

EXISTING PROPOSED  
BY DEVELOPER

ACQUIRED  
BY DEVELOPER

LOT #17

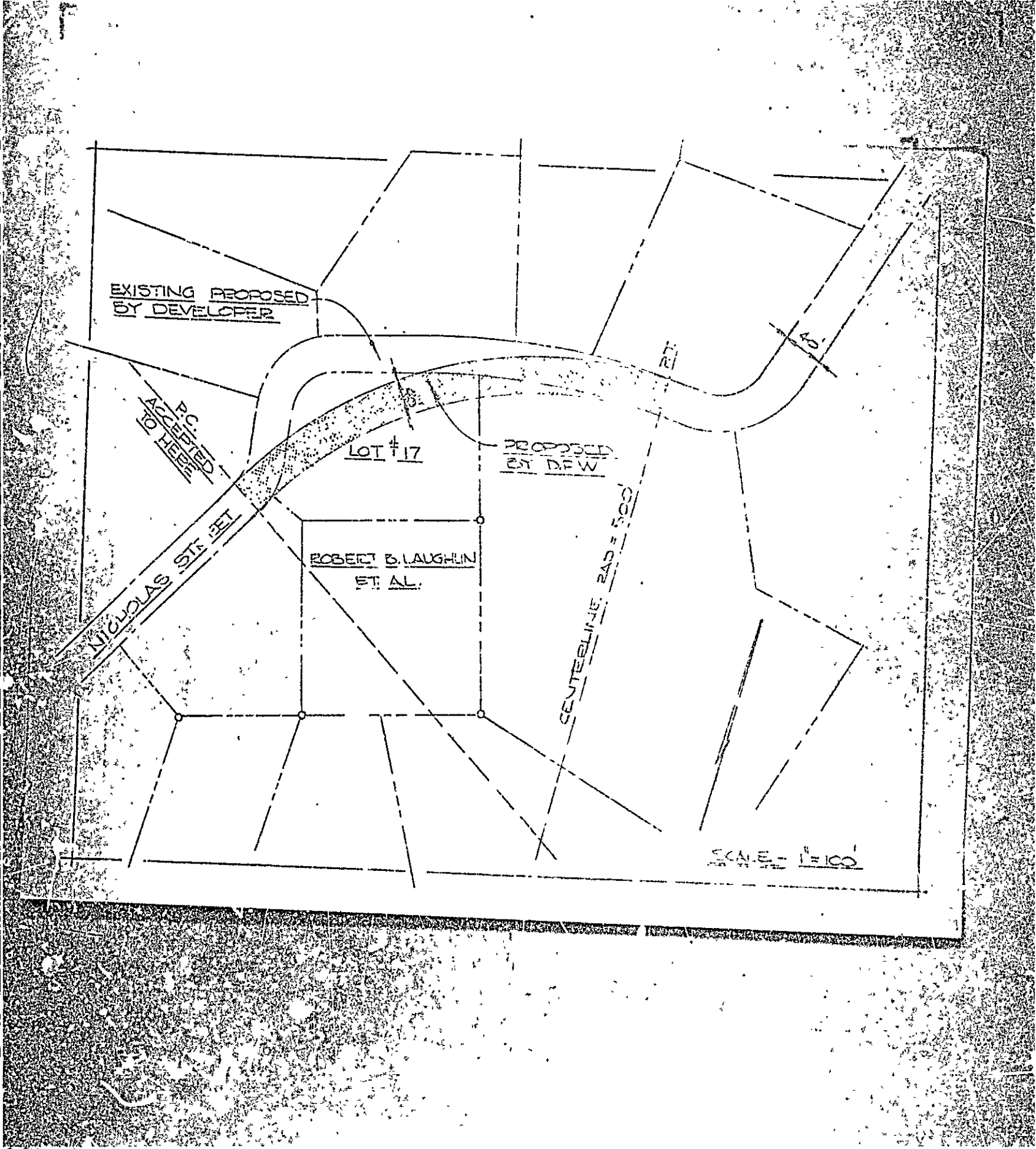
PROPOSED  
BY DEW

ROBERT B. LAUGHLIN  
ET AL.

NICOLAUS SITE SET

SCUTELINE: RAD = 500'

SCALE = 1" = 100'



APPENDIX A

check List of Criteria For Subdivision Review

Name of Subdivision: Great Diamond Island Shores Phase I

1. Will not result in undue water or air pollution. Will not.
2. Has sufficient water available for the reasonably foreseeable needs of the subdivision. Yes, Portland Water District advises that existing 8-inch year round service lines can be extended to serve this development.
3. Will not cause an unreasonable burden on existing water supply, if one is to be utilized. Will not.
4. Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result. Will not, provided all of the trees are not removed.
5. Will not cause unreasonable highway or public congestion or unsafe conditions. Will not, if suggested changes are implemented.
6. Will provide for adequate solid and sewage disposal. Approved for on-site septic disposal. Solid waste is accommodated in a landfill operation on Great Diamond Island, according to Public Works Department.
7. Will not cause an unreasonable burden on the ability of the municipality to dispose of solid waste and sewage if municipal services are to be utilized. Will not.
8. Will not place an unreasonable burden on the ability of local government to provide municipal or governmental services. Will not.
9. Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas. Will not.
10. Is in conformance with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan, or land use plan, if any. Yes.
11. The subdivider has adequate financial and technical capacity to meet the above-stated standards. Yes, but no supporting statement furnished.
12. Whenever situated in whole or in part, within 250 feet of any pond, lake, river or tidal waters, will not adversely affect the quality of such body of water or unreasonably affect the shoreline of such body of water. Not seriously.

APPENDIX B

List of Abutting Property-Owners  
And Interested Parties

1. Robert B. Laughlin & G. Adaline  
561 Ridgebury Road, Ridgefield, Conn.
2. Robert F. & Constance A. Noring, Great Diamond Island, Maine 04109
3. Earle D. and Jeannette G. Reed, 1183 Shore Road, Cape Elizabeth, Maine
4. Charles Crouch, Resetar Hotel, Box 71, Watsonville, Calif. 95076
5. Clarice E. Abbott, 17 Amerescoggin Rd., Falmouth, Maine 04105
6. Robert W. Laughlin, 15 Ocean View Ave., South Portland, Maine 04106
7. Betty L. Smith, 175A Pine St., Portland, Maine 04102
8. Wood O. Merrill, Devs., c/o Ferne Kimball, Great Diamond Island, Maine
9. Jeannette F. Rose, 62 Grant St., South Portland, Maine 04106
10. Great Diamond Island Association, Great Diamond Island, Maine
11. Maine Department of Transportation, Augusta, Maine 04330
12. Maine Port Authority, 40 Commercial St., Portland, 04111
13. Margaret M. Harris, Valley Avenue, Great Diamond Island, Maine
14. William M. and Barbara D. Jewell, Great Diamond Island, Maine
15. Eleanor W. Wichart, Great Diamond Island, Maine
16. Theodore Yonan & Edith, 21 Pine Knob Circle, Wapping, Conn. 06087
17. Florence R. Larocelle, Devs. *(Addresses located)*
18. Casco Bay Lands Co., c/o King Resources Co., Box 9698, So. Denver Sta.  
Denver, Colorado, 80209
19. David L. & Diane B. Elliott, Jocelyn Road, Scarborough, Maine
20. Mr. David Haynes, Land Use Consultants, Inc., 1100 Forest Avenue  
Portland, Maine 04103
21. Mr. Paul Frinsko, Attorney, One Monument Square, Portland, Maine 04111
22. Mr. Stanley Williamson, President, Casco Bay Island Development Association  
Peaks Island, Maine 04108

CITY OF PORTLAND, MAINE  
MEMORANDUM

TO: Warren J. Turner, Planning Department

DATE: 4-30-76

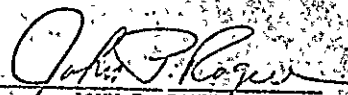
FROM: John P. Rague, Department of Public Works

SUBJECT: Preliminary Review of Proposed Subdivision Plat for the David Elliott Property, Gt. Diamond Island

The subject-subdivision plat has been reviewed by this Department and the following is offered for your consideration.

1. Typical Section of Streets: The submitted plat failed to show the typical section of the proposed streets, however, I have been in written communication with the developer's consultant concerning such, and have outlined the ordinance requirements in regards to street right-of-way widths and proposed traveled ways. We would not, therefore, disapprove this plat on this basis.
2. Inaccessibility to Existing Lot: The existing lot shown on the plat as being owned by Robert B. Laughlin, et. al., would appear to be land locked by lots #16 and #17. This Department would request the developer to consider a proposed right-of-way to be twenty feet (20') in width and to lie equally on either side of the common division line between proposed said lots #16 and #17.

All other aspects of this subdivision plat appear to fulfill the requirements for a Subdivision Preliminary Plat as outlined in Section 603 of the Municipal Code, and are acceptable to this Department at this time.

  
JOHN P. RAGUE  
ASSOCIATE ENGINEER II

JFR/jpr

CITY OF PORTLAND, MAINE  
MEMORANDUM

TO: Warren Turner, Planning

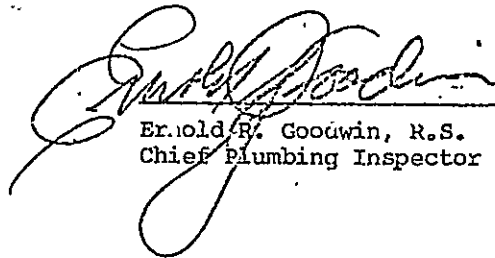
FROM: ErnoId R. Goodwin, R.S., Chief Plumbing Inspector

SUBJECT: David Elliott Property, Great Diamond Island, Phase One  
(except Lots #2 & 17)

DATE: 5-10-76

Upon inspection May 6 with a representative of Mr. Elliott, I checked and verified the test pits on each individual lot that was taken by a certified site investigator in the employ of Land Use Consultants. All lots confirm in all respects with the State Plumbing Code Part II as buildable house lots, except Lots #2, which is too small and Lot #17 because of seasonable high water table and swampy areas.

