Greenbelt Master Plan

City of
South Portland, Maine

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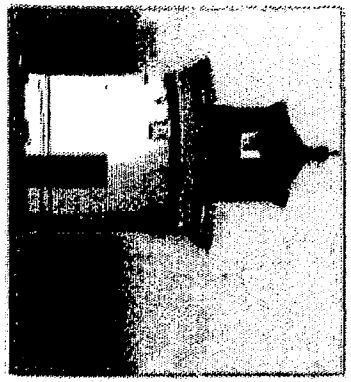

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July 16, 1987

Ms. Beth Della Valle
Planning Director, City of South Portland
25 Cottage Road
South Portland, Maine 04106

Dear Beth,

We are happy to submit the Greenbelt Master Plan for the City of South Portland. We'd like to thank you and the Greenbelt Advisory Committee for your cooperation and effort.

During the past four months, we have met with neighborhood interest groups, reviewed past studies, conducted field surveys and spent hours in conference with the Greenbelt Advisory Committee. Based on this background information, the Greenbelt Master Plan represents our professional recommendation for preserving and enhancing South Portland's access to its precious waterfront and open space. Concretely, the Plan delineates an integral system of publicly accessible paths and parks along a large portion of the South Portland shoreway.

To ensure that this plan encourages the utilization of this rich waterfront to its full potential, it was necessary for us to research previous studies relating to the Greenbelt in order to design an open space system which would reflect the desires of the people of South Portland. As the proposed system also incorporates property currently under both public and private ownership, we took care to provide design solutions sensitive to the needs of those whose properties are directly affected.

It has been our pleasure and privilege to work with the city officials and the Greenbelt Advisory Committee on the Greenbelt Master Plan. At this stage, the Master Plan is fragile without the support and defense of all whose lives it could enrich. We are confident that its impact on the quality of life for South Portland residents will be positive, significant and long-reaching. Each time a new piece of the Greenbelt becomes a reality, we will feel proud to have been asked to play this role in mapping such an exciting dream.

Very truly yours,
Skinner & Lambe, Inc.

Jerri Skinner

Susan M. Lambe

JS:SML:maf

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GREENBELT MASTER PLAN

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Philip Cheney, Jr.

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Gerard St. Cyr
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ACKNOWLEDGEMENTS

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Evan Richert, Chair of Greenbelt Committee

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The Greenbelt Master Plan: A Solution for the Future

"The enjoyment of city life need not be boxed in by seas of asphalt. South Portland is blessed with harbor vistas, sand beaches, coastal streams and green open spaces,... preserve and enhance them."[1]

This edict was made by the South Portland City Planning Department and Planning Board in its Growth Plan for the Eighties, a comprehensive, 10-year planning tool which was also fully adopted by the City council in 1981.

This Greenbelt Master Plan is a blueprint for an integral system of parks and pathways along the South Portland shoreway and within the City.

The Greenbelt: Its Historical and Contemporary Precedents

The Greenbelt was initially conceived in the early 1970's with the Spring Point Shoreway Project. Concern had arisen regarding the demise of open spaces suitable for recreational use. Addressing this concern led to the creation of a pathway, fully accessible to the public, along with S.M.V.T.I. shoreway at Spring Point. Following the success of the Spring Point Shoreway Project, residents of other neighborhoods came forth and requested similar treatment of open space in their respective neighborhoods to create a continuous shorefront walkway.

A continuous greenbelt of open space near the water and accessible to the public is not a new idea. English Common Law and a colonial ordinance of 1641-1647 gave the public rights to intertidal land and all water for fishing, fowling and navigating. Effective July of 1986, the Maine State Legislature passed an act confirming and recognizing public trust rights in intertidal land. It states that the public trust rights in intertidal land include the right to use intertidal land for recreation.[2]

In 1978, a study of transportation in Greater Portland **The Portland Area Comprehensive Transportation Study,** called for implementation of a safe route for bicycle travel. The Greenbelt would accomplish this goal by providing bicycle/walking paths; the paths would be stretches of open space separated from automobile traffic and planned with historic markers, benches, flowers and scenic vistas.

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[1]**Growth Plan for the Eighties,** September 1981, p.1, #4.
[2]12 MRSA c. 202-A July 16, 1986.

Both locally and nationally, popular thought holds that public access to waterfront lands should not be limited by private use.[3] An urban shoreline is considered a public resource to be managed to benefit the greatest number of people. If waterways are owned and maintained by the public, then the public has a right to recreational use of these waterways. If private use prohibits public recreational use of publicly owned water or land, that private use is not considered to be of benefit to the greatest number of citizens.

The need for The Greenbelt has been clearly defined over the past decade. Now, with the design of this Master Plan, this need can be met.

The Greenbelt: Its Solutions

It is important to stress that The Greenbelt accomplishes exactly what the Growth Plan suggests, "to preserve and enhance" existing open spaces. Realization of the bulk of the Greenbelt does not require a major reconstruction effort; it simply makes visual, physical and psychological access to it for the public both possible and more enjoyable.

It is also important to point out that The Greenbelt will not challenge or change people's current usage of the land in its scope. It will instead protect those current uses, realize the recreational potential of land not currently in use and expand options for recreation along The Greenbelt.

People in South Portland are already using the city's unique landscape for recreation. They walk down along the old railroad tracks, bike through the forest, stroll by the streams, picnic in the parks and go for walks along the shoreway: people make recreational use of the of the spaces which are already accessible. The Greenbelt would merely make possible a larger, more integrated open space.

South Portland's existing neighborhood parks and paths are not evenly distributed throughout The Greenbelt study area and do not offer the same recreational values to their respective residents. By making all of these neighborhood parks accessible via the Greenbelt, the recreational options open to each individual in South Portland are expanded and enhanced.

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[3]Public Access Design Guidlines, San.Fran. Conservation/Development Committee, Sept. 1985.
Growth Plan for the 80's, City of South Portland, Sept. 1981.
Urban Waterfront Development, John A. Casazza & J. Eric Smart, the Urban Land Institute.

Visual and psychological benefits to the public will also be realized with The Greenbelt's presence. Open vistas will be preserved with the installation of the system. As development becomes more dense, the accessibility to an unobstructed pathway along much of South Portland's shoreway will meet an increasing psychological need for open space.

On a smaller scale, The Greenbelt strives to optimize the natural landscape of each individual park. It also creates an attractive natural barrier along pathways to enhance the privacy of both Greenbelt users and of property owners whose land abutts the system. Smaller loops or trails have also been designed so that a pathway stroll needn't be overly ambitious nor would it require doubling back over the same route home.

The Greenbelt: Now for the Future

In the past decade, the population of South Portland has grown by 10%, and it continues to grow.[4] The Baby Boom generation is forming new households, adding demand in the housing market. People want to live near their work sites and near the water. Developers have been quick to meet the increased demand for housing, particularly on the waterfront. 403 new housing units and 847,789 square feet of commercial space were approved in South Portland since January 1986. Approval is currently pending for 406 additional housing units and 161,297 additional square feet of commercial space as of April 1987. This marks stupendous growth for a relatively small community. With this type of growth, the value of and need for a Greenbelt system becomes even more immediate and takes on far reaching significance. The same qualities that make a waterfront desirable as a home site - the views across the water, the city skyline, the scenic activity of boats and ships - also make the shoreline a valuable community resource for all to treasure and enjoy. The beauty of The Greenbelt is that is has been designed to coexist with future development to the benefit of Greenbelt users and residents of developments alike.

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[4]Greater Portland Data Book

Fourteen stretches of The Greenbelt waterfront walkway currently exist. With minor alterations at each of these 14 sites and with the addition of the proposed interconnecting pathway links, The Greenbelt system would be complete. (Detailed descriptions of each of these 14 sites can be found under "Design Recommendations" to follow).

Many people - The Greenbelt Committee and South Portland neighborhood residents - have had input into this exciting project. Many other studies amd plans for open space in the city have also been incorporated into this one design.

It is our belief that The Greenbelt achieves what The Growth Plan for the Eighties stipulates: that it be designed "not to inhibit development but rather earmark those parcels of land with clear advantages as open space."[5] We believe that the timely creation of The Greenbelt will preserve environmental and recreational resources for the benefit of South Portland now and in the future.

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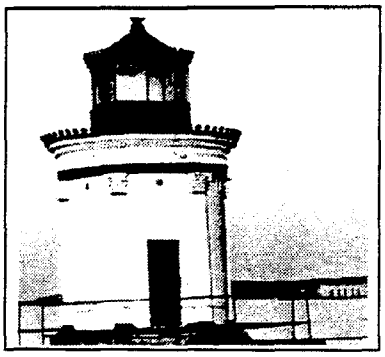
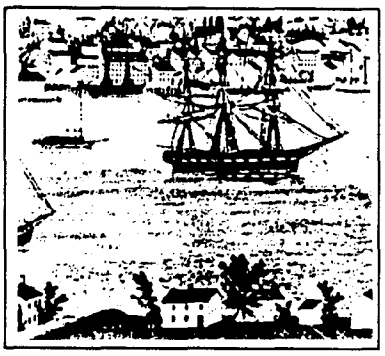
[5]The Growth Plan for the Eighties

Summary





A rare opportunity for the people of South Portland will soon be realized through the efforts and generosity of many citizens with future vision. The Greenbelt Master Plan is complete.

With the Greenbelt Master Plan, South Portland will be able to create an integral system of parks and paths which will allow bicycle and foot traffic from park to park, separate from car traffic. Existing parks will tie into this system and new parks will be created to preserve open space presently used by the neighborhoods for recreation.

The Greenbelt began with the concept of the Spring Point Shoreway in 1975. Through the efforts of a group of concerned citizens and the City Council, Planning and Parks/Recreation staff, the Greenbelt concept has remained alive. Significant links and parcels of land have been dedicated to the Greenbelt since 1975. This Greenbelt Master Plan will solidify these efforts into a planning tool for development in South Portland. The master plan will also provide design specifications for areas of the Greenbelt to be constructed in the near future.

Recommendations Summary

A general summary of recommendations for implementation of the Greenbelt Master Plan follows. Detailed recommendations for installation of each segment of the Greenbelt follow. (See Design Recommendations 1"=200' Maps)

Preservation

The major goal of the Greenbelt is the preservation of existing open space and waterfront access along South Portland's shoreline. The open space system recommended by the Greenbelt Master Plan should be dedicated so that the recreational value of the area of study be retained.

Parks and Paths

The Greenbelt system is designed to be a series of neighborhood-scale parks and path loops connected to other neighborhoods via the Greater Portland Public Development Commission railway. The railway path can accommodate a bicycle/pedestrian path running its entire length (from the Spring Point Marina area to Barberry Creek). Greenbelt crossing signs should be selectively erected at street crossings to alert automobile traffic of Greenbelt users' presence. (See 1"=1000' Bike/Walk Path Map).

Commuter bicyclists are expected to comprise a portion of the Greenbelt user population. Therefore, an evaluation of path use should be made five years after construction. Path widths proposed in the Master Plan should be adjusted to meet the actual flow of Greenbelt traffic.

Access Committee

The South Portland bike/walk system should link up to Cape Elizabeth and Portland bike/walk systems. An Access Committee should be created to study pathway access (including recreational/commercial/bike/foot traffic, usability for the physically disabled, and the effects of the new Portland Bridge on the system). The committee should deliver its findings to a joint meeting of Cape Elizabeth, Portland and South Portland planning staff in the fall of 1987.

Access for the Physically Disabled

The Greenbelt must accommodate people who are physically disabled. Due to the natural topography of some areas of the Greenbelt, access is not currently possible everywhere for physically able and disabled people alike. Where access is not possible for some, the Greenbelt should be constructed so access is possible for all. Refer to the American National Standards Institute publication #117.1.

Parking

Parking areas should be dedicated along the Greenbelt system for Greenbelt users. Some residents of South Portland will have to drive to gain access to the parks and/or paths (residents of Sunset park or Thornton Heights, for example) because for them the system would be inaccessible on foot.

A system of **shared parking** could be enacted using business parking areas which are vacant after 5:00 p.m. on weekdays and on weekends which are prime recreational hours. Greenbelt stickers could be sold to Greenbelt users to identify their vehicles to business owners participating in the shared parking program. The parking areas would identified for sticker holders by bollards with the Greenbelt symbol, by green striping painted on the pavement or simply on a Greenbelt map. Profits from the sale of the stickers could go towards maintenance of the lots to benefit parking lot owners.

Passive recreational use of certain areas of the system should be made possible. A drive to a place of scenic beauty to gaze at the view, such as that at the tip of Turner's Island, should be accommodated where feasible.

Parking areas created as part of this Greenbelt Master Plan are small in size and scarce in number due to aesthetics and maintenance concerns. We encourage the pursuit of the shared parking concept in order to meet parking needs without paving more of South Portland.

Symbol

The Greenbelt should be easily identifiable city-wide thru the use of bollards and the Greenbelt symbol. These bollards should be erected at every piece of Parks and Recreation land, existing and proposed. Sensitivity to residential areas and the needs of abutting property owners must be used when planning placement of the bollards. The scale of the bollards should be smaller in residential areas and large enough to discourage path use by A.T.V.'s in the undeveloped areas of the system.

Hours of Operation

The hours are to be sunrise to sunset in all areas, with the exception of special schedules to accommodate evening events.

Lighting

Lighting should be used sensitively and sparingly to enhance security and aesthetics, yet discourage loitering and vandalism. The scale and illumination of the lighting must be in keeping with the surrounds, whether urban or residential. See Details/Standards/ Vignettes and 1"=1000' Bike/Walk Path map for details.

Materials

The development of the Greenbelt system must respect individual neighborhoods and natural systems in its use of materials. See 1"=200' scale maps, Details/Standards/Vignettes for details.

Rest Rooms

Consideration should be given to the creature comforts of Greenbelt users along the system. Rest rooms should be provided at the Municipal Boat Ramp and elsewhere along the Greenbelt. Existing public rest rooms open for use to Greenbelt users should be noted on Greenbelt maps and should display the Greenbelt symbol clearly.

Mapping

The Greenbelt area should be made known to residents of South Portland through the use of maps and other educational materials. These materials must be produced with sensitivity to the concerns of the residential areas and abutting property owners along the system. There should be a statement concerning the rights of property owners along the Greenbelt on all printed materials.

Maintenance

The on-going tasks of garbage collection and landscape, lawn, lighting and path system maintenance will necessitate additional staffing and funding for materials for the Parks and Recreation Department. To make each addition to the Greenbelt a successful component of the parks system, the City Council will need to appropriate funds for staffing. Proper management is key to Greenbelt success. Waterfront areas dedicated to public access will require cleaning by the city after major storms and periodic routine cleanups. Aid could come from the proposed Friends of the Parks Association, neighborhood associations, The National Guard and other volunteer groups under the supervision of the City.

Park Ranger Program

The security of the Greenbelt will require an expanded Park Ranger system, such as now exists at Spring Point Shoreway. In order to efficiently cover large areas, the park rangers could patrol the system on scooters. Should a high-profile, positive public image be deemed more effective, rangers could patrol on horseback, although the cost could be prohibitive. Security of the Greenbelt is crucial to the system's success. The City Council will need to appropriate funds for the park ranger program along the Greenbelt.

Marina Security

Adequate boat storage and marina security are becoming urgent issues, as there are six (either existing or proposed) marinas from the Spring Point Marina to MarinEast. Chain link and barbed wire fences should not be constructed on the waterfront as a security measure.

The city should instead discuss with relevant property owners the removal of existing chain link fence. Chain link is a visual nuisance and is ineffective against vandalism and burglary.

Marine Uses Study

A study of marine uses along South Portland's shore should be undertaken. The purpose of the study is to review possible locations for commercial and recreational boating, to determine the feasibility of boating area development and to make appropriate design recommendations. It is recommended that the following areas be examined: small boat launch areas in Mill Cove, Barberry Pond and/or Broadway Cove; deepwater boat landing/launch at Turner's Island; commercial fishing at Fisherman's Point; uses for the existing end of the soon-to-be-relocated Million Dollar Bridge.

View Corridor Study

In an 1898 publication promoting the Portland and Cape Elizabeth Railway Company, mention was made of the breath-taking views of Portland afforded by travelling on the trolley along Broadway through the newly-named city of South Portland. These view no longer exist.

