

423-A-3
765 Ocean Ave.

2006-
0053

Amendment- Briarwood Subd.
Doyle Enterprises

proval of the Planning Board, the location of the entrance may be moved up to 20 feet southerly of the location shown on the attached site plan without any further amendment to this Contract Zone Agreement. So long as the two residential structures include an approved fire sprinkler system, the required fire access shall be satisfied by the provision of one access road, as shown on the site plan. **GRAVES HILL** shall provide sidewalk and granite curb along the property's frontage on Ocean Avenue and also as along the frontage of the four intervening residential parcels, or, at the option of the Planning Board, **GRAVES HILL** shall instead contribute funds equal to the cost of installing sidewalk and granite curbs as aforesaid to the **CITY** for the **CITY** to apply toward installing granite curbs and sidewalk in the vicinity of the **PROPERTY**. **GRAVES HILL** shall provide a planted buffer as shown on the site plan in the vicinity of the rear lot lines of the abutters whose lots front on Ocean Avenue, with precise specifications subject to final site plan review. Furthermore, while **GRAVES HILL** shall provide at least 3,207 linear feet of pedestrian trails in the general configuration shown on the plans, it is stipulated that the pedestrian trails shown on the attached plans are for diagrammatic purposes only, and actual proposed trail locations will be submitted to and reviewed by the Planning Board as part of the site plan process.

8. The Planning Board shall review and approve Phase I and Phase II of this development according to the subdivision and site plan provisions of the Portland Land Use Code.

9. Any change in ownership shall be brought to the Planning Board for its review and approval, but this requirement shall not apply to the granting of mortgages by **GRAVES HILL** or any successor in interest, or to the enforcement by the mortgagees of their rights under such mortgages, or to the assignment or conveyance of the ownership to an entity in which **GRAVES HILL** and/or Diane Doyle holds at least a 30% interest, nor shall this requirement apply to the conveyance of individual condominium units or to the granting of mortgages upon individual condominium units. Similarly, **GRAVES HILL** or any successor in interest may convey the R-OS portion of the Property to Portland Trails in fee simple and/or may grant trail easements and conservation easements to Portland Trails and/or to the City of Portland as provided above without any further review of the change in ownership by the Planning Board.

10. For the portion of the Property rezoned **R-5A**, the dimensional requirements and other zoning requirements for the Property shall be those of the underlying R-5A zone with respect to PRUDs except as follows:

- | | |
|--|---|
| Maximum number of units per building: | 49 |
| Maximum number of buildings containing residential dwelling units: | 2 |
| Maximum building height: | 100 feet, as measured per zoning ordinance |
| Parking: | provided highest point Minimum of 2 spaces per unit plus 28 visitor spaces, half in Phase I and half in Phase II |
| Minimum recreation open space area: | Outdoor passive recreation in the form of |

and in accordance w/ the plans attached hereto and as shown in location as shown on site plan

pedestrian trails of not less than 3,207 linear feet shall be provided on the Property, generally as shown on Attachment ___. Such trails shall be composed of stone dust, asphalt or similar materials, and, if environmentally necessary or advisable, shall include bridges, raised walkways, or similar improvements as necessary to facilitate access, together with a reasonable number of wooden benches. The non-trail portion of the Property located in the R-OS zone shall otherwise remain in its natural vegetative state. An public recreational trail easement over the trails on the Property shall be conveyed to **Portland Trails** or, in the alternative, to the **City of Portland** granting the public the right to use the trails subject to such restrictions on hours, manner and intensity of use outlined in Paragraph 6, above. In the alternative, **GRAVES HILL** may convey an easement over the recreational trails on the R-5A portion of the Property and convey the R-OS portion of the Property to **Portland Trails** in fee, both subject to such restrictions on hours, manner and intensity of use outlined in Paragraph 6, above. So long as at least the minimum passive recreational open space is provided as specified above, no additional active recreational open space is required. However, the developer may provide more than the minimum required, at its option, and subject to site plan review.

Except as set forth above, all provisions in Sections 14-126 through 14-131 of the **CITY**'s zoning ordinance shall apply to the portion of the Property rezoned R-5A.

11. For the portion of the Property rezoned **R-OS**, the dimensional requirements and other zoning requirements of the R-OS zone shall apply, except as follows: despite any requirement to the contrary in § 14-158 (g), due to the linkage of the trail system to publicly-owned property which will provide public parking, no off-street parking need be provided on any portion of the Property for visitors projected to use the R-OS portion of the Property and **GRAVES HILL** need not submit any parking needs projections.

12. The above stated restrictions, provisions and conditions are an essential part of the rezoning, shall run with the Property, shall bind and benefit **GRAVES HILL**, its successors and assigns, and any party in possession or occupancy of said Property or any part thereof, and shall inure to the benefit and be enforceable by the **CITY**, by and through its duly authorized representatives.

13. If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such por-

tions shall be deemed as a separate, distinct and independent provision and such determinations shall not affect the validity of the remaining portions thereof.

14. In the event **GRAVES HILL** or its successors should fail to utilize the **PROPERTY** in accordance with this Agreement, or in the event of **GRAVES HILL'S** breach of any condition(s) set forth in this Agreement which differs from the provisions of Portland's Land Use Code which would otherwise be applicable to property situated in the R-5A or ROS zone, the **CITY** may prosecute such violations in accordance with 30-A M.R.S.A. §4452, M.R.Civ.P. 80K, or in any other manner available by law.

In addition, if such an enforcement action should result in a finding that **GRAVES HILL** has breached the Agreement, then either the Portland Planning Board on its own initiative, or at the request of the Planning Authority, may make a recommendation to the City Council that the Conditional Rezoning be modified or the **PROPERTY** rezoned.

15. **GRAVES HILL** shall file a counterpart original of this Agreement in the Cumberland County Registry of Deeds.

16. Except as expressly modified herein, the development, use and occupancy of the Property shall be governed by and comply with the applicable provisions of the Portland City Code and any applicable amendments thereto or replacements thereof.

WITNESS:

GRAVES HILL LAND COMPANY, LLC

By: _____
Diane Doyle
Its Manager

STATE OF MAINE
CUMBERLAND, SS.

_____, 200__

Then personally appeared the above-named Diane Doyle, Manager of **GRAVES HILL LAND COMPANY, LLC** as aforesaid, and acknowledged the foregoing instrument to be her

free act and deed in her said capacity and the free act and deed of said limited liability company.

Before me,

Notary Public/Attorney-at-Law

Printed name: _____

My Commission Expires: _____

EXHIBIT 4
BLASTING & DEVELOPMENT ASSESSMENT

August 9, 2004

Diane Doyle
16 Tiffany Lane
Saco, ME 04072

RE: Stormwater Management
Graves Hill
Ocean Avenue
Portland, ME

Dear Diane:

In February 2004, we provided a report entitled "Preliminary Stormwater Management & Utilities Report". The data outlined in the report is still valid but there have been several questions presented at the public hearings. The purpose of this letter is to answer these questions.

1. Magnitude of Impervious Surface
Area of Impervious Surface
 - Graves Hill (Doyle Project) ~ 2.93 acres
Percent of Total ~ 16%
 - Townhouses (Prior Owner) ~ 4.50 acres
Percent of Total ~ 25%The proposed project by Doyle Enterprises has only 64% of the impervious surface of the townhouse project. Therefore, the proposed project will create less runoff and detention pond.

2. Hydrostatic Pressure
The three (downhill abutters have questioned whether the lower detention pond will create hydrostatic pressure that could result in wet basement or yard. This is a valid concern and we also share their concern.

Under current conditions, runoff flows down the hill and/or seeps into the earth cover. Some of the water seeps into cracks in the ledge and enters the groundwater. If water has ponded uphill, the risk of the water pressure in the ledge cracks is increased. This is a natural phenomenon and some downhill weeping from the ledge can be observed. Realizing these concerns, the following is proposed:

- a.) Retain S.W. Cole Engineers (geotechnical engineers) to test the site and review the work.
- b.) Minimize the need for the lower pond to the extent possible by over-detaining in the uphill detention pond.

- c.) Minimize the depth of water in the pond and the time that the pond would hold water.
- d.) Seal bottom and sides of pond with clay barrier.
- e.) Provide under-drain to remove any water leakage to prevent hydrostatic pressures.

Both the Graves Hill (Doyle Project) and the Townhouse Project would have the same stormwater management layout. The only difference is the Doyle Project has less impervious surface, which means less pond volume.

3. Water Quality

Since wet ponds are not a viable option on this site, the water quality will need to be managed via mechanical systems such as those provided by Vortechinics.

4. Ledge Blasting

The magnitude of ledge blasting was a concern for many. For this site, we have assumed that almost all underground work will require blasting.

Doyle Project

Road 3,600 lf. x 4.4. cy./lf. =	15,840 cy.
Sewer/Water 5,500 lf. x 2.2 cy/lf. =	12,100 cy.
Buildings 2 x 24,000 cy. each =	48,000 cy.
Detention Ponds 2 x 10,000 cy. =	<u>20,000 cy.</u>
Total	95,940 cy.

Townhouse Project

Road 4,800 lf. x 4.4 cy/lf. =	21,120 cy.
Sewer/Water 9,500 lf. x 2.2 cy/lf. =	20,900 cy.
Buildings 58 x 550 cy. each =	31,900 cy.
Detention Ponds 2 x 15,000 cy. =	<u>30,000 cy.</u>
Total	103,920 cy.

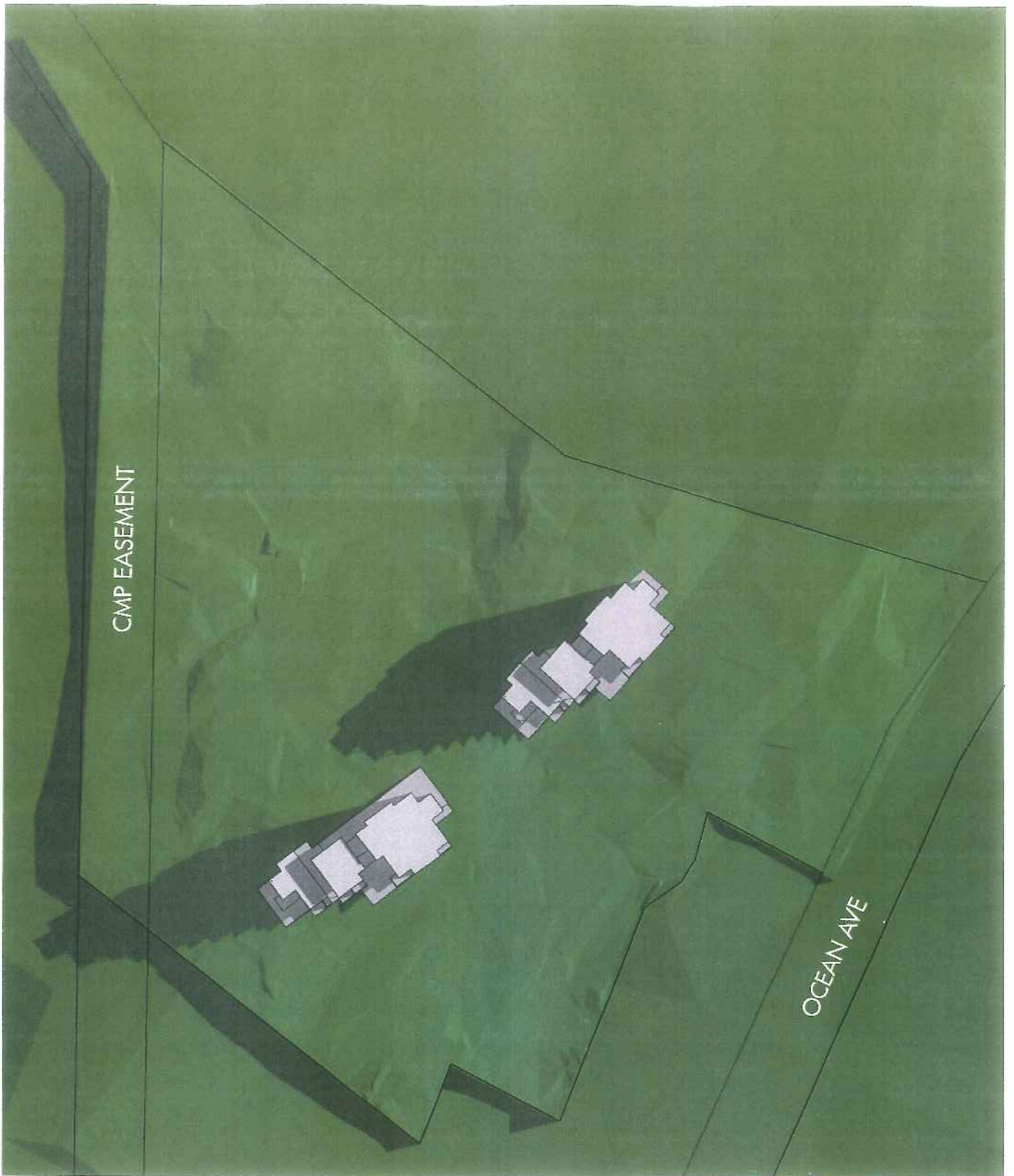
The Doyle project will require 7% less blasting. The decrease is primarily due to a smaller building footprint required for the building and underground parking. Blasting, using modern methods, is a very exact science that should not impact any abutters. The blasted ledge will be processed and used for aggregate materials.

In summary, it is our opinion that the Doyle project will have a lesser impact due to the smaller "footprint" of the project.

Sincerely,

 Lester S. Berry, P.E.
 DoyleGravesHill

EXHIBIT 5
SHADOW STUDY



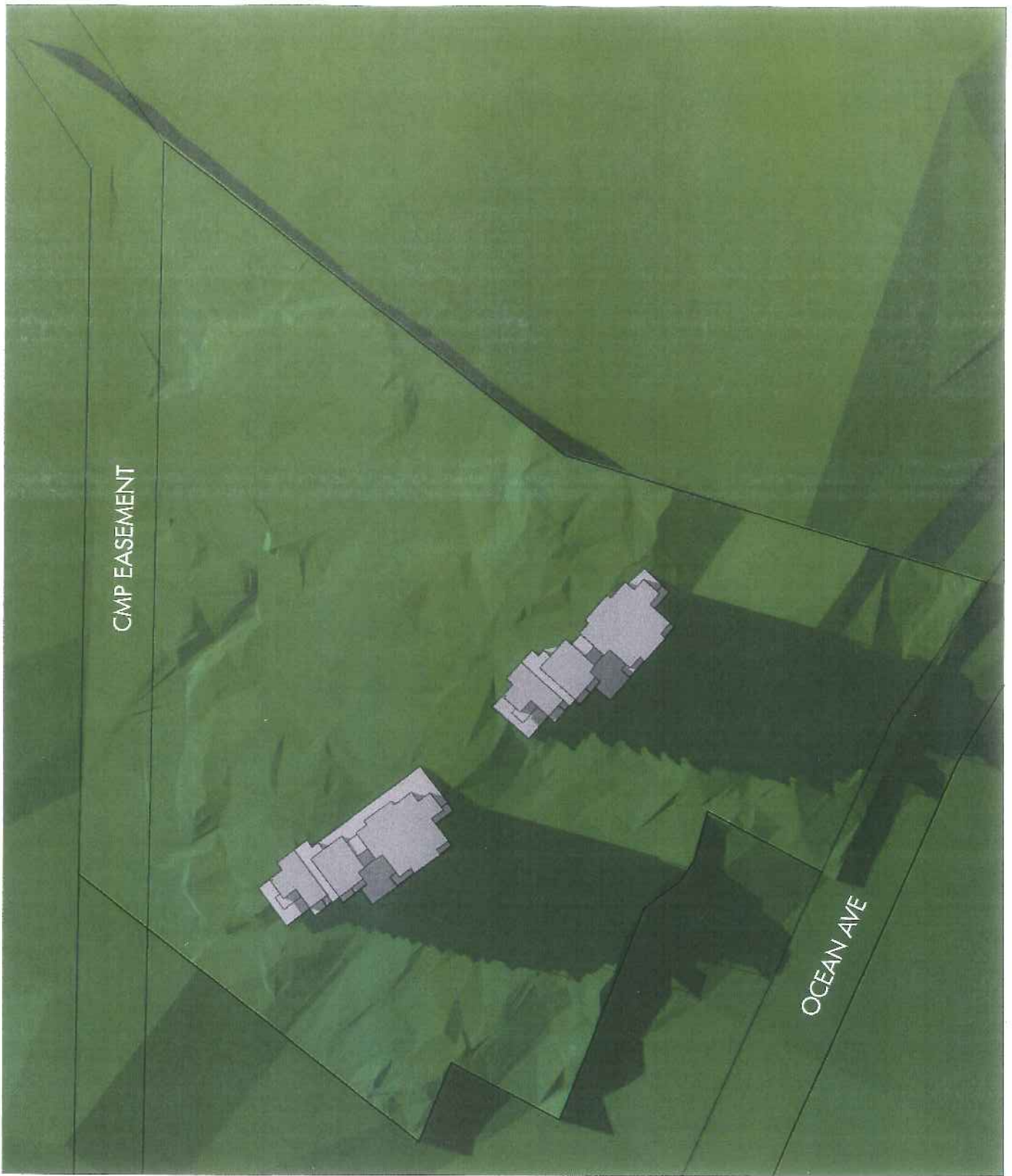
SHADOW STUDY

JUNE 21, 6:00 AM

AT 6 AM ON THE SUMMER SOLSTICE, THE BUILDING SHADOWS HAVE NO IMPACT ON THE SURROUNDING NEIGHBORHOODS.

GRAVES HILL CONDOMINIUMS

OCEAN AVENUE
PORTLAND, ME



SHADOW STUDY

JUNE 21, 5:30 PM

AT 5:30 PM ON THE SUMMER SOLSTICE, THE SOUTH BUILDING SHADOW
CROSSES INTO THE NEIGHBORING PROPERTY TO THE EAST. THE SHADOW
FROM THE TREE BUFFER WILL EXTEND FURTHER THAN THE BUILDING SHADOW.

GRAVES HILL CONDOMINIUMS

OCEAN AVENUE
PORTLAND, ME



SHADOW STUDY

MARCH & SEPTEMBER 21, 7:00 AM

AT 7 AM ON THE EQUINOXES, THE SHADOW OF THE SOUTH BUILDING BARELY CROSSES INTO THE NEIGHBORING PROPERTY TO THE WEST. SHADOWS FROM THE TREE BUFFER WOULD EXTEND MUCH FURTHER THAN THE BUILDING SHADOW

GRAVES HILL CONDOMINIUMS

OCEAN AVENUE
PORTLAND, ME



SHADOW STUDY

MARCH & SEPTEMBER 21, 4:00 PM

AT 4 PM ON THE EQUINOXES, THE SHADOW OF THE NORTH BUILDING BARELY CROSSES INTO THE NEIGHBORING PROPERTY TO THE NORTH. THERE ARE NO BUILDINGS ON THIS PORTION OF THE NEIGHBORING SITE.

GRAVES HILL CONDOMINIUMS

OCEAN AVENUE
PORTLAND, ME



SHADOW STUDY

DECEMBER 21, 9:00 AM

AT 9 AM ON THE WINTER SOLSTICE, THE BUILDING SHADOWS HAVE NO IMPACT ON THE SURROUNDING NEIGHBORHOODS.