NOTE: If dwellings are built on these lots, the private sewage disposal system must be located where test pits were dug, otherwise new tests will have to be performed to locate disposal areas anywhere else.



ErnoId R. Goodwin, R.S.  
Chief Plumbing Inspector

ERG/mt

cc: W. B. Goodwin, PWD Sewer Div.  
John Regue, PWD, Highway  
Steve Fournier, LUC,

CITY OF PORTLAND, MAINE  
MEMORANDUM

TO: Chairman and Members of the Planning Board  
DATE: May 10, 1976  
FROM: Warren J. Turner, Planning Department  
SUBJECT: Preliminary Review of Great Diamond Island Shores Subdivision, Phase I

The following observations are submitted based on a study of the preliminary plat for the subdivision of 24 Acres of land belonging to David L. and Diane B. Elliott on Great Diamond Island:

Suggested Changes

1. Straighten curve and make minor fill of wet area adjacent to Lot 17.
2. Lot 1 of the Preliminary Plat may be subject to a right-of-way for a pedestrian connector now under study by the Great Diamond Island Association and the City; this pedestrian route would connect Nancy Band more directly to the Wharf and provide a more direct walkway for the residents of the Sandy Point area of the Island.

Issues of Concern

1. No preliminary plat for the balance of the Elliott Property. This seems reasonable due to the necessity for making soil test pits in that 80 Acre area.
2. Street improvement costs for accepted street portion (possible C.I.F. items estimated at \$24,000-. This cost would be borne 1/3 by the City and 2/3 by the abutting property owners.
3. Estimated or Anticipated Value of housing construction. This would be determined by whether these will be seasonal or year round construction. If 14 new houses are to be built at about \$30,000 per structure, the amount of total new construction will represent \$312,000 and have an estimated tax return for those buildings of \$10,327.20 based on 1975 tax rate, exclusive of the land.
4. Re Curbs and Sidewalks: The Developer will have to obtain a waiver of the requirements from the City Council, according to Public Works Department.

Conditions of Final Plat Approval

1. Access: An access easement should be shown across Lot #17 (unbuildable) in order to furnish access to the street for the 1 Acre lot owned by Robert B. Laughlin et al. The Assessors' Office records indicate that an unspecified right to passage exists for that lot by deed provision.



# Casco Bank & Trust Company

MONUMENT SQUARE • P. O. BOX 378 • PORTLAND, MAINE 04104  
TELEPHONE (207) 774-8221

June 4, 1976

Mr. Warren Turner  
Zoning Specialist  
City of Portland  
Planning Department  
Portland, Maine

Dear Mr. Turner:

Mr. David Elliot of Jocelyn Road in Scarborough, Maine has applied to your Department for its approval to subdivide 23 acres of land on Great Diamond Island.

Mr. Elliot has been an account of this Bank for a number of years and I will attest to the fact that a project of this scope will tax his financial capabilities only slightly as I understand the development cost to be approximately \$55,000.

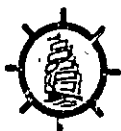
If any further information is needed, I will be happy to provide same with Mr. Elliot's approval.

Sincerely,

*Joseph A. Grondin*  
Joseph A. Grondin  
Vice President

JAG/ald  
cc: Mr. David Elliot

A Casco/Northern Bank



# Casco Bank & Trust Company

MONUMENT SQUARE • P. O. BOX 678 • PORTLAND, MAINE 04104  
TELEPHONE (707) 774-6221

June 4, 1976

Mr. Warren Turner  
Zoning Specialist  
City of Portland  
Planning Department  
Portland, Maine

Dear Mr. Turner:

Mr. David Elliot of Jocelyn Road in Scarborough, Maine has applied to your Department for its approval to subdivide 23 acres of land on Great Diamond Island.

Mr. Elliot has been an account of this Bank for a number of years and I will attest to the fact that a project of this scope will tax his financial capabilities only slightly as I understand the development cost to be approximately \$55,000.

If any further information is needed, I will be happy to provide same with Mr. Elliot's approval.

Sincerely,

*Joseph A. Grondin*  
Joseph A. Grondin  
Vice President

JAG/dld  
cc: Mr. David Elliot

A Casco/Northern Bank



CITY OF PORTLAND, MAINE  
MEMORANDUM

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

DATE: 5/18/76

FROM: Warren J. Turner, Planning Department

SUBJECT: Minutes of May 17th Meeting with David Elliott and J. David Haynes  
Re: Great Diamond Shores, Phase I - Preliminary Subdivision Plat

Mr. David Elliott said that he would be meeting with several members of the Great Diamond Island Association tomorrow. He took an extra copy of the proposed subdivision plat with him to show them.

Regarding proposed changes in the street pattern, the existing streets are considered to be workable at present, and Mr. Elliott said he would take any Board members down to show them the proposed development, if they desired to see it for themselves. Mr. Holtenhoff suggested that if Mr. Rand were satisfied, the Board would be apt to rely upon his good judgement with respect to the location of the proposed street just southerly of the R. B. Laughlin lot, just of Nicholas Street in view of the Board's discussion last Tuesday. Mr. Elliott said he would be asking Mr. Rand to visit the area with him. Mr. Reed presently has an easement across the other lots to provide him with access to the wharf.

With respect to the proposed pedestrian connector contemplated for possible installation across Lot #1, Mr. Elliott indicated that the development plan is not contingent upon the acceptance of this facility. He felt that the plan could be approved prior to arrival at a decision as to the location of the pedestrian-way, and that some decision in the matter should be reached prior to July 1st due to the involvement of HCD funds, which would then revert to the Federal control, if not otherwise used. Brian Hickerson, George Flaherty, and Tom Valteau were mentioned as contacts for Warren Turner concerning the status of this possible pedestrian connector and for a briefing as to the solidity of genuine Council support for this HCD expenditure.

Access to the Reec property is now achieved via an easement across several shore front lots to comply with deeded rights-of-way. A new street, as proposed by Mr. Rand at the May 11th meeting, may not be advisable to install due to the terrain and topographical limitations. This possibility had previously been explored by Mr. Elliott and Mr. Haynes, who indicated that they would be pleased to take Mr. Rand over to see the problems involved to interfere with its implementation: ledge, fill needed, etc.

Determination of the amount of subdivision bond to be required will be made by Public Works Department, through Mr. John Chesebro's office. Mr. Elliott said he would check into this phase. A memorandum request is being initiated by the Planning Department to request an estimate as to the amount of bond required for this subdivision.

May 18, 1976  
Page 2

Mr. Elliott and Mr. Haynes indicated that they would be pleased to take the members of the Board out to see the subdivision first-hand, if they so desired.

Concerning the extension of water lines, a letter from Mr. Wyman has indicated that such extension would be feasible. Mr. Elliott asked as to the restrictions governing the use of wells as a water source. The Portland Water District has indicated that it would be feasible to extend the existing lines, which are adequate to serve the area. Mr. Elliott indicated that a private contractor might be obtained to install the lines, as it would be less expensive for the work to be accomplished in such a manner, he believed.

Additional hydrants will be indicated as soon as a determination is reached as to the number of them to be required. Mr. Elliott will be checking with the Chief of the Fire Department in this regard, and distance apart, etc.

For information concerning the provision of street lighting, it was suggested that Mr. Elliott contact Mr. Bill Ridgeway as to the requirements on the Islands for street lighting, distance apart, etc.

Minor street improvements are to be made by the developer on those sections of street not now accepted, in order to bring them to City standards and specifications for Island street construction.

Information as to the City's responsibility for improvement of the accepted portions of Nancy Lane and Nicholas Street is being sought by Warren Turner from the Public Works Department, including verification of the formula for street assessment, and information as to available funds for financing such a project.

The sponsor of the development is responsible for provisions for surface drainage, insofar as culvert installations for new sections of street, and insuring that existing drainage is not impeded. Elliott said that George Flaherty has advised him that the next time a back-hoe is available on Great Diamond, the City will assist in restoring the drainage pattern which previously existed across Lot #1.

The request for a waiver for curbs and sidewalks is one aspect which does not need to be resolved prior to the approval of the final plat. Such a request may be submitted to the City Council after the approval by the Planning Board of the final plat.

With reference to Lot of R. B. Laughlin et als, access is guaranteed across the land in front to the street, and this provision is contained in the deed to him, but this is an undefined easement. It was agreed by Mr. Elliott that a specific easement would be provided in the revised preliminary plat, possibly across Lot 17.

May 18, 1976  
Page 3

Mr. Holtenhoff, Assistant Planning Director, requested that Warren J. Turner of the Planning Department prepare a memorandum to outline the minutes of the meeting held at 10 A.M. on May 17th in the Planning Department with David Elliott, owner, and J. David Haynes, Land Use Consultants, Inc. This memorandum is in response to that request.

*Warren J. Turner*  
Warren J. Turner

MJT/jk

cc: John Chesbro, Chief Engineer, Public Works  
John Rague, Public Works  
David Elliott, Owner  
J. David Haynes, Land Use Consultants, Inc.

CITY OF PORTLAND, MAINE  
MEMORANDUM

JH  
Lynne  
June 8, 1976

TO: Donald E. Menathlin, Jr., Planning Director  
FROM: Warren J. Turner, Planning Department  
SUBJECT: Great Diamond Shores, Phase I - David L. Elliott

DATE: 5/21/76

Mr. Haynes of Land Use Consultants indicated that they would be bringing in a revised preliminary plat with a letter responding to some of the problems raised since the May 11th meeting of the Planning Board.

Mr. Elliott, Mr. Haynes, Mr. Boyville, and I met with Ted Rand yesterday at Great Diamond Island about 10:35 A.M. and we walked over the site of the proposed residential development. Mr. Rand asked the sponsors of the proposed subdivision to consider the feasibility of opening a new street to provide direct access to the R. B. Laughlin lot and other interior lots. The existing right-of-way across several of the shore front lots could perhaps be retained for purposes of summer water or other access.

