

603.7.3

(PW) PWKS

3. Street Grades

- a. Street grades in all proposed subdivisions shall be subject to the approval of the Department of Public Works.

603.7.4

GREAT DIAMOND ISLAND SHORES

4. Street and Subdivision Names

- a. Street names for all subdivisions shall appear on the preliminary plat and be subject to approval by the Planning Board.
- b. Subdivision names for plats shall be subject to approval by the Planning Board and not duplicate the name of any plat already recorded.

603.7.5

5. Alleys, Half Streets and Easements

a. Alleys:

Alleys will be permitted for access by utilities to the rear of the premises otherwise abutting on a street.

- b. Easement other than for watercourses shall not be less than 10 feet in width. Where there exists a storm water ditch, creek or any other such watercourse, the easement shall be of sufficient width that a watercourse may be installed and maintained efficiently. The location of any such watercourse, creek, or stormwater ditch shall not be changed without the approval of the Public Works Department.

(PW) PWKS

drainage easements needed?

603.7.6

(PW) PWKS

6. Sewers and Surface Drains

need for storm drains?

- a. The Department of Public Works shall, upon the request and at the expense of the subdivider, design all sewers and drains. All other designs will be subject to approval by the Public Works Department.
- b. All subdivisions shall be provided with adequate storm drains.
- c. Lakes, ponds, and creeks and similar areas will be accepted for maintenance only if sufficient land is dedicated as public park and recreation area and if such areas are part of the necessary drainage control system. Such areas must be approved by the Parks Department and be accepted by the City Council before final approval of the Plat.
- d. The approval of the Health Director is required for all subdivisions involving the use of septic tanks and drainage fields for sewage disposal.

no City maintenance check with Public Works.

603.7.

7. Platting Requirements

a. Blocks

- 1. Block size shall be the maximum consistent with the use and shape of the site and the convenience and safety of the occupants.
- 2. Blocks with lots having double frontage on streets shall be avoided.

OK

*8 feet
8 feet
15 foot
sub area b.*

3. The foregoing dimensions may be adjusted by the Planning Board where type of use and/or topography requires such modification.

Lots

- 1) Lot sizes shall conform to the City of Portland Zoning Ordinance and the City of Portland Health Code.
- 2) Where easements for public utilities, storm or sanitary sewers are contemplated, the lot lines shall be located in such a manner as to facilitate construction of such facilities and the maintenance thereof.

Section 603.8 - Public Areas

603.8

- a. In all subdivisions open space shall be provided for parks, recreational, and other public areas when there are no such facilities in close proximity to the development. The acceptance of lands for these purposes shall be first recommended by the various departments and Planning Board and sent to the City Council for final determination.

Section 603.9 - Required Improvements Bonds

603.9

1. Improvements

Prior to the release of the approved Final Plat the subdivider shall file a bond as hereinafter provided, and prior to release of such bond the subdivider shall have completed all improvements as follows:

- a. All streets shall have been graded in conformity with the requirements set out in Section 603.7 and in accordance with Chapter 707 of the Municipal Code.
- b. On all streets, side streets, and alleys, a suitable hardsurfaced permanent pavement shall be installed, meeting the requirements set forth in Chapter 707 of the Municipal Code.
- c. Water, gas and sanitary sewer mains and storm drains shall have been constructed prior to the installation of paving with all mains being extended and all lots having sufficient stub outs to insure no subsequent breaking of pavement.
- d. Sidewalks and curbs shall be constructed as required in Section 603.7.
- e. Adequate storm drains shall have been constructed subject to the provisions of Section 603.7 and in accordance with the Department of Public Works specifications.
- f. At least one tree per lot shall have been planted in the esplanade as directed by the Park Department's "Specifications for Tree Planting by Subdividers".
- g. Monuments - Monuments will be set as prescribed by the Public Works Department.

