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ANTWELL

ARCHITECT

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PORTLAND
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and Financial
Consultants

WAYNE JOHNSON, P.A.
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(207) 846-8582

R.R. No. 1-3 Spar Circle
Yarmouth, Maine 04096

~~FIGI CORP~~

HARVARD MANOR (1980)

FIGI CORP.

FIGI HARVARD ST
0-80

25 Jay Ave, FAN
as Vance CUB
71 Chesley
Portland, Maine

ONAGHAN & LEAHY
ATTORNEYS AT LAW

ONAGHAN 415 CONGRESS STREET
LEAHY SUITE 402
MEAN PORTLAND MAINE 04101

Sabatina Nappi

Richard Cotes

Albert Halle
270 Harvard

Dongo

Ayer

F1-G1 HARVARD ST 2-80

March 27, 1980

Dr. Thomas Florica
FIGI Corporation
12 Church Street
Livermore Falls, Maine

Dear Dr. Florica:

I am pleased to inform you that at their meeting of March 25, 1980, the Planning Board unanimously approved the subdivision plat and site plan for Harvard Manor Apartments at Harvard and Yale Streets. This proposed development includes 80 existing and 156 proposed apartment units. The approval is subject to all the conditions expressed by the Planning Board and the City of Portland, including financial capability, management responsibility, storm sewer requirements, a conclusive agreement with Northfield Green Associates to utilize the holding pond on their property and other city departmental and municipal code requirements. In addition, the Board requested that the proposed street be shown as Yale Court on the subdivision plat, subject to approval by the City Council.

The proposed development meets all of the requirements of the City of Portland departments and Planning Board as determined by the Subdivision Ordinance and Site Plan Ordinance.

We wish you great success in this valuable contribution to future development in Portland.

Sincerely,

Jean E. Gilpatrick
Chairman

clw

HARVARD MANOR APARTMENTS
SITE PLAN AND SUBDIVISION REVIEW

*Suggest that sewer
that is placed as gravity flow
once it reaches and runs down Chesley Avenue*

Submitted to:
Portland Planning Board
February 26, 1980

237 parking spaces

EXISTING DEV 5.1 ac
New A + Rec = 12.8 / 11.9 ac.
10.6 2.2
↓
Less Road 1.1
9.5 + 2.2 = 11.7 / 156 (163)

INTRODUCTION

A subdivision and site plan is proposed for approximately 18 acres of land on Yale Street by FIGI Corporation of Jay, Maine. Price range of the apartments is estimated to be \$350 to \$375 per month.

An advertisement and map of the site occurred in the Portland Press Herald and Evening Express. Notice was mailed to approximately 120 local area residents and property owners.

FINDINGS OF FACT

Final Density is 13.3 du/ac
+ existing = 14.0

A. Description of Lots

Fifteen ¹⁵ buildings of twelve units each are proposed for a total of ¹⁵⁶ 180 proposed two-bedroom apartments.

An additional portion of the site to be used in meeting the unit density requirements is located between Berry Avenue and Harvard Street. This area is proposed to remain as open space.

The existing development, Harvard Manor, contains approximately 80 units of existing apartments. Vehicular access between the existing and proposed buildings will be restricted to emergency access only, as described below.

The areas for proposed development are heavily wooded. The site is bordered by the Northfield Green subdivision, Chesley, Edgewood and Berry Avenue property owners, Harvard Street property owners and Yale Street. City owned parkland, the so called University Park is located across Yale Street from the property.

Zoning for the entire site is R-5 Residential with R-3 Residential zoning northerly of the site.

B. Description of Proposed Improvements

1. Public Street and Walkways

The existing Yale Street is an accepted (1935) and at one time improved city street. The City legally has the responsibility to bring this existing street up to city standards and maintain it. Funding for this work may not be available in the near future. A memo to Mr. Nickerson, Acting Planning Director from Mr. Lourie, Deputy Corporation Counsel, dated February 12, 1980 is attached and provides further information concerning the status of this street.

A street built to city standards and to be accepted by the City is proposed for an approximately 1,500 ft. length, extending approximately 700 ft. along the existing Yale Street and then curving northerly into the subdivision. From this point the proposed street extends approximately 800 ft. to a cul-de-sac, with a planting/drainage area in the center. Access is proposed from Allen Avenue via Yale Street only.

156
80
236

The developer proposes that the remaining (easterly) portion of existing Yale Street be vacated. Mr. Lourie's memorandum addresses the consequences of vacating Yale Street.

Land abutting Yale Street in the portion proposed to be vacated is owned by the developer to the north and consists of city parkland to the south, between Yale Street and Harvard Street. (See Open Space)

Walks are proposed on both sides of the proposed street within the property boundaries and on the northerly side of the existing portion of Yale Street to be improved. Curbing is proposed according to City standards on the entire section of the street.

An internal walkway system is proposed which links all buildings to parking areas and to the open space/recreation area.

2. Parking Areas

Off-street parking has been provided for vehicles in eight lots from 16 to 40 spaces each. A total of ~~270~~ parking spaces are shown, or 1.5 parking spaces per unit. Four foot(sapling) fences are shown bordering all parking lots which abut property lines as required under the Zoning Ordinance.

less 33 = 237

3. Sanitary Sewers

Provisions for sanitary sewers include a pump station and force main system linking to an existing manhole approximately 200 ft. down Chesley Avenue from its end to ~~five~~ of the buildings. The other ten buildings will be served by a gravity flow sewer to an existing manhole at the end of Berry Avenue.

4. Storm and Surface Drainage

Storm drainage includes catch basins on the proposed Yale Street with surface drainage and storm drainage leading to existing swales except along the easterly side of Berry Avenue. In this section of the recreation/open space area, a new 8 ft. wide, 3:1 side slope swale is proposed to lead to a new catch basin near the most northerly point of the parcel and new storm drain constructed from that point to an existing drain on Berry Avenue through a R.O.W. obtained and to be maintained by the developer.

Drainage on the westerly side of the parcel is proposed to utilize the existing drainage swales and detention pond on the Northfield Green property with a letter of permission to be obtained by the developer before the public hearing.

5. Open Space

a. Recreation Area

The recreation area is proposed to include three tennis courts, two tot areas, three horseshoe courts, partial basketball court, picnic tables, night lighting and a storage building. A landscaped buffer zone is proposed between the recreation area and Berry Avenue residents as

requested by a group of the residents abutting this area, consisting of a five foot metal fence and evergreen tree plantings.

Maintenance for this area is proposed to be part of overall maintenance of the subdivision by the owner.

b. Park Area

The so called University Park contains approximately 8.7 acres of undeveloped, partially very wet land between Harvard Street and Yale Street. The status of this parcel is summarized in the attached memo to Brian Nickerson, Acting Planning Director from David Lourie, Deputy Corporation Counsel (dated 2/12/60).

The Parks Department was contacted and has no present plans for the future of this land

STAFF REVIEW

The Staff reviewed the subdivision in accordance with the review criteria of Section 603.8.1 of the Subdivision Ordinance.

- a. No undue water or air pollution will result from the development.
- b. Sufficient public water service is available for all lots and will not cause an unreasonable burden on the existing water supply, as indicated by the Portland Water District. Water service is proposed from the existing line on Yale Street. Two new hydrants will be funded by the developer.
- c. Unreasonable erosion or water-retaining characteristics of the soil will not result in or present a dangerous or unhealthy condition. Public Works has reviewed drainage plans for the site and the developer has agreed to make necessary changes and include them on the final plat.
- d. No traffic congestion or other unsafe highway or public road conditions exist or will result, as reviewed by the City Traffic Engineer. Sight distance and traffic generation were analyzed. The attached memo from the City Traffic Engineer raises a concern about the alignment of Yale Street at the intersection with Harvard Street which the Planning Board may wish to pursue with the developer. All other concerns have been met by the developer.
- e. Adequate sanitary waste and storm water disposal is proposed and will not cause an unreasonable burden on municipal services. Public Works has reviewed and approved the developer's proposal for sanitary waste and storm water disposal.
- f. No undue adverse effects on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas will result. The developer states that an attempt will be made to save as much of the existing trees as possible. Proposed building facades will be similar to those of the existing Harvard Manor. The buffer proposed abutting Berry Avenue residents has met with approval by those residents.
- g. The project is in conformance with the Land Development Plan and does not conflict with city projects.

- j. The subdivider appears to have adequate financial and technical capacity to meet the standards set in the subdivision ordinance. The Planning Staff requested information from the developer's representative but no documentation has been received to date.
- k. The parcel is not located within 250 feet of a river and will not adversely affect the quality of waterways or unreasonably affect their shoreline.

