

# CITY OF PORTLAND, MAINE

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## PLANNING BOARD

Jaimey Caron, Chair  
Deborah Krichels, Vice Chair  
Kenneth M. Cole III  
Cyrus Y. Hagge  
Erin Rodriguez  
Mark Malone  
Orlando E. Delogu

March 15, 2001

Ms. Fern DiPietro  
222 Virginia Street  
Portland, ME 04103

Re: Wyoming Avenue Street Vacation  
CBL#399-D-1, 2, 4 to 7, 399-C-20 to 22

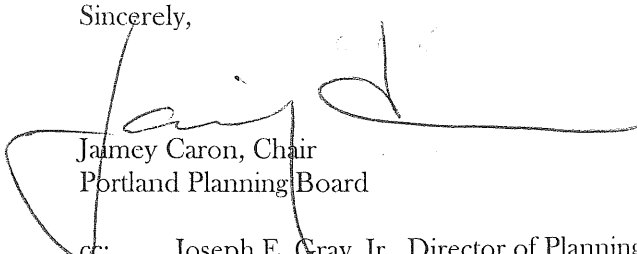
Dear Ms. DiPietro:

On March 13, 2001, the Portland Planning Board voted unanimously 4-0 (Cole, Delogue, Hagge absent) to recommend to the City Council, vacation of portion of Wyoming Avenue, from Virginia Street easterly to its terminus with the following condition:

- i. that the applicant abandon and disconnect the 2" water main at Virginia Street in coordination with the Portland Water District, unless an agreement, in writing, from Portland Water District is submitted prior to placing this matter on the City Council agenda.

If there are any questions, please contact the Planning Staff.

Sincerely,



Jaimey Caron, Chair  
Portland Planning Board

cc: Joseph E. Gray, Jr., Director of Planning and Urban Development  
Alexander Jaegerman, Chief Planner  
Kandice Talbot, Planner  
P. Samuel Hoffses, Building Inspector  
Marge Schmuckal, Zoning Administrator  
Tony Lombardo, Project Engineer  
Development Review Coordinator  
William Bray, Deputy Director of Public Works  
Jeff Tarling, City Arborist  
Associate Corporation Counsel  
Lt. Gaylen McDougall, Fire Prevention  
Building Permit Secretary  
Lee Urban, Director of Economic Development  
Susan Doughty, Assessor's Office  
Approval Letter File

*Written agreement in writing from Water District  
is submitted prior to placing this matter on the  
City Council agenda.  
4-0  
Cole, deleg, Hayes absent*

**WYOMING AVENUE STREET VACATION  
FERN DIPIETRO, APPLICANT**

Submitted to:

Portland Planning Board  
Portland, Maine

March 13, 2001

## **I. INTRODUCTION**

Fern DiPietro of 221 Virginia Street is requesting street vacation of a portion of Wyoming Avenue. The portion of Wyoming Avenue that the applicant is petitioning to vacate is shown on Attachment F. The request to vacate is for the portion of Wyoming Avenue from Virginia Street easterly to its terminus.

As the Board may recall, in January 2000 the Planning Board recommended to the City Council a number of streets to be vacated. The recommendation included portions of Kansas Avenue, Penn Avenue, Nevada Avenue, Jersey Avenue, Utah Street, Montana Street, Illinois Avenue and Vermont Avenue. The City Council approved the street vacations as shown on Attachment E.

141 notices were sent to area residents. A legal ad appeared in the March 5th and 6th editions of the *Portland Press Herald*.

## **II. UTILITIES**

The applicant has received letters from Portland Water District, Northern Utilities and Central Maine Power. All of the utility companies have no objection to the street vacation. However, the Portland Water District does have a 35-foot section of 2" water main running from their water main in Virginia Street to the sideline of Wyoming Avenue for the future service to Wyoming Avenue. If this portion of Wyoming Avenue was to be vacated, this small piece of main would need to be abandoned and the main disconnected at Virginia Street. This work would be done at the expense of the person requesting the street vacation. Utility letters are included as Attachment B. A potential condition of approval is:

- that the applicant abandon and disconnect the 2" water main at Virginia Street in coordination with the Portland Water District.

Public Works has reviewed the request and has no objection to the street vacation. Public Works' memo is included as Attachment D.

## **III. COMPREHENSIVE PLAN**

While the Transportation Plan recommends the preservation and maintenance of a street network in the City, this street plays an insignificant role in the transportation system.

There are three properties that would appear to be landlocked if the proposed street vacation was approved. These three parcels are shown on Attachment C, and are owned by residents who live on Virginia Street and Racine Avenue. The applicant has approached the owners of the three parcels, who do not object to the street vacation and letters to that affect are included as Attachment C.

#### **IV. MOTIONS FOR THE BOARD TO CONSIDER**

On the basis of the plans and petition submitted by the applicant and on the basis of information contained in Planning Report #12-01, the Planning Board recommends the following to the City Council:

- i. That the vacation of the portion of Wyoming Avenue, from Virginia Street easterly to its terminus [is/is not] in conformance with the Comprehensive Plan of the City of Portland.

Potential condition of approval:

1. that the applicant abandon and disconnect the 2" water main at Virginia Street in coordination with the Portland Water District.

