual parcels. For a resident of Portland that seeks these attributes, as well as a desire to remain near a neighborhood setting and in close proximity to the Turnpike, it provides an alternative to the abundant subdivision opportunities in other Greater Portland communities, namely Falmouth and Cumberland. The City of Portland should be supporting this type of residential development so that members of this community can remain in Portland as they seek a change from their current residential environment.

Sincerely,

Constance G. Bone

Constance G. Bone
716 Chandlers Wharf
Portland, ME 04101
207-879-7756

Stacey L. Roberts
123 Alice Street
Portland, ME 04103
(201) 797-6208

November 28, 2000

Rick Knowland, Senior Planner
Planning and Urban Development
City of Portland
389 Congress Street
Portland, ME 04104

Subject: Planning Board Hearing November 28, 2000 Presumpscot Development

Dear Rick Knowland,

I am writing to you in regards to tonight's Planning Board Hearing on the Presumpscot Development. Unfortunately, I cannot attend the meeting. However, I would like to express my concerns on the impact of the Presumpscot Development and its affect on the neighborhood.

First, as a resident of Alice Street, I am concerned about the traffic that may be redirected to our street. We currently exit the neighborhood via Curtis Road. The impact of a few new houses is minimal, but the impact of the complete development is detrimental. I think the developer should be required to seek alternative exits that do not go through the neighborhood, as the Planning Board requested several years ago.

Second, there are no open spaces in the North Deering area where one can play with their children, walk a dog or have a picnic. As Portland resident paying taxes, I am disappointed that I have to get into my car and drive to a park or path. Now is the time to do something about it while land is still undeveloped.

Third, we access the river on a weekly basis for canoeing and walks. Maine has some of the most beautiful lakes, rivers and other water resources. As a native of Maine, I believe that it is important to preserve these natural resources for public use and enjoyment. Again, now is the time to preserve a waterway for the future.

Fourth, I have environmental concerns. I worry about erosion and storm water runoff, and why more houses with more lawns (and fewer trees) might make this worse. In addition, I am extremely concerned about the noise pollution that has started increasing from the nearby Turnpike. Before the recent expansion of Alice Street and the new houses that run of it, we rarely heard highway traffic. Now, I can hear a constant buzz while in my yard or sitting on the deck. Cutting down more trees is only going to increase the noise level we hear from the turnpike.

Fifth, I am concerned about the habitat of the wildlife. We have several deer that cross Alice Street in the undeveloped woods behind our house and the woods near the river. We have seen other animals, such as fox and rabbits. If we do not preserve green space or land along the river, what will happen to the wildlife?

Lastly, while the impact of this entire development on the schools and assessed values are not within the jurisdiction of the planning board, it does have serious implications. Is anyone paying attention to this and "planning" for the future? Who's jurisdiction does it fall under?

Sincerely,

Stacey L. Roberts

From: "Steve Bushey" <SBushey@DelucaHoffman.com>
To: "Rick Knowland (E-mail)" <RWK@ci.portland.me.us>
Date: Fri, Dec 7, 2001 8:16 AM
Subject: PRP III

Rick,

I have reviewed the latest plans dated 12/5/01 prepared by Gorrill-Palmer Engineers. As you are well aware the subdivision layout is considerably changed from earlier proposals. The current plan set is preliminary in nature and requires additional work prior to consideration for Final Approval. However, the plan set appears to be satisfactory for consideration at a Planning Board workshop. I offer the following comments for your consideration as well as to pass on to the applicant's engineer.

Cover Sheet

1. The engineer should confirm that the Public Works Dept. will accept the use of smooth bore polyethylene pipe as suggested in the Grading and Drainage Notes.

2. No stockpiles of topsoil should be placed within 100' of a wetland or slope steeper than 15%.

3. Will natural gas service be extended into the development?

Subdivision plan

1. The subdivision plan is incomplete and requires all metes and bounds data. The applicant is advised to review the City's subdivision standards and prepare a checklist of where each standard is provided for within the plan set.

2. What provisions are being made for public access from Hope Avenue to the City land adjacent the River?

3. All relevant control data for both horizontal and vertical control should be provided on the plan.

4. An overall plan with the topography for the entire subdivision plan should be provided besides the topo shown on the grading plans.

Layout plans

1. The engineer should provide data for the intersection of Hope avenue at Station 10+00 with the existing street.

2. What will happen to the land in Falmouth between Hope Avenue and the Municipal boundary?

3. The applicant should state what the natural resource impacts will be including impacts in any of the ravines that will be crossed.

4. The end of Hope Avenue at Stat. 35+60 should be completed on the plan.

5. The street alignment appears to meet all the applicable City Technical Standards, although several are at a minimum. the Public Works Dept. should also review.

6. Should a designated school bus drop-off pick-up area be provided?

7. Should an area be designated for public parking if access is provided down to the River?

Utility Plans

1. An easement area should be provided for the Pump Station. Will the Pump Station become the City's?

2. The plan and profile have a descrepancy on the Water main size. One says 8" the other 12".

3. The length of sanitary sewer between manholes 1 and 2 is greater than 250' which is the City standard, manhole to manhole.

4. An access drive should be provided for the Pump Station.

5. The engineer should review the need for a drop manhole structure at manhole 9 for the sanitary sewer.

Grading Plans.

1. the plans contain no measures for erosion and sediment control.

2. The plans are missing the cross culverts that I expect will be required at a number of ravine crossings.

3. All culvert design and riprap apron design computations should be provided.

4. The sizing criteria and computations for the Water quality treatment units must be provided.

5. Details and possibly additional stabilization measures for the storm drain outfall at the end of Hope Avenue should be provided.

6. Who owns the land at the end of Hope Avenue. Is an easement necessary?

7. Will a landscape drawing be provided?

8. Will individual lot grading plans be provided? It appears that the road and utilities have been positioned to work well with the lots and I do not see any major issues with each lot development. However in the

past we have always required some preliminary data for the lots.

If you have any questions regarding my comments please call.

Steve Bushey
Technical Reviewer

From: "Steve Bushey" <SBushey@DelucaHoffman.com>
To: "Rick Knowland (E-mail)" <RWK@ci.portland.me.us>
Date: Mon, Jan 14, 2002 12:23 PM
Subject: PRP III Engineering Review

Rick,

Here are a few comments based on my initial review of the plans. I need to review a bit more throughly.

1. No Erosion control report has been provided yet.

2. The subdivision plans should be stamped by the surveyor.

3. The subdivision plan currently states that the perimeter boundary work has not been made part of the Titcomb Surveyors work. Does the City accept this?

4. Should public parking be provided for the public access areas. Wasn't public parking provided for the Starbird road project?

5. the pump station design must be completed and approved by Pulbic Works.

6. Has CMP signed off on the extension of the road through their R.O.W.?

7. Is public Works OK with the minimum road radii and street vertical alignment? A 200' radii on a 5% slope may be too sharp. The engineer should comment on all available sight distances.

8. Will the City place any timing limits for the acceptance of the streets? Shouldn't they be complete and accepted within a maximum time frame so that the City avoids 10 years from now the streets are still not accepted?

9. Signage indicating a dead end on Hope Avenue should be provided.

10. Where does the 4" FM go? Design?

11. Where are the Curtis Road profiles?

12. The Technical standards require 3% street profile at least 100' each side of an intersection on all streets. The intersection of Hope Avenue and Curtis Road doesn't meet this. Ths may need to be revised.

13. The label for the 24" culvert at Sta 17+50 is incorrect on the profile.

I will provide additional comments later during the week.

Steve Bushey
Technical Reviewer

From: Rick Knowland
To: internet:gpcei@maine.rr.com
Date: Fri, Jan 11, 2002 9:55 AM
Subject: Al, comments on prp3.

Al, comments on prp3.

1. Recording plat has not been stamped by a land surveyor yet.

2. Updated list of all nrpa permits and where they will be needed.

3. Easements are not specifically labelled on the recording plat.

4. Need to submit an updated sidewalk waiver request for that section of Curtis Rd. that you aren't proposing a sidewalk.

5. Where is the last street light on Curtis Rd.? Not shown on the plan. If its too far from the Curtis /Hope intersection you'll need another one.

6. Previously I requested that the Falmouth Planning Office receive an updated copy of the subdivision plan. Has that happened?

7. Specific easements for this subdivision have not been submitted to Corporation Counsel to date.

8. The dimensions of the undisturbed zone line are not shown on the plan. They were shown on your September plan.

9. Note #6. The previous note #6 in your September submission was much better than this. I would recommend you go back to the original note language. The ability to cut down anything under 16 inches in diameter is extreme particularly in areas that are supposed to be protected.

10. Guard rail. In the context of a residential neighborhood, a wood guard rail is aethetically a better choice.

11. The pedstrian easement. If the walkway cannot be paved like any other sidewalk, than I am recommending that a split rail fence be installed along the property line. This accomplishes two things. People know where they are supposed to go avoiding tresspass issues and the trail is clearly marked so it can't be subverted by a future uncooperative abutting proprty owner. The walkway should be constructed of gravel with a filter fabric. This design detail should be submitted for review.

12. I assume the review letters from the appropriate utilities are in transit?

13. Note #5. Should be modified to include lots 7, 12-14. To be more flexible, the following sentence could be added as the last sentence of the note; "This construction phase site inspection requirement need not apply to lots 7, 12-14 if the Portland Planning Authority determines in writing upon submission of a lot site plan, that these services are not needed due to the location of the improvements on the lot, site conditions, grading and proposed building elevations.

14. Show the connection of the force main sewer into Alice St.

15. We have not received the design and specifications for the pump station. It will obviously need to be a condition of approval.

These are the comments to date. I have prevoisly forwarded Tony Lombardo's updated comments. I am

From: Anthony Lombardo
To: RICK KNOWLAND
Date: Wed, Jan 9, 2002 9:44 AM
Subject: PPR-3....1/09/02

Rick,
I have reviewed the recent submittal information and offer the following comments:
1. The applicant still has not answered the questions asked in my previous memo dated 12/17/01, regarding the construction sequencing and proposed buildout of the subdivision.

- At what percentage completion of the project does the applicant plan to seek acceptance of the street, thereby completing curb installation, sidewalk, driveway apron and roadway surfacing ?
- The plans do not offer a detailed construction sequencing and estimated construction schedule specific to the road construction and lot development. Is the buildout to be phased ?
- The three (3) notes offered in response to these same questions, in my 12/17/01 memo, offer very little detail or committment on the part of the applicant.

From: Anthony Lombardo
To: RICK KNOWLAND
Date: Mon, Dec 17, 2001 11:44 AM
Subject: PPR 3 Review...12/17/01

The following information represents my Public Works review the recent submittal dated December 4, 2001:

1. I have reservations regarding the sequencing of construction for this project. This was an outstanding noted in my previous comments and never really addressed.
   - The plans identify "potential" driveway openings. The location and installation of granite curbing on this street will remain in question until driveway openings are more definitive.
   - How long does the developer anticipate the during of phased development buildout ?
   - At what percentage of buildout does the developer plan to finish pave the street and seek City street acceptance ?
   - Specific details regarding construction sequencing are significant to providing a complete and appropriate review of this project.
2. The applicant needs to provide a "level lip spreader" construction detail
3. The applicant needs to provide either a "catalog cut" or a construction detail for the water quality units proposed for this development.
4. The applicant needs to provide some design information and calculations specific to the proposed pump station.
   - wetwell size, pump sizes, inverts, anti-floation collar size, etc
   - force main needs to be shown in profile
   - 5. Proposed Hope Avenue has several sections where the roadway crosses substantial ravines. These locations need to propose guardrail on both sides of the street. In addition, the plans should provide a construction detail.
     - Sta. 10+00 to 12+00
     - Sta. 13+00 to 15+00
     - Sta. 16+50 to 17+75
     - Sta. 18+25 to 18+75
     - Sta. 27+25 to 28+75
   - 6. The "utility plan" specifies several instances where water services cross over the top of sanitary sewer connections into the sewer main. Since this is a proposed development, it would be in the best interest of construction for the plans to avoid conflicts of this nature. These conflicts occur adjacent to the following lots:
     - Lot 10, 18, 21, 22, 29
   - 7. Both the "grading/drainage" plans and the "utility" plans should identify the water, sanitary sewer and storm drain system in profile. This would assist in confirming and potential utility conflicts as part of the proposed construction and installation.
8. Underdrain proposed between sta. 13+50 and 15+50, on both sides of the street, has no outfall proposed.
9. Underdrain proposed between sta. 17+25 and 19+75 has no outfall proposed.
10. The proposed drainage structure schedules fail to specify underdrain inverts.
11. None of the storm drainage outfall pipes have outlet inverts elevations specified.
12. The proposed water quality units need to specify outlet invert elevations.
13. The applicant needs to specify a drainage report specific to the sizing of the proposed storm drain system. This would assist our review in verifying the specified sizes of the proposed pipes.

Department of Public Works

William J. Bray
Director

CITY OF PORTLAND

22 January 2002

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.

Anticipated Wastewater Flows from the Proposed Subdivision	
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."

55 Portland Street • Portland, Maine 04101 • (207) 874-8801 • Fax (207) 874-8816

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

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vii. That a letter shall be submitted by the subdivision land surveyor to City staff for review and approval, confirming that the survey shown and stamped on the subdivision recording plat survey includes all the lot lines and street rights-of-way of the subdivision.

viii. That the undisturbed zones on the recording plat shall be clearly labeled with dimensions.

ix. That utility capacity letters shall be submitted to City staff for review and approval. A letter shall also be submitted confirming Central Maine Power's review of the two road crossings through their easements.

2. Sidewalk waiver for the westerly side of Curtis Road.

The Board finds that:

a. Extraordinary conditions do/do not exist (if yes, please specify those conditions); or NO DEP that suggests that a sidewalk not be built the water course

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 requirement for the westerly side of Curtis Road.

Waiver opposed 5-0
Sidewalk has to go in

Recommend to the City Manager as part of the amendment of the Plan that sidewalk waiver be built 5-0

X Deb K reads it

11
12
13.
5-0 Crotone

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

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CITY OF PORTLAND
EXECUTIVE DEPARTMENT
Memorandum

January 22, 2002

TO: Alex Jaegerman, Chief Planner
FROM: Larry Mead, Assistant City Manager

SUBJECT: Presumpscot River Place 3A Pedestrian Easement

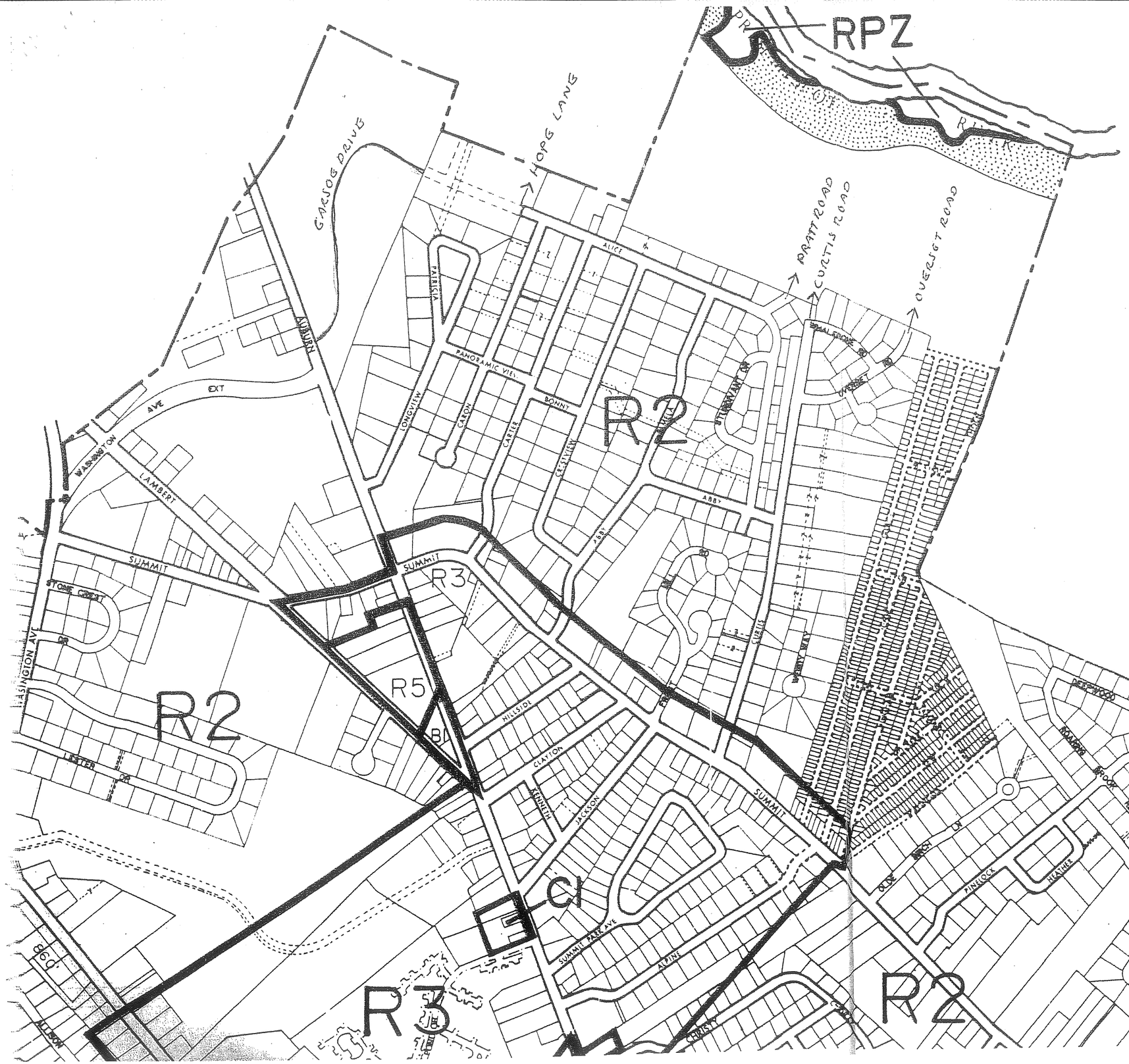
Reference has been made in the Planning staff review of PRP 3A's subdivision review to the pedestrian easement connecting Alice Street with Hope Avenue. The Planning staff has recommended that the pathway be improved using a graded stone dust material over an appropriate base. In addition the staff has recommended that there be put in place a property line delineation on a portion of one side of the easement in order to clearly define that this is a publicly accessible pathway and not part of a residential side yard.

If this level of improvement is required it should be the responsibility of the City to carry out the improvements. In the process of negotiating a purchase and sales agreement with the owners the City requested that this easement be put in place as part of the subdivision. The owners agreed to this condition. However it was very clear that their responsibility was to provide the easement only, and that they would not be responsible for any improvements to the footpath. The City agreed to this arrangement. Given this background improvements would be the responsibility of the City. I have discussed this matter with the City Manager. He is in agreement that the City will be responsible for improvements related to an improved stone dust surface and delineation of easement boundaries using a fence or planted material along a portion of one side of the easement (that portion abutting a buildable lot on Hope Ave).

I trust that this memo adequately addresses this issue.

Cc: Joseph E. Gray, City Manager
Rick Knowland, Senior Planner
Penny Littell, Associate Corporation Counsel

ATTACHMENT C



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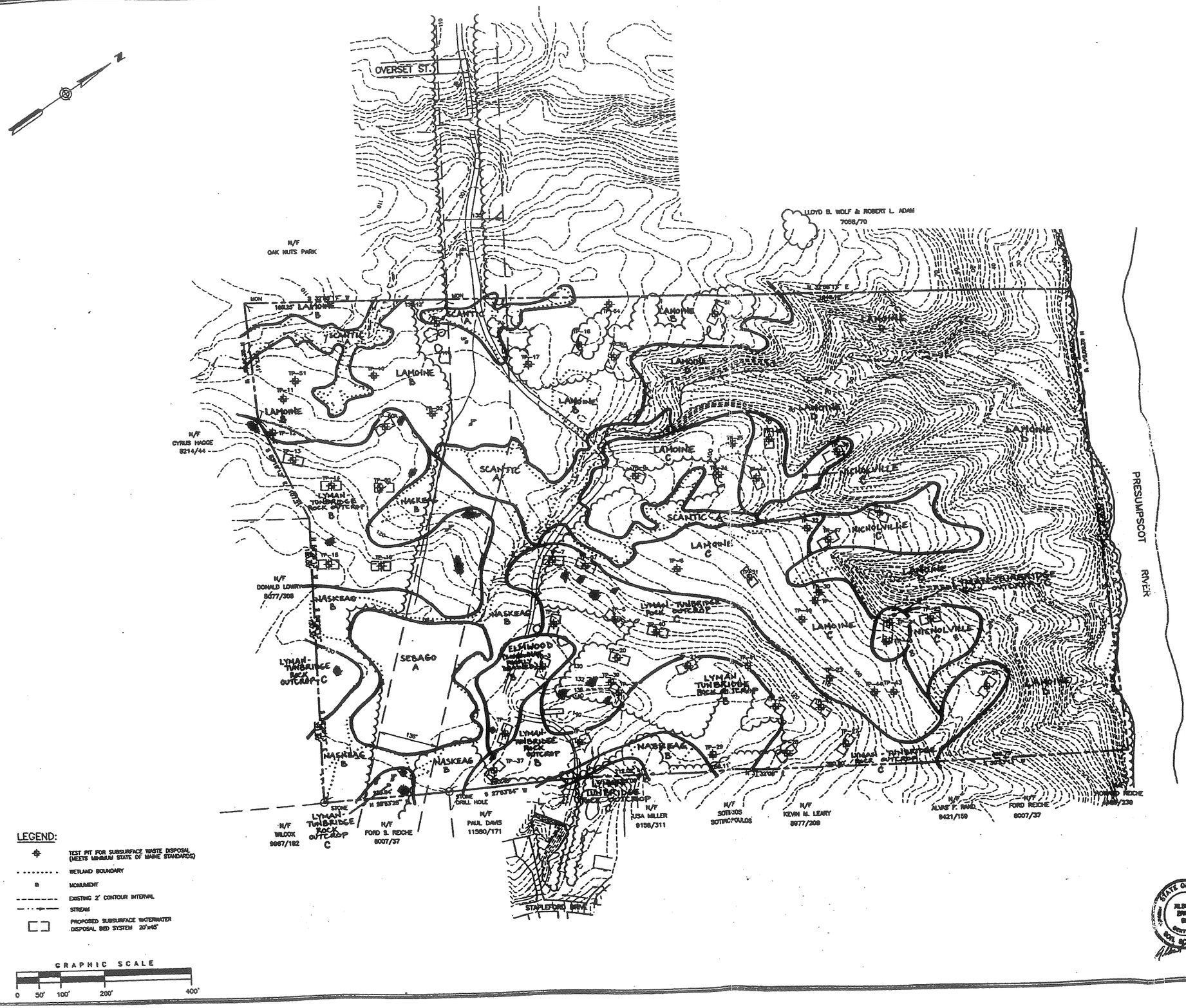


LEGEND:

- TEST PIT FOR SUBSURFACE WASTE DISPOSAL (MEETS MINIMUM STATE OF MAINE STANDARDS)
- WETLAND BOUNDARY
- MONUMENT
- EXISTING 2' CONTOUR INTERVAL
- STREAM
- PROPOSED SUBSURFACE WASTEWATER DISPOSAL BED SYSTEM 20'x45'

GRAPHIC SCALE

0 50' 100' 200' 400'

SOIL LEGEND

- TEST PIT LOCATIONS (APPROXIMATE)
- SOIL BOUNDARY LINES
- SOIL BOUNDARY LINES (PROJECTED)
- DRAINAGE COURSE
- SURFACE WATER RUNOFF
- VPDA VERY POORLY DRAINED AREA
- BRA BEDROCK OUTCROP

SLOPE	DESIGNATION
A	0-3%
B	3-8%
C	8-20%
D	20%+

NOTE: SEE SOIL PROFILE LOG DESCRIPTIONS & ACCOMPANYING SOIL NARRATIVE REPORT.

PLAN REFERENCE:

Preliminary Subdivision Plan, Falmouth Oaks, Falmouth, Maine, by Owen Haskell, Inc., September 11, 1996.

HIGH INTENSITY SOIL SURVEY

OF

FALMOUTH OAKS

FALMOUTH, MAINE

MADE FOR

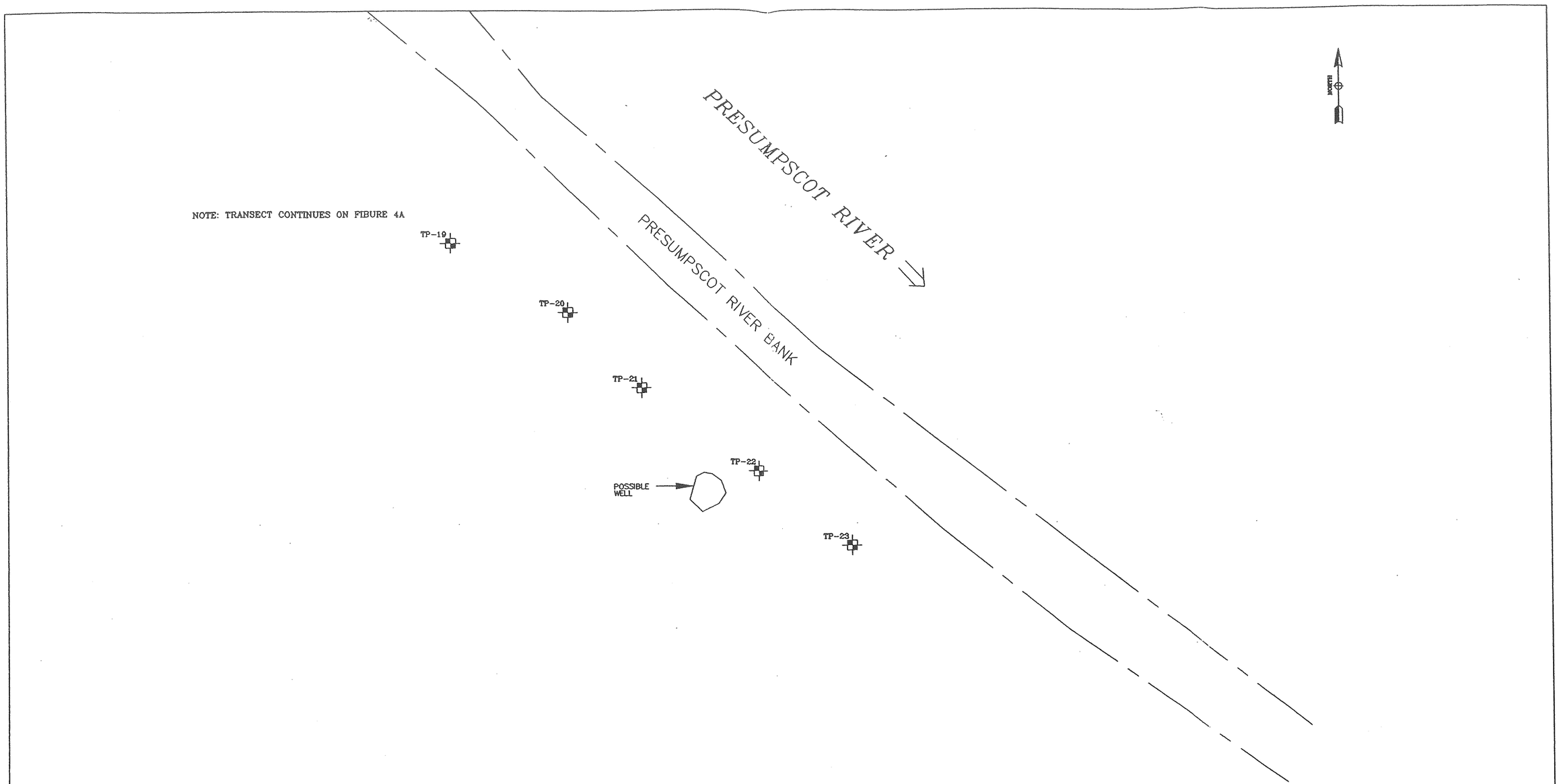
ROBERT ADAM & BURT WOLF

286 FALMOUTH ROAD, FALMOUTH, MAINE 04105

Albert Frick Associates, Inc.
Soil Scientists & Site Evaluators
95A County Road Cumberland, Maine 04021
(207) 829-5853

STATE OF MAINE ALBERT FRICK CERTIFIED SOIL SCIENTIST

Drawn By DHI	Date SEPTEMBER 16, 1996	Job No.
Traced By RWC		
Check By	Scale 1" = 100'	Drwg. No. 2 OF 3
Book No.		



LEGEND:

TP-23 ARCHAEOLOGICAL TEST PIT LOCATION

SCALE: 1 INCH = 10 METERS

FIGURE 4B
PHASE I ARCHAEOLOGICAL SURVEY
PROPOSED CURTIS ROAD SUBDIVISION
PORTLAND, MAINE

City of Portland Site Plan Ordinance
Checklist Summary of Standards
(refer to ordinance for exact language of Review Standards)

1. Vehicular Circulation/Connections
   Pedestrian Circulation/Connections

2. Parking Layout

3-4. Bulk, Location, Height of Buildings:
   a. Shadow c. Snow
   b. Wind d. Visual
   e. Relationship to Street

5. Utilities:
   a. Sanitary Sewer
   b. Stormwater - Quantity, Quality (Hydrocarbons, other Pollutants)
   c. Water
   d. Solid Waste - dumpster location/ screening
   e. Electric - underground service?
   - transformer location

6. Landscaping:
   a. Buffers/Screens b. Beautification

7. Existing Vegetation Preservation/Loss

8. Erosion/Sedimentation BMP's plan

9. Lighting:
   a. Spillover b. Glare
   c. Illuminence Levels

10. Fire/Safety:
    a. Access b. Hydrant Location

11. Off-Premises Infrastructure Plan Consistency

12. Industrial Development:
    a. Hazardous Materials b. Noise c. Dust . .

13. R-P Development Architectural Compatibility

14. PRUD's
    a. Design relationship to site
    b. Internal design character and relationship to surrounding neighborhood
    c. Recreation and open space
    - External buffers
    - Internal buffers
    - Passive recreational open space
    - Active recreational open space
    - Private open space

15. Two-family, special needs independent living unit, multiple-family, lodging houses and emergency shelters:
    a. Architectural compability
    b. Relationship to street
    c. Open space and recreation
    d. Windows/storage
    e. Pavement

16. Development within the B-3 zone
    [Refer to Downtown Urban Design Guidelines.]
    a. Pedestrian environment:
    - First 35 feet facades, entries, storefronts, access, orientation to street.
    - Sidewalks and open spaces & improvements (lighting, street furniture)
    b. Integration with surrounding buildings and spaces.

