

400-A-20

1999-0042

Virginia Street

Pines Subdivision

Pines of Portland Inc.

on Spreadsheet

**PUBLIC WORKS ENGINEERING**  
**MEMORANDUM**

**To:** Kandi Talbot, Senior Planner  
**From:** Anthony Lombardo, P.E., Project Engineer  
**Date:** November 18, 1999  
**Subject:** The Pines Subdivision....A & G Assoc..

The following comments were generated during Public Works Engineering review of the most recent submission of revised plans dated 11/9 and 11/10/99 and received at Public Works on 11/16/99:

1. In my previous memo, dated 10/5/99, Public Works made the following comment:  
**Sheet C-4 Kansas Ave.**
  - The applicant proposes the connection of private foundation drains, from Lots 21, 22 and 23 into City of Portland drainage structures. Public Works will not accept the connection of private drainage or sewer into municipal drainage or sanitary sewer structures. The connection must always be made into the main line.The plans I received on 11/16/99 did not include "sheet C-4" , therefore, I can't confirm that the requested revisions were made to the plan.
2. I met with Amy Mulkerin and Greg McCormack in the Public Works Engineering conference room on 10/26/99 to discuss the "snow plow easements" required at both ends of Liberty Way. The end result of this meeting was an understanding, by the applicants, of Public Works requirements for the creation of "snow plow turnarounds" on both ends of Liberty Way. Sheet C-2, the Liberty Way plan and profile, specifies only one "snow plow easement" on the southerly end of the street. It was made very clear during our 10/26/99 meeting that Public Works will require "snow plow easements" and paved turnarounds on both ends of the street.
3. Sheet C-1, the Kansas Avenue plan and profile, specifies a 6" diameter foundation drain connecting DMH #1 and DMH #2. Foundation drain piping material is not acceptable for use as a storm sewer main by Public Works. Public Works is requesting the use of at least a 10" diameter storm sewer main. The use of SDR35 or HDPE rigid smooth lined plastic pipe is acceptable by Public Works for installation within the public right of way.

October 14, 1999

*DRAFT*

Ms. Dawn Hallowell  
Maine Department of Environmental Protection  
312 Canco Road  
Portland, Maine 04103

**RE: The Pines Residential Subdivision  
NRPA Application**

Dear Ms. Hallowell:

DeLuca-Hoffman Associates, Inc., acting as the City of Portland's Planning and Urban Development Review Coordinator, would like to provide comments to the MeDEP regarding A&G Associates' proposed residential development known as The Pines in Portland, ME. It is our understanding that Pinkham & Greer Consulting Engineers, Inc. has submitted a Tier -2 NRPA Application for wetland impacts associated with the construction of a new roadway and fill impacts resulting from development on several lots. The City of Portland Planning Staff and Planning Board have extensively reviewed the project over the last 4 months. On October 12, 1999, the Portland Planning Board conditionally approved the project. Specific conditions included the Applicant's requirement to obtain all necessary MeDEP permit approvals. During the review process and Planning Board Meetings several significant items were identified relating to the project's natural resource impacts. These are summarized as follows:

- The wetland limits were delineated by Alan Brunnell, CSS 417 LSE267. Due to concerns brought forth by several project abutters, the City, through DeLuca-Hoffman Associates, Inc., authorized Colen Peters of Duke Engineering to perform a peer review of the wetland delineation and jurisdictional determination. A copy of Mr. Peter's initial review of wetland conditions is attached to this letter. You will note that Mr. Peter's field review was limited due to the loss of much of the flagging. The Applicant's consultant reflagged the project area and provided a color map of the approximate wetland limits. A copy of this mapping is also attached. At this time, the City's primary concern involves regulatory approval of the wetland limits and stream locations and the jurisdictional status of each.
- The Applicant has prepared a Stormwater Management Study which is based upon the use of a 4' x 6' precast box culvert as a control structure for stormwater. The box culvert was previously granted a MeDEP Permit by Rule approval. However, it is uncertain if the culvert's stormwater management functions were clearly identified at that time.

Ms. Dawn Hallowell  
October 14, 1999  
Page 2

**DRAFT**

Per the MeDEP Chapter 500 regulations Section 3.D.(3):

*"NRPA Approval. The basin may not be located within or adjacent to a wetland, stream, river or brook and no berm may be placed within or adjacent to a wetland for delineation or a part of the stormwater system, unless approved by the department pursuant to our exemption from, the Natural Resources Protection Act (NRPA)."*

Based on our review of the October 5, 1999 Tier - 2 application submitted by Pinkham and Greer it appears that the applicant does not include any accounting of impacts due to stormwater impoundment upstream of the 4' x 6' culvert. The attached segment of the Applicant's stormwater study identifies the limits of stormwater impoundment as extending up to elevation 71.1. This is an area of between 5-8 acres, all of which is existing wetland area.

It is our understanding that the latest application dated October 5, 1999 submitted by Pinkham and Greer Associates, has been or will be found incomplete by you and a resubmission request will be made to the applicant. On behalf of the City of Portland, we respectfully request your consideration of the aforementioned issues during your review of the new application materials. We would also request that MeDEP contact City Planning Staff (Kandice Talbot, Planner 874-8901) or this office when a site walk will be performed.

If you have any questions regarding this letter or the project in general, please call this office.

Sincerely,

DeLUCA-HOFFMAN ASSOCIATES, INC.

Stephen R. Bushey, P.E.  
Project Engineer

SRB/ajm/sq/JN1359,70/Hallowell10-14

Enclosure

c: Kandice Talbot, Planner  
Alex Jaegerman, Chief Planner  
Joseph E. Gray, Director  
Penny Littel, Corporation Counsel



**PUBLIC WORKS ENGINEERING**  
**MEMORANDUM**

**To:** Kandi Talbot, Senior Planner  
**From:** Anthony Lombardo, P.E., Project Engineer  
**Date:** October 5, 1999  
**Subject:** The Pines Subdivision....A & G Assoc..

The following comments were generated during Public Works Engineering review of the most recent submission received on 9/28/99:

**Sheet C-1 Penn Ave. & Liberty Way**

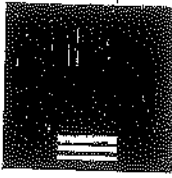
- On the northerly dead end of Liberty Way, the applicant has proposed a stormwater system that directs all runoff through one catch basin. The City of Portland Public Works will not accept a system designed in this way. Public Works will require the applicant to connect both of the proposed catch basins into a drain manhole and outlet runoff from this manhole. In addition, the inlet pipe, draining from the east, must also connect into this manhole. ✓
- Upon further inspection and research of the abutting Falmouth land, the proposed drainage easement between lots 16 & 17 accepts runoff from approximately three (3) acres in Falmouth. The City, therefore, is requiring the applicant to provide an inlet pipe where this drainage easement intersects the Liberty Way right of way. This inlet pipe should connect into a drain manhole and storm drain line in Liberty Way. ✓
- The proposed catch basins and outlet pipe at the southerly end of Liberty Way must all connect into a drain manhole. Public Works does not accept the system as proposed. ✓
- Proposed SMH-2 is specified to be installed at a depth of almost eighteen (18) feet. Public Works, due maintenance and safety concerns, would prefer to see the applicant reduce the depth of this proposed sanitary manhole. It appears that the applicant can raise the proposed sanitary sewer between SMH-2 and SMH-3 by almost 2.5 feet and still provide gravity sewer to Lot 19. ✓
- The plans do not specify the installation of granite curbing on the dead end sections of Liberty Way. Whether the applicant decides to show it on the plans or not, the City will require the installation of granite curb along the entire length of all the proposed streets including Penn Ave., Wyoming Ave., Kansas Ave. and Liberty Way. ✓

**Sheet C-3 Penn Ave. & Liberty Way**

- The applicant proposes the connection of private foundation drains into City of Portland drainage structures. Public Works will not accept the connection of private drainage or sewer into municipal drainage or sanitary sewer structures. The connection must always be made into the main line. ✓

**Sheet C-4 Kansas Ave.**

- The applicant proposes the connection of private foundation drains, from Lots 21, 22 and 23 into City of Portland drainage structures. Public Works will not accept the connection of private drainage or sewer into municipal drainage or sanitary sewer structures. The connection must always be made into the main line. ✓



DeLUCA-HOFFMAN ASSOCIATES, INC.  
CONSULTING ENGINEERS

778 MAIN STREET  
SUITE 8  
SOUTH PORTLAND, MAINE 04106  
TEL. 207 775 1121  
FAX 207 879 0896

NO. 486 P. 2/3

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

## MEMORANDUM

**TO:** Kandi Talbot, Planner

**FROM:** Jim Wendel, PE, Development Review Coordinator

**DATE:** July 20, 1999

**RE:** Site Plan/Subdivision Review  
The Pines

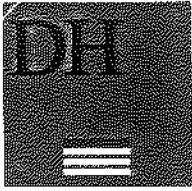
A review of the submission dated July 8, 1999 has been completed. The review included the stormwater analysis and the plans and profiles of the three road extensions. We offer the following comments:

1. No topography was provided for the extension of Penn Avenue. An assessment of upgradient drainage onto Lots 10-12, 16-18 and the short end of the right of way of Penn Avenue and whether easements should exist or other technical observations could not be made. A residential subdivision in Falmouth does drain through this area in some way. How does the stormwater management plan from that subdivision relate to this lot configuration?
2. No recordable subdivision plat has been provided noting the area of the property owned by the applicant with property line data. Will the remaining paper streets and lots be consolidated into one remaining parcel? If that is the case, will the right of ways require the street vacating process?
3. The applicant has made reference to a future extension of Kansas Avenue accessing land along the town line with Falmouth; this layout is not shown on the master plan.
4. The plans should provide the full topography of the various segments of lots that will be created; i.e., Wyoming, Kansas and Penn Avenues. An assessment of potential impacts from upgradient drainage and whether drainage easements are needed can not be made at this time.
5. It appears that some of the right of ways for Penn, Jersey and Vermont Avenues in the Penn Avenue phase 2 could be eliminated and/or reduced in size to easements or pedestrian trail use. What is the street name for the new street between Jersey and Vermont Avenues.
6. Has a wetland evaluation been submitted? The plan notes a partial wetland delineation line. Recommend that the full limits of the wetlands are provided within the applicant's parcel. It is likely that some upland areas may exist within the wetlands that might be able to be reasonably permitted and therefore developed.

7. Selection of CN values in the stormwater calculations could not be fully understood. We recommend that a brief explanation be provided on how CN values were selected. It is recognized that the area is extensively disturbed and engineering judgment is needed.
8. The lengths of reach segments 101 and 103 seem excessively short.
9. The length of reach segment 105 as it relates to segment 107 is not clear. It appears that segments 105 and 107 should be routed together into another reach with a length of 1400'; this would take the flow into the pond at the same point as reach 104.
10. Review of plans and aerial mapping available in the City archives indicates that about 1/3 of subcatchment 24 does not drain to this watershed.
11. Review of plans and aerial mapping available in the City archives indicates that about 1/2 of subcatchment 22 does not drain to "pond 3" in the analysis; it drain to the corner of Nevada and Virginia Avenues, and then into the wetland area. Also, a portion of this subcatchment does not drain to this watershed.
12. Subcatchments 20 and 21 in the existing conditions should be based on actual contour limits; existing aerial mapping available from the City will provide appropriate detail to define this area and the areas noted in 9 and 10 above.
13. Subcatchment 5, in Falmouth, has a subdivision currently under construction; we recommend that the design of this subdivision be assimilated into this analysis.
14. We recommend that a full boundary survey of the parcel be provided.

Should you have any questions, please call.

1359.70-memo7-20



DeLUCA-HOFFMAN ASSOCIATES, INC.  
CONSULTING ENGINEERS

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July 23, 1999

Mr. Greg McCormick  
A & G Associates  
426 Forest Avenue  
Portland, Maine 04101

**RE: Penn Avenue  
Single Family Site Plans**

Dear Greg:

This letter is a follow-up to communications with your office regarding final site grading issues at lot 5 (street # 85) and observations of current rough grading on lot 2 (street # 86) that we want to bring to your attention.

At the time lot 5 was reviewed for a certificate of occupancy, there was a grading problem that was brought to your associate's attention. The problem is a significant low spot in the front lawn as it relates to the partially constructed sidewalk and the grading of lot 6. This condition will create ponding on lot 5 because the current grading is lower than the sidewalk and the grading of the curb cut and side yard on lot 6. Based on coordination with your associate, it was agreed to delay the corrective measures until the site work is completed for lot 6 and to not delay a recommendation for a certificate of occupancy for lot 5. Please be advised that the only corrective measure that will be accepted is to fill and re-vegetate a portion of lot 5 to match the future final sidewalk grade along the lot frontage in such a manner as to establish a minimum grade to the sidewalk of 2.5% to allow proper drainage from the lot to the street. Further, as was stated to your associate, no recommendation for a certificate of occupancy for lot 6 will be made until the corrective measures are made on lot 5 and accepted by the City. It is suggested that you notify the future homeowner of lot 5 of the work that will be required.

At the time lot 1 was reviewed for a certificate of occupancy, observations were made with regard to the impact of lot 1 grading on lot 2. The middle to rear portion of the side yard of lot 2 facing lot 1 is very flat right from the property line to the house. This condition as a final grading scheme is not appropriate, given the type of native soils. A clearly defined broad swale with minimum 2% sideslopes constructed within the side yard of lot 2 directing the runoff to the rear of the lot at a minimum slope of 2.5% is required.

Further, as you know, the homeowner of the abutting lot to the right of lot 2 has contacted me to discuss his grading concerns along the common line between the lots. You have indicated to me that you have discussed some type of solution with this abutter. To further address his concerns in a very simple manner, the drive for lot 2 should be sloped away from the common property

Mr. Greg McCormick  
July 23, 1999  
Page 2

line at a minimum of 2%. This will direct runoff to the inside edge of the drive and then to the street, thereby keeping runoff away from the abutter. The City will be sensitive to the abutter's concerns when a certificate of occupancy is requested for lot 2. It is suggested that when the final grading is to be completed, a meeting be scheduled between your office and excavator, myself and the abutter on site to coordinate the final work.

As a final comment, in general, the contractor responsible for grading the lots must take into account the future grades of the sidewalks, based on the roadway typical section, and match his site grading to that future grade so the site will drain properly.

It is our opinion that attention to these grading issues noted above will help to minimize complaints and call backs to you and the City from your clients. Should you have any questions, please call.

Sincerely,

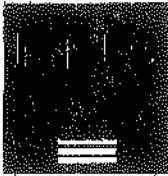
DeLUCA-HOFFMAN ASSOCIATES, INC.



James T. Wendel, P.E.  
Project Engineer

JTW/sq/JN1350.10/McCormick7-23-Penn

c: Alex Jaegerman, Chief Planner  
Penny Littel, Associate Corporation Counsel  
Mike Nugent, Code Enforcement  
Kandi Talbot, Planner



DELUCA-HOFFMAN ASSOCIATES, INC.  
CONSULTING ENGINEERS

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## MEMORANDUM

**TO:** Kandi Talbot, Planner, City of Portland  
**FROM:** Steve Bushey, Acting Development Review Coordinator  
**RE:** The Pines - Virginia Street basements  
**DATE:** March 14, 2000

Pinkham & Greer Consulting Engineers has submitted a letter summarizing their assessment of the existing basement drainage conditions on Virginia Avenue in the vicinity of The Pines development. Basically, it seems that those homes which have problems do so because of poor surface drainage conditions around their foundations, as well as poor foundation drainage. At a minimum, the Pinkham & Greer letter provides reasonable documentation regarding the existing conditions and therefore can be considered as satisfying the Planning Board Condition of Approval.

Attachment: March 9, 2000 letter

cc: Marge Schmuckel  
Mike Nugent  
Alex Jaegerman  
Penny Littell





170 U.S. Route One  
Falmouth, Maine 04105  
Tel: 207.781.5242  
Fax: 207.781.4245

March 9, 2000

File:98113

A & G Associates  
Forest Ave  
Portland, Maine

RE: The Pines-of Portland

Dear Amy and Greg:

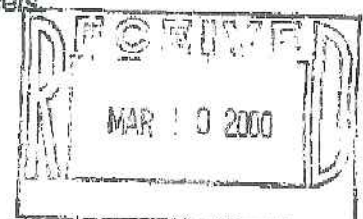
As part of the conditions of approval for The Pines of Portland residential subdivision at Penn and Kansas Avenues, an additional assessment of basement water conditions of dwellings adjacent to Virginia Avenue was requested. An initial assessment was made in September 1999 as part of the original approval process. I have attached a copy of that report.

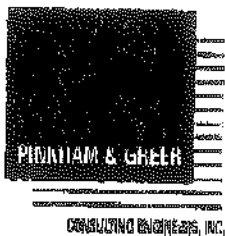
Site visits were made to the area on March 3<sup>rd</sup> and 6<sup>th</sup> in order to observe conditions and interview residents in the area regarding basement water conditions. Interviews were conducted with residents on the east side of Virginia Avenue from #131 to #195. Several of these residents had been previously interviewed in the September 1999 assessment.

To summarize the comments made by the residents:

- Most experienced no basement water problems except in the most severe conditions
- The two residents that did experience wet conditions did so during most storm events despite the severity
- Some experienced water problems only when the street flooded
- None had experienced an increase in water problems since the addition of the six houses of phase I
- Several comments were made regarding the existing conditions of storm drain catch basins and drainage ditches being poorly maintained

In general, it would appear that many homeowner improvement initiatives could be done to improve over-all moisture conditions for individual parcels.





Installation of roof gutters to channel water away from foundations, infiltration strips under drip edges and insuring that footing drains are properly maintained are some suggestions. Overall, it appears that to date the development of The Pines has had no adverse effect on the existing conditions.

Sincerely,

PINKHAM & GREER

Alan L. Burnell  
CSS #417; LSE #267

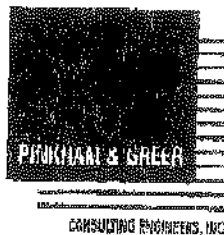
Copy Steve Bushey, DeLuca-Hoffman  
Kandi Talbot, City of Portland





Basement Moisture Conditions  
Virginia Street

Street #	Comments
111	No water problems
117	No water problems
121	No water problems
131	No water problems
137	Slight with heavy rains
141	Severe all the time
151	No water problems
157	Sump pump runs most of the time
161	No water problems(has sump pump)
171	No water problems
175	No water problems
181	No water problems(has sump pump)
195	No water problems(has sump pump)



170 U.S. Route One  
Falmouth, Maine 04105  
Tel: 207.781.5242  
Fax: 207.781.4245

September 22, 1999  
File: 98113

Alex Jaegerman  
City of Portland  
City Hall  
Portland, Maine

RE: The Pines of Portland

Dear Alex:

On Friday September 17 and Monday September 20, visits were made to Virginia Street between Kansas Avenue and Penn Avenue for the purpose of interviewing residents regarding basement water problems during rain events. This was done in response to comments made at the public hearing and by you to try to determine the effect that development of "The Pines" will have on these conditions. Additionally, textures of fill and underlying native soils were determined in several areas utilizing a hand auger. The wetland boundary as it was related to the impacted lots was also noted and sketched on a plan. A copy of that sketched wetland boundary has been included as part of this report.

Results of these observations and site visits are as follows:

The underlying native soil material is a very fine marine sediment that contains from 35-55% clay sized particles (<2 mm in size) and has an estimated permeability of 0.2" per hour

Most of the lots have had from 2.5 to 4 feet of moderately well drained coarse structural fill (estimated permeability of 6" per hour) added over the top of the native soil in the immediate area of the houses. Most all of this area was at one time part of the existing wetland.

Basement flooding, for those basements that do flood, occurs during most rain storms not just large storm events

The pattern of basement flooding problems is random as Virginia Street residents at #157 and #141 indicated frequent problems but #151 and #161 did not appear to have any problems.



The wetland that is located to the east of Virginia Street is formed by its location in a lower position of the topography and the occurrence of the impermeable marine sediment which causes the water to pond on the surface and collect in the low spots. The water is literally perched on the marine sediment layer and flows in a down gradient direction that most generally follows the slope of the overlying land. This is away for the Virginia Street homes, toward the area of "The Pines".

According to storm water modeling of "The Pines" development, the current 100 year flood elevation is 70.4. After proposed build out of this development, 100 year peak flood elevations will be 72.0. for an approximate 4 hour duration. Since the permeability of the soil is 0.2" per hour and the homes are hydraulically up gradient it is unlikely the water at elevation 72 will cause increased basement flooding at Virginia Street.

The basement flooding at Virginia Street most likely occurs as follows: The overlying coarse fill material becomes saturated with surface and rainwater. The finer textured marine sediment that is below has a very slow permeability so the water becomes perched and flows through the fill and on top of the marine soil layer. It will continue to flow down gradient and outlet either in the wetland, if unobstructed, or into a lower "pocket" if it encounters one, in this case a basement area. This is why basements flood during nearly every rain event. The coarse fill material quickly saturates, causing the water to start flowing down gradient and into the backfill material around the basement. One resident also noted that the catch basin and pipe crossing Virginia Street at Nevada Ave. is full of sediment and the existing ditch near Kansas Ave. needs cleaning. Hopefully the city can attend to this issue quickly.

Sincerely,

PINKHAM & GREER

Alan L. Bumell  
CSS #417;SE 267



## CITY OF PORTLAND

April 21, 1999

Mr. Greg McCormack  
Pines of Portland Inc.  
426 Forest Avenue  
Portland, ME 04101

RE: Wyoming Avenue Subdivision

Dear Mr. McCormack:

After review of the Wyoming Avenue Subdivision plan submitted April 13, 1999, the following comments were made. These comments shall be addressed or the plan shall be revised accordingly.

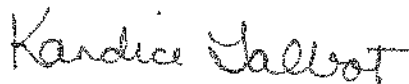
1. The requirements for the development of 14-403 streets are the same as for the development of new subdivisions and new streets. The applicant, therefore, must submit the plans and supporting materials required under Article IV-Subdivisions...in Chapter 14, Land Use Regulations of the City Ordinance. The applicant does not, however, need Planning Board approval, but only staff review and approval.
2. The applicant shall submit the original subdivision plan of this area.
3. This area of Portland, historically, has drainage problems. The applicant, therefore, must provide a stormwater management plan, including drainage calculations for pre and post-development runoff. The watershed needs to be modeled to determine the peak elevation on the inlet side of the proposed culvert crossing. Sizing calculations must be provided for the proposed culvert.
4. The applicant must provide evidence of DEP permit applications and approvals for the proposed culvert crossing and wetland filling.
5. Storm drain laterals need to be specified on the plans for Lots 3 & 4. Proposed foundation and basement drains should connect into the storm drain laterals and connect into the proposed underdrain system in the street.
6. The proposed driveway openings are not drawn per City of Portland Technical and Design Standards. Driveway openings must be drawn four (4) feet wider at the street gutter line than at the edge of the right of way.

O:\PLAN\DEVREV\WYOMING\LETTERS\MCCOR4-2.WPD

7. The applicant has not specified an appropriate snow plow turnaround. The hammerhead dead end, as specified, will result in the blockage of the driveway to Lot 5 during winter snow plow operations. Public Works is requesting the applicant extend the paved construction of the street to the end of both Lots 3 & 4. The required snow plow turn-around, as specified in the Technical Standards, should be constructed at the end of the street. Please keep in mind that a dedicated easement to the City must be specified on the plans for the portion of this turnaround that extends into private property.
8. The plans should specify the distance to the nearest fire hydrant on Virginia Street.
9. The plans must specify seven (7) feet long granite tipdown curb on each side of driveway openings.
10. The applicant must provide a construction detail, drawn to City of Portland Technical and Design Standards, for the proposed driveways.
11. Per the City Standards, the applicant must provide a four (4) feet wide vegetated esplanade on both sides of the street, between the curb and sidewalk.
12. The applicant must provide either an galvanized aluminum or pressure treated timber guardrail on both sides of the street, adjacent to the proposed culvert crossing.
13. Applicant must provide evidence of capacity letters from all of the respective utility companies, including a sewer capacity letter from Public Works.
14. The applicant shall submit a standard boundary survey prepared and stamped by a registered land surveyor.
15. Applicant must provide a lighting plan showing the location, design, height and spacing from each other of the support poles in accordance with City standards and specifications.
16. A landscaping plan must be provided showing groups of existing, sizeable trees which the applicant intends to preserve. 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.
17. Evidence of the applicant's financial capability must be provided to the City.
18. The applicant must provide evidence that they have the right, title and interest to Wyoming Avenue.

If you have any questions, please do not hesitate to contact me at 874-8901.

Sincerely,



Kandice Talbot

# Engineer Review and Site Inspection Fee Invoice Worksheet

Address: Wyoming Avenue...6 Lot Subdivision.....A & G Associates....DATE:4/1/99

## Engineering Review

To be filled out by Development Review Coordinator and Public Works at time of application.

### Planning

### Public Works

# of Hours Estimated: (Private Improvements)

# of Hours Estimated: (Public Improvements)

Field Work \_\_\_\_\_

Field Work 1.0

Memos/Corresp. \_\_\_\_\_

Memos/Corresp. 2.0

Review/Analysis \_\_\_\_\_

Review/Analysis 3.0

Meetings/phone calls \_\_\_\_\_

Meetings/phone calls 2.0

Total Hours \_\_\_\_\_ at \_\_\_\_\_ per hour

Total Hours 8.0 at \$35 per hour

Review Fee (Private): \$ \_\_\_\_\_

Review Fee (Public): \$ \$280

\_\_\_\_\_  
Development Review Coordinator Signature

\_\_\_\_\_  
Public Works Engineer Signature

## Site Inspection

To be filled out by DRC and Public Works at time of Performance Guarantee approval.

### Planning

### Public Works

\_\_\_\_ Accept 1.7% of Private Improvements P.G.  
\$ \_\_\_\_\_ (dollar amount)

\_\_\_\_ Accept 1.7% of Private Improvements P.G.  
\$ \_\_\_\_\_ (dollar amount)

# of Hours Estimated:

# of Hours Estimated:

Field Work \_\_\_\_\_

Field Work 8.0

Memos/Corresp. \_\_\_\_\_

Memos/Corresp. 1.0

Review/Analysis \_\_\_\_\_

Review/Analysis \_\_\_\_\_

Meetings/phone calls \_\_\_\_\_

Meetings/phone calls 1.0

Total Hours \_\_\_\_\_ at \_\_\_\_\_ per hour

Total Hours 10.0 at \$35 per hour

Alternate Inspection Fee (Private): \$ \_\_\_\_\_

Alternate Inspection Fee (Public): \$ \$350

\_\_\_\_\_  
Development Review Coordinator Signature

\_\_\_\_\_  
Public Works Engineer Signature

**To:** Alex Jaegerman, Kandi Talbot  
**CC:**  
**From:** Penny Littell  
**Date:** May 13, 1999  
**Re:** Mulkerin Proposals for Development of Subdivisi

In March of 1998, MJM Associates purchased a 20 +/- acre parcel of land in the vicinity of Maine Ave and Virginia Street in Portland.

Last \_\_\_\_\_ MJM Associates approached the City about developing 6 lots on Penn Ave. This was effectuated by combining two lots delineated on an old subdivision plat and splitting two others, thus creating three lots on each side of Penn Ave. In the process, Mulkerin received approval from Public Works to develop Penn Ave.

MJM Associates has recently requested approval for two additional projects within the same parcel: a six lot development of Wyoming Ave as well as an 11 lot development between Maine Ave and Nevada Ave. This latter project involves establishing a connector road not otherwise shown on any City map.

I have been requested to evaluate the type of review required for these developments.

Portland 's ordinance and state law require subdivision review when, among other things, a "tract or parcel of land" is divided into 3 or more lots within a five year period. The City Ordinance follows the state definition of "tract or parcel of land": "all contiguous land in the same ownership, provided that land located on opposite sides of a public or private road are considered each a separate tract or parcel of land unless the road was established by the owner of land on both sides of the road." The proposals being posited by MJM Associates for development of its tract of land require subdivision approval for the following reasons (among others). First, the property of MJM Associates, despite being identified as separate lots of record, is nonetheless contiguous land in the same ownership. As a result any division of such land into three or more lots within a five year period requires subdivision approval by both state law and local ordinance.

The earlier division of property, i.e. the Penn Ave six lot development, has resulted in two divisions, three lots each. One division is on the southerly side of Penn Ave, the second being on the northerly side. The creation of any further lots, therefore, needs subdivision review. Indeed, in retrospect, the Penn Ave development, too, initially should have gone to the Planning Board for approval.


I would remind you that the intent of subdivision review is to ensure the orderly division

and development of land in the City; to ensure the orderly development of the general area surrounding such subdivision; to coordinate streets within the general area; and to ensure adequate installation of public utilities within the area. Subdivision review of the MJM Associates projects is appropriate, warranted and required.

O:\WP\PENNY\MEMOS\MULKERIN.DOC



MEMORANDUM

TO: Chair John Carroll & Members of the Planning Board  
FROM: Ken Cole   
RE: Amy K. Mulkerin & Gregory T. McCormack d/b/a Pines of Portland, Inc.  
Subdivision  
DATE: July 6, 1999

---

Since I will be in Standish on the evening of July 13th and unable to attend the public hearing section of the Planning Board meeting relating to the above matter, I wanted to express my opinion directly to the Board by virtue of this memorandum.

My review of this matter indicates that all that is being done is to combine various existing lots within the 1926 Pines plan with no further divisions. As such, this relates directly to the exemption provisions of the Land Use Code, specifically Sec. 14-508. To the extent that the Board may find that Ms. Schmuckal does not have the authority to make that determination, then I believe that the Board is required to find that this is a grandfathered project and not subject to subdivision review so long as no new lots are created nor old lots further subdivided. Since my understanding is that Ms. Mulkerin and Mr. McCormack are not proposing to further subdivide any lots but in fact to combine them, and the only change from the underlying Pines plan is to actually turn some of those lots into roadways, I cannot find a further subdivision of them.

Further and more importantly, to the extent the Zoning Administrator actually made a determination, it is incredibly important that the Planning Board not attempt to overrule her since that is not within our authority but that of the Zoning Board of Appeals. For us to assert authority in this particular instance will open us to emotional appeals in the future to ignore determinations made by the Zoning Administrator as a part of our site plan and/or subdivision review of various projects. In my opinion, this is an important policy consideration which must be supported. Beyond that, Maine law appears clear to be that the Board does not have the authority to decide this issue, but rather the Zoning Administrator does. Finally, the Board is not making an interpretation of the Subdivision Ordinance, but rather the Zoning Administrator is making an underlying determination of whether grandfathering applies to this project.

Rather than continue the run-around that these applicants have gotten, I would recommend that the Board actually find the project is grandfathered and affirm the Zoning Administrator's interpretation to the extent that the Board has either authority to affirm that decision or to independently make that determination.

Thank you for your attention to this matter.



## CITY OF PORTLAND

July 2, 1999

Mr. Greg McCormack  
Pines of Portland Inc.  
426 Forest Avenue  
Portland, ME 04101

RE: Wyoming Avenue, Kansas Avenue, and Penn Avenue Subdivision

Dear Mr. McCormack:

Below is a list of items that shall be submitted regarding the Subdivision review process for Wyoming Avenue, Kansas Avenue, and Penn Avenue.

- Due to the relatively large scale and long-term development of the project, we request that a stormwater management master plan be prepared for the whole area to be developed. The plan would show the overall existing watershed of the project, existing topography, existing City stormwater infrastructure that is part of this watershed, existing limits of wetlands and soil types. The plan would show proposed subcatchments at each phase, locations for proposed stormwater detention facilities, street storm drain alignments, and proposed drainage courses with direction of flow based on the existing terrain and the anticipated phasing of the project. Preliminary road profiles would need to be developed to allow identification of probable road culvert crossings and lot storm drain inlet connection points into the road storm drain system, as well as probable common rear lot drainage easements. Please see Jim Wendel's memo which is attached.
- A note shall be added to all recording plats which states that all lots fronting on two streets may only have access from one street.
- A note shall be added to the subdivision plan which states "No City of Portland public services shall be provided to the Pines Development until the streets have been accepted by the City."
- The entire subdivision should be shown on one comprehensive plat.

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#### **Penn Avenue Phase of the Subdivision**

The applicant shall revise the application for subdivision review in Building Inspections for the proposed 13-lot phase of the subdivision. Staff has a plan showing the lot layout, but does not have any road profiles or details for this proposed project. This revision must include all information required in the subdivision ordinance. A copy of the subdivision ordinance has been included with this letter. This revision must also include the plans for the construction of Penn Avenue that was previously reviewed by Public Works.

#### **Kansas Avenue Phase of the Subdivision**

The applicant shall revise the application for subdivision review in Building Inspections for the proposed 4-lot phase of the subdivision. Staff has received plans for the proposed project. The following information is still outstanding:

- Evidence of capacity letters from all of the respective utility companies, evidence of financial capability, and evidence that the applicant has right, title and interest.
- Sidewalk is required on both sides of the street. If a waiver is being requested for one side of the street, than that needs to be done in writing, explaining the reason for the request.

#### **Wyoming Avenue Phase of the Subdivision**

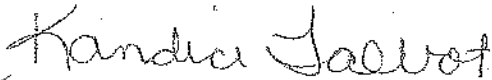
At this time, it appears that this submittal is complete.

These are the comments generated by staff to date. As other comments are generated, they will be forwarded to you accordingly.

These projects are scheduled for a workshop on July 13th. I will need 11" x 17" reductions for all plans by Thursday, July 8th.

If you have any questions, please do not hesitate to contact me at 874-8901.

Sincerely,



Kandice Talbot  
Planner

cc: Joseph E. Gray, Jr., Director of Planning and Urban Development  
Alex Jaegerman, Chief Planner  
Penny Littell, Associate Corporation Counsel  
Tony Lombardo, Project Engineer  
Jim Wendel, Development Review Coordinator

**LEGAL ADVERTISEMENT  
PORTLAND PLANNING BOARD MEETING**

The Portland Planning Board will hold a meeting on April 8, 2014, City Council Chambers, 2<sup>nd</sup> Floor, City Hall, 389 Congress Street. Public comments will be taken at both the workshop and public hearing. The agenda includes the following items:

**WORKSHOP – 4:30 p.m.**

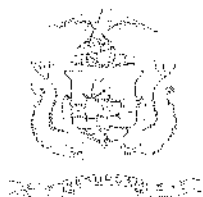
- i. R-6 to R-7 Map Amendment; East Bayside; Portland Housing Authority, Applicant, and the City of Portland. The Portland Housing Authority (PHA) and the Portland Housing Development Corporation (PHDC) have submitted an application to rezone the Housing Authority's properties in the East Bayside Neighborhood from Residential R-6 to Residential R-7. The proposed rezoning encompasses a total of 164 existing affordable housing units, including Bayside Terrace, Bayside East and Kennedy Park. The PHA map amendment includes the parcel at the corner of Boyd and Oxford Street where a proposed project called Bayside Anchor is being designed for 45 apartments and non-residential space for a Head Start program, community policing office, and PHA administrative offices. The City of Portland is also considering rezoning a larger area of East Bayside from R-6 to R-7 in the general vicinity of Washington Avenue, Congress Street, Franklin Street, Fox Street, Hammond Street and Gould St.
- ii. Text Amendments to the Community Business (B-2) Zone, City of Portland, Applicant. The Planning Board will consider text amendments to the B-2 zone which include, but are not limited to, listing the required dimensional standards in a chart, permitting a higher residential density for off-peninsula locations with active street fronts, and allowing multi-family dwellings as a permitted use regardless of the adjoining residential zone.

**PUBLIC HEARING – 7:00 p.m.**

- i. Recreation and Open Space (ROS) Map and Text Amendments for Downtown Squares, City of Portland, Applicant. On March 17, 2014, the City Council requested that the Planning Board consider rezoning Downtown Squares from the current designations to the Recreation Open Space (ROS) zone and to provide the Council with a recommendation by April 18<sup>th</sup>. The squares, plazas, and urban parks to be considered include, but are not limited to the following: Longfellow (at Congress and State); Bramhall (at Congress, Cumberland, and Deering); Boothby (Fore Street between Pearl and Market); Congress (at Congress and High); Monument (at Congress and Federal); Lobsterman (at Temple and Middle); Lincoln (at Congress, Pearl, Federal and Franklin); Bell Buoy (54-56 Commercial St.); and Tommy's Park and Post Office Park (at Exchange and Middle). ROS text amendments are proposed that amend the purpose statement, permitted uses, and dimensional standards.

**STUART O'BRIEN, CHAIR - PORTLAND PLANNING BOARD**

Corporation Counsel  
Gary C. Wood



**CITY OF PORTLAND**

Associate Counsel  
Charles A. Lane  
Elizabeth L. Boynton  
Donna M. Kaisialicis  
Penny Littell

June 14, 1999

John Bannon, Esq.  
Murray, Plumb & Murray  
P.O. Box 9785  
Portland, ME 04104-5085

Dear John:

I was surprised to receive your fax of June 11, 1999, in which you intimated some form of misconduct in the advice I had given my client regarding further communication with you or your clients on the issue of the Pines development. My advice was based on the course of conduct this matter has taken and the likelihood of ensuing litigation. I am not barred from advising my client regarding what his/her conduct should be in the face of anticipated litigation.

Like you, I have a professional responsibility to protect my client's interest. At least at the present stage of this matter, I have advised Ms. Schmuckal (who potentially could be a defendant herself) against having contact with your clients or their counsel regarding The Pines.

Your reference to a "gag order" is misleading and inflammatory. It is common practice among trial lawyers in Maine to advise their clients to avoid contact with potentially adverse parties.

Finally, in your letter you make reference to prior discussions between Ms. Schmuckal and your clients. I would remind you of discussions your clients had with other city officials wherein they apparently agreed to subdivision review of The Pines.

Sincerely,

Penny Littell  
Associate Corporation Counsel

Cc: Robert B. Ganley, City Manager  
Joseph Gray, Director, Planning & Urban Development  
Alex Jaegerman, Chief Planner  
Kandi Talbot, Planner

Corporation Counsel  
Gary C. Wood



**CITY OF PORTLAND**

Associate Counsel  
Charles A. Lane  
Elizabeth L. Boynton  
Donna M. Katsiaticas  
Penny Littell

May 27, 1999

Via Fax: 773-8023

John Bannon, Esq.  
Murray, Plumb & Murray  
75 Pearl Street  
P.O. Box 9785  
Portland, ME 04104

Dear John:

I appreciated receiving your letter of March 25, 1999 in which you set forth 1) your client's position as to the history of events leading up to the purchase of twenty acres of land in the North Deering area by A&G Associates and 2) your legal position with regard to the City's requirement that this land is subject to subdivision and site plan review were it is being divided into three or more lots. This includes the six lot subdivision which The Pines is seeking on Wyoming/ Kansas (three of the lots which were sold to A&G through the tax acquired process) as well as the thirteen lot subdivision at the terminus of Penn Avenue. I forwarded your letter on to the Planning Department and the City Manager.

After reviewing the factual background and the legal arguments involved in the matter, the City continues to maintain that Planning Board approval is required for the subdividing of these two tracts of land. Your offer to settle this matter by gaining permits to develop four areas of land without Planning Board approval was considered, but was deemed not to be in the best interest of the City nor advisable given the drainage, street and other issues in the area affected.

While I understand you and your clients disagree with the City's interpretation, this area of the law is an evolving one only periodically opined on by the Courts. It would appear the most expeditious method of approval for your clients would be the immediate submission of subdivision and site plans for review and approval by the Planning Board. Under the circumstances a six to eight week process may be expected prior to approval.

Sincerely,

Penny Littell  
Associate Corporation Counsel

Cc: Robert B. Ganley, City Manager  
Joseph Gray, Director, Planning & Urban Development  
Alex Jaegerman, Chief Planner  
Kandi Talbot, Planner

**From:** Anthony Lombardo  
**To:** Kandi Talbot  
**Date:** Thu, May 20, 1999 12:50 PM  
**Subject:** Wyoming Ave. and Penn Ave.

Kandi,

**WYOMING AVE.**

First, on the Wyoming Ave. development.....I was approached by Amy Mulkerin and Greg McCormick today regarding my last memo. I gave them the same memo that I sent you. According to the City's ordinance under 14-403 streets, Public Works is the review authority for decisions and work proposed within the right of way. That is why I made the recommendation regarding sidewalk on only one side of the street. The developer states that Planning told them that a waiver must be granted only by the Planning Board. Under 14-403 streets, the Planning Board does not get involved in this review.

**PENN AVE.**

I have received and finally reviewed this bond reduction. Based on the amount of remaining funds, I have no problem approving a bond reduction as requested. The work completed has been inspected. The issue related to erosion of rear yards along the Vermont Ave. abutting properties, I have been assured by the developer, will be resolved within the next two weeks. In fact, the builder will be meeting with me next week to discuss required improvements. Please call me upon reading this e-mail.

**CC:** Alex Jaegerman , Joe Gray , Penny Littell

**From:** "Steve Bushey" <srbushey@maine.rr.com>  
**To:** "Kandi Talbot" <KCOTE@ci.portland.me.us>  
**Date:** Fri, May 19, 2000 9:10 AM  
**Subject:** Fw: The Pines

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

From: stephen bushey <bbushey@maine.rr.com>  
To: srbushey@maine.rr.com <srbushey@maine.rr.com>  
Date: Friday, May 19, 2000 7:16 AM  
Subject: The Pines

Kandi,

I have reviewed the revised plan prepared by Pinkham and Greer for The Pines and offer the following comments:

1. The culvert cross section should be revised since it appears the invert elevations are graphically misrepresented. The inlet side should be on the left side of the detail so that the toewall and waterstop are nearer the inlet.
2. Silt fence should be shown on Lot 12.
3. Evidence that a new NRPA and ACOE approval for the Lot 12 and Lot 24 stream crossings have been received. I did not think these were covered under the original agency approvals.
4. Does this additional lot development now require the applicant receive review and approval under the City's delegated review for a MEDEP Site Location of Development Review?
5. The computations for sizing of all riprap aprons and riprap sizes should be provided.
6. A no cut buffer should be provided on Lot 12.
7. the Fire Dept. should review and sign off on the proposed 15' driveway width.
8. The applicant should provide an Ability to Serve and to connect letter from the Public Works Dept. The Dept. may have special guidelines as to a connection on an interceptor sewer.
9. Stone Check dams should be provided on the ditch on the uphill side of the lot 24 D/W
10. Spot grades should be provided at the end of Kansas Ave. This may be an area prone to poor drainage.
11. The driveways should be 4" of base gravel and 12" of subbase the entire length.

if you have any questions regarding these comments please call.

Steve Bushey, Acting Development Review Coordinator.



Corporation Counsel  
Gary C. Wood



**CITY OF PORTLAND**

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

July 30, 1999

John Bannon, Esq.  
Murray, Plumb & Murray  
P.O. Box 9785  
Portland, ME 04104-5085

Re: The Pines Subdivision

Dear John:

As I discussed with you and Greg McCormick on July 30, 1999, Kandi Talbot and I met with Marybeth Richardson at the DEP on July 29, 1999 in order to determine whether the subdivision application submitted to the Planning Board needed to be evaluated under Site Location of Development. This remained as a question for the City since such a large tract of land is being proposed for development and since Amy and Greg were unable to explain the basis behind the information you presented to Ms. Richardson in an e-mail last week on the same topic. Specifically, we were trying to identify what "public road" you were referring to as dividing the property into a 22 acre parcel and a 12 acre parcel. Moreover, since the City needs to advertise the upcoming Planning Board meeting, time was of the essence.

During our meeting, Ms. Richardson informed us that she was unaware that the "public streets" you had referenced in actuality may have referred to a paper street. She indicated DEP considers undeveloped streets to be included as part of a subdivision proposal whether or not they have been laid out on a recorded subdivision plat. As I explained to you, however, there is precedent at the DEP for excluding from the 30 acre Site Location calculation, those areas "retained for future development." If such a "retained" parcel were developed within five years of the recording of an approved subdivision plat, Site Location be required. In such a case, Site Location would need to be applied to the whole project.

After discussing your client's options, I understand you will be submitting information to Hetty Richardson at the DEP for an advisory opinion on whether this project needs Site Location review. However, the City will advertise as if it did require such review. If the DEP decides otherwise, such review will be eliminated from the scheduled public hearing. If such review is necessary, the City would expect to receive required information by next Wednesday at 10:00 or a tabling of the application until the necessary information could be submitted and reviewed by City staff.

John Bannon, Esq.


July 30, 1999

Page 2

You have agreed to provide to the City any information you submit to Hetty Richardson for review.

I look forward to hearing from you regarding this outstanding issue.

Sincerely,

A handwritten signature in cursive script that reads "Penny Littell".

Penny Littell

Associate Corporation Counsel

cc: Kandi Talbot, Planner  
Alex Jaegerman, Chief Planner

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## CITY OF PORTLAND

August 12, 1999

Amy Mulkerin  
Greg McCormack  
The Pines of Portland, Inc.  
426 Forest Avenue  
Portland, ME 04101

RE: The Pines, Vicinity of Penn Avenue through Wyoming Avenue

Dear Ms. Mulkerin & Mr. McCormack:

Below is a list of items that still need to be addressed prior to Public Hearing. Once this information has been submitted to the Planning Office, the subdivision will be placed on the next available agenda for review.

### Overall Subdivision

1. Overall subdivision plat shall be revised to label wetlands area and upland areas "to be retained for future development" with lot numbers and that a schematic layout of Kansas Avenue Extension be shown. Also, the applicant needs to clearly delineate which areas will be retention area, open space area and future development. A note shall also be added to the plan stating "no alteration of the retention area will occur."
2. that the applicant submit a capacity letter from the Portland Sewer Division for the entire subdivision.
3. that the subdivision plans show conceptual grading plans for planning review and approval, and once reviewed, additional drainage easements may be needed.
4. that the applicant submit the August 5th and August 6th letters and attachments that John Bannon sent to Heddy Richardson at DEP.
5. that monumentation be provided for all streets to the specification of Public Works surveyor.
6. that the applicant clarify rights lot owners will have, if any, to undeveloped area.

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- ✓7. that the applicant provide a drainage maintenance agreement for review and approval by staff for the portion of the channel running through the applicant's property.
- ✓8. the developer shall provide the drainage easement for Penn Avenue Phase I, prior to release of the existing performance guarantee.
- ✓9. the applicant shall have IFW Wildlife Div. determine whether there is significant wildlife habitat within the subdivision project, not just endangered or threatened species.
- ✓10. the boundary survey shall show the extent of the subdivision.
- ✓11. the boundary survey should be revised to show the accurate location of the pond.
- ✓12. the applicant address the buffering issue that was brought up at the meeting.
- ✓13. the applicant state how the proposed stormwater management plan will address the flooding basements along Virginia Street.
- ✓14. Jim Wendel is currently reviewing the stormwater management plan and will forward any comments as soon as possible.
- ✓15. Staff is arranging for a peer review of the wetland delineation and report.

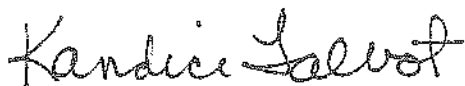
#### **Penn Avenue Phase**

16. that the applicant submit application and obtain approval by the City Council for street vacations of Jersey Avenue, Vermont Avenue and portion of Penn Avenue, from Liberty Way to Falmouth line, prior to signing and release of subdivision plat. The application was provided to you at the July 29th meeting with staff.
17. that the applicant show new watershed plan is compatible with previous watershed plan for Penn Avenue and prove that it meets pre-conditions with regard to culvert on Penn Avenue. In the event that pre-conditions are not met, an additional stormwater detention system may be required upstream.

Although not mentioned in this letter, staff will still recommend to the Planning Board that the applicant 1)place \$15,000 in escrow for ten years; 2)install sidewalk along Virginia Street or alternate trail; and 3)rebuild Kansas Avenue from Virginia Street.

If you have any questions, please do not hesitate to contact me at 874-8901.

Sincerely,



Kandice Talbot  
Planner



## CITY OF PORTLAND

August 18, 1999

Amy Mulkerin  
Greg McCormack  
The Pines of Portland, Inc.  
426 Forest Avenue  
Portland, ME 04101

RE: The Pines, Vicinity of Penn Avenue through Wyoming Avenue

Dear Ms. Mulkerin & Mr. McCormack:

Staff has reviewed your letter dated August 17, 1999 regarding conceptual grading plans and building streets the entire frontage. Below are comments addressing these two issues.

### Conceptual Grading Plans

The note proposed by the applicant to be added to the subdivision plan and the individual deeds does not address staff concerns regarding grading and possible easements. As mentioned before, staff has found in the past, that once an individual lot is sold off, it is almost impossible to coordinate drainage flows with an abutting lot, so it is imperative to determine location of drainage easements during the subdivision review. Providing individual grading plans at time of minor site plan review could result in conflicts between lot grading plans. This required level of information and analysis is one of the most critical aspects of subdivision review, and the most often to cause subsequent problems between neighbors if not properly addressed in advance. Any grading and drainage plan approved for individual lots may be revisited and revised during site review for individual houses.

### Building Streets the Entire Frontage of Lots

As was discussed at the July 29th meeting between the applicant and the developer, the developer could choose to reduce Lots 12 and 19 by drawing property lines at the end of the pavement. However, by adjusting the lot lines of Lots 12 and 19 as shown on the plan enclosed with the letter, it appears that the applicant is trying to circumvent building the street frontage of the lots. The lot lines will need to be adjusted as originally discussed or the street vacation process started immediately.

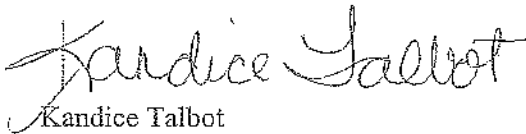
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As discussed with Amy earlier, I have tentatively scheduled the project for a workshop meeting on September 28th. Given that frame time, it appears that the applicant will have sufficient time to provide conceptual grading plans and to start the street vacation process by that date.

An engineering fee invoice is also included. The fee should be submitted as soon as possible to ensure that the review of this project continues. You should be aware that the engineering fee is only an estimate and if review time exceeds the estimated time, additional fees will be required.

If you would like to meet with staff to discuss these issues or have any questions, please do not hesitate to contact me at 874-8901.

Sincerely,



Kandice Talbot  
Planner

cc: Joseph E. Gray, Jr., Director of Planning and Urban Development  
Alex Jacgerman, Chief Planner  
Jim Wendel, Development Review Coordinator  
Penny Littell, Associate Corporation Counsel  
Tony Lombardo, Project Engineer

# 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: August 5, 1999  
To: Amy Mulkerin / Greg McCormick  
Company: Pines of Portland  
Fax #: 871-8695  
From: Kandi Talbot  
RE: As mentioned in my previous letter,  
we only have an application for a 3-lot subd.  
on Wyoming Street. Could you please come  
in and ~~amend~~ amend the application and  
fees ~~for~~ for the additional 27-lots? I do  
not wish to hold up this process any further,  
so the sooner you amend the application  
would be better. Thank you.

YOU SHOULD RECEIVE 1 PAGE(S),  
INCLUDING THIS COVER SHEET.  
IF YOU DO NOT RECEIVE ALL THE PAGES,  
PLEASE CALL 207-874-8721 OR 207-874-8719.

CITY OF PORTLAND, MAINE  
ENGINEERING REVIEW FORM

Address of Proposed Site Virginia Street Date 8/19/99  
Project Description The Pines Job # 19990072  
Applicant Amy Mulkerin & Greg McCormack  
Applicant's Mailing Address 426 Forest Avenue, Portland 04101

Site Review  
(Planning Department)

Right-of-Way Review  
(Public Works Department)

Review Engineer: Jim Wendel  
Number of Estimated Hours: 80  
Cost Per Hour: \$48.00  
Total Amount: \$3,840.00

Review Engineer: Tony Lombardo  
Number of Estimated Hours: 31  
Cost Per Hour: \$35.00  
Total Amount: \$1,085.00

An engineering fee has been assessed in the amount of \$4925.00 for the review of your project located at Virginia Street

Please make check payable to the City of Portland. The check should be submitted along with this form to the Portland Planning Department, City of Portland, 4th Floor, 389 Congress Street, Portland, ME 04101. Attn: Kandi Talbot

<b>Office Use Only</b>	
Invoice Date: _____	Received: _____ date
Planning Revenue Code: _____	
Public Works Revenue Code: _____	

cc: Applicant - white  
Planner - blue  
Engineer - green  
Public Works - yellow  
Financial Officer - pink  
Review/Inspection Fee File - golden





## CITY OF PORTLAND

September 20, 1999

Amy Mulkerin  
Greg McCormack  
The Pines of Portland, Inc.  
426 Forest Avenue  
Portland, ME 04101

RE: The Pines, Vicinity of Penn Avenue through Wyoming Avenue

Dear Ms. Mulkerin & Mr. McCormack:

After review of the subdivision plans submitted on September 10, 1999, the following comments were generated. Some comments may be redundant for the different sheets, however it reflects that changes made on plans should be consistently changed on corresponding plans.

### Overall Subdivision Plan

1. Wetland delineation, on all plans, should be clarified, based on peer review comments. How was the wetland delineation verified on Wyoming Street?
2. Are there plans to vacate the streets during this review process? If not, sectional recording would be required for the Phase II and Phase III portions of the Penn Avenue Phase. Recording plats shall be submitted showing the two phases.
3. It needs to be clearly stated on the subdivision plan what is the 1)common open space, 2)conservation area and 3)detention area. Also, will there be public access for the open space area and if so, how will it be accessed?
4. Note 25 shall be revised to state no filling or alteration of detention area, below 72' elevation, north of Penn Avenue.

### Penn Avenue Phase II Plat

5. Granite monuments are required at the southeasterly corner of Lot 15 and Liberty Way and at the northeasterly corner of Lot 9 and Liberty Way.
6. Define the 30 foot public drainage easement to the City near the culvert and show the stream center line.

7. Define the public drainage easement which matches up to the Falmouth drainage easement.
8. Please submit the NRPA permit, along with information submitted to receive this permit to City staff. Also any additional wetland fill beyond areas shown, will need amendments to NRPA permits and shall be submitted to staff accordingly.
9. A field drain or pipe inlet connected to a manhole shall be required at the end of Penn Avenue, westerly side of Liberty Way, within the area of Penn Avenue to be vacated. An easement would be required for this area.
10. A full storm drain system shall be installed from the 30 ft. drainage easement (which runs from Liberty Way to the Falmouth town line). This system shall include a pipe inlet connected to a manhole, connected to a storm drain within Liberty Way, which runs south, connected to an additional manhole, with two catch basins on each side of Liberty Way. Easements will be required for area where catch basins outlet.
11. Two catch basins shall be installed on the north end of Liberty Way on each side of the street. Easements will be required for area where catch basins outlet.
12. Wetland area shall be clarified based on peer review.

#### **Kansas Avenue Plat**

13. A granite monument is required at the northeasterly corner of Kansas Avenue and Virginia Street.
14. Define and clarify the Portland Water District easement shown on the plan.
15. Wetland area shall be clarified based on peer review.
16. Please submit the NRPA permit, along with information submitted to receive this permit to City staff. Also any additional wetland fill beyond areas shown, will need amendments to NRPA permits and shall be submitted to staff accordingly.

#### **Wyoming Avenue Plat**

17. Private drainage easements (20 ft.) are required along the east sides of Lots 25 and 30 to benefit abutters.
18. Wetland area shall be clarified based on peer review.
19. Please submit the NRPA permit, along with information submitted to receive this permit to City staff. Also any additional wetland fill beyond areas shown, will need amendments to NRPA permits and shall be submitted to staff accordingly.

#### **Penn Avenue Phase I Plat**

20. Define the 30 foot public drainage easement to the City near the culvert and show the stream

center line.

21. Wetland area shall be clarified based on peer review.
22. A granite monument is required at the corner of Montana Street and Penn Avenue.

#### **Penn Avenue Phase II Plan and Profile**

23. Lot numbers to correspond with the overall plat shall be added to the plan.
24. Two catch basins shall be installed at the end of Liberty Way near Jersey Street.
25. Two catch basins shall be installed at the end of Liberty Way near Vermont Avenue.
26. A pipe inlet shall be installed at the drainage easement, which runs from Liberty Way, to Falmouth town line, connected into manhole, than into storm drain within Liberty Way, connected to manhole, than connect to two catch basins, near Vermont Avenue.
27. A drain manhole shall be required at the end of Penn Avenue with the area of the street to be vacated. This will require a 30 ft. by 30 ft. public easement.

#### **Penn Avenue Phase II Detail Sheet**

28. Curb detail shall be revised to show 7" curb reveal

#### **Penn Avenue Phase II Conceptual Lot Grading Sheet**

29. Private easements shall be shown for common lots, #13, 14, and 15.
30. Easement shall be shown for the 15" culvert crossing.
31. All drainage structures shall be shown on the grading plan.
32. Liberty Way shall be labeled.
33. All easements shall be shown on the conceptual grading plan.

34. Foundation drains shall tie into the storm drain system

35. Wetland delineation shall be shown on the plan.

#### **Kansas Avenue Plan and Profile**

36. Monuments shall be shown on plan.
37. Revise storm drain system to tie two proposed catch basins into manhole, connected to storm drain, run easterly on Kansas Street to end with additional manhole. Install additional catch basin across from catch basin 3 and tie both catch basins into manhole. Outlet into wetland.

38. The riprap outlet and the riprap chute must have drainage easements. These easements shall be shown on plans.
39. Lot numbers shall be shown on plan consistent with subdivision plat.
40. Wetland delineation shall be shown on plan.

#### **Kansas Avenue Detail Sheet**

- ~~41. Curb detail shall be revised to show 7" curb reveal.~~

#### **Kansas Avenue Lot Grading Plan**

42. Show storm drain system on plan.
43. Private easements will be required between Lots 21 and 22 and between Lots 22 and 23. An easement shall be required on the west side of Lot 23 to benefit the abutter.
44. The applicant should discuss how they plan to divert off-site drainage from the north for Lots 21, 22 and 23.
45. Define Portland Water District easement on the plan.

#### **Wyoming Avenue Plan and Profile**

46. Lots shall be numbered to be consistent with subdivision plat.
47. Wetland area shall be clarified based on peer review.
48. Easement for culvert shall be defined on plan.
49. Monument shall be shown on plan.

#### **Wyoming Avenue Detail Sheet**

- ~~50. Curb detail shall be revised to show 7" curb reveal.~~
51. A construction detail for the masonry block wall shall be required.

#### **Wyoming Avenue Lot Grading**

52. An easement shall be required on Lot 29 for benefit of Lot 28 to use culvert.
53. Private easements are required for Lot 25 and 30 to benefit abutters.
54. Show and define 30 ft. drainage easement for culvert.
55. A note shall be added to the plan that states the development of Wyoming Street, the block wall and the lot grading shall not create any ponding between abutters property and Lot 25.

As mentioned above, many of these comments are redundant. All plans shall be consistent with one another. If you have any questions, please do not hesitate to contact me at 874-8901.

Sincerely,

A handwritten signature in cursive script that reads "Kandice Talbot".

Kandice Talbot  
Planner

cc: Alex Jaegerman, Chief Planner  
Penny Littell, Associate Corporation Counsel  
Tony Lombardo, Project Engineer  
Jim Wendel, Development Review Coordinator

The Pines file

8/22/99  
Portland ~~Press~~  
Sunday Telegram

**MA**  
**MULKERIN ASSOCIATES**  
772-2127  
mulkerinassoc@mainehomes.net  
www.mainehomes.net



**THE PINES OF NORTH DEERING**  
12:30-2:00. A sophisticated new neighborhood with turn of the 20th Century charm and 21st Century amenities. New homes to be built surrounded by acres of open space. Come visit our beautiful model home presently under construction featuring a fabulous floor plan, hardwood floors, striking window placements and situated on 1/2 acre with fantastic views. Prices starting at \$199,800. DIR: Allen Ave Ext. towards Falmouth, right on Virginia St., follow signs. 772-2127, 791-0166, 791-0163. Special financing by John Jordan of First Financial Mortgage.

Randi  
E-LF  
Joe

CITY OF PORTLAND, MAINE  
M E M O R A N D U M

**TO:** Joseph E. Gray Jr., Director of Planning and Urban Development

**FROM:** Charles A. Lane, Associate Corporation Counsel  
Ext. 8480

**DATE:** November 18, 1999

**RE:** David Dargie, et al. v. Planing Board, et al.

Pursuant to your request, I enclose herewith a copy of the complaint filed on the above captioned matter.

Sincerely,



Charles A. Lane  
Associate Corporation Counsel

cc: Alex Jaegerman, Chief Planner

Enclosures  
mmo/pines.mmo

STATE OF MAINE  
CUMBERLAND, ss.

SUPERIOR COURT  
CIVIL ACTION  
DOCKET NO. \_\_\_\_\_

DAVID DARGIE, SUZANNE DARGIE, )  
and JOHN S. RUDD, )  
 )  
Plaintiffs )

v. )

COMPLAINT (RULE 80B)

PLANNING BOARD, CITY OF )  
PORTLAND, and PINES OF PORTLAND, )  
INC., )  
 )  
Defendants )

1. David and Suzanne Dargie are residents of the Town of Falmouth, County of Cumberland, Maine (the "Dargies").
2. John Rudd is a resident of the Town of Falmouth, County of Cumberland, Maine ("Rudd").
3. The Planning Board of the City of Portland is an administrative agency of the City of Portland, a municipal corporation with a principal place of business in Portland, County of Cumberland, Maine.
4. The Pines of Portland, Inc., is, on information and belief, a Maine corporation with a principal place of business in Portland, County of Cumberland, Maine ("Pines").
5. Pines has been in the process of developing certain property located on the border between the Town of Falmouth and the City of Portland, a development known as "the Pines."
6. The residence and real property owned by the Dargies abuts the development.
7. The residence and real property owned by Rudd is within 500 feet of the development.



8. Pursuant to the ordinances of the City of Portland, the Dargies and Rudd were entitled to notice and to participate in the Planning Board proceedings by the developer seeking approval of the Pines development.

9. The Dargies and Rudd did participate in the Planning Board proceedings, filing written submissions and actively participating in the hearings themselves.

10. On or about October 12, 1999, the Planning Board approved the Pines development.

11. The Board's approval was contrary to state and federal statutes, contrary to the governing ordinances of the City of Portland, was not based on substantial evidence, and was arbitrary and capricious.

12. Among the procedural errors involved in the approval were the failures to give Rudd notice of the Planning Board proceedings and dates of hearing, and the failure to give the Dargies and Rudd written notice of the Board's decision, as required under Portland Ordinance §§ 14-27(c) and 32(a)(2).

13. Further, pursuant to 38 M.R.S.A. § 4403(4) and Ordinance § 14-495(b), the Board was required to hold a public hearing on the Pines after the Board made a written determination that the Pines' application was complete.

14. The plan approved by the Board at the October 12 hearing was not complete, among other things, because the plan presented by the developer, and upon which public comments were made at the hearing, was admitted at the hearing to not accurately represent the wetlands delineation and therefore likely require subsequent revision of the location of streets and building lots.

15. The Board purported to give the Pines conditional approval, subject to review of certain issues by the Department of Environmental Protection, despite the fact that Ordinance § 14-30(5) provides that subdivision plans can only be either approved or disapproved, and conditional approval is not allowed.

16. There has been no determination by the Board that the developer's plan is complete, and no final plan has been presented to the Board, and thus, the approval given by the Board should be rendered void, the Plaintiffs and public never having had an opportunity to comment on the final plan.

17. The above represents not only technical non-compliance with statute and ordinance, but a deprivation of Plaintiffs' due process rights, both substantive and procedural.

18. The Board approved the Pines' subdivision plan despite numerous substantive deficiencies.

19. Most glaringly, a peer review of the developer's wetlands delineation resulted in a letter by the peer reviewer indicating that the wetlands line running through Lots 19, 15, and 13 of the Plan to Subdivision, and elsewhere in the subdivision, was as much as 100 feet in error.

20. The developer represented to the Board the developer had corrected its wetlands delineation, but no such corrective delineation was submitted to the Board at the hearing. Consequently, the Board approved a subdivision plan containing numerous lots that should not be and cannot be built on or around that should not be built, if the wetlands laws are enforced.

21. The wetlands surrounding and in the Pines constitute "wetlands of special significance" under Chapter 310.4(a)(5) of the DEP Regulations. Except in the rarest of circumstances, such wetlands simply cannot be filled or built upon, yet, despite the peer review

mandated by the Board itself, the Board approved a plan calling for subdivision lots and roads to be built on the wetlands of special significance.

22. In addition, the Board approved a plan which failed to adequately deal with drainage issues and sheet flow, particularly from the southeast portion of the planned development, where Lots 13 through 19 are located.

23. The Plan essentially calls for the wetlands in and around the project to be used for sheet flow and catch basins for storm water run-off from the project, in further violation of wetlands and storm water laws.

24. The Board and the developer have ignored the requirements for obtaining a storm water management permit pursuant to 38 M.R.S.A. § 420-D and DEP Rules Ch. 500.

25. This is in addition to the abject failure of the Pines or the Board to obtain identification and adequate location of all wetlands, regardless of size, as required under Portland Ordinance § 14-497(a)(14).

26. In addition, the Applicant failed to identify all stream boundaries on the project site and abutting properties as required under Ordinance § 14-497(a)(15).

27. Once a proper wetland delineation is performed, the delineation will render several lots unbuildable and require relocation of portions of several roads, as well as trigger major storm water run-off revisions and plans. Indeed, the developer has already been informed by the DEP that certain hammerheads at the end of certain roads must be relocated, thus necessitating a change in the Plan.

28. Under these circumstances, the Board had no business granting any approval at all to the proposed development.

29. Ordinance §§ 14-497(a)(1) and (11) require that approval only be given when the developer shows that the developer's plan is in conformity with the state and federal laws, including wetlands and storm water permitting requirements.

30. Despite the advice of the City of Portland Development Review Coordinator, stating that the Board should not proceed without first obtaining wetland permits from the DEP and then reviewing the substantial modifications that will inevitably have to be made to the Plan, the Board nevertheless went ahead and approved the Plan in violation of its own ordinances.

31. As to storm water, the Pines developer failed to submit information concerning limits on the use of buffers, drainage easement requirements and perpetual maintenance of storm water improvements. There is little or no information concerning peak flow, channel limits and run-off areas, detention basins, maintenance, easements, covenants, buffers and discharge to fresh water or coastal wetlands as required under DEP Rule Ch. 500. There is, in effect, no drainage plan for the southern half of the site.

32. Finally, the Board determined that the developer did not need to obtain a site location permit under 38 M.R.S.A. § 482(5). This too was an error of fact and law.

33. 38 M.R.S.A. § 482(5) requires a permit for any subdivision of 15 or more single-family residential lots in a development if there is an aggregate land area of 30 or more acres.

34. The Pines' Subdivision consists of 31.60 acres and 30 residences.

35. The Board determined that because Lots 25 through 30 of the proposed Subdivision were separated by a public street that it could regard the project as two separate developments.

36. The gravamen of the site location law, however, is whether the lots, treated altogether, "are all part of a common scheme of development." DEP Rule Ch. 371(L). It does not matter whether the lots are contiguous or non-contiguous.

37. The Pines' Application includes all 30 lots, the approval is for all 30 lots, and the development will be developed through a unified approach, unified ownership and management, will be developed through common equipment and labor, and will be developed through common financing.

38. The developer came into ownership of the property recently, with full knowledge of all of the provisions of the site location law, yet the developer and the Board have ignored the site location law.

39. Throughout the Planning Board hearings, both the developer and the Board engaged in a constant game of "hide the pea."

40. When deficiencies of one proposed plan were noted, the developer represented to the Planning Staff that the deficiencies had been taken care of through prior discussion with or submissions to the DEP.

41. In order to deal with the developer's reported failure to submit a complete application under the Ordinance, the Board came up with its "contingent approval" technique, which shunted environmental responsibilities plainly placed on the Board back to the DEP.

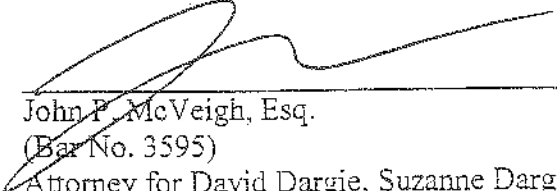
42. The problem with this technique is that, for example, the "permit by rule" procedure for NRPA permits within the DEP requires no public notice or public hearing. Thus, the Board's technique of contingent approval results in a sham public hearing and the public is never provided with a final procedural opportunity to comment on the real development.

43. Without a vigilant public, there is no oversight over the DEP to make sure the developer and the DEP itself are vigorously protecting the wetlands as required by law.

44. With a contingently-approved plan, the developer can claim to be making "minor changes" after DEP review, and further avoid public review.

WHEREFORE. The facts of this case, in which the Board approved a plan with an egregiously incorrect wetlands delineation, an error known to the Board, and which would seriously impact the entire development, together with the danger that such errors will not be subject to further public review, indicate why this Court should void the permit granted by the Board to the developer, and grant such other, further relief as the Court deems just.

Dated at Portland, Maine, this 10<sup>th</sup> day of November, 1999.

  
\_\_\_\_\_  
John P. McVeigh, Esq.

(Bar No. 3595)

Attorney for David Dargie, Suzanne Dargie, and  
John S. Rudd

Preti, Flaherty, Beliveau, Pachios & Haley, LLC  
One City Center  
P.O. Box 9546  
Portland, ME 04112-9546  
(207) 791-3000

JPM-1-DARGIE\COMPLAINT.doc

# COMPLAINT SUMMARY SHEET

Date Filed November 10, 1999



This summary sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by the Maine Rules of Court or by law. This form is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet and attaching the appropriate party to the appropriate count or counts.  
(SEE INSTRUCTIONS ON REVERSE)

(Note to Clerk: If this is not your court, do not enter this case)

<b>I. County of Filing / Jurisdiction: Cumberland</b>		
<b>II. CAUSE OF ACTION</b> (Cite the primary civil statutes under which you are filing, if any.)		Pro se plaintiffs: If unsure, leave blank.
Rule 80(B)		
<b>III. MOST DEFINITIVE NATURE OF ACTION.</b> (Place an X in one box only) Pro se plaintiffs: If unsure, leave blank.		
<b>GENERAL CIVIL (CV)</b>		
<b>Personal Injury Tort</b> <input type="checkbox"/> Property Negligence <input type="checkbox"/> Auto Negligence <input type="checkbox"/> Medical Malpractice <input type="checkbox"/> Product Liability <input type="checkbox"/> Assault/Battery <input type="checkbox"/> Prolitigation Screening <input type="checkbox"/> Domestic Torts <input type="checkbox"/> Other Negligence <input type="checkbox"/> Other Personal Injury Tort <b>Non-Personal Injury Tort</b> <input type="checkbox"/> Libel/Defamation <input type="checkbox"/> Auto Negligence <input type="checkbox"/> Other Negligence	<input type="checkbox"/> Other Non-Personal Injury Tort <b>Contract</b> <input type="checkbox"/> Contract <b>Declaratory/Equitable Relief</b> <input type="checkbox"/> General Injunctive Relief <input type="checkbox"/> Declaratory Judgment <b>Constitutional/Civil Rights</b> <input type="checkbox"/> Constitutional/Civil Rights <b>Statutory Actions</b> <input type="checkbox"/> Unfair Trade Practices <input type="checkbox"/> Freedom of Access <b>Miscellaneous Civil</b> <input type="checkbox"/> Drug Forfeitures <input type="checkbox"/> Other Forfeitures/Property Libels	<input type="checkbox"/> Land Use Enforcement (80K) <input type="checkbox"/> HIV Testing <input type="checkbox"/> Arbitration Awards <input type="checkbox"/> Appointment of Receiver <input type="checkbox"/> Shareholders' Derivative Actions <input type="checkbox"/> Foreign Deposition <input type="checkbox"/> Pre-action Discovery <input type="checkbox"/> Common Law Habeas Corpus <input type="checkbox"/> Prisoner Transfers <input type="checkbox"/> Foreign Judgments <input type="checkbox"/> Minor Settlements <input type="checkbox"/> Other Civil
<b>FAMILY MATTERS (FM)</b>		
<b>Domestic Relations</b> <input type="checkbox"/> Divorce <input type="checkbox"/> Judicial Separation <input type="checkbox"/> Register Foreign Judgment <input type="checkbox"/> Support <input type="checkbox"/> Parental Rights/Responsibilities <input type="checkbox"/> Non DHS Term. Parental Rights <input type="checkbox"/> Grandparents Rights <input type="checkbox"/> Other Marriage Dissolution <input type="checkbox"/> Other Domestic Relations	<b>Paternity</b> <input type="checkbox"/> Paternity <input type="checkbox"/> DHS Administrative Paternity <b>Mental Health Actions</b> <input type="checkbox"/> Emergency Commitment <input type="checkbox"/> Involuntary Hospitalization <input type="checkbox"/> Judicial Certification <input type="checkbox"/> Petition for Modified Release <input type="checkbox"/> Petition for Release <input type="checkbox"/> Sterilization	<b>URESА/UIFSA</b> <input type="checkbox"/> URESА/UIFSA <input type="checkbox"/> Register Foreign Judgment <b>Child Protective Custody</b> <input type="checkbox"/> DHS Protective Custody <input type="checkbox"/> Non-DHS Protective Custody <b>Miscellaneous Family Matters</b> <input type="checkbox"/> Other Family Matters
<b>SPECIAL ACTIONS (SA)</b>		
<b>Money Judgments</b> <input type="checkbox"/> Money Judgments <b>Forcible Entry &amp; Detainer</b> <input type="checkbox"/> Forcible Entry & Detainer	<b>Emancipation</b> <input type="checkbox"/> Emancipation <b>Protection Actions</b> <input type="checkbox"/> Protection from Abuse <input type="checkbox"/> Protection from Harassment	<b>Misc. Special Actions</b> <input type="checkbox"/> Marriage Waiver <input type="checkbox"/> Consent to Abortion <input type="checkbox"/> Other Special Actions
<b>REAL ESTATE (RE)</b>		
<b>Title Actions</b> <input type="checkbox"/> Quite Title <input type="checkbox"/> Eminent Domain <input type="checkbox"/> Easements <input type="checkbox"/> Boundaries	<b>Foreclosures</b> <input type="checkbox"/> Foreclosure <b>Trespass</b> <input type="checkbox"/> Trespass	<b>Misc. Real Estate</b> <input type="checkbox"/> Equitable Remedies <input type="checkbox"/> Mechanics Liens <input type="checkbox"/> Partition <input type="checkbox"/> Adverse Possession <input type="checkbox"/> Prescriptive Easements <input type="checkbox"/> Nuisance <input type="checkbox"/> Abandoned Roads <input type="checkbox"/> Other Real Estate
<b>SMALL CLAIMS (SC)</b>		
<input type="checkbox"/> Original Action	<input type="checkbox"/> Disclosures	
<b>APPEALS (AP) (To be filed in Superior Court)</b>		
<input type="checkbox"/> Governmental Body (80C)	<input checked="" type="checkbox"/> Administrative Agency (80B)	<input type="checkbox"/> Other Appeals

IV.  TITLE TO REAL ESTATE IS INVOLVED

IV-D CASE

V. NATURE OF FILING

Original Proceeding

Reinstated or Reopened and original Docket Number \_\_\_\_\_

VI. (a) PLAINTIFFS (Name & Address including county)

Check here if all counts apply to all plaintiffs.  
OR Match the Counts to the plaintiffs.

David Dargie and Suzanne Dargie  
9 Charlotte Dr.  
Falmouth, Cumberland County, ME 04105

John S. Rudd  
13 Charlotte Dr.  
Falmouth, Cumberland County, ME 04105

(b) Attorneys (Name, Bar number, Firm name, Address, Telephone Number)  
(If known) (If Pro se plaintiff, leave blank)

If all counsel listed do NOT represent all plaintiffs  
specify who the listed attorney(s) represent.

John P. McVeigh, Esq.  
Preti, Flaherty, Beliveau, Pachios & Haley, LLC  
One City Center  
P.O. Box 9546  
Portland, ME 04112-9546  
(207) 791-3000

VII. (a) DEFENDANTS (Name & Address including county)

Check here if all counts apply to all defendants  
OR Match the Counts to the defendant(s).

Planning Board, City of Portland  
City Hall, 4<sup>th</sup> Floor  
389 Congress Street  
Portland, Cumberland County, ME 04101

Pines of Portland, Inc.  
426 Forest Avenue  
Portland, Cumberland County, ME 04101

(b) Attorneys (Name, Bar number, Firm name, Address, Telephone Number)  
(If known)

If all counsel listed do NOT represent all defendants  
specify who the listed attorney(s) represent.

Corporation Counsel  
City of Portland  
City Hall  
389 Congress Street  
Portland, ME 04101

John Bannon, Esq.  
Murray Plumb & Murray  
75 Pearl Street  
Portland, ME 04101

VIII. RELATED CASE(S) IF ANY \_\_\_\_\_

Judge/Justice \_\_\_\_\_

Docket Number \_\_\_\_\_

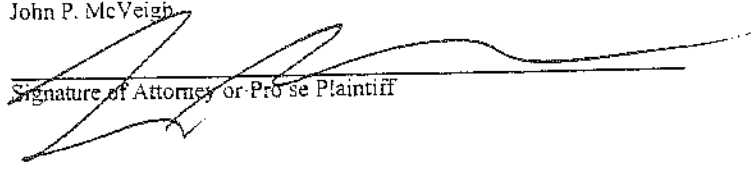
Date:

11/10/99

Name of Lead Attorney of Record or Pro Se Plaintiff

John P. McVeigh

Signature of Attorney or Pro se Plaintiff



cc:



STATE OF MAINE

SUPERIOR COURT  
Cumberland ss.  
Docket No. AP99-103

DAVID DARGIE, ETAL

NOTICE AND BRIEFING SCHEDULE

v.