Attachments:

- A. Applicant's Submittal
- B. Utility Letters
- C. Letters from Abutting Neighbors
- D. Public Works' Memo
- E. Streets Vacated by City Council
- F. Area Proposed to be vacated by Applicant

- (6) Engineer/ Soils & Wetlands mapping Pinkham & Greer consulting engineers Falmouth, Maine
- (7) Pond location provided by Pinkham & Greer consulting engineers Falmouth, Maine
- (8) Monumentation shown on individual phase plans.
- (9) No access onto Jersey Avenue and Montana Street from lot 7; No access onto Liberty Way from lot 8 and lot 14; No access onto Jersey Avenue from lot 9 and lot 10; No access onto Penn Ave from lot 11 and lot 16; No access onto Nevada Street from lot 12; No access onto Vermont Avenue and Montana Street from lot 13; No access onto Vermont Avenue from lot 15 and lot 17; No access onto Maine Avenue from lots 18 and 19.
- (10) House locations to be within the building envelopes shown on section plan
- (11) All houses shall have a number clearly visible from the road
- (12) Topographic and Boundary information provided by Survey, Inc. Windham, Maine
- (13) Lots to be serviced by public sewer and water
- (14) Power, telephone and cable are to be underground
- (15) All construction and site alterations shall be done in accordance with the "Maine erosion and sediment control handbook for construction: Best management practices" Cumberland County Soil and Water District. Department of Environmental Protection, Dated 1991
- (16) Street names to be approved by the planning board
- (17) This approval is dependent upon, and limited to, the proposals and plans contained in the application and supporting documents submitted and affirmed by the applicant and any variation from the plans, proposals and supporting documents is subject to review and approval by the planning board, except for de minimis changes which the director of planning and zoning may approve
- (18) Iron pins to be set at all new property corners
- (19) Each lot shall require the submission of a minor site plan for review and approval prior to the issuance of a building permit and subject to review pursuant to article V (site plan) of chapter 14 of the Portland City Code.
- (20) No City of Portland public services shall be provided to this development until the streets have been accepted by the city
- (21) Street name signs and stop signs are to be erected per the city requirements by the developer prior to issuance of the first certificate of occupancy.
- (22) Waiver Request: No sidewalk to be built on Westerly side of Liberty Way; No sidewalk to be built on the southerly side of Kansas Avenue; No sidewalk to be built on the Southerly side of Wyoming Avenue.
- (23) Parking is to be limited to one side of the street only. The side that parking will be allowed on will be the side facing an arterial. The developer will install signs denoting this per City requirements prior to issuance of the first certificate of occupancy.
- (24) A minimum of two trees per lot shall be conserved or planted in the front yard of each lot meeting the City of Portland's Arboricultural specification and standards of practice and landscape design guidelines.
- (25) No filling or alteration of detention area, below 72' elevation, north of Penn Avenue.
- (26) If ledge is encountered during construction, a pre-blast survey prior to any ledge removal will be undertaken.
- (27) Lot 24 will not be developed until further review and approval by the Planning Board of requisite public improvements so as to render the remaining portion of Lot 24 as a marketable lot.
- (28) Section I and II of this subdivision project have been approved by the Planning Board as sectional recordings pursuant to Portland City Code section 14-495 (h). After appropriate filing of the master plan and the Section I recording plat in the Cumberland County Registry of Deeds, Section I constructed as the initial phase of the project, while Section II, comprising lots 12, 18 and 19 shall not be sold, conveyed, built upon nor constructed unless and until the Section II recording plat has been timely filed in the Cumberland County Registry of Deeds pursuant to Portland City Code section 14-495 (h).

COBB SUBDIVISION  
Plan Book 196, Page 180

TOWN OF FALMOUTH

LEDGE HEIGHTS SUBDIVISION  
Plan Book 194, Page 182

LEDGEWOOD HEIGHTS SUBDIVISION  
Plan Book 193, Page 201



Location Map

NOTES:

(1) Master Plan showing extents of THE PINES Subdivision 1999, current sections, and lands remaining for future development.

This plan is a sectional recording; Section I includes lots 1-6; lots 7-11; lots 13-17; lots 20-30; and common open space. Section II includes lots 12, 18, 19.

(2) Meets and Bounds have been adjusted to concur with street line information provided by City of Portland. July, 1999

(3) AREAS:

Section I	2.42 Acres
Section II	4.16 Acres
Lot 24	4.24 Acres
Kansas	8.53 Acres
Remaining open space + paper streets	2.37 Acres
Total	29.93 Acres

Wyoming To be retained 2.69 Acres Section I  
0.57 Acres

(4) Zoning: R-3

(5) Bench Mark Elevation Manhole Rim @ Montana St. and Penn Ave. Elev. 70.79

State of Maine, Cumberland ss.  
Registry of Deeds  
Received January 12, 2000  
at 11:23 a.m. and recorded in  
Plan Book 200, Page 19  
Attest: Register  
John B. O'Brien

Approved By City of Portland, Maine  
Planning Board

*[Signatures]*

**THE PINES**  
Portland, Maine

For: Pines of Portland, Inc.  
426 Forest Avenue  
Portland, Maine  
Developer

Amy K. Mulkerin  
Gregory T. McCormack  
(Owner's of Record)

Survey By: SURVEY, INC.  
P.O. Box 210  
Windham, Me.

Plan Prepared By: J.T.F.  
@ Survey, Inc.  
P.O. Box 210  
Windham, Me.