17. Complete submission

18. Historic District Compatibility (within 100 feet)

19. View Corridor Protection Plan Compliance

20. Environment/Natural Resources
    a. Groundwater quantity/quality
    b. Surface water quantity/quality
    c. Wetlands
    d. Unusual natural areas
    e. Wildlife & fisheries habitats
    f. Stormwater runoff
    [Note: Check Historic/Archaeological ResourcesMaps]

21. Risk of discharge to aquifer (especially on islands)

22. Signage:
    a. Complement and enhance buildings
    b. Freestanding, relationship to context
    c. Sign lighting, glare

23. Oversize sign approval standards.

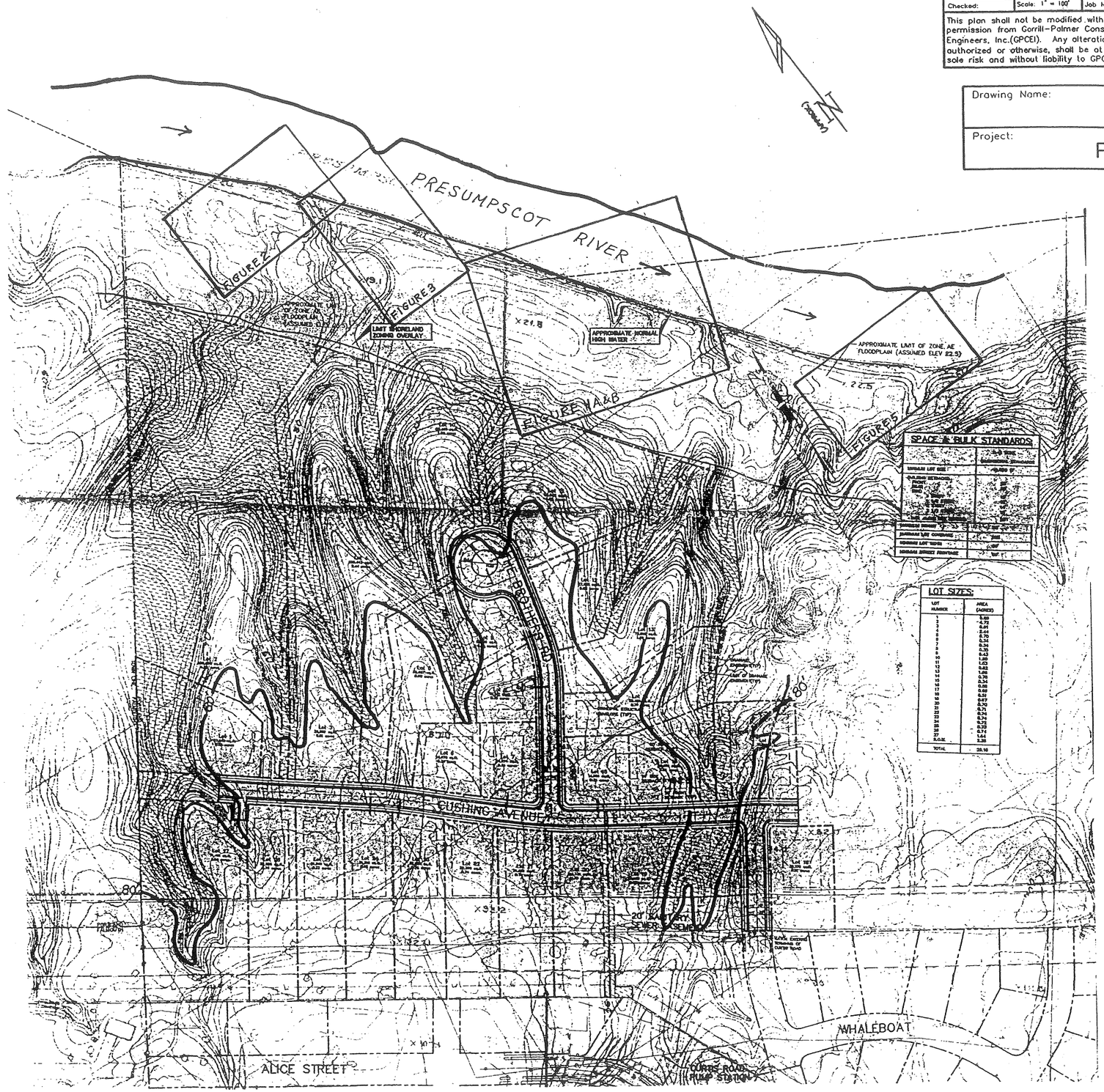
Design: AMP	Draft: LAN	Date: OCT 1999
Checked:	Scale: 1" = 100'	Job No.: 98089

This plan shall not be modified without written permission from Gorrill-Palmer Consulting Engineers, Inc.(GPCEI). Any alterations, authorized or otherwise, shall be at the user's sole risk and without liability to GPCEI.

Gorrill-Palmer Consulting Engineers, Inc.
Traffic and Civil Engineering Services
PO Box 1237
31 Main Street
Gray, ME 04039
207-657-6910
FAX: 207-657-6912
E-Mail: gpcei@maine.rr.com

Drawing Name: Sketch Plan

Project: PRESUMPSCOT RIVER PLACE PHASE 3



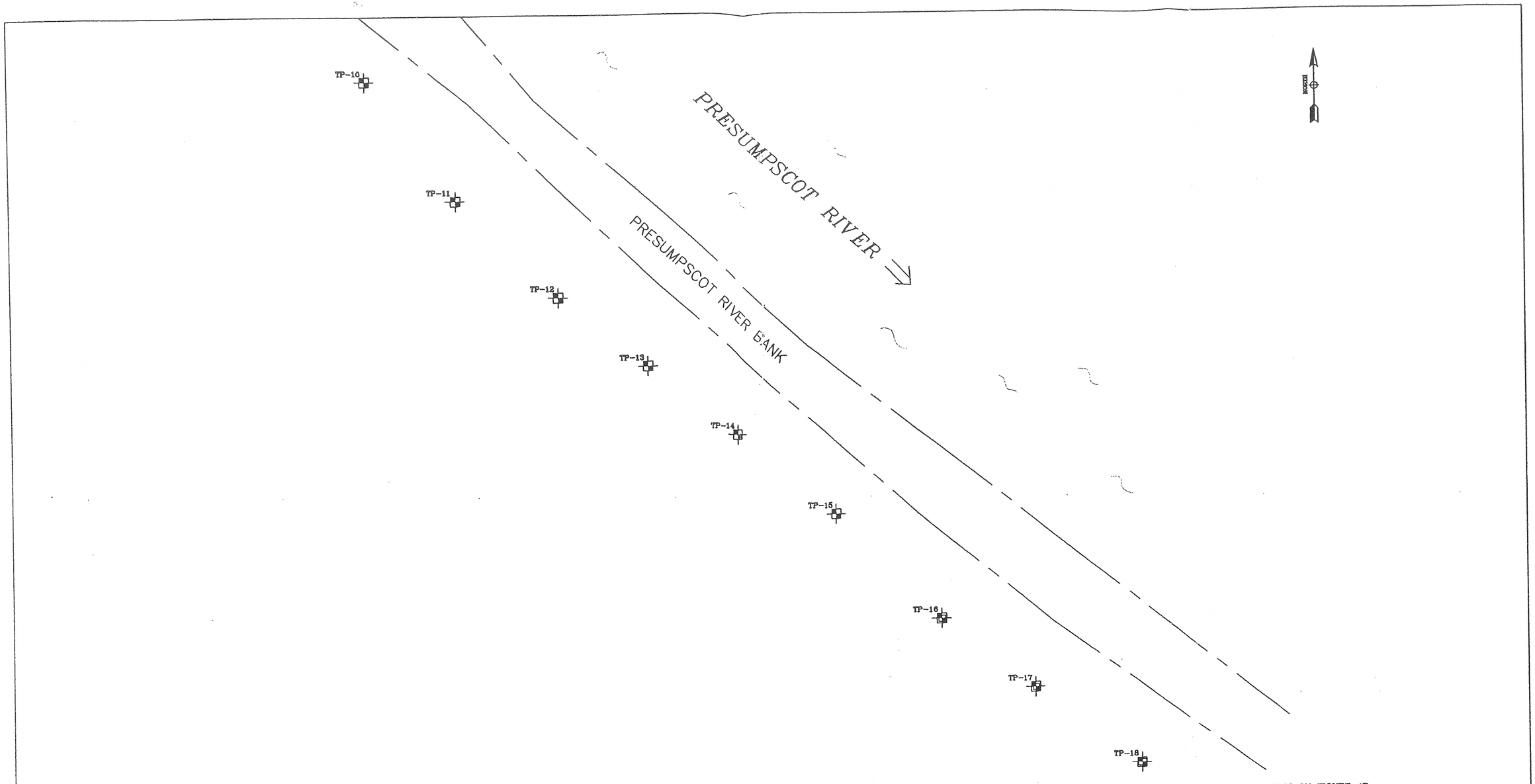
GRAPHIC SCALE

100 0 50 100 200 400

(IN FEET)

Scale 1 in = 200 ft

FIGURE 1
TOPOGRAPHIC SURVEY PLAN
PHASE I ARCHAEOLOGICAL SURVEY
PROPOSED CURTIS ROAD SUBDIVISION
PORTLAND, MAINE



LEGEND:

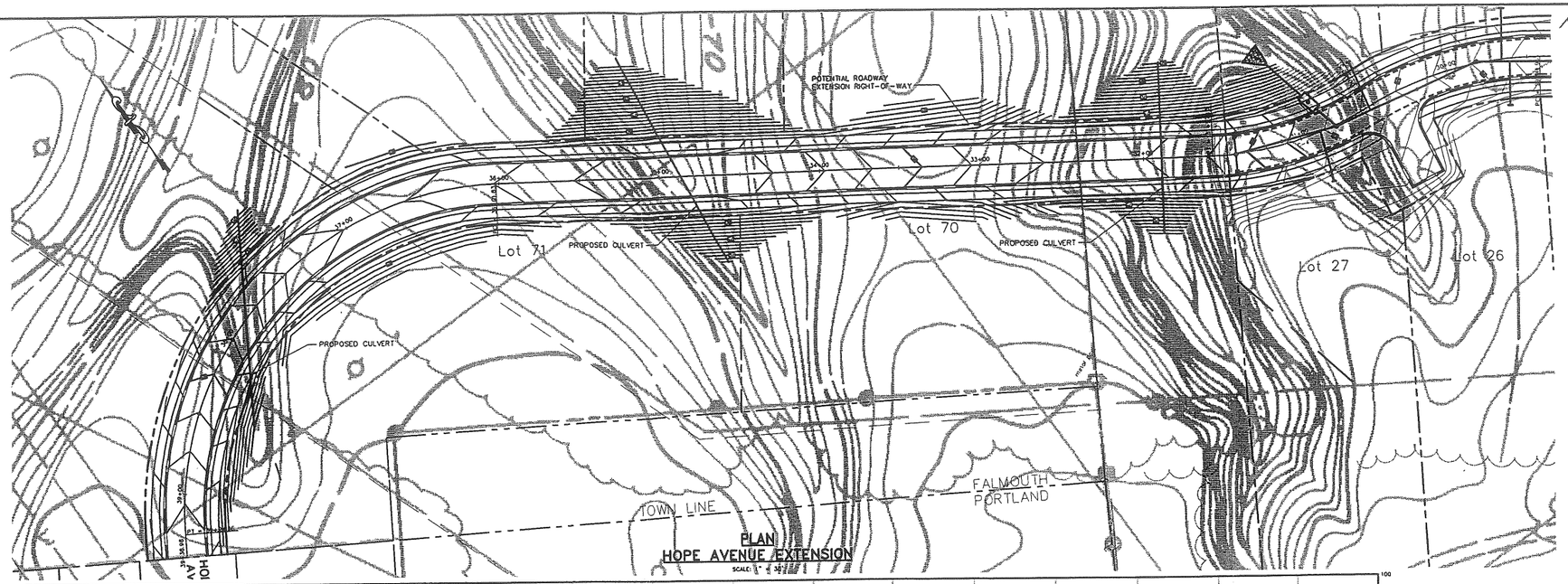
TP-23 ARCHAEOLOGICAL TEST PIT LOCATION

SCALE: 1 INCH = 10 METERS

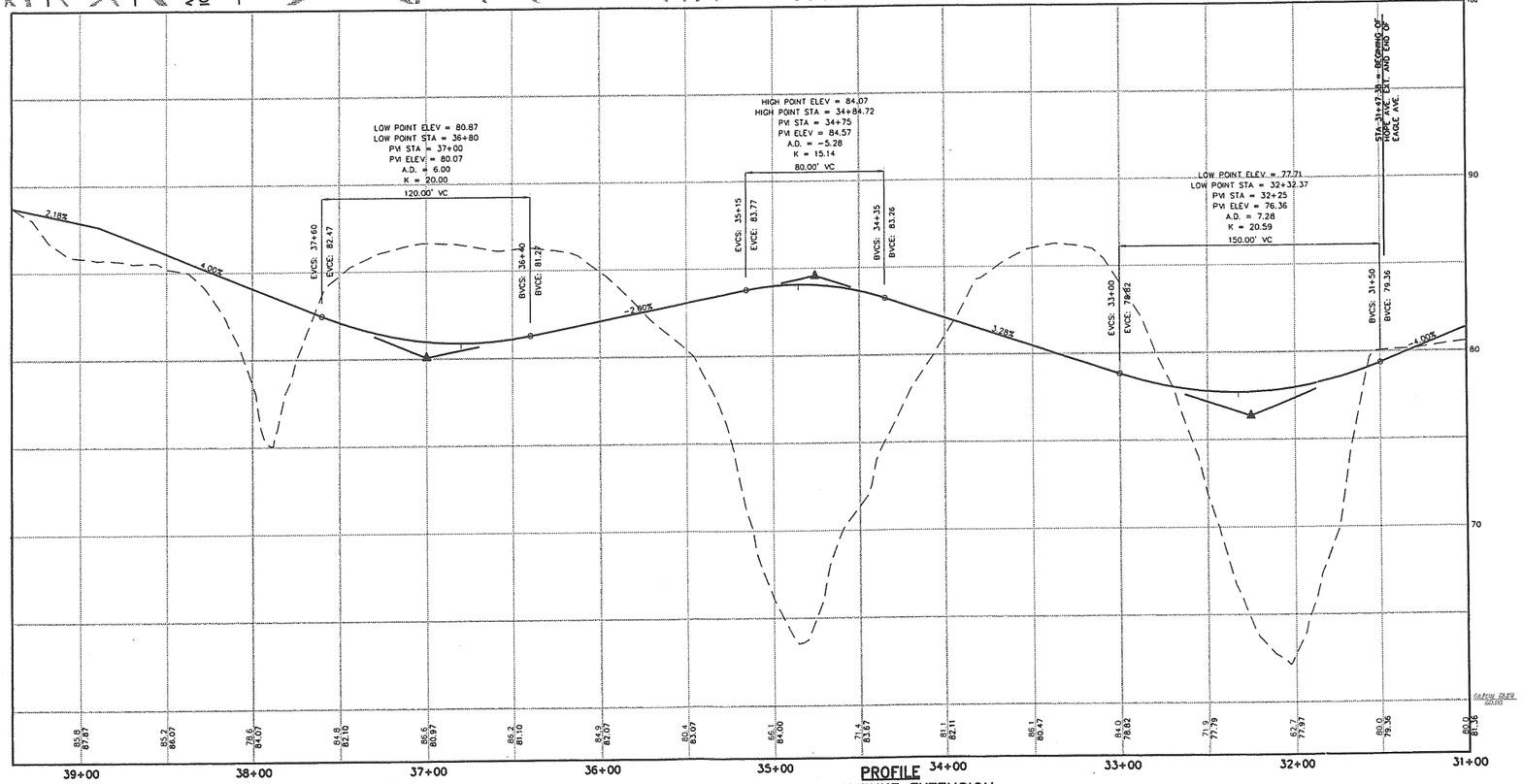
FIGURE 4A
PHASE I ARCHAEOLOGICAL SURVEY
PROPOSED CURTIS ROAD SUBDIVISION
PORTLAND, MAINE

ects\98089\dwg\98089PP1.dwg Thu Feb 03 08:48:16 2000 DD

ATTACHMENT B



PLAN
HOPE AVENUE EXTENSION
SCALE: 1" = 30'



PROFILE
HOPE AVENUE EXTENSION
SCALE: 1" = 30' HORIZ.
1" = 3' VERT.

NOTE:
THIS PLAN HAS BEEN PREPARED TO DEMONSTRATE FEASIBILITY OF CONSTRUCTION OF A ROADWAY FROM THE PRESENT TERMINUS OF HOPE AVENUE TO EAGLE AVENUE. THE APPLICANT IS NOT PROPOSING TO CONSTRUCT THE ROADWAY AT THIS TIME AND RESERVES THE RIGHT TO MODIFY THE ROADWAY ALIGNMENT IN THE FUTURE.

GRAPHIC SCALE
30 0 15 30 60 120
(IN FEET)
1 inch = 30 ft.

Rev.	Date	Revision
2	9/5/01	REVISED ROADWAY ALIGNMENT PER CITY COMMENTS
1	11/15/00	REVISED STORM DRAIN PROFILE

Issued For	Date	By
CONCEPTUAL REVIEW	6/11/01	AMP
CITY REVIEW	4/11/00	AMP

Design: DER | Drafit: DB | Date: MAR 2000
Checked: | Scale: AS SHOWN | Job No.: 98089
File Name: 98089PP6_plans.DWG

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PO Box 1237 | 31 Main Street | Gray, ME 04039
Traffic and Civil Engineering Services
207-657-6910 | FAX: 207-657-6912 | E-Mail: gpcei@maine.rr.com

Drawing Name: Preliminary
Layout Plan & Profile – Hope Avenue Extension

Project: PRESUMPSCOT RIVER PLACE – PHASE 3

Drawing No. A

Att. A1

APPROXIMATE LIMIT OF ZONE AE FLOODPLAIN (ASSUMED ELEV 23.5)

LIMIT SHORELAND ZONING OVERLAY

APPROXIMATE NORMAL HIGH WATER

APPROXIMATE LIMIT OF ZONE AE FLOODPLAIN (ASSUMED ELEV 22.5)

TOWARDS

SPACE & BULK STANDARDS:

	R-2 ZONE DIMENSIONAL STANDARDS
MINIMUM LOT SIZE	10,000 SF
BUILDING SETBACKS:	
FRONT:	25'
REAR:	25'
SIDE:	
1 STORY	12'
1 1/2 STORY	12'
2 STORY	14'
2 1/2 STORY	16'
SIDE ALONG SIDE STREET:	20'
MAXIMUM HEIGHT	35'
MAXIMUM LOT COVERAGE	20%
MINIMUM LOT WIDTH	80'
MINIMUM STREET FRONTAGE	50'

LOT SIZES:

LOT NUMBER	AREA (ACRES)
1	0.86
2	4.72
3	0.91
4	2.44
5	0.70
6	0.34
7	0.34
8	0.35
9	0.43
10	1.30
11	1.43
12	0.62
13	1.88
14	0.75
15	0.34
16	0.56
17	0.88
18	0.81
19	0.67
20	0.70
21	0.71
22	0.74
23	0.74
24	0.72
25	0.73
26	0.74
27	0.64
R.O.W.	2.38
TOTAL	29.16

LEGEND

Lot 10 58,183 sq.ft. 1.33 acres

Lot 11 60,548 sq.ft. 1.33 acres

Lot 4 104,443 sq.ft. 2.44 acres

Lot 12 27,183 sq.ft. 0.62 acres

Lot 2 205,696 sq.ft. 4.72 acres

Lot 9 18,832 sq.ft. 0.43 acres

Lot 13 71,992 sq.ft. 1.65 acres

Lot 5 30,667 sq.ft. 0.70 acres

Lot 8 15,342 sq.ft. 0.35 acres

Lot 14 32,465 sq.ft. 0.75 acres

PRINCIPAL STRUCTURE ENVELOPE (TYP)

DRAINAGE EASEMENT(TYP)

LIMIT OF DRAINAGE EASEMENT(TYP)

Lot 3 39,656 sq.ft. 0.91 acres

Lot 1 37,640 sq.ft. 0.86 acres

Lot 6 14,670 sq.ft. 0.34 acres

Lot 7 14,671 sq.ft. 0.34 acres

Lot 15 14,609 sq.ft. 0.34 acres

25' REAR SETBACK (TYP)

Lot 16 24,400 sq.ft. 0.56 acres

14' SIDE SETBACK (TYP)

25' FRONT SETBACK (TYP)

Lot 17 28,800 sq.ft. 0.66 acres

CURTIS ROAD

Lot 27 71,466 sq.ft. 1.64 acres

Lot 26 32,295 sq.ft. 0.74 acres

Lot 25 31,849 sq.ft. 0.73 acres

Lot 24 31,312 sq.ft. 0.72 acres

Lot 23 32,264 sq.ft. 0.74 acres

Lot 22 32,390 sq.ft. 0.74 acres

Lot 21 31,038 sq.ft. 0.71 acres

Lot 20 30,339 sq.ft. 0.70 acres

Lot 19 29,255 sq.ft. 0.67 acres

Lot 18 32,278 sq.ft. 0.81 acres

20' EASEMENT

MATCH EXISTING TERMINUS OF CURTIS ROAD

TOWN LINE

FALMOUTH

GRAPHIC SCALE

Rev.	Date	Revision
1	1/11/00	SHIFTED BROTHERS ROAD, REDUCED STRUCTURE ENVELOPES, ADJUSTED LOT LINES

Issued For	Date	By
SKETCH PLAN REVIEW	10/15/99	AMP

Design: AMP | Drafr: LAN | Date: OCT 1999
Checked: | Scale: 1" = 30' | Job No.: 98089

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31 Main Street FAX: 207-657-6912
Gray, ME 04039 E-Mail: gpce@maine.rr.com

Drawing Name: Sketch Plan

Project: PRESUMPSCOT RIVER PLACE PHASE 3

Drawing No. 1

F:\Land Projects\98089\dwg\98089PP1.dwg Thu Feb 03 10:21:32 2000 DB

A2

APPROXIMATE LIMIT OF ZONE AE FLOODPLAIN (ASSUMED ELEV 23.5)

LIMIT SHORELAND ZONING OVERLAY

APPROXIMATE NORMAL HIGH WATER

APPROXIMATE LIMIT OF ZONE AE FLOODPLAIN (ASSUMED ELEV 22.5)

SPACE & BULK STANDARDS

	R-2 ZONE DIMENSIONAL STANDARDS
MINIMUM LOT SIZE	10,000 SF
BUILDING SETBACKS: FRONT	25'
REAR	25'
SIDE	
1 STORY	12'
1 1/2 STORY	12'
2 STORY	14'
2 1/2 STORY	16'
SIDE ALONG SIDE STREET:	20'
MAXIMUM HEIGHT	35'
MAXIMUM LOT COVERAGE	20%
MINIMUM LOT WIDTH	80'
MINIMUM STREET FRONTAGE	50'

LOT SIZES

LOT NUMBER	AREA (ACRES)
1	0.36
2	0.72
3	0.91
4	2.44
5	0.70
6	0.34
7	0.34
8	0.35
9	0.43
10	1.50
11	1.53
12	0.63
13	1.66
14	0.75
15	0.34
16	0.36
17	0.66
18	0.91
19	0.67
20	0.70
21	0.71
22	0.74
23	0.74
24	0.72
25	0.73
26	0.74
27	1.64
R.O.W.	2.58
TOTAL	29.16

Lot 1 27,690 sq.ft. 0.59 acres
Lot 2 208,908 sq.ft. 4.72 acres
Lot 3 39,659 sq.ft. 0.91 acres
Lot 4 106,410 sq.ft. 2.44 acres
Lot 5 30,667 sq.ft. 0.70 acres
Lot 6 14,670 sq.ft. 0.34 acres
Lot 7 14,674 sq.ft. 0.34 acres
Lot 8 15,220 sq.ft. 0.35 acres
Lot 9 18,820 sq.ft. 0.43 acres
Lot 10 65,403 sq.ft. 1.50 acres
Lot 11 66,648 sq.ft. 1.53 acres
Lot 12 27,183 sq.ft. 0.62 acres
Lot 13 72,395 sq.ft. 1.66 acres
Lot 14 32,651 sq.ft. 0.75 acres
Lot 15 14,998 sq.ft. 0.34 acres
Lot 16 15,600 sq.ft. 0.36 acres
Lot 17 28,800 sq.ft. 0.66 acres
Lot 18 39,278 sq.ft. 0.91 acres
Lot 19 29,258 sq.ft. 0.67 acres
Lot 20 30,332 sq.ft. 0.70 acres
Lot 21 31,036 sq.ft. 0.71 acres
Lot 22 32,360 sq.ft. 0.74 acres
Lot 23 32,205 sq.ft. 0.74 acres
Lot 24 32,252 sq.ft. 0.72 acres
Lot 25 31,849 sq.ft. 0.73 acres
Lot 26 32,228 sq.ft. 0.74 acres
Lot 27 71,481 sq.ft. 1.64 acres

R40
R25
R40
R25

DRAINAGE EASEMENT(TYP)
(SEE DRAINAGE EASEMENT(TYP)

PRINCIPAL STRUCTURE ENVELOPE (TYP)

25' REAR SETBACK (TYP)
14' SIDE SETBACK (TYP)
25' FRONT SETBACK (TYP)

20' EASEMENT

MATCH EXISTING TERMINUS OF CURTIS ROAD

CURTIS ROAD

TOWN LINE
PORTLAND
FALMOUTH

GRAPHIC SCALE
1 inch = 50 ft.

F:\Land Projects\98089\dwg\98089PP1.dwg Thu Feb 03 08:23:25 2000 DB

Rev.	Date	Revision
1	1/11/00	SHIFTED BROTHERS ROAD; REDUCED STRUCTURE ENVELOPES; ADJUSTED LOT LINES

Issued For	Date	By
SKETCH PLAN REVIEW	10/15/99	AMP

Design: AMP | Drafn: LAH | Date: OCT 1999
Checked: | Scale: 1" = 50' | Job No.: 98089

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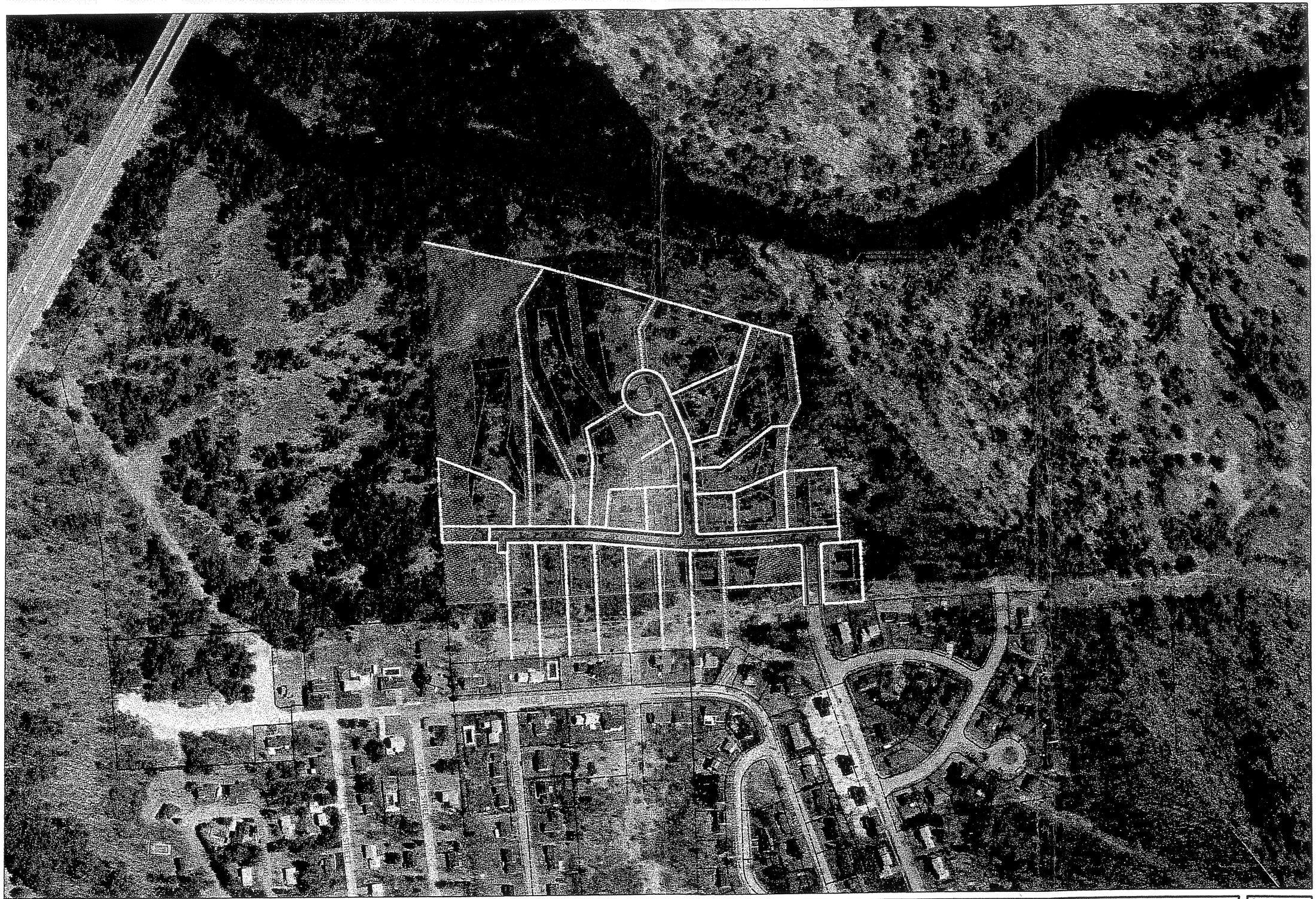
FAX: 207-657-6912
E-Mail: gpcel@maine.rr.com

Drawing Name: Sketch Plan

Project: PRESUMPSCOT RIVER PLACE PHASE 3

Drawing No. 1

A3



Rev.	Date	Revision
-	-	-

Issued For	Date	By
SKETCH PLAN REVIEW	10/15/99	AMP

Design: AMP | Draft: LAM | Date: OCT 1999
Checked: | Scale: 1" = 50' | Job No.: 98089