- 80B Appeal of Governmental Actions
- 80C Appeal of Final Agency Actions
- 76G Appeal of District Court Civil Action

PLANNING BOARD, CITY OF PORTLAND,  
ETAL

An appeal has been filed. Pursuant to the Maine Rules of Civil Procedure, the briefing schedule for the appeal in this Court is as follows:

**80B Appeal of Governmental Actions**  
 The plaintiff's brief is due 40 days after 11-10-99 (DUE 12-20-99), which is the date on which the complaint was filed in this Court. Unless otherwise required by statute, it is the plaintiff's responsibility to submit the record of the proceedings on or before the date that the plaintiff's brief is filed.

The defendant's brief is due 30 days after service of the brief by the plaintiff.

The plaintiff has 14 days after service of the brief by defendant to file a reply brief.

**80C Appeal of Final Agency Actions**  
 The petitioner's brief is due 40 days after \_\_\_\_\_, which is the date on which the state agency record was filed in this Court.

The respondent's brief is due 30 days after service of the brief by the petitioner.

The petitioner has 14 days after service of the brief by respondent to file a reply brief.

**76G Appeal of District Court Civil Action**  
 The appellant's brief is due 40 days after \_\_\_\_\_, which is the date on which the District Court Record was filed in this Court.

The appellee's brief is due 30 days after service of the brief by the appellant.

The appellant shall have 14 days after service of the brief by appellee to file a reply brief.

\*\*\*\*\*

A timely motion under the Maine Rules of Civil Procedure may suspend running of these time limits.

**FAILURE OF PETITIONER/PLAINTIFF/APPELLANT TO COMPLY WITH THESE REQUIREMENTS WILL RESULT IN DISMISSAL OF THIS APPEAL.**

Failure of respondent/defendant/appellee to comply with these requirements may forfeit the right to be heard at oral argument.

Unless the court otherwise directs, all appeals will be in order for oral argument 20 days after the date on which the responding party's brief is due or is filed, whichever is earlier. The parties may, by agreement, waive hearing and submit the matter for decision on the record and the briefs. The clerk of court will schedule oral argument for the first appropriate date after the appeal is in order for hearing.

Date: 11-12-99

cc: John McVeigh, Esq  
City of Portland/Pines of Portland Inc.  
CV-161, Rev. 09/97

*Paul L. Andrews*  
Admin. Clerk

OCT 22 1999

Planning & Urban Development



Joseph E. Gray Jr.  
Director

## CITY OF PORTLAND

October 18, 1999

John Rudd, Esq.  
Preti, Flaherty, Beliveau, Pachios and Haley  
One City Center  
P.O. Box 9546  
Portland, Maine 04112-9546

Re: The Pines Subdivision

Dear Attorney Rudd:

Thank you for your letter of October 15, 1999 relating to the Portland Planning Board's approval of the subdivision known as The Pines. As you know, the subdivision approved by the Planning Board on October 12, 1999 was subject to certain and very specific conditions, one of which was that no construction could commence absent documentation establishing receipt of the requisite approvals from the DEP, including NRPA approvals. As a result, at this juncture, there is no need for a "rescission" or "withdrawal" of the Planning Board's granted approval since no work may begin in the absence of such documentation (among other things). Should DEP review require modifications to this subdivision, the developer will need to present a modified subdivision plan to the Planning Board for its review and approval.

Be assured that no work shall commence in conjunction with this subdivision until all conditions of approval are fully satisfied.

Thank you for your interest in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Joseph E. Gray".

Joseph E. Gray  
Director of Planning and Urban Development

cc: Kandi Talbot, Planner  
Penny Littel, Associate Corporation Counsel



**CITY OF PORTLAND**

October 18, 1999

John Rudd, Esq.  
Preti, Flaherty, Belivcau, Pachios and Haley  
One City Center  
P.O. Box 9546  
Portland, Maine 04112-9546

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Sincerely,

A handwritten signature in cursive script that reads "Joseph E. Gray".

Joseph E. Gray  
Director of Planning and Urban Development

cc: Kandi Talbot, Planner  
Penny Littel, Associate Corporation Counsel



**CITY OF PORTLAND**

August 2, 2000

Mr. David Dargie, P.E.  
9 Charlotte Drive  
Falmouth, ME 04105

RE: The Pines of Portland

Mr. Dargie:

On May 23, 2000, the Portland Planning Board approved the revision to Lot 24 of The Pines Subdivision. At that time a condition of approval was that the wetland delineation for Lot 24A and 24B be clarified and if needed, building envelope be relocated.

A peer review for the wetland on Lot 24 has been scheduled for sometime next week. Once that is completed, I will forward you all copies associated with the peer review.

In the meantime, if you have any questions, please do not hesitate to contact Kandice Talbot, Planner at 874-8901.

Sincerely,

A handwritten signature in cursive script that reads "Joseph E. Gray, Jr.".

Joseph E. Gray, Jr.  
Director of Planning and Urban Development

CC: Alex Jaegerman, Chief Planner  
Kandice Talbot, Planner

Zoning Division  
Marge Schmuckal  
Zoning Administrator



Department of Urban Development  
Joseph E. Gray, Jr.  
Director

## CITY OF PORTLAND

Amy Mulkerin & Greg McCormack  
C/O Pines of Portland, Inc.  
426 Forest Avenue  
Portland, ME 04101

February 11, 2000

RE: 93 Kansas Avenue (lot #20) - 404-C-016 - R-3 Zone

Dear Amy,

On January 27, 2000 this office issued a building permit for a single family dwelling at 93 Kansas Avenue. Since then the City has learned that the Planning Board's approval of the subdivision has been appealed to the Superior Court of Maine. Please note that any construction work is being done at the owner/contractor's own risk pending the outcome of the court action.

If you have any questions regarding this matter, please do not hesitate to contact me at 874-8695.

Very truly yours,

Marge Schmuckal  
Zoning Administrator

cc: Joseph Gray, Jr., Dir. of Planning & Urban Dev.  
Alex Jaegerman, Chief Planner  
Kandi Talbot, Planner  
Penny Littell, Corporation Counsel

Pines at Portland Inc Tel: 772-2217 Amy & Greg										
PINES SUBDIV			PLAN DIST: #7			St code # 1359 Penn Ave				
(PINES)			NEIGHBORHOOD #104			NORTH DEERING ZONE R3				
<b>SELLER</b>	REVISED 4/1/01									
<b>NEW</b>	PINES1 REDIVISION AS OF 4/1/99 FY/00									
<b>Plan</b>	proposed not final !!!!!!!							<b>BLD</b>		
<b>lot#</b>	<b>Act NO</b>	<b>CHT</b>	<b>BL</b>	<b>LOT</b>	<b>ST #S</b>	<b>Lot SF</b>	<b>#</b>			
(PINES phase1 Penn Ave)										
1	M72888	-00	405	A	C	27	13,500	80	Penn Ave	
2	M72889	-00	405	A	C	30	16,500	86	Penn Ave	
3	M72890	-00	405	A	C	32	24,000	92	Penn Ave	
4	M72891	-00	405	A	F	13	12,000	91	Penn Ave	
5	M72892	-00	405	A	F	11	7,500	85	Penn Ave	
6	M72878	-00	405	A	F	8	7,500	79	Penn Ave	
(PINES phase2 @ Liberty Way)										
7			405	A	D	1		116	Penn Ave	
8			405	A	D	16		124	Penn Ave	
9			405	A	D	4		36	Liberty Way	
10			405	A	DD	10		39	Liberty Way	
11			405	A	DD	22		29	Liberty Way	
12	DRAINAGE		404		L	1	AND 405A-B-1			
13			405	A	G	1		115	Penn Ave	
14			405	A	G	4		123	Penn Ave	
15			405	A	G	16		8	Liberty Way	
16			405	A	GG	10		17	Liberty Way	
17			405	A	GG	22		7	Liberty Way	
18			405	A	K	11				
19			405	A	K	1				
(PINES @ Kansas)										
20			404		C	16		93	Kansas Ave	
21			399		D	14	AND 404-B-14	94	Kansas Ave	
22			399		D	11	AND 404-B-11	88	Kansas Ave	
23			399		D	8	AND 404-B-8	82	Kansas Ave	
(PINES @ Wyoming)										
24			?	?	?	?			?	
25			400		A	44	12,000	46	Wyoming Ave	
26			400		A	20	24,000	36	Wyoming Ave	
27			400		A	39	9,000	32	Wyoming Ave	
28			400		B	12	9,000	31	Wyoming Ave	
29			400		B	15	27,000	35	Wyoming Ave	
30			400		B	18	18,000	45	Wyoming Ave	



**CITY OF PORTLAND**

November 22, 1999

Greg McCormack  
Amy Mulkerin  
Pines of Portland, Inc.  
Forest Avenue  
Portland, ME 04102

RE: The Pines

Dear Greg and Amy:

After reviewing the revised plans submitted on November 17th for the Pines Subdivision, the following items are required:

- i. The developer shall place \$15,000 in an interest bearing escrow account to be maintained by the City of Portland.
- ii. Documentation from DEP shall be submitted which states that NRPA Approval has been obtained.
- iii. The plans shall be revised in accordance with Tony Lombardo's memo, dated November 18th, regarding connection of foundation drains and snow plow turnarounds. (This memo was faxed to you on November 19th, if you did not receive it please let me know.)
- iv. Note 24 on the overall subdivision plan shall be revised to state "Lot 24 will not be developed until further review and approval by the Planning Board of requisite public improvements so as to render the remaining portion of Lot 24 as a marketable lot."
- v. On the recording plat the following note shall be added:

Note 25: Phases I and II of this subdivision project, have been approved by the Planning Board as sectional recordings pursuant to Portland City Code section 14-495(h). After appropriate filing of the master plan and the Phase I recording plat in the Cumberland County Registry of Deeds, Phase I shall be constructed as the initial phase of the project, while Phase II, comprising lots #12, 18 and 19 shall not be sold, conveyed, built upon nor constructed unless and until the Phase II recording plat has been timely filed in the Cumberland Count Registry of Deeds pursuant to Portland City Code section 14-495(h).

O:\PLAN\DEVREVW\IRGPEN\LETTERS\MULKERIN.JMD

Lots 12, 18 and 19 shall be conspicuously labeled, as follows: "This lot has NOT been finally approved for recording, building nor conveyance. See Note 25."

Steve Bushey has reviewed the plans and has no further comments. As mentioned in our telephone conversation on Friday, once the plans have been revised and are complete, the signed subdivision plats can be released and recorded provided a performance guarantee for the entire Section I of the Sectional Recording is received. Section I includes the previously approved Lots 1 through 6, proposed lots 7 through 11, 13 through 17, 20 through 23, 25 through 30, common open space and the residual (future development parcel) Lot 24.

If you have any questions, please do not hesitate to contact me at 874-8901.

Sincerely,



Kandice Talbot  
Planner





DeLUCA-HOFFMAN ASSOCIATES, INC.  
CONSULTING ENGINEERS

778 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

August 21, 2000

Ms. Kandi Talbot  
Planning Dept.  
City of Portland  
389 Congress Street  
Portland, ME 04101

**RE: The Pines  
Wetland Review – Lot 24 Kansas Ave.**


Dear Kandi:

I have received the attached letter from Jim Logan and also, revised plans from Pinkham & Greer for Lot 24 of the Pines. I trust this satisfies the condition for a peer review of the sites wetland conditions.

If you have any questions, please call.

Sincerely,

DeLUCA-HOFFMAN ASSOCIATES, INC.



Stephen R. Bushey, P.E.  
Senior Engineer

SRB/ajs/JN1350.10/Talbot8-18

Enclosure

c: Amy Mulkern  
Alan Burnell  
Alex Jaegerman  
Penny Littell



170 U.S. Route One  
Falmouth, Maine 04105  
Tel: 207.781.5242  
Fax: 207.781.4245

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## MEMORANDUM

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TO: Steve Bushey

FROM: Alan Burnell

DATE: August 9, 2000

RE: Kansas Road

FILE: 98113

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Steve, please accept my apology for missing the site visit on Tuesday. I met afterward with Greg McCormack and we discussed your review. Subsequently I re-located the wetland flags with the GPS unit and have transferred them to the enclosed plan. I have shaded the areas that changed. Because the drainage ditch that comes from the Falmouth side is more substantial than showed on the topographic plan we are also recommending that the house location be shifted. We will finalize these plans with the owners and provide copies to the City. Again, thank you for your assistance.

Alan Burnell  
CSS;LSE

Copy: A&G Associates

315' OF 4" SEWER PIPE  
INV AT HSE = 110' (ASSUMED)  
INV AT MAIN = 108'  
SLOPE = 1.65%  
SEE NOTE 6.

AREAS OF  
ADJUSTMENT  
432' 6" R/L  
NO IMPACT  
BUILDING S

NO CUT, WETLAND  
NO WORK TO  
WITHIN BUFFER  
SILT FENCE AT

145' OF 4" SEWER PIPE  
INV AT HSE = 160' (ASSUMED)  
INV AT MAIN = 103'  
SLOPE = 1.75%  
SEE NOTE 6.

SMH RIM = 80.8'  
INV = 98.3'

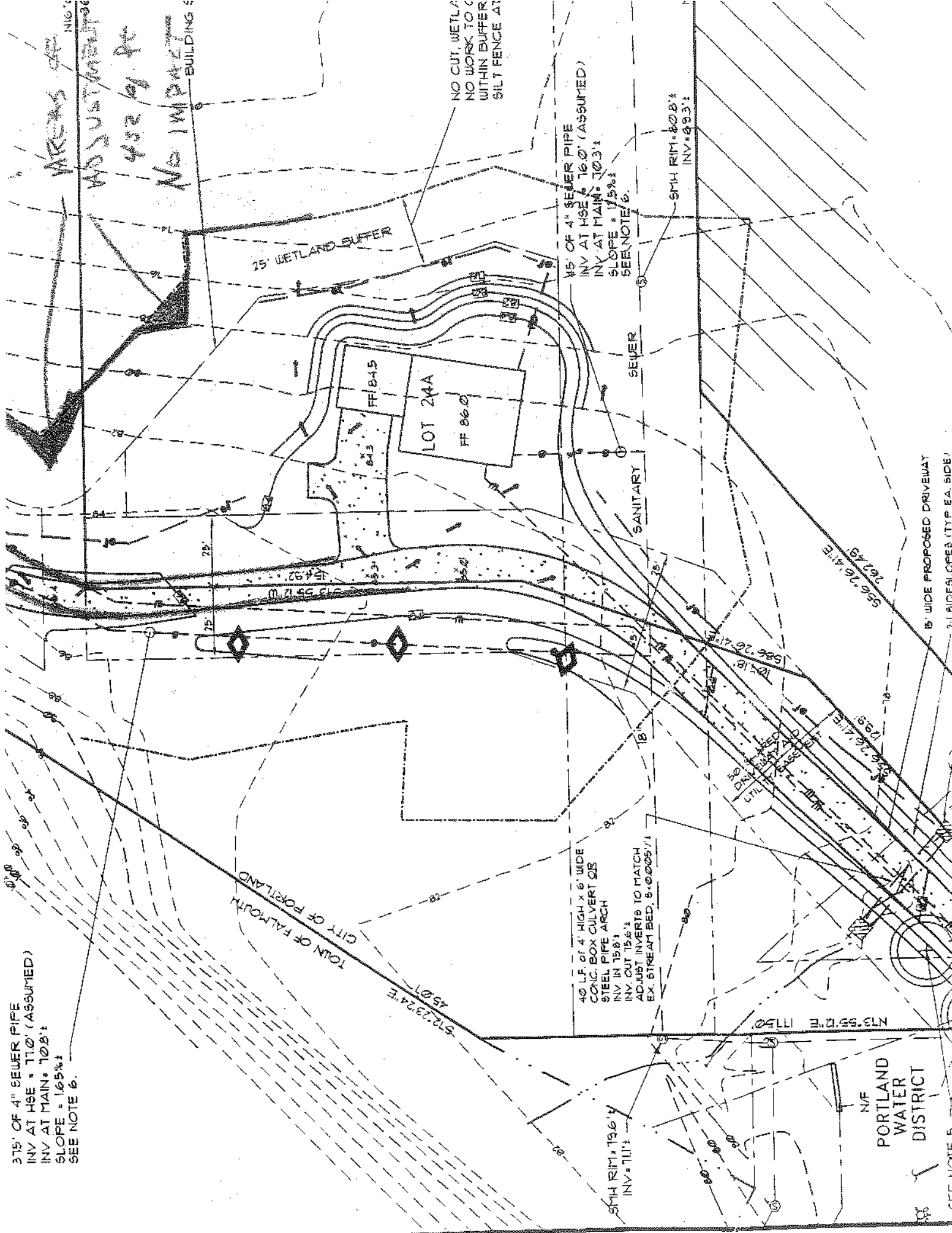
40' L.F. of 4' HIGH x 6' WIDE  
CONC. BOX CULVERT OR  
STEEL PIPE ARCH  
INV IN 15.8'  
INV. OUT 15.6'  
ADJUST INVERTS TO MATCH  
EX. STREAM BED. SLOPE 5.71%

SMH RIM = 196.4'  
INV = 111'

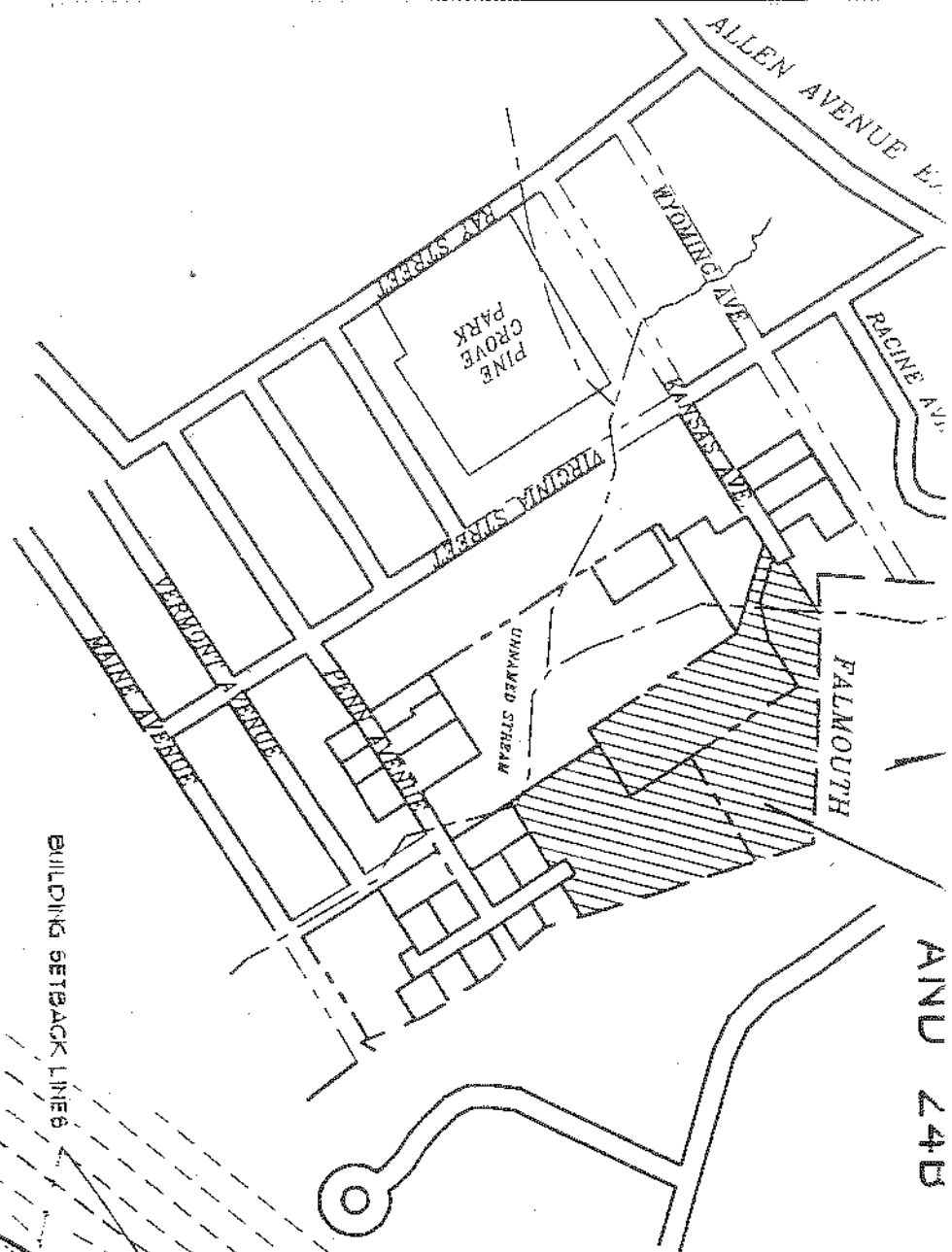
PORTLAND  
WATER  
DISTRICT

SEE NOTE 5

15' WIDE PROPOSED DRIVEWAY  
2:1 SIDESLOPES (TOP EA. SIDE)



AND 24B



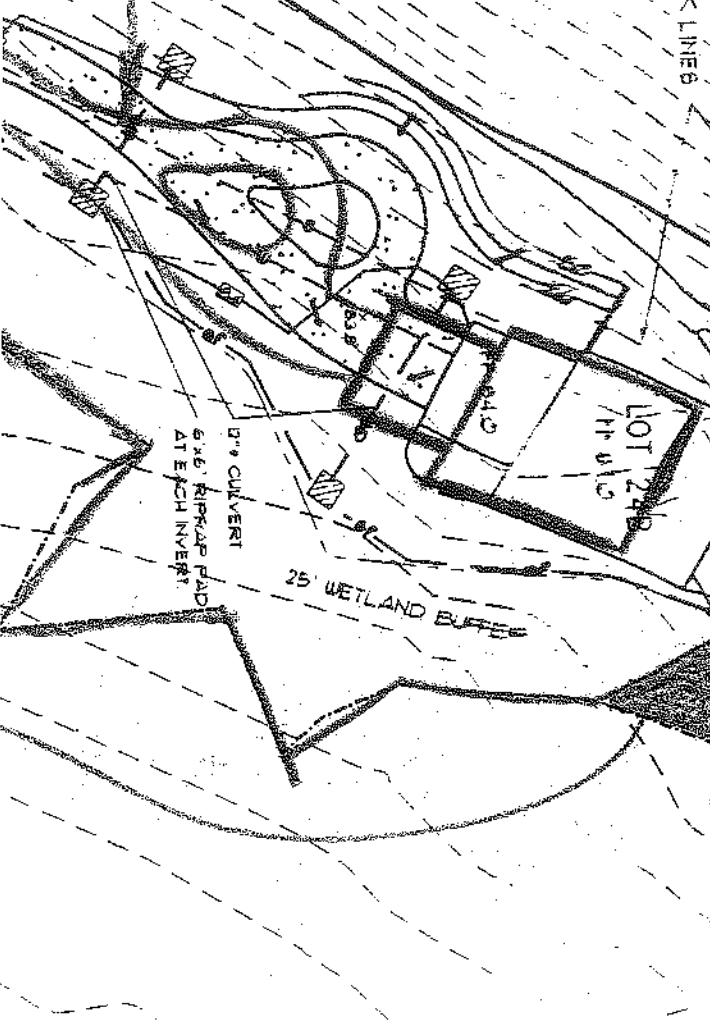
# LOCATION PLAN

BUILDING SETBACK LINES

DETAILED PLAN

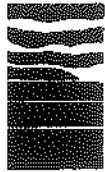
Red -  
 SOLE-STEP  
 THIBODEAU  
 N/F  
 WETLAND  
 ALIGNMENT

572°22'30"W  
36'02.36'



DEMOLITION  
 DITCH TO  
 BE RE-PAVED

530°35'32"E  
236.32'

**Albert Frick Associates, Inc.****Soil Scientists & Site Evaluators**95A County Road Gorham, Maine 04038  
(207) 839-5563 FAX (207) 839-5564Albert Frick SS, SE  
James Logan SS, SE  
Matthew Logan SE  
Brady Frick, SE

August 18, 2000

Mr. Steve Bushey  
DeLuca-Hoffman Associates, Inc.  
778 Main Street, Suite 8  
South Portland, ME 04106Re: Wetland delineation review for proposed Lot 24A/24B area, The Pines s  
subdivision, terminal end of Kansas Avenue, Portland

Dear Steve:

I met with you on the above-referenced project on August 8, 2000 to review, at the City's request, a portion of the wetland delineation prepared for the site by Pinkham & Greer Consulting Engineers, Inc.

I observed the portion of delineation directly adjacent to the area proposed for construction on Lot 24A & 24B, near the Portland/Falmouth boundary line. Flag numbers noted in the field were the 200 series (#202-218, then various numbers through the 300, 400 & 500 series) to a point beyond all proposed construction on the property. I was in agreement with the majority of the line as flagged, excepting one small area at the far end of site, where a small, scoured drainage way was observed, and which was not shown on the plan submitted for review.

I have since reviewed a fax copy of a revised wetland delineation plan prepared by Pinkham & Greer, showing the minor adjustments made on the basis of our review, with relocated proposed structures that conform to required setbacks.

It is my opinion that the revised plan represents that this portion of the wetland delineation was done in accordance with the U.S. Army Corp of Engineers Wetland Delineation Manual. I trust this will assist in the final review of the project. Please feel free to call should you have additional questions or matters for discussion regarding the site.

Sincerely,

  
James Logan



## CITY OF PORTLAND

October 10, 2000

Mr. and Mrs. David Dargie  
9 Charlotte Drive  
Falmouth ME 04105

Dear Mr. and Mrs. Dargie:

There are several issues the City would like to clarify regarding the numerous correspondences it has been receiving from you relative to the Pines subdivision.

- First, the developer, through its agents, has established that a pre-blast survey, consisting of an exterior inspection of your property, occurred on September 19, 2000. While the City has not been provided with a copy of a video recording of the inspection, you may be able to obtain the same from Becc, P.O. Box 257, 28 Ledgewood Drive, Yarmouth, Maine 04096.
- Next, the City's building inspector has been carefully monitoring the activity occurring at the Pines and is satisfied that the five foot buffer has not been significantly impacted by the work occurring on-site. While one tree and several stones on a stone wall have been displaced by blasting, the remaining vegetative buffer is intact. The City will require the developer to replant a tree of similar caliber to the one fallen; will require the stones to be replaced upon the wall; and will require the replanting of any ground cover disturbed.
- It did not appear to the City inspector that blasting was occurring within the drainage easement. However, there is no prohibition against such activity (except in the buffer area) as long as the easement continues to act as an appropriate drainage course.
- You appear to misunderstand the meaning a "building envelope". To clarify, a building envelope defines the area in which a structure may be built. That is not to say that the earth surface around the envelope may not be disturbed during construction. In fact, it would be impossible to pour a foundation at the limits of the building envelope if such disturbance were not allowed. Based upon recent inspections, the City is satisfied that, to date, no violation of the building envelope has occurred.

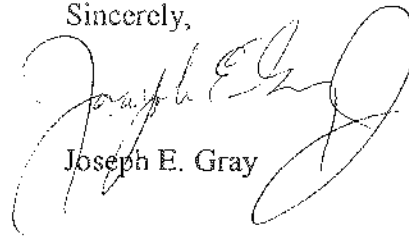
Mr. and Mrs. David Dargie

Page 2

October 10, 2000

- You complain that setbacks have been violated on lot 19 by the activity undertaken there to date. Since the foundation forms have not yet been set on lot 19, it is certainly premature to state that the developer has violated building setback requirements.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph E. Gray". The signature is stylized with large, sweeping loops and a prominent initial "J".

Joseph E. Gray

/njc

cc: Amy Mulkerin  
Alex Jaegerman  
Kandi Talbot

December 11, 2000

9 Charlotte Drive  
Falmouth, ME 04105

Directing Manager  
Becc Company  
P.O. Box 257  
28 LedgeWood Drive  
Yarmouth, ME 04096

**RE: Pre-Blast Survey  
The Pines of Portland/  
Pennsylvania Avenue Subdivision  
North Deering  
Portland, ME**

**Registered Mail**

Dear Sir:

We were recently advised by Mr. Joseph E. Gray of the city of Portland that your firm performed a pre-blast survey of our residence on September 19, 2000. Please be advised that we are deeply concerned with the manner in which this survey was conducted. According to Mr. Gray, only the exterior of our residence was surveyed. Only a small portion of our foundation is visible from the outside. It simply is not possible to view much of our foundation without entering the house. Yet, nearby neighbors who were previously surveyed by your firm have indicated that both the interiors and exteriors of their houses were surveyed. Why was the interior of our property excluded from the pre-blast survey? Who made this decision and on what basis?

Secondly, on September 19, 2000, both my wife and I were home for the majority of the day. Yet, we did not receive any prior notification that a pre-blast survey was to be performed on that date. No written correspondence was provided, no phone calls, and to the best of our knowledge, not even a knock on the door. Who authorized your firm to access our property without prior consent? What steps did your firm take to ensure you were authorized to access our property? Since blasting commenced on Lot #19 on that date, it is apparent that little or no effort was made by your firm to contact us, or to conduct a full and adequate survey.

In addition to answers to the above, please forward a complete copy of the pre-blast survey that your firm performed on our residence. Also, please provide me with a complete copy of the written regulations that your firm followed in completing this pre-blast survey. Of particular interest are the regulations that allow the inside of our structure to be excluded from the pre-blast survey.



For future reference, our property is not to be accessed without prior consent. Thank you for your assistance and I look forward to your expedient written response.

Sincerely,

  
David C. Dargie, P.E.

Enclosures

cc: J. Rudd, Esq.  
J. McVeigh, Esq.  
Mr. Joseph E. Gray, Portland ✓  
EEN

Rec- (12-11-09)

STATE OF MAINE  
CUMBERLAND, ss.

STATE OF MAINE  
CUMBERLAND, SS.  
CLERK'S OFFICE

DEC 29 2000  
SUPERIOR COURT  
CIVIL ACTION  
DOCKET NO. AP-99-103

Dec 27 4 03 PM '00

DAVID DARGIE, et al.,

Plaintiffs

vs.

DECISION AND ORDER

PLANNING BOARD,  
CITY OF PORTLAND, et al.,

Defendants

Plaintiffs David Dargie, Suzanne Dargie, and John Rudd seek review of a decision by the Portland Planning Board to approve a subdivision plan submitted by the Pines of Portland.

The plaintiffs are abutters who object to the environmental impacts of the proposed subdivision. They argue that the Planning Board (1) ignored a requirement that the developer submit a complete application prior to the public hearing, (2) unlawfully violated the City's zoning ordinance when it approved the subdivision with conditions, (3) ignored its obligations regarding storm water management, (4) unlawfully failed to require a site location permit, and (5) denied plaintiffs due process.

1. Completeness

On the issue of completeness, the record demonstrates that the subdivision application was originally filed on April 13, 1999 (Chronology, R. 1), that workshop sessions were held on the application on June 8, 1999, July 13, 1999, and September

28, 1999,<sup>1</sup> and that public hearings were held on August 10, 1999 and October 12, 1999.<sup>2</sup> The transcript of the August 10, 1999 hearing is difficult to decipher, but the outcome was that the application was tabled because the information submitted by the applicant was not yet complete. See comments by Planning Board members on transcript of tape 3 of the August 10, 1999 hearing.

At the subsequent public hearing on October 12, 1999, the question of whether the application had since been made complete was expressly raised by several of the Planning Board members, and they were informed by Planning Department staff that the application was now sufficient for purposes of Planning Board action. See Supplemental Record of 10/12/99 hearing filed by City of Portland at pages E-F, K-L, N-O. The Board ultimately found the application to be complete and approved it subject to a number of conditions.

The applicable statute, 30-A M.R.S.A. § 4403 (1996 & Supp. 2000), provides that within 30 days after receiving an application, a municipal reviewing authority shall notify an applicant in writing either that the application is complete or, if incomplete, the specific additional material needed for a complete application. Once the municipal authority has determined that an application is complete, it shall

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1 Partial transcripts of each of those sessions are contained in the transcript portion of the record. Many of those transcripts are fragmented and difficult to read. It appears possible that better transcripts could have been prepared, since the City of Portland filed its own transcript of a portion of the October 12, 1999 public hearing that is considerably more complete and understandable than the version filed by plaintiffs. See Supplemental Record filed with City's brief.

2 The first public hearing was originally scheduled for July 27, 1999 but was postponed due to a failure to give adequate notice.

notify the applicant and begin its full evaluation. § 4403(3)(B)&(C) (1996). The statute further provides that

[i]f a municipal reviewing authority decides to hold a public hearing on an application for subdivision approval, it shall hold the hearing within 30 days after determining that it has received a complete application.

§ 4403(4) (1996).

The corresponding provision of Portland's zoning ordinance provides as follows:

(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.

Portland Land Use Code § 14-495(b).

Thus, a public hearing is discretionary under the governing state statute, see Cunningham v. Kittery Planning Board, 400 A.2d 1070, 1078-79 (Me. 1979) (considering statutory predecessor of § 4403), but mandatory under § 14-495(b) of the City's ordinance. Neither provision, however, requires the procedure apparently envisioned by plaintiffs -- that after two public hearings devoted to both the completeness of a subdivision application and its merits and after a determination at the second public hearing that the application was in fact complete, the Planning

Board erred in not holding a third public meeting to allow opponents to restate their objections.

Read in context, § 4403 and § 14-495(b) require the municipality to notify the applicant either that an application is complete or what additional material needs to be supplied. Those provisions do not require that the public be given a formal determination of completeness before a public hearing can be scheduled. A municipality cannot delay the applicant beyond the time limits specifically set forth in §§ 4403(3)(B) and (4) and § 14-495(b), but it has the discretion to decide when an application is sufficiently complete to schedule a public hearing. Cf. Paladac Realty Trust v. Rockland Planning Commission, 541 A.2d 919, 922 (Me. 1988). The Planning Board scheduled a public hearing on August 10, 1999 but found the application to be incomplete at that time. The applicant thereafter submitted further information, and Mr. Dargie acknowledged on October 8 he had "reviewed [that] information in its entirety." (R. 340). Mr. Dargie still found the applicant's submissions to be inadequate and argued that position both in writing and orally at the hearing. R. 340-42; Tr. of 10/12/99 hearing at 7-12. The Planning Board found, however, that the application was complete and that it should be approved with conditions.

This is not to say that the plaintiffs have not scored some points on the issue of completeness. Although their contention that there was a significant amount of overlooked wetland was not borne out by DEP review, the DEP review process did result in a remapping of the wetland boundaries requiring revisions to Lot 18 and

19.<sup>3</sup> Even the final approved plan, after those revisions, still contains an acknowledged error with respect to Lot 15. Moreover, if the court were deciding the issue in the first instance, it might raise some questions as to whether it would have made sense to require further revisions rather than to approve the application with some 28 conditions.

However, the court is not empowered to substitute its judgment for that of the Planning Board. There is substantial evidence in the record to support the Board's finding of completeness. As noted above, plaintiffs did not prevail before the DEP on their most significant claim with respect to overlooked wetlands. Moreover, at the time the Planning Board acted there was support in the record for a finding that all the wetlands had been correctly mapped. (R. 271). Even if plaintiffs are given the benefit of hindsight on this issue (since their claim that the wetlands delineation was inaccurate was proven correct in part), the court concludes, upon review of the record, that the issues noted above with respect to Lots 18, 19, and 15 are not of sufficient significance to the subdivision plan as a whole to require a finding that the plan was incomplete. Moreover, since the opponents had already had an opportunity to point out all the alleged deficiencies they saw in the application, no purpose would have been served by limiting Board action on October 12, 1999 to a finding of completeness and thereafter scheduling a third public hearing to allow the opponents to state the very same objections they had already

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<sup>3</sup> This issue is discussed further below in connection with plaintiffs' due process claims.

made. Nothing in 30-A M.R.S.A. § 4403 or the City's Land Use Code required such a result.

2. Conditional Approval

Plaintiffs argue that the Planning Board did not have authority to approve a subdivision subject to conditions. Having reviewed the relevant provisions of the governing statutes and ordinance, the court concludes that 30-A M.R.S.A. § 4403(5)(C) (1996) and City Land Use Code § 14-495(d) authorize the kind of conditional approval issued in this case.

3. Stormwater

Plaintiffs contend that the Planning Board abdicated its responsibility to review the applicant's stormwater management plan under the authority delegated to the City pursuant to 38 M.R.S.A. § 420-D(7)(C) (Pamph. 2000). Ordinarily, stormwater permits must be obtained from the DEP, but DEP may exempt projects within a municipality if it finds that the applicable municipal ordinance meets or exceeds the statutory standards for stormwater management. See id. There is no dispute that the DEP has exempted the City of Portland under this provision and that the adequacy of the project's stormwater management provision was therefore an issue to be considered by the Planning Board.

Contrary to plaintiffs' argument that the Planning Board nevertheless "punted" the stormwater issue to the DEP, the final notice of approval issued by the Planning Board in the case made an express finding that the application was in conformance with the City's Subdivision Review Ordinance "which constitutes

stormwater permit under City delegated authority." (R. 364). There is also substantial evidence in the record that stormwater management had been properly addressed by the time of the Planning Board's October 12, 1999 approval. Indeed, the stormwater issue was prominent among the issues that the staff considered to have been incomplete at the time of the first public hearing in August. E.g., R. 71, ¶ 14, R. 72, ¶ 18, R. 121-22. Further stormwater information was submitted thereafter. E.g., R. 279-84, 292-99. The final staff report no longer considered the stormwater management plan to be inadequate but instead identified certain stormwater issues as to which the staff believed that conditions should be attached to any approval. R. 271. In the final analysis, the stormwater-related information submitted by the applicant (E.g., R. 14-19, 44-48, 190-93, 279-84, 292-94, 298-99; Supplemental Record at G-J) and the other information in the file constitute substantial evidence supporting the Board's determination that stormwater management had been adequately addressed by the applicant.

Notably, the City's Development Review Coordinator, although relatively new on the job as of the October 12, 1999 hearing, concluded based on the work of his predecessor and the controls to be incorporated by the applicant that post-development stormwater flows would be at or below pre-development levels. Supplemental Record, Tr. of 10/12/99 hearing at A. He noted that there were still some issues but ultimately concluded that, on the issue of stormwater, the conditions of approval that had been proposed were sufficient to meet the City's needs. Id. at L, O.



Plaintiffs argue that certain discussions at the Planning Board meeting demonstrate that the Board improperly delegated the stormwater management issue to the DEP. It is correct that the City's Development Review Coordinator discussed his belief at the October 12, 1999 hearing that the applicant would need DEP approval for the filling of certain wetlands and that the DEP might also have to issue an additional approval if it concluded that temporary ponding created by stormwater backing up at a culvert constituted the alteration of a wetland. Supplemental Record at A, C, D-E, L-M.<sup>4</sup>

It does not follow, however, from that discussion that the Planning Board improperly relied on DEP to fulfill the City's responsibility with respect to stormwater. The City's responsibility for stormwater permitting and the DEP's responsibility for wetlands permitting necessarily required action by both the DEP and the City. The City made DEP wetlands approval a condition of the City's subdivision approval. R. 364, ¶ 1(iii).<sup>5</sup> But as noted above, the City made a separate finding of compliance with respect to stormwater management, and there is substantial evidence to support that finding.

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<sup>4</sup> The applicant's engineer agreed that DEP review was necessary but did not think the temporary ponding would create a problem. Supplemental Record at H.

<sup>5</sup> The Dargie plaintiffs have separately appealed from the DEP's approval of the developer's wetlands permit in Dargie v. Maine Department of Environmental Protection, AP-00-006 (Superior Ct., Cumberland County). The record in that case demonstrates that the ponding issue was raised by DEP and addressed by the applicant. (See R. 2 ¶ 9, R.5 in AP-00-006). In issuing a permit to the applicant, the DEP necessarily concluded that the ponding issue did not preclude Tier 1 approval under 38 M.R.S.A. § 480-X (Pamph. 2000).

In this connection, it bears emphasis that several of the specific conditions attached to the Planning Board's approval related to stormwater. These include (1) a requirement that \$15,000 be placed in an interest bearing escrow account to resolve future drainage problems, (2) a requirement that the developer submit a report with respect to a pre-existing flooding problem experienced by certain residents on Virginia Street, (3) a requirement that the applicant comply with the drainage requirements set forth in an October 5, 1999 memorandum from the Department of Public Works (R. 297) and -- perhaps most importantly for purposes of this issue -- (4) a requirement that as Lots 13, 15, 18 and 19 were developed, provisions be taken to prevent increased rates of sheet flow over the Dargie property. See R. 364-65, ¶ 1 (ii), (v), (ix).<sup>6</sup> These conditions evidence the Planning Board's effort to meet the City's stormwater responsibilities and belie plaintiffs' argument that the Board attempted to foist those responsibilities on the DEP.

In the end, Mr. Dargie may be correct that a better method of stormwater management would be the creation of a detention basin (Tr. of 10/12/99 at 9), but the court is not entitled to substitute its own judgment (or Mr. Dargie's judgment) for the judgment of the Portland Planning Board.

#### 4. Site Location

Plaintiffs' argument that the subdivision needed a separate permit under the site location law is unavailing because the applicable statute provides that "lands

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<sup>6</sup> Plaintiffs note that condition (ix) is not noted on the subdivision plan, but the City of Portland's counsel agrees that this condition is nevertheless binding on the applicant. Nevertheless, to avoid any possible uncertainty, the plan should be revised pursuant to Land Use Code § 14-496(3) to remedy this omission.

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." 38 M.R.S.A. § 482(5) (Pamph. 2000). The parcels in this case are located on opposite sides of a public road established prior to 1970, so the site location law does not apply. This conclusion is consistent with an advisory opinion from DEP staff that is contained in the record. R. 161-63; Ex. B to Rule 80B Brief of defendant Pines of Portland.

5. Due Process

In elevating their unhappiness over the procedure employed by the Planning Board to a constitutional claim, plaintiffs fail to appreciate the nature of the Planning Board process when subdivision approvals are sought. See Cunningham v. Kittery Planning Board, 400 A.2d 1070, 1078-79 (Me. 1979), where the Law Court adopted the view that the purpose of a public hearing by a planning board is "to give the public an opportunity to present facts to the Planning Board for its consideration in reviewing the subdivision application and not for the purpose of adjudicating private rights."

Moreover, a significant portion of what plaintiffs have characterized as due process claims involve certain actions taken by the City after the Planning Board voted to conditionally approve the subdivision plan at its October 12, 1999 public hearing and after it sent the applicant notice of that approval with specified conditions on November 1, 1999. R. 364. Specifically, plaintiffs challenge the decision by the City planning staff -- after DEP approved the applicant's wetlands

permit -- to accept certain revisions in the subdivision plan without a further public hearing or substantive review by the Planning Board.<sup>7</sup> The City justifies this action because its Land Use Code § 14-496(3) permits the planning department to approve alterations to an approved recording plat without submitting them to the Planning Board when a) there is no increase in the number of lots, b) the change would not affect streets or easements, c) the modification satisfies all City regulations, and d) the public works authority and the fire department approve the change. The City contends that all necessary conditions for approval of alterations without going back to the Planning Board were met in this case -- although plaintiffs point out with some force that they had been promised in an October 18, 1999 letter from the Director of Planning (R. 363) that if DEP review required modifications to the subdivision, the developer would need to present a modified plan to the Planning Board for its review and approval.

This issue, however, is not before the court. Plaintiffs filed their Rule 80B complaint on November 12, 1999. That complaint sought review of the subdivision approval evidenced in the November 1, 1999 letter from the Planning Board. To the extent that plaintiffs wish judicial review of any agency action taken after November 12, 1999, plaintiffs neither filed a new Rule 80B action nor sought to file a

---

<sup>7</sup> Although DEP ultimately did not agree with plaintiffs that the drainage swale running through proposed lots 8, 14, and 15 constituted a wetland for purposes of § 480-X, DEP's inquiries on this issue caused the applicant to send out a new wetlands scientist to re-map the wetlands, and his analysis changed the wetlands boundary at proposed lot 19, which in turn resulted in revisions to both lot 19 and lot 18 on the subdivision plan. See R. 377; Dargie v. Maine Department of Environmental Protection, Docket No. AP-00-006 (Superior Ct., Cumberland County).

supplemental complaint in this action within 30 days of the agency action complained of. See M.R. Civ. P. 80B(b); Richardson v. Town of Kittery, 571 A.2d 1201, 1202-03 (Me. 1990). Since no timely judicial review was sought with respect to the post-November 1999 actions of the planning department staff, plaintiffs are not entitled to any relief with respect to those actions. Colby v. York County Commissioners, 442 A.2d 544, 546, 548-49 (Me. 1989). See Richardson v. Town of Kittery, 571 A.2d at 1202-03.

6. Loose Ends


As noted above, the approved plan (R. 374) contains an acknowledged error in that the wetlands boundary, after remapping, overlaps with the building envelope on proposed lot 15. Although the court understood counsel for the City at the hearing on the appeal to suggest that this problem should somehow be corrected by the court, the appropriate procedure for rectifying this problem appears to be the procedure for minor alterations in an approved plat that is set forth in Land Use Code § 14-496(3), as discussed above. In any event, no building permit can be issued for lot 15 until the problem is satisfactorily corrected.

In addition, the final mylar should be corrected to add condition (ix) from the November 1, 1999 notice of approval.

The entry shall be:

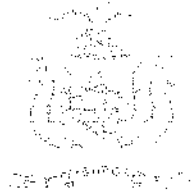
The Portland Planning Board's November 1, 1999 approval of the Pines subdivision is affirmed.

Dated: December 27, 2000

  
\_\_\_\_\_  
Thomas D. Warren  
Justice, Superior Court

Corporation Counsel

Gary C. Wood



**CITY OF PORTLAND**

Associate Counsel

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

December 29, 2000

Portland Planning Board  
City of Portland  
c/o City Hall  
389 Congress Street  
Portland ME 04101

Dear Planning Board Members:

Enclosed please find a copy of a decision of the Superior Court in the case of David Dargie, et al. v. Planning Board, City of Portland, et al. I am pleased that we prevailed on this complicated 80B appeal.

Sincerely,

Penny Littell  
Associate Corporation Counsel

PL:njc  
Enclosure

April 18, 2001

Kandi Talbot  
Planning Department  
City of Portland  
389 Congress Street  
Portland, Maine 04101

Re: Proposed Building Envelope Change; Lot 11 Pines

Dear Kandi:

As discussed, Pines of Portland, Inc. is seeking to change the building envelope, more particularly the right side line set back of Lot 11, to enable construction of a home compatible with established designs in our neighborhood.

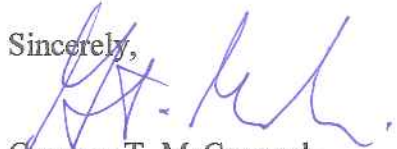
Originally a paper street existed on the right hand side of Lot 11. This necessitated a 20' set back per zoning regulations (shown on our Recorded Plans). On February 28, 2000, the paper street was vacated by order of the City Council. Additionally, a period of over (1) year has since past which forecloses any potential claims to the interest in the paper street.

Our title attorney, Mr. Chuck McLaughlin of Guaranty Title, has reviewed our proposal. No quiet title action is necessary. According to Attorney McLaughlin, we need only to present a revised plan for review and approval by the Director of Planning and Zoning under the deminimus change provision of our approval.

Could you please advise me at your earliest convenience as to the form of revised plan which would be required.

We would propose altering the original plan as recorded with a notation regarding the plan change in the note section. Thank you in advance for your help.

Sincerely,

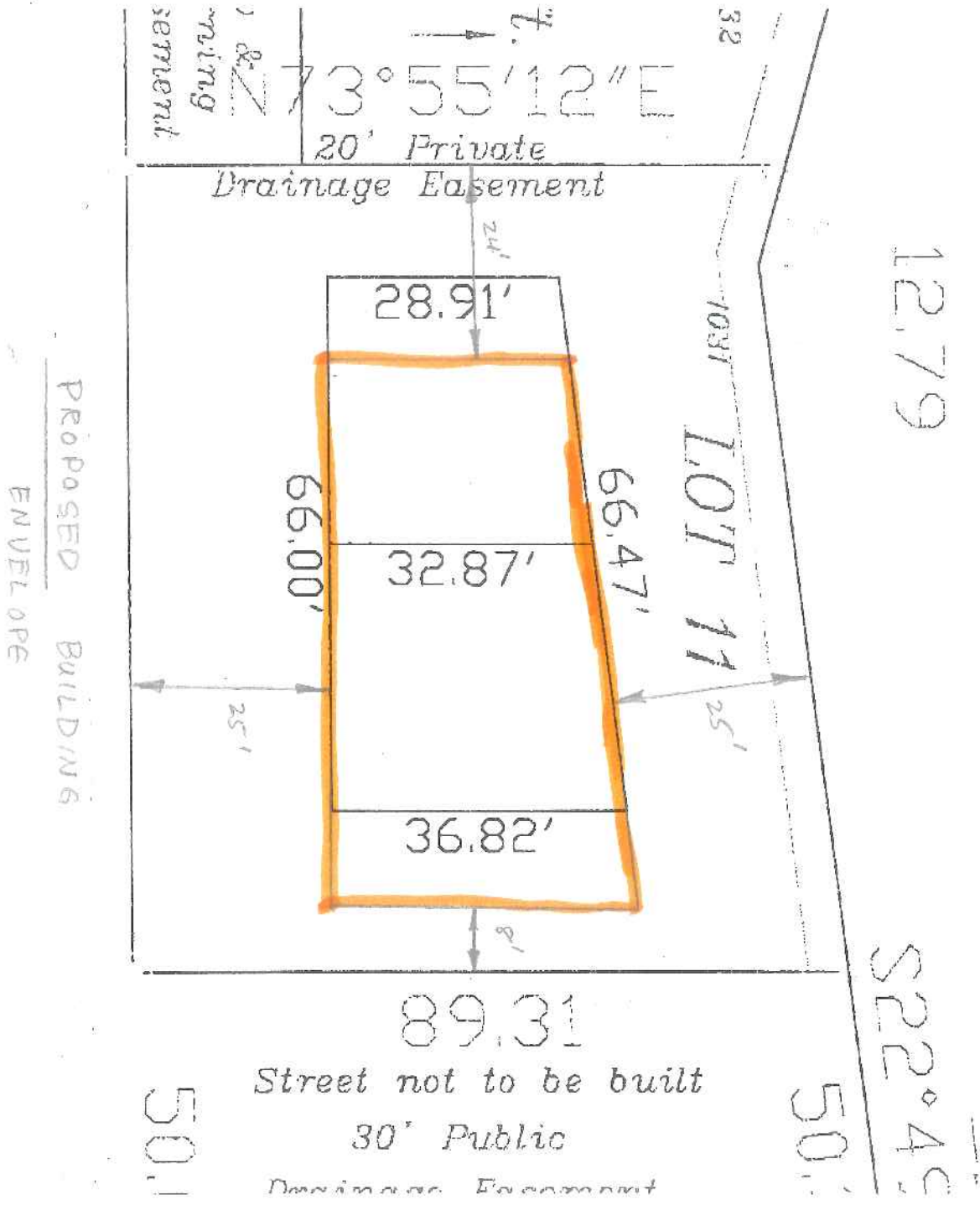


Gregory T. McCormack

Cc: Mr. Alex Jaegerman  
Penny Littell  
Marge Schmuckal



Try THIS  
1"=20'



PROPOSED BUILDING ENVELOPE

Drainage Easement

LOT 11

Street not to be built

30' Public

Drainage Easement

12.79

$S 22^{\circ} 45'$

89.31

28.91'

66.00'

32.87'

66.47'

36.82'

103.1

25.1

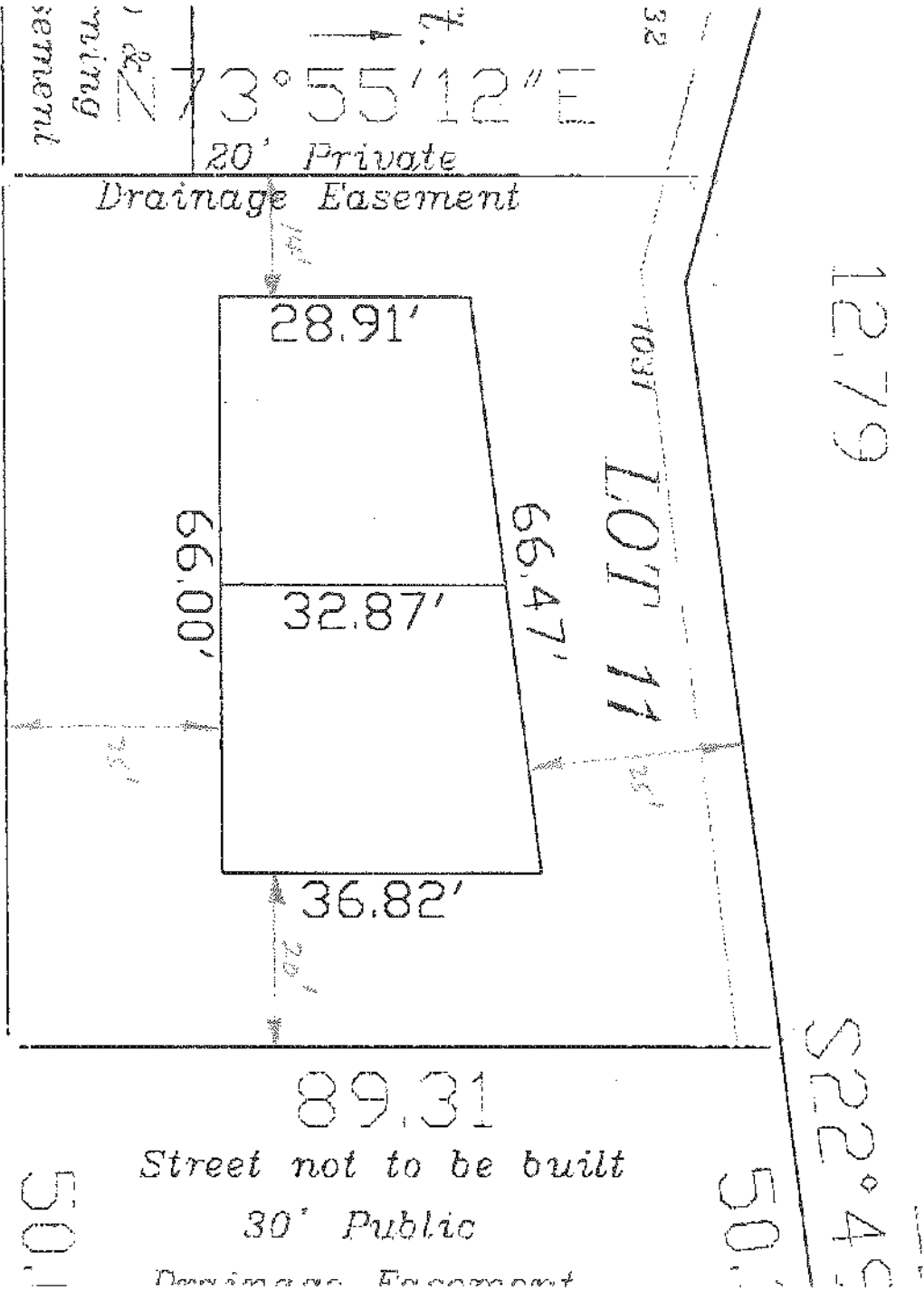
Drainage Easement

20' Private

50.1

50.1

Try this  
1" = 20'



Kandi,  
Can you show that  
at Wednesday dinner  
meeting?  
Penny had suggested  
the "quiet title"  
S

April 18, 2001

Kandi Talbot  
Planning Department  
City of Portland  
389 Congress Street  
Portland, Maine 04101

Re: Proposed Building Envelope Change; Lot 11 Pines

Dear Kandi:

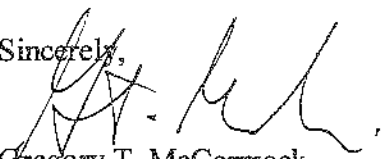
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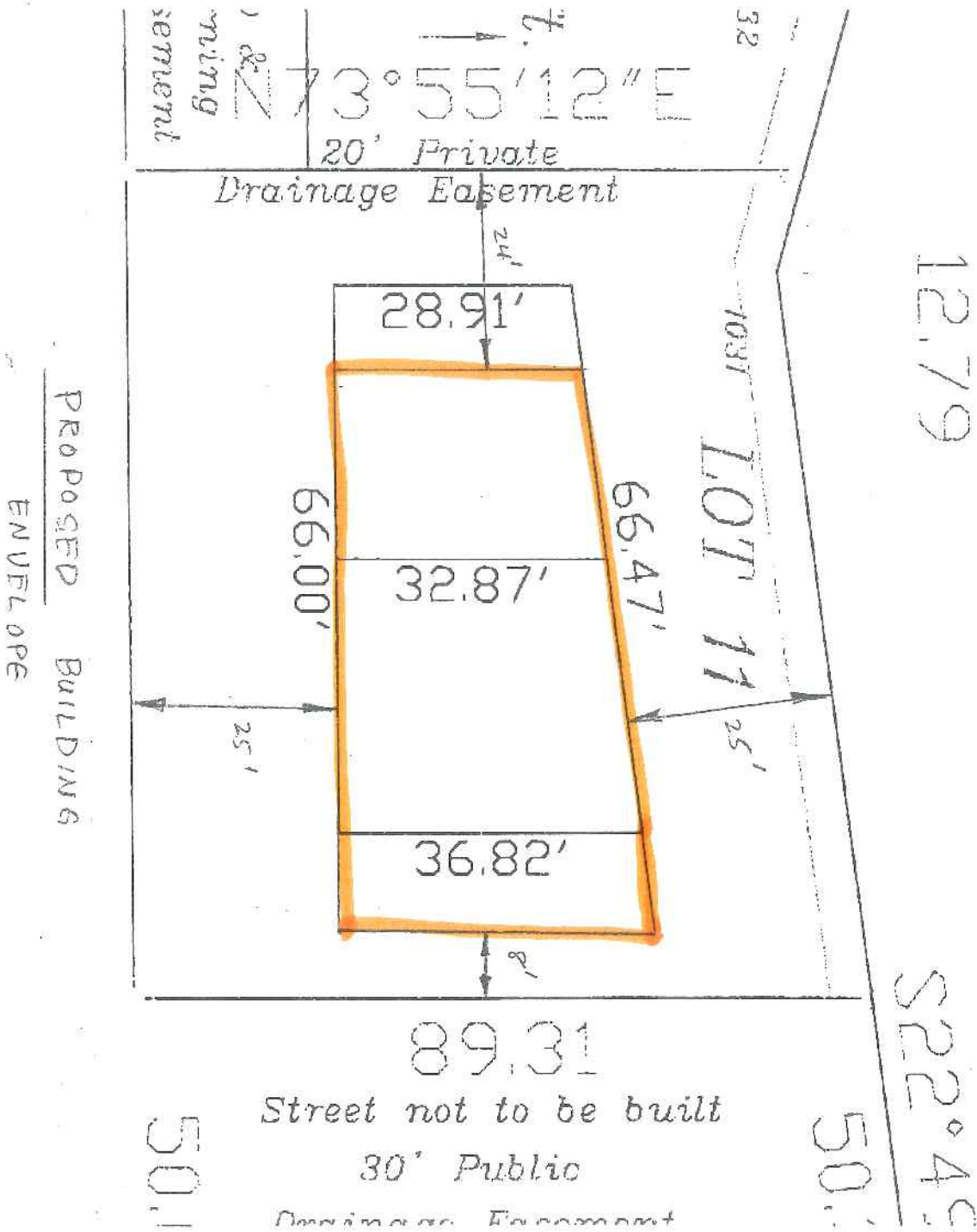
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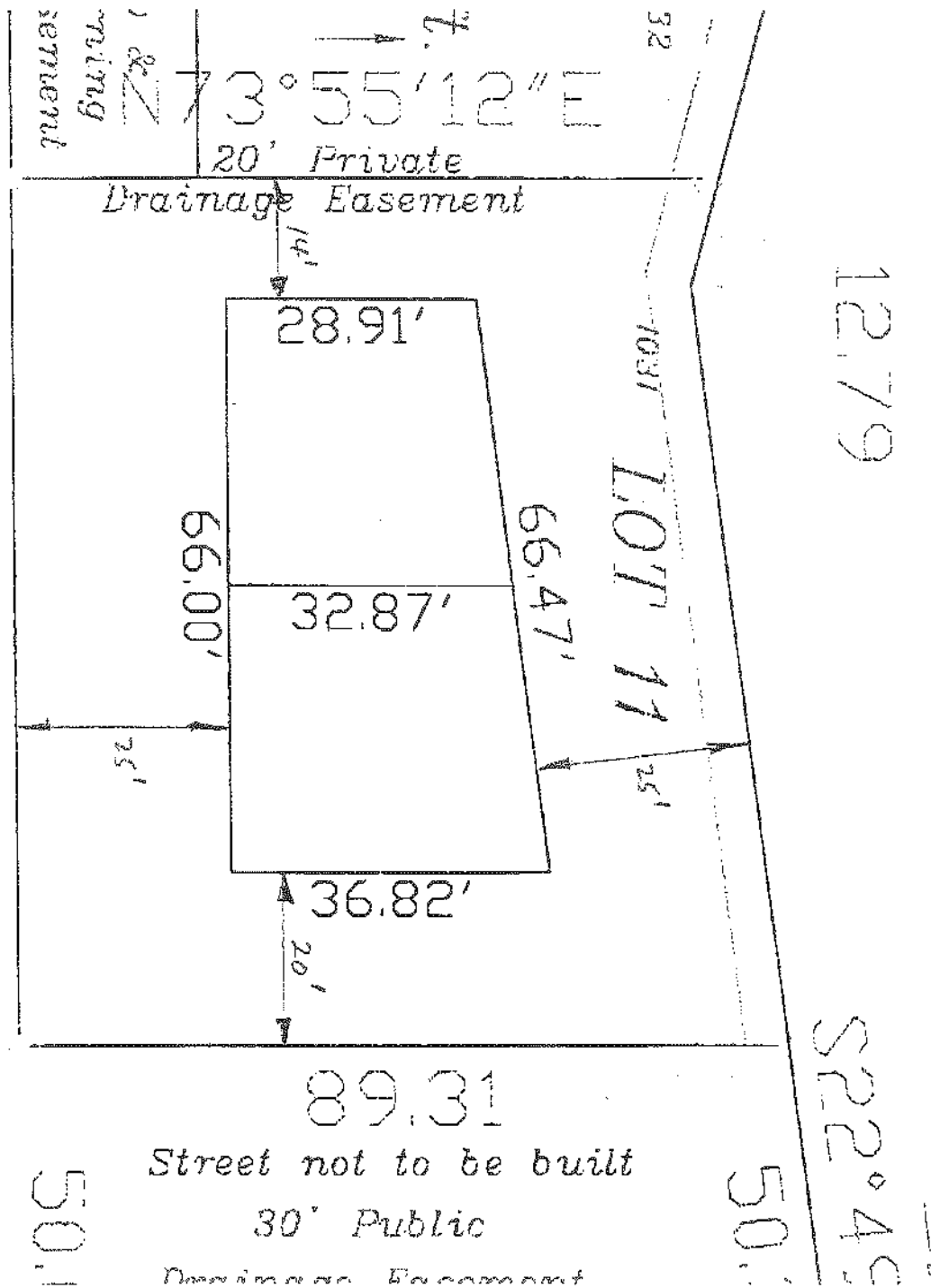
Sincerely,  
  
Gregory T. McCormack

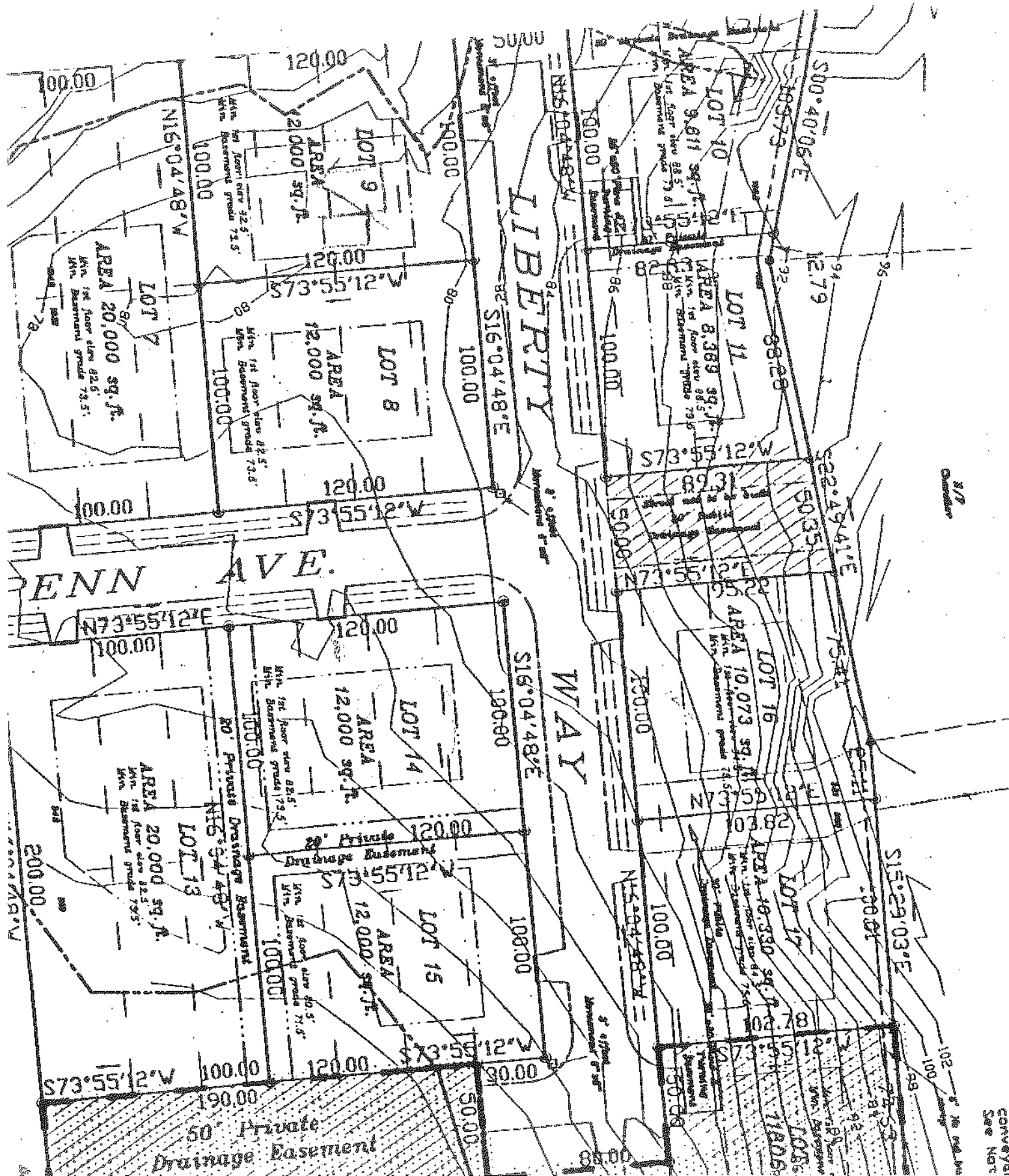
Cc: Mr. Alex Jaegerman  
Penny Littell  
Marge Schmuckal

Try THIS  
1" = 20'



TRY THIS  
1"=20'





317  
Quarter

RECORDING  
 BUILDING  
 CONVEYANCE  
 See NOT

APR 25 2001

April 18, 2001

Kandi Talbot  
Planning Department  
City of Portland  
389 Congress Street  
Portland, Maine 04101

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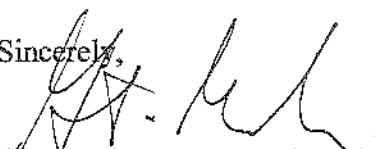
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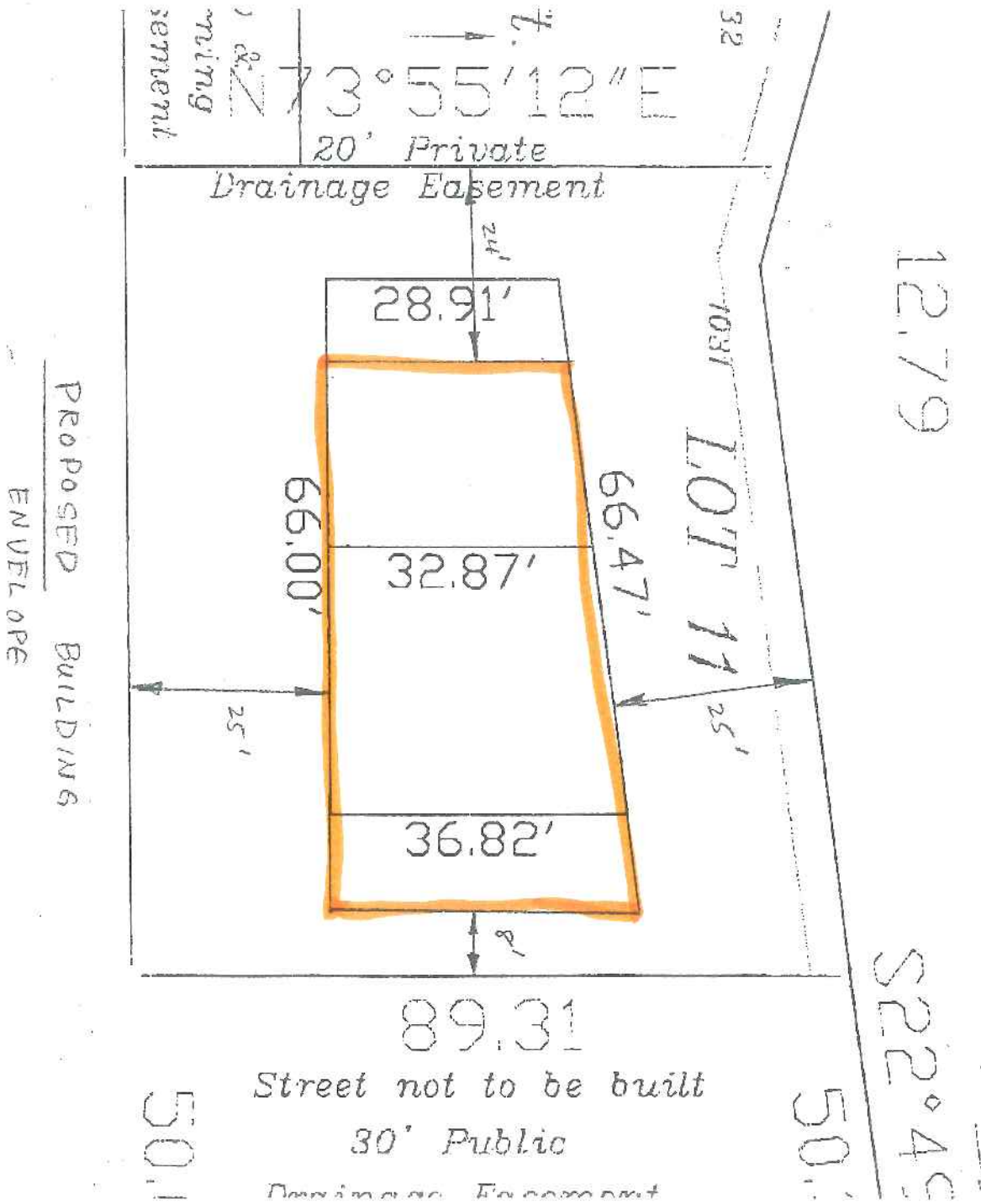
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Sincerely,

  
Gregory T. McCormack

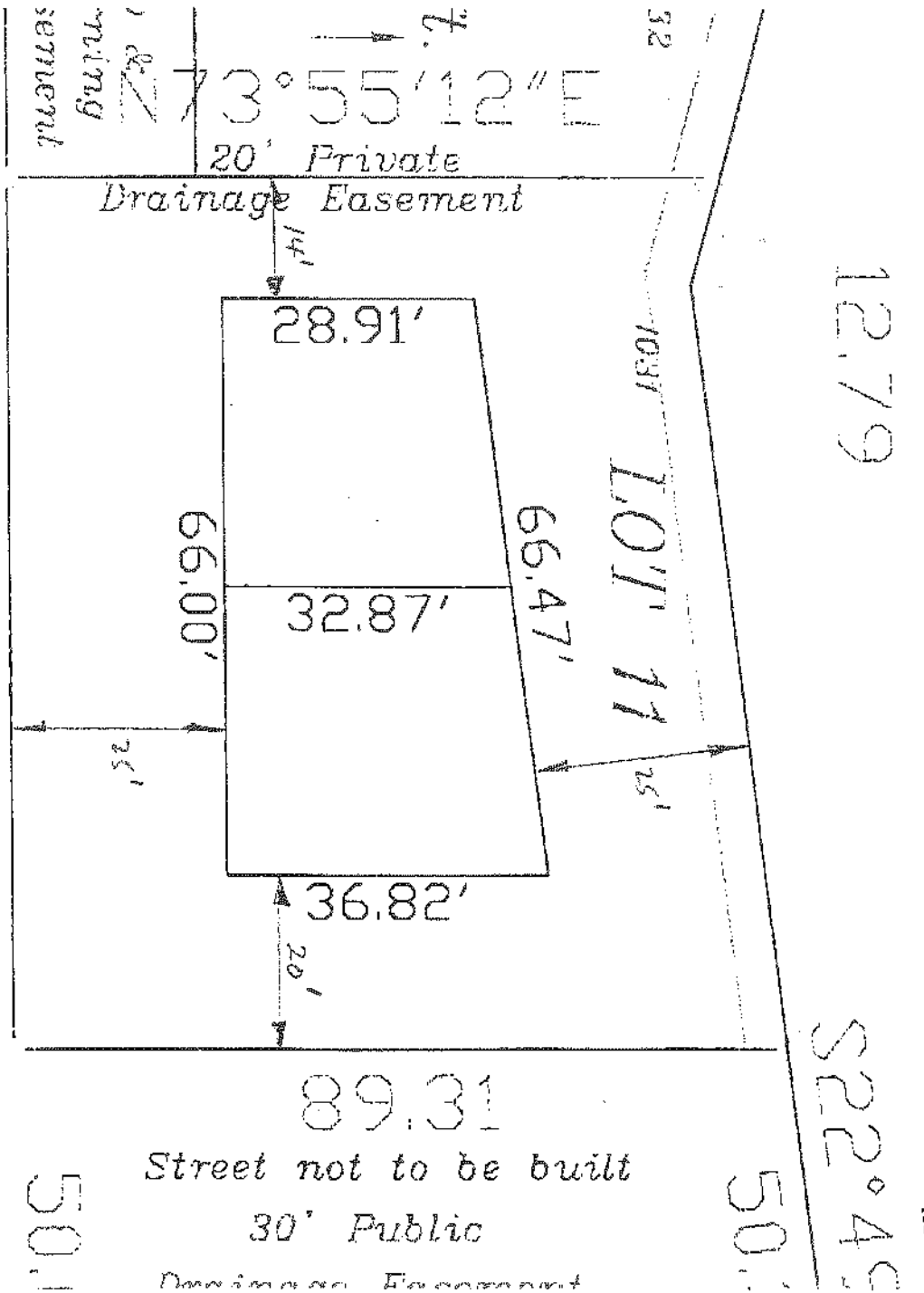
Cc: Mr. Alex Jaegerman  
Penny Littell  
Marge Schmuckal

Try THIS  
1" = 20'



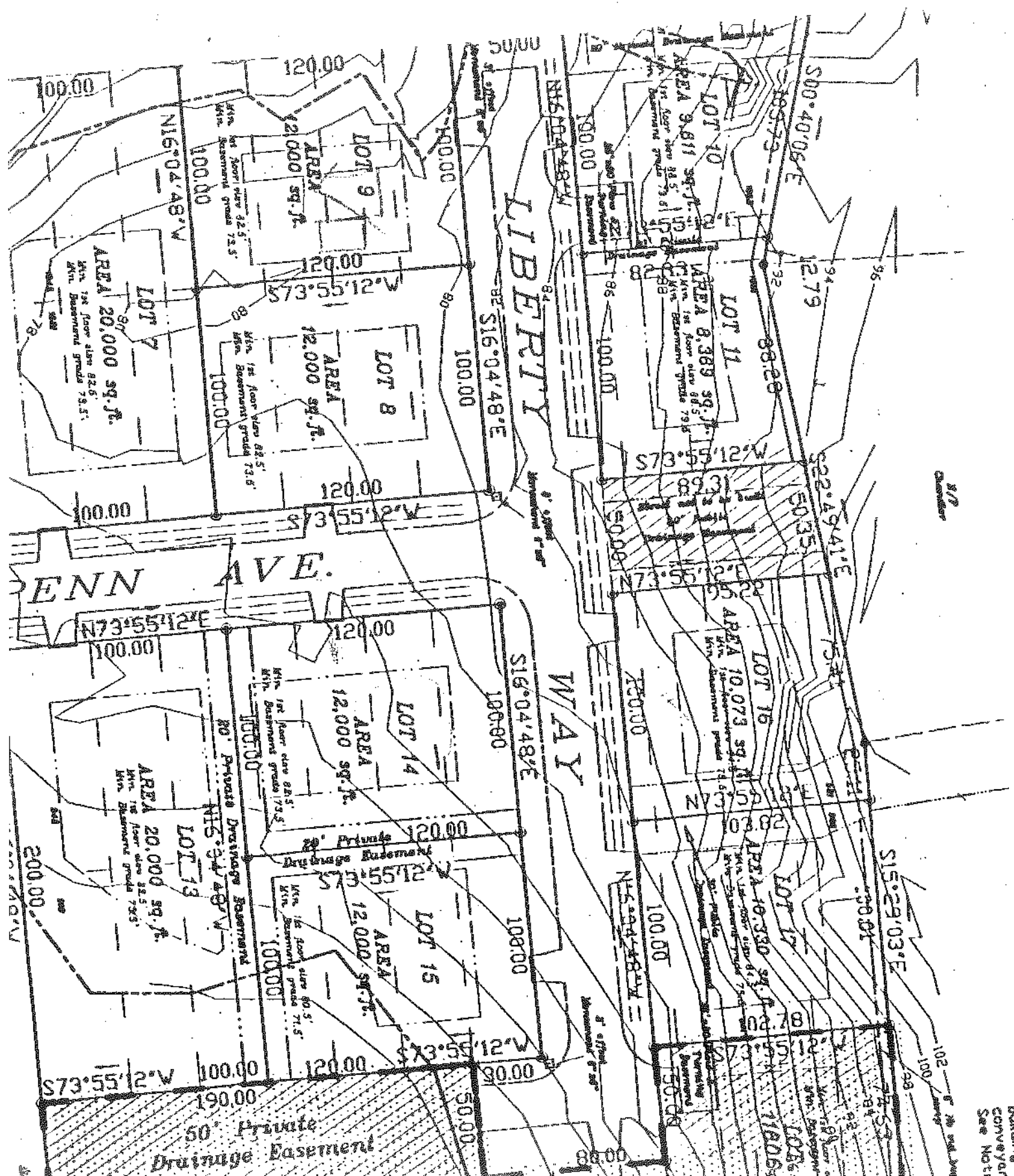


Try THIS  
1" = 20'



EXISTING BUILDINGS  
ENVELOPE

sewer  
main



RECEIVING  
 BUILDING  
 CONVEYOR  
 See Notice



**CITY OF PORTLAND**

April 23, 2001

Mr. David Dargie  
9 Charlotte Drive  
Falmouth, ME 04105

**Re: Blasting at the Pines**

Dear Mr. Dargie:

I am responding to your correspondence to me dated March 20, 2001 in which you inquire about the blasting activity at The Pines subdivision. The applicants to The Pines subdivision, Amy Mulkerin and Greg McCormick, were required by the Planning Board to "provide a pre-blast survey for any ledge removal since it appears highly likely that trench rock removal will be required for the deep sewers." Based upon the information the City has received from this developer, pre-blast surveys were, and continue to be conducted, prior to blasting activities. (See attached documents) Indeed, as I understand it, on April 6 you were offered a preblast survey of your Falmouth residence in conjunction with blasting activities associated with lot 18 at The Pines.