JULY, 1999

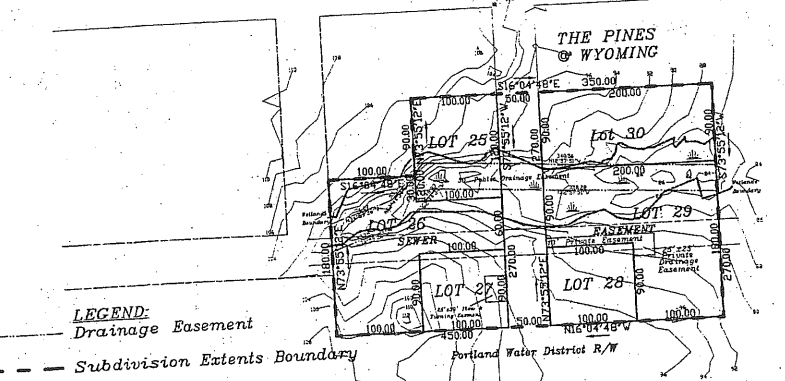
CITY OF PORTLAND  
APPROVED SITE PLAN  
SUBJECT TO DEPARTMENTAL CONDITIONS  
DATE OF APPROVAL 10/12/99  
Sheet 1 of 5

Date: January 11, 2000

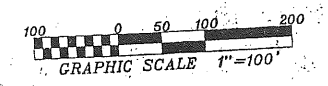
I CERTIFY THAT THIS SURVEY CONFORMS TO THE STANDARDS OF THE MAINE BOARD OF LICENSED PROFESSIONAL LAND SURVEYORS FOR A STANDARD BOUNDARY SURVEY. CATEGORY I CONDITION III EXCEPTIONS (1) NO WRITTEN REPORT (2) NO DEED DESCRIPTIONS PREPARED

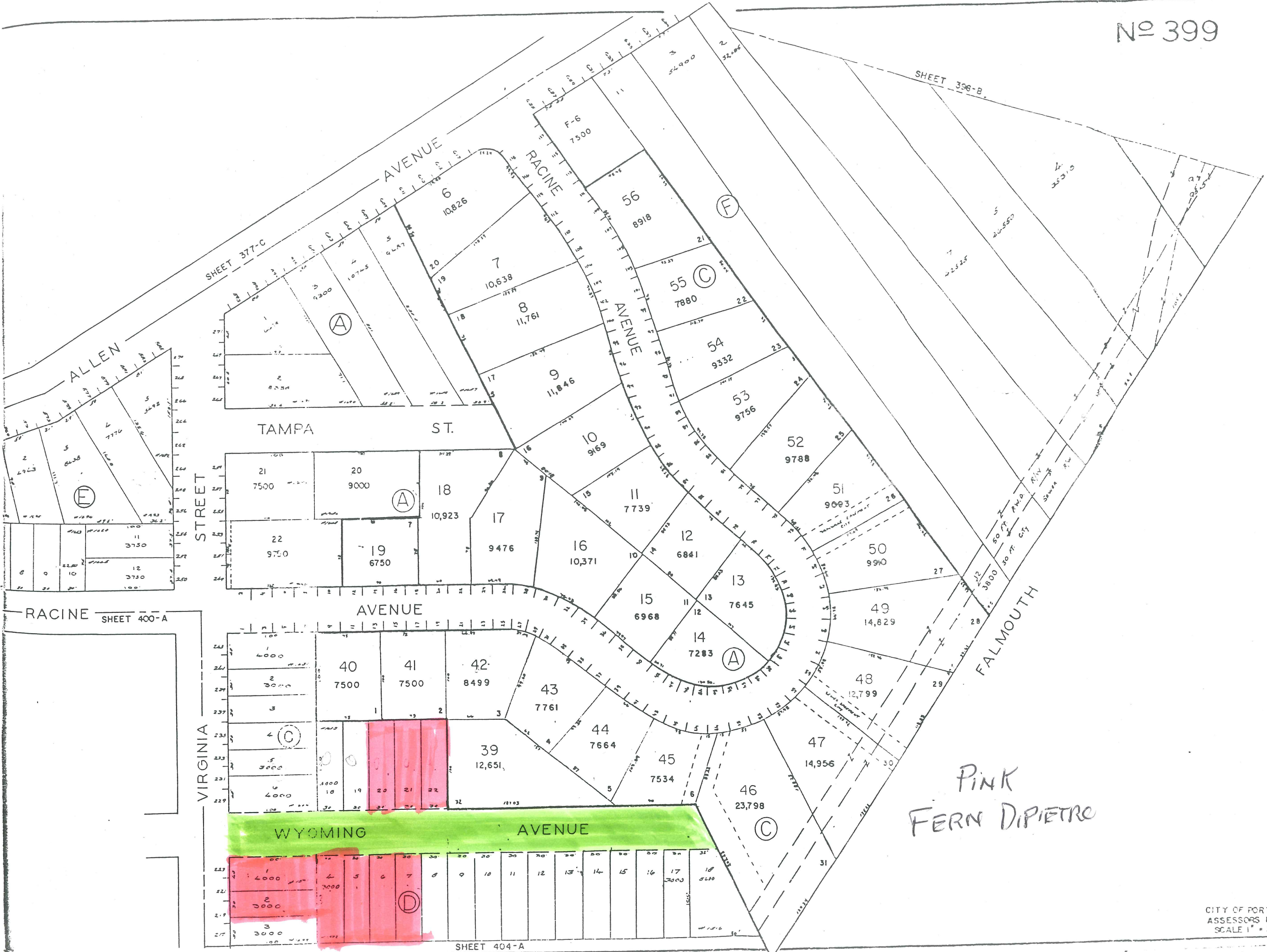
*[Signature]*  
ROBERT N. FARTHING PLS 588