GRAVES HILL CONDOMINIUMS
OCEAN AVENUE
PORTLAND, ME



SHADOW STUDY

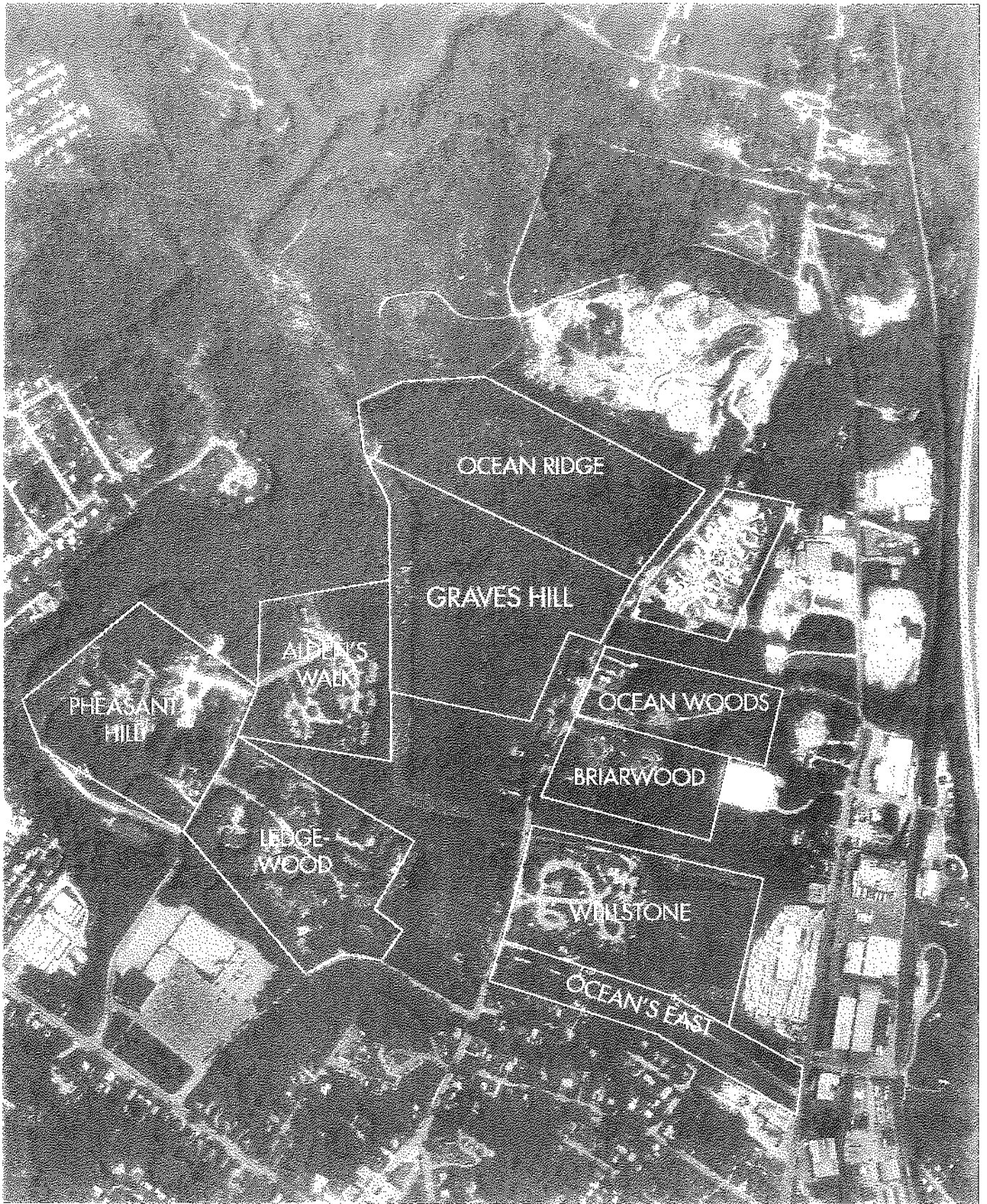
DECEMBER 21, 2:30 PM

AT 2:30 PM ON THE WINTER SOLSTICE, THE SHADOW OF THE NORTH BUILDING CROSSES INTO THE NEIGHBORING PROPERTY TO THE NORTH. SHADOWS FROM THE TREE BUFFER WOULD EXTEND FURTHER THAN THE BUILDING SHADOW.

GRAVES HILL CONDOMINIUMS

OCEAN AVENUE
PORTLAND, ME

EXHIBIT 6
NEIGHBORHOOD VISIBILITY OF GRAVES HILL



WEATHER BALLOON PHOTOS - KEY MAP

GRAVES HILL

OCEAN AVENUE
PORTLAND, ME

CMP EASEMENT

NO BALLOONS
VISIBLE FROM EASE-
MENT DIRECTLY
ADJACENT TO
ALDEN'S WALK
NEIGHBORHOOD



OCEAN RIDGE

THIS PHOTO
SHOWS THE BAL-
LOONS AT THEIR
CLOSEST POINT TO
THE OCEAN RIDGE
NEIGHBORHOOD.
THE BALLOON ON
THE LEFT REPRESENTS
THE HEIGHT
OF THE ROOF AT
THE NORTHERN-
MOST EDGE OF THE
THE NORTHERN
BUILDING



WEATHER BALLOON PHOTOS

GRAVES HILL

OCEAN AVENUE
PORTLAND, ME

SUMMER PLACE

NO BALLOONS
VISIBLE FROM ANY-
WHERE IN THE
NEIGHBORHOOD



OCEAN WOODS

TWO BALLOONS
JUST VISIBLE ABOVE
THE TREELINE FROM
THE CENTER OF THE
NEIGHBORHOOD



WEATHER BALLOON PHOTOS

GRAVES HILL

OCEAN AVENUE
PORTLAND, ME



BRIARWOOD
ONE BALLOON
VISIBLE ABOVE
TREELINE ON TOP
OF GRAVES HILL
FROM CENTER OF
NEIGHBORHOOD



WELLSTONE
PHOTO FROM
PARKING LOT AT
EDGE OF NEIGH-
BORHOOD. FOUR
BALLOONS VISIBLE
ABOVE TREELINE
ON TOP OF GRAVES
HILL

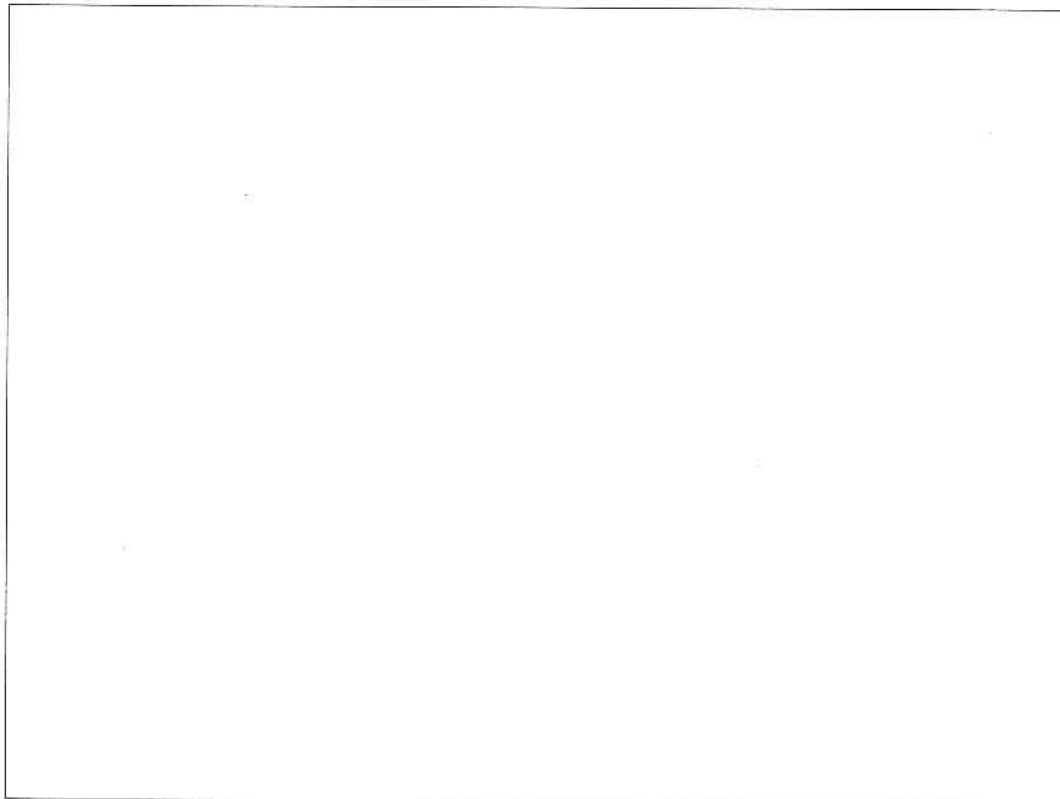
WEATHER BALLOON PHOTOS

GRAVES HILL
OCEAN AVENUE
PORTLAND, ME



OCEAN EAST

ONE BALLOON
VISIBLE FROM HIGH
POINT IN MIDDLE
OF NEIGHBOR-
HOOD



LEDGEWOOD

NO BALLOONS
VISIBLE FROM ANY-
WHERE IN THE
NEIGHBORHOOD

WEATHER BALLOON PHOTOS

GRAVES HILL

OCEAN AVENUE
PORTLAND, ME

PHEASANT HILL

NO BALLOONS VISIBLE FROM SCOTT COHEN PROPERTY, THE HIGHEST POINT IN PHEASANT HILL NEIGHBORHOOD



ALDEN'S WALK

ONE BALLOON VISIBLE BELOW TREELINE FROM STREET CLOSEST TO CMP EASEMENT

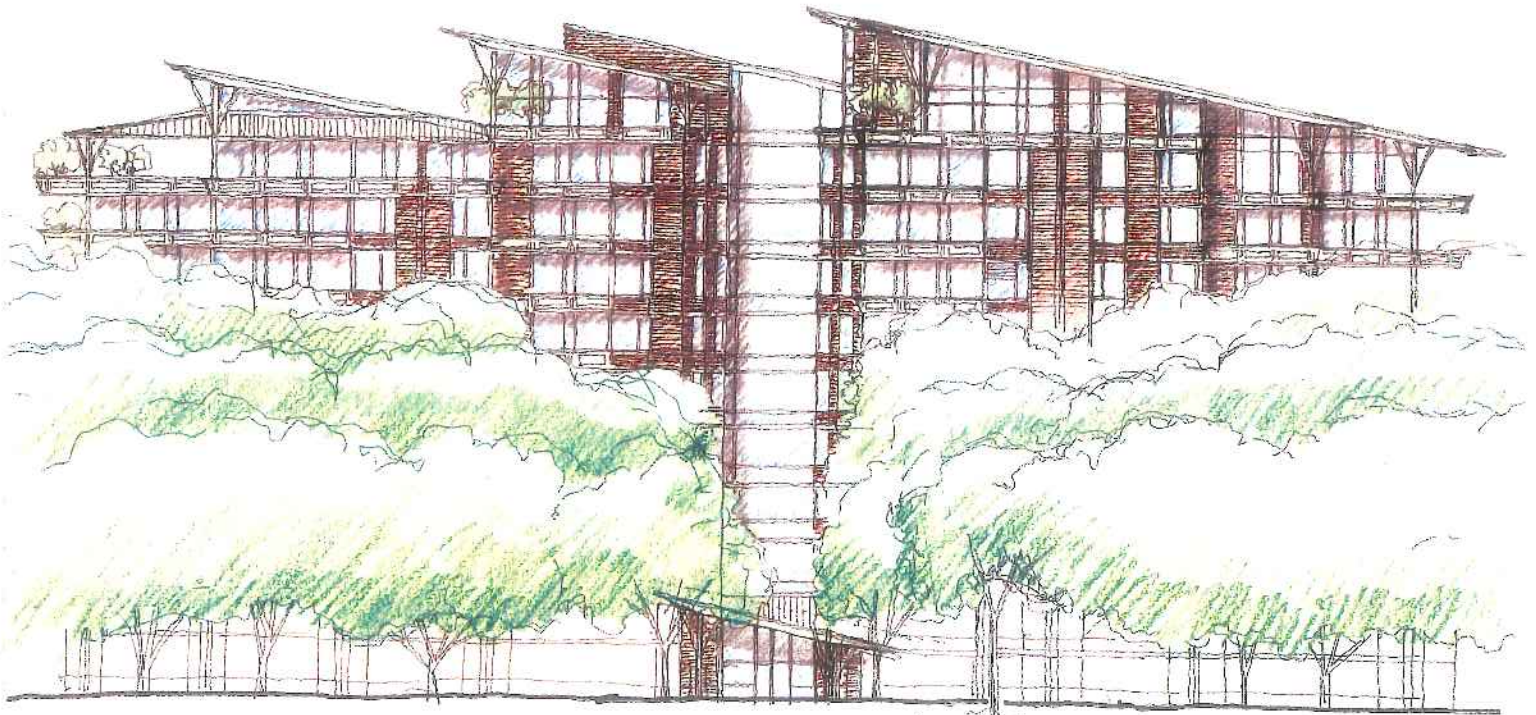


WEATHER BALLOON PHOTOS

GRAVES HILL
OCEAN AVENUE
PORTLAND, ME

GRAVES HILL

OCEAN AVENUE
PORTLAND, MAINE



Submitted to
PORTLAND CITY COUNCIL
SEPTEMBER 16, 2004

GRAVES HILL LAND COMPANY, LLC
Diane Doyle 207.286.1151

SCOTT SIMONS ARCHITECTS
Scott Simons 207.772.4656

RICHARDSON & ASSOCIATES
Todd Richardson 207.286.9291

BH2M
Les Berry 207.839.2771

Graves Hill

Ocean Avenue
Portland, Maine

<u>Section</u>	<u>Title</u>	<u>Prepared By</u>
1.	Proposed Conditional Zone Agreement	Chester & Vestal
	Exhibit 1—Preliminary Site Plan: Zone Identification	Richardson & Associates
	Exhibit 2—Preliminary Site Plan: Phasing	Richardson & Associates
	Exhibit 3—Proposed Building Design, site sections, building sections, floor plans	Scott Simons Architects
	Exhibit 4—Preliminary Elevation from Mackworth Island	Scott Simons Architects
2.	Existing Conditions	Scott Simons Architects
	Location Map	
	Photo of Site	
3.	Graves Hill and Portland's Comprehensive Plan	Chester & Vestal
4.	History and Purpose of the R5-A Zone	Chester & Vestal
5.	Graves Hill and Portland Trails	Nan Cummings—
	Portland Trails Map	Executive Director
	Portland Trails Letter	of Portland Trails
6.	Preliminary Traffic Assessment	Gorrill-Palmer
7.	Preliminary Storm Water/Blasting Assessment	BH2M Engineers
8.	Shadow Study	Scott Simons Architects
9.	Neighborhood Visibility of Graves Hill	Scott Simons Architects

SECTION 1
PROPOSED CONDITIONAL ZONE AGREEMENT

**CONDITIONAL ZONE AGREEMENT
GRAVES HILL LAND COMPANY, LLC**

This Agreement made this _____ day of _____, 200_ by **GRAVES HILL LAND COMPANY, LLC**, a Maine limited liability company with an office in Saco, Maine (hereinafter "**GRAVES HILL** ").

WITNESSETH:

WHEREAS, GRAVES HILL owns a parcel of land consisting of approximately 18.32 acres located at 802-828 Ocean Avenue in Portland, consisting of parcels shown on City of Portland Tax Map 411, Block A, Lot 7 and Tax Map 416, Block A, Lots 6, 7 and 21, and more particularly described in a deed recorded in Cumberland County Registry of Deeds in Book 21500, Page 269 (collectively the "Property"); and

WHEREAS, GRAVES HILL proposes to construct upon a portion of the Property a maximum of 98 condominium units in two mid-rise buildings in a Planned Residential Unit Development ("PRUD") while preserving and protecting a portion of the Property as open space, by utilizing a pattern of development designed to minimize the clearing of natural vegetation, to minimize the area to be blasted, to provide a unique residential living experience with a high degree of natural site amenities, and to promote public recreational use of trails which integrate with a larger trail system; and

WHEREAS, GRAVES HILL has requested the rezoning of 10.167 acres of the Property from R-3 to R-5A Residential Zone and the simultaneous approval of a contract zone to implement a planned residential unit development (PRUD) for dwelling units on that portion of the property, and the rezoning of 8.155 acres of the Property from R-3 to Recreation and Open Space Zone (R-OS) ; and

WHEREAS, the Planning Board of the CITY OF PORTLAND (hereinafter "**CITY**"), pursuant to 30-A M.R.S.A. § 4352(8) and Portland City Land Use Code (the "Code") §§ 14-60 to 14-62 and 14-127, after notice and hearing and due deliberation thereon, recommended the rezoning of the Property as aforesaid, subject, however, to certain conditions; and

WHEREAS, the CITY, by and through its City Council has determined that because of the bold and innovative design which:

- promotes efficient land use and conservation of natural resources,
- protects the natural environment by locating the development so as to reduce the impact on environmentally sensitive areas,
- utilizes one of the last large undeveloped tracts of residentially-zoned land to provide housing of a type not currently available in Portland,
- reduces the impact on surrounding properties by minimizing the area to blasted, preserving natural site amenities, and providing substantial buffers, and
- enhances the recreational trail system in Portland,

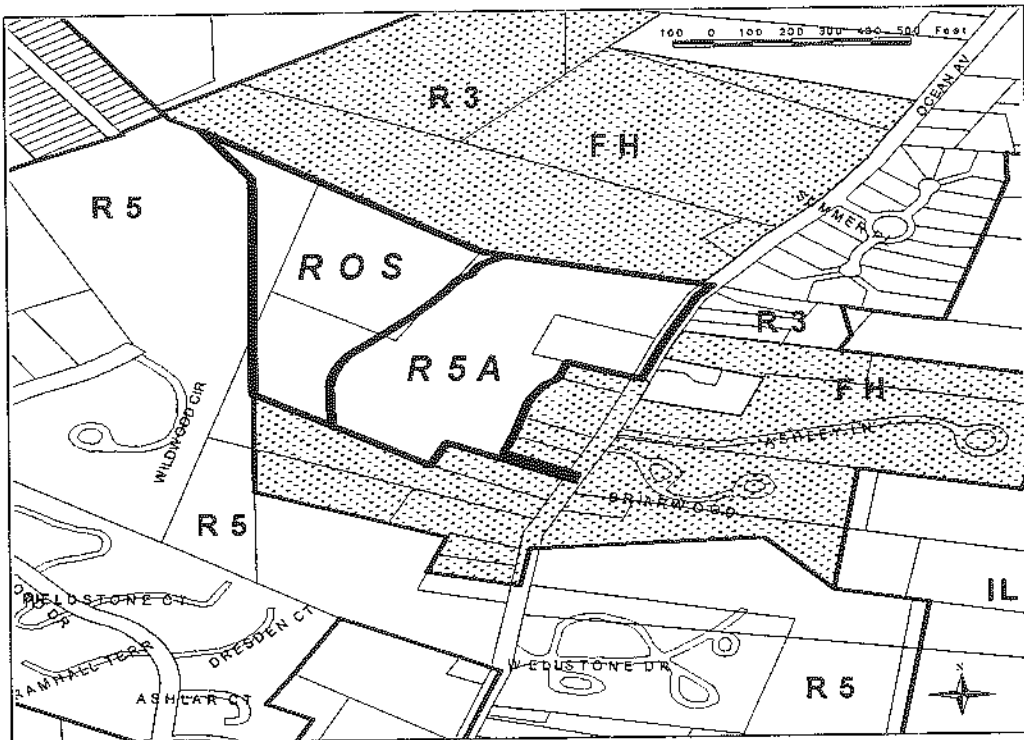
it is necessary and appropriate to impose with **GRAVES HILL**'s agreement the conditions and restrictions set forth herein, in order to insure that said rezoning is consistent with the **CITY'S** comprehensive land use plan; and

WHEREAS, the City Council of the **CITY** authorized the execution of this Agreement on _____, 200_, by City Council Order No. _____, a true copy of which is attached hereto as Attachment 1; and

WHEREAS, **GRAVES HILL** has agreed to enter into this contract, with its concomitant terms and conditions, which shall hereinafter bind **GRAVES HILL**, its successors or assigns;

NOW, THEREFORE, in consideration of the rezoning of the Property, **GRAVES HILL** contracts to be bound by the following terms and conditions:

1. The **CITY** hereby amends the Zoning Map of the City of Portland dated December 2000, as amended from time to time and on file in the Department of Planning and Development, and incorporated by reference into the Zoning Ordinance by Section 14-49 of the Code, by adopting the map change amendment shown below (rezoning to R-5A and R-OS). If this Agreement is not recorded within thirty (30) days of the City Counsel's approval of said rezoning, then the rezoning shall become null and void and the zoning of the Property shall revert to the pre-existing R-3 zone.