In enforcing its conditions of approval relative to blasting associated with The Pines, the City investigated the circumstances surrounding the preblast surveys you and your wife raised in multiple letters to the City last year. As a result, I believe that subsequent blasting activities at The Pines were preceded by a certified letter to you offering a preblast survey of your home. In addition, the City is in the process of developing more complete standards to be applied when blasting in the City occurs.

Thank you for your continued interest in this subdivision. Should you have more specific inquiries regarding the blasting activities at The Pines I would suggest you contact Ms. Mulkerin or Mr. McCormick.

Sincerely,



Joseph E. Gray  
Acting City Manager

Cc: Kandi Talbot, Planner  
Penny Littell, Associate Corporation Counsel

O:\OFFICE\LTRS\dargie0420.doc



MULKERIN ASSOCIATES  
REAL ESTATE

April 17, 2001

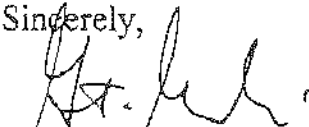
Penny Littell  
Associate Corporation Counsel  
City of Portland

Re: Information Requested 04-17-01

Dear Penny,

Certified notices were sent to the enclosed list of abutters about April 6, 2001. McGoldrich Blasting has indicated to us that all abutters on the list have co-operated in the pre-blast survey/inspection.

Sincerely,



Greg T. McCormack

4/3/01

To: Shawn Mc Goldberg,  
From: Greg Mc Cormick

Re: List of Names/Addresses - Falmouth

Residences to be notified as pointed out  
By You - Next to lot 17/18 Pines.  
TO BE BLASTED.

9 Charlotte Drive David C. Dargie

13 Charlotte Drive John S. Rudd

2 Hurley Drive N. Barroso / J. Martinez

2 Hurley Drive Dragon Products Company, Inc.  
38 Preble St. Portland, Me

Addresses on  
mail box.

Send  
(2)  
notices

↑ title owner.

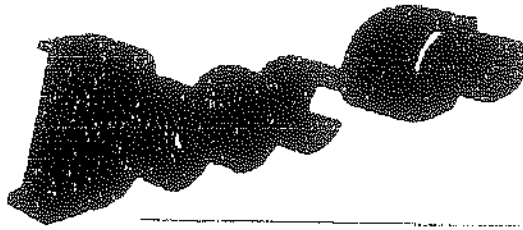
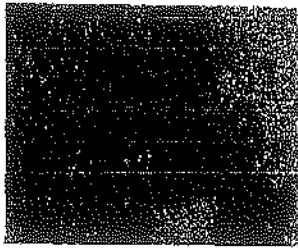
3 Hurley Drive Alan + Diane Mathieu

4 Hurley Drive Florence + Thomas Houston

5 Hurley Drive Andy + Vicki Holt.

All are in Falmouth, Maine 04105  
with the exception of Dragon Products, Inc.

Any questions call me. Thanks. Greg



DATE: September 22, 2000  
 TO: Mulkerin - Greg McCormick  
 FROM: Becc Co. - Chuck Blakeman  
 RE: Pre-Blast Survey

Post-it® Fax Note	7671	Date	# of pages 1
To	DAVE CRODEN	From	Greg + Amy
Co./Dept.		Co.	
Phone #		Phone #	846-9208
Fax #		Fax #	

*Pre-Blast Survey Info Requested.*

The following pre-blast survey was done to the specifications noted below.

Becc Company conducts pre-blast condition surveys prior to blasting. The surveys are done in compliance with local, state, and federal guidelines. A pre-blast condition survey (PBS) consists of a video document. A PBS includes video taped recordings of any visible defects existing within a structure before blasting begins. A PBS inspection establishes for the Property Owner and the Blasting Contractor a clear record of the condition of a property prior to the beginning of blasting. The inspection makes all parties aware of any existing damage or deterioration.

These documents are considered "confidential" and are kept in the vaults at Becc Co. Materials included in the pre-blast survey are not public record and are not reviewed unless a property owner has reason to believe his property has been damaged by blasting. These documents can only be used if a valid blasting claim has been submitted to the Blasting company. The documents can be used either by the Blasting company's insurance or by the structure-owner's insurance company for resolution of said claim.

Falmouth, ME

9 Charollette Drive - September 19, 2000

↑  
DANGIE Residence



**CITY OF PORTLAND**

January 9, 2002

Mr. David Dargie  
9 Charlotte Drive  
Falmouth, ME 04105

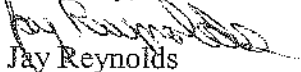
Dear Mr. Dargie,

The city has received a letter from a Professional Engineer certifying "that Lots 13, 18, and 19 are developed with provisions to prevent increased rates of sheet flow from crossing the southerly portion of the Dargie Property."

This submission is acceptable to the city, meeting the requirement specified under subdivision approval.

Please contact me if you have any questions or comments.  
Thank You for Your Time.

Sincerely,



Jay Reynolds

Development Review Coordinator

Cc: Alexander Jaegerman, Chief Planner  
Sarah Hopkins, Development Review Services Manager  
Penny Littell, Corporation Counsel  
Kandice Talbot, Planner  
Todd Merkle, Field Inspection Coordinator





**CITY OF PORTLAND**

November 29, 2001

Mr. David Dargie  
9 Charlotte Drive  
Falmouth, ME 04105

Dear Mr. Dargie,

In response to your November 12, 2001 letter, I have the following comments:

1. Blasted area/buffer behind lot 19: Seven pines have been planted on the adjacent property behind lot 19 to re-establish the required buffer. The plantings were placed in a manner that best re-establishes this buffer, in my opinion.
2. Lot 16: Attached to your November 12, 2001 letter, was an October 1, 2000 letter addressing the same issue as lot 19. I was unaware of this letter/issue. After walking behind the lot yesterday, I was unable to confirm that any trees or vegetated buffer was removed from the 5-foot no-cut buffer zone behind lot 16.

Please contact me if you have any questions or comments.  
Thank You for Your Time.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jay Reynolds', written over the printed name.

Jay Reynolds  
Development Review Coordinator

Cc: Alexander Jaegerman, Chief Planner  
Sarah Hopkins, Development Review Services Manager  
Penny Littell, Corporation Counsel  
✓Kandice Talbot, Planner  
Jeff Tarling, City Arborist  
Todd Merkle, Field Inspection Coordinator

O:\drc\2liberty5.doc

DATE: October 18, 2001  
TO: Penny Littell, Corporation Counsel  
FROM: Jay Reynolds, Development Review Coordinator *JR*  
RE: The Pines of Portland/Dargie Concerns

On, Tuesday, July 24<sup>th</sup>, I visited the Lot 19/2 Liberty Way site. This was in response to the concerns outlined in the May 14, 2001 and June 28, 2001 letters from John P. McVeigh. After a close inspection of the area in question, I have the following comments:

1. I am unaware of the 'promised berm shunting water away from the Dargie's property'. I have found no correspondence or indication from the approved subdivision and/or site plan for lot 19 that alludes to this item. Regardless, under the subdivision approval, the applicant was required to 'certify that as lots 13, 15, 18, and 19 are developed that provisions are made to prevent increased rates of sheet flow so as to not cross southerly over the Dargie property' (General Note # 27, Recorded Plat). In my opinion, drainage remains in a westerly direction within the lots in question. I saw no alterations in grading or flow patterns that would create non-compliance. In my opinion, increased sheet flow onto the Dargie property has not occurred.
  
2. 5 foot no cut buffer strip: After walking along the stone wall (approximate boundary line), and measuring 5 feet toward 2 Liberty way, I found the following:
  - a. An area of ledge was blasted within the no cut buffer strip, approximately 15 feet long, and at its closest point it is blasted right up to the property line. If there were any trees within this blasted area, then the developers may be out of compliance. I was unable to determine if there were any trees in this area prior to blasting. I have no existing condition data to confirm or deny this. Mr. McVeigh mentions that some photographs exist pertaining to these areas. These may confirm or deny any non-compliance.
  - b. One tree stem was found within the 5' no cut buffer zone. It has a 2-3" caliper +/-, and was cut at ground level. The developer(s) have stated that they will be cooperative in resolving this item.

A letter will be sent to the developer pertaining to these items.

Please contact me if you have any questions or comments.



**CITY OF PORTLAND**

October 18, 2001

Pines of Portland  
426 Forest Avenue  
Portland, ME 04102

Attention: Mrs. Amy Mulkerin

RE: The Pines of Portland/Dargie Concerns

Dear Mrs. Mulkerin,

Under the subdivision approval, the applicant is required to 'certify that as lots 13,15,18, and 19 are developed that provisions are made to prevent increased rates of sheet flow so as to not cross southerly over the Dargie property' (General Note # 27, Recorded Plat). Please provide the city with the appropriate correspondence/documentation pertaining to this item. This should be certified by a third party, and by a professional engineer.

Regarding the 5 foot no cut buffer strip: After walking along the stone wall (approximate boundary line) behind lot 19, and measuring 5 feet toward 2 Liberty way, I found the following:

- a. An area of ledge was blasted within the no cut buffer strip, approximately 15 feet long, and at its closest point it is blasted right up to the property line.


After meeting with the City Arborist on site, the recommendation to correct this item is to plant seven (7) new trees behind lot 19. This can be achieved by planting them on the ledge wall, with the addition of fill around the trees. The recommended size and species are the following:

- a. White Pines: 4 feet in height, or
- b. Hemlocks: 4 feet in height.

Resolving these items is required prior to the acceptance of the street.

Please contact me if you have any questions or comments.  
Thank You for Your Time.

Sincerely,



Jay Reynolds

Development Review Coordinator

# PRETI, FLAHERTY, BELIVEAU, PACHIOS & HALEY, LLC

ATTORNEYS AT LAW

ONE CITY CENTER, P.O. BOX 9546, PORTLAND, MAINE 04112-9546

TELEPHONE: (207) 791-3000 -- TELEFAX: (207) 791-3111

INTERNET: WWW.PRETI.COM -- E-MAIL: ADMIN@PRETI.COM

May 14, 2001

MEMBERS:

SEVERIN M. BELIVEAU  
HAROLD C. PACHIOS  
MARK L. HALEY\*\*  
MICHAEL J. GENTILE  
CHRISTOPHER D. NYHAN  
ERIC P. STAUFFER  
JONATHAN S. PIPER  
DANIEL RAPAPORT  
JOHN P. DOYLE, JR.  
BRUCE C. GERRYTY  
ANTHONY W. BLXTON  
ALFRED C. FRAWLEY  
JEFFREY T. EDWARDS  
MICHAEL G. MESSERSCHMIDT  
RANDALL B. WEILL  
JAMES C. PITNEY, JR.  
EVAN M. HANSEN  
VIRGINIA B. DAVIS  
DENNIS C. SBREGA  
GEOFFREY K. CUMMINGS  
JUDITH SAPP\*\*  
ESTELLE A. LAVOIE  
SUSAN B. LOGIUDICE  
MICHAEL KAPLAN  
MICHAEL L. SHEEHAN  
JOSEPH G. DONAHUE  
DAVID B. VAN SLYKE  
ANN R. ROBINSON  
STEPHEN E. F. LANGSDORF  
JOHN P. MCVIGH  
ELIZABETH A. OLVIER  
DEIRDRE M. O'CALLAGHAN  
CHARLES F. DINGMAN  
NELSON J. LARKINS  
ROBERT O. NEWTON  
JOHN S. RUDD  
TIMOTHY J. BRYANT  
JAMES B. PHIPPS  
RONNIE L. MARTINOLICH  
DONALD J. SIPE  
GREGORY P. HANSEL  
CHRISTOPHER P. REID

SENIOR COUNSEL TO THE FIRM:  
HON. GEORGE J. MITCHELL

COUNSEL:

ROBERT F. PRETI  
ALBERT J. BELIVEAU, JR.  
ROBERT W. SMITH  
MARK B. LEDUC  
NAOMI SAKAMOTO  
PETER S. CARLISLE  
BENJAMIN S. BILUS\*\*\*\*

ASSOCIATE COUNSEL:

TRACEY G. BURTON  
ROY T. PIERCE  
ELIZABETH A. CAMPBELL  
JEFFREY W. PETERS  
MATTHEW J. LAMOURIE  
SIGMUND D. SCHUTZ  
JOEL H. THOMPSON  
SHARON G. NEWMAN  
MICHAEL A. CUNIFF  
MICHAEL K. MAHONEY  
LINDA S. LOCKHART  
JAMES M. HANLEY  
JOSEPH W. CORRIGAN  
DANA E. A. GILLESPIE  
ANDREW W. CROCKER\*\*\*  
JAMES M. ATWOOD

\*Leave of absence.

\*\*Admitted to practice law only in the District of Columbia.

\*\*\*Admitted to practice law only in Maryland.

\*\*\*\*Admitted to practice law only in New York and Connecticut.

JOHN J. FLAHERTY  
(1929 - 1995)

MEMBER



TERRALEX

Penny S. Littell, Esq.  
Corporation Counsel  
City of Portland  
389 Congress St.  
Portland, ME 04101

MAY 16 2001

Re: The Pines of Portland/Dargie Concerns

Dear Penny:

Attached to this letter is a long sequence of correspondence going back to the fall of 2000. As you know, my clients, the Dargies, have been frequently concerned with what they believe is a pattern of non-responsiveness by the City to their concerns. I am, however, pleased to note that the April 23, 2001 letter from Mr. Gray indicates that the City has required more substantiation for pre-blast surveys and notice of blasting for the latest round of blasting at the Pines and the Dargies believe that, at least for this latest round of blasting, the process has been substantially improved.

This letter is about the effects of the blasting which occurred previously. You may recall that the Dargies were very concerned during the approval process about having an adequate buffer. Unfortunately, only a five foot buffer line was required. The developer, however, for a distance of approximately forty feet, has blasted ledge right up to the edge of the property line. Needless to say, all along this edge, the vegetation and trees are gone. For about twenty feet, you can see the stone wall dividing the developer's property from the neighbors falling into the hole created by the blasting. It is our hope that the next round of blasting, which apparently involves Lot 18, will not work similar devastation on the required buffer.

Plainly, the developer has not complied with the requirement for an adequate buffer of five feet. It is hard to imagine that a blasted ledge drop off was what was intended. The house on Lot 19 is nearly completed and I am sure the developer will wish to unload it on some private citizen soon. No occupancy permit should be issued until the developer has complied with the conditions on the plan providing an adequate five foot buffer. The developer should be required to bring the property back up to grade with topsoil and make substantial plantings to provide the intended buffer.

45 MEMORIAL CIRCLE - P.O. BOX 1058  
AUGUSTA, MAINE 04332-1058  
TELEPHONE: (207) 623-5300  
TELEFAX: (207) 623-2914

THIRTY FRONT STREET, P.O. BOX 665  
BATH, MAINE 04530-0665  
TELEPHONE: (207) 443-8576  
TELEFAX: (207) 443-6665

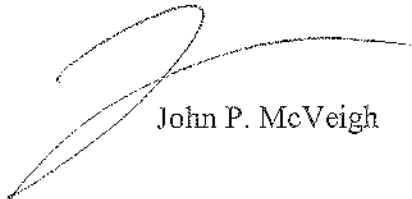
SIXTEEN CENTRE STREET  
CONCORD, NEW HAMPSHIRE 03301-6321  
TELEPHONE: (603) 227-9935  
TELEFAX: (603) 226-3218

**PRETI, FLAHERTY, BELIVEAU, PACHIOS & HALEY, LLC**

Penny S. Littell, Esq.  
May 14, 2001  
Page 2

The plan also requires that the developer take steps to prevent the flow of sheet water over Mr. Dargie's property. As I understand it, the earth on Lot 19 was to be bermed so that the water from the development flowed away from Mr. Dargie's property. No apparent effort has been made to deal with the flow of water off of Lot 19, or, for that matter, as far as the Dargies can tell, any other lot in the area. It would appear that the developer's solution to the storm water problem is to flow Mr. Dargie's property rather than effectively channel the water away from his property. This condition of approval also needs to be met before any occupancy permit is issued. It would be grossly unfair not to require the developer to deal with the water flow now and leave the new buyer of Lot 19 to the tender mercies of a nuisance suit.

Sincerely,



John P. McVeigh

JPM/kjm

Enclosures

cc: Mr. David Dargie (w/o enc)

12174-22839

JPM-MADARGIELITTEL 20010511.doc



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

ANGUS S. KING, JR.  
GOVERNOR

MARTHA KIRKPATRICK  
COMMISSIONER

April 24, 2001

Greg McCormick & Amy Mulkerin  
Mulkerin & Associates  
426 Forest Ave  
Portland ME 04101

RE: The Pines of Portland, #99-869-S

I inspected the Pines site on April 17, 2001 in order to determine compliance with existing Department permits. There continues to be erosion problem at the Penn Avenue stream crossing. Sediment has entered the stream channel. The silt fence surrounding the site is in disrepair and in one location, adjacent to Lot 9, it has allowed sediment to enter the freshwater wetland. The stream crossing under the driveway for Lot 12 is experiencing some minor erosion. The site has not been stabilized.

The silt fence at the end of Kansas Ave is also in disrepair. Sediment is traveling from an exposed pile of soil across the road and into the wetland adjacent to the stream.

At this point in time, the site is not in compliance with the existing permits. Repairs need to be made immediately and the site needs to be stabilized with loam and seed.

By means of this letter, I am informing the Department's Field Services Staff for consideration of enforcement action. If you have questions, feel free to call me at 822-6324 or Mike Clark, Field Services, at 822-6350.

Sincerely,

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

Cc: Mike Clark, Field Services  
Jay Clement, ACOE  
✓ David Dargie

AUGUSTA  
17 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0017  
(207) 287-7668  
RAY BLDG., HOSPITAL ST.

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

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

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

April 11, 2001

9 Charlotte Drive  
Falmouth, ME 04105

Ms. Dawn E. Hallowell  
Project Coordinator  
Division of Land Resource Regulation  
Maine Dept. of Environmental Protection  
312 Canco Road  
Portland, ME 04103

Registered Mail

Mr. Jay L. Clement  
Project Manager  
U.S. Army Corps of Engineers  
Maine Project Office  
RR2, Box 1855  
Manchester, ME 04351

Registered Mail

**RE: The Pines of Portland/  
Pennsylvania Avenue Subdivision  
North Deering  
Portland, ME**

Dear Ms. Hallowell and Mr. Clement:

On December 11, 2000, I forwarded to your attention the attached letter regarding the above referenced development project. In light of the heavy winter snow pack and the expected seasonal rains, our concerns regarding runoff from the site, and proper erosion control and sedimentation requirements persists. At this juncture, much of the site is void of vegetation and several areas are stockpiled with excavation materials. We are concerned that the site may not have been properly stabilized per the developer's construction documents prior to last winter's shutdown. We are also concerned that existing erosion control measures may not be fully adequate at this time. In light of the steep grades that exist throughout the site, as well as the proximity of regulated wetlands, could you please inspect the site to ensure all contract requirements and best management practices are being observed. Whereas essentially all runoff from the development site passes through a portion of our property, I am requesting a written response as to your findings.

As always, thank you for your assistance and I look forward to your response.

Sincerely,

  
David C. Dargie, P.E.

cc: J. Rudd - Falmouth

Form-D02 (4-11-01)

FILE

December 11, 2000

9 Charlotte Drive  
Falmouth, ME 04105

Ms. Dawn E. Hallowell  
Project Coordinator  
Division of Land Resource Regulation  
Maine Dept. of Environmental Protection  
312 Canco Road  
Portland, ME 04103

Mr. Jay L. Clement  
Project Manager  
U.S. Army Corps of Engineers  
Maine Project Office  
RR2, Box 1855  
Manchester, ME 04351

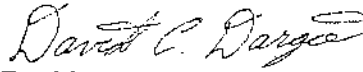
**RE: The Pines of Portland/  
Peansylvania Avenue Subdivision  
North Deering  
Portland, ME**

Dear Ms. Hallowell and Mr. Clement:

During the construction phase of the above referenced project, abutters have had deep concerns regarding the level of attention paid to sedimentation and erosion control measures on site. The construction documents clearly outline steps and procedures to stabilize the site during winter conditions. A cursory visit to the project site reveals that not all construction requirements have been met at this time. To date, much of the site remains void of vegetation due to recent excavation and backfill activities. In light of the steep grades that exist on site, as well as the proximity of regulated wetlands, could you please inspect the site to ensure all contract requirements and best management practices are being observed. Due to the proximity of the development to my parcels, I would appreciate being informed as to your findings.

As always, thank you for your assistance and I look forward to your response.

Sincerely,

  
David C. Dargie, P.E.

cc: J. Rudd - Falmouth

Pineco-D77 (11-11-00)





March 20, 2001

9 Charlotte Drive  
Falmouth, ME 04105

Mr. D.C. Blakeman, PSGC  
Becc Company  
P.O. Box 257  
28 Ledgewood Drive  
Yarmouth, ME 04096

RE: Pre-Blast Survey  
The Pines of Portland/  
Pennsylvania Avenue Subdivision  
North Deering  
Portland, ME

Registered Mail

Dear Mr. Blakeman:

On December 11, 2000, we forwarded to you the attached letter for your action and written response. We were disappointed to receive your letter of December 18, 2000 (copy also attached) whereas it does not address any of our concerns. At this juncture we are requesting that you review our letter of December 11, 2000, and provide us with an appropriate written response. If our questions and concerns are not adequately addressed in fourteen (14) calendar days of receipt of this correspondence, we will file a complaint with the State Fire Marshall's Office as well as refer this matter to legal council for their action.

Thank you for your assistance and I look forward to your expedient written response.

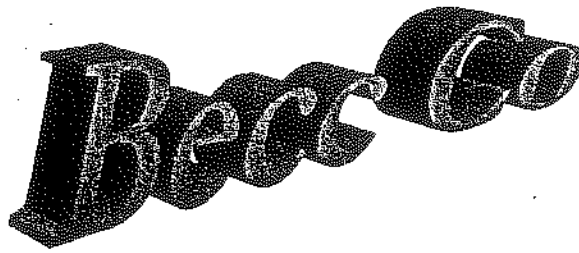
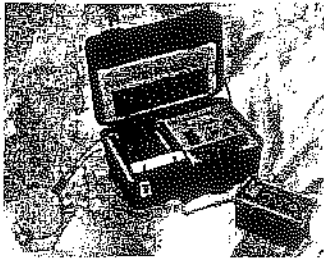
Sincerely,

  
David C. Dargie, P.E.

Enclosures

cc: J. Rudd, Esq.  
J. McVeigh, Esq.  
Mr. Joseph E. Gray, Portland  
EEN

Rev. (3-20-01)



**SERVING NEW ENGLAND AND THE MOUNTAIN STATES FOR 20 YEARS**

December 18, 2000

Mr. David C. Dargie  
9 Charlotte Drive  
Falmouth, ME 04105

Dear Sir:

Becc Company is contracted to complete Pre-Blast Condition Surveys. During the past 20 years we have complied with local, state and federal regulations. During the execution of the PBCS at 9 Charlotte Drive all regulations and laws were strictly adhered to. Those regulations are available in the local, state and federal libraries.

Keeping in compliance with the laws and regulations set forth we do not release any work product until the proper authority authorizes said release.

Sincerely:

D.C. Blakeman PSGC  
President



December 11, 2000

9 Charlotte Drive  
Falmouth, ME 04105

Directing Manager  
Becc Company  
P.O. Box 257  
28 LedgeWood Drive  
Yarmouth, ME 04096

**RE: Pre-Blast Survey  
The Pines of Portland/  
Pennsylvania Avenue Subdivision  
North Deering  
Portland, ME**

**Registered Mail**

Dear Sir:

We were recently advised by Mr. Joseph E. Gray of the city of Portland that your firm performed a pre-blast survey of our residence on September 19, 2000. Please be advised that we are deeply concerned with the manner in which this survey was conducted. According to Mr. Gray, only the exterior of our residence was surveyed. Only a small portion of our foundation is visible from the outside. It simply is not possible to view much of our foundation without entering the house. Yet, nearby neighbors who were previously surveyed by your firm have indicated that both the interiors and exteriors of their houses were surveyed. Why was the interior of our property excluded from the pre-blast survey? Who made this decision and on what basis?

Secondly, on September 19, 2000, both my wife and I were home for the majority of the day. Yet, we did not receive any prior notification that a pre-blast survey was to be performed on that date. No written correspondence was provided, no phone calls, and to the best of our knowledge, not even a knock on the door. Who authorized your firm to access our property without prior consent? What steps did your firm take to ensure you were authorized to access our property? Since blasting commenced on Lot #19 on that date, it is apparent that little or no effort was made by your firm to contact us, or to conduct a full and adequate survey.

In addition to answers to the above, please forward a complete copy of the pre-blast survey that your firm performed on our residence. Also, please provide me with a complete copy of the written regulations that your firm followed in completing this pre-blast survey. Of particular interest are the regulations that allow the inside of our structure to be excluded from the pre-blast survey.

For future reference, our property is not to be accessed without prior consent. Thank you for your assistance and I look forward to your expedient written response.

Sincerely,

  
David C. Dargie, P.E.

Enclosures

cc: J. Rudd, Esq.  
J. McVeigh, Esq.  
Mr. Joseph E. Gray, Portland  
EEN

Enc (12-11-03)



September 25, 2000

9 Charlotte Drive  
Falmouth, ME 04105  
(207) 797-2084

Mr. Joseph E. Gray, Jr.  
Director of Planning and Urban Development  
City Hall, 4<sup>th</sup> Floor  
389 Congress Street  
Portland, ME 04101

**RE: The Pines of Portland/  
Pennsylvania Avenue Subdivision  
North Deering  
Portland, ME**

**Hand Delivery**

Dear Mr. Gray:

This letter serves as a follow up to Suzanne S. Dargie's letter of September 21, 2000 (copy attached). In addition to the concerns outlined in Ms. Dargie's letter, please be advised that blasting has occurred on Lot #19 well outside the approved building envelop as shown on the developer's construction documents. In fact, blasting and subsequent excavation has occurred directly adjacent to abutting properties and the Falmouth town line. Not only has the requirement for a five foot no-cut vegetated buffer been disregarded, but in at least one area the site has been excavated to the physical limit of the property line. To exacerbate the problem, the setback distances as shown on the construction plans do not meet city of Portland ordinances.

As indicated in Ms. Dargie's letter, we were not contacted or notified in any fashion regarding the eminent blasting. Although we abut Lot #19, a pre-blast survey was not conducted. For the record, drilling and blasting commenced on Tuesday, September 19, 2000 and continued through Thursday, September 21, 2000. In addition to the deafening noise and the jarring blasts, our house, driveway, vehicles, lawn furniture, etc., were completely covered with a fine later of stone dust. Apparently no efforts were taken in regard to dust control. Furthermore, there are several areas throughout the development that consist of deep ledge cuts that remain unprotected. Whereas family neighborhoods surround the development site, it is nothing short of irresponsible for these areas to remain unmarked and readily accessible by children.

It is very disturbing that the developer continues to disregard the conditions of approval for this development project. Considering the proximity of environmentally sensitive wetland habitat, we

are requesting that the city of Portland verify the contractor's compliance with approved building envelopes throughout the subdivision. We also insist that vegetated areas be fully protected and drainage easements meet the conditions set forth by the planning board. Vegetated buffers already disturbed should be reestablished in a manner acceptable to all parties. Many of these concerns were previously identified in my letter of July 31, 2000 (copy attached).

In conclusion, we hereby request a written response outlining what action will be taken by the city to address the above referenced deficiencies. Also, please provide us with a complete copy of the grading plan and construction schedule associated with Lot #19. Thank you for your assistance and I look forward to your response.

Sincerely,

  
David C. Dargie, P.E.

Enclosures

cc: J. Rudd, Esq.  
J. McVeigh, Esq.  
Mr. Robert Ganley, City Manager  
Mr. Mike Nugent, City of Portland  
EEN

Form (9-23-99)



September 21, 2000

Mr. Michael Nugent  
Manager of Inspection Services  
Planning and Urban Development  
City Hall, 4th Floor  
389 Congress Street  
Portland, ME 04101

Hand Delivery

RE: The Pines of Portland/  
    Pennsylvania Avenue Subdivision  
    North Deering  
    Portland, ME

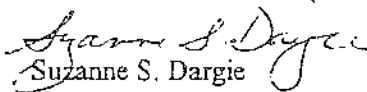
Dear Mr. Nugent:

In reference to The Pines of Portland subdivision development, the developer has commenced blasting of Lot #19, which is located adjacent to our property. My husband has written to you on three separate occasions regarding the planning board approval condition of a pre-blast survey for this development. Each time, you assured us that the developer would perform in accordance with the approval. We were not contacted or notified of the eminent blasting, and were not contacted in regards to a pre-blast survey. As our home is adjacent to Lot #19, this is a major concern.

In addition, it appears that the developer is blasting within the fifty foot drainage easement, which was established to address sheet flow concerns onto our property. Finally, the developer has disregarded the planning board approval provision which required a five foot vegetated buffer from the lot line, clearing all the way to the lot line.

It is apparent that this developer shows total disregard for meeting the conditions of approval of the City of Portland. As Manager of Inspection Services, we are asking you to address this matter immediately. We also expect a written response to this letter.

Sincerely,

  
Suzanne S. Dargie

cc: John McVeigh, Esq.  
    John Rudd, Esq.  
    Joseph Gray



March 20, 2001

9 Charlotte Drive  
Falmouth, ME 04105  
(207) 797-2084

Mr. Joseph E. Gray, Jr.  
Interim City Manager/  
Director of Planning and Urban Development  
City Hall, 4<sup>th</sup> Floor  
389 Congress Street  
Portland, ME 04101

**RE: The Pines of Portland/  
Pennsylvania Avenue Subdivision  
North Deering  
Portland, ME**

**Registered Mail**

Dear Mr. Gray:

On December 13, 2000, we delivered to you the attached letter outlining numerous concerns with the development activities associated with the above referenced project. As of this date we have not been provided a response to our letter, nor are we aware of any actions taken by the city to remedy the development deficiencies referenced therein. I'm sure that we can all agree that the role of city government is to uphold applicable city ordinances, enforce the planning board's order of conditions, ensure the developer's own construction documents are adhered to, and that best management practices are always maintained. Regretfully, this has not always been the case in regards to The Pines of Portland. At this juncture we are requesting a written response to our letter of December 11, 2000, be provided within fourteen (14) days of receipt of this correspondence. We have patiently waited for over three months for a response from the City to our concerns.

As always, thank you for your assistance and we look forward to a timely response.

Sincerely,

  
David C. Dargie, P.E.

Enclosures

cc: J. Rudd, Esq.  
J. McVeigh, Esq.  
Ms. Cheryl Leeman - Mayor  
EEN

Form (3-20-01)



12-13-a Received Mary McAllan

December 11, 2000

FILE

9 Charlotte Drive  
Falmouth, ME 04105  
(207) 797-2084

Mr. Joseph E. Gray, Jr.  
Director of Planning and Urban Development  
City Hall, 4<sup>th</sup> Floor  
389 Congress Street  
Portland, ME 04101

**RE: The Pines of Portland/  
Pennsylvania Avenue Subdivision  
North Deering  
Portland, ME**

**Hand Delivery**

Dear Mr. Gray:

This letter serves as a response to your letter of October 10, 2000 (copy attached). In light of the inaccuracies contained therein, we felt an official written response was warranted.

**Blasting** - Prior to September 19, 2000, we had written to you on three separate occasions regarding the planning board's approval condition for a pre-blast survey to be performed. Two of these letters were responded to indicating that a pre-blast survey would indeed be completed of our residence. On September 19, 2000, blasting commenced on Lot #19 with no notification to us whatsoever. Discussions with several neighbors also confirmed that no prior notification regarding blasting on Lot #19 was ever granted.

On September 19, 2000, both my wife and I were home for the majority of the day. We did not receive any notification that a pre-blast survey was to be performed of our property on that day, nor did we observe this activity taking place. No written correspondence was provided, no phone call(s) and to the best of our knowledge, not a knock on the door. Furthermore, if a pre-blast survey was indeed completed, why did it not include the inside of our residence? The majority of our foundation is well below grade with a significant amount of the exposed foundation walls obscured by full length porches and patios. Pre-blast surveys of other abutters adjacent to the proposed development site had both the interior and exterior of their properties surveyed.

In summary, who was responsible to coordinate the required pre-blast survey with my household? Who determined not to survey the inside of our residence and why? Who was responsible to request access to my property to perform these services? And who decided to access my property without prior permission and without any attempt to provide notification of the pre-blast survey or the impending blasting on September 19, 2000? Lastly, what efforts were taken by the city of Portland Planning Department to ensure these

efforts were properly and adequately conducted? In addition to answers to the above, we are requesting a complete copy of the blasting plan of the proposed development site, as well as complete written regulations outlining the requirements to be followed in performing the pre-blast survey as well as the blasting operations itself.

**Vegetated Buffer** - During the planning board approval process, abutters adjacent to the proposed development site requested verbally and in writing that the proposed five foot buffer be extended to a width of ten feet. Regretfully, this request was given essentially no consideration by the planning board. However, we were advised that a five foot vegetated buffer was more than adequate and would be maintained in perpetuity. With this in mind, your statement that "the City's building inspector has been carefully monitoring the activity occurring at the Pines and is satisfied that the five foot buffer has not been significantly impacted by the work occurring on-site" is nothing short of irresponsible. A forty foot section of the vegetated buffer within Lot #19 has been in part cleared, blasted and excavated. In fact, as indicated to you in my letter of September 25, 2000 (copy also attached), excavation has occurred to the physical limit of the property line disturbing a rock wall that delineates the boundary. To date, this area has been further excavated and graded with no consideration given to reestablishing this area to its original grade or vegetated cover.

Your suggestion that the disturbed vegetation on site is a single tree that has "fallen", applies only to a large oak that was disturbed by the developer on Lot #16. The root system of this tree was destroyed during the excavation of building Lot #16. Again, this was part of the rationale to increase the vegetated buffer from five feet to ten feet. If you review your files, this very concern was addressed to you in writing on several occasions during the review process. As far as replacing this tree in kind, the stump has been cut flush with the ground so a suitable replacement should be relatively easy to determine.

Regarding Lot # 19, original vegetation within the buffer area was indeed removed and the original grade in this area altered significantly due to blasting and subsequent excavation. A simple visual inspection confirms this fact as do our photographs. In summary, we expect these deficiencies to be remedied immediately and to the satisfaction of all impacted parties. We also expect the stone wall, that remains disturbed to this date, to be re-established to its original condition.

**Drainage Easement** - Contrary to the information provided to you, blasting within the drainage easement of Lot #19 did indeed occur. Although much of the site has since been filled and graded, several charge wires within the drainage easement are still visible from the surface. In addition, our photographs confirm our position. In any event, we agree that blasting is not necessarily precluded within the drainage easement itself. However, the Portland Planning Board's Conditions of Approval clearly indicate that Lots 13, 15, 18 and 19 be developed to prevent increased rates of sheet flow across our property. Regretfully, no effort whatsoever has been made to grade the site to meet this condition. Also, as equally disturbing is the fact that Note 19 of the development plans requires "the submission of a minor site plan for review and approval prior to issuance of a building

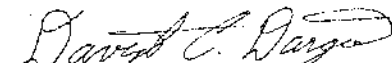
permit...". If this process was conducted appropriately, why has Lot #19 not been graded to meet the Planning Board's Conditions of Approval? Was a minor site plan submitted? And if so, was it reviewed by you or your staff? At this juncture, in addition to answers to the above, we are requesting a complete copy of the above referenced site plan as submitted by the developer, all supporting documentation including dated letters of correspondence, and the building permit itself. This information was previously requested in our letter of September 25, 2000, but never received.

**Building Envelope and Setbacks** - Our concerns in this regard are two fold. First, the building envelope for Lot #19 as shown on the development plans does not meet the city of Portland ordinances. This is a fact, not an opinion. Secondly, due to the density of development and the environmentally sensitive areas therein, we want to ensure all structures are located within proper and acceptable building envelopes. In regards to the structure associated with Lot #19, we did not state that a violation had occurred. But rather, requested that your staff ensure that a violation in this regard does not occur. A review of our previous correspondence will confirm this. Under the circumstances, we believe this concern was well placed at the time, and at this juncture renew this concern in association with future development at the Pines of Portland.

For the record, the contents of your letter of October 10, 2000, are quite disturbing. From a tax payer's point of view, why are abutters to the proposed development forced to deal with compliance issues which are clearly the responsibility of the city of Portland? Why are blatant violations such as those addressed in this and previous correspondence given nothing more than indifferent consideration? Is the role of your department to deal with the causes of these deficiencies? Or simply to rationalize and support negligent development practices? All of this and much more is a concern to many of us.

In summary, we look forward to a complete and expedient written response to the above. Please be advised, we fully intend to take whatever action is necessary to protect our legal rights. As always, thank you for your assistance and I look forward to your response.

Sincerely,

  
David C. Dargie, P.E.

Enclosures

cc: J. Rudd, Esq.  
J. McVeigh, Esq.  
Mr. Robert Ganley, City Manager  
EEN

Phos (12-11-00)



## CITY OF PORTLAND

October 10, 2000

Mr. and Mrs. David Dargie  
9 Charlotte Drive  
Falmouth ME 04105

Dear Mr. and Mrs. Dargie:

There are several issues the City would like to clarify regarding the numerous correspondences it has been receiving from you relative to the Pines subdivision.

- First, the developer, through its agents, has established that a pre-blast survey, consisting of an exterior inspection of your property, occurred on September 19, 2000. While the City has not been provided with a copy of a video recording of the inspection, you may be able to obtain the same from Becc, P.O. Box 257, 28 Ledgewood Drive, Yarmouth, Maine 04096.
- Next, the City's building inspector has been carefully monitoring the activity occurring at the Pines and is satisfied that the five foot buffer has not been significantly impacted by the work occurring on-site. While one tree and several stones on a stone wall have been displaced by blasting, the remaining vegetative buffer is intact. The City will require the developer to replant a tree of similar caliber to the one fallen; will require the stones to be replaced upon the wall; and will require the replanting of any ground cover disturbed.
- It did not appear to the City inspector that blasting was occurring within the drainage easement. However, there is no prohibition against such activity (except in the buffer area) as long as the easement continues to act as an appropriate drainage course.
- You appear to misunderstand the meaning a "building envelope". To clarify, a building envelope defines the area in which a structure may be built. That is not to say that the earth surface around the envelope may not be disturbed during construction. In fact, it would be impossible to pour a foundation at the limits of the building envelope if such disturbance were not allowed. Based upon recent inspections, the City is satisfied that, to date, no violation of the building envelope has occurred.

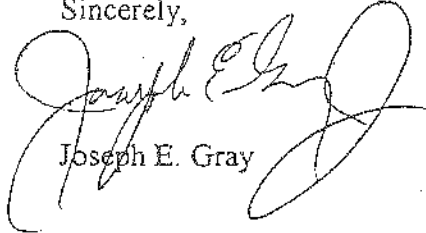
Mr. and Mrs. David Dargie

Page 2

October 10, 2000

- You complain that setbacks have been violated on lot 19 by the activity undertaken there to date. Since the foundation forms have not yet been set on lot 19, it is certainly premature to state that the developer has violated building setback requirements.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph E. Gray". The signature is fluid and cursive, with a large loop at the end.

Joseph E. Gray

/njc

cc: Amy Mulkerin  
Alex Jaegerman  
Kandi Talbot

Executive Department



FILE

Joseph E. Gray, Jr.  
Acting City Manager

**CITY OF PORTLAND**

April 23, 2001

Mr. David Dargie  
9 Charlotte Drive  
Falmouth, ME 04105

**Re: Blasting at the Pines**

Dear Mr. Dargie:

I am responding to your correspondence to me dated March 20, 2001 in which you inquire about the blasting activity at The Pines subdivision. The applicants to The Pines subdivision, Amy Mulkerin and Greg McCormick, were required by the Planning Board to "provide a pre-blast survey for any ledge removal since it appears highly likely that trench rock removal will be required for the deep sewers." Based upon the information the City has received from this developer, pre-blast surveys were, and continue to be conducted, prior to blasting activities. (See attached documents) Indeed, as I understand it, on April 6 you were offered a preblast survey of your Falmouth residence in conjunction with blasting activities associated with lot 18 at The Pines.

In enforcing its conditions of approval relative to blasting associated with The Pines, the City investigated the circumstances surrounding the preblast surveys you and your wife raised in multiple letters to the City last year. As a result, I believe that subsequent blasting activities at The Pines were preceded by a certified letter to you offering a preblast survey of your home. In addition, the City is in the process of developing more complete standards to be applied when blasting in the City occurs.

Thank you for your continued interest in this subdivision. Should you have more specific inquiries regarding the blasting activities at The Pines I would suggest you contact Ms. Mulkerin or Mr. McCormick.

Sincerely,



Joseph E. Gray  
Acting City Manager

Cc: Kandi Talbot, Planner  
Penny Littlell, Associate Corporation Counsel

O:\OFFICE\LTRS\dargie0420.doc



MULKERIN ASSOCIATES  
REAL ESTATE

April 17, 2001

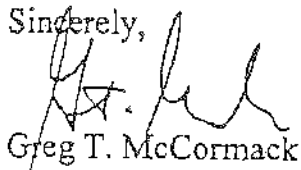
Penny Littell  
Associate Corporation Counsel  
City of Portland

Re: Information Requested 04-17-01

Dear Penny,

Certified notices were sent to the enclosed list of abutters about April 6, 2001. McGoldrich Blasting has indicated to us that all abutters on the list have co-operated in the pre-blast survey/inspection.

Sincerely,



Greg T. McCormack



4/3/01

To: Shawn Mc Goldberg,  
From: Greg Mc Cormack

Re: List of Names/Addresses - Falmouth  
Residences to be notified as pointed out  
By You - Next to Lot 17/18 Pines.  
TO BE BLASTED.

9 Charlotte Drive David C. Dergie

13 Charlotte Drive John S. Rudd

2 Hurley Drive N. Barroso/J. Martinez

2 Hurley Drive Dragon Products Company, Inc.  
38 Preble St. Portland, Me

3 Hurley Drive Atlant Diane Mathieu

4 Hurley Drive Florence + Thomas Houston

5 Hurley Drive Andy + Vicki Holt

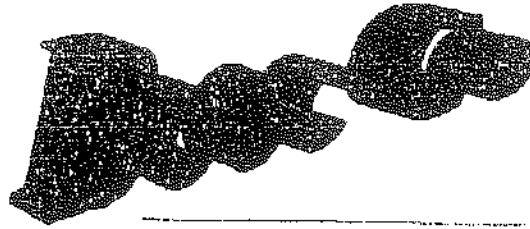
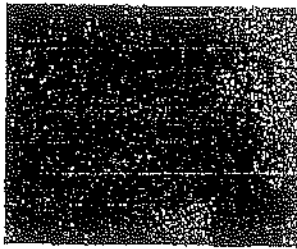
All are in Falmouth, Maine 04105  
with the exception of Dragon Products, Inc.

Any questions call me. Thanks. Greg

names on  
mail box.

Send  
(2)  
notices

title owner.



DATE: September 22, 2000  
 TO: Mulkerin - Greg McCormick  
 FROM: Becc Co. - Chuck Blakeman  
 RE: Pre-Blast Survey

Post-it* Fax Note	7671	Date	# of pages 1
To	DAVE COOPER	From	Greg + Amy
Co./Dept.		Co.	
Phone #		Phone #	846-9268
Fax #		Fax #	

*Pre-Blast Survey Info Requested.*

The following pre-blast survey was done to the specifications noted below.

Becc Company conducts pre-blast condition surveys prior to blasting. The surveys are done in compliance with local, state, and federal guidelines. A pre-blast condition survey (PBS) consists of a video document. A PBS includes video taped recordings of any visible defects existing within a structure before blasting begins. A PBS inspection establishes for the Property Owner and the Blasting Contractor a clear record of the condition of a property prior to the beginning of blasting. The inspection makes all parties aware of any existing damage or deterioration.

These documents are considered "confidential" and are kept in the vaults at Becc Co. Materials included in the pre-blast survey are not public record and are not reviewed unless a property owner has reason to believe his property has been damaged by blasting. These documents can only be used if a valid blasting claim has been submitted to the Blasting company. The documents can be used either by the Blasting company's insurance or by the structure-owner's insurance company for resolution of said claim.

Falmouth, ME

9 Charollette Drive - September 19, 2000

↑  
*DANIEL Residence*

**PRETI, FLAHERTY, BELIVEAU, PACHIOS & HALEY, LLC**

Penny S. Littell, Esq.

June 28, 2001

Page 2

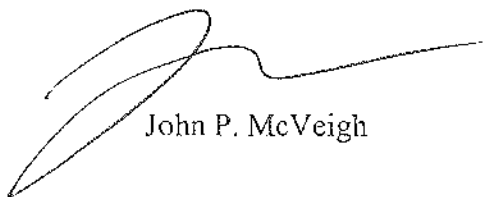
demonstrating the absence of any plantings, and the fourth photograph, with the backhoe in it, is a view from Lot 17, again showing the total absence of any effort by this developer to comply with the promised buffer zone plantings.

The developer should be made to comply with the plan. As you know, the Dargies argued strenuously for a more substantial buffer zone but were rebuffed, but were, at least, promised that there would be a buffer zone. For the blasted section, there is no buffer zone. The fact that the cure for the developer's error may be expensive for the developer is no excuse for the developer not to comply with the plan. The developer's solution has simply been to plant loam and grass up to the blasted rock. Instead, the developer should be required to build a retaining wall, fill the space, and make plantings on top of it out to the required five-foot buffer zone. The developer should also be required to make plantings along the entire buffer zone.

The promised berm shunting water away from the Dargie's property is non-existent and the lot has been planted with loam and grass, indicating the developer's intention not to provide any berming whatsoever. What is it going to take to make this developer comply with the plans? This developer has a long history of non-compliance. It was the developer's fundamental inexperience and incompetence that caused the planning board process to stretch out as long as it did and the Dargies have had to call the DEP at least twice for the developer's non-compliance with erosion requirements. I enclose for your review a letter dated April 24, 2001 from the DEP to the developer, and two photographs indicating the developer's most recent erosion control failures. The developer did fix the problem, but it should not have to be the Dargies' job to continually monitor this developer. The site of the failed erosion control devices is at the corner of a hammerhead servicing Lot 19. The water and siltation was flowing onto the property below 19 and, again, eventually, onto the Dargie property farther over. This developer does not take its erosion and storm water responsibilities seriously.

The Dargies request that whatever city official it is who is responsible for forcing the developer to comply with the buffer zone provisions of the plan and the drainage provisions issue whatever order is necessary to make the developer comply with the requirements of the plan. The Dargies do not wish to be continually fighting with the City to get this developer to comply with the terms of an extremely hard-fought plan. The City has the capacity, power, and the authority to make this developer comply, and the Dargies request that the City do so.

Sincerely,



John P. McVeigh

JPM/dfm

Enclosures

cc: Mr. David Dargie (w/o enc)

See me to discuss

DATE: July 26, 2001  
TO: Penny Littell, Corporation Counsel  
FROM: Jay Reynolds, Development Review Coordinator  
RE: The Pines of Portland/Dargie Concerns

File or Sarah

On, Tuesday, July 24<sup>th</sup>, I visited the Lot 19/2 Liberty Way site. This was in response to the concerns outlined in the May 14, 2001 and June 28, 2001 letters from John P. McVeigh. After a close inspection of the area in question, I have the following comments:

Esq. with regard to development activity at The Pines

- 1. I am unaware of the 'promised berm shunting water away from the Dargie's property'. I have found no correspondence or indication from the approved subdivision and/or site plan for lot 19 that alludes to this item. Regardless, under the subdivision approval, the applicant was required to 'certify that as lots 13, 15, 18, and 19 are developed that provisions are made to prevent increased rates of sheet flow so as to not cross southerly over the Dargie property' (General Note # 27, Recorded Plat). In my opinion, drainage remains in a westerly direction within lot 19 and the 50' drainage easement heading in the direction of the wetlands. I saw no alterations in grading or flow patterns that would create non-compliance. In my opinion, increased sheet flow onto the Dargie property has not occurred.

for The Pines

Get Bushey to confirm

The lots (all lots)

what about lots 13, 15 + 18?

OK

Sept. 3

- 2. 5 foot no cut buffer strip: After walking along the stone wall (approximate boundary line), and measuring 5 feet toward 2 Liberty way, I found the following:
  - a. An area of ledge was blasted within the no cut buffer strip, approximately 15 feet long, and at its closest point it is blasted right up to the property line. If there were any trees within this blasted area, then the developers may be out of compliance. I was unable to determine if there were any trees in this area prior to blasting. I have no existing condition data to confirm or deny this. Mr. McVeigh mentions that some photographs exist pertaining to these areas. These may confirm or deny any non-compliance.
  - b. One tree stem was found within the 5' no cut buffer zone. It has a 2-3" caliper +/-, and was cut at ground level. The developer(s) have stated that they will be cooperative in resolving this item.

fact that blasted w/ 5' no cut zone = med. plant add'l trees

how, when?

Please contact me if you have any questions or comments.  
Thank You for Your Time.

Cc: Alexander Jaegerman, Chief Planner  
Sarah Hopkins, Development Review Services Manager  
Kandice Talbot, Planner  
Amy Mulkerin/Greg McCormick, Developer  
John McVeigh, Preti, Flaherty, Beliveau, Pachios & Haley, LLC

DATE: October 18, 2001  
TO: Penny Littell, Corporation Counsel  
FROM: Jay Reynolds, Development Review Coordinator  
RE: The Pines of Portland/Dargie Concerns

On, Tuesday, July 24<sup>th</sup>, I visited the Lot 19/2 Liberty Way site. This was in response to the concerns outlined in the May 14, 2001 and June 28, 2001 letters from John P. McVeigh. After a close inspection of the area in question, I have the following comments:

1. I am unaware of the 'promised berm shunting water away from the Dargie's property'. I have found no correspondence or indication from the approved subdivision and/or site plan for lot 19 that alludes to this item. Regardless, under the subdivision approval, the applicant was required to 'certify that as lots 13,15,18, and 19 are developed that provisions are made to prevent increased rates of sheet flow so as to not cross southerly over the Dargie property' (General Note # 27, Recorded Plat). In my opinion, drainage remains in a westerly direction within the lots in question. I saw no alterations in grading or flow patterns that would create non-compliance. In my opinion, increased sheet flow onto the Dargie property has not occurred.
2. 5 foot no cut buffer strip: After walking along the stone wall (approximate boundary line), and measuring 5 feet toward 2 Liberty way, I found the following:
  - a. An area of ledge was blasted within the no cut buffer strip, approximately 15 feet long, and at its closest point it is blasted right up to the property line. If there were any trees within this blasted area, then the developers may be out of compliance. I was unable to determine if there were any trees in this area prior to blasting. I have no existing condition data to confirm or deny this. Mr. McVeigh mentions that some photographs exist pertaining to these areas. These may confirm or deny any non-compliance.
  - b. One tree stem was found within the 5' no cut buffer zone. It has a 2-3" caliper +/-, and was cut at ground level. The developer(s) have stated that they will be cooperative in resolving this item.

A letter will be sent to the developer pertaining to these items.

Please contact me if you have any questions or comments.

Thank You for Your Time.

Cc: Alexander Jaegerman, Chief Planner  
Sarah Hopkins, Development Review Services Manager  
Kandice Talbot, Planner  
~~Amy Mulkerin/Greg McCormick, Developer~~  
~~John McVeigh, Preti, Flaherty, Beliveau, Pachios & Haley, LLC~~



3 Trees Removed

October 18, 2001

Pines of Portland  
426 Forest Avenue  
Portland, ME 04102

Attention: Mrs. Amy Mulkerin

RE: The Pines of Portland/Dai

Dear Mrs. Mulkerin,

Under the subdivision approval, the applicant is required to 'certify that as lots 13,15,18, and 19 are developed that provisions are made to prevent increased rates of sheet flow so as to not cross southerly over the Dargie property' (General Note # 27, Recorded Plat). Please provide the city with the appropriate correspondence/documentation pertaining to this item. This should be certified by a third party, and by a professional engineer.

Regarding the 5 foot no cut buffer strip: After walking along the stone wall (approximate boundary line) behind lot 19, and measuring 5 feet toward 2 Liberty way, I found the following:

- a. An area of ledge was blasted within the no cut buffer strip, approximately 15 feet long, and at its closest point it is blasted right up to the property line.

After meeting with the City Arborist on site, the recommendation to correct this item is to plant seven (7) new trees behind lot 19. This can be achieved by planting them on the ledge wall, with the addition of fill around the trees. The recommended size and species are the following:

- a. White Pines: 4 feet in height, or
- b. Hemlocks: 4 feet in height.

Resolving these items is required prior to the acceptance of the street.

Please contact me if you have any questions or comments.  
Thank You for Your Time.

Sincerely,

Jay Reynolds  
Development Review Coordinator



Cc: Alexander Jaegerman, Chief Planner  
Sarah Hopkins, Development Review Services Manager  
Kandice Talbot, Planner  
John McVeigh, Preti, Flaherty, Beliveau, Pachios & Haley, LLC  
Jeff Tarling, City Arborist  
Todd Merkle, Field Inspection Coordinator

November 12, 2001

9 Charlotte Drive  
Falmouth, ME 04105

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

**RE: The Pines of Portland/  
Pennsylvania Avenue Subdivision  
North Deering  
Portland, ME**

Dear Mr. Reynolds:

In October, 2000, I forwarded the enclosed letter to the city of Portland for review and action. Whereas you are overseeing the re-establishment of the vegetated buffer adjacent to lot #19, we are hopeful that you will ensure that the appropriate actions are also taken adjacent to lot #16.

Thank you for your assistance and I look forward to your response.

Sincerely,

  
David C. Dargie, P.E.

cc: J. Rudd - Falmouth

Pines (11-12-01)



October 1, 2000

9 Charlotte Drive  
Falmouth, ME 04105

Mr. David Caddell  
Building Inspector, City of Portland  
City Hall  
389 Congress Street  
Portland, ME 04101

**RE: The Pines of Portland/  
Pennsylvania Avenue Subdivision  
North Deering  
Portland, ME**

Dear Mr. Caddell:

I have recently been advised by a neighbor that clearing on Lot #16 within the five foot no-cut vegetated buffer has occurred. Apparently a large oak tree that once provided an excellent visual screen for residents on Hurley Lane has been removed. Could you please confirm the above and advise me as to what measures will be taken to address this violation.

Thank you for your assistance and I look forward to your response.

Sincerely,

  
David C. Dargie, P.E.

cc: J. Gray, City of Portland  
J. Rudd, Falmouth  
EEN

Pines (10-1-00)

# PRETI, FLAHERTY, BELIVEAU, PACHIOS & HALEY, LLC

ATTORNEYS AT LAW

ONE CITY CENTER, P.O. BOX 9546, PORTLAND, MAINE 04112-9546

TELEPHONE: (207) 791-3000 -- TELEFAX: (207) 791-3111

INTERNET: WWW.PRETI.COM - E-MAIL: ADMIN@PRETI.COM

June 28, 2001

MEMBERS:

SEVERIN M. BELIVEAU  
HAROLD C. PACHIOS  
MARK L. HALEY\*  
MICHAEL J. GENTILE  
CHRISTOPHER D. NYHAN  
ERIC P. STAUFFER  
JONATHAN S. PIPER  
DANIEL RAFAFORT  
JOHN P. DOYLE, JR.  
BRUCE C. GERRITY  
ANTHONY W. BUXTON  
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SUSAN B. LOGUDDICE  
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MICHAEL L. SHEEHAN  
JOSEPH G. DONAHUE  
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ANN R. ROBINSON  
STEPHEN E. F. LANGSDORF  
JOHN P. MCVEIGH  
ELIZABETH A. OLIVIER  
DEIRDRE M. O'CALLAGHAN  
CHARLES F. DINGMAN  
NELSON J. LARKINS  
ROBERT O. NEWTON  
JOHN S. RUDD  
TIMOTHY J. BRYANT  
JAMES E. PHIPPS  
BONNIE L. MARTINOLICH  
DONALD J. SIPE  
GREGORY P. HANSEL  
CHRISTOPHER V. REID

SENIOR COUNSEL TO THE FIRM:  
HON. GEORGE J. MITCHELL

COUNSEL:

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ALBERT J. BELIVEAU, JR.  
ROBERT W. SMITH  
MARK B. LEDUC  
NAOMI SAKAMOTO  
PETER S. CARLISLE  
BENJAMIN S. BILUS\*\*\*\*

ASSOCIATE COUNSEL:

TRACEY G. BURTON  
ROY T. PIERCE  
ELIZABETH A. CAMPBELL  
JEFFREY W. PETERS  
MATTHEW J. LAMOURIE  
SIGMUND D. SCHUTZ  
JOEL H. THOMPSON  
SHARON G. NEWMAN  
MICHAEL A. CUNIFF  
MICHAEL K. MAHONEY  
LINDA S. LOCKHART  
JAMES M. HANLEY  
JOSEPH W. CORRIGAN  
DANA E. A. GILLESPIE  
ANDREW W. CROCKER\*\*\*  
JAMES M. ATWOOD

\*Leave of absence

\*\*Admitted to practice law only in the District of Columbia.

\*\*\*Admitted to practice law only in Maryland.

\*\*\*\*Admitted to practice law only in New York and Connecticut.

JOHN J. FLAHERTY  
(1929 - 1995)

MEMBER



TERRALEX

Penny S. Littell, Esq.  
Corporation Counsel  
City of Portland  
389 Congress St.  
Portland, ME 04101

Re: Dargie/The Pines

Dear Penny:

Although this letter is about the Dargies, let me first apologize for not getting a pre-trial order to you in Simonds. With the departure of Len Gulino from the firm, I am the last person in the firm who knows anything about bankruptcy and I have simply been completely overwhelmed by the series of high-profile bankruptcies that have been filed in the last three weeks, particularly the Envisionet mess. I will get you a proposed Pre-Trial Order on Simonds.

On Dargie, I write to reaffirm the Dargies' prior concerns regarding the lack of a buffer between Lot 19 and the Dargie property and the absence of the promised berm shunting water away from Mr. Dargie's land. This time, I thought it best to illustrate the concerns with photographs. These photographs were taken early in the year before the developer or the homeowners imported loam and planted grass, but the contours of the property have not changed. The photograph which is a close-up of the rock face represents about twenty feet of rock face. In the upper right-hand corner, Mr. Dargie has placed a red dot on a rock. That red dot represents the actual boundary line between the properties. As you can see, the developer blasted away right to the edge of the property line.

The collection of rocks to the right of the red dot are what remains of the stone wall (granted, not a fancy stone wall) that define the boundary line. As you can see, about twenty feet of the stone wall is gone. The edges then begin to taper back toward the five foot mark until, at about a forty-foot width, the developer's activities returned to the confines of the agreed-upon buffer zone, which was a condition of approving the developer's plan. The larger photograph which, on the left-hand side has a side view of the deck, is a view of the same spot from farther back. This photograph indicates that not only has the developer blasted away the promised buffer, the developer has made absolutely no effort whatsoever to make any plantings in what is left of the promised buffer zone. The third photograph gives you a view from the porch on lot 19 down to another house, again

45 MEMORIAL CIRCLE - P.O. BOX 1058  
AUGUSTA, MAINE 04332-1058  
TELEPHONE: (207) 623-5300  
TELEFAX: (207) 623-2914

THIRTY FRONT STREET, P.O. BOX 665  
BATH, MAINE 04530-0665  
TELEPHONE: (207) 443-5576  
TELEFAX: (207) 443-6665

SIXTEEN CENTRE STREET  
CONCORD, NEW HAMPSHIRE 03301-6321  
TELEPHONE: (603) 227-9935  
TELEFAX: (603) 226-3218

**PRETI, FLAHERTY, BELIVEAU, PACHIOS & HALEY, LLC**

Penny S. Littell, Esq.

June 28, 2001

Page 2

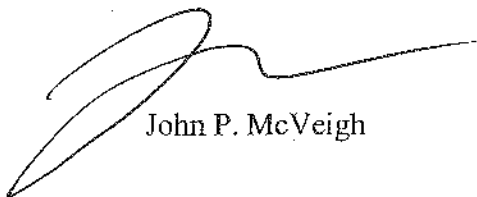
demonstrating the absence of any plantings, and the fourth photograph, with the backhoe in it, is a view from Lot 17, again showing the total absence of any effort by this developer to comply with the promised buffer zone plantings.

The developer should be made to comply with the plan. As you know, the Dargies argued strenuously for a more substantial buffer zone but were rebuffed, but were, at least, promised that there would be a buffer zone. For the blasted section, there is no buffer zone. The fact that the cure for the developer's error may be expensive for the developer is no excuse for the developer not to comply with the plan. The developer's solution has simply been to plant loam and grass up to the blasted rock. Instead, the developer should be required to build a retaining wall, fill the space, and make plantings on top of it out to the required five-foot buffer zone. The developer should also be required to make plantings along the entire buffer zone.

The promised berm shunting water away from the Dargie's property is non-existent and the lot has been planted with loam and grass, indicating the developer's intention not to provide any berming whatsoever. What is it going to take to make this developer comply with the plans? This developer has a long history of non-compliance. It was the developer's fundamental inexperience and incompetence that caused the planning board process to stretch out as long as it did and the Dargies have had to call the DEP at least twice for the developer's non-compliance with erosion requirements. I enclose for your review a letter dated April 24, 2001 from the DEP to the developer, and two photographs indicating the developer's most recent erosion control failures. The developer did fix the problem, but it should not have to be the Dargies' job to continually monitor this developer. The site of the failed erosion control devices is at the corner of a hammerhead servicing Lot 19. The water and siltation was flowing onto the property below 19 and, again, eventually, onto the Dargie property farther over. This developer does not take its erosion and storm water responsibilities seriously.

The Dargies request that whatever city official it is who is responsible for forcing the developer to comply with the buffer zone provisions of the plan and the drainage provisions issue whatever order is necessary to make the developer comply with the requirements of the plan. The Dargies do not wish to be continually fighting with the City to get this developer to comply with the terms of an extremely hard-fought plan. The City has the capacity, power, and the authority to make this developer comply, and the Dargies request that the City do so.

Sincerely,



John P. McVeigh

JPM/dfm

Enclosures

cc: Mr. David Dargie (w/o enc)



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

ANGUS S. KING, JR.  
GOVERNOR

MARTHA KIRKPATRICK  
COMMISSIONER

April 24, 2001

Greg McCormick & Amy Mulkerin  
Mulkerin & Associates  
426 Forest Ave  
Portland ME 04101

RE: The Pines of Portland, #99-869-S

I inspected the Pines site on April 17, 2001 in order to determine compliance with existing Department permits. There continues to be erosion problem at the Penn Avenue stream crossing. Sediment has entered the stream channel. The silt fence surrounding the site is in disrepair and in one location, adjacent to Lot 9, it has allowed sediment to enter the freshwater wetland. The stream crossing under the driveway for Lot 12 is experiencing some minor erosion. The site has not been stabilized.

The silt fence at the end of Kansas Ave is also in disrepair. Sediment is traveling from an exposed pile of soil across the road and into the wetland adjacent to the stream.

At this point in time, the site is not in compliance with the existing permits. Repairs need to be made immediately and the site needs to be stabilized with loam and seed.

By means of this letter, I am informing the Department's Field Services Staff for consideration of enforcement action. If you have questions, feel free to call me at 822-6324 or Mike Clark, Field Services, at 822-6350.

Sincerely,

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

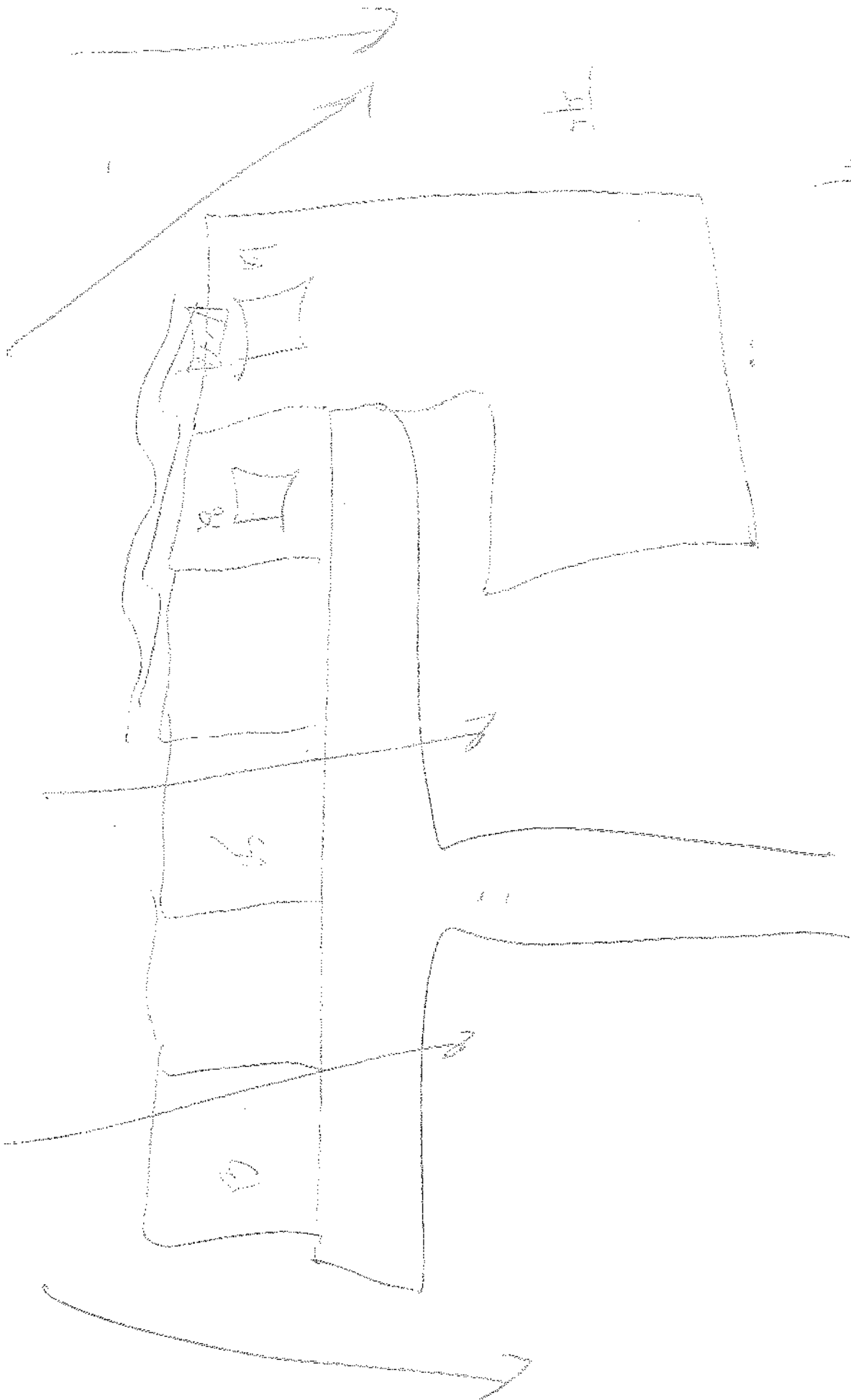
Cc: Mike Clark, Field Services  
Jay Clement, ACOE  
✓ David Dargie

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

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

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

PRESQUE ISLE  
135 CENTRAL DRIVE, SKYWAY PARK  
PRESQUE ISLE, MAINE 04769-2094  
(207) 764-3477 FAX: (207) 764-1507



DATE: October 18, 2001  
TO: Penny Littell, Corporation Counsel  
FROM: Jay Reynolds, Development Review Coordinator *JR*  
RE: The Pines of Portland/Dargie Concerns

On, Tuesday, July 24<sup>th</sup>, I visited the Lot 19/2 Liberty Way site. This was in response to the concerns outlined in the May 14, 2001 and June 28, 2001 letters from John P. McVeigh. After a close inspection of the area in question, I have the following comments:

1. I am unaware of the 'promised berm shunting water away from the Dargie's property'. I have found no correspondence or indication from the approved subdivision and/or site plan for lot 19 that alludes to this item. Regardless, under the subdivision approval, the applicant was required to 'certify that as lots 13, 15, 18, and 19 are developed that provisions are made to prevent increased rates of sheet flow so as to not cross southerly over the Dargie property' (General Note # 27, Recorded Plat). In my opinion, drainage remains in a westerly direction within the lots in question. I saw no alterations in grading or flow patterns that would create non-compliance. In my opinion, increased sheet flow onto the Dargie property has not occurred.
  
2. 5 foot no cut buffer strip: After walking along the stone wall (approximate boundary line), and measuring 5 feet toward 2 Liberty way, I found the following:
  - a. An area of ledge was blasted within the no cut buffer strip, approximately 15 feet long, and at its closest point it is blasted right up to the property line. If there were any trees within this blasted area, then the developers may be out of compliance. I was unable to determine if there were any trees in this area prior to blasting. I have no existing condition data to confirm or deny this. Mr. McVeigh mentions that some photographs exist pertaining to these areas. These may confirm or deny any non-compliance.
  - b. One tree stem was found within the 5' no cut buffer zone. It has a 2-3" caliper +/-, and was cut at ground level. The developer(s) have stated that they will be cooperative in resolving this item.

A letter will be sent to the developer pertaining to these items.

Please contact me if you have any questions or comments.



Cc: Alexander Jaegerman, Chief Planner  
Sarah Hopkins, Development Review Services Manager  
Kandice Talbot, Planner



**CITY OF PORTLAND**

October 18, 2001

Pines of Portland  
426 Forest Avenue  
Portland, ME 04102

Attention: Mrs. Amy Mulkerin

RE: The Pines of Portland/Dargie Concerns

Dear Mrs. Mulkerin,

Under the subdivision approval, the applicant is required to 'certify that as lots 13,15,18, and 19 are developed that provisions are made to prevent increased rates of sheet flow so as to not cross southerly over the Dargie property' (General Note # 27, Recorded Plat). Please provide the city with the appropriate correspondence/documentation pertaining to this item. This should be certified by a third party, and by a professional engineer.

Regarding the 5 foot no cut buffer strip: After walking along the stone wall (approximate boundary line) behind lot 19, and measuring 5 feet toward 2 Liberty way, I found the following:

- a. An area of ledge was blasted within the no cut buffer strip, approximately 15 feet long, and at its closest point it is blasted right up to the property line.

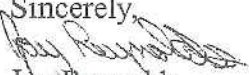
After meeting with the City Arborist on site, the recommendation to correct this item is to plant seven (7) new trees behind lot 19. This can be achieved by planting them on the ledge wall, with the addition of fill around the trees. The recommended size and species are the following:

- a. White Pines: 4 feet in height, or
- b. Hemlocks: 4 feet in height.

Resolving these items is required prior to the acceptance of the street.

Please contact me if you have any questions or comments.  
Thank You for Your Time.

Sincerely,

  
Jay Reynolds

Development Review Coordinator

Cc: Alexander Jaegerman, Chief Planner  
Sarah Hopkins, Development Review Services Manager  
Kandice Talbot, Planner  
John McVeigh, Preti, Flaherty, Beliveau, Pachios & Haley, LLC  
Jeff Tarling, City Arborist  
Todd Merkle, Field Inspection Coordinator



**CITY OF PORTLAND**

November 29, 2001

Mr. David Dargie  
9 Charlotte Drive  
Falmouth, ME 04105

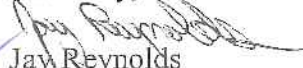
Dear Mr. Dargie,

In response to your November 12, 2001 letter, I have the following comments:

1. Blasted area/buffer behind lot 19: Seven pines have been planted on the adjacent property behind lot 19 to re-establish the required buffer. The plantings were placed in a manner that best re-establishes this buffer, in my opinion.
2. Lot 16: Attached to your November 12, 2001 letter, was an October 1, 2000 letter addressing the same issue as lot 19. I was unaware of this letter/issue. After walking behind the lot yesterday, I was unable to confirm that any trees or vegetated buffer was removed from the 5-foot no-cut buffer zone behind lot 16.

Please contact me if you have any questions or comments.  
Thank You for Your Time.

Sincerely,

  
Jay Reynolds

Development Review Coordinator

Cc: Alexander Jaegerman, Chief Planner  
Sarah Hopkins, Development Review Services Manager  
Penny Littell, Corporation Counsel  
Kandice Talbot, Planner  
Jeff Tarling, City Arborist  
Todd Merkle, Field Inspection Coordinator

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**CITY OF PORTLAND**

November 29, 2001

Mr. David Dargie  
9 Charlotte Drive  
Falmouth, ME 04105

Dear Mr. Dargie,

In response to your November 12, 2001 letter, I have the following comments:

1. Blasted area/buffer behind lot 19: Seven pines have been planted on the adjacent property behind lot 19 to re-establish the required buffer. The plantings were placed in a manner that best re-establishes this buffer, in my opinion.
2. Lot 16: Attached to your November 12, 2001 letter, was an October 1, 2000 letter addressing the same issue as lot 19. I was unaware of this letter/issue. After walking behind the lot yesterday, I was unable to confirm that any trees or vegetated buffer was removed from the 5-foot no-cut buffer zone behind lot 16.

Please contact me if you have any questions or comments.  
Thank You for Your Time.

Sincerely,

A handwritten signature in black ink, appearing to read "Jay Reynolds".

Jay Reynolds  
Development Review Coordinator

Cc: Alexander Jaegerman, Chief Planner  
Sarah Hopkins, Development Review Services Manager  
Penny Littell, Corporation Counsel  
Kandice Talbot, Planner  
Jeff Tarling, City Arborist  
Todd Merkle, Field Inspection Coordinator

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MULKERIN ASSOCIATES  
REAL ESTATE

## FAX COVER SHEET

Date: 12/10/01

Total Pages: 3

To: JAY REYNOLDS

Company Fax #: 756-8258

From: Amy Mulkerin

Subject:

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CALL US AT 772-2127 IF THERE ARE ANY PROBLEMS.