Recording Information-- Page \_\_\_\_\_  
Plan Recorded in Plan Book \_\_\_\_\_  
Cumberland County Registry of Deeds  
Date: \_\_\_\_\_ Time: \_\_\_\_\_



- LEGEND:
- Drainage Easement
  - - - Subdivision Extents Boundary
  - Wetlands Boundary
  - Limits of detention area-100 year flood event; No alteration or filling below 72' elevation, north of Penn Avenue.
  - Common open space Lots 7-24
  - Section II
  - Lot 24





SHEET 377-C

SHEET 396-B

RACINE SHEET 400-A



VIRGINIA

WYOMING AVENUE

PINK FERN DIPIETRO

ALLEN

SHEET 404-A

 Request to be Vacated  
 Vacated Streets

SHEET 399-C

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
1157	1158	1159	1160	1161	1162	1163	1164	1165	1166	1167	1168	1169	1170	1171	1172	1173	1174	1175

SHEET 400-B

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
1411	1410	1409	1408	1407	1406	1405	1404	1403	1402	1401	1400	1399	1398	1397	1396	1395	1394	1393	1392	1391	1390

**Gill**  
**Portland Water District**  
**Moran**  
**Mulkerin**

**Mulkerin**

**Murphy**  
**Tilbohn**  
**Nally**  
**Hoyden**  
**PWD**  
**Mulkerin**

**Mulkerin**

SHEET 403-B

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
1247	1246	1245	1244	1243	1242	1241	1240	1239	1238	1237	1236	1235	1234	1233	1232	1231	1230	1229	1228	1227	1226

**Fridman**  
**Harris**  
**Narcis**  
**Mulkerin**  
**PWD**

**Mulkerin**

SHEET 405A-A

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
1157	1156	1155	1154	1153	1152	1151	1150	1149	1148	1147	1146	1145	1144	1143	1142

**Mulkerin**

CITY OF PORTLAND  
 ASSESSORS' PLAN  
 SCALE 1" = 50' ±

**CITY OF PORTLAND, MAINE  
CITY COUNCIL AGENDA REQUEST FORM**

**TO:** Sonia Bean, Senior Executive Secretary  
Elizabeth Boynton, Associate Corporation Counsel

**FROM:** Alexander Jaegerman, Chief Planner

**DATE:** May 23, 2001

**SUBJECT:** Street Vacation of Wyoming Avenue

- 1) Council Meeting at which action is requested (Date): June 4, 2001
- 2) Can action be taken at a later date?  YES  NO

**I. SUMMARY OF ISSUE**

Fern DiPietro of 221 Virginia Street is requesting a street vacation of a portion of Wyoming Avenue. The request to vacate is for the portion of Wyoming Avenue from Virginia Street easterly to its terminus.

**II. REASON FOR SUBMISSION (What issue/problem will this address?)**

The applicant owns property on both sides of Wyoming Avenue and would like to acquire the land proposed to be vacated.

**III. INTENDED RESULT (How does it resolve the issue/problem?)**

This street vacation would allow the applicant to acquire the property within Wyoming Avenue.

**IV. FINANCIAL IMPACT**

There are no known financial impacts to the City.

**V. STAFF ANALYSIS & RECOMMENDATION**

The Planning Board held a public hearing on March 13, 2001, at which time the Board voted unanimously 4-0 (Cole, Delogue and Hage absent) to recommend to the City Council vacation of a portion of Wyoming Avenue, from Virginia Street easterly to its terminus. The Planning Report is included as Attachment 1.

Attachments:

1. Planning Board Report #22-01



**WYOMING AVENUE STREET VACATION  
FERN DIPIETRO, APPLICANT**

Submitted to:

City Council  
Portland, Maine

May 23, 2001

## **I. INTRODUCTION**

Fern DiPietro of 221 Virginia Street is requesting street vacation of a portion of Wyoming Avenue. The portion of Wyoming Avenue that the applicant is petitioning to vacate is shown on Attachment F. The request to vacate is for the portion of Wyoming Avenue from Virginia Street easterly to its terminus.

As the Council may recall, in January 2000 the Planning Board recommended to the City Council a number of streets to be vacated. The recommendation included portions of Kansas Avenue, Penn Avenue, Nevada Avenue, Jersey Avenue, Utah Street, Montana Street, Illinois Avenue and Vermont Avenue. The City Council approved the street vacations as shown on Attachment E.

## **II. UTILITIES**

The applicant has received letters from Portland Water District, Northern Utilities and Central Maine Power. All of the utility companies have no objection to the street vacation. However, the Portland Water District does have a 35-foot section of 2" water main running from their water main in Virginia Street to the sideline of Wyoming Avenue for the future service to Wyoming Avenue. The Portland Water District and the applicant has agreed that the two inch galvanized line running from the main in Virginia Street to the sideline at Wyoming Street will be discontinued or a new service be installed in the same location prior to Virginia Street being repaved by the City.

Public Works has reviewed the request and has no objection to the street vacation. Public Works' memo is included as Attachment D.