There is no guarantee that the views we now enjoy will still be available into the 21st century without careful study and planning now. The Growth Plan for the Eighties states on p. 62, #11 that, "the City should, as part of its waterfront zoning provisions, adopt performance standards to be adhered to by new and expanded waterfront activity, for the protection of visual access to tidal waters." The Planning Board should have available a View Corridor study to use as a tool for evaluating a proposed project's ability to preserve and/or enhance all of the views remaining in South Portland: i.e., preserve the views of the tidal waters and of the White Mountains or screen views of the tank farms with for example.

Friends of the Parks

This group could be formed to help finance and publicize the Greenbelt concept. Friends of the Parks could be a volunteer group organizing special parks events, activities and the shared parking program (See Parking).

Policy Goals Summary

There are numerous steps involved in developing the design for the Greenbelt Master Plan and in taking the plan from the design stage to actual implementation. A wide variety of City staff, elected officials and City residents will be involved over a number of years to assure that the Master Plan represents the interests and needs of the City and its residents.

The first step in developing a comprehensive master plan is to identify the basic policy goals that will guide the community throughout the program's design and implementation. A variety of policy goals have been developed by our team for the Greenbelt Advisory Committee and have been used to guide the development of the Master Plan.

These policies were presented to the Greenbelt Advisory Committee and are recommended to the City as an essential component of the Master Plan. It is our intention that the policy goals serve as basic guidelines for the design ideas and implementation strategies to be carried out by City staff, elected officials, and City residents over a number of years.

Goal 1 Create a continuous public walkway throughout the waterfront neighborhoods of South Portland.

Goal 2 Preserve open space for use by the public in South Portland.

Goal 3 Create linkage between the waterfront walkway, open space areas and public parks in the City.

Goal 4 Research and identify local, state and federal coastal zoning, land use and other environmental regulations that may affect implementation of the Master Plan.

Goal 5 Identify and clarify the implications of any legal issues that may affect implementation of the Master Plan

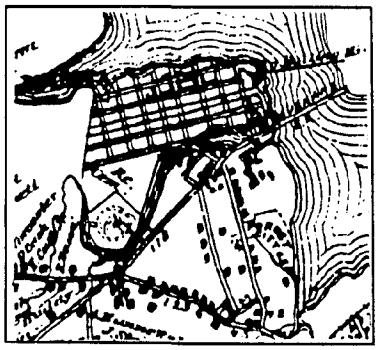
Goal 6 Design and implement a public education program that explains the Greenbelt Master Plan to the community.

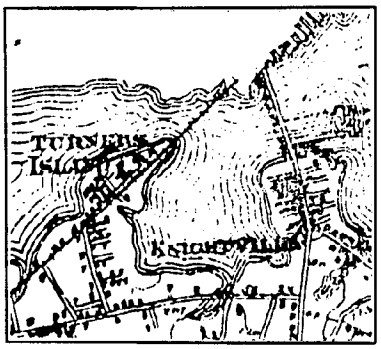
Goal 7 Develop a comprehensive fundraising strategy for the Greenbelt Master Plan.

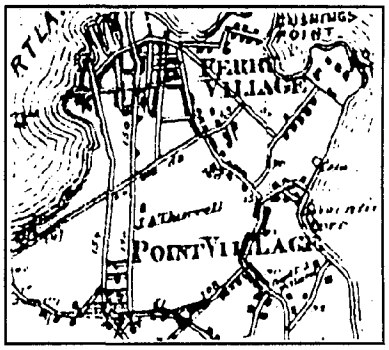
Goal 8: Develop a clear management approach to accomplish the goals and recommendations included in the Master Plan.

The design ideas and implementation strategies presented in this report were developed based on the policy goals and recommendations described above. The goals are intentionally broad in order to encourage the development of new ideas and strategies for their accomplishment overtime.

History

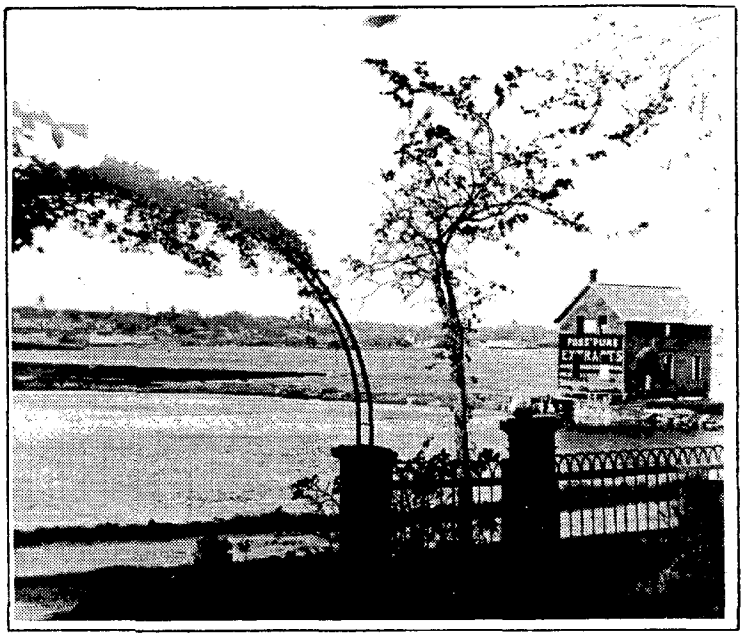




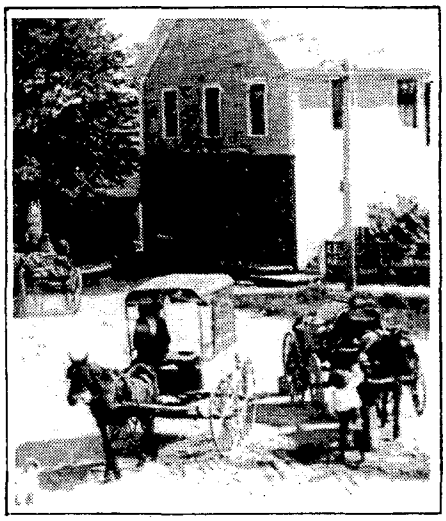


History

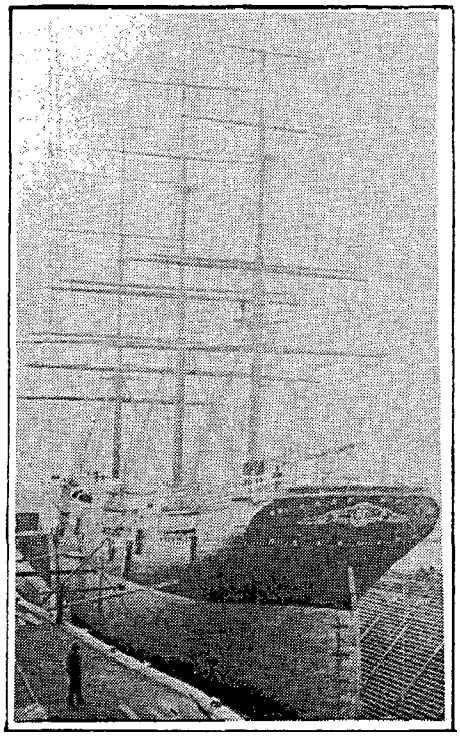
The history of South Portland's waterfront is the story of people living and working in close proximity to the water for hundreds of years. It is also the story of businesses flourishing, then failing, with new enterprise taking over to flourish again..



View of Mill Cove



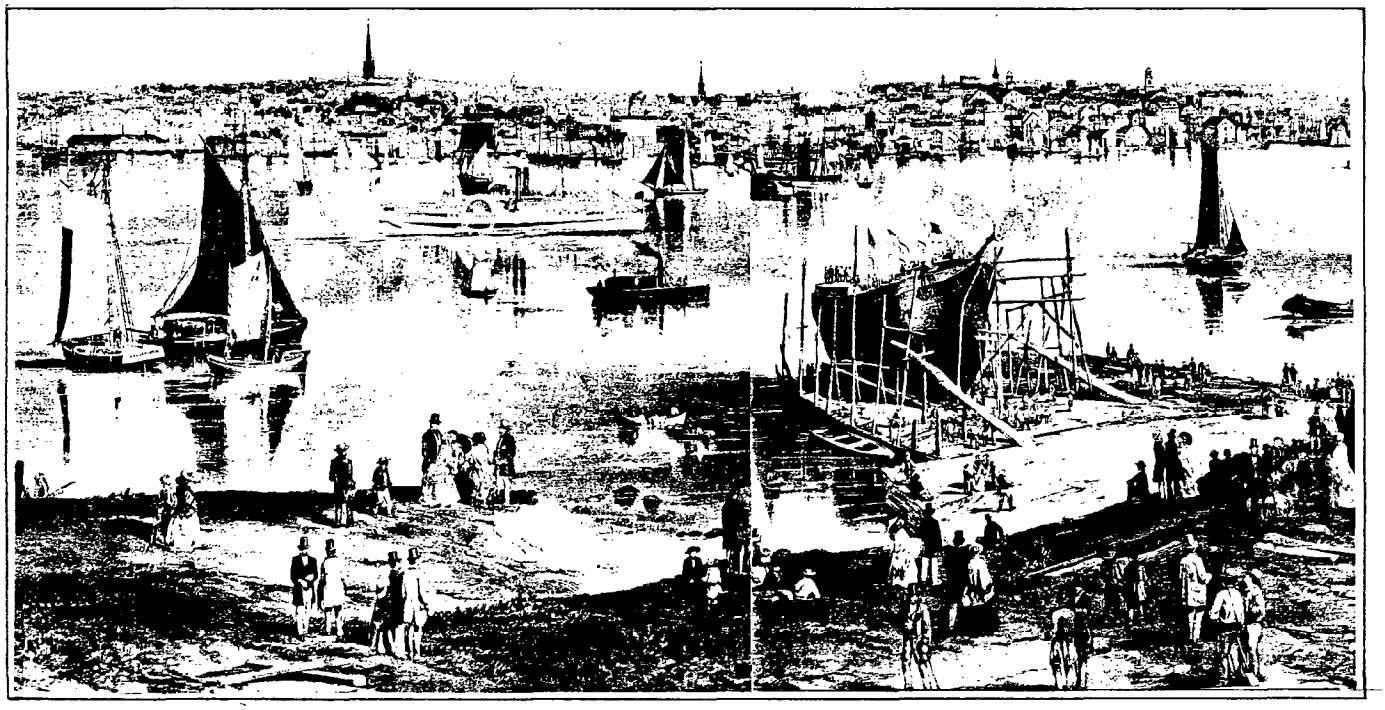
Willard Square



Ship at dry dock

As early as the eighteenth century, shipbuilding was thriving on South Portland's (then Cape Elizabeth) waterfront. By 1860, the Civil War Period, shipbuilding yards lined the Fore River from Ferry Village to Turner's Island. The most dynamic shipbuilding partnership of the time, that of James B. Cahoon and George Turner, "did more toward developing Cape Elizabeth [South Portland] prior to the Civil War than any other man or group of men."[1] Turner's Island was named for George Turner.

The shipbuilding era ended in South Portland due to the sailing vessel's decline in favor of steam-powered vessels and due to the heavy shipping losses experienced by builders during the Civil War. South Portland developed into a predominantly residential suburb of Portland. Its waterfront activity was limited to commercial fishing, motor boat repair and recreation.



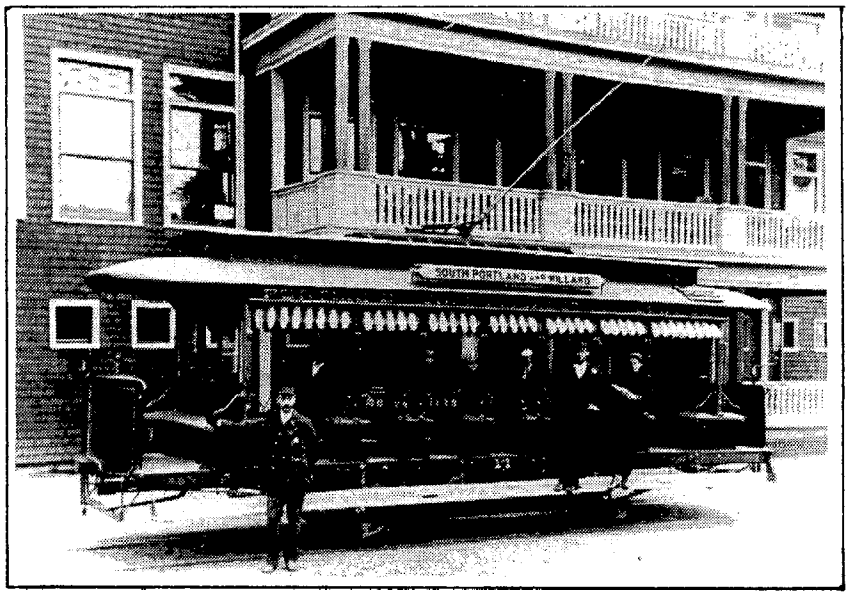
Launching of the "White Sea"

[1] A History of Cape Elizabeth, William Jordan.

Willard Beach Casino

In 1895, The Portland and Cape Elizabeth Railway Company began running a public electric railway system. The trolleys ran from Portland across the Portland Bridge "through Knightville to the Old Cottage Road to Broadway which road is travelled for over a mile affording a grand view of the "Forest City", with its roofs, trees and spires, rising clustered upon its twin hills, across the waters of the harbor."[2]

The railway company also constructed a casino at Willard Beach in June 1896. It was a tremendously popular, elaborate and gracious structure with dining rooms, a bowling alley, dance floor and nearly 100 bath houses for "surf bathers". The casino burnt to the ground in 1898, and the money collected from insurance was used to build a new casino at Cape Cottage with a theatre and expansive gardens. This facility proved even more popular than its predecessor.



Portland and Cape Elizabeth Railway Trolley

[2]Promotional Book on Cape Elizabeth 1898.

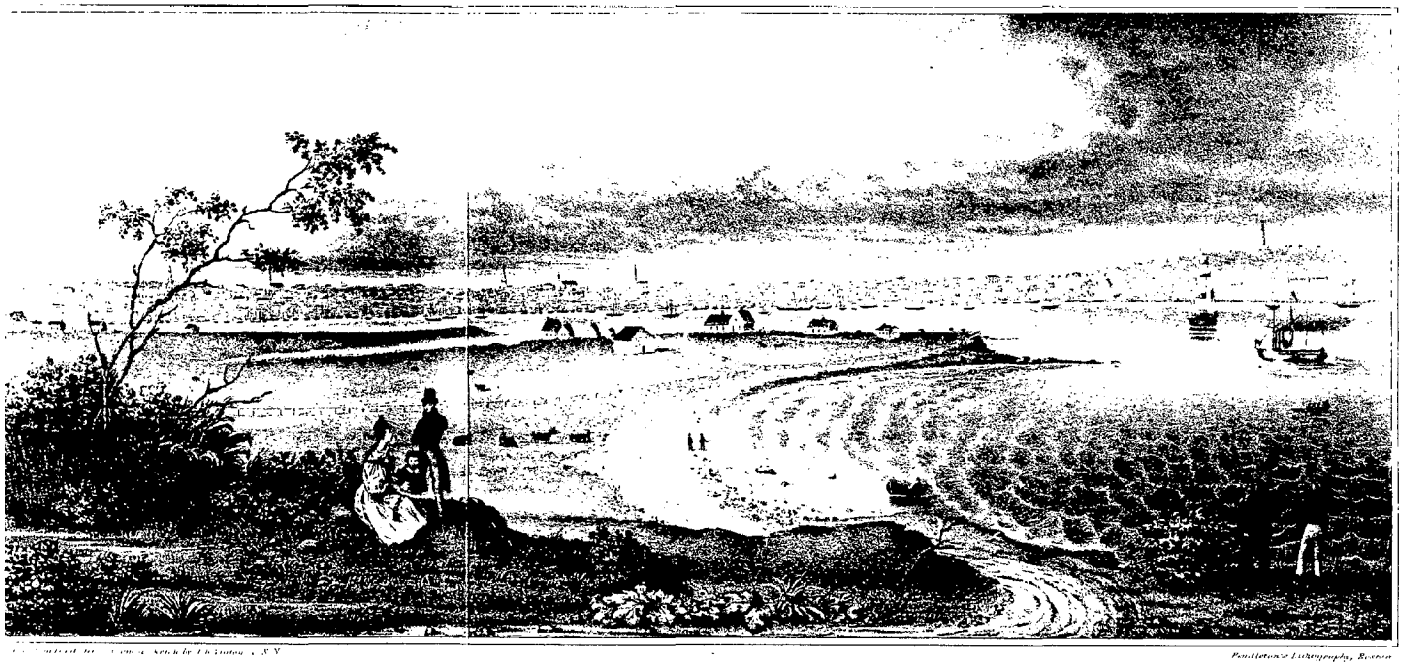
The recreational and commercial fishing activity at the waterfront was then disrupted with the advent of World War II. England was losing her ships to the German U-Boats and was unable to keep pace with her losses. A shipyard was constructed in Ferry Village from "swamps and mudflats"[1] to accommodate the needs of the British government in contract with Todd-Bath Iron Shipbuilding. The shipyard closed in June 1945, after producing 30 Ocean British Ships, 236 Liberty Ships for the U.S. Maritime Commission and employing 30,000 people with various shipbuilding skills.