**Proposed Rezoning for 802 Ocean Avenue
from R3 and Flexible Housing Overlay to R5A and ROS**

July 2004

Map prepared by the City of Portland's Department of Planning & Development and the GIS Workgroup

2. **GRAVES HILL** is authorized to establish and maintain the following uses on the **R-5A** portion of the property:

- a. Up to 98 residential units located in two buildings, each building containing up to 49 units, which may be sold as condominium units, resulting in a maximum total of ninety-eight (98) residential units within the Property; and
- b. a community room in each building available for use by the residents of the PRUD; and
- c. a small office in each building to be used by employees of the condominium owners' association, only for on-site property management and concierge services for 802 Ocean Avenue, if determined necessary by the condominium owners' association; and
- d. a fitness and special events room in each building available for use by the residents of the PRUD; and
- e. a cross country ski center/locker room in each building available for use by the residents of the PRUD; and
- f. parking in an amount of not less than 2 spaces per residential unit, plus at least 28 additional surface visitor parking spaces; and
- g. a trail system traversing the site, extending from Ocean Avenue to connect with the trail system on the R-OS portion of the site.

The uses specified herein supersede the otherwise permitted uses contained within the underlying R-3 and R-5A zones.

3. The use of the **R-5A** portion of the property, by virtue of this contract rezoning, shall be limited to that of a residential PRUD with the accessory uses described in paragraph 2. The Property may be developed in two phases, Phase I to consist of all necessary blasting for both buildings, one structure containing up to forty-nine (49) dwelling units plus all accessory uses associated with that structure, and the entire trail system in both the R-5A and R-OS portions of the Property (excluding only the portion of the trail accessing the building to be constructed in Phase II) and Phase II to consist of the second structure, containing up to forty-nine (49) dwelling units plus all accessory uses associated therewith and trail sections and roads serving only that structure, all as more fully set forth in the Site Plans.

4. Separate performance guarantees shall be issued for Phases I and II. The amounts and terms of such performance guarantees shall be determined by the Planning Authority at the time of Site Plan and Subdivision approval for each Phase, but each Phase must provide minimum financial guarantees such that each Phase constitutes a separate and complete project. Surface stabilization of any portions of the project area located in Phase II that have been affected by

blasting performed during Phase I shall be shall be accomplished prior to the issuance of a Certificate of Occupancy for Phase I, unless construction of Phase II has commenced. The intent of this condition is to ensure a complete site in the event Phase II is never built.

5. **GRAVES HILL** is authorized, and is hereby required pursuant to this Contract Zone Agreement, to establish and maintain the following use on the **R-OS** portion of the Property:

a trail system, for pedestrian, bicycle and/or other non-motorized use, together with associated benches, bridges, raised walkways, or similar improvements as necessary to facilitate access.

The **R-OS** portion of the Property not used as aforesaid shall be left in its natural state, and natural features, mature trees and natural surface drainageways, shall be preserved to the greatest possible extent consistent with the uses of the property.

6. **GRAVES HILL** shall grant to **Portland Trails**, a Maine nonprofit corporation, a recreational trail easement at least five feet in width for trails on the **R-5A** portion of the Property and ten feet in width for trails on the **R-OS** portion of the property, extending for a distance of not less than 3,207 linear feet, to allow for passive recreational use by the general public. The easement may impose reasonable restrictions upon the trail use, including the following: Permitted uses are limited to low-impact recreational uses, including, without limitation, walking, hiking, nature viewing, photography, mountain biking, cross-country skiing, snowshoeing, walking dogs on leashes as long as dog owners pick up after their dogs, and educational programs. Prohibited uses include, but are not necessarily limited to, motorized vehicles (except for authorized trail construction, repair or maintenance), camping, fires, horses, removing, cutting, or otherwise altering trees, branches, and other vegetation (except for authorized trail construction, repair and maintenance, to restore native flora and fauna, or to remove invasive or dangerous flora and fauna), any filling, excavation or alteration of the surface of the earth other than for authorized trail construction, repair or maintenance purposes, any disposal of rubbish, garbage or other waste material, hunting, trapping, wildlife collecting, any loud activities which disturb others, all overnight uses, and other activities which have a high impact by degrading or destroying the natural resource values of the property or which conflict with the rights of other users for a quiet, peaceful and contemplative experience in a natural area. In no event shall any of the above prohibited uses interfere with the right to construct, repair and maintain a recreational trail and associated recreational structures. The hours of use may be strictly limited to daylight hours. The easement may authorize **GRAVES HILL**, its successors and assigns, Graves Hill Condominium Owners' Association, and **Portland Trails** to enforce those restrictions. In the alternative, instead of granting a trail easement on the **R-OS** portion of the Property, **GRAVES HILL** may opt to convey the **R-OS** portion of the Property to **Portland Trails** in fee, with such conveyance made subject to use conditions and reserved rights of enforcement as aforesaid. The form of such easement and/or deeds shall be reviewed and approved by Corporation Counsel in connection with the Site Plan approval process for Phase I. If a conveyance, by easement or in fee, is to be made to **Portland Trails**, the certificate of occupancy for the residential units shall not be delayed due to the status of completion of the trail system on the **R-OS** portion of the site so long as **GRAVES HILL** has made the required conveyance, by easement and/or in fee, to **Portland Trails** and funds sufficient to complete construction the trails on the **R-OS** portion of the site

have been placed in escrow. If, for any reason, Portland Trails declines to accept said trail easements and/or conveyances upon the terms offered, **GRAVES HILL** may satisfy this contract zone requirement by constructing the trails pursuant to the approved site plan and granting trail easements to the City of Portland, upon the same terms and conditions stated above, granting the City of Portland (rather than Portland Trails) the right to enforce the restrictions, with the form of the easement subject to review and approval by Corporation Counsel.

7. The Property will be developed substantially in accordance with the Preliminary Site Plans, Zone Identification and Phasing Identification submitted by Richardson and Associates (last revised August 16, 2004) and the Proposed Building Design site sections, building sections and floor plans submitted by Scott Simons Architects (last revised July 8, 2004) and the preliminary elevation from Mackworth Island (undated, submitted August 17, 2004), attached hereto. The Graves Hill entrance on Ocean Avenue shall be at the location shown on said Site Plan and the City hereby grants such waivers as may be necessary to permit the entrance in that proximity to adjacent driveways; provided, however, that at the request of **GRAVES HILL**, with the approval of the Planning Board, the location of the entrance may be moved up to 20 feet southerly of the location shown on the attached site plan without any further amendment to this Contract Zone Agreement. So long as the two residential structures include an approved fire sprinkler system, the required fire access shall be satisfied by the provision of one access road, as shown on the site plan. **GRAVES HILL** shall provide sidewalk and granite curb along the property's frontage on Ocean Avenue and also as along the frontage of the four intervening residential parcels, or, at the option of the Planning Board, **GRAVES HILL** shall instead contribute funds equal to the cost of installing sidewalk and granite curbs as aforesaid to the **CITY** for the **CITY** to apply toward installing granite curbs and sidewalk in the vicinity of the **PROPERTY**.

GRAVES HILL shall provide a planted buffer as shown on the site plan in the vicinity of the rear lot lines of the abutters whose lots front on Ocean Avenue, with precise specifications subject to final site plan review. Such planted buffer, in addition to the areas on the site plan designated as "preserve existing trees" and "no cut area", also with precise specifications subject to final site plan review, shall remain in perpetuity and shall not be eliminated by **GRAVES HILL** or its successors, provided that, to the extent applicable, these buffers may be maintained according to standards contained within the *National Arborist Association, Inc. Standards for Tree Care Operations* and such other provisions as may be approved by the Planning Board. Furthermore, while **GRAVES HILL** shall provide at least 3,207 linear feet of pedestrian trails in the general configuration shown on the plans, it is stipulated that the pedestrian trails shown on the attached plans are for diagrammatic purposes only, and actual proposed trail locations will be submitted to and reviewed by the Planning Board as part of the site plan process.

8. The Planning Board shall review and approve Phase I and Phase II of this development according to the subdivision and site plan provisions of the Portland Land Use Code.

9. Any change in ownership shall be brought to the Planning Board for its review and approval, but this requirement shall not apply to the granting of mortgages by **GRAVES HILL** or any successor in interest, or to the enforcement by the mortgagees of their rights under such mortgages, or to the assignment or conveyance of the ownership to an entity in which **GRAVES HILL** and/or Diane Doyle holds at least a 30% interest, nor shall this requirement apply to the conveyance of individual condominium units or to the granting of mortgages upon individual

condominium units. Similarly, **GRAVES HILL** or any successor in interest may convey the R-OS portion of the Property to Portland Trails in fee simple and/or may grant trail easements and conservation easements to Portland Trails and/or to the City of Portland as provided above without any further review of the change in ownership by the Planning Board.

10. For the portion of the Property rezoned **R-5A**, the dimensional requirements and other zoning requirements for the Property shall be those of the underlying R-5A zone with respect to PRUDs except as follows:

Maximum number of units per building: 49

Maximum number of buildings containing residential dwelling units: 2

Maximum building height: 100 feet, as measured per zoning ordinance, and in accordance with the plans attached hereto and in accordance with the location on the site plan

Parking: Minimum of 2 spaces per unit plus 28 visitor spaces, half in Phase I and half in Phase II

Minimum recreation open space area: Outdoor passive recreation in the form of pedestrian trails of not less than 3,207 linear feet shall be provided on the Property, generally as shown on the Preliminary Site Plan, Zone Identification. Such trails shall be composed of stone dust, asphalt or similar materials, and, if environmentally necessary or advisable, shall include bridges, raised walkways, or similar improvements as necessary to facilitate access, together with a reasonable number of wooden benches. The non-trail portion of the Property located in the R-OS zone shall otherwise remain in its natural vegetative state. A public recreational trail easement over the trails on the Property shall be conveyed to **Portland Trails** or, in the alternative, to the **City of Portland** granting the public the right to use the trails subject to such restrictions on hours, manner and intensity of use outlined in Paragraph 6, above. In the alternative, **GRAVES HILL** may convey an easement over the recreational trails on the R-5A portion of the Property and convey the R-OS portion of the Property to **Portland Trails** in fee, both subject to such restrictions on hours, manner and intensity of use outlined in Paragraph 6, above. So long as at least the minimum passive recreational open space is provided as specified above, no additional active recreational open space is required. However, the developer may provide more than the minimum required, at its option, and subject to site plan review.

Except as set forth above, all provisions in Sections 14-126 through 14-131 of the **CITY**'s zoning ordinance shall apply to the portion of the Property rezoned R-5A.

11. For the portion of the Property rezoned **R-OS**, the dimensional requirements and other zoning requirements of the R-OS zone shall apply, except as follows: despite any requirement to the contrary in § 14-158 (g), due to the linkage of the trail system to publicly-owned property which will provide public parking, no off-street parking need be provided on any por-

tion of the Property for visitors projected to use the R-OS portion of the Property and **GRAVES HILL** need not submit any parking needs projections.

12. The above stated restrictions, provisions and conditions are an essential part of the rezoning, shall run with the Property, shall bind and benefit **GRAVES HILL**, its successors and assigns, and any party in possession or occupancy of said Property or any part thereof, and shall inure to the benefit and be enforceable by the **CITY**, by and through its duly authorized representatives.

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

14. In the event **GRAVES HILL** or its successors should fail to utilize the **PROPERTY** in accordance with this Agreement, or in the event of **GRAVES HILL'S** breach of any condition(s) set forth in this Agreement which differs from the provisions of Portland's Land Use Code which would otherwise be applicable to property situated in the R-5A or ROS zone, the **CITY** may prosecute such violations in accordance with 30-A M.R.S.A. §4452, M.R.Civ.P. 80K, or in any other manner available by law.

In addition, if such an enforcement action should result in a finding that **GRAVES HILL** has breached the Agreement, then either the Portland Planning Board on its own initiative, or at the request of the Planning Authority, may make a recommendation to the City Council that the Conditional Rezoning be modified or the **PROPERTY** rezoned.

15. **GRAVES HILL** shall file a counterpart original of this Agreement in the Cumberland County Registry of Deeds.

16. Except as expressly modified herein, the development, use and occupancy of the Property shall be governed by and comply with the applicable provisions of the Portland City Code and any applicable amendments thereto or replacements thereof.

WITNESS:

GRAVES HILL LAND COMPANY, LLC

By: _____
Diane Doyle
Its Manager

STATE OF MAINE
CUMBERLAND, SS.

_____, 200_

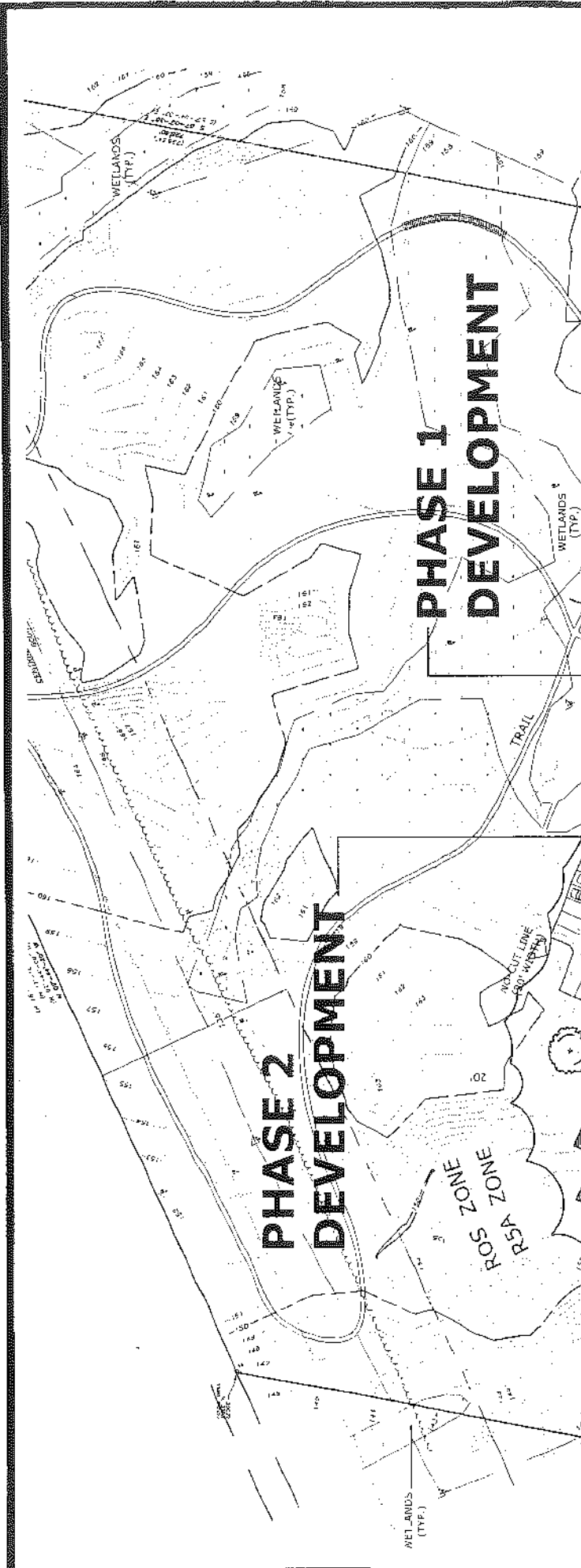
Then personally appeared the above-named Diane Doyle, Manager of GRAVES HILL LAND COMPANY, LLC as aforesaid, and acknowledged the foregoing instrument to be her free act and deed in her said capacity and the free act and deed of said limited liability company.

Before me,

Notary Public/Attorney-at-Law

Printed name: _____

My Commission Expires: _____



PHASE 1 DEVELOPMENT

PHASE 2 DEVELOPMENT

Surface Parking Spaces:
 Phase 1: 22 spaces
 Phase 2: 22 spaces

Projected Wetlands Disturbance: 2,230 s.f.
 Projected Site Disturbance: 3,645 Acres

Trail:
 Zone ROS: 2,855 lf
 Zone R5A: 1,170 lf
 Total Trail: 4,025 lf

Gross Density: 5.3 Units/Acre
 Net Density: 9.8 Units/Acre

Roadway Ownership: Private
 Linear Feet of Roadway: 2,656 L.F.
 Roadway Width: 24 feet

INFORMATION REGARDING
 4. EXISTING AND PROPOSED CONDITIONS AND
 RELATIONSHIPS.
 5. WETLANDS BOUNDARIES SHOWN ARE FOR PLANNING
 PURPOSES ONLY AND WILL REQUIRE FIELD
 VERIFICATION.