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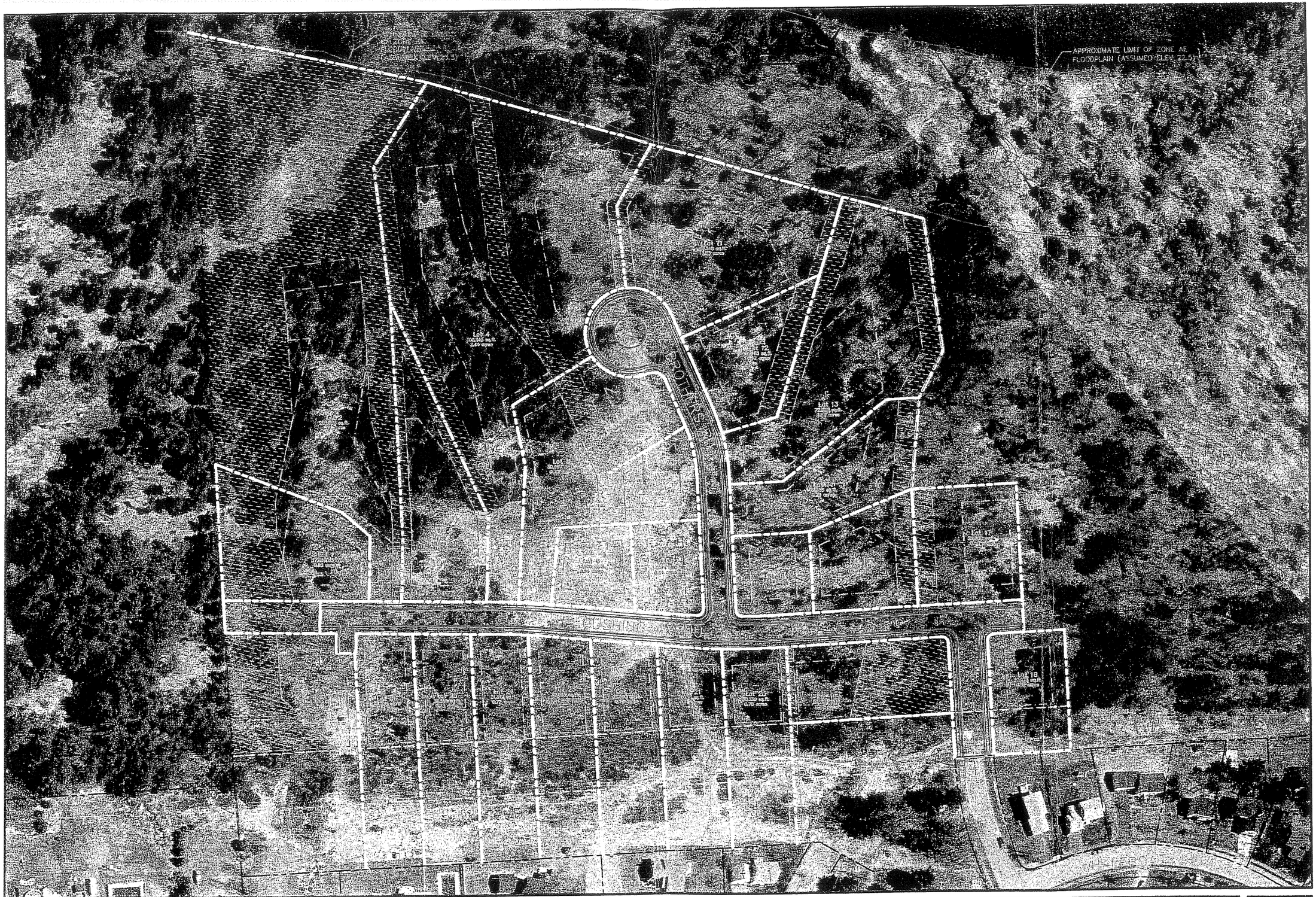
31 Main Street FAX: 207-657-8912
Gray, ME 04039 E-Mail: gpce@maine.rr.com

Drawing Name: Sketch Plan

Project: PRESUMPSCOT RIVER PLACE PHASE 3

Drawing No. 1

F:\Land Projects\98089\dwg\98089PP1.dwg Thu Feb 03 08:48:16 2000 DB



A4

Rev.	Date	Revision
1	1/11/00	SHIFTED BROTHERS ROAD, REVISED STRUCTURE ENVELOPES, ADJUSTED LOT LINES

Issued For	Date	By
SKETCH PLAN REVIEW	10/15/99	AMP

Design: AMP | Drafit: LAH | Date: OCT 1999
Checked: | Scale: 1" = 50' | Job No.: 98089

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Drawing Name: Sketch Plan
Project: PRESUMPSCOT RIVER PLACE PHASE 3

Drawing No. 1

F:\Land Projects\98089\dwg\98089PP1.dwg Thu Feb 03 10:19:31 2000 DB

LEGEND

- APPROX. LIMIT OF ZONE AE FLOODPLAIN
- PROPERTY LINE
- LIMIT OF SETBACK
- LIMIT OF DISTURBANCE
- LIMIT OF DRAINAGE EASEMENT
- WETLAND
- AREA OF DRAINAGE EASEMENT

APPROXIMATE LIMIT OF ZONE AE FLOODPLAIN (ASSUMED ELEV. 23.5)

LIMIT SHORELAND ZONING OVERLAY

APPROXIMATE NORMAL HIGH WATER

APPROXIMATE LIMIT OF ZONE AE FLOODPLAIN (ASSUMED ELEV. 22.5)

AREA TO REMAIN UNDISTURBED

MAXIMUM LIMIT OF DISTURBANCE (TYP.)

PRIVATE DRAINAGE EASEMENT (TYP.)

LIMIT OF "PRIVATE DRAINAGE EASEMENT (TYP.)

PRINCIPAL STRUCTURE DEVELOPE (TYP.)

THE BROTHERS ROAD

EAGLES AVENUE

CURTIS ROAD

WHALEBOAT

OVERSET

ALICE STREET

TOWN LINE

FALMOUTH PORTLAND

SPACE & BULK STANDARDS:

	R-1 ZONE
MINIMUM LOT SIZE	10,000 SF
BUILDING SETBACKS: FRONT	25'
REAR	25'
SIDE: 1 STORY	12'
1 1/2 STORY	12'
2 STORY	14'
2 1/2 STORY	16'
SIDE ALONG SIDE STREET:	20'
MAXIMUM HEIGHT	35'
MAXIMUM LOT COVERAGE	20%
MINIMUM LOT WIDTH	80'
MINIMUM STREET FRONTAGE	50'

LOT SIZES:

LOT NUMBER	AREA (ACRES)
1	1.07
2	0.98
3	1.00
4	0.34
5	0.37
6	0.39
7	0.78
8	1.17
9	5.87
10	0.61
11	0.84
12	0.72
13	5.67
14	0.76
15	0.33
16	0.55
17	0.66
18	0.51
19	0.53
20	0.70
21	0.75
22	0.74
23	0.74
24	0.73
25	0.73
26	0.74
27	1.61
R.O.W.	2.91
TOTAL	29.42

NOTE: TOPOGRAPHY ON THIS PLAN PROVIDED BY JAMES W. SEWALL & CO. AERIAL SURVEY, WHICH WAS CONDUCTED IN THE MID 1980'S.

NOTE: THIS PLAN SET IS ISSUED FOR PERMITTING PURPOSES AND SHALL NOT BE USED FOR CONSTRUCTION.

Eagle Ave by City

GRAPHIC SCALE

(IN FEET)
1 inch = 60 ft.

Rev.	Date	Revision
3	11/21/00	ADDED NOTES TO DRAINAGE EASEMENT
2	11/13/00	ADDED TOPOGRAPHY NOTE
1	9/11/00	SHORELAND ZONING OVERLAY, SHORELINE SETBACK, FLOODPLAIN, WETLANDS ADJUSTED LOT LINES

	Date	By
CITY REVIEW	3/15/01	AMP
CITY REVIEW	4/26/01	AMP
CITY REVIEW	6/25/00	AMP
Issued For	Date	By

Design: DER | Draft: TAP | Date: MAR 2000
Checked: | Scale: 1"=60' | Job No.: 18089
File Name: 18089PP1.DWG

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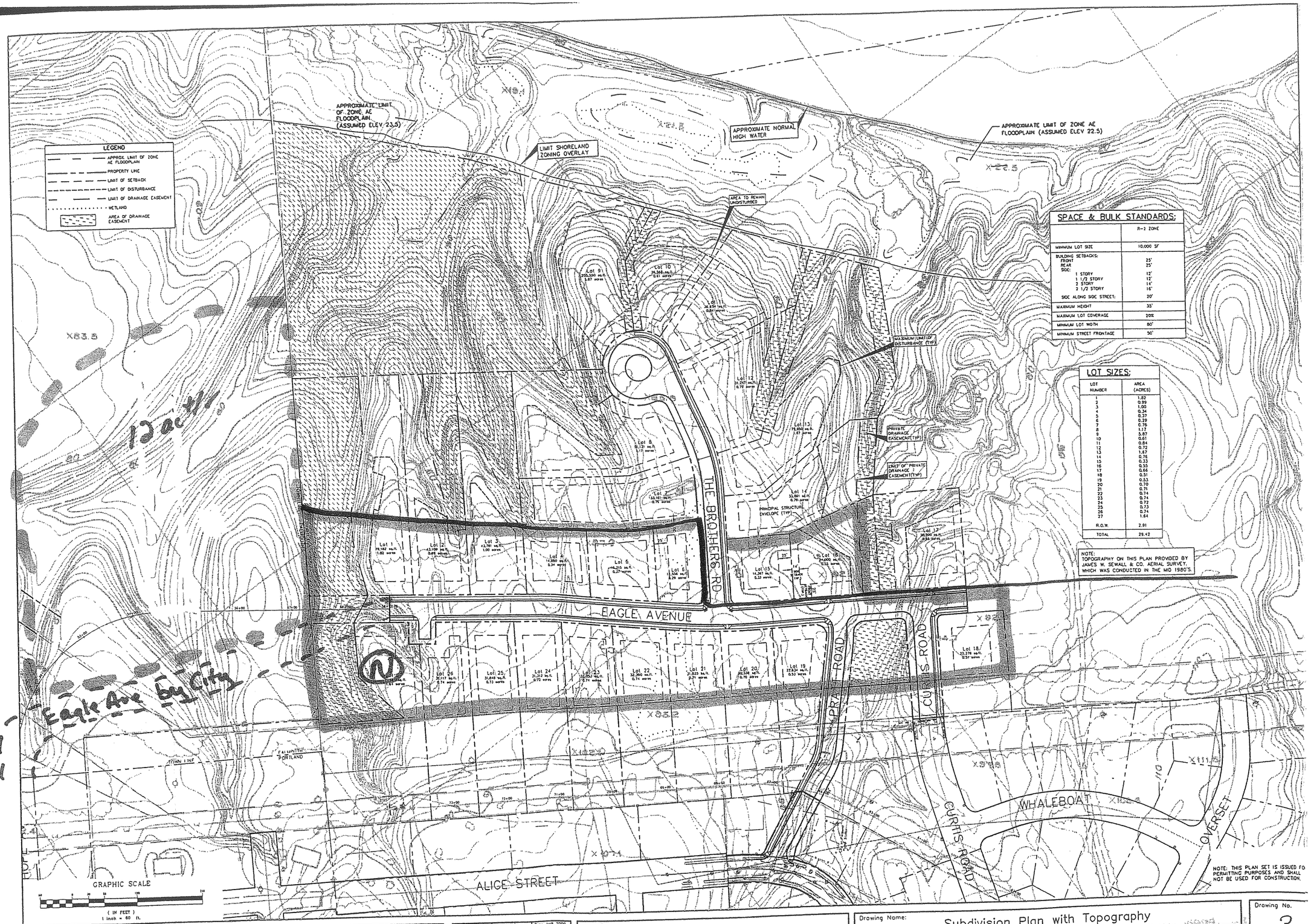
E-MAIL gpcei@maine.rr.com

Drawing Name: Subdivision Plan with Topography

Project: PRESUMPSCOT RIVER PLACE – PHASE 3

Drawing No. 3



SPACE & BULK STANDARDS:

	R-2 ZONE
MINIMUM LOT SIZE	10,000 SF
BUILDING SETBACKS:	
FRONT	25'
REAR	25'
SIDE:	
1 STORY	12'
1 1/2 STORY	12'
2 STORY	14'
2 1/2 STORY	16'
SIDE ALONG SIDE STREET:	20'
MAXIMUM HEIGHT	35'
MAXIMUM LOT COVERAGE	20%
MINIMUM LOT WIDTH	80'
MINIMUM STREET FRONTAGE	50'

LOT SIZES:

LOT NUMBER	AREA (ACRES)
1	1.82
2	0.99
3	1.00
4	0.34
5	0.37
6	0.29
7	0.76
8	1.17
9	5.87
10	0.61
11	0.84
12	0.72
13	1.87
14	0.76
15	0.33
16	0.55
17	0.66
18	0.51
19	0.30
20	0.70
21	0.71
22	0.74
23	0.74
24	0.72
25	0.73
26	0.71
27	1.64
R.O.W.	2.91
TOTAL	29.42

NOTE:
TOPOGRAPHY ON THIS PLAN PROVIDED BY JAMES W. SEWALL & CO. AERIAL SURVEY, WHICH WAS CONDUCTED IN THE MID 1980'S.

NOTE: THIS PLAN SET IS ISSUED FO PERMITTING PURPOSES AND SHALL NOT BE USED FOR CONSTRUCTION.

Rev.	Date	Revision
3	11/21/00	ADDED NOTES TO DRAINAGE EASEMENT
2	11/13/00	ADDED TOPOGRAPHY NOTE
1	7/11/00	SHIFTED ABUTTERS STREAD, BASICALLY ALL ABUTTERS NOW AGREES ADJUSTED LOT LINES

Issued For	Date	By
CITY REVIEW	5/15/01	AMP
CITY REVIEW	4/25/01	AMP
CITY REVIEW	1/23/01	AMP

Design: DER	Draft: TAP	Date: MAR 2000
Checked:	Scale: 1"=60'	Job No.: 98089
File Name: 98089PP1.DWG		

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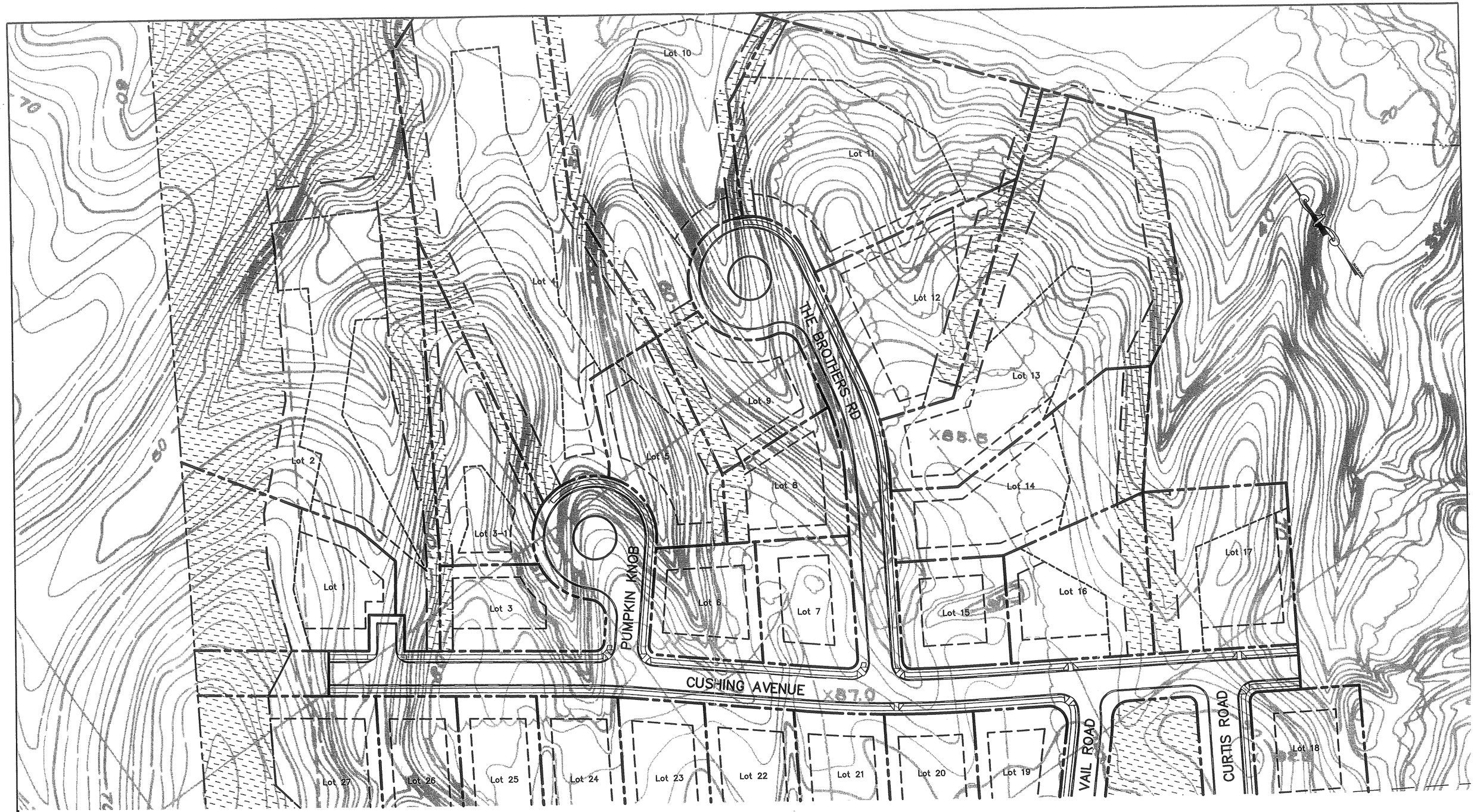
FAX 207-657-6912
E-Mail gpce@maine.rr.com

Drawing Name: Subdivision Plan with Topography

Project: PRESUMPSCOT RIVER PLACE – PHASE 3

Drawing No. 3



Rev.	Date	Revision
-	-	-

Design: DER	Date: JUL 2000		
Draft: DB	Job No.: 98089		
Checked: AMP	Scale: 1"=100'		
File Name: 98089-ALTCDS.DWG			

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207-657-6910
FAX: 207-657-6912
E-Mail: gpcei@maine.rr.com

Drawing Name: **Layout with Pumpkin Knob**

Project: **PRESUMPSCOT RIVER PLACE – PHASE 3**

Figure No. **C**

APPROXIMATE LIMIT OF ZONE AE FLOODPLAIN (ASSUMED ELEV 23.5)

LIMIT SHORELAND ZONING OVERLAY

APPROX. HIGH WATER

SHORELINE

GRAPHIC SCALE

150 0 75 150 300

(IN FEET)
1 inch = 150 ft.

LEGEND

(2) SUBCATCHMENT AREA

TIME OF CONCENTRATION FLOWPATH

SUBCATCHMENT BOUNDARY

Lot 1 Lot 2 Lot 3 Lot 4 Lot 5 Lot 6 Lot 7 Lot 8 Lot 9 Lot 10 Lot 11 Lot 12 Lot 13 Lot 14 Lot 15 Lot 16 Lot 17 Lot 18 Lot 19 Lot 20 Lot 21 Lot 22 Lot 23 Lot 24 Lot 25 Lot 26 Lot 27

TOWN LINE FALMOUTH PORTLAND

GLENDALE AVENUE

GLENDALE AVE.

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20

Rev.	Date	Revision
-	-	-

Design: DER	Date: APRIL 2000
Draft: LAN	Job No.: 98089
Checked:	Scale: 1" =150'
File Name: 98089PP1.dwg	

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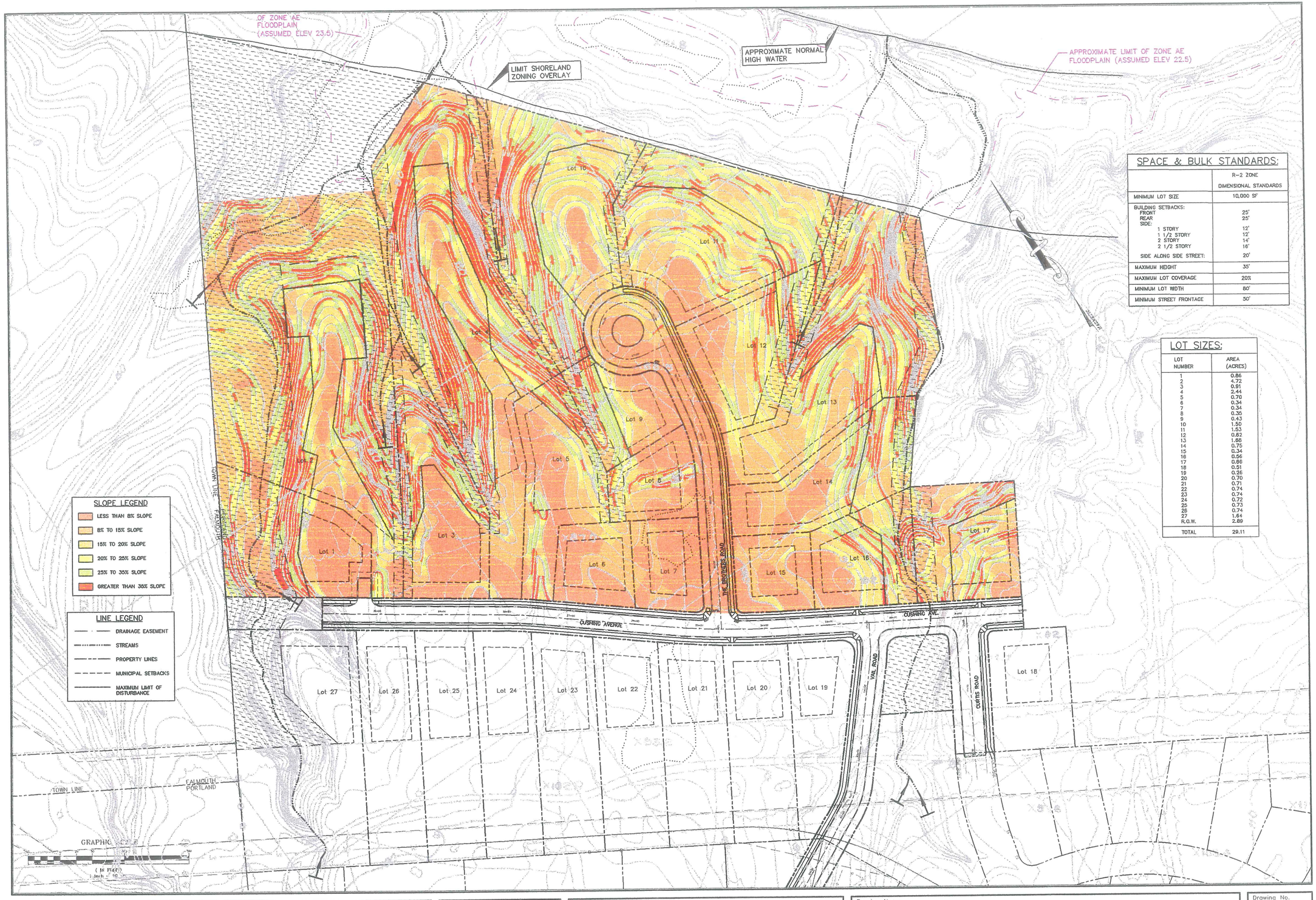
FAX: 207-657-6912
E-Mail: gpcei@maine.rr.com

Drawing Name: Watershed Plan

Project: Presumpscot River Place Phase 3 – Portland, Maine

Figure No. A



SPACE & BULK STANDARDS:

	R-2 ZONE DIMENSIONAL STANDARDS
MINIMUM LOT SIZE	10,000 SF
BUILDING SETBACKS:	
FRONT	25'
REAR	25'
SIDE:	
1 STORY	12'
1 1/2 STORY	12'
2 STORY	14'
2 1/2 STORY	16'
SIDE ALONG SIDE STREET:	20'
MAXIMUM HEIGHT	35'
MAXIMUM LOT COVERAGE	20%
MINIMUM LOT WIDTH	80'
MINIMUM STREET FRONTAGE	50'

LOT SIZES:

LOT NUMBER	AREA (ACRES)
1	0.86
2	4.72
3	0.91
4	2.44
5	0.70
6	0.34
7	0.34
8	0.35
9	0.43
10	1.50
11	1.53
12	0.82
13	1.66
14	0.75
15	0.34
16	0.56
17	0.86
18	0.51
19	0.26
20	0.70
21	0.71
22	0.74
23	0.74
24	0.72
25	0.73
26	0.74
27	1.64
R.O.W.	2.89
TOTAL	29.11

Rev.	Date	Revision
1	1/11/00	SHIFTED BROTHERS ROAD; REDUCED STRUCTURE ENVELOPES; ADJUSTED LOT LINES

Issued For	Date	By
SKETCH PLAN REVIEW	10/15/99	AMP

Design: AMP	Draft: LAN	Date: OCT 1999
Checked:	Scale: 1" = 50'	Job No.: 98089

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207-657-6910
FAX: 207-657-6912
E-Mail: gpcei@maine.rr.com

Drawing Name: Slopes Map with Building Envelopes

Project: PRESUMPSCOT RIVER PLACE PHASE 3

Drawing No. 1

SURFACE	RECOMMENDED MINIMUM SLOPE FOR FUTURE LOT GRADING
GRASS	1%
GRASSED SWALE	2%
PAVEMENT	1%

LEGEND

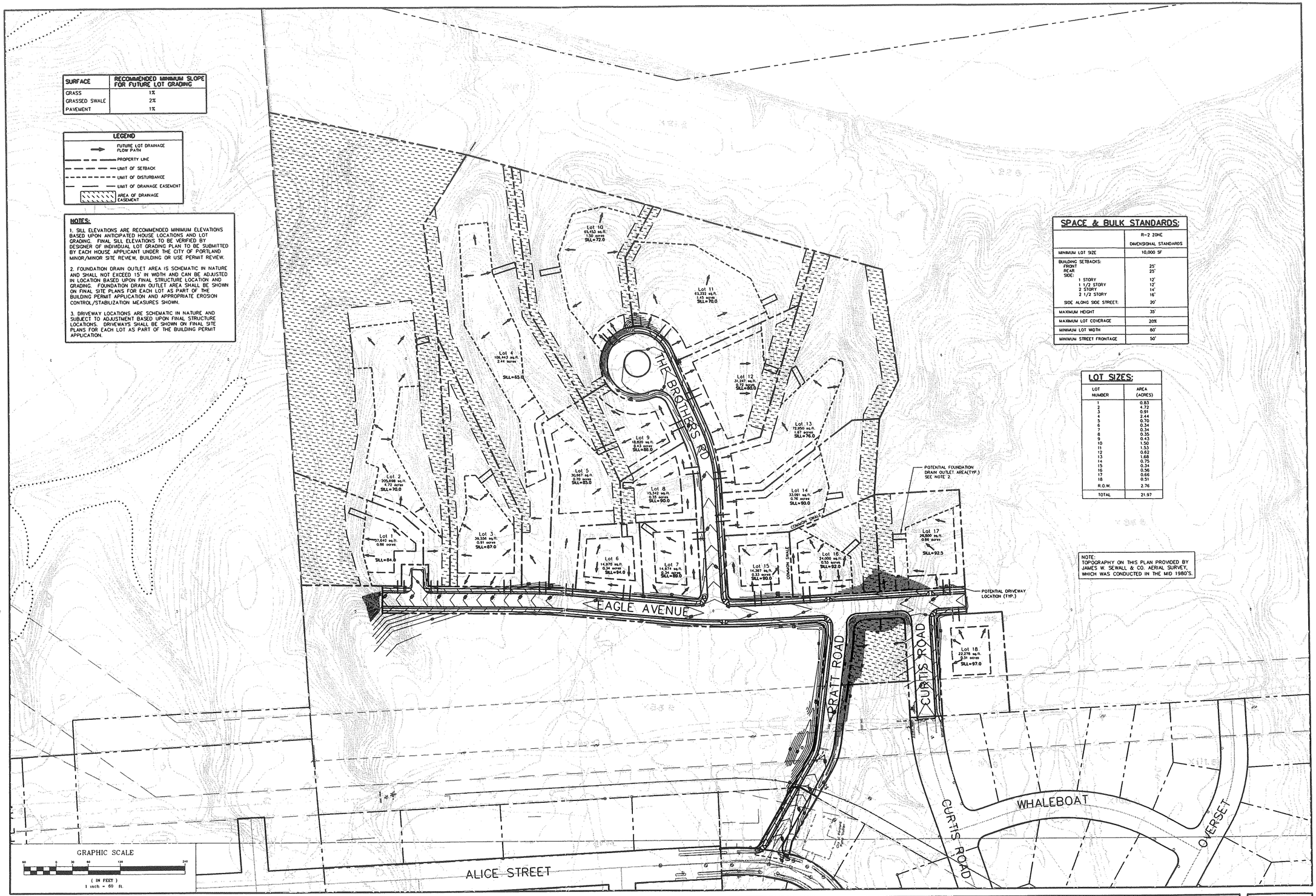
- FUTURE LOT DRAINAGE FLOW PATH
- PROPERTY LINE
- LIMIT OF SETBACK
- LIMIT OF DISTURBANCE
- LIMIT OF DRAINAGE EASEMENT
- AREA OF DRAINAGE EASEMENT

NOTES:

1. SILL ELEVATIONS ARE RECOMMENDED MINIMUM ELEVATIONS BASED UPON ANTICIPATED HOUSE LOCATIONS AND LOT GRADING. FINAL SILL ELEVATIONS TO BE VERIFIED BY DESIGNER OF INDIVIDUAL LOT GRADING PLAN TO BE SUBMITTED BY EACH HOUSE APPLICANT UNDER THE CITY OF PORTLAND MINOR/MINOR SITE REVIEW, BUILDING OR USE PERMIT REVIEW.

2. FOUNDATION DRAIN OUTLET AREA IS SCHEMATIC IN NATURE AND SHALL NOT EXCEED 15' IN WIDTH AND CAN BE ADJUSTED IN LOCATION BASED UPON FINAL STRUCTURE LOCATION AND GRADING. FOUNDATION DRAIN OUTLET AREA SHALL BE SHOWN ON FINAL SITE PLANS FOR EACH LOT AS PART OF THE BUILDING PERMIT APPLICATION AND APPROPRIATE EROSION CONTROL/STABILIZATION MEASURES SHOWN.

3. DRIVEWAY LOCATIONS ARE SCHEMATIC IN NATURE AND SUBJECT TO ADJUSTMENT BASED UPON FINAL STRUCTURE LOCATIONS. DRIVEWAYS SHALL BE SHOWN ON FINAL SITE PLANS FOR EACH LOT AS PART OF THE BUILDING PERMIT APPLICATION.



SPACE & BULK STANDARDS:

	R-2 ZONE DIMENSIONAL STANDARDS
MINIMUM LOT SIZE	10,000 SF
BUILDING SETBACKS:	
FRONT	25'
REAR	25'
SIDE:	
1 STORY	12'
1 1/2 STORY	12'
2 STORY	14'
2 1/2 STORY	16'
SIDE ALONG SIDE STREET:	20'
MAXIMUM HEIGHT	35'
MAXIMUM LOT COVERAGE	20%
MINIMUM LOT WIDTH	80'
MINIMUM STREET FRONTAGE	50'

LOT SIZES:

LOT NUMBER	AREA (ACRES)
1	0.83
2	4.72
3	0.91
4	2.44
5	0.70
6	0.34
7	0.34
8	0.35
9	0.43
10	1.50
11	1.53
12	0.62
13	1.68
14	0.75
15	0.34
16	0.56
17	0.66
18	0.51
R.O.W.	2.76
TOTAL	21.97

NOTE:
TOPOGRAPHY ON THIS PLAN PROVIDED BY JAMES W. SEWALL & CO. AERIAL SURVEY, WHICH WAS CONDUCTED IN THE MID 1980'S.