In addition to the above criteria, the following concerns are discussed, as addressed in the Site Plan Ordinance:

- l. Schools - Additional expected elementary school population is estimated at approximately 21 children. (Urban Land Institute Standards) Present enrollment of Lyseth School, the local elementary school, is 682 (October 5, 1979) with a capacity of approximately 750 students. *EXISTING DEVELOPMENT - 7th St. 280 units, 14th St. 140 units, 15th St. 140 units, 16th St. 140 units*
- m. Fire Safety - The Fire Department has approved the final subdivision plat. Two additional hydrants are proposed. A minimum 12 ft. wide, chain locking gate, will provide emergency only access from the proposed cul-de-sac to existing Harvard Manor.
- n. Lighting - Public Works requires light poles with a maximum of 75 ft. spacing. The developer is revising plans to meet this requirement.
- o. Zoning Ordinance - The Building Inspection Department has revised and approved the site plan according to requirements of the Zoning Ordinance.

STAFF RECOMMENDATION

The Staff recommends that the subdivision plat and site plan are ready for Planning Board action conditional on the City Council's approval of Yale Street relocation within six months.

BASIS OF RECOMMENDATION

- 1. The Planning Staff has reviewed the proposed site plan with reference to the Site Plan Ordinance and finds components to be in conformance with the ordinance subject to the revisions proposed to be made to the plan as noted above.
- 2. The Planning Staff has also reviewed the proposal with reference to the Subdivision Ordinance and finds it to be in conformance.

CITY OF PORTLAND, MAINE
MEMORANDUM

TO: Brian Nickerson, Acting Planning Director
FROM: William J. Bray, Traffic Engineer
SUBJECT: Harvard Manor Apartments Site Plan

DATE: 2-21-80

There are only three areas of concern relative to this proposed development.

1. The proposed horizontal alignment of Yale Street at the intersection of Harvard Street is extremely "poor" in design. Every effort, including the purchase of private property or City property, should be strived for to minimize the potential hazard of this alignment.
2. The proposed 2-foot timber guardrail that abutts the existing Harvard Manor facility should be extended westerly around the proposed parking lot to match the limits on the easterly side.
3. Timber guardrail should be installed so as to eliminate any possibility of vehicle access onto Chesley Avenue which is adjacent from the parking lot.

KJB/pjm

CITY OF PORTLAND, MAINE

MEMORANDUM

*dependent on
researching the deeds*

*Council can relocate these streets
So long as can get rights to F&B
can discontinue old street
- will not free that land to development
→ still private rights*

TO: Brian M. Nickerson, Acting Planning Director
FROM: David A. Lourie, Deputy Corporation Counsel
SUBJECT: F&B Development-Vicinity of Yale Street off
Allen Avenue

DATE: 2/12/80

At your request dated February 5, 1980, I have reviewed the Development Proposal in the Vicinity of Yale Street and Allen Avenue. While I cannot give you definitive answers as to a number of issues raised by you, I shall attempt to give you some guidance at this time.

With respect to the "park land" between Yale and Harvard Streets, this property was dedicated to the public for park purposes in the Subdivision Plan dated 1937. As a result of this dedication, the property is presently unusable for anything but a park. You asked what methods could be used to clear title to this property so that it could be used for either public or private development. In either case, the answer is the same. Some action must be taken by the City of Portland on behalf of the public to release the dedication. At this time I am not certain what that action is. In addition, it is absolutely essential that the heirs of the developer convey their fee interest to the property, since upon removal of the dedication their interests will become possessory. Further, all persons who bought property in the subdivision obtained dominant estates with respect to this park land and would have a right to have it continued to be park land in the absence of a release. Therefore, all present owners of parcels in the original subdivision must release their rights with respect to the park land. All of this discussion, of course, presumes that the 1937 dedication is the only encumbrance on the property. Without a title search, I cannot state that this is so.

You also raised questions with respect to ownership of the streets. I cannot definitively answer this question without a review of the deeds given out in the subdivision. At a minimum, the discontinuance of the proposed streets or a portion of those streets would leave private rights of passage over the same area in the owners of land sold with reference to the 1937 plan. If there are any such owners, they must release their rights in the area or clear title cannot be obtained. It is impossible to determine where the fee to the land under the streets is without a review of the deeds given by the developer. Most likely, it remained in the developer and is in his heirs.

I would anticipate that it would cost substantial amounts of money to conduct a competent title search of the area sufficient to determine the identity of persons having rights in the park land and under the streets. Obtaining release deeds from all the parties would also be cumbersome and expensive. However, this is not the type of park land where relief may be had from the legislature since it was created as park land by dedication rather than by condemnation. (In the case of condemnation, there is a statutory restriction which bars use of the land for other purposes. The legislature can therefore release that restriction. In this case, the restriction is contractual in nature,

Brian M. Nickerson, Acting Planning Director

February 12, 1980

and runs with the land. The legislature could not release this property without impairing the obligations of a contract in violation of the State and federal constitutions.)

Please advise if you have any further questions. If it is essential that I attend the Planning Board Meeting, I will do so if you notify me.

David A. Lurie
David A. Lurie
Deputy Corporation Counsel

DAL:th

F161

- call Dick Anderson - Park status + potential
- any ^{"new"} parking included in old submission?
- Recording Plot - amended or new?
"modified"

Schools - Lyseth - Capacity 750

enrollment
628 2/6/79
682 10/5/79

elementary -- .116	.39 - 3 Bed	.670	4 Bed
50	80	50	
= 5.8	180	32.5	

70.5 children

- street strategy curves
- call Lt. Collins
 - check
 - 2 hydrants

- 602.14.H.2 -- Fences - show for site plan, guard rails
- Recording plot showing adjacent land owners, property line between new/old - not for same parking for both submissions
- Traffic - remind Bill Bray to look at
- Lighting
- Drainage + utilities - check Roger
- Landscape plan
- Graphics = Facades

Mrs. Fiorica & John Stevens

1911168-1.03.
Multi family ^{apartment}

apt. Buildings proposed for Fee Fee development
off Harvard St. in N. Deering - 120 Units

sewer in Perry Ave. Fin.

sewer to serve Fee Fee develop.

Storm drain into Perry Ave -

2A area would be reserved for recreation
space.

To be an accepted City street

to be
Whether private or public sponsored recrea-
tion area? Privately sponsored, according to Mrs
Fiorica.

~~Tabled until next regular meeting~~
Mr. Gould moved that the plan be
approved subject to the review and
approval by P. W. Dept. ^{and Eng. Inspection Dept.} Mr. Conway
seconded the motion

It was so voted - 4 Yeas

W. J. [unclear]

Mrs. Fiorica & John Stevens

1011168- P.O.S.
Multi family ^{appt.}

apt. Buildings proposed for Fee See development
off Harvard St. in N. Decring - 120 Units

Sewer in Berry Ave. Fin.

Sewer to serve Fee See develop.

Storm drain into Berry Ave -

2A area would be reserved for recreation
space.

To be an accepted City street

to be
Whether private or public sponsored recrea
tion area? Privately sponsored, according to Mrs.
Fiorica.

~~Failed vote next regular meeting~~
Mr. Gould moved that the plan be
approved subject to the review and
approval by P. W. Dept. and Eng. Inspection Dept.
Mr. Conway seconded the motion

It was so voted - 4 Yeas

Gould
Conway

CITY OF PORTLAND, MAINE
MEMORANDUM

TO: Don M.
FROM: Doug
SUBJECT: 240 HARVARD ST. - Earle Smith development

DATE:

PROJECT HISTORY - WARREN TURNER has indicated to me that, in 1968, the Planning Board approved the 240 Harvard St. development in accordance with paragraph 602.6A3 of the zoning ordinance (which required a site plan submitted) for multi-family developments..

Earle Smith's question appears to be this:

* Does his proposed building, approved as stated above, need Planning Board approval (>10,000 SF. total floor area), in accordance with the 1974 site plan ordinance?

[The 1974 ordinance (604.1, paragraph 2) "furthurs the purposes set forth in Section 602.1 (Zoning Ordinance)."]

* He appears to believe that another public hearing would imply that the 1974 Ordinance is retroactive (to 1968).

Will request site plan review - major - DEM

CITY OF PORTLAND, MAINE
MEMORANDUM

TO: DON M.

DATE: 5-11-79

FROM: Doug

SUBJECT: FI GI CORP. SITE PLAN REVIEW
Earle Smith

We need more info, and this may not be
available by 4:30 5/22 P.B. meeting.

Also need Al Strout's name added (to memo)
for copy of memo requesting more info for site
plan review.