In 1941, a group of South Portland business people, realizing the tremendous loss that the closing of the shipyard represented, formed the South Portland Board of Industry. At the same time, an act of the State Legislature created the Greater Portland Public Development Commission (GPPDC) which purchased the abandoned yards for 1.1 million dollars. The area then became an industrial zone which attracted companies such as Portland Pipe Line and General Electric. Acres of petroleum tanks spread along the water front, blocking access to the shore in portions of Ferry Village and Ligonia.

Cushings Point

In his book **The King's Highway**, Herbert G. Jones describes the impact of the shipbuilding and industrial enterprises on Ferry Village: "But nothing remains now to remind the visitor of the old-time rustic simplicity of the 'Ferry' [Ferry Village] with its picturesque row of typical salt-water cottages occupied by shipmasters and farmer fishing folk. This is a relic of the past, and the Village met its final doom in the ravenous maw of a modern shipyard during World War II".3

The industrial rush of the nineteen forties and fifties left the pollution of the Fore River in its wake and created an image of South Portland's shore as inapproachable for reacreation. In the past few years, the areas that remain open along South Portland's waterfront have been caught up in Southern Maine's development boom. Now, more than ever before, preservation of public access to recreational waterfront space is critical.



View of Portland from Purpooduck Point 1832

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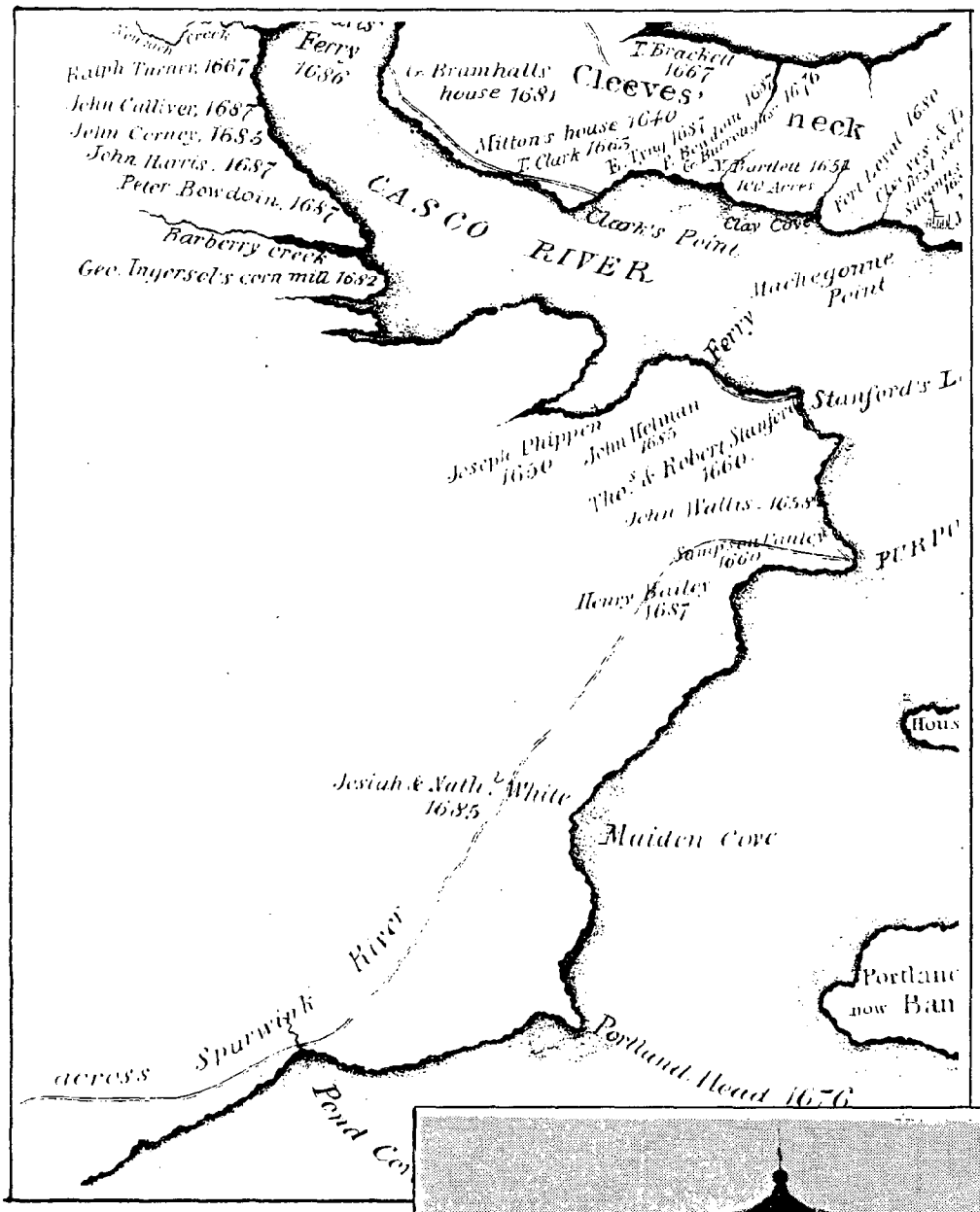
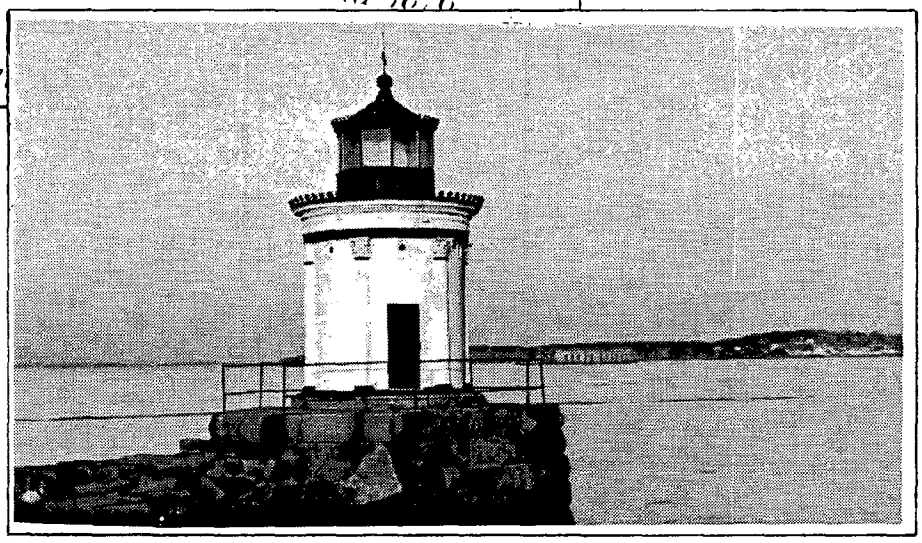
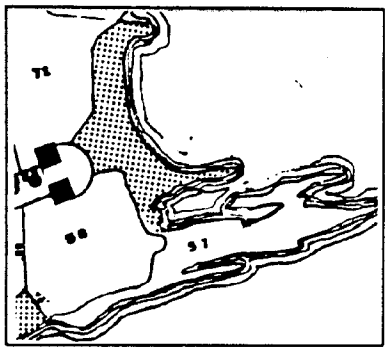
[3]The King's Highway, Herbert G. Jones, 1953.



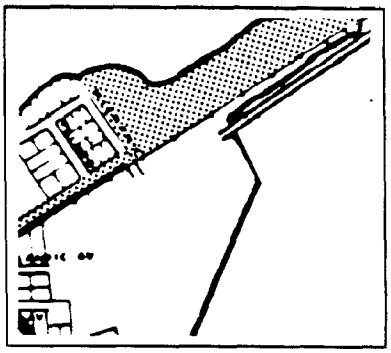
The King's Highway

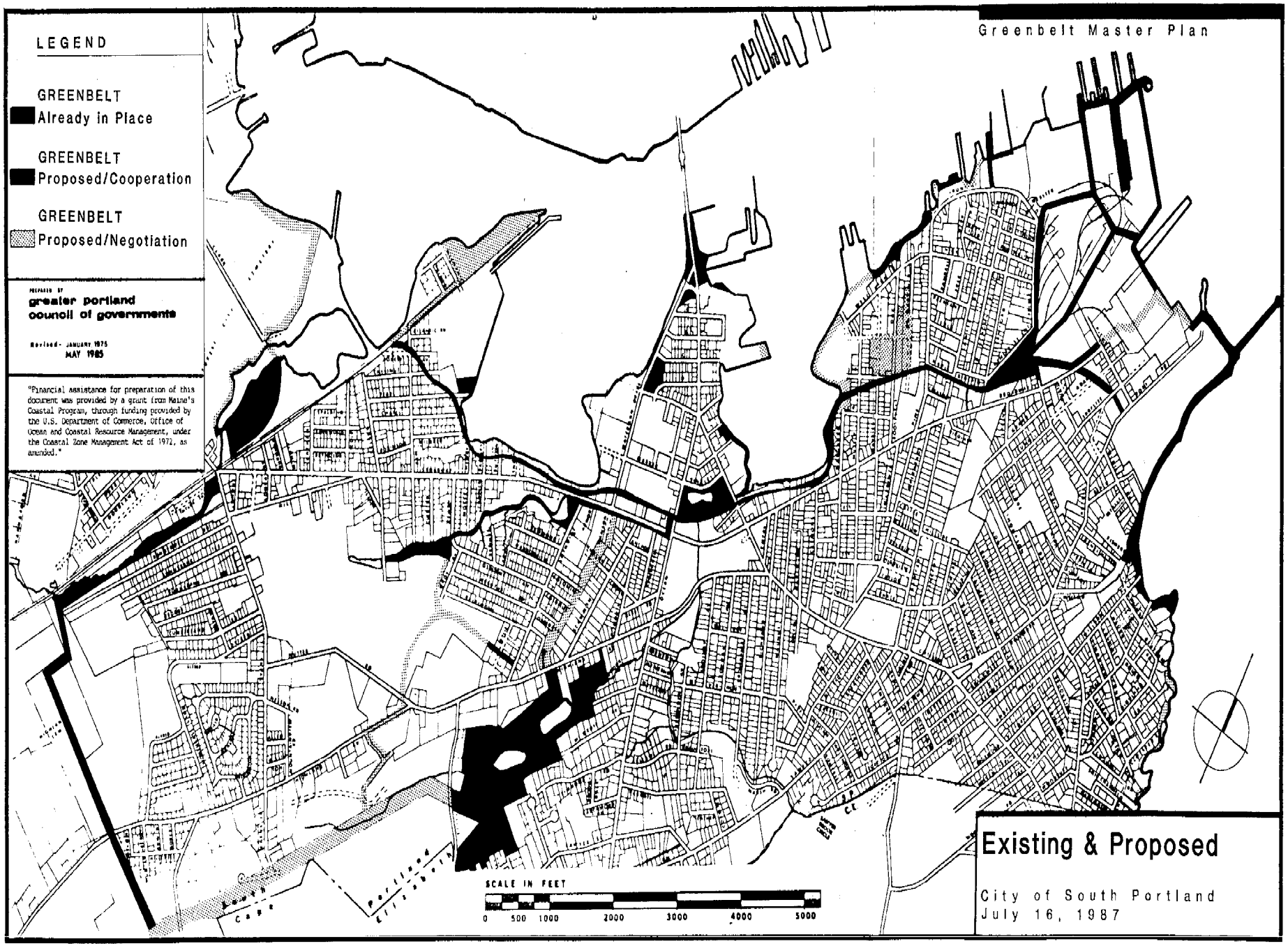


Bug Light



Overall Maps 1"=1000'




Greenbelt Master Plan
LEGEND
GREENBELT
Already in Place
GREENBELT
Proposed/Cooperation
GREENBELT
Proposed/Negotiation
PREPARED BY
greater portland
council of governments
Revised- JANUARY 1975
MAY 1985
"Financial assistance for preparation of this document was provided by a grant from Maine's Coastal Program, through funding provided by the U.S. Department of Commerce, Office of Ocean and Coastal Resource Management, under the Coastal Zone Management Act of 1972, as amended."
SCALE IN FEET
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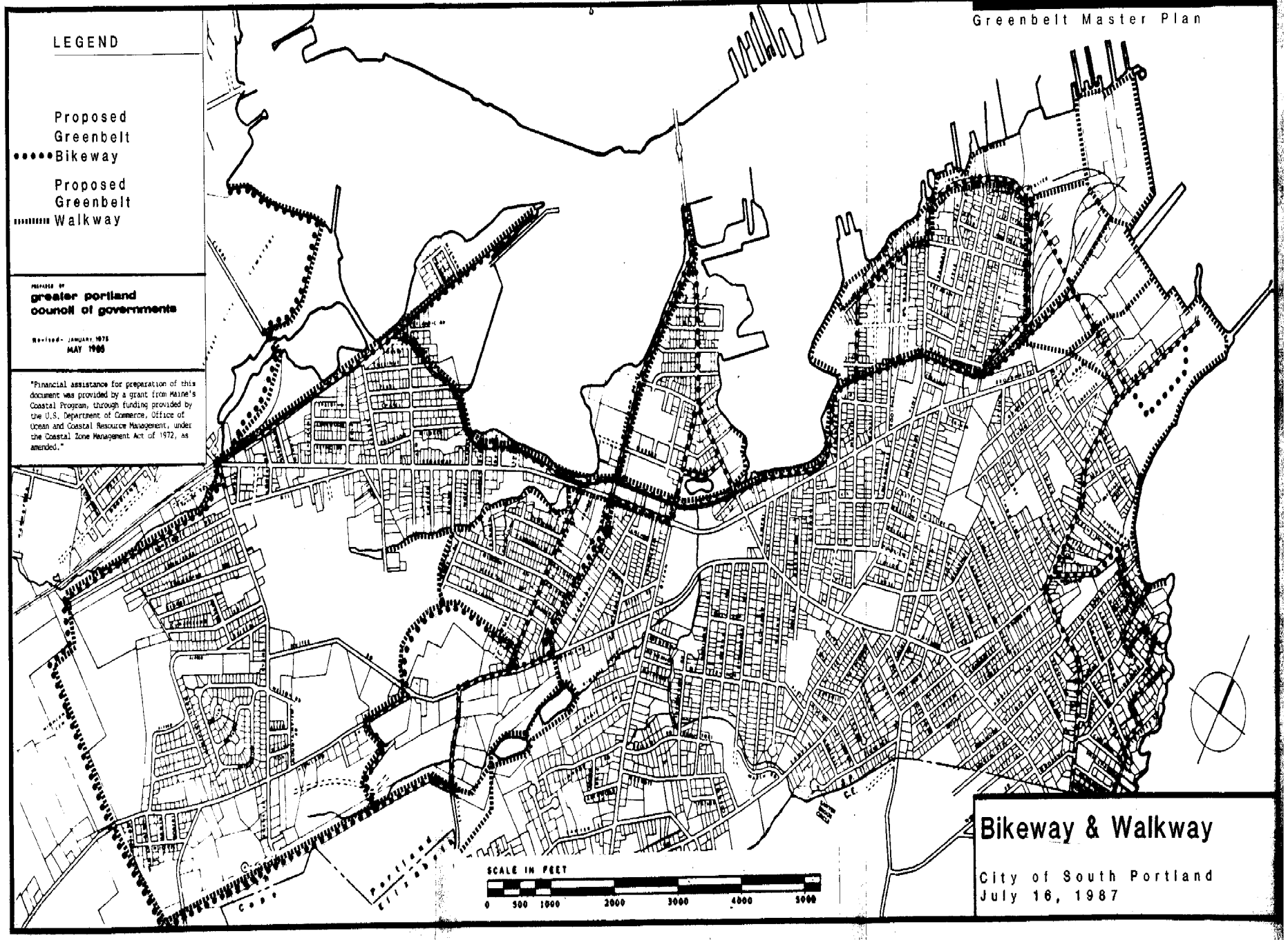
Existing & Proposed
City of South Portland
July 16, 1987