## **III. COMPREHENSIVE PLAN**

While the Transportation Plan recommends the preservation and maintenance of a street network in the City, this street plays an insignificant role in the transportation system.

There are three properties that would appear to be landlocked if the proposed street vacation was approved. These three parcels are shown on Attachment C, and are owned by residents who live on Virginia Street and Racine Avenue. The applicant has approached the owners of the three parcels, who do not object to the street vacation and letters to that affect are included as Attachment C.

## **IV. PLANNING BOARD RECOMMENDATION**

The Planning Board held a public hearing on March 13, 2001, at which time the Board voted unanimously 4-0 (Cole, Delogue and Hage absent) to recommend to the City Council vacation of a portion of Wyoming Avenue, from Virginia Street easterly to its terminus.

Attachments:

- A. Applicant's Submittal
- B. Utility Letters
- C. Letters from Abutting Neighbors
- D. Public Works' Memo
- E. Streets Vacated by City Council
- F. Area Proposed to be vacated by Applicant

Fern M. DiPietro  
221 Virginia Avenue  
Portland, ME 04103

AH. A

October 30, 2000

PETITION FOR STREET VACATION

Mr. Joseph E. Gray, Jr., Director  
Planning & Urban Development  
Room 211  
389 Congress Street  
Portland, Maine 04101

Dear Mr. Gray:

In accordance with 23 M.R.S.A. Section 3027(1), I hereby petition to have that portion of Wyoming Avenue, so called, lying between Virginia Street and Wyoming's East End, all within the City of Portland, as more fully described on the attached Exhibit A, vacated by the City of Portland.

The street was dedicated by the recording on June 1926 of a Plan of "The Pines" in Plan Book 17, Page 6 and 7 of the Cumberland County Registry of Deeds. The street was never accepted by the City.

I have enclosed copies of letters from the public utilities detailing whatever interests they have in the portion of Wyoming Avenue to be vacated. I am also enclosing, as Exhibit B hereto, a list of the names and addresses of all property owners and mortgagees in the subdivision, as well as the standard waiver and indemnification agreement provided by your office. Also enclosed is the \$500.00 fee that I understand is required to cover your administrative costs and costs of providing notice to said property owners and mortgagees.

I hereby request that you take all further action necessary to complete vacating the above-described street, and that you inform me should it become necessary for me to provide you with any further information, or to take any further action. I understand that the matter will be brought up before the Planning Board for workshop and public hearing, and that the Planning Board will make a recommendation to the City Council. Final action on the street vacation will be made by the City Council.

Sincerely,



Fern M. DiPietro

AI

WAIVER AND INDEMNIFICATION

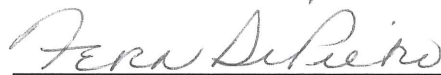
Whereas, Fern M. DiPietro of 221 Virginia Avenue has requested the City of Portland to vacate a certain proposed town way located in "The Pines" pursuant to 23 M.R.S.A. Section 3027 et seq.;

Whereas, the City of Portland as a condition precedent to any vacation of the proposed town way requires a waiver of any claims which Fern M. DiPietro may have against the City for such vacation, and further, requires indemnification against any claims of third persons arising out of or resulting from the vacation of said proposed town way;

NOW THEREFORE: in consideration of the City of Portland vacating said proposed town way, Fern M. DiPietro for himself, his successors and assigns, agrees as follows:

1. Fern M. DiPietro hereby waives any claim for damages which he may now or hereafter have against the City of Portland arising out of or resulting from any vacation of such proposed town way by the City pursuant to 23 M.R.S.A. Section 3027 et seq.;
2. Fern M. DiPietro hereby agrees to indemnify and hold harmless the City of Portland against any claims by any third person against the City of Portland for damages arising out of or resulting from any vacation of such proposed town way by the City of Portland pursuant to said statute.

Dated:



\_\_\_\_\_  
Applicant's Signature

VACATION WAIVER AND INDEMNIFICATION

Whereas, Fern M. DiPietro of 221 Virginia Street, Portland, Maine (The "Petitioner") has requested the City of Portland (The "City") to vacate, pursuant to 30 M.R.S.A. § 3027 et seq., a certain portion of a proposed Town Way) known as Wyoming Avenue more particularly described as Exhibit "A".

WHEREAS, the City of Portland as a condition precedent to any vacation of the proposed Town Way or portion thereof requires a waiver of any and all claims which the Petitioner may have against the City for such vacation, and further, requires indemnification against any and all claims of any and all third persons arising out of or resulting from the vacation of said proposed Town way or portion thereof;

NOW, THEREFORE, in consideration of the City vacating said proposed Town way or portion thereof, the Petitioner for itself, its successors, heirs and assigns, agrees as follows:

1. The Petitioner hereby waives any and all claims for damages which it may now or hereafter have against the City arising out of or resulting from any vacation of said proposed Town way or portion thereof by the City pursuant to 23 M.R.S.A. § 3027 et seq.;
2. The Petitioner hereby agrees to defend, indemnify and hold harmless the City against any and all claims by any and all third persons against the City for damages arising out of or resulting from any vacation or said proposed Town way or portion thereof by the City pursuant to 23 M.R.S.A. § 3027 et seq.

DATED: 12-27, 2000.