Rev.	Date	Revision
1	11/14/00	REVISED DRAINAGE ARROWS & ADDED GRADING

Issued For	Date	By
RESPONSE TO CITY STAFF COMMENTS	7/14/00	AMP

Design: DER | Draft: DB | Date: MAR 2000
Checked: | Scale: 1" = 60' | Job No.: 98089

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PO Box 1237 Traffic and Civil Engineering Services 207-657-6910
31 Main Street FAX. 207-657-6912
Gray, ME 04039 E-Mail: gpcei@maine.rr.com

Drawing Name: **Potential Drainage Trends Plan**

Project: **PRESUMPSCOT RIVER PLACE PHASE 3**

Drawing No. **D**

NOTES:

1. WETLANDS ON THIS PLAN WERE DELINEATED BY KEN STRATTON OF AUGUSTA, MAINE.

2. WETLANDS WERE SURVEY LOCATED BY TITCOMB ASSOCIATES OF FALMOUTH, MAINE.

3. THIS PLAN IS INTENDED TO DEPICT WETLAND FILLS NECESSARY FOR ROADWAY INFRASTRUCTURE CONSTRUCTION AS WELL AS THOSE FILLS ANTICIPATED TO BE REQUIRED FOR FUTURE LOT DEVELOPMENT. ANY INCREASE IN WETLAND FILLS AS NECESSARY FOR FUTURE LOT DEVELOPMENT SHALL REQUIRE PRIOR APPROVAL OF MDEP AND ACOE.

NOTE: ALL DRAINAGES SHOWN ARE INTERMITTENT STREAMS. THE BEGINNING POINTS FOR SUCH STREAMS ARE ALSO SHOWN.

INTERMITTENT STREAM: ———

BEGINNING POINT: ⊢

STREAM BEGINNING POINTS BASED UPON WORK OF ECO-ANALYSTS, INC.

APPROXIMATE LIMIT OF ZONE AE FLOODPLAIN (ASSUMED ELEV 23.5)

LIMIT SHORELAND ZONING OVERLAY

APPROXIMATE NORMAL HIGH WATER

APPROXIMATE LIMIT OF ZONE AE FLOODPLAIN (ASSUMED ELEV 22.5)

WETLAND FILL (TYP.)

Lot 1 Lot 2 Lot 3 Lot 5 Lot 6 Lot 7 Lot 8 Lot 9 Lot 10 Lot 11 Lot 12 Lot 13 Lot 14 Lot 15 Lot 16 Lot 17 Lot 18

TOWN LINE FALMOUTH / PORTLAND

EAGLE AVENUE

PLANT ROAD

OAKS ROAD

JUICE STREET

STREAM CROSSING TO REQUIRE FULL N.R.P.A. PERMIT BASED UPON LENGTH OF STREAM CROSSING.

NOTE: TOPOGRAPHY ON THIS PLAN PROVIDED BY JAMES W. SEWALL & CO. AERIAL SURVEY, WHICH WAS CONDUCTED IN THE MID 1980'S.

GRAPHIC SCALE

60 0 30 60 120 240

(IN FEET)

1 inch = 60 ft.

SPACE & BULK STANDARDS:

	R-2 ZONE DIMENSIONAL STANDARDS
MINIMUM LOT SIZE	10,000 SF
BUILDING SETBACKS:	
FRONT	25'
REAR	25'
SIDE:	
1 STORY	12'
1 1/2 STORY	12'
2 STORY	14'
2 1/2 STORY	16'
SIDE ALONG SIDE STREET:	20'
MAXIMUM HEIGHT	35'
MAXIMUM LOT COVERAGE	20%
MINIMUM LOT WIDTH	80'
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1	0.83
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12	0.62
13	1.68
14	0.75
15	0.34
16	0.36
17	0.66
18	0.51
R.O.W.	2.76
TOTAL	21.97

Rev	Date	Revision
1	5/9/00	UPDATED ENVELOPES, STREAM LOCATIONS

Issued For	Date	By
WETLAND PERMITTING	03/07/00	AMP
SKETCH PLAN REVIEW	10/15/99	AMP

Design: DER | Draft: DB | Date: MAR 2000
Checked: | Scale: 1" = 60' | Job No.: 98089

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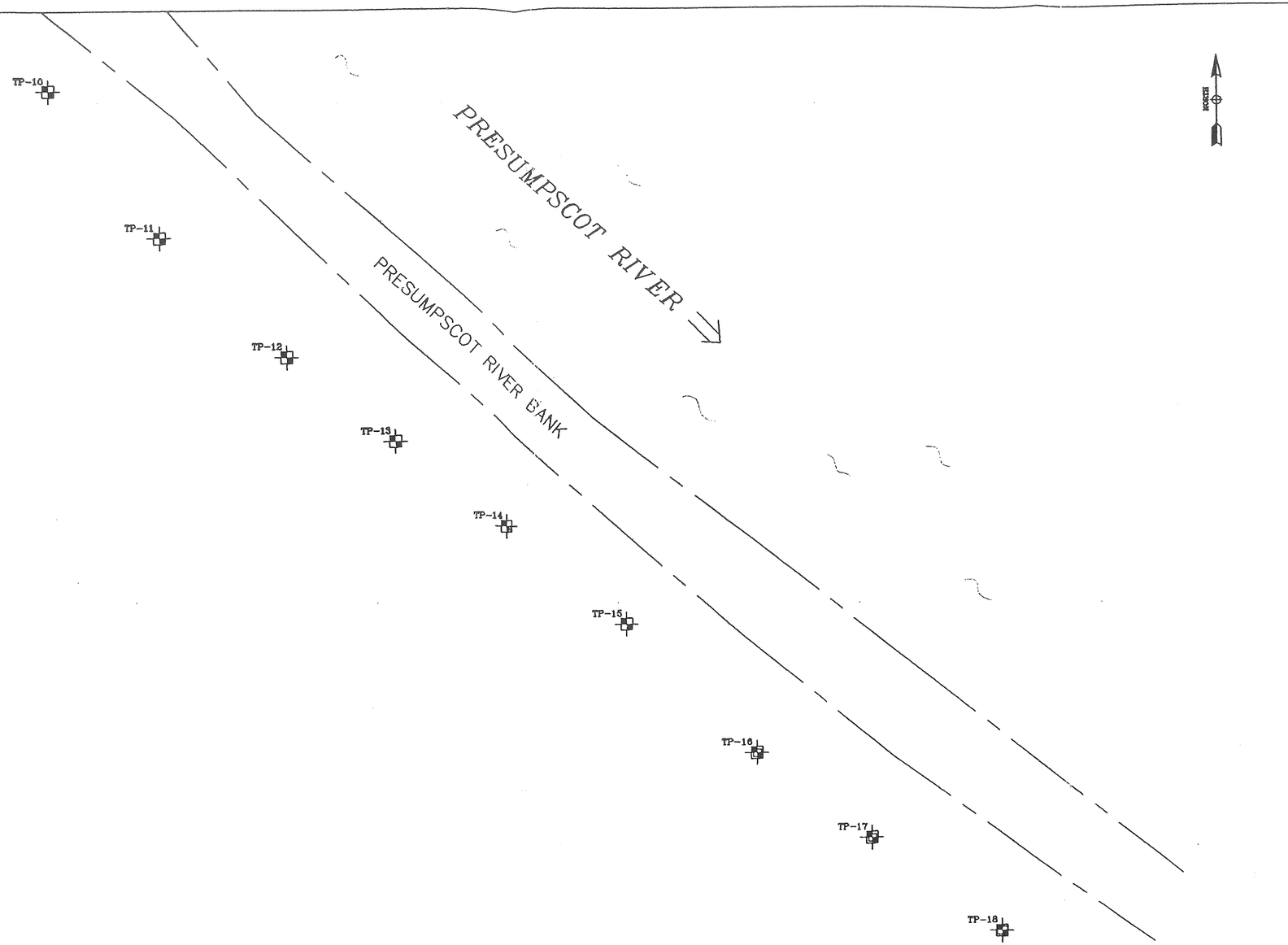
207-657-6910
FAX: 207-657-6912
E-Mail: gpcei@maine.rr.com

Drawing Name: Wetland Permitting Plan

Project: PRESUMPSCOT RIVER PLACE PHASE 3

Drawing No. F



LEGEND:

TP-23 ARCHAEOLOGICAL TEST PIT LOCATION

SCALE: 1 INCH = 10 METERS

FIGURE 4A
PHASE I ARCHAEOLOGICAL SURVEY
PROPOSED CURTIS ROAD SUBDIVISION
PORTLAND, MAINE

Design: AMP	Draft: LAN	Date: OCT 1999
Checked:	Scale: 1" = 100'	Job No.: 98089

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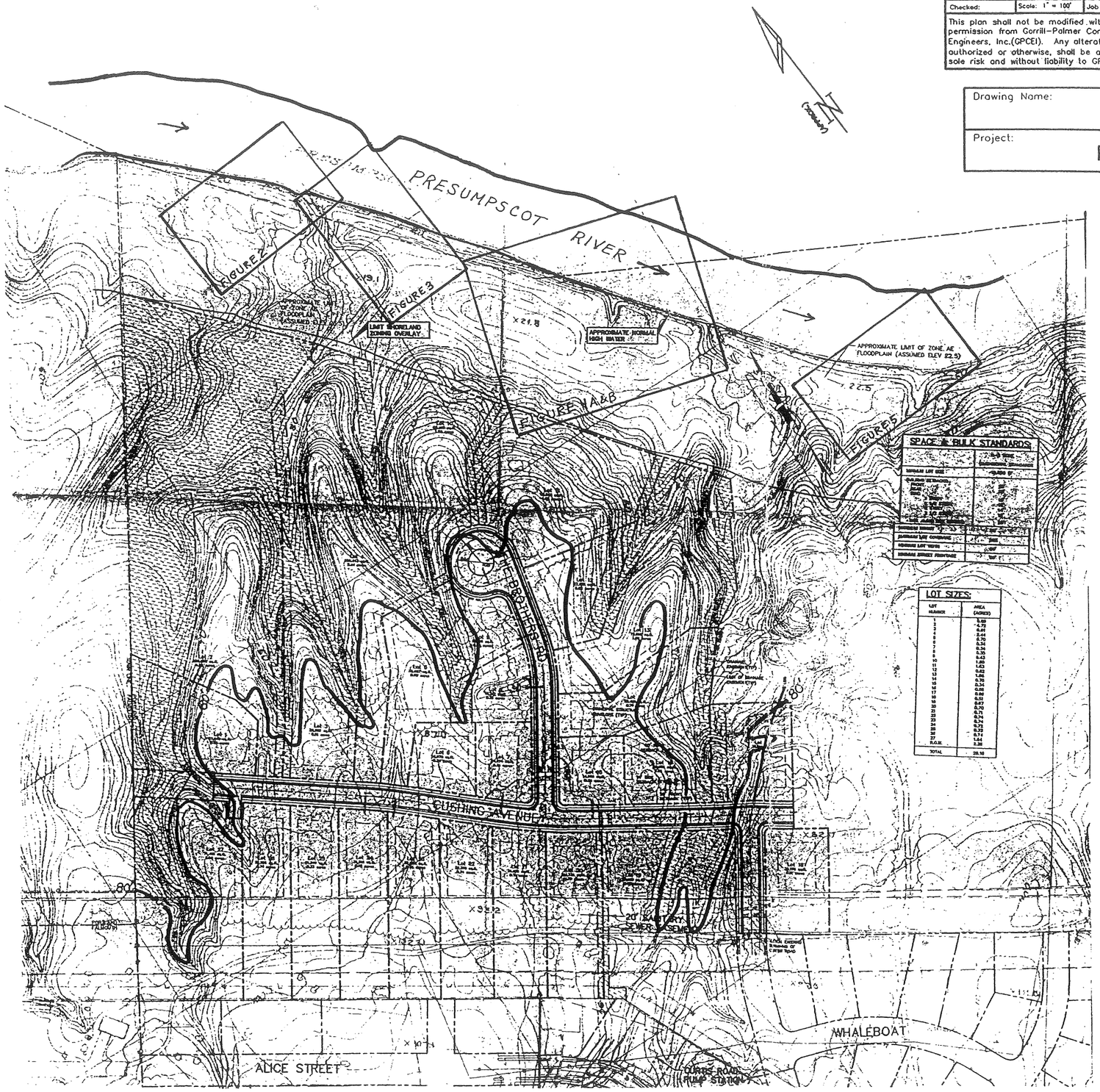
31 Main Street FAX: 207-657-6912
Gray, ME 04039 E-Mail: gpcei@maine.rr.com

Drawing Name:
Sketch Plan

Project:
PRESUMPSCOT RIVER PLACE PHASE 3



GRAPHIC SCALE
100 0 50 100 200 400
(IN FEET)

Scale 1 in = 200 ft

FIGURE 1
TOPOGRAPHIC SURVEY PLAN
PHASE I ARCHAEOLOGICAL SURVEY
PROPOSED CURTIS ROAD SUBDIVISION
PORTLAND, MAINE

NOTE: TRANSECT CONTINUES ON FIBURE 4A

PRESUMPSCOT RIVER

PRESUMPSCOT RIVER BANK

NORTH

TP-19

TP-20

TP-21

TP-22

POSSIBLE WELL

TP-23

LEGEND:

TP-23 ARCHAEOLOGICAL TEST PIT LOCATION

SCALE: 1 INCH = 10 METERS

FIGURE 4B
PHASE I ARCHAEOLOGICAL SURVEY
PROPOSED CURTIS ROAD SUBDIVISION
PORTLAND, MAINE

ATTACHMENT B

PRESUMPSCOT RIVER PLACE - PHASE 3

CURTIS ROAD
PORTLAND, MAINE

PREPARED BY:

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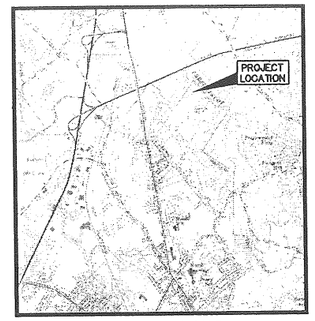

LOCATION MAP
N.T.S.

LEGEND

EXISTING:	DESCRIPTION:	PROPOSED:
○	IRON PIPE	
□	MONUMENT	□
	SEWALL CO., AERIAL SURVEY CONTOUR	
100	TITCOMB ASSOCIATES, GROUND SURVEY CONTOUR	
	PROPOSED CONTOUR	100
	WETLAND LIMIT	
	EDGE OF PAVEMENT	
	CULVERT	
	BUILDINGS	
	RIPRAP	
	UTILITY POLE	
	RIGHT OF WAY	
	SILT FENCE	
	CENTER LINE	
x 225.4	SPOT GRADE	100.31
	PROPERTY LINE	
	TREELINE	
N/F	NOW OR FORMERLY	
	CATCH BASIN	
	SEWER MANHOLE	
	DRAIN MANHOLE	
WV	WATER VALVE	
	CAPPED IRON ROD SET PLS #1273	
Lot #	SUBDIVISION LOT NUMBER	
	DRAINAGE EASEMENT	
	ANTICIPATED PERMITTED WETLAND FILLS	

GENERAL NOTES

GENERAL NOTES

1. TOPOGRAPHIC DATA AND EXISTING CONDITIONS FOR LOT PLANS ARE BASED UPON AERIAL SURVEY CONDUCTED BY THE SEWALL COMPANY FOR THE DEVELOPERS IN THE 1980'S.
2. TOPOGRAPHIC DATA AND EXISTING CONDITIONS FOR ROADWAY PLANS ARE BASED UPON A GROUND SURVEY CONDUCTED BY TITCOMB ASSOCIATES FOR THE DEVELOPERS IN 1999/2000.
3. BOUNDARY SURVEY WAS PREPARED BY TITCOMB ASSOCIATES FOR THE DEVELOPERS IN 1999/2000.
4. THE CONTRACTOR SHALL PROVIDE, ERECT AND MAINTAIN ALL NECESSARY BARRICADES, LIGHTS, WARNING SIGNS AND OTHER DEVICES TO SAFEGUARD TRAFFIC PROPERLY WHILE WORK IS IN PROGRESS
5. THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR THE ELEVATION OF THE EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND WHERE POSSIBLE MEASUREMENTS TAKEN IN THE FIELD. THIS INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE APPROPRIATE UTILITY COMPANY AND DIG SAFE AT LEAST 72 HOURS PRIOR TO ANY EXCAVATION TO REQUEST EXACT FIELD LOCATION OF UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.
6. MAINTENANCE OF EROSION CONTROL MEASURES IS OF PARAMOUNT IMPORTANCE TO THE OWNER AND THE CONTRACTOR IS RESPONSIBLE FOR COMPLYING WITH ALL EROSION CONTROL MEASURES SHOWN ON THE PLANS. ADDITIONAL EROSION CONTROL MEASURES SHALL BE INSTALLED IF DEEMED NECESSARY BY ON-SITE INSPECTIONS OF THE OWNER OR THEIR REPRESENTATIVES AT NO ADDITIONAL COST TO THE OWNER.
7. ALL MATERIAL SCHEDULES SHOWN ON THE PLANS ARE FOR GENERAL INFORMATION ONLY. THE CONTRACTOR SHALL PREPARE HIS OWN MATERIAL SCHEDULES BASED UPON PLAN REVIEW. ALL SCHEDULES SHALL BE VERIFIED IN THE FIELD BY THE CONTRACTOR PRIOR TO ORDERING MATERIALS OR PERFORMING WORK.
8. ALL MATERIALS AND CONSTRUCTION METHODS SHALL CONFORM TO MAINE DEPARTMENT OF TRANSPORTATION SPECIFICATIONS.
9. WETLANDS ON THIS PLAN WERE DELINEATED BY KEN STRATTON OF AUGUSTA, MAINE UNDER SEPERATE CONTRACT FOR THE DEVELOPERS.
10. WETLANDS ON THIS PLAN WERE SURVEY LOCATED BY TITCOMB ASSOCIATES OF FALMOUTH, MAINE.

PERMITTING NOTES

1. THIS PROJECT WILL BE SUBJECT TO THE TERMS AND CONDITIONS OF A MAINE DEP NATURAL RESOURCE PROTECTION ACT PERMIT, AND A FEDERAL ACOE WETLANDS PERMIT WHICH WILL BE MADE A PART OF THE CONTRACT BID DOCUMENTS.
2. THIS PROJECT IS SUBJECT TO THE TERMS AND CONDITIONS OF A SUBDIVISION APPROVAL FROM THE CITY OF PORTLAND WHICH WILL BE MADE A PART OF THE CONTRACT BID DOCUMENTS. THE CONSTRUCTION WILL BE GOVERNED BY THE CITY OF PORTLAND ZONING AND SUBDIVISION ORDINANCES WHICH ARE AVAILABLE FOR VIEWING AT THE OFFICE OF THE ENGINEER OR THE MUNICIPAL OFFICE.
3. THE CONTRACTOR SHALL REVIEW THE ABOVE REFERENCED PERMITS PRIOR TO SUBMITTING A BID FOR THIS PROJECT, AND INCLUDE COSTS AS NECESSARY TO COMPLY WITH THE CONDITIONS OF THESE PERMITS.
4. WETLAND FILLS WHICH EXCEED THOSE SHOWN ON THE THE "WETLAND PERMITTING PLAN" PREPARED BY GORRILL-PALMER CONSULTING ENGINEERS, INC. SHALL REQUIRE REVIEW AND APPROVAL BY THE CITY OF PORTLAND, MDEP, ACOE AND THE DEVELOPERS.

LAYOUT NOTES

1. ALL DIMENSIONING, UNLESS NOTED OTHERWISE, IS TO THE FACE OF CURB.
2. OFFSETS TO CATCH BASINS AND MANHOLES ARE TO THE CENTER OF THE FRAME.
3. PIPE LENGTH EQUALS THE CENTER TO CENTER DISTANCES BETWEEN CATCH BASINS AND/OR MANHOLES MINUS ONE-HALF OF THE DIAMETER OF EACH CATCH BASIN OR MANHOLE.
4. PROPERTY LINE AND R.O.W. MONUMENTS SHALL NOT BE DISTURBED BY CONSTRUCTION. IF DISTURBED, THEY SHALL BE RESET TO THEIR ORIGINAL LOCATIONS AT THE CONTRACTOR'S EXPENSE, BY A MAINE REGISTERED LAND SURVEYOR.
5. PROPOSED RIGHT OF WAY MONUMENTS AND PROPERTY LINE PINS SHALL BE INSTALLED UNDER THE DIRECTION OF A MAINE REGISTERED LAND SURVEYOR.

UTILITY NOTES

1. ALL WATER UTILITY MATERIALS AND INSTALLATION METHODS SHALL CONFORM TO PORTLAND WATER DISTRICT STANDARDS. ALL WATER DISTRIBUTION PIPING SHALL BE CLASS 52 DUCTILE IRON PIPE, DOUBLE CEMENT LINED AND BITUMINOUS COATED CONFORMING TO AWWA/ANSI C104/A21.4. DISINFECTION OF WATER LINES SHALL CONFORM TO AWWA STANDARD C651, LATEST REVISION.
2. THE LOCATION OF THE PROPOSED UNDERGROUND ELECTRICAL SERVICE IS APPROXIMATE AND THE CONTRACTOR SHALL COORDINATE THE EXACT LOCATION WITH CENTRAL MAINE POWER COMPANY.
3. THRUST BLOCKS OR LOCKING RETAINER GLANDS SHALL BE PLACED ON THE WATER DISTRIBUTION LINES AND FORCE MAIN AT ALL BENDS, TEES, FIRE HYDRANTS, VALVES, CHANGES IN DIRECTION, ETC. THE THRUST BLOCKS OR LOCKING RETAINER GLANDS SHALL MEET THE REQUIREMENTS OF THE PORTLAND WATER DISTRICT STANDARDS.

GRADING AND DRAINAGE NOTES

1. UNLESS OTHERWISE NOTED, ALL STORM DRAIN PIPE SHALL BE IN ACCORDANCE WITH MDOT SPECIFICATIONS SECTION 603-- PIPE CULVERTS AND STORM DRAINS, LATEST REVISION WITH THE EXCEPTION THAT THE ONLY ACCEPTABLE TYPES OF PIPE ARE AS FOLLOWS:
   - REINFORCED CONCRETE PIPE, CLASS III
   - POLYVINYL-CHLORIDE (PVC) PIPE
   - SMOOTH BORE POLYETHYLENE - ADS OR HANCOR
2. TOPSOIL STRIPPED IN AREAS OF CONSTRUCTION THAT IS SUITABLE FOR REUSE AS LOAM SHALL BE STOCKPILED ON SITE AT A LOCATION TO BE DESIGNATED BY THE OWNER. UNSUITABLE SOIL SHALL BE SEPARATED, REMOVED AND DISPOSED OF AT AN APPROVED DISPOSAL LOCATION OFF SITE.
3. THE CONTRACTOR SHALL ANTICIPATE THAT GROUNDWATER WILL BE ENCOUNTERED DURING CONSTRUCTION AND SHALL INCLUDE SUFFICIENT COSTS WITHIN THEIR BID TO PROVIDE DEWATERING AS NECESSARY. NO SEPARATE PAYMENT SHALL BE MADE TO THE CONTRACTOR FOR DEWATERING.

EROSION CONTROL NOTES

1. LAND DISTURBING ACTIVITIES SHALL BE ACCOMPLISHED IN A MANNER AND SEQUENCE THAT CAUSES THE LEAST PRACTICAL DISTURBANCE OF THE SITE.
2. PRIOR TO BEGINNING ANY CLEARING/LAND DISTURBING ACTIVITIES, THE CONTRACTOR SHALL INSTALL THE PERIMETER SILT FENCES AND THE CONSTRUCTION ENTRANCE.
3. ALL GROUND AREAS DISTURBED FOR CONSTRUCTION WILL BE GRADED, LOAMED AND SEEDED AS SOON AS POSSIBLE. PERMANENT SEED MIXTURE SHALL CONFORM TO THE SEEDING PLAN CONTAINED IN THE EROSION CONTROL REPORT PREPARED FOR THIS PROJECT.
4. PRIOR TO PAVING, THE CONTRACTOR SHALL FLUSH SILT FROM ALL STORM DRAIN LINES.
5. ALL STORM DRAIN INLETS & OUTLETS ARE TO RECEIVE RIPRAP PROTECTION APRONS DURING CONSTRUCTION.
6. ALL CATCH BASINS WITH OUTLET PIPES 15" DIAMETER OR LESS SHALL BE PROVIDED WITH CASCO TRAPS PER DETAIL.
7. SILT FENCES SHALL BE INSPECTED, REPAIRED AND CLEANED AS NOTED IN THE EROSION CONTROL REPORT.
8. THE CONTRACTOR SHALL REPAIR AND ADD STONE TO THE CONSTRUCTION ENTRANCE AS IT BECOMES SATURATED WITH MUD TO ENSURE THAT IT WORKS AS PLANNED DURING CONSTRUCTION.
9. SILT REMOVED FROM AROUND INLETS AND BEHIND THE SILT FENCES SHALL BE PLACED ON A TOPSOIL STOCKPILE AND MIXED INTO IT FOR LATER USE IN LANDSCAPING OPERATIONS.
10. A FULL EROSION CONTROL REPORT ACCOMPANIES THIS PLAN SET AND IS CONTAINED ON THE DRAWINGS OF THIS PLAN SET.
11. THE MAINTENANCE SCHEDULE FOR THE CATCH BASIN SEDIMENT SUMPS IS AS FOLLOWS:
    THESE DEVICES SHALL BE INSPECTED IN APRIL AND OCTOBER OF EACH YEAR. ACCUMULATED SEDIMENT SHALL BE REMOVED FROM THE CATCH BASIN WHEN THE DEPTH OF THE SEDIMENT IS GREATER THAN ONE FOOT. THE SEDIMENT WILL BE REMOVED FROM THE SITE AND DISPOSED OF IN ACCORDANCE WITH FEDERAL, STATE AND LOCAL REGULATIONS.
12. THE CONTRACTOR IS CAUTIONED THAT FAILURE TO COMPLY WITH THE SEQUENCE OF CONSTRUCTION, EROSION/SEDIMENT CONTROL PLAN, AND OTHER PERMIT REQUIREMENTS BASED UPON ANY THIRD PARTY REVIEW (ie MDEP) MAY RESULT IN MONETARY PENALTIES. THE CONTRACTOR SHALL BE ASSESSED ALL SUCH PENALTIES AT NO COST TO THE OWNER OR PERMITTEE.
13. ALL NON-PAVED AREAS DISTURBED DURING CONSTRUCTION SHALL BE LOAMED AND SEEDED, UNLESS OTHERWISE DIRECTED BY THE OWNER.
14. ALL DISTURBED AREAS ARE TO RECEIVE A MINIMUM OF 6" OF TOPSOIL PRIOR TO PERMANENT SEEDING.

UTILITIES

WATER:

PORTLAND WATER DISTRICT
225 DOUGLASS STREET
PORTLAND, MAINE 04102
(207) 761-8300

SEWER:

PORTLAND PUBLIC WORKS DEPT.
55 PORTLAND STREET
PORTLAND, MAINE 04101
(207) 874-8871

ELECTRIC:

CENTRAL MAINE POWER
162 CANCO ROAD
PORTLAND, MAINE 04103
(207) 828-2869

TELEPHONE:

BELL ATLANTIC
5 DAVIS FARM ROAD
PORTLAND, MAINE 04103
(207) 797-1832

CABLE:

TIME WARNER CABLE
118 JOHNSON ROAD
PORTLAND, MAINE 04102
(207) 775-3431

CALL BEFORE YOU DIG 1-800-344-7233

INDEX

1 COVER SHEET, GENERAL NOTES, & LEGEND
2 SUBDIVISION PLAN BY TITCOMB ASSOCIATES
3 SUBDIVISION PLAN WITH TOPOGRAPHY
4 LAYOUT PLAN & PROFILE - PRATT ROAD & CURTIS ROAD
5 LAYOUT PLAN & PROFILE - EAGLE AVENUE
6 LAYOUT PLAN & PROFILE - THE BROTHERS ROAD
7 UTILITY PLAN & PROFILE - PRATT ROAD & CURTIS ROAD
8 UTILITY PLAN & PROFILE - EAGLE AVENUE
9 UTILITY PLAN & PROFILE - THE BROTHERS ROAD
10 GRADING, DRAINAGE & EROSION CONTROL PLAN & PROFILE - PRATT ROAD & CURTIS ROAD
11 GRADING, DRAINAGE & EROSION CONTROL PLAN & PROFILE - EAGLE AVENUE
12 GRADING, DRAINAGE & EROSION CONTROL PLAN & PROFILE - THE BROTHERS ROAD
13 WATER DETAILS
14 SEWER DETAILS
15 ROADWAY, STORM DRAIN & MISCELLANEOUS DETAILS
16 EROSION & SEDIMENTATION CONTROL DETAILS & NOTES
17 MISCELLANEOUS STORM DRAIN PROFILES

NOTE: THIS PLAN SET IS ISSUED FOR PERMITTING PURPOSES AND SHALL NOT BE USED FOR CONSTRUCTION.

Rev	Date	Revision
1	11/14/00	REVISED ROAD NAMES AND NOTES

Issued For	Date	By
CITY REVIEW	05/18/01	AMP
CITY REVIEW	04/11/00	AMP

Design: DER	Draft: DB	Date: MAR 2000
Checked:	Scale: NONE	Job No: 98089
File Name: 98089COV.DWG		

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Traffic and Civil Engineering Services
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FAX: 207-657-6912
E-Mail: gpcei@maine.rr.com

Drawing Name: COVER SHEET, GENERAL NOTES & LEGEND

Project: PRESUMPSCOT RIVER PLACE - PHASE 3

Drawing No. 1

Presumpscot River Place
Phase III - Subdivision Plan
Portland, Maine

MADE FOR

Robert Adam & Burt Wolf

Portland, Maine

JOB# 99064	DATE: 04/11/00	SCALE: 1" = 60'
BOOK#		
DISC#		
FILE#		

Titcomb Associates
133 Gray Road
Falmouth, Maine 04105

NO.	DATE	DESCRIPTION	BY
5	7/18/01	Reconfigured no. end of Eagle Ave.	GP
4	05/17/01	Revise Lots 1-12, right of way	DET
3	11/14/00	Revised Lot 1, right of way	JNS
2	11/14/00	Added Notes & Sections	GP
1	07/17/00	Lots 1,2,11,12, abutters, note 4	DET

Approved by the City of Portland Planning Board

Dated_____

_____ _____

_____ _____

_____ _____

_____ _____

NOTES:

1. THIS PLAN IS SHEET 2 OF A PLAN SET OF 17 SHEETS ENTITLED "PRESUMPSCOT RIVER PLACE PHASE 3," WHICH IS ON RECORD IN THE CITY OF PORTLAND PLANNING OFFICE.