Mr. Elliott inquired as to whether gravel obtainable from his own land might be used satisfactorily for street purposes on the Island. Mr. Rand indicated that he thought it would meet the requirements. Mr. Elliott asked if the City might consider for acceptance a portion of street which is a spur off Nancy Lane on which Lots #6 and 7 will have frontage.

George Flaherty has indicated that when possible a City back-hoe will restore the drainage pattern which previously existed across Lot #1 in approximately the central portion. It was agreed that in order to take full advantage of the topography, the location of the proposed new roadway could be adjusted within the 40 foot right-of-way so that some of the cut and fill might be averted for the new proposed street. Mr. Rand indicated that it would be highly desirable to eventually have more than one road across the Island from the wharf toward the King Resources area (former Fort McKinley), particularly if in the future many additional vehicles were to be added. With regard to location of wells on those lots having septic disposal systems, Joe Beaulieu has indicated that the well should be at least 100 feet away from the disposal field, and preferably on the uphill side. This information was requested by Mr. Elliott earlier.

Mr. Elliott also inquired concerning the City's plan for a fire station on Great Diamond Island. He was advised that Peaks Island and Long Island had requests pending for fire station improvement projects, and they had top priority for available funds in that area.

May 21, 1976  
Page 2

With respect to the proposed pedestrianway diagonally across Lot #1, M. Elliott indicated that a letter has been sent to George Flaherty in response to his recent letter of inquiry. Mr. Elliott is not too keen about the project becoming a reality, due to the fact that it places a public way close to the old farm house building and this detracts from the customary privacy which the occupants of that building might otherwise enjoy. I do not believe that Mr. Elliott favors the proposed project involving an expenditure of City funds for something which would benefit only a small number of Island residents. He has indicated that he would prefer to see the money spent to counteract serious tidal erosion of the roadway (or concourse) leading to the Great Diamond Island Wharf.

Mr. Haynes stated that they would be preparing a revised preliminary plat and a response to the problems which have been outlined.

A memo has been sent to Public Works to obtain estimates for the amount of a subdivision bond to be required by the City.

*Warren*  
Warren J. Turner

WJT/3K

July 8, 1976

MEMORANDUM FOR: Donald E. Megathlin, Jr., Planning Director  
FROM: Warren J. Turner, Planning Department  
SUBJECT: Great Diamond Shores Subdivision Plat - Phase I

Mr. John Sedgwick (Telephone 772-6411) called to inquire concerning the status of the subdivision plat for David Elliott on Great Diamond Island. He said that he understood that negotiations had been closed off with regard to the pedestrianway across Lot #1 of that plan, and he believes that the Islanders are on the brink of bringing a suit against Mr. Elliott in order to obtain the desired pedestrianway.

I told him that I understood that the final plat was scheduled for review by the Planning Board on August 10th, tentatively, and that the linen would probably be available at that time for signing by the Planning Board, if all of the various matters had been resolved.

We had requested a copy of the application to the DEP by Mr. Elliott, but as yet, we had not yet received a copy of such application.

I assured Mr. Sedgwick that the plats received in this office both showed the pedestrianway across Lot #1, but we were aware that the precise location of that pedestrianway had not yet been agreed upon.

*Warren*  
Warren J. Turner

P.S. Both of the existing structures owned by Mr. Elliott have been recently offered for sale in the Downeast Magazine by Mr. Ralph Bonville, Mr. Elliott's father-in-law.

Great Diamond Shores Subdivision  
Phase I

1. What if some one wants to subdivide 6 Acre lots - access, etc.  
Is 6 Acres realistic? Mr. Elliott said the land was such that he felt this size lot was desirable inasmuch as the remainder might not perk out. The one lot that is 6 Acres in size is Lot 1 containing the old farmhouse, and that is the same lot that is subject to the pedestrian easement or right-of-way, which George Flaherty says has "evaporated". George will send us a copy of the letter explaining this fact to us.

2. Does subdivision meet State Subdivision requirements, State Zoning, and City Subdivision requirements? The DEP has the matter under consideration.

Yes. The State Statutes contain the checklist of criteria for subdivision review, and we have checked it against that list and found it to be in accordance with those requirements. There was a question as to scenic beauty, but I indicated that this would enable additional families to enjoy it. At the Planning Board meeting, the question of traffic was raised. There are presently six vehicles on the entire Island, and it was believed that such additional vehicles as might result from fourteen additional building sites would not constitute a hardship from the standpoint of the City. The development meets all City requirements.

3. Difference between existing and proposed streets not clear to me. Category should be existing, existing to be improved, and proposed.

Nancy and Nicholas Streets are accepted City streets as they now exist. Nancy Street from the wharf to Valley Avenue and Nicholas Street to the Noring property, which is currently served by year-around water (8-inch water line).

The 40-foot right-of-way will be extended with a 16-foot width of graded gravel street by the developer, who will also install a new proposed street in accordance with a request by Mr. Rand to serve the Robert B. Laughlin lot and future development beyond there.

4. Street Names

The only new street to be named is that new street described in Item 3 above. We have asked that this new street be named in the final plan for the Subdivision, now being prepared by Land Use Consultants, Inc.

5. Who pays for Nancy Lane and Nicholas Streets improvements?

Since these two are already accepted streets, the accepted portions of them become the responsibility of the City if abutting property-owners should petition for such street improvements. In this case, Mr. Elliott is the abuttor for most of the distance, but if the lots are sold, such may not always be the case.

6. Why not show Lots #2 and #17 as open space?

Mr. Elliott said that he was saving these lots for future disposition either as:

- a. A site for a possible fire station, if the City were interested, or perhaps adding to the little park nearby; or
- b. Sale to an abutter of that portion remaining of Lot #17 after the street is relocated as suggested by Public Works Department.

7. What about Rague's memo (4-30-76) re: Laughlin?

The typical section of streets has been provided by Land Use Consultants, Inc. as part of its original submission, and a copy has been furnished Public Works.

Inaccessibility to Existing Lot: This situation is being remedied by the installation of the new proposed street, as recommended by Mr. Rand, and referred to in Item 3 above.

8. Has Nicholas Street been relocated as per Department of Public Works?

Yes. The final plan and the amended preliminary plat both show the portion of street affecting Lot #17 as being relocated as suggested by Mr. Rague of Public Works.

9. Plat is very confusing.

This feature was noted due to the inclusion of topographic lines and soil test pit locations etc. with lot boundaries, surface drainage swales, etc. all on the same plat, but such information was really needed in order to review the plan more carefully, for all factors appear to be inter-related.

10. Affect of this proposal on the dump. Where is dump in relation to this subdivision?

I believe the dump is now located on Old Fort Road, which is within the Phase II area of the proposed future development.

11. Natural beauty areas

Identify Cliff and Heron Point. I do not know the location of these.

12. Who visited site from Staff?

Warren Turner and Jerry Holtenhoff (subsequently) also Ted Rand. Warren made two visits to the area and took some slides of the location. He was accompanied by Mr. Elliott, John Rague and Mr. David Haynes and a representative of Land Use Consultants' engineering outfit, plus Ernold Goodwin of the Plumbing Inspection Dept.



MURRAY, PLUMB & MURRAY  
ATTORNEYS AT LAW  
30 EXCHANGE STREET  
PORTLAND, MAINE 04111

RECEIVED  
JUN 28 1976  
PUBLIC WORKS  
TELEPHONE  
(207) 773 5651

PETER L. MURRAY  
E. STEPHEN MURRAY  
PETER S. PLUMB

JOHN C. LIGNYBODY  
PHILIP F. W. AHRENS, III

June 25, 1976

OF COLISEUM  
RICHARD H. FIELD

Mr. George A. Flaherty  
Director of Public Works  
City of Portland  
389 Congress Street  
Portland, ME. 04111

Re: Great Diamond Walkway Project.

Dear George:

I have received correspondence from you and from David Elliott concerning the location of the proposed walkway on Great Diamond Island. It is my understanding based upon that correspondence as well as upon a conversation with you that Mr. Elliott will not consent to any walkway at any location other than that described as "Location A" on the various maps that have been made on the project.

As I or my clients stated on our recent visitation to the Island, the proposed Location A is so far from the traditional route of the walkway and offered so little improvement of the present network of public roads that my clients do not believe that it would be worthwhile to establish a new walkway in that location. The use of city funds to construct such a walkway would not appear to be well justified.

Accordingly, we would suggest that the money set aside by the City for this project be employed in some other useful fashion on the Island. I am sure you are aware of the many needs for funds for public improvement on Great Diamond Island and that these monies will be well spent.

I am very sorry that this effort by all parties has come to this disappointing conclusion. For awhile, I was most hopeful that Mr. Elliott would agree to a location more

Mr. George A. Flaherty  
June 25, 1976  
Page 2

closely in line with the traditional route. At any rate, I would like to thank you for your cooperation and that of your staff.

With best wishes, I am

Sincerely,

A handwritten signature in cursive script, appearing to read "Peter L. Murray".

Peter L. Murray

PLM:clf

cc: Paul Frinsko, Esquire

July 27, 1976

MEMORANDUM FOR: Donald E. Megathlin, Jr., Planning Director  
FROM: Warren J. Turner, Planning Department  
SUBJECT: Review of Great Diamond Shores, Phase I

I have this date talked with George Flaherty, who has sent us a letter from Peter Murray advising the City that the pedestrian right-of-way is being sought by the residents of Great Diamond Island. The failure of a meeting of the minds on the part of the residents as to its location.

The letter expresses a hope that the Federal funds could otherwise be applied to the improvement of some other project of interest to the Diamond Island property-owners.

I have this date discussed all of the items concerning which you still had questions in your discussion with me yesterday. These streets which are the responsibility of the developer will be constructed according to City specifications, so that they can be accepted by the City at some future date.