BY: Fern M. DiPietro  
(Petitioner's Signature)

FERN M. DiPietro.  
(Print Name)

ITS: OWNER  
(Title)

**EXHIBIT A**

A certain lot or parcel of land situated on the easterly sideline of Virginia Street between Racine Avenue and Kansas Avenue being known as a portion of Wyoming Avenue in the City of Portland, County of Cumberland and State of Maine, and more particularly described as follows:

Beginning at a point where the northerly sideline of Wyoming Avenue intersects with the easterly sideline of Virginia Street;

thence easterly along the northerly sideline of said Wyoming Avenue and the southerly sideline of City of Portland Assessors Plan number 399 Block C Lots numbered 6, 18, 19, 20, 21, 22, 39 and 45 to the southeasterly corner of said Lot 45 and an angle point in the westerly sideline of said Assessors Plan number 399 Block C Lot 46;

thence turning southeasterly along the easterly terminus of said Wyoming Avenue and the westerly sideline of said Lot 46 to the southerly sideline of said Wyoming Avenue and the northeasterly corner of said City of Portland Assessors Plan number 399 Block D Lot 18, said Lot 18 being conveyed to the Portland Water District;

thence turning westerly along the southerly sideline of said Wyoming Avenue and the northerly sideline of said Lot 18 to the northwesterly corner of said Lot 18 and the easterly sideline of City of Portland Assessors Plan number 399 Block D Lot 14;

thence turning northerly along the easterly sideline of said Lot 14 projected to the centerline of said Wyoming Avenue and a point;

thence turning westerly along the centerline of said Wyoming Avenue and the northerly sideline of City of Portland Assessors Plan number 399 Block D Lots 14, 11 and 8 to a point, said point being northerly of the westerly line of said Lot 8 projected to the centerline of said Wyoming Avenue;

thence turning southerly along the westerly sideline of said Lot 8 to the southerly sideline of Wyoming Avenue, the northeasterly corner of City of Portland Assessors Plan number 399 Block D Lot 7 and a point on the westerly sideline of said Lot 8;

thence turning westerly along the southerly sideline of said Wyoming Avenue and City of Portland Assessors Plan number 399 Block D Lots 7, 6, 5, 4 and 1 to the easterly sideline of said Virginia Street;

thence turning northerly along the easterly sideline of said Virginia Street to the point of beginning.

A4

Meaning and intending to describe the most easterly portion of Wyoming Avenue as shown on City of Portland Assessors Plan number 399, being bordered on the north by Block C Lots 6, 18, 19, 20, 21, 22, 39 and 45; on the east by Block C Lot 46; on the south by Block D Lots 1, 4, 5, 6, 7, 8, 11, 14 and 18; and on the west by Virginia Street.

Reference is to City of Portland Assessors Plan number 399, dated April 1, 2000.

The above description prepared by Timothy DeFilipp, PLS #2246, December 1, 2000.





A5

**ABUTTERS to WYOMING AVENUE**

399-C-5 & 6 Mary Ann Lapierre

399-C-18 & 19 Mary Ann Lapierre

399-C-20, 21 & 22 Fern M. DiPietro

399-C-39 Lauren M. Cormier

399-C-45 Richard N. and Maureen B. McCallum

399-C-46

399-D-1, 2, 4, 5, 6 & 7 Fern M. DiPietro

399-D-8, 11 & 14 Amy K. Mulkerin and Gregory T. McCormack

399-D 18 Portland Water District

**EXHIBIT "A"**

A6

That portion of Wyoming Avenue, so-called, as shown on Plan of "The Pines" said plan being recorded in the Cumberland County Registry of Deeds on June 1926 in Plan Book 17, Page 6 and 7 which is bounded westerly by Virginia Street and Easterly by Lot C-46, northerly by Lots C-6, 18, 19, 20, 21, 22, 39, and 45. Southerly by Lots D-1, 4 to 18. As shown on said Plan.

A7

**NOTICE OF PROPOSED STREET VACATION**

(The municipal officers of) (A petition has been filed with the municipal officers of) the City of Portland (propose to) (to vacate) the following (ways) (way) shown upon a subdivision plan named The Pines, dated June 1926 and recorded in the Cumberland County Registry of Deeds, Plan Book 17, Page 6 and 7.

List of way to be vacated:

Wyoming Avenue

If the municipal officers enter an order vacating (these ways) (this way) any person claiming an interest in (these ways) (this way) must, within one (1) year of the recording of the order, file a written claim thereof under oath in the Cumberland County Registry of Deeds and must, within one hundred eighty (180) days of the filing of the claim, commence an action in the Superior Court in Cumberland County in accordance with Maine Revised Statutes Title 23, Section 3027-A.

The City Council will hold a public hearing on the proposed vacation(s) on \_\_\_\_\_ at \_\_\_\_\_ p.m. in the City Council Chambers, City Hall, 389 Congress Street, Portland.



AH. B

October 31, 2000

Mr. David DiPietro  
221 Virginia St.  
Portland, Me

Dear Mr. Dipietro,

Northern Utilities, Inc. , has no interest in the portion of Wyoming St between Virginia St and the dead-end of the road (not including the intersection of Virginia St.) in Portland.