CITY OF PORTLAND

October 18, 2001

Pines of Portland  
426 Forest Avenue  
Portland, ME 04102

Attention: Mrs. Amy Mulkerin

RE: The Pines of Portland/Dargie Concerns

Dear Mrs. Mulkerin,

Under the subdivision approval, the applicant is required to 'certify that as lots 13, 15, 18, and 19 are developed that provisions are made to prevent increased rates of sheet flow so as to not cross southerly over the Dargie property' (General Note # 27, Recorded Plat). Please provide the city with the appropriate correspondence/documentation pertaining to this item. This should be certified by a third party, and by a professional engineer.

Regarding the 5 foot no cut buffer strip: After walking along the stone wall (approximate boundary line) behind lot 19, and measuring 5 feet toward 2 Liberty way, I found the following:

- a. An area of ledge was blasted within the no cut buffer strip, approximately 15 feet long, and at its closest point it is blasted right up to the property line.

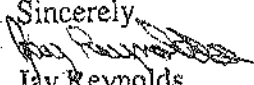
After meeting with the City Arborist on site, the recommendation to correct this item is to plant seven (7) new trees behind lot 19. This can be achieved by planting them on the ledge wall, with the addition of fill around the trees. The recommended size and species are the following:

- a. White Pines: 4 feet in height, or
- b. Hemlocks: 4 feet in height.

Resolving these items is required prior to the acceptance of the street.

Please contact me if you have any questions or comments.  
Thank You for Your Time.

Sincerely,

  
Jay Reynolds

Development Review Coordinator





170 U.S. Route One  
Falmouth, Maine 04105  
Tel: 207.781.5242  
Fax: 207.781.4245

December 7, 2001  
File: 98113

Ms. Amy Mulkerin  
Mulkerin Associates  
426 Forest Avenue  
Portland, ME 04101

RE: THE PINES

Dear Amy:

As requested I have reviewed Note 27 on the final plan:

*" 27. The applicant certifies that as Lots 13, 15, 18, and 19 are developed that provisions are made to prevent increased rates of sheet flow so as to not cross southerly over the Dargie property."*

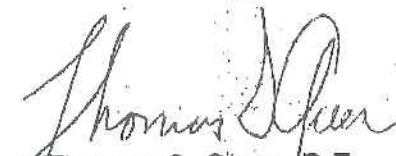
This note does not require you to submit additional information to the City.

I have reviewed the as-built conditions of the site and believe the conditions match the intent of the stormwater management plan. Lot 19 discharges the rear yard area drainage to the swale created by the detention basin located next to the Dargie home and it is then conveyed in a concentrated manner to the wetland below the Dargie lot. This is exactly the conditions we predicted at the Planning Board meetings.

Hopefully this addresses your concerns.

Sincerely,

PINKHAM & GREER

  
Thomas S. Greer, P.E.

TSG/lt





**CITY OF PORTLAND**

January 9, 2002

Mr. David Dargie  
9 Charlotte Drive  
Falmouth, ME 04105

Dear Mr. Dargie,

The city has received a letter from a Professional Engineer certifying "that Lots 13, 18, and 19 are developed with provisions to prevent increased rates of sheet flow from crossing the southerly portion of the Dargie Property."

This submission is acceptable to the city, meeting the requirement specified under subdivision approval.

Please contact me if you have any questions or comments.  
Thank You for Your Time.

Sincerely,

A handwritten signature in black ink, appearing to read "Jay Reynolds".

Jay Reynolds

Development Review Coordinator

Cc: Alexander Jaegerman, Chief Planner  
Sarah Hopkins, Development Review Services Manager  
Penny Littell, Corporation Counsel  
Kandice Talbot, Planner  
Todd Merkle, Field Inspection Coordinator



**CITY OF PORTLAND**

January 9, 2002

Mr. David Dargie  
9 Charlotte Drive  
Falmouth, ME 04105

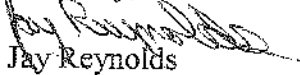
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The city has received a letter from a Professional Engineer certifying "that Lots 13, 18, and 19 are developed with provisions to prevent increased rates of sheet flow from crossing the southerly portion of the Dargie Property."

This submission is acceptable to the city, meeting the requirement specified under subdivision approval.

Please contact me if you have any questions or comments.  
Thank You for Your Time.

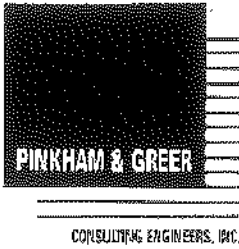
Sincerely,



Jay Reynolds

Development Review Coordinator

Cc: Alexander Jaegerman, Chief Planner  
Sarah Hopkins, Development Review Services Manager  
Penny Littell, Corporation Counsel  
Kandice Talbot, Planner  
Todd Merkle, Field Inspection Coordinator



170 U.S. Route One  
 Falmouth, Maine 04105  
 Tel: 207.781.5242  
 Fax: 207.781.4245

December 13, 2001  
 File: 98113

Ms. Penny Littell  
 Corporate Council  
 City of Portland  
 City Hall, 389 Congress Street  
 Portland, ME 04101

RE: THE PINES

Dear Ms. Littell:

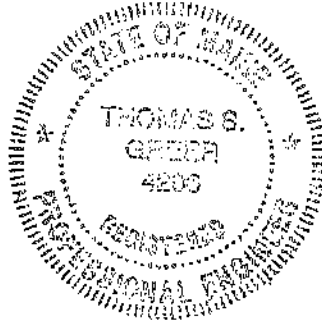
I have made an inspection of The Pines and certify that Lots 13, 15, 18, and 19 are developed with provisions to prevent increased rates of sheet flow from crossing the southerly portion of the Dargie Property.

Sincerely,

PINKHAM & GREER

A handwritten signature in black ink, appearing to read 'Thomas S. Greer', written in a cursive style.

Thomas S. Greer, P.E.



TSG/lh

C: Amy Mulkerin



**CITY OF PORTLAND**

February 21, 2002

Mr. David Dargie  
9 Charlotte Drive  
Falmouth, ME 04105

Dear Mr. Dargie,

In response to your letter of February 10, 2002, I have the following comments:

Minor site plan submissions are kept on file in the City of Portland Planning Office, fourth floor of City Hall, 389 Congress Street. Feel free to make an appointment to review these files. Being public information, any member of the public may come in and obtain copies of all submissions/documentation.

In reference to the buffer area along the Falmouth property line, seven new trees were planted along this buffer, and at this time, the city considers this issue closed.

Sincerely,

Jay Reynolds

Development Review Coordinator

Cc: Alexander Jaegerman, Planning Director  
Sarah Hopkins, Development Review Services Manager  
Penny Littell, Corporation Counsel

February 10, 2002

9 Charlotte Drive  
Falmouth, ME 04105

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

**RE: The Pines of Portland/  
Pennsylvania Avenue Subdivision  
North Deering  
Portland, ME**

Dear Mr. Reynolds:

In response to your letter of January 9, 2002 (copy attached), we are requesting a copy of the letter that you received from a professional engineer certifying "that lots 13, 18 and 19 are developed with provisions to prevent increased rates of sheet flow from crossing the southerly portion of the Dargie property". Please be advised that during the planning review process, the planning board concluded that the developer did not adequately protect adjacent properties or regulated wetlands from increased rates of stormwater discharge. Therefore, the planning board mandated that each lot be subject to a "minor site plan review and approval", as indicated in note 19 of the approved Site Plan. Lots 13, 15, 18 and 19 were to be specifically designed and built in a fashion to prevent increased rates of sheet flow in a southerly direction. A cursory inspection of the site does not indicate that such measures have been taken. In any event, we will wait to review the letter in question before taking additional action.

We are also requesting copies of these minor site plan submissions for lots 13, 15, 18 and 19. The Order of Conditions dated November 1, 1999, requires the review and approval of minor site plans prior to "issuance of a building permit". Also, please provide us with documentation regarding the review and approval process of these minor site plans.

Regarding your letter of November 29, 2001 (copy also attached), the developer is very much aware of the large oak tree that was cut adjacent to lot 16. If the developer elects not to identify the location of this tree, I will be glad to mark the tree stump when the snow melts in the spring. I can also provide pictures of the tree if necessary.

Thank you for your assistance and I look forward to your response.

Sincerely,

  
David C. Dargie, P.E.

cc: J. Rudd, Esq.  
J. McVeigh, Esq.

1999-02-18-02



**CITY OF PORTLAND**

January 9, 2002

Mr. David Dargie  
9 Charlotte Drive  
Falmouth, ME 04105

Dear Mr. Dargie,

The city has received a letter from a Professional Engineer certifying "that Lots 13, 18, and 19 are developed with provisions to prevent increased rates of sheet flow from crossing the southerly portion of the Dargie Property."

This submission is acceptable to the city, meeting the requirement specified under subdivision approval.

Please contact me if you have any questions or comments.  
Thank You for Your Time.

Sincerely,

Jay Reynolds  
Development Review Coordinator

Cc: Alexander Jaegerman, Chief Planner  
Sarah Hopkins, Development Review Services Manager  
Penny Littell, Corporation Counsel  
Kandice Talbot, Planner  
Todd Merkle, Field Inspection Coordinator



**CITY OF PORTLAND**

November 29, 2001

Mr. David Dargie  
9 Charlotte Drive  
Falmouth, ME 04105

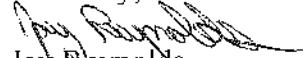
Dear Mr. Dargie,

In response to your November 12, 2001 letter, I have the following comments:

1. Blasted area/buffer behind lot 19: Seven pines have been planted on the adjacent property behind lot 19 to re-establish the required buffer. The plantings were placed in a manner that best re-establishes this buffer, in my opinion.
2. Lot 16: Attached to your November 12, 2001 letter, was an October 1, 2000 letter addressing the same issue as lot 19. I was unaware of this letter/issue. After walking behind the lot yesterday, I was unable to confirm that any trees or vegetated buffer was removed from the 5-foot no-cut buffer zone behind lot 16.

Please contact me if you have any questions or comments.  
Thank You for Your Time.

Sincerely,



Jay Reynolds

Development Review Coordinator

Cc: Alexander Jaegerman, Chief Planner  
Sarah Hopkins, Development Review Services Manager  
Penny Littell, Corporation Council  
Kandice Talbot, Planner  
Jeff Tarling, City Arborist  
Todd Merkle, Field Inspection Coordinator

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March 18, 2002

9 Charlotte Drive  
Falmouth, ME 04105

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

**(Registered Mail)**

**RE: The Pines of Portland/  
Pennsylvania Avenue Subdivision  
North Deering  
Portland, ME**

Dear Mr. Reynolds:

Thank you for your letter of February 21, 2002 (copy attached). Regretfully, it did not address my requests or concerns as raised in my letter of February 10, 2002. Therefore, I would once again request that you review this correspondence (copy also attached) and respond as appropriate. Please be advised that I will promptly reimburse any direct costs associated with copying the requested information.

Regarding the vegetated buffer, we are aware that trees have been planted adjacent to Lot 19. As you know, the developer decimated the vegetated buffer in this area during blasting operations (refer to your letter of October 18, 2001). My most recent reference regarding unauthorized vegetation removal is in regards to an area adjacent to Lot 16. I hope you're not implying that the planting of several trees adjacent to Lot 19 compensates for other unrelated violations elsewhere on site. Furthermore, I first raised this concern in October, 2000. It is difficult to understand why no action has been taken by the City in over 18 months.

For the record, there are clear and definitive requirements that were mandated by the planning board as conditions of approval for the above referenced development. Negative impacts regarding stormwater have been a significant concern by many from the beginning of the review and approval process. The developer, regretfully, has shown little regard for adjacent natural resources and abutting properties. As you know, on two separate occasions, the developer has been cited by the State of Maine, Department of Environmental Protection for violations. As owners of a large parcel that abuts the development site, we fully intend to protect our property from the negative impacts of this development. In turn, we fully intend to enforce all of the conditions set forth by the planning board as well as requirements that appear on the developers own documents. As a City Department, we expect that Planning and Urban Development will ensure all of these conditions are met in their entirety without compromise.

Thank you for your assistance and I look forward to your response.

Sincerely,

  
David C. Dargie, P.E.

cc: J. Rudd, Esq.  
J. McVeigh, Esq.  
EEN

Rev (02-15-02)





**CITY OF PORTLAND**

February 21, 2002

Mr. David Dargie  
9 Charlotte Drive  
Falmouth, ME 04105

Dear Mr. Dargie,

In response to your letter of February 10, 2002, I have the following comments:

Minor site plan submissions are kept on file in the City of Portland Planning Office, fourth floor of City Hall, 389 Congress Street. Feel free to make an appointment to review these files. Being public information, any member of the public may come in and obtain copies of all submissions/documentation.

In reference to the buffer area along the Falmouth property line, seven new trees were planted along this buffer, and at this time, the city considers this issue closed.

Sincerely,

Jay Reynolds

Development Review Coordinator

Cc: Alexander Jaegerman, Planning Director  
Sarah Hopkins, Development Review Services Manager  
Penny Littell, Corporation Counsel

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February 10, 2002

9 Charlotte Drive  
Falmouth, ME 04105

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

**RE: The Pines of Portland/  
Pennsylvania Avenue Subdivision  
North Deering  
Portland, ME**

Dear Mr. Reynolds:

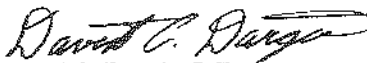
In response to your letter of January 9, 2002 (copy attached), we are requesting a copy of the letter that you received from a professional engineer certifying "that lots 13, 18 and 19 are developed with provisions to prevent increased rates of sheet flow from crossing the southerly portion of the Dargie property". Please be advised that during the planning review process, the planning board concluded that the developer did not adequately protect adjacent properties or regulated wetlands from increased rates of stormwater discharge. Therefore, the planning board mandated that each lot be subject to a "minor site plan review and approval", as indicated in note 19 of the approved Site Plan. Lots 13, 15, 18 and 19 were to be specifically designed and built in a fashion to prevent increased rates of sheet flow in a southerly direction. A cursory inspection of the site does not indicate that such measures have been taken. In any event, we will wait to review the letter in question before taking additional action.

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Regarding your letter of November 29, 2001 (copy also attached), the developer is very much aware of the large oak tree that was cut adjacent to lot 16. If the developer elects not to identify the location of this tree, I will be glad to mark the tree stump when the snow melts in the spring. I can also provide pictures of the tree if necessary.

Thank you for your assistance and I look forward to your response.

Sincerely,

  
David C. Dargie, P.E.

cc: J. Rudd, Esq.  
J. McVeigh, Esq.

ENCLOSURE



**CITY OF PORTLAND**

January 9, 2002

Mr. David Dargie  
9 Charlotte Drive  
Falmouth, ME 04105

Dear Mr. Dargie,

The city has received a letter from a Professional Engineer certifying "that Lots 13, 18, and 19 are developed with provisions to prevent increased rates of sheet flow from crossing the southerly portion of the Dargie Property."

This submission is acceptable to the city, meeting the requirement specified under subdivision approval.

Please contact me if you have any questions or comments.  
Thank You for Your Time.

Sincerely,

Jay Reynolds  
Development Review Coordinator

Cc: Alexander Jaegerman, Chief Planner  
Sarah Hopkins, Development Review Services Manager  
Penny Littell, Corporation Counsel  
Kandice Talbot, Planner  
Todd Merkle, Field Inspection Coordinator



**CITY OF PORTLAND**

November 29, 2001

Mr. David Dargie  
9 Charlotte Drive  
Falmouth, ME 04105

Dear Mr. Dargie,

In response to your November 12, 2001 letter, I have the following comments:

1. Blasted area/buffer behind lot 19: Seven pines have been planted on the adjacent property behind lot 19 to re-establish the required buffer. The plantings were placed in a manner that best re-establishes this buffer, in my opinion.
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Thank You for Your Time.

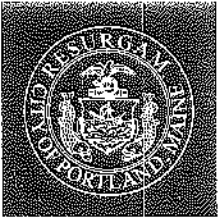
Sincerely,

Jay Reynolds

Development Review Coordinator

Cc: Alexander Jaegerman, Chief Planner  
Sarah Hopkins, Development Review Services Manager  
Penny Littell, Corporation Counsel  
Kandice Talbot, Planner  
Jeff Tarling, City Arborist  
Todd Merkle, Field Inspection Coordinator

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*Strengthening a Remarkable City, Building a Community for Life*

[www.portlandmaine.gov](http://www.portlandmaine.gov)

Finance Department  
Duane G. Kline, Director

March 9, 2007

Mr. Greg T. McCormack  
Pines of Portland, Inc.  
426 Forest Avenue  
Portland, ME 04101

Re: The Pines of Portland - Performance Guarantee  
Escrow Account #710-0000-233-04-00

Enclosed please find a check for \$18,689.00, which includes interest that the Planning Department has authorized me to release. This leaves a zero balance in the above-referenced account.

If you require any further information, please let me know.

Sincerely,

Duane G. Kline  
Finance Director

DGK:mma  
Enclosure

cc: ~~Penny~~ Penny Littell, Corporation Counsel  
Barbara Barhydt, Development Review Services Manager

Planning & Urban Development



Alexander Jaegerman  
Planning Director

**CITY OF PORTLAND**

April 3, 2002

Mr. David Dargie  
9 Charlotte Drive  
Falmouth, ME 04105

Dear Mr. Dargie,

In response to your letter of March 18, 2002, I have the following comments:

After pulling the files for the lots in question, the total number of copies requested is 102.  
At \$0.50 a copy, this will total \$51.00.

Please forward a check to the Planning Department payable to City of Portland, and upon receipt, we will process your order.

Sincerely,

Jay Reynolds  
Development Review Coordinator

Cc: Alexander Jaegerman, Planning Director  
Sarah Hopkins, Development Review Services Manager  
Penny Littell, Corporation Counsel  
Jennifer Dorr, Office Manager

Kandi

December 11, 2000

9 Charlotte Drive  
Falmouth, ME 04105  
(207) 797-2084

Mr. Joseph E. Gray, Jr.  
Director of Planning and Urban Development  
City Hall, 4<sup>th</sup> Floor  
389 Congress Street  
Portland, ME 04101

**RE: The Pines of Portland/  
Pennsylvania Avenue Subdivision  
North Deering  
Portland, ME**

**Hand Delivery**

Dear Mr. Gray:

This letter serves as a response to your letter of October 10, 2000 (copy attached). In light of the inaccuracies contained therein, we felt an official written response was warranted.

**Blasting** - Prior to September 19, 2000, we had written to you on three separate occasions regarding the planning board's approval condition for a pre-blast survey to be performed. Two of these letters were responded to indicating that a pre-blast survey would indeed be completed of our residence. On September 19, 2000, blasting commenced on Lot #19 with no notification to us whatsoever. Discussions with several neighbors also confirmed that no prior notification regarding blasting on Lot #19 was ever granted.

On September 19, 2000, both my wife and I were home for the majority of the day. We did not receive any notification that a pre-blast survey was to be performed of our property on that day, nor did we observe this activity taking place. No written correspondence was provided, no phone call(s) and to the best of our knowledge, not a knock on the door. Furthermore, if a pre-blast survey was indeed completed, why did it not include the inside of our residence? The majority of our foundation is well below grade with a significant amount of the exposed foundation walls obscured by full length porches and patios. Pre-blast surveys of other abutters adjacent to the proposed development site had both the interior and exterior of their properties surveyed.

In summary, who was responsible to coordinate the required pre-blast survey with my household? Who determined not to survey the inside of our residence and why? Who was responsible to request access to my property to perform these services? And who decided to access my property without prior permission and without any attempt to provide notification of the pre-blast survey or the impending blasting on September 19, 2000? Lastly, what efforts were taken by the city of Portland Planning Department to ensure these

efforts were properly and adequately conducted? In addition to answers to the above, we are requesting a complete copy of the blasting plan of the proposed development site, as well as complete written regulations outlining the requirements to be followed in performing the pre-blast survey as well as the blasting operations itself.

**Vegetated Buffer** - During the planning board approval process, abutters adjacent to the proposed development site requested verbally and in writing that the proposed five foot buffer be extended to a width of ten feet. Regretfully, this request was given essentially no consideration by the planning board. However, we were advised that a five foot vegetated buffer was more than adequate and would be maintained in perpetuity. With this in mind, your statement that "the City's building inspector has been carefully monitoring the activity occurring at the Pines and is satisfied that the five foot buffer has not been significantly impacted by the work occurring on-site" is nothing short of irresponsible. A forty foot section of the vegetated buffer within Lot #19 has been in part cleared, blasted and excavated. In fact, as indicated to you in my letter of September 25, 2000 (copy also attached), excavation has occurred to the physical limit of the property line disturbing a rock wall that delineates the boundary. To date, this area has been further excavated and graded with no consideration given to reestablishing this area to its original grade or vegetated cover.

Your suggestion that the disturbed vegetation on site is a single tree that has "fallen", applies only to a large oak that was disturbed by the developer on Lot #16. The root system of this tree was destroyed during the excavation of building Lot #16. Again, this was part of the rationale to increase the vegetated buffer from five feet to ten feet. If you review your files, this very concern was addressed to you in writing on several occasions during the review process. As far as replacing this tree in kind, the stump has been cut flush with the ground so a suitable replacement should be relatively easy to determine.

Regarding Lot # 19, original vegetation within the buffer area was indeed removed and the original grade in this area altered significantly due to blasting and subsequent excavation. A simple visual inspection confirms this fact as do our photographs. In summary, we expect these deficiencies to be remedied immediately and to the satisfaction of all impacted parties. We also expect the stone wall, that remains disturbed to this date, to be re-established to its original condition.

**Drainage Easement** - Contrary to the information provided to you, blasting within the drainage easement of Lot #19 did indeed occur. Although much of the site has since been filled and graded, several charge wires within the drainage easement are still visible from the surface. In addition, our photographs confirm our position. In any event, we agree that blasting is not necessarily precluded within the drainage easement itself. However, the Portland Planning Board's Conditions of Approval clearly indicate that Lots 13, 15, 18 and 19 be developed to prevent increased rates of sheet flow across our property. Regretfully, no effort whatsoever has been made to grade the site to meet this condition. Also, as equally disturbing is the fact that Note 19 of the development plans requires "the submission of a minor site plan for review and approval prior to issuance of a building



permit...". If this process was conducted appropriately, why has Lot #19 not been graded to meet the Planning Board's Conditions of Approval? Was a minor site plan submitted? And if so, was it reviewed by you or your staff? At this juncture, in addition to answers to the above, we are requesting a complete copy of the above referenced site plan as submitted by the developer, all supporting documentation including dated letters of correspondence, and the building permit itself. This information was previously requested in our letter of September 25, 2000, but never received.

**Building Envelope and Setbacks** - Our concerns in this regard are two fold. First, the building envelope for Lot #19 as shown on the development plans does not meet the city of Portland ordinances. This is a fact, not an opinion. Secondly, due to the density of development and the environmentally sensitive areas therein, we want to ensure all structures are located within proper and acceptable building envelopes. In regards to the structure associated with Lot #19, we did not state that a violation had occurred. But rather, requested that your staff ensure that a violation in this regard does not occur. A review of our previous correspondence will confirm this. Under the circumstances, we believe this concern was well placed at the time, and at this juncture renew this concern in association with future development at the Pines of Portland.

For the record, the contents of your letter of October 10, 2000, are quite disturbing. From a tax payer's point of view, why are abutters to the proposed development forced to deal with compliance issues which are clearly the responsibility of the city of Portland? Why are blatant violations such as those addressed in this and previous correspondence given nothing more than indifferent consideration? Is the role of your department to deal with the causes of these deficiencies? Or simply to rationalize and support negligent development practices? All of this and much more is a concern to many of us.

In summary, we look forward to a complete and expedient written response to the above. Please be advised, we fully intend to take whatever action is necessary to protect our legal rights. As always, thank you for your assistance and I look forward to your response.

Sincerely,

  
David C. Dargie, P.E.

Enclosures

cc: J. Rudd, Esq.  
J. McVeigh, Esq.  
Mr. Robert Ganley, City Manager  
EEN

Pines (12-11-00)



September 25, 2000

9 Charlotte Drive  
Falmouth, ME 04105  
(207) 797-2084

Mr. Joseph E. Gray, Jr.  
Director of Planning and Urban Development  
City Hall, 4<sup>th</sup> Floor  
389 Congress Street  
Portland, ME 04101

**RE: The Pines of Portland/  
Pennsylvania Avenue Subdivision  
North Deering  
Portland, ME**

**Hand Delivery**

Dear Mr. Gray:

This letter serves as a follow up to Suzanne S. Dargie's letter of September 21, 2000 (copy attached). In addition to the concerns outlined in Ms. Dargie's letter, please be advised that blasting has occurred on Lot #19 well outside the approved building envelop as shown on the developer's construction documents. In fact, blasting and subsequent excavation has occurred directly adjacent to abutting properties and the Falmouth town line. Not only has the requirement for a five foot no-cut vegetated buffer been disregarded, but in at least one area the site has been excavated to the physical limit of the property line. To exacerbate the problem, the setback distances as shown on the construction plans do not meet city of Portland ordinances.

As indicated in Ms. Dargie's letter, we were not contacted or notified in any fashion regarding the eminent blasting. Although we abut Lot #19, a pre-blast survey was not conducted. For the record, drilling and blasting commenced on Tuesday, September 19, 2000 and continued through Thursday, September 21, 2000. In addition to the deafening noise and the jarring blasts, our house, driveway, vehicles, lawn furniture, etc., were completely covered with a fine later of stone dust. Apparently no efforts were taken in regard to dust control. Furthermore, there are several areas throughout the development that consist of deep ledge cuts that remain unprotected. Whereas family neighborhoods surround the development site, it is nothing short of irresponsible for these areas to remain unmarked and readily accessible by children.

It is very disturbing that the developer continues to disregard the conditions of approval for this development project. Considering the proximity of environmentally sensitive wetland habitat, we

are requesting that the city of Portland verify the contractor's compliance with approved building envelopes throughout the subdivision. We also insist that vegetated areas be fully protected and drainage easements meet the conditions set forth by the planning board. Vegetated buffers already disturbed should be reestablished in a manner acceptable to all parties. Many of these concerns were previously identified in my letter of July 31, 2000 (copy attached).

In conclusion, we hereby request a written response outlining what action will be taken by the city to address the above referenced deficiencies. Also, please provide us with a complete copy of the grading plan and construction schedule associated with Lot #19. Thank you for your assistance and I look forward to your response.

Sincerely,

  
David C. Dargie, P.E.

Enclosures

cc: J. Rudd, Esq.  
J. McVeigh, Esq.  
Mr. Robert Ganley, City Manager  
Mr. Mike Nugent, City of Portland  
EEN

Form 9-25-00

FILE

September 21, 2000

Mr. Michael Nugent  
Manager of Inspection Services  
Planning and Urban Development  
City Hall, 4th Floor  
389 Congress Street  
Portland, ME 04101

Hand Delivery

RE: The Pines of Portland/  
Pennsylvania Avenue Subdivision  
North Deering  
Portland, ME

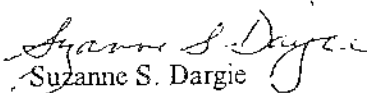
Dear Mr. Nugent:

In reference to The Pines of Portland subdivision development, the developer has commenced blasting of Lot #19, which is located adjacent to our property. My husband has written to you on three separate occasions regarding the planning board approval condition of a pre-blast survey for this development. Each time, you assured us that the developer would perform in accordance with the approval. We were not contacted or notified of the eminent blasting, and were not contacted in regards to a pre-blast survey. As our home is adjacent to Lot #19, this is a major concern.

In addition, it appears that the developer is blasting within the fifty foot drainage easement, which was established to address sheet flow concerns onto our property. Finally, the developer has disregarded the planning board approval provision which required a five foot vegetated buffer from the lot line, clearing all the way to the lot line.

It is apparent that this developer shows total disregard for meeting the conditions of approval of the City of Portland. As Manager of Inspection Services, we are asking you to address this matter immediately. We also expect a written response to this letter.

Sincerely,

  
Suzanne S. Dargie

cc: John McVeigh, Esq.  
John Rudd, Esq.  
Joseph Gray

FILE

July 31, 2000

9 Charlotte Drive  
Falmouth, ME 04105  
(207) 797-2084

Mr. Mike Nugent  
Manager, Inspection Services  
Planning and Urban Development  
City Hall, 4<sup>th</sup> Floor  
389 Congress Street  
Portland, ME 04101

RE: **The Pines of Portland/  
Pennsylvania Avenue Subdivision  
North Deering  
Portland, ME**

Dear Mr. Nugent:

It has recently been brought to my attention that the developer has commenced with blasting associated with the proposed development. Could you please update me on the status of the required pre-blast survey. I would also appreciate a copy of the written requirements that the developer must comply with regarding the pre-blast survey as well as the blasting itself.

On behalf of abutting property owners, I would like to express our concerns regarding the limits of vegetation removal and ground disturbance associated with the proposed development. The conditions of approval dated November 1, 1999, clearly limit vegetation removal and ground disturbance as a matter of maintaining vegetative buffers, adequate drainage easements, and protecting abutting properties/wetlands from detrimental stormwater runoff. Could you please ensure such requirements are upheld in their entirety as the developer moves forward. Also, a review of the building envelopes as shown on the construction plans would also be appreciated.

As you may know, the proposed development directly abuts large areas of sensitive wetlands. Therefore, it is imperative that suitable measures be taken to adequately protect these valuable resources. The developer's construction documents in conjunction with the City of Portland, *Technical and Design Standards and Guidelines*, identify construction requirements and buffers for work being conducted adjacent to wetlands.

I appreciate your assistance and I look forward to your written response.

Sincerely,

  
David C. Dargie, P.E.

Enclosure

cc: J. Rudd, Esq.  
BEN

Form 17-01-00



## CITY OF PORTLAND

October 10, 2000

Mr. and Mrs. David Dargie  
9 Charlotte Drive  
Falmouth ME 04105

Dear Mr. and Mrs. Dargie:

There are several issues the City would like to clarify regarding the numerous correspondences it has been receiving from you relative to the Pines subdivision.

- First, the developer, through its agents, has established that a pre-blast survey, consisting of an exterior inspection of your property, occurred on September 19, 2000. While the City has not been provided with a copy of a video recording of the inspection, you may be able to obtain the same from Becc, P.O. Box 257, 28 Ledgewood Drive, Yarmouth, Maine 04096.
- Next, the City's building inspector has been carefully monitoring the activity occurring at the Pines and is satisfied that the five foot buffer has not been significantly impacted by the work occurring on-site. While one tree and several stones on a stone wall have been displaced by blasting, the remaining vegetative buffer is intact. The City will require the developer to replant a tree of similar caliber to the one fallen; will require the stones to be replaced upon the wall; and will require the replanting of any ground cover disturbed.
- It did not appear to the City inspector that blasting was occurring within the drainage easement. However, there is no prohibition against such activity (except in the buffer area) as long as the easement continues to act as an appropriate drainage course.
- You appear to misunderstand the meaning a "building envelope". To clarify, a building envelope defines the area in which a structure may be built. That is not to say that the earth surface around the envelope may not be disturbed during construction. In fact, it would be impossible to pour a foundation at the limits of the building envelope if such disturbance were not allowed. Based upon recent inspections, the City is satisfied that, to date, no violation of the building envelope has occurred.

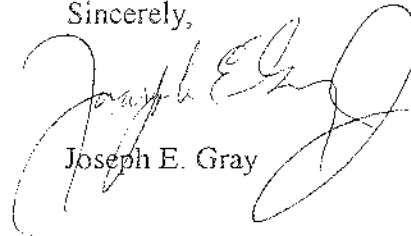
Mr. and Mrs. David Dargic

Page 2

October 10, 2000

- You complain that setbacks have been violated on lot 19 by the activity undertaken there to date. Since the foundation forms have not yet been set on lot 19, it is certainly premature to state that the developer has violated building setback requirements.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph E. Gray". The signature is stylized with large, sweeping loops and a prominent initial "J".

Joseph E. Gray

/njc

cc: Amy Mulkerin  
Alex Jaegerman  
Kandi Talbot

December 11, 2000

9 Charlotte Drive  
Falmouth, ME 04105

Directing Manager  
Becc Company  
P.O. Box 257  
28 Ledgewood Drive  
Yarmouth, ME 04096

**RE: Pre-Blast Survey  
The Pines of Portland/  
Pennsylvania Avenue Subdivision  
North Deering  
Portland, ME**

**Registered Mail**

Dear Sir:

We were recently advised by Mr. Joseph E. Gray of the city of Portland that your firm performed a pre-blast survey of our residence on September 19, 2000. Please be advised that we are deeply concerned with the manner in which this survey was conducted. According to Mr. Gray, only the exterior of our residence was surveyed. Only a small portion of our foundation is visible from the outside. It simply is not possible to view much of our foundation without entering the house. Yet, nearby neighbors who were previously surveyed by your firm have indicated that both the interiors and exteriors of their houses were surveyed. Why was the interior of our property excluded from the pre-blast survey? Who made this decision and on what basis?

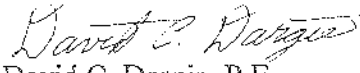
Secondly, on September 19, 2000, both my wife and I were home for the majority of the day. Yet, we did not receive any prior notification that a pre-blast survey was to be performed on that date. No written correspondence was provided, no phone calls, and to the best of our knowledge, not even a knock on the door. Who authorized your firm to access our property without prior consent? What steps did your firm take to ensure you were authorized to access our property? Since blasting commenced on Lot #19 on that date, it is apparent that little or no effort was made by your firm to contact us, or to conduct a full and adequate survey.

In addition to answers to the above, please forward a complete copy of the pre-blast survey that your firm performed on our residence. Also, please provide me with a complete copy of the written regulations that your firm followed in completing this pre-blast survey. Of particular interest are the regulations that allow the inside of our structure to be excluded from the pre-blast survey.



For future reference, our property is not to be accessed without prior consent. Thank you for your assistance and I look forward to your expedient written response.

Sincerely,

  
David C. Dargie, P.E.

Enclosures

cc: J. Rudd, Esq.  
J. McVeigh, Esq.  
Mr. Joseph E. Gray, Portland ✓  
EEN

Rev: 12-11-09

October 1, 2000

9 Charlotte Drive  
Falmouth, ME 04105

Mr. David Caddell  
Building Inspector, City of Portland  
City Hall  
389 Congress Street  
Portland, ME 04101

**RE: The Pines of Portland/  
Pennsylvania Avenue Subdivision  
North Deering  
Portland, ME**

Dear Mr. Caddell:

I have recently been advised by a neighbor that clearing on Lot #16 within the five foot no-cut vegetated buffer has occurred. Apparently a large oak tree that once provided an excellent visual screen for residents on Hurley Lane has been removed. Could you please confirm the above and advise me as to what measures will be taken to address this violation.

Thank you for your assistance and I look forward to your response.

Sincerely,

  
David C. Dargie, P.E.

cc: ✓ J. Gray, City of Portland  
J. Rudd, Falmouth  
EEN

Form (10-1-00)



September 25, 2000

9 Charlotte Drive  
Falmouth, ME 04105  
(207) 797-2084

Mr. Joseph E. Gray, Jr.  
Director of Planning and Urban Development  
City Hall, 4<sup>th</sup> Floor  
389 Congress Street  
Portland, ME 04101

**RE: The Pines of Portland/  
Pennsylvania Avenue Subdivision  
North Deering  
Portland, ME**

**Hand Delivery**

Dear Mr. Gray:

This letter serves as a follow up to Suzanne S. Dargie's letter of September 21, 2000 (copy attached). In addition to the concerns outlined in Ms. Dargie's letter, please be advised that blasting has occurred on Lot #19 well outside the approved building envelop as shown on the developer's construction documents. In fact, blasting and subsequent excavation has occurred directly adjacent to abutting properties and the Falmouth town line. Not only has the requirement for a five foot no-cut vegetated buffer been disregarded, but in at least one area the site has been excavated to the physical limit of the property line. To exacerbate the problem, the setback distances as shown on the construction plans do not meet city of Portland ordinances.

As indicated in Ms. Dargie's letter, we were not contacted or notified in any fashion regarding the eminent blasting. Although we abut Lot #19, a pre-blast survey was not conducted. For the record, drilling and blasting commenced on Tuesday, September 19, 2000 and continued through Thursday, September 21, 2000. In addition to the deafening noise and the jarring blasts, our house, driveway, vehicles, lawn furniture, etc., were completely covered with a fine later of stone dust. Apparently no efforts were taken in regard to dust control. Furthermore, there are several areas throughout the development that consist of deep ledge cuts that remain unprotected. Whereas family neighborhoods surround the development site, it is nothing short of irresponsible for these areas to remain unmarked and readily accessible by children.

It is very disturbing that the developer continues to disregard the conditions of approval for this development project. Considering the proximity of environmentally sensitive wetland habitat, we

are requesting that the city of Portland verify the contractor's compliance with approved building envelopes throughout the subdivision. We also insist that vegetated areas be fully protected and drainage easements meet the conditions set forth by the planning board. Vegetated buffers already disturbed should be reestablished in a manner acceptable to all parties. Many of these concerns were previously identified in my letter of July 31, 2000 (copy attached).

In conclusion, we hereby request a written response outlining what action will be taken by the city to address the above referenced deficiencies. Also, please provide us with a complete copy of the grading plan and construction schedule associated with Lot #19. Thank you for your assistance and I look forward to your response.

Sincerely,

  
David C. Dargie, P.E.

Enclosures

cc: J. Rudd, Esq.  
J. McVeigh, Esq.  
Mr. Robert Ganley, City Manager  
Mr. Mike Nugent, City of Portland  
EEN

Form (9-21-99)

FILE

September 21, 2000

Mr. Michael Nugent  
Manager of Inspection Services  
Planning and Urban Development  
City Hall, 4th Floor  
389 Congress Street  
Portland, ME 04101

Hand Delivery

RE: The Pines of Portland/  
    Pennsylvania Avenue Subdivision  
    North Deering  
    Portland, ME

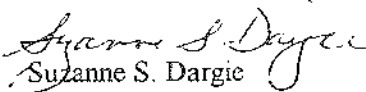
Dear Mr. Nugent:

In reference to The Pines of Portland subdivision development, the developer has commenced blasting of Lot #19, which is located adjacent to our property. My husband has written to you on three separate occasions regarding the planning board approval condition of a pre-blast survey for this development. Each time, you assured us that the developer would perform in accordance with the approval. We were not contacted or notified of the eminent blasting, and were not contacted in regards to a pre-blast survey. As our home is adjacent to Lot #19, this is a major concern.

In addition, it appears that the developer is blasting within the fifty foot drainage easement, which was established to address sheet flow concerns onto our property. Finally, the developer has disregarded the planning board approval provision which required a five foot vegetated buffer from the lot line, clearing all the way to the lot line.

It is apparent that this developer shows total disregard for meeting the conditions of approval of the City of Portland. As Manager of Inspection Services, we are asking you to address this matter immediately. We also expect a written response to this letter.

Sincerely,

  
Suzanne S. Dargie

cc: John McVeigh, Esq.  
    John Rudd, Esq.  
    Joseph Gray

August 30, 2000

9 Charlotte Drive  
Falmouth, ME 04105  
(207) 797-2084

Mr. Mike Nugent  
Manager, Inspection Services  
Planning and Urban Development  
City Hall, 4<sup>th</sup> Floor  
389 Congress Street  
Portland, ME 04101

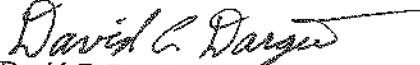
**RE: The Pines of Portland/  
Pennsylvania Avenue Subdivision  
North Deering  
Portland, ME**

Dear Mr. Nugent:

As of this date, I have yet to receive a response to my letter dated July 31, 2000 (copy attached). At this juncture, I would appreciate a prompt reply.

I appreciate your assistance and I look forward to your written response.

Sincerely,

  
David C. Dargie, P.E.

Enclosure

cc: J. Rudd, Esq.  
EEN

Form (8-20-00)

*Schmid*

*Kandi*  
*lets discuss*  
*Joa*

August 29, 2000

9 Charlotte Drive  
Falmouth, ME 04105

Mr. Joseph E. Gray, Jr.  
Director of Planning and Urban Development  
City Hall, 4<sup>th</sup> Floor  
389 Congress Street  
Portland, ME 04101

**RE: The Pines of Portland/  
Pennsylvania Avenue Subdivision  
North Deering  
Portland, ME**

Dear Mr. Gray:

As a follow up to your letter of August 2, 2000 (copy attached), I have yet to receive the information requested. At this juncture, a prompt response would be appreciated. Also, in regards to further development on Lot 24 of the proposed subdivision, one of your staff members recently provided me with a letter from the Corps of Engineers dated September 28, 1998. This letter clearly expresses concerns with "piecemealing" projects. Therefore, I would request that the permitting agencies further review any additional development proposals associated with the proposed subdivision.

Thank you for your assistance and I look forward to your response.

Sincerely,

*David C. Dargie*  
David C. Dargie, P.E.

Enclosure

cc: J. Rudd, Esq.  
EEN

Form (5-29-00)

FILE

Planning & Urban Development

Joseph E. Gray Jr.  
Director



**CITY OF PORTLAND**

August 2, 2000

Mr. David Dargie, P.E.  
9 Charlotte Drive  
Falmouth, ME 04105

RE: The Pines of Portland

Mr. Dargie:

On May 23, 2000, the Portland Planning Board approved the revision to Lot 24 of The Pines Subdivision. At that time a condition of approval was that the wetland delineation for Lot 24A and 24B be clarified and if needed, building envelope be relocated.

A peer review for the wetland on Lot 24 has been scheduled for sometime next week. Once that is completed, I will forward you all copies associated with the peer review.

In the meantime, if you have any questions, please do not hesitate to contact Kandice Talbot, Planner at 874-8901.

Sincerely,

Joseph E. Gray, Jr.  
Director of Planning and Urban Development

CC: Alex Jaegerman, Chief Planner  
Kandice Talbot, Planner



FILE

July 31, 2000

9 Charlotte Drive  
Falmouth, ME 04105  
(207) 797-2084

Mr. Mike Nugent  
Manager, Inspection Services  
Planning and Urban Development  
City Hall, 4<sup>th</sup> Floor  
389 Congress Street  
Portland, ME 04101

**RE: The Pines of Portland/  
Pennsylvania Avenue Subdivision  
North Deering  
Portland, ME**

Dear Mr. Nugent:

It has recently been brought to my attention that the developer has commenced with blasting associated with the proposed development. Could you please update me on the status of the required pre-blast survey. I would also appreciate a copy of the written requirements that the developer must comply with regarding the pre-blast survey as well as the blasting itself.

On behalf of abutting property owners, I would like to express our concerns regarding the limits of vegetation removal and ground disturbance associated with the proposed development. The conditions of approval dated November 1, 1999, clearly limit vegetation removal and ground disturbance as a matter of maintaining vegetative buffers, adequate drainage easements, and protecting abutting properties/wetlands from detrimental stormwater runoff. Could you please ensure such requirements are upheld in their entirety as the developer moves forward. Also, a review of the building envelopes as shown on the construction plans would also be appreciated.

As you may know, the proposed development directly abuts large areas of sensitive wetlands. Therefore, it is imperative that suitable measures be taken to adequately protect these valuable resources. The developer's construction documents in conjunction with the City of Portland, *Technical and Design Standards and Guidelines*, identify construction requirements and buffers for work being conducted adjacent to wetlands.

I appreciate your assistance and I look forward to your written response.

Sincerely,

  
David C. Dargie, P.E.

Enclosure

cc: J. Rudd, Esq.  
EEN

Plus (7-27-00)

July 30, 2000

9 Charlotte Drive  
Falmouth, ME 04105  
(207) 797-2084

Mr. Joseph E. Gray, Jr.  
Director of Planning and Urban Development  
City Hall, 4<sup>th</sup> Floor  
389 Congress Street  
Portland, ME 04101

**RE: The Pines of Portland/  
Pennsylvania Avenue Subdivision  
North Deering  
Portland, ME**

Dear Mr. Gray:

I have recently been informed by a neighbor that a peer review of the wetlands on and adjacent to Lot 24 of the proposed subdivision is ongoing. Once complete, could you please forward a copy of this delineation to my attention. I would also appreciate receiving all field data information collected. I will promptly reimburse the City for any and all costs associated with copying and distributing this document.

Thank you for your assistance and I look forward to your response.

Sincerely,

  
David C. Dargie, P.E.

Enclosure

cc: J. Rudd, Esq.  
EEN

# PRETI, FLAHERTY, BELIVEAU, PACHIOS & HALEY, LLC

ATTORNEYS AT LAW

ONE CITY CENTER, P.O. BOX 9546, PORTLAND, MAINE 04112-9546  
TELEPHONE: (207) 791-3000 -- TELEFAX (207) 791-3111  
INTERNET: WWW.PRETI.COM -- E-MAIL: ADMIN@PRETI.COM

January 11, 2000

**MEMBERS:**

SEVERIN M. BELIVEAU  
HAROLD C. PACHIOS  
MARK L. HALLEY  
MICHAEL J. GENTILE  
CHRISTOPHER D. NYLIAN  
R. C. P. STAUFFER  
JONATHAN S. PETER  
DANIEL RAFAPOUR  
JOHN P. DOYLE, JR.  
BRUCE C. GERRITY  
ANTHONY W. BUXION  
ALFRED C. FRAWLEY  
JEREMY T. EDWARDS  
MICHAEL G. MESSERSCHMIDT  
RANDALL B. WEILL  
JAMES C. PITNEY, JR.  
EVAN M. HANSEN  
VIRGINIA E. DAVIS  
LEONARD M. GELINO  
DENNIS C. SERBGA  
GEOFFREY K. CHIMMINGS  
JUDITH SAJID\*  
ESTELLE A. LAVOIE  
SUSAN E. LOGRUDICE  
MICHAEL KAPLAN  
MICHAEL L. SHEELAN  
JOSEPH G. DONAHUE  
DAVID B. VAN SLYKE  
ANN R. ROBINSON  
STEPHEN E. P. LANGSDORF  
JOHN P. McVIGG  
ELIZABETH A. OLIVIER  
CHARLES F. DINGMAN  
NELSON J. LARKINS  
JULIANNE T. COHN-CONNOR  
ROBERT O. NEWTON  
JOHN S. RIDD  
TIMOTHY J. BRYAN  
BRIAN L. CHAMPION  
JAMES E. PHELPS  
BONNIE L. MARINOLICH  
DONALD J. SIPE

**SENIOR COUNSEL TO THE FIRM:**  
HON. GEORGE J. MITCHELL

**COUNSEL:**  
ROBERT F. PRETI  
ALBERT J. BELIVEAU, JR.  
ROBERT W. SMITH  
MARK B. LEDUC  
GREGORY P. HANSEL  
NAGMI SAKAMOTO  
PETER S. CARLSLE

**ASSOCIATE COUNSEL:**  
TRACEY G. BURTON  
ROY T. PIERCE  
ELIZABETH A. CAMPBELL  
JON A. FITZGERALD  
JEREMY W. PETERS  
MATTHEW J. LAMOURIC  
SIGMUND D. SCHUTZ  
SUSAN A. PEREIRA  
JOEL H. THOMPSON  
SHARON G. NEWMAN  
BRIAN M. CONNELLY  
MICHAEL A. CUNNEFF

\* Admitted to practice law only in the District of Columbia

JOHN J. FLAHERTY  
(1929 - 1995)



TERRALEX

VIA HAND DELIVERY

Joseph E. Gray, Jr., Director  
Planning & Urban Development  
City of Portland  
389 Congress Street, 4<sup>th</sup> Floor  
Portland, ME 04101

Re: The Pines of Portland/Pennsylvania Avenue Subdivision  
North Deering, Portland, Maine

Dear Mr. Gray:

I am advised by my client, David Dargie, an abutter to this project, and by another previous participant in the planning board hearing on this matter, John Rudd, an owner of property within 500 feet of the proposed subdivision, that neither Mr. Dargie nor Mr. Rudd has received notice of any of the revised plans submitted by the Pines to either the DEP or the revised plat which is to be submitted for approval to the Planning Board this evening. We have attempted to keep abreast of development by informal contacts with the DEP, but the opportunity to comment under the permit by rule proceedings and under the apparent staff approval of the revised plat has not been readily available. I am informed by Charles Lane, Esq., that the revised plan to be approved this evening has already received staff approval and will not be reviewed substantively by the Planning Board.

This letter is to remind the Board of the letter of Joseph Gray, dated October 18, 1999, which states, "should DEP review require modifications to this subdivision, the developer will need to present a modified subdivision plan to the Planning Board for its review and approval." (Letter attached.) Unfortunately, the procedures apparently to be employed by the City of Portland will provide for no substantive review or public process.

We are informed that the DEP has agreed with a portion of the substance of our objections to the wetlands delineation which were raised before the Planning Board. As a result of re-locating the wetlands delineation line on former Lot 19 where an independent review said it should be, and as a result of subsequent flagging of the wetlands delineation line, performed after conditional approval of the site plan by the Board, the availability of former Lot 19 for development was eliminated. We are told that, in response, the developer has taken former Lot 18 and divided it into two lots and changed the previously

45 MEMORIAL CIRCLE, P.O. BOX 1058  
AUGUSTA, MAINE 04332-1058  
TELEPHONE: (207) 623-5300 -- TELEFAX: (207) 623-2914

THIRTY FRONT STREET, P.O. BOX 665  
BATH, MAINE 04530-0665  
TELEPHONE: (207) 443-5576 -- TELEFAX: (207) 443-6665

# PRETI, FLAHERTY, BELIVEAU, PACHIOS & HALEY, LLC

Joseph E. Gray, Jr., Director

January 11, 2000

Page 2

designed roadway for servicing these two new lots. This letter is to remind the Board that the density of development in this area of the subdivision was a major issue in the prior proceedings, and there was significant discussion about adequate buffering, drainage, and storm water runoff.

Neither Mr. Rudd nor Mr. Dargie have had an opportunity to study the revised plat, which they will see for the first time at tonight's hearing, nor have they had an opportunity to investigate whether the significant change in the design of these two lots will have any effect on storm water runoff, drainage, or other issues. There is no question that the redesign of the two lots, with its change to planned "impervious" surfaces, constitutes a modification or alteration under Section 14-525(1) of the Ordinance. There is no question that the cramming of two houses into a lot previously approved for one house will have an effect on the issue of buffering, which must be considered under Section 14-526(a)(6), and will have an effect on soil and drainage issues under Section 14-526(a)(8).

The Board is asked to recall that frontage on Lot 18 was a significant issue in the prior approval process and no one has had a chance to review the mylar to see if the developer has configured its proposed development with adequate frontage on half a lot that barely had enough frontage for one house to begin with. There is no question that the amendments to Lot 18, and the demise of the previously approved Lot 19, will create alterations that will effect a "street," "alley" or "utility easement" and therefore require Planning Board review under Section 14-496(3). The division of Lot 18 into Lots 18 and 19 leaves two "lots," where there was to be only one. Arguably, this is an increase in the number of lots within a "block" or other "subdivision unit" and therefore also requires Planning Board review under Subdivision 1 of Section 14-496(3). There has been no opportunity to review whether the placement of two lots in an area previously designated for one lot will cause unreasonable soil erosion (Section 14-497(4)), will affect storm water dispersal (6), will have an undue adverse effect of the scenic beauty (8), whether the new wetland delineation line now places these lots within 250 feet of the wetlands (11); or whether the placement of two lots where there was previously only one lot adequately protects the now newly delineated wetlands (14).

The Board should also be advised that Mr. Dargie and Mr. Rudd intend to appeal that portion of the DEP's wetlands review which ignored the existence of wetlands running across the proposed extension of Penn Avenue and through Lots 18, 14 and 15 of the proposed subdivision.

Throughout these proceedings, the developer has never presented to the Planning Board a truly final plan. Indeed, even the application for street vacation before the Planning Board this evening is based on outdated subdivision map and the now discredited wetlands delineation previously challenged by Mr. Dargie and Mr. Rudd and the Board's own independent wetlands review. The developer in these proceedings has consistently "hid the pea" concerning wetlands, hoping that conditional approval from the Board and the essentially non-public nature of subsequent DEP review and staff approval of changes will get the developer what it wants without the inconvenience of dealing with the public process on such significant matters as

**PRETI, FLAHERTY, BELIVEAU, PACHIOS & HALEY, LLC**

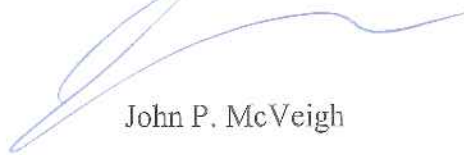
Joseph E. Gray, Jr., Director

January 11, 2000

Page 3

where in fact the wetlands are. Mr. Dargie and Mr. Rudd submit that because the change in the configuration of Lot 18 and the demise of previously approved Lot 19 are based on a significant relocation of the wetlands delineation line, the mylar should not be approved this evening, but that, instead, the developer needs to give notice to abutters and schedule a public hearing of the Planning Board so that the impact of the changes and their conformity with law may be examined. This is required by the ordinance and was what was promised to the abutters by Mr. Gray's letter of October 18, 1999, and no such opportunity is being afforded. Indeed, the abutters have never been given notice by the developer of the changes proposed by the developer. The abutters will be seeing these changes for the first time this evening.

Sincerely,

A handwritten signature in blue ink, appearing to read "John P. McVeigh", with a long, sweeping horizontal stroke extending to the right.

John P. McVeigh

JPM/kjm

cc: Charles Lane, Esq.  
John Bannon, Esq.  
Mr. David Dargie  
John S. Rudd, Esq.

12174-22839  
JPM\PPFILES\jpmcveig\DARGIE\GRAY 20000111.doc

KT

January 9, 2000

9 Charlotte Drive  
Falmouth, ME 04105

Mr. Joseph E. Gray, Jr.  
Director of Planning and Urban Development  
City Hall, 4<sup>th</sup> Floor  
389 Congress Street  
Portland, ME 04101

**RE: The Pines of Portland/  
Pennsylvania Avenue Subdivision  
North Deering  
Portland, ME**

Dear Mr. Gray:

I am in receipt of the Pines of Portland Application dated January 11, 2000, and have reviewed it in its entirety. My first concern is that the applicant's request for street vacations has been made with no regard to adjacent land uses. As a direct abutter to the proposed development and owner of property in the City of Portland as well as the Town of Falmouth, I believe that both current and future land uses of adjacent properties should be considered before street vacations are acted upon. It is also my understanding that no input was solicited from other abutting property owners prior to the submission of this application. Neither an educated nor conclusive decision can be made regarding the significance of these roadways without such input.

My second comment is in regards to the completeness of the application itself. Attachment 4 is dated September 28, 1999. However, I have been advised that this plan is not the final development plan and that both existing and proposed conditions are not properly shown on this plan. This being the case, it is impossible for the general public to fully understand the applicant's request, let alone submit appropriate questions and comments. Therefore, I am requesting that the planning board table this application until a complete and proper application has been submitted for review. In addition, I would request that a workshop be held to further evaluate the potential impacts that this request may have on the local transportation system as well as abutting property owners. Only after these issues are clearly identified and adequately addressed should the planning board act on this application.

It has also been brought to my attention that on January 11, 2000, the planning board may choose to execute the final mylar plans of the above referenced project. As of this time, the final development plans and associated documents have not been made available for public review and comment. I formally request that further planning board action regarding the approval of these development plans and documents be tabled until proper notification, review and comment procedures are conducted in accordance with local ordinances. Approval of these documents at this juncture would be irresponsible on the part of the City of Portland as well as the planning board.

Thank you for your attention to this matter, and I look forward to your response.

Sincerely,

  
David C. Dargie, P.E.

cc: P. Littell/ C. Lane, Corporation Council, City of Portland  
J. McVeigh, Esq., PFB&P  
J. Rudd, Esq., PFB&P

Pines (1-9-00)



*Alert  
Certs Renewal*

November 29, 1999

9 Charlotte Drive  
Falmouth, ME 04105

Mr. Joseph E. Gray, Jr.  
Director of Planning and Urban Development  
City Hall, 4<sup>th</sup> Floor  
389 Congress Street  
Portland, ME 04101

**RE: The Pines of Portland/  
Pennsylvania Avenue Subdivision  
North Deering  
Portland, ME**

Dear Mr. Gray:

On November 7, 1999, I forwarded the attached letter to your attention. To date I have not been provided with a copy of the wetlands information requested. I was, however, informed that this information is not on file with the city of Portland Planning Department and would have to be obtained elsewhere. I am deeply concerned that the above referenced project was granted conditional approval based in part on information that the City has never seen. At this juncture, I am requesting that this information be provided to me within seven (7) business days.

For your information, I have been provided the opportunity to obtain tapes of the October 12, 1999, planning board meeting. I appreciate your staff's efforts in this regard.

Thank you for your attention to this matter, and I look forward to your response.

Sincerely,

  
David C. Dargie, P.E.

Enclosures

cc: P. Littell, Corporation Council, City of Portland  
J. Rudd, Esq., PFB&P

Pines (11-29-99)



November 7, 1999

9 Charlotte Drive  
Falmouth, ME 04105

Mr. Joseph E. Gray, Jr.  
Director of Planning and Urban Development  
City Hall, 4<sup>th</sup> Floor  
389 Congress Street  
Portland, ME 04101

**RE: The Pines of Portland/  
Pennsylvania Avenue Subdivision  
North Deering  
Portland, ME**


Dear Mr. Gray:

At the Planning Board meeting on Tuesday, October 12, 1999, I clearly stated that the above referenced project should not be considered for approval due to discrepancies in on-site wetlands delineation. I referred to a letter written by Colen R. Peters of Duke Engineering & Services (copy attached), and quoted a sentence on the second page that reads *"In the vicinity of lots 13, 15, and 19, the flagged/GPS'd wetland boundary is as much as 100 feet upslope of the "smoothed" wetland boundary shown on the Master Plan and the Plan for Phase II"*. I then referred to the proponent's design plan entitled *The Pines, Phase II & III*. Shifting the wetlands line as much as 100 feet up slope from that shown on said plan clearly eliminates the development possibilities of lots 13, 14, 15, 18 and 19. Upon request of the planning board, Mr Thomas Greer, of Pinkham & Greer, was requested to respond to my concerns. Mr. Greer indicated that the plan that I referred to was an updated plan and therefore accurately reflected the locations of the on-site wetlands. Mr. Greer proceeded to explain that the plan used by Mr. Peters in his review of the site was yet a different plan than the one I referred to in my discussion. The planning board appeared to be satisfied with this explanation.

Subsequent to October 12, 1999, I have visited the Portland Planning Office in an effort to obtain a copy of the plan that was provided to and reviewed by Mr. Peters. To date, I have not seen this plan. At this juncture, I am officially requesting that the plan in question be provided to me at the earliest possible convenience. I also request that documentation be provided so that I may be certain that the plan provided for my review was indeed the plan provided to Mr. Peters. I would also like a complete copy of the field logs associated with the wetland delineation for my files. In addition, please forward a complete set of the minutes for the October 12, 1999 planning board meeting.

Thank you for your attention to this matter, and I look forward to your response.

Sincerely,

  
David C. Dargie, P.E.

Enclosures

cc: P. Littell, Corporation Council, City of Portland  
J. Rudd, Esq., PFB&P

Form (11-7-99)





AH. 1

500 Washington Avenue  
Portland, Maine 04103

207 775-4495  
Fax 207 775-1031

833.00.0021.00  
2.0

September 8, 1999

Mr. Jim Wendel  
DeLuca Hoffman Associates, Inc.  
778 Main Street, Suite 8  
South Portland, ME 04106

**Subject: Peer Review of Wetland Delineation  
The Pines, Portland, Maine**

Dear Jim:

In response to your request, I have completed a peer review of a wetland delineation and associated report submitted to the City of Portland by Pinkham & Greer Consulting Engineers, Inc. The July 1999 report, and five plan sheets dated July and August 1999, were prepared for a residential development called The Pines which is located along both sides of Virginia Street between Racine and Maine Avenues. Development at this subdivision appears to be planned for in at least two Phases. The Pines at Penn (Avenue) comprised of lots 1 through 6, where construction of houses is now underway, makes up Phase I. Phase II, located to the east of Phase I, consists of lots 7 through 19, and would be accessed by extending Penn Avenue. The Pines at Kansas, comprised of lots 20 through 23, is located on both sides of Kansas Avenue but has not been assigned a Phase on the provided plans. The Pines at Wyoming, comprised of lots 24 through 29, is located on the opposite side of Virginia Avenue and also does not have a designated Phase on the provided plans.

The relationship of the four parts of The Pines can be seen on the 1 inch = 100 feet Master Plan of the subdivision. The wetland boundary is not labeled on this plan nor is the southerly flowing stream that passes through the wetland shown. This information can be found on the four other plan sheets where the scale varies from 1 inch = 30 feet to 1 inch = 40 feet to 1 inch = 50 feet. The wetland boundary should be labeled and the stream channel(s) identified on the Master Plan so that any user of the plan may quickly comprehend the location and extent of these features.

Understanding the location of the wetlands and stream at the subdivision is pertinent to determining the environmental-regulatory jurisdiction at the site. Wetlands at the site are regulated by the Maine Department of Environmental Protection under the provisions of the Natural Resources Protection Act (NRPA- 38 M.R.S.A. § 480A-Z) and the associated Wetland Protection Rules (Chapter 310). Wetlands at the site are also regulated by the Corps of Engineers under Section 404 of the Clean Water Act. The Regulatory Compliance section of the Pinkham & Greer report summarizes the presence and absence of various wetland characteristics at the site which include a stream and more than 20,000 square feet of emergent wetland (palustrine emergent or PEM). The occurrence of these specific characteristics are indicative of "freshwater wetland of special significance" which are subject to

Tier 3, NRPA permitting requirements (310 § 4B). However, freshwater wetlands of special significance as a result of being associated with a stream are limited to the wetland area "located within 25 feet" of the stream (310 § 4A8). Therefore, other wetland areas at the subdivision, which are not part of the PEM and which are more than 25 feet from the stream, would not be freshwater wetlands of special significance and could be eligible for Tier 1 or Tier 2, NRPA permitting.

Prior to my field review of the site on September 2, 1999, wetland scientist Alan Burnell from Pinkham & Greer sent me a Preliminary Planning Sheet of The Pines dated December 31, 1998 which shows the GPS survey of wetland flagging he placed at the site. The flagged boundary is slightly different than the wetland boundary shown on the plans referenced above which has been "smoothed" and is less jagged than the angular boundary identified by GPS. Flag numbers on the Preliminary Sheet correspond to those along the delineated boundary so that position on the ground relative to that on the plan could be easily determined. Flagging was found along the east side of the wetland between the north side of Penn Ave and the south side of Kansas Ave. Throughout this area, with the exception of the area noted below, the position of the flagging corresponds to a wetland boundary that meets the criteria established by the 1987 *Corps of Engineers Wetland Delineation Manual*. The numeric flagging sequence in the area at the east end of Illinois Avenue and Utah Street is confusing and not readily decipherable in the field. This area however is well to the north of lot 12 and does not appear to be intended for development. In the event development is contemplated to the north of lot 12, confusion would be eliminated by redelineating the wetland boundary in this area.

No other wetland flagging was observed at the site and flag numbers do not appear on the Preliminary Planning Sheet for the west side of the wetland or for The Pines at Wyoming (lots 24 through 29). Approximately ten flags are shown to the south side of Penn Ave on the Preliminary Planning Sheet. In the vicinity of lots 13, 15, and 19, the flagged/GPS'd wetland boundary is as much as 100 feet upslope of the "smoothed" wetland boundary shown on the Master Plan and the Plan for Phase II. The wetland boundary should be reflagged in this area and on lots 24 through 29 so that the field position of a wetland boundary complying with the *Corps of Engineers Wetland Delineation Manual* can be verified.

In the event you have questions or comments regarding the information presented above, do not hesitate to call me.

Sincerely,

DUKE ENGINEERING & SERVICES, INC.



Colen R. Peters  
Professional Wetland Scientist No. 706

CRP/kh

cc: File

JEFFREY W. LANGHOLTZ

ATTORNEY AT LAW

260 MAIN STREET, SUITE G

BIDDEFORD, MAINE 04005

(207) 263-4744 FAX (207) 263-1349

email: jwl@gwi.net www.maineattorney.baweb.com

November 24, 1999

Ms. Dawn Hallowell  
Maine Dept. of Environmental Protection  
312 Canco Road  
Portland, ME 04351

Jay L. Clement, Project Manager  
U.S. Army Corps of Engineers  
Maine Project Office  
RR2, Box 1855  
Manchester, ME 04351

Dear Ms. Hallowell and Mr. Clement:

My wife, Diane, and I reside at 141 Virginia Street in Portland, Maine. We live adjacent to the wetland that A&G Associates intends to develop. I have spent substantial time walking through the wetland over the years and have learned to appreciate the wonderful animals and vegetation that call this area home. Deer tracks and bedding areas are dispersed throughout the area.

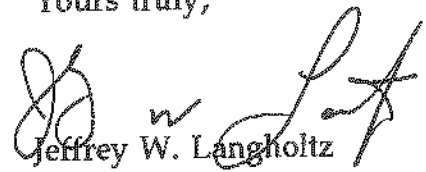
I participated in the A&G zoning application process and was struck by the lack of concern that A&G displays for environmental issues. I was disappointed with the City's bias in favor of development and am disturbed by their disregard for protecting the City and State's precious resources. It was heartening to hear that Mr. Dargie continues to advocate for the wetland. There are many people in my neighborhood who are saddened to learn that a beautiful area may be destroyed forever.

Additionally, our basement floods during heavy rains and we are concerned that A&G's plan to use the wetland as a water dump will exacerbate our flooding. My neighbors and I own a small plot of land behind our home. I fear that during wet weather this parcel will be inundated and it will be rendered unusable. Please address these issues.

I am confident that you will do your best to protect this area and ensure that

A&G complies with the spirit and letter of the laws that protect our natural resources. I expect to be apprised of any significant agency action during the permit process. Thank you.

Yours truly,



Jeffrey W. Langholtz

cc Joseph Gray  
David Dargie

November 7, 1999

9 Charlotte Drive  
Falmouth, ME 04105

Mr. Joseph E. Gray, Jr.  
Director of Planning and Urban Development  
City Hall, 4<sup>th</sup> Floor  
389 Congress Street  
Portland, ME 04101

**RE: The Pines of Portland/  
Pennsylvania Avenue Subdivision  
North Deering  
Portland, ME**

Dear Mr. Gray:

At the Planning Board meeting on Tuesday, October 12, 1999, I clearly stated that the above referenced project should not be considered for approval due to discrepancies in on-site wetlands delineation. I referred to a letter written by Colen R. Peters of Duke Engineering & Services (copy attached), and quoted a sentence on the second page that reads *"In the vicinity of lots 13, 15, and 19, the flagged/GPS'd wetland boundary is as much as 100 feet upslope of the "smoothed" wetland boundary shown on the Master Plan and the Plan for Phase II"*. I then referred to the proponent's design plan entitled *The Pines, Phase II & III*. Shifting the wetlands line as much as 100 feet up slope from that shown on said plan clearly eliminates the development possibilities of lots 13, 14, 15, 18 and 19. Upon request of the planning board, Mr Thomas Greer, of Pinkham & Greer, was requested to respond to my concerns. Mr. Greer indicated that the plan that I referred to was an updated plan and therefore accurately reflected the locations of the on-site wetlands. Mr. Greer proceeded to explain that the plan used by Mr. Peters in his review of the site was yet a different plan then the one I referred to in my discussion. The planning board appeared to be satisfied with this explanation.

Subsequent to October 12, 1999, I have visited the Portland Planning Office in an effort to obtain a copy of the plan that was provided to and reviewed by Mr. Peters. To date, I have not seen this plan. At this juncture, I am officially requesting that the plan in question be provided to me at the earliest possible convenience. I also request that documentation be provided so that I may be certain that the plan provided for my review was indeed the plan provided to Mr. Peters. I would also like a complete copy of the field logs associated with the wetland delineation for my files. In addition, please forward a complete set of the minutes for the October 12, 1999 planning board meeting.

Thank you for your attention to this matter, and I look forward to your response.

Sincerely,

  
David C. Dargie, P.E.

Enclosures

cc: P. Littell, Corporation Council, City of Portland  
J. Rudd, Esq., PFB&P

Pinc(117.99)

# PRETI, FLAHERTY, BELIVEAU, PACHIOS & HALEY, LLC

ATTORNEYS AT LAW

ONE CITY CENTER, P.O. BOX 9546, PORTLAND, MAINE 04112-9546

TELEPHONE: (207) 791-3000 -- TELEFAX (207) 791-3111

INTERNET: WWW.PRETI.COM -- E-MAIL: ADMIN@PRETI.COM

October 15, 1999

**MEMBERS:**

SEVERIN M. BELIVEAU  
HAROLD C. PACHIOS  
MARK L. HALEY  
MICHAEL J. GENTILE  
CHRISTOPHER D. NYHAN  
ERIC P. STAUFFER  
JONATHAN S. PIPER  
DAKARL RAPAPORT  
JOHN P. DOYLE, JR.  
BRUCE C. GERRITY  
ANTHONY W. BIXTON  
ALFRED C. FRAWLEY  
JEFFREY T. EDWARDS  
MICHAEL G. MESSERSCHMIDT  
RANDALL S. WEILL  
JAMES C. PITNEY, JR.  
EVAN M. HANSEN  
VIRGINIA E. DAVIS  
LEONARD M. GUTINO  
DENNIS C. SEREGA  
GEOFFREY K. CHUMMINGS  
JUDITH SAPP\*  
ESTELLE A. LAVOIE  
SUSAN E. LOGUDDICE  
MICHAEL KAPLAN  
MICHAEL L. SHEEHAN  
JOSEPH G. DONAHUE  
DAVID B. VAN SLYKE  
ANN R. ROBINSON  
STEPHEN E. F. LANGSDORF  
JOHN P. MCVEIGH  
ELIZABETH A. OLIVIER  
CHARLES F. DINGMAN  
NELSON J. LARSON  
JEANNE T. COHN-CONNOR  
ROBERT C. NEWTON  
JOHN S. RUDY  
TIMOTHY J. BRYANT  
BRIAN L. CHAMPION

**SENIOR COUNSEL TO THE FIRM:**  
HON. GEORGE J. MITCHELL.

**COUNSEL:**  
ROBERT F. PRETI  
ALBERT J. BELIVEAU, JR.  
ROBERT W. SMITH  
MARK B. ERDUC  
GREGORY P. HANSEL  
NAOMI NAKAMOTO  
PETER S. CARLISLE

**ASSOCIATE COUNSEL:**  
JAMES E. PHIPPS  
KRYN J. DEAN  
BONNIE L. MARTINOLICH  
TRACEY G. BURTON  
DONALD J. SIFE  
ROY T. PIERCE  
ELIZABETH A. CAMPBELL  
JON A. FITZGERALD  
JEFFREY W. PETERS  
MATTHEW J. LAMOURIE  
SIGMUND D. SCHRITZ  
SUSAN A. PEREIRA  
JOEL H. THOMPSON  
SHARON G. NEWMAN\*\*  
BRIAN M. CONNELLY

\* Admitted in practice law only in the District of Columbia.

\*\* Admitted in practice law only in Ohio and Washington

JOHN J. FLAHERTY  
(1929 - 1995)



By Hand Delivery & U.S. Mail

Joseph E. Gray, Jr.  
Director of Planning and Urban Development  
City Hall, 4<sup>th</sup> Floor  
389 Congress Street  
Portland, ME 04101

**Re: Pines of Portland Subdivision**

Dear Mr. Gray:

At the Planning Board meeting on Tuesday, October 12, 1999, on behalf of myself and Suzanne and David Dargie, oral and written comments were submitted to the Board indicating that the Board was required to reject the Pines' subdivision application because the wetlands impacts from the project were not adequately addressed in accordance with the City Ordinance and state and federal law. In my written correspondence and testimony, I clearly argued to the Board that the nature of the proposed wetlands alterations at the Pines subdivision would require significant evaluation by the Maine Department of Environmental Protection (DEP) of wetlands mitigation, alternatives and possibly compensation plans. I also argued that the outcome of the process at DEP would necessarily have an impact on the viability of the overall subdivision plan and that therefore the Planning Board could not lawfully approve the subdivision until the wetlands matters were resolved.

At the hearing, the Applicant made representations to the Board that all appropriate wetland applications had been submitted to the DEP and on that basis urged the Planning Board to approve the subdivision application with conditions. Over our objections, the Board voted to grant the subdivision approval with the condition that all appropriate wetland permits be obtained prior to construction of the subdivision.

On October 13, the day after the Planning Board meeting, the DEP rejected the Applicant's wetlands application as "unacceptable for processing at this time." (The October 13, 1999 letter from Dawn E. Hallowell, of the Maine Department of Environmental Protection, to Pinkham & Greer, is attached.) The letter details a litany of insufficiencies in the application that must be addressed before the it will even be acceptable for review by the DEP. Moreover, and far more troubling, the DEP indicated that the Applicant must include a more

45 MEMORIAL CIRCLE, P.O. BOX 1058  
AUGUSTA, MAINE 04332-1058  
TELEPHONE: (207) 623-5300 -- TELEFAX: (207) 623-2914

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BATH, MAINE 04530-0665  
TELEPHONE: (207) 443-5576 -- TELEFAX: (207) 443-6665

**PRETI, FLAHERTY, BELIVEAU, PACHIOS & HALEY, LLC**

Joseph E. Gray, Jr.

October 15, 1999

Page 2

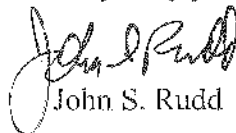
complete accounting of wetlands impacts from the project and include mitigation plans, an alternatives analysis and compensation plans in the revised application. The DEP letter also notes that the proposed (and possibly the current) use of the culvert and upstream wetlands for stormwater detention is a wetland alteration that must be approved in the DEP permit process.

The DEP letter raises the very same issues that we raised before the Board and that cast serious doubt upon the sufficiency and legality of the Planning Board's action to approve the subdivision plan at its October 12<sup>th</sup> meeting. From a cursory review of the wetland application and the letter from the DEP, it is readily apparent that the Applicant will not be able to obtain DEP wetlands approval for the subdivision plan approved by the Board and that substantial alterations to the subdivision layout will be required if the wetland permit is to be approvable by DEP.

As a result of this development, I request that the Planning Board exercise its authority under the City Ordinance to rescind or withdraw its approval of the Pines subdivision. I also request that the City take such other actions as will ensure that the Applicant does not proceed any further with any construction related activities at this site until such time as the Planning Board has all of the necessary information before it and the Board has conducted a full evaluation and review of the subdivision proposal to ensure the plan is ultimately in compliance with the state and federal wetland laws. Failure to do so might cause irreparable injury to the interests of my clients.

In the event that the City chooses not to reopen this matter with the Planning Board, please notify me in writing so that I may counsel my client on what other legal options may be available to secure proper Planning Board or other legal review in light of this very significant development.

Very truly yours,

  
John S. Rudd

JSR:cc

Encl.

cc: Penny Littell, Esq.  
John Bannon, Esq.  
John P. McVeigh, Esq.  
David and Suzanne Dargie

August 9, 1999

9 Charlotte Drive  
Falmouth, ME 04105

Mr. Joseph E. Gray, Jr.  
Director of Planning and Urban Development  
City Hall, 4<sup>th</sup> Floor  
389 Congress Street  
Portland, ME 04101

**RE: The Pines of Portland/  
Pennsylvania Avenue Subdivision  
North Deering  
Portland, ME**

Dear Mr. Gray:

I am in receipt of project application dated August 10, 1999, for the above referenced project, and have reviewed it in its entirety. All references made herein are to said application and its respective attachments. My initial comment regarding the information provided by the proponent is that it is inadequate to be considered for final Planning Board review in its current state. Much of the information requested and issues raised by both Portland Planning Staff members, City of Portland's technical consultants, and that of concerned abutters and neighbors, have not been addressed. Furthermore, the design documents lack the adequate information and detail to allow for a complete and comprehensive review of the proposed subdivision. The balance of my comments are as follows:

**Stormwater Analysis** - Based on the information provided it is unclear how the proponent plans to address both off-site discharge and stormwater quality. A reference to a 4' x 6' culvert located at Pennsylvania Avenue is made in regards to retaining water in the wetlands northerly of said culvert. However, the throttling effect of such a large culvert is questionable, and additional analysis and information is required beyond what is provided in order to make a final determination. In addition, the drainage from a significant number of the building lots accessed via Pennsylvania Avenue and Liberty Way bypass the 4' x 6' culvert all together, and simply sheet flow onto abutting property. It appears that no provisions have been made to detain or treat this runoff before leaving the proponent's development site.

It should also be noted that during significant storm events minor flooding is common in the low lying areas southerly of the proposed development. Additional development as proposed will only exacerbate this situation. As the owner of a parcel that abuts the southerly boundary of the proposed development, it is imperative for the proponent to demonstrate the means in which both offsite discharge and water quality will be properly addressed. It is unacceptable for the proponent to utilize abutting parcels for stormwater mitigation. Furthermore, considering the contours shown on the development plans were obtained from aerial photography, the reliability of this information is somewhat compromised. I would suggest field topography of the entire site be performed to improve the accuracy and reliability of future stormwater analyses.