CITY OF PORTLAND, MAINE
MEMORANDUM

TO: Warren Turner, Planning

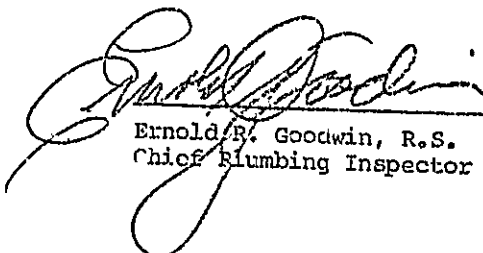
FROM: Erno!d R. Goodwin, R.S., Chief Plumbing Inspector

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

D. TEL. 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,

603.6.2.

- Scale of (No) OK
- topo intervals of (No) OK
- 40' C.O.W. OK.
- Names of prop. owners not shown.
- No name for the subdivision (No) OK

Issues approx 10 mths.

- ✓ - No preliminary plat for balance of property is shown.
- ~~80' radius seems small also 100' radius~~
- ~~What is the width of the roads?~~ → ~~What is the speed of the roads.~~
- For balance of property - are the existing roads to serve as future streets?
- ✓ - A second street near Elliott's house & the eastern side & corresponding adjustments in lots.
- ✓ - Adequacy of roadway width.
- Need for drawing easements where intermittent water courses are indicated?
- Steep slopes in some instances.
- Public Area.

PROBS.

REMEDIES

Great Diamond Isl.

Why no report?

- Based on a review of WT's draft - there were too many loose ends. No time to review.
- Also, Public Works had not devoted any consequential time to reviews of this.
- Chose to hold issue on a faulty report in favor of an oral report Tue.
- Couldn't take this item off
- P. Bd. Ord. + Statutes.

↳ NO LATITUDE TO "HOLD OFF" AS H.E.C. HAS DIRECTED IN THE PAST.

- WILL ~~BE~~ PUT INTO ~~REPORT~~ ~~FOR~~ ~~TUE.~~ ~~MTG.~~
REPORT FOR TUE. MTG. + PHOTOCOPY.

Check
Mon 25th
agenda

already
full - give
P. Bd. more
allow
room.

CITY OF PORTLAND, MAINE
MEMORANDUM

George A. Flaherty, Director of Public Works
R. Lovell Brown, Director of Building & Inspection
TO: Clement O. Dodd, Fire Chief

DATE: 4/27/76

FROM: Warren J. Turner, Planning Department

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

A preliminary plan, prepared by Land Use Consultants, has been received for review by the Planning Board for the David Elliott Property on Great Diamond Island.

It is the intent of the developer that parcels 1 and 3 through 16 be developed for single-family use. Parcels 1 and 14 now include existing residential structures. Parcels 2 and 17 are not suited for residential development and are to be retained by the subdivider for future disposition.

Results of backhoe test pits have been made on each of the lots intended for residential use. A log of soil test pit results is included as part of this submission. 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. Water service is available through the Portland Water District service to Great Diamond.

Access to proposed lots is by existing public rights-of-way (Nancy Lane and Nicholas Street) and extension of these rights-of-way. Where rights-of-way are to be extended, private roads will be improved to public standards for acceptance by the City. Access to lots 13, 14 and 15 is over an existing easement. When these lots are conveyed a 40' right-of-way will be reserved to assure adequate width if a future public right-of-way is desired.

Please review the enclosed proposed plat and relating details and send us your comments on or before Monday, May 3rd for consideration by the Planning Board. This matter will be considered on the agenda for May 11th.


Warren J. Turner

WJT/jk
Enclosure



GEORGE A. FLAHERTY
PUBLIC WORKS DIRECTOR

May 10, 1976

Mr. David Elliott
Jocelyn Road
Prouts Neck
Scarborough, Maine

Dear Mr. Elliott:

On April 22, 1976 members of the Public Works Department and the Great Diamond Island Association viewed several areas which have been tentatively under consideration for the construction of a walking path. This walking path would connect Nancy Lane to the sandbar point area of Great Diamond Island.

As you will recall a number of years ago there existed a walkway which connected Nancy Lane to the point. You will further recall that because of the condition of a bridge along this pathway we were forced to remove the bridge in order to eliminate a hazard.

During our meeting of April 22, 1976, we reviewed two routes, one called Alternate A and the other called Alternate B. During our discussion a member of the Diamond Island Association, Mr. Mavodones, stated that if Alternate A was going to be the selected route, this group would not be interested in considering the walkway question further.