A copy of a letter from Public Works has been received this morning. It stipulates that the gravel samples obtained from Great Diamond Island do not meet City requirements, and Mr. David Elliott is being so advised by Public Works. This will undoubtedly be disappointing to him, since Ted Rand indicated that the City requirements were not as stringent for Island street construction as for the mainland of Portland. If Mr. Elliott has to "import" gravel instead of using the existing supply from the Island, the costs will be considerably higher, as the City well knows.

I have checked the effect of Flood Prone areas on Lot #1 of the Great Diamond Shores, Phase I, and found that Lot #1 for the major part is within the Flood Prone area as set forth by the latest survey received in the Department. Mr. Haynes also has indicated that the remainder of Lot #1 would not pass a soil test for subsurface sewage disposal, except for the area near the old farmhouse. I suggested that a letter accompany the final plat submission explaining this and several other matters. He said that he would prepare such a letter, and that he would try to have the final plat in our hands at least five days prior to the meeting (August 10th). Mr. Haynes will be on vacation during the date of the meeting, but he believed that Mr. Elliott could handle any questions, plus a representative from the Land Use Consultants office.

*Warren*  
Warren J. Turner

PLANNING DEPARTMENT REPORT

Review of Preliminary Plat For Great Diamond  
Shores, Phase I - David L. and Diane B. Elliott,  
Owners

Submitted to:

City Planning Board  
Portland, Maine  
June 8, 1976

## BACKGROUND

A preliminary plat for 17 lots (including 2 lots with existing structures and two lots which are not suited for residential development) has been submitted for review by the Planning Board. This proposed subdivision encompasses 24 acres of land owned by David L. and Diane B. Elliott of Scarborough. This Phase I includes 13 new residential home-sites for single family construction, as prepared by Land Use Consultants, Inc. Approval of this plat by the Department of Environmental Protection will be required due to the fact it contains more than 20 Acres.

## FINDINGS OF FACTS

This revised preliminary plat has been prepared by Land Use Consultants of Portland based upon additional data requested by Public Works and the Planning Department. The lots are generally large and range from 3/4 of an Acre to about 6 Acres in size. Phase Two of the development will encompass more than 80 Acres of adjacent land which borders on the King Resources Co. tract (formerly Fort McKinley). The total assessed value of this entire Elliott property is \$116,390. It is carried by the Assessors' Office as Chart 83B Block 1 Lot 1; Chart 83C Block A Lot 1; and Chart 83D Block A Lot 1, having a total area of 4,609,528 square feet, or 105.8 Acres.

### 1. Possible Pedestrian Easement

A proposed HGD project for the installation of a pedestrian walkway across Lot #1 of the Great Diamond Shores development via an easement to be held by the City was the direct outcome of the citizen participation process and the ensuing action taken by the City Council at its workshop meeting of June 30, 1975. Mr. Brewster of Public Works has been studying the feasibility of such a facility.

Mr. Valteau has advised that there has been no agreement reached with regard to Alternate Routes A, B, and C; and this matter will therefore be referred back to the City Council for reconsideration.

### 2. Redesign of Proposed Street Pattern

The revised preliminary plat shows a new street to be installed below the Robert B. Laughlin lot and it will provide frontage for the Laughlin lot and improved access for Lots 13, 14 and 15. This proposed street would ultimately provide access to the acreage which may eventually be developed as Phase II of this residential development, also owned by Mr. and Mrs. Elliott. A name should be included in the final plat for this new street.

### 3. Subdivision Bond

The amount of the subdivision bond will be determined by Public Works to cover the estimated costs for public improvements in Great Diamond Shores Subdivision, Phase I.

### 4. Water Service

Year around water service can be extended to serve this new development according to a statement by Donald E. Wyman, Director of Marketing and ~~Customer~~ Customer Relations, Portland Water District. Mr. Elliott has indicated a willingness to extend this water service.

5. Installation of Additional Hydrants

Two new hydrants will be installed and such locations have been indicated on the revised preliminary plat. These two hydrant locations are acceptable to the Chief of the Fire Department.

6. Street Lighting

Overhead wiring facilitates the use of poles for street lighting along the streets. The revised preliminary plat shows proposed pole locations for street lighting, which have been approved by Public Works Department.

7. Street Improvements

Streets will be constructed in accordance with Public Works requirements for Island roadway construction, so that they will be acceptable to the City. Street Acceptance Ordinance (Chapter 707 of the Municipal Code) will be useful in conjunction with advice from the Public Works Department. Mr. Elliott has inquired as to the possibility of using gravel from his acreage on Great Diamond for street construction purposes. Public Works has indicated that they would want to see samples of the gravel to determine whether it can be used for street purposes.

8. Surface Drainage

Provisions are being made wherever needed to provide surface drainage, culverts, etc. and keep the drainageways clear whenever possible. The revised preliminary plat shows drainage courses and swales and corrugated metal pipe to be utilized for culverts where needed.

9. Waiver of Curbs and Sidewalks by City Council

This waiver may be requested by the sponsor of the development prior to the approval of the final plat or following such approval.

10. Access

The owner of the development has agreed to install a new street which will furnish direct access to the Robert B. Laughlin et als lot, as suggested by Mr. Rand at the May 14th meeting. This proposed new street will provide access to Lots 13, 14 and 15 and the northwesterly corner of the Reed parcel and future access to the Phase II development.

11. Statement of Financial Capability

A statement has been requested of Mr. Elliott through Mr. David Haynes of Land Use Consultants, Inc. He indicated that this statement will be furnished prior to the Planning Board meeting.

12. Island Streets

The Director of Public Works has advised that estimates have been made for the costs of improving these accepted but unimproved streets.

"In accordance with XXXXXXXX Section 707 - (c) of the Municipal Code (Street Acceptance Ordinance), one-third (1/3) the costs incurred during such improvements would be assessed against the abutting property owners and two-thirds (2/3) would be borne by the City. Attention is invited to the attached memorandum and enclosure, which provides details for a total estimated cost of \$15,500 (2/3 Cost to the City = \$10,333.34 and 1/3 Cost to Abutters \$5,166.66) for the improvement of Nancy Lane and Nicholas Streets on Great Diamond Island.

13. Easing the Sharp Curve in Nicholas Street

The rather sharp curve in the right-of-way for the extension of Nicholas Street has been eased by relocating the street right-of-way across Lot #17 in the preliminary plat. Lot #17 is unbuildable due to seasonal wetness.

14. Typical Section of Street

The Public Works Department has received a plan for the proposed typical section of the streets and has found it to be acceptable.

15. Water Supply

The existing 8-inch water lines were recently installed to furnish year-round water service in the area near the junction of Nancy Lane and Nicholas Street. This water line extends up Nancy Lane to Valley Avenue. The Portland Water District advises that this service may be extended to serve the proposed development.

16. Sewage Disposal

Mr. Erno Goodwin, City Plumbing Inspector, has advised that he has field-checked the soil test pits on May 6th and he has determined that all of the lots are buildable with the exception of Lots #2 and 17. A Memorandum to this effect has been received from Mr. Goodwin.

It is the intent of the subdivider that Lots 1 and 3 through 16 are to be developed for single family use. Lots 1 and 14 are now occupied by existing residential structures; Lots 2 and 17 are not suited for residential development. Lot 2 is under-sized and Lot 17 is subject to seasonal wetness, and now the relocated street right-of-way. Lots 2 and 17 will be retained by the owner for future disposition.

Sewage disposal will be by conventional subsurface methods except for Lots 13 and 14. These two Lots will be served by a sand filtration and overboard discharge system. All systems will be constructed according to standards as specified in the State Plumbing Code Part II.

RECOMMENDATION

The Planning Department recommends that preliminary approval be granted by the Planning Board subject to the following conditions:

1. That a statement of financial capacity be furnished in accordance with existing State Law;
2. That adequate access be provided as indicated on the revised Preliminary Plat; and private roads be extended and

improved according to public standards for acceptance by the City, and constructed with materials acceptable to that Department;

3. That natural drainageways and swales will be accommodated and wherever necessary culverts and drainageways will be provided;

4. That water lines will be extended to serve the subdivision and street lighting will be provided as required;

5. That soil tests data will be approved prior to the issuance of individual building permits.

6. That a name will be shown on the final plat for Great Diamond Shores, Phase I for the new proposed street to be installed, providing improved access for Lots 13, 14 and 15, the Robert B. Laughlin lot, and Phase II of the future residential development.



APPENDIX B

List of Abutting Property-Owners  
And Interested Parties

1. Robert B. Laughlin & G. Adaline  
561 Ridgebury Road, Ridgefield, Conn.
2. Robert F. & Constance A. Noring, Great Diamond Island, Maine 04109
3. Earle D. and Jeannette G. Reed, 1183 Shore Road, Cape Elizabeth, Maine
4. Charles Crouch, Resetar Hotel, Box 71, Watsonville, Calif. 95076
5. Clarice E. Abbott, 17 Amerescoggin Rd., Falmouth, Maine 04105
6. Robert W. Laughlin, 15 Ocean View Ave., South Portland, Maine 04106
7. Betty L. Smith, 175A Pine St., Portland, Maine 04102
8. Wood O. Merrill, Devs., c/o Ferne Kimball, Great Diamond Island, Maine
9. Jeannette F. Rose, 62 Grant St., South Portland, Maine 04106
10. Great Diamond Island Association, Great Diamond Island, Maine
11. Maine Department of Transportation, Augusta, Maine 04330
12. Maine Port Authority, 40 Commercial St., Portland, 04111
13. Margaret M. Harris, Valley Avenue, Great Diamond Island, Maine
14. William M. and Barbara D. Jewell, Great Diamond Island, Maine
15. Eleanor W. Wichart, Great Diamond Island, Maine
16. Theodore Yonan & Edith, 21 Pine Knot Circle, Wapping, Conn. 06087
17. Florence R. Jarochelle, Devs.
18. Casco Bay LandsCo., c/o King Resources Co., Box 9698, So. Denver Sta.  
Denver, Colorado, 80209
19. David L. & Diane B. Elliott, Jocelyn Road, Scarborough, Maine
20. Mr. David Haynes, Land Use Consultants, Inc., 1100 Forest Avenue  
Portland, Maine 04103
21. Mr. Paul Frinsko, Attorney, One Monument Square, Portland, Maine 04111
22. Mr. Stanley Williamson, President, Casco Bay Island Development Association  
Peaks Island, Maine 04108