Additional concerns regarding stormwater runoff are as outlined in my letter to you of July 22, 1999 (copy attached). In addition, technical review comments regarding stormwater were also made by Mr. Jim Wendel, Development Review Coordinator, in his memo dated June 7, 1999, which remain unaddressed.

**Drainage Easements** - The proponent has provided for drainage easements that are intended to coincide with drainage easements that currently exist in the adjacent Ledgewood Heights subdivision located in the town of Falmouth. The drainage easement shown circumventing Lot 18 & 19 does not coincide with the limits of the drainage easement shown on the Ledgewood Heights Subdivision Plan, dated July 15, 1999.

**Setback Requirements** - The building envelope shown on Lot 18 does not depict the city of Portland setback requirements of 25 feet from both the front and rear property line. Once these standards have been implemented, it does not appear that there is adequate space for development on this lot. Therefore, I would suggest the proponent consider consolidating lots 18 & 19 to realize a suitable building lot.

**Buffers** - There have been no provisions made for buffers to minimize visual and noise impacts to abutters. I would suggest minimum 25 foot vegetated buffers be mandated adjacent to all abutting properties. All such buffers should be detailed in the subdivision's protective covenants as well as in deed restrictions for each individual lot. Buffers of this nature should be held in perpetuity, and their future viability should be enforceable. Reconfiguration of some of the parcels to reduce lot density would also be beneficial in maintaining visual buffers and reducing noise. The proposed lot sizes, although allowable, give no consideration to the natural beauty or habitat that currently exists on this site. Therefore, I would request that if the Planning Board has not previously walked the project site, it considers doing so before acting on the proposed development in its current configuration.

**Environmental Considerations** - Over the years I have walked the proposed development site on many occasions, and consequently have come to know the terrain quite well. Upon review of the proponents documents, I question the methodology that was used in delineating the wetlands as shown on their plans. It is my opinion that additional wetland pockets may indeed exist that are not currently identified in the proponents application. In addition, I question if wetland buffers have been observed in the layout of the proposed project. In short, I am requesting that a peer review be mandated by the Planning Board to verify the accuracy of the wetland delineation submitted by the proponent.

The Portland Planning Staff has indicated that they are in contact with the Maine Department of Environmental Protection (MDEP) to obtain a determination as to whether this development should be reviewed under Maine site law. Prior to this determination being made, MDEP should be provided draft final design documents so that they may accurately assess the development impacts. Furthermore, MDEP should be requested to physically walk the site, perhaps in conjunction with the Planning Board, so they may evaluate first hand the functions and values of the proposed development site.

**Wildlife Habitat** - A wide range of wildlife thrive in the proposed development area. The variety of uplands and wetlands provides perfect habitat for many species including deer, fox, racoons, skunks, ground hogs, wild turkeys, turtles, and an occasional moose, to name a few. The wetland areas are ideal for nesting birds that include great blue herons and a host of other birds. Attachment #13 states

that there is "no Essential Wildlife Habitats for Endangered or Threatened Species currently designated within the city of Portland". However, this does not in any way address impacts to wildlife that may exist due to the proposed development. Therefore, I suggest an official from Inland Fisheries and Wildlife conduct a site walk to evaluate the cumulative impacts to wildlife habitat prior to planning board approval.

Considering the wide range of issues that remain unresolved at this time, and the fact that most residents in the Town of Falmouth did not receive written notice of this proposed development until Thursday, August 5, 1999, I hereby request that the Planning Board "table" this application until all abutters have had sufficient time to provide input into the planning process, and all unanswered questions are adequately addressed.

For the record, I have discussed the above issues and concerns with numerous abutters and neighbors of the proposed development. These parties join in my concerns as outlined above.

Thank you for your attention to this matter, and I look forward to your response.

Sincerely,

  
David C. Dargie, P.E.

Enclosures

cc: G. Theborge, Falmouth Town Planner  
P. Littell, Corporation Council, City of Portland

PL-03 (8-9-99)

# Town of Falmouth, Maine

John B. Harris, Town Manager

271 Falmouth Road  
Falmouth, Maine 04105  
(207) 781-5253



July 27, 1999

Mr. David Dargie  
9 Charlotte Drive  
Falmouth, Maine 04105

Dear Mr. Dargie:

I am writing in response to your letter dated July 21, 1999 on the proposed Pines of Portland subdivision plan. To the best of my knowledge, the Town of Falmouth was not formally notified about the project and its potential impacts on Falmouth properties. I did receive an informal contact from a Portland planner last week.

Within the past year, there have been three projects along the town/city border, two in Portland on outer Auburn Street and one in Falmouth off Allen Avenue Extension. We were again, informally notified of the two Portland projects which did not raise any issues for the town or its residents.

Our practice in such cases is to send actual Planning Board agendas that can be forwarded to abutting property owners in the adjacent town. In the case of the Carriage Hills Subdivision on Allen Avenue, several Portland residents became involved in the subdivision review process as a result of our notification and because of concerns for drainage impacts on their abutting properties. The Falmouth Planning Board and staff treated those concerns with the same level of attention as we provide our own citizens.

You have accurately observed that drainage from the Ledgewood Heights Subdivision drains toward the proposed Portland subdivision before flowing through a wetland and stream system that drains across Ledgewood Drive and Middle Road heading toward the Presumpscot River. That Falmouth drainage should be accommodated through the Portland development, which should be designed to prevent flooding damage to downstream facilities and properties in Falmouth.

Given the heavy planning workload in Falmouth, I am unable to get actively involved in the Portland review process. If there is inadequate provision for your input in the Portland process, I suggest that you contact the town and city managers to seek more clear procedural requirements for both communities. If you have further questions, please feel free to contact me.

Respectfully,

*George N. Thebarger*  
George N. Thebarger  
Town Planner

Post-It® Fax Note		7871	Date	7/27	# of pages	1
To	Alex Thebarger		From	George Thebarger		
Co./Dept			Co.			
Phone #			Phone #	781-5253		
Fax #			Fax #	781-81677		

July 22, 1999

9 Charlotte Drive  
Falmouth, ME 04105  
(207) 797-2084

Mr. Joseph E. Gray, Jr.  
Director of Planning and Urban Development  
City Hall, 4<sup>th</sup> Floor  
389 Congress Street  
Portland, ME 04101

**RE: The Pines of Portland/  
Pennsylvania Avenue Subdivision  
North Deering  
Portland, ME**

Dear Mr. Gray:

I currently reside on Charlotte Drive in Falmouth, Maine, in a subdivision known as Ledgewood Heights. I also own an adjoining parcel of land located in the city of Portland. Consequently, I recently received notification of a Planning Board Workshop to be held on July 13, 1999, which I chose to attend. Upon review of the information provided to the attendees at the workshop (copy enclosed), it became apparent that the proposed development would have direct and significant impacts to abutters located in the Ledgewood Heights subdivision.

Subsequent to the workshop, I consulted with my neighbors. None of them had been informed either verbally or in writing regarding this proposed development, or the workshop itself. I question the legality of not providing notification to direct abutters of a proposed development, even if the abutters reside in an adjacent town. If it is indeed true that there is no legal requirement to notify abutters in adjacent communities, then I question the ethics of this practice.

In retrospect, it has become apparent that the only reason I received notice of the July 13th Planning Board workshop, is due to my ownership of land within the city of Portland limits. However, there are several residents located within the Ledgewood Heights subdivision who will be directly impacted by the proposed development. Yet, these individuals have had no opportunity to ask questions, make comments, or voice their concerns regarding the changes that are proposed to take place in their backyards. This simply is not fair or proper, and I request that all affected parties be afforded the opportunity to review and comment on the proposed action with adequate notification. In short, I request that Planning Board action regarding the proposed development be postponed until all appropriate parties are properly notified, and are given the opportunity to respond.

A second area of concern regarding the proposed development is that of stormwater. A significant amount of stormwater runoff in the Ledgewood Heights subdivision is collected in a detention basin located on the Portland/Falmouth boundary. This detention basin discharges in the approximate location of the proponent's lot #18. However, it appears that no provisions have been made to channel or treat this discharge once it crosses the town boundary into Portland. The proponent must take the necessary steps to properly and adequately control and treat this runoff as it takes its natural course through the proposed development area. Furthermore, it is unclear to me if the runoff from Ledgewood Heights was included as part of the drainage calculations. If not, then the proponent's stormwater analysis should be revised.

A separate, but equally important concern, is that the majority of the watershed in this area flows southerly off the area of proposed development via a small stream. During significant storm events, this stream overflows its shallow banks and saturates the adjacent fields and woodlands that lie down gradient. On many instances, I have walked through these areas after substantial rainfalls to observe large areas of standing water and ground saturation.

Further down gradient, this small stream crosses over the Falmouth town line via a culvert under Ledgewood Drive adjacent to O'Donovan's Complete Maintenance, Inc. During periods of significant storm events, the culvert beneath Ledgewood Drive flows at capacity. In addition, the runoff passing through this small stream both above and below this culvert shows visible signs of siltation during peak discharge. Adding additional runoff to the watershed will only further exacerbate this situation. Furthermore, it appears that the culvert beneath Ledgewood Drive was not considered as part of the stormwater analysis.

The proponent indicated that the proposed development "will not have a detrimental affect on down stream properties from the drainage passing through this site." However, the construction of impervious surfaces such as roads, sidewalks, driveways, and patios, as well as roofs of buildings and sheds, will most certainly result in increased offsite runoff. Yet, it appears that no provisions have been made to detain such runoff on site to either control peak discharge, or reduce the presence of suspended solids. In short, I question the methodology that was utilized by the proponent to reach the conclusions outlined in the stormwater analysis.

Over the past six years five separate subdivisions have been developed off of Ledgewood Drive in Falmouth. Each one of these subdivisions ultimately discharge into the same watershed as the proposed development area, and each one of these subdivisions have huge stormwater detention basins. Yet, the proposed project does not. Therefore, I request that the Planning Board require a peer review of the engineering plans and backup documentation to reach a final conclusion on this matter.

My third item of concern is that of wildlife habitat. As the city of Portland and its surrounding communities continues to grow, open space for wildlife is gradually eroded away. The woodlands and meadows proposed for development provide favorable habitat for a wide variety of animals and birds. I routinely spot deer in these areas, and believe that this wildlife corridor that follows

the Portland/Falmouth line is one of the last habitats capable of supporting deer this close to the heart of downtown Portland. In short, I am hopeful that provisions will be considered to provide suitable egress and habitat for all forms of wildlife that call the proponent's parcel and surrounding areas home.

Thank you for your consideration of the above. If you have any questions, feel free to call me.

Sincerely,

  
David C. Dargie, P.E.

Enclosure

cc: Kandice Talbot, Planner, City of Portland

JEFFREY W. LANGHOLTZ  
ATTORNEY AT LAW  
260 MAIN STREET, SUITE G  
BIDDEFORD, MAINE 04005

(207) 283-4744 FAX (207) 283-1349  
E-mail: jwl@gwl.net www.maineattorney.com

July 22, 1999

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

Dear Mr. Gray and Planning Board Members:

My wife and I have lived at 141 Virginia Street for approximately 10 years. Over time the traffic on Virginia Street has increased substantially due to new development in the area. Many families on Virginia Street and the other surrounding streets have young children and animals.

The proposed Pines subdivision will significantly increase the traffic in the area. Cars already regularly speed down Virginia street to avoid the congestion on Washington Avenue. Virginia Street is losing its residential quality; it is becoming an overused through street. The problems associated with high traffic will be exacerbated if you decide to approve the subdivision as proposed.

The quality of life on Virginia Street has taken a turn for the worse over the years. My wife and I are now afraid that our two dogs will be killed if they inadvertently stray onto the street. We are concerned that the value of our property will decrease if the overuse of our street continues to accelerate.

It is inappropriate to allow Virginia Street to bear the complete impact of the 29 lot subdivision. It would be more reasonable for the Board to approve the original Pines proposal of 15 lots. A&G will be able to realize a respectable return on their investment with a 15 lot subdivision considering that they paid less than \$80,000.00 for a large parcel of City land in a prime location.

There was some discussion at the 7/13/99 workshop session of building a road into Falmouth to alleviate the potential impact on Virginia Street. I was troubled to hear a board member express his concern that the owners of the "expensive" homes in Falmouth would be unhappy with a street abutting their



Joseph Gray  
Page 2  
July 22, 1998

There was some discussion at the 7/13/99 workshop session of building a road into Falmouth to alleviate the potential impact on Virginia Street. I was troubled to hear a board member express his concern that the owners of the "expensive" homes in Falmouth would be unhappy with a street abutting their properties. I do not believe that same board member indicated concern for the sentiments of the working class individuals living in the moderately priced homes on Virginia Street and surrounding area.

Prior to becoming a lawyer I worked in the building trades for three years; I sympathize with the interests of developers. However, in this matter I believe that A&G is about to embark on project which will adversely impact a my neighborhood. In addition the proposed development will adversely impact a valuable wetland resource and wildlife habitat. Responsible development of this site would include upland buffers and wildlife corridors.

However, A&G intends to develop all upland sites. At the workshop their expressed interest in the environment seemed disingenuous because they seem intent on developing all areas not expressly forbidden by law ( attached as Exhibit A is a letter from Jay L. Clement, Department of the Army, Corps of Engineers to A& G Associates dated 9/28/98). If A&G were truly concerned about preserving the valuable resource about to be destroyed they would preserve significant upland areas.

A&G already has filled a portion of the wetland to allow for the completed construction of the six homes on the Penn Street extension (attached as Exhibit B is Jay Clement's note to Jeffrey Langholtz dated 12/17/98 along with attachments addressing the Penn Street Extension fill) Filling so close to a perennial stream would have been forbidden by the Portland City Code and City of Portland Technical and Design Standards and Guidelines. Additionally A&G's initial and potentially ongoing claim that the Board does not have jurisdiction over their proposed subdivision is indicative of their lack of concern for the environment and residents of the neighborhood.

Pursuant to Section 14-497(5) of the Portland Code the Board shall determine that the proposed subdivision " will not cause unreasonable high or public road congestion or unsafe conditions with respect to the use of the highway or public roads existing or proposed." The applicant A&G has failed to provide evidence addressing the 14-497(5) issue. A&G bears the burden of convincing the Board that



Joseph Gray  
Page 3  
July 22, 1998

the subdivision will not cause unreasonable congestion or unsafe conditions. Considering the overuse of Virginia Street presently the subdivision as proposed will not comply with section 14-497(5)

It is not apparent from the master plan whether all the wetlands have been appropriately delineated. According to the City of Portland Technical & Design Standards & Guidelines, Section XI (3)(A) " all wetlands should be delineated and mapped according to the Federal Manual for Jurisdictional Wetlands." The applicant failed to provide the Board with the information as required in Section XI(3)(A). Section XI (4)(A) also mandates that in order to avoid wetland impact " A topographic map with wetlands delineated according to the Federal Manual for Jurisdictional Wetlands" will be submitted as part of the application.

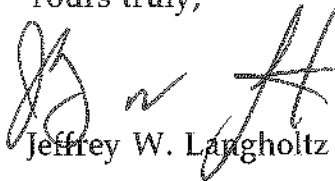
The applicant has failed to show that its plan complies with Section XI(3)(A)(a); applicant submissions relative to wetland buffer strips are absent. Issues concerning perennial and intermittent streams are unaddressed. According to the Standards and Guidelines the applicant shall provide undisturbed wetland buffers. Those "undisturbed buffer[s] must be placed in deed restrictions." Pursuant to 14-497(a)(8) The Board must determine the subdivision "will not have an undue adverse effect on the scenic or natural beauty of the area." This issue was never discussed at the 7/13/98 workshop and the applicant failed to address the matter in its application.

The 20 plus acre site which constitutes the proposed subdivision is a unique and beautiful area supporting a wide variety of wildlife. There are very few remaining undisturbed marsh grass and perennial pond areas in our City. Over development of this area as proposed by A&G will adversely impact its natural and scenic beauty.

For the reasons discussed above please deny the Pines Subdivision Application in its present form. Thank you for your consideration.

Joseph Gray  
Page 4  
July 22, 1998

Yours truly,



Jeffrey W. Langholtz

attachments

cc:

Penny Littell, Associate Corporation Counsel  
Residents of Virginia Street  
Editor, Casco Bay Weekly  
Editor, Portland Press Herald



REPLY TO  
ATTENTION OF

Regulatory Branch  
CENAE-CO-R-51

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



September 28, 1998

A & G Associates  
426 Forest Avenue  
Portland, Maine 04101

Gentlemen:

This letter concerns your development of a residential subdivision(s) off Virginia Street at Portland, Maine. I would like to explain Corps of Engineers jurisdiction and to insure that you do not perform any filling in wetlands or waters under Corps jurisdiction without first obtaining the necessary permits.

As you are no doubt aware, our regulatory jurisdiction in this area encompasses all activities involving the discharge of dredged or fill material below the ordinary high water mark in all waters of the United States. Waters of the United States include navigable waters, inland rivers, lakes and streams and their adjacent wetlands, and isolated wetlands.

The construction of Penn Street Extension and its crossing of an unnamed stream and adjacent wetland required a Corps permit. However, since less than 4300 square feet of wetland was filled for the crossing, this activity qualified for the non-reporting category of our Maine Programmatic General Permit (attached). I should note however, that our site visit revealed that you still need to install the 4'x 6' concrete box culvert referenced in your DEP application as soon as possible to minimize impacts to the stream.


We understand from the DEP that although the subdivision plan depicts lots in wetlands, you no longer propose the development of those lots. Only lots containing sufficient developable uplands will be developed. I believe that was a wise decision. You should be aware for future reference that the Corps does not generally permit the development of lots which are all or largely wetland. I recommend that you clearly identify all wetland boundaries on site and on your plans so that contractors and future homeowners are aware of these restrictions and do not find themselves in an enforcement situation.

We also understand from a concerned neighbor that you may pursue similar developments on the "paper streets" to the northeast. I **strongly** suggest that you schedule a meeting as soon as possible with us and the DEP to discuss your plans. It is in all of our interests to avoid piecemealing. Developing a comprehensive application avoids and minimizes wetland and waterway impacts to the maximum extent possible and reduces regulatory burdens on you.

I must point out that violations of the Clean Water Act are punishable by civil and/or criminal fines up to \$25,000 per day of violation (up to \$50,000 per day for criminal fines) and possible imprisonment. In addition, any unauthorized work or fill is subject to complete removal and restoration.

Should you have any questions, please contact me at 207-623-8367 at our Manchester, Maine Project Office.

Sincerely,



Jay L. Clement  
Project Manager  
Maine Project Office

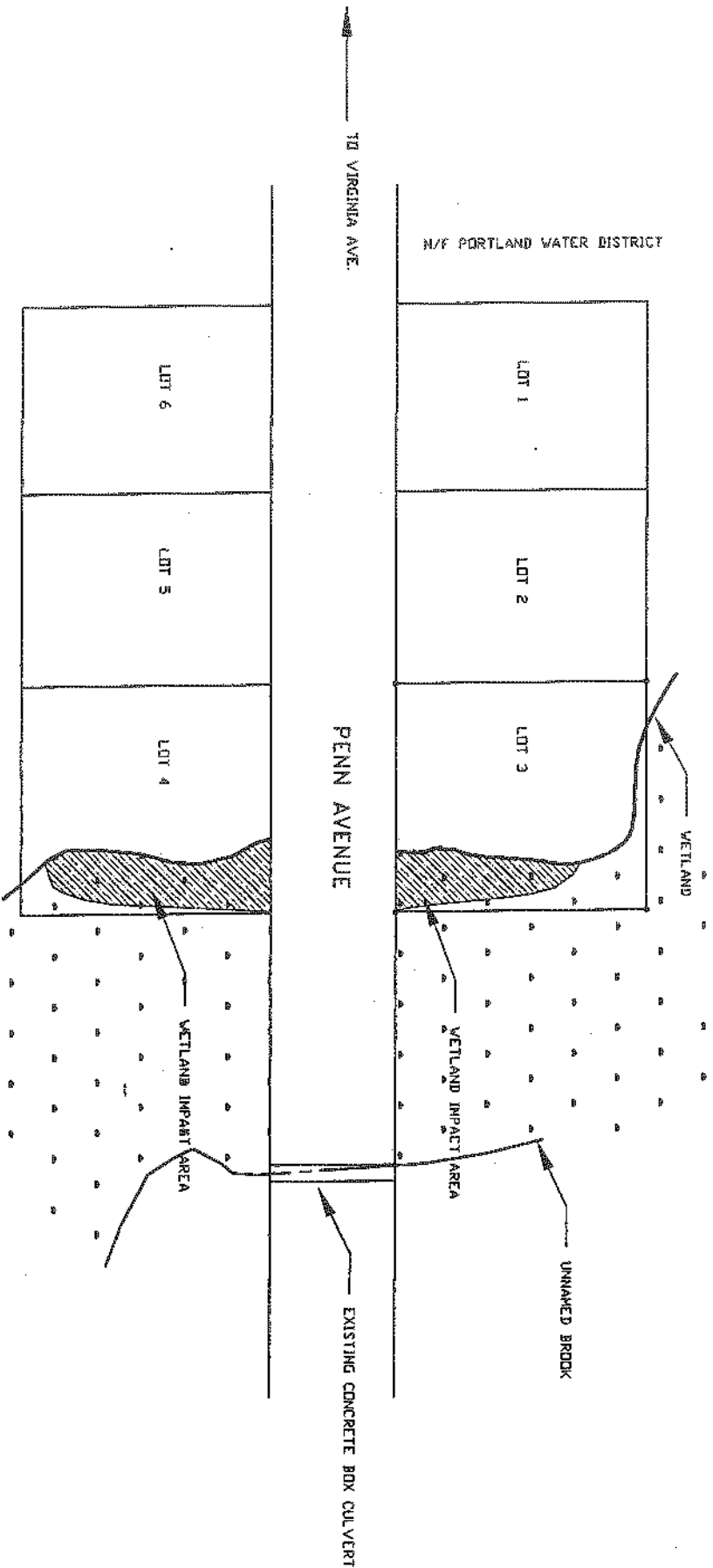
Copies Furnished:  
Office of Environ. Stewardship - USEPA  
Mike Clark/Dawn Hallowell - MEDEP  
Planning Dept. - City of Portland  
Jeffrey Langholtz



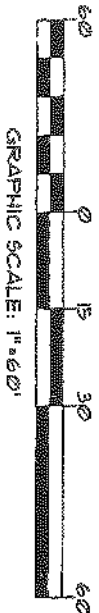
Jeff:

12/17/98

As discussed. The first sheet is the permitted development. The second is a field sketch of the extent of wetlands. A+G's consultant, Pinkham + Greer out of Falmouth, is working on a comprehensive proposal.  
Keep in touch!



NOTE: AREA OF WETLAND IMPACT  
2924 SQUARE FEET



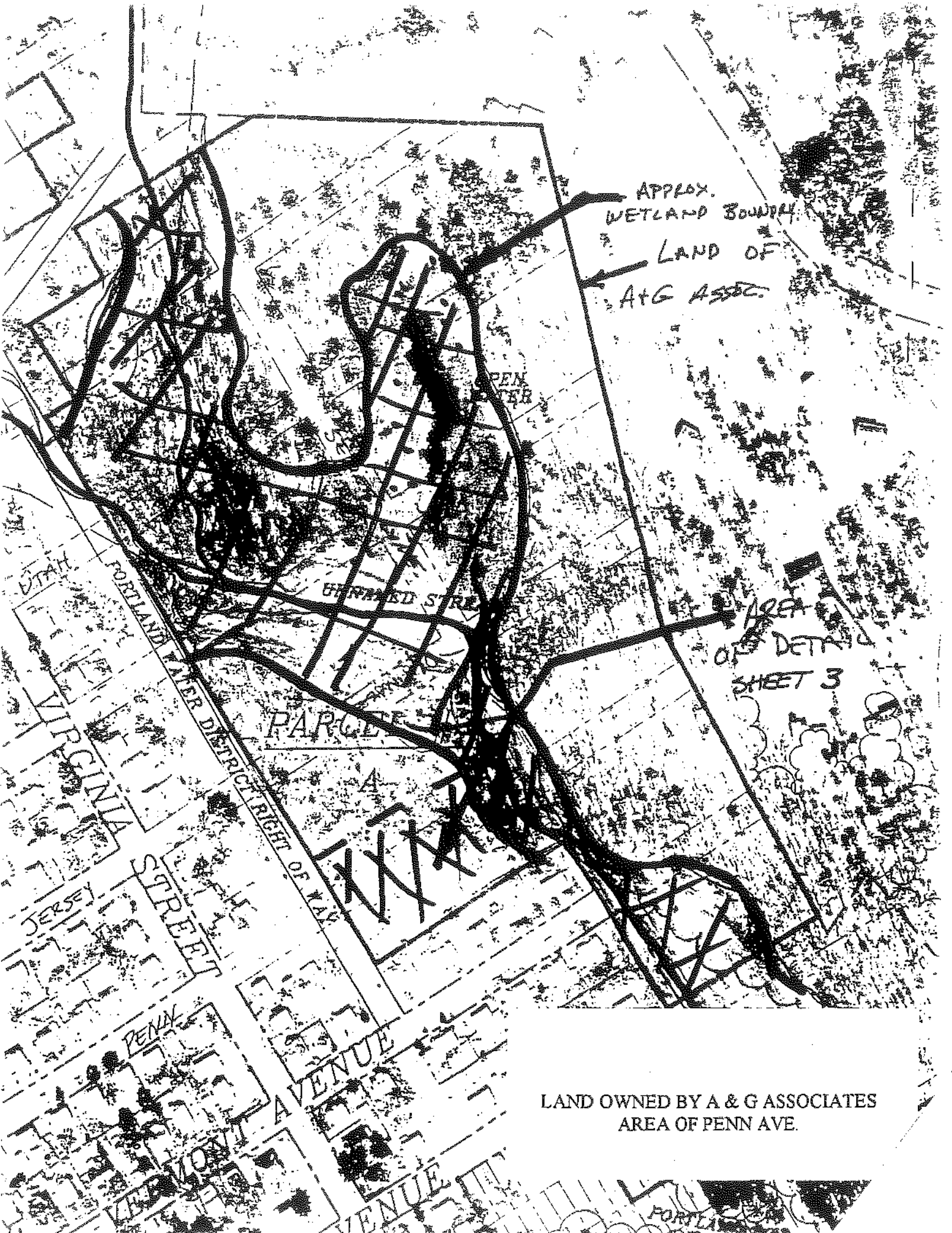
GRAPHIC SCALE: 1" = 60'

# WETLAND IMPACT AREAS

DATE: NOVEMBER 1993

PROJECT: 98113

A & G ASSOCIATES  
PORTLAND, MAINE  
PENN AVENUE  
PORTLAND, CUMBERLAND COUNTY, MAINE



APPROX.  
WETLAND BOUNDARY

LAND OF  
A & G ASSOC.

PEN  
AVE

PAROLE

AREA  
OF DETAIL  
SHEET 3

JERSEY

STREET

AVENUE

AVENUE

AVENUE

AVENUE

FORT

LAND OWNED BY A & G ASSOCIATES  
AREA OF PENN AVE.



(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:

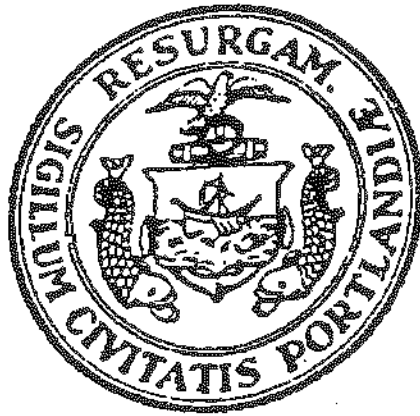
- (1) Will not result in undue water or air pollution. In making this determination it shall at least consider the elevation of land above sea level and its relation to the flood plains, the nature of soils and subsoils and their ability to adequately support waste disposal; the slope of the land and 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.*

**OFFICE COPY**

**CITY OF PORTLAND, MAINE**



**TECHNICAL AND DESIGN  
STANDARDS AND GUIDELINES**

Adopted: September 1987  
Amended: August 1992  
July 1994

## SECTION XI

### STANDARDS FOR DEVELOPMENT IN AND ADJACENT TO WETLANDS

#### 1. INTENTION

These standards are intended to minimize adverse effects upon wetlands and protect wildlife habitat and fisheries.

#### 2. APPLICABILITY

All projects which may impact wetlands as defined by the Shoreland Zoning Ordinance or are classified as a river, stream or brook as defined by the Natural Resources Protection Act are subject to these standards. Some wetlands which may not be regulated by the City of Portland may be regulated under State and Federal law.

#### 3. STANDARDS

- A. All wetlands should be delineated and mapped according to the Federal Manual for Jurisdictional Wetlands (the most recently updated version.)
- B. Maine State Jurisdictional Wetlands and wetlands as defined by the Shoreland Zoning Ordinance (hereafter referred to as wetlands) should be identified according to the Natural Resources Protection Act (Title 38 M.R.S.A. Section 480-B) and identified on a map.
- C. Design the development to minimize wetland impacts by either avoiding direct wetland impacts or following the specific design criteria below:
  - (a) The Development should be designed to avoid disturbance in wetlands and the developer must establish undisturbed buffer strips from the wetland boundary. For developments located adjacent to perennial streams, a minimum one hundred (100) foot buffer strip on either side of the stream should be maintained. For intermittent streams, the buffer strip may be reduced to twenty five (25) feet. The undisturbed buffer must be placed in deed restrictions. In cases where State and Local rules are in conflict, the most stringent rules will apply.
  - (b) If any filling, clearing or alteration will occur in wetlands, then the wetlands must be classified according to the Wetland Protection Rules as Class I, Class II, or Class III. The guidelines of Avoidance, Minimal Alteration, and Compensation contained in the rules shall apply.

## SECTION XI -- STANDARDS FOR DEVELOPMENT IN AND ADJACENT TO WETLANDS

- (1) No disturbance in Class I wetlands and a 35 foot undisturbed buffer zone shall be established from the wetland boundary that will be specified in deed restrictions.
- (2) Limited fill may be used in Class III wetlands for road crossings to reach upland sites and for weir construction. Fill is limited to 20,000 square feet for the entire project site.
- (3) Road crossings of wetlands will have level culverts placed every 50 feet.
- (4) In Class II and Class III, alteration of wetlands for a road or utility line crossing of a stream for a distance of up to 100 feet from the normal high water line on both sides, measured perpendicular to the thread of the stream. This is inclusive of the 20,000 square foot fill limitations.

### 4. SUBMISSIONS

The following submissions will support the contention that wetland impacts have been avoided:

- A. A topographic map with wetlands delineated according to the Federal Manual for Jurisdictional Wetlands (the most updated version). State of Maine Jurisdictional Wetlands will be identified according to the Natural Resources Protection Act on the same map. The scale should be 1 inch equals 100 feet.
- B. A site plan that shows all development activity including lots, common areas, roads, driveways, and building windows in conjunction with wetlands.
- C. If any filling is proposed:
  - (a) The classification must be determined according to the Wetland Protection Rules and clearly marked on the wetlands map.
  - (b) A report that describes the basis for the wetlands classification determination.
  - (c) Areas of wetland fill must be clearly marked and individually identified on the site plan.
  - (d) A report that contains surface area amounts of wetland fill for the individually identified fill locations.

## SECTION XI – STANDARDS FOR DEVELOPMENT IN AND ADJACENT TO WETLANDS

- D. A letter from the Department of Inland Fisheries and Wildlife indicating the wetlands on the site contain no significant or valuable wildlife habitat.
- E. A letter of non-jurisdiction, a copy of permits received from other regulatory agencies (i.e. Maine Department of Environmental Protection or the U.S. Army Corps of Engineers) or report from a qualified professional stating that the proposed work will not require a permit from state or local agencies must be submitted for all projects proposing work either in or adjacent to wetlands prior to issuance of a building permit. This includes wetlands not regulated by the City of Portland.

Adopted by the Planning Board 8/11/92.

June 5 1899

Dear Sir,

I understand that a  
20 lot residential subdivision  
is planned by the Pines of Portland Inc  
in Vicinity of Virginia Street Wyoming St.  
in our neighborhood.

I hope you will give a  
lot of thought to the environment,  
loss of open space, crowded schools,  
traffic, I understand six houses  
are planned for Wyoming ave.  
the lots, are too small & would  
be very crowded and close together.  
I think four houses for this  
small space would be a  
better plan.

Sincerely

Wesley B. Adams  
222 Virginia St  
Portland, Me. 04103

David D. DiPietro  
General Contractor

Top Quality Workmanship • Free Estimates • Commercial & Residential

221 Virginia Street • Portland, Maine • (207) 797-9531

JOSEPH E GRAY JR.

DEAR MR GRAY:

I AM INTERESTED IN THE LOTS  
ON THE EAST SIDE OF VIRGINIA ST  
AND ON THE NORTH SIDE OF KANSAS.  
SEVERAL OF THE PEOPLE IN THE  
AREA ALONG WITH MYSELF ARE  
CONCERNED THAT ALL THE OPEN  
SPACE IN THE REAR OF THESE  
THREE LOTS WILL BE GONE.  
WE THOUGHT THAT IT WOULD KEEP  
OPEN SPACE BETWEEN RACINE ST  
A DEVELOPMENT OF 33 TOWN LOTS  
AND THE LOTS BEING DEVELOPED.  
I ALONG WITH OTHER PEOPLE THINK  
THAT A 75' BUFFER AT THE REAR  
OF THESE LOTS SHOULD BE LEFT  
UNCUT AND BE ALLOWED TO GROW WILD.  
THE LOTS ARE 200' DEEP AND THE  
HOUSES DON'T NEED TO BE IN THE REAR  
OF THE LOTS, OVER

ALSO, THE LOTS ARE 70' WIDE  
AND THAT LEAVES NO ROOM ON  
THE SIDE LINES, SO MAYBE THE LOTS  
SHOULD BE INCREASED IN SIZE AND  
HAVE 2 LOTS INSTEAD OF 3, INCREASING  
THE FRONTAGE AND MAKING A  
MORE ATTRACTIVE AREA BEING DEVELOPED

AS TO THE OTHER LOTS ON THE  
WEST SIDE OF VIRGINIA ST OR  
WYOMING, THE SAME IS TRUE ALSO,  
IT IS VERY CLEAR THAT THE  
DEVELOPER IS IN IT FOR THE  
DENSITY THE MORE THE BETTER

BUT, I BET SHE DOESN'T HAVE  
HOUSES JAMMED IN AROUND HER  
HOME AND DOESN'T CARE WHAT  
HAPPENS OUT HERE!

THANK YOU,  
DAVID DIETRIC



Mr. Alexander Jaegerman  
Director of Planning and Urban Development,  
City Hall, 4<sup>th</sup> Floor  
389 Congress St.  
Portland, Me. 04101

Dear Mr. Jaegerman,

My name is John Joyce. I live at 111 Virginia St. Portland, Me.  
My concern is the parties Greg McCormick and Amy Mulkern who are putting in the development behind my home. There has been a lack of communication between us that I have not been able to resolve.

I was told that they would put up a fence along the side of my property extending the full length. They shorted the fence by two sections short of the driveway. This leaves a 3ft drop off from my lawn to the street. I have grandchildren that come to visit and I am concerned about their safety with such an unprotected drop. I have tried to resolve this with the parties with no satisfaction. When installing the fence, they angled the fence instead of going straight which caused them to dig up one of my plants and they just left it sitting on my lawn.

I am very concerned about being told one thing and coming home to find something completely different than what I was told was going to happen.  
When they put up the fence with the section angled, thereby restricting my property usage, I did not complain. I believed that the developers would contact me to discuss the changes made and we could resolve the issue. Also they have placed signs on the fence without my prior approval. I am a reasonable person when I am informed of changes that need to be made, but when they just did what they wanted without consulting with me first, I feel this is not good business practice.

On May 14<sup>th</sup>, Nancy L. Knauber, Inspector/Associate Engineer, Department of Public Works, mailed them a letter with my concerns. They have neglected to have any reply at this time.

Thank you in advance for your time and consideration in helping me to resolve this matter.

Sincerely,

John J. Joyce



June 3, 1999

Virginia M. Brown  
76 Kansas Ave  
Portland, Maine

04103

797-5031

Joseph E. Gray Jr.

Director, Planning & Urban Development  
City Hall

Portland 04101

Dear Sir and Planning Board,

This is in response to a notice we received today announcing projected subdivisions in the vicinity of Virginia Street in North Deering. I grew up here, my family has owned our home since 1949. I recently returned to Portland from Vermont and am caring for my mother here on Kansas Ave off Virginia Street. While I still think of Portland and North Deering a worthwhile place to live, the increased traffic and closing in of open spaces has been worrisome to me. Further development? Must we develop every square acre until so little is left?

Issues of traffic, air and noise quality are acute as it is. There are lovely areas left that birds, plants and small animals flourish in. I walk my dog there daily and it breaks my heart to think of it built up and out of bounds.

I know there are competing issues, but I wonder just how "needed" this development is and whether it is being pursued to fill an existing need or a projected need, and whose wallet is at stake.

I appeal to the Planning Board to consider the development of this area very carefully.

Thanks for listening ~ Virginia "Ginger" Brown

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

February 10, 2003

Mr. Greg T. McCormack  
Pines of Portland, Inc.  
426 Forest Avenue  
Portland, ME 04101

RE: Pines of Portland Escrow Account

Dear Greg:

The \$15,000 escrow account that was established by the Pines of Portland is being held in a City of Portland escrow account. The account number is 710-0000-233-04-00.

Attached is the back-up material regarding the escrow account. If you have any questions, please do not hesitate to contact me at 874-8901.

Sincerely,

Kandice Talbot  
Planner

Jennifer Dorr - Pines of Portland

**From:** Jennifer Babcock  
**To:** Talbot, Kandi  
**Date:** Fri, Feb 4, 2000 11:02 AM  
**Subject:** Pines of Portland

Hi, Kandi. The new account number for the Pines of Portland is

710-0000-233-04-00

The old number, 710-0000-236-07-00 can be re-used for the next infrastructure contribution.

Jen

**CC:** Dorr, Jennifer

Changed from  
Finan Contrib.  
to Escrow



# Infrastructure Financial Contribution Form

Obtain an Account Number from Paul Colpitts, Chief Accountant (ext. 8665) prior to the distribution of this form.

Amount \$ 15,000.00

City Account Number: 710-0000-236-07-00

Project Name:

The Pines of Portland

Project Job Number:  
(from Site Plan Application Form)

19990042

Project Location:

Penn Avenue, Wyoming, & Kansas

Project Description:  
(attach approval letter)

29-lot subdivision / single family

Applicant's Name:

Amy Mulkenin / Greg McCormack

Applicant's Address:

426 Forest Avenue

Expiration:  If funds are not expended or encumbered for the intended purpose by see approval letter funds, or any balance of remaining funds, shall be returned to contributor within six months of said date.

Funds shall be permanently retained by the City.

Other (describe in detail) \_\_\_\_\_

Form of Contribution:  Escrow Account

Cash Contribution

Interest Disbursement: Interest on funds to be paid to contributor only if project is not commenced.

Terms of Draw Down of Funds: The City shall periodically draw down the funds via a payment requisition from Public Works, which form shall specify use of City Account # shown above.

Date of Form: 1/13/00

Planner: Kandice Talbot

Person Completing Form: Kandice Talbot

The original form, copy of the check and any attachments shall be given to Debbie Marquis.  
The original check, copy of the form and any attachments shall be given to Jennifer Dorr.  
A copy of this form, the check and any attachments shall also be given to the following people:

Paul Colpitts  
Jennifer Babcock

Alexander Jaegerman  
Planner

William Bray  
Tony Lombardo

Applicant  
Penny Littell

# CITY OF PORTLAND, MAINE

## PLANNING BOARD

John H. Carroll, Chair  
Jaimy Caron, Vice Chair  
Kenneth M. Cole III  
Cyrus Y. Hagge  
Deborah Krichels  
Erin Rodriguez  
Mark Malone

November 1, 1999

Amy Mulkerin  
Greg McCormack  
The Pines of Portland, Inc.  
426 Forest Avenue  
Portland, ME 04101

re: The Pines Subdivision

Dear Ms. Mulkerin & Mr. McCormack:

On October 12, 1999 the Portland Planning Board voted 5-0 (Cole and Krichels absent) on the following motions regarding The Pines Subdivision:

1. That the plan was in conformance with the Subdivision Review Ordinance of the City Land Use Code which constitutes stormwater permit under City delegated authority with the following condition(s):
  - i. that the note which states "street frontage variance received" must be removed from all subdivision plats
  - ii. the developer shall place \$15,000 in an interest bearing escrow account to be maintained by the City of Portland. These monies shall be deposited with the City prior to release and recording of Section I of the Subdivision Plat and shall remain for a period of five (5) years from the completion of all public improvements or the completion of seventy-five (75%) of all house lots in the approved subdivision, whichever occurs later. The escrow money shall be accessed by the City, after notice to the developer and a reasonable time to cure, if or when necessary to correct any on- or off-site improvements needed to resolve drainage problems associated with, or attributable to, the project. Determination of the appropriate use of said funds for such purpose shall be made by the Planning Authority, in consultation with Dept. of Public Works and consulting engineers as appropriate. Applicant will submit to Planning Authority a report of their findings of existing flooding on Virginia Street to the extent that it can be determined and be done in consultation with the City's Engineer and filed with the City Planning Department.
  - iii. That the developer provide documentation to the City which states that NRPA Approval has been obtained by DEP.
  - iv. That the plans be revised in accordance with the DRC's memo dated 10/1/99 regarding MEDEP approval, erosion control, and pre-blast survey

v. That the plans be revised in accordance with Public Works' memo dated 10/5/99 regarding manhole connections, inlet pipe between lots 16 and 17, curbing, and foundation connections.

vi. That the drainage easements noted on the plan need to be identified as either Public or Private Easements as follows:

#### The Pines at Wyoming

The only public easement should be the 30 ft. easement shown on the plan.

#### The Pines at Kansas

All drainage easements should be private.

#### The Pines at Phase I and II

Public Easements should be as follows:

- the 50 ft. x 50 ft. drainage easement abutting lot 12
- the 30 ft. easement from the Falmouth Town line to Liberty Way
- a second 30 ft. easement between lots 16 and 17 from Falmouth to Liberty Way (not shown but requested)
- the 110 ft. x 200 ft. and 110 ft. x 100 ft. drainage easement in the vicinity of the culvert crossing Penn Avenue
- the 20 ft. drainage easement along the perimeter of the properties from Falmouth to Liberty Way.

All other drainage easements shall be noted as private easements.

vii. A note shall be added to the plan which states "Lot 24 will not be developed until further review and approval by the Planning Board of requisite public improvements so as to render the remaining portion of Lot 24 as a marketable lot."

viii. that the building envelope for Lot 18 be revised to show a 25 ft. front and rear setback parallel to Liberty Way and the side setbacks shown as 16 ft. each.

ix. Ensure that as Lots 13, 15, 18 and 19 are developed that provisions are made to prevent increased rates of sheet flow so as to not cross southerly over the Dargie property and condition shall be noted on the Subdivision Plat.

2. That Section I of the Sectional Recording includes the previously approved Lots 1 through 6, proposed Lots 7 through 11, 13 through 17, 20 through 23, 25 through 30, common open space and the residual (future development parcel) Lot 24. Section II includes Lots 12, 18 and 19. Further, the Board does waive Section 14-495(h) which states that the approved section has to constitute at least twenty (20%) percent of the total number of lots. This condition is subject to submission of revised recording plat clearly showing Section I and Section II.

3. The Board also granted waivers of sidewalk on the southerly side of Wyoming Street, the westerly side of Liberty Way, and the southerly side of Kansas Avenue.

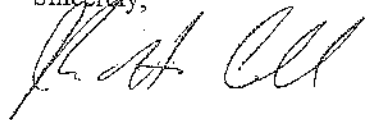
The approval is based on the submitted plan and the findings related to site plan review standards as contained in Planning Board #31-99a, which is attached.

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 1.7% 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.
5. 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.)
6. The Development Review Coordinator (874-8721) must be notified five (5) working days prior to date required for final site inspection. 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 the planning staff.

Sincerely,



John H. Carroll, Chair  
Portland Planning Board



GENERAL RECEIPT

# CITY OF PORTLAND, MAINE

DEPARTMENT Planning DATE 12/30/99

RECEIVED FROM Cities of Portland

ADDRESS 426 Forest Ave.

04101

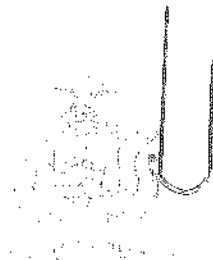
UNIT	ITEM	REVENUE CODE	DOLLAR AMOUNT
	Financial Contribution for drainage		15,000.00

CASH  CHECK  OTHER TOTAL 15,000.00

#1031  
RECEIVED BY J. Ocker

Finance Department

Duane G. Kline  
Director



**CITY OF PORTLAND**

December 26, 2001

Robert A. Harmon, Sr. Vice President  
Maine Bank & Trust  
P.O. Box 619  
Portland, ME 04104

Re: The Pines at Penn Avenue  
Letter of Credit #1691

Dear Mr. Harmon:

This is to inform you that I am authorizing a reduction in the above-named letter of credit by the amount of \$78,039, which should leave a balance remaining of \$30,400.

If you require any further information, please call my assistant Jennifer Babcock at 874-8645.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ellen Sanborn".

Ellen Sanborn  
Assistant Finance Director

pc: Jay Reynolds, Development Review Coordinator  
Kandice Talbot, Planner



**CITY OF PORTLAND**

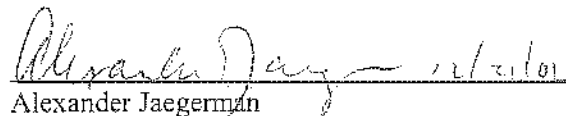
**TO:** Duane Kline, Finance Department  
**FROM:** Alexander Jaegerman, Chief Planner  
**DATE:** December 20, 2001  
**SUBJECT:** Request for Reduction in Performance Guarantee  
The Pines at Penn Avenue, Letter of Credit #1691  
ID# 19990042 CBL#400-A-020

A request by The Pines of Portland, Inc., has been made for a reduction in the amount of Letter of Credit #1691 for The Pines at Penn Avenue.

Original Sum	\$304,000.00
First Reduction	\$195,561.00
<u>This Reduction</u>	<u>\$ 78,039.00</u>
Remaining Sum	\$ 30,400.00

This is the second reduction for the project.

Approved:

  
Alexander Jaegerman  
Chief Planner

cc: Sarah Hopkins, Development Review Services Manager  
Kandice Talbot, Planner  
Jay Reynolds, Development Review Coordinator  
Todd Merkle, Public Works  
Code Enforcement

Finance Department



CITY OF PORTLAND

Duane G. Kline  
Director

March 14, 2001

Robert A. Harmon, Sr. Vice President  
Maine Bank & Trust  
P.O. Box 619  
Portland, ME 04104

Re: The Pines at Wyoming, Letter of Credit #1693

Dear Mr. Harmon:

This is to inform you that I am authorizing a reduction in the above-named letter of credit in the amount of \$89,640.00, which should leave a balance remaining of \$58,060.00. If you require any further information, please let me know.

Sincerely,

Duane G. Kline  
Finance Director

DGK.jlb

pc: Kandice Talbot, Planner

Finance Department

Duane G. Kline  
Director



CITY OF PORTLAND

March 14, 2001

Robert A. Harmon, Sr. Vice President  
Maine Bank & Trust  
P.O. Box 619  
Portland, ME 04104

Re: The Pines at Kansas, Letter of Credit #1692

Dear Mr. Harmon:

This is to inform you that I am authorizing a reduction in the above-named letter of credit in the amount of \$59,539.50, which should leave a balance remaining of \$34,460.50. If you require any further information, please let me know.

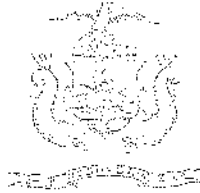
Sincerely,

Duane G. Kline  
Finance Director

DGK,jlb

pc: Kandice Talbot, Planner

U  
Finance Department



Duane G. Kline  
Director

CITY OF PORTLAND

March 14, 2001

Robert A. Harmon, Sr. Vice President  
Maine Bank & Trust  
P.O. Box 619  
Portland, ME 04104

Re: The Pines at Penn Avenue, Letter of Credit #1691

Dear Mr. Harmon:

This is to inform you that I am authorizing a reduction in the above-named letter of credit in the amount of \$195,561.00, which should leave a balance remaining of \$108,439.00. If you require any further information, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Kline".

Duane G. Kline  
Finance Director

DGK.jlb

pc: Kandice Talbot, Planner



CITY OF PORTLAND  
Planning and Urban Development Department

MEMORANDUM

TO: Duane Kline, Finance Department

FROM: Alexander Jaegerman, Chief Planner

DATE: March 2, 2001

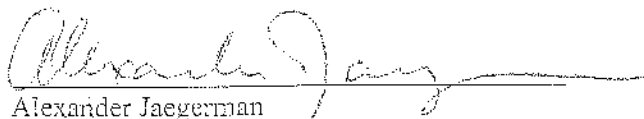
SUBJECT: Request for Reduction in Performance Guarantee  
The Pines at Kansas, Letter of Credit #1692  
ID#19990042 CBL#400-A-020

A request by The Pines of Portland, Inc., has been made for a reduction in the amount of Letter of Credit #1692 for The Pines at Kansas.

Original Sum	\$94,000.00
Reduction Amount	<u>\$59,539.50</u>
Remaining Sum	\$34,460.50

This is the first reduction for the project.

Approved:

  
Alexander Jaegerman  
Chief Planner

cc: Kandice Talbot, Planner  
Development Review Coordinator  
Tony Lombardo, Public Works  
Code Enforcement



CITY OF PORTLAND  
Planning and Urban Development Department

MEMORANDUM

TO: Duane Kline, Finance Department

FROM: Alexander Jaegerman, Chief Planner

DATE: March 2, 2001

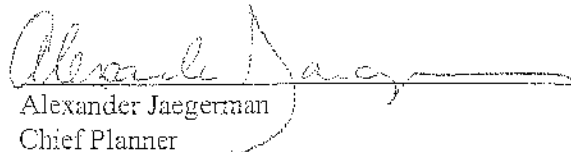
SUBJECT: Request for Reduction in Performance Guarantee  
The Pines at Wyoming, Letter of Credit #1693  
ID# 19990042 CBL#400-A-020

A request by The Pines of Portland, Inc., has been made for a reduction in the amount of Letter of Credit #1693 for The Pines at Wyoming.

Original Sum	\$147,700.00
Reduction Amount	<u>\$ 89,640.00</u>
Remaining Sum	\$ 58,060.00

This is the first reduction for the project.

Approved:

  
Alexander Jaegerman  
Chief Planner

cc: Kandice Talbot, Planner  
Development Review Coordinator  
Tony Lombardo, Public Works  
Code Enforcement





CITY OF PORTLAND  
Planning and Urban Development Department

MEMORANDUM

TO: Duane Kline, Finance Department

FROM: Alexander Jaegerman, Chief Planner

DATE: March 2, 2001

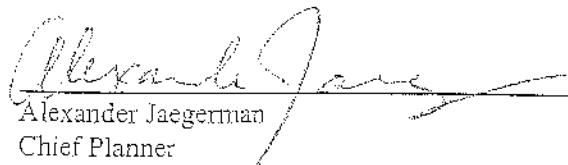
SUBJECT: Request for Reduction in Performance Guarantee  
The Pines at Penn Avenue, Letter of Credit #1691  
ID# 19990042 CBL#400-A-020

A request by The Pines of Portland, Inc., has been made for a reduction in the amount of Letter of Credit #1691 for The Pines at Penn Avenue.

Original Sum	\$304,000.00
Reduction Amount	<u>\$195,561.00</u>
Remaining Sum	\$108,439.00

This is the first reduction for the project.

Approved:

  
Alexander Jaegerman  
Chief Planner

cc:  Kandice Talbot, Planner  
Development Review Coordinator  
Tony Lombardo, Public Works  
Code Enforcement

**From:** Todd Merkle  
**To:** Kandi Talbot  
**Date:** Thu, Mar 1, 2001 2:45 PM  
**Subject:** The pines/Amy Mulkern

Kandi, the new numbers are

Penn and Liberty \$77,355.00 - reduction of  $226,645 - 10\%(22,664.50) = 203,980.50$   
 Kansas \$27,845.00 - reduction of  $66,155 - 10\%(6,615.50) = 59,539.50$   
 Wyoming \$48,100.00 - reduction of  $99,600 - 10\%(9,960.00) = 89,640.00$

These will be final and they are happy with them.

Thanks and sorry!

Penn Avenue - ID # 19990042 CBL# 400-A-020

Orig. Amount	\$ 304,000.00
Red. Amount	<u>203,980.50</u>
Total	100,019.50

Kansas Avenue

Orig. Amount	94,000.00
Red. Amount	<u>59,539.50</u>
Total	34,460.50

Wyoming Avenue

Orig. Amount	147,700.00
Red. Amount	<u>89,640.00</u>
Total	58,060.00



MULKERIN ASSOCIATES  
REAL ESTATE

## FAX COVER SHEET

Date: 1/12/01

Total Pages: 5

To: Gaudi

Company Fax #:

From: Amy Mulkerin

Subject:

Total: \$245,862.<sup>00</sup>

CALL US AT 772-2127 IF THERE ARE ANY PROBLEMS.

426 Forest Avenue, Portland, ME 04101  
207-772-2127 Fax: 207-871-8695

**O'BRIEN BROTHERS,**

P.O. Box 321  
 Gorham, ME 04038  
 (207) 839-3266

**Invoice**

DATE	INVOICE #
4/5/2000	76

BILL TO
A&S ASSOCIATES MULLERIN ASSOCIATES 426 FOREST AVE. PORTLAND, ME. 04101

*Phase II*

		PROJECT	TERMS
		PENE AVE.	Net 30
DATE	DESCRIPTION	RATE	AMOUNT
	DESTUMP	0.00	0.00
	EROSION CONTROL	0.00	0.00
	SEWER SYSTEM COMPLETED & TESTED.	84,000.00	84,000.00
	Sales Tax	5.50%	0.00
<b>Total</b>			<b>84,000.00</b>

*pd check  
 6/7/00  
 MBST  
 4/11*

**O'BRIEN BROTHERS,**

P.O. Box 321  
 Gorham, ME 04038  
 (207) 839-3266

**Invoice**

DATE	INVOICE #
5/5/2000	83

*Phase II  
 Penn Ave*

<b>BILL TO</b>
A&G ASSOCIATES MULKERIN ASSOCIATES 426 FOREST AVE PORTLAND, ME. 04101

PROJECT	TERMS
PENN AVE.	Net 30

DATE	DESCRIPTION	RATE	AMOUNT
	DRAINAGE SYSTEM	59,000.00	59,000.00
	WATER SYSTEM	29,000.00	29,000.00
	Sales Tax	5.50%	0.00

<b>Total</b>	<b>188,000.00</b>
--------------	-------------------

**O'BRIEN BROTHERS,**

P.O. Box 321  
 Gorham, ME 04038  
 (207) 839-3266

**Invoice**

DATE	INVOICE #
6/29/2000	100

BILL TO
A&G ASSOCIATES MULKERN ASSOCIATES 426 FOREST AVE. PORTLAND, ME 04101

PROJECT	TERMS
PENN AVE.	Net 30

DATE	DESCRIPTION	RATE	AMOUNT
	EARTHWORK	30,000.00	30,000.00
	ACG. BASE	17,000.00	17,000.00
	ACG. SUBBASE	4,000.00	4,000.00
	BASE PAVE	9,000.00	9,000.00
	Sales Tax	5.50%	0.00

*Pines - Phase II  
 General*

*pd ck #  
 72 /  
 7/6/00  
 U cur  
 \$51,862.00*

**Total** \$50,000.00

*— \$ 300  
 — \$ 1950  
 — \$ 888  
 \$ 51,867*

# O'BRIEN BROTHERS,

P.O. Box 321  
Gorham, ME 04038  
(207) 839-3266

# Invoice

DATE	INVOICE #
9/18/2000	134

BILL TO
A&G ASSOCIATES MULKERRIN ASSOCIATES 455 FOREST AVE. PORTLAND, ME. 04101

PROJECT		TERMS	
		Net 30	
DATE	DESCRIPTION	RATE	AMOUNT
	INSTALLATION OF UNDERGROUND ELECTRIC SYSTEM	17,000.00	17,000.00
	Sales Tax	3.30%	0.00
<i>pd check # 863 11/28 VOR</i>			
<i>Pines</i>			
<i>Phase II Yen. Ex.</i>			
<b>Total</b>			\$17,000.00

**O'BRIEN BROTHERS,**

P.O. Box 321  
 Gorham, ME 04038  
 (207) 839-3266

**Invoice**

DATE	INVOICE #
12/1/2000	158

<b>BILL TO</b>
A&G ASSOCIATES MULKERIN ASSOCIATES 428 FOREST AVE. PORTLAND, ME. 04101

*Wyoming General*

		PROJECT	TERMS
		WYOMING AVE	Net 30
DATE	DESCRIPTION	RATE	AMOUNT
	SITWORK	147,000.00	147,000.00
	DEDUCT 40,000.00 UNTIL POWER, FINISH PAVING. SIDEWALKS, LOAM & SEED ARE COMPLETED	-40,000.00	-40,000.00
	Sales Tax	5.50%	0.00
		<b>Total</b>	<b>\$107,000.00</b>

*pd ck # 921  
 12/5/00  
 MB+T*

*O'Brien -  
 Wyoming  
 General  
 Expense*

*\$ 107,000*

*(you can keep this copy)*



O'BRIEN BROTHERS,

P.O. Box 321  
Gorham, ME 04038  
(207) 839-3266

Invoice

DATE	INVOICE #
8/9/2000	115

BILL TO
A&C ASSOCIATES MILKERIN ASSOCIATES 426 FOREST AVE. PORTLAND, ME. 04101

*Kansas  
General*

PROJECT	TERMS
	Net 30

DATE	DESCRIPTION	RATE	AMOUNT
	KANSAS AVE. BASE COAT PAVING	\$,000.00	\$,000.00
	Sales Tax	\$,50%	0.00
		<b>Total</b>	<b>\$5,000.00</b>

*pd ✓ #  
801  
9/7/00  
vcc*

**O'BRIEN BROTHERS,**

P.O. Box 321  
 Gorham, ME 04038  
 (207) 839-3266

**Invoice**

DATE	INVOICE #
6/29/2000	101

<b>BILL TO</b>
A&G ASSOCIATES MULKERIN ASSOCIATES 426 FOREST AVE. PORTLAND, ME. 04101

PROJECT	TERMS
KANSAS AVE.	Net 30

DATE	DESCRIPTION	RATE	AMOUNT
	KANSAS AVE. CONSTRUCTION INCLUDES HYDRANT DEDUCT 32,000.00 UNTIL PAVING, SIDEWALK, & GRANITE..	98,500.00	98,500.00
	Sales Tax	-32,000.00	-32,000.00
		5.50%	0.00

*Kansas General*

*pd ck #  
 718  
 7/6/00  
 UCU  
 \$66,500*

*O'Brien -  
 Kansas General  
 Expense  
 \$71,500 total  
 (you can keep  
 this copy)*

<b>Total</b>	<b>\$66,500.00</b>
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MULKERIN ASSOCIATES  
REAL ESTATE

## FAX COVER SHEET

Date: 01/17/01

Total Pages: 4

To: Kandi TALBOT

Company Fax #: 874-8716

From: Amy MULKERIN

Subject:

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CALL US AT 772-2127 IF THERE ARE ANY PROBLEMS.

426 Forest Avenue, Portland, ME 04101  
207-772-2127 Fax: 207-871-6695

# MAINE BANK & TRUST

SITE PLANS/SUBDIVISIONS  
PERFORMANCE GUARANTEE  
LETTER OF CREDIT #1693  
(Account #2565307)

December 28, 1999

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

Re: The Pines at Wyoming

Maine Bank & Trust Company hereby issues its Irrevocable Letter of Credit for the account of The Pines of Portland, Inc. as developer, hereinafter referred to as the Developer; in the name of the City of Portland in the aggregate amount of \$147,700.00.

The City, through its Director of Planning and Urban Development, may draw on this Letter of Credit by presentation of a sight draft and the original Letter of Credit and all amendments thereto, at Maine Bank & Trust Company offices located at 467 Congress Street, Portland, ME stating that:

- (1) the Developer has failed to complete by December 28, 2000 or by the expiration date of any temporary certificate of occupancy issued, whichever date comes first, at the Developer's expense, the work on the roads and other public improvements as set forth in a certain Schedule of Costs of Public Improvements dated November 24, 1999; or
- (2) the Developer has failed to post the ten percent (10%) Defect Bond or Guarantee required by the Portland City Code sections 14-501 and 14-525; or
- (3) the Developer has failed to notify the City for inspections.

In the event of Maine Bank & Trust Company's dishonor of the City of Portland's sight draft, Maine Bank & Trust Company shall inform the City of Portland in writing of the reason or reasons therefor within three (3) working days of the dishonor.

After all underground work in the public right of way has been completed and inspected to the satisfaction of the Department of Public Works, including but not limited to sanitary sewers, storm drains, catch basins, manholes, electrical conduits, and other required improvements constructed chiefly below grade, the City of Portland Director of Planning and Urban Development or the City of Portland Director of Finance as provided in section 14-501 of the Portland City Code may authorize Maine Bank & Trust Company, by written certification, to reduce the available amount of this letter of credit by a specified amount.

# MAINE BANK & TRUST

It is a condition of this Letter of Credit that it is deemed to be automatically extended without amendment for period(s) of one year each from the current expiration date hereof, or any future expiration date, unless at least sixty (60) days prior to any expiration date Maine Bank & Trust Company notifies the Director of Planning and Urban Development by registered mail at the above listed address that Maine Bank & Trust Company elects not to consider this Letter of Credit renewed for any such additional period.

In the event of such notice, the City may draw hereunder by presentation of a sight draft drawn on the Bank, accompanied by the original letter of Credit and all amendments thereto, and a statement purportedly signed by the Director of Planning and Urban Development reading as follows:

This drawing results from notification that Maine Bank & Trust Company has elected not to renew its Letter of Credit #1693; or

This drawing results from the Developer's failure to timely complete to the satisfaction of the City the public improvements set forth in a certain Schedule of Costs of Public Improvements dated November 24, 1999; or

This drawing results from the Developer's failure to post a ten percent (10%) Defect Guarantee Bond as provided in S14-501 of the Portland City Code; or

This drawing results from the Developer's failure to notify the City for inspections.

The Letter of Credit will automatically expire upon the earlier of:

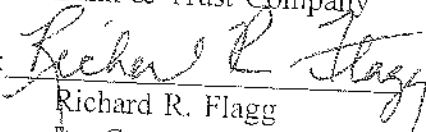
(1) Maine Bank & Trust Company's receipt of a written notification from the City of Portland that said work as outlined in a certain Schedule of costs of Public Improvements dated November 24, 1999 between the Developer and the City of Portland has been completed in accordance with the City of Portland specifications and Maine Bank & Trust Company's Letter of Credit #1693 may be canceled; or

(2) The expiration date of December 28, 2000 or any automatically extended date as specified herein.

Partial drawings are permitted.

We engage with you that drafts drawn under and in compliance with the terms of this credit will be duly honored if presented at our offices at 467 Congress Street, Portland, ME on or before December 28, 2000 or any automatically extended date as specified herein.

Very truly yours,  
Maine Bank & Trust Company

By:   
Richard R. Flagg  
Its: Commercial Loan Officer

# MAINE BANK & TRUST

The City of Portland has accepted the providing of alternative security for the Developer's obligations to be performed pursuant to Section 14-501 and/or Section 14-525 of the Portland City Code.

Date: 1/10/00

By: Joseph E. Gray, Jr.  
Joseph E. Gray, Jr.  
Its duly authorized Director of  
Planning and Urban Development

Seen and Agreed to: Company

By: [Signature] Vicepresident  
Date: 1/12/00

Reviewed pursuant to Section 14-501 and/or Section 14-525, Portland City Code

By: \_\_\_\_\_

Performance Guarantee Letter of Credit

Date: [Signature]  
Director of Finance 01-10-00

By: Charles G. [Signature]  
Date: 01/10/2000  
Corporation Counsel

Department of Planning and Urban Development  
SUBDIVISION/SITE DEVELOPMENT

COST ESTIMATE OF IMPROVEMENTS TO BE COVERED BY PERFORMANCE GUARANTEE

Date Nov 24, 1988

Name of Project: WYOMING AVE

Address/Location: Off Virginia St.

Developer: AG Associates

Form of Performance Guarantee: \_\_\_\_\_

Type of Development: \_\_\_\_\_ Subdivision \_\_\_\_\_ Site Plan (Major/Minor)

TO BE FILLED OUT BY APPLICANT:

Item	Quantity	PUBLIC		PRIVATE		
		Unit Cost	Subtotal	Quantity	Unit Cost	Subtotal
<b>STREET/SIDEWALK</b>						
Road	450 LF	160 <sup>-</sup>	72,000 <sup>-</sup>			
Granite Curbing	500 LF	22 <sup>-</sup>	11,000 <sup>-</sup>			
Sidewalks & Drive Aprons	280 SY	22 <sup>-</sup>	6,160 <sup>-</sup>			
Esplanades	280 SI	3 <sup>-</sup>	840 <sup>-</sup>			
Monuments						
Street Lighting	2 ea	1800 <sup>-</sup>	3600 <sup>-</sup>			
Other Loam & Seal	1800	3 <sup>-</sup>	5400 <sup>-</sup>			
<b>SANITARY SEWER</b>						
Manholes	1 ea	2500 <sup>-</sup>	2500 <sup>-</sup>			
Piping	228 LF	45 <sup>-</sup>	10260 <sup>-</sup>			
Connections	4 ea	500 <sup>-</sup>	2000 <sup>-</sup>			
Other Add Drop to Exit MH	1 ea	1500 <sup>-</sup>	1500 <sup>-</sup>			
<b>STORM DRAINAGE</b>						
Manholes						
Catchbasins	2 ea	2650 <sup>-</sup>	5300 <sup>-</sup>			
Piping	72 LF	70 <sup>-</sup>	5040 <sup>-</sup>			
Detention Basin						
Other Underdrain	640 LF	15 <sup>-</sup>	9600 <sup>-</sup>			
<b>SITE LIGHTING</b>						
Use Elect	Lump	5000 <sup>-</sup>	5000 <sup>-</sup>			
<b>EROSION CONTROL</b>						
	Lump	2500 <sup>-</sup>	2500 <sup>-</sup>			
<b>RECREATION AND OPEN SPACE AMENITIES</b>						

PUBLIC

PRIVATE

	<u>Quantity</u>	<u>Unit Cost</u>	<u>Subtotal</u>	<u>Quantity</u>	<u>Unit Cost</u>	<u>Subtotal</u>
LANDSCAPING (Attach breakdown of plant materials quantities, and unit costs)	_____	_____	_____	_____	_____	_____
MISCELLANEOUS	1	5000	5000	_____	_____	_____
TOTAL	_____	_____	147700	_____	_____	_____
GRAND TOTAL	_____	_____	_____	_____	_____	_____

INSPECTION FEE (to be filled out by City)

	<u>PUBLIC</u>	<u>PRIVATE</u>	<u>TOTAL</u>
1.7% of totals	_____	_____	2511.00
or	_____	_____	_____
Alternative Assessment:	_____	_____	_____
Assessed by:	_____	_____	_____
	(name)	(name)	



# MAINE BANK & TRUST

SITE PLANS/SUBDIVISIONS  
PERFORMANCE GUARANTEE  
LETTER OF CREDIT #1691  
(Account #2565285)

December 28, 1999

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

Re: The Pines at Penn Avenue

Maine Bank & Trust Company hereby issues its Irrevocable Letter of Credit for the account of The Pines of Portland, Inc. as developer, hereinafter referred to as the Developer; in the name of the City of Portland in the aggregate amount of \$304,000.00.

The City, through its Director of Planning and Urban Development, may draw on this Letter of Credit by presentation of a sight draft and the original Letter of Credit and all amendments thereto, at Maine Bank & Trust Company offices located at 467 Congress Street, Portland, ME stating that:

- (1) the Developer has failed to complete by December 28, 2000 or by the expiration date of any temporary certificate of occupancy issued, whichever date comes first, at the Developer's expense, the work on the roads and other public improvements as set forth in a certain Schedule of Costs of Public Improvements dated November 16, 1999; or
- (2) the Developer has failed to post the ten percent (10%) Defect Bond or Guarantee required by the Portland City Code sections 14-501 and 14-525; or
- (3) the Developer has failed to notify the City for inspections.

In the event of Maine Bank & Trust Company's dishonor of the City of Portland's sight draft, Maine Bank & Trust Company shall inform the City of Portland in writing of the reason or reasons therefor within three (3) working days of the dishonor.

After all underground work in the public right of way has been completed and inspected to the satisfaction of the Department of Public Works, including but not limited to sanitary sewers, storm drains, catch basins, manholes, electrical conduits, and other required improvements constructed chiefly below grade, the City of Portland Director of Planning and Urban Development or the City of Portland Director of Finance as provided in section 14-501 of the Portland City Code may authorize Maine Bank & Trust Company, by written certification, to reduce the available amount of this letter of credit by a specified amount.

# MAINE BANK & TRUST

## Performance Guarantee Letter of Credit

It is a condition of this Letter of Credit that it is deemed to be automatically extended without amendment for period(s) of one year each from the current expiration date hereof, or any future expiration date, unless at least sixty (60) days prior to any expiration date Maine Bank & Trust Company notifies the Director of Planning and Urban Development by registered mail at the above listed address that Maine Bank & Trust Company elects not to consider this Letter of Credit renewed for any such additional period.

In the event of such notice, the City may draw hereunder by presentation of a sight draft drawn on the Bank, accompanied by the original letter of Credit and all amendments thereto, and a statement purportedly signed by the Director of Planning and Urban Development reading as follows:

This drawing results from notification that Maine Bank & Trust Company has elected not to renew its Letter of Credit #1691; or

This drawing results from the Developer's failure to timely complete to the satisfaction of the City the public improvements set forth in a certain Schedule of Costs of Public Improvements dated November 16, 1999; or

This drawing results from the Developer's failure to post a ten percent (10%) Defect Guarantee Bond as provided in S14-501 of the Portland City Code; or

This drawing results from the Developer's failure to notify the City for inspections.

The Letter of Credit will automatically expire upon the earlier of:

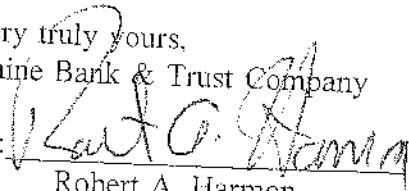
(1) Maine Bank & Trust Company's receipt of a written notification from the City of Portland that said work as outlined in a certain Schedule of costs of Public Improvements dated November 16, 1999 between the Developer and the City of Portland has been completed in accordance with the City of Portland specifications and Maine Bank & Trust Company's Letter of Credit #1691 may be canceled; or

(2) The expiration date of December 28, 2000 or any automatically extended date as specified herein.

Partial drawings are permitted.

We engage with you that drafts drawn under and in compliance with the terms of this credit will be duly honored if presented at our offices at 467 Congress Street, Portland, ME on or before December 28, 2000 or any automatically extended date as specified herein.

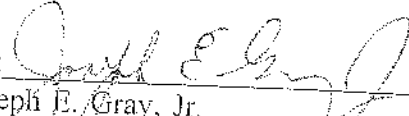
Very truly yours,  
Maine Bank & Trust Company

By:   
Robert A. Harmon  
Its: Senior Vice President


# MAINE BANK & TRUST

The City of Portland has accepted the providing of alternative security for the Developer's obligations to be performed pursuant to Section 14-501 and/or Section 14-525 of the Portland City Code.

Date: 1/12/00

By:   
Joseph E. Gray, Jr.  
Its duly authorized Director of  
Planning and Urban Development

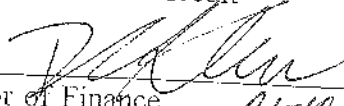
Seen and Agreed to: Company


By:  Vice President  
Date: 1/12/00

Reviewed pursuant to Section 14-501 and/or Section 14-525, Portland City Code

By: \_\_\_\_\_

Performance Guarantee Letter of Credit

Date:   
Director of Finance 01-10-00

By:   
Date: 01/10/2000  
Corporation Counsel

Department of Planning and Urban Development  
SUBDIVISION/SITE DEVELOPMENT

COST ESTIMATE OF IMPROVEMENTS TO BE COVERED BY PERFORMANCE GUARANTEE

Date Nov 16, 1999

Name of Project: Penn Ave & Liberty Way  
 Address/Location: Extension of existing Penn Ave  
 Developer: A.G. Associates  
 Form of Performance Guarantee: \_\_\_\_\_  
 Type of Development: Subdivision Site Plan (Major/Minor)

TO BE FILLED OUT BY APPLICANT:

Item	PUBLIC			PRIVATE		
	Quantity	Unit Cost	Subtotal	Quantity	Unit Cost	Subtotal
<b>STREET SIDEWALK</b>						
Road	<u>870 LF</u>	<u>110<sup>-</sup></u>	<u>95700<sup>-</sup></u>			
Granite Curbing	<u>1285 LF</u>	<u>23<sup>-</sup></u>	<u>29555<sup>-</sup></u>			
Sidewalks	<u>825 SY</u>	<u>18<sup>-</sup></u>	<u>14850<sup>-</sup></u>			
Esplanades	<u>1650 SY</u>	<u>3<sup>-</sup></u>	<u>4950<sup>-</sup></u>			
Monuments						
Street Lighting	<u>5 EA</u>	<u>1800<sup>-</sup></u>	<u>9000<sup>-</sup></u>			
Other						
<b>SANITARY SEWER</b>						
Manholes	<u>3 EA</u>	<u>2000<sup>-</sup></u>	<u>6000<sup>-</sup></u>			
Piping	<u>720 LF</u>	<u>55<sup>-</sup></u>	<u>39600<sup>-</sup></u>			
Connections						
Other Laterals	<u>370 LF</u>	<u>35<sup>-</sup></u>	<u>12950<sup>-</sup></u>			
<b>STORM DRAINAGE</b>						
Manholes	<u>5 EA</u>	<u>1700<sup>00</sup></u>	<u>8500<sup>-</sup></u>			
Catchbasins	<u>6 EA</u>	<u>2000<sup>-</sup></u>	<u>12000<sup>-</sup></u>			
Piping	<u>1800 LF</u>	<u>22<sup>-</sup></u>	<u>39600<sup>-</sup></u>			
Detention Basin						
Other Laterals	<u>180 LF</u>	<u>18<sup>-</sup></u>	<u>3240<sup>-</sup></u>			
<b>SITE LIGHTING</b>						
UG Street Pads	<u>1300 LF</u>	<u>9<sup>-</sup></u>	<u>11700<sup>-</sup></u>			
<b>EROSION CONTROL</b>						
	<u>1</u>	<u>3000<sup>-</sup></u>	<u>3000<sup>-</sup></u>			
<b>RECREATION AND OPEN SPACE AMENITIES</b>						

*Penn Am Liberty Way*

NOV-10-99 09:54 AM PLANNING DEPARTMENT

7568258

P.03

	PUBLIC			PRIVATE		
	<u>Quantity</u>	<u>Unit Cost</u>	<u>Subtotal</u>	<u>Quantity</u>	<u>Unit Cost</u>	<u>Subtotal</u>
LANDSCAPING (Attach breakdown of plant materials, quantities, and unit costs)	_____	_____	_____	_____	_____	_____
MISCELLANEOUS	<u>1</u>	<u>9355</u>	<u>9355</u>	_____	_____	_____
TOTAL:	<u>300,000</u>	_____	_____	_____	_____	_____
GRAND TOTAL:	<u>304,000.00</u>	_____	_____	_____	_____	_____

INSPECTION FEE (to be filled out by City)

	<u>PUBLIC</u>	<u>PRIVATE</u>	<u>TOTAL</u>
1.7% of totals:	<u>2,584.00</u>	<u>2,584.00</u>	<u>5,168.00</u>
or	_____	_____	_____
Alternative Assessment:	_____	_____	_____
Assessed by:	_____	_____	_____
	(name)	(name)	

# MAINE BANK & TRUST

SITE PLANS/SUBDIVISIONS  
PERFORMANCE GUARANTEE  
LETTER OF CREDIT #1692  
(Account #2565293)

December 28, 1999

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

Re: The Pines at Kansas

Maine Bank & Trust Company hereby issues its Irrevocable Letter of Credit for the account of The Pines of Portland, Inc. as developer, hereinafter referred to as the Developer; in the name of the City of Portland in the aggregate amount of \$94,000.00.

The City, through its Director of Planning and Urban Development, may draw on this Letter of Credit by presentation of a sight draft and the original Letter of Credit and all amendments thereto, at Maine Bank & Trust Company offices located at 467 Congress Street, Portland, ME stating that:

- (1) the Developer has failed to complete by December 28, 2000 or by the expiration date of any temporary certificate of occupancy issued, whichever date comes first, at the Developer's expense, the work on the roads and other public improvements as set forth in a certain Schedule of Costs of Public Improvements dated November 16, 1999; or
- (2) the Developer has failed to post the ten percent (10%) Defect Bond or Guarantee required by the Portland City Code sections 14-501 and 14-525; or
- (3) the Developer has failed to notify the City for inspections.