It is my understanding that neither routes A or B met with your approval. However, during our discussion another route was suggested which would follow the shoreline from the Casco Bay Island Landing following to the left of the roadway at the end of the causeway over to a clump of birches near the former foot bridge. This I will call Route C.

Would you please advise if you have had sufficient time to review your earlier comments and are you still willing to entertain a ninety-nine year easement if the City constructed a walkway over this Route C.

I would greatly appreciate hearing from you concerning your thoughts on this matter.

Very truly yours,

GEORGE A. FLAHERTY
DIRECTOR OF PUBLIC WORKS

WAF/dmf

cc: N. Mavodones
F. Bourque
T. Valteau

329 CONGRESS STREET • PORTLAND, MAINE 04111 • TELEPHONE (207) 775-5451



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

CITY OF PORTLAND, MAINE
MEMORANDUM

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

DATE: 5/21/76

FROM: Warren J. Turner, Planning Department

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

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. Bonville, 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 installing 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 ward 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 plans 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, Mr. 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 J. Turner

WJT/jk

Planning Report #53-76

PLANNING DEPARTMENT REPORT

REVIEW OF PRELIMINARY PLAT FOR GREAT DIAMOND
SHORES, PHASE I - DAVID L. & 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 2 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 FACT

This revised preliminary plat has been prepared by Land Use Consultants of Portland and 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 II of the development will encompass more than 80 acres of adjacent land which borders on the King Resources Company 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 L Lot 1; Chart 83C Block A Lot 1; and Chart 33D Block 4 Lot 1, having a total area of 105.8 acres.

1. Possible Pedestrian Easement

A proposed federally funded Community Development 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. Valleau 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 as soon as possible.

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.

4/15/76
LMA

4. Water Service

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

Existing overhead wiring can easily be extended, thereby facilitating 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. The 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 satisfactorily 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 piping to be utilized for culverts where needed.

9. Waiver of Curbs and Sidewalks by City Council

This waiver may be requested by the subdivider 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 11th 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 Section 707.2 (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 Street 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. 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 all streets 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 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.

REASON FOR RECOMMENDATION

The Planning Department's earlier concerns, as well as those of Public Works, have been substantially satisfied at this time. Given the City's shoreland zoning regulations and the required review by the State Department of Environmental Protection, there is reasonable assurance that the proposed subdivision will be environmentally satisfactory. The Land Development Plan's land use and zoning policy of fostering residential development of Great Diamond Island moreover, will be implemented by subdivision approval.

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.

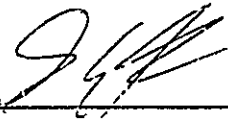
In accordance with Section 707.2 (c) of the Municipal Code, one-third (1/3) the costs incurred during such improvements would be assessed against the abutting property owners and two-thirds (2/3) would be borne by the City. Once again see attached sheet for clarity.

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) H.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.

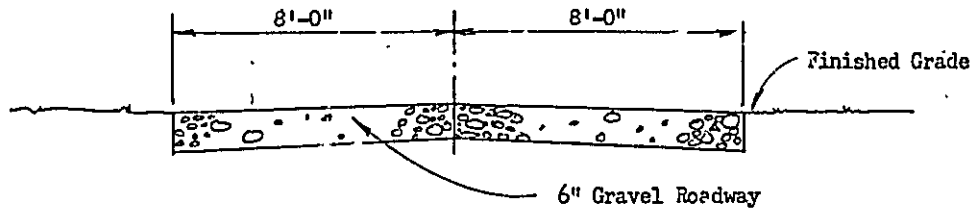
The City's mainland and islands have many needs which are yet unmet as they relate to street and sidewalk improvements. Since the Public Works Department's principal concern and responsibility is the general operation and maintenance of various public facilities and not the direct involvement of the 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/JFR/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' x 2 = 2,581.18' of Frontage

= \$1.3827 per Linear Foot of Frontage

Nicholas Street - 573.24' x 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 not 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