Doug

Al Strout - I will hand deliver through
JOHN RAGUE ~~1372~~

**CITY OF PORTLAND, MAINE
SITE PLAN REVIEW
Processing Form**

Pi-Oil Corp.
Applicant
Jay, Lynn
Mailing Address
A/C. [unclear]
Proposed Use of Site
257, 311 sq. ft.
Acreage of Site / Ground Floor Coverage

5-3-79
Date

240 Harvard St.
Address of Proposed Site
15A-2-11 6-439-P-19, 20, 21, 22, 23
Site Identifier(s) from Assessors Maps
R-5
Zoning of Proposed Site

Site Location Review (DEP) Required: () Yes () No
Board of Appeals Action Required: () Yes () No
Planning Board Action Required: () Yes () No

Proposed Number of Floors _____
Total Floor Area _____

Other Comments: _____

Date Dept. Review Due: May 8, 1979

PLANNING DEPARTMENT REVIEW
5-7-79
(Date Received)

- Major Development — Requires Planning Board Approval: Review Initiated
- Minor Development — Staff Review Below

	LOADING AREA	PARKING	CIRCULATION PATTERN	ACCESS	PEDESTRIAN WALKWAYS	SCREENING	LANDSCAPING	SPACE & BULK OF STRUCTURES	LIGHTING	CONFLICT WITH CITY PROJECTS	FINANCIAL CAPACITY	CHANGE IN SITE PLAN	
APPROVED													CONDITIONS SPECIFIED BELOW
APPROVED CONDITIONALLY													
DISAPPROVED													

REASONS: _____

(Attach Separate Sheet if Necessary)

SIGNATURE OF REVIEWING STAFF/DATE
PLANNING DEPARTMENT COPY

CITY OF PORTLAND, MAINE
MEMORANDUM

TO: Don MEGATHLIN

DATE:

FROM: Doug Mason

5-8-79

SUBJECT: SITE PLAN REVIEW OF 240 HARVARD ST.
BUILDING #6

Insufficient information has been provided to the Planning Department Staff to initiate a review of the site plan for Building #6 at 240 Harvard St. Chapter 604 City Site Plan Ordinance requires the following information in conjunction with a major development proposal, which has not been provided to the Staff:

Section

604.4B.1 A map or maps at a scale of not less than one (1) inch to one hundred (100) feet, setting forth:

~~B.1 (a)~~

B.1 (c) proposed contours at intervals of not more than

2 feet
B.1 (f) existing soil conditions

B.1 (g) location of on-site public utilities, water & sewer mains, culverts, drains, existing and proposed, showing size and direction of flow

B.1 (m) landscape plan showing location, type, & approximate size of plantings

CITY OF PORTLAND, MAINE
MEMORANDUM

- 2 -

TO:

FROM:

SUBJECT:

DATE:

B.1(n) location and dimensions of all fencing and screening

B.1(o) location and intensity of outdoor lighting system

604.4 B.2

2. A written statement by the applicant that shall consist of:

604.4 B.2(a)

(a) a description of the proposed uses to be located on site, including quantity and type of residential units, if any;

604.4 B.2(b)

(b) the total land area of the site, and the total floor area and ground coverage of each proposed building and structure;

604.4 B.2(c)

(c) general summary of existing and proposed easements or other burdens now existing or to be placed on the property;

604.4 B.2(d)

(d) method for handling solid waste disposal;

604.4 B.2(e)

(e) the applicant's evaluation of the availability of off-site public facilities including sewer, water and streets;

604.4 B.2(f)

(f) a description of any problems of drainage or topography, or a representation that, in the opinion of the applicant there are none;

604.4 B.2(g)

(g) an estimate of the time period required for completion of the development.

604.4 D.

D. A final site plan for a major development shall also be accompanied by four signed copies of a statement by the applicant setting forth the names and addresses of the owner or owners of the parcels proposed to be developed and the estimated cost of the development.

CITY OF PORTLAND, MAINE
MEMORANDUM

- 3 -

TO: DEM
FROM: JDM
SUBJECT:

DATE: 5-8

~~This information has not been provided at this time.~~

In addition, Planning Board approval is necessary.

cc: Building Inspection Dept.
Donald Megathlin, Planning Director
Fi-61 Corp.
Douglas Mason, Planning Dept. Staff

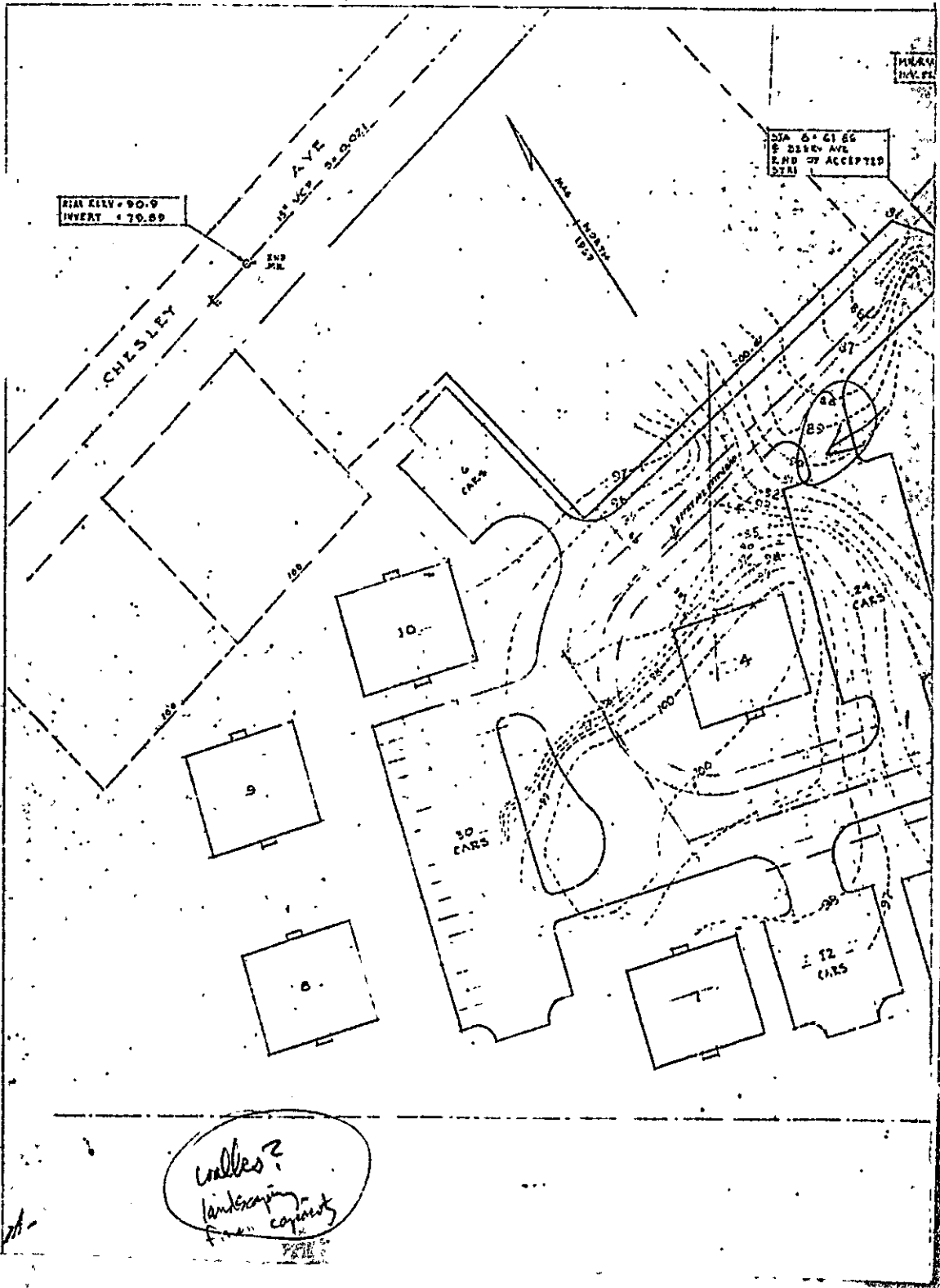
12 UNITS BLDG #6 Apt.