Great Diamond Island

23. James M. Hutchinson, 536 Linton St., Cincinnati, Ohio 45219
24. Elizabeth Picking, Warner, Falmouth Foreside, Maine 04105
25. Diamond Island Association, c/o Curtis Laughlin, 68 Prospect St., Portland  
04103
26. Portland Water District, 225 Douglass St., Portland, Maine 04102
27. Ernest L. Laughlin, 68 Prospect St., Portland, Maine 04103

CITY OF PORTLAND, MAINE  
MEMORANDUM

to: Warren Turner, Planning

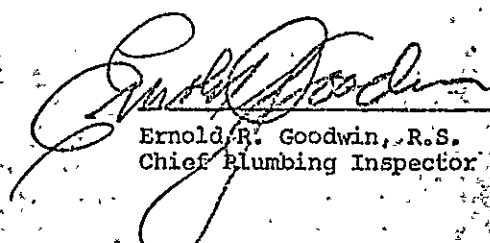
from: Erno!d R. Goodwin, R.S., Chief Plumbing Inspector

subject: David Elliott Property, Great Diamond Island, Phase One  
(except Lots #2 & 17)

DATE: 5-10-76

Upon inspection May 6 with a representative of Mr. Elliott, I checked and verified the test pits on each individual lot that was taken by a certified site investigator in the employ of Land Use Consultants. All lots confirm in all respects with the State Plumbing Code Part II as buildable house lots, except Lots #2, which is too small and Lot #17 because of seasonable high water table and swampy areas.

NOTE: If dwellings are built on these lots, the private sewage disposal system must be located where test pits were dug, otherwise new tests will have to be performed to locate disposal areas anywhere else.



Erno!d R. Goodwin, R.S.  
Chief Plumbing Inspector

ERG/mt

cc: W. B. Goodwin, PWD Sewer Div.  
John Regue, PWD, Highway  
Steve Fournier, LUC,

CITY OF PORTLAND, MAINE  
MEMORANDUM

TO: Warren J. Turner, Planning Department

FROM: George A. Flaherty, Director of Public Works

SUBJECT: Estimated Costs of Possible Street Improvements for Nancy Lane and Nicholas Street on Great Diamond Island

DATE: 5-26-76

This is to acknowledge receipt of your memorandum dated May 15, 1976 concerning the above subject.

The estimated cost of improving these accepted but unimproved streets is shown on the attached sheet.

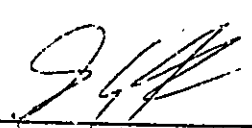
In accordance with Section 707.2 (c) of the Municipal Code, one-third (1/3) the costs-incurred during such improvements would be assessed against the abutting property owners and two-thirds (2/3) would be borne by the City. Once again see attached sheet for clarity.

The decision as to the funding of these improvements is a policy decision which is not mine to make. The City Council has the option of funding this work from the following sources:

- (a) Capital Improvement Program
- (b) City's Operating Budget
- (c) M.C.D. Program

You also inquired if "this street project might be more beneficial to the Islanders than the contemplated pedestrian walkway". The walkway project was the direct outcome of the H.C.D. citizen participation process and the ensuing action taken by the City Council at its workshop meeting of June 30, 1975.

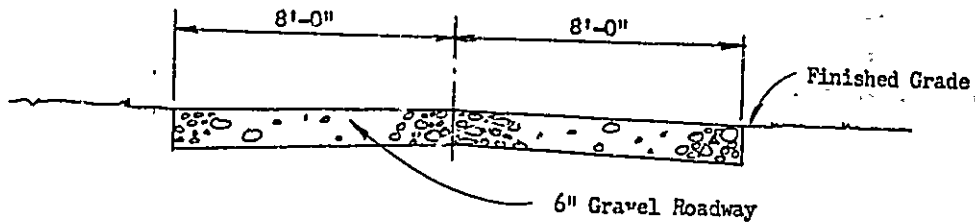
The City's mainland and islands have many needs which are yet unmet as they relate to street and sidewalk improvements. Since the Public Works Department's principal concern and responsibility is the general operation and maintenance of various public facilities and not the direct involvement of the long term planning and financial management of the various City programs, I feel that your question is inappropriate for me to respond to.

  
GEORGE A. FLAHERTY  
DIRECTOR OF PUBLIC WORKS

Attachment:

GAF/JPR/jpr

Cost Analysis of Improving Nancy Lane and Nicholas Street on Gt. Diamond Island:



TYPICAL SECTION

QUANTITY OF ROADWAY MATERIAL:

$$\frac{16' \times 0.5' \times 1'}{27} = 0.2963 \text{ Cubic Yards per Linear Foot of Roadway}$$

NANCY LANE:

$$1,290.59 \text{ Lin. Ft.} \times 0.2963 \text{ Cu. Yds./Lin. Ft.} = 382.40 \text{ Cu. Yds.}$$

$$382.40 \text{ Cu. Yds.} @ \$28.00/\text{Cu. Yd.} = \$10,707.25$$

NICHOLAS STREET:

$$573.24 \text{ Lin. Ft.} \times 0.2963 \text{ Cu. Yds./Lin. Ft.} = 169.85 \text{ Cu. Yds.}$$

$$169.85 \text{ Cu. Yds.} @ \$28.00/\text{Cu. Yd.} = \$4,755.83$$

TOTAL COST:

$$\$10,707.25 \text{ (Nancy Lane)} + \$4,755.83 \text{ (Nicholas Street)} = \$15,463.08$$

(Say \$15,500.00)

ASSESSMENTS:

\$15,500.00 Total Cost of Construction

2/3 Cost to City - \$10,333.34  
 1/3 Cost to Abutters - \$ 5,166.66

PER LINEAR FOOT COST TO ABUTTERS:

Nancy Lane -  $1,290.59' \times 2 = 2,581.18'$  of Frontage  
 = \$1.3827 per Linear Foot of Frontage

Nicholas Street -  $573.24' \times 2 = 1,146.48'$  of Frontage  
 = \$1.3827 per Linear Foot of Frontage

CHAPTER 707

STREET ACCEPTANCE

Section 707.1. No street or way shall be laid out and accepted as a public street or way by the City of Portland except in accordance with the provisions of this Ordinance.

General

707.1

Section 707.2. A street or way dedicated for public travel prior to July 7, 1948 shall be laid out and accepted as a public street or way by the City of Portland only upon the following conditions:

Acceptance of streets and ways dedicated for public travel prior to July 7, 1948

(a) Said street or way shall have a minimum width of 50 feet unless the owners of property adjoining said street or way shall convey to the City of Portland sufficient land to lay out a 50-foot street; provided, however, (that the Director of Public Works may permit a lesser width when a 50-foot street is impracticable) Provided further that any such street or way located on any of the islands in Casco Bay, which is not considered to be a collector street in the opinion of the Director of Public Works and the Planning Board, may have a minimum width of 32 feet.

707.2

707.2 (a)

(b) A plan of said street or way shall have been recorded in the Cumberland County Registry of Deeds prior to July 7, 1948.

707.2 (b)

(c) A majority of the abutters upon said street or way shall in writing, on a form to be prescribed by the Director of Public Works, petition the City Council to improve said street by grading, curbing, gravelling, macadamizing, paving, or in any other way making a permanent street of the same, or any part thereof; and in said petition shall waive any damages resulting from the laying out and acceptance of said street or way, or any necessary changes in the grade thereof; and shall agree to pay their just proportion of one-third of the cost thereof. For purposes of this ordinance, a majority of the abutters shall mean those abutters who own more than fifty percent of the frontage, both in front-feet and in assessed value.

707.2 (c)

(d) When said street or way shall have been laid out and accepted as a public street or way, and such improvements have been made, one-third of the cost thereof shall be assessed on the property adjacent to and bounded on said street or way in the manner, and with the same right of appeal, provided in Sections 3601-3605 of Title 23 of Maine Revised Statutes Annotated.

707.2 (d)

Section 707.3. A street or way constructed on private lands by the owner thereof, and a street or way dedicated for public travel prior to July 7, 1948, shall be laid out and accepted as a public street or way by the City of Portland only upon the following conditions:

Acceptance of streets and ways not previously dedicated for public travel

707.3

## Land Use Consultants, inc.

966 RIVERSIDE STREET PORTLAND, MAINE 0 103 207-797-8187

LAND PLANNERS ENGINEERS SURVEYORS

August 2, 1976

76346 P

Portland Planning Board  
City Hall  
389 Congress Street  
Portland, Maine 04111

David Elliott: Diamond Shores Subdivision, Great  
Diamond Island, Portland, Maine

Gentlemen:

In behalf of David Elliott, we transmit herewith the Final Plan submission for the Diamond Shores subdivision. This submission complies with requirements of the City of Portland Subdivision Ordinance, Section 603.5.5 Final Plat Filing and Execution; and Section 603.6.4 Final Plat. This submission includes:

1. An original ink on linen plat and five blue-line prints of the Final Plan for Diamond Shores subdivision, prepared by Land Use Consultants, Inc., dated August 1976.
2. A set of blueline prints showing proposed roadway and drainage improvements, Diamond Shores subdivision, prepared by Land Use Consultants, Inc., dated July 1976.

Plans for proposed roadway design and construction have been forwarded to the Department of Public Works under separate cover for review and approval. It is the intent of the developer to improve roads within new proposed rights-of-way to standards of the Department of Public Works for island construction and request acceptance of the roads by the City. Specifically, Diamond Shore Road is a new proposed road which will require right-of-way definition and totally new road construction; Nicholas Street is an existing road which will require an extension of right-of-way definition and partial road reconstruction; and Sunset Avenue Extension is an existing road in good condition which will require only minor improvement and right-of-way definition.