Preliminary Site Plan: Phasing Identification

GRAVES HILL

Portland, Maine

MARCH 25, 2004
 REVISED MAY 14, 2004
 REVISED JUNE 1, 2004
 REVISED JUNE 14, 2004
 REVISED JULY 6, 2004
 REVISED AUGUST 16, 2004

Developer: GRAVES HILL LAND COMPANY
 110 Main Street
 Scarborough, Maine 04111
 tel 207.286.1151

Architect: Scott Simons Architects
 75 York Street
 Portland, Maine 04101
 tel 207.772.4636

Landscape Architect: Richardson & Associates
 Landscape Architects
 PO Box 426
 176 Main Street
 Scarborough, Maine 04172
 tel 207.286.9291

Civil Engineer: BH2M
 Consulting Engineers
 28 State Street
 Portland, Maine
 tel 207.639.2771

GRAVES HILL

OCEAN AVENUE
PORTLAND, MAINE



Submitted to
PORTLAND PLANNING BOARD
AUGUST 17, 2004

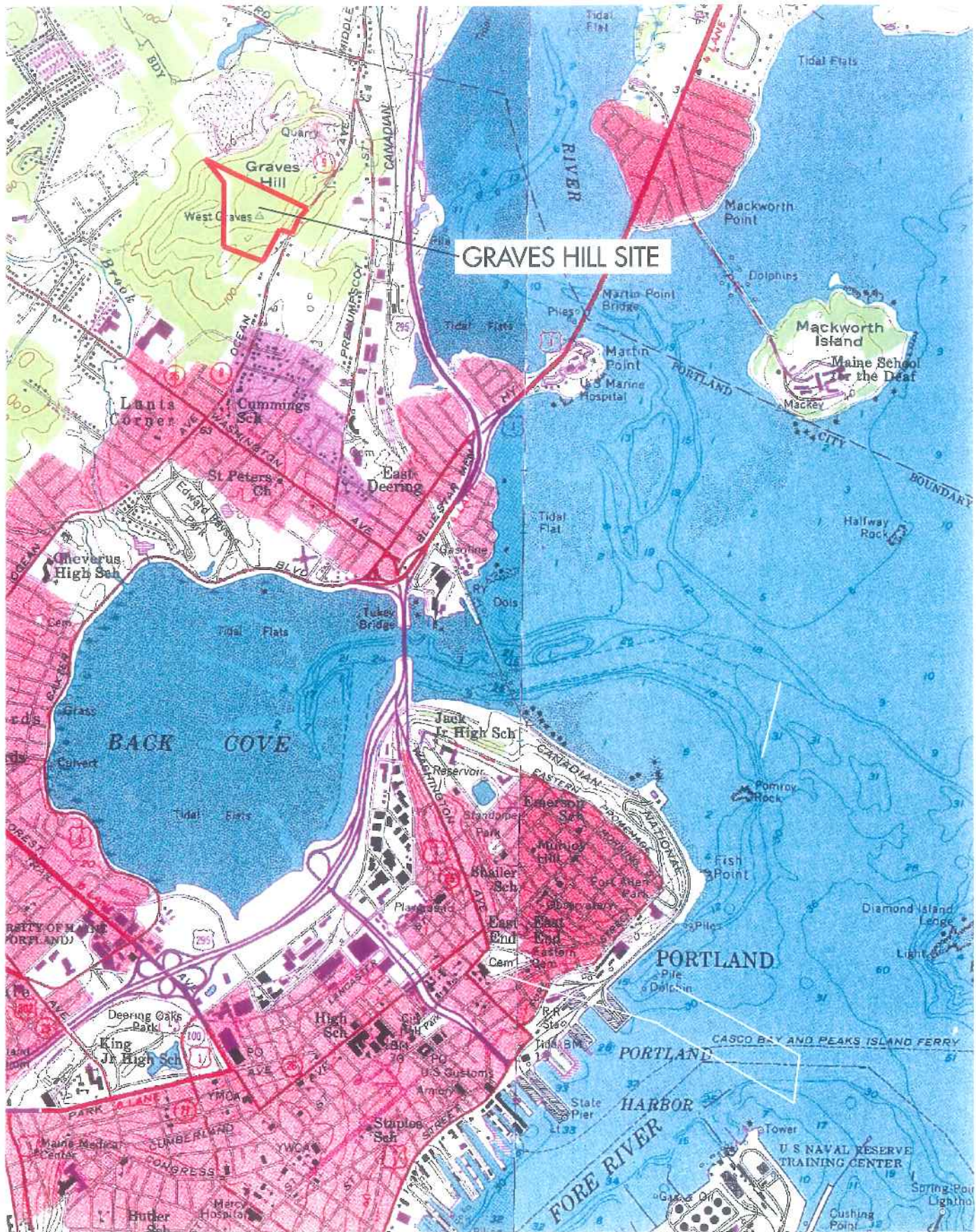
GRAVES HILL LAND COMPANY, LLC
Diane Doyle 207.286.1151

SCOTT SIMONS ARCHITECTS
Scott Simons 207.772.4656

RICHARDSON & ASSOCIATES
Todd Richardson 207.286.9291

BH2M
Les Berry 207.839.2771

SECTION 2
EXISTING CONDITIONS



SITE LOCATION MAP

GRAVES HILL
 OCEAN AVENUE
 PORTLAND, ME



05



SECTION 3
GRAVES HILL AND PORTLAND'S COMPREHENSIVE PLAN

Consistency of Graves Hill with Portland's Comprehensive Plan

1. Introduction: Portland's Comprehensive Plan attempts to safeguard Portland's status as a "truly remarkable city" by identifying its distinctive features and then creating a multi-faceted strategy to value, preserve and build upon those features. The Plan seeks to enhance Portland's best qualities and characteristics partially through incremental growth, but also through "bold initiatives tempered by careful consideration and foresight in planning." (Housing Component, p. 9). In some respects, Graves Hill might be viewed as a "bold initiative" due to its imaginative design, the balance it strikes between scale and massing and environmental protection, its high quality materials, and the segment of the market it is designed to attract. However, in many other ways, it is consistent with an incremental pattern of development; it is a residential use in a residential zone, of a scale similar to existing residential structures such as the Portland House, Promenade East, Deering Pavillion, and Back Bay Tower, and this type of development is already anticipated in the R-5A zoning text.

To protect Portland's premier status as a vibrant, small city the Comprehensive Plan adopts the target of **increasing the number of housing units so that Portland grows at the same pace as the region**, maintaining a 25% share of Cumberland County's population (Housing, p. 20). Other components of the community vision seek to: **capitalize on Portland's economic assets**; support and encourage the **creation of an adequate supply of quality housing for all**; create a **sustainable community** while keeping **municipal taxes affordable**; and **protect valued community attributes** including a welcoming and people-scaled built environment, coastal amenities, parks, trails and natural resources, and distinctive sense of place. (Housing, p. 8-9)

As the Graves Hill site is one of the largest remaining parcels of undeveloped land in Portland, it is important for it to be developed in a way that furthers the community vision. Fortunately, the proposal for this site is consistent with that community vision and furthers the Comprehensive Plan's goals and objectives for housing and economic development, open space and recreation, environmental protection and urban design, as further outlined below.

2. Housing and Economic Development: The housing component of the Comprehensive Plan (*Housing: Sustaining Portland's Future*, November 18, 2002) endeavors to build upon Portland's: (1) identity as the regional center for jobs, economic activity and institutional services (social, educational, and medical); (2) unique combination of a welcoming "small town feel" with bigger city amenities; and (3) appreciation of its heritage, including coastal environment, natural resources, and architectural character (p. 8). The Graves Hill developer values and, in turn, seeks to attract residents who value these same community attributes. In keeping with the community vision, Graves Hill will be accessible and welcoming, designed to complement the architectural and coastal heritage, and positioned to contribute to maintaining Portland's position as the economic engine of the region.

Accessible/Welcoming

Unlike many other high-end residential developments, Graves Hill will be welcoming not only to its own residents, but also to the community at large. It will not be gated. Public access will be granted over trails which cross the entire site. While the primary trailhead will be located on the former landfill site (where parking will be available), neighborhood walkers from Summer Place, Ocean Ridge, and other nearby residences will be able to access the trail system from Ocean Avenue by walking through the R-5A portion of the site. Similarly, the open space will not be reserved for owners only. A number of neighborhood residents and others already use an informal trail system on the back portion of the site for running, walking, mountain biking, riding ATVs and hunting. While use by motorized vehicles and hunters will no longer be permitted, use by the general public for the remaining low impact uses will be encouraged and facilitated through improvements to be made in cooperation with Portland Trails.

Appreciation of Coastal Heritage

The Housing Plan encourages Portland to build upon the fact that it is a geographically varied and dynamic coastal community with “spectacular views of Casco Bay and the Islands, Back Cove, and Maine’s Mountains from the City’s promontories,” and the fact that residents have ready access to natural features through trails, parks, and scenic viewpoints. Graves Hill is designed to provide water views from approximately half of the units and from certain common elements (e.g., the special events/fitness room). Similarly, the trails and open space on the R-OS portion of the site will provide residents and the general public with access to wooded land and interesting natural features such as dramatic rock outcroppings.

Need for Higher Density to Maintain Regional Share

The Housing Plan recognizes that, given the limited amount of vacant land, in order for Portland achieve its target of maintaining a 25% share of the County’s population, the City will have to allow higher residential density in areas that can support it. The Plan states:

[l]ocations along arterials, near services, or adjoining public amenities may be appropriate for a medium or high-rise apartment building given appropriate controls, high quality design and neighborhood compatibility. The intent is to identify areas suitable for higher density without adversely impacting the character of Portland’s neighborhoods. (Housing Plan, p. 27)

Graves Hill is one of those sites that is suitable for development at a density higher than the existing R-3 zone. It is located on a collector street with capacity to accommodate additional traffic, and it is not too far from Washington Avenue, a principal arterial. It is served by public water and sewer, adjoins land which will be dedicated to public open space, is on a site of sufficient size to provide substantial buffers from its neighbors, and, due to the nature of the units to be built, should impact the character of the neighborhood in a positive way.

Need for Continuum of Options for All Income Levels

The Housing Plan also states that Portland needs to encourage a full range of housing types, including private market rate development:

Although there has been much emphasis on affordable assisted housing, the need for market rate housing for mid and higher income households is also critically important to Portland's future. Eliminating barriers to housing development and supporting market rate projects through the approval process can assist in this. (Housing Plan, "Early Achievable Actions, Production, #8, p. 64)

This market rate housing should "provide a continuum of options across all income levels" and should include all types of quality housing including condominium and town-house units (Housing Plan, p. 29). The goal is to allow households to "move up" in the real estate market within Portland (or be attracted back into Portland from outlying communities) so that Portland can remain competitive with suburban communities (Housing Plan, p. 15-16). Graves Hill will supply needed housing options at the higher cost end of the continuum.

Integrate Housing and Economic Goals

The Comprehensive Plan recognizes that Portland is sliding into an unbalanced situation where the City provides much of the employment, educational, medical and social services, and arts and cultural opportunities for the region, but many of the higher income individuals who work in Portland and enjoy these services and amenities live in, and pay real estate taxes to, outlying communities. The Comprehensive Plan recognizes the need to improve the balance between where jobs are located and where housing is located by pursuing strategies to entice these individuals not to leave and/or to return to Portland (Comprehensive Plan, Vol. I, p. 22).

The Graves Hill units can make a significant contribution to recapturing real estate tax dollars that would, most likely, otherwise flow to suburban communities. In addition, the net real estate tax benefit may be even greater because the high assessed value per unit may very well be coupled with relatively low service demands as a majority of the residents are expected to be older and/or without children in City schools, and some of them may only be in residence for part of each year.

Similarly, while there is no guarantee, it is very possible that one or more of the households attracted by Graves Hill may make a significant contribution to Portland's economic base. As technology makes it increasingly possible for certain types of businesses to relocate almost anywhere, a prime factor in deciding where to locate a business is often where top management would prefer to live. Allowing the creation of very high quality, innovative housing in our high-amenity community (with coastal resources, spectacular views, diverse recreational opportunities, arts and cultural offerings, historic resources, an authentic sense of place, and easy access to all amenities) may very well attract one or more residents who want to relocate their businesses to Portland, thus serving as an economic development tool.

3. Open Space and Recreation: The component of the Comprehensive Plan addressing open space and recreation (based on *Green Spaces, Blue Edges*, 1995, updated 2001), **recommends that neighborhoods have open space focal points within walking distance**, and that the city acquire and improve additional facilities in neighborhoods with inadequate and/or insufficient open space and recreational resources (Comp. Plan, Vol. I, p. 81, 83). For purposes of that report, Graves Hill was considered to be in North Deering; Ocean Avenue was identified as the dividing line from East Deering. At the time of the report, East Deering had the smallest amount of public open space of any mainland neighborhood, with only 7 acres. North Deering fared a little better, but the open space was not located in areas near the Graves Hill site. The situation in the immediate neighborhood will improve somewhat as the former Ocean Avenue Landfill is developed for recreational use. However, the addition of 8.2 acres in the R-OS portion of the Graves Hill development will significantly increase the amount of forested open space and expand the length and quality of pedestrian trails available in the immediate vicinity for public recreational use.

In addition, *Green Spaces, Blue Edges* makes a city-wide recommendation to “**develop High Point Parks, open spaces located on the higher elevations of the city**, in neighborhoods throughout the city such as the Ocean Avenue landfill, hilltop on Ocean Avenue by rock shop, Rocky Hill, and hills in Stroudwater” (Comp. Plan Vol. I, p. 56). The second listed site is located on the Graves Hill property. Graves Hill is happy to facilitate public access to the high point on its property. The R-OS boundary has been drawn so that the highest point of land is included within that zone. The trail system will include a branch leading to the marker on the rock outcropping signifying the high point.

Graves Hill Land Company will be working in conjunction with Portland Trails to develop the trail system on the site. The **Comprehensive Plan lauds Portland Trails** for its diligent work in creating at least 13 miles of public trails in Portland and for having as a goal to create 30 miles of trails. Assuming final agreement by Graves Hill Land Company and Portland Trails, Graves Hill will convey a trail easement to Portland Trails over all of the trails on the R-5A portion of the site, and will convey all of the land to be rezoned R-OS to Portland Trails in fee, both subject to use restrictions. Between the two zones, at least 3,207 linear feet of trails will be constructed for public use. This is consistent with the strategies contained in the Comprehensive Plan to foster partnerships with nonprofits with similar goals and to continue to attract private funding to enhance recreation and open space goals (Comp. Plan, Vol. I, p. R-5).

4. Environmental Protection: Encouraging growth and development in appropriate areas, and discouraging or prohibiting development where it is hazardous or threatens natural resources is another goal of the Comprehensive Plan. Specifically, it states: “**locate and design housing to reduce impacts on environmentally sensitive areas**” (Comp. Plan, Vol. I, p. 22). The Graves Hill proposal has done this, both within its own site and within the context of Greater Portland.

Within the 18-acre site, the buildings and road infrastructure have been moved down the slope to stay away from environmentally sensitive wetland areas. The roads

have been designed to avoid going up steep inclines where possible, to minimize erosion. Structures have been massed to minimize the need for blasting and to reduce the amount of impervious surface. The developer will place 8.155 acres under the control of Portland Trails; all of the land in that portion of the site not used for pedestrian trails will be left in its natural state. On the R-5A portion of the site, Graves Hill has made a commitment to carefully evaluate construction options relative to the existing vegetation, and has identified tree preservation areas where it will actively work to save mature trees to the extent possible. There is also a 20' "no cut" strip of land in the R-5A zone abutting the R-OS zone for its entire length. These efforts to reduce negative environmental impact are all consistent with the goals of the Comprehensive Plan.

This environmental goal may also be viewed in a **broader context, intended to direct coastal development to sites that can accommodate it.** The State Coastal Management Policies, the Mandatory Shoreland Zoning Act (as implemented by City zoning), and the City's Islands Land Use and Zoning Study all recognize that absent regulation, there will be a very high demand to build residences in locations with views of coastal waters. Yet unless properly sited, building near coastal waters can pose an environmental threat to coastal resources, place residences in hazardous locations, and reduce the scarce supply of land suitable for water-dependent uses. Portland has adopted shoreland zoning and waterfront zoning to regulate setbacks and establish allowable uses along waterbodies. Similarly, Portland has zoned its islands for very low density development, based in part upon a groundwater carrying capacity analysis which sets limits based upon an assumption that each island might need to be self-supporting with regard to fresh water at some point in the future (Comp. Plan, Vol. I, p. 53).

Thus, if Portland wants to capitalize upon the high demand for views of coastal waters, that demand will have to be satisfied by non-harbor, non-island, locations. Allowing 98 units on the Graves Hill site, approximately half of which will have spectacular views of Casco Bay, may take some pressure off more hazardous or environmentally fragile locations. This is very much in keeping with state and local policies and with the Comprehensive Plan (Comp. Plan, Vol. I, p. 59).

5. Urban Design: The Comprehensive Plan notes that Portland's topography plays an important role in shaping perceptions of and views from the City. The high bluffs of the Western and Eastern Promenades are said to help accentuate a sense of Portland as a "city of stature." Similarly, the Plan notes: "[o]ff the peninsula, the topography of the city includes several high points that provide scenic vistas or are appealing objects for viewing themselves. For example, Graves Hill offers a majestic view of the Presumpscot River Sanctuary and the islands." (Comp. Plan., Vol. I, p. N-15). At an elevation of 174 feet, Graves Hill is the second highest off-peninsula point of land, six feet lower than Summit Hill and one foot lower than the Western Promenade.

The interplay of the natural topography with the built environment can further accentuate the distinctive sense of place. *Green Spaces, Blue Edges* challenges the City to:

[d]evelop a vision of the natural environment that enhances the full range of dynamic contrasts between the landscapes and built forms found in Portland, which will enrich the appearance and enliven the use of our City. (Comp. Plan, Vol. I, p. 24)

The building design proposed for Graves Hill embodies dynamic contrasts between natural features and the built forms. Siting relatively tall buildings upon one of the higher hills in Portland emphasizes the natural topography. The buildings themselves will be surrounded by mostly-forested open space. Due to the vegetation, they will be only minimally visible to their immediate neighbors. However, from more distant vantage points (such as Mackworth Island and the Eastern Promenade) the tops of the buildings will be more visible as they rise slightly above the tree canopy, adding interest to the skyline. The buildings have been carefully designed to utilize traditional brick and other high quality materials. The building tops have been designed with great sensitivity to read as smaller, more irregular masses, reminiscent of graceful rock outcroppings.

Even though it addressed primarily non-residential uses, the Downtown Height Study, a component of the Comprehensive Plan, provides important guidance for approaching height issues at Graves Hill (Comp. Plan, Vol. I, p. N-17). Based on an extensive process lead by a skilled consultant, in 1989 the City adopted height overlay zones for the entire peninsula. The process examined the contextual relationship, the underlying topography, the skyline, view corridors, architectural massing, the resulting pedestrian environment, open space, transportation capacity, and build out scenarios.

One of the primary recommendations was that the **tallest structures should be located on the high points already established by the natural topography**. This meant the tallest buildings should be located along the raised spine of the peninsula (along Congress Street/Cumberland Avenue), and that heights should step down as the topography fell off toward Back Cove and Commercial Street. The rationale for this design was that it would produce the most visually interesting, graceful skyline, reflective of the underlying place, and it would also preserve views from multiple locations.

A second major recommendation was that the **maximum heights should be increased**. Prior to the study, the downtown height maximum was 125 feet. After careful analysis of street widths, the impact on the pedestrian experience, Portland's sense of a human scale, the context, and the insignificance of additional height after a certain point, the Planning Board recommended increasing heights **to 210 feet for limited sites, and to 150 feet for the balance of the downtown** (essentially Cumberland to Middle, and Franklin to High Streets). The maximum heights in the surrounding areas stepped down in gradual increments (Comp. Plan, Vol. I, unnumbered map immediately prior to p. n-17).

Finally, as part of the height review process, the City adopted more detailed design requirements for downtown buildings. For example, the zoning was amended to require developers to enhance the street-level pedestrian experience (e.g., pedestrian activities zone). In reaction to boxy buildings intended to maximizing the volume within the

height limit, the zoning was also amended to include strong **incentives for developers to design much more interesting and graceful tops** for their buildings.

By analogy, the Downtown Height Study component of the Comprehensive Plan suggests that Graves Hill is located at precisely the right location, on one of the points of high natural topography, to create visual interest and avoid blocking views. It also suggests that heights in excess of 150 feet have already been determined to be compatible with Portland's sense of a human scale and in keeping with the local context. Graves Hill, at a maximum height of 100 feet, is well under that height. Finally, consistent with the study's conclusion that architects needed to pay much more additional attention to the tops of buildings, the Graves Hill structures are already designed for maximum visual interest.