LEGEND
Proposed Greenbelt Bikeway
Proposed Greenbelt Walkway
prepared by
greater portland council of governments
Revised- JANUARY, 1975
MAY 1986
"Financial assistance for preparation of this document was provided by a grant from Maine's Coastal Program, through funding provided by the U.S. Department of Commerce, Office of Ocean and Coastal Resource Management, under the Coastal Zone Management Act of 1972, as amended."
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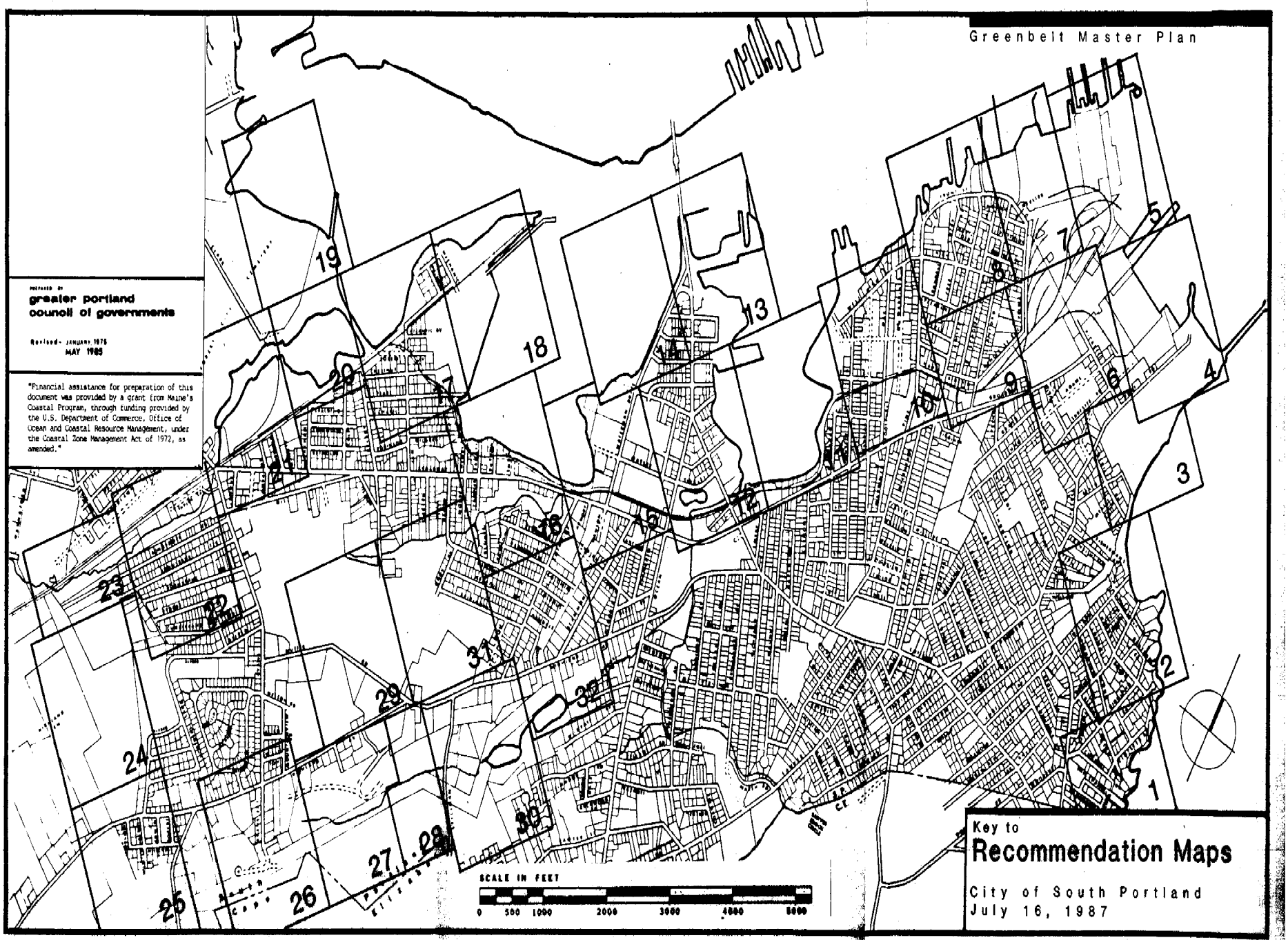
Bikeway & Walkway
City of South Portland
July 16, 1987



PREPARED BY
greater portland council of governments

Revised- JANUARY 1975
MAY 1985

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Key to
Recommendation Maps

City of South Portland
July 16, 1987

Bike/Walk Path Map

Linking the City's recreational areas via a system of paths is a concept which was established years ago through several studies, namely the Recreational Area Open Space Study and Linkages Plan (1979), The Growth Plan for the Eighties (1980) and the PACTS Regional Bikeway Study (1981). With this Greenbelt Master Plan, South Portland now has the opportunity to create a path system which will connect recreational areas and city neighborhoods without, in most cases, travelling along existing roads.

Railway Path

The key element in the Greenbelt pathway system will be the Greater Portland Public Development Commission railroad property. This single railway path runs from Turner's Island to the Spring Point Marina area (approximately 2-1/4 miles) and the property varies in width from 33' to 65'. The GPPDC has offered to donate this land to the city for recreational use.

This proposed path system along the railway links many existing open spaces, both privately and publicly owned: Spring Point Shoreway via the Spring Point Marina, Bug Light and the Municipal Boat Ramp via the McCourt Company property, Anthoine Creek Park, approximately 6 acres at the tip of Turner's Island which are owned by the Portland Terminal Co., Barberry Pond land which is owned by the City of Portland, the Portland Terminal Co. and Fore River properties.

Recommendation:

We recommend creating a combination bicycle and pedestrian path of compacted stone dust. The existing railroad ties and rails should be removed, preferably by volunteer action. The presumed gravel bed beneath the tracks should remain as a base course for the stone dust. If the existing bed is less than 10" deep, add gravel base course to make up the depth. A 4" depth of compacted stone dust over the base course will create a stable path, accessible to people in wheel chairs. The path for the entire length of the railway should be 8' wide. (See Details/Standards/Vignettes for details)

We recommend the following standards for development of the path along the railway path:

Abutting properties should be screened, where it is deemed appropriate and necessary by the Department of Parks and Recreation. We have made overall recommendations for placement of screens in the Details/Standards/vignettes section. Appropriate plantings include beach rose, barberry, quince. (See Details/Standards/Vignettes for a more complete list of planting options).

Railway Path Recommendation (con't)

Light fixtures should be installed so that the combination of pole height, light intensity and distance from one light to the next light provide a minimum of .5 footcandles of the path. The area to be lit - from the path in back of the American Legion building to the trestle bridge at Anthoine Creek as shown on plan - is recommended for lighting because it is a commercial district where night lighting is in keeping with the surrounding land use. The lighting here should be decorative in nature. Existing levels of light in this area should be measured prior to lighting layout. (See Details/Standards/Vignettes for details).

Benches should be provided at intervals of 200'. Trash receptacles should be placed at every bench or at intervals of 600'. (See Details/Standards/Vignettes for details).

Bollards bearing the Greenbelt symbol should be placed as shown on the 1"=200' maps. Bollards will serve to identify the path system, restrain A.T.V. use and unite South Portland green space through a common visual element. Bollards were first used for this purpose along the Spring Point Shoreway. This existing design vocabulary should be cohesive throughout the city.

Bikeway

A bikeway has been one of South Portland's planning goals, since the Recreational Open Space Area Study and Linkages Plan (1979) and the PACTS Regional Bikeway Study (1981) were complete. The Linkage Plan recommended two types of linkages: pedestrian and bicyclist paths.

The Linkages Plan required that the path:

Provide a pleasant, safe means of connecting parks, playgrounds, schools and other major recreational open spaces;

Tie into a regional bikeway system proposed by PACTS (Portland Area Comprehensive Transportation Study July 1981);

Fit into the projected use of now-vacant land;

Minimize conflicts with adjacent land use;

Accommodate the needs and limitations of handicapped individuals, both in the overall layout and in the detail design;

Be well-marked and readily identifiable throughout;

Offer loops throughout the path system so that trips can be of neighborhood scale or city-wide;

Be implementable in stages as resources become available;

Adapt to the needs of a diverse group of users: joggers, recreational cyclists, commuter cyclists, walkers, cross-country skiiers, bird watchers.

Bikeway Recommendation:

Two types of bikeways have been recommended as part of the Linkages Plan. One is a bike lane off to the side of the road for the exclusive or semi-exclusive use of bicyclists. The other is a bike route which would use the same pavement as auto traffic; it would be identified with appropriate signage. A bike route totally separated from traffic was not recommended due to the infeasability of its implementation.

As part of the Greenbelt Master Plan, we are recommending that all three types of bicycle routes described above be incorporated into South Portland's traffic system. The donation of the railway path by the GPPDC has now made a bike path system separate from auto traffic a realistic goal.

The bikeway would change in nature from one type of route to another as it travels through the city. Below, we summarize the type of bikeway we believe appropriate to each area. (The Linkages Plan briefly discusses whether the bike route should be installed at an existing shoulder of the road or within the auto travel lane and marked by appropriate signage. We limit our path delineation to off-road or on-road. See the Linkages Plan for further recommendations for road bike paths.)

Off-Road

The entire length of the railway path should be an 8' compacted stone dust path as proposed under "Railway Path Recommendation'.

The path through Barberry Pond land, Forest City Cemetery, Barberry Creek, Highland Cemetery, up through the CMP easement to Hinkley Park following the CMP easement to the intersection of Broadway and Waterman Drive should also be developed as a combination bike/walk path. The path should be 6' wide of compacted stone dust with a minimum of 10' of cleared vegetation on either side of the path for security. (See Details/Standards/Vignettes for details).

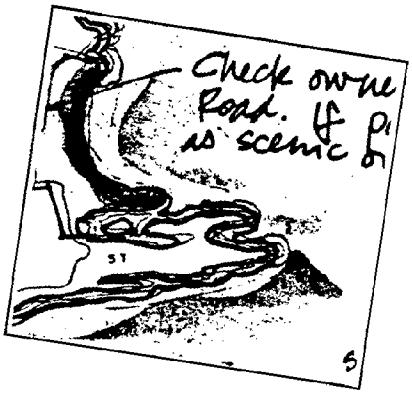
Bikeway Off Road (con't)

It is recommended that the path be 6' wide in these areas to enable both bicycle and pedestrian traffic to proceed together comfortably. The width of the path will also facilitate security patrols by the park rangers or police. Such a wide path may also attract A.T.V. users. A narrower path however, is also accessible to A.T.V. users. A path of some sort is necessary to accomplish the goal of uniting the city by a system of path loops for recreational use. As a deterrent to A.T.V. users, signage should be posted along the path on bollards at the entrance to the paths (See Summary). Chains should be hung between the bollards to make path access difficult only for A.T.V. users (a 42" clear space for access must be maintained for people in wheelchairs).

On Road

The remainder of the bike path as shown on the 1"=1000' map is to be incorporated into the existing road system. Where feasible, it is recommended that a separate bike lane running parallel to car traffic be delineated as a bike route with appropriate signage. (Such as in the shoulder of the road or where parking spaces were transformed to a bike lane). Where it is impossible to do so, bike traffic can run within the auto travel lane. Refer to the PACTS Regional Bikeway Study and the Recreational Open Space Study and Linkages Plan for further information.

Maps 1" = 200'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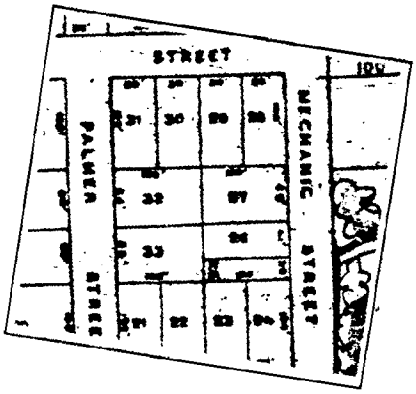
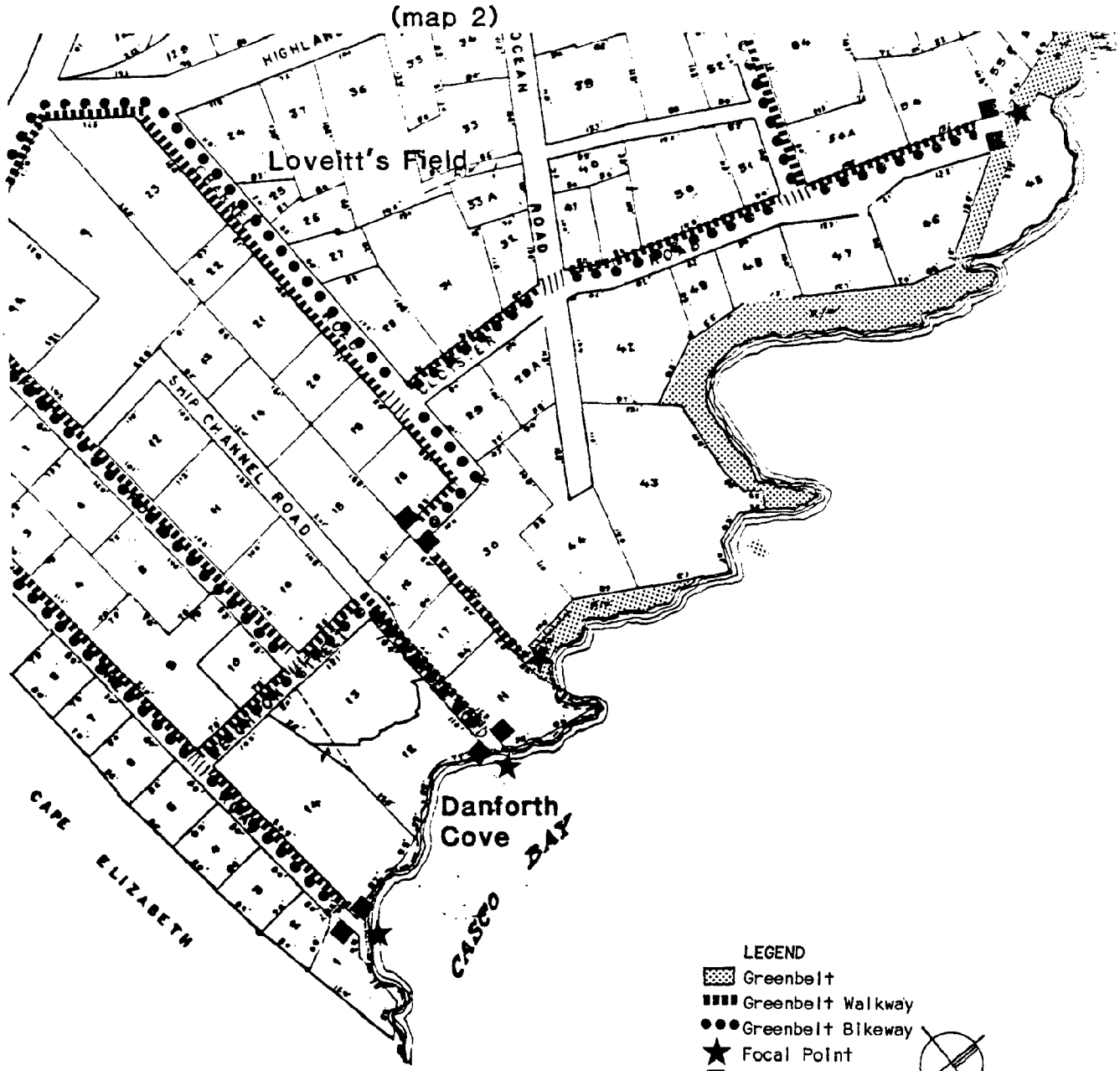

STREET
100
PALMER
STREE
MECHANIC
STREET
31
30
32
33
22

Drew Road to Cloyester Road	This area is comprised of older, established neighborhoods with fine homes on the rocky cliffs facing east. The rocks and views are some of the most beautiful in the Greater Portland area. There are many small public streets which terminate at the water's edge, and, according to the tax maps, there are rights-of-way that reach from these streets down to the water.
Recommendation:	Appropriate funds for deed research. A site walk by the Greenbelt Committee will reveal where deed research would be the most appropriate. Also, further study of the advisability of seeking public access at Loveitt's Field and Danforth Cove is recommended. If public access is formalized, clear brambles and overgrowth to facilitate enjoyment of the view. Clarify the public's right to use the property by placing a Greenbelt marker on a bollard or bench. Accommodations for Greenbelt user vehicles should not be made in this section of the Greenbelt. This area will remain largely a neighborhood asset. Use of the Greenbelt in this section should be limited to walking and bicycling. Use of vehicles should be strongly discouraged.