2. DEVELOPMENT OF THE PARCELS PROPOSED AS PART OF THIS PLAN SHALL BE IN ACCORDANCE WITH DIVISION 6 (SECTIONS 14-76 THROUGH 14-91) OF CHAPTER 14, LAND USE, OF THE CODE OF ORDINANCES OF THE CITY OF PORTLAND, MAINE, AS AMENDED FROM TIME TO TIME. EXCERPTS OF THE DIMENSIONAL REQUIREMENTS ARE PRESENTED BELOW:

MINIMUM LOT SIZE	10,000 S.F.
MINIMUM FRONTAGE	50 FT.
MINIMUM YARD SIZE	
FRONT YARD	25 FT.
REAR YARD	25 FT.
SIDE YARD *	
1 STORY	12 FT.
1 1/2 STORIES	12 FT.
2 STORIES	14 FT. **
2 1/2 STORIES	16 FT.
SIDE YARD * ON SIDE STREETS	20 FT.
MINIMUM LOT WIDTH	80 FT.

* THE WIDTH OF ONE (1) SIDE YARD MAY BE REDUCED ONE (1) FOOT FOR EVERY FOOT THAT THE OTHER SIDE YARD IS CORRESPONDINGLY INCREASED, BUT NO SIDE YARD SHALL BE LESS THAN TWELVE (12) FEET IN WIDTH.
** SIDE YARDS SHOWN ON PLAN ARE 14 FEET AND MAY BE INCREASED OR DECREASED DEPENDING UPON NUMBER OF STORIES.

3. STRUCTURE ENVELOPES AS SHOWN ON THIS PLAN INCLUDING LOTS 1,2,3,8,9,10,11,12,13,14,15,17 AND 27 REPRESENT THE MAXIMUM AREA FOR CONSTRUCTION OF THE PRINCIPAL AND ACCESSORY STRUCTURE. ANY CHANGES TO SUCH AREA SHALL BE REVIEWED AND APPROVED BY THE CITY OF PORTLAND PLANNING BOARD OR PLANNING AUTHORITY PRIOR TO COMMENCEMENT OF CONSTRUCTION AND MUST BE RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS WITH A REFERENCE TO THE PLAN BOOK AND PAGE FOR THIS PLAN.

4. EACH LOT SHALL REQUIRE THE SUBMISSION OF A SITE PLAN FOR REVIEW AND APPROVAL PRIOR TO THE ISSUANCE OF A BUILDING PERMIT, AND SHALL BE SUBJECT TO REVIEW PURSUANT TO ARTICLE V OF CHAPTER 14 OF THE PORTLAND CITY CODE.

5. THE OWNERS OF LOTS 1 THROUGH 17 AND 27 SHALL RETAIN EITHER A LICENSED CIVIL ENGINEER OF LANDSCAPE ARCHITECT TO ASSIST IN DESIGN OF THE IMPROVEMENTS ON THEIR LOTS. THE OWNERS OF THESE LOTS SHALL ALSO RETAIN THAT "PROFESSIONAL" TO PROVIDE CONSTRUCTION PHASE SITE INSPECTION FOR ADHERENCE TO ALL REQUIRED EROSION AND SEDIMENTATION CONTROL MEASURES AND TO ADDRESS ANY CHANGES IN FIELD CONDITIONS WHICH REQUIRE MODIFICATION TO THE DESIGN OF THE LOT IMPROVEMENTS. AT A MINIMUM, THE FOLLOWING SITE INSPECTION MUST BE CONDUCTED:
- SUBSEQUENT TO STAKE OUT OF HOUSE AND DRIVEWAY, INSTALLATION OF SILTATION FENCE AND PRIOR CLEARING
- UPON COMPLETION OF CLEARING AND GRUBBING
- UPON COMPLETION OF ROUGH GRADING
- UPON COMPLETION OF FOUNDATION
- UPON COMPLETION OF FINAL GRADING
- UPON COMPLETION OF FINAL LANDSCAPING/REVEGETATION

PRIOR TO REMOVAL OF EROSION CONTROL MEASURES

THE PROFESSIONAL ENGINEER OR LANDSCAPE ARCHITECT SHALL PROVIDE A WRITTEN STATEMENT UPON COMPLETION OF CONSTRUCTION OF LOT IMPROVEMENTS AFFIRMING THAT THE WORK IS IN SUBSTANTIAL CONFORMANCE TO THE APPROVED PLANS AND THAT ALL CONDITIONS OF APPROVAL HAVE BEEN SATISFIED. THIS NOTE SHALL APPEAR IN ALL PROPERTY DEEDS EXCEPT LOTS 18 THROUGH 26.

6. NO CONSTRUCTION, GROUND DISTURBANCES OR REGRADING SHALL OCCUR WITHIN THE UNDISTURBED ZONE SHOWN ON THE VARIOUS LOTS. NO CONCENTRATED RUNOFF SHALL OCCUR ON THIS AREA. TREES IN EXCESS OF 16 INCHES IN THE UNDISTURBED ZONE SHALL NOT BE CUT EXCEPT TO ENSURE SAFETY HAZARDS. STORM DAMAGED, DISEASED, UNSAFE OR DEAD TREES MAY BE REMOVED IN THE UNDISTURBED ZONE PROVIDED THE CREATION OF ANY CLEARED OPENING IN EXCESS OF 250 SQUARE FEET SHALL BE REPLANTED WITH NATIVE SPECIES UNLESS EXISTING TREE GROWTH IS PRESENT. AREAS THAT CONCENTRATED RUNOFF SHALL BE DIRECTED TOWARDS THESE AREAS. THIS NOTE SHALL APPEAR IN THE PROPERTY DEED OF ALL LOTS WITH UNDISTURBED ZONES.

7. A MINIMUM OF TWO TREES PER LOT SHALL BE CONSERVED OR PLANTED IN THE FRONT YARD OF EACH LOT MEETING THE CITY OF PORTLAND'S ARBORICULTURAL SPECIFICATION AND STANDARDS AND THE CITY'S LANDSCAPE DESIGN GUIDELINES. THE DEVELOPER MAY CONTRACT FOR THE PLANTING OF THESE TREES, BUT SHALL REMAIN ULTIMATELY LIABLE TO THE CITY OF PORTLAND FOR FINANCIAL OBLIGATION FROM COMPLIANCE WITH CITY ORDINANCES AND APPROVALS. SUCH FINANCIAL OBLIGATION SHALL BE NEITHER TRANSFERABLE NOR WAIVABLE BY THE DEVELOPER PURSUANT TO CONDITIONS AND LIMITATIONS OF SECTION 6 OF THE CITY OF PORTLAND, MAINE TECHNICAL AND DESIGN STANDARDS AND GUIDELINES.

8. ALL DRIVEWAYS SHALL BE PAVED WITHIN SIX (6) MONTHS OF THE RECEIPT OF A TEMPORARY CERTIFICATE OF OCCUPANCY AND SHALL BE A MINIMUM OF 12' WIDE. INDIVIDUAL HOMEOWNERS SHALL BE RESPONSIBLE FOR PAVING OF DRIVEWAY.

9. PRIVATE DRAINAGE EASEMENTS: TREE CLEARING OR VEGETATION DISTURBANCE, FILLING, REGRADING, CONSTRUCTION OF STRUCTURES OR IMPERVIOUS SURFACES SHALL BE PROHIBITED WITHIN PRIVATE DRAINAGE EASEMENTS, UNLESS APPROVED IN WRITING BY THE CITY OF PORTLAND PLANNING DEPARTMENT UNDER SITE PLAN REVIEW. THIS RESTRICTION SHALL BE SPECIFICALLY NOTED IN ALL APPLICABLE DEEDS.

10. NO PUBLIC SERVICES (I.E. SNOW PLOWING, TRASH REMOVAL, LIGHTING) WILL BE PROVIDED UNLESS AND UNTIL THE PROPOSED STREETS ARE ACCEPTED BY THE CITY COUNCIL.

11. EACH LOT SHALL REQUIRE THE SUBMISSION OF A MINOR/MINOR SITE REVIEW PRIOR TO THE ISSUANCE OF A BUILDING PERMIT AND SHALL BE SUBJECT TO REVIEW PURSUANT TO ARTICLE V OF CHAPTER VI OF THE PORTLAND CITY CODE.

12. THE DESIGN ENGINEER OF RECORD, GORRILL-PALMER CONSULTING ENGINEERS, INC., SHALL PROVIDE A WRITTEN STATEMENT UPON COMPLETION OF CONSTRUCTION OF THE SUBDIVISION INFRASTRUCTURE AFFIRMING THAT THE WORK IS IN SUBSTANTIAL CONFORMANCE TO THE APPROVED PLANS AND THAT ALL CONDITIONS OF APPROVAL HAVE BEEN SATISFIED. THE DESIGN ENGINEER SHALL PROVIDE CONSTRUCTION PHASE SERVICES DURING THE CONSTRUCTION PHASE SERVICES FOR THE SUBDIVISION INFRASTRUCTURE INCLUDING BUT NOT LIMITED TO, PERIODIC SITE INSPECTION FOR ADHERENCE TO ALL REQUIRED EROSION AND SEDIMENTATION CONTROL MEASURES AND TO ADDRESS ANY CHANGES IN FIELD CONDITIONS WHICH REQUIRE MODIFICATIONS TO THE DESIGN OF THE SUBDIVISION INFRASTRUCTURE.

13. THE CITY OF PORTLAND WILL NOT ACCEPT SEWER UTILITIES OR STREETS REQUIRING LOW PRESSURE FORCE MAIN AND SUCH UTILITIES SHALL REMAIN THE SOLE RESPONSIBILITY OF THE INDIVIDUAL HOMEOWNER AND/OR ASSOCIATION. THIS RESTRICTION SHALL BE SPECIFICALLY NOTED IN ALL APPLICABLE DEEDS.

14. LOTS WITHIN THIS SUBDIVISION MAY REQUIRE INSTALLATION OF INDIVIDUAL PRIVATE PUMP STATIONS IN ORDER TO CONVEY WASTES TO THE MUNICIPAL SYSTEM. REFER TO SHEETS 7, 8, 9 AND 14 OF THE PLAN SET FOR ADDITIONAL INFORMATION REGARDING PUMPING OF INDIVIDUAL LOTS. EACH DEED SHALL INDICATE THAT DEPENDANT UPON THE ELEVATION OF THE LOWEST PLUMBING FIXTURE, A PRIVATE PUMP SYSTEM MAY BE REQUIRED. THE PROSPECTIVE PURCHASERS SHALL BE PROVIDED WITH A COPY OF SHEETS 7, 8, 9, AND 14 OF THE PLAN SET PRIOR TO CLOSING.

15. OWNERS OF LOTS 8, 9, 10 11, 12 AND 13 WILL BE REQUIRED TO BE MEMBERS OF A HOMEOWNERS ASSOCIATION THAT WILL BE SOLELY RESPONSIBLE FOR THE OPERATION AND MAINTENANCE OF A LOW-PRESSURE SEWER FORCE MAIN WITHIN THE RIGHT-OF-WAY OF THE BROTHERS ROAD. THE CITY OF PORTLAND SHALL NOT HAVE ANY ONGOING RESPONSIBILITY ON THE PROPER MAINTENANCE AND OPERATION OF THIS SYSTEM.

16. THE OWNERS OF LOTS 1, 2, 3, 4, 10, 11, 12, 13, 14, 15 AND 17 MAY NEED TO OBTAIN A MDEP PERMIT-BY-RULE FOR 10K DISTURBANCE WITHIN 100 FEET OF A PROTECTED NATURAL RESOURCE. INDIVIDUAL LOT OWNERS WILL BE RESPONSIBLE FOR OBTAINING THIS PERMIT, IF NECESSARY, BASED UPON THEIR LIMITS OF DISTURBANCE.

17. DEVELOPER MAY CONTRACT FOR THE INSTALLATION OF IMPROVEMENTS NOTED ON THIS PLAN BUT SHALL REMAIN ULTIMATELY LIABLE TO THE CITY OF PORTLAND FOR THE FINANCIAL OBLIGATION FOR COMPLIANCE WITH THE CITY ORDINANCES AND APPROVALS. SUCH FINANCIAL OBLIGATION SHALL BE NEITHER TRANSFERABLE NOR WAIVABLE BY THE DEVELOPER PURSUANT TO CONDITIONS AND LIMITATIONS OF SECTION 6 OF THE CITY OF PORTLAND, MAINE. THE CITY OF PORTLAND WITHOUT PRIOR APPROVAL OF THE TRANSFER BY THE PLANNING AUTHORITY.

18. RIGHTS OF LOT OWNERS TO PROPERTY ADJACENT TO THE RIVER PURSUANT TO DECLARATION OF COVENANTS AND RESTRICTIONS OF THE SUBDIVISION.

19. "NO PARKING" STREET SIGNS SHALL BE INSTALLED ALONG THE SUBDIVISION ROADWAYS PRIOR TO THE ISSUANCE OF THE FIRST HOUSE/2ND CERTIFICATE OF OCCUPANCY (WHICHEVER PERMANENT OR TEMPORARY) FOR THIS SUBDIVISION.

20. THE PROPOSED STRUCTURE ON LOT 18 SHALL FRONT ON CURTIS STREET, UNLESS THE DEVELOPER EXTENDS EAGLE AVENUE TO THE LIMIT OF THIS LOT.

21. THE FOLLOWING IMPROVEMENTS WITHIN THE RIGHTS-OF-WAY SHALL BE FUNCTIONALLY COMPLETED AND OPERATIONAL PRIOR TO ISSUANCE OF A TEMPORARY CERTIFICATE OF OCCUPANCY FOR ANY LOTS WITHIN THIS SUBDIVISION:
- WATER SYSTEM
- SEWER SYSTEM
- STORM DRAIN SYSTEM
- BASE COURSE PAVING
- STREET LIGHTING

REFERENCES

(1) Plan of Property for Robert Adam made by Land Use Consultants dated August 1978. Recorded in Plan Book 125, Pages 45 and 46.

(2) Presumpscot River Place Amended Recording Plat made for The Teal Company by Land Use Consultants dated May 10, 1983 and revised February 6, 1984. Recorded in Plan Book 141, Page 42.

(3) Plan of Crestview Acres, Section 5, made for Donald R. Peters by H.I. & E.C. Jordan dated December 24, 1969. Recorded in Plan Book 81, Page 23.

(4) Third Amended Recording Plat of Alice Street Subdivision made for Lloyd B. Wolf by Land Use Consultants dated February 27, 1996. Recorded in Plan Book 196, Page 319.

(5) Plan of Oatnuts Park owned by A.M. Hayes. Recorded on February 18, 1902 in Plan Book 9, Page 103.

(6) Plan of Valley View Heights (Curtis Road) made for C.H. Hanson Co. by H.I. & E.C. Jordan Company dated January 31, 1967. Recorded in Plan Book 74, Page 1.

(7) Presumpscot River Place II made for The Teal Company by Land Use Consultants dated June 26, 1984 and revised August 9, 1985. Recorded in Plan Book 149, Page 64.

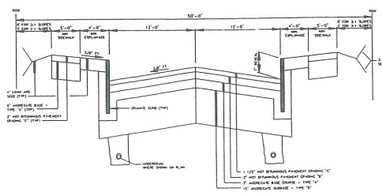
NOTES

(1) Surveyors seal is for interior lot dimensions only. Property perimeter is based on plan reference #1.

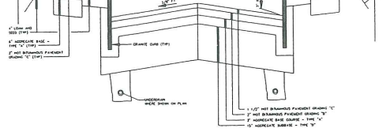
(2) Bearings are based on True North as shown on plan reference #1.

(3) Book and Page references are to the Cumberland County Registry of Deeds, unless otherwise noted.

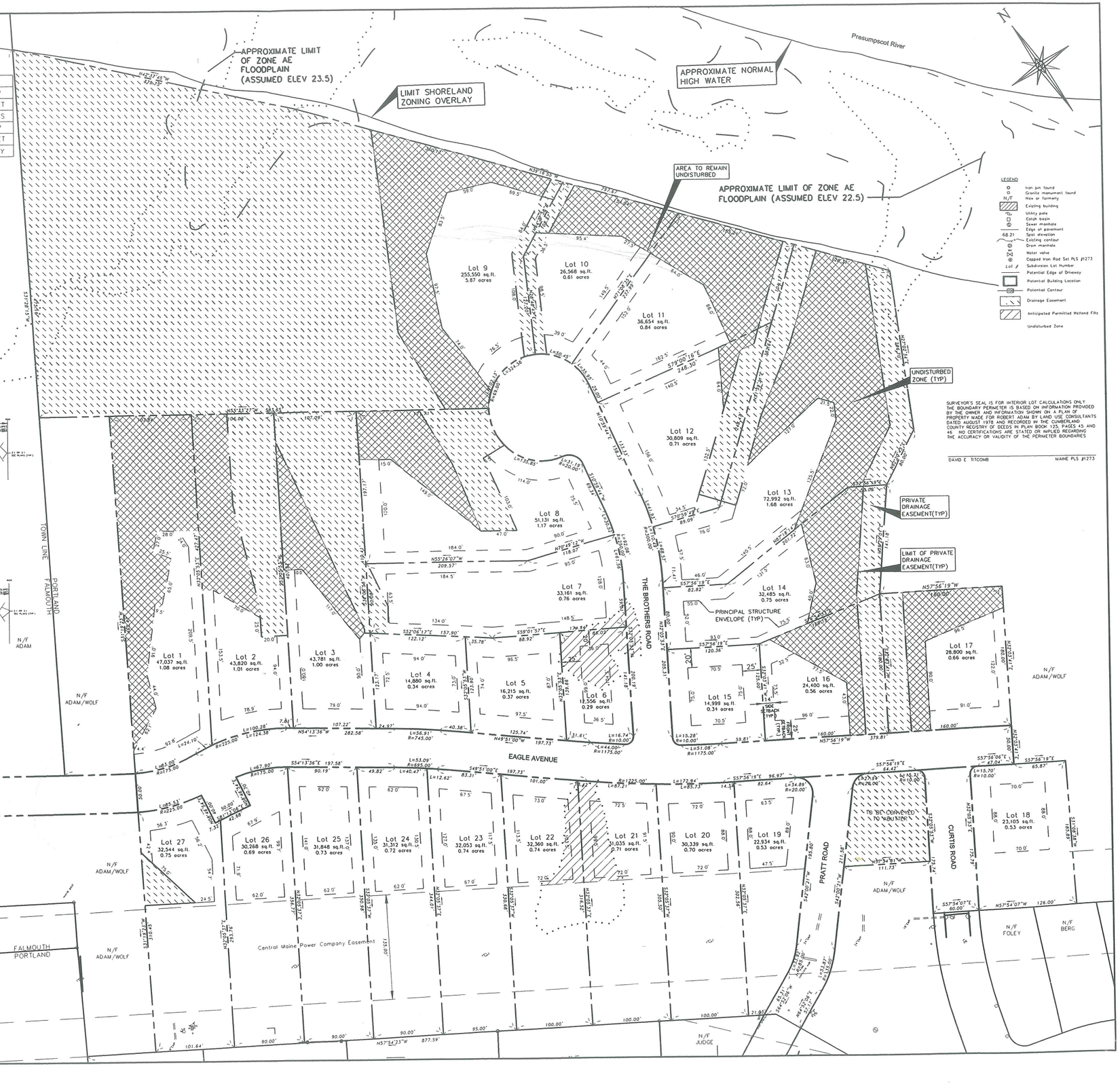
(4) Abutters noted on this plan are per City of Portland records.



TYPICAL ROADWAY SECTION
(EAGLE AVE., PRATT ROAD AND THE BROTHERS ROAD)
N.T.S.



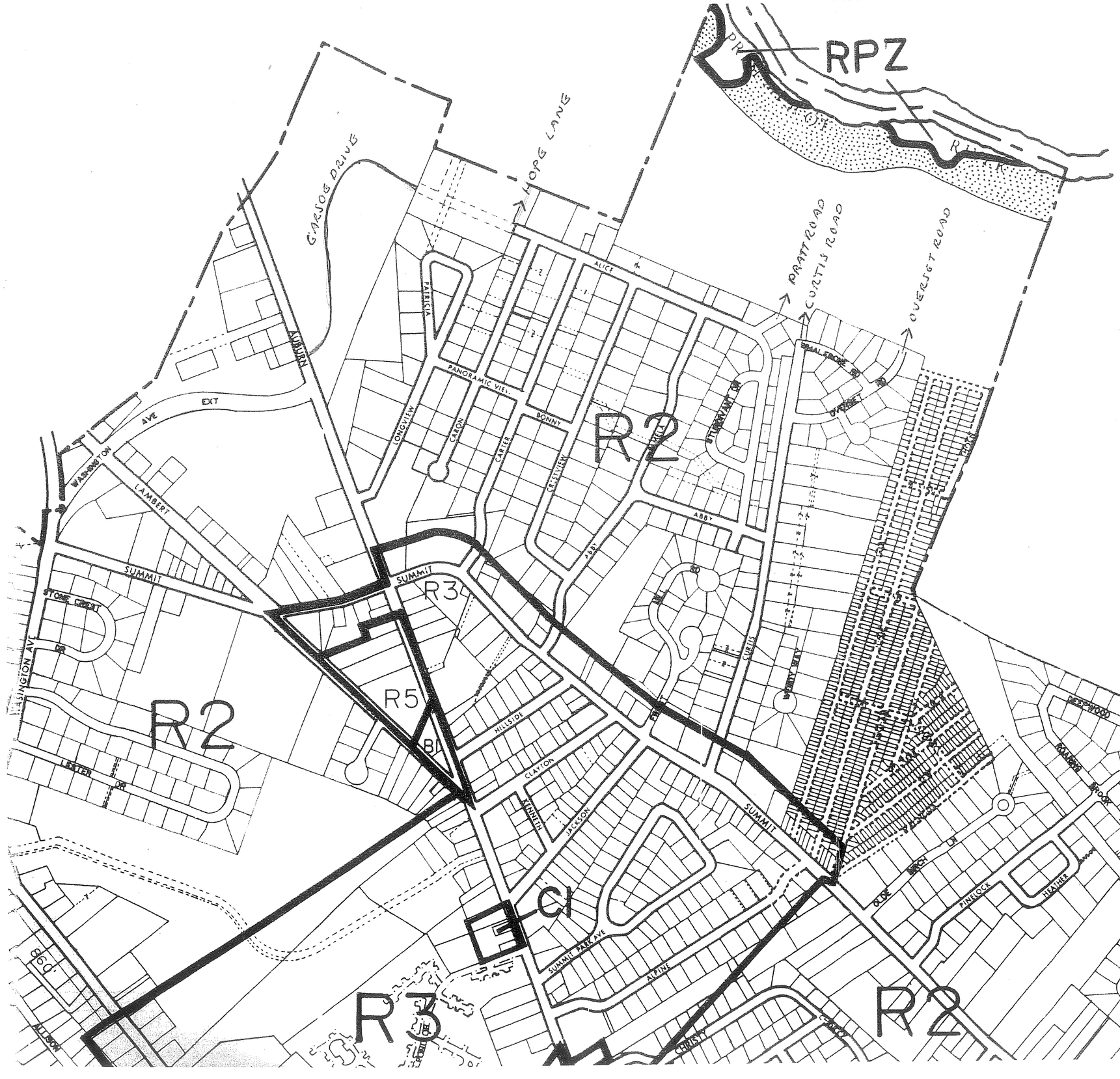
TYPICAL ROADWAY SECTION
CONNECTION TO RESIDENTIAL STREET SECTION
CURTIS ROAD
N.T.S.



SURVEYOR'S SEAL IS FOR INTERIOR LOT CALCULATIONS ONLY. THE BOUNDARY PERIMETER IS BASED ON INFORMATION PROVIDED BY THE OWNER AND INFORMATION SHOWN ON A PLAN OF PROPERTY MADE FOR ROBERT ADAM BY LAND USE CONSULTANTS DATED AUGUST 1978 AND RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN PLAN BOOK 125, PAGES 45 AND 46. NO CERTIFICATIONS ARE STATED OR IMPLIED REGARDING THE ACCURACY OR VALIDITY OF THE PERIMETER BOUNDARIES.

DAVID E. TITCOMB MAINE PLS #1273

ATTACHMENT C



ZONIN

Residentic

Residentic
Neighborh
Business
Downtowr
Commerc
Urban Co
Airport B
Office Pc
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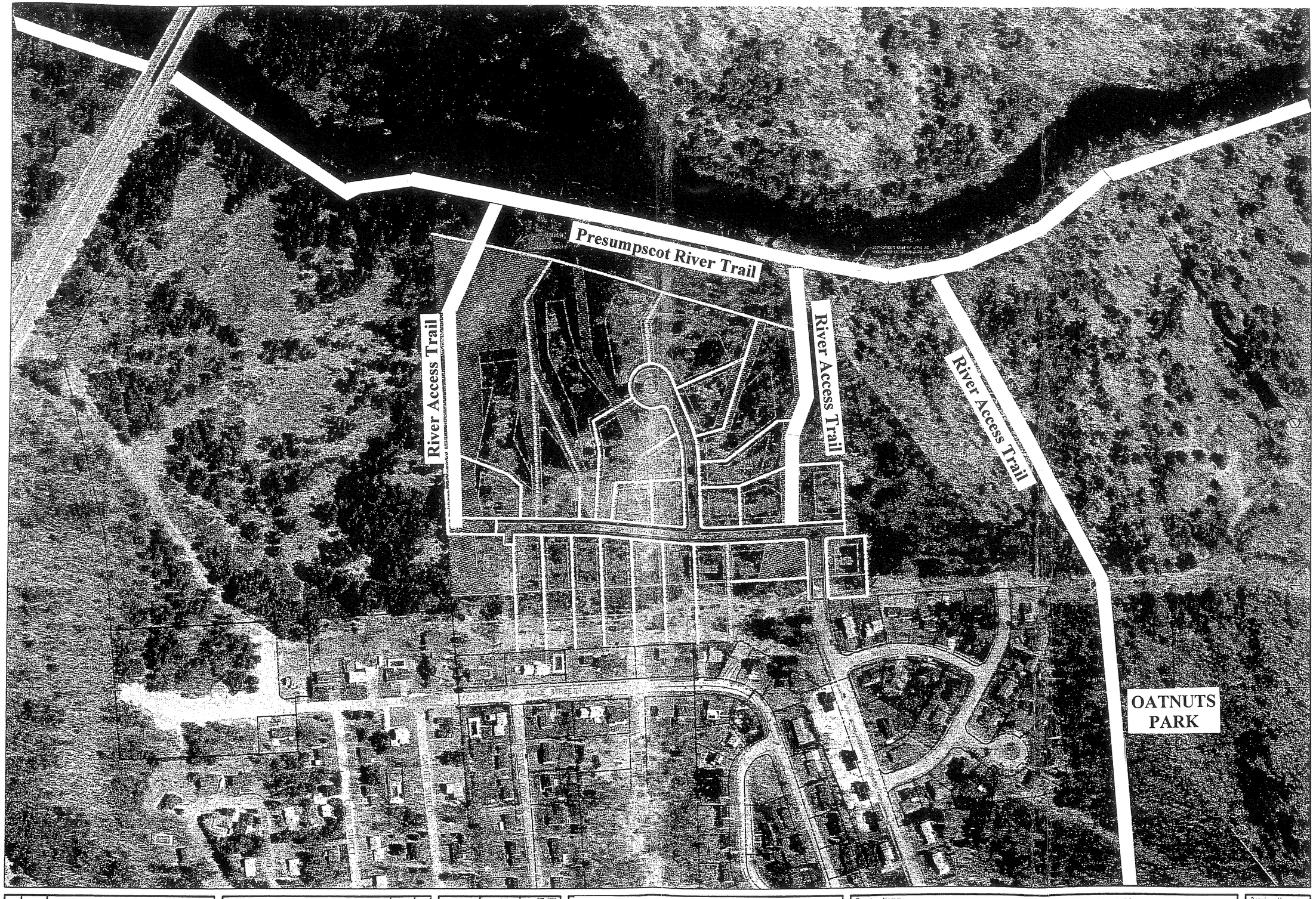


A'3

F:\Land Projects\98089\dwg\98089PP1.dwg Thu Feb 03 08:48:16 2000 DB

Rev.	Date	Revision
-	-	-

Issued For	Date	By
SKETCH PLAN REVIEW	10/15/99	AMP

Designed: AMP | Drawn: LAM | Date: OCT 1999
Checked: | Scale: 1" = 50' | Job No.: 98089

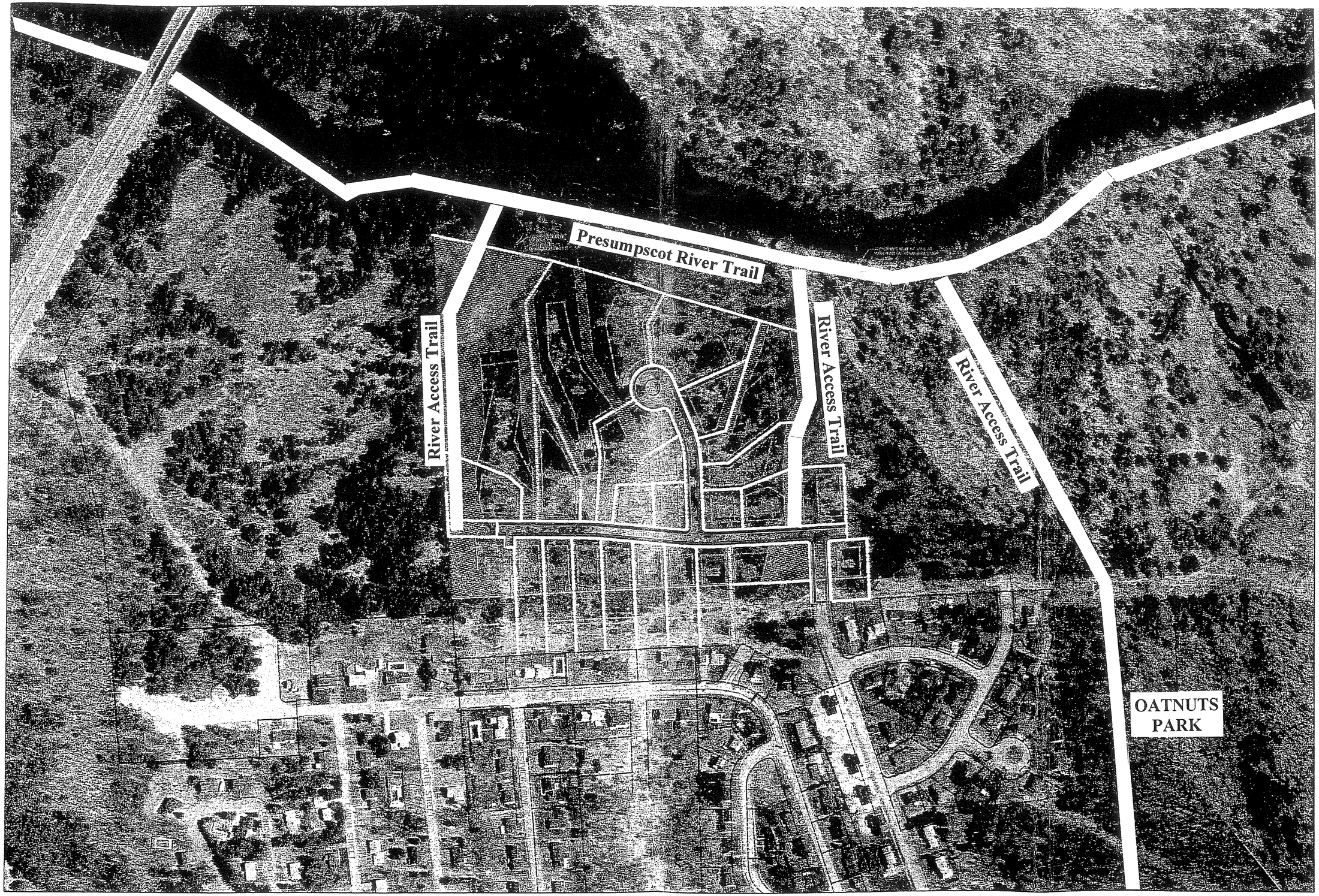
This plan shall not be modified without written permission from Gorrill-Palmer Consulting Engineers, Inc.(GPCE). Any alterations, authorized or otherwise, shall be at the user's sole risk and without liability to GPCE.