SECTION 4
HISTORY AND PURPOSE OF THE R5-A ZONE

Policy Underlying R-5A Zone and Contract Zone Standards

HISTORY OF R-5A:

The R-5A zone was developed in 1988 as part of a multi-year, comprehensive review of all of the residential zones. It is unique in that when it was first enacted, it was the only residential zone which was not accompanied by any designation of corresponding land on a map. The Planning Board and City Council decided not to designate any specific land as R-5A, but rather to wait until individual applicants expressed an interest in having their land rezoned to that classification. As the zone requires a unique confluence of site characteristics coupled with an owner's desire to develop a particular type unit, the City determined it had an insufficient basis for "reducing the zone to the ground" in advance. Thus, the City made the zone available as a matter of policy, but opted to wait for specific rezoning requests to determine whether it was appropriate to change the map to R-5A in a particular location.

PURPOSE OF R-5A:

The R-5A zone was created to allow for moderate density in off-peninsula locations. It was designed to help maintain a strong residential tax base, to accommodate a diverse range of housing within Portland (both affordable and high end), and to allow developers to take advantage of unique development opportunities offering high site amenities.

The purpose statement anticipates use of the R-5A zone in three different situations:

- 1) To provide a unique residential living experience with a high degree of natural site amenities;
- 2) To provide areas in the general proximity of the peninsula that have the capability for adequate municipal services, including traffic corridors with adequate traffic capacity, that can appropriately accommodate a more intensive use of land than other lower-density zoned land and be compatible with surrounding neighborhoods;
- 3) To increase affordable housing opportunities in off-peninsula locations by providing a moderate-density zone.

The Graves Hill development is clearly consistent with the first purpose. As a large, undeveloped parcel with wooded hills, recreational trails, and magnificent views of Casco Bay, the City, and points west, the site amenities are unsurpassed. As proposed, it would provide a residential living experience unique to Portland: high-end units in mid-rise buildings in a natural, non-urban setting.

Graves Hill is also consistent with the second purpose. Due to the easy proximity to the peninsula via Ocean Avenue/Washington Avenue, its access to the full range of municipal services, the size of the site, the ability to provide substantial buffering from its neighbors, and its intent to provide significant recreational open space for use by its

residents and the public, it can appropriately accommodate a slightly more intensive use of the land.

COMPARISON OF DENSITY:

Land in the R-1 and R-2 zones, designated as “low” density, is probably unlikely to be rezoned to R-5A because that land is located in outlying areas and/or in areas with limited additional traffic capacity. Thus, it is most likely that R-5A rezoning request will involve land zoned R-3 or R-5. The ordinance describes R-3 and R-5 as “medium” density, requiring a minimum net land area of 6,500 and 3,000 square feet per dwelling unit, respectively. R-6, applicable to most peninsula residential neighborhoods, is designated as “high” density, requiring a minimum of 1,000 square feet per dwelling unit. R-5A, designated as a “moderate” density, falls in the middle, requiring a minimum of 1,600 square feet of net land area per dwelling unit.

Portland Zoning Ordinance

Zone	Density Designation	Minimum Lot Area Per Dwelling Unit (sq. ft.)
R-1	Lower	15,000 (gross)
R-2	Low	10,000 (gross)
R-3	Medium	6,500 (net)*
R-5	Medium	3,000 (net)*
R-5A	Moderate	1,600 (net)*
R-6	High	1,000 (gross)

*Net land area, as defined in Sec. 14-47 deducts all unbuildable and “inaccessible” areas plus 20% of the remaining area, per formula.

Graves Hill significantly exceeds these lot area minimum requirements. Looking at the entire parcel, the gross area per dwelling unit is 8,144 sq. ft. and the net area is 4,435 sq. ft., almost triple the R-5A required minimum of 1,600 square feet. If Graves Hill Land Company conveys the R-OS portion of the site to Portland Trails in fee, the remaining R-5A portion of the site continues to meet the density requirements by itself, with a gross area of 4,519 sq. ft. and a net area of 3,249 sq. ft. per unit, still double the required 1,600 sq. ft. minimum.

Graves Hill Density Calculations

Land Area	Lot Area Per Dwelling Unit, Gross, Sq. Ft.	Lot Area Per Dwelling Unit, Net, Sq. Ft.
Entire parcel (R-5A and R-OS)	8,144	4,435
R-5A only	4,519	3,249

CONTRACT/CONDITIONAL ZONE IN R-5A:

The R-5A zone allows multiple-family attached dwelling units (“planned residential unit developments” or PRUDs) as a permitted use. However, rather than attempting to impose fixed requirements for what may be very divergent types of housing, it provides for each proposed PRUD to be reviewed and implemented through conditional or contract zoning (hereinafter “contract zoning”).

The Planning Board and the City Council have significant discretion in recommending and/or approving a contract zone. The state enabling legislation requires that a contract zone be consistent with the municipality’s growth management program, establish rezoned areas that are consistent with the existing and permitted uses within the original zones; and only include conditions and restrictions that relate to the physical development or operation of the property. (30A M.R.S.A. Sec. 4352) Portland’s Land Use Ordinance directs that a contract zone may be granted where the City Council finds it necessary or appropriate to impose, by agreement with the property owner, certain conditions or restrictions to ensure that the rezoning is consistent with the city’s comprehensive plan. The conditions imposed must relate only to the physical development and operation of the property, and may address the number of units and types of uses permitted, the scale and density of development, the design and layout of buildings, schedules for completion, performance guarantees, open space, buffers, protection of natural areas, and contributions toward the provision of municipal services. (Division 1.5, Conditional or Contract Zoning, Sec. 14-60 to -62)

In addition to these general principals, some of Portland’s zones anticipate contract zone requests and incorporate more specific guidance into that section of the ordinance. For example, there are very detailed standards for the review of any proposed contract zone in the Waterfront Central Zone. Similarly, the R-5A zone sets some minimum standards for PRUDs applying for a contract zone, as follows:

- Minimum lot size: three acres gross area;
- Minimum land area per dwelling unit: 1,600 square feet of net land area;
- Minimum street frontage: Fifty (50) feet;
- Minimum building setback from external property lines: 35 feet if building length is greater than 100 feet;
- Minimum recreation open space area (PRUD): Two hundred (200) square feet per dwelling unit of common area designated on the site for recreational purposes, with additional standards addressing features of the area;
- No open outside stairways or fire escapes above the ground floor; and
- All land shall be owned and used in common and governed and maintained through condominium documents or similar instruments.

However, none of the other dimensional requirements contained in Sec. 14-130 (e.g., minimum yard dimensions, maximum lot coverage) or height limits apply to PRUDs, so the Planning Board and City Council retain discretion to determine appropriate limits for

those components, informed by the comprehensive plan, site plan and subdivision standards.

Graves Hill clearly meets or exceeds all of the minimum standards for PRUDs established in the R-5A zone. The applicant is requesting that those ordinance minima be supplemented by establishing the density and dimensional requirements listed in Paragraph 10 of the proposed contract zone (e.g., maximum units per building, 49; maximum number of buildings, 2; maximum building height, 100 feet (per ordinance definition); minimum parking of 2 spaces per unit plus 28 visitor spaces; recreation open space of not less than 3,207 linear feet of pedestrian trails). Similarly, consistent with City Code, the proposed contract zone addresses map changes, number and types of uses, protection of natural areas, design and layout of buildings, phasing, performance guarantees, and enforcement.

SECTION 5
GRAVES HILL AND PORTLAND TRAILS

Graves Hill/Portland Trails combined trail system

The Graves Hill development plan includes a trail system to be constructed. We have been working with Portland Trails to incorporate our proposed trail with the Portland Trails landfill trail. The two properties are separated by the Ocean Ridge Condominium property. There is a Portland Trails easement as well as a CMP easement over the Ocean Ridge property, which will allow the connection of the two trail systems. Parking for the combined trail system will be located at the Portland Landfill parking lot.

The proposed rezoning requested for Graves Hill divides the property into a R-5A zone and a R-OS zone. The R-OS property with the trails will either be conveyed to Portland Trails or a conservation easement will be granted. The trails contained in the R-5A zone will be open to the public as well as to the residents of Graves Hill.



PORTLAND TRAILS EXPANSION MAP



February 17, 2004

Sarah Hopkins
 Development Review Services Manager
 Planning Division
 City of Portland
 389 Congress Street
 Portland, ME 04101

Dear Sarah,

On behalf of Portland Trails, I would like to share the following comments with the Portland Planning Board regarding Doyle Enterprises' "Graves Hill" project on Ocean Avenue.

Diane Doyle has met with Portland Trails on several occasions to share her plans for the Graves Hill project. We seldom see this level of engagement or genuine interest in issues related to conservation, open space, or public access to undeveloped tracts of land.

Portland Trails believes that Ms. Doyle shares our goals of preserving and protecting as much of the beautiful, wooded 18-acre property as possible while ensuring future public access to the undeveloped portions of this tract. Her decision to preserve the original contours and vegetation by shifting the building location to the front of the parcel is a good one. We look forward to working with Doyle Enterprises and the City of Portland to ensure these mutual goals of conservation and public access are attained.

Doyle Enterprises has indicated a willingness to permanently grant public access to undeveloped portions of the parcel via trail and/or conservation easements or transfer of title. Ms. Doyle is open to these possibilities and exciting discussions are already underway.

Given such a public access opportunity, Portland Trails would seek to construct a trail connecting to trails we are developing in North Deering such as the Pine Grove Park Trail that connects to Oat Nuts Park and from there to the City's Presumpscot River Preserve. Likewise, this new trail will be an important connection to the recreational opportunities being developed by the City on the site of the former Ocean Avenue landfill.

We foresee public parking at the landfill would be sufficient to accommodate trail users' needs at this location. As you well know,

Officers

Jeff Sommer, *President*
 Roger Berle, *Vice President*
 Elizabeth Ehrenfeld, *Vice President*
 David Littell, *Vice President*
 Jennifer Stewart, *Treasurer*
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 Phil Thompson
 Lois Winter

Executive Director

Nan Cumming

this neighborhood is growing rapidly. The community will be well served to have access to some of the last remaining natural landscape there.

We look forward to continuing to work on this project with Ms. Doyle and are optimistic that this combination of housing, natural open space, and recreation opportunities will be a great amenity to the City of Portland.

Sincerely yours,



Nan Cumming
Executive Director

SECTION 6
PRELIMINARY TRAFFIC ASSESSMENT

927/c

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

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

February 12, 2004

Ms. Diane Doyle
 Doyle Enterprises
 110 Main Street, Suite 1214
 Saco, ME 04072

RE: Preliminary Traffic Assessment
 Graves Hill Condominiums
 Ocean Avenue, Portland

Dear Diane:

Gorrill-Palmer Consulting Engineers, Inc. completed a preliminary traffic assessment for the proposed residential condominium project on Ocean Avenue in Portland. A total of 98 units are proposed in two midrise buildings on an 18 acre lot. The units would be approximately 2,000 s.f. each and there would be parking for 2 vehicles per unit. The project is located on the west side of Ocean Avenue immediately south of the Ocean Ridge Condominiums that under construction just south of the Dragon Cement plant. You have asked that we provide preliminary traffic information in support of your application to the City to rezone the project from R-3 to R-5a to increase the site density from a maximum of 70 units in the R-3 zone to the proposed 98 units in the R-5a zone. We have evaluated the proposed project as follows:

Existing Conditions

Ocean Avenue along the site frontage has a single lane in each direction and a total paved width of approximately 26 feet. The posted speed limit is 35 miles per hour. The site is currently undeveloped. Existing traffic flow along the site frontage was estimated from a turning movement count at the intersection of Washington Avenue and Ocean Avenue as shown on Figure 2.

Trip Generation

Gorrill-Palmer Consulting Engineers, Inc. has utilized the Institute of Transportation Engineers publication Trip Generation, Seventh Edition to forecast the traffic that would be associated with the site for its current zoning and for the proposed project with the new zoning. We have utilized Land Use Code 230, Residential Condominium/Townhouse for this project. The trip generation forecasts are as follows:

Trip Generation for Proposed Site

Condition	Units	AM Peak	PM Peak	Sat. Peak	Weekday
Existing Zoning	70	39	45	48	474
Proposed Zoning	98*	51	59	59	631
Net Increase		12	14	11	157

*The proposed zoning would support more units, but the applicant is proposing only this number of units.

The forecast trip distribution and trip assignment for the 98 unit proposal is shown on Figure 3.

Ms. Diane Doyie
 February 12, 2004
 Page 2 of 3

Sight Lines

The Maine Department of Transportation has guidelines for sight distances at driveways in urban compact areas and the City has sight distance standards as follows:

Standards for Sight Distance

Speed (mph)	Sight Distance (ft)	
	MDOT	City
20	155	-
25	200	367
30	250	440
35	305	513
40	360	587
45	425	660
50	495	773
55	570	807

Gorrill-Palmer Consulting Engineers, Inc. has evaluated the available sight lines at the proposed driveway to be located approximately 90 feet from the Ocean Ridge driveway (60 feet south of the property corner) in accordance with Maine DOT and City standards. The standards for evaluating sight distance are as follows:

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

The posted speed along Ocean Avenue is 35 mph. The results of this sight line analysis for traffic exiting the site drive are summarized in the following table:

Driveway Sight Line Evaluation

Direction	Posted Speed (mph)	Recommended Sight Line (ft)	Actual Sight Line (ft)
Exiting onto Ocean Avenue Looking	-	MDOT/City	
Left	35	305/513	610
Right	35	305/513	700

As shown, the sight distances for the driveway exceed Maine DOT and City requirements. This is the optimum driveway location for sight distance along the site frontage due to horizontal and vertical curvature in Ocean Avenue to the north of the site. Gorrill-Palmer Consulting Engineers, Inc. recommends that all plantings, which will be located within ten feet of the edge of pavement, not exceed 3 feet in height and be maintained at or below that height. Signage should not interfere with sight lines.

Ms. Diane Doyle
February 12, 2004
Page 3 of 3

Crash History

In order to evaluate whether a location has a crash problem, Maine DOT uses two criteria to define High Crash Locations (HCL). Both criteria must be met in order to be classified as an HCL.

1. A critical rate factor of 1.00 or more for a three-year period. (A Critical Rate Factor {CRF} compares the actual accident rate to the rate for similar intersections in the State. A CRF of less than 1.00 indicates a rate less than average) and:
2. A minimum of 8 crashes over a three-year period.

The data indicates that the entire length of Ocean Avenue from Washington Avenue to Presumpscot Street had only 4 reportable collisions for the three year study period. Therefore, this section of Ocean Avenue does not have any unusual safety concerns with regard to collision occurrence.

MDOT Permitting

The project site is located within an urban compact area and is forecast to generate less than one hundred peak hour trip ends. Therefore, a State traffic movement permit will not be required.

Conclusion

The proposed project is forecast to generate a net increase of 12 AM and 14 PM peak hour trip ends more than would be forecast for the existing site zoning. The proposed driveway location provides the optimum sight distance along the site frontage given existing horizontal and vertical constraints in Ocean Avenue north of the site. This driveway location would require a waiver of the City criteria that requires a separation of 150 feet from adjacent driveways (90 feet is provided) for the posted speed. The roadway does not have a safety problem as indicated by the collision history.

This letter is intended to provide preliminary traffic information, and is not intended to be a full traffic impact study, which will be necessary for the site plan review process.

Please contact us with any questions you may have.

Sincerely,

Gorrill-Palmer Consulting Engineers, Inc.

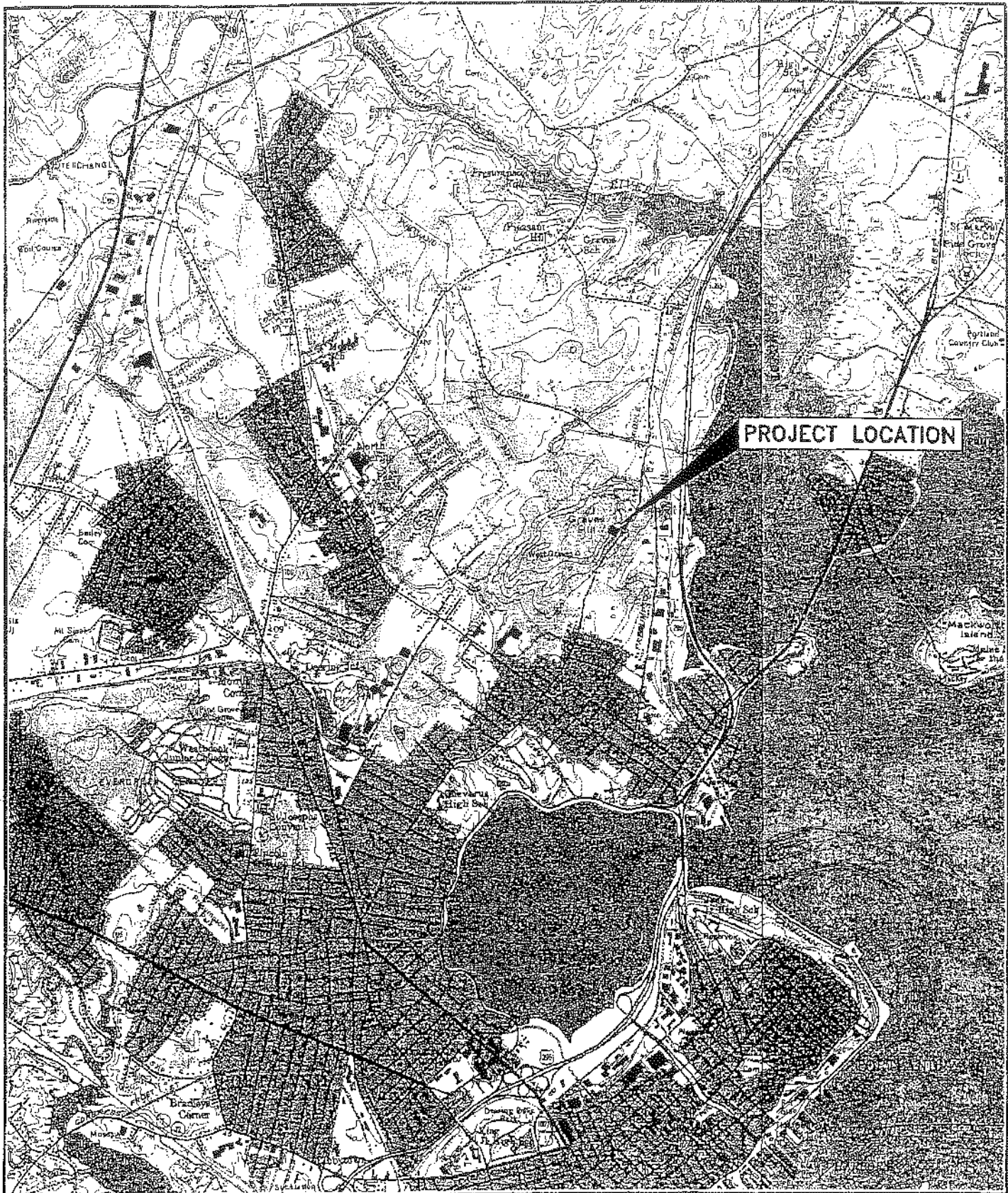


Peter A. Hedrich, P.E., PTOE
Vice President, Transportation

Enclosure PAH/JN927/Doyle2-5-04



S:\land Projects\927.dwg\927-locmap.dwg, 8-5x11 LOCMAP, 2/4/2004 9:55:17 AM, 1:1, DB