Map 1



LEGEND
- Greenbelt
- Greenbelt Walkway
- Greenbelt Bikeway
- Focal Point
- Bollard
- Lighting
- Bench

Scale 1"=200'

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Fisherman's Point

For approximately two hundred years, this area was used mainly by fishermen, as the three remaining fishing shacks verify. The breakwater once was built to the high water mark, but the point is exposed to ice flows and buffeting by north east storms, as well as southeast swells. Not long ago, fisherman congregated at the point on the beach to repair their nets, talk about fishing, paint their boats and watch their children play.

Today the point is mainly used for recreation. Some fishermen are hoping to expand the commercial potential of the point for storage and repair of their traps and gear.

Recommendation:

Study feasibility of rebuilding the breakwater to the height of high water and its potential effects on the erosion of Willard Beach. Review the existing study done by the Army Corps of Engineers on this area. If feasible, the City should pursue construction of a town landing along the breakwater to facilitate renewed use of the point by the fishermen and the public.

Willard Beach

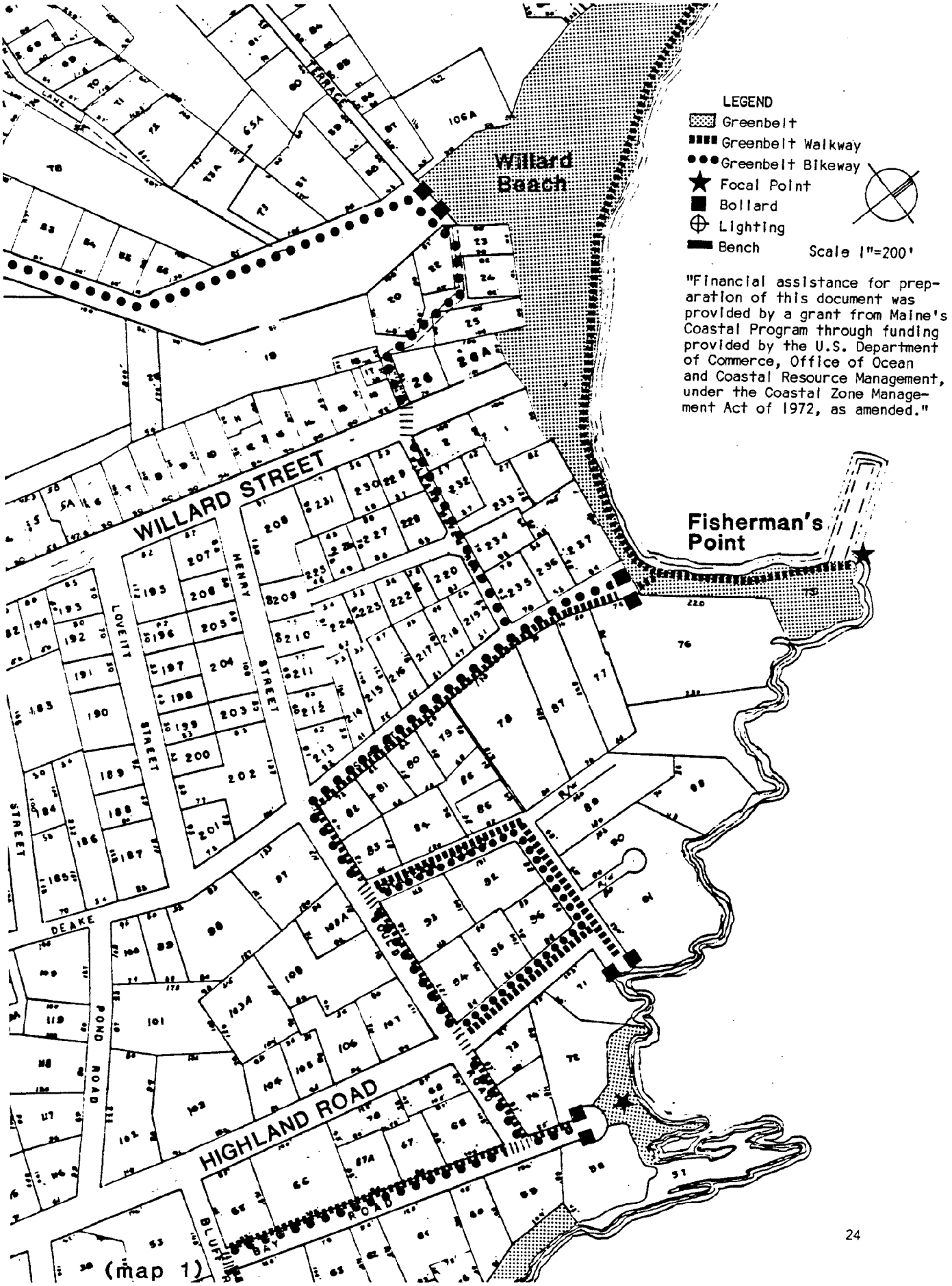
Willard Beach is a popular public beach and has been used for recreation for two hundred years. Its popularity has waxed and waned from decade to decade with the quality of the water. The exterior of the bath house and the grounds have recently been renovated as part of the Spring Point Shoreway Project.

Recommendation:

Continue the excellent management and maintenance which have made the beach successful. In anticipation of the additional pressures changes in population will put on the beach, develop additional facilities to avoid overuse. Renovate the interior of the bath house and consider additional toilet facilities and signage to meet the needs of an increased population using the beach area. Examine and correct any existing erosion problems at the end of streets abutting Willard Beach.

Map 2

(map 3)



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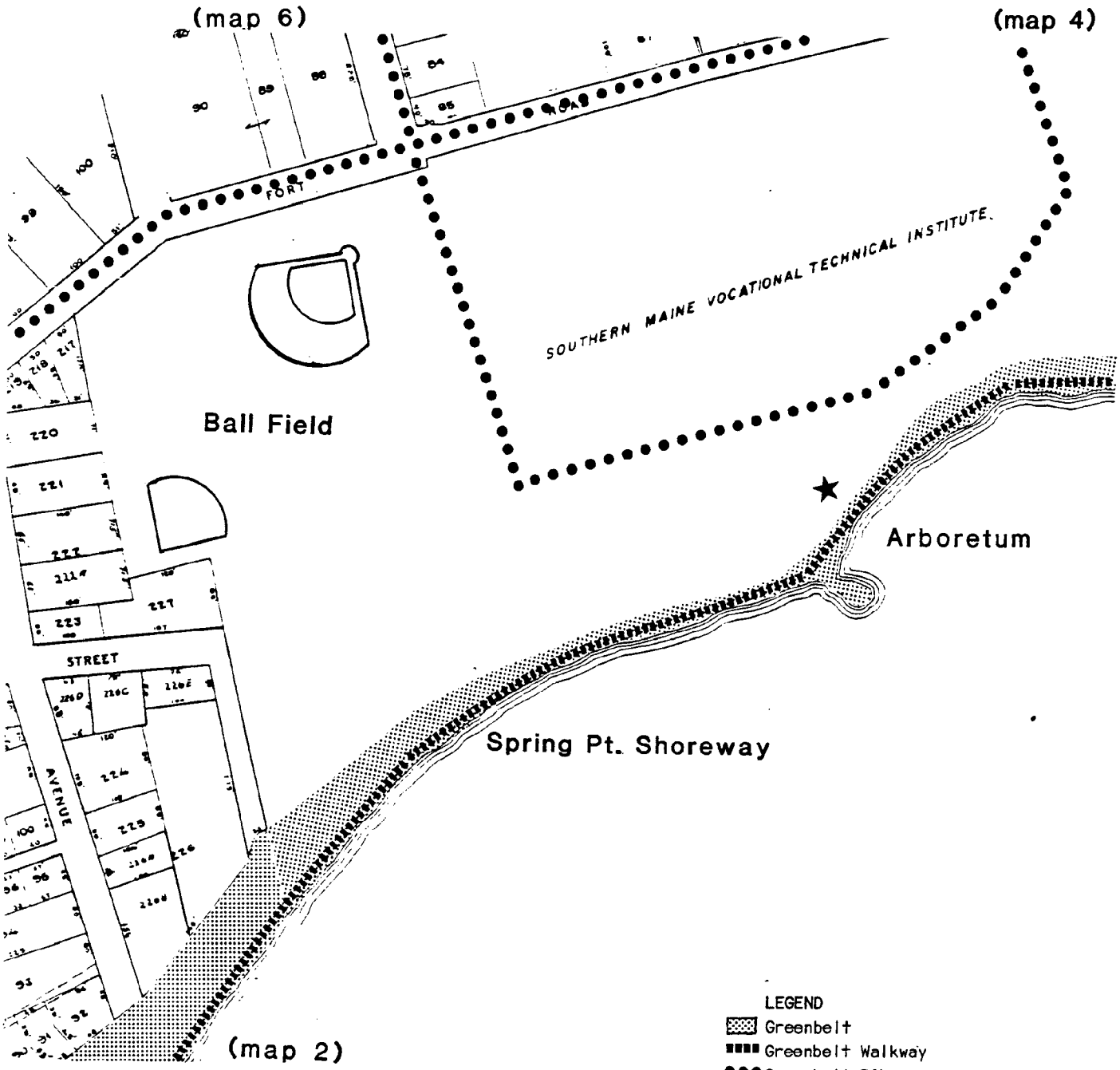
(map 1)

Spring Point Shoreway	The Spring Point Shoreway runs from Fisherman's Point to the Spring Point Marina. Prior to development of the walkway, the area was unsightly and subject to vandalism and loitering. Through legislation, the City obtained a lease with S.M.V.T.I. in 1977 which allowed joint use and improvement of the shoreway. The National Endowment for the Arts funded a design study. The Maine Bureau of Parks and Recreation, The Maine Coastal Program and the City funded a four-phase implementation plan. At first, the project met with public opposition. But, as the improvements were made, the public came to support and appreciate fully what is now considered an exemplary project.
Recommendation:	Continue the excellent management program and the current level of maintenance care which have made the Shoreway project so successful. In anticipation of additional pressures the current population increase will put on the Shoreway, develop facilities elsewhere to avoid overuse.

Map 3



LEGEND

- Greenbelt
- Greenbelt Walkway
- Greenbelt Bikeway
- Focal Point
- Bollard
- Lighting
- Bench

Scale 1"=200'

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Spring Point Marina

The land where the marina now sits was privately owned by the Ametek Corporation. It was sold to the City of South Portland for one dollar, with the stipulation that the property be used for recreation. The City then used the appraised value of the land - $1,000,000 - to obtain a federal matching grant for improvements in the form of a marina. The City requested proposals from developers to aid in building the new marina, as well as in operating it. Port Harbor Marine's bid was chosen. Port Harbor Marine has a 30-year lease, which is up in 23 years, with the option to renegotiate. The marina is a critical link between the Spring Point Shoreway and the potential public easement along the shore of the McCourt Company's property.

Recommendation:

As there are repeated thefts at the marina, the chain link security fence on the property is not fulfilling its purpose. The marina is public property, and the fence is merely serving to keep law-abiding citizens out. If the public were to be allowed access to the marina, there may be fewer thefts, due to the unpredictability of visitors surveying the marina. There exists a strip of land along the sea wall from the S.M.V.T.I. boat dock to marina base which is well-suited to a public viewing area.

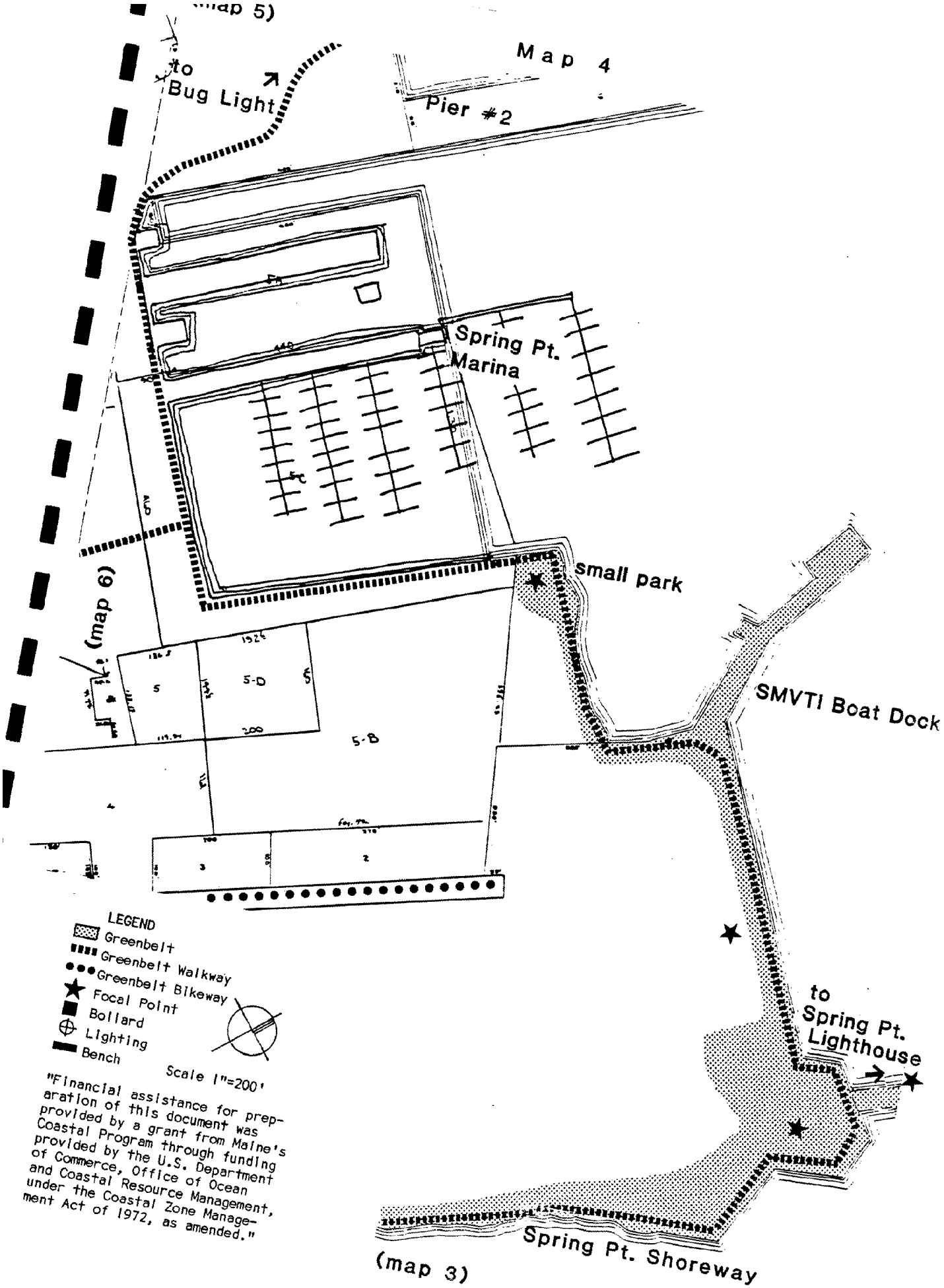
Discuss with Port Harbor Marine the possibility of obtaining controlled public access during the marina's hours of operation. When the current lease expires, the City should assure that there are permanent provisions made for public access across the property.

Breakwater Condominiums

The McCourt Company, developers of Breakwater Condominiums, have agreed to install a continuous public easement and walkway on the waterfront as part of the conditions of Planning Board Approval.

Recommendation:

Inspect the site after construction is complete to see if the walkway does function as a public space and to make certain that it will flow easily from one Greenbelt link to another.



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Bug Light

A proposed development by the McCourt Company extends from Breakwater Condominiums to the Municipal Boat Ramp. The McCourt Company has an option to acquire the former Pine State By-Products property on the other side of the boat ramp. McCourt Company is proposing, as part of its master plan, to create a continuous waterfront walkway, public overlook, public parking, a public boat landing and a 1/2 acre park surrounding Bug Light. The plan includes an inn, restaurant, marina, office space and housing.