In a telephone conversation with Mr. Turner on July 27, he conveyed the Planning Board's concern regarding re-subdivision of Lot 1. We evaluated this alternative prior to preparation of the Preliminary

Land Use Consultants, Inc.

Portland Planning Board  
Page two

Plan and concluded the soils were unsuited to subsurface disposal by standards of the existing Plumbing Code, and the cost to construct a sand filtration and overboard discharge system was economically unfeasible. A copy of the Site Location Application as submitted to the Department of Environmental Protection was forwarded to the Planning Board on June 24, 1976. The Department of Environmental Protection is scheduled to act upon the application at it's August 25th meeting.

We trust this submission fulfills the requirements for Final Plan Approval. Should the Planning Board have any questions or comments, we shall be pleased to respond.

Very truly yours,

*fr* Stanley R. Goodwin

J. David Haynes  
Vice President

cc: David Elliott  
F. Paul Frirsko, Esquire

JDH/mjw



W.T.

I don't want to  
send a letter yet  
until I'm satisfied several  
items have been resolved.  
See J.H.

Don

P.S. Keep letter as it can  
be amended later

D R A F T

July 14, 1976

Mr. William R. Adams, Jr., Commissioner  
Department of Environmental Protection  
State House  
Augusta, Maine 04330

Dear Mr. Adams:

Re: Great Diamond Shores  
Subdivision, Phase I -  
David L. Elliott

The purpose of this letter is to advise you that the Planning Board of the City of Portland voted unanimously at its meeting on Tuesday evening, June 8, 1976, to grant preliminary approval for Great Diamond Shores, Phase I, Subdivision on Great Diamond Island subject to the following conditions:

1. That a statement of financial capacity be furnished in accordance with existing State Law. (This statement has been received)
2. That adequate access be provided as indicated on the revised preliminary plat; and all streets be extended and improved according to public standards for acceptance by the City, and constructed with materials acceptable to the Public Works Department;
3. That natural drainageways and swales will be accommodated and wherever necessary culverts and drain ways will be provided;
4. That water lines will be extended to serve the subdivision, hydrants and street lighting will be provided as required;
5. That a name will be shown on the final plat for Great Diamond Shores, Phase I, for the new proposed street to be installed, providing improved access for Lots 13, 14 and 15, the Robert B. Laughlin lot, and Phase II of the future residential development;
6. That a subdivision bond to cover the estimated cost of public improvements will be furnished by the sponsor of the development in accordance with the Public Works' estimate. (This estimate has been determined to be \$15,142).

It is understood that a waiver of curbs and sidewalks may be granted by the City Council upon receipt of a petition by the developer.

The final plat has not yet been received for presentation before the Planning Board following coordination among the several City Departments. It is anticipated that the final plat will be on the agenda for the Board's August 10th meeting.

Sincerely,

Enclosures

Donald E. Megathlin, Jr.  
Planning Director

CITY OF PORTLAND, MAINE  
MEMORANDUM

TO: Warren Turner, Planning

DATE: 5-10-76

FROM: Ernold R. Goodwin, R.S., Chief Plumbing Inspector

SUBJECT: David Elliott Property, Great Diamond Island, Phase One  
(except Lots #2 & 17)

Upon inspection May 6 with a representative of Mr. Elliott, I checked and verified the test pits on each individual lot that was taken by a certified site investigator in the employ of Land Use Consultants. All lots confirm in all respects with the State Plumbing Code Part II as buildable house lots, except lots #2, which is too small and Lot #17 because of seasonable high water table and swampy areas.

NOTE: If dwellings are built on these lots, the private sewage disposal system must be located where test pits were dug, otherwise new tests will have to be performed to locate disposal areas anywhere else.



Ernold R. Goodwin, R.S.  
Chief Plumbing Inspector

ERG/mt

cc: W. B. Goodwin, PWD Sewer Div.  
John Regue, PWD, Highway  
Steve Fournier, LUC

Doc

July 15<sup>th</sup>

I received a <sup>telephone</sup> inquiry from DEP

(a. Mrs. Bresugh) re the development contemplated by David Elliott on Great

Diamond Island. Referred him to copy of our letter enclosed on ~~the~~ DEP application.

I told him that a letter outlining

the Board's conditions for preliminary approval of the subdivision has been drafted for Mr. Adams of the DEP.

He inquired regarding the feasibility of getting cars to the Island and he said he understood there ~~was~~ <sup>were</sup> two year-around vehicles and four others that were seasonal.

Referred him to Bill Boothby for info re snow blowing and explained that there is only one year round <sup>Warren</sup> ~~mainly~~ <sup>more</sup> snow.

August 4, 1976

MEMORANDUM FOR: George A. Flaherty, Director of Public Works  
Clement C. Dodd, Chief, Fire Department  
R. Lovell Brown, Director, Building and Inspection Services

FROM: Warren J. Turner, Planning Department

SUBJECT: Review of Preliminary Plat for Stroudwater Estates Subdivision on  
the Northerly Side of Outer Congress Street



## CITY OF PORTLAND

DONALD E. MEGATHLIN, JR.  
PLANNING DIRECTOR

August 3, 1976

TO PROPERTY-OWNERS IN THE VICINITY OF NANCY AND NICHOLAS STREETS ON GREAT DIAMOND ISLAND:

The purpose of this letter is to inform you that the subdivision plat for Great Diamond Shores, Phase I, will be presented to the Planning Board for final approval, at its meeting on Tuesday evening, August 10, 1976, at 7:30 P.M., in Room 209, City Hall, Portland, Maine.

You may wish to attend this meeting in order to obtain additional information concerning this residential development on Great Diamond Island, as proposed by Mr. David L. Elliott of Scarborough, Maine.

If, for some reason, you are unable to attend this meeting, you may wish to send a short letter expressing your views concerning this development to Mr. Donald E. Megathlin, Jr., Planning Director, 329 Congress Street, Room 211, Portland, Maine, 04111. All correspondence received will be shared with the Planning Board prior to their final action on this development plan.

Sincerely,

*Donald E. Megathlin*

Donald E. Megathlin, Jr.  
Planning Director

DEM/wt



DIAMOND ISLAND ASSOCIATION

Great Diamond Island · Portland · Maine

June 9, 1976

Portland Planning Board  
City Hall  
Portland, Me.

RECEIVED JUN 14 1976

Dear Mr. Megathlin:

On behalf of the Diamond Island Association and the residents of Great Diamond Island, we wish to acknowledge the receipt of the letter announcing the Planning Board meeting of 8<sup>th</sup> June at which Mr. Elliott's proposed sub division was voted on and thank you for taking the time to keep us properly informed. Good communication between the City and the Islands is important and we hope that you will continue to keep us informed in the future.

Yours truly,  
Stuart Laughlin  
Secretary

July 7, 1976 W.T.

Don:

Thur's  
5:00

Have we received a copy of  
the Application for DEP approval  
of the Great Diamond Shores subdive  
Phase I yet?

If so, I shall prepare the draft  
of the letter to William Adams  
of the DEP, per your request.

Warren T.

1981 23 36



July 8, 1976

MEMORANDUM FOR: Donald E. Megathlin, Jr., Planning Director  
FROM: Warren J. Turner, Planning Department  
SUBJECT: Great Diamond Shores Subdivision Plat - Phase I

Mr. John Sedgwick (Telephone 772-6411) called to inquire concerning the status of the subdivision plat for David Elliott on Great Diamond Island. He said that he understood that negotiations had been closed off with regard to the pedestrianway across Lot #1 of that plan, and he believes that the Islanders are on the brink of bringing a suit against Mr. Elliott in order to obtain the desired pedestrianway.

I told him that I understood that the final plat was scheduled for review by the Planning Board on August 10th, tentatively, and that the linen would probably be available at that time for signing by the Planning Board, if all of the various matters had been resolved.

We had requested a copy of the application to the DEP by Mr. Elliott, but as yet, we had not yet received a copy of such application.

I assured Mr. Sedgwick that the plats received in this office both showed the pedestrianway across Lot #1, but we were aware that the precise location of that pedestrianway had not yet been agreed upon.

*Warren*  
Warren J. Turner

P.S. Both of the existing structures owned by Mr. Elliott have been recently offered for sale in the Downeast Magazine by Mr. Ralph Bonville, Mr. Elliott's father-in-law.

June 9, 1976

Mr. David Elliott  
Jocelyn Road  
Scarborough, Maine 04074

Dear Mr. Elliott:

As you know, following considerable deliberation, at the Planning Board meeting on Tuesday evening, June 8, 1976, the Board voted unanimously to grant preliminary approval for Great Diamond Shores Subdivision, Phase I, subject to the following conditions:

1. That a statement of financial capacity be furnished in accordance with existing State Law (This statement has been received.)
2. That adequate access be provided as indicated on the revised preliminary plat; and all streets be extended and improved according to public standards for acceptance by the City, and constructed with materials acceptable to the Public Works Department?
3. That natural drainageways and swales will be accommodated and wherever necessary culverts and drainageways will be provided;
4. That water lines will be extended to serve the subdivision, hydrants and street lighting will be provided as required;
5. That a name will be shown on the final plat for Great Diamond Shores, Phase I, for the new proposed street to be installed, providing improved access for Lots 13, 14 and 15, the Robert B. Laughlin lot, and Phase II of the future residential development; and
6. That a subdivision bond to cover the estimated cost of public improvements will be furnished by the sponsor of the development in accordance with the Public Works' estimate. (This estimate has been determined to be \$15,142.) A waiver of curbs and sidewalks will be requested by the developer by petition to City Council.

Receipt of the final plat will be required at least 5 days in advance of the meeting of the Planning Board at which it is to be considered. If possible, additional time should be allowed for coordination of the final plat among the several City departments.