U.S.G.S. Location Map

Project Name - Town, State

U.S.G.S. Portland-west & Portland-east, Maine-7.5 Minute Series (Topographic)

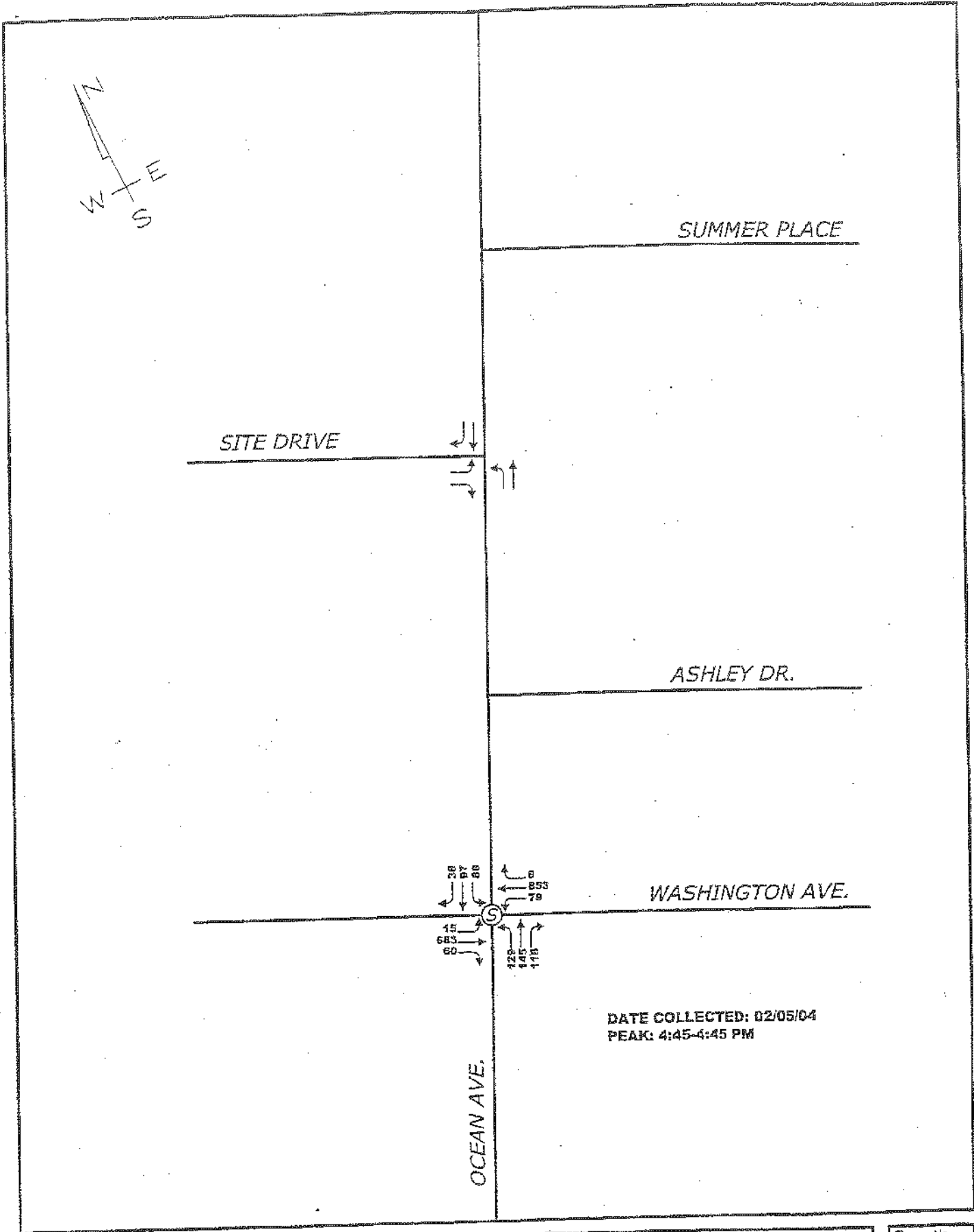
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Draft: DB	Job No.: 527
Checked: RCH	Scale: None
File Name: 927-LOCWAF.DWG	

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

PO Box 1257
 15 Shaker Road
 Gray, ME 04830
 207-451-4911
 FAX: 207-451-6912
 E-Mail: mail@gpcorll.com

Figure

1



Design: PAH	Date: FEB 04
Draft: DB	Job No.: 927
Checked: HJB	Scale: NONE
File Name: 827-TRAF.DWG	

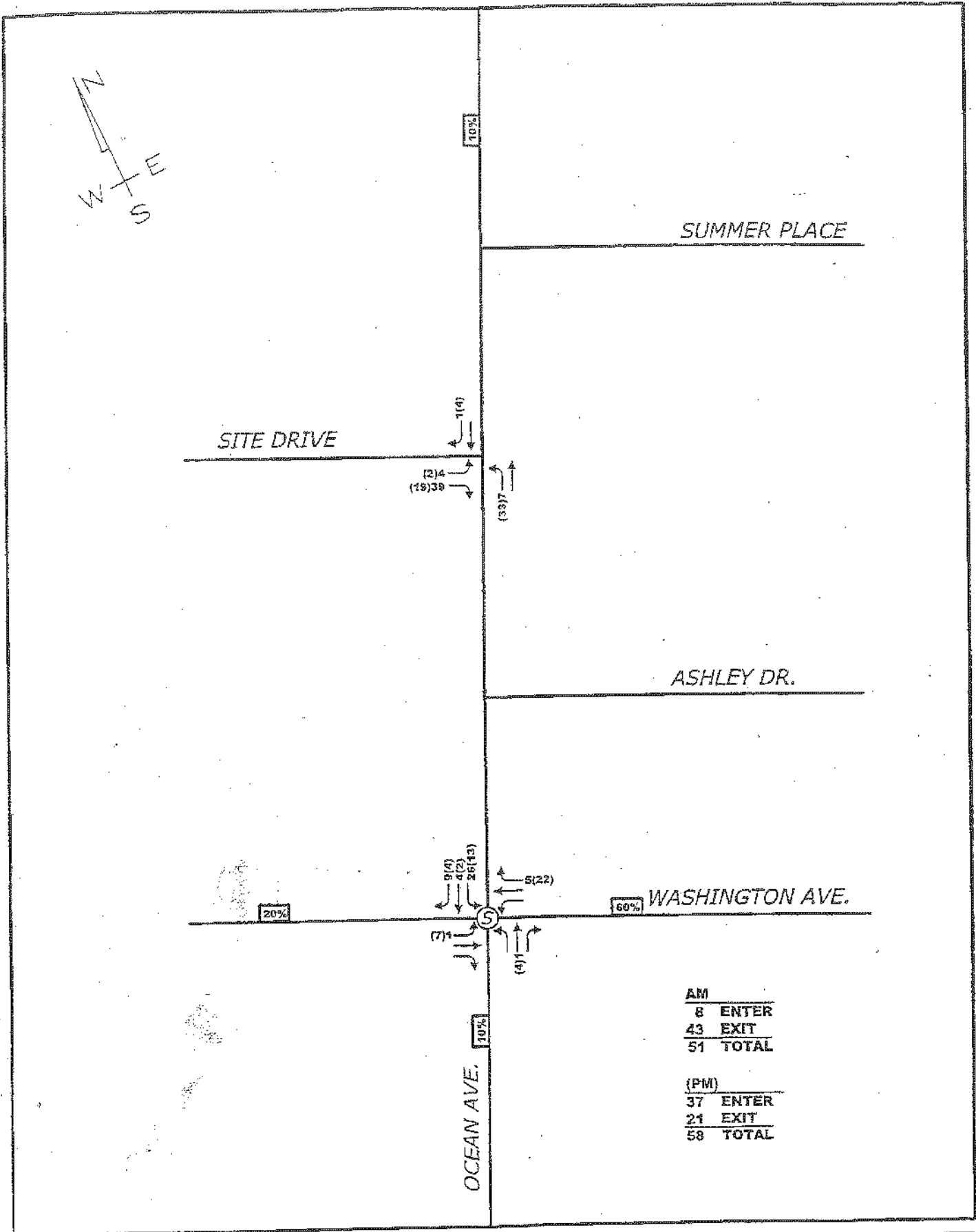
GP Gorrill-Palmer Consulting Engineers, Inc.
 Traffic and Civil Engineering Services

PO Box 1237 Phone: 207-657-6810
 15 Shaker Road Fax: 207-657-6912
 Gray, ME 04039 Email: mc.bex@gorrillpalmer.com

Drawing Name: Raw Volumes

Project: GRAVES HILL CONDOMINIUM

Figure No.
 2



AM
8 ENTER
43 EXIT
51 TOTAL

(PM)
37 ENTER
21 EXIT
58 TOTAL

Design: PAH	Date: FEB 04
Draft: DB	Job No: 927
Checked: RWB	Scale: NONE
File Name: 927-TRAF.DWG	

GP Gorrill-Palmer Consulting Engineers, Inc.
 Traffic and Civil Engineering Services
 PO Box 1237 Phone: 207-657-8910
 15 Shaker Road Fax: 207-657-8912
 Gray, ME 04039 Email: mailbox@gorrillpalmer.com

Drawing Name:
Trip Assignment & Distribution
 Project:
GRAVES HILL CONDOMINIUM

Figure No.
3

JN:
 Project Description:
 Project Location:
 Date:

927
 Doyle Enterprises
 Portland
 2/2/04

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

Residential Condominium/Townhouse
 Land Use Code (LUC) 230

Dwelling Units: 70

Average Rate

Time Period	ITE Trip Rate	Trip Ends	Directional Split *		Directional Distribution	
			IN	OUT	IN	OUT
Weekday	$T = 3.86 (X)$	410	50%	50%	205	205
Peak Hour of Adjacent Street Traffic 7-9 AM	$T = 0.44 (X)$	31	15%	85%	5	26
Peak Hour of Adjacent Street Traffic 4-6 PM	$T = 0.52 (X)$	36	65%	35%	23	13
AM Peak Hour of Generator	$T = 0.44 (X)$	31	20%	80%	6	25
PM Peak Hour of Generator	$T = 0.52 (X)$	36	65%	35%	23	13
Saturday	$T = 5.67 (X)$	397	50%	50%	199	198
Saturday Peak Hour of Gen.	$T = 0.47 (X)$	33	55%	45%	18	15

* Percentages rounded to nearest 5%

Fitted Curve Equation

Time Period	ITE Trip Rate	Trip Ends	Directional Split *		Directional Distribution	
			IN	OUT	IN	OUT
Weekday	$\ln(T) = 0.85 \ln(X) + 2.65$	474	50%	50%	237	237
Peak Hour of Adjacent Street Traffic 7-9 AM	$\ln(T) = 0.80 \ln(X) + 0.26$	39	15%	85%	6	33
Peak Hour of Adjacent Street Traffic 4-6 PM	$\ln(T) = 0.82 \ln(X) - 0.32$	45	65%	35%	29	16
AM Peak Hour of Generator	$\ln(T) = 0.82 \ln(X) + 0.17$	39	20%	80%	8	31
PM Peak Hour of Generator	$T = 0.34 (X) + 39.31$	62	65%	35%	40	22
Saturday	$T = 3.62 (X) + 427.93$	681	50%	50%	341	340
Saturday Peak Hour of Gen.	$T = 0.29 (X) + 42.63$	53	55%	45%	35	28

* Percentages rounded to nearest 5%

USE EQUATION FOR AM, PM, WEEKDAY. USE AVE OF EQUATION E, AVE RATE FOR SATURDAY PEAK.

JN: 927
 Project Description: Doyle Enterprises
 Project Location: Portland
 Date: 2/2/2004

Gornil-Palmer Consulting Engineers, Inc.
 P.O. Box 1237
 15 Shaker Road
 Gray, Maine 04039

Residential Condominium/Townhouse
 Land Use Code (LUC) 230

Dwelling Units: 98

Average Rate

Time Period	ITE Trip Rate	Trip Ends	Directional Split *		Directional Distribution	
			IN	OUT	IN	OUT
Weekday	$T = 5.86 (X)$	574	50%	50%	287	287
Peak Hour of Adjacent Street Traffic 7-9 AM	$T = 0.44 (X)$	43	15%	85%	6	37
Peak Hour of Adjacent Street Traffic 4-6 PM	$T = 0.62 (X)$	51	65%	35%	33	18
AM Peak Hour of Generator	$T = 0.44 (X)$	43	20%	80%	9	34
PM Peak Hour of Generator	$T = 0.52 (X)$	51	65%	35%	33	18
Saturday	$T = 5.67 (X)$	556	50%	50%	278	278
Saturday Peak Hour of Gen.	$T = 0.47 (X)$	46	55%	45%	25	21

* Percentages rounded to nearest 5%

Fitted Curve Equation

Time Period	ITE Trip Rate	Trip Ends	Directional Split *		Directional Distribution	
			IN	OUT	IN	OUT
Weekday	$\ln(T) = 0.85 \ln(X) + 2.55$	631	50%	50%	316	315
Peak Hour of Adjacent Street Traffic 7-9 AM	$\ln(T) = 0.80 \ln(X) + 0.26$	51	15%	85%	8	43
Peak Hour of Adjacent Street Traffic 4-6 PM	$\ln(T) = 0.82 \ln(X) + 0.32$	59	65%	35%	38	21
AM Peak Hour of Generator	$\ln(T) = 0.82 \ln(X) + 0.17$	51	20%	80%	10	41
PM Peak Hour of Generator	$T = 0.34 (X) + 38.31$	72	65%	35%	47	25
Saturday	$T = 3.62 (X) + 427.93$	723	50%	50%	362	361
Saturday Peak Hour of Gen.	$T = 0.29 (X) + 42.63$	71	55%	45%	39	32

* Percentages rounded to nearest 5%

TINACC30

MAINE DEPARTMENT OF TRANSPORTATION
TRAFFIC ENGINEERING, ACCIDENT RECORDS SECTION

ACCIDENT SUMMARY INPUT

TYPE OF STUDY: NODES AND LINKS TYPE OF REQUEST: ACCIDENT I & II WITH LINK DETAIL
STUDY PERIOD: FROM MONTH 01 YEAR 2000 TO MONTH 12 YEAR 2002

INPUT COMMENTS

REQUEST: OCEAN AVE FROM WASHINGTON AVE TO WRENSHIPSOT ST
TOWN: PORTLAND

INPUT DATA

ROUTE	COUNTY	FIRST NODE	EXCLUDE FIRST	DISTANCE	SECOND NODE	LAST NODE	EXCLUDE LAST	DISTANCE
0009X	05	07463	0	0.00	02863	08011	0	0.00

TINACC30

MAINE DEPARTMENT OF TRANSPORTATION
TRAFFIC ENGINEERING, ACCIDENT RECORDS SECTION

ACCIDENT SUMMARY I

COUNTY	TOWN#	LOW	HIGH	STREET NAME	U/R	TOTAL	LINK	INJURY	ACCIDENTS	PERCENT	ANNUAL	ANNUAL	ACCIDENT	RATES	CRITI	CRP				
		NODE	NODE	OR ROUTE #		ACCTS	LENGTH	K	A	B	C	PD	INDURY	VER-MILES	HM	ENT-VEHS	LINK	NODE	RATE	
05		07463		POR, WASHINGTON OCEAN AV	9	19		0	0	3	3	13	31.6			10.800		0.59	1.04	0.00
05		02463		FOR, OCEAN AVE, SLEMONS	2	0		0	0	0	0	0	0.0			1.662		0.00	0.55	0.00
05		03977		FOR, MORSE ST, OCEAN AVE.	2	0		0	0	0	0	0	0.0			1.779		0.00	0.54	0.00
05		03993		FOR, OCEAN AVE, PROVIDENC	2	1		0	0	0	0	1	0.0			1.688		0.20	0.52	0.00
05		P01326		FOR, RAINBOW MULD. RD, RTE	2	1		0	0	0	0	1	0.0			1.656		0.20	0.55	0.00
05		A03398		FOR, GREATON ST, OCEAN AV	2	0		0	0	0	0	0	0.0			0.000		0.00	0.00*	0.00*
05		08011		FOR, OCEAN AVE, PRESUMPS	2	1		0	0	0	0	1	0.0			2.241		0.15	0.51	0.00
				NODE SUBTOTALS		22		0	0	3	3	16	27.3			19.826		0.37	0.66	0.00

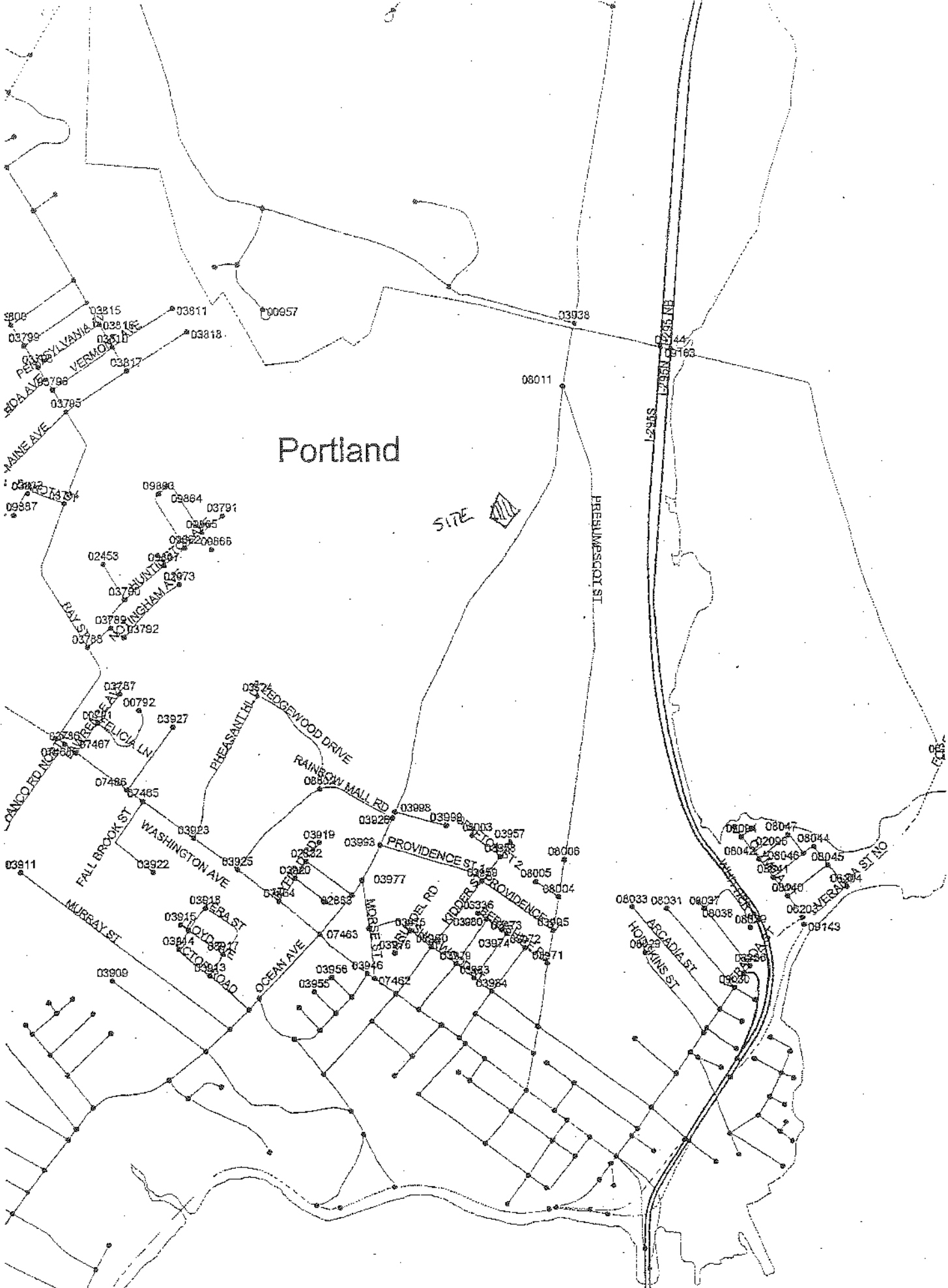
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TINACCO30