Lot 357,411 #

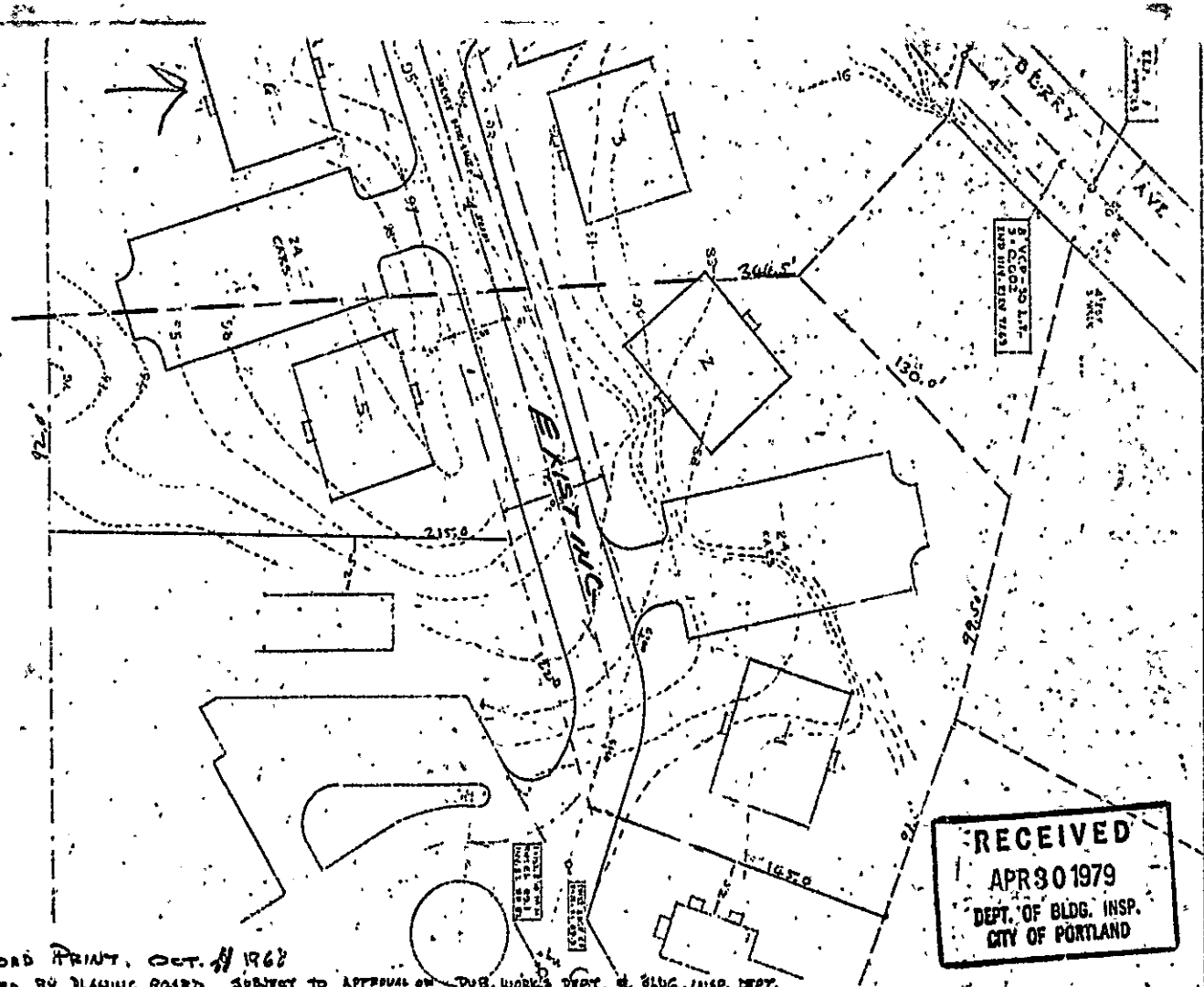
Bldg ~~62~~ X 62 65X57

~~62~~
124
~~37~~
~~688 47~~

Landscaping to approved
ped. walkways to provided



walkers?
landscaping
fire equipment



RECORD PRINT, OCT. 11 1968
 APPROVED BY PLANNING BOARD SUBJECT TO APPROVAL ON PUB. WORKS DEPT. OF BLDG. INSP. DEPT.

SCALE		PRELIMINARY SITE PLAN		REVISIONS	
F. J. GI. INCORPORATED		APARTMENT DEVELOPMENT HARVARD ST. BERRY AVE.		JOHN CALVIN STEVENS • AIA	
ARCHITECT • PORTLAND • MAINE		BY: [Signature]		DATE: OCT. 10, 1968	
CHK	APP	SCALE	DATE		
		1" = 20' 0"	OCT. 10, 1968		



MEMORANDUM

TO: Brian M. Nickerson, Acting Planning Director

FROM: David A. Lourie, Deputy Corporation Counsel

SUBJECT: Figi Development-Vicinity of Yale Street off
Allen Avenue

DATE: 2/12/80

At your request dated February 5, 1980, I have reviewed the Development Proposal in the Vicinity of Yale Street and Allen Avenue. While I cannot give you definitive answers as to a number of issues raised by you, I shall attempt to give you some guidance at this time.

With respect to the "park land" between Yale and Harvard Streets, this property was dedicated to the public for park purposes in the Subdivision Plan dated 1937. As a result of this dedication, the property is presently unusable for anything but a park. You asked what methods could be used to clear title to this property so that it could be used for either public or private development. In either case, the answer is the same. Some action must be taken by the City of Portland on behalf of the public to release the dedication. At this time I am not certain what that action is. In addition, it is absolutely essential that the heirs of the developer convey their fee interest to the property, since upon removal of the dedication their interests will become possessory. Further, all persons who bought property in the subdivision obtained dominant estates with respect to this park land and would have a right to have it continued to be park land in the absence of a release. Therefore, all present owners of parcels in the original subdivision must release their rights with respect to the park land. All of this discussion, of course, presumes that the 1937 dedication is the only encumbrance on the property. Without a title search, I cannot state that this is so.

You also raised questions with respect to ownership of the streets. I cannot definitively answer this question without a review of the deeds given out in the subdivision. At a minimum, the discontinuance of the proposed streets or a portion of those streets would leave private rights of passage over the same area in the owners of land sold with reference to the 1937 plan. If there are any such owners, they must release their rights in the area or clear title cannot be obtained. It is impossible to determine where the fee to the land under the streets is without a review of the deeds given by the developer. Most likely, it remained in the developer and is in his heirs.

I would anticipate that it would cost substantial amounts of money to conduct a competent title search of the area sufficient to determine the identity of persons having rights in the park land and under the streets. Obtaining release deeds from all the parties would also be cumbersome and expensive. However, this is not the type of park land where relief may be had from the legislature since it was created as park land by dedication rather than by condemnation. (In the case of condemnation, there is a statutory restriction which bars use of the land for other purposes. The legislature can therefore release that restriction. In this case, the restriction is contractual in nature,

Brian M. Nickerson, Acting Planning Director

February 12, 1980

and runs with the land. The legislature could not release this property without impairing the obligations of a contract in violation of the state and federal constitutions.)

Please advise if you have any further questions. If it is essential that I attend the Planning Board Meeting, I will do so if you notify me.

David A. Lourie

David A. Lourie
Deputy Corporation Counsel

DAL:dh

**CITY OF PORTLAND, MAINE
MEMORANDUM**

TO: William J. O'Brien, Jr., Corporation Counsel

DATE:

FROM: Brian M. Nickerson, Acting Planning Director

February 5, 1960

SUBJECT: Figi Development - Vicinity of Yale Street off Allen Avenue

This development proposal in the vicinity of Yale Street and Allen Avenue will be before the Planning Board on Tuesday, Feb. 12th, at its workshop meeting. I sense that one of the Board members will request information on the park land between Yale and Harvard Streets in that vicinity and what procedures would be necessary to use the land for other purposes -- public or private.

If your office would have the opportunity to advise the Planning Department on this matter prior to the Board's 3:30 P.M. meeting, it would be greatly appreciated.



Brian M. Nickerson
Acting Planning Director

cc: Douglas L. Mason, Planning Department



CITY OF PORTLAND-MAINE

DONALD E. MEGATHLIN, JR.
PLANNING DIRECTOR

May 4, 1976

Mr. Barnett I. Shur, Attorney
Campus Realty Company
1 Monument Square
Portland, Maine 04111

Dear Barney:

A couple of weeks ago, you asked my opinion on the University Park subdivision for single family home construction. I have researched this matter through several offices in City Hall. As I understand it, this plat was recorded on October 6, 1937 in 5,000 square foot lots. The developer would have to combine two to three lots to meet the R-5 zoning requirements, assuming sewers are provided. For a non-sewered area, four lots would have to be combined and approval sought under the State Plumbing Code. According to the Corporation Counsel, you may proceed to request a building permit and combine several lots in conformance with the R-5 Zone. However, in my opinion, you run a risk in requesting a building permit because the City is under no obligation to make substantial improvements that are required.

I base this opinion on the required City financial participation in construction of streets and sewers coupled with major spending constraints by the City. This problem is accentuated by an obsolete subdivision and possible traffic problems as outlined below.

With respect to streets, both Yale and Harvard Streets are accepted and Yale Street has a twenty inch waterline. The Portland Water District has indicated that there would be no problem in getting adequate water service for a residential development in your firm's proposed location. Based on Section 707.6 of the Municipal Ordinance, the City would be responsible for sixty-six percent of the cost of the street. In my opinion, the City has far higher priorities than improving previously accepted streets. For example, the City has urgent needs to improve major streets with daily traffic volumes of 10,000 or more vehicles. The total cost to improve these major streets is estimated at \$12 million. In addition, there are many existing minor streets with insignificant traffic volumes but poor street conditions that need repaving.