Drawing Name: **Figure 4 –Proposed Trail Alignment**

Project: PRESUMPSCOT RIVER PLACE PHASE 3

Drawing No. 1

A3



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Rev.	Date	Revision
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Issued For	Date	By
SKETCH PLAN REVIEW	10/15/99	AMP

Design: AMP | Drafti: LAM | Date: OCT 1999
Checked: | Scale: 1" = 75' | Job No.: 98089

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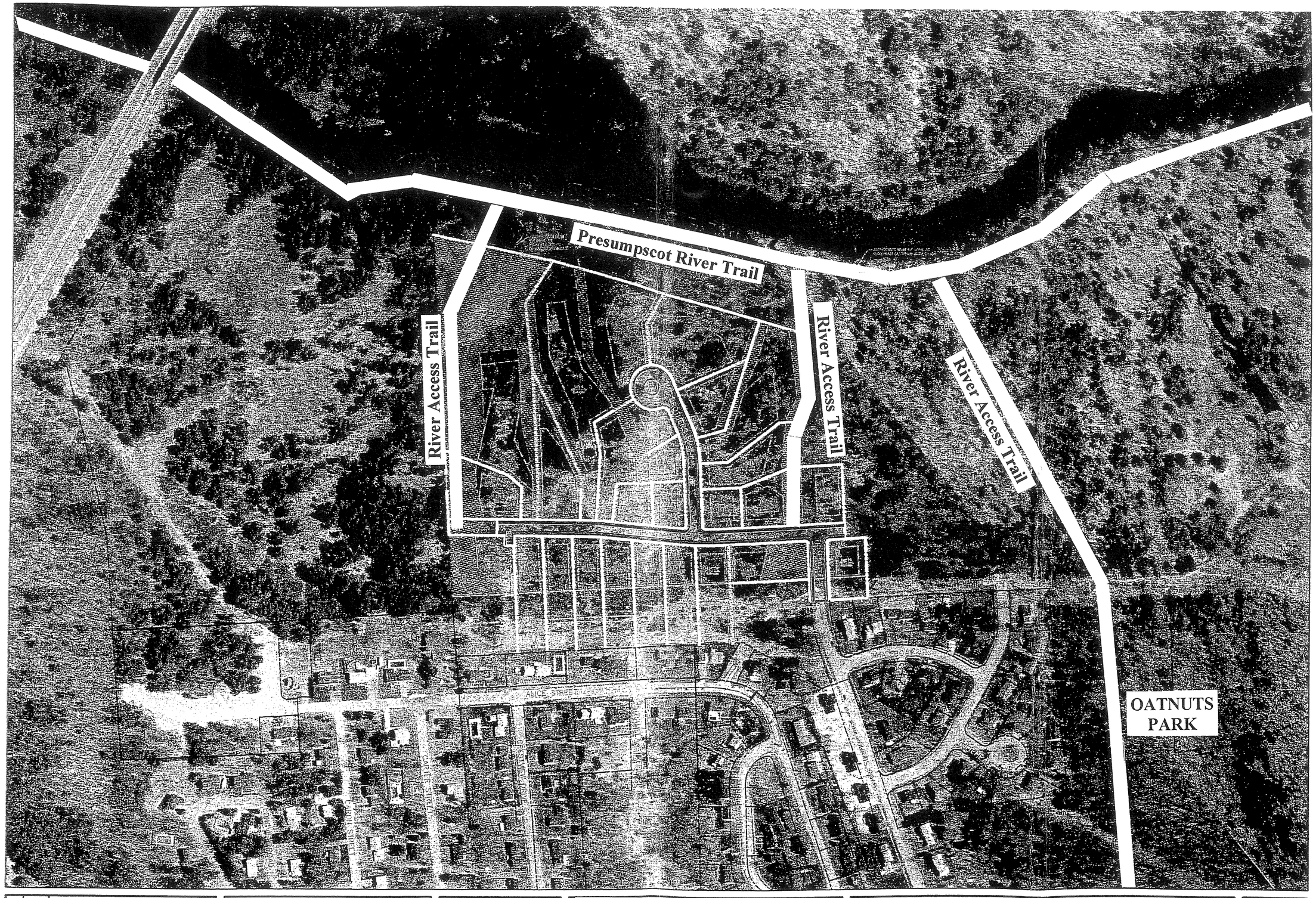
Drawing Name: **Figure 4 –Proposed Trail Alignment**

Project: PRESUMPSCOT RIVER PLACE PHASE 3

Drawing No. 1

A'3



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Rev.	Date	Revision
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Issued For	Date	By
SKETCH PLAN REVIEW	10/15/99	AMP

Design: AMP	Drafts: LAM	Date: OCT 1999	
Checked:	Scale: 1" = 10'	Job No.: 98089	

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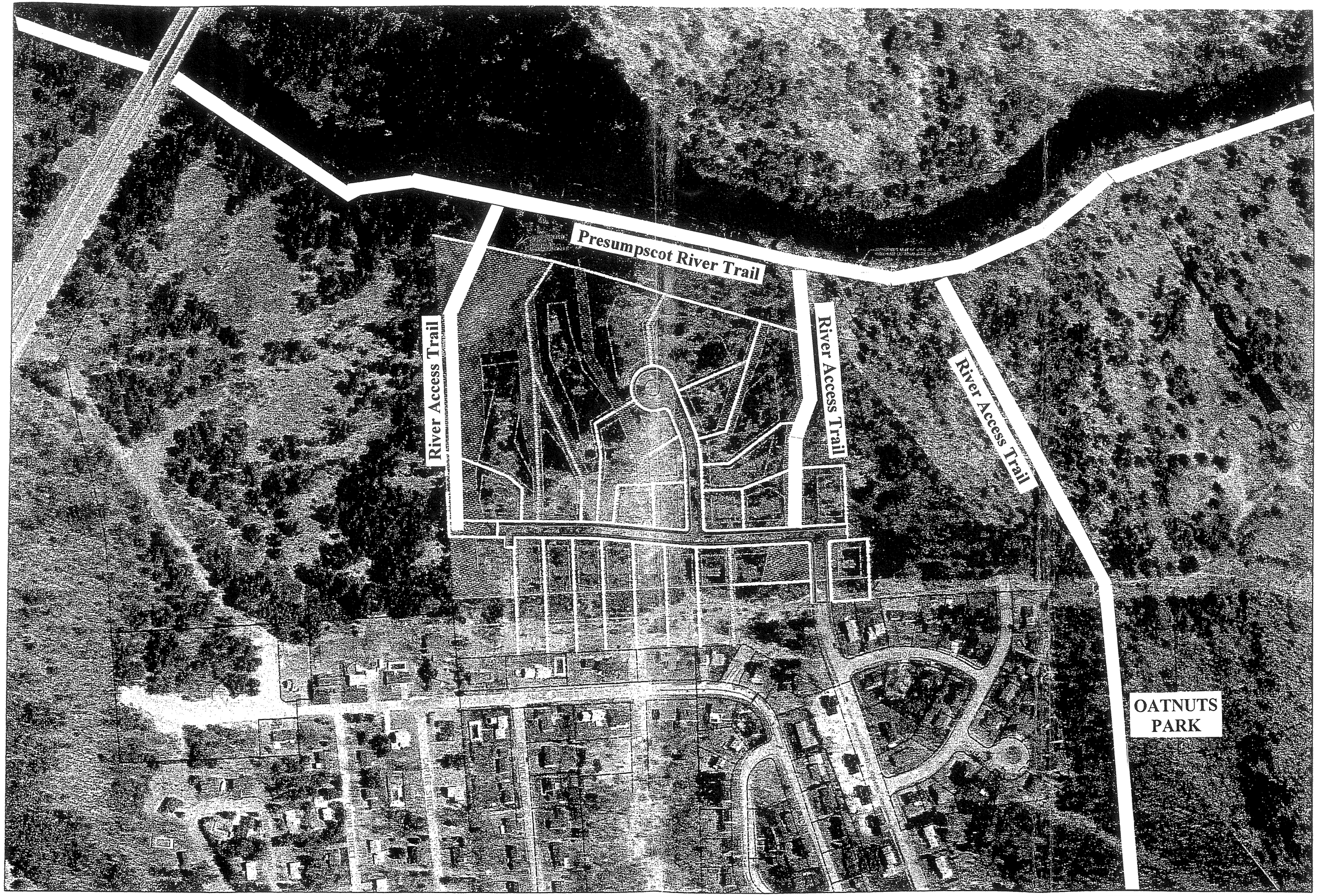
Drawing Name: **Figure 4 –Proposed Trail Alignment**

Project: PRESUMPSCOT RIVER PLACE PHASE 3

Drawing No. 1

A3



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Rev.	Date	Revision
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Issued For	Date	By
SKETCH PLAN REVIEW	10/15/99	MAP

Design: AMP | Draft: LAR | Date: OCT 1999
Checked: | Scale: 1" = 50' | Job No.: 98089

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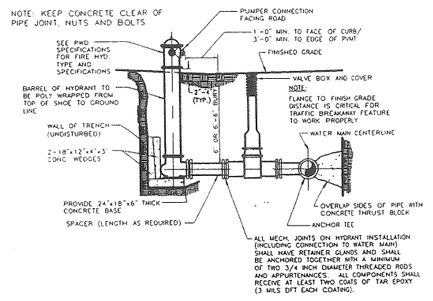
Drawing Name: **Figure 4 –Proposed Trail Alignment**

Project: PRESUMPSCOT RIVER PLACE PHASE 3

Drawing No. 1



SEE NOTE 3 IN THRUST BLOCK NOTES DETAIL

FIRE HYDRANT INSTALLATION DETAIL

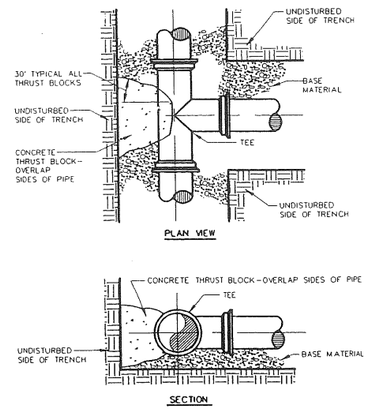
N.T.S.

THRUST BLOCK NOTES

1. INSTALL POLY BARRIER BETWEEN PIPE AND ALL THRUST BLOCKS
2. ANY MODIFICATION TO THRUST BLOCK SIZING OR PIPE RESTRAINT REVISIONS SHALL BE APPROVED IN WRITING BY THE ENGINEER PRIOR TO IMPLEMENTATION IN THE FIELD
3. ANY WORK RELATING TO WATER PIPING OR DETAILS SHALL BE IN ACCORDANCE WITH THE PORTLAND WATER DISTRICT SPECIFICATIONS

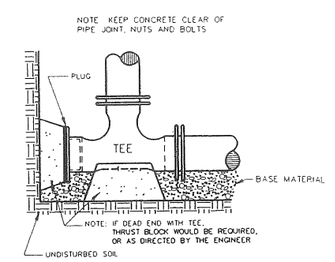
PIPE SIZE	1/32 BEND	1/16 BEND	1/8 BEND	1/4 BEND	TEES/CAPS
8"	2.0	3	6	10	8

BEARING SURFACE REQUIRED IN SQUARE FEET



TYPICAL THRUST BLOCK PLACEMENT ON TEES

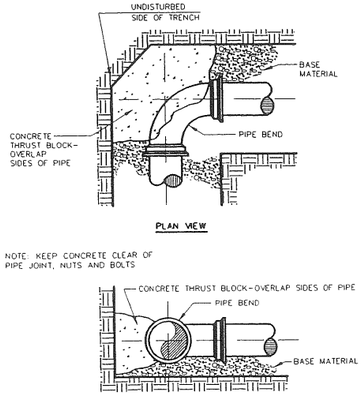
N.T.S.



SEE NOTE 3 IN THRUST BLOCK NOTES DETAIL

STANDARD TEE BLOCKING

N.T.S.



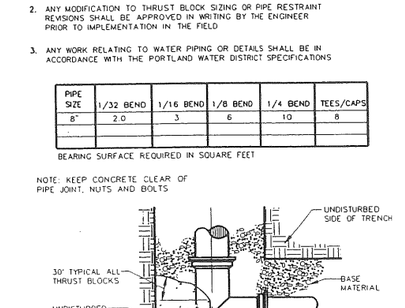
THRUST/RETAINER GLAND SCHEDULE		
1/4 BEND	(90°)	USE POURED-IN-PLACE THRUST BLOCK w/RETAINERS
1/8 BEND	(45°)	THRUST BLOCK w/RETAINERS
1/16 BEND	(22 1/2°)	THRUST BLOCK
1/32 BEND	(11 1/4°)	THRUST BLOCK

THE ABOVE SCHEDULE IS SUBJECT TO THE APPROVAL OF THE ON-SITE INSPECTOR DUE TO SOILS AND WORKING PRESSURES IN THE AREA.

SEE NOTE 3 IN THRUST BLOCK NOTES DETAIL

TYPICAL THRUST BLOCK PLACEMENT ON BENDS

N.T.S.



SEE NOTE 3 IN THRUST BLOCK NOTES DETAIL

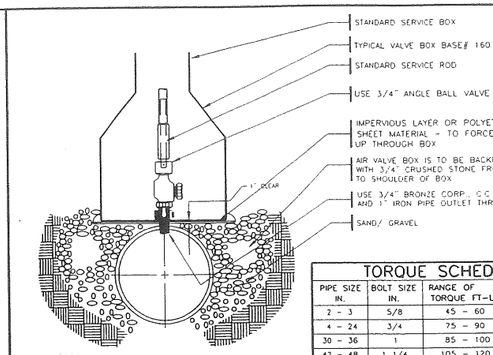
WATER SERVICE

(1 1/2" AND 2 1/2" C.C. OR IRON PIPE THREAD)

N.T.S.

SEE NOTE 3 IN THRUST BLOCK NOTES DETAIL

WATER SERVICE TRENCH SECTION



TORQUE SCHEDULE			
PIPE SIZE IN.	BOLT SIZE IN.	RANGE OF TORQUE FT-LB.	LENGTH OF WRENCH IN *
2 - 3	5/8	45 - 60	8
4 - 24	3/4	75 - 90	10
30 - 36	1	85 - 100	12
42 - 48	1 1/4	105 - 120	14

* THE TORQUE LOADS MAY BE APPLIED WITH TORQUE MEASURING OR TORQUE INDICATING WRENCHES, WHICH MAY ALSO BE USED TO CHECK THE APPLICATION OF APPROXIMATE TORQUE LOADS APPLIED BY A PERSON TRAINED TO GIVE AN AVERAGE PULL ON A DEFINITE LENGTH OF REGULAR SOCKET WRENCH.

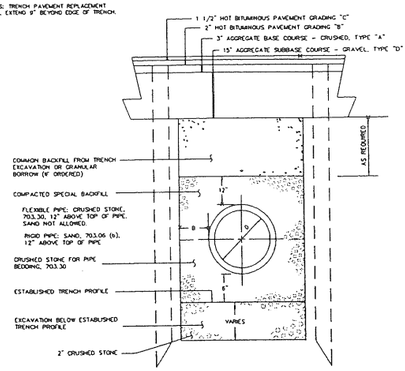
SEE NOTE 3 IN THRUST BLOCK NOTES DETAIL

TYPICAL AIR VALVE SECTION (1")

N.T.S.

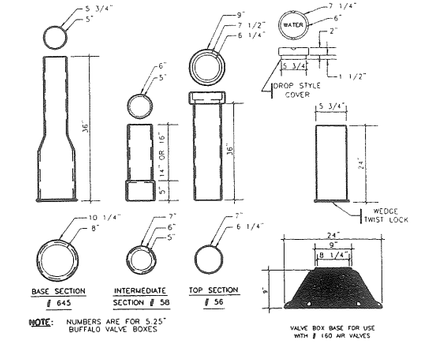
PIPE DIAMETER	DIMENSION
D	B
12"	0'-10"
15"	0'-8 1/4"
18"	0'-6 1/2"

NOTES: TRENCH PAVEMENT REPLACEMENT SHALL EXTEND 9" BEYOND EDGE OF TRENCH.



TYPICAL PIPE INSTALLATION DETAIL

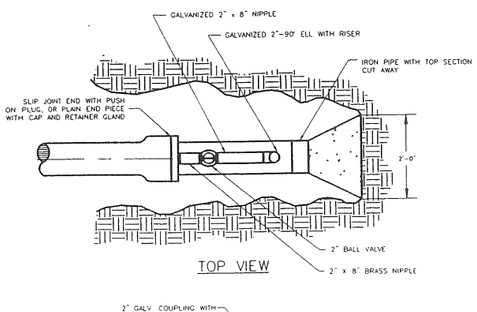
N.T.S.

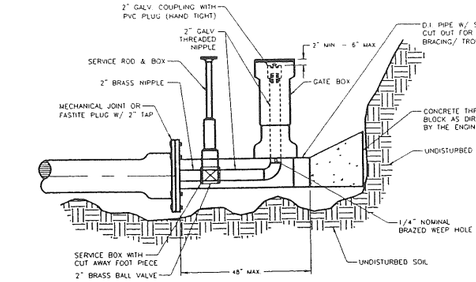


SEE NOTE 3 IN THRUST BLOCK NOTES DETAIL

TYPICAL VALVE BOXES

N.T.S.





ELEVATION VIEW

STANDARD 2" BLOW OFF

N.T.S.

NOTE: THIS PLAN SET IS ISSUED FOR PERMITTING PURPOSES AND SHALL NOT BE USED FOR CONSTRUCTION.

Rev.	Date	Revision
-	-	-

	Date	By
CITY REVIEW	04/11/00	AMP
Issued For	Date	By

Design: DER	Draft: DB	Date: MAR. 2000	
Checked:	Scale: NONE	Job No.: 98089	
File Name: WATER-DET.DWG			

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Gorrill-Palmer Consulting Engineers, Inc.
P.O. Box 1237 Traffic and Civil Engineering Services
31 Main Street
Gray, ME 04039
207-657-6910
FAX 207-657-6912
E-Mail gpce@maine.rr.com

Drawing Name: Water Details

Project: PRESUMPSCOT RIVER PLACE - PHASE 3

Drawing No. 13

SANITARY SEWER APPURTENANCE SCHEDULE

STRUCTURE	SIZE	RIM	INV IN/SIZE(FROM)	INV OUT/SIZE(TO)	NORTHING	EASTING
SMH4	4'ø	94.76	83.32/8"(SMH3) 83.32/8"(SMH7)	83.22/8"(SMH5)	7879.44	3605.46
SMH7	4'ø	83.07	–	75.96/6"(SMH7A)	8342.58	3800.84
SMH7A	4'ø	89.78	84.26/6"(SMH7)	84.16/8"(SMH4)	8025.15	3696.86

SEWER SERVICE LEGEND

SYMBOL	ANTICIPATED SEWER SERVICE
	ONSITE GRAVITY SERVICE FROM FIRST FLOOR BASEMENT MAY REQUIRE PUMPING DEPENDING UPON FINAL HOUSE LOCATION & ELEVATION. MAINTENANCE OF PUMP AND SERVICE OUTSIDE OF PUBLIC RIGHT OF WAY SHALL BE THE RESPONSIBILITY OF THE HOMEOWNER.
	ONSITE PRIVATELY OWNED PUMP SYSTEM TO GRAVITY SERVICE AT RIGHT-OF-WAY. MAINTENANCE OF THE PUMP AND SERVICE OUTSIDE OF THE PUBLIC RIGHT OF WAY ... SHALL BE THE RESPONSIBILITY OF THE HOMEOWNER
	LOT SERVICED BY LOW PRESSURE SEWER SYSTEM. INDIVIDUAL LOTS SERVED BY ONSITE PUMP STATION. LOW PRESSURE SYSTEM TO BE MAINTAINED BY HOMEOWNERS ASSOCIATION. MAINTENANCE OF THE PUMP AND SERVICE OUTSIDE OF THE PUBLIC RIGHT OF WAY SHALL BE THE RESPONSIBILITY OF THE HOMEOWNER.

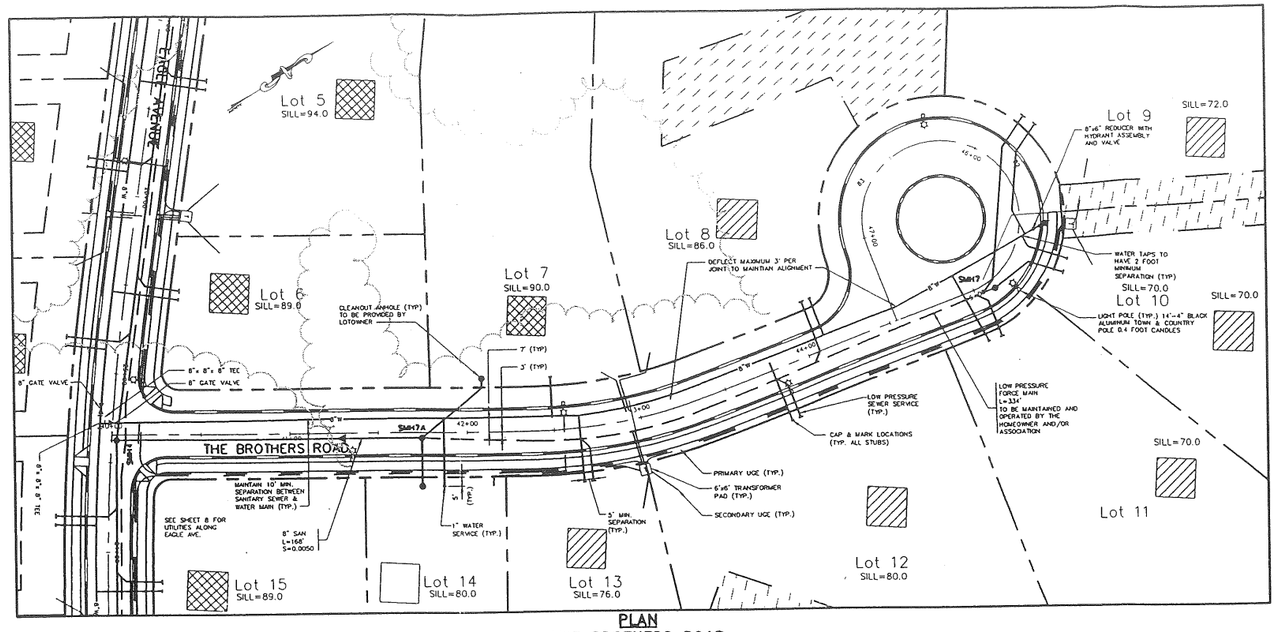
(LOTS WHICH ARE SERVICE BY ONSITE PRESSURE SERVICE WHICH CONNECT TO GRAVITY SERWER MUST INSTALL CLEANOUT MANHOLE WITH BACKFLOW PREVENTION DEVICE)

NOTE: SYMBOL IS INTENDED TO DEPICT ANTICIPATED TYPE OF SEWER SERVICE AND IS NOT INTENDED TO DEPICT LOCATION OF PROPOSED STRUCTURE.

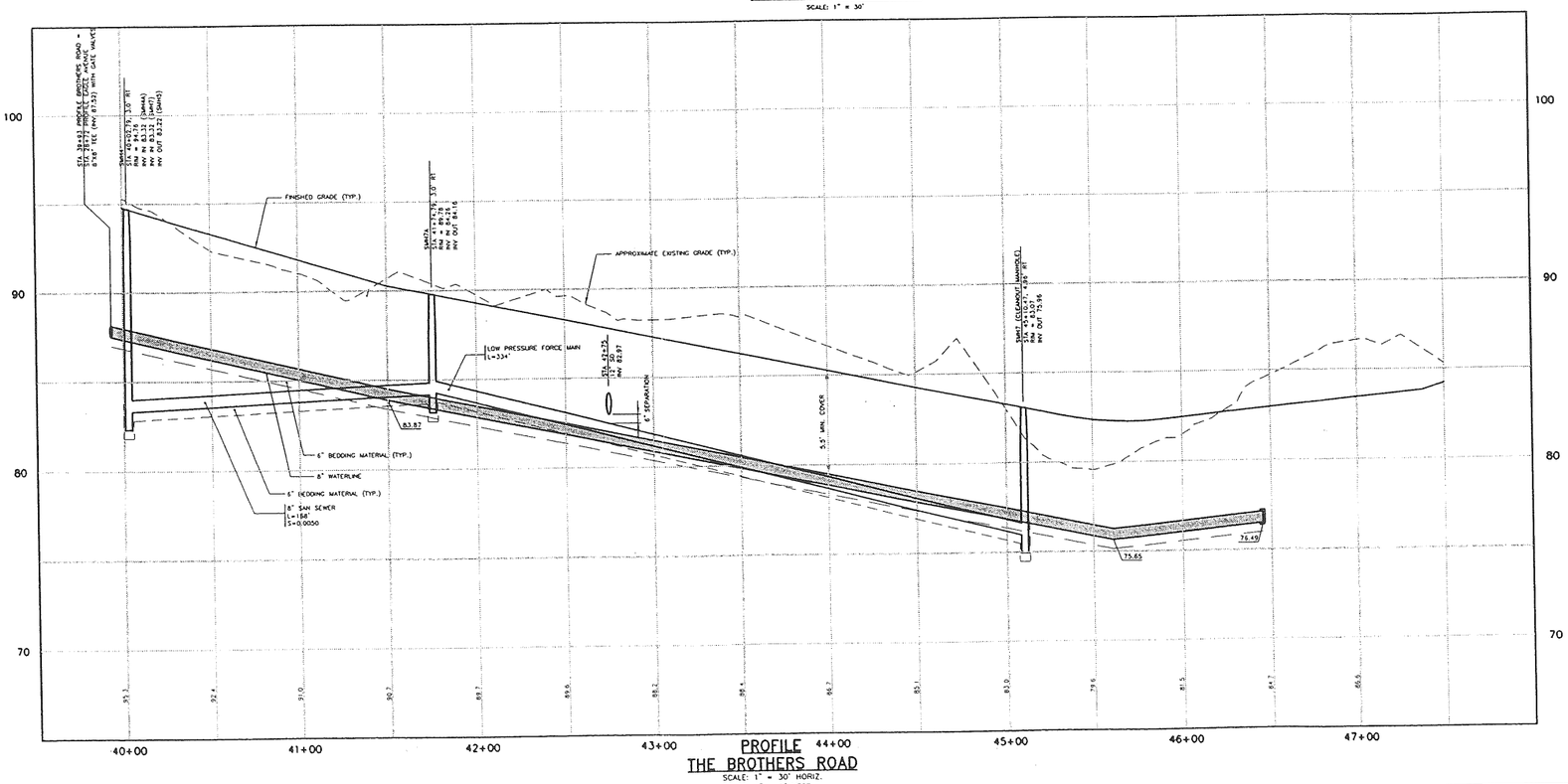
NOTES:

SILL ELEVATIONS ARE RECOMMENDED MINIMUM ELEVATIONS BASED UPON ANTICIPATED HOUSE LOCATIONS AND LOT GRADING. FINAL SILL ELEVATIONS TO BE VERIFIED BY DESIGNER OF INDIVIDUAL LOT GRADING PLAN. TO BE SUBMITTED BY EACH HOUSE APPLICANT UNDER THE CITY OF PORTLAND MINOR/MINOR SITE REVIEW, BUILDING OR USE PERMIT REVIEW.

THE CITY OF PORTLAND WILL NOT ACCEPT SEWER UTILITIES ON STREETS REQUIRING LOW PRESSURE FORCE MAINS AND SUCH UTILITIES SHALL BE THE SOLE RESPONSIBILITY OF THE HOMEOWNERS AND/OR ASSOCIATION.



PLAN
THE BROTHERS ROAD
SCALE: 1" = 30'



PROFILE
THE BROTHERS ROAD
SCALE: 1" = 30' HORIZ.
1" = 3' VERT.

NOTE: THIS PLAN SET IS ISSUED FOR PERMITTING PURPOSES AND SHALL NOT BE USED FOR CONSTRUCTION.