Would it be possible for your consultants to complete their work on the final plat prior to June 28th, in the event you wish to have it included on the July 13th agenda of the Planning Board? Or prior to August 3rd if your consultants prefer to have the plat scheduled for the meeting of the Planning Board on August 10th? During the summer months, the Board usually holds only one meeting per month.

1  
regular  
final

Please furnish this office with a copy of your application to the Department of Environmental Protection, when such application is completed for submission.

Mr. David Haynes, of ~~K&K~~ Land Use Consultants, Inc., has advised that he will discuss your proposed time table for completion of the final plat with you and advise us as to which meeting Mr. Elliott prefers for consideration of the final plat. As you know, the time element may be more critical for the developer, than it is for the Planning Board. However, if there is to be a deferral in order to allow for surveying work and other details to be completed, a letter over Mr. Elliott's signature should be sent to the Planning Board Chairman, or the Planning Director, indicating that this request for additional time is being made ~~XXXXXXXXXXXX~~ by ~~XX~~ the developer. I am certain that the Planning Board would agree to abide by such a request on the part of the developer, if he finds that the consultants' work load precludes giving immediate attention to the preparation of the final plat.

Sincerely,

Kenneth H. Cadigan  
Chairman

cc: Members of the Planning Board  
George A. Flaherty, Director of Public Works  
William J. O'Brien, Corporation Counsel  
Paul Frinsko, Attorney  
David Haynes, Land Use Consultants, Inc.  
Donald E. Megathlin, Jr., Planning Director  
Gerald A. Holtenhoff, Assistant Planning Director  
Warren J. Turner, Planning Department  
H. Lovell Brown, Director, Building & Inspection Services

CITY OF PORTLAND, MAINE  
MEMORANDUM

George A. Flaherty, Director of Public Works  
to: Attention: John Rague, Engineering Division

DATE: 5/17/76

FROM: Warren J. Turner, Planning Department

SUBJECT: Estimated cost of Possible Street Improvements for Nancy and Nicholas  
Streets on Great Diamond Island

In conjunction with the review of the Great Diamond Shores, Phase I, a question has arisen as to the estimated cost of a street project for which the cost would be borne in the customary manner for accepted City streets. What would the estimated cost be for Nancy and Nicholas Streets?

I am under the impression that the present formula for accepted streets is 1/3 cost to be borne by the City and 2/3 of the cost by the abutters on either side of the improved street. If the formula is incorrectly stated, would you please indicate the proper formula for this computation?

Would this street project be of more benefit to the islanders than the contemplated pedestrian walkway? Does the Director of Public Works feel that this should be among the "Island Improvements" for which MCD funds were previously obtained by the City, or should it become part of the future capital improvements program for 1977 or 1978?

We shall need a determination on or before June 1st, if possible, concerning the desirability of such a project, and its priority in relation to other City needs.

Warren J. Turner

WJT/jk

Planning Report # 78-76

PLANNING DEPARTMENT REPORT

FINAL REVIEW OF GREAT DIAMOND SHORES SUBDIVISION,  
PHASE I, ON GREAT DIAMOND ISLAND - DAVID L. ELLIOTT

Submitted to:

City Planning Board  
Portland, Maine

August 10, 1976

## BACKGROUND

A revised preliminary plat for Great Diamond Shores, Phase I, (Total Area: 24 acres) was granted preliminary approval by the Planning Board at its meeting of June 8, 1976. This proposed residential development has also been submitted for review by the Department of Environmental Protection, due to the fact that it contains more than twenty acres. A public hearing has been set for August 25th by the DEP, which awaits word of the Board's action. Phase II of the proposed development is not now under consideration although it was schematically shown on the preliminary plat and contains about 80+ acres of additional land for future residential development.

Phase I encompasses seventeen lots, including two lots with existing residential structures and two which are not suitable for dwelling unit construction.

## FINDINGS OF FACT

1. Pedestrianway - Attached to this report is a letter re the Great Diamond Walkway Project which was considered as an approved Housing and Community Development funded project. Apparently discussions by several people resulted in a decision not to build the walkway. Mr. Peter Murray, local attorney, expresses the suggestion that such money be employed in some other useful fashion on the island.
2. Flood Prone Area - A major portion of the vacant area within Lot #1 (6 acres) lies within the area designated for the 100 year flood plain. This grassy slope is edged along the waterside by alders and crossed by surface drainageways which serve as natural watercourses for the upland areas within the development.

The old farmhouse is located on Lot #1. In response to the inquiry concerning re-subdivision of Lot #1, we are advised by Land Use Consultants, Inc. that the soils are unsuited for subsurface disposal by standards of the existing Plumbing Code (for a major portion of Lot #1) and the cost to construct a sand filtration and overboard discharge system was economically unfeasible. The remainder of this parcel is therefore not developable as a house lot.

3. Access and Street Design - Access within the proposed development has been improved by the planned installation by Mr. Elliott of a new street to be named "Diamond Shore Road", as shown on the final plan. This new street will provide improved access to the Robert B. Laughlin lot and several other properties as well as ultimately to Phase II of the future residential development. The forty foot right-of-way will be extended with a sixteen foot width of graded gravel roadway.
4. Available Gravel for Street Construction - On July 27th a copy of a letter to Mr. Elliott from the Public Works Department indicated that the gravel samples obtained from Great Diamond Island do not meet City specifications. If gravel has to be imported from the mainland instead of using the existing supply from the Island, the cost of transportation will be considerably higher.  
  
All portions of street beyond those accepted portions of Nancy and Nicholas Streets will be constructed by the developer according to City standards to prepare them for future acceptance by the City.
5. Designation of Smaller Lots as "Not Suited for Dwelling Units" - Lots #2 and 17 are not suited for residential use. Lot #2 is too small and possibly of interest only to an abutter. Lot #17 is seasonally too wet for dwelling use purposes. Recommend these lots be labeled on the final plat as "Not suitable for dwelling units".

6. Disposal of Solid Wastes - The present landfill operation on Great Diamond Island is deemed adequate to serve this development according to the Public Works Department. It may be necessary to expand this operation in the future, or utilize the baler operation facilities by transporting solid wastes to the mainland. A memorandum is being sent by Frank Bourque of the Public Works Department.
7. Additional Hydrants for Phase I - Two additional hydrants will be installed in accordance with the request for them by the Chief of the Fire Department: one on Nicholas Street opposite Lot #8 and one on Nancy Lane opposite Lot #4 or 5.
8. Street Lighting - Wiring for electric service will be overhead. According to Public Works, street lighting will be provided by the City on poles as approved by the Public Works Department.
9. Subdivision Bond - A subdivision bond in the amount of \$15,142 will be required by the City to cover the installation by the developer of public improvements within Phase I of the Subdivision. This has been computed as follows:
 

Fort Road - Street	310.00	Lin. ft. @ \$8.30/L.F. =	\$ 2,573.00
Nicholas Street	1,085.00	Lin. Ft. @ \$8.30/L.F. =	9,000.00
Diamond Shore Road	430.00	Lin. Ft. @ \$3,569.00 =	3,569.00
			\$15,142.00
10. Water Service - Existing year round water service (8-inch pipe) will be extended to serve Phase I of the Diamond Shores residential development.
11. Surface Drainage - Wherever a natural watercourse crosses private land, the deed to such lot should specify that such use of the land is subject to restrictions for surface drainage. Where appropriate, necessary culverts and storm drains will be required to be installed by the developer.
12. Curbs and Sidewalks - When the developer wishes to do so, he may initiate a petition to the City Council for a waiver of the curbs and sidewalks requirement due to limited vehicular traffic volumes on Great Diamond Island and the tendency for Island residents to walk more frequently than mainland residents. Consequently there are few traffic problems.
13. Typical Section of Streets - This plan has been provided and meets with Public Works approval based on the City's standards for Island street construction.
14. Shoreland Zoning - There appear to be no serious problems insofar as Shoreland Zoning restrictions are concerned. However there are some limits as to the amount of tree clearance and other types of activity, such as filling and grading which may take place on Lots #13, 14 and 15 of this development. This can be reviewed at the time of the building permit process.

#### RECOMMENDATION

Since it appears that all of the problems have been resolved, the Planning Department recommends that the Board grant final approval for the Great Diamond Shores Subdivision Phase I, subject to the following conditions:

1. That Lots #1, 2 and 17 be labeled on the final linen "Not Suitable for Unsewered Dwelling Units" and
2. That the Planning Board recommend to City Council approval of the developer's petition to Council for a waiver of the curbs and sidewalks requirement.
3. That the flood prone area be identified on the final plat.

(Excerpt from Street Acceptance Ordinance)  
Re: Section 707.6

W.T.

(3) When the Director of Public Works requires such sewer to be of a larger size than would be needed for the development under consideration, the added cost for the excess size as determined by the Director of Public Works may be paid by the City upon authorization by the City Council, provided the sewer is built through competitive bidding, properly advertised, and to the satisfaction of the Director of Public Works.

707.3 (h) (3)

(1) A reasonably available water main of at least eight inches in diameter must exist for the use of buildings, residents and occupants of the street to be accepted and the Chief of the Fire Department must, in writing, certify that adequate water service for sufficient fire protection hydrants obtains. In the case of a street or way located on the islands in Casco Bay, no water main need be provided when the Chief of the Fire Department and the Planning Board shall certify in writing that no water supply is reasonably available to serve such street or way. Provided, however, that the City Council may accept a street with a water main of less than eight inches in diameter when the Chief of the Fire Department and the Planning Board, in writing, certify that a water main of less than eight inches in diameter will furnish adequate water service for sufficient fire protection hydrants for the street to be accepted and any future extension or extensions of said street. It shall be the policy of the City to cause the installation of such hydrants as may be required for fire protection at the same time as the installation of the water main.

707.3 (i)

Section 707.4 Notwithstanding the provisions of Section 707.2 and 707.3 hereof, the City Council may, at any time, lay out and accept any street or way in the City of Portland, as a public street or way of said City, the cost thereof to be borne by said City, whenever the general public interest so requires.