Mr. Barnett I. Shur
May 4, 1976
Page 2

It also appears there may be some costs to the City from sewerage this project. The Planning Department has been advised by the Department of Public Works that the University Park Development might be sewerage partly from Allen Avenue, partly from the Harvard Street sewer (existing 24 inch combined), and partly by the Milliken Brook Branch Interceptor which extends toward Canco Road and Washington Avenue. The Public Works Department has a policy statement from the Maine Department of Environmental Protection which states that no new combined sewers should be installed and that separate storm water systems should be provided. However, it would seem rather pointless to install elaborate separate systems for sewer and storm-water and then have them carried off by the same combined system.

The problems of cost are aggravated for sewer and street improvements due to the fact that the City is an abutter, if and when assessments are made. At present, the City has already committed all of the available funds for the 1976 Capital Improvements Program, with an over-abundance of pending projects either already committed or awaiting available funds for future completion amounting to over \$30 million. The next three years of the CIP budget have already been tentatively budgeted by the Planning Board. Due to budget constraints, it would appear rather difficult to accommodate any funds for the City's participation in sewer installation and street improvement projects for your firm's University Park Development.

According to the Director of Parks and Recreation, the City of Portland was deeded the 8.66 acres of land (now referred to as "University Park") by David and Willis B. Moulton of Portland Wharf and Land Company in 1934 and the deeds stipulated such land was to be used for "recreational or public park use, and for the erection of school houses, fire stations, or other buildings for strictly municipal purposes". The City does not need additional parkland at this time. We understand, however, that it might be possible to de-dedicate this land as parkland, if a release from deed restrictions could be obtained from the heirs of David and Willis Moulton.

Aside from this funding problem, a possible disadvantage to a high quality residential development there would seem to be the existence of a rather large metal-sided garage type structure, which has been constructed by the Seventh Day Adventists directly behind their church building. This structure may be accessory to the Church itself, but it appears to be somewhat incompatible as a close neighbor for a high quality residential development. We would like to know how this question would be handled. In addition, I am concerned about traffic utilizing Harvard and Yale Streets as a shortcut from Allen Avenue to Washington Avenue within the existing subdivision.

Mr. Barnett I. Shur
May 4, 1976
Page 3

As I told you at our recent meeting, I would prefer to see this land, including the parkland, resubdivided and be more appropriately developed in contemporary design standards. From a market standpoint, I think the existing subdivision would be difficult to sell, coupled with the City's financial limitation for improvements. A new subdivision could be very attractive and marketable and supplement the fine quality subdivisions that Mr. Christy has built in other sections of the City. However, this is the selection you must make.

If you feel it is critical to have cost information on which to base an intelligent decision, I will request that the Department of Public Works estimate sewer and road costs. I have declined to request this due to their minimum staff levels. I am sure, however, that George Flaherty will be most cooperative if you feel this information is essential.

Please call me if you have any questions on this matter. I would be happy to place this matter on the Planning Board agenda if you wish, particularly if your opinions are different from mine.

Sincerely,

Donald E. Megathlin, Jr.
Planning Director

DEM/jk

cc: Chairman and Members of the Planning Board
William J. O'Brien, Corporation Counsel
George A. Flaherty, Director of Public Works
Richard E. Anderson, Director of Parks and Recreation
Warren J. Turner, Planning Department
George Christy, Christy & Small

33:667

From the Desk of

Douglas Mason

overall plan

phase

1
2
open space 3

David -

⇒ means of condition of approval
entire approval is conditional
on discnt. of Val St. ...
by City Council within
6 months
- vote but not sign until
condition is met

⇒ F161 - new subd. of whole area?
- want to include whole thing

P.B.
⇒ ask them for provisions for
maintenance of the open space?

or could ask
for all repairs to upkeep

want to restrict rec. - open space
- P.B. could require it be left open
for public benefit - no others

paper

Sanitary
sewer from Berry?

= could be
burden on
phase 2
don't have to
provide access

WALTER CANTWELL
 Architect
 P. O. Box 4563
 24 Exchange Street
 PORTLAND, MAINE 04112

(207) 772-4043

LETTER OF TRANSMITTAL

TO DOUG MASON
PLANNING DEPT
PORTLAND, ME

DATE	12 FEB 80	JOB NO.	CH 1901
ATTENTION			
RE	EGL - HARVARD MANSION		

GENTLEMEN:

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

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

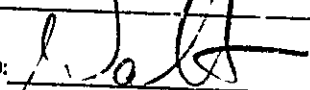
COPIES	DATE	NO.	DESCRIPTION
5			SITE PLAN
5			PROPERTY SURVEY
5		1,2,3	PUMP DISCHARGES

THESE ARE TRANSMITTED as checked below:

- For approval Approved as submitted Resubmit _____ copies for approval
 For your use Approved as noted Submit _____ copies for distribution
 As requested Returned for corrections Return _____ corrected prints
 For review and comment _____
 FOR BIDS DUE _____ 19____ PRINTS RETURNED AFTER LOAN TO US

REMARKS _____

COPY TO _____

 SIGNED: 

F161 P.R. Correspondence

Oct. 10 79
to Enls
from DLM
summary
of action
40 det

Oct 1 79 memo

Bill O'Brien from DEM

- advise us of legal interest in discontinuance of Vale St.
- + restrictions on sale of city-owned parcel

Oct. 9 79 memo to D. And.
fr/ DLM
attends use of parcel

F161

~~General Authority~~ ~~Board~~ H/L

F161 180 15@12
1/4/90 2B apto.
Parking

with Centwell
Scott Huff
John Kagle
1/2 spaces/unit

200' - 15'

18'

Question - if houses or parking go over into old subdivision - are you ~~are~~ amending old subdivision? - CC

- discontinue part of Yale St before approve subdivision?

- best way to get Yale St. discontinued

- North

- P.B. or P.W.

- Council

Mck



CITY OF PORTLAND

DONALD E. MEGATHLIN, JR.
PLANNING DIRECTOR

July 19, 1979

Mr. Wayne Johnson, P.A.
R.R. No. 1-3 Spar Circle
Yarmouth, Maine 04096

Dear Wayne:

Enclosed please find a copy of my list of concerned parties, each of which have requested early notification of any plans for development of the properties under discussion in Wednesday's meeting, July 18, 1979.

Donald Megathlin had his first chance to see the proposal this morning. I have forwarded to Walt Cantwell Don's suggestion that the developer look more closely at access possibilities from Allen Avenue, which would direct traffic, not into a more restrictive (less dense, R-3) neighborhood on Chesley, Berry, or Harvard, but rather into a highly traveled neighborhood (Allen Avenue). To accomplish this, an "emergency only" access from Harvard, Berry, or Chesley may be required.

Don Megathlin and I both foresee the potential for a generous amount of local public opinion focused on the contrast between the higher density proposed development adjacent to lower density established neighborhoods. I am sure that your participation in the development proposal will be beneficial to all.

Yours truly,
Douglas L. Mason
Douglas L. Mason
Planning Department

daw

cc: Donald E. Megathlin, Jr., Planning Director

*Don
Very good letter
You may want
to set up
mtg to
further
discuss
this. Up
to you
Don*

Interested Parties

**Mrs. Richard Emery
Berry Avenue
797-7678**

**Thomas G. Leahy, attorney
415 Congress Street**

**James & Hilla Bruni
69 Berry Street**

**Barbara Sears
20 Berry Avenue
797-4996**

**Wilbur Ingalls, architect
45 Exchange Street
772-4073**

B-21-79

FIG1 - Scheme C

Earl Smith
Walt Cartmell
Wayne Johnson
John Ragan
G. Collins
Doug Mann

100 units - 15 bldgs @ 12 units

Collins - chain or fence - chain shut option OK
- 300' hydrant spacing
- parked cars at end could be a problem
- 6" max curb

Ragan - offset curb - de-^{sc} required
Val is accepted ^{with street} Must discontinue it's rights
city will probably never participate ^{if} Title reverts to previous owners - -

Bray - 4-6' median would be enough for traffic

~~Walt Cartmell~~

P.B. - check on trade - improve on improved street (val)
-> city should participate - get Niall's backing

Wayne Johnson
Earle Smith
Don FORTEN

Bill Biny
John Payne

Walt Cantwell + Ted Hefenreter - FIGI Development
Corp. Counsel

- Density of bldgs uses new tennis court area

- 1 1/2 spaces/unit

- 180 units / 11.44 + 2.124 acres

- Vacate street = 3 Council Matters

1) Petition

2) PW report

3) Council w/petition

- Laine - Corp. Counsel

1) Comes under new
subdivision ordinance

2) Yales Street Discontinuance

3) Use of tennis area

- all one tract if one
owner ~~subdivision~~

for density purposes

Status of street - public all the way - ~~no~~ want fee (or dedication)
for road through existing subdivision

NEW PLANS - FIG1

FIG1

Walker Cantwell

Ted Hefenrefes

Have Parks

Fire

PW

- Traffic

- John Pagan

CITY OF PORTLAND, MAINE
MEMORANDUM

Doug

TO: Donald E. Megathlin, Planning Director
FROM: Douglas L. Mason, Planning Staff
SUBJECT: Requests by Fee Gee Corporation

DATE: September 26, 1979

The Fee Gee Corporation, Dr. Thomas Fiorica et als, has requested the following actions which I will proceed on with your O.K.:

1. Discontinuance of a portion of Yale Street between Harvard Street and the proposed access road to the proposed subdivision. This item should be placed on the Planning Board agenda. The report to the Planning Board, I assume, should include a discussion of the future potential for the park area, as already requested by Mr. Cummings of the Planning Board. I would suggest that comments be received by the Director of Parks and Recreation, as well; *Yes*
2. The research and opinion by Corporation Counsel, through the Planning Board, to determine if this city park can be sold, developed, or simply lie fallow. Should a letter be written to Corporation Counsel under Mr. Conway's signature; and *OK*
3. Reconstruction of Yale Street by the City, consisting of a section approximately 800 feet from Allen Avenue to the access road into the proposed subdivision. Should this be handled through the Planning Board first? *OK*

Mr. Earle Smith indicates that no date has yet been proposed for formal submission of the subdivision proposal. Should such be done before the above requests are processed?