In the event of Maine Bank & Trust Company's dishonor of the City of Portland's sight draft, Maine Bank & Trust Company shall inform the City of Portland in writing of the reason or reasons therefor within three (3) working days of the dishonor.

After all underground work in the public right of way has been completed and inspected to the satisfaction of the Department of Public Works, including but not limited to sanitary sewers, storm drains, catch basins, manholes, electrical conduits, and other required improvements constructed chiefly below grade, the City of Portland Director of Planning and Urban Development or the City of Portland Director of Finance as provided in section 14-501 of the Portland City Code may authorize Maine Bank & Trust Company, by written certification, to reduce the available amount of this letter of credit by a specified amount.

# MAINE BANK & TRUST

Performance Guarantee Letter of Credit

It is a condition of this Letter of Credit that it is deemed to be automatically extended without amendment for period(s) of one year each from the current expiration date hereof, or any future expiration date, unless at least sixty (60) days prior to any expiration date Maine Bank & Trust Company notifies the Director of Planning and Urban Development by registered mail at the above listed address that Maine Bank & Trust Company elects not to consider this Letter of Credit renewed for any such additional period.

In the event of such notice, the City may draw hereunder by presentation of a sight draft drawn on the Bank, accompanied by the original letter of Credit and all amendments thereto, and a statement purportedly signed by the Director of Planning and Urban Development reading as follows:

This drawing results from notification that Maine Bank & Trust Company has elected not to renew its Letter of Credit #1692; or

This drawing results from the Developer's failure to timely complete to the satisfaction of the City the public improvements set forth in a certain Schedule of Costs of Public Improvements dated November 16, 1999; or

This drawing results from the Developer's failure to post a ten percent (10%) Defect Guarantec Bond as provided in S14-501 of the Portland City Code; or

This drawing results from the Developer's failure to notify the City for inspections.

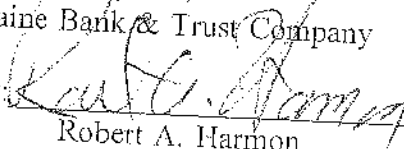
The Letter of Credit will automatically expire upon the earlier of:

(1) Maine Bank & Trust Company's receipt of a written notification from the City of Portland that said work as outlined in a certain Schedule of costs of Public Improvements dated November 16, 1999 between the Developer and the City of Portland has been completed in accordance with the City of Portland specifications and Maine Bank & Trust Company's Letter of Credit #1692 may be canceled; or

(2) The expiration date of December 28, 2000 or any automatically extended date as specified herein.

Partial drawings are permitted.

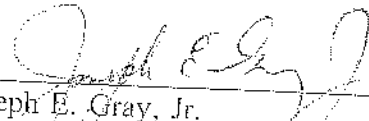
We engage with you that drafts drawn under and in compliance with the terms of this credit will be duly honored if presented at our offices at 467 Congress Street, Portland, ME on or before December 28, 2000 or any automatically extended date as specified herein.

Very truly yours,  
Maine Bank & Trust Company  
By:   
Robert A. Harmon  
Its: Senior Vice President


# MAINE BANK & TRUST

The City of Portland has accepted the providing of alternative security for the Developer's obligations to be performed pursuant to Section 14-501 and/or Section 14-525 of the Portland City Code.

Date: 1/12/00

By:   
Joseph E. Gray, Jr.  
Its duly authorized Director of  
Planning and Urban Development

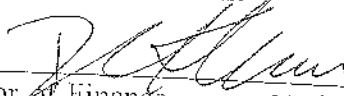
Seen and Agreed to: Company

By:  Vice President  
Date: 1/12/00

Reviewed pursuant to Section 14-501 and/or Section 14-525, Portland City Code

By: \_\_\_\_\_

Performance Guarantee Letter of Credit

Date:   
Director of Finance 01-10-00

By:   
Date: 01/10/2000  
Corporation Counsel



Department of Planning and Urban Development  
SUBDIVISION/SITE DEVELOPMENT

COST ESTIMATE OF IMPROVEMENTS TO BE COVERED BY PERFORMANCE GUARANTEE

Date Nov 16, 1999

Name of Project Kansas Ave.

Address/Location Extension of existing

Developer A.G. Associates

Form of Performance Guarantee \_\_\_\_\_

Type of Development: Subdivision \_\_\_\_\_ Site Plan (Major/Minor) \_\_\_\_\_

TO BE FILLED OUT BY APPLICANT:

Item	PUBLIC			PRIVATE		
	Quantity	Unit Cost	Subtotal	Quantity	Unit Cost	Subtotal
<b>STREET SIDEWALK</b>						
Road	<u>325 LF</u>	<u>90</u>	<u>29250</u>			
Granite Curbing	<u>575 LF</u>	<u>23</u>	<u>11845</u>			
Sidewalks	<u>250 SY</u>	<u>20</u>	<u>5000</u>			
Esplanades	<u>500 SY</u>	<u>3</u>	<u>1500</u>			
Monuments						
Street Lighting						
Other	<u>2 EA</u>	<u>1800</u>	<u>3600</u>			
<b>SANITARY SEWER</b>						
Manholes						
Piping						
Connections						
Other	<u>5 EA</u>	<u>1000</u>	<u>5000</u>			
<u>Laterals</u>	<u>125 LF</u>	<u>35</u>	<u>4375</u>			
<b>STORM DRAINAGE</b>						
Manholes						
Catchbasins	<u>2 EA</u>	<u>1700</u>	<u>3400</u>			
Piping	<u>2 EA</u>	<u>2000</u>	<u>4000</u>			
Detention Basin	<u>650 LF</u>	<u>18</u>	<u>11700</u>			
Other						
<u>Laterals</u>	<u>100 LF</u>	<u>18</u>	<u>1800</u>			
<b>SITE LIGHTING</b>						
<u>Up Elect &amp; Poles</u>	<u>475 LF</u>	<u>9</u>	<u>4275</u>			
<b>EROSION CONTROL</b>						
	<u>1</u>	<u>1500</u>	<u>1500</u>			
<b>RECREATION AND OPEN SPACE AMENITIES</b>						

*Marbois Ave.*

NOV-10-99 09:54 AM PLANNING DEPARTMENT

7562253

P.03

Item	PUBLIC			PRIVATE		
	Quantity	Unit Cost	Subtotal	Quantity	Unit Cost	Subtotal
* LANDSCAPING (attach breakdown of plant materials, quantities, and unit costs)	_____	_____	_____	_____	_____	_____
3 MISCELLANEOUS	<u>1</u>	<u>2755</u>	<u>2755</u>	_____	_____	_____
TOTAL:	_____	<u>90,000</u>	_____	_____	_____	_____
GRAND TOTAL:	_____	<u>94,000.00</u>	_____	_____	_____	_____

INSPECTION FEE (to be filled out by City)

	PUBLIC	PRIVATE	TOTAL
A: 1.7% of totals:	_____	_____	<u>1598.00</u>
or	_____	_____	_____
B: Alternative Assessment:	_____	_____	_____
Assessed by:	_____	_____	_____
	(name)	(name)	

Finance Department



Duane G. Kline  
Director

**CITY OF PORTLAND**

March 17, 2000

Robert A. Harmon, Sr. Vice President  
Maine Bank & Trust  
P.O. Box 619  
Portland, ME 04104

Re: Amy Mulkerin & Greg McCormack  
Letter of Credit #1676, Account #22543826

Dear Mr. Harmon:

This is to inform you that I am authorizing the release and return of the above-named Irrevocable Letter of Credit. If you require any further information, please let me know.

Sincerely,

A handwritten signature in cursive script, appearing to read "D. Kline".

Duane G. Kline  
Finance Director

Seen & Agreed to:

A handwritten signature in cursive script, appearing to read "Joseph E. Gray, Jr.".

Joseph Gray, Jr., Director of Planning & Urban Development

# Infrastructure Financial Contribution Form

Obtain an Account Number from Paul Colpitts, Chief Acct., (ext. 8665) prior to the distribution of this form.

Amount \$ 15,000.00

City Account Number: 710-0000-236-07-00

Project Name: The Pines of Portland

Project Job Number:  
(from Site Plan Application Form) 19990042

Project Location: Penn Avenue, Wyoming, & Kansas

Project Description:  
(attach approval letter) 29-lot subdivision / single family

Applicant's Name: Amy Mulkenin / Greg McCormack

Applicant's Address: 426 Forest Avenue

Expiration:  If funds are not expended or encumbered for the intended purpose by see approval letter funds, or any balance of remaining funds, shall be returned to contributor within six months of said date.

Funds shall be permanently retained by the City.

Other (describe in detail) \_\_\_\_\_

Form of Contribution:  Escrow Account

Cash Contribution

Interest Disbursement: Interest on funds to be paid to contributor only if project is not commenced.

Terms of Draw Down of Funds: The City shall periodically draw down the funds via a payment requisition from Public Works, which form shall specify use of City Account # shown above.

Date of Form: 1/13/00  
Planner: Kandice Talbot

Person Completing Form: Kandice Talbot

- The original form, copy of the check and any attachments shall be given to Debbie Marquis.
- The original check, copy of the form and any attachments shall be given to Jennifer Dorr.
- A copy of this form, the check and any attachments shall also be given to the following people:

Paul Colpitts  
Jennifer Babcock

Alexander Jaegerman  
Planner

William Bray  
Tony Lombardo

Applicant  
Penny Littell



# CITY OF PORTLAND, MAINE

## PLANNING BOARD

November 1, 1999

Jean H. Carroll, Chair  
Jaimey Caron, Vice Chair  
Kenneth M. Cole III  
Cyrus Y. Hagg  
Deborah Krichels  
Eria Rodriguez  
Mark Malone

Amy Mulkerin  
Greg McCormack  
The Pines of Portland, Inc.  
426 Forest Avenue  
Portland, ME 04101

re: The Pines Subdivision

Dear Ms. Mulkerin & Mr. McCormack:

On October 12, 1999 the Portland Planning Board voted 5-0 (Cole and Krichels absent) on the following motions regarding The Pines Subdivision:

- I. That the plan was in conformance with the Subdivision Review Ordinance of the City Land Use Code which constitutes stormwater permit under City delegated authority with the following condition(s):
  - i. that the note which states "street frontage variance received" must be removed from all subdivision plats
  - ii. the developer shall place \$15,000 in an interest bearing escrow account to be maintained by the City of Portland. These monies shall be deposited with the City prior to release and recording of Section I of the Subdivision Plat and shall remain for a period of five (5) years from the completion of all public improvements or the completion of seventy-five (75%) of all house lots in the approved subdivision, whichever occurs later. The escrow money shall be accessed by the City, after notice to the developer and a reasonable time to cure, if or when necessary to correct any on- or off-site improvements needed to resolve drainage problems associated with, or attributable to, the project. Determination of the appropriate use of said funds for such purpose shall be made by the Planning Authority, in consultation with Dept. of Public Works and consulting engineers as appropriate. Applicant will submit to Planning Authority a report of their findings of existing flooding on Virginia Street to the extent that it can be determined and be done in consultation with the City's Engineer and filed with the City Planning Department.
  - iii. That the developer provide documentation to the City which states that NRPA Approval has been obtained by DEP.
  - iv. That the plans be revised in accordance with the DRC's memo dated 10/1/99 regarding MEDEP approval, erosion control, and pre-blast survey

v. That the plans be revised in accordance with Public Works' memo dated 10/5/99 regarding manhole connections, inlet pipe between lots 16 and 17, curbing, and foundation connections.

vi. That the drainage easements noted on the plan need to be identified as either Public or Private Easements as follows:

#### The Pines at Wyoming

The only public easement should be the 30 ft. easement shown on the plan.

#### The Pines at Kansas

All drainage easements should be private.

#### The Pines at Phase I and II

Public Easements should be as follows:

- the 50 ft. x 50 ft. drainage easement abutting lot 12
- the 30 ft. easement from the Falmouth Town line to Liberty Way
- a second 30 ft. easement between lots 16 and 17 from Falmouth to Liberty Way (not shown but requested)
- the 110 ft. x 200 ft. and 110 ft. x 100 ft. drainage easement in the vicinity of the culvert crossing Penn Avenue
- the 20 ft. drainage easement along the perimeter of the properties from Falmouth to Liberty Way.

All other drainage easements shall be noted as private easements.

vii. A note shall be added to the plan which states "Lot 24 will not be developed until further review and approval by the Planning Board of requisite public improvements so as to render the remaining portion of Lot 24 as a marketable lot."

viii. that the building envelope for Lot 18 be revised to show a 25 ft. front and rear setback parallel to Liberty Way and the side setbacks shown as 16 ft. each.

ix. Ensure that as Lots 13, 15, 18 and 19 are developed that provisions are made to prevent increased rates of sheet flow so as to not cross southerly over the Dargie property and condition shall be noted on the Subdivision Plat.

2. That Section I of the Sectional Recording includes the previously approved Lots 1 through 6, proposed Lots 7 through 11, 13 through 17, 20 through 23, 25 through 30, common open space and the residual (future development parcel) Lot 24. Section II includes Lots 12, 18 and 19. Further, the Board does waive Section 14-495(h) which states that the approved section has to constitute at least twenty (20%) percent of the total number of lots. This condition is subject to submission of revised recording plat clearly showing Section I and Section II.

3. The Board also granted waivers of sidewalk on the southerly side of Wyoming Street, the westerly side of Liberty Way, and the southerly side of Kansas Avenue.

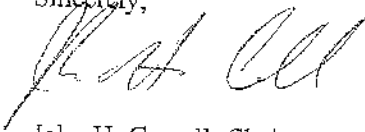
The approval is based on the submitted plan and the findings related to site plan review standards as contained in Planning Board #31-99a, which is attached.

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 1.7% 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.
5. 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.)
6. The Development Review Coordinator (874-8721) must be notified five (5) working days prior to date required for final site inspection. 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 the planning staff.

Sincerely,



John H. Carroll, Chair  
Portland Planning Board



cc: Joseph E. Gray, Jr., Director of Planning and Urban Development  
Alexander Jaegerman, Chief Planner  
Kandice Talbot, Planner  
P. Samuel Hoffses, Building Inspector  
Marge Schmuckal, Zoning Administrator  
Tony Lombardo, Project Engineer  
Development Review Coordinator  
William Bray, Director of Public Works  
Jeff Tarling, City Arborist  
Penny Littell, Associate Corporation Counsel  
Lt. Gaylen McDougall, Fire Prevention  
Inspection Department  
Lee Urban, Director of Economic Development  
Don Hall, Appraiser, Assessor's Office  
Susan Doughty, Assessor's Office  
Approval Letter File

Post-it® Fax Note	7671	Date	1/26	# of pages ▶	3
To	Amy	From	Kandi		
Co./Dept.		Co.			
Phone #		Phone #			
Fax #	871-8695	Fax #			

**DRAFT**

January 26, 2000

Greg McCormack  
 Amy Mulkerin  
 Pines of Portland, Inc.  
 Forest Avenue  
 Portland, ME 04102

RE: The Pines

Dear Greg and Amy:

At your request we have reviewed the bills charged on the Engineering Review Fee that you submitted to the City of Portland. Below is an accounting of the fee and bills assessed during the review process.

Actual Time Spent on Project:	
<u>Public Works</u>	
37.5 hours @ \$35.00 per hour:	\$1,312.50
<u>DRC</u>	
44 hours @ \$48.00 per hour:	\$2,112.00
14 hours @ \$64.00 per hour:	\$ 896.00
1.5 hours @ \$28.00 per hour:	\$ 42.00
1 hour @ \$34.00 per hour:	\$ 34.00
Printing & Mileage:	\$ 50.20
Duke Engineer (Wetland)	<u>\$ 782.25</u>
DRC Total	\$3,916.45
<b>Total Money Spent on Project:</b>	<b>\$5,228.95</b>
Public Works' Estimated Fee:	\$1,085.00
DRC's Estimated Fee:	<u>\$3,840.00</u>
<b>Total Estimated Fee Paid by Applicant:</b>	<b>\$4,925.00</b>

If you have any questions, please do not hesitate to contact this office. Thank.

Sincerely,

Kandice Talbot  
Planner

**DRAFT**

Billing for Noticing and Advertising

DRAFT

July 13th Workshop:	\$ 212.82
July 27th Public Hearing	\$ 210.45
September 28th Workshop	\$ 215.87
October 12th Public Hearing	\$ 214.15
January 11th Public Hearing (st.vacation)	\$ 224.69
Total	\$1,077.98

Mr. Alex Jaegerman  
November 16, 1999  
Page 3

*July*

Location	Review	Hours Spent	Printing/ Milage Costs
Miscellaneous:			
East End Children's Workshop	Coordinated with staff, wrote memo to EECW regarding release of performance guarantee.	1.0	
"SWAT" Meeting	Attended "SWAT" meeting with applicator sales & service.	2.5	
32 Buca Run	Communication with homeowner about fill permit at 32 Buca Run.	1.0	
Lots 4 & 5 Buca Run	Project coordination for french drain installation in Lots 4 & 5 Buca Run.	3.5	
55 Penrith	Attendance of site meeting with applicant and staff at 55 Penrith Rd., coordinated survey for preparation of a site plan for a turn around; began site plan design; coordination with applicant.	3.0	
Penn Ave.	Prepared letter to A & G Associates with regard to single family lot grading in Penn Ave.	1.0	
Label Ave.	Coordination with staff, site visit and memo with regard to turn around construction on Label Ave.	2.0	
Woodlawn Ave.	Coordination with Jeff Tarling with regard to tree growth behavior in saturated ground for house lot on Woodlawn Ave.	.5	
Tucker Ave. Subdivision	Site inspections of private drainage improvements	3.0 @ \$45	
Oceanwood - PRUD	Construction progress site visit	1.0 @ \$45	
160 Riverside Street	Construction progress site visit	1.5 @ \$45	

48.00

*July*

Mr. Alex Jaegerman  
November 16, 1999  
Page 2

Location	Review	Hours Spent	Printing/Mileage Costs
Unum	Site visit for Certificate of Occupancy.	4.5	\$22.20
Copley Woods	Site visits, coordination with staff and applicant on the issue of wetland permit non-compliance.	5.0	\$6.00
160 Riverside St. Commercial Development	Site Visit	1.0	\$2.40
Allen Coles Moving	Coordination with staff and applicant with regard to performance guaranty for final paving. Final paving was to be completed after the expiration of the initial performance guaranty.	.5	\$8.40
Wall Street Duplex	Attendance of a pre-construction meeting. The applicant did not show up.	1.0	
Meadow Ridge - PRUD	Attendance of a meeting with staff and applicant	1.0	
Washington Crossing	Attendance of pre-construction meeting	1.5	\$1.80
Waynefleet School	Coordination with staff on site plan review and memo.	.5	
The Pines	Subdivision and site plan review, memo and coordination with staff.	33.5 <i>1,608.00</i>	\$32.20
Auburn Pines	Subdivision and site plan review, memo and coordination with staff.	7.5	\$21.00
Tuchenhagen - Zajac	Attendance of a pre-construction meeting.	1.0	
Sanborn Office Building	Site plan review and memo.	2.0	\$4.00

*1640.20*

*Aug.*

Mr. Alex Jaegerman  
November 16, 1999  
Page 2

Location	Review	Hours Spent	Printing/Mileage Costs
Bookland	Review of site plan, memo and coordination with staff.	5.0	
The Pines	Plan set submission review, memo, meeting and coordination with staff.	8.0 <i>384.00</i>	\$12.90
Auburn Pines	Coordination with applicant.	.5	
Tuchenhagen - Zajac	Coordination with applicant's engineer and site visit.	1.5	\$5.70
Courtyard Marriott	Site plan submission review, memo and coordination with staff.	11.5	
Durastone Concrete Products	Fill permit site plan review with memo and staff coordination.	5.5	\$11.30
Copley Woods - PRUD	Coordination with applicant on wetland permit application.	.5	
Peaks Island Transfer Facility	Review of site plan revisions and coordination with staff.	.5	
Wall Street - CHOM	Site plan review, memo and coordination with staff.	3.0	
Meadow Ridge - PRUD	Construction progress site visit.	.5	
Washington Crossing	Project coordination with staff.	.5	
320 Masonic Learning Center	Review of site plan and stormwater management and coordination with staff.	4.0	\$8.00
<b>Miscellaneous:</b>			
444 Capisic	Fill Permit	2.5	
32 Buca Run	Fill Permit	2.0	
Curtis Road (389-G-003)	Fill Permit - Bob Adams	2.0	
Verrill St. (Various) and Beverly St. (Various)	Follow-up on outstanding temporary certificate of occupancy	6.0	
Buca Run (Lots 4 and 5)	Observed U.D. installation	9.0	

*396.90*



Mr. Alex Jaegerman  
November 16, 1999  
Page 2

\$3966.45

Sept.

Location	Review	Hours Spent	Printing/Mileage Costs
Milton Street	Drainage Review	2.0	
Redlon - Lot 5	Certificate of Occupancy	.5	
Cobb Avenue	Site Visit	2.0	
Misc.	Printing and Mileage		\$182.34
Durastone Concrete Products	Site plan review and memo for site location amended plan.	8.0	
Back Cove Park	Final plan check for final review comments.	1.0	\$ .66
Oceanwood - PRUD	Construction progress site visit for a Certificate of Occupancy request for two units.	3.5 (.5 @ \$48 and 3.0 @ \$45)	\$4.20
Washington Crossing	Performance guaranty review and coordination with project owner and staff.	1.0	\$ .99
The Pines	Attendance of staff meetings to review and discuss progress of project design.	8.5 (2.5 @ \$48 and 6.0 @ \$64)	\$3.60
Sanborn Office Building Expansion	Coordination with project consultants on remaining proposed grading issue.	1.0	\$5.00
Marriot Courtyard	Site plan review and memo.	4.5 @ \$64	
Misc.	Staff Meetings	18.0	
Misc.	Visited 24 Providence (Havey's) on two occasions, one with John Read, CEO to review the issue of a fill permit.	3.0	
Misc.	Met future site plan applicant, Allan Auto-St. Johns St., to discuss potential site plan drainage requests; wrote memo to Kandi.	1.5	
Misc.	Met future fill permit applicant, John Pratt, to discuss submission requests. Potential site is Phoenix Welding.	2.0 @ \$64	

180.00  
364.00  
360  
507.60





DeLUCA-HOFFMAN ASSOCIATES, INC.  
CONSULTING ENGINEERS

778 MAIN STREET  
SUITE 8  
SOUTH PORTLAND, MAINE 04106  
TEL. 207 775 1131  
FAX 207 879 0896

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

November 29, 1999

*Oct*

Mr. Alex Jaegerman  
City of Portland, City Hall  
389 Congress Street  
Portland, Maine 04101

**Subject: Invoice for Professional Services through October 1999  
Development Review Coordinator Services**

Dear Alex:

Enclosed please find our invoice for October 1999 for Development Review Coordinator Services. Please note additional hours attributable to field inspection services by other DeLuca-Hoffman Associates, Inc. staff in support of our DRC services. The work performed during the month is summarized as follows:

**Invoice No. 10193.10  
JN1350.10 - Certificate of Occupancy and Site Plan Reviews**

Location	Review	Hours Spent	Printing/Mileage Costs
The Pines	Staff meeting, Planning Board meeting, plan review	7.0 @ \$64 1.5 @ \$28	
Derice PRUD	Site Visit	.5 @ \$64	
Continental Drive	Certificate of Occupancy	.5 @ \$64	
Coyle Street	Certificate of Occupancy	.5 @ \$64	
Misc/Staff Meetings		13.0 @ \$64 .5 @ \$28	
Scott McMullin Subdivision	Plan Review	5.5 @ \$64 .5 @ \$28	
Maggie Lane	Pre-construction meeting	2.0 @ \$64	
Snyder Property Feasibility for Planning and Urban Development	Concepts and Feasibility review	11 @ \$64 30.5 @ \$42 7.5 @ \$34	
HutchCourt Marriott	Review Plans	1.5 @ \$64 .5 @ \$28	
Durastone	Review Plans	1.0 @ \$64 .5 @ \$28	
Willow/Fore River Place	Site Visit	4.5 @ \$64 .5 @ \$28	
Hilton Hotel	Site Plan Review	4.5 @ \$64 .5 @ \$28	
Al Waxler - Farnham Ave.	Site Visit/Memo	8 @ \$64 .5 @ \$28	
Hidden Acres	Review Plans	4 @ \$64	

*448.00  
42.00  
490.00*



DeLUCA-HOFFMAN ASSOCIATES, INC.  
CONSULTING ENGINEERS

778 MAIN STREET  
SUITE 8  
SOUTH PORTLAND, MAINE 04106  
TEL. 207 775 4121  
FAX 207 879 0896

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

December 22, 1999

NOV.

Mr. Alex Jaegerman  
City of Portland, City Hall  
389 Congress Street  
Portland, Maine 04101

**Subject: Invoice for Professional Services through November 1999  
Development Review Coordinator Services**

Dear Alex:

Enclosed please find our invoice for November 1999 for Development Review Coordinator Services. Please note additional hours attributable to field inspection services by other DeLuca-Hoffman Associates, Inc. staff in support of our DRC services. The work performed during the month is summarized as follows:

**Invoice No. 10193.10  
JN1350.10 - Certificate of Occupancy and Site Plan Reviews**

Location	Review	Hours Spent	Printing/Mileage Costs
The Pines	Staff meeting, Planning Board meeting, plan review - wetlands by Duke Engineering	1.0 @ \$64 1.0 @ \$34	\$1.50 \$782.25 (Duke Eng.)
Derice PRUD	Site Visit	1.0 @ \$34	.60
Misc/Staff Meetings		8.0 @ \$64	
Scott McMullin Subdivision	Plan Review	.5 @ \$64	
Snyder Property Feasibility for Planning and Urban Development	Concepts and Feasibility review		\$350.40
HutchCourt Marriott	Review Plans	.5 @ \$34 .5 @ \$28	.60
Durastone	Review Plans	4.0 @ \$64 2.5 @ \$48 .5 @ \$34 .5 @ \$28	\$15.74
Willow/Fore River Place	Site Visit	3.0 @ \$64 1.0 @ \$34	\$18.35
Hilton Hotel	Site Plan Review	4.0 @ \$64 .5 @ \$34 .5 @ \$28	.60
Drake Equipment	Site Visit/Memo	1.0 @ \$64 .5 @ \$28	\$8.55
Auburn Pines	Site Visit	1.5 @ \$34	
The Cedars	Site Visit	2.0 @ \$34	
382 Pleasant Ave. Peaks Island	Site Visits	1 @ \$34	

883.75

Sent to Debbie 12-27-99



CITY OF PORTLAND, MAINE  
M E M O R A N D U M

**TO:** Joseph E. Gray, Jr., Director of Planning & Urban Development

**FROM:** Charles A. Lane, Associate Corporation Counsel  
Ext. 8480

**DATE:** January 10, 2000

**RE:** The Pines of Portland, Inc.

I have reviewed the three letters of credit, each post-dated to December 28, 1999. The letters are acceptable, provided the concerns noted below can be resolved to your satisfaction:

1. I have not verified the accuracy of the unsigned "Cost Estimates" nor the proposed completion dates of December 28, 2000.
2. The LOC for The Pines at Kansas exceeds the cost of the improvements by \$4,000.00.
3. The LOC for The Pines at Penn Avenue exceeds the cost of improvements by \$4,000.00.
4. One of the LOC's is provided for the Pines at Penn Avenue, while the PB's letter of approval, dated November 1, 1999, refers to "The Pines at Phase I and Phase II."
5. I have verified The Pines of Portland is a corporation in good standing.
6. If you should permit the developer to counter-sign the LOC's, the person action on behalf of the corporation must sign in his/her corporate capacity (e.g., as president, vice-president, etc.) and not individually.

I am signing each of the LOC's, subject to the conditions noted above, and delivering them to you for further action.



Charles A. Lane  
Associate Corporation Counsel



**CITY OF PORTLAND, MAINE**  
**M E M O R A N D U M**

**TO:** Jennifer Dore, Planning

**FROM:** Charles A. Lane, Associate Corporation Counsel  
Ext. 8480

**DATE:** January 3, 2000

**RE:** The Pines-Letters of Credit

I have reviewed the three letters of credit issued by Maine & Trust as site plan/subdivision performance guarantees for the apparent benefit of Amy Mulkerin and Gregory T. McCormack. The letters of credit are unacceptable for the following reasons.

1. They are not in the form required by the City. (A sample form is attached.)
2. The developer of the three parcels (The Pines at Wyoming, The Pines at Kansas and The Pines at Phase I and II) is The Pines of Portland, Inc., not Ms. Mulkerin and Mr. McCormack individually.
3. I have not verified the amount set forth in each of the letters (\$304,000, \$94,000 and \$147,000), trusting the Planning Staff will authenticate the amounts.
4. None of the letters were accompanied by the Cost Estimates of Public Improvements which are described as attachments.

When the letters are reissued, I suggest that each letter identify the specific project to which it is addressed.

I am returning the three letters herewith.



Charles A. Lane  
Associate Corporation Counsel

CAL:mep  
Enclosures

# MAINE BANK & TRUST

SITE PLANS/SUBDIVISIONS  
PERFORMANCE GUARANTEE  
LETTER OF CREDIT #1692  
(Account #2565293)

December 28, 1999

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

Re: The Pines at Kansas

Maine Bank & Trust Company hereby issues its Irrevocable Letter of Credit for the account of The Pines of Portland, Inc. as developer, hereinafter referred to as the Developer; in the name of the City of Portland in the aggregate amount of \$94,000.00.

The City, through its Director of Planning and Urban Development, may draw on this Letter of Credit by presentation of a sight draft and the original Letter of Credit and all amendments thereto, at Maine Bank & Trust Company offices located at 467 Congress Street, Portland, ME stating that:

- (1) the Developer has failed to complete by December 28, 2000 or by the expiration date of any temporary certificate of occupancy issued, whichever date comes first, at the Developer's expense, the work on the roads and other public improvements as set forth in a certain Schedule of Costs of Public Improvements dated November 16, 1999; or
- (2) the Developer has failed to post the ten percent (10%) Defect Bond or Guarantee required by the Portland City Code sections 14-501 and 14-525; or
- (3) the Developer has failed to notify the City for inspections.

In the event of Maine Bank & Trust Company's dishonor of the City of Portland's sight draft, Maine Bank & Trust Company shall inform the City of Portland in writing of the reason or reasons therefor within three (3) working days of the dishonor.

After all underground work in the public right of way has been completed and inspected to the satisfaction of the Department of Public Works, including but not limited to sanitary sewers, storm drains, catch basins, manholes, electrical conduits, and other required improvements constructed chiefly below grade, the City of Portland Director of Planning and Urban Development or the City of Portland Director of Finance as provided in section 14-501 of the Portland City Code may authorize Maine Bank & Trust Company, by written certification, to reduce the available amount of this letter of credit by a specified amount.

# MAINE BANK & TRUST

It is a condition of this Letter of Credit that it is deemed to be automatically extended without amendment for period(s) of one year each from the current expiration date hereof, or any future expiration date, unless at least sixty (60) days prior to any expiration date Maine Bank & Trust Company notifies the Director of Planning and Urban Development by registered mail at the above listed address that Maine Bank & Trust Company elects not to consider this Letter of Credit renewed for any such additional period.

In the event of such notice, the City may draw hereunder by presentation of a sight draft drawn on the Bank, accompanied by the original letter of Credit and all amendments thereto, and a statement purportedly signed by the Director of Planning and Urban Development reading as follows:

This drawing results from notification that Maine Bank & Trust Company has elected not to renew its Letter of Credit #1692; or

This drawing results from the Developer's failure to timely complete to the satisfaction of the City the public improvements set forth in a certain Schedule of Costs of Public Improvements dated November 16, 1999; or

This drawing results from the Developer's failure to post a ten percent (10%) Defect Guarantee Bond as provided in S14-501 of the Portland City Code; or

This drawing results from the Developer's failure to notify the City for inspections.

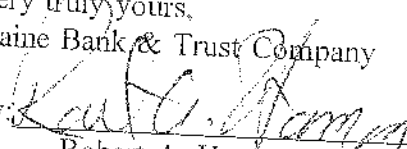
The Letter of Credit will automatically expire upon the earlier of:

(1) Maine Bank & Trust Company's receipt of a written notification from the City of Portland that said work as outlined in a certain Schedule of costs of Public Improvements dated November 16, 1999 between the Developer and the City of Portland has been completed in accordance with the City of Portland specifications and Maine Bank & Trust Company's Letter of Credit #1692 may be canceled; or

(2) The expiration date of December 28, 2000 or any automatically extended date as specified herein.

Partial drawings are permitted.

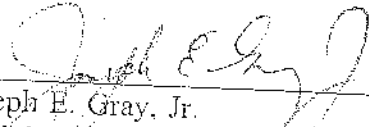
We engage with you that drafts drawn under and in compliance with the terms of this credit will be duly honored if presented at our offices at 467 Congress Street, Portland, ME on or before December 28, 2000 or any automatically extended date as specified herein.

Very truly yours,  
Maine Bank & Trust Company  
By:   
Robert A. Harmon  
Its: Senior Vice President


# MAINE BANK & TRUST

The City of Portland has accepted the providing of alternative security for the Developer's obligations to be performed pursuant to Section 14-501 and/or Section 14-525 of the Portland City Code.

Date: 1/12/00

By:   
Joseph E. Gray, Jr.  
Its duly authorized Director of  
Planning and Urban Development

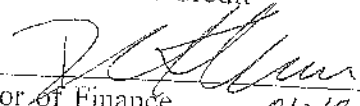
Seen and Agreed to: Company

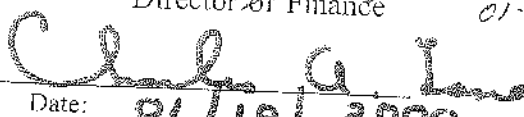
By:  Vice President  
Date: 1/12/00

Reviewed pursuant to Section 14-501 and/or Section 14-525, Portland City Code

By: \_\_\_\_\_

Performance Guarantee Letter of Credit

Date:   
Director of Finance 01-10-00

By:   
Date: 01/10/2000  
Corporation Counsel



Department of Planning and Urban Development  
SUBDIVISION/SITE DEVELOPMENT

COST ESTIMATE OF IMPROVEMENTS TO BE COVERED BY PERFORMANCE GUARANTEE

Date Nov 16, 1999

Name of Project Hansas Ave.

Address Location Extension of existing

Developer ABC Associates

Form of Performance Guarantee \_\_\_\_\_

Type of Development: \_\_\_\_\_ Subdivision \_\_\_\_\_ Site Plan (Major/Minor)

TO BE FILLED OUT BY APPLICANT:

Item	PUBLIC			PRIVATE		
	Quantity	Unit Cost	Subtotal	Quantity	Unit Cost	Subtotal
<b>STREET SIDEWALK</b>						
Road						
Granite Curbing	<u>325 LF</u>	<u>90</u>	<u>29250</u>			
Sidewalks	<u>575 LF</u>	<u>23</u>	<u>11845</u>			
Esplanades	<u>250 SY</u>	<u>20</u>	<u>5000</u>			
Monuments	<u>500 SY</u>	<u>3</u>	<u>1500</u>			
Street Lighting						
Other	<u>2 EA</u>	<u>1800</u>	<u>3600</u>			
<b>SANITARY SEWER</b>						
Manholes						
Piping						
Connections						
Other Laterals	<u>5 EA</u>	<u>1000</u>	<u>5000</u>			
	<u>125 LF</u>	<u>35</u>	<u>4375</u>			
<b>STORM DRAINAGE</b>						
Manholes						
Catchbasins	<u>2 EA</u>	<u>1700</u>	<u>3400</u>			
Piping	<u>2 EA</u>	<u>2000</u>	<u>4000</u>			
Detention Basin	<u>650 LF</u>	<u>18</u>	<u>11700</u>			
Other Laterals	<u>100 LF</u>	<u>18</u>	<u>1800</u>			
<b>SITE LIGHTING</b>						
UG Elect. Pads	<u>475 LF</u>	<u>9</u>	<u>4275</u>			
<b>EROSION CONTROL</b>						
	<u>1</u>	<u>1500</u>	<u>1500</u>			
<b>RECREATION AND OPEN SPACE AMENITIES</b>						

Harbas Ave.

NOV-10-99 09:54 AM PLANNING DEPARTMENT

7568258

P. 03

Item	PUBLIC			PRIVATE		
	Quantity	Unit Cost	Subtotal	Quantity	Unit Cost	Subtotal
* LANDSCAPING (attach breakdown of plant materials quantities and unit costs)	_____	_____	_____	_____	_____	_____
3 MISCELLANEOUS	1	2755	2755	_____	_____	_____
TOTAL:	_____	90,000	_____	_____	_____	_____
GRAND TOTAL:	_____	_____	_____	_____	_____	_____

INSPECTION FEE (to be filled out by City)

	PUBLIC	PRIVATE	TOTAL
A: 1.7% of totals:	_____	_____	_____
or	_____	_____	_____
B: Alternative Assessment:	_____	_____	_____
Assessed by:	_____ (name)	_____ (name)	_____

# MAINE BANK & TRUST

SITE PLANS/SUBDIVISIONS  
PERFORMANCE GUARANTEE  
LETTER OF CREDIT #1693  
(Account #2565307)

December 28, 1999

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

Re: The Pines at Wyoming

Maine Bank & Trust Company hereby issues its Irrevocable Letter of Credit for the account of The Pines of Portland, Inc. as developer, hereinafter referred to as the Developer; in the name of the City of Portland in the aggregate amount of \$147,700.00.

The City, through its Director of Planning and Urban Development, may draw on this Letter of Credit by presentation of a sight draft and the original Letter of Credit and all amendments thereto, at Maine Bank & Trust Company offices located at 467 Congress Street, Portland, ME stating that:

- (1) the Developer has failed to complete by December 28, 2000 or by the expiration date of any temporary certificate of occupancy issued, whichever date comes first, at the Developer's expense, the work on the roads and other public improvements as set forth in a certain Schedule of Costs of Public Improvements dated November 24, 1999; or
- (2) the Developer has failed to post the ten percent (10%) Defect Bond or Guarantee required by the Portland City Code sections 14-501 and 14-525; or
- (3) the Developer has failed to notify the City for inspections.

In the event of Maine Bank & Trust Company's dishonor of the City of Portland's sight draft, Maine Bank & Trust Company shall inform the City of Portland in writing of the reason or reasons therefor within three (3) working days of the dishonor.

After all underground work in the public right of way has been completed and inspected to the satisfaction of the Department of Public Works, including but not limited to sanitary sewers, storm drains, catch basins, manholes, electrical conduits, and other required improvements constructed chiefly below grade, the City of Portland Director of Planning and Urban Development or the City of Portland Director of Finance as provided in section 14-501 of the Portland City Code may authorize Maine Bank & Trust Company, by written certification, to reduce the available amount of this letter of credit by a specified amount.

# MAINE BANK & TRUST

It is a condition of this Letter of Credit that it is deemed to be automatically extended without amendment for period(s) of one year each from the current expiration date hereof, or any future expiration date, unless at least sixty (60) days prior to any expiration date Maine Bank & Trust Company notifies the Director of Planning and Urban Development by registered mail at the above listed address that Maine Bank & Trust Company elects not to consider this Letter of Credit renewed for any such additional period.

In the event of such notice, the City may draw hereunder by presentation of a sight draft drawn on the Bank, accompanied by the original letter of Credit and all amendments thereto, and a statement purportedly signed by the Director of Planning and Urban Development reading as follows:

This drawing results from notification that Maine Bank & Trust Company has elected not to renew its Letter of Credit #1693; or

This drawing results from the Developer's failure to timely complete to the satisfaction of the City the public improvements set forth in a certain Schedule of Costs of Public Improvements dated November 24, 1999; or

This drawing results from the Developer's failure to post a ten percent (10%) Defect Guarantee Bond as provided in S14-501 of the Portland City Code; or

This drawing results from the Developer's failure to notify the City for inspections.

The Letter of Credit will automatically expire upon the earlier of:

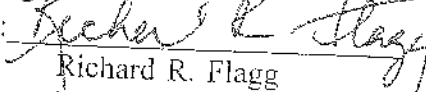
(1) Maine Bank & Trust Company's receipt of a written notification from the City of Portland that said work as outlined in a certain Schedule of costs of Public Improvements dated November 24, 1999 between the Developer and the City of Portland has been completed in accordance with the City of Portland specifications and Maine Bank & Trust Company's Letter of Credit #1693 may be canceled; or

(2) The expiration date of December 28, 2000 or any automatically extended date as specified herein.

Partial drawings are permitted.

We engage with you that drafts drawn under and in compliance with the terms of this credit will be duly honored if presented at our offices at 467 Congress Street, Portland, ME on or before December 28, 2000 or any automatically extended date as specified herein.

Very truly yours,  
Maine Bank & Trust Company

By:   
Richard R. Flagg  
Its: Commercial Loan Officer

# MAINE BANK & TRUST

The City of Portland has accepted the providing of alternative security for the Developer's obligations to be performed pursuant to Section 14-501 and/or Section 14-525 of the Portland City Code.

Date: 1/10/00

By: Joseph E. Gray, Jr.  
Joseph E. Gray, Jr.  
Its duly authorized Director of  
Planning and Urban Development

Seen and Agreed to: Company

By: [Signature] Vice President  
Date: 1/12/00

Reviewed pursuant to Section 14-501 and/or Section 14-525, Portland City Code

By: \_\_\_\_\_

Performance Guarantee Letter of Credit

Date: [Signature]  
Director of Finance 01-10-00

By: [Signature]  
Date: 01/10/2000  
Corporation Counsel

Department of Planning and Urban Development  
SUBDIVISION/SITE DEVELOPMENT

COST ESTIMATE OF IMPROVEMENTS TO BE COVERED BY PERFORMANCE GUARANTEE

Date Nov 24, 1988

Name of Project: WYOMING AVE

Address/Location: OFF Virginia St.

Developer: A&G Associates

Form of Performance Guarantee: \_\_\_\_\_

Type of Development: \_\_\_\_\_ Subdivision \_\_\_\_\_ Site Plan (Major/Minor)

TO BE FILLED OUT BY APPLICANT:

Item	PUBLIC			PRIVATE		
	Quantity	Unit Cost	Subtotal	Quantity	Unit Cost	Subtotal
<b>STREET/SIDEWALK</b>						
Road	<u>450 LF</u>	<u>160<sup>-</sup></u>	<u>72000<sup>-</sup></u>			
Granite Curbing	<u>500 LF</u>	<u>22<sup>-</sup></u>	<u>11000<sup>-</sup></u>			
Sidewalks + Drive Aprons	<u>280 SY</u>	<u>22<sup>-</sup></u>	<u>6160<sup>-</sup></u>			
Esplanades	<u>280 SY</u>	<u>3<sup>-</sup></u>	<u>840<sup>-</sup></u>			
Monuments						
Street Lighting	<u>2 ea</u>	<u>1800<sup>-</sup></u>	<u>3600<sup>-</sup></u>			
Other Loop + Seal	<u>1800</u>	<u>3<sup>-</sup></u>	<u>5400<sup>-</sup></u>			
<b>SANITARY SEWER</b>						
Manholes	<u>1 ea</u>	<u>2500<sup>-</sup></u>	<u>2500<sup>-</sup></u>			
Piping	<u>228 LF</u>	<u>45<sup>-</sup></u>	<u>10260<sup>-</sup></u>			
Connectors	<u>4 ea</u>	<u>500<sup>-</sup></u>	<u>2000<sup>-</sup></u>			
Other <u>Add Drop to</u> <u>Exit MH</u>	<u>1 ea</u>	<u>1500<sup>-</sup></u>	<u>1500<sup>-</sup></u>			
<b>STORM DRAINAGE</b>						
Manholes						
Catchbasins	<u>2 ea</u>	<u>2650<sup>-</sup></u>	<u>5300<sup>-</sup></u>			
Piping	<u>72 LF</u>	<u>70<sup>-</sup></u>	<u>5040<sup>-</sup></u>			
Detention Basin						
Other <u>Underdrain</u>	<u>640 LF</u>	<u>15<sup>-</sup></u>	<u>9600<sup>-</sup></u>			
<b>SITE LIGHTING</b>						
<u>See Exit</u>	<u>Lump</u>	<u>5000<sup>-</sup></u>	<u>5000<sup>-</sup></u>			
<b>EROSION CONTROL</b>						
	<u>Lump</u>	<u>2500<sup>-</sup></u>	<u>2500<sup>-</sup></u>			
<b>RECREATION AND OPEN SPACE AMENITIES</b>						

	PUBLIC			PRIVATE		
	Quantity	Unit Cost	Subtotal	Quantity	Unit Cost	Subtotal
LANDSCAPING (attach breakdown of plant materials quantities and unit costs)	_____	_____	_____	_____	_____	_____
MISCELLANEOUS	1	5000	5000	_____	_____	_____
TOTAL	_____	_____	147700	_____	_____	_____
GRAND TOTAL:	_____	_____	_____	_____	_____	_____

INSPECTION FEE (to be filled out by City)

	PUBLIC	PRIVATE	TOTAL
1.7% of totals:	_____	_____	_____
of	_____	_____	_____
Alternative Assessment	_____	_____	_____
assessed by:	_____	_____	_____
	(name)	(signature)	

# MAINE BANK & TRUST

SITE PLANS/SUBDIVISIONS  
PERFORMANCE GUARANTEE  
LETTER OF CREDIT #1691  
(Account #2565285)

December 28, 1999

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

Re: The Pines at Penn Avenue

Maine Bank & Trust Company hereby issues its Irrevocable Letter of Credit for the account of The Pines of Portland, Inc. as developer, hereinafter referred to as the Developer; in the name of the City of Portland in the aggregate amount of \$304,000.00.

The City, through its Director of Planning and Urban Development, may draw on this Letter of Credit by presentation of a sight draft and the original Letter of Credit and all amendments thereto, at Maine Bank & Trust Company offices located at 467 Congress Street, Portland, ME stating that:

- (1) the Developer has failed to complete by December 28, 2000 or by the expiration date of any temporary certificate of occupancy issued, whichever date comes first, at the Developer's expense, the work on the roads and other public improvements as set forth in a certain Schedule of Costs of Public Improvements dated November 16, 1999; or
- (2) the Developer has failed to post the ten percent (10%) Defect Bond or Guarantee required by the Portland City Code sections 14-501 and 14-525; or
- (3) the Developer has failed to notify the City for inspections.

In the event of Maine Bank & Trust Company's dishonor of the City of Portland's sight draft, Maine Bank & Trust Company shall inform the City of Portland in writing of the reason or reasons therefor within three (3) working days of the dishonor.

After all underground work in the public right of way has been completed and inspected to the satisfaction of the Department of Public Works, including but not limited to sanitary sewers, storm drains, catch basins, manholes, electrical conduits, and other required improvements constructed chiefly below grade, the City of Portland Director of Planning and Urban Development or the City of Portland Director of Finance as provided in section 14-501 of the Portland City Code may authorize Maine Bank & Trust Company, by written certification, to reduce the available amount of this letter of credit by a specified amount.



# MAINE BANK & TRUST

It is a condition of this Letter of Credit that it is deemed to be automatically extended without amendment for period(s) of one year each from the current expiration date hereof, or any future expiration date, unless at least sixty (60) days prior to any expiration date Maine Bank & Trust Company notifies the Director of Planning and Urban Development by registered mail at the above listed address that Maine Bank & Trust Company elects not to consider this Letter of Credit renewed for any such additional period.

In the event of such notice, the City may draw hereunder by presentation of a sight draft drawn on the Bank, accompanied by the original letter of Credit and all amendments thereto, and a statement purportedly signed by the Director of Planning and Urban Development reading as follows:

This drawing results from notification that Maine Bank & Trust Company has elected not to renew its Letter of Credit #1691; or

This drawing results from the Developer's failure to timely complete to the satisfaction of the City the public improvements set forth in a certain Schedule of Costs of Public Improvements dated November 16, 1999; or

This drawing results from the Developer's failure to post a ten percent (10%) Defect Guarantee Bond as provided in S14-501 of the Portland City Code; or

This drawing results from the Developer's failure to notify the City for inspections.

The Letter of Credit will automatically expire upon the earlier of:

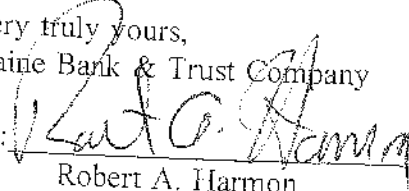
(1) Maine Bank & Trust Company's receipt of a written notification from the City of Portland that said work as outlined in a certain Schedule of costs of Public Improvements dated November 16, 1999 between the Developer and the City of Portland has been completed in accordance with the City of Portland specifications and Maine Bank & Trust Company's Letter of Credit #1691 may be canceled; or

(2) The expiration date of December 28, 2000 or any automatically extended date as specified herein.

Partial drawings are permitted.

We engage with you that drafts drawn under and in compliance with the terms of this credit will be duly honored if presented at our offices at 467 Congress Street, Portland, ME on or before December 28, 2000 or any automatically extended date as specified herein.

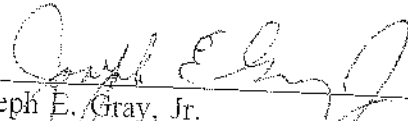
Very truly yours,  
Maine Bank & Trust Company

By:   
Robert A. Harmon  
Its: Senior Vice President

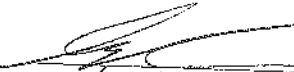
# MAINE BANK & TRUST

The City of Portland has accepted the providing of alternative security for the Developer's obligations to be performed pursuant to Section 14-501 and/or Section 14-525 of the Portland City Code.

Date: 1/10/00

By:   
Joseph E. Gray, Jr.  
Its duly authorized Director of  
Planning and Urban Development

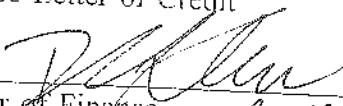
Seen and Agreed to: Company

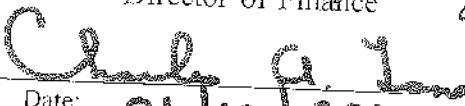
By:  Vice President  
Date: 1/12/00

Reviewed pursuant to Section 14-501 and/or Section 14-525, Portland City Code

By: \_\_\_\_\_

Performance Guarantee Letter of Credit

Date:   
Director of Finance 01-10-00

By:   
Date: 01/12/2000  
Corporation Counsel



*Penon Ave Liberty Way*

NOV-10-99 09:54 AM PLANNING DEPARTMENT

7568288

P. 03

	PUBLIC			PRIVATE		
	<u>Quantity</u>	<u>Unit Cost</u>	<u>Subtotal</u>	<u>Quantity</u>	<u>Unit Cost</u>	<u>Subtotal</u>
LANDSCAPING (Attach breakdown of plant materials quantities, and unit costs)						
MISCELLANEOUS	<u>1</u>	<u>9355</u>	<u>9355</u>			
TOTAL:	<u>300,000</u>					
GRAND TOTAL:						

INSPECTION FEE (to be filled out by City)

	<u>PUBLIC</u>	<u>PRIVATE</u>	<u>TOTAL</u>
1.7% of totals:			
or			
Alternative Assessment:			
Assessed by:			
	(name)	(name)	

Post-It Fax Note 7871	Date 12-7-99	# of pages 2
To KAREL TALBOT	FROM Greg McConick	
Co./Dept.	Co.	
Phone #	Phone #	
Fax #	Fax #	

B HERMANN

2001

7062258

P. 02

Urban Development  
DEVELOPMENT

COST ESTIMATE OF IMPROVEMENTS TO BE COVERED BY PERFORMANCE GUARANTEE

Date Nov 24, 1999

Name of Project WYOMING AVE

Address Location OFF Virginia St

Prepared by A+G Associates

Performance Guarantees \_\_\_\_\_

Project Development \_\_\_\_\_ Subdivision \_\_\_\_\_ Site Plan (Major/Minor) \_\_\_\_\_

BE FILLED OUT BY APPLICANT:

	PUBLIC			PRIVATE		
	Quantity	Unit Cost	Subtotal	Quantity	Unit Cost	Subtotal
<b>STREET SIDEWALK</b>						
Asphalt	450 LF	160 <sup>-</sup>	72000 <sup>-</sup>			
Granite Curbing	500 LF	22 <sup>-</sup>	11000 <sup>-</sup>			
Asphalt - Drive Approaches	280 SY	22 <sup>-</sup>	6160 <sup>-</sup>			
Planters	280 SY	3 <sup>-</sup>	840 <sup>-</sup>			
Decorative						
Street Lighting	2 ea	1800 <sup>-</sup>	3600 <sup>-</sup>			
Other Location - Seal	1500	3 <sup>-</sup>	4500 <sup>-</sup>			
<b>SANITARY SEWER</b>						
Manholes	1 ea	2500 <sup>-</sup>	2500 <sup>-</sup>			
Pipes	223 LF	45 <sup>-</sup>	10260 <sup>-</sup>			
Manholes	4 ea	500 <sup>-</sup>	2000 <sup>-</sup>			
Other <u>Water Drop to</u> <u>24' x 14'</u>	1 ea	1500 <sup>-</sup>	1500 <sup>-</sup>			
<b>PORN DRAINAGE</b>						
Manholes						
Manholes	2 ea	2650 <sup>-</sup>	5300 <sup>-</sup>			
Pipes	72 LF	70 <sup>-</sup>	5040 <sup>-</sup>			
Retention Basin						
Other <u>Under-Drain</u>	640 LF	15 <sup>-</sup>	9600 <sup>-</sup>			
<b>ILLUMINATION</b>						
Lighting	Lamps	5000 <sup>-</sup>	5000 <sup>-</sup>			
<b>EROSION CONTROL</b>						
Structures	Lumps	2500 <sup>-</sup>	2500 <sup>-</sup>			
<b>RECREATION AND OPEN SPACE AMENITIES</b>						

	PUBLIC			PRIVATE		
	Quantity	Unit Cost	Subtotal	Quantity	Unit Cost	Subtotal
LANDSCAPING (attach breakdown of plant materials quantities and unit costs)						
MISCELLANEOUS	1	5000	5000			
TOTAL:		147700				
GRAND TOTAL:						

INSPECTION FEE (to be filled out by City)

	PUBLIC	PRIVATE	TOTAL
1.7% of totals			
or			
Alternative Assessment			
Inspected By:	(name)	(name)	

Department of Planning and  
SUBDIVISION/SITE

Post-it® Fax Note 7671		Date	# of pages 4
To Tony	From Karoli		
Co./Dept.	Co.		
Phone #	Phone #		
Fax # 874-8852	Fax #		

COST ESTIMATE OF IMPROVEMENTS TO BE COVERED BY PERFORMANCE GUARANTEES

Date Nov 16, 1999

Name of Project Kansas Ave.

Address/Location Extension of existing

Developer AK Associates

Form of Performance Guarantee \_\_\_\_\_

Type of Development: \_\_\_\_\_ Subdivision \_\_\_\_\_ Site Plan (Major/Minor)

TO BE FILLED OUT BY APPLICANT:

Item	PUBLIC			PRIVATE		
	Quantity	Unit Cost	Subtotal	Quantity	Unit Cost	Subtotal
<b>STREET SIDEWALK</b>						
Road	325 LF	90 <sup>-</sup>	29250 <sup>-</sup>			
Granite Curbing	575 LF	23 <sup>-</sup>	11845 <sup>-</sup>			
Sidewalks	250 SY	20 <sup>-</sup>	5000 <sup>-</sup>			
Esplanades	500 SY	3	1500 <sup>-</sup>			
Monuments						
Street Lighting	2 EA	1800 <sup>-</sup>	3600 <sup>-</sup>			
Other						
<b>SANITARY SEWER</b>						
Manholes						
Piping						
Connections	5 EA	1000 <sup>-</sup>	5000 <sup>-</sup>			
Other Laterals	125 LF	35 <sup>-</sup>	4375 <sup>-</sup>			
<b>STORM DRAINAGE</b>						
Manholes	2 EA	1700 <sup>-</sup>	3400 <sup>-</sup>			
Catchbasins	2 EA	2000 <sup>-</sup>	4000 <sup>-</sup>			
Piping	1650 LF	18 <sup>-</sup>	11700 <sup>-</sup>			
Detention Basin						
Other Laterals	100 LF	18 <sup>-</sup>	1800 <sup>-</sup>			
<b>SITE LIGHTING</b>						
UL Elect & Poles	475 LF	9 <sup>-</sup>	4275 <sup>-</sup>			
<b>EROSION CONTROL</b>						
	1	1500	1500 <sup>-</sup>			
<b>RECREATION AND OPEN SPACE AMENITIES</b>						

*Neuros Ave.*

NOV-18-99 09:54 AM PLANNING DEPARTMENT

7562258

P. 03

<u>Item</u>	<u>PUBLIC</u>			<u>PRIVATE</u>		
	<u>Quantity</u>	<u>Unit Cost</u>	<u>Subtotal</u>	<u>Quantity</u>	<u>Unit Cost</u>	<u>Subtotal</u>
LANDSCAPING (Attach breakdown of plant materials, quantities, and unit costs)	_____	_____	_____	_____	_____	_____
MISCELLANEOUS	<u>1</u>	<u>2755</u>	<u>2755</u>	_____	_____	_____
TOTAL:	<u>90,000</u>			_____	_____	_____
GRAND TOTAL:	_____			_____	_____	_____

INSPECTION FEE (to be filled out by City)

	<u>PUBLIC</u>	<u>PRIVATE</u>	<u>TOTAL</u>
A: 1.7% of totals:	_____	_____	_____
or			
B: Alternative Assessment:	_____	_____	_____
Assessed by:	(name) _____	(name) _____	_____





*Pearl Ave Liberty Way*

NOV-10-99 09:54 AM PLANNING DEPARTMENT

7568258

P. 63

	PUBLIC			PRIVATE		
	<u>Quantity</u>	<u>Unit Cost</u>	<u>Subtotal</u>	<u>Quantity</u>	<u>Unit Cost</u>	<u>Subtotal</u>
LANDSCAPING (attach breakdown of plant materials quantities and unit costs)	_____	_____	_____	_____	_____	_____
MISCELLANEOUS	<u>1</u>	<u>9355</u>	<u>9355</u>	_____	_____	_____
TOTAL:	<u>300,000</u>	_____	_____	_____	_____	_____
GRAND TOTAL:	_____	_____	_____	_____	_____	_____

INSPECTION FEE (to be filled out by City)

	<u>PUBLIC</u>	<u>PRIVATE</u>	<u>TOTAL</u>
1.7% of totals:	_____	_____	_____
or	_____	_____	_____
Alternative Assessment:	_____	_____	_____
Assessed by:	_____ (name)	_____ (name)	_____

Department of Planning and Urban Development  
SUBDIVISION/SITE DEVELOPMENT

COST ESTIMATE OF IMPROVEMENTS TO BE COVERED BY PERFORMANCE GUARANTEE

Date Nov 16, 1999

Name of Project Hansas Ave.

Address/Location Extension of existing

Developer A-B Associates

Form of Performance Guarantee \_\_\_\_\_

Type of Development: \_\_\_\_\_ Subdivision \_\_\_\_\_ Site Plan (Major/Minor)

TO BE FILLED OUT BY APPLICANT:

Item	PUBLIC			PRIVATE		
	Quantity	Unit Cost	Subtotal	Quantity	Unit Cost	Subtotal
<b>STREET SIDEWALK</b>						
Road	325 LF	90 <sup>-</sup>	29250 <sup>-</sup>			
Granite Curbing	515 LF	23 <sup>-</sup>	11845 <sup>-</sup>			
Sidewalks	250 SY	20 <sup>-</sup>	5000 <sup>-</sup>			
Esplanades	500 SY	3	1500 <sup>-</sup>			
Monuments						
Street Lighting	2 GA	1800 <sup>-</sup>	3600 <sup>-</sup>			
Other						
<b>SANITARY SEWER</b>						
Manholes						
Piping						
Connections	5 GA	1000 <sup>-</sup>	5000 <sup>-</sup>			
Other Laterals	125 LF	35 <sup>-</sup>	4375 <sup>-</sup>			
<b>STORM DRAINAGE</b>						
Manholes	2 GA	1700 <sup>-</sup>	3400 <sup>-</sup>			
Catchbasins	2 GA	2000 <sup>-</sup>	4000 <sup>-</sup>			
Piping	650 LF	18 <sup>-</sup>	11700 <sup>-</sup>			
Detention Basin						
Other Laterals	100 LF	18 <sup>-</sup>	1800 <sup>-</sup>			
<b>SITE LIGHTING</b>						
16' Elect. Poles	475 LF	9 <sup>-</sup>	4275 <sup>-</sup>			
<b>EROSION CONTROL</b>						
	1	1500	1500 <sup>-</sup>			
<b>RECREATION AND OPEN SPACE AMENITIES</b>						

*Hargos Ave.*

NOV-10-99 09:54 AM PLANNING DEPARTMENT

7558258

P. 03

Item	PUBLIC			PRIVATE		
	Quantity	Unit Cost	Subtotal	Quantity	Unit Cost	Subtotal
LANDSCAPING (Attach breakdown of plant materials, quantities, and unit costs)						
MISCELLANEOUS	<u>1</u>	<u>2755</u>	<u>2755</u>			
TOTAL:		<u>90,000</u>				
GRAND TOTAL:						

INSPECTION FEE (to be filled out by City)

	PUBLIC	PRIVATE	TOTAL
A: 1.7% of totals:			
or			
B: Alternative Assessment:			
Assessed by:	(name)	(name)	





*Penn Ave Liberty Way*

NOV-16-99 09:54 AM PLANNING DEPARTMENT

7568233

P. 03

	PUBLIC			PRIVATE		
	<u>Quantity</u>	<u>Unit Cost</u>	<u>Subtotal</u>	<u>Quantity</u>	<u>Unit Cost</u>	<u>Subtotal</u>
LANDSCAPING (attach breakdown of plant materials quantities and unit costs)	_____	_____	_____	_____	_____	_____
MISCELLANEOUS	<u>1</u>	<u>9355</u>	<u>9355</u>	_____	_____	_____
TOTAL:	<u>300,000</u>	_____	_____	_____	_____	_____
GRAND TOTAL:	_____	_____	_____	_____	_____	_____

INSPECTION FEE (to be filled out by City)

	<u>PUBLIC</u>	<u>PRIVATE</u>	<u>TOTAL</u>
1.7% of totals:	_____	_____	_____
or	_____	_____	_____
Alternative Assessment:	_____	_____	_____
Assessed by:	_____	_____	_____
	(name)	(name)	



**CITY OF PORTLAND, MAINE  
ENGINEERING REVIEW FORM**

Address of Proposed Site Virginia Street Date 8/19/99  
Project Description The Pines Job # 19990042  
Applicant Amy Mulkerin & Greg McCormack  
Applicant's Mailing Address 426 Forest Avenue, Portland 04101

Site Review  
(Planning Department)

Review Engineer: Jim Wendel  
Number of Estimated Hours: 80  
Cost Per Hour: \$48.00  
Total Amount: \$3,840.00

Right-of-Way Review  
(Public Works Department)

Review Engineer: Tony Lombardo  
Number of Estimated Hours: 31  
Cost Per Hour: \$35.00  
Total Amount: \$1,085.00

An engineering fee has been assessed in the amount of \$4925.00 for the review of your project located at Virginia Street

Please make check payable to the City of Portland. The check should be submitted along with this form to the Portland Planning Department, City of Portland, 4th Floor, 389 Congress Street, Portland, ME 04101. Attn: Kandi Talbot

<b>Office Use Only</b>	
Invoice Date: _____	Received: _____ date
Planning Revenue Code: _____	
Public Works Revenue Code: _____	

- cc: Applicant - white  
Planner - blue  
Engineer - green  
Public Works - yellow  
Financial Officer - pink  
Review/Inspection Fee File - golden





Finance Department



Duane G. Kline  
Director

**CITY OF PORTLAND**

May 27, 1999

Robert A. Harmon, Senior Vice President  
Maine Bank & Trust  
P.O. Box 619  
Portland, ME 04104

Re: Amy Mulkerin & Greg McCormack  
Letter of Credit #1676, Account #22543826

Dear Mr. Harmon:

This is to inform you that I am authorizing the reduction of the above-named Irrevocable Letter of Credit to a balance of \$63,381.00. If you require any further information, please let me know.

Sincerely,

Duane G. Kline  
Finance Director

DGK.jlb

pc: Joseph Gray, Director of Planning & Urban Development  
Kandi Talbot, Planner

500 Subd.  
150. ~~side plan~~ 6 lots  
425 - 17 lots

Owes \$175 7 lots

**CITY OF PORTLAND, MAINE**  
Department of Building Inspection

Received from James D 19 22  
of John Hancock Building  
for permit to  install erect  alter  
 move  demolish  
at 17 additional lots Dollars \$ 425.00  
John Hancock Bldg Est. Cost \$  
Oct 10 16

Per [Signature]  
Inspector of buildings

**THIS IS NOT A PERMIT**

No work is to be started until PERMIT CARD is actually posted upon the premises. Acceptance of fee is no guarantee that permit will be granted. PRESERVE THIS RECEIPT. In case permit cannot be granted the amount of the fee will be refunded upon return of the receipt less \$5.00 or 10% whichever is greater.

WHITE - Applicant's Copy  
YELLOW - Office Copy  
PINK - Auditors Copy

**CITY OF PORTLAND, MAINE**  
 Department of Building Inspection

April 5 19 99

Received from Price of Bath and Delha fee

of Six Hundred Fifty Dollars \$ 650.00

for permit to erect Subdivision of lots

at Wyoming St Est. Cost \$

Plot # 345

Per S. J. [Signature]  
Inspector of Building

**THIS IS NOT A PERMIT**

No work is to be started until PERMIT CARD is actually posted upon the premises. Acceptance of fee is no guarantee that permit will be granted. PRESERVE THIS RECEIPT. In case permit cannot be granted the amount of the fee will be refunded upon return of the receipt less \$5.00 or 10% whichever is greater.

WHITE - Applicant's Copy  
 YELLOW - Office Copy  
 PINK - Auditors Copy

File under  
Wyoming St.

13  
 6  
 4/1  
 23.00 @ 25  
 = 575  
 + 500  
 \$ 1075  
 - 650 paid

MIT  
 (le active  
 ntee tra  
 ee per  
 d up

175



**CITY OF PORTLAND**  
Planning and Urban Development Department

**MEMORANDUM**

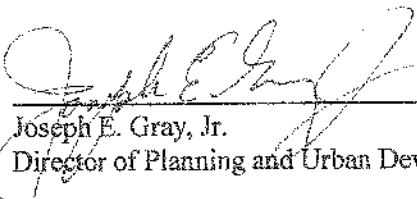
**TO:** Duane Kline, Finance Department  
**FROM:** Joseph E. Gray, Jr., Director of Planning and Urban Development  
**DATE:** March 22, 1999  
**SUBJECT:** Request for Reduction of Performance Guarantee

A request by Mulkerin Associates has been made for a reduction in the performance guarantee amount for Penn Avenue. This is the second request.

Original Sum	\$219,255.00
Reduction Amount	<u>\$102,751.00</u>
Remaining Sum	\$116,504.00

Reduction Amount	<u>\$ 53,123.00</u>
Remaining Sum	\$ 63,381.00

Approved:

  
\_\_\_\_\_  
Joseph E. Gray, Jr.  
Director of Planning and Urban Development

cc: Kandi Talbot, Planner  
Code Enforcement  
Jim Wendel, Development Review Coordinator  
Tony Lombardo, Project Engineer

*Krubi*  
*he 7/12*  
*Discuss*  
*Joe*



MULKERIN ASSOCIATES  
REAL ESTATE

## FAX COVER SHEET

Date: *5-14-99*

Total Pages: *3*

To: *Joe Gray*

Company Fax #:

From: *Greg Mc Cormack / Amy Mulkerin*

Subject: *Reduction of Performance Guarantee  
Pena Ave.*

---

*We are requesting performance guarantee  
to be reduced an additional \$53123.*

---

*Thank you.*

---

*AM - Mulkerin*

---

CALL US AT 772-2127 IF THERE ARE ANY PROBLEMS.

# PENN AVE. CONSTRUCTION

8/10/98

BY: ALM

## CITY OF PORTLAND PUBLIC UTILITIES

Need amt for Release Length Time

- CLEARING:  $(\$3000/ea) \times (0.7 ea) = \$2,100$
- SANITARY SEWER:  $(600 LF) (\$40.7/LF) = \$24,420$   
(includes laterals & wyes)
- MANHOLES:  $(1 ea) (\$2,000/ea) = \$2,000$
- STORM SEWER:  $(270 LF) (\$42/LF) = \$11,340$   
(includes laterals & wyes)
- MANHOLES:  $(2 ea) (\$2,000/ea) = \$4,000$
- ALTER SEWER MANHOLE:  $(1 ea) (\$900/ea) = \$900$
- CATCH BASIN:  $(2 ea) (\$2,000/ea) = \$4,000$
- UNDERDRAIN:  $(100 LF) (\$15/LF) = \$1,500$
- GRANITE CURB:  $(1000 LF) (\$25/LF) = \$25,000$   
(straight & radius curb @ Virginia St. intersection)
- GRANITE TYPEDOWN CURB:  $(16 ea) (\$150/ea) = \$2,400$   
(7 feet long)
- SIDEWALK & DRIVEWAY ASPHALT:  $(750 sq ft) (\$20/sq ft) = \$15,000$
- UNDERGROUND CONDUIT:  $(500 LF) (\$23.3/LF) = \$11,650$
- EXPLOSIVE:  $(500 sq ft) (\$3.5/sq ft) = \$1,750$   
(clean & road & mulch)
- EROSION & SEDIMENT CONTROL (silt fence, stone, hay bales, etc) = \$1,500
- COMMON EXCAVATION/FILL:  $(450 LF) (26' x 1.8' x 1/2' x 16' ) = \$9,540$
- WATER MAIN & SERVICES: \$10,000
- ~~GAS MAIN & SERVICES: NO GAS INSTALLATION = \$19,000~~
- BOX CULVERT: \$15,000
- (INSTALLED)
- 3" BASE - TYPE "A":  $(550 LF) (24' x 3/2' x 1/2' x 40' ) = \$2,640$
- 15" SUBBASE - TYPE "D":  $(550 LF) (24' x 1.25' x 1/2' x 16' ) = \$14,840$
- 2" HOT BIT - GRADING "B":  $(550 LF) (24' x 1.00' x 24' x 42' ) = \$6,768$
- 1 1/2" HOT BIT - GRADING "C":  $(550 LF) (24' x 1.5' x 10' x 40' ) = \$4,131$

UNCOMPLETED

UNCOMPLETED

UNCOMPLETED

UNCOMPLETED

UNCOMPLETED

UNCOMPLETED

UNCOMPLETED

828,315 FOX

4 LILYBES . . . 4 x \$2,000 = \$2,000  
 Curb/curb base/pole (Richter)

TREES . . . (6) x (\$400/ea) = \$2,400  
 + 14,400

10% Contingency

**\$204,855**

+ 14,400

**\$219,255**

- 63,381

Postnet Fax Note	7671	Date	8/11	Page	1
To	Penny Little	From	Tony Lombardo		
Co./Dept	Corp Counsel	Co.	Engineering		
Phone #	8440	Phone #	8846		
Fax #	874-8447	Fax #	874-8852		

3073 =

After edit



CITY OF PORTLAND  
Planning and Urban Development Department

MEMORANDUM

TO: Duane Kline, Finance Department  
FROM: Joseph E. Gray, Jr., Director of Planning and Urban Development  
DATE: March 22, 1999  
SUBJECT: Request for Reduction of Performance Guarantee

A request by Mulkerin Associates has been made for a reduction in the performance guarantee amount for Pearl Avenue. This is the first request.

Original Sum	\$219,255.00
Reduction Amount	<u>\$102,751.00</u>
Remaining Sum	\$116,504.00

As of  
5-14-99 Uncompleted items

- 3500 granite curb
- 2100 " " sidewalk
- 15000 sidewalk
- 1750 splashade
- 4831 1 1/2" hot top
- 16000 w lights
- 2400 6 trees

Refer to  
revised by  
Tony Lombardo

\$63381

Approved:

*Joseph E. Gray, Jr.*  
Joseph E. Gray, Jr.  
Director of Planning and Urban Development

Requesting additional \$3123 Reduction  
(and request)

cc:  Kandi Talbot, Planner  
Code Enforcement  
Jim Wendel, Development Review Coordinator  
Tony Lombardo, Project Engineer

As follows: \$219,255  
 - 63381 uncompleted items  
 155874 total reduction  
 = 102751 previous 1st request  
 \$53123 2nd reduction request  
 5-14-99

*Joe M. Conner*



# PENN AVE, CONSTRUCTION

8/10/98 BY: AUL

## CITY OF PORTLAND PUBLIC WORKS

- CLEARING: ( $\$3000/ea$ ) ( $0.7 ea$ ) . . . . .  $\$2,100$  ✓
- SANITARY SEWER: ( $600 lf$ ) ( $\$37/lf$ ) . . . . .  $\$22,420$  ✓ *Adi covers*
- (includes laterals & wyes)
- MANHOLES: ( $1 ea$ ) ( $\$2000/ea$ ) . . . . .  $\$2,000$  ✓
- STORM SEWER: ( $270 lf$ ) ( $\$42/lf$ ) 700' . . . . .  $\$11,340$  ✓
- (includes laterals & wyes)
- MANHOLES: ( $2 ea$ ) ( $\$2000/ea$ ) . . . . .  $\$4,000$  ✓
- ALTER SEWER MANHOLE: ( $1 ea$ ) ( $\$900/ea$ ) . . . . .  $\$900$  ✓
- CATCH BASINS: ( $2 ea$ ) ( $\$2000/ea$ ) . . . . .  $\$4,000$  ✓ *Headwalls*
- UNDERDRAIN: ( $1100 lf$ ) ( $\$15/lf$ ) . . . . .  $\$16,500$  ✓
- GRANITE CURB: ( $1000 lf$ ) ( $\$25/lf$ ) . . . . .  $\$25,000$
- (Straight & radius curbs  
  @ Virginia St. intersection)
- GRANITE TYPEDOWN CURB: ( $16 ea$ ) ( $\$150/ea$ ) . . . . .  $\$2,400$
- (7 feet long)
- SIDEWALK & DRIVEWAY AREAS: ( $750 sq ft$ ) ( $\$20/sq ft$ ) . . . . .  $\$15,000$
- UNDERGROUND CONDUIT: ( $550 lf$ ) ( $\$3.25/lf$ ) . . . . .  $\$1,787.50$  ✓
- EXPLANDER: ( $500 sq ft$ ) ( $\$3.50/sq ft$ ) . . . . .  $\$1,750$
- (Clean & seed & mulch)
- EROSION & SEDIMENT CONTROL  
  (silt fence, stone, hay bales, etc.) . . . . .  $\$1500$  ✓
- COMMON EXCAVATION/FILL: ( $550 cu yd$ ) ( $26' x 1.5' x 12'$ ) ( $\$10/cu yd$ ) . . . . .  $\$9,533$  ✓
- WATER MAIN & SERVICES: . . . . .  $\$10,000$  ✓
- GAS MAIN & SERVICES: . . . . .  $\$10,000$  ✓
- BOX CULVERT:  
  (INSTALLED) . . . . .  $\$15,000$  ✓
- 3" Base - TYPE "A": ( $550 lf$ ) ( $24" x 3/8"$ ) ( $1.5' x 20'$ ) ( $\$20/ea$ ) . . . . .  $\$2,640$  ✓
- 15" Subbase - TYPE "D": ( $550 lf$ ) ( $24" x 1.75"$ ) ( $1.5' x 16'$ ) ( $\$16/ea$ ) . . . . .  $\$14,840$  ✓
- 2" Hot Bit - Grading "B": ( $550 lf$ ) ( $24" x 0.026"$ ) ( $24' x 42'$ ) ( $\$42/ea$ ) . . . . .  $\$6,764$  ✓
- 1 1/2" Hot Bit - Grading "C": ( $550 lf$ ) ( $24" x 1.5"$ ) ( $10.026'$ ) ( $\$40$ ) . . . . .  $\$4,881$

NO GAS

3/17 = 137,251.00 Reduce

IF INVERTS NOT DONE DEDUCT  
 $\$1,000.00/ea$  - DEDUCT 0  
 $-\$2,000.00$

$\$135,251.00$   
 $102,751.00$

w/10% contingently

$\$186,232$   
 $+$   $\$18,623$   
 **$\$204,855$**

Post-it® Fax Note	7871	Date	3/22	# of pages	1
To	KANDI T		From	NANCY K	
Co./Dept.	PLANNING		Co.	P&E	
Phone #	9891	Phone #		8835	
Fax #	756-8258	Fax #			

137,251

# MAINE BANK & TRUST

March 9, 1999

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

Re: Amy Mulkerin & Gregory McCormack  
Irrevocable Letter of Credit #1676

Dear Mr. Gray:

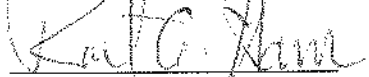
Pursuant to the terms and conditions of the Irrevocable Letter of Credit issued to the City of Portland for the account of Amy Mulkerin and Greg McCormack, Maine Bank & Trust Company is formally requesting a reduction in its obligations thereunder.