MAINE DEPARTMENT OF TRANSPORTATION
TRAFFIC ENGINEERING, ACCIDENT RECORDS SECTION

ACCIDENT SUMMARY I

COUNTY TOWN#	LOW NODE	HIGH NODE	SUBSET NAME OR ROUTE #	U/R	TOTAL ACCTS	LINK LENGTH	INJURY K	INJURY A	ACCIDENTS B	PD C	PERCENT INJURY	ANNUAL HM VEH-MILES	ANNUAL M EMT-VEHS	ACCIDENT-RATES LINK	RATES NODE	CRITI RATE	CRV	
05170	02863	07463	OCEAN AVE	2	2	0.09	0	0	1	0	1	50.0	0.00152	439.60	586.50	0.00	0.00	
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	03977	03993		2	1	0.06	0	0	1	0	100.0	0.00103	323.62	0.00	644.82	0.00	0.00	
	03926	03993		2	0	0.05	0	0	0	0	0.0	0.00078	686.14	0.00	686.14	0.00	0.00	
	03926	03998		2	0	0.01	0	0	0	0	0.0	0.00015	798.02	0.00	798.02	0.00	0.00	
	03998	00011		2	1	0.83	0	0	0	0	0.0	0.01208	27.59	350.46	0.00	0.00		
LINK SUBTOTALS-					4	1.08	0	0	2	0	2	50.0	0.01621	82.25	329.02	0.00	0.00	
GRAND TOTALS-					26	1.08	0	0	5	3	18	30.8	0.01621	19.826	534.64	540.50	0.99	



Portland

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SECTION 7
PRELIMINARY STORM WATER / BLASTING ASSESSMENT

PRELIMINARY REPORT

For: Stormwater Management & Utilities
Graves Hill Condominiums
Ocean Avenue
Portland, Maine

Introduction

Doyle Enterprises of Saco, Maine is proposing a 98-unit condominium project on an 18.323-acre site located along Ocean Avenue in Portland, Maine. A Conceptual Site Plan has been prepared by Richardson & Associates and is hereby referenced.

The project will consist of a two-phase project with one medium height structure in each phase. The south structure will be Phase I. Most of the roadways, utilities and other amenities will be constructed in Phase I.

The site could be described as a moderate to severely sloping hill that is wooded with numerous ledge outcrops. The tree cover is somewhat thin but includes many mature oak trees. Some wetlands are located at the top of the hill in pockets that are formed in the ledge. The site has the potential to be a spectacular site with ocean views and sloping wooded terrain. Utilities and stormwater management will be a challenge due to the ledge and slopes.

The purpose of this preliminary report is to outline the conceptual design of the various utilities.

Water Supply

Ocean Avenue has an existing eight-inch water main. The project will connect to this main and extend the utility into the site. With the height of the project, a booster pumping system will be required to maintain acceptable pressure levels. Fire hydrants will be located in front of each structure. We are working with the Portland Water District to calculate fire flows and the architect will be working with the Fire Department on flow requirements.

PRELIMINARY STORMWATER MANAGEMENT & UTILITIES REPORT

FOR

GRAVES HILL CONDOMINIUMS
OCEAN AVENUE
PORTLAND, ME

By
Doyle Enterprises
Saco, ME 04072

February 2004

Prepared By:

BH2M Engineers
Engineers Surveyors Planners
28 State Street
Gorham, ME 04038
207-839-2771
Fax 207-839-8250
E-Mail: bh2m@aol.com

- SA-4 ~ 5.0 Acres (on-site)
This subarea is the backside of the hill that drains toward the power line.

Post-development

The project will be subject to the DEP Site Law so both quantity and quality standards will need to be attained.

- SA-10 ~ 4.5± Acres (same as Pre SA-1)
The only construction proposed is the entrance road. Catchbasins connected to the new Ocean Ridge stormdrain will be required with grading along Ocean Avenue. The buffer will be used to mitigate flows and provide treatment. As much flow as possible will be diverted at SA-20.
- SA-21 & SA-20 ~ Acres (Same as Pre SA-2)
This is the project area that will have a closed pipe collection system. Two detention ponds will be used. The first pond will be on the uphill side of the project and a second pond located to the rear of the existing Ocean Avenue houses. Probably water quality structures will also be required. Flows will need to be detained to below pre-development levels to avoid downstream flooding.
- SA-30 ~ 1.0± Acres (Same as Pre SA-3)
No impact.
- SA-40 ~ 5.0± Acres (Same as Pre SA-4)
No impact.

In summary, stormwater management will include a stormdrain collection system and at least two detention ponds. The next step will be to finalize the layout, grade the site and then design the stormwater management system.

Sewer

The construction of Ocean Ridge Condominium project extended the eight-inch sanitary sewer along Ocean Avenue directly in front of the proposed Graves Hill project. With 98 condominiums, sewage flows are expected to be in the range of 175 gpd to 225 gpd per unit. This would result in a daily sewage flow of 20,000± gpd or 13.6 gpm. This is a minor flow compared to the capacity of an eight-inch sewer. The flows need to be reviewed by the City to determine if there are any downstream impacts to other sewers or a pump station.

Stormwater

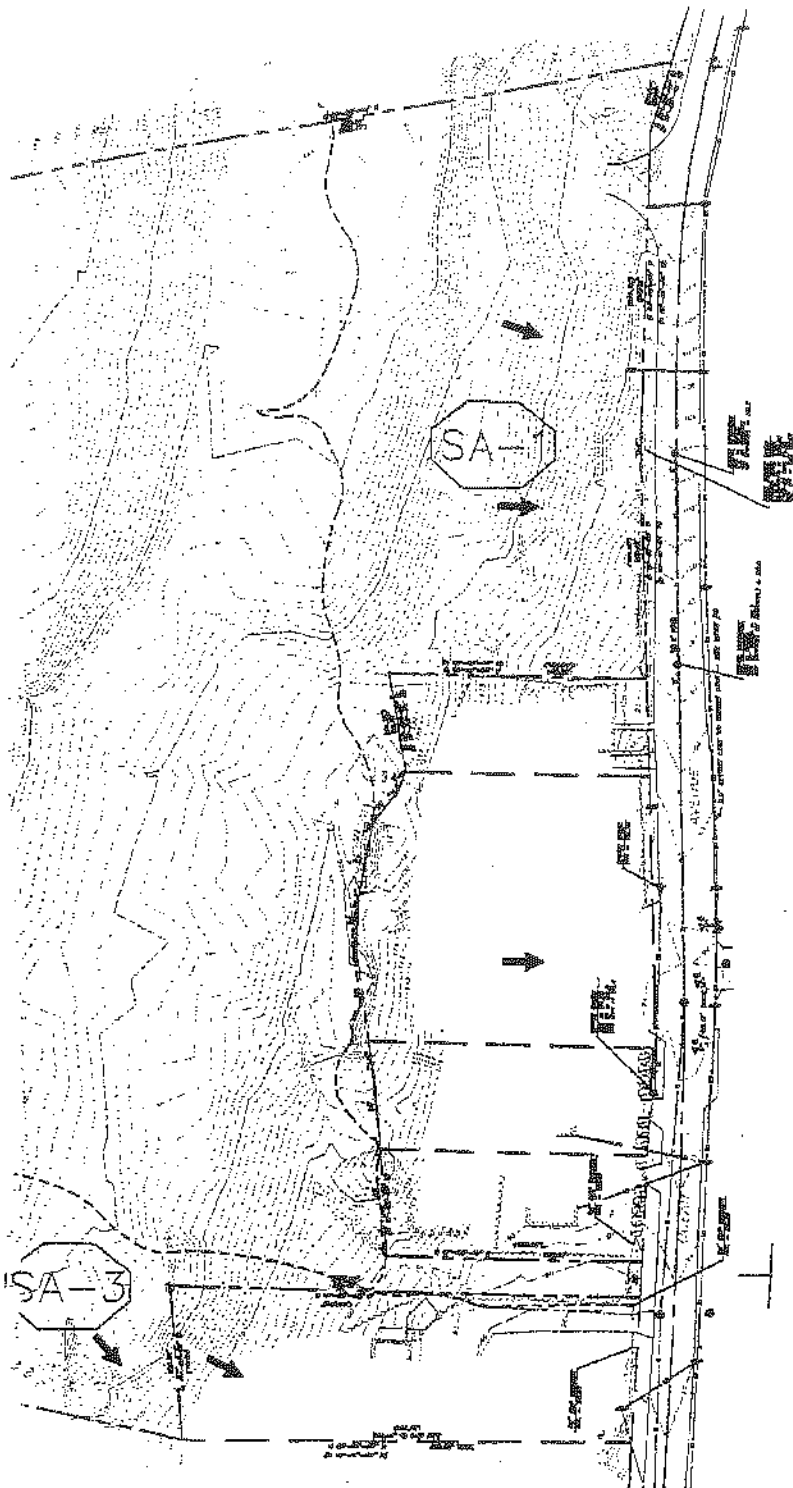
A preliminary Pre-development and Post-development Plan are attached.

Soils are mapped Lyman and based upon site inspection, this was found to be the condition. Many ledge outcrops are visible and it is apparent that ledge is very shallow. Currently, the land could be described as wooded and hilly.

Pre-development

The pre-development plan has been divided into four subareas:

- SA-1 ~ 4.5± Acres
This subarea includes the land approximately 200 feet uphill of Ocean Avenue. One half (1/2) of the area is on-site woods and the other half includes four (4) existing house lots. Runoff flows 200 feet downhill to the edge of Ocean Avenue and then along the side of Ocean Avenue to existing catchbasins. Based upon site inspections, the existing condition appears to periodically flood/pond along the road during larger storms. In summary, there is room for improvement.
- SA-2 ~ 10. Acres (plus discharge from Ocean Ridge)
This subarea includes the majority of the actual project area. Runoff ponds in the upper areas before spilling down a ledge swale and flowing behind the existing homes along Ocean Avenue. The project site has a 25±-foot wide access at this point to Ocean Avenue which serves as a drainage way. The site is wooded but extensive ledge. Based upon site observations, it is suspected that peak flows from the site can be high. At Ocean Avenue, the swale turns south and through a 12-inch culvert before turning east under Ocean Avenue via an 18-inch culvert. It is clear that the 12-inch CMP and 18-inch CMP are too small for existing conditions. Also included in the drainage area is part of Ocean Ridge Condominiums. Ocean Ridge has a detention pond that discharges to the wetlands at the top of the hill.
- SA-3 ~ 1.0± Acres (on-site)
This is a minor wooded area that drains directly downhill to Ocean Avenue and the existing 18-inch culvert under the road.



General Notes

1. All topographic and existing base information EXCEPT wetlands boundary information provided by Dow & Courambe surveyors.
2. Limit of work shall be at property lines unless otherwise noted.
3. Underground and above ground utility locations are based upon best available evidence and are not field verified.
4. Utility information shown is approximate only.
5. Wetlands boundaries shown are for planning purposes only and should be field verified.

SYMBOL



LEGEND

- LIMIT OF WETLANDS
- SOILS BOUNDARY
- X- LINE OF CONCENTRATION ROUTE
- EXISTING CONTOUR
- - - DRAINAGE BOUNDARY
- FLOW DIRECTION

Scott Simons, Architects

75 York Street
Portland, Maine 04101
tel 207.772.4656

Richardson & Associates
Landscape Architects

178 Main Street
Saco, Maine 04072
tel 207.286.9281

BH2M
Consulting Engineers

28 State Street
Cottam, Maine
tel 207.836.2771

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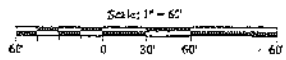
BH2M
 Barry • Huff • MacDonald • McMillan Inc.
 ENGINEERS • SURVEYORS • PLANNERS
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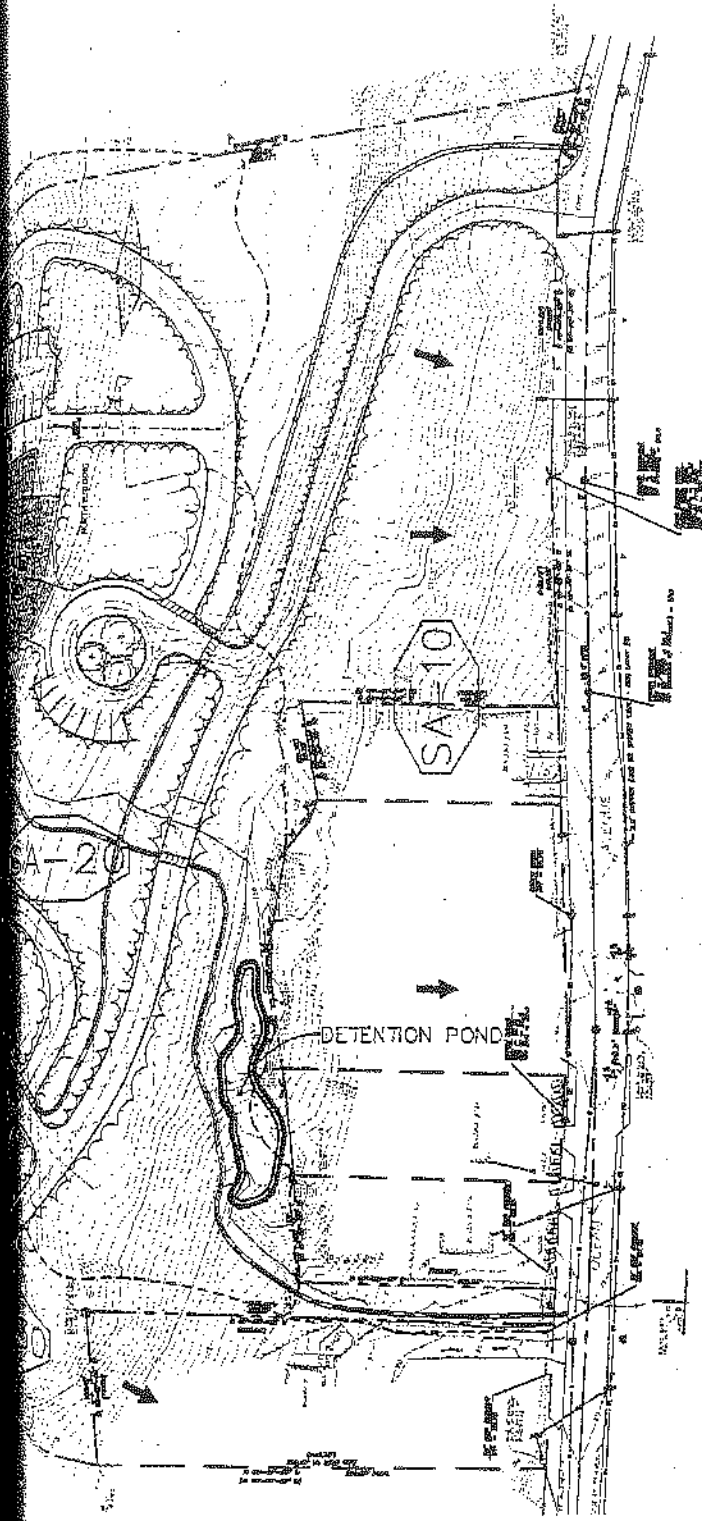
Scott Simons, Architects
 Richardson & Associates
 BH2M Consulting Engineers

PRE DEVELOPMENT
 DRAINAGE PLAN
 GRAVES HILL CONDOMINIUMS
 OCEAN AVENUE
 PORTLAND, MAINE

DESIGNED L. Barry	DATE Feb. 2004
DRAWN Dapl	SCALE As Noted
CHECKED L. Barry	JOB. NO. 04621

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 ANY DEVELOPMENT OR REVISION OF THIS DOCUMENT MUST BE FORWARDED WITHIN 60 DAYS OF BH2M INC. IS APPROVED





General Notes

1. All topographic and existing base information EXCEPT wetlands boundary information provided by Dow & Coulombe Surveyors.
2. Limit of work shall be at property lines unless otherwise noted.
3. Underground and above ground utility locations are based upon best available evidence and are not field verified.
4. Utility information shown is approximate only.
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SYMBOL	LEGEND	DESCRIPTION
---	---	LIMIT OF WETLANDS
---	---	SOILS BOUNDARY
---	---	TIME OF CONCENTRATION ROUTE
---	---	EXISTING CONTOUR
---	---	DRAINAGE BOUNDARY
---	---	FLOW DIRECTION