Acceptance of streets and ways required by the general public interest

707.4

Section 707.5 No street or way shall be laid out and accepted by the City of Portland until the City Planning Board and the Director of Public Works shall have made careful investigation thereof and shall have reported to the City Council their recommendations with respect thereto.

No street or way to be accepted until after report by Planning Board and Director of Public Works

707.5

Section 707.6 When any person or persons owning property on a street which has been accepted but has not been improved or used for public travel prior to passage of this ordinance shall petition for the improvement of such street, such improvement may be ordered by the City Council. Said petition shall be in writing, shall be signed by a majority of the abutters on such street, and

Improvement of streets which have been accepted but not improved or used for public travel

707.6



shall contain a waiver of any damages resulting from the improvement of said street and an agreement to pay their just proportion of one-third of the cost of said improvement.

When said street shall have been improved, one-third of the cost thereof shall be assessed on the property adjacent to and bounded on said street in the manner, and with the same right of appeal, provided in Sections 3601-3605 of Title 23 of Maine Revised Statutes Annotated.

A street shall be deemed, for purposes of this ordinance, to have been improved and used for public travel if at some time in the past it has been graded to the established grade and surfaced with gravel or with some other type of street surfacing material authorized at the time by the Director of Public Works.

Improvement of streets  
required by the  
public interest  
707.7

Section 707.7 Notwithstanding the provisions of Section 707.6 hereof, the City Council may, at any time, order the improvement of streets which have been accepted but not improved or used for public travel, the cost thereof to be borne by said City, whenever the general public interest so requires.

APPENDIX A

Check List of Criteria for Subdivision Review

Name of Subdivision David Elliott's Property, Phase I  
on Great Diamond Island

1. Will not result in undue water or air pollution. Will not.
2. Has sufficient water available for the reasonably foreseeable needs of the subdivision. Yes, ~~occasional only~~ *once a year round*  
*water line can be extended to serve this portion of the island according*
3. Will not cause an unreasonable burden on existing water supply, if one is to be utilized. Will not. *To Mr. Pymon*  
*Portland Water*  
*District*
4. Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result. Will not, provided all of the trees are not removed.
5. Will not cause unreasonable highway or public road congestion or unsafe conditions. Will not.
6. Will provide for adequate solid and sewage disposal. Approved for On-site septic disposal. Solid waste is accommodated in a landfill operation on Great Diamond Island, according to Public Works Department.
7. Will not cause an unreasonable burden on the ability of the municipality to dispose of solid waste and sewage if municipal services are to be utilized. Will not.
8. Will not place an unreasonable burden on the ability of local government to provide municipal or governmental services. Will not.
9. Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas. Will not.
10. Is in conformance with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan, or land use plan, if any. Yes.
11. The subdivider has adequate financial and technical capacity to meet the above stated standards. Yes.
12. Whenever situated, in whole or in part, within 250 feet of any pond, lake, river or tidal waters, will not adversely affect the quality of such body of water or unreasonably affect the shoreline of such body of water. Not seriously.

D R A F T

May 21, 1976

TO PROPERTY OWNERS AND RESIDENTS OF  
GREAT DIAMOND ISLAND:

The Planning Board will review a preliminary subdivision plat for Great Diamond Shores, Phase I, at its meeting of Tuesday evening, June 8, 1976, at 7:30 P.M. in Room 209, City Hall, Portland, Maine. This proposed residential development plan would include about 24 acres of land belonging to Diane B. and David L. Elliott of Scarborough. This acreage would be subdivided into 17 lots (including two on which buildings already exist and two which are not suitable for development.

This plat will be considered by the Planning Board to determine whether or not it meets all of the City's subdivision requirements. The development will also require approval by the Department of Environmental Protection due to the fact that it contains more than 20 Acres.

The land involved in Great Diamond Shores, Phase I, is located adjacent to the intersection of Nancy Lane and Nicholas Street near the Great Diamond Island Wharf for the Casco Bay Lines. If approved, the development would include building sites for 14 additional dwelling units, and extension of the existing streets to provide access for them. Lots will range from 3/4 of an acre to about six acres in size.

If you are unable to attend the Planning Board meeting on June 8th, perhaps you may wish to forward a letter expressing your views concerning the proposed residential development to Mr. Donald E. Megathlin, Jr., Planning Director, 389 Congress Street, Room 211, Portland, Maine, 04111. Communications received will be presented to the Planning Board for their consideration.

Sincerely,

Donald E. Megathlin, Jr.  
Planning Director

Hydrants - additional as required  
P.O.W. widths? Adequate By Fire Chief  
Sidelwalks & curbs - Waiver Necessary  
Street cross sections? says Public Works  
Street grades - John R has street cross section diagram  
Subdivision name Street Diamond Island Shores, Phase I  
drainage easements? Conveyance of private lots  
to Fire Dept. give it OK should be subject to  
lot problem - taken care of? Yes, I have it. easements  
provided additional hydrants  
can be installed acceptable  
final plan across  
lot 17 says Mr. Hayes

## Suggested Changes

- Straighten curve & make minor fill of wet area adjacent to Lot 17.

## Issues & Concerns

- No preliminary plat for the balance of the property
- Street improvement costs for accepted street portion (possible C/P item)  $\$24,000 \pm$   $\frac{1}{3} \frac{2}{3}$
- Value of housing construction - estimated annual taxes ( $14 \times \$30,000 \times \text{tax rate}$ )

Note: Developer will have to <sup>obtain</sup> waiver from C.C.

## Conditions of Final Plat Approval

- Show access easements to Lot 17
- Extend water service & hydrants
- Show lighting appropriate to low-traffic island setting
- Broaden acute angle of Nicholas & Nancy St. roadway intersection. (Roadway - not St. intersection)
- Respect drainage ways, etc.

May 18, 1976

WT  
OK

MEMORANDUM FOR: Donald E. Megathlin, Jr., Planning Director

FROM: Warren J. Turner, Planning Department

SUBJECT: Request that Undersigned Attend Field Trip to Great Diamond Island

David Haynes called and asked that I accompany him and Ted Rand on a visit to Great Diamond Island on Thursday morning of this week. It seems that Ted has been invited by Dave Elliott to go to see the proposed subdivision location. They're leaving at 8:30 a.m. from Public Landing.

They asked Ted if any of the other Board members might like to go, and he suggested that some one from the Planning Department accompany them. Dave then invited me. If some one else prefers to be a representative of the Planning Department, then I shall be pleased to let them take my place. I visited the site once already.

I am planning, as you recall, to take off the week of May 24th, but if you need me I can come in on the day of the Board meeting.

Warren  
Warren J. Turner

No  
enjoy  
visit

20. Mr. David Haynes  
Land Use Consultants, Inc.  
1100 Forest Avenue  
Portland, Maine 04103

21. Mrs. Paul Frusko, Attorney  
One Monument Square  
Portland, Maine 04111

22. Mr. Stanley Williamson, President  
Casco Bay Island Development Association  
Peaks Island, Maine 04108

10. Great Diamond Island Association

11. Maine Dept. of Transportation

12. Maine Port Authority

13. Margaret M. Harris Valley Ave.  
Great Diamond Is.

14. Wm M. and Barbara D. Jewell St. Diamond  
Island  
Maine

15. Eleanor W. Michart Great Diamond  
Island

16. Theodore Younan & Edith 21 Pine Knob  
Circle, Happing  
Conn. 06087

17. Florence R. Larochelle, decess.

18. Casco Bay Land Co. c/o King Resources Co.  
Box 9, 698 So. Spawen St.  
Denver Colo.  
80209

19. David L. & Diane B. Elliott  
Jocelyn Road, Scarborough, Maine



Appendix B,

List of Abutting Property Owners

1. Robert B. Laughlin + G. Adaline  
561 Ridgebury Rd  
Ridgefield Conn.
2. Robert F. + Constance A. Noring  
Great Diamond Island  
Maine
3. Earle D. and <sup>Jeanette</sup> H. Reed 1183 Shore Road  
Cape Elizabeth
4. Charles Crouch, Reseter Hotel Box 71  
Watsonville, Calif. 95076
5. Clarice E Abbott 17 Amerscoggin Rd  
Falmouth
6. Robert W. Laughlin 15 Ocean View Ave.  
South Portland ME 04106
7. ~~Alton E.~~ and Betty L. Smith 175A Pine St  
Portland, Maine  
04102
8. Wood O. Merrill, Devs. c/o Fernie Kimball  
Great Diamond Is.
9. <sup>Jeanette</sup> F. Rose 62 Grant St.  
South Portland  
Maine

operation.

Conway - Gilpatrick  
↳ Moved & recorded

4 Yeas, 1 Nay (Rand)

Alternate Access - being discussed  
Thru B. & M. Co. at present

Mr. Cadigan - spent more time on this than  
legal right to use Kensington St.  
sidewalk & Intersection Improvement

Waiver by Heber at City Council

Mr. Conway moved for acceptance of the  
application for a change of zone.

This business started in 1926 & there's  
nothing we as a Board can do.

Intersection Improvement needed

R5 to F2 in the vicinity of 43-83  
Kensington St.

Thank the people who wrote to the  
Board and explained the situation

Most of the complaints are with  
regard to the Sun Oil Co. Heber  
is trying to work to make it a safe



GEORGE A. FLAHERTY  
PUBLIC WORKS DIRECTOR

May 10, 1976

Mr. Nicholas Mavodones  
47 Hillside Road  
Yarmouth, Maine

Dear Mr. Mavodones:

This is to confirm our discussion of April 22, 1976 concerning the proposed walkway on Great Diamond Island.

It is my understanding in a conversation with you of several days ago that you are representing the group of property owners who have property on Sandbar Point, Great Diamond Island.

Mr. Elloitt has been contacted by mail requesting that he give his written response concerning either his approval or rejection of the shore route, Alternate Route C.

As soon as I receive Mr. Elloitt's reply I will contact you.

Very truly yours,

GEORGE A. FLAHERTY  
DIRECTOR OF PUBLIC WORKS

GAF/dmf

cc: Frank Bourque