GRAPHIC SCALE
(IN FEET)
1 inch = 30 ft

Rev.	Date	Revision
5	11/21/00	ADDED CLEANOUT MANHOLES
4	11/13/00	REVISED ROAD NAMES; ADDED HYDRANTS AND WATER NOTES
2	10/10/00	REVISED SEWER
1	7/14/00	ADDED SILL INFORMATION & SEWER SERVICE STATUS

Issued For	Date	By
CITY REVIEW	05/18/01	AMP
CITY REVIEW	4/11/00	AMP

Design: DER	Draft: DB	Date: MAR 2000
Checked:	Scale: AS SHOWN	Job No.: 98089
File Name: 98089PP8_plans.DWG		

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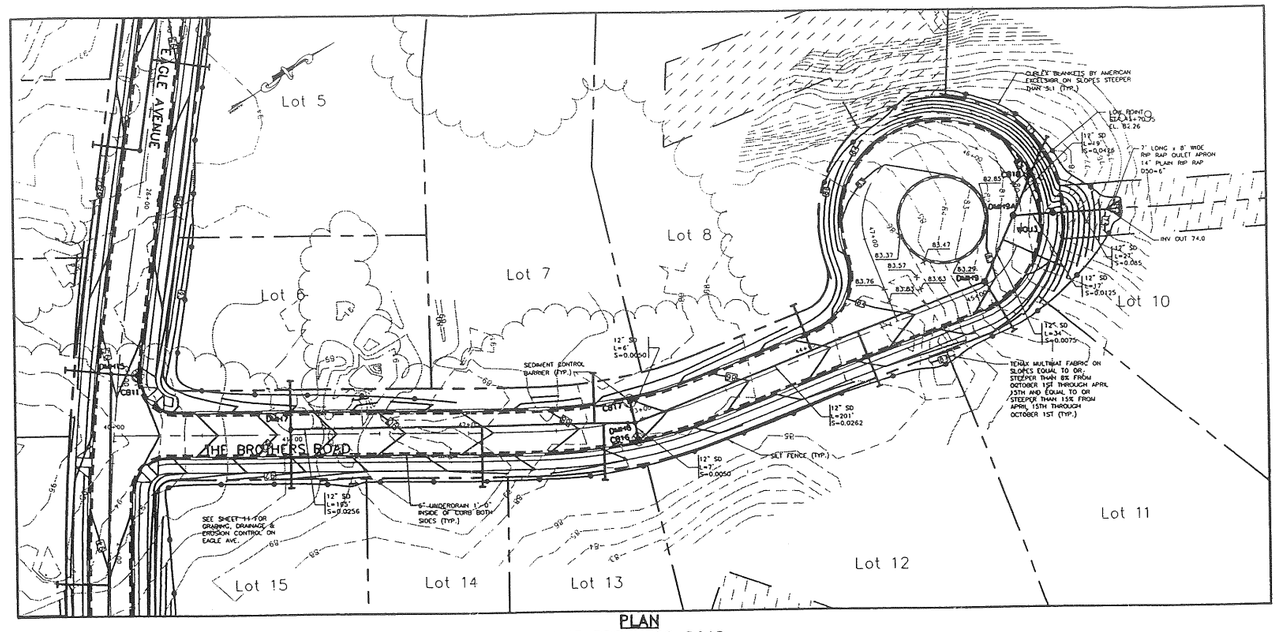
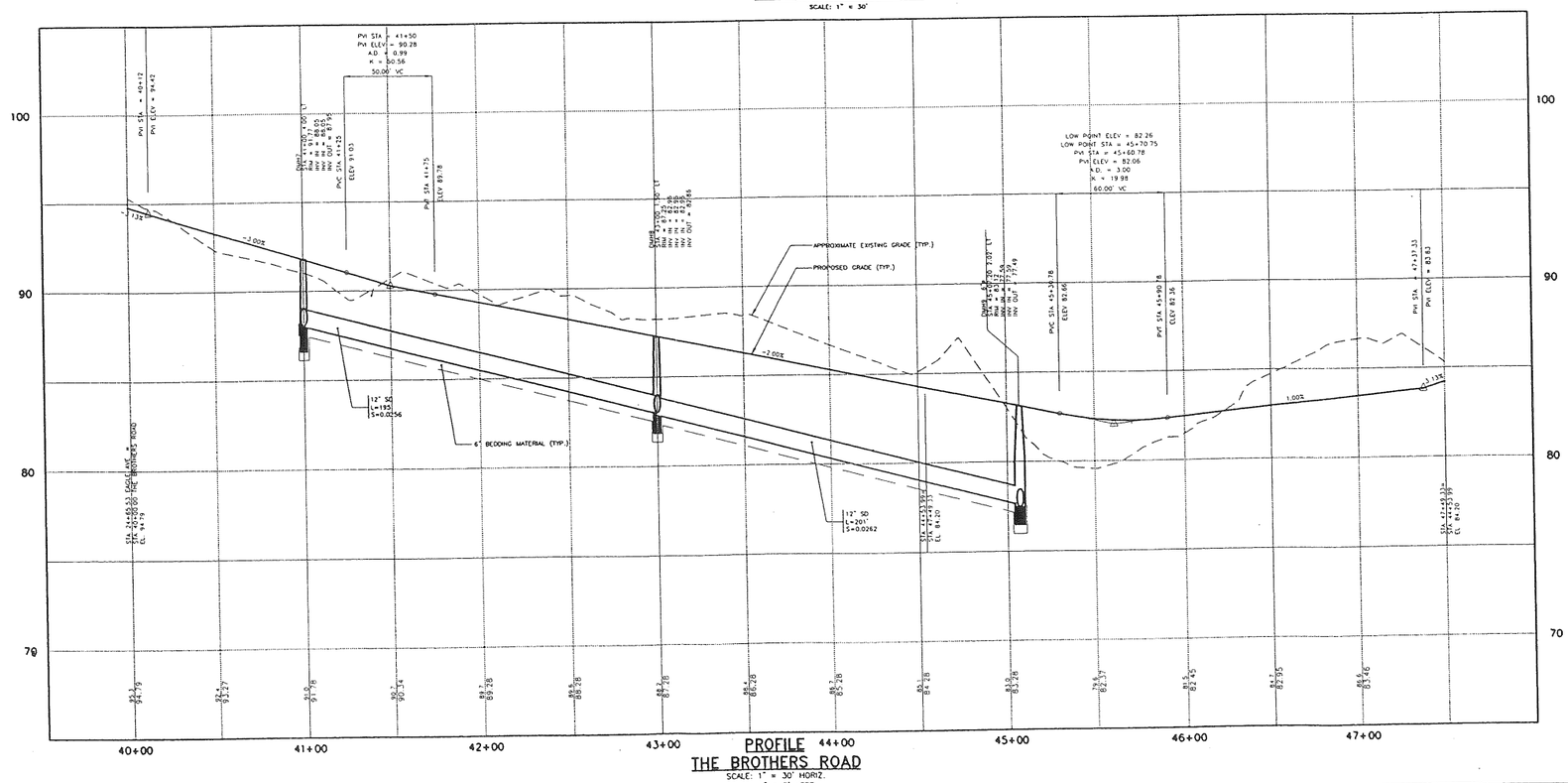
Drawing Name: Utility Plan & Profile – The Brothers Road

Project: PRESUMPSCOT RIVER PLACE – PHASE 3

Drawing No. 9



PLAN
THE BROTHERS ROAD
SCALE: 1" = 30'



PROFILE
THE BROTHERS ROAD
SCALE: 1" = 30' HORIZ.
1" = 3' VERT.

STORM DRAIN APPURTENANCE SCHEDULE

STRUCTURE	SIZE	RIM	INV. IN/SIZE(FROM)	INV. OUT/SIZE(TO)
CB1	4'ø	91.15	87.65/6"UD	88.12/12"(DMH1)
CB2	4'ø	91.15	86.45/15"(F11) 87.65/6"UD	86.35/15"(DMH1)
CB3	4'ø	91.75	84.6/6"UD	88.67/12"(DMH2)
CB4	4'ø	91.75	87.76/12"(F12) 84.6/6"UD	87.66/12"(DMH2)
CB5	4'ø	91.98	88.48/6"UD	88.30/12"(DMH4)
CB6	4'ø	91.98	88.48/6"UD	88.30/12"(DMH4)
CB7	4'ø	93.75	90.25/6"UD	88.16/12"(DMH5)
CB8	4'ø	91.82	88.32/6"UD	88.07/12"(DMH6)
CB9	4'ø	91.82	88.32/6"UD 88.32/6"UD	88.92/12"(DMH6)
CB10	4'ø	92.17	88.67/6"UD	88.42/12"(DMH3)
CB11	4'ø	94.06	90.56/6"UD	90.31/12"(DMH15)
CB12	4'ø	88.51	85.01/6"UD	84.68/12"(DMH10)
CB13	4'ø	88.51	85.01/6"UD	84.68/12"(CB14)
CB14	4'ø	82.31	78.81/6"UD	78.56/12"(DMH11)
CB15	4'ø	82.31	78.81/6"UD	78.56/12"(DMH11)
CB16	4'ø	86.75	83.25/6"UD	83.00/12"(DMH8)
CB17	4'ø	86.75	83.25/6"UD	83.00/12"(DMH8)
CB18	4'ø	81.64	78.14/6"UD 78.14/6"(END DRAIN)	78.04/12"(DMH9A)
DMH1	4'ø	91.70	86.31/12"(CB2) 88.06/15"(CB1)	86.12/15"(DMH2)
DMH2	4'ø	92.37	88.64/12"(CB3) 87.63/12"(CB4) 85.22/15"(DMH1)	85.12/15"(DMH3)
DMH3	4'ø	92.49	84.98/15"(DMH2) 87.98/12"(CB10)	84.88/15"(DMH6)
DMH4	4'ø	92.78	88.23/12"(CB5) 88.23/12"(CB6)	88.13/12"(DMH5)
DMH5	4'ø	93.55	87.63/12"(END DRAIN) 87.98/12"(DMH4)	87.53/12"(DMH6)
DMH6	6'ø	92.36	88.04/12"(CB8) 88.86/12"(CB9) 84.14/15"(DMH3) 87.02/12"(DMH5)	79.97/15"(WQU1)
DMH7	4'ø	91.77	88.05/6"(END DRAIN) 88.05/6"(END DRAIN)	87.95/12"(DMH8)
DMH8	4'ø	87.25	82.96/12"(DMH7) 82.96/12"(CB16) 82.96/12"(CB17)	82.86/12"(DMH9)
DMH9	6'ø	83.12	77.59/12"(DMH8)	77.49/12"(DMH9A)
DMH9A	6'ø	82.50	77.23/12"(DMH9) 77.23/12"(CB18)	77.13/12" (WQU3)
DMH10	4'ø	88.73	84.63/12"(CB13) 84.63/12"(CB12)	84.53/12"(DMH11)
DMH11	4'ø	82.53	78.40/12"(CB14) 78.40/12"(CB15) 78.40/12"(DMH10)	72.11/12"(WQU2)
DMH12	4'ø	98.00	90.94/27"(EXISTING)	90.84/27"(OUTLET)
DMH13	4'ø	94.24	85.43/12"(DMH14)	85.33/12"(DMH10)
DMH14	4'ø	95.81	86.25/6"(END DRAIN)	86.15/12"(DMH13)
DMH15	4'ø	95.13	86.37/6"(END DRAIN) 86.37/12"(CB11)	86.27/12"(DMH3)
DMH16	4'ø	81.81	77.51/12"(WQU2)	70.45/12"(OUTLET)
WQU1	6'ø	92.88	78.95/15"(DMH6)	78.70/15"(OUTLET)
WQU2	6'ø	82.13	77.94/12"(DMH11)	77.69/12"(DMH16)
WQU3	6'ø	82.49	76.91/12"(DMH9A)	76.66/12"(OUTLET)
F11	–	–	86.65/15"(CB2)	–
F12	–	–	88.50/12"(CB4)	–
TEE1	–	–	77.14/12"(CB18)	–

NOTE: THIS PLAN SET IS ISSUED FOR PERMITTING PURPOSES AND SHALL NOT BE USED FOR CONSTRUCTION

GRAPHIC SCALE
30 0 15 30 60 120
(IN FEET)
1 inch = 30 ft

Rev.	Date	Revision
2	11/14/00	REVISED ROAD NAMES: INLET TO WQU3
1	7/14/00	EXTENDED STORM DRAIN, ADDED STORM DRAIN SERVICES & UNDERDRAINS

Issued For	Date	By
CITY REVIEW	05/18/01	AMP
CITY REVIEW	4/11/00	AMP

Design: DER	Draft: DB	Date: MAR 2000	
Checked	Scale: AS SHOWN	Job No: 98089	
File Name: 98089PP5_plans.DWG			

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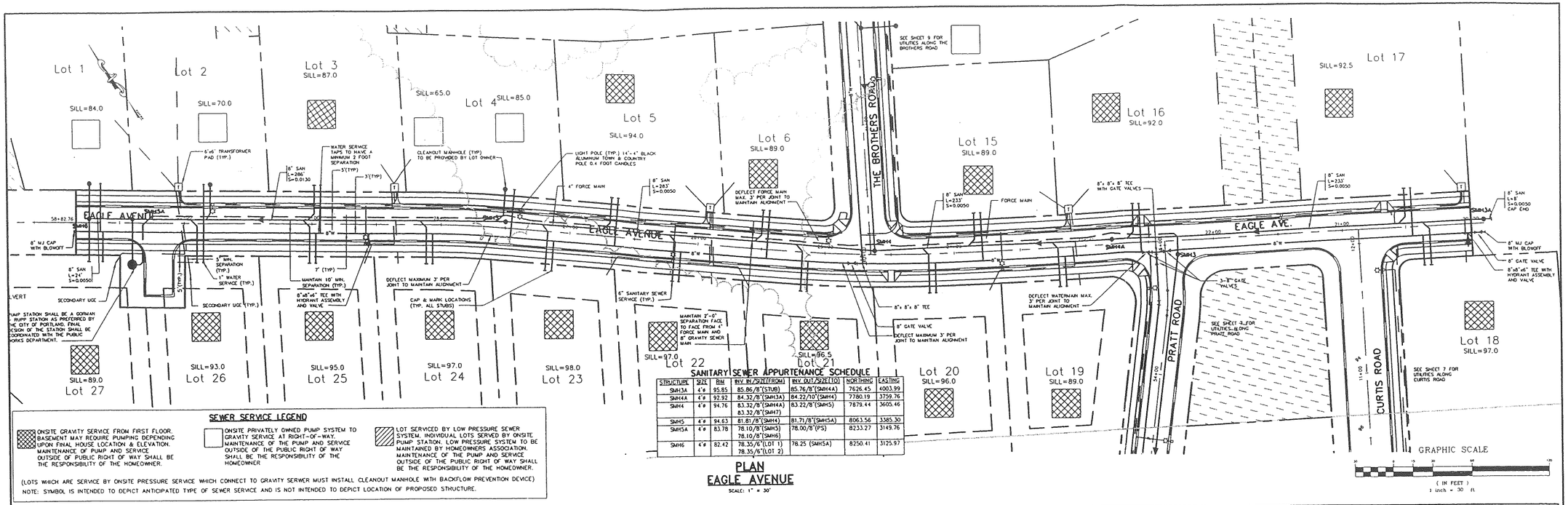
31 Main Street FAX: 207-657-6912
Gray, ME 04039 E-Mail: gpcei@maine.rr.com

Drawing Name: Grading, Drainage & Erosion Control Plan & Profile – The Brothers Road

Project: PRESUMPSCOT RIVER PLACE – PHASE 3

Drawing No. 12



SEWER SERVICE LEGEND

- ONSITE GRAVITY SERVICE FROM FIRST FLOOR. BASEMENT MAY REQUIRE PUMPING DEPENDING UPON FINAL HOUSE LOCATION & ELEVATION. MAINTENANCE OF PUMP AND SERVICE OUTSIDE OF PUBLIC RIGHT OF WAY SHALL BE THE RESPONSIBILITY OF THE HOMEOWNER.
- ONSITE PRIVATELY OWNED PUMP SYSTEM TO GRAVITY SERVICE AT RIGHT-OF-WAY. MAINTENANCE OF THE PUMP AND SERVICE OUTSIDE OF THE PUBLIC RIGHT OF WAY SHALL BE THE RESPONSIBILITY OF THE HOMEOWNER
- LOT SERVICED BY LOW PRESSURE SEWER SYSTEM. INDIVIDUAL LOTS SERVED BY ONSITE PUMP STATION. LOW PRESSURE SYSTEM TO BE MAINTAINED BY HOMEOWNERS ASSOCIATION. MAINTENANCE OF THE PUMP AND SERVICE OUTSIDE OF THE PUBLIC RIGHT OF WAY SHALL BE THE RESPONSIBILITY OF THE HOMEOWNER.

(LOTS WHICH ARE SERVICE BY ONSITE PRESSURE SERVICE WHICH CONNECT TO GRAVITY SERWER MUST INSTALL CLEANOUT MANHOLE WITH BACKFLOW PREVENTION DEVICE)

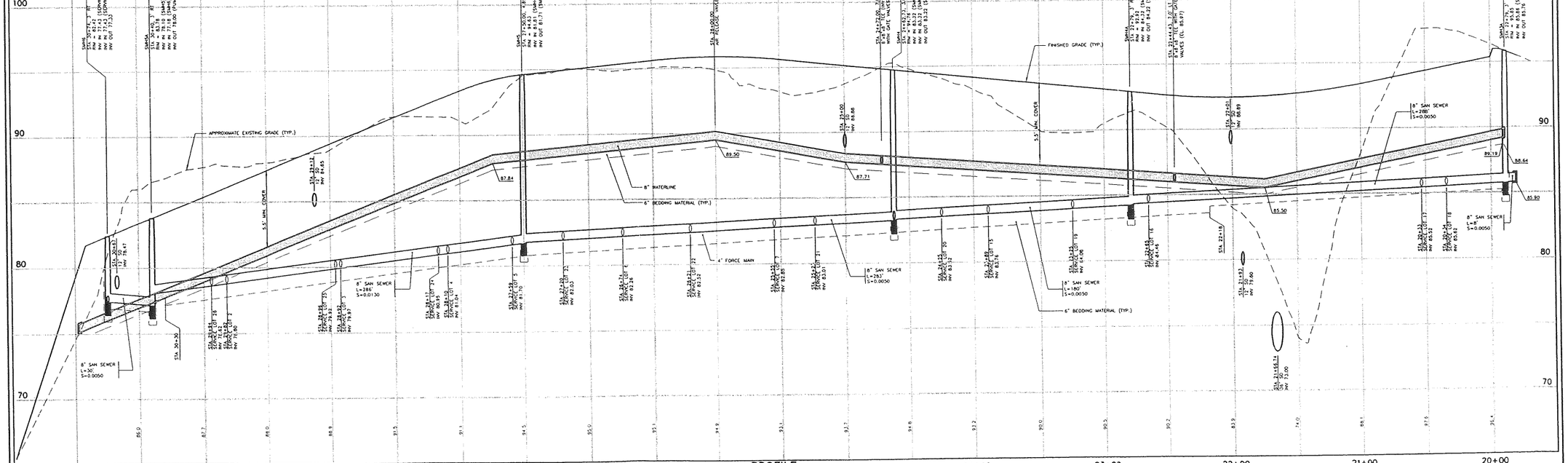
NOTE: SYMBOL IS INTENDED TO DEPICT ANTICIPATED TYPE OF SEWER SERVICE AND IS NOT INTENDED TO DEPICT LOCATION OF PROPOSED STRUCTURE.

SANITARY SEWER APPURTENANCE SCHEDULE

STRUCTURE	SIZE	RIM	INV. IN/SIZE(FROM)	INV. OUT/SIZE(TO)	NORTHING	EASTING
SMH3A	4'ø	95.85	85.86/8"(STUB)	85.76/8"(SMH4A)	7626.45	4003.99
SMH4A	4'ø	92.92	84.32/8"(SMH3A)	84.22/10"(SMH4)	7780.19	3759.76
SMH4	4'ø	94.76	83.32/8"(SMH4A)	83.22/8"(SMH5)	7879.44	3605.46
			83.32/8"(SMH7)			
SMH5	4'ø	94.63	81.81/8"(SMH4)	81.71/8"(SMH5A)	8063.56	3385.30
SMH5A	4'ø	83.78	78.10/8"(SMH5)	78.00/8"(PS)	8233.27	3149.76
			78.10/8"(SMH6)			
SMH6	4'ø	82.42	78.35/6"(LOT 1)	78.25 (SMH5A)	8250.41	3125.97
			78.35/6"(LOT 2)			

PLAN
EAGLE AVENUE
SCALE: 1" = 30'

END OF EAGLE AVE TO BE REVISED



PROFILE
EAGLE AVENUE
SCALE: 1" = 30' HORIZ.
1" = 3' VERT.

NOTE: THIS PLAN SET IS ISSUED FOR PERMITTING PURPOSES AND SHALL NOT BE USED FOR CONSTRUCTION.

Rev.	Date	Revision
4	11/21/00	ADDED FORCE MAIN TO PROFILE
3	11/13/00	REVISED ROAD NAMES; ADDED HYDRANTS AND WATER NOTES
2	10/10/00	REVISED SEWER
1	7/14/00	ADDED SILL INFORMATION & SEWER SERVICE STATUS

Issued For	Date	By
CITY REVIEW	05/18/01	AMP
CITY REVIEW	04/11/00	AMP

Design: DER	Draft: DB	Date: MAR 2000	
Checked:	Scale: AS SHOWN	Job No. 98089	
File Name: 98089PP6_plans.DWG			

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E-Mail gpcei@maine.rr.com

Drawing Name: Utility Plan & Profile – Eagle Avenue

Project: PRESUMPSCOT RIVER PLACE – PHASE 3

Drawing No 8

Presumpscot River Place
Phase III - Subdivision Plan
Portland, Maine

MADE FOR

Robert Adam & Burt Wolf

Portland, Maine

JOB# 99064	DATE: 04/11/00	SCALE: 1" = 60'
BOOK#		
DISC#		
FILE#		

Titcomb Associates
133 Gray Road
Falmouth, Maine 04105

NO.	DATE	DESCRIPTION	BY
5	7/18/01	Reconfigured no. end of Eagle Ave	GP
4	05/17/01	Revise Lots 1-12, right of way	DET
3	11/14/00	Revised Lot 1, right of way	JNS
2	11/14/00	Added Notes & Sections	GP
1	07/17/00	Lots 1,2,11,12, abutters, note 4	DET

Approved by the City of Portland Planning Board

Dated_____

_____ _____

_____ _____

_____ _____

_____ _____

NOTES:

1. THIS PLAN IS SHEET 2 OF A PLAN SET OF 17 SHEETS ENTITLED "PRESUMPSCOT RIVER PLACE PHASE 3," WHICH IS ON RECORD IN THE CITY OF PORTLAND PLANNING OFFICE.

2. DEVELOPMENT OF THE PARCELS PROPOSED AS PART OF THIS PLAN SHALL BE IN ACCORDANCE WITH DIVISION 6 (SECTIONS 14-76 THROUGH 14-81) OF CHAPTER 14 OF THE LAND USE ORDINANCE OF THE CITY OF PORTLAND, SUPPLEMENTED BY DATED JANUARY 1989 OR AS AMENDED FROM TIME TO TIME. EXCERPTS OF THE DIMENSIONAL REQUIREMENTS ARE PRESENTED BELOW.

MINIMUM LOT SIZE	10,000 S.F
MINIMUM LOT WIDTH	50 FT.
MINIMUM SETBACKS	
FRONT YARD	25 FT.
REAR YARD	25 FT.
SIDE YARD *	
1 STORY	12 FT.
1 1/2 STORIES	12 FT.
2 STORIES	14 FT. **
2 1/2 STORIES	16 FT.
SIDE YARD * ON SIDE STREETS	20 FT.
MINIMUM LOT WIDTH	80 FT.

* THE WIDTH OF ONE (1) SIDE YARD MAY BE REDUCED ONE (1) FOOT FOR EVERY FOOT THAT THE OTHER SIDE YARD IS CORRESPONDINGLY INCREASED, BUT NO SIDE YARD SHALL BE LESS THAN TWELVE (12) FEET IN WIDTH.
** SIDE YARDS SHOWN ON PLAN ARE 14 FEET AND MAY BE INCREASED OR DECREASED DEPENDING UPON NUMBER OF STORIES

3. STRUCTURE ENVELOPES AS SHOWN ON THIS PLAN INCLUDING LOTS 1,2,3,8,9,10,11,12,13,14,15,16,17 AND 27 REPRESENT THE MAXIMUM AREA FOR CONSTRUCTION OF THE PRINCIPAL AND ACCESSORY STRUCTURE. ANY CHANGES TO SUCH AREA MUST RECEIVE THE WRITTEN APPROVAL OF THE CITY OF PORTLAND PLANNING AUTHORITY AND THE PROPERTY PRIOR TO COMMENCEMENT OF CONSTRUCTION AND MUST BE RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS WITH A REFERENCE TO THE PLAN BOOK AND PAGE FOR THIS PLAN

4. EACH LOT SHALL REQUIRE THE SUBMISSION OF A SITE PLAN FOR REVIEW AND APPROVAL PRIOR TO THE ISSUANCE OF A BUILDING PERMIT, AND SHALL BE SUBJECT TO REVIEW PURSUANT TO ARTICLE V OF CHAPTER 14 OF THE PORTLAND CITY CODE.

5. THE OWNERS OF LOTS 1 THROUGH 17 AND 27 SHALL RETAIN EITHER A LICENSED CIVIL ENGINEER OF LANDSCAPE ARCHITECT TO ASSIST IN DESIGN OF THE IMPROVEMENTS ON THEIR LOTS. THE OWNERS OF THESE LOTS SHALL ALSO RETAIN THE SAME PROFESSIONAL TO PERFORM CONSTRUCTION SERVICES INCLUDING, BUT NOT LIMITED TO, PERIODIC SITE INSPECTION FOR ADHERENCE TO ALL REQUIRED EROSION AND SEDIMENTATION CONTROL MEASURES AND TO ADDRESS ANY CHANGES IN FIELD CONDITIONS WHICH REQUIRE MODIFICATION TO THE DESIGN OF THE LOT IMPROVEMENTS. AT A MINIMUM, THE FOLLOWING SITE INSPECTIONS MUST BE CONDUCTED:
- SUBSEQUENT TO STAKING OF GRADE AND EXPOSURE, INSTALLATION OF SILT FENCE AND OTHER EROSION CONTROLS
- UPON COMPLETION OF CLEARING AND GRUBBING
- UPON COMPLETION OF ROUGH GRADING
- UPON COMPLETION OF FOUNDATION
- UPON COMPLETION OF FINAL GRADING
- UPON COMPLETION OF FINAL STABILIZATION
- PRIOR TO REMOVAL OF EROSION CONTROL MEASURES

THE PROFESSIONAL (CIVIL ENGINEER OR LANDSCAPE ARCHITECT) SHALL PROVIDE A WRITTEN STATEMENT UPON COMPLETION OF CONSTRUCTION OF LOT IMPROVEMENTS AFFIRMING THAT THE WORK IS IN SUBSTANTIAL CONFORMANCE TO THE APPROVED PLANS AND THAT ALL CONDITIONS OF APPROVAL HAVE BEEN SATISFIED. THIS NOTE SHALL APPEAR IN ALL PROPERTY DEEDS EXCEPT LOTS 16 THROUGH 26.

6. NO CONSTRUCTION, GROUND DISTURBANCES OR REGRADING SHALL OCCUR within THE UNDISTURBED ZONE SHOWN ON THE VARIOUS LOTS. NO CONCENTRATED RUNOFF SHALL OCCUR IN THIS AREA. TREES IN EXCESS OF 16 INCHES IN DIAMETER MEASURED 4.5 FEET ABOVE GRADE, WITH THE EXCEPTION OF SAFETY HAZARDS, STORM DAMAGED, DISEASED, UNSAFE OR DEAD TREES MAY BE REMOVED IN THE UNDISTURBED ZONE PROVIDED THE CREATION OF ANY CLEARED OPENING IN EXCESS OF 250 SQUARE FEET SHALL BE REPLANTED WITH NATIVE SPECIES UNLESS EXISTING TREE GROWTH IS PRESENT. NO CONCENTRATED RUNOFF SHALL BE DIRECTED TOWARDS THESE AREAS. THIS NOTE SHALL APPEAR IN THE PROPERTY DEED OF ALL LOTS WITH UNDISTURBED ZONES.

7. A MINIMUM OF TWO TREES PER LOT SHALL BE CONSERVED OR PLANTED IN THE FRONT YARD OF EACH LOT MEETING THE CITY OF PORTLAND'S ARBORICULTURAL SPECIFICATION AND STANDARD OF PRACTICE AND LANDSCAPE DESIGN GUIDELINES. DEVELOPER MAY CONTRACT FOR THE PLANTING OF TREES, HOWEVER, THE OWNER OF THE LOT SHALL BE SUBJECT TO THE CITY OF PORTLAND FOR FINANCIAL OBLIGATION FOR COMPLIANCE WITH CITY ORDINANCES AND APPROVALS. SUCH FINANCIAL OBLIGATION SHALL BE NEITHER TRANSFERABLE NOR WAIVABLE BY THE DEVELOPER PURSUANT TO CONDITIONS AND LIMITATIONS OF SECTION 6.09 OF THE CITY OF PORTLAND, MAINE TECHNICAL AND DESIGN STANDARDS AND GUIDELINES

8. ALL DRIVEWAYS SHALL BE PAVED WITHIN SIX (6) MONTHS OF THE RECEIPT OF A TEMPORARY CERTIFICATE OF OCCUPANCY AND SHALL BE A MINIMUM OF 12' WIDE. INDIVIDUAL HOMEOWNERS SHALL BE RESPONSIBLE FOR PAVING OF DRIVEWAY.

9. PRIVATE DRAINAGE EASEMENTS. TREE CLEARING OR VEGETATION DISTURBANCE, FILLING, REGRADING, CONSTRUCTION OF BUILDINGS, OR OTHER OBSTRUCTIONS SHALL BE PROHIBITED WITHIN THE PRIVATE DRAINAGE EASEMENTS, UNLESS APPROVED IN WRITING BY THE CITY OF PORTLAND PLANNING AUTHORITY. THIS NOTE SHALL REVIEW THIS RESTRICTION SHALL BE SPECIFICALLY NOTED IN ALL APPLICABLE DEEDS.

10. NO PUBLIC SERVICES (I.E. SNOW PLOWING, TRASH REMOVAL, LIGHTING) WILL BE PROVIDED UNLESS AND UNTIL THE PROPOSED STREETS ARE ACCEPTED BY THE CITY COUNCIL.

11. EACH LOT SHALL REQUIRE THE SUBMISSION OF A MINOR/MINOR SITE REVIEW PRIOR TO THE ISSUANCE OF A BUILDING PERMIT AND SHALL BE SUBJECT TO REVIEW PURSUANT TO ARTICLE V OF CHAPTER 14 OF THE PORTLAND CITY CODE.

12. THE DESIGN ENGINEER OF RECORD, CORNELL-PALMER CONSULTING ENGINEERS, INC., SHALL PROVIDE A WRITTEN STATEMENT UPON COMPLETION OF CONSTRUCTION OF THE SUBDIVISION INFRASTRUCTURE, INDICATING THAT THE WORK IS IN SUBSTANTIAL CONFORMANCE TO THE APPROVED PLANS AND, THAT ALL CONDITIONS OF APPROVAL HAVE BEEN SATISFIED. THE APPLICANT SHALL ALSO RETAIN CORNELL-PALMER CONSULTING ENGINEERS, INC. TO PROVIDE CONSTRUCTION PHASE SERVICES FOR THE SUBDIVISION INFRASTRUCTURE, INCLUDING, BUT NOT LIMITED TO, PERIODIC SITE INSPECTION FOR ADHERENCE TO ALL EROSION AND SEDIMENTATION CONTROL MEASURES AND TO ADDRESS ANY CHANGES IN FIELD CONDITIONS WHICH REQUIRE MODIFICATIONS TO THE DESIGN OF THE SUBDIVISION INFRASTRUCTURE.