Yours Truly,

Perry Robichaud  
Distribution Supervisor



# Portland Water District

BI

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

November 1, 2000

(207) 774-5961  
FAX (207) 761-8307  
www.pwd.org

Portland Planning Department  
Portland City Hall  
389 Congress Street  
Portland, ME 04101  
Att: Mr. Joseph Gray

Re: Proposed Vacation of a Portion of Wyoming Street

Dear Mr. Gray:

David DiPietro has informed the District that he intends to request that the City vacate the portion of Wyoming Street from Virginia Street easterly to its terminus. The District has no water main in Wyoming Street itself and has no objection to its vacation; however, the District does have a 35-foot section of 2" water main running from our water main in Virginia Street to the sideline of Wyoming Street for the future service of Wyoming Street.

If the street is to be vacated, this small piece of main needs to be abandoned and shut at the corporation at the main in Virginia Street. This would involve excavating the connection in Virginia Street and disconnecting that main. This work would be done at the expense of the person requesting the vacation.

For more information regarding the work that would need to be done, you can contact James Pandiscio of this office at 774-5961 ext. 3006. Do not hesitate to call me at 774-5961 ext. 3057 if you have any further questions regarding this request.

Sincerely yours,

PORTLAND WATER DISTRICT

Norman V. Twaddel  
Right of Way Agent



Central Maine Power  
162 Canco Road, Portland, Maine 04103

B2

1-800-750-4000

December 11, 2000

Mr. David DiPietro  
221 Virginia Street  
Portland, ME 04103

RE: Wyoming Avenue and Virginia Street, Portland

Dear Mr. DiPietro:

As a follow-up to your recent concern regarding Central Maine Power Company facilities, please be advised that at this time Central Maine Power Company does not have facilities in the area of **Wyoming Avenue**, Portland. However, if work is planned for Virginia Street, it will be your responsibility for associated costs for the project.

If you should have any further questions regarding this matter, please do not hesitate to contact me at **823-2881**.

Sincerely,

David A. Foss  
Operations Supervisor

DAF/lb



# Portland Water District

B3

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

March 26, 2001

(207) 774-5961  
FAX (207) 761-8307  
www.pwd.org

Portland Planning Department  
Portland City Hall  
389 Congress Street  
Portland, ME 04101  
Att: Mr. Joseph Gray

Re: Proposed Vacation of a Portion of Wyoming Street

Dear Mr. Gray:

Following up on our letter of November 1, 2000, the District has no interest in the portion of Wyoming Street proposed to be abandoned.

The District requires and Mr. DiPietro has agreed that the two inch galvanized line running from the main in Virginia Street to the sideline at Wyoming Street will be discontinued or a new service be installed in the same location prior to the Virginia Street being repaved by the City.

For more information regarding the work that would need to be done, you can contact James Pandiscio of this office at 774-5961 ext. 3006. Do not hesitate to call me at 774-5961 ext. 3057 if you have any further questions regarding this request.

Sincerely yours,

PORTLAND WATER DISTRICT

Norman V. Twaddel  
Right of Way Agent

AH.C

Fern M. DiPietro  
221 Virginia Avenue  
Portland, ME 04103

October 30, 2000

Mr. Joseph E. Gray, Jr., Director  
Planning & Urban Development  
Room 211  
389 Congress Street  
Portland, Maine 04101

Dear Mr. Gray:

Enclosed are two letters from landowners that have property on Wyoming Street, but live on Virginia Street and Racine Avenue stating that they have no interest in having access to their lots on Wyoming Avenue from Wyoming Avenue because they have access to their lots from the streets their homes are on, which are lots (C) 18, 19, 39. The only other lots which are land locked are Lots (C) 20, 21, 22, and (D) 4, 5, 6, 7, which are owned by Fern DiPietro

All other lots have frontage on other streets.

Sincerely,



Fern M. DiPietro



C1

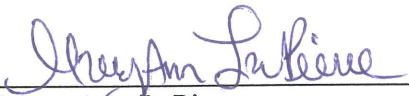
September 15, 2000

Joe Gray  
Planning Department  
City of Portland  
389 Congress Street  
Portland, ME 04101

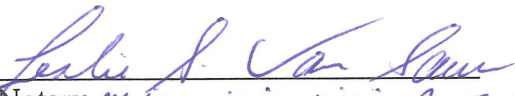
RE: DISCONTINUANCE OF WYOMING STREET

I have no objection to vacating Wyoming Street. I have two lots on Wyoming Street that abut my property on Virginia Street. I do not need access from Wyoming Street seeing that I have the Virginia Street access.

Sincerely,

  
\_\_\_\_\_  
Mary Ann LaPierre

9/18/00  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Notary My commission expires Dec. 17, 2002  
Sept. 18, 2000  
\_\_\_\_\_  
Date

C2

October 10, 2000

Joe Gray  
Planning Department  
City of Portland  
329 Congress St.  
Portland, Maine  
04101

RE: DISCONTINUANCE OF WYOMING STREET

I have no objection to vacating Wyoming Street. I have a lot on Wyoming Street that abuts my property on Racine Street therefore I do not need access from Wyoming Street.

Sincerely,

*Lauren Cormier*  
*Lauren Cormier*

Lauren Cormier

*10/14/00*  
*10/10/00*

Date

*Sandra Bailey*  
NOTARY

*10/14/00*  
DATE

SANDRA A. BAILEY  
Notary Public, Maine  
My Commission Expires April 20, 2004

Attachment D

**From:** Anthony Lombardo  
**To:** Kandi Talbot  
**Date:** Fri, Mar 2, 2001 9:01 AM  
**Subject:** Re: Wyoming Avenue Street Vacation

Kandi,  
Public Works has no objection to the Wyoming Street vacation.