CITY OF PORTLAND, MAINE
MEMORANDUM

TO: Warren J. Turner, Planning Department

FROM: John P. Rague, Department of Public Works


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

DATE: 4-30-76

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

JPR/jpr

CITY OF PORTLAND, MAINE
MEMORANDUM

TO: Warren J. Turner, Planning Department

DATE: 5-11-76

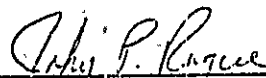
FROM: John P. Rague, Department of Public Works

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

This memo is to more accurately up-date my memo of April 30, 1976, and I offer the following comments for your consideration:

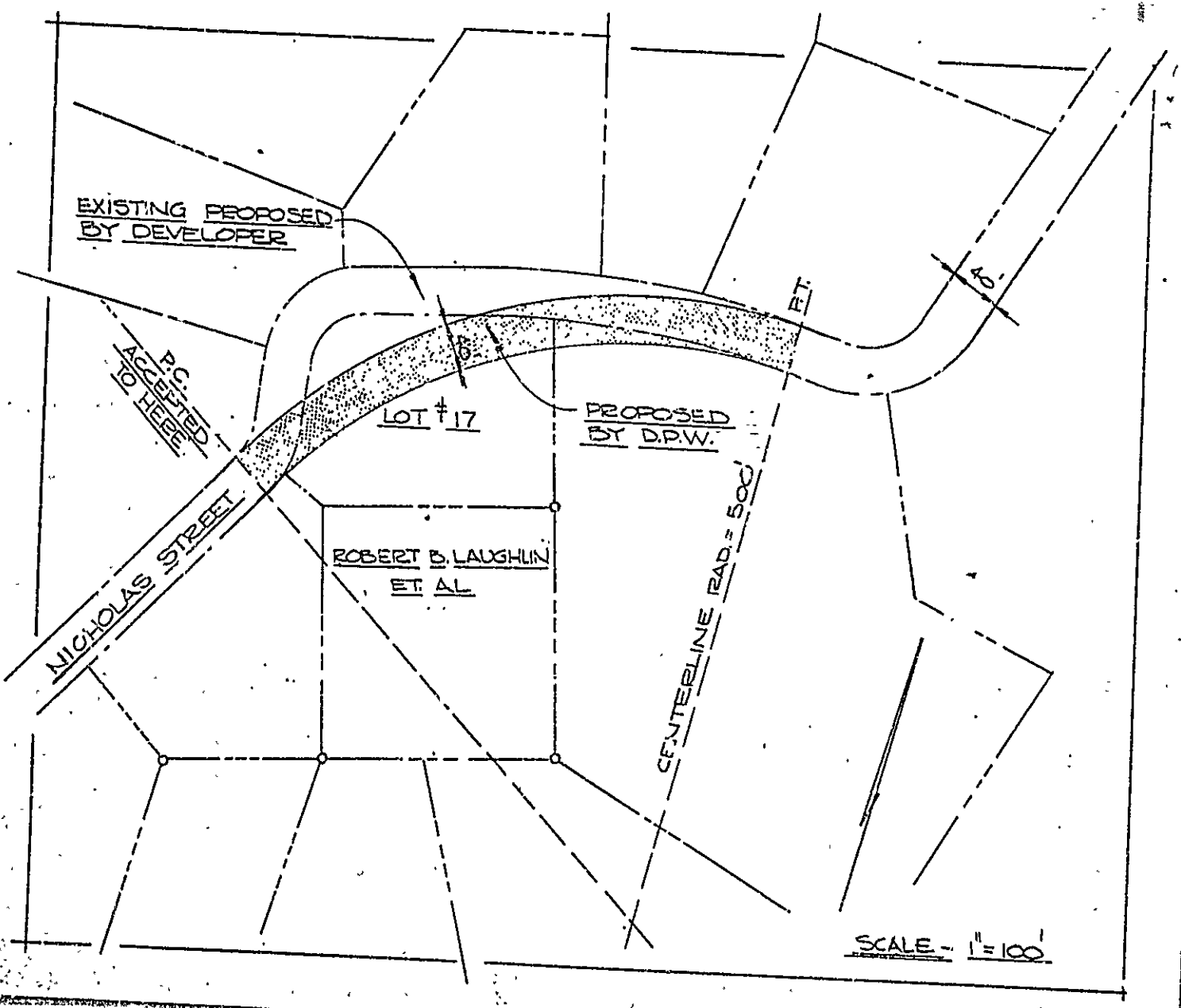
1. Typical Section of Street: Since the date of my last memo concerning the subject subdivision, this Department has received a plan of the proposed typical section of the streets and find it to be acceptable as prescribed.
2. Inaccessibility to Existing Lot: This Department is still concerned with the apparent land locking of the existing lot shown on the plat as being owned by Robert B. Laughlin, et. al.. An in the field inspection, as verified by the soils analysis report, shows lot #17 to be seasonably wet and unfit for building purposes. Such lot #17 being contiguous to the Laughlin lot, the developer could easily provide a twenty (20) foot wide right-of-way access to said Laughlin lot by placing it within the confines of said lot #17 without placing any constraints on the remaining buildable lots.
3. Drainage: Existing natural water course and drainage ways are to be maintained in their natural state unless drainage is accommodated by adequate on-lot storm drainage systems which are to be located within defined easements and made part of the applicable deeds.
4. Sidewalks and Curb: Unless the developer can obtain a proper waiver, sidewalks and curb, of approved material and size, must be provided on either side of the proposed roadways.
5. 80' Radius Curve on Nicholas Street: The proposed curve in the right-of-way of the Nicholas Street extension shown immediately north of the terminus of Nicholas Street, as it is currently accepted, is too severe to provide adequate turning movements for vehicular traffic. This Department recommends that said curve be flattened by relocating it across the aforementioned unbuildable lot #17, as shown on the attached sketch.