Recommendation:

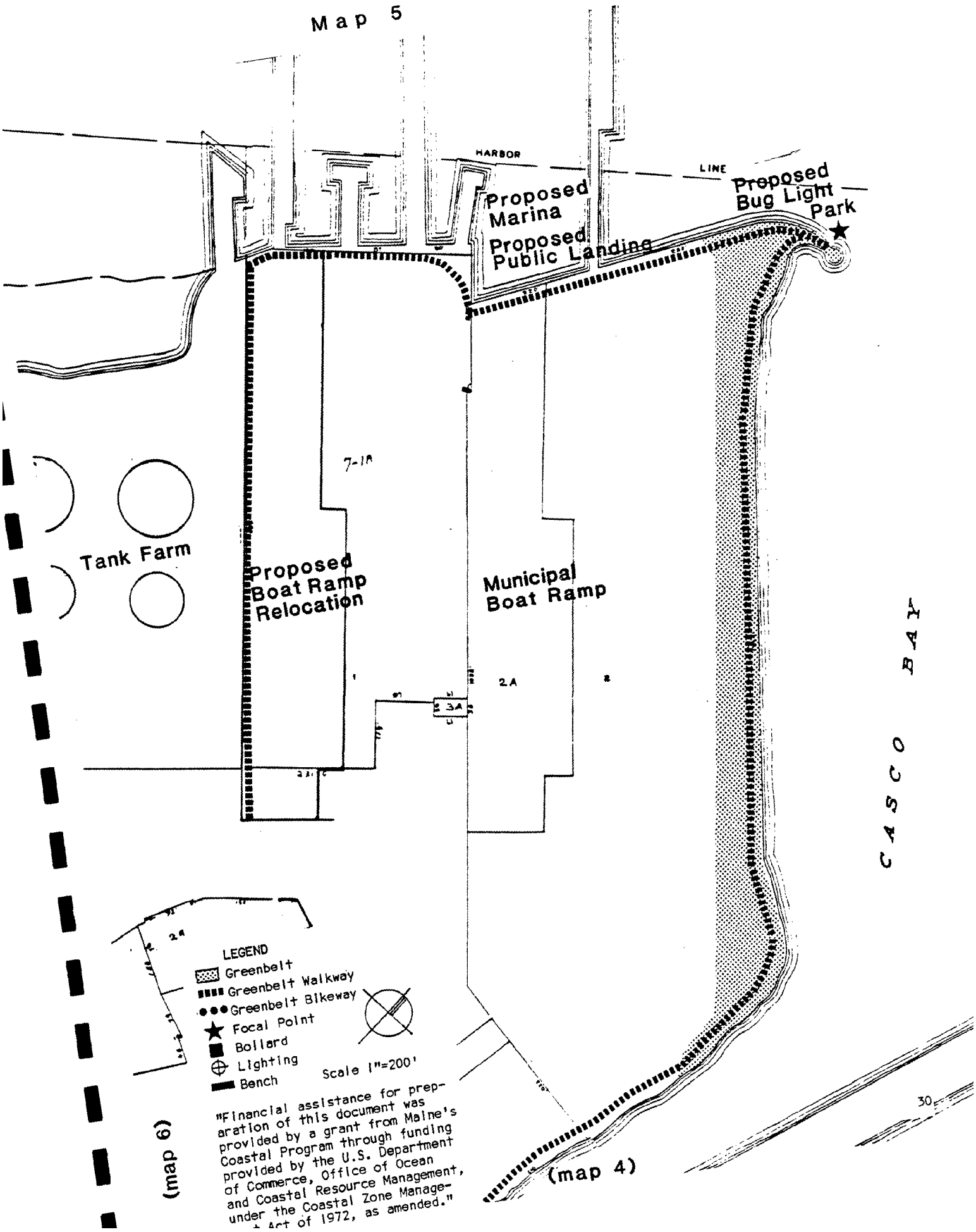
Inspect the site after construction is complete to see if the walkway does function as a public space and to make certain that it will flow easily from one Greenbelt link to another. Choose lighting fixtures compatible with Spring Point Shoreway.

Municipal Boat Ramp

The U.S. Navy sold this land to the City in 1978 with the condition that it remain a boating facility. It was purchased with a combination of state and federal monies. The McCourt Company, as part of its master plan for the area, proposed to consolidate its property by offering to trade the existing boat ramp for a new municipal boat ramp which the McCourt Company would build on the former Pine State By-Products site.

Recommendation:

Assure continued and uninterrupted access to the boat ramp for the public's recreational use. Explore the feasibility of constructing a concession building. Concession profits could go toward maintenance of the boat ramp. Private enterprise might be solicited to donate an office and public restrooms in return for the privilege of operating a concession at the boat ramp.


Map 5
HARBOR
LINE
Proposed Marina
Proposed Public Landing
Proposed Bug Light Park
Tank Farm
Proposed Boat Ramp Relocation
Municipal Boat Ramp
7-1A
2A
3A
CASCO BAY
(map 6)
(map 4)
LEGEND
Greenbelt
Greenbelt Walkway
Greenbelt Bikeway
Focal Point
Bollard
Lighting
Bench
Scale 1"=200'
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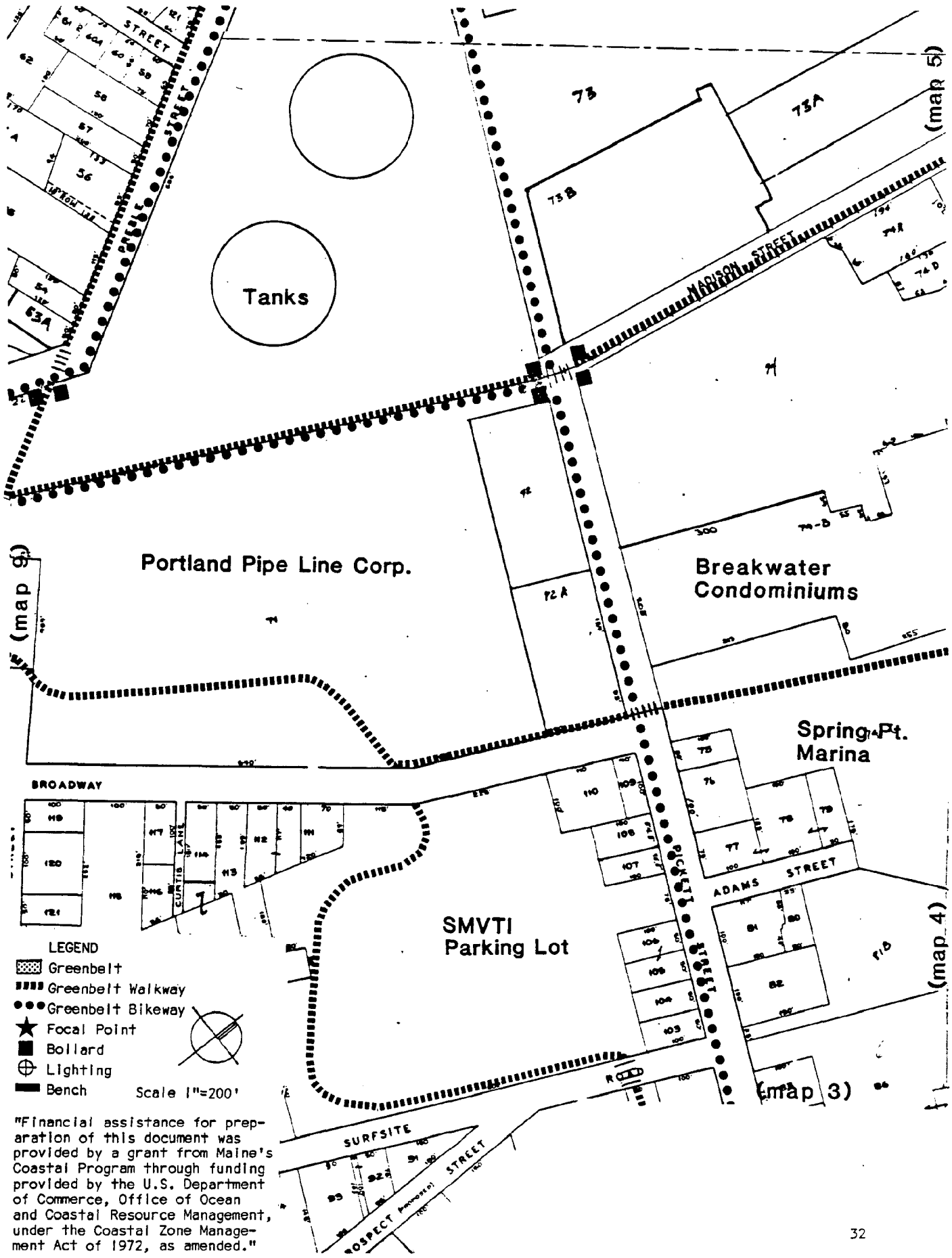
Pickett and Broadway

There exists a large area of vacant land owned by the Portland Pipe Line Corporation (See #71 on May 6). The railroad running along the western boundary was once the Greater Portland Public Development Commission railway. It is now owned in fee simple by the Portland Pipe Line Corporation. The entrance to the Spring Point Marina is at Pickett and Broadway. (See Map #4 for description and recommendation).

Recommendation:

Request permission from the Portland Pipe Line Corporation for access across their land all along the railway path and through the now-vacant lot. This railway access would connect to the proposed shoreway walk at the McCourt Property (See Map #5). Access across the vacant lot would connect the railway path to a large S.M.V.T.I. parking lot, S.M.V.T.I.'s sports fields and to the Shoreway via an off-road route.

Map 6



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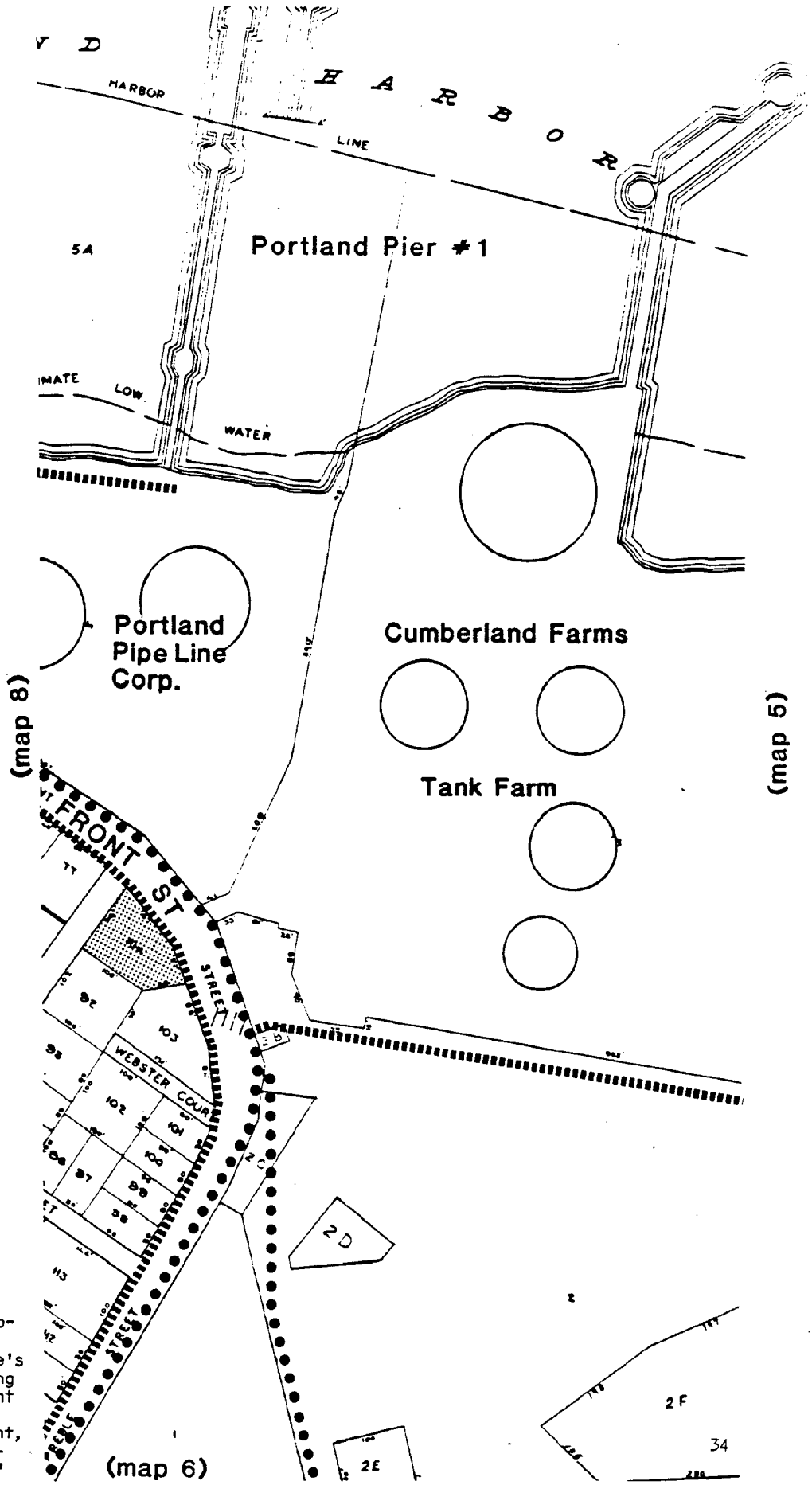
Cumberland Farms Corporation

The land between the former Pine State By-Products property and the Portland Pipe Line Corporation is owned by Cumberland Farms Corporation. The land's use as a tank farm makes public access here improbable, unless the land use should change.

Recommendation:

The Greenbelt shorefront path will have to move inland here to the sidewalk along Front Street. Request the permission of the Cumberland Farms Corporation to use the parking area at the corner of Front Street and Preble Street for Greenbelt user vehicles. (See Summary: Parking). If the existing land use should ever change, negotiate Greenbelt path shorefront access.

Map 7



LEGEND
- Greenbelt
- Greenbelt Walkway
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- Focal Point
- Bollard
- Lighting
- Bench

Scale 1"=200'