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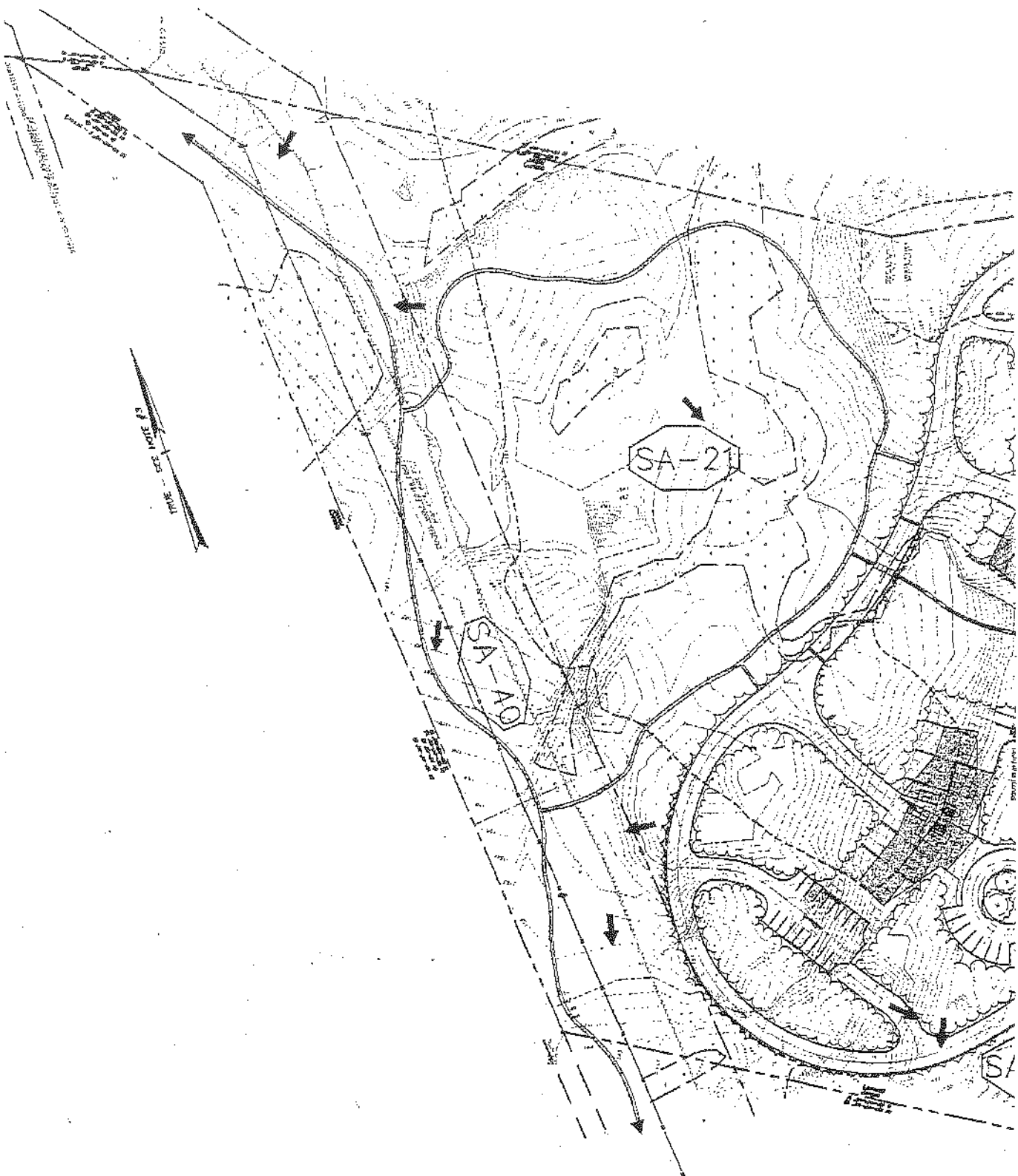
BH2M
 Barry • Inoff • McDowell • Mulligan Inc.
 ENGINEERS • SURVEYORS • PLANNERS
 28 Stone Street, Carham, Maine 04101, (207) 839-2771

POST DEVELOPMENT
 DRAINAGE PLAN
 GRAVES HILL CONDOMINIUMS
 OCEAN AVENUE
 PORTLAND, MAINE

DESIGNED L. Barry	DATE Feb. 2004
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Scale: 1" = 60'

60' 0 30 60 90

LESTER S. BERRY
WILLIAM A. THOMPSON

August 9, 2004

Diane Doyle
16 Tiffany Lane
Saco, ME 04072

TIMOTHY O. BROWN
ROBERT C. LIBBY, JR.
JOHN D. KUCHINSKI
ANDREW S. MORRELL

RE: Stormwater Management
Graves Hill
Ocean Avenue
Portland, ME

Dear Diane:

In February 2004, we provided a report entitled "Preliminary Stormwater Management & Utilities Report". The data outlined in the report is still valid but there have been several questions presented at the public hearings. The purpose of this letter is to answer these questions.

1. Magnitude of Impervious Surface
Area of Impervious Surface
 - Graves Hill (Doyle Project) ~ 2.93 acres
Percent of Total ~ 16%
 - Townhouses (Prior Owner) ~ 4.50 acres
Percent of Total ~ 25%The proposed project by Doyle Enterprises has only 64% of the impervious surface of the townhouse project. Therefore, the proposed project will create less runoff and detention pond.

2. Hydrostatic Pressure
The three (downhill abutters have questioned whether the lower detention pond will create hydrostatic pressure that could result in wet basement or yard. This is a valid concern and we also share their concern.

Under current conditions, runoff flows down the hill and/or seeps into the earth cover. Some of the water seeps into cracks in the ledge and enters the groundwater. If water has ponded uphill, the risk of the water pressure in the ledge cracks is increased. This is a natural phenomenon and some downhill weeping from the ledge can be observed. Realizing these concerns, the following is proposed:

- a.) Retain S.W. Cole Engineers (geotechnical engineers) to test the site and review the work.
- b.) Minimize the need for the lower pond to the extent possible by over-detaining in the uphill detention pond.

- c.) Minimize the depth of water in the pond and the time that the pond would hold water.
- d.) Seal bottom and sides of pond with clay barrier.
- e.) Provide under-drain to remove any water leakage to prevent hydrostatic pressures.

Both the Graves Hill (Doyle Project) and the Townhouse Project would have the same stormwater management layout. The only difference is the Doyle Project has less impervious surface, which means less pond volume.

3. Water Quality

Since wet ponds are not a viable option on this site, the water quality will need to be managed via mechanical systems such as those provided by Vortechinics.

4. Ledge Blasting

The magnitude of ledge blasting was a concern for many. For this site, we have assumed that almost all underground work will require blasting.

Doyle Project

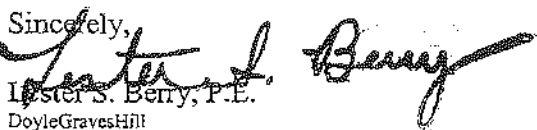
Road 3,600 l.f. x 4.4. cy./lf. =	15,840 cy.
Sewer/Water 5,500 l.f. x 2.2 cy/lf. =	12,100 cy.
Buildings 2 x 24,000 cy. each =	48,000 cy.
Detention Ponds 2 x 10,000 cy. =	<u>20,000 cy.</u>
Total	95,940 cy.

Townhouse Project

Road 4,800 lf. x 4.4 cy./lf. =	21,120 cy.
Sewer/Water 9,500 lf. x 2.2 cy./lf. =	20,900 cy.
Buildings 58 x 550 cy. each =	31,900 cy.
Detention Ponds 2 x 15,000 cy. =	<u>30,000 cy.</u>
Total	103,920 cy.

The Doyle project will require 7% less blasting. The decrease is primarily due to a smaller building footprint required for the building and underground parking. Blasting, using modern methods, is a very exact science that should not impact any abutters. The blasted ledge will be processed and used for aggregate materials.

In summary, it is our opinion that the Doyle project will have a lesser impact due to the smaller "footprint" of the project.

Sincerely,

 Lester S. Berry, P.E.
 DoyleGravesHill

SECTION 8
SHADOW STUDY



SHADOW STUDY

JUNE 21, 6:00 AM

AT 6 AM ON THE SUMMER SOLSTICE, THE BUILDING SHADOWS HAVE NO IMPACT ON THE SURROUNDING NEIGHBORHOODS.

GRAVES HILL
OCEAN AVENUE
PORTLAND, ME



SHADOW STUDY

JUNE 21, 5:30 PM

AT 5:30 PM ON THE SUMMER SOLSTICE, THE SOUTH BUILDING SHADOW
CROSSES INTO THE NEIGHBORING PROPERTY TO THE EAST. THE SHADOW
FROM THE TREE BUFFER WILL EXTEND FURTHER THAN THE BUILDING SHADOW.

GRAVES HILL
OCEAN AVENUE
PORTLAND, ME



SHADOW STUDY

MARCH & SEPTEMBER 21, 7:00 AM

AT 7 AM ON THE EQUINOXES, THE SHADOW OF THE SOUTH BUILDING BARELY CROSSES INTO THE NEIGHBORING PROPERTY TO THE WEST. SHADOWS FROM THE TREE BUFFER WOULD EXTEND MUCH FURTHER THAN THE BUILDING SHADOW

GRAVES HILL
OCEAN AVENUE
PORTLAND, ME



SHADOW STUDY

DECEMBER 21, 9:00 AM

AT 9 AM ON THE WINTER SOLSTICE, THE BUILDING SHADOWS HAVE NO IMPACT ON THE SURROUNDING NEIGHBORHOODS.

GRAVES HILL
OCEAN AVENUE
PORTLAND, ME



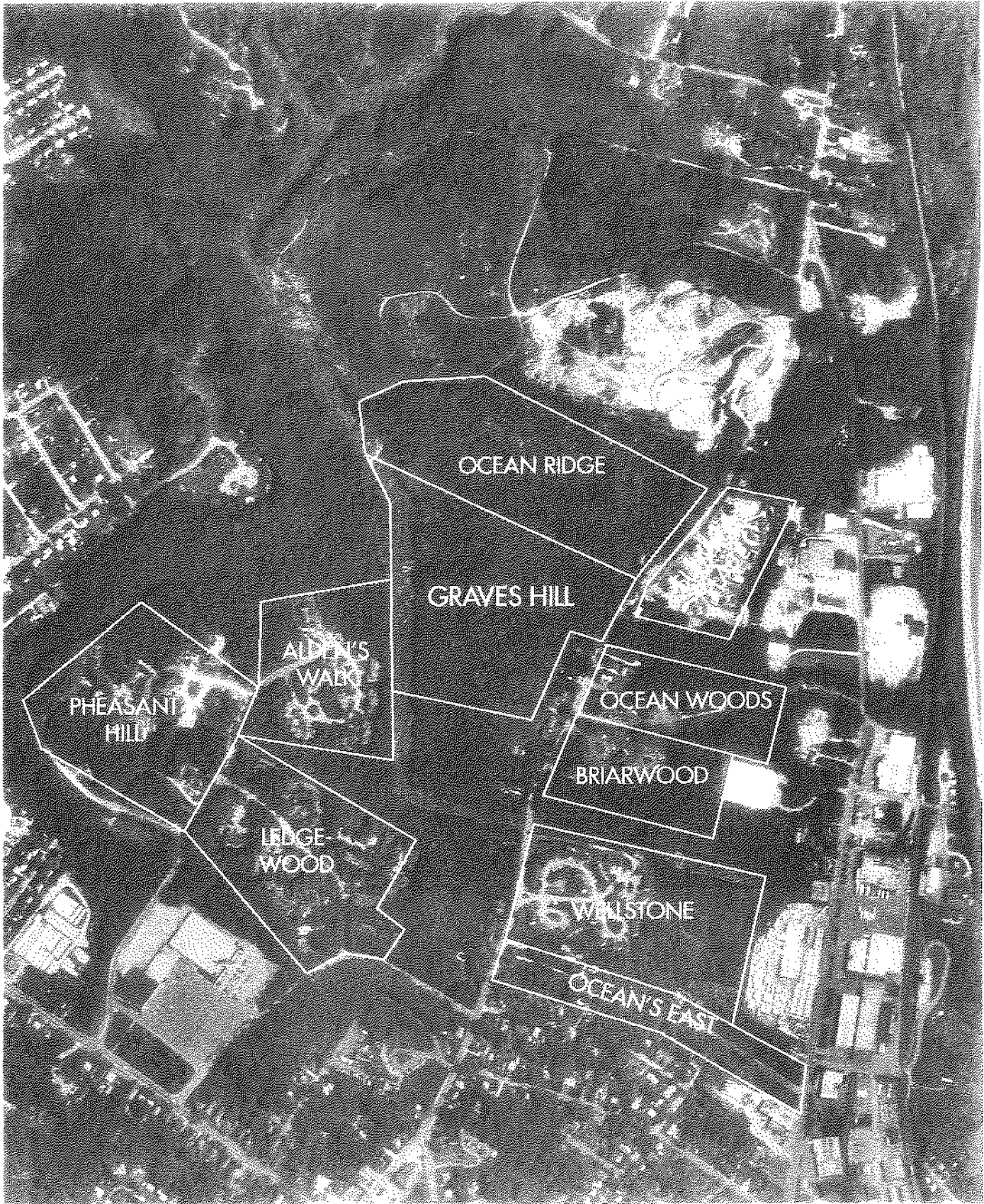
SHADOW STUDY

DECEMBER 21, 2:30 PM

AT 2:30 PM ON THE WINTER SOLSTICE, THE SHADOW OF THE NORTH BUILDING CROSSES INTO THE NEIGHBORING PROPERTY TO THE NORTH. SHADOWS FROM THE TREE BUFFER WOULD EXTEND FURTHER THAN THE BUILDING SHADOW.

GRAVES HILL
OCEAN AVENUE
PORTLAND, ME

SECTION 9
NEIGHBORHOOD VISIBILITY OF GRAVES HILL



WEATHER BALLOON PHOTOS - KEY MAP

GRAVES HILL
OCEAN AVENUE
PORTLAND, ME

CMP EASEMENT



NO BALLOONS
VISIBLE FROM EASE-
MENT DIRECTLY
ADJACENT TO
ALDEN'S WALK
NEIGHBORHOOD



OCEAN RIDGE

THIS PHOTO
SHOWS THE BAL-
LOONS AT THEIR
CLOSEST POINT TO
THE OCEAN RIDGE
NEIGHBORHOOD.
THE BALLOON ON
THE LEFT REPRE-
SENTS THE HEIGHT
OF THE ROOF AT
THE NORTHERN-
MOST EDGE OF THE
THE NORTHERN
BUILDING

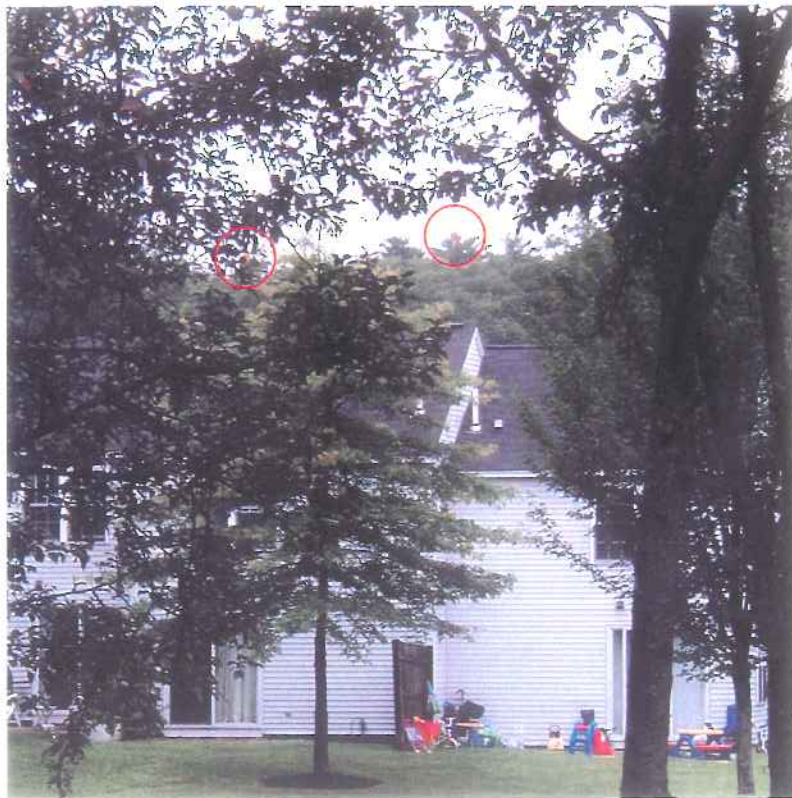
WEATHER BALLOON PHOTOS

GRAVES HILL
OCEAN AVENUE
PORTLAND, ME



SUMMER PLACE

NO BALLOONS
VISIBLE FROM ANY-
WHERE IN THE
NEIGHBORHOOD



OCEAN WOODS

TWO BALLOONS
JUST VISIBLE ABOVE
THE TREELINE FROM
THE CENTER OF THE
NEIGHBORHOOD

WEATHER BALLOON PHOTOS

GRAVES HILL

OCEAN AVENUE
PORTLAND, ME



BRIARWOOD

ONE BALLOON
VISIBLE ABOVE
TREELINE ON TOP
OF GRAVES HILL
FROM CENTER OF
NEIGHBORHOOD



WELLSTONE

PHOTO FROM
PARKING LOT AT
EDGE OF NEIGH-
BORHOOD. FOUR
BALLOONS VISIBLE
ABOVE TREELINE
ON TOP OF GRAVES
HILL

WEATHER BALLOON PHOTOS

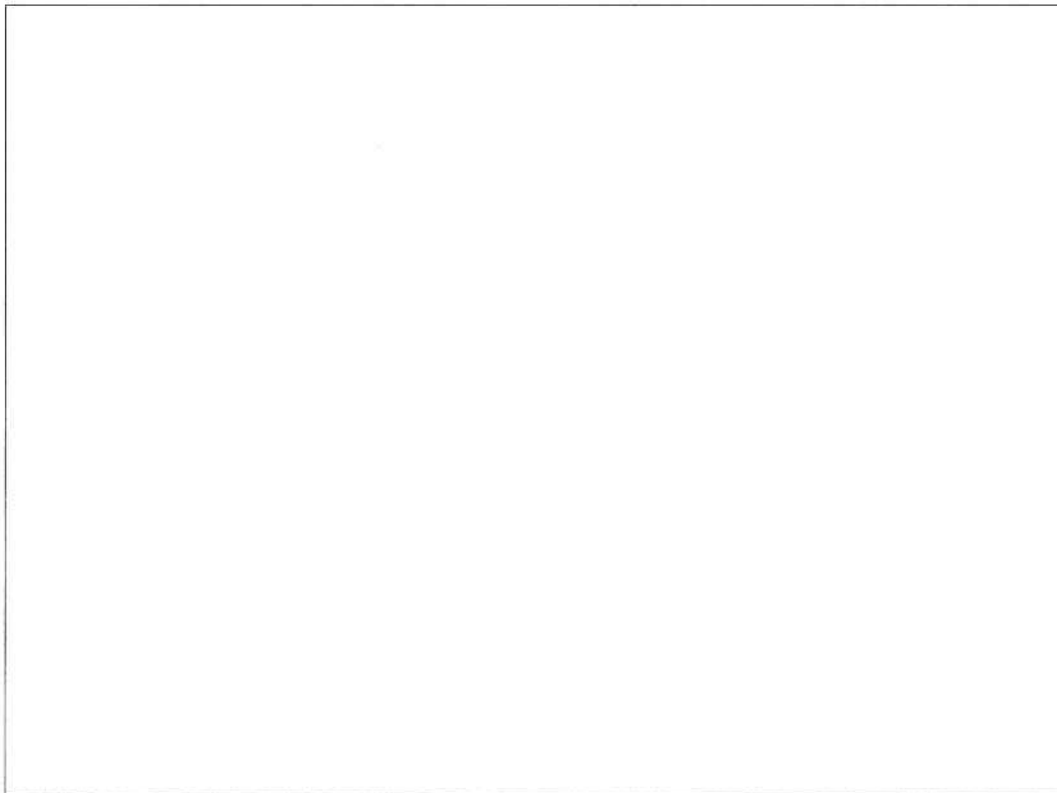
GRAVES HILL

OCEAN AVENUE
PORTLAND, ME



OCEAN EAST

ONE BALLOON
VISIBLE FROM HIGH
POINT IN MIDDLE
OF NEIGHBOR-
HOOD



LEDGEWOOD

NO BALLOONS
VISIBLE FROM ANY-
WHERE IN THE
NEIGHBORHOOD

WEATHER BALLOON PHOTOS

GRAVES HILL

OCEAN AVENUE
PORTLAND, ME

PHEASANT HILL

NO BALLOONS VISIBLE FROM SCOTT COHEN PROPERTY, THE HIGHEST POINT IN PHEASANT HILL NEIGHBORHOOD



ALDEN'S WALK

ONE BALLOON VISIBLE BELOW TREELINE FROM STREET CLOSEST TO CMP EASEMENT



WEATHER BALLOON PHOTOS

GRAVES HILL

OCEAN AVENUE
PORTLAND, ME