Based upon the work completed and the satisfactory inspection of the Department of Public Works, Maine Bank & Trust is eligible to receive a reduction in its obligations in the amount of \$153,941 resulting in a remaining obligation under said Letter in the amount of \$65,314.

All other term and conditions of Letter of Credit #1676 remain in full force and effect.

Very Truly Yours,

Maine Bank & Trust Company



Robert A Harmon  
Senior Vice President





# Pen Ave. Construction

8/10/98 4:40 AM

## CITY OF PORTLAND PUBLIC UTILS

• CLEARING: (3000/ea.) (0.7 ea.)			
• SANITARY SEWER: (400 LF) (37/1.5)		\$2,100	Not Completed
(includes lateral & wye)		\$24,420	
• MANHOLES: (1 ea.) (2000/ea.)		\$2,000	\$500
(includes lateral & wye)		\$11,340	
• STORM SEWER: (2 ea.) (2000/ea.)		\$4,000	\$1,000
(includes lateral & wye)		\$900	
• MANHOLES: (2 ea.) (2000/ea.)		\$4,000	285
• ALTER. SEWER MANHOLE: (1 ea.) (900/ea.)		\$900	
• CATCH BASIN: (2 ea.) (2000/ea.)		\$4,000	\$1,000
• UNDER DRAIN: (100 LF) (15/1.0)		\$1,500	

① GRANITE CURB: (1000 LF) (25/1.0)		\$25,000	
(straight & radius curb @ Virginia St. intersection)			
② GRANITE TYPICAL CURB: (16 ea.) (150/ea.)		\$2,400	
(7 feet long)			
③ SIDEWALK & DRIVEWAY ASPHALT: (750 sq ft) (20/1.0)		\$15,000	
• UNDERGROUND CONDUIT: (500 LF) (3.0/1.0)		\$1,500	
④ EXPLOSION: (500 sq ft) (3.0/1.0)		\$1,500	
(storm & road match)			
• EROSION & SEDIMENT CONTROL (silt fence, stone, hay bales, etc.)		\$1500	
• CONCRETE EXCAVATION/FILL: (550 cu ft) (2.6' x 1.8' x 1.7')		\$9,533	
• WATER MAIN & SERVICES: (550 LF) (2.0/1.0)		\$11,000	
• GAS MAIN & SERVICES: (550 LF) (2.0/1.0)		\$11,000	
• BOX CULVERT (installed)		\$15,000	2,250
• 3" BASE - TYPE "A": (550 LF) (2.5/1.0)		\$1,375	
• 15" SUBBASE - TYPE "D": (550 LF) (2.5/1.0)		\$1,375	
⑤ 2" Hot Bit Grading: (550 LF) (2.0/1.0)		\$1,100	
1 1/2" Hot Bit Grading: (550 LF) (1.5/1.0)		\$825	

⑥ 4' Lining: (6) (2000/ea.)		\$12,000	
(includes base/pad/finishes)			
⑦ TRUCKS: (6) (2400/ea.)		\$14,400	

10% Contingency

\$18,625

**\$204,855**

+ 11,400

**\$216,255**

Project Fax Note	7871	Used	9/11	Total pages	1
To	Penny Little	From	Tony Lombardo		
Company	Coastal Corp	On	Engineering		
Phone	2492		0048		
Fax	274-8497		274-8852		

March 9, 1999 Total of uncompleted items 1-7 : \$65314.  
 Completed items plus contingency: \$153941.

772-2127  
 Amy Mulkerin

*[Signature]*

5) Engineer/ Soils & Wetlands  
 Mapping Pinkham & Greer consulting  
 engineers  
 Fairbault, Maine

7) Topographic and Boundary  
 information provided by Survey, Inc.  
 Portland, Maine

9) Total Area 31.60 Acres  
 9) No access onto Jersey Avenue and  
 Montana Street from lot 7;  
 No access onto Liberty Way  
 from lot 8 and lot 14;  
 No access onto Jersey Avenue from lot 9  
 and lot 10; No access onto Penn Ave  
 from lot 11 and lot 16; No access onto  
 Nevada Street from lot 12; No access  
 onto Vermont Avenue and Montana  
 Street from lot 13; No access onto  
 Vermont Avenue from lot 15 and lot 17;  
 No access onto Maine Avenue from lots  
 8 and 19.

10) House locations to be within the  
 existing envelopes shown  
 on this plan.  
 11) All houses shall have a number  
 clearly visible from the road.  
 12) No open space or public use area  
 is included in this subdivision.  
 13) Lots to be serviced by public sewer  
 and water.

14) Power, telephone and cable are to  
 be underground.  
 15) All construction and site  
 alterations shall be done in accordance  
 with the "Maine erosion and sediment  
 control handbook for construction: Best  
 management practices" Cumberland  
 County Soil and Water District,  
 Department of Environmental Protection,  
 Dated 1991.

16) Street names to be approved by the  
 planning board.  
 17) This approval is dependent upon,  
 and limited to, the proposals and plans  
 contained in the application and  
 supporting documents submitted and  
 affirmed by the applicant and any  
 variation from the plans, proposals and  
 supporting documents is subject to  
 review and approval by the planning  
 board, except for de minimus changes  
 which the director of planning and  
 zoning may approve.

(18) Iron pins to be set at all new  
 property corners

(19) Each lot shall require the  
 submission of a minor site plan for  
 review and approval prior to the  
 issuance of a building permit and  
 subject to review pursuant to article V  
 (site plan) of chapter 14 of the Portland  
 City Code.

(20) No City of Portland public services  
 shall be provided to this development  
 until the streets have been accepted by  
 the city.

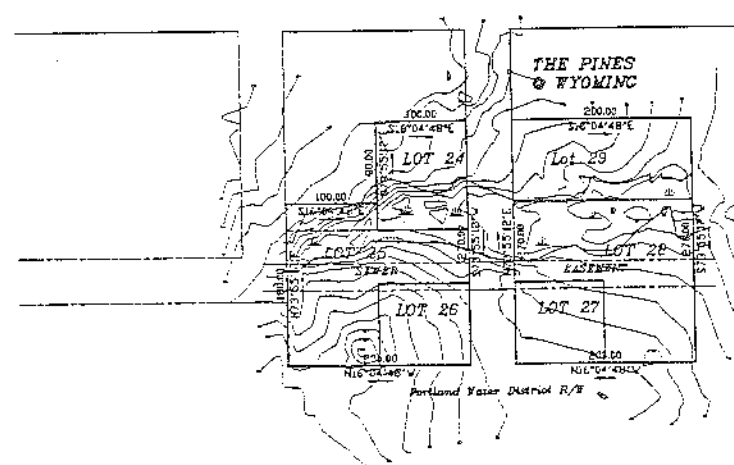
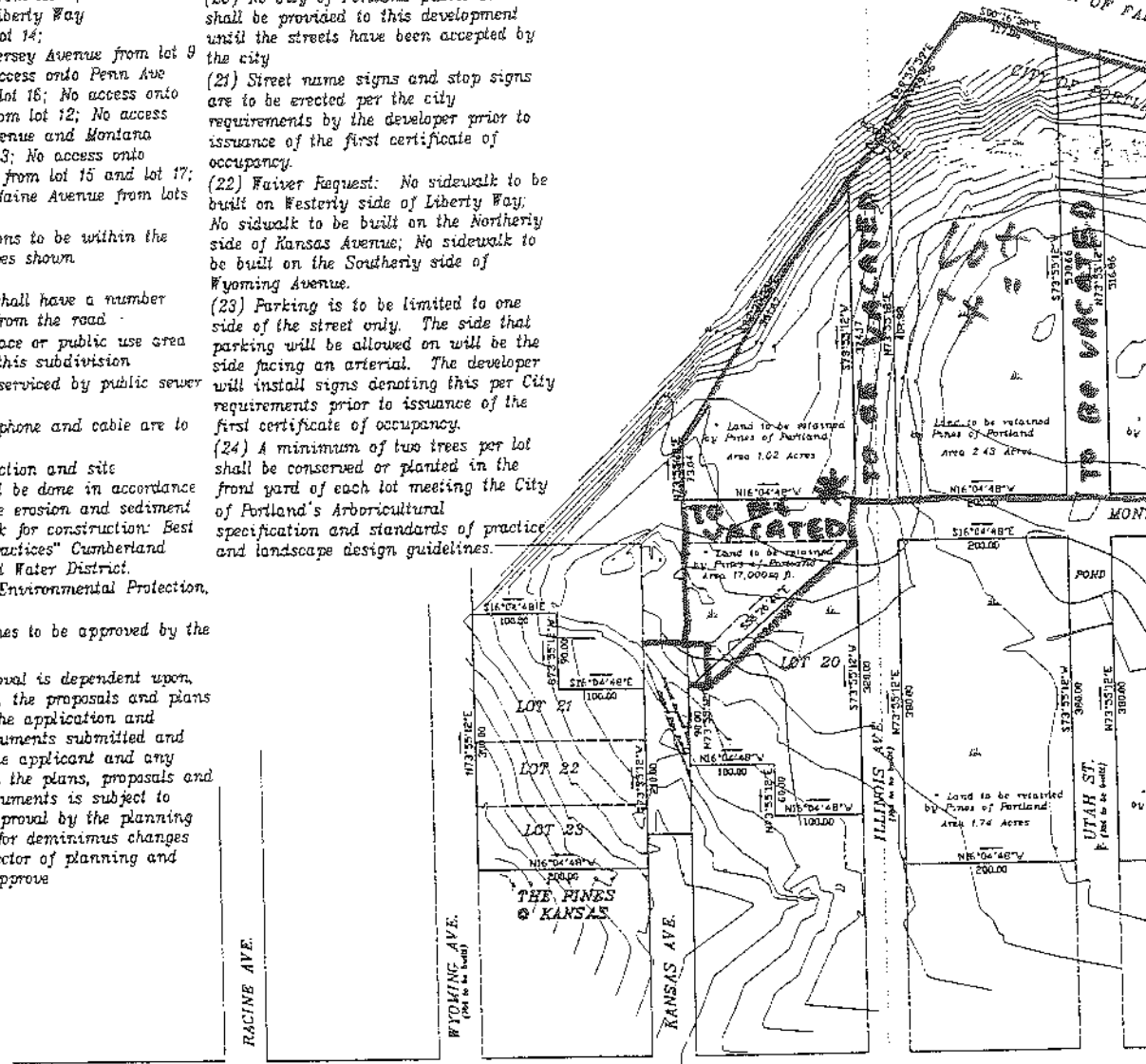
(21) Street name signs and stop signs  
 are to be erected per the city  
 requirements by the developer prior to  
 issuance of the first certificate of  
 occupancy.

(22) Fiver Façade: No sidewalk to be  
 built on Western side of Liberty Way;  
 No sidewalk to be built on the Northern  
 side of Kansas Avenue; No sidewalk to  
 be built on the Southern side of  
 Wyoming Avenue.

(23) Parking is to be limited to one  
 side of the street only. The side that  
 parking will be allowed on will be the  
 side facing an arterial. The developer  
 will install signs denoting this per City  
 requirements prior to issuance of the  
 first certificate of occupancy.

(24) 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 Arbicultural  
 specification and standards of practice  
 and landscape design guidelines.

lot # Not to  
 be sold until  
 vacated



\* Sewer easements,  
 to be retained by  
 City Portland

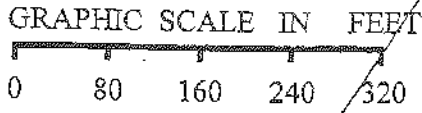


Recording Infor  
 Plan Recorded in Plan  
 Cumberland County Reg  
 Date.

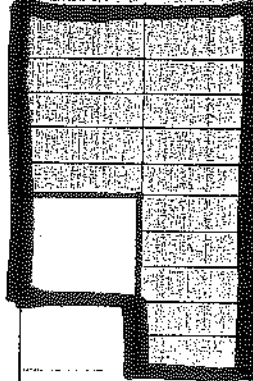
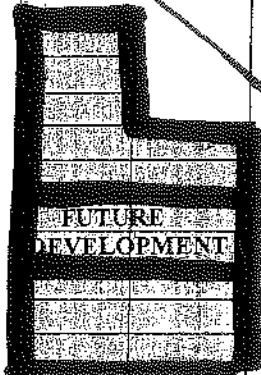


# THE PINES

THE PINES OF PORTLAND, INC.  
426 FOREST AVE, PORTLAND, ME  
207-772-2127



*Kansas Avenue Subd.*



FUTURE DEVELOPMENT

THE PINES

OPEN SP

RACINE AVE

WYOMING AVE

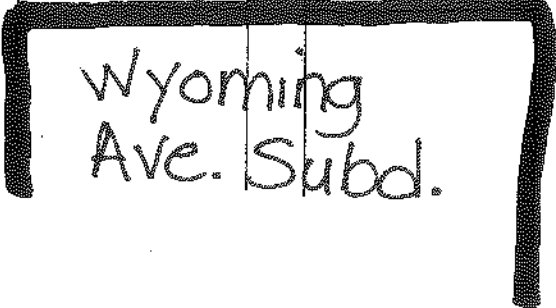
KANSAS AVE

ILLINOIS AVE

UTAH STREET

PORTLAND

VIRGINIA AVE

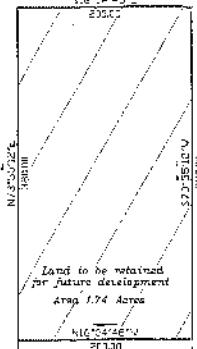
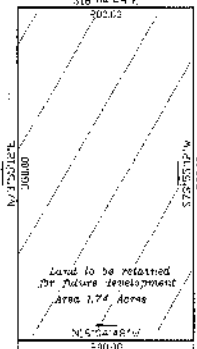
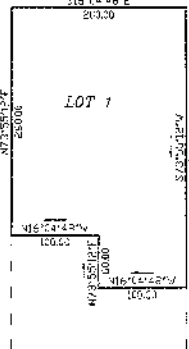
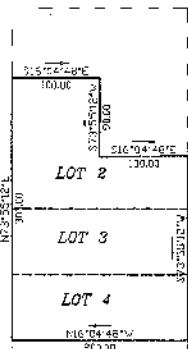
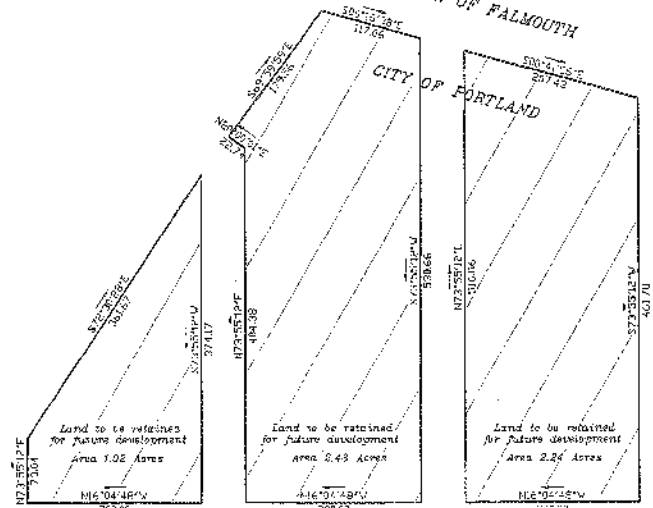


PINE GROVE PARK



TOWN OF FALMOUTH

CITY OF PORTLAND



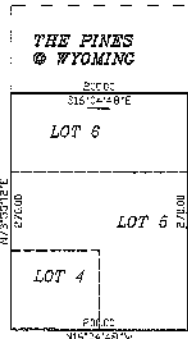
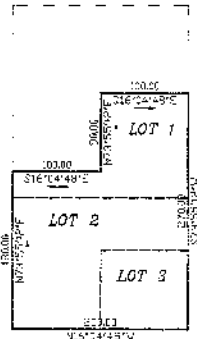
RACINE AVE.  
WYOMING AVE.  
(Cont. to 64 Street)

KANSAS AVE.  
ILLINOIS AVE.  
(Cont. to 64 Street)

UTAH ST.  
(Cont. to 64 Street)

NEVADA AVE.  
(Cont. to 64 Street)

MONTANA STREET

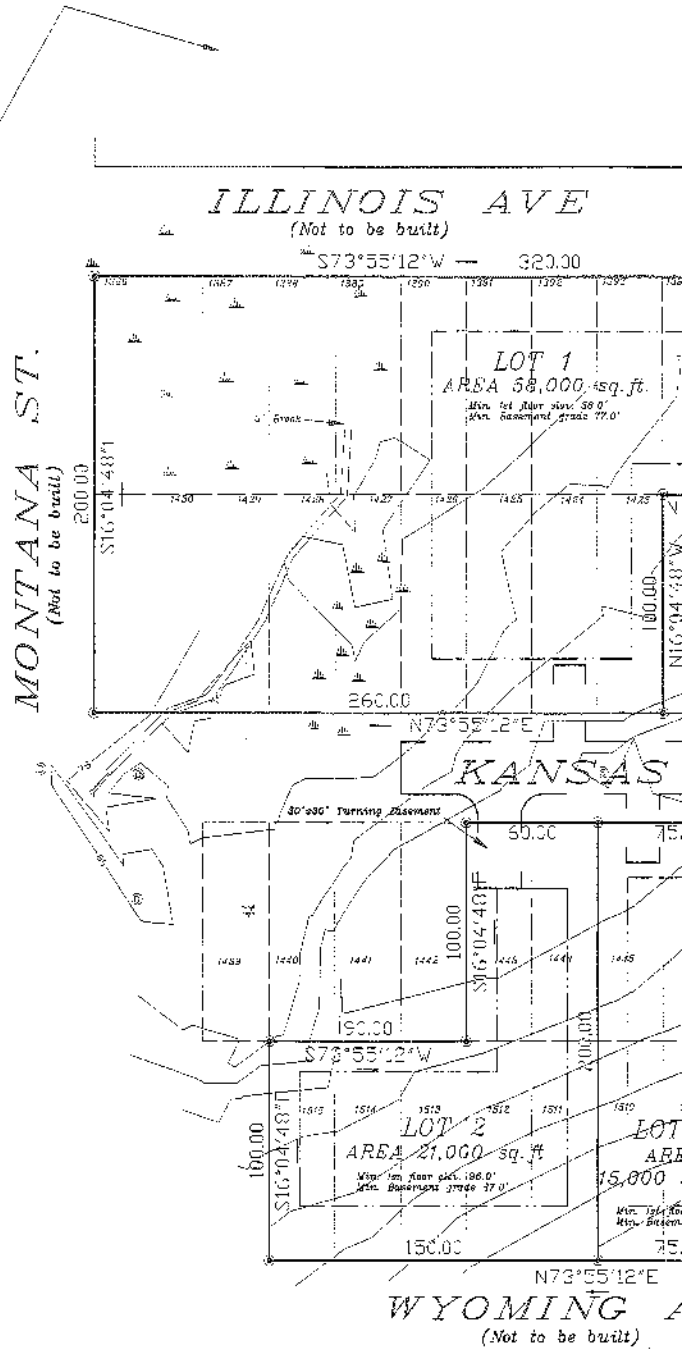


Recording Information  
Plan Recorded in Plan Book \_\_\_\_\_ Page \_\_\_\_\_  
Cumberland County Registry of Deeds  
Date: \_\_\_\_\_ Time: \_\_\_\_\_



- (6) Engineer/ Soils & Wetlands mapping  
Pinkham & Greer consulting engineers  
Falmouth, Maine
- (7) Topographic and Boundary information  
provided by Survey, Inc. Windham, Maine
- (8) Total Area 2.50 Acres
- (9) No access allowed on streets not to be  
built
- (10) House locations to be within the setback  
lines shown on this plan.
- (11) All houses shall have a number clearly  
visible from the road
- (12) No open space or public use area is  
included in this subdivision
- (13) Lots to be serviced by public sewer and  
water
- (14) Power, telephone and cable are to be  
underground
- (15) All construction and site alterations shall  
be done in accordance with the "Maine erosion  
and sediment control handbook for  
construction: Best management practices"  
Cumberland County Soil and Water District,  
Department of Environmental Protection, Dated  
1991
- (16) Street names to be approved by the  
planning board
- (17) This approval is dependent upon, and  
limited to, the proposals and plans contained  
in the application and supporting documents  
submitted and affirmed by the applicant and  
any variation from the plans, proposals and  
supporting documents is subject to review and  
approval by the planning board, except for  
de minimus changes which the director of  
planning and zoning may approve
- (18) Iron pins to be set at all new property  
corners
- (19) Each lot shall require the submission of a  
minor site plan for review and approval prior  
to the issuance of a building permit and  
subject to review pursuant to article V (site  
plan) of chapter 14 of the Portland City Code.
- (20) No City of Portland public services shall  
be provided to this development until the  
streets have been accepted by the city
- (21) Street name signs and stop signs are to  
be erected per the city requirements by the  
developer prior to acceptance of the street by  
the city

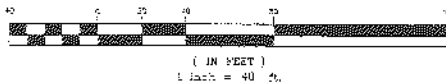
Lands Retained By  
A & G Associates



**LEGEND:**

- Lot Numbers, Plan Ref. 2d
- No. 5 Rebar Set - PLS 586
- Iron Pin Found
- Utility Pole
- Sewer Manhole
- Wetlands
- Water Valve
- Water Manhole
- Hydrant
- Building Envelope

GRAPHIC SCALE



Recording  
Plan Recorded in  
Cumberland County  
Date:





22 PINES @ KANSAS

Plot Plan Prepared by Greg McCormick

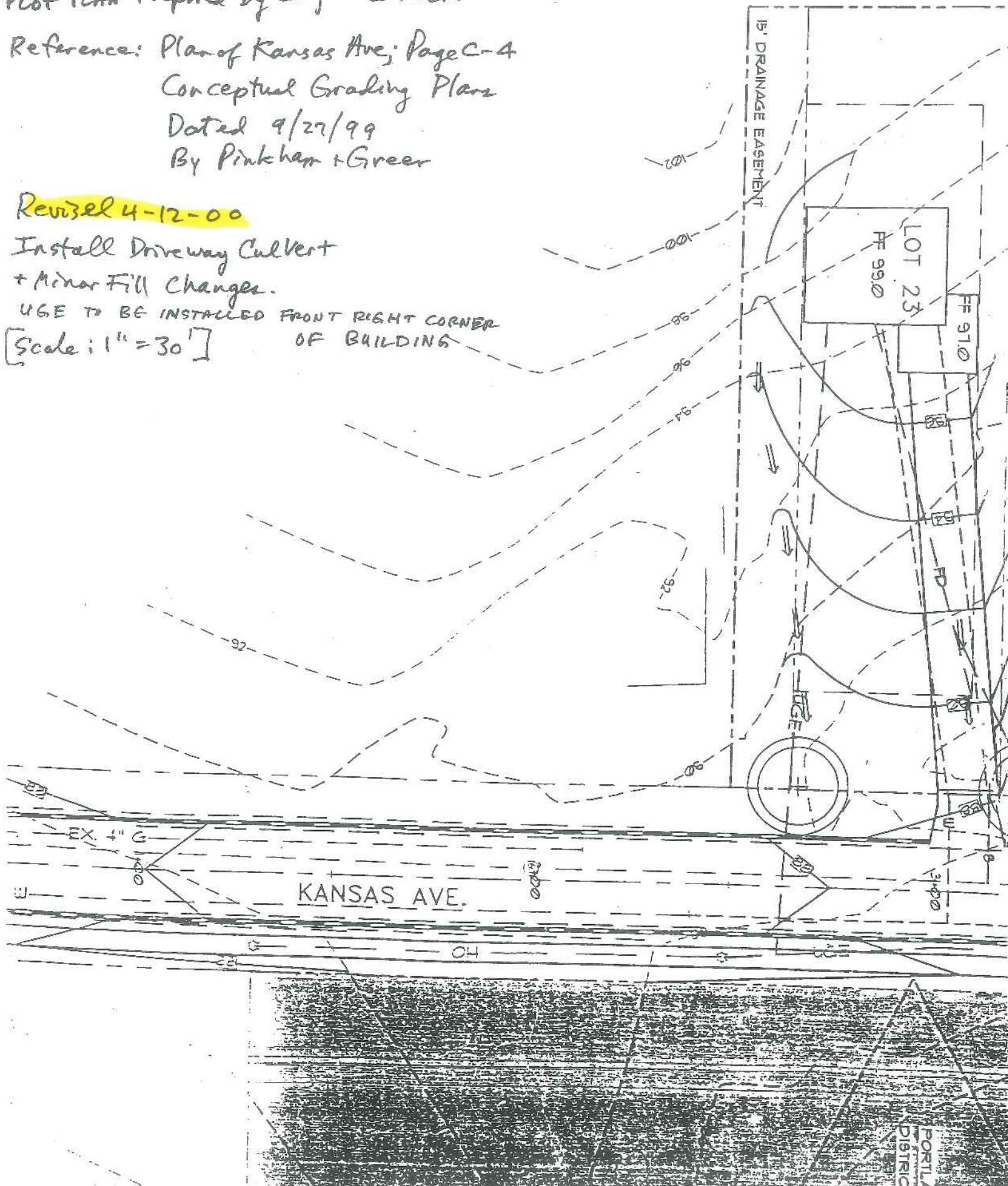
Reference: Plan of Kansas Ave; Page C-4  
Conceptual Grading Plans  
Dated 9/27/99  
By Pinkham + Greer

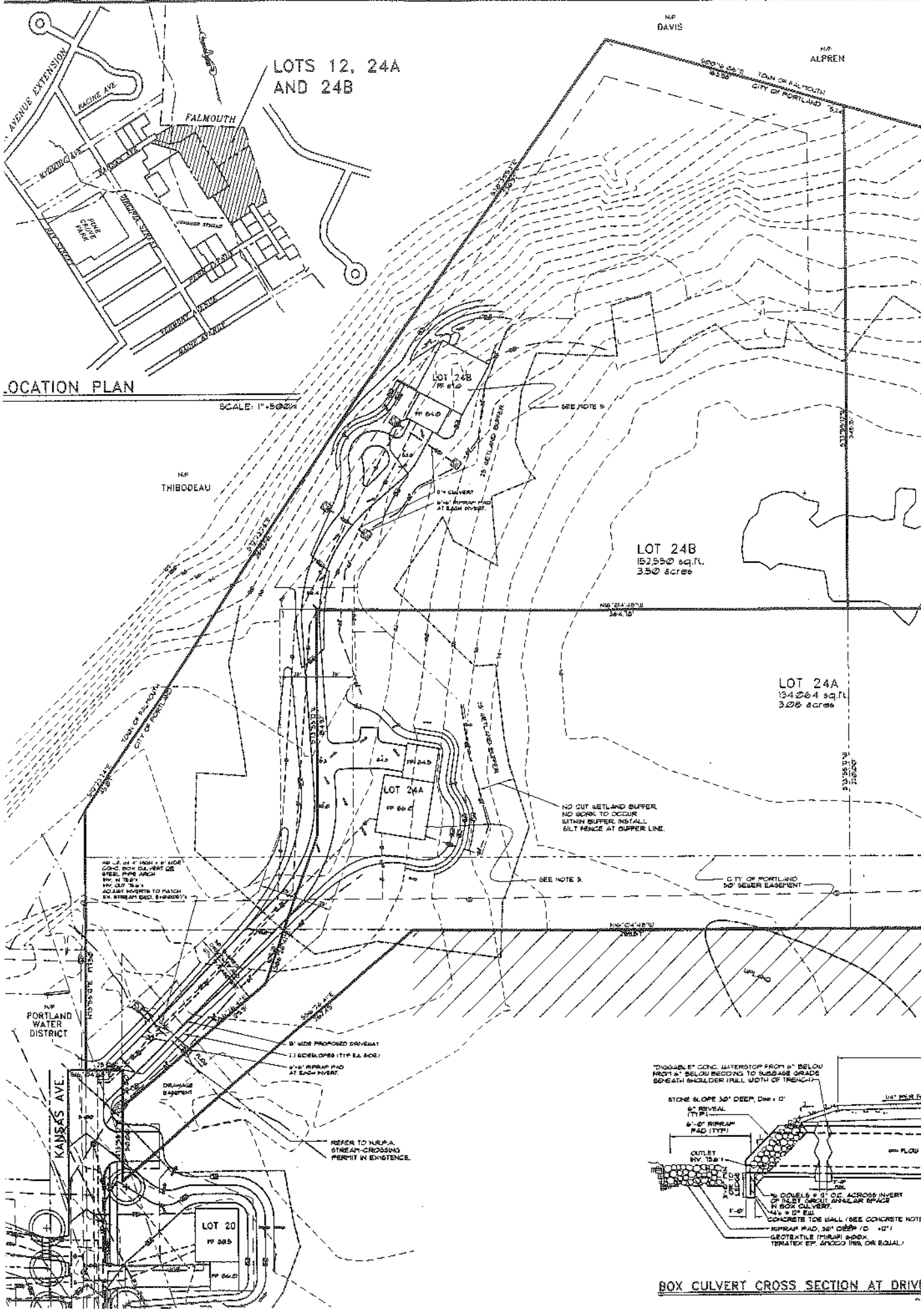
Revised 4-12-00

Install Driveway Culvert  
+ Minor Fill Changes.

USE TO BE INSTALLED FRONT RIGHT CORNER  
OF BUILDING

[Scale: 1" = 30']





**LOCATION PLAN**

SCALE: 1" = 500'

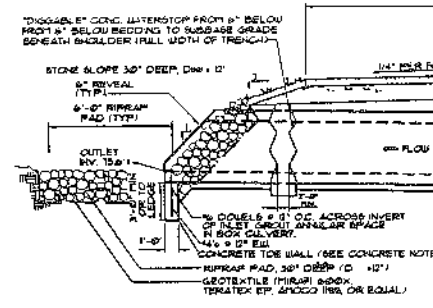
NO CUT WETLAND BUFFER  
NO WORK TO OCCUR  
WITHIN BUFFER. INSTALL  
SILT FENCE AT BUFFER LINE.

PORTLAND WATER DISTRICT

KANSAS AVE

8' WIDE PROPOSED DRIVEWAY  
1:1 SIDE SLOPES (TYP. EX. 8:02)  
6" RIPRAK PAD  
AT EACH INVERT.

REFER TO NHP-A  
STREAM-CROSSING  
PERMIT IN EXISTENCE.



**BOX CULVERT CROSS SECTION AT DRIVE**



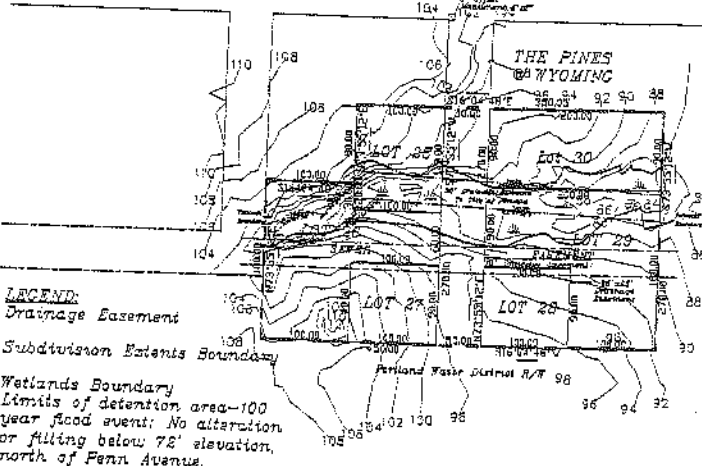
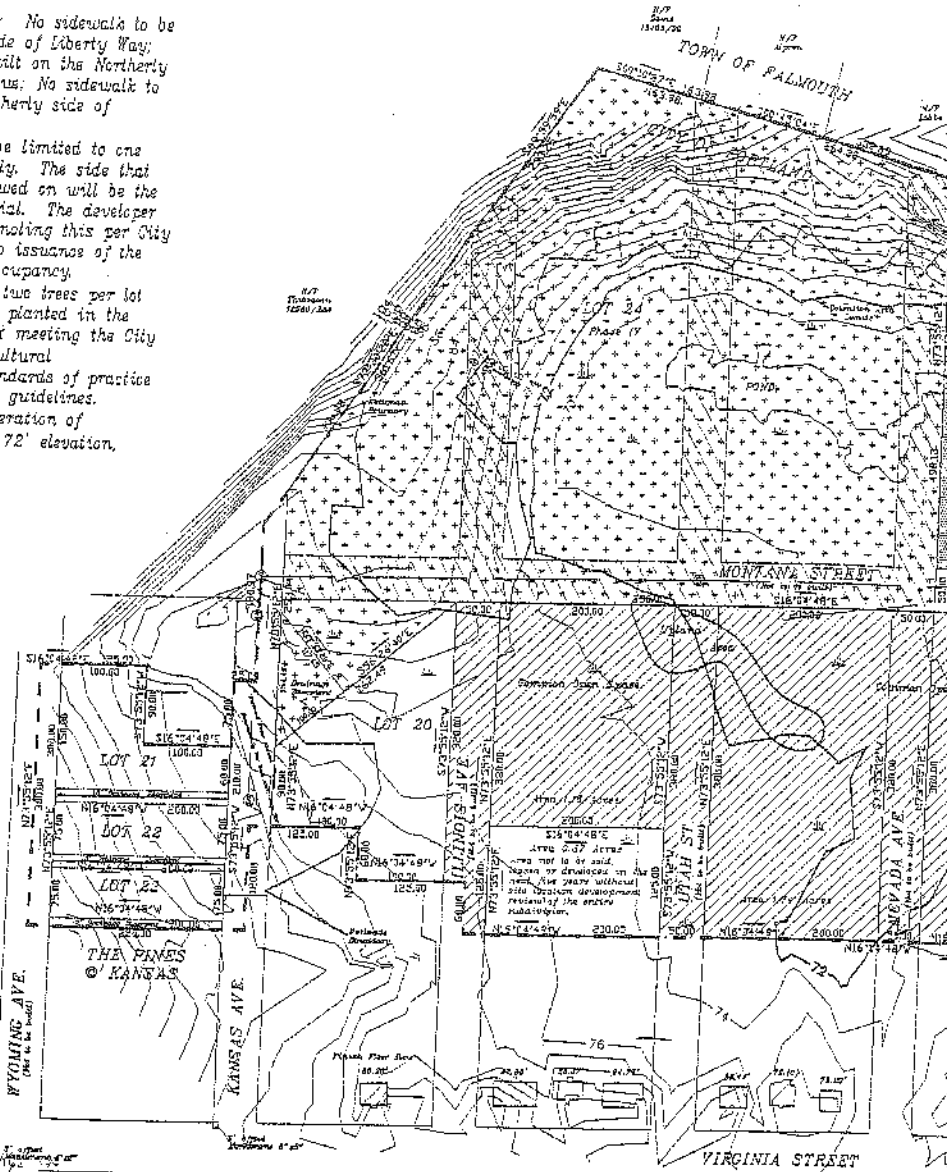
mapping Pinkham & Greer consulting engineers Falmouth, Maine  
 (7) Pond location provided by Pinkham & Greer consulting engineers Falmouth, Maine

(8) Monumentation shown on individual phase plans.  
 (9) No access onto Jersey Avenue and Montana Street from lot 7; No access onto Liberty Way from lot 8 and lot 14; No access onto Jersey Avenue from lot 9 and lot 10; No access onto Penn Ave from lot 11 and lot 15; No access onto Nevada Street from lot 12; No access onto Vermont Avenue and Montana Street from lot 13; No access onto Vermont Avenue from lot 15 and lot 17; No access onto Maine Avenue from lots 18 and 19.

(10) House locations to be within the building envelopes shown on this plan.  
 (11) All houses shall have a number clearly visible from the road.  
 (12) Topographic and Boundary information provided by Survey, Inc. Windham, Maine  
 (13) Lots to be serviced by public sewer and water  
 (14) Power, telephone and cable are to be underground  
 (15) All construction and site alterations shall be done in accordance with the "Maine erosion and sediment control handbook for construction: Best management practices" Cumberland County Soil and Water District, Department of Environmental Protection, Dated 1997

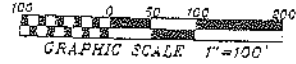
(16) Street names to be approved by the planning board  
 (17) This approval is dependent upon, and limited to, the proposals and plans contained in the application and supporting documents submitted and affirmed by the applicant and any variation from the plans, proposals and supporting documents is subject to review and approval by the planning board, except for de minimus changes which the director of planning and zoning may approve  
 (18) Iron pins to be set at all new property corners  
 (19) Each lot shall require the submission of a minor site plan for review and approval prior to the issuance of a building permit and subject to review pursuant to article V (site plan) of chapter 14 of the Portland City Code.

(20) No City of Portland public services shall be provided to this development until the streets have been accepted by the city.  
 (21) Street name signs and stop signs are to be erected per the city requirements by the developer prior to issuance of the first certificate of occupancy.  
 (22) Waiver Request: No sidewalk to be built on Westerly side of Liberty Way; No sidewalk to be built on the Northerly side of Kansas Avenue; No sidewalk to be built on the Southerly side of Wyoming Avenue.  
 (23) Parking is to be limited to one side of the street only. The side that parking will be allowed on will be the side facing an arterial. The developer will install signs denoting this per City requirements prior to issuance of the first certificate of occupancy.  
 (24) 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 of practice and landscape design guidelines.  
 (25) No filling or alteration of detention area, below 72' elevation, north of Penn Avenue.



**LEGEND:**  
 --- Drainage Easement  
 --- Subdivision Extents Boundary  
 --- Wetlands Boundary  
 --- Limits of detention area-100 year flood event; No alteration or filling below 72' elevation, north of Penn Avenue.

- Common open space Lots 7-24
- Phase III
- Phase IV
- Street frontage variance reserved



Recording Information  
 Plan Recorded in Plan Book \_\_\_\_\_ Page \_\_\_\_\_  
 Cumberland County Registry of Deeds  
 Date: \_\_\_\_\_ Time: \_\_\_\_\_

ACCOUNT	NAME AND ADDRESS	PLAN AND DESCRIPTION	CODE
✓ F 05360-00	FEENEY WILLIAM D KW VET & ANTONETTA S JTS 186 MAINE AVE PORTLAND ME	406-B-34-35 MAINE AVE 184-192 RAY ST 283-289 04103 11317 SF	①
✓ H 25985-00	HEATH EUGENE J WWII VET & AMELIA R JTS 219 MAINE AVE PORTLAND ME	406-C-4-5 MAINE AVE 217-221 04103 6000 SF	
✓ Q 01005-00 NON-RES 8740/90	QUINN NANCY N 124 RUSSELL ST PEABODY MA	406-C-6-7 MAINE AVE 213-215 01960 6000 SF	
✓ C 32650-00 14001/187	CHASSE CHRISTINE H 209 MAINE AVE PORTLAND ME	406-C-8-9 MAINE AVE 207-211 04103 6000 SF	✓ ①
✓ T 14697-00	TILTON DONALD O WWII VET & GILDA A JTS 205 MAINE AVE PORTLAND ME	406-C-10-11 MAINE AVE 205 04103 6000 SF	
✓ H 39215-00	HORTON DONNA S & THOMAS A JTS 201 MAINE AVE PORTLAND ME	406-C-12 MAINE AVE 199-201 04103 6500 SF	✓
✓ H 39274-00	HORTON THOMAS A 201 MAINE AVE PORTLAND ME	406-C-13-29-30 REAR MAINE AVE 199-201 5500 SQ FT 04103	✓
✓ P 25118-00 11703/57	PLOUFFE LORRAINE P 193 MAINE AVE PORTLAND ME	406-C-14-15 MAINE AVE 193 04103 6000 SF	✓ ①
✓ A 10660-00	ALLEN ROBERT C KW VET & MARIA E JTS 275 RAY ST PORTLAND ME	406-C-16 RAY ST 275-277 MAINE AVE 183-191 04103 6036 SF	② ✓
✓ D 08355-00 8477/50	OLSSON JOHN T 271 RAY ST PORTLAND ME	406-C-17 RAY ST 271-273 5937 SF 04103	✓
✓ T 14720-00	TILTON DONALD O AND GILDA A DR SURV 205 MAINE AVE PORTLAND ME	406-C-27-28 R MAINE AVE 205 6000SF 04103	

58.80

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REAL PROP  
PINES OF

ACCOUNT	NAME AND ADDRESS	PLAN AND
✓ M 78450-00 14575/300	MYERS ROBERT S & SANDRA J HORNE JTS 593 ALLEN AVE PORTLAND ME	399-A-1 ALLEN AVE VIRGINIA 04103 6698 SF
✓ S 38874-00	SOUZA MARY ANN & CLARA ANN PELLECCCHIA JTS 601 ALLEN AVE PORTLAND ME	399-A-2 VIRGINIA TAMPA ST 04103 8358 SF
✓ S 38875-00	SOUZA MARY ANN & CLARA ANN PELLECCCHIA JTS 601 ALLEN AVE PORTLAND ME	399-A-3 ALLEN AVE TAMPA AVE 04103 9300 SF
✓ P 43250-00	PRUE DALE D & LESTER A JTS 605 ALLEN AVE PORTLAND ME	399-A-4-5 ALLEN AVE TAMPA ST 04103 20282 SF
M 45423-00	MCRAB TERI E  619 ALLEN AVE PORTLAND ME	399-A-6 RACINE AV ALLEN AVE 04103 10826 SF
F 03389-00	FASULO BRIAN J & LORI A JTS  110 RACINE AVE PORTLAND ME	399-A-7 RACINE AV  04103 10638 SF
C 08150-00	CANTRELL JOY C  100 RACINE AVE PORTLAND ME	399-A-8 RACINE AV  04103 11761 SF
N 14410-00	NORMAN JOHN C & DONNA A JTS  94 RACINE AVE PORTLAND ME	399-A-9 RACINE AV  04103 14846 SF
C 00507-00	CAGULADA DAVID M  90 RACINE AVE PORTLAND ME	399-A-10 RACINE AV  04103 9169 SF
C 58175-00	COON JAMES G & JUDITH A JTS  86 RACINE AVE PORTLAND ME	399-A-11 RACINE AV  04103 7739 SF
C 27920-00	CHADBOURNE PETER W  80 RACINE AVE PORTLAND ME	399-A-12 RACINE AV 6841 SF 04103



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PINES.O

ACCOUNT	NAME AND ADDRESS	PLAN AND
N 00635-00	NANGLE TIMOTHY E 70 RACINE AVE PORTLAND ME	399-A-13 RACINE A 7645 SF 04103
G 02150-00	GALLI ERNEST G & LORI L BASSO JTS 50 RACINE AVE PORTLAND ME	399-A-14 RACINE A 7283 SF 04103
✓ B 19200-00	BERMAN LEONARD H & ANNE S JTS 11390/270 36 RACINE AVE PORTLAND ME	399-A-15 RACINE A 6968 SF 04103
✓ H 45835-00	HUTH STACEY P 12137/34 32 RACINE AVE PORTLAND ME	399-A-16 RACINE A 10371 SF 04103
✓ R 11340-00	RICHARDS HENRY H III & KATHLEEN C RICHARDS 12963/149 13097/311 26 RACINE AVE PORTLAND ME	399-A-17 RACINE A 9476 SF 04103
✓ B 40680-00	BREGGIA LEISA A 12798/255 20 RACINE AVE PORTLAND ME	399-A-18 RACINE A 10923 SF 04103
✓ D 22495-00	DIMILLO JAMES C & CHARITY P JTS 15654/260 14 RACINE AVE PORTLAND ME	399-A-19 RACINE A 6750 SF 04103
✓ B 44430-00	BROADWATER IAN N & JOYCE M JTS 10260/79 7 TAMPA ST PORTLAND ME	399-A-20 TAMPA ST 9000 SF 04103
✓ L 36741-00	LUCE PAUL G & KELLY M JTS 9500/254 257 VIRGINIA ST PORTLAND ME	399-A-21 VIRGINIA TAMPA ST 7500 SF 04103
✓ W 06420-00	WARD RICHARD A KW VET 251 VIRGINIA ST PORTLAND ME	399-A-22 VIRGINIA RACINE S 9750 SF 04103
✓ H 31900-00	MCCORMICK JAMES T WWII VET & EDITH M JTS 241 VIRGINIA ST PORTLAND ME	399-C-1 VIRGINIA RACINE A 7000 SF 04103

ACCOUNT	NAME AND ADDRESS	PLAN AND DESCRIPTION	CO
✓ W 19193-00 12364/12 14256/236	WHITE KAREN P 237 VIRGINIA ST PORTLAND ME	399-C-3-4 VIRGINIA ST 235-237 04103 6000 SF	✓ ① ✓ ②
✓ P 13843-00 11538/21 15043/227	PEPPER NICOLE & MARK A SAWYER JTS 231 VIRGINIA ST PORTLAND ME	399-C-5-6 VIRGINIA ST 229-233 WYOMING AVE 04103 7000 SF	NEW ① ✓
✓ S 07200-00 12671/183	SAWYER MARK A & NICOLE PEPPER-SAWYER JTS 231 VIRGINIA ST PORTLAND ME	399-C-18-19 WYOMING AVE 04103 6000 SF	
✓ P 19088-00 NON-RES 8222/43 15037/291	PETTY JOHN R RR 3 BOX 148 GORHAM ME	399-C-20 TO 22 WYOMING AVE 04038 9000 SF	NEW
✓ C 60654-00 11950/298 14676/169	CORMIER JOSEPH J & LAUREN M JTS 25 RACINE AVE PORTLAND ME	399-C-39 WYOMING AVE 04103 12651 SF	① mtg ✓ AS
✓ J 00440-00 9623/44	JACKSON ELIZABETH A 11 RACINE AVE PORTLAND ME	399-C-40 RACINE AVE 9-13 7500 SF 04103	① mtg ✓ AS ② mtg ③ mtg
✓ H 30800-00 9657/239	HIGHT JEFFREY S & SUSAN S JTS 17 RACINE AVE PORTLAND ME	399-C-41 RACINE AVE 15-19 7500 SF 04103	① mtg ✓ AS
✓ C 60655-00 9052/22	CORMIER JOSEPH J & LAUREN M HILLIARD JTS 25 RACINE AVE PORTLAND ME	399-C-42 RACINE AVE 21-29 04103 8499 SF	NEW ① mtg ② mtg
✓ B 11568-00 NON-RES (14517/157) 14961/165	BAYSTATE DEVELOPMENT CORP 400-1 TOTTEN POND RD WALTHAM MA	399-C-43 RACINE AVE 31-37 7761 SF 02154	NEW
✓ M 47253-00 12954/124	MENDEL MELISSA M & ROBERT S BURKE III JTS 41 RACINE AVE PORTLAND ME	399-C-44 RACINE AVE 39-43 04103 7664 SF	① 1
✓ M 29350-00 13111/150	MCCALLUM RICHARD N JR & MAUREEN B JTS 45 RACINE AVE PORTLAND ME	399-C-45 RACINE AVE 45-47 04103 7534 SF	✓ ✓

117 next

ACCOUNT	NAME AND ADDRESS	PLAN AND DESCRIPTION	CODE
✓ D 24823-00 8606/185	DIPIETRO FERN M 221 VIRGINIA ST PORTLAND ME	399-D-1-2 VIRGINIA ST 219-223 WYOMING AVE 04103 7000 SF	① mt
✓ M 36403-00 7834/114	HOLLYDAY MATTHEW F PO BOX 10982 PORTLAND ME	399-D-3 404-B-1 VIRGINIA ST 217 04104 6000 SF	① mt
✓ D 24825-00	DIPIETRO FERN 221 VIRGINIA ST PORTLAND ME	399-D-4 WYOMING AVE 3000SF 04103	
✓ D 24826-00 13774/228 13777/203	DIPIETRO FERN M 221 VIRGINIA ST PORTLAND ME	399-D-5-6-7 WYOMING AVE KANSAS AVE 04103 9000 SF	
M 12894-00	MULKERIN AMY K & GREGORY T MCCORMACK 426 FOREST AVE PORTLAND ME	399-D-8 TO 17 404-B-8 TO 14 WYOMING AVE KANSAS AVE 04101 51000 SF	CBL STCD STNO
9 51780-00	PORTLAND WATER DISTRICT 225 DOUGLASS ST PORTLAND ME	399-D-18 WYOMING AVE 5200 SQ FT 04102	0
✓ M 03176-00 (10702/268?)	NATALUK ANTHONY A & JOANN JTS 567 ALLEN AVE PORTLAND ME	399-E-1 ALLEN AVE 565-567 04103 5467 SF	
✓ C 12668-00	CARPENTER PHYLLIS LIFE INT WID WWII VET 571 ALLEN AVE PORTLAND ME	399-E-2-3 ALLEN AVE 571 04103 13381 SF	
✓ M 28520-00	WINCHESTER DOROTHEA L WID WWII VET 262 VIRGINIA ST PORTLAND ME	399-E-4-5 VIRGINIA ST 262 ALLEN AVE 04103 13268 SF	
✓ M 03177-00 10702/268	NATALUK ANTHONY A & JOANN L JTS 567 ALLEN AVE PORTLAND ME	399-E-6 RACINE AVE 3000 SQ FT 04103	
✓ M 03178-00 10702/268?	NATALUK ANTHONY A & JOANN JTS 567 ALLEN AVE PORTLAND ME	399-E-7 RACINE AVE 2250 SF 04103	

RTXROL  
SEQUENCE CBL

CITY OF  
REAL PROP  
PINES OF

ACCTUNT	NAME AND ADDRESS	PLAN AND
✓ R 26040-00	ROLLINS PAUL ADAMS WWII VET & CORRINE O ROLLINS TRUSTEES 1 RACINE AVE PORTLAND ME	399-E-8-9 RACINE AV 04103 6750 SF
✓ L 25530-00	LIBBY RUTH E WID WWII VET 252 VIRGINIA ST PORTLAND ME	399-E-11- VIRGINIA RACINE AV 04103 7500 SF
S 10055-00	SCHWARTZ STEPHEN J & SUSAN G JTS 641 ALLEN AVE PORTLAND ME	399-F-2-3 ALLEN AV 04103 87585 SF
B 21825-00	BESSEY PATRICIA A 629 ALLEN AVE PORTLAND ME	399-F-6 ALLEN AV 7500 SF 04103
D 29800-00	DONATELLE RICHARD J WWII VET & JEANNETTE M JTS 631 ALLEN AVE PORTLAND ME	399-F-11 ALLEN AV 04103 54750 SF
✓ W 03668-00	WALLINGTON MARY JANE 463 RAY ST PORTLAND ME	400-A-1- ALLEN AV RAY ST 4 04103 13563SF
✓ J 12176-00 NON-RES	JORDON JOHN 19 MITCHELLWOOD DR FALMOUTH ME	400-A-3 ALLEN AV 04105 18390 SF
9 51840-00	PORTLAND WATER DISTRICT 225 DOUGLASS ST PORTLAND ME	400-A-6 ALLEN AV 547-549 04102
✓ V 00580-00	VACHON JOSEPH R & ROBYN E JTS 547 ALLEN AVE PORTLAND ME	400-A-7 ALLEN AV 04103 7113 SF
✓ L 24950-00	LIBBY LEANNE C 551 ALLEN AVE PORTLAND ME	400-A-9 RACINE ALLEN AV 04103 11719 S
✓ W 14960-00	WELLINGTON JACK A & MARY JANE JTS 463 RAY ST PORTLAND ME	400-A-1 RAY STR 04103 5720 SF

ACCOUNT NAME AND ADDRESS PLAN AND DESCRIPTION

✓ W 14950-00 WELLINGTON JACK 400-A-11 TO 17 32 TO  
463 RAY ST 36 RAY ST 443-451 &  
PORTLAND ME WYOMING AVE  
04103 45013 SQ FT

9 51900-00 PORTLAND WATER DISTRICT 400-A-18-19-37-38  
225 DOUGLASS ST WYOMING AVE  
PORTLAND ME 12000 SQ FT  
04102

W 72871-00 MULKERIN AMY K & 400-A-20 TO 25  
GREGORY T MCCORMACK 39 TO 47  
426 FOREST AVE WYOMING AVE  
PORTLAND ME 45000 SF  
04101

✓ P 09145-00 PAWLOSKI JOSEPH S WWII VET & 400-A-26 TO 30  
MARGARET R BLIND JTS VIRGINIA ST 240-244  
242 VIRGINIA ST RACINE AVE  
PORTLAND ME 13300 SF  
04103

✓ R 32080-00 ROUX CONRAD R KW VET & 400-A-31-48-51  
JOAN D OR SURV VIRGINIA ST 236-238  
238 VIRGINIA ST  
PORTLAND ME 8700 SF  
04103

✓ L 03926-00 LANDRY VERA M 400-A-49-50  
232 VIRGINIA ST VIRGINIA ST 230-234  
PORTLAND ME WYOMING AVE  
04103 7000 SF

✓ H 21480-00 HAYDEN ROBERT T & 400-B-1 TO 9-24 TO 28  
STEVE A NOTIS RAY ST 423-437 KANSAS  
80 EXCHANGE ST # 24 AVE & WYOMING AVE  
PORTLAND ME 52600 SF  
04101

9 51960-00 PORTLAND WATER DISTRICT 400-B-10-11-29-30  
225 DOUGLASS ST WYOMING & KANSAS AVES  
PORTLAND ME 12000 SQ FT  
04102

P 23355-00 PINES OF PORTLAND INC THE 400-B-12 TO 20 31 TO  
NON-RES 39 WYOMING AVE  
14508/131 FOREST AVE KANSAS AVE  
PORTLAND ME 54000 SF  
04101

✓ R 14890-00 RIDEOUT HAZEL M 400-B-21-22  
222 VIRGINIA ST VIRGINIA ST 220-224  
PORTLAND ME WYOMING AVE  
04103 7000 SF

✓ L 03030-00 LAMSON CRYSTAL M & 400-B-23 404-A-1  
ROBERT A JTS + Philip E Lamson VIRGINIA ST 216-218  
12889/254 218 VIRGINIA ST  
PORTLAND ME 6000 SF  
04103

Q  
CBL  
STCD  
STNO

① mtg  
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ACCOUNT	NAME AND ADDRESS	PLAN AND
H 21560-00	HAYDEN ROBERT T & STEVE A NOTIS 80 EXCHANGE ST # 24 PORTLAND ME	400-C-1 T RAY ST 41 04101 25800 SF
9 52020-00	PORTLAND WATER DISTRICT 225 DOUGLASS ST PORTLAND ME	400-C-8 T VIRGINIA 04102
9 34260-00	CITY OF PORTLAND 389 CONGRESS ST PORTLAND ME	400-C-19 RAY ST 377-409 04101
D 35540-00	DOWNS KENNETH W & JANICE E JTS 469 ALLEN AVE PORTLAND ME	400-D-1-6 ALLEN AVE 04103 28056 SF
C 04070-00	CAMPBELL BRIAN R & BRUCE D CAMPBELL 459 ALLEN AVE #1 PORTLAND ME	400-D-2 4 ALLEN AVE UNIT #1 R 04103 459 ALLEN
A 09590-00	ALLEN KAREN M 459 ALLEN AVE APT 2 PORTLAND ME	400-D-2 4 ALLEN AVE UNIT #2 R 04103 459 ALLEN
R 11021-00	RICHARD SANDRA F 459 ALLEN AVE UNIT #3 PORTLAND ME	400-D-2 4 ALLEN AVE UNIT #3 R 04103 459 ALLEN
M 25260-00	MATTHEWS SUSAN L 459 ALLEN AVE APT 4 PORTLAND ME	400-D-2 4 ALLEN AVE UNIT #4 R 04103 459 ALLEN
K 15210-00	KNAPP MARJORY 459 ALLEN AVE #5 PORTLAND ME	400-D-2 4 ALLEN AVE UNIT #5 R 04103 459 ALLE
L 14640-00	LEE THERESA 459 ALLEN AVE # 6 PORTLAND ME	400-D-2 4 ALLEN AV UNIT #6 04103 459 ALLE
B 03684-00	BALDWIN MARY L 459 ALLEN AVE #7 PORTLAND ME	400-D-2 ALLEN AV UNIT #7 04103 459 ALL

ACCOUNT	NAME AND ADDRESS	PLAN AND DESCRIPTION	CODE
✓ S 61084-00 13530/334	SWANTON ALISON M 371 RAY ST PORTLAND ME	403-8-2-3 RAY ST 371-373 04103 8026 SF	① ✓ ②
✓ H 00990-00	MACDOWELL PATRICIA J WID WWII VET 365 RAY ST PORTLAND ME	403-8-4-21 RAY ST 363-369 NEVADA ST2-8 04103 7806 SF	
✓ R 34785-00 13866/138	RUESENBERG CARLENE D 8 NEVADA AVE PORTLAND ME	403-8-5-6-22 NEVADA AVE 10-14 04103 9000 SF	① W ✓ ② W
✓ T 00860-00	TALBOT JOSEPH F & JUDITH A HARRIS JTS 16 NEVADA AVE PORTLAND ME	403-8-7-8-23 NEVADA AVE 16-18 04103 9000 SF	① W ? A
✓ K 17570-00	KONAN VIRGINIA J 22 NEVADA AVE PORTLAND ME	403-8-9-10 NEVADA AVE 20-22 04103 6000 SF	① ✓ ②
✓ F 06100-00 14464/10	FENDERSON HOWARD W 26 NEVADA AVE PORTLAND ME	403-8-11-12 NEVADA AVE 24-28 6000 SF 04103	✓ ①
✓ O 08280-00	OLSON JOHN W WWII VET & DOROTHY M OR SURV 32 NEVADA AVE PORTLAND ME	403-8-13-14 NEVADA AVE 30-32 04103 6000 SF	
✓ S 44150-00 13276/321	ST CLAIR GEORGE W JR 36 NEVADA AVE PORTLAND ME	403-8-15-16 NEVADA AVE 34-38 04103 6000 SF	✓ ①
✓ C 12980-00 NON-RES	CARR RICHARD A 10 RIVERSIDE AVE SANFORD ME	403-8-17-18 NEVADA AVE 40-42 04073 6000 SF	✓ ①
✓ P 06070-00	PARKER MARY F HERIS 46 NEVADA AVE PORTLAND ME	403-8-19-20 NEVADA AVE 44-46 04103 6000 SF	
✓ C 04727-00 11851/283	CAMPBELL MARILYN J 9 NEVADA AVE PORTLAND ME	403-C-1-2-5 NEVADA AVE 9-11 04103 6000 SF	✓

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ACCOUNT	NAME AND ADDRESS	PLAN AND
✓ C 60150-00 12414/283	COREY DARREN & JOANNA RICE JTS 343 RAY ST PORTLAND ME	403-C-3-4 RAY ST 34 JERSEY AV 04103 12482 SF
✓ Q 00805-00	QUINN GAIL G & HORATIO A JTS 15 NEVADA AVE PORTLAND ME	403-C-6-7 NEVADA AV 04103 6000 SF
✓ G 14468-00 13113/205	GIUSTI SANTINO A JR & SUSAN G JTS 19 NEVADA AVE PORTLAND ME	403-C-8-9 NEVADA AV 04103 6000 SF
✓ C 73750-00 NON-RES 12824/125	CURRIE DOROTHY LOUISE & DAVID CARL THOMPSON JTS 26 HASKELL AVE SOUTH PORTLAND ME	403-C-10- NEVADA AV 04106 6000 SF
✓ H 43460-00 11489/32	HUNTLEY KENNETH L 31 NEVADA AVE PORTLAND ME	403-C-12- NEVADA AV 04103 6000 SF
✓ Q 00390-00 11985/327	QUIMBY DAVID & JUDITH JTS 35 NEVADA AVE PORTLAND ME	403-C-14- NEVADA AV 04103 6000 SF
✓ B 10129-00	BASAITES CARLEY C WID WWII VET 41 NEVADA AVE PORTLAND ME	403-C-16- NEVADA AV 04103 6000 SF
✓ K 03485-00 14014/123	KEELING JOHN R 45 NEVADA AVE PORTLAND ME	403-C-18- NEVADA A 04103 6000 SF
✓ R 14880-00	RIDEOUT GERALD A & SHEILA A JTS 49 NEVADA AVE PORTLAND ME	403-C-20 VIRGINIA NEVADA A 04103 7000 SF
✓ K 00850-00	KANE ARTHUR J & RITA A JTS 136 VIRGINIA ST PORTLAND ME	403-C-22 VIRGINIA 04103 6000 SF
✓ W 01079-00	WAKEM CHARLOTTE C WID WWII VET 132 VIRGINIA ST PORTLAND ME	403-C-24 VIRGINIA JERSEY A 04103 7000 SF



ACCOUNT	NAME AND ADDRESS	PLAN AND DESCRIPTION	CODE
✓ K 05780-00	KELLY EUGENIE R & METRY A JTS 44 JERSEY AVE PORTLAND ME	403-C-27 JERSEY AVE 44-46 04103 6000 SF	✓ ① mtg ✓ ② "
✓ M 27280-00	MAYO WILLIAM D & ROSALIND L JTS 38 JERSEY AVE PORTLAND ME	403-C-29 JERSEY AVE 38-42 04103 6500 SF	
✓ D 11660-00	DEETJEN JEAN E 32 JERSEY AVE PORTLAND ME	403-C-31 JERSEY AVE 32-36 04103 6500 SF	✓ ① mtg ✓ ② mtg ✓ ③ m
✓ R 38240-00 10315/289	RUTHERFORD MICHAEL T & PATRICIA A JTS 28 JERSEY AVE PORTLAND ME	403-C-33 JERSEY AVE 28-30 04103 6500 SF	① mtg ✓ Assn ✓ ② mtg
✓ R 04975-00 10253/329 14641/110	REEDER ERIC R & SUSAN W JTS 24 JERSEY AVE PORTLAND ME	403-C-35 JERSEY AVE 22-26 04103 6500 SF	① mtg ✓ Assn
✓ C 69160-00	CROSBY RONALD H & BRIGIDA A JTS 18 JERSEY AVE PORTLAND ME	403-C-37 JERSEY AVE 18-20 04103 6500 SF	? ① m
✓ H 31800-00 6767/212?	HILLIARD JOYCE W 12 JERSEY AVE PORTLAND ME	403-C-39 JERSEY AVE 12-16 04103 6500 SF	✓ ① v ✓ ②
✓ D 25100-00 13093/330	DIPIETRO REBECCA L & MICHAEL A JTS 355 RAY ST PORTLAND ME	403-C-41-42 RAY ST 355 NEVADA AVE 1-7 04103 9872 SF	✓ ① mtg
✓ S 26720-00 11859/166	SINCLAIR DANIEL C & KIMBERLY A BRISSETTE JTS 333 RAY ST PORTLAND ME	403-D-1-2 RAY ST 331-337 JERSEY AVE 1-9 04103 11897 SF	✓ ① mtg ✓ ② mtg
✓ C 36260-00 10514/220	CHURCH RONALD C & DONNA I JTS 325 RAY ST PORTLAND ME	403-D-3-4 RAY ST 323-329 PENN AVE 2-8 04103 11507 SF	① v ✓
✓ L 26000-00	LILLY GEORGE R & LEOLA G JTS 11 JERSEY AVE PORTLAND ME	403-0-6 JERSEY AVE 11-15 04103 6500 SF	① ✓ A

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✓ L 23930-00	LIBBY CHRISTINE A & WILLIAM G JTS 19 JERSEY AVE PORTLAND ME	403-D-8 JERSEY AVE 04103 6500 SF
✓ C 67520-00	CRESSEY WESLEY D VN VET & BETTY ANN JTS 23 JERSEY AVE PORTLAND ME	403-D-10 JERSEY AVE 04103 6500 SF
✓ M 67394-00	MORIN RAYMOND V & ERNESTINE F JTS 29 JERSEY AVE PORTLAND ME	403-D-12 JERSEY AVE 04103 6500 SF
✓ C 73840-00	CURRIER CHARLES A & VIRGINIA M JTS 33 JERSEY AVE PORTLAND ME	403-D-14 JERSEY AV 04103 6500 SF
✓ T 20805-00	TRIPP SHERRI A 39 JERSEY AVE PORTLAND ME	403-D-16 JERSEY AV 04103 6500 SF
✓ V 02808-00 NON-RES	VASSAR HERBERT & JEANNETTE JTS 8 WELLINGTON DR HUDSON MA	403-D-18 JERSEY AV 01749 6000 SF
✓ R 04699-00	REED MONICA T 122 VIRGINIA ST PORTLAND ME	403-D-20- VIRGINIA JERSEY AV 04103 7000 SF
✓ O 07300-00	OLIVETO GINA D & WILLIAM P DOLLEN JTS 118 VIRGINIA ST PORTLAND ME	403-D-22- VIRGINIA 04103 6000 SF
✓ C 40200-00	CLARK WILLIAM B KW VET & JANET F JTS 112 VIRGINIA ST PORTLAND ME	403-D-24- VIRGINIA PENN AVE 04103 7000 SF
✓ C 73120-00	CURRAN MELINDA JOAN ETAL JTS 42 PENN AVE PORTLAND ME	403-D-27 PENN AVE 04103 6000 SF
✓ O 04010-00	DARLING DANIEL A & FRANCES J JTS 38 PENN AVE PORTLAND ME	403-D-29 PENN AVE 04103 6500 SF

ACCOUNT	NAME AND ADDRESS	PLAN AND DESCRIPTION	CODE
✓ R 07126-00 12209/335 12324/84	RENY SANDRA L & LEO S JTS 32 PENN AVE PORTLAND ME	403-D-31 PENN AVE 32-36 04103 6500 SF	✓ ① mtg ✓ ② mtg
✓ A 16831-00 12328/190	ANDERSON SUSAN J 28 PENN AVE PORTLAND ME	403-D-33 PENN AVE 26-30 04103 6500 SF	new cov ① mtg ? Assn
✓ W 17900-00 8720/56 11/23	WHIPKEY MYRON D & TINA M JTS 22 PENN AVE PORTLAND ME	403-D-35 PENN AVE 22-24 04103 6500 SF	✓ ① mtg
✓ B 02400-00 9161/217	BAKER DWIGHT P 16 PENN AVE PORTLAND ME	403-D-37 PENN AVE 16-20 04103 6500 SF	✓ (4) mtg
✓ C 50570-00 6533/143?	CONKLIN PAUL D & VICKIE G JTS 12 PENN AVE PORTLAND ME	403-D-39 PENN AVE 10-14 04103 6500 SF	① mtg ✓ Assn ✓ ② mtg
✓ C 46330-00 10156/121	COLE DONALD A & LINDA D JTS 313 RAY ST PORTLAND ME	403-E-1-2 RAY ST 311-317 PENN AVE 1-7 04103 10922 SF	
✓ G 35626-00 9254/281	GUY JAMES A & BETH M JTS 13 PENN AVE PORTLAND ME	403-E-4 PENN AVE 9-13 04103 6500 SF	✓ ① mtg
✓ Y 00510-00 12534/41	YEBDAH DUKE & BARBARA CARLIN JTS 17 PENN AVE PORTLAND ME	403-E-6 PENN AVE 15-19 04103 6500 SF	✓ ① mtg
✓ I 02570-00	ISHERWOOD DONALD D & LORRAINE A JTS 23 PENN AVE PORTLAND ME	403-E-8 PENN AVE 21-23 04103 6500 SF	✓ ① mtg ✓ ② mtg ✓ Assn
✓ M 01921-00	MACISSO DORIS I WID KW VET 25 PENN AVE PORTLAND ME	403-E-10 PENN AVE 25-29 04103 6500 SF	
✓ W 36990-00	WYMAN CAROL A 33 PENN AVE PORTLAND ME	403-E-12 PENN AVE 31-35 04103 6500 SF	

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✓ L 35640-00	LOWERY PATRICK J JR & ELIZABETH A JTS 37 PENN AVE PORTLAND ME	403-E-14 PENN AVE 3 04103 6500 SF
✓ C 59100-00 12794/86	COPPETA GREGORY R & MELISSA JTS 43 PENN AVE PORTLAND ME	403-E-16 PENN AVE 4 04103 6000 SF
✓ D 37240-00	DREW IRENE N WID WWII VET 102 VIRGINIA ST PORTLAND ME	403-E-18-1 VIRGINIA PENN AVE 04103 7000 SF
✓ M 53630-00 8725/73	MILLER ELIZABETH J 98 VIRGINIA ST PORTLAND ME	403-E-20 VIRGINIA 04103 6000 SF
M 34261-00 NON-RES	MCDONALD PATRICIA A & CATHERINE E MCDONALD PO BOX 30 PARIS ME	403-F-5 RAY ST 36 04271 19695 SF
C 02720-00	CALLAHAN IVAN G & EDWINA F JTS 378 RAY ST PORTLAND ME	403-F-6 RAY ST 37 04103 14300 SF
T 09555-00 NON-RES	THOMPSON DONALD A & EVELYN L JTS 488 FORT HILL RD GORHAM ME	403-F-7 R REAR 356- 04038 2500 SF
J 00390-00	JACKSON DANA L 354 RAY ST PORTLAND ME	403-F-8 RAY ST 35 04103 5000 SF
M 66660-00	MORGAN DEBORA D 350 RAY ST PORTLAND ME	403-F-9 RAY ST 35 04103 5000 SF
M 63620-00	MOODY GLADYS A & KENNETH V JR JTS 344 RAY ST PORTLAND ME	403-F-10 RAY ST 34 04103 5000 SF
D 13960-00	DENBOW BETTY L 340 RAY ST PORTLAND ME	403-F-11 RAY ST 34 04103 5000 SF

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A 06210-00 AIKEN ANNA J 403-F-12  
RAY ST 336-338 CBL  
336 RAY ST STCD  
PORTLAND ME 04103 5000 SF STNO

S 09215-00 SCHOLZ JOHN M 403-F-13  
RAY ST 332-334 CBL  
334 RAY ST STCD  
PORTLAND ME 04103 5000 SF STNO

B 62755-00 BUTLER JAY S & KIMBERLY A JTS 403-F-14  
RAY ST 330 CBL  
328 RAY ST STCD  
PORTLAND ME 04103 5000 SF STNO

C 22180-00 CASTONIA GEORGE WWII VET & 403-F-15  
DORIS JTS RAY ST 324-326 2  
326 RAY ST CBL  
PORTLAND ME 04103 5375 SF STCD  
STNO

C 44685-00 COGGINS LAURINE A 403-F-17  
RAY ST 356-358 CBL  
356 RAY ST STCD  
PORTLAND ME 04103 5000 SF

G 07560-00 GELINAS EUGENE W & 404-A-2-3  
JANET B DR SURV VIRGINIA ST 210-214  
214 VIRGINIA ST KANSAS AVE 50-56  
PORTLAND ME 04103 7000 SF

D 28410-00 DOHERTY MICHAEL F & 404-B-2-3  
SUSAN M JTS VIRGINIA ST 209-213  
211 VIRGINIA ST KANSAS AVE  
PORTLAND ME 04103 7000 SF

M 29144-00 MCCALLUM BETSY A 404-B-4-5  
KANSAS AVE 70-74  
13689/46 72 KANSAS AVE  
PORTLAND ME 04103 6000 SF

B 51990-00 BROWN RUTH V MID WWII VET 404-B-6-7  
KANSAS AVE 76-78  
76 KANSAS AVE  
PORTLAND ME 04103 6000 SF

9 52080-00 PORTLAND WATER DISTRICT 404-B-15 TO 19  
KANSAS AVE 17643 SQ FT  
225 DOUGLASS ST  
PORTLAND ME 04102

G 11879-00 GILL DOROTHY F 404-C-1-2  
VIRGINIA ST 199-203  
201 VIRGINIA ST KANSAS ST  
PORTLAND ME 04103 7000 SF

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9 52140-00	PORTLAND WATER DISTRICT	404-C-3-7
	225 DOUGLASS ST PORTLAND ME	25 TO 28 KANSAS & V 04102 48000 SQ
M 65740-00	MORAN PHILIP A & JUDITH K JTS 193 VIRGINIA ST PORTLAND ME	404-C-4-5 VIRGINIA 10000 SF 04103
M 72881-00	MULKERIN AMY K & GREGORY T MCCORMACK 426 FOREST AVE PORTLAND ME	404-C-18 MONTANA S ILLINOIS 04101 49000 SF
9 52150-00	PORTLAND WATER DISTRICT	404-C-23-
	225 DOUGLASS ST PORTLAND ME	ILLINOIS 04102 6000 SF
M 72885-00	MULKERIN AMY K & GREGORY T MCCORMACK 426 FOREST AVE PORTLAND ME	404-D-1 T ILLINOIS KANSAS AV 04101 44600 SF
M 65000-00	MOORE GEORGE F WWII VET & EILEEN R JTS 202 VIRGINIA ST PORTLAND ME	404-E-1-2 VIRGINIA KANSAS AV 04103 7000 SF
H 21800-00	HAYDEN ROBERT T & STEVE A NOTIS 80 EXCHANGE ST # 24 PORTLAND ME	404-E-4 VIRGINIA 04101 3000 SF
O 00720-00	OBLENIS LAMONTE 194 VIRGINIA ST PORTLAND ME	404-E-5-6 VIRGINIA 04103 7000 SF
F 21460-00	FOLEY JOSEPH T 184 VIRGINIA ST PORTLAND ME	404-E-8-9 VIRGINIA 04103 10000 SF
C 49340-00	COMPTON BETTE A & MICHAEL C JENSEN JTS 178 VIRGINIA ST PORTLAND ME	404-E-11- VIRGINIA 04103 6000 SF
C 37160-00	CICCONE CARMINE P WWII VET & DORIS M JTS 172 VIRGINIA ST PORTLAND ME	404-E-13- VIRGINIA 04103 7000 SF

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✓ H 21840-00	HAYDEN ROBERT T & STEVE A NOTIS 80 EXCHANGE ST # 24 PORTLAND ME	404-E-16 VIRGINIA ST 166 04101 3000 SF	
✓ M 11320-00	MAJOR JOHN E KW VET TD & JANICE E JTS 164 VIRGINIA ST PORTLAND ME	404-E-17 TO 19 VIRGINIA ST 158-164 04103 10000 SF	① mt ② mt
3 44460-00	BROCATO JULIE A 11405/72 14757/87 152 VIRGINIA ST PORTLAND ME	404-E-20 VIRGINIA ST 156 3000SF 04103	new ① mt
123 3 44461-00	BROCATO JULIE A 152 VIRGINIA ST PORTLAND ME	404-E-21-22 VIRGINIA ST 150-154 NEVADA AVE 50-54 04103 7000 SF	
1124 ✓ M 67480-00	MORONG PETER M & 8558/330 12352/11 12352/12 PATRICIA S PRESCOTT JT 181 VIRGINIA ST PORTLAND ME	404-F-1-2 VIRGINIA ST 179-183 ILLINOIS AVE 04103 7000 SF	①
✓ T 14275-00	TIBBETTS JANISE I 175 VIRGINIA ST PORTLAND ME	404-F-3-4 VIRGINIA ST 175-177 04103 6000 SF	
✓ N 00545-00	NALLY CATHY L 9523/47 171 VIRGINIA ST PORTLAND ME	404-F-5-6 VIRGINIA ST 169-173 UTAH AVE 04103 7000 SF	✓
9 52200-00	PORTLAND WATER DISTRICT 225 DOUGLASS ST PORTLAND ME	404-F-9-10-25-26 UTAH AVE & ILLINOIS AVE 12000 SQ FT 04102	
M 72872-00	MULKERIN AMY K & GREGORY T MCCORMACK 426 FOREST AVE PORTLAND ME	404-F-11 TO 22 & 27-28 ILLINOIS AVE UTAH AVE 04101 44000 SF	38
✓ H 21880-00	HAYDEN ROBERT T & STEVE NOTIS 80 EXCHANGE ST # 24 PORTLAND ME	404-F-23-24-7-8 UTAH AVE ILLINOIS AVE 04101 12000 SF	
M 72873-00	MULKERIN AMY K & GREGORY T MCCORMACK 426 FOREST AVE PORTLAND ME	404-F-29 TO 38 UTAH AVE MONTANA ST 04101 50000 SF	CBL STC STN

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M 72886-00	MULKERIN AMY K & GREGORY T MCCORMACK 426 FOREST AVE PORTLAND ME	404-G-1 TO ILLINOIS A MONTANA ST 04101 110305 SF
✓ F 30077-00 11261/256	FRIDMAN IGOR & VICTORIA ZUBRITSKAYA JTS 161 VIRGINIA ST PORTLAND ME	404-H-1-2 VIRGINIA S UTAH AVE 04103 7000 SF
✓ H 14606-00	HARRIS JESSIE W WID WWII VET 157 VIRGINIA ST PORTLAND ME	404-H-3-4 VIRGINIA 04103 6000 SF
✓ M 15000-00 8616/182	MANDOGIAN PATRICIA K 149 VIRGINIA ST PORTLAND ME	404-H-5-6 VIRGINIA NEVADA AV 04103 7000 SF
M 72874-00	MULKERIN AMY K & GREGORY T MCCORMACK 426 FOREST AVE PORTLAND ME	404-H-7 T UTAH AVE NEVADA AV 04101 12000 SF
9 52260-00	PORTLAND WATER DISTRICT 225 DOUGLASS ST PORTLAND ME	404-H-9-1 NEVADA AV 04102
M 72887-00	MULKERIN AMY K & GREGORY T MCCORMACK 426 FOREST AVE PORTLAND ME	404-H-11 NEVADA AV UTAH AVE 04101 76000 SF
M 72875-00	MULKERIN AMY K & GREGORY T MCCORMACK 426 FOREST AVE PORTLAND ME	404-I-1 T NEVADA AV MONTANA S 04101 98800 SF
✓ J 05825-00 9962/246	JOHNSON DIANE L & DIANE MCMANUS 137 VIRGINIA ST PORTLAND ME	404-K-1-2 NEVADA AV 6000SF 04103
9 52320-00	PORTLAND WATER DISTRICT 225 DOUGLASS ST PORTLAND ME	404-K-3-4 JERSEY AV AVE 04102
M 72882-00	MULKERIN AMY K & GREGORY T MCCORMACK 426 FOREST AVE PORTLAND ME	404-K-5 TO 19 NEVADA AV 04101 76000 SF



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✓ M 43950-00	MCMANUS DIANE L 141 VIRGINIA ST PORTLAND ME	404-K-17-18 VIRGINIA ST 139-143 NEVADA AVE 04103 7000 SF	✓
✓ J 06845-00	JOHNSON JAMES A & DIANE L JTS 137 VIRGINIA ST PORTLAND ME	404-K-19 405A-A-1 VIRGINIA ST 135-137 04103 6000 SF	✓ ① ✓ ② ③
M 72876-00	MULKERIN AMY K & GREGORY T MCCORMACK 426 FOREST AVE PORTLAND ME	404-L-1 TO 14 405A-B-1 TO 13 JERSEY AVE NEVADA AVE 04101 MONTANA ST 84600 SF	
✓ E 05771-00	ELWOOD ELIZABETH A 231 MAINE AVE PORTLAND ME	405-A-1-2 VIRGINIA ST 04103 8000 SF	✓ ①
✓ H 22240-00	HAYDEN ROBERT T & STEVE A NOTIS 80 EXCHANGE ST # 24 PORTLAND ME	405-A-3-4 [406-C-3-18 TO 26 35 TO 43] VIRGINIA ST BELFAST ST 04101 MAINE AVE 223 65000 SF	
✓ H 22280-00	HAYDEN ROBERT T & STEVE A NOTIS 80 EXCHANGE ST # 24 PORTLAND ME	405-B-1 TO 5-34 TO 38 BELFAST ST VIRGINIA ST 04101 32000 SF	
9 52380-00	PORTLAND WATER DISTRICT 225 DOUGLASS ST PORTLAND ME	405-B-6 TO 13 22 TO 33 405A-M-6 TO 8 BELFAST ST & MAINE AVE 04102 69000 SQ FT	
✓ H 22320-00	HAYDEN ROBERT T & STEVE A NOTIS 80 EXCHANGE ST # 24 PORTLAND ME	405-B-14 TO 21 MONTANA ST & BELFAST ST 04101 28000 SF	
✓ M 73810-00 NON-RES	MULKERRIN ROSEMARY C 412 TOPAZ DR SCARBOROUGH ME	405-C-1 TO 9 16 TO 30 [405A-N-1 TO 9] MAINE AVE BELFAST ST 04074 MONTANA ST 107436 SF	
✓ D 03890-00 NON-RES	DARGIE SUZANNE S & DAVID C JTS 9 CHARLOTTE DR FALMOUTH ME	405-C-10 [405A-N-10] MAINE AVE 315-325 04105 29764SF	
H 22400-00	HAYDEN ROBERT T & STEVE A NOTIS 80 EXCHANGE ST # 24 PORTLAND ME	405-D-1 TO 4 406-D-1-4-5-14 TO 34 VIRGINIA-KENTUCKY AVE 04101 BELFAST&DAYTON 95836SF	CBL STC STN

8183/350

12451/70

8158/319

8158/324

11897/39

11897/40

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ACCOUNT	NAME AND ADDRESS	PLAN AND DESCRIPTION	CODE
J 04920-00 NON-RES	JOHANSEN JOHN JR & MARY E JTS 8013 SIMMONS ST BROOKSVILLE FL	405-L-1 TO 3 406-F-18 TO 19 MARLBOROUGH RD 15000SF	8 CBL STCD STND
		34613	
P 24442-00 NON-RES	PITAS THEODORE & ASSOC 3 ORCHARD CIR WESTBROOK ME	405-L-4 TO 7 MARLBOROUGH RD 12000SF	8 CBL STCD STND
		04092	
P 24443-00 NON-RES	PITAS THEODORE & ASSOC 3 ORCHARD CIR WESTBROOK ME	405-L-8 TO 13 MARLBOROUGH RD 18000SF	8 CBL STCD STND
		04092	
S 18923-00	SHAW CARL ENTERPRISES INC P O BOX 10985 PORTLAND ME	405-L-14 TO 17 PINE GROVE AVE MARLBOROUGH RD 24588SF	CBL STCD STND
		04104	
P 24100-00 NON-RES	PIROZZI ELEANOR A TRUSTEE 29 FOXWOOD CIR MANCHESTER NH	405-L-18 TO 21 PINE GROVE AVE 25063 SQ FT	8 CBL STCD STND
		03104	
S 18924-00	SHAW CARL ENTERPRISES INC P O BOX 10985 PORTLAND ME	405-L-22 TO 32 PINE GROVE AVE 64466SF	CBL STCD STND
		04104	
9 34510-00	CITY OF PORTLAND 389 CONGRESS ST PORTLAND ME	405-L-33 413-E-1 414-A -1-5 415-A-10-12 417-A -9-12 OCEAN AVE 1024-1028 1903289SF	
		04101	
J 07155-00	JOHNSON LEONA WWII VET BLIND 131 VIRGINIA ST PORTLAND ME	405A-A-2-3 VIRGINIA ST 129-133 JERSEY AVE 7000 SF	OWN A
		04103	
J 06848-00 (see 404K-1-2)	JOHNSON JAMES A & DIANE L JTS 137 VIRGINIA ST PORTLAND ME	405A-A-4-5 JERSEY AVE 6000 SF	
		04103	
P 08920-00	PAULSEN CHARLES H WWII VET & ALICE B DR SURV 121 VIRGINIA ST PORTLAND ME	405A-C-1-2 VIRGINIA ST 119-123 JERSEY AVE 7000 SF	
		04103	
C 28642-00 8586/307	CHANDLER RICHARD CRAIG 117 VIRGINIA ST PORTLAND ME	405A-C-3-20 VIRGINIA ST 115-117 6000 SF	
		04103	

RTXROL  
SEQUENCE C8L

CITY OF  
REAL PROPE  
PINES, OF.