All other aspects of the subject preliminary subdivision plat appear to be acceptable at this time.



JOHN P. RAGUE
ASSOCIATE ENGINEER II

ATTACHMENT



EXISTING PROPOSED
BY DEVELOPER

P.C. ACCEPTED
TO HERE

NICHOLAS STREET

LOT #17

ROBERT B. LAUGHLIN
ET AL

PROPOSED
BY D.P.W.

CENTERLINE RAD = 500'

SCALE - 1" = 100'

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.

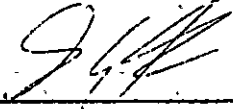
In accordance with Section 707.2 (c) of the Municipal Code, one-third (1/3) the costs incurred during such improvements would be assessed against the abutting property owners and two-thirds (2/3) would be borne by the City. Once again see attached sheet for clarity.

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) H.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 island 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

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, graveling, 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-foot 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 not 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.

1100 FOREST AVENUE PORTLAND, MAINE 04103 207-797 8187

June 2, 1976

76346P

Mr. Warren Turner
Portland Planning Department
City Hall
389 Congress Street
Portland, Maine 04111

Great Diamond Shores Subdivision

Dear Mr. Turner:

In behalf of Mr. David Elliott, we forward herewith a response to technical comments of the Planning Department resulting from their review of the subject project. Planning Board comments have been conveyed to us in Mr. Cadigan's letter to David Elliott dated May 13, a meeting with the Planning Board staff on May 17, and Mr. Turner's memorandum to the Planning Director subsequent to our May 17 meeting. This response is supported by letters of documentation and includes revisions and additions to the Preliminary Plan, copy appended.

Roads

New and heretofore unaccepted roads within Phase 1 development will be constructed and/or improved to City of Portland standards for island roads - 40' right-of-way, 16' travel way, 6" gravel base. The short section of existing road from Nancy Lane between Lots 2 and 6 meets island road standards and is one of the best sections of roadway on the island. Nicholas Street from the end of the accepted right-of-way to Lot 11 will be improved and the curve adjacent to Lot 17 will be "flattened out" as recommended by the Department of Public Works.