13. THE CITY OF PORTLAND WILL NOT ACCEPT SEWER UTILITIES ON STREETS REQUIRING LOW PRESSURE FORCE MAIN AND SUCH UTILITIES SHALL REMAIN THE SOLE RESPONSIBILITY OF THE INDIVIDUAL HOMEOWNER AND/OR ASSOCIATION. THIS RESTRICTION SHALL BE SPECIFICALLY NOTED IN ALL APPLICABLE DEEDS.

14. LOTS within THIS SUBDIVISION MAY REQUIRE INSTALLATION OF INDIVIDUAL PRIVATE PUMP STATIONS TO CONVEY SANITARY WASTES TO THE MUNICIPAL SYSTEM. REFER TO SHEETS 7, 8, 9 AND 11 OF THE PLAN SET FOR ADDITIONAL INFORMATION. THE LOWEST PLUMBING FIXTURE IN A BUILDING IS DEPENDANT UPON THE ELEVATION OF THE LOWEST PLUMBING FIXTURE. A PRIVATE PUMP SYSTEM MAY BE REQUIRED. THE PROSPECTIVE PURCHASERS WILL BE PROVIDED WITH A COPY OF SHEETS 7, 8, 9, AND 11 OF THE PLAN SET PRIOR TO CLOSING.

15. OWNERS OF LOTS 8, 9, 10 11, 12, AND 13 WILL BE REQUIRED TO BE MEMBERS OF HOMEOWNERS ASSOCIATION THAT WILL BE SOLELY RESPONSIBLE FOR THE OPERATION AND MAINTENANCE OF A LOW-PRESSURE SEWER FORCE MAIN WITHIN THE RIGHT-OF-WAY OF THE BROTHERS ROAD. THE CITY OF PORTLAND SHALL NOT HAVE ANY DIRECT RESPONSIBILITY ON THE PROPER MAINTENANCE AND OPERATION OF THIS SYSTEM

16. THE OWNERS OF LOTS 1, 2, 3, 4, 10, 11, 12, 13, 14, 15, AND 16 MAY NEED TO OBTAIN A NRPP PERMIT-BY-RULE FOR SOIL DISTURBANCE WITHIN 100 FEET OF A PROTECTED NATURAL RESOURCE. INDIVIDUAL LOT OWNERS WILL BE RESPONSIBLE FOR OBTAINING THIS PERMIT, IF NECESSARY, BASED UPON THEIR LIMITS OF DISTURBANCE.

17. DEVELOPER HAS CONTRACT FOR THE INSTALLATION OF IMPROVEMENTS NOTED ON THIS PLAN BUT SHALL REMAIN ULTIMATELY LIABLE TO THE CITY OF PORTLAND FOR THE FINANCIAL OBLIGATION FOR COMPLIANCE WITH THE CITY ORDINANCES AND APPROVALS. SUCH FINANCIAL OBLIGATION SHALL BE NEITHER TRANSFERABLE NOR WAIVABLE BY THE DEVELOPER PURSUANT TO CONDITIONS AND LIMITATIONS OF THE SUBDIVISION AND SITE PLAN ORDINANCE OF THE CITY OF PORTLAND WITHOUT PRIOR APPROVAL OF THE TRANSFER BY THE PLANNING AUTHORITY.

18. RIGHTS OF LOT OWNERS TO PROPERTY ADJACENT TO THE RIVER SUBJUNCT TO DECLARATION OF COVENANTS AND RESTRICTIONS OF THIS SUBDIVISION

19. "NO PARKING STREET SIGNS SHALL BE INSTALLED ALONG SUBDIVISION ROADWAYS PRIOR TO THE ISSUANCE OF THE FIRST HOUSE END CERTIFICATE OF OCCUPANCY (WHICHEVER PERMANENT OR TEMPORARY) FOR THIS SUBDIVISION

20. THE PROPOSED STRUCTURE ON LOT 18 SHALL FRONT ON CURTIS STREET, UNLESS THE DEVELOPER EXTENDS EAGLE AVENUE TO THE LIMIT OF THIS LOT.

21. NO BUILDING PERMIT SHALL BE ISSUED UNTIL THE ROAD IN THAT SHALL BE FUNCTIONALLY COMPLETED AND OPERATIONAL PRIOR TO ISSUANCE OF A TEMPORARY CERTIFICATE OF OCCUPANCY FOR BUILDINGS WITHIN THIS SUBDIVISION. AT A MINIMUM THIS SHALL INCLUDE:
- WATER SYSTEM
- SEWER SYSTEM
- STORM DRAIN SYSTEM
- BASE COURSE PAVING
- STREET LIGHTING

REFERENCES

(1) Plan of Property for Robert Adam made by Land Use Consultants dated August 1978. Recorded in Plan Book 125, Pages 45 and 46

(2) Presumpscot River Place Amended Recording Plat made for The Teal Company by Land Use Consultants dated May 10, 1983 and revised February 6, 1984. Recorded in Plan Book 141, Page 42.

(3) Plan of Crestview Acres, Section 5, made for Donald R. Peters by H.I. & E.C. Jordon dated December 24, 1969 Recorded in Plan Book 81, Page 23.

(4) Third Amended Recording Plat of Alice Street Subdivision made for Lloyd B. Wolf by Land Use Consultants dated February 27, 1996. Recorded in Plan Book 196, Page 319

(5) Plan of Oatnuts Park owned by A.M Hayes. Recorded on February 18, 1902 in Plan Book 9, Page 103.

(6) Plan of Valley View Heights (Curtis Road) made for C.H. Hanson Co. by H.I. & E.C. Jordon Company dated January 31, 1967. Recorded in Plan Book 74, Page 1.

(7) Presumpscot River Place II made for The Teal Company by Land Use Consultants dated June 26, 1984 and revised August 9, 1985. Recorded in Plan Book 149, Page 64.

NOTES

(1) Surveyors seal is for interior lot dimensions only. Property perimeter is based on plan reference #1.

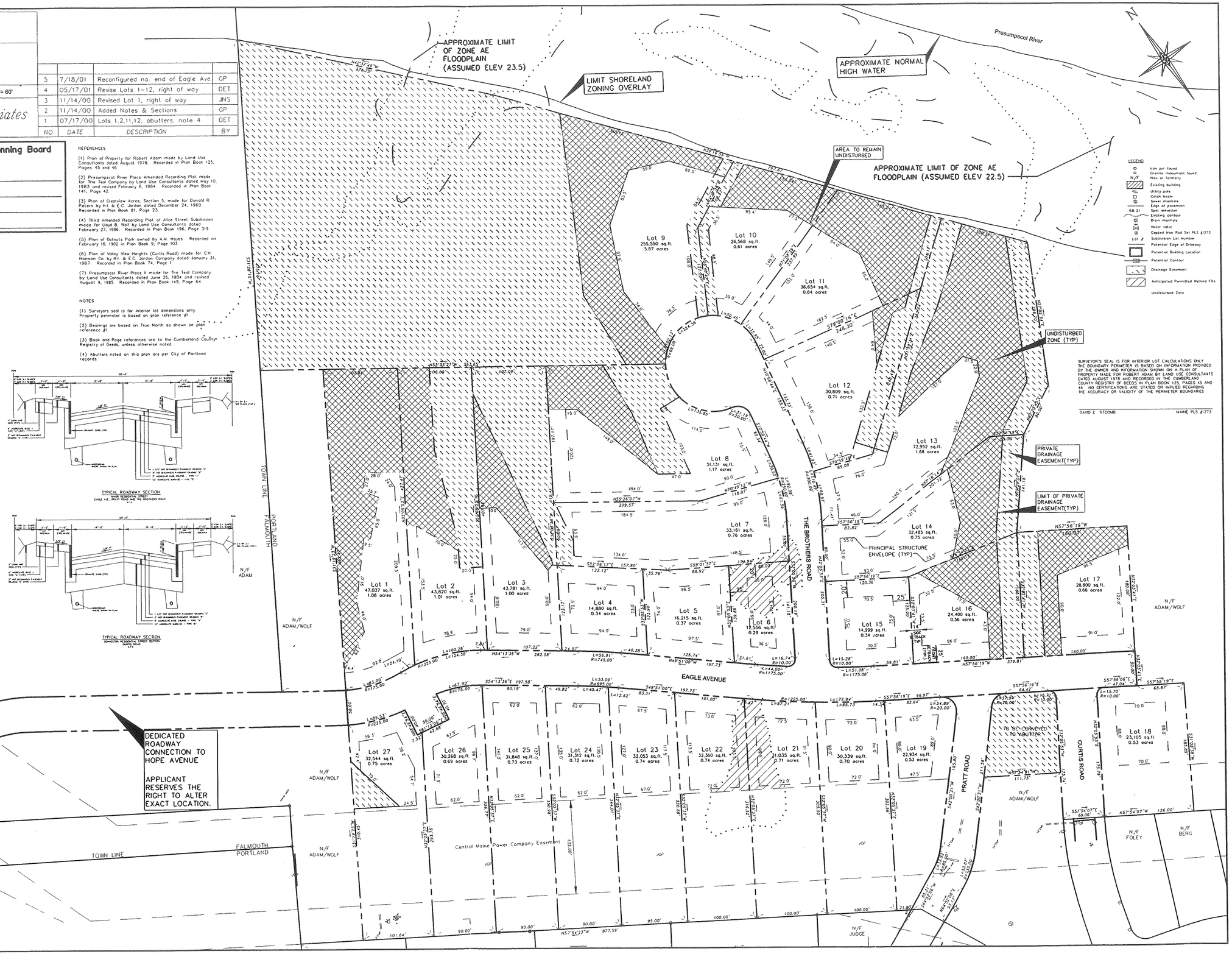
(2) Bearings are based on True North as shown on plan reference #1

(3) Book and Page references are to the Cumberland County Registry of Deeds, unless otherwise noted.

(4) Abutters noted on this plan are per City of Portland records

TYPICAL ROADWAY SECTION
EAGLE AVE., PRATT ROAD AND THE BROTHERS ROAD
N.T.S.

TYPICAL ROADWAY SECTION
CONNECTION TO RESIDENTIAL STREET SECTION
CURTIS ROAD
N.T.S.



CURVE TABLE				
CURVE	LENGTH	RADIUS	TANGENT	DELTA
C-3	101.28	275.00	51.22	21°06'08"
C-4	207.35	44.00	44.00	270°00'00"

CURBING LEGEND

VERTICAL GRANITE CURB

SLOPED GRANITE CURB

STRIPING LEGEND

SIGNAGE AND PAVEMENT MARKING SHALL BE IN ACCORDANCE WITH THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) REGARDING SIZE, INSTALLATION, LOCATION + REFLECTIVITY

24"SL - 24" WIDTH STOP LINE

4"DYCL - 4" WIDTH DOUBLE YELLOW CENTERLINE

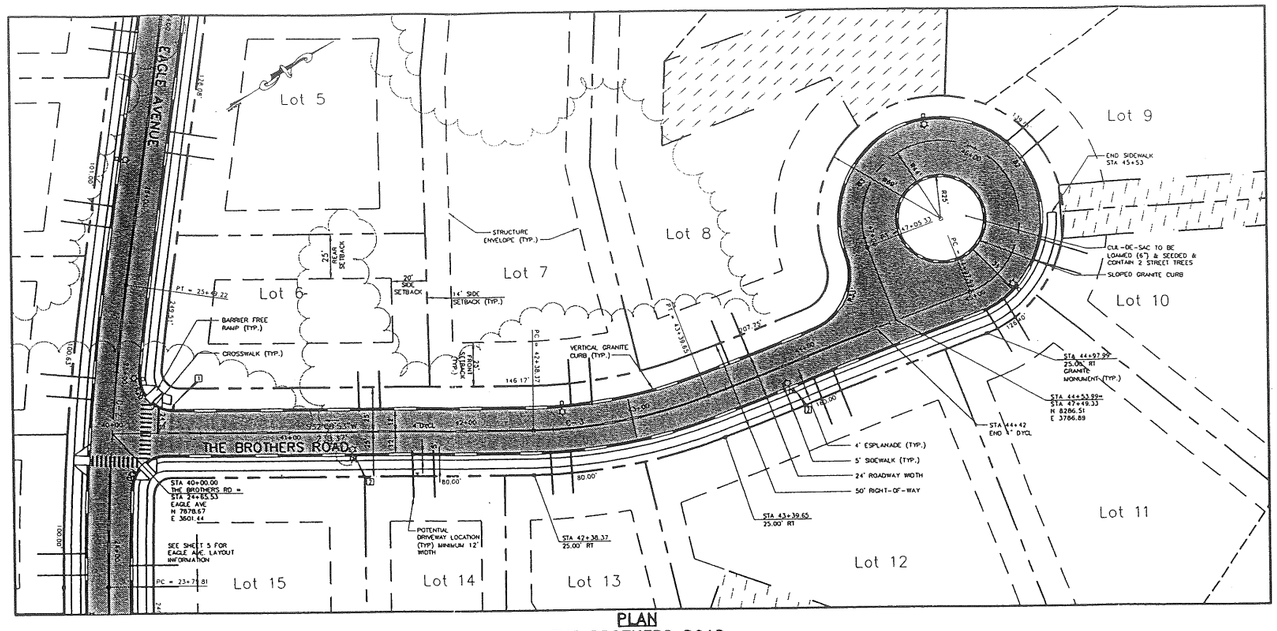
SIGN LEGEND

STOP R1-1 (1)

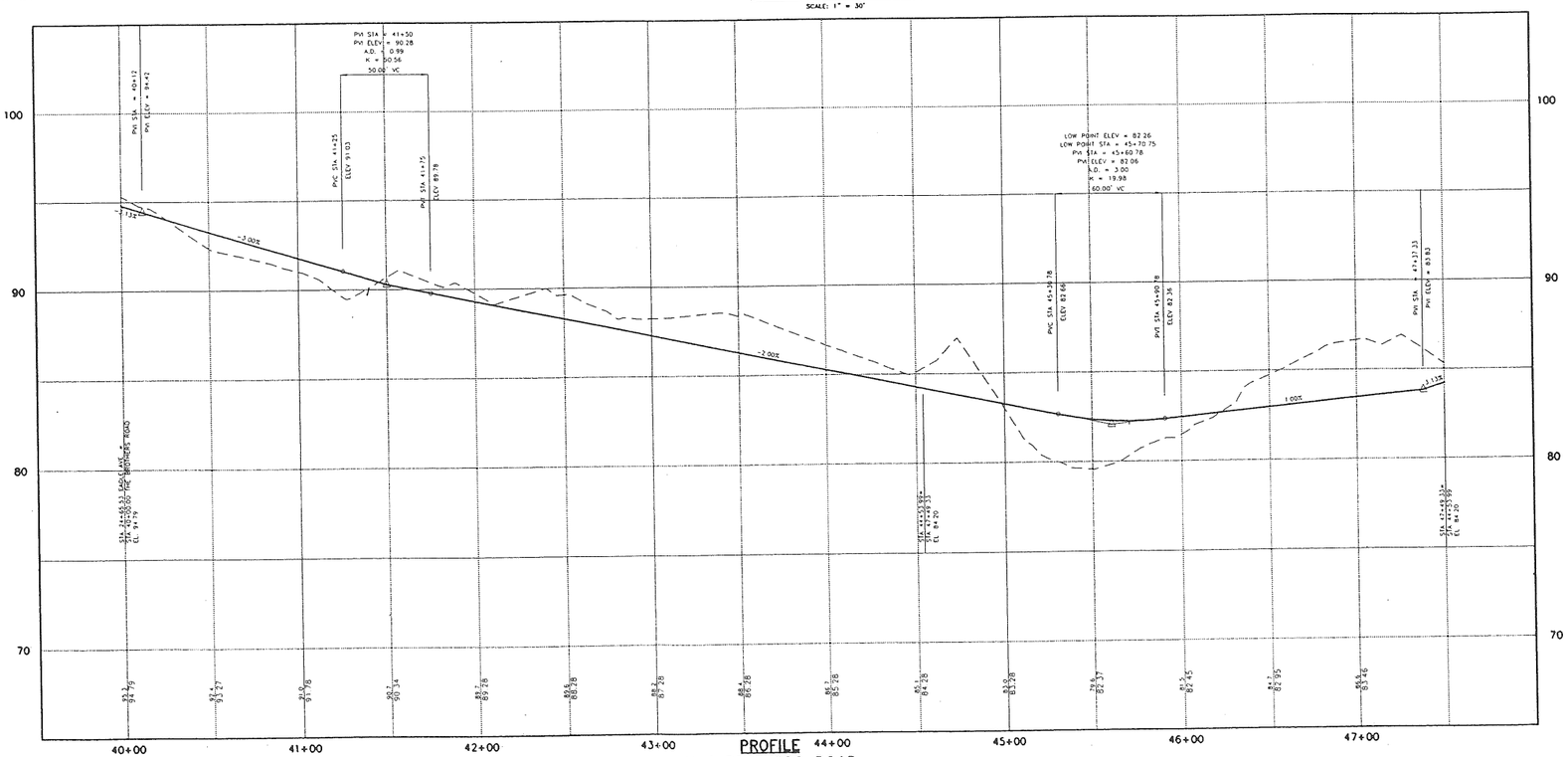
R5-1 (1)

NOTE:

1. POTENTIAL DRIVEWAY LOCATIONS FOR INDIVIDUAL LOTS ARE SHOWN ON PLAN TO DENOTE APPROXIMATE LOCATION BASED UPON ANTICIPATED MANNER IN WHICH LOT WOULD BE DEVELOPED. FINAL LOCATIONS MAY VARY.
2. DRIVEWAY APRONS (TO A POINT 1 FOOT OUTSIDE OF RIGHT OF WAY) SHALL BE INSTALLED BY THE SUBDIVISION APPLICANT FOR ALL UNDEVELOPED LOTS PRIOR TO INSTALLATION OF CURBING, SIDEWALKS AND SURFACE COURSE FOR THE COMPLETION OF THE INDIVIDUAL ROADWAYS.
3. THE SUBDIVISION APPLICANT WILL NOT OFFER THE INDIVIDUAL ROADWAYS FOR ACCEPTANCE BY THE CITY UNTIL SUCH TIME AS THE CURBING, SIDEWALKS, SURFACE COURSE PAVING AND ALL OTHER PUBLIC IMPROVEMENTS FOR THAT ROADWAY HAVE BEEN COMPLETED.



PLAN
THE BROTHERS ROAD
SCALE: 1" = 30'



PROFILE
THE BROTHERS ROAD
SCALE: 1" = 30' HORIZ.
1" = 3' VERT.

NOTE: THIS PLAN SET IS ISSUED FOR PERMITTING PURPOSES AND SHALL NOT BE USED FOR CONSTRUCTION.

GRAPHIC SCALE

(IN FEET)
1 inch = 30 ft

Rev.	Date	Revision
2	11/21/00	REVISED PARKING SIGN LOCATIONS; ADDED DRIVEWAY NOTES
1	11/13/00	REVISED STREET NAMES; LOAM NOTE

CITY REVIEW	05/18/01	AMP
CITY REVIEW	4/11/00	AMP
Issued For	Date	By

Design: DCR | Draft: DB | Date: MAR 2000
Checked: | Scale: AS SHOWN | Job No.: 98089
File Name: 98089PP6_plans.DWG

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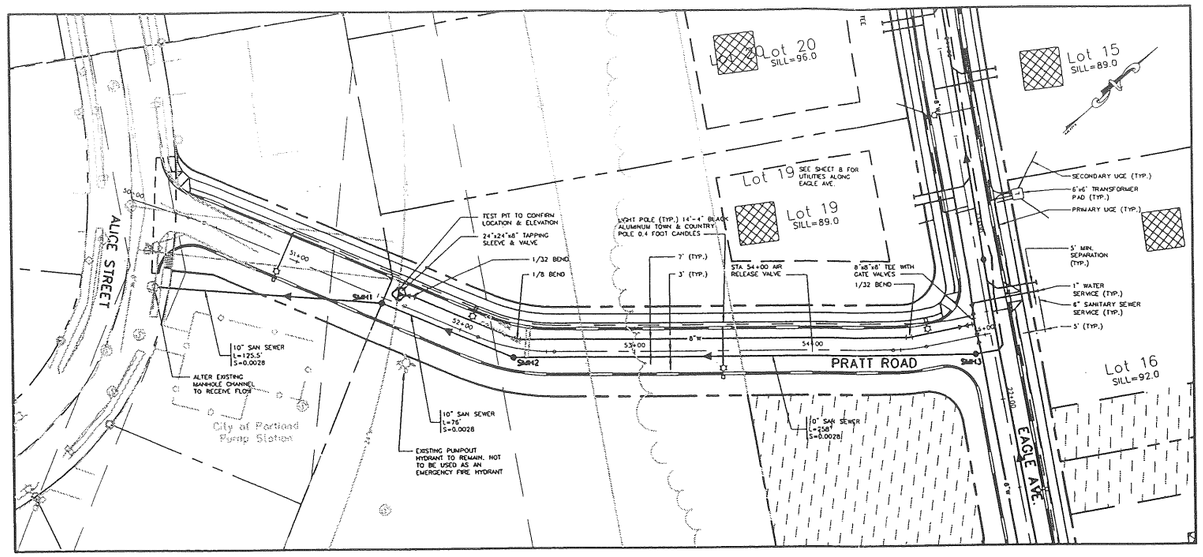
Drawing Name: Layout Plan & Profile – The Brothers Road

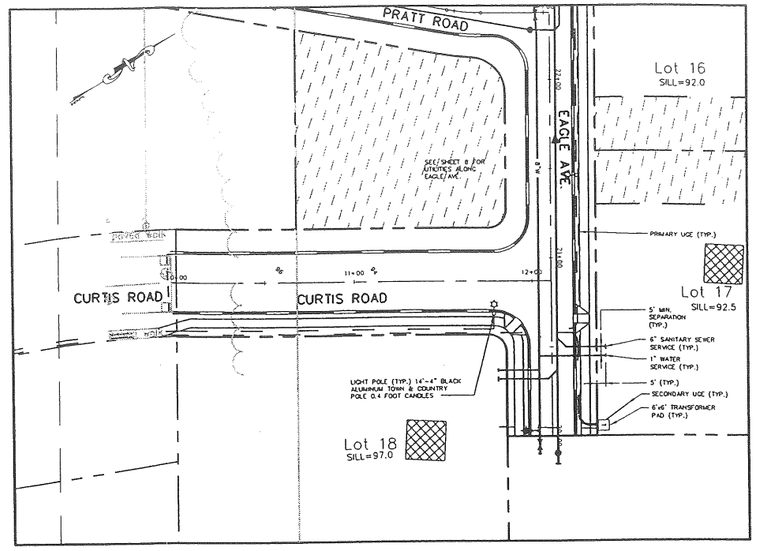
Project: PRESUMPSCOT RIVER PLACE – PHASE 3

Drawing No. 6



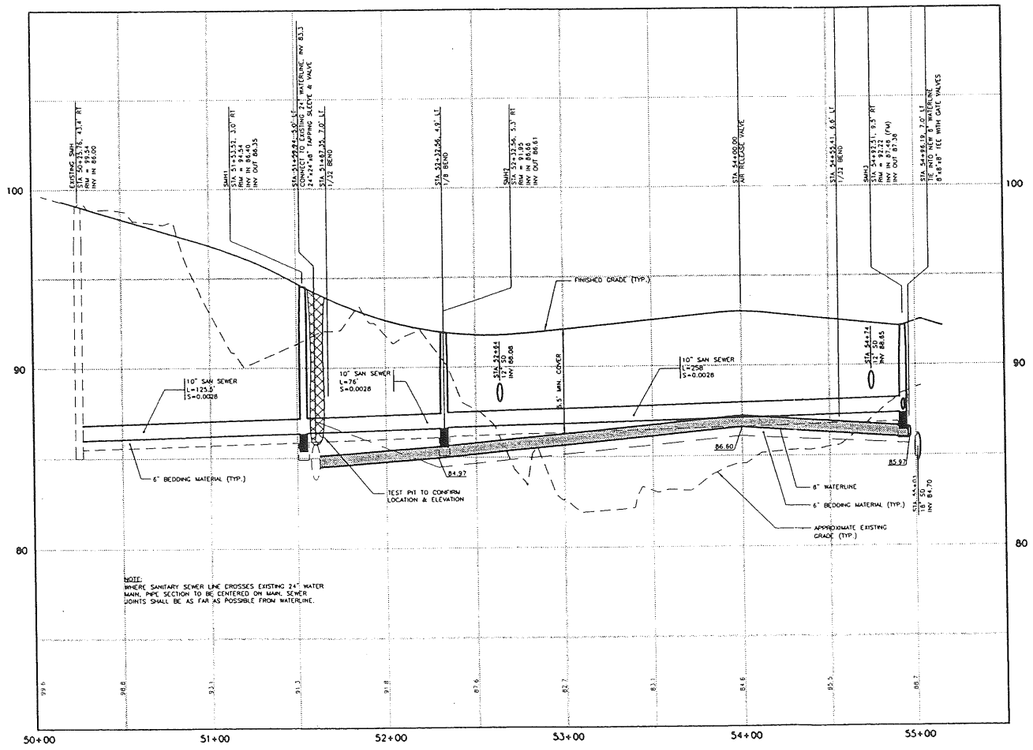
PLAN–PRATT ROAD

SCALE: 1" = 30'



PLAN–CURTIS ROAD

SCALE: 1" = 30'



PROFILE–PRATT ROAD

SCALE: 1" = 30' HORIZ.
1" = 3' VERT.

SANITARY SEWER APPURTENANCE SCHEDULE

STRUCTURE	SIZE	RIM	INV. IN/SIZE(FROM)	INV. OUT/SIZE(TO)	NORTHING	EASTING
EXISTING	4'ø	99.54	86.00/10"(SMH1)	-	7422.36	3452.87
SMH1	4'ø	94.45	86.40/10"(SMH2)	86.35/10"(EXISTING)	7512.43	3547.62
SMH2	4'ø	91.78	86.66/10"(SMH3)	86.61/10"(SMH1)	7546.38	3619.99
SMH3	4'ø	92.39	87.47/8"(SMH4) 87.47/8"(STUB)	87.42/10"(SMH2)	7751.20	3804.83

SEWER SERVICE LEGEND

SYMBOL — ANTICIPATED SEWER SERVICE

- ONSITE GRAVITY SERVICE FROM FIRST FLOOR. BASEMENT MAY REQUIRE PUMPING DEPENDING UPON FINAL HOUSE LOCATION & ELEVATION. MAINTENANCE OF PUMP AND SERVICE OUTSIDE OF PUBLIC RIGHT OF WAY SHALL BE THE RESPONSIBILITY OF THE HOMEOWNER.
- ONSITE PRIVATELY OWNED PUMP SYSTEM TO GRAVITY SERVICE AT RIGHT-OF-WAY. MAINTENANCE OF THE PUMP AND SERVICE OUTSIDE OF THE PUBLIC RIGHT OF WAY SHALL BE THE RESPONSIBILITY OF THE HOMEOWNER
- LOT SERVICED BY LOW PRESSURE SEWER SYSTEM. INDIVIDUAL LOTS SERVED BY ONSITE PUMP STATION. LOW PRESSURE SYSTEM TO BE MAINTAINED BY HOMEOWNERS ASSOCIATION. MAINTENANCE OF THE PUMP AND SERVICE OUTSIDE OF THE PUBLIC RIGHT OF WAY SHALL BE THE RESPONSIBILITY OF THE HOMEOWNER.

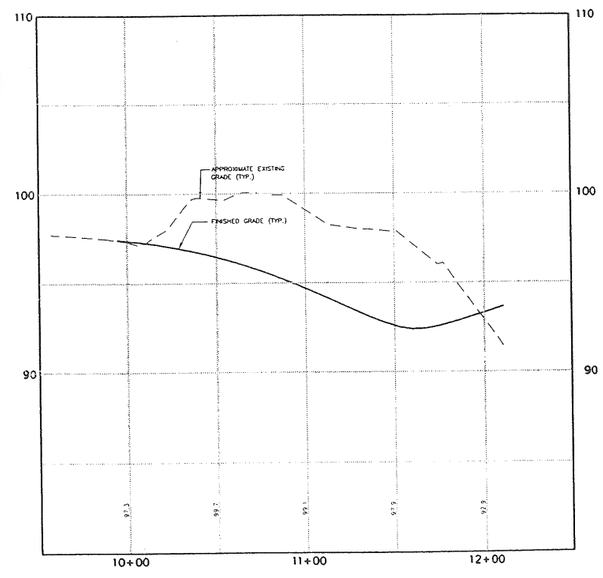
(LOTS WHICH ARE SERVICE BY ONSITE PRESSURE SERVICE WHICH CONNECT TO GRAVITY SERWER MUST INSTALL CLEANOUT MANHOLE WITH BACKFLOW PREVENTION DEVICE)

NOTE: SYMBOL IS INTENDED TO DEPICT ANTICIPATED TYPE OF SEWER SERVICE AND IS NOT INTENDED TO DEPICT LOCATION OF PROPOSED STRUCTURE.

NOTES:

SILL ELEVATIONS ARE RECOMMENDED MINIMUM ELEVATIONS BASED UPON ANTICIPATED HOUSE LOCATIONS AND LOT GRADING. FINAL SILL ELEVATIONS TO BE VERIFIED BY DESIGNER OF INDIVIDUAL LOT GRADING PLAN TO BE SUBMITTED BY EACH HOUSE APPLICANT UNDER THE CITY OF PORTLAND MINOR/MINOR SITE REVIEW, BUILDING OR USE PERMIT REVIEW.

THE CITY OF PORTLAND WILL NOT ACCEPT SEWER UTILITIES ON STREETS REQUIRING LOW PRESSURE FORCE MAINS AND SUCH UTILITIES SHALL BE THE SOLE RESPONSIBILITY OF THE HOMEOWNERS AND/OR ASSOCIATION.



PROFILE–CURTIS ROAD

SCALE: 1" = 30' HORIZ.
1" = 3' VERT.

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GRAPHIC SCALE

(IN FEET)
1 inch = 30 ft

Rev.	Date	Revision
4	11/21/00	REVISED SEWER SERVICE LEGEND
3	11/13/00	REVISED ROAD NAMES, RELOCATED CURTIS ROAD STREETLIGHT
2	10/10/00	REVISED SEWER
1	7/14/00	ADDED SILL INFORMATION & SEWER SERVICE STATUS

Issued For	Date	By
CITY REVIEW	5/18/01	AMP
CITY REVIEW	4/11/00	AMP

Design: DER | Draft: DB | Date: MAR 2000
Checked: | Scale: AS SHOWN | Job No.: 98089
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Drawing Name: Utility Plan & Profile – Pratt Road & Curtis Road

Project: PRESUMPSCOT RIVER PLACE – PHASE 3

Drawing No. 7