As part of the subdivision
Up to you
I think OK to proceed

- 1) Memo to Flaherty
 - enclosed copy of letters
 - could plans give exact estimate
 - grants cont
- 2) subdivision review
 - 1 recom. to reject dev'l. request
 - + recom. 50-50 city-dev

*Don
M's handle*

THE MOTZENBECKER CORPORATION...

A Full-service Real Estate Organization

RECEIVED SEP 17 1979

September 13, 1979

Mr. Don Megathlin
Planning Department
City Hall
389 Congress Street
Portland, Maine 04101

Dear Mr. Megathlin:

On behalf of FI-GI Corporation, Dr. Thomas Fiorica et als, I should like to request that in connection with the proposed Harvard Street development consisting of some 15 buildings each, with 12 apartments, that Yale Street from Harvard Street to a point designated on the site plan (where access road from project meets Yale Street) be discontinued. This will effectively prevent thru traffic from Harvard Street down Yale Street to Allen Avenue. We believe this to be in the best interest of the City as well as the developer. Inasmuch as Yale Street is an "accepted street" we would ask only that the short section to Allen Avenue from the proposed project be reconstructed.

Also, we would like to know if the designated "park area" can eventually be sold, developed, or will simply lie as an unuseable piece of land forever. It seems a shame, as a Planning Board Member put it, for a "piece of good developable land lying fallow for such a long period of time".

We would ask, through the Planning Board, the Corporation Counsel be asked its current status and if and what alternatives may be realized.

Very truly yours,

THE MOTZENBECKER CORPORATION

Earle S. Smith

Earle S. Smith

ESS/mgm

Suite M, 465 Congress St., Portland, Me. 04101
207 772 7429

WILBUR R. INGALLS, JR.
ARCHITECT A. I. A.
45 EXCHANGE STREET, PORTLAND, MAINE 04101

RECEIVED

JAN 30 1980

WALTER CANTWELL January 28, 1980

The Motzenbecker Corp.
Att: Mr. Earle S. Smith
465 Congress Street
Portland, Maine 04101

Dear Earle:

Thank you for the chance to get together with you and Walter Cantwell at his office last week to review the storm water lay-out and topographic survey. Walter sent me a copy of BH2Ms' letter regarding the Harvard Manor Apartment Storm Water Management Plan.

I was pleased to see the efforts in the letter and plans that have been made to answer the five concerns that the Berry Avenue residents submitted last fall at the meeting in the library.

The letter verbally describes the proposed storm water plan, and is a good start. However, at the upcoming meeting with Fi-Gi, and the Berry Avenue residents and the following Planning Board Workshop Meeting and the regular Planning Board Meeting the actual finished plans should be firmed up so we all can respond to the reality of it all.

I agree with the basic proposal, but do have some questions regarding portions of it, and will refer to the paragraph in consecutive order.

Second paragraph: There needs to be substantial recontouring to raise the area at the end of Berry Ave. to eliminate the storm water between this area and the nearest parking lot from running directly onto the end of Berry Ave. and the Bruni property.

Third paragraph: I agree that an 8 to 10' wide grassed swale is needed at the rear of the Berry Ave. property to maintain proper storm water flow. However, an 8 to 10' cut-out of the existing trees would substantially take away the tree cover that we discussed with Fi-Gi at the meeting last fall. We had requested a twenty foot wide stump to stump minimum landscape or treed buffer. If 8 to 10 feet is removed from it, the minimum width should be 28 feet. An easy and inexpensive solution would be to plant a tight row of long leaf pines which are low in cost. Require little maintenance and grow fast.

Last paragraph: The storm water drainage layout plan and the topography plan are in conflict with each other in several locations.

Thank you for your consideration of these comments. I am sure the upcoming meeting will be productive.

cc: Leahy
Johnson
Cantwell
Neighbors

Bill Ingalls
Sincerely,

Wilbur R. Ingalls, Jr.

TELEPHONE SEVEN SEVEN TWO FOUR ZERO SEVEN THREE

BH2M

BERRY · HUFF · McDONALD MILLIGAN · INC.
ENGINEERS AND SURVEYORS

File 12/16/85

LESTER S. BERRY, JR.
E. SCOTT HUFF
JAMES R. McDONALD
THOMAS MILLIGAN, JR.

January 15, 1980

The Motzenbecker Corp.
Suite M
465 Congress Street
Portland, ME 04101

Attention: Earle S. Smith

Subject: Harvard Manor Apartments
Stormwater Management Plan

Dear Earle:

In accordance with our Proposal dated November 6, 1979, we submit this letter outlining the details of the stormwater management facilities that will be required for the further development of the Figi Corp. property. The details have been worked out with the Cooperation of representatives of the Planning and Public Works Departments.

One, the area at the end of Berry Avenue will be graded so as to eliminate as much surface water as possible from running onto the street. Rainwater will be directed towards the existing development and then to a new/improved drainage swale at the rear of the Berry Avenue abutters. No catchbasin will be constructed for connection to the Berry Avenue sewer.

Two, the existing drainage ditch at the rear of the Berry Avenue properties will be improved and/or relocated to provide for more positive drainage than now exists. A grassed or otherwise protected swale, 8 to 10 feet wide, will be constructed near the property line (leaving existing growth as a screen to the extent possible). This swale will discharge to the low spot below the proposed recreation area. Some regrading of the low area will be required to prevent the stormwater from spreading onto the Berry Avenue properties; a low berm or dam, about 18 inches high, will be built at the low corner near Berry Avenue. An 18-inch storm drain will convey the flow from the Figi property to the existing 21-inch combined sewer in Berry Avenue. (The possibility of just improving the existing ditch and inlet was eliminated at the City's insistence.)

Three, stormwater from the central and westerly portions of the development will flow to an existing drainage ditch located on the

Page 2 - Earle S. Smith

land of Northfield Green Associates and be attenuated in the storm-water detention pond of that development. We have spoken with the designers of the pond and with representatives of Northfield Green and see no difficulty in using the pond. (We understand that you too have spoken with the owners of Northfield Green and that they have voiced no opposition provided that the City is satisfied with the drainage plan.)

The three paragraphs above summarize "where" the stormwater will go. It will get there through storm drains (built to City standards) within the public right-of-way and through drainage swales built across Figi property to the property lines. Wherever any drains are required on private property (whether Figi's or someone else's) a 30-foot easement will be required.

We are enclosing a print of the layout which we discussed at our meeting of this date as well as a print of the topographic survey. If you have any questions about the prints or about this report, just give us a call.

Sincerely,

BERRY HUFF MCDONALD M'LLIGAN INC.