After much consideration and an on-site inspection on May 20 by Mr. Band of the Planning Board, Mr. Elliott, and myself, it was decided a new 40' right-of-way would be defined to serve Lots 13, 14, and 15; provide frontage for the Laughlin parcel; and provide future access to Phase 2 development. The right-of-way will start at Nicholas Street between Lot 16 and the Noring parcel and pass easterly between the Laughlin parcel and Lots 13, 14, and 15 to the northwesterly corner of the Reed parcel. A new road to serve Lots 13, 14, and 15 will be constructed under Phase 1 development. The road will be extended for access to Phase 2 at the appropriate time. It is anticipated that the existing easement across the lower portion of the Noring land and Lots 13, 14, and 15 will still be maintained for the present time.

Land Use Consultants, Inc.

Warren Turner/City Hall
Page two

Drainage

In accordance with recommendations of the Department of Public Works, existing drainage patterns will be maintained and utilized insofar as possible. Road drainage along the Nicholas Street extension will flow southwesterly in drainage ditches on each side of the road and be intercepted by a new culvert at the reconstructed curve adjacent to Lot 17. Runoff will be directed westerly into an existing drainage swale between Lots 4 and 5. Drainage along the new road south of the Laughlin land will flow easterly and discharge into a brook which runs between Lot 13 and the Reed property.

Water

Water will be provided by the Portland Water District from an existing 8" service. The developer will arrange with the Water District to install a short section of new service to Lot 7 and extend new service from a hydrant in front of the Noring property along Nicholas Street to Lot 11. Seasonal service over an existing easement will be maintained to serve Lots 13, 14, and 15. A letter from Mr. Wyman of the Portland Water District, dated May 6, is enclosed for your reference.

Two new hydrants will be installed to meet fire safety requirements. One will be located on Nancy Lane between Lots 4 and 5, and one on Nicholas Street opposite Lot 8. Hydrant locations have been reviewed and approved by the Portland Fire Department as indicated in a letter from Chief Dodd to Land Use Consultants dated May 17, copy appended.

Street Lighting

Overhead utility services including electricity and street lighting will be coordinated with Mr. Ridgeway of the Portland Department of Public Works. We have reviewed this project with Mr. Ridgeway and enclosed a letter from him to Land Use Consultants, dated May 25, indicating the extent of his department's responsibility for the installation of overhead services. Probable street light locations as defined by Mr. Ridgeway are shown on the enclosed plan.

Bonding

We have contacted Mr. Chesebro, Chief Engineer of the Public Works Department, regarding the amount of Bonding required for project improvements. He has advised us that his department is working on this matter and that he will inform the Planning Board of the bond

Land Use Consultants, Inc.

Warren Turner/City Hall
Page three

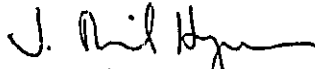
requirements prior to Final Plan approval.

Waivers

It will be necessary to obtain a waiver for curb and sidewalk construction from the City Council. We anticipate this matter will be resolved prior to submission of the Final Plan.

We trust the above information fulfills the requirements for Preliminary Plan approval. Should you need additional documentation and have any questions, we would appreciate the opportunity to respond prior to the Planning Board meeting on June 8, 1976.

Very truly yours,


J. David Haynes
Vice President

cc: Mr. David Elliott
F. Paul Frinsko, Esq.

Encl:

MAY 27 1976

May 6, 1976


Mr. Warren Turner
City of Portland Planning Dept.
389 Congress St.
Portland, ME

Dear Mr. Turner:

This letter confirms our telephone conversation regarding the availability of water at the David Elliott property on Great Diamond Island.

The District has a deep 8" cast iron water main in Nancy Lane and Nicholas Street which is capable of providing adequate year-round water to the area and meet all normal requirements.

Very truly yours,


Donald E. Wyman
Director of Marketing
and Customer Relations

DEW/sla

MAY 27 1976



CITY OF PORTLAND MAINE

GEORGE A. FLAHERTY
PUBLIC WORKS DIRECTOR

May 25, 1976

Mr. Stephen E. Fournier
Land Use Consultants, Inc.
1100 Forest Avenue
Portland, Maine 04104

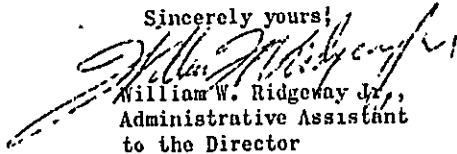
Dear Mr. Fournier:

This letter will serve to confirm the fact that we met in my office on this date to discuss the lighting required for the proposed Great Diamond Shores subdivision.