ACCOUNT	NAME AND ADDRESS	PLAN AND D
✓ C 28650-00	CHANDLER RICHARD CRAIG 117 VIRGINIA ST PORTLAND ME	405A-C-4 PENN AVE JERSEY AV 04103 12000 SQ
8586/306		
9 52680-00	PORTLAND WATER DISTRICT 225 DOUGLASS ST PORTLAND ME	405A-C-6- PENN AVE 04102
M 72877-00	MULKERIN AMY K & GREGORY T MCCORMACK 426 FOREST AVE PORTLAND ME	405A-C-8 JERSEY AV PENN AVE 04101 52000 SF
✓ G 35180-00	GUNTER SUSAN C & JOHN J JOYCE JR JTS 111 VIRGINIA ST PORTLAND ME	405A-C-21 VIRGINIA PENNSYLVA 04103 7000 SF
M 72888-00	MULKERIN AMY K & GREGORY T MCCORMACK 426 FOREST AVE PORTLAND ME	405A-C-27 PENN AVE 04101 7500 SF
M 72889-00	MULKERIN AMY K & GREGORY T MCCORMACK 426 FOREST AVE PORTLAND ME	405A-C-30 PENN AVE 04101 7500 SF
M 72890-00	MULKERIN AMY K & GREGORY T MCCORMACK 426 FOREST AVE PORTLAND ME	405A-C-32 PENN AVE 04101 9000 SF
M 72883-00	MULKERIN AMY K & GREGORY T MCCORMACK 426 FOREST AVE PORTLAND ME	405A-D-1 PENN AVE MONTANA S 04101 71810 SF
✓ B 45530-00	BROOKS HOLLY H 92 VIRGINIA ST PORTLAND ME	405A-E-2- VIRGINIA VERMONT A 04103 7000 SF
1204/111		
✓ F 15199-00 NON-RES	FITZPATRICK GLENNIS I & JOHN N JR JTS PO BOX 81 RAYMOND ME	405A-F-1- VIRGINIA PENN AVE 04071 7000 SF
12010/120 12016/122		
✓ R 21980-00	ROBINSON MARY E WID WWII VET 95 VIRGINIA ST PORTLAND ME	405A-F-3- VIRGINIA 04103 6000 SF

ACCOUNT	NAME AND ADDRESS	PLAN AND DESCRIPTION	
✓ 6 05460-00	GARY ARTHUR R P O BOX 8212 PORTLAND ME	405A-F-4-5 PENN AVE 6000SF	04104
902/199			
9 52740-00	PORTLAND WATER DISTRICT 225 DOUGLASS ST PORTLAND ME	405A-F-6-7-25-26 VERMONT AVE 72-74 & PENN AVE 12000SF	04102
M 72878-00	MULKERIN AMY K & GREGORY T MCCORMACK 426 FOREST AVE PORTLAND ME	405A-F-8 PENN AVE 79	04101 7500 SF
			CBL STCD STNO
M 72892-00	MULKERIN AMY K & GREGORY T MCCORMACK 426 FOREST AVE PORTLAND ME	405A-F-11 PENN AVE #85	04101 7500 SF
			CBL STCD STNO
M 72891-00	MULKERIN AMY K & GREGORY T MCCORMACK 426 FOREST AVE PORTLAND ME	405A-F-13 PENN AVE 91	04101 9000 SF
			CBL STCD STNO
M 72893-00	MULKERIN AMY K & GREGORY T MCCORMACK 426 FOREST AVE PORTLAND ME	405A-F-16 TO 19 PENN AVE 99	04101 14000 SF
			CBL STCD STNO
✓ L 36925-00	LUKE JAMES A & KATHRYN P JTS 91 VIRGINIA ST PORTLAND ME	405A-F-21-22 VIRGINIA ST 89-93 VERMONT ST	04103 7000 SF
13102/177			
✓ B 01600-00	BATLEY MICHAEL C & PATRICIA A JTS 68 VERMONT AVE PORTLAND ME	405A-F-23 VERMONT AVE 66-70	04103 6000 SF
10250/197			
✓ D 09957-00	ORR ANDREW & MARY JTS 78 VERMONT AVE PORTLAND ME	405A-F-28 VERMONT AVE 76-82	04103 7500 SF
			✓ ① M ✓ ② M
✓ B 15955-00	BELLINO ANTHONY J & JANE M JTS 82 VERMONT AVE PORTLAND ME	405A-F-30 VERMONT AVE 82-86	04103 7500 SF
			✓ ① M ✓ A
✓ P 06480-00	PARKS MICHAEL J JR 90 VERMONT AVE PORTLAND ME	405A-F-33 VERMONT AVE 88-92	04103 7500 SF
12414/213			✓ ①

RTXROL  
SEQUENCE CBL

CITY OF  
REAL PROPE  
PINES OF.

ACCOUNT	NAME AND ADDRESS	PLAN AND D
✓ 8 10110-00	BARTON STEVEN & THERESA JTS 96 VERMONT AVE PORTLAND ME	405A-F-35 VERMONT AV 04103 7500 SF
✓ 7164/144 W 31295-00	WOOD DORRAINE S 102 VERMONT AVE PORTLAND ME	405A-F-38 MONTANA ST VERMONT AV 04103 8000 SF
M 72884-00	MULKERIN AMY K & GREGORY T MCCORMACK 426 FOREST AVE PORTLAND ME	405A-G-1 VERMONT AV MONTANA ST 04101 74750 SF
✓ M 43781-00	MCMAHON TIMOTHY P & KATRINA A DEGROOT JTS 43 VERMONT AVE PORTLAND ME	405A-H-1 VERMONT AV 04103 6000 SF
✓ 14154/5 K 18860-00	KOUYOUMJIAN LEON & REBECCA L JORDAN JTS 80 VIRGINIA ST PORTLAND ME	405A-H-2- VIRGINIA VERMONT A 04103 10600 SF
✓ 9849/325 P 00552-00	PAJAK MICHAEL W & ELIZABETH A JTS 232 MAINE AVE PORTLAND ME	405A-H-4- MAINE AVE 04103 5400 SF
✓ 8921/108 C 10040-00	CARLISLE RICHARD E JR & PATRICIA L JTS 81 VIRGINIA ST PORTLAND ME	405A-J-1- VIRGINIA VERMONT A 04103 7000 SF
✓ 1332/56 N 11440-00	NILES ROBERT JR WWII VET 75 VIRGINIA ST PORTLAND ME	405A-J-3- VIRGINIA 04103 6000 SF
✓ D 08430-00	O'MALLEY KATHLEEN M 67 VERMONT AVE PORTLAND ME	405A-J-4 VERMONT A 04103 6000 SF
9 52800-00	PORTLAND WATER DISTRICT 225 DOUGLASS ST PORTLAND ME	405A-J-6- VERMONT A AVE 04102
✓ 9233/244 10948/114 T 10090-00	THOMPSON JOHN A JR 77 VERMONT AVE PORTLAND ME	405A-J-9 VERMONT A 04103 7500 SF

ACCOUNT	NAME AND ADDRESS	PLAN AND DESCRIPTION	CODE
✓ N 18420-00	NUESLEIN JOHN V & PATRICIA E JTS 81 VERMONT AVE PORTLAND ME	405A-J-11 VERMONT AVE 81-85 04103 7500 SF	? ① ② ?
✓ B 03840-00 12411/337 13939/119	BALL MICHAEL F 89 VERMONT AVE PORTLAND ME	405A-J-14 VERMONT AVE 87-91 04103 7500 SF	① W ✓ A
✓ A 09640-00 9284/230	ALLEN LARRY R & KATHLEEN A ASALI JTS 95 VERMONT AVE PORTLAND ME	405A-J-17 VERMONT AVE 04103 7500 SF	① M ✓ A
✓ R 38670-00 11109/139 15018/150	RYDER MARIE & CHARLES H JTS 39 GEORGE ST PORTLAND ME	405A-J-19 MONTANA ST VERMONT AVE 04103 8000 SF	? ② New ①
✓ T 03850-00 7121/73 15002/139	TAYLOR ROBIN L & LINDA C SMITH 71 VIRGINIA ST PORTLAND ME	405A-J-21-22 VIRGINIA ST 69-73 MAINE AVE 240-246 04103 7000 SF	New ✓ ① W
✓ B 08380-00	O'MALLEY DOROTHY D & PETER D JTS 250 MAINE AVE PORTLAND ME	405A-J-23-24 MAINE AVE 248-250 04103 6000 SF	① M ? ② M
✓ J 02620-00	JARVAIS PATRICIA A 260 MAINE AVE PORTLAND ME	405A-J-28 MAINE AVE 258-262 04103 7500 SF	① M ✓ A
✓ G 35405-00	GURNEY DIANE L 266 MAINE AVE PORTLAND ME	405A-J-31 MAINE AVE 264-268 04103 7500 SF	① M ✓ A ② W
✓ M 47255-00 8271/255	MENDELL CLARA & TIMOTHY BROWN JTS 272 MAINE AVE PORTLAND ME	405A-J-33 MAINE AVE 270-274 04103 7500 SF	
✓ T 18620-00 9683/59	TOWNS CHARLES G & TANYA L JTS 278 MAINE AVE PORTLAND ME	405A-J-36 MAINE AVE 276-280 04103 7500 SF	✓ ①
✓ J 03630-00 8392/333 11/29/99	JENSEN JOHN E & JEANETTE M DAVIS JTS 284 MAINE AVE PORTLAND ME	405A-J-38 MAINE AVE 282-286 MONTANA ST 04103 8000 SF	① ✓

RTXROL  
SEQUENCE CBL

CITY OF  
REAL PROPE  
PINES OF

ACCOUNT	NAME AND ADDRESS	PLAN AND
M 72879-00	MULKERIN AMY K & GREGORY T MCCORMACK 426 FOREST AVE PORTLAND ME	405A-K-1 MAINE AVE MONTANA S 04101 70350 SF
JK 04400-00	KELLEY EVERETT V & ANNA M JTS 229 MAINE AVE PORTLAND ME	405A-L-1 MAINE AVE 04103 6000 SF
JE 05772-00	ELWOOD ELIZABETH A  231 MAINE AVE PORTLAND ME	405A-L-2- MAINE AVE VIRGINIA 04103 8000 SF
✓ S 03290-00	SANBORN KENNETH J & NOLA G SANBORN 239 MAINE AVE PORTLAND ME	405A-M-1- MAINE AVE VIRGINIA 04103 7000 SF
✓ M 25283-00	MATTISON JAMES W WWII VET & LINDA L JTS 247 MAINE AVE PORTLAND ME	405A-M-4 MAINE AVE 04103 9000 SF
✓ G 23678-00	GRASSI LORI-ANNE & CHRISTOPHER R GRASSI 261 MAINE AVE PORTLAND ME	405A-M-10 MAINE AVE 04103 7000 SF
✓ D 38250-00	DUBAIL MARY C  257 MAINE AVE PORTLAND ME	405A-M-12 MAINE AVE 04103 7000 SF
✓ C 59190-00	CORBEAU CHRISTINA  273 MAINE AVE PORTLAND ME	405A-M-14 MAINE AVE 04101 7000 SF
✓ D 02100-00	DALVET BARBARA A  279 MAINE AVE PORTLAND ME	405A-M-17 MAINE AVE 04103 7000 SF
✓ D 39135-00	DUDLEY EDITH G  283 MAINE AVE PORTLAND ME	405A-M-19 MONTANA S MAINE AVE 04103 7000 SF
✓ B 04640-00	BANE EDINA S  600 COMMERCE DR #116 SCARBOROUGH ME	406-A-2- VERMONT 04074 6000 SF

ACCOUNT NAME AND ADDRESS PLAN AND DESCRIPTION CODE

✓ D 00765-00 O'BOYLE THERESA B WID WWII VET 406-A-4-5  
VERMONT AVE 38-40

38 VERMONT AVE  
PORTLAND ME 04103 6000 SF

✓ K 03017-00 KENNEY JACUELYN L & 406-A-6-7  
NON-RES JAMES F JTS VERMONT AVE 32-36

66 LYRIC ARBOR CIR  
THE WOODLANDS TX 77381 6000 SF

✓ R 03850-00 REALI STEVEN M & 406-A-8-9  
7658/211 DEBORAH L JTS VERMONT AVE 28-30

13080/167 28 VERMONT AVE  
PORTLAND ME 04103 6000 SF

✓ A 08250-00 ALLAIRE MAURICE J WWII VET & 406-A-10-11  
THELMA E JTS VERMONT AVE 22-26

24 VERMONT AVE  
PORTLAND ME 04103 6000 SF

✓ D 33760-00 DOW BRENDA J & 406-A-12-13  
NON-RES GREGORY P ROY JTS VERMONT AVE 18-20

132 WOODVILLE RD  
FALMOUTH ME 04105 6000 SF

✓ M 24085-00 MATHEWS DEBRA ANN & 406-A-14-15-16  
15023/279 JAMES B JTS VERMONT AVE 10-16

(bassett) 12 VERMONT AVE  
PORTLAND ME 04103 9000 SF

✓ B 51580-00 BROWN MILDRED L 406-A-17-18  
RAY ST 303-309

305 RAY ST  
PORTLAND ME 04103 10532 SF

✓ B 31460-00 BOONHOUR JOSEPH H & 406-B-3-4  
MARGARET M JTS VERMONT AVE 39-41

39 VERMONT AVE  
PORTLAND ME 04103 6000 SF

✓ M 52935-00 MILLER ALLYSON A 406-B-5 TO 7  
VERMONT AVE 31-37

9310/75 33 VERMONT AVE  
PORTLAND ME 04103 9000 SF

✓ M 22097-00 MARTIN VIRGINIA E 406-B-8-9  
VERMONT AVE 27-29

210 MAINE AVE  
PORTLAND ME 04103 4320 SF

✓ W 06410-00 WARD PHYLLIS M WID WWII VET 406-B-10-11  
VERMONT AVE 21-25

23 VERMONT AVE  
PORTLAND ME 04103 6000 SF

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CITY OF  
REAL PROPE  
PINES, DF.

ACCOUNT	NAME AND ADDRESS	PLAN AND D
✓ F 19120-00	FDERSTER DONALD R KW VET & CAROLYN J DR SURV 17 VERMONT AVE PORTLAND ME	406-B-12-1 VERMONT AV 04103 7500 SF
✓ R 32320-00	ROWE EUGENE L 295 RAY ST PORTLAND ME	406-B-15-1 VERMONT AV 7500SF 04103
✓ R 32360-00	ROWE EUGENE L 295 RAY ST PORTLAND ME	406-B-17 RAY ST 295 VERMONT AV 04103 5022 SF
✓ R 32400-00	ROWE EUGENE L 295 RAY ST PORTLAND ME	406-B-18 RAY ST 291 4925SF 04103
✓ L 30540-00	LOMBARD JUDY L & RICHARD B JTS 224 MAINE AVE PORTLAND ME	406-B-20-2 MAINE AVE 04103 5400 SF
✓ B 14060-00	BECK BONNIE S & JOHN W JTS 220 MAINE AVE PORTLAND ME	406-B-22-2 MAINE AVE 04103 5400 SF
✓ H 44681-00	HUSTUS MICHELLE 216 MAINE AVE PORTLAND ME	406-B-24-2 MAINE AVE 04103 5400 SF
✓ M 22098-00	MARTIN VIRGINIA E WID WWII VET 210 MAINE AVE PORTLAND ME	406-B-26-2 MAINE AVE 04103 7080 SF
✓ W 18540-00 NON-RES	WHITE ANDREW P & ROBIN A JTS 6113 PINE MEADOW WAY BRADENTON FL	406-B-28-2 MAINE AVE 34202 5400 SF
✓ D 13090-00	DELUCA NOELLE C 202 MAINE AVE PORTLAND ME	406-B-30-3 MAINE AVE 04103 5400 SF
✓ H 45844-00	HUYNH DUNG A & VAN THU THI LE JTS 196 MAINE AVE PORTLAND ME	406-B-32-3 MAINE AVE 04103 5400 SF

11/30/99

12773/40

13225/12

9678/197

14885/139

14577/272

12267/73

14704/222

RTXROL  
SEQUENCE 08L

C I T Y D  
REAL PRO  
PINES.0

ACCOUNT NAME AND ADDRESS

PLAN AND

✓ C 75665-00 CYR DEBORAH *3WC Deborah French* 406-C-31  
12/7/1/85 267 RAY ST BELFAST  
PORTLAND ME 04103 12000 SF

✓ C 75666-00 CYR DEBORAH 406-C-33  
8473/313 267 RAY ST RAY ST 2  
Debi French PORTLAND ME 04103 5840 SF

✓ B 63000-00 BUTTERS STERLING L WWII VET & 406-C-34  
CHARLOTTE R JTS RAY ST 3  
263 RAY ST  
PORTLAND ME 04103 5742 SF

T 14700-00 TILTON DONALD D 406-C-44  
E GILDA A BELFAST  
205 MAINE AVE 6000SF  
PORTLAND ME 04103

C 75668-00 CYR DEBORAH 406-C-4  
267 RAY ST BELFAST  
PORTLAND ME 04103 6000 SF

B 26370-00 BLAKE RAYMOND K SR & 406-C-5  
ECELYN C JTS RAY ST  
259 RAY ST BELFAST  
PORTLAND ME 04103 11406 S

D 08805-00 DAVIS ROBERT S ETAL 406-D-2  
NON-RES BELFAST  
4 BURNHAM RD 6000 SF  
DOVER MA 02030

D 08810-00 DAVIS ROBERT S ETAL 406-D-6  
NON-RES BELFAST  
4 BURNHAM RD 6000 SF  
DOVER MA 02030

D 08815-00 DAVIS ROBERT S ETAL 406-D-8  
NON-RES BELFAST  
4 BURNHAM RD 6000 SF  
DOVER MA 02030

H 23210-00 HAYDEN ROBERT T & 406-D-1  
STEVE A NOTIS JTS BELFAST  
80 EXCHANGE ST # 24  
PORTLAND ME 04101 6000 SF

H 23211-00 HAYDEN ROBERT T & 406-D-1  
STEVE A NOTIS JTS BELFAST  
80 EXCHANGE ST # 24  
PORTLAND ME 04101 6000 SF

engineers *Falmouth, Maine*

(7) Pond location provided by *Pinkham & Greer consulting engineers Falmouth, Maine*

(8) Monumentation shown on individual phase plans.

(9) No access onto Jersey Avenue and Montana Street from lot 7; No access onto Liberty Way from lot 8 and lot 14; No access onto Jersey Avenue from lot 9 and lot 10; No access onto Penn Ave from lot 11 and lot 16; No access onto Nevada Street from lot 12; No access onto Vermont Avenue and Montana Street from lot 13; No access onto Vermont Avenue from lot 15 and lot 17; No access onto Maine Avenue from lots 18 and 19.

(10) House locations to be within the building envelopes shown on this plan.

(11) All houses shall have a number clearly visible from the road

(12) Topographic and Boundary information provided by Survey, Inc. *Windham, Maine*

(13) Lots to be serviced by public sewer and water

(14) Power, telephone and cable are to be underground

(15) All construction and site alterations shall be done in accordance with the "Maine erosion and sediment control handbook for construction: Best management practices" *Cumberland County Soil and Water District, Department of Environmental Protection, Dated 1991*

(16) Street names to be approved by the planning board

(17) This approval is dependent upon, and limited to, the proposals and plans contained in the application and supporting documents submitted and affirmed by the applicant and any variation from the plans, proposals and supporting documents is subject to review and approval by the planning board, except for de minimus changes which the director of planning and zoning may approve

(18) Iron pins to be set at all new property corners

(19) Each lot shall require the submission of a minor site plan for review and approval prior to the issuance of a building permit and subject to review pursuant to article V (site plan) of chapter 14 of the Portland City Code.

shall be provided to this development until the streets have been accepted by the city

(21) Street name signs and stop signs are to be erected per the city requirements by the developer prior to issuance of the first certificate of occupancy.

(22) Waiver Request: No sidewalk to be built on Western side of Liberty Way; No sidewalk to be built on the Northernly side of Kansas Avenue; No sidewalk to be built on the Southernly side of Wyoming Avenue.

(23) Parking is to be limited to one side of the street only. The side that parking will be allowed on will be the side facing an arterial. The developer will install signs denoting this per City requirements prior to issuance of the first certificate of occupancy.

(24) 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 Arborticultural specification and standards of practice and landscape design guidelines.

(25) No filling or alteration of detention area, below 72' elevation, north of Penn Avenue.

Public services

Public Floor Elev

Public Floor Elev

Public Floor Elev

Public Floor Elev

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N/P  
Threshold  
1200/200

TOWN OF FALMOUTH

LOT 21  
Phase IV

LOT 22  
Phase IV

LOT 23  
Phase IV

LOT 24  
Phase IV

LOT 25  
Phase IV

LOT 26  
Phase IV

LOT 27  
Phase IV

LOT 28  
Phase IV

LOT 29  
Phase IV

LOT 30  
Phase IV

LOT 31  
Phase IV

LOT 32  
Phase IV

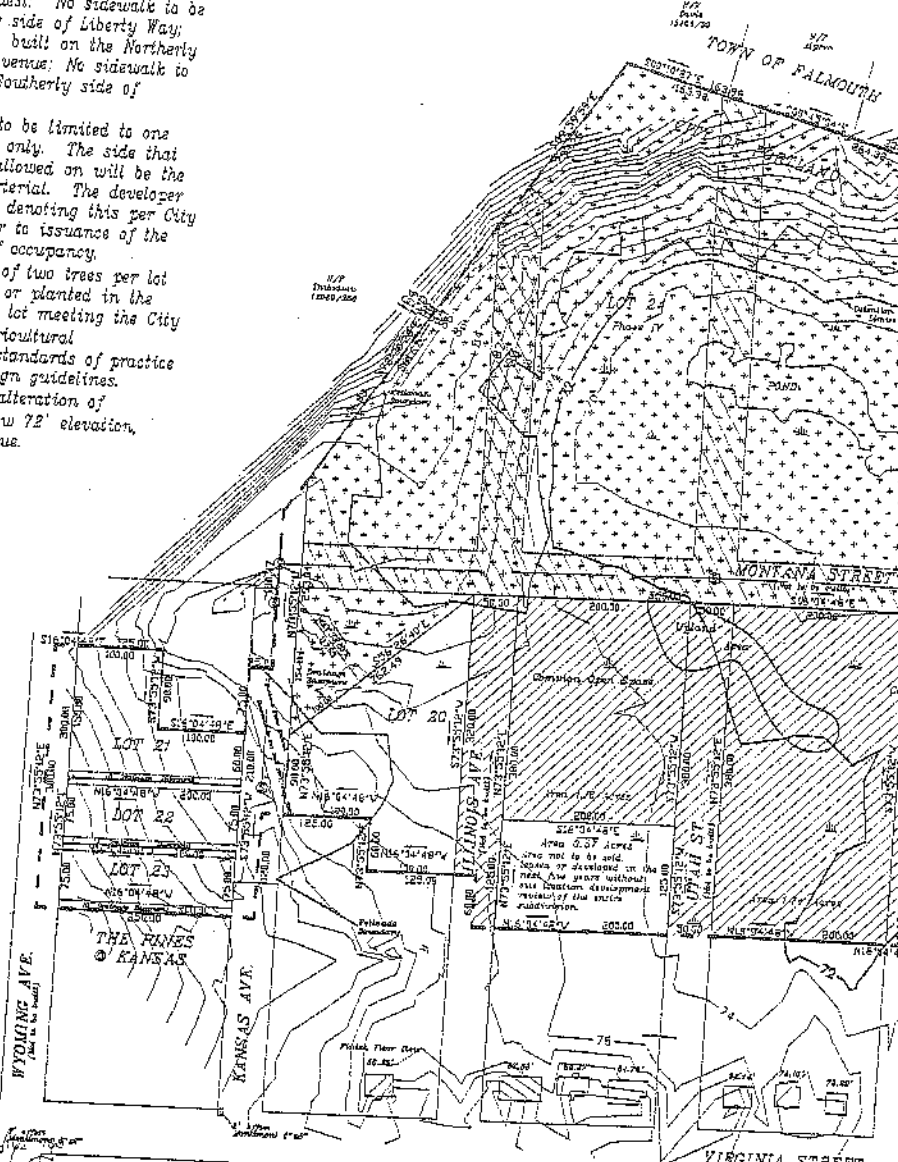
LOT 33  
Phase IV

LOT 34  
Phase IV

LOT 35  
Phase IV

LOT 36  
Phase IV

LOT 37  
Phase IV



RACINE AVE.

WYOMING AVE.

KANSAS AVE.

VIRGINIA STREET

THE PINES OF WYOMING

LOT 26

LOT 27

LOT 28

LOT 29

LOT 30

LOT 31

LOT 32

LOT 33

LOT 34

LOT 35

LOT 36

LOT 37

LOT 38

LOT 39

LOT 40

LOT 41

LOT 42

LEGEND:  
Drainage Easement

Subdivision Extents Boundary

Wetlands Boundary

Limits of detention area-100 year flood event; No alteration or filling below 72' elevation, north of Penn Avenue.

Common open space  
Lots 7-24

Phase III

Phase IV

Street frontage variance received



Recording Information  
Plan Recorded in Plan Book \_\_\_\_\_ Page \_\_\_\_\_  
Cumberland County Registry of Deeds  
Date: \_\_\_\_\_ Time: \_\_\_\_\_

mapping Pinkham & Greer consulting engineers Falmouth, Maine

(7) Pond location provided by Pinkham & Greer consulting engineers Falmouth, Maine

(8) Monumentation shown on individual phase plans.

(9) No access onto Jersey Avenue and Montana Street from lot 7;

No access onto Liberty Way from lot 8 and lot 14;

No access onto Jersey Avenue from lot 9 and lot 10; No access onto Penn Ave from lot 11 and lot 16; No access onto Nevada Street from lot 12; No access onto Vermont Avenue and Montana Street from lot 13; No access onto Vermont Avenue from lot 15 and lot 17; No access onto Maine Avenue from lots 18 and 19.

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(11) All houses shall have a number clearly visible from the road

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(13) Lots to be serviced by public sewer and water

(14) Power, telephone and cable are to be underground

(15) All construction and site alterations shall be done in accordance with the "Maine erosion and sediment control handbook for construction: Best management practices" Cumberland County Soil and Water District, Department of Environmental Protection, Dated 1991

(16) Street names to be approved by the planning board

(17) This approval is dependent upon, and limited to, the proposals and plans contained in the application and supporting documents submitted and affirmed by the applicant and any variation from the plans, proposals and supporting documents is subject to review and approval by the planning board, except for de minimus changes which the director of planning and zoning may approve

(18) Iron pins to be set at all new property corners

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(20) The City of Portland public services shall be provided to this development until the streets have been accepted by the city

(21) Street name signs and stop signs are to be erected per the city requirements by the developer prior to issuance of the first certificate of occupancy.

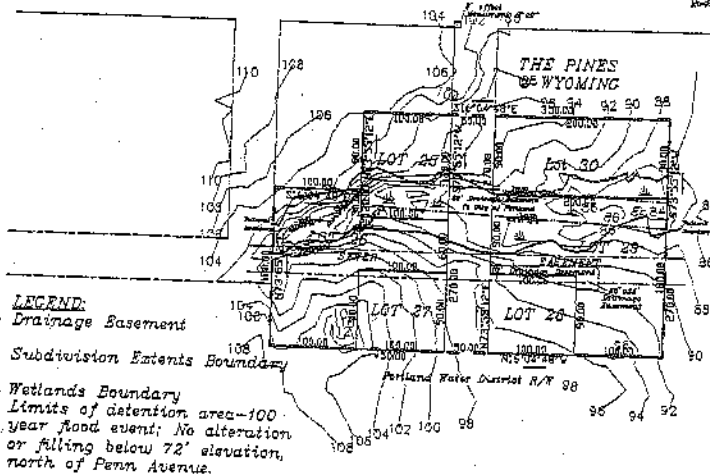
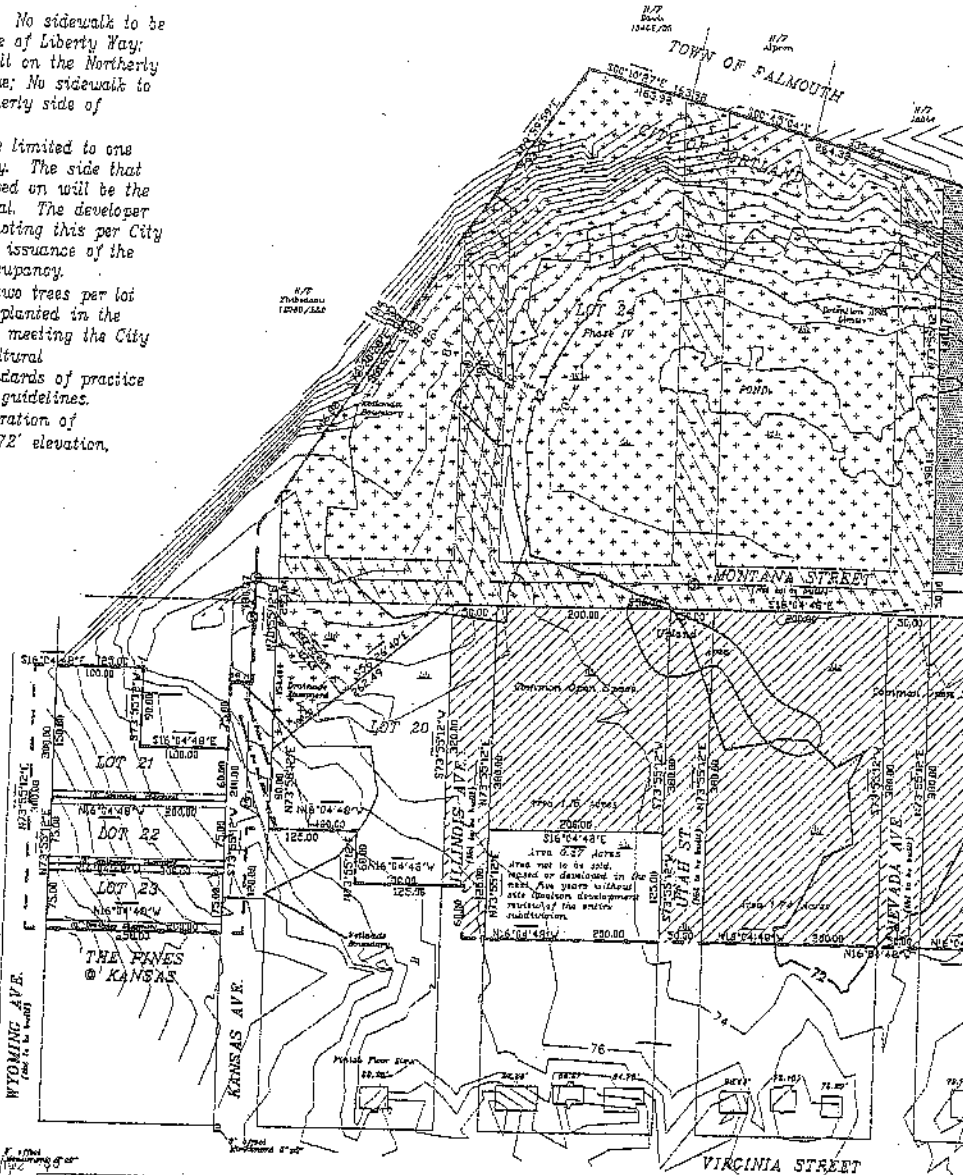
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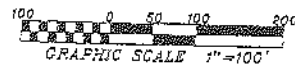
(25) No filling or alteration of detention area, below 72' elevation, north of Penn Avenue.

RACINE AVE.



**LEGEND:**  
 Drainage Basement  
 Subdivision Extents Boundary  
 Wetlands Boundary  
 Limits of detention area-100 year flood event; No alteration or filling below 72' elevation, north of Penn Avenue.

- Common open space Lots 7-24
- Phase III
- Phase IV
- Street frontage variance received



Recording Information  
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 Date: \_\_\_\_\_ Time: \_\_\_\_\_

mapping Pinkham & Greer consulting engineers Falmouth, Maine

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(9) No access onto Jersey Avenue and Montana Street from lot 7;

No access onto Liberty Way from lot 8 and lot 14;

No access onto Jersey Avenue from lot 9 and lot 10; No access onto Penn Ave from lot 11 and lot 16; No access onto Nevada Street from lot 12; No access onto Vermont Avenue and Montana Street from lot 13; No access onto Vermont Avenue from lot 15 and lot 17; No access onto Maine Avenue from lots 18 and 19.

(10) House locations to be within the building envelopes shown on this plan.

(11) All houses shall have a number clearly visible from the road

(12) Topographic and Boundary information provided by Survey, Inc. Windham, Maine

(13) Lots to be serviced by public sewer and water

(14) Power, telephone and cable are to be underground

(15) All construction and site alterations shall be done in accordance with the "Maine erosion and sediment control handbook for construction: Best management practices" Cumberland County Soil and Water District, Department of Environmental Protection, Dated 1991

(16) Street names to be approved by the planning board

(17) This approval is dependent upon, and limited to, the proposals and plans contained in the application and supporting documents submitted and affirmed by the applicant and any variation from the plans, proposals and supporting documents is subject to review and approval by the planning board, except for de minimus changes which the director of planning and zoning may approve

(18) Iron pins to be set at all new property corners

(19) Each lot shall require the submission of a minor site plan for review and approval prior to the issuance of a building permit and subject to review pursuant to article V (site plan) of chapter 14 of the Portland City Code.

100% of City of Portland public services shall be provided to this development until the streets have been accepted by the city

(21) Street name signs and stop signs are to be erected per the city requirements by the developer prior to issuance of the first certificate of occupancy.

(22) Waiver Request: No sidewalk to be built on Westerly side of Liberty Way; No sidewalk to be built on the Northerly side of Kansas Avenue; No sidewalk to be built on the Southerly side of Wyoming Avenue.

(23) Parking is to be limited to one side of the street only. The side that parking will be allowed on will be the side facing an arterial. The developer will install signs denoting this per City requirements prior to issuance of the first certificate of occupancy.

(24) 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 Arboreal specification and standards of practice and landscape design guidelines.

(25) No filling or alteration of detention area, below 72' elevation, north of Penn Avenue.

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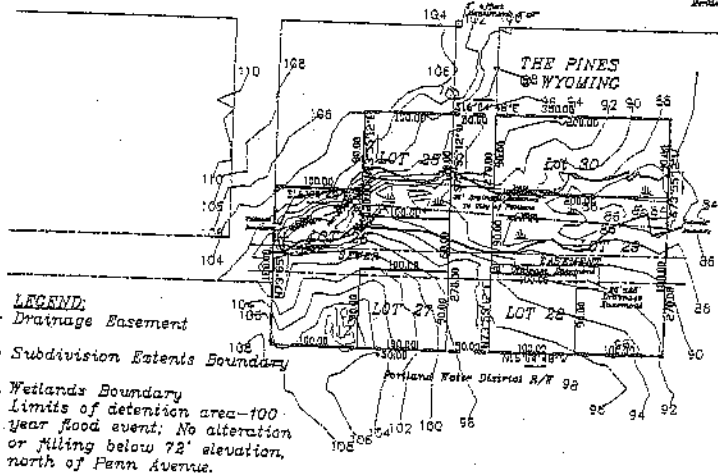
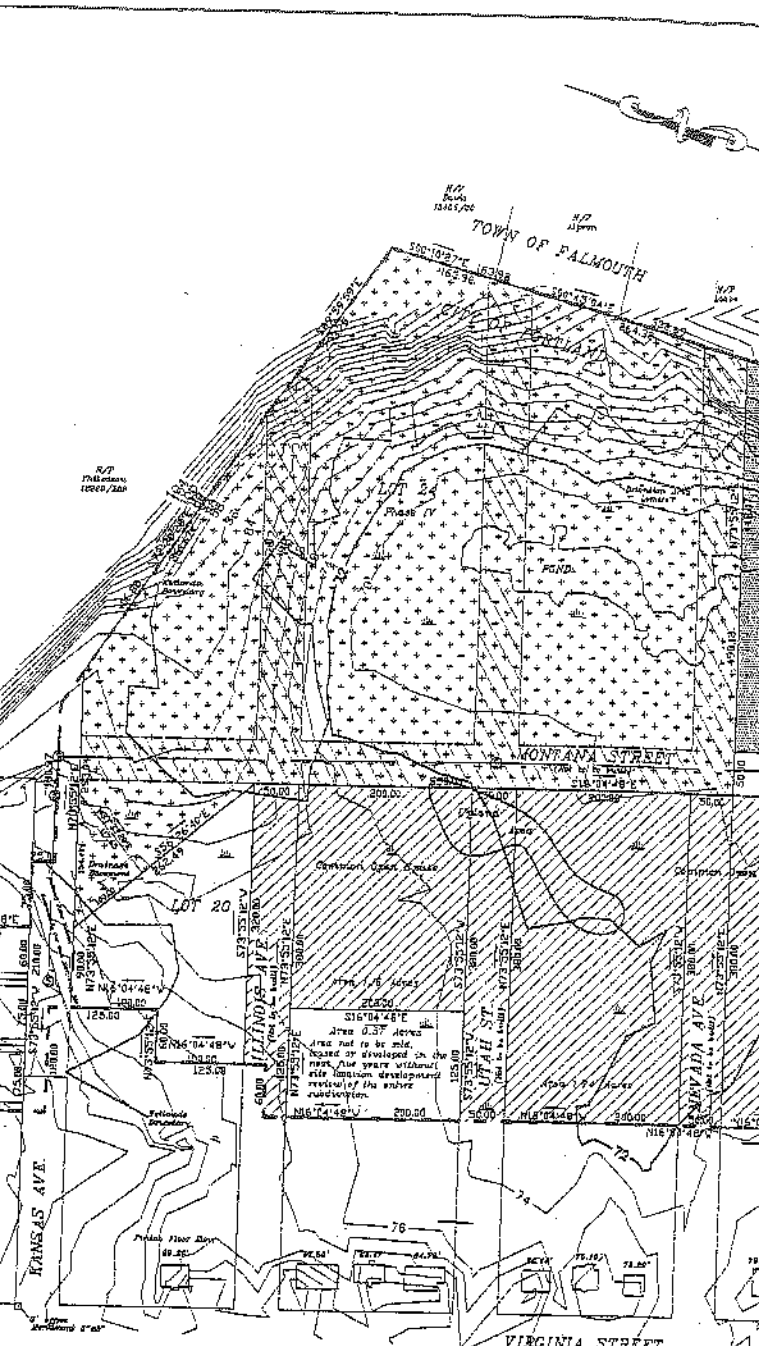
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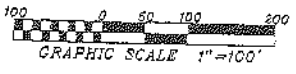
(49) No filling or alteration of detention area, below 72' elevation, north of Penn Avenue.

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- Common open space Lots 7-24
- Phase III
- Phase IV
- Street frontage variance received



Recording Information  
 Plan Recorded in Plan Book \_\_\_\_\_ Page \_\_\_\_\_  
 Cumberland County Registry of Deeds  
 Date: \_\_\_\_\_ Time: \_\_\_\_\_

mapping Finkham & Greer consulting engineers  
Falmouth, Maine

(7) Pond location provided by Finkham & Greer consulting engineers  
Falmouth, Maine

(8) Monumentation shown on individual phase plans.

(9) No access onto Jersey Avenue and Montana Street from lot 7; No access onto Liberty Way from lot 8 and lot 14; No access onto Jersey Avenue from lot 9 and lot 10; No access onto Penn Ave from lot 11 and lot 16; No access onto Nevada Street from lot 12; No access onto Vermont Avenue and Montana Street from lot 13; No access onto Vermont Avenue from lot 15 and lot 17; No access onto Maine Avenue from lots 18 and 19.

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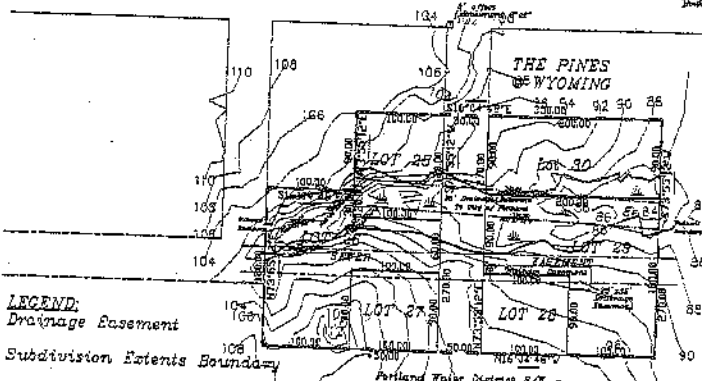
RACINE AVE

WYOMING AVE

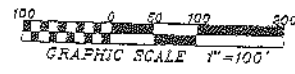
KANSAS AVE

LIBERTY WAY

VIRGINIA STREET



- LEGEND:**
- Drainage Easement
  - Subdivision Extents Boundary
  - Wetlands Boundary
  - Limits of detention area-100 year flood event; No alteration or filling below 72' elevation, north of Penn Avenue.
  - Common open space Lots 7-24
  - Phase III
  - Phase IV
  - Street frontage variance received



Recording Information  
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mapping Pinkham & Greer consulting engineers  
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- (7) Pond location provided by Pinkham & Greer consulting engineers Falmouth, Maine
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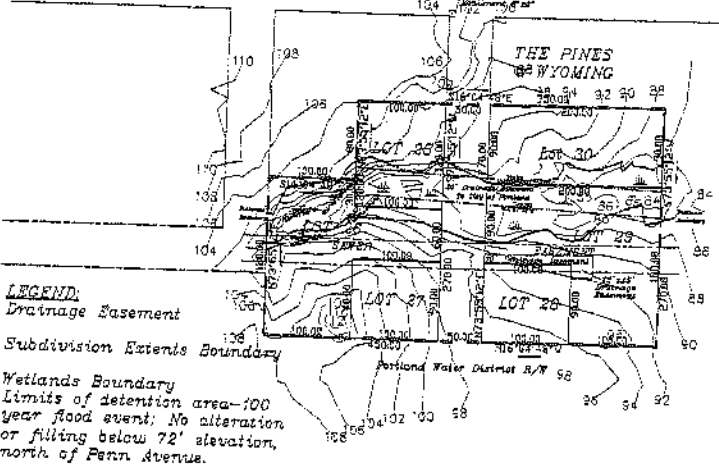
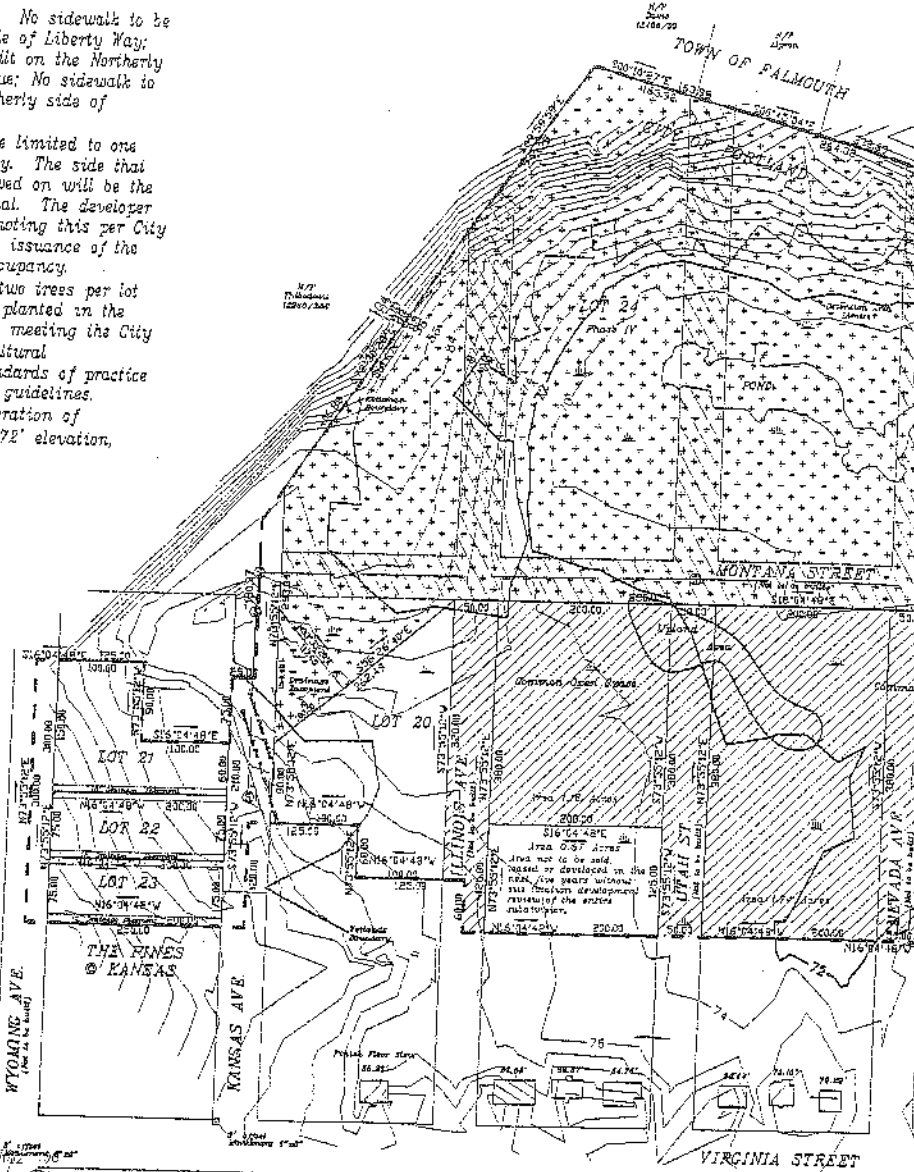
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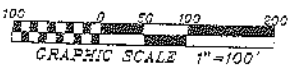
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RACINE AVE.



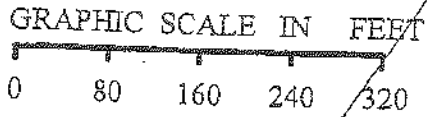
- LEGEND:**
- Drainage Easement
  - Subdivision Extents Boundary
  - Wetlands Boundary  
Limits of detention area-100 year flood event; No alteration or filling below 72' elevation, north of Penn Avenue.
  - Common open space  
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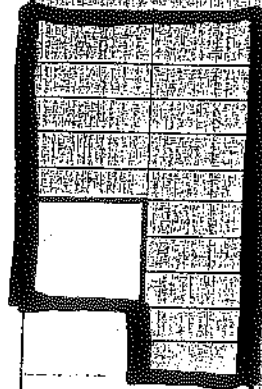
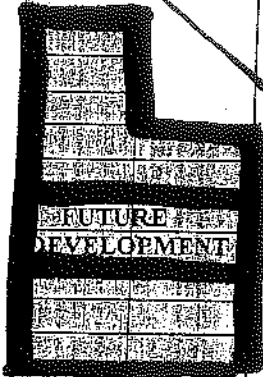
Recording Information  
Plan Recorded in Plan Book \_\_\_\_\_ Page \_\_\_\_\_  
Cumberland County Registry of Deeds  
Date: \_\_\_\_\_ Time: \_\_\_\_\_

# THE PINES

THE PINES OF PORTLAND, INC.  
426 FOREST AVE, PORTLAND, ME  
207-772-2127



*Kansas Avenue Subd.*



FUTURE DEVELOPMENT

THE PINES

OPEN SPACE

PON

RACINE AVE

WYOMING AVE

KANSAS AVE

ILLINOIS AVE

UTAH STREET

PORTLAND

VIRGINIA AVE

*Wyoming Ave. Subd.*

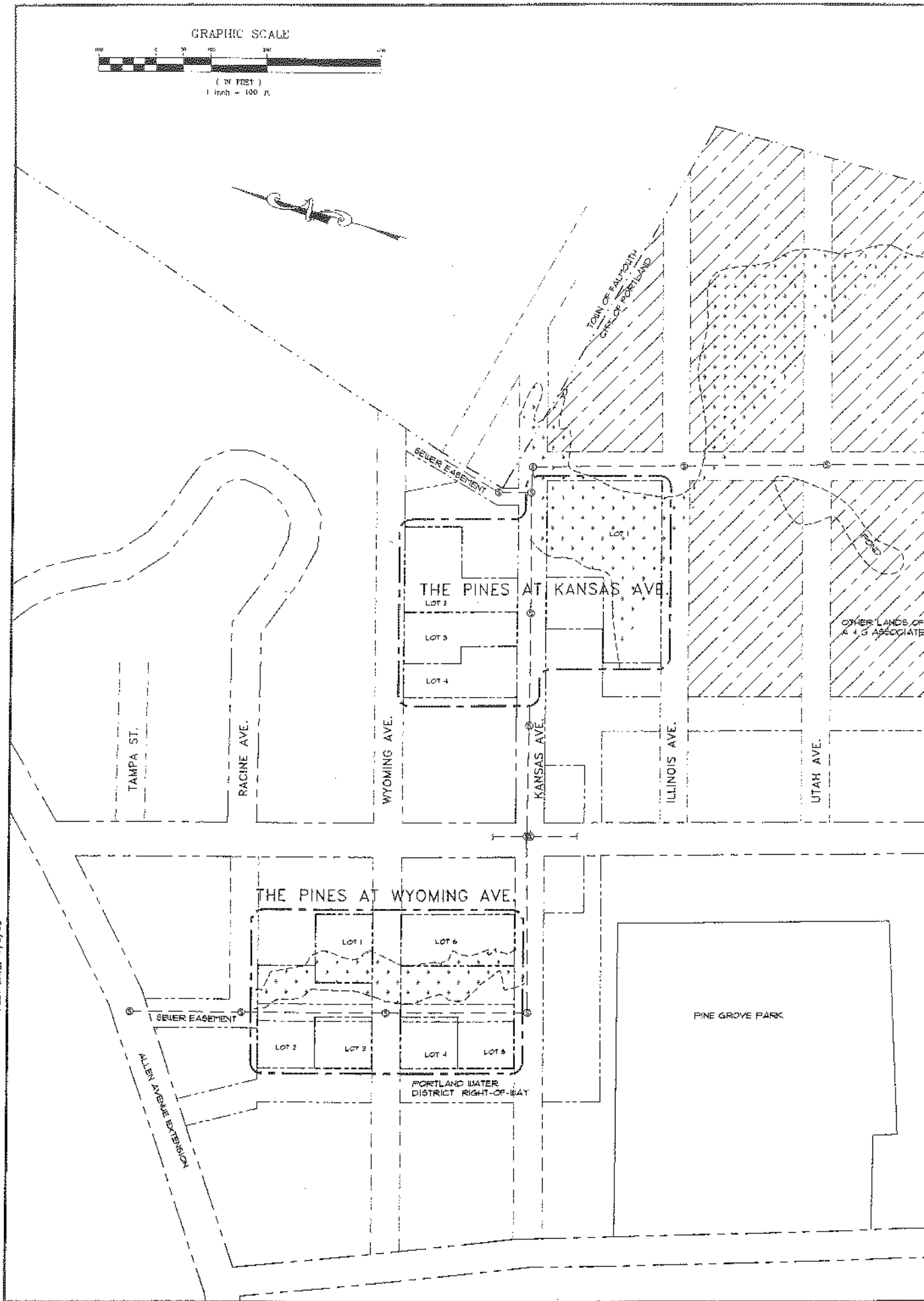
PINE GROVE PARK



GRAPHIC SCALE



( IN FEET )  
1 inch = 100 ft.



TOWN OF FAIRHOUTH  
CITY OF PORTLAND

OTHER LANDS OF  
A.G. ASSOCIATE

THE PINES AT KANSAS AVE

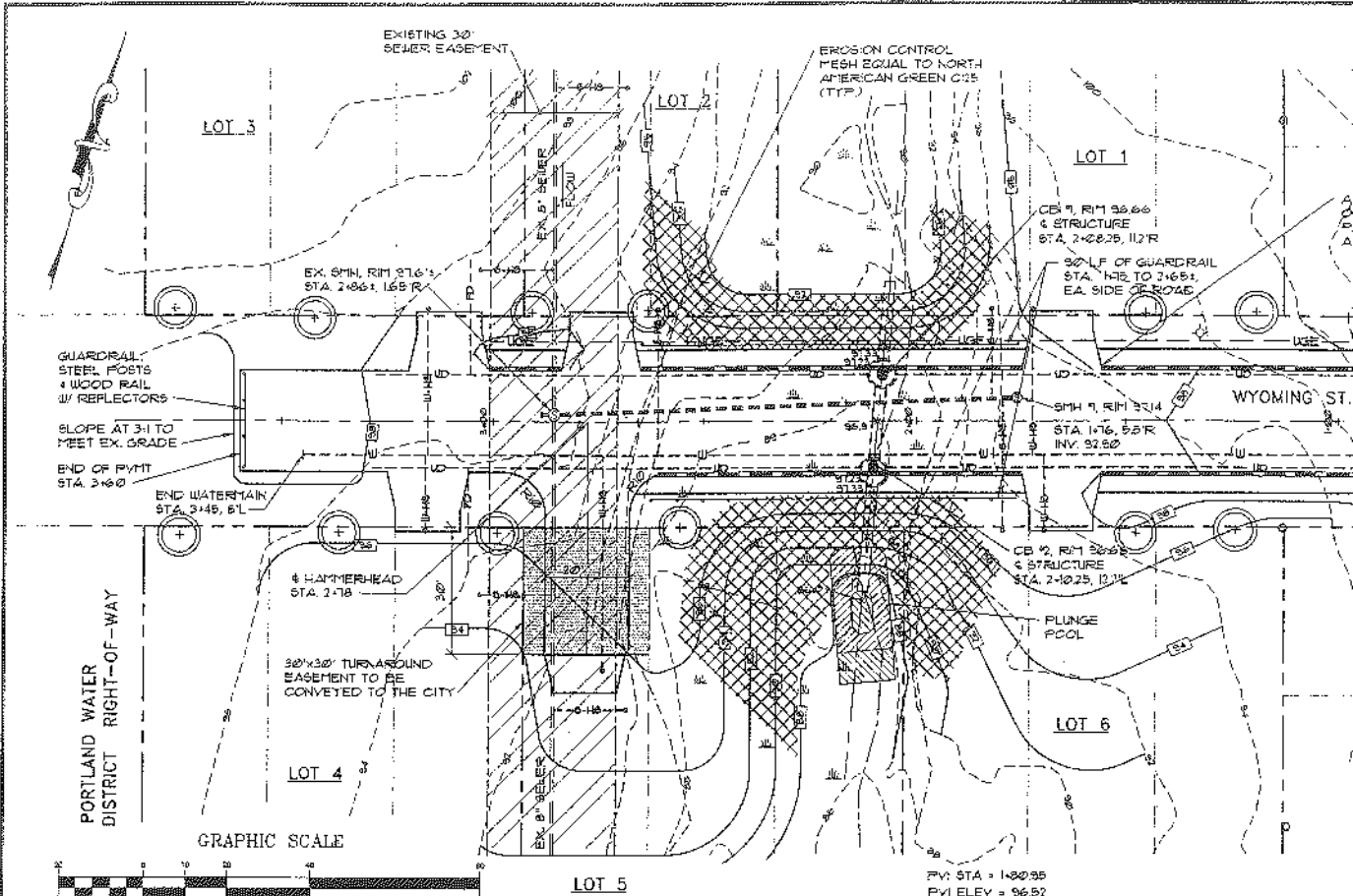
THE PINES AT WYOMING AVE

PINE GROVE PARK

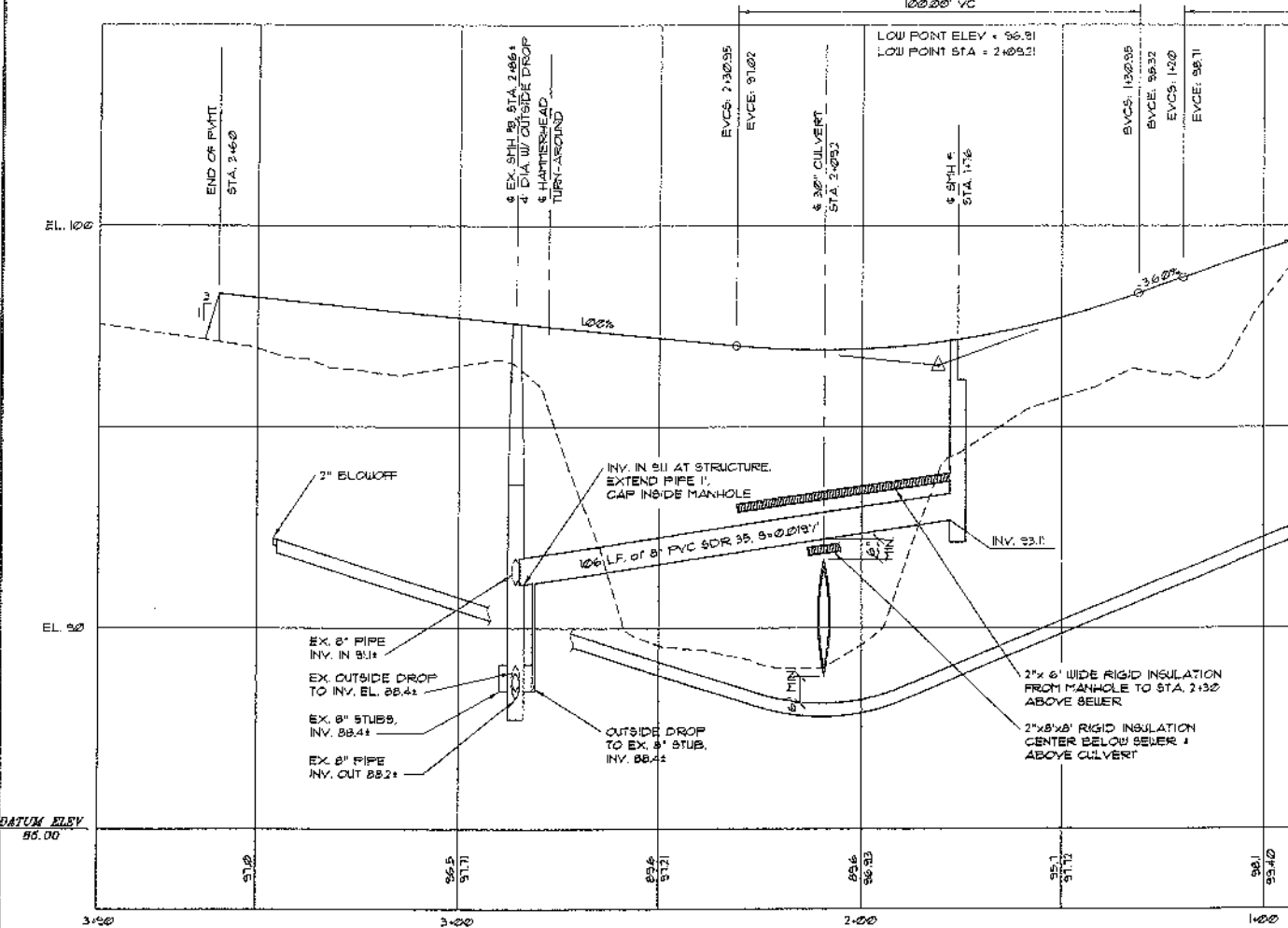
PORTLAND WATER  
DISTRICT RIGHT-OF-WAY

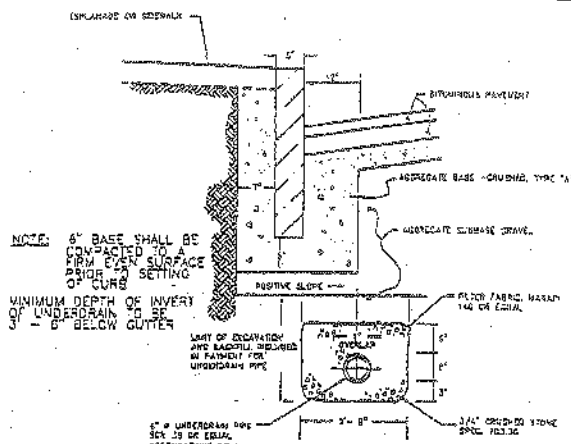
CAD FILE: MASTERPLAN FILE SCALE: 1=100 PLOT DATE: 7/9/99





CAD FILE: 99122  
FILE SCALE: 1"=20'  
PLOT DATE: 7/8/99

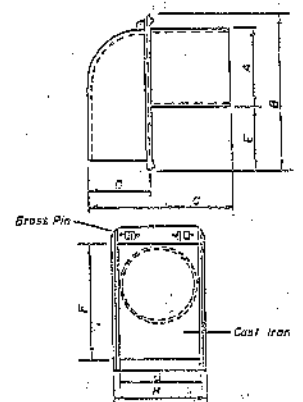




-TYPE "B" UNDERDRAIN

SIZE	A	B	C	D	E	F	G	H
6 in	8 1/2	21 1/2	13 3/8	13 3/4	15 3/8	15 7/8	11 5/8	16 1/8
8 in	27 1/2	11 3/8	15 1/2	15 1/2	15 3/8	13 3/4	18 3/4	19 3/8
10 in	19 1/2	11 3/8	16 1/4	16	14 1/2	14 1/2	10 1/2	11 3/8
12 in	11 1/2	17	22	18	13 1/4	17	12 1/2	13 1/8

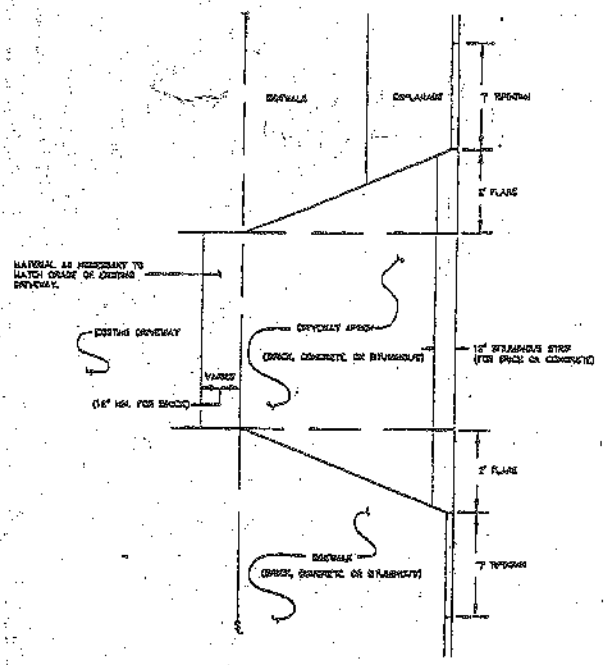
NOT TO SCALE



(AS MANUFACTURED BY EBERIDGE FOUNDRY, PORTLAND, ME OR APPROVED EQUAL)

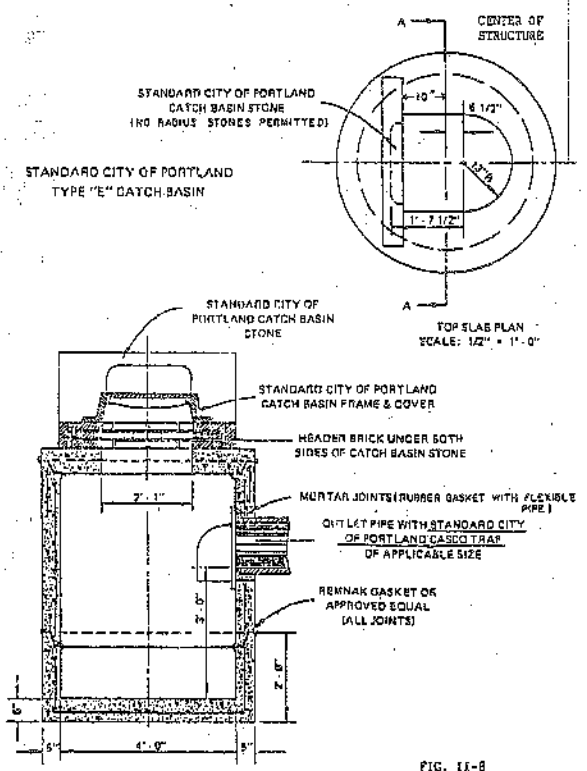
CASCO TRAP DETAIL

NOT TO SCALE



SIDEWALK & DRIVEWAY CONSTRUCTION

NOT TO SCALE



SECTION A-A  
SCALE: 1/2" = 1'-0"  
TYPE "E" CATCH BASIN

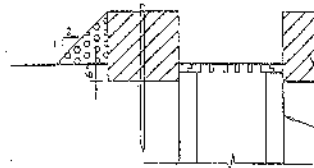
FIG. 11-8  
STANDARD CITY OF PORTLAND  
TYPE "E" CATCH BASIN

NOT TO SCALE

FILE SCALE: 1"=20

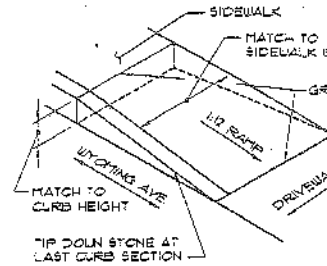
PLOT DATE: 3/23/99

CAD FILE: 98122



SECTION

CATCH BASIN PROTECTION



DETAIL AT DRIVEWAYS

SIDEWALK RAMP DETAIL

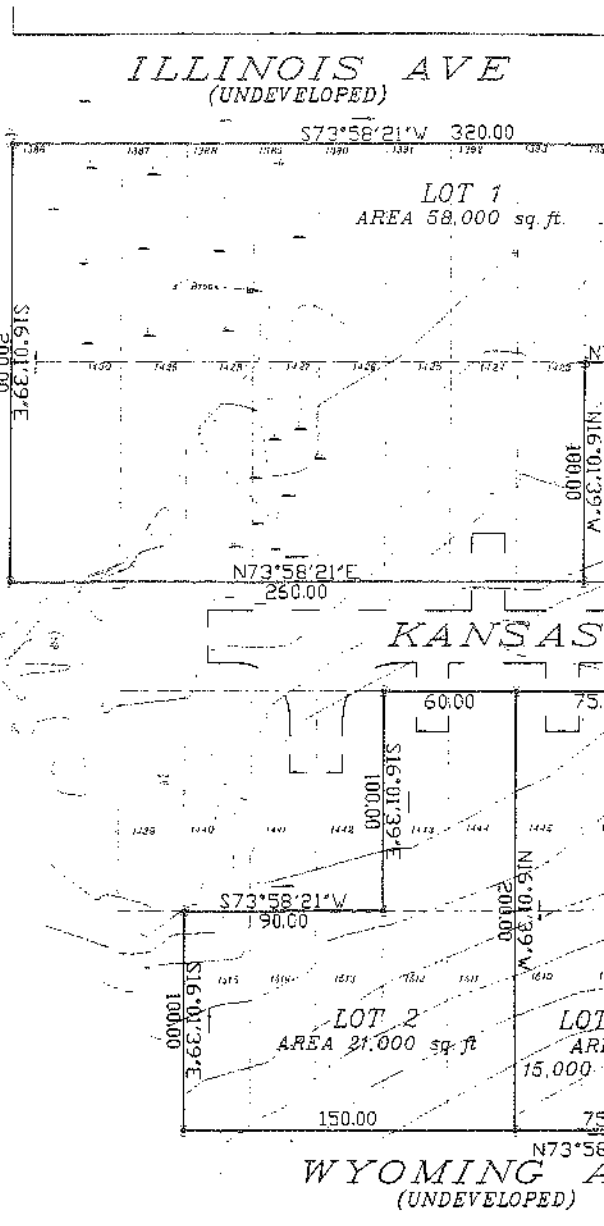
EROSION CONTROL

1. THE DRAWINGS DEPICT THE REQUIRED EROSION CONTROL MEASURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING THE CONSTRUCTION SITE IN A MANNER THAT:
  1. SOIL EROSION IS KEPT TO A MINIMUM.
  2. NO SEDIMENT LEAVES THE CONSTRUCTION SITE PROPER.
  3. ALL POSSIBLE MEASURES ARE EMPLOYED TO PREVENT SEDIMENT FROM ENTERING COURSES AND WETLANDS EVEN IF DETAILS SHOWN ON THIS PLAN IF NECESSARY.
2. THE CONTRACTOR IS RESPONSIBLE FOR PREVENTING EROSION OR SEDIMENT FROM RESULTING FROM EROSION OR SEDIMENT ON THE SITE TO SURROUNDING PROPERTIES, OR WETLAND AS A RESULT OF THIS PROJECT.
3. LOAM AND SEED ALL DISTURBED AREAS WITHIN 7 DAYS OF DISTURBANCE, BUT NO LATER THAN 14 DAYS. USE WINTER SEED RATES AND SPECIFICATIONS IF APPROPRIATE.
4. INSPECT SOIL EROSION MEASURES WEEKLY. AFTER SIGNIFICANT STORM EVENTS, MAKE ALL NECESSARY REPAIRS TO FACILITIES AS SOON AS POSSIBLE, BUT NOT LONGER THAN 7 DAYS. CLEAN AND REPAIR ALL SLOPE BARRIERS WHICH ACCUMULATE DEBRIS. CLEAN CATCH BASIN SUPPORTS ON A REGULAR BASIS.
5. PROTECT AND STABILIZE ALL AREAS NOT SEEDING FOR EROSION PREVENTION OR STABILIZATION. IF ANY SIGNIFICANT EROSION PROBLEM OCCURS, NOTIFY OWNER IMMEDIATELY.
6. TEMPORARILY SEED WITHIN 7 DAYS ANY AREAS THAT WILL BE LEFT DISTURBED AND UNWORKED FOR MORE THAN 14 DAYS WITH THE TEMPORARY SEED MIX LISTED BELOW. PERMANENTLY SEED ANY AREAS THAT WILL BE LOAMED AS SOON AS POSSIBLE WITH THE SEED MIX LISTED BELOW. DO NOT USE PERMANENT SEED MIX AFTER SEPTEMBER 15.
  7. MULCH ALL AREAS SEEDED SO THAT SOIL IS VISIBLE THROUGH THE MULCH REGARDLESS OF MULCH APPLICATION RATE. DURING THE GROWING SEASON (APRIL 15 - SEPT. 30) USE MATS (OR MULCH NETTING) ON:
    - THE BANKS OF GRASSED WATERWAYS.
    - SLOPES STEEPER THAN 15%.
    - WITHIN 100 FT. OF STREAMS AND WETLANDS.
    - BETWEEN OCT. 1 AND APRIL 14 USE MATS (OR NETTING) ON:
      - SIDE SLOPES OF GRASSED WATERWAYS.
      - SLOPES STEEPER THAN 8%.
  8. INSTALL MATS (OR NETTING) IN ACCORDANCE WITH MANUFACTURERS RECOMMENDATIONS.
  9. INSTALL EROSION CONTROL MESH IN ACCORDANCE WITH MANUFACTURERS RECOMMENDATIONS. THE MESH SHALL BE EQUAL TO NORTH AMERICAN GREEN PROTECTIVE MESH.



Lands Retained By  
A & C Associates

MONTANA ST.  
(UNDEVELOPED)



**LEGEND:**

- Lot Numbers, Plan Ref. 2d
- No. 5' Rebar Set - PLS 586
- Iron Pin Found
- Utility Pole
- Sewer Manhole
- Wetlands
- Water Valve
- Water Manhole
- Hydrant