E. Scott

E. Scott Huff

Enclosures: Topographic Plan
Scheme Plan
Bill for Services Rendered

c: Thomas Florica
Walt Cantwell

ESH/tar

JAN 15 1980

JAN 15 1980

WALTER CHANCEWELL

JAN 15 1980

WALTER CHANCEWELL

Bill Ingalls - 772-4073

Harvard Union D & N M,

78 existing - Assessor

7 bldg @ 12/bldg = 84

11 acre site - allowed 154 units

~~18
14~~

~~12.4~~

~~7 buildings of original type~~

~~4 have 4 apts.~~

~~3 have 8 apts.~~

~~3 buildings unknown - long with "L"~~

Don - Mention problem

$$\begin{array}{r} 100 \\ \hline 11.4 \\ \hline \end{array}$$

$$\begin{array}{r} 88 \\ 11.4 \overline{) 100.00} \\ \underline{972} \\ 980 \end{array}$$

176 Commercial

-2nd Fl. G1 (19 galls)

11-1
11-1
11-17

Fl-G1 10-1
5-2
4-3
8-4
4-5
4-6
10-7

see den

Apts. planned
at Harvard Mans.
vs ~~known~~ on records
as leased

14
x 9

126

110 vs
94

~~14
x 2000

28000~~
~~150
200

45000~~

~~Prin. Wash. Hts. development
for Harvard St.~~

~~7.
44190.0~~

ARLARD MANOR

80 UNITS EXISTING - ~~80~~

\$ 325,350 2 Bedrooms

Cummings - research part of Yale St. to be 13' minimum
+ lots along remaining Yale St. as an addition
to parkland = 1 parcel

Bill Inquiries

5 concerns:

1) not extend Berry Ave. many children

2) drainage

3) playground - rather see buildings

ballfield - hit people, stray balls

use parkland for playground

4) poor construction - catch basin

- should correct

before new development takes place

Day M

September 24, 1979

The Motzenbocker Corp.
Att: Mr. Earle S. Smith
Suite M
465 Congress Street
Portland, Maine 04101

RECEIVED SEP 25 1979

Dear Earle:

The Berry Avenue residents, Tom Leahy and I want to thank you, Dr. & Mrs. Fiorica, Wayne Johnson and Walter Cantwell for the opportunity of seeing and discussing the present plans of the proposed housing and existing Harvard Manor in the Berry Avenue area. Also for the opportunity to present the five concerns of the neighbors.

We feel that it was a productive meeting for all concerned, and believe and expect that a permanent solution to these five concerns will be made by the developer. On that basis we will be supportive of your efforts.

After your architect and site engineers develop definitive plans, we will request a review meeting prior to these plans being presented to the planning board for review. In the meantime, I will be available to meet with you as a representative of our group regarding your planning efforts so as to avoid last minute differences and therefore, unnecessary delays.

Sincerely,
Wilbur R. Ingalls, Jr.
Wilbur R. Ingalls, Jr. AIA

WRI/m

cc: Dr. & Mrs. Fiorica
Wayne Johnson
Walter Cantwell
Neighbors

**BERRY AVE. RESIDENTS CONCERNS REGARDING EXISTING & PROPOSED DEVELOPEMENT
IN THE ADJACENT AREA**

To: Earle Smith, the Developers, Portland Planning Board & Berry Ave. Residents

The 7 families and land owners on the left side of Berry Ave. abutting Fi-Gi land presents these following concerns. The 11 families on the opposite side of Berry Ave. share some if not all of the concerns.

These concerns are directed and apply to the existing Fi-Gi Development, Proposed New Site and Building Development by Fi-Gi and other separate and adjacent development even if under a separate corporate name.

1. we oppose any additional vehicle traffic on Berry Ave. not generated by Berry Ave. itself.

Reason: the seventeen Berry Ave. homes are affordable for growing families, and at one time there were 35 children of school age and infants. Berry Ave. has a high density of homes for its length, and is now serving the function it was originally laid out for: it was planned as a deadend street and should remain so.

we question the proposal of a "knock-down barrier" for fire vehicles in that Fi-Gi and proposed adjacent developments would have exits to the two ends of Harvard Street as originally laid out. Also, a "knock-down barrier" would not be a deterrent to autos, trucks, motorcycles and snowmobiles anymore than the existing wooded ground has been.

2. correction of the drainage problem that exists because the existing Fi-Gi filled areas drain onto the back of abutting properties on the left side of Berry Ave. This problem developed during the first and second construction phases of Fi-Gi.

Reason: the Berry Ave. properties used to be normally dry and now are usually wet. One yard was a fine vegetable-garden of a previous owner, and now is normally wet.

3. correction of the drainage problem that exists because the last stage of Fi-Gi construction drains onto the end of Berry Ave.

Reason: water now runs down the street frequently and often heavily. in the winter, ice from six to ten inches deep covers part of the street, and in extreme cases the city will remove this with a front end loader.

4. we request fencing and a foliage screen between existing and extended Fi-Gi development and the left side of Berry Ave. properties

Reason: the Fi-Gi land at this point is narrow in relation to its length, and screening would be necessary for visual and acoustical reasons.

the abutting neighbors would prefer this land for buildings first, recreational for small children without ball fields second and third the neighbors oppose a soft or hard ball field in that area. Neighbors have already had problems with balls being hit and retrieved from gardens and yards.

5. We request that these improvements actually be made to the existing Fi-Gi Development as a part of additions to Fi-Gi or required to be done before separate and adjacent development is approved. Good storm water drainage systems should be required for both projects, and that they meet all planning and review requirements and all City Codes and Ordinances.

Reason: we believe that the existing Fi-Gi Development did not accomplish the above.

Residents on left side of Berry Ave.

Mr. & Mrs. William Sears	20	Berry Ave.	
Mrs. Ernest Bailey	28	"	"
Mr. & Mrs. Douglas Berry	34	"	"
" " Edward Hooghkirk	40	"	"
" " Wilbur R. Ingalls, Jr.	46	"	" (Reside 43 Berry Ave.)
" " Herbert Woodard	54	"	"
" " Edwin Daken	66	"	"

P.S. A meeting will be held at 7:00 PM
 Wednesday Sept. 12, 1979 at the New
 Portland Public Library Room # 416 at
 which time these items can be discussed
 and the developer will present preliminary
 plans of the proposed project.

7

From the Desk of
Douglas Mason

*Discontinuance
of
Yale CT*

ENGINEER'S ESTIMATE

YALE STREET (730+)

ITEM NUMBER	ITEM DESCRIPTION	UNIT	QUANTITY THIS EST.	AMOUNT	TOTAL
201.04	Clearing	Acre	0.63	2000.00	\$ 1,260.00
201.12	Selective Clearing & Thinning (Park Area)	Acre	-	1500.00	
201.14	Removing Single Trees (24"-48" Tops Only)	Each	3	150.00	450.00
201.20	Removing Stumps (24"-48")	Each	3	150.00	450.00
203.20	Common Excavation	C.Y.	2080.78	5.50	11,444.29
203.21	Rock Excavation	C.Y.	100	45.00	4,500.00
206.06	Str. Earth Excavation	C.Y.	50	8.00	400.00
203.26	Gravel Borrow	C.Y.	1246.10	7.50	9,345.75
304.07	Aggregate Base Course-Crushed	C.Y.	454.94	7.50	3,412.05
403.07	Hot Bit. Pvmt. "B" M.P.	Ton	386.03	28.00	10,810.24
403.071	Hot Bit. Pvmt. "B" H.P.	Ton	75.67	42.00	3,178.14
403.08	Hot Bit. Pvmt. "C" M.P.	Ton	363.38	30.00	10,901.40
403.081	Hot Bit. Pvmt. "C" H.P.	Ton	75.67	45.00	3,405.15
603.171	18" Pipe Trans. 3300	L.F.	730	34.00	24,820.00
604.141	C.B. Type "E"	Each	2	1150.00	2,300.00
615.107	Loam & Seed	S.Y.	162.22	4.00	648.88
631.10	Air Compressor (incl. operator)	Hr.	5	12.00	60.00
631.11	Air Tool (incl. operator)	Hr.	5	9.00	45.00
631.20	Backhoe-Small (incl. operator)	Hr.	5	22.00	110.00
637.08	Calcium Chloride	Ton	3	200.00	600.00
631.12	All Purpose Excavator (incl. operator)	Hr.	5	42.00	210.00
712.36	Bit. Curb	L.F.	1460+	2.50	3,650.00
				SUB-TOTAL	= \$92,000.90

JOB CONTINGENCIES OF 15% = 13,800.14

SUB-TOTAL = 105,801.04

ENG. OF 15% = 15,870.15

TOTAL = \$121,671.19

THE MOTZENBECKER CORPORATION
A Full service Real Estate Organization

January 8, 1980

Llewellyn C. Smith, Mayor
City of Portland
389 Congress Street
Portland, Maine 04101

Dear Mr. Mayor:

Please consider this letter as a request to discontinue a portion of Yale Street as outlined on enclosed map. (approx. 1360 feet).

The Fi-Gi Corporation is the sole abutter except for the dedicated park land.

The Fi-Gi Corporation is willing to pay any and all damages as a result of such discontinuance.

In practical terms it means eliminating a 1300 foot "speed strip" for motor bikes and other modified speed vehicles and "Mud buggies".

→ The planning department approves the discontinuance. The Traffic engineer and public works approves the discontinuance request.

The proposed development will come before the council as the result of a normal site plan review process however it seemed best to request the discontinuance at this time.

We would request that it be discontinued subject to the Planning Boards approval under the site plan review process.

Very truly yours,

THE MOTZENBECKER CORPORATION

Earle S. Smith

Earle S. Smith
Project Coordinator

ESS/mgm
Enc.

Suite M. 465 Congress St. Portland, Me. 04101
207 772 7429

Nick,

I received enclosed letter to Council
to discontinue portion of Vale St. in conjunction
with new FOG proposal (not submitted yet).

It notes that the planning department approves
the discontinuance. I have only informally noted
to them that I saw no problems myself at that
point but the Dept. review is in no way complete.