As per our conversation, all street lighting will be installed by the City of Portland, as is the case in all overhead utility developments. For the general information of all parties concerned, I indicated the general location of the proposed street lighting which will be installed when residential building requires the same.

If you should require further information, or assistance, I am more than happy to co-operate with you.

Sincerely yours,


William W. Ridgeway Jr.,
Administrative Assistant
to the Director

MAY 18 1976



CITY OF PORTLAND MAINE

163962

May 17, 1976

Land Use Consultants, Inc.
1100 Forest Avenue
Portland, Maine 04103

Attn: J. David Haynes - ASLA

Dear Mr. Haynes:

In regards to our meeting on the 17th of May, the following hydrant locations at the subdivision on Great Diamond Island which is to be known as Great Diamond Shores, shall be as follows, one hydrant on Nicholas Street opposite lot #8 and one hydrant on Nancy Lane opposite lot #4 or #5.

Sincerely,

Clement O. Dodd
Clement O. Dodd
Chief of Portland Fire Department

COD:dg

CITY OF PORTLAND, MAINE
MEMORANDUM

TO: Warren Turner, Planning

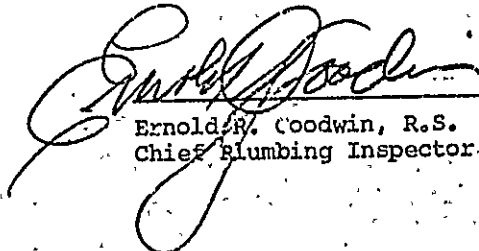
FROM: Ernold R. Goodwin, R.S., Chief Plumbing Inspector

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.

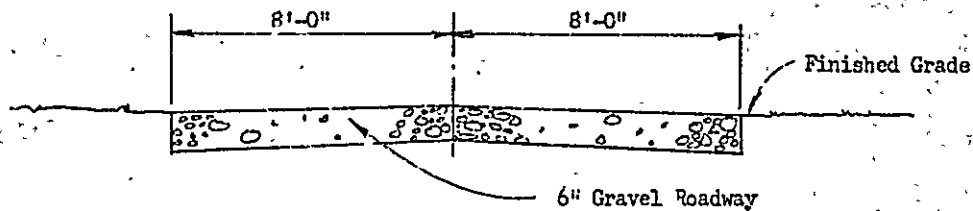


Ernold R. Goodwin, R.S.
Chief Plumbing Inspector

ERG/mt

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

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



Portland Water District

225 DOUGLASS ST., PORTLAND, ME. 04104

TELEPHONE (207) 774-5951

May 6, 1976

Mr. Warren Turner
City of Portland Planning Dept.
389 Congress St.
Portland, ME

Dear Mr. Turner:

This letter confirms our telephone conversation regarding the availability of water at the David Elliott property on Great Diamond Island.

The District has a deep 8" cast iron water main in Nancy Lane and Nicholas Street that is capable of providing adequate year-round water to the area and meet all normal requirements.

Very truly yours,

Donald E. Wyman
Director of Marketing
and Customer Relations

DEW/sla

INTER-OFFICE CORRESPONDENCE

CITY OF PORTLAND, MAINE
FIRE DEPARTMENT

TO: Mr. Warren J. Turner, Planning Department

DATE: 5/7/76

FROM Fire Prevention Bureau

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

The preliminary review plan meets with Fire Department approval providing: - water
for fire service is furnished as deemed necessary by the Chief of Fire Department.

Clement O. Dodd

Clement O. Dodd
Chief of Department

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.
5. Will not cause unreasonable highway or public road 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. Supporting statement has been requested.
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. Will not.

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 Kimbr'l, Great Diamond Island, Maine
9. Jennette 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. Larochelle, Devs.
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 04103

Great Diamond Island

23. James M. Hutchinson, 536 Linton St., Cincinnati, Ohio 45219
24. Elizabeth Picking, Warner, Falmouth Fore'side, 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 Pros/pect St., Portland, Maine 04103