>>> Kandi Talbot 02/22 3:42 PM >>>  
Tony,

Did you have a chance to look at the packet I sent you on the Wyoming Avenue Street Vacation request?  
I was wondering if Public Works has any concerns with this.

Thanks.  
Kandi

AH. E

Exhibit B To Notice of Proposed Street Vacation Dated December 29, 1999

**STREETS TO BE VACATED (IN BLACK)**

**NOTES:**

(1) Master Plan showing stands of THE PINES Subdivision 1998, current phases, and lands remaining for future development.

(2) Meets and Bounds have been adjusted to concur with street line information for City of Portland, July, 1999

(3) AREAS:

- Phase I 2.42 Acres
- Phase II 4.16 Acres
- Phase III 4.24 Acres
- Phase IV 6.53 Acres
- Access 2.37 Acres

Remaining prepar streets 8.21 Acres  
Total 29.93 Acres

Typing 2.69 Acres  
To be retained 0.57 Acres

(4) Zoning: R-3

(5) Branch Mark Elevation Monocle Rim @ Montano 51 and Penn. Ave. Elev. 70.75

Approved By: City of Portland, Maine Planning Board

Date: \_\_\_\_\_

Survey By: SURVEY, INC.  
P.O. Box 210  
Windham, Me.

Plan Prepared By: J.F.F.  
© Survey, Inc.  
P.O. Box 210  
Windham, Me.

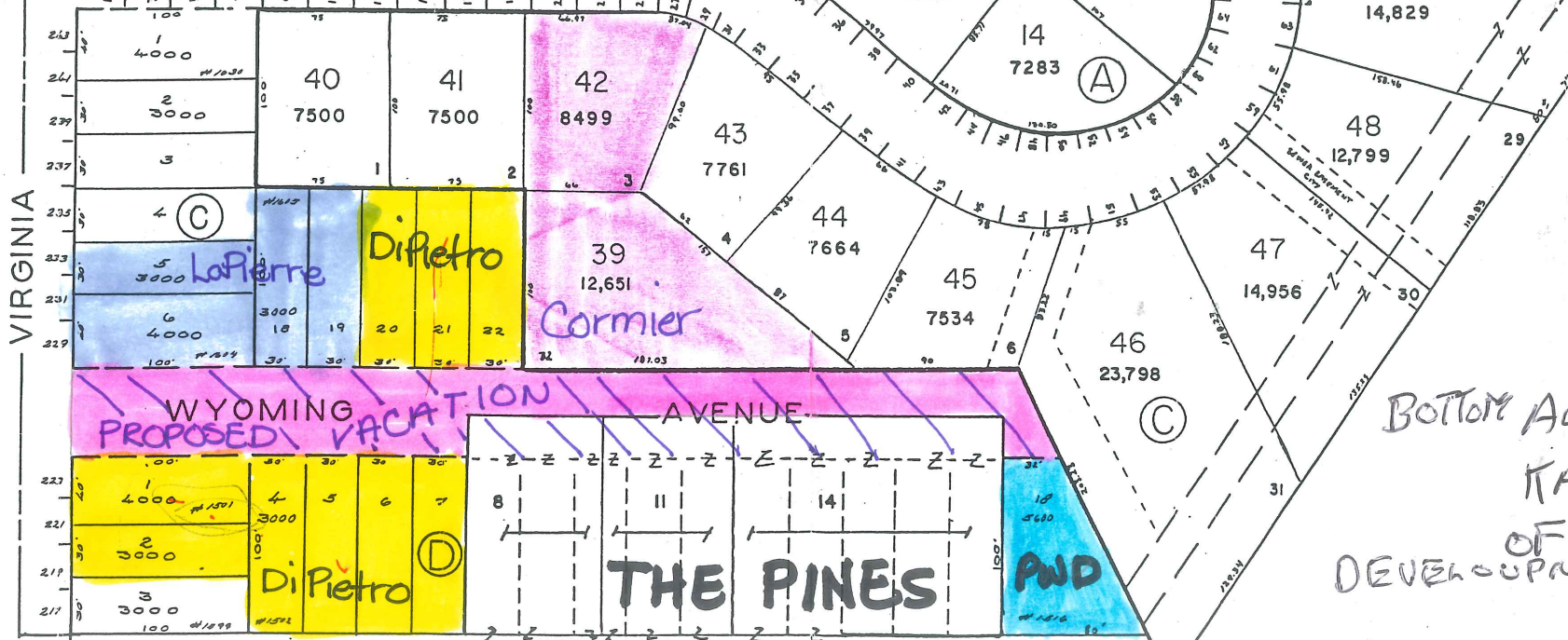
JULY, 1999

THE PINES  
Portland, Maine

For: A & G Associates  
426 Forest Avenue  
Portland, Maine  
Developer  
Amy K. Mulkerin  
Gregory T. McCormack  
(Owner's of Record)

TO BE VACATED, read Ambiguity variances per street information

GRAPHIC SCALE 1" = 100'



YELLOW: FERM DIPIETRO

THE WHITE LOTS ON THE BOTTOM ALL HAVE ACCESS FROM KANSAS ST. AND ARE PART OF THE NEW DEVELOPMENT "THE PINES" April 1, 2000

WYOMING PROPOSED VACATION AVENUE

THE PINES

AND