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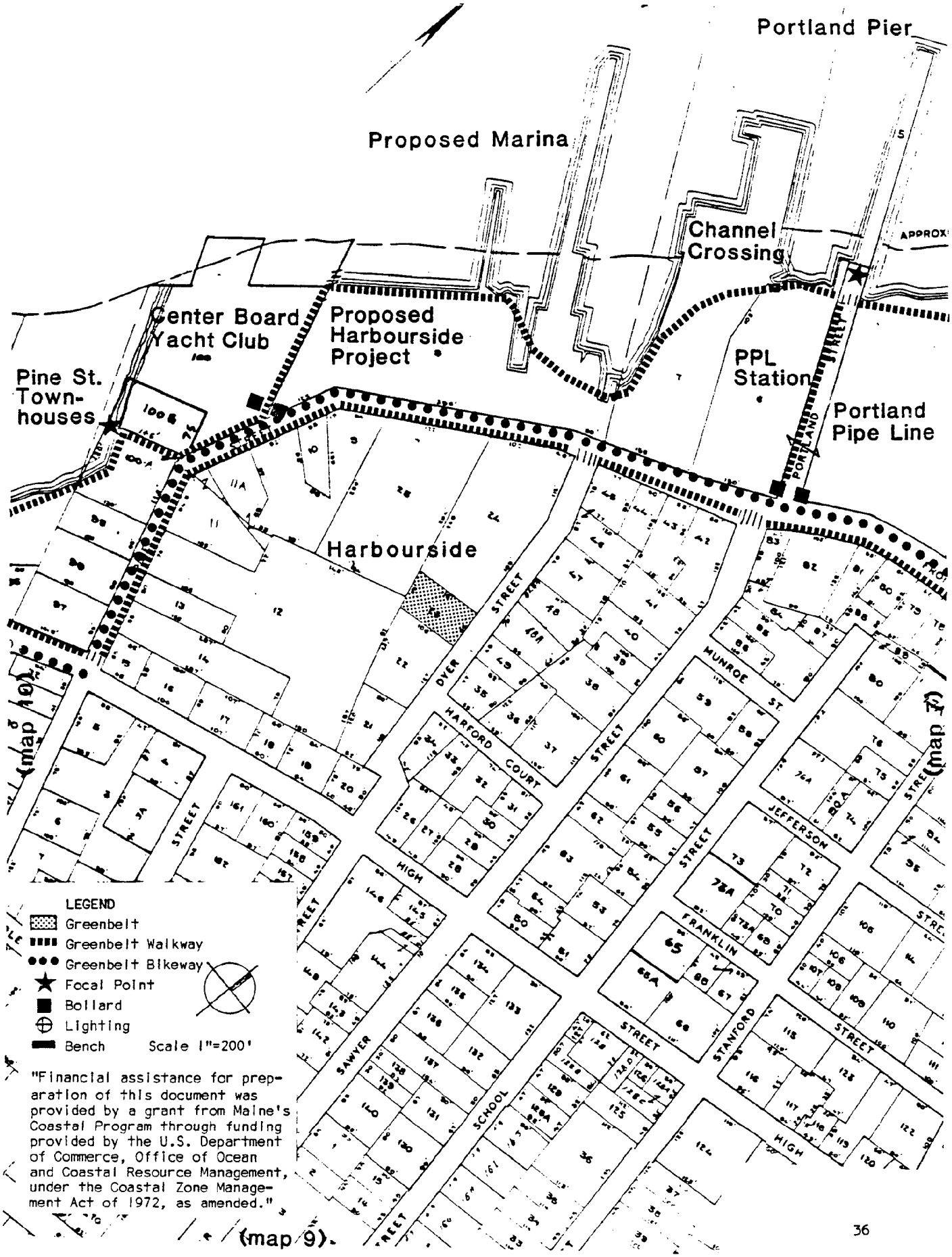
The Portland Street Pier	The pier had deteriorated greatly when the City reconstructed a portion of it with federal funds through a Community Development Grant. A cooperative received funds to rehabilitate it and run a fish pier. The City currently owns and manages the pier. A snack shop now leases part of the pier. Historically, the site was the ferry landing for the trip between Portland and South Portland (then Cape Elizabeth). The pier was much larger than it is now, at one time housing a bowling alley.
Recommendation:	Expand the pier and invite greater recreational and commercial use of it by the people of South Portland. Study the Possibilities of a new public facility/pier expansion and related usage. Examine possibilities for the development of a breakwater to allow year 'round boating use and securing a parking area for people using the pier.
The Portland Pipe Line Station	The station is a beautiful brick building with copper trim located next to the Portland Street Pier. The entire property, containing a 20-car parking area and landscaped lawn, is fenced off with a chain link fence.
Recommendation:	Request an easement from the Portland Pipe Line Corporation to access Channel Crossing property from the Portland Street Pier. A cantilevered wooden walk at the sea wall would suffice if moving the chain link fence proved problematic. Request that the Portland Pipe Line Corporation grant public access to the parking area and green space behind the station. Initial research indicates that this is unattainable, but inquiries ought to be made, nonetheless.
Channel Crossing Restaurant & Marina	The nature of a restaurant/bar is semi-public; therefore, although this development is privately owned, access for the Greenbelt may be negotiable. Conflicting traffic of cars and pedestrians restricts the location of the path, and the path should be designed with this in mind.
Recommendation:	Attempt to formalize a Greenbelt path with the owners of Channel Crossing so that access from Portland Pier to Harbourside is unbroken.
Harbourside	A condominium/marina development is planned for the Marine Railway property. Developers of Harbourside plan to propose a continuous public waterfront walkway on this site.
Recommendation:	Adjust proposed walkway to connect with the easement at the Channel Crossing property. Ensure that the walk will function as a public space.
Center Board Yacht Club	The Yacht Club at the corner of Pine Street and Front Street is privately-owned and operated.
Recommendation:	Negotiate shorefront access for the public at this site. If this is unattainable, the Greenbelt will have to move inland from the proposed Harbourside property to Pine Street Townhouses along Pine Street. If the existing land use should change, negotiate for a Greenbelt path with shorefront access.

Map 8



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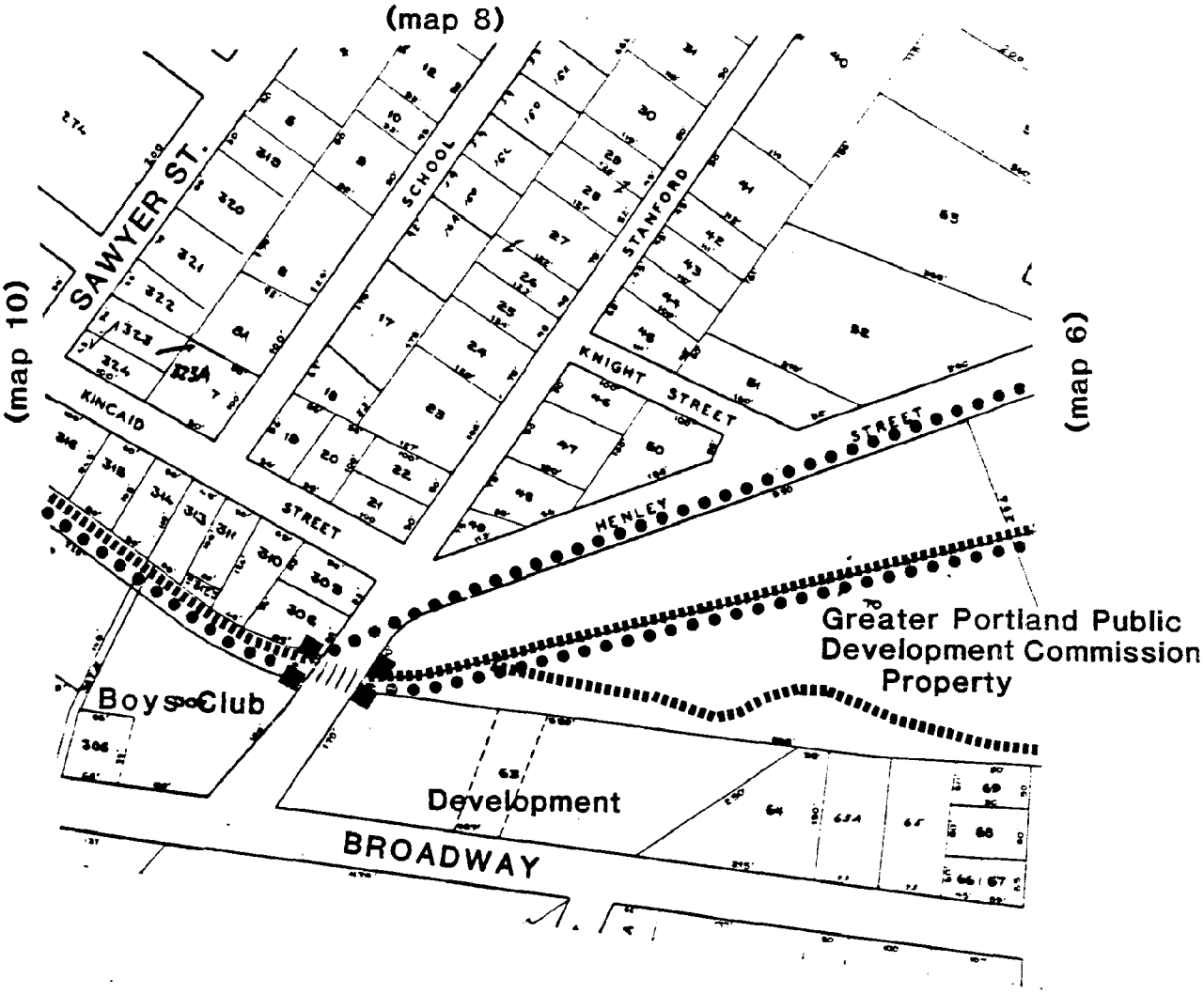
Preble Street Extension

An open, triangular-shaped lot exists at the Preble Street Extension off Broadway. The land belongs to the Greater Portland Public Development commission, and the railway path runs through the heart of it. Alders are growing in thick masses on either side of the railway path. A railroad car now sits on the site, as well as a business which stockpiles construction materials. The business is in a physical state of disrepair. A rusty chain link fence runs along Henley Street at the western boundary of the site and along the eastern boundary behind neighborhood residences.

Recommendations:

Create a neighborhood-scale park on this site. The land must remain in the ownership of the Greater Portland Public Development Commission. The City should attempt to work out a lease agreement with the Commission to build this park. The alders should be cleared, but the screening along the residential property abutting the park ought not to be removed. The rusty chain link fence at this site should be removed, even if a park is not created. The park could accommodate a playground, play areas for the Boys Club across the street and rest stops for pedestrians and bicyclists touring the railway path.

Map 9



LEGEND

- Greenbelt
- Greenbelt Walkway
- Greenbelt Bikeway
- Focal Point
- Bollard
- Lighting
- Bench

Scale 1"=200'

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Davidson's Beach

The Ferry Village Neighborhood Conservation Association has actively supported the Greenbelt since its conception. Some of the residents of Ferry Village who live on the waterfront and whose property will be affected directly by the Greenbelt are among its strongest supporters. Pine Street Townhouses, a six-unit housing development, has granted the City an easement for public access to Davidson Beach. Ferry Village Landing, a 15-unit housing development in the area scheduled for construction, has also granted the City an easement for public access along the waterfront.

Recommendation:

Create a waterfront walkway along the shore and separate it from private space by building it into the slope between Davidson's Beach and the level of abutting backyards. The existing grade restricts the types of walkways possible on this site. Where feasible, construct a 4' stonedust walkway. If a walkway at grade is impossible, create a wooden walkway. See Details/Standards/Vignettes.

Should the walkway not be built along the waterfront, construct a sidewalk along High Street (on the water side of the street) to City standards.

Old Joe's Pond

This marshy, open space is surrounded by quiet neighborhoods. Children frequently play here and have worn many paths across the area. They have built home-made rafts, boats and other imaginative constructions to float in a central pond of brackish water. They have also built forts here which are consequently burned down by rival neighborhood kids.

These elements may sound undesirable, but the unstructured nature of Old Joe's Pond has encouraged a tremendous amount of learning and play. This space is desirable for development; its potential may be restricted by virtue of the fact this it collects and holds storm water runoff.

Recommendation:

The City should acquire this property. If the parcel cannot be purchased, preserve public access to the area and its existing recreational values. If the price of the land is too high, perhaps the City could purchase the land with the intent to develop it. Using the Request for Proposal system, plans from private developers could be evaluated; the plan with the most to offer the community could be chosen for implementation.

To enhance public utilization of the space, some clearing and cleaning should be done with an eye to preserving the site's wild, grassy, open feeling. The pond should be cleaned up and retained as a pond, no matter what development option is eventually chosen.

Coast Guard Station

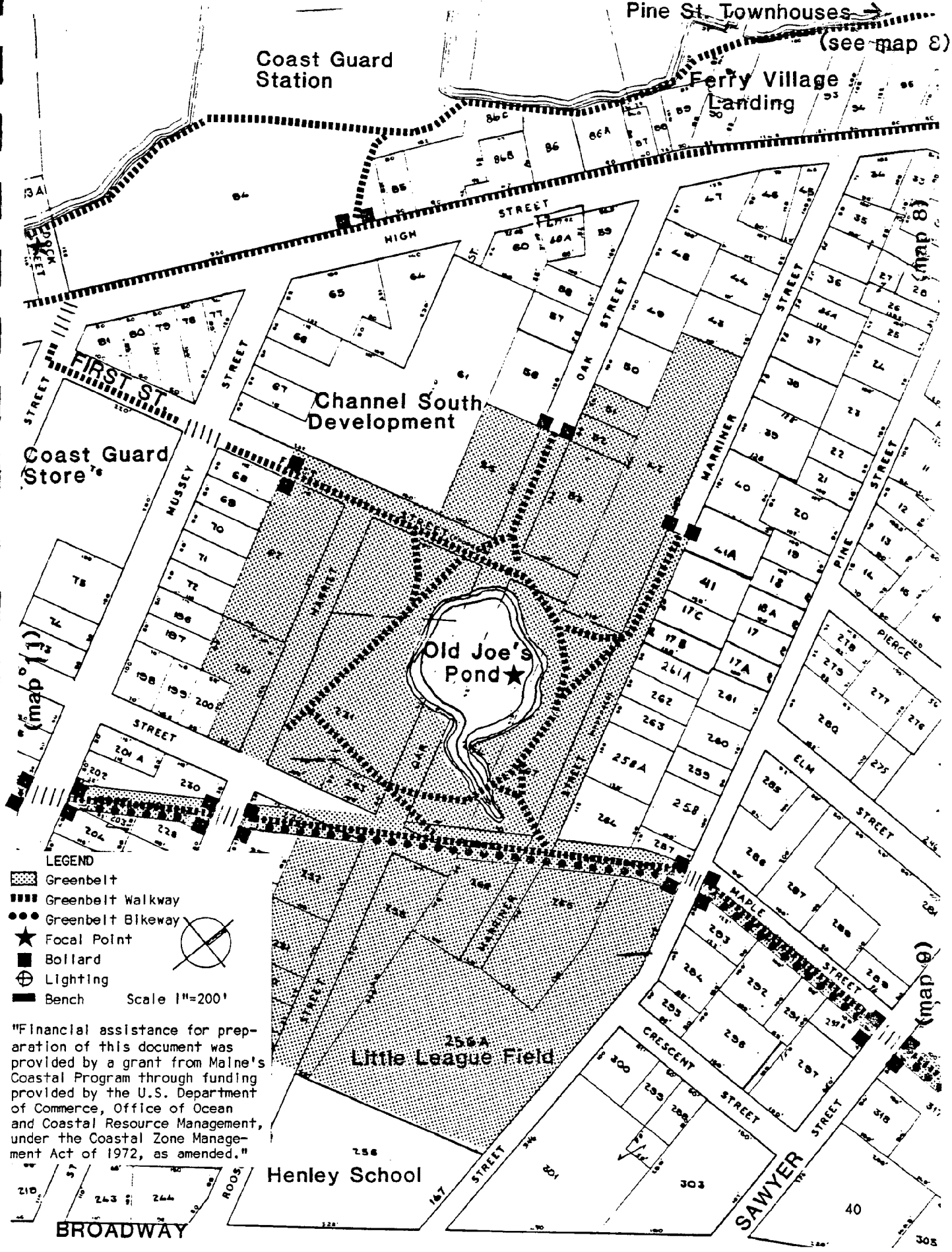
Security concerns at the Coast Guard Station may make access along the shorefront unattainable. The area is publicly owned, so perhaps some form of off-street pathway could be negotiated. There is a tennis court on the property.

Recommendation:

Appeal to the Coast Guard's sense of community spirit to allow public access. If access cannot be attained, construct a sidewalk along High Street to City standards.

There is a paper street, First street, off of High Street which may be city owned. It is currently a grassy area maintained by abutters. A path to Old Joe's Pond from the pump station on High Street would create a nice path loop.

Map 10



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High Street Pump Station

The site consists of a small brick building with a short asphalt driveway. Behind the building is a small, grassy area and a rather steep slope to the beach. The beach disappears for a short while at high tide. There are wonderful views to the harbor and the passing of the Scotia Prince from this site.

Recommendation:

Identify this area as a public recreation site through the use of landscaping and bollards. Clean up the beach and create access to it through minimal grading at the slope. A description of the view through interpretive signage mounted on a bollard with the Greenbelt symbol would greatly enrich the experience users will have here.