I want to discuss this issue w/ you and I would
suggest that the Planning Board be involved in any
"approval" we give.

ACTION AT THIS TIME?

6/25 - Draft memo to me Doug
to A. J. Wilson correcting Smith's letter.
Note that it was not an approval by merely a
statement that there are no technical obstacles.

CITY OF PORTLAND, MAINE
MEMORANDUM

TO: A. J. Wilson, City Manager

DATE: 1/11/80

FROM: Brian Nickerson, Acting Planning Director *NICK*

SUBJECT: Letter of Request from FI-GI Corporation to City Council for
Discontinuance of Portion of Yale Street

In a copy of a letter dated January 8, 1980 to Llewellyn C. Smith, Mayor, from Earle S. Smith of Motzenbecker Corporation, received by our office January 10, 1980, the planning department is referred to as having approved a proposed discontinuance of a portion of Yale Street. This statement is incorrect and you may wish to bring this point to the attention of the Mayor.

Although the Planning staff does not foresee any technical obstacles in this proposal, no official approval was stated. I believe that planning approval would involve the Planning Board in this particular instance. No such approval by the Planning Board has occurred.

cc: Douglas Mason, Planning Staff

call Earle

CITY OF PORTLAND, MAINE
CITY COUNCIL



LLEWELLYN C SMITH
Mayor

MATTHEW I BARRON
EDWARD I BERNSTEIN
JOSEPH D CASALE
J DONALD MacWILLIAMS
JOHN J O'LEARY, JR
PAMELA P PLUMB
CLIFFORD A. RICHARDSON
PAUL C TUCCI

January 10, 1980

Mr. Earle S. Smith
Project Coordinator
The Motzenbecker Corporation
Suite M. 465 Congress St.
Portland, Maine 04101

Dear Mr. Smith:

I am in receipt of your letter dated January 8, 1980 and have noted its contents. By copy of this and your letter, I am requesting the Planning Board and the Department of Public Works to review your request and prepare a report for the entire City Council. Once I have received copies of their reports, I will place your request and their reports on a City Council agenda for the entire Council's consideration.

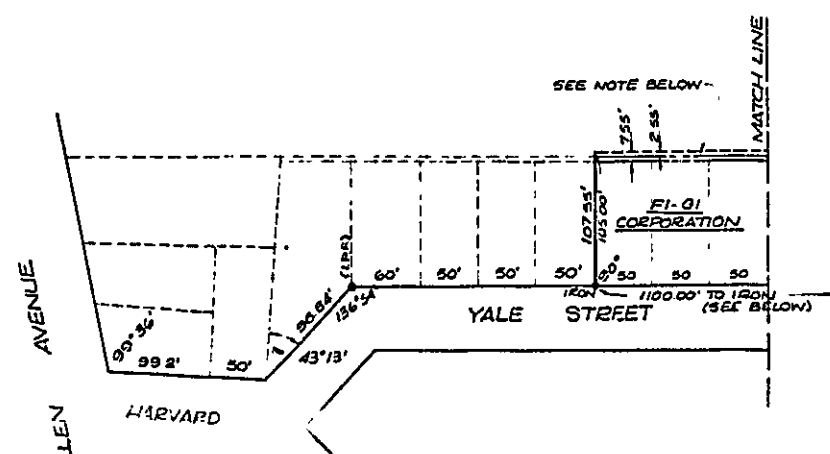
Sincerely,

Llewellyn C. Smith
Llewellyn C. Smith
Mayor of the City of Portland

LCS:ps

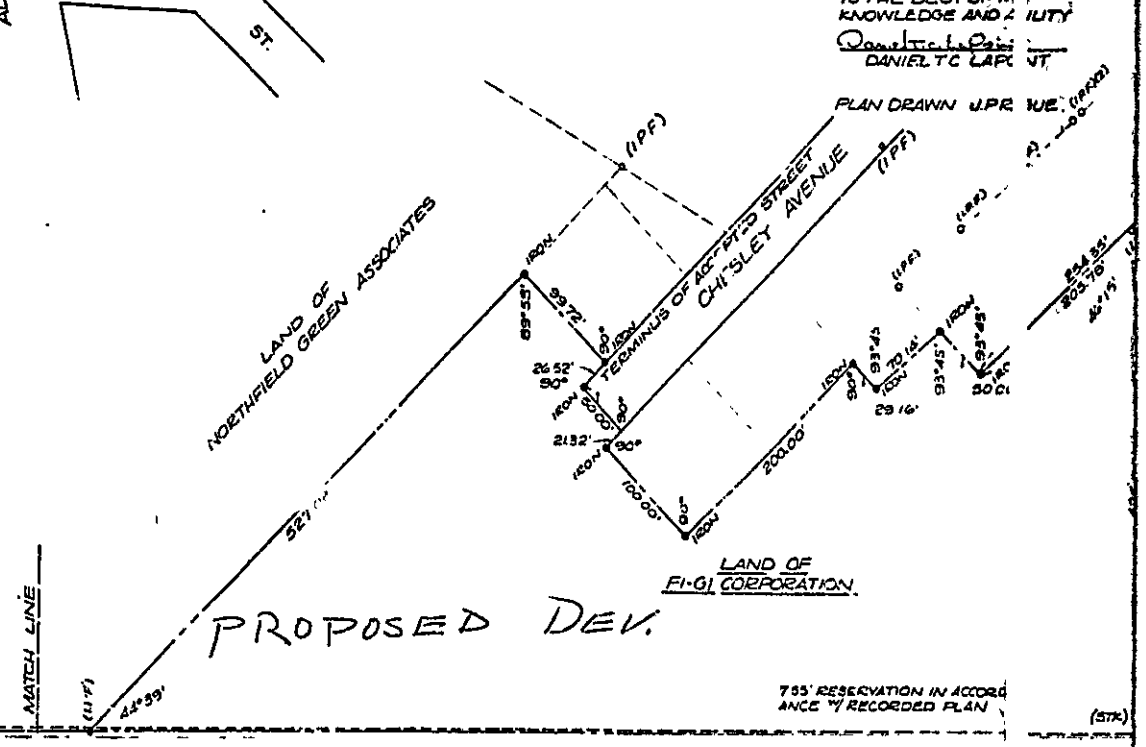
cc: Ms. Jean Gilpatrick, Chairman, Portland Planning Board ✓
Mr. George Flaherty, Director of Public Works
Mr. A. J. Wilson, City Manager

PLAN OF
LAND OF F-I-GI CO.
OF CITY, MAINE
PROPERTY LOCATED
CITY OF PORTLAND
SCALE: 1"=60' DATE:



THIS PLAN IS CORRECT
 TO THE BEST OF MY
 KNOWLEDGE AND FAITH
 DANIEL T. LAPORTE

PLAN DRAWN J.P.R. ME. (1990)



(57K)

DEW 67

THE MOTZENBECKER CORPORATION...
A full-service Real Estate Organization

January 16, 1980

Llewellyn C. Smith, Mayor
City of Portland
389 Congress Street
Portland, Maine 04101

Dear Mr. Mayor:

Please consider this letter as a request to hold in obedience my request of January 8, 1980 for a discontinuance of a section of Yale Street.

After a conference with the Engineer and Architects, it seemed best to withdraw the request until certain aspects of the proposed project are redesigned to make better use of a portion of Yale Street.

When this has been accomplished, we will have a clearer picture of the exact amount of road frontage needed and at that time, we may again request a discontinuance.

Thank you.

Very truly yours,

THE MOTZENBECKER CORPORATION

[Signature]
Earle S. Smith

ESS/mgm

Suite M. 465 Congress St. Portland, Me. 04101
207 772 7429

CITY OF PORTLAND, MAINE
MEMORANDUM

DOUG

TO: Brian Nickerson - Planning
FROM: George A. Flaherty - Public Works Director
SUBJECT: COST ESTIMATE FOR RECONSTRUCTION OF YALE STREET

DATE: 10-18-79

This is to acknowledge receipt of your memorandum dated 10-12-79 requesting a cost estimate to reconstruct approximately 700' of Yale Street.

John Chesebro has been requested to supply you with this cost estimate. Also, would you advise if the street would be constructed by the petition process, where 1/3 of the cost would be assessed to the property owner and 2/3 to the City, or if the developer would fund the cost in total as set forth in the subdivision ordinance?

GAF

GAF/at

cc: John R. Chesebro - City Engineer

$\frac{1}{2} / \frac{2}{3}$ - if dedicated, dev
if accept, then $\frac{1}{3} / \frac{2}{3}$

- Pending: knower that accepted + improved
Dec. 4 1935
Comml order #832

$\frac{1}{2}$ sidewalk
+
curb
 $10\% \text{ of } \frac{2}{3}$ sew

- City in total to build and maintain

- never was sidewalk + curb



$\frac{1}{2}$ sidewalk + curb