Land Between High and Third

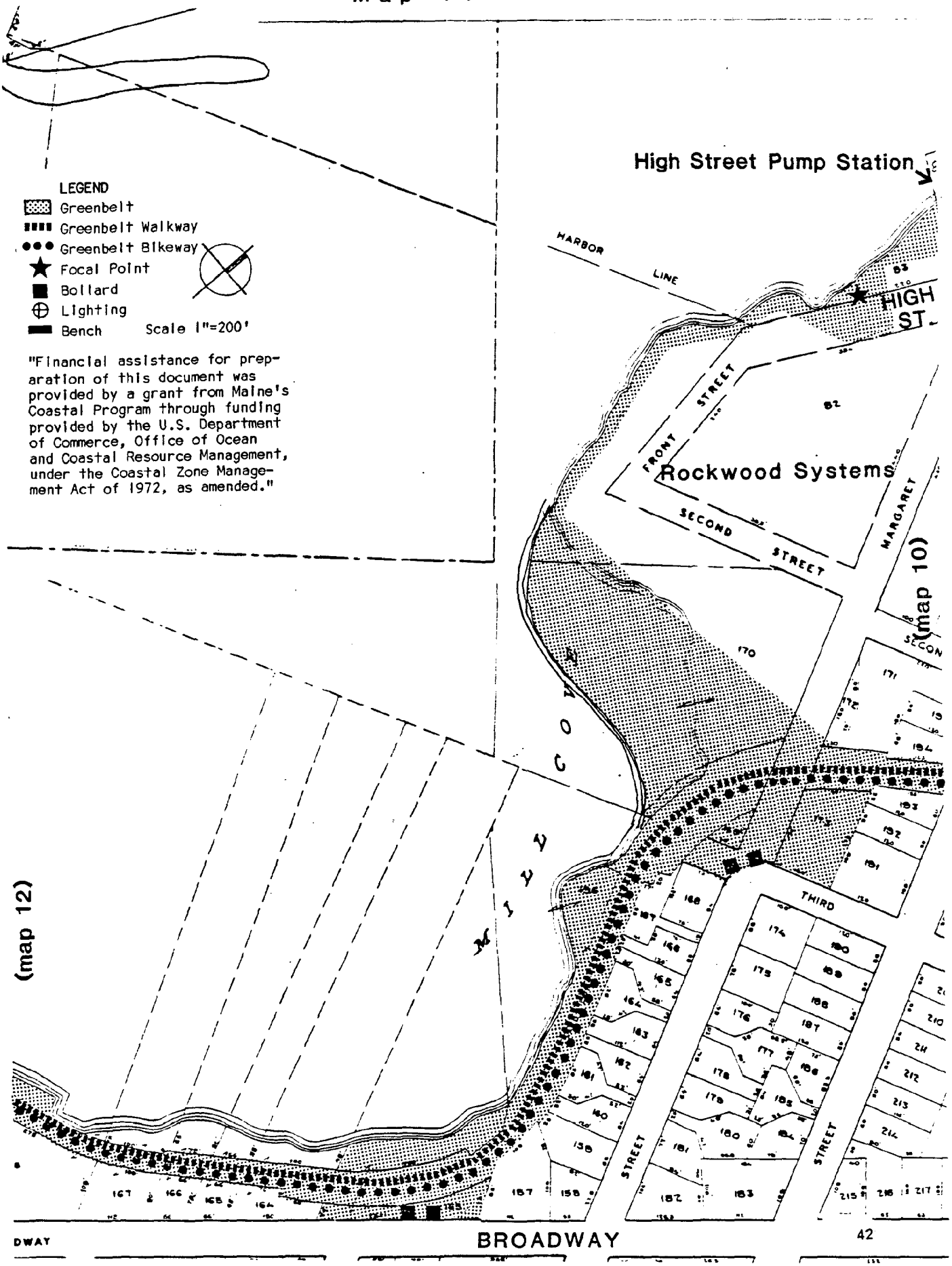
The property between High and Third Streets appears to begin at the end of High Street just past the High Street Pump Station. There are old boats currently parked in this area. The shoreline then wraps around the point on which Rockwood Systems sits. The shore here is rubbly and littered with rusty metal and broken objects. A rusty chain link fence surrounds the industrial buildings. The open space adjacent to Rockwood Systems is dry, open land facing Mill Cove. It connects the shore with the railway path. This area is owned in trust.

Recommendation:

Conduct a Class A Survey and title search to determine property boundaries at the end of High Street. Retain the beach at the end of High Street as a natural area from which small boats can be launched (kayaks, canoes, sail boards). The use of the cove by small boats is restricted by the tide; Mill Cove has very little water at low tide. From this informal boat launch area, an easement at the shoreline of Rockwood Systems would create a perfect link to the open space to the south of Rockwood Systems. Try to negotiate an easement with the trust for this walkway. The beach should be cleaned up and the rusty chain link fence should be removed.

The land to the south of Rockwood Systems is excellent open space for family get-togethers and picnics. A small (15-car) parking area may be feasible for Greenbelt use off Third Street. Should this area be proposed for development, negotiate incorporation of the Greenbelt. If the area should be made available for sale, the City should acquire it, at least the area south of Rockwood Systems.

Map 11



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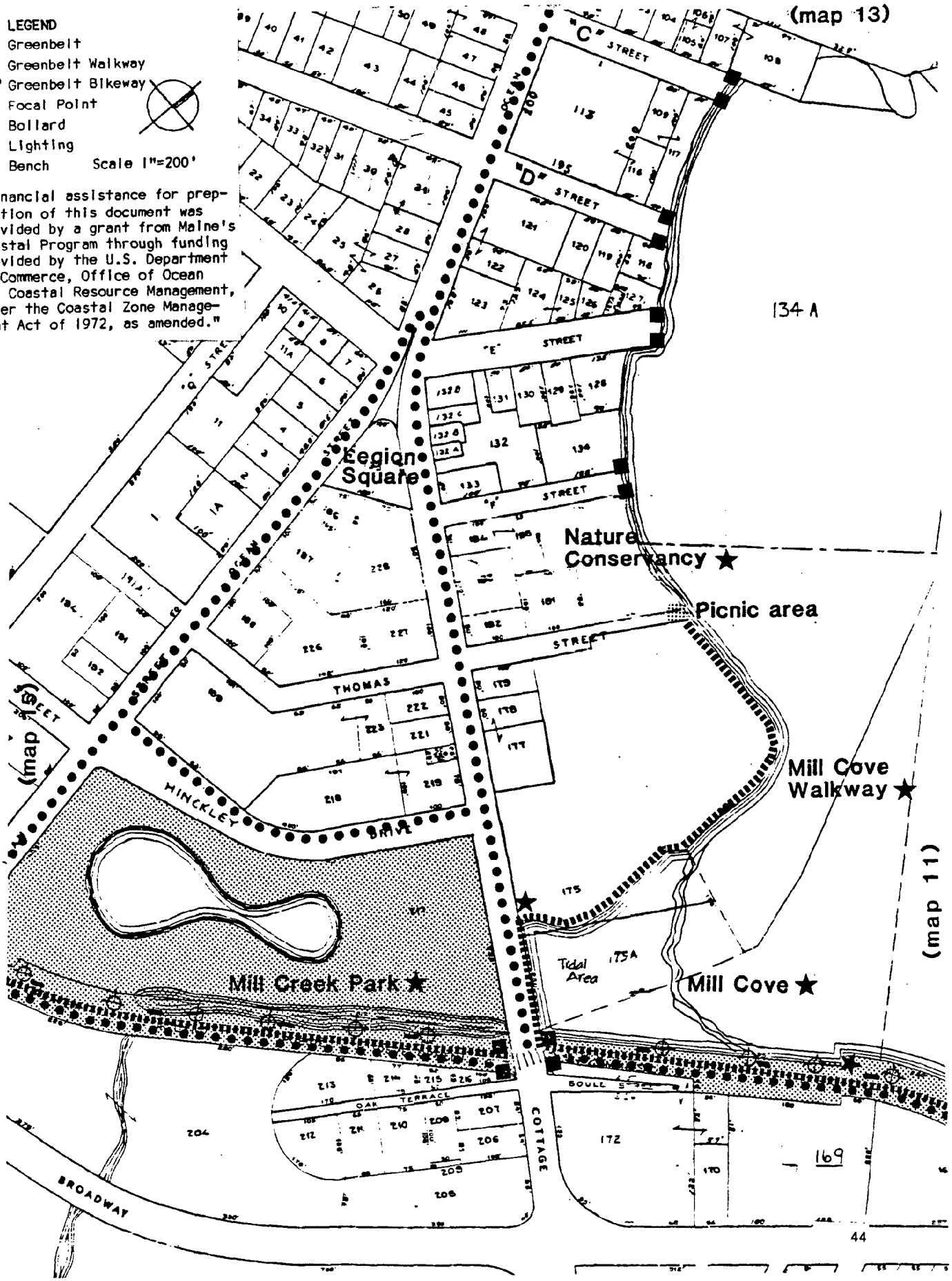
Mill Cove Walkway	This is a continuous waterfront walkway connecting Mill Creek Park to The Nature Conservatory Park, currently under construction. This property was leased to the City by Hannaford Brothers. The walk is being constructed with money from a Community Development Block Grant, private donations from the South Portland Lions and The Kiwanis Club.
Recommendations:	Pursue more waterfront access from F Street to MarinEast. Ensure that the walkway is maintained to the same standard of excellence as that at Mill Creek Park. Pursue the Kinghtville-Mill Cove Walkway Plan (See the Maine Coastal Program Waterfront Action Grant Application, 1986). (See Maps #23, #14).
Mill Creek Park	This land was a swamp until 1949 when, despite public protest, it was filled, planted and transformed into the beautiful community asset it is today.
Recommendation:	Continue the Greenbelt walkway through the park, using the existing railway path. Minimal lighting and furniture could be added to accommodate users. These features must be in keeping with the aesthetics of the park. Management will continue to be an important factor in the success of the park. Do not reduce maintenance. Avoid overuse by developing amenities elsewhere.
The Nature Conservancy	This property is located at F and Thomas Streets and includes 30 acres of tidal flats. It was donated by the Pine Tree Nature Conservancy. Use is limited to preserve its natural state.
Recommendation:	Respect the reverter clause in place at the Conversancy which states that the land will always be maintained in its present state for preservation.
Access to Mill Cove at the ends of Steets A - E	Knightville is currently in a state of transition. It could become a very healthy retail, office and residential neighborhood. Sharing water views will encourage Knightville's growth.
Recommendation:	Where appropriate, landscape, install benches and correct any erosion problems. Screen private property with low shrubs, such as beach rose, barberry or juniper. Install bollards that display the Greenbelt logo at the nodes, signifying its status as a public space. Where appropriate, landscape and install benches.

Map 12



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Gateway Park

This area is a central viewing spot and makes a wonderful statement of civic pride. Its value may change, depending on the construction of the new bridge.

Recommendation:

Continue to improve the park's visual impact with showy plantings. Perhaps the South Portland Garden Club would like to make a display here. The park's flags could be seasonal in theme, announcing upcoming area events, as was the park designer's intent. Perhaps they could be created by school children as a part of a flag design contest.

The Million Dollar Bridge and the new Portland/South Portland Bridge

The Million Dollar Bridge provides the only existing pedestrian access between South Portland and Portland. It is scheduled for replacement. The new bridge will be about three times longer and much higher and wider than the old bridge.

The construction of the new bridge gives rise to several important environmental issues: its visual impact, adaptive reuse of the old bridge, the impact of the visual and traffic changes in Knightville's and Mill Creek's business centers. Also to be considered are marine economics, the navigability of the new bridge's opening, neighborhood and commuter traffic patterns. Critical to the commercial development of the inner harbor are the number of times per day the bridge will open and the resultant effect this will have on traffic patterns.

A 6' sidewalk adjacent to auto traffic is now proposed on the new bridge for pedestrian traffic. An 8' shoulder at the side of the traffic lanes could accomodate bike traffic if properly delineated with signage and striping. This sidewalk as designed should be reviewed by the Access Committee. Clearly, Portland and South Portland are experiencing an unprecedented traffic and parking crunch. Providing an alternate means of transportation is of utmost importance to meet current and future commuter needs.

Recommendation:

Study possible adaptive use of the old bridge or a portion of it. There has been great public interest expressed in retaining the South Portland end of the bridge for use as a fish pier or as an extension of Gateway Park.

It is hoped that a study of possible adaptive uses of the old bridge will trigger community appreciation of the tremendous potential it has for all citizens. Both of South Portland's bridges should reflect the technology of the future and grandeur of the past. Portland, Oregon has Lovejoy's Fountain; St. Louis has its arch; Minneapolis has Nicollet Mall. South Portland will have its two grand landmarks.

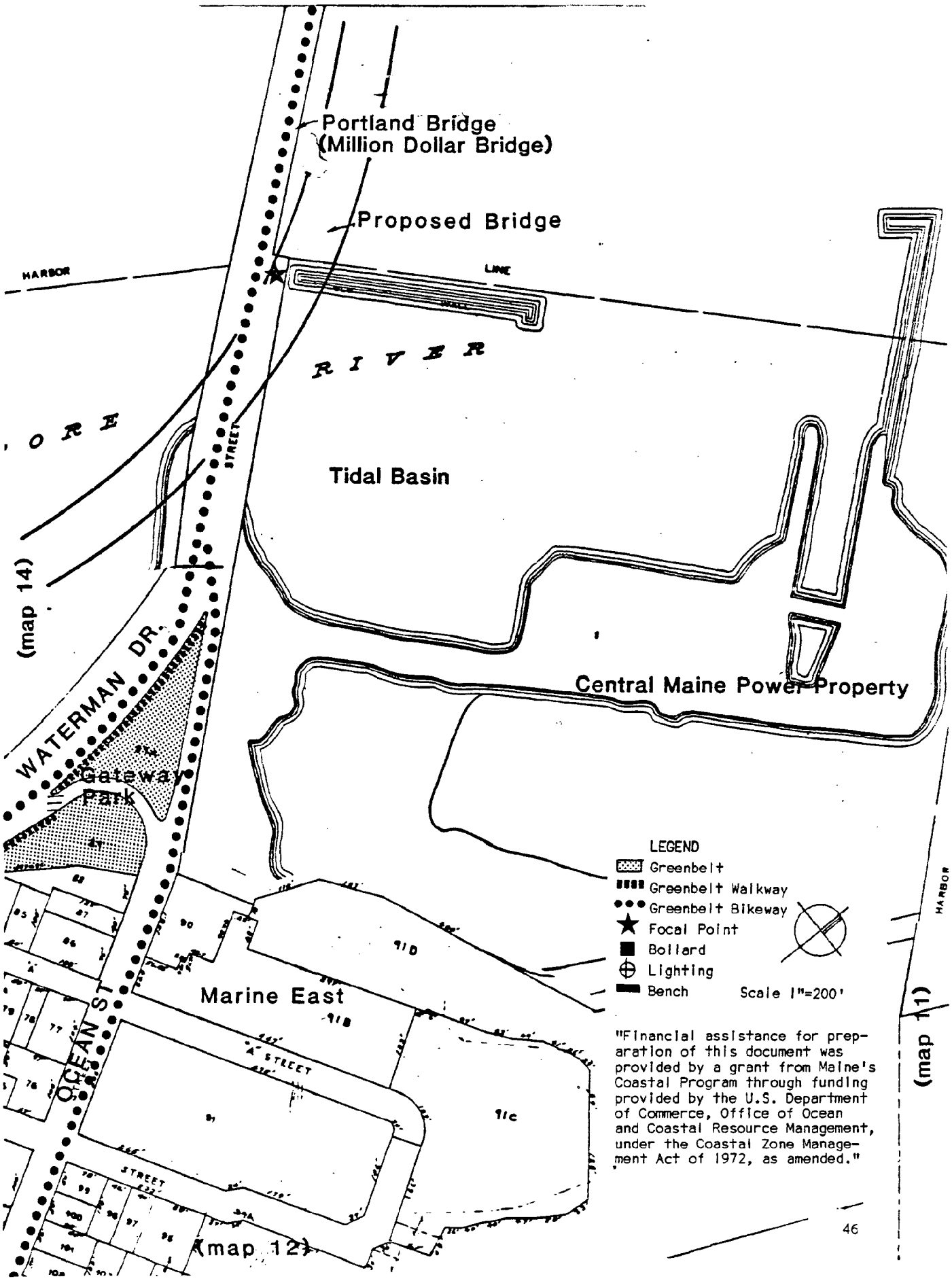
Property Below and East of The Million Dollar Bridge

This area has great potential. The breakwater and adjacent basin are central and highly visible.

Recommendation:

Investigate the potential for redevelopment of this area. Engineering, commercial and community viewpoints and needs assessments should be included in this effort. Possibilities for development include a marina, a fishing facility, a restaurant, a pedestrian pier, an inn.

Map 13



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E Street Access

When the new bridge is constructed, access to E Street will be critical. Automobile traffic will be funnelled into Knightville, thereby reducing congestion at Broadway. Pedestrian access at E Street will reduce the distance those walking to Portland from the east side of South Portland will have to cover.

Recommendation:

Provide a swath of green space on the North side of E Street right-of-way. The path should be wide enough to accommodate pedestrian needs and provide for bicyclists, as well. The chain link fence should be removed or replaced with a landscape screen of shrubs, such as sweet shrub, burning bush, spirea, beach rose or buckthorn.

With the installation of the new bridge, Waterman Drive may be reduced to two lanes, which will then leave space for a landscaped pedestrian and bicycle path along Waterman Drive from Gateway Park to Broadway. Access to and across the new bridge at E Street could be constructed at ground level and encompass four lanes, as opposed to the five lanes planned for the Broadway intersection.

Map 14

LEGEND
- Greenbelt
- Greenbelt Walkway
- Greenbelt Bikeway
- Focal Point
- Bollard
- Lighting
- Bench

Scale 1"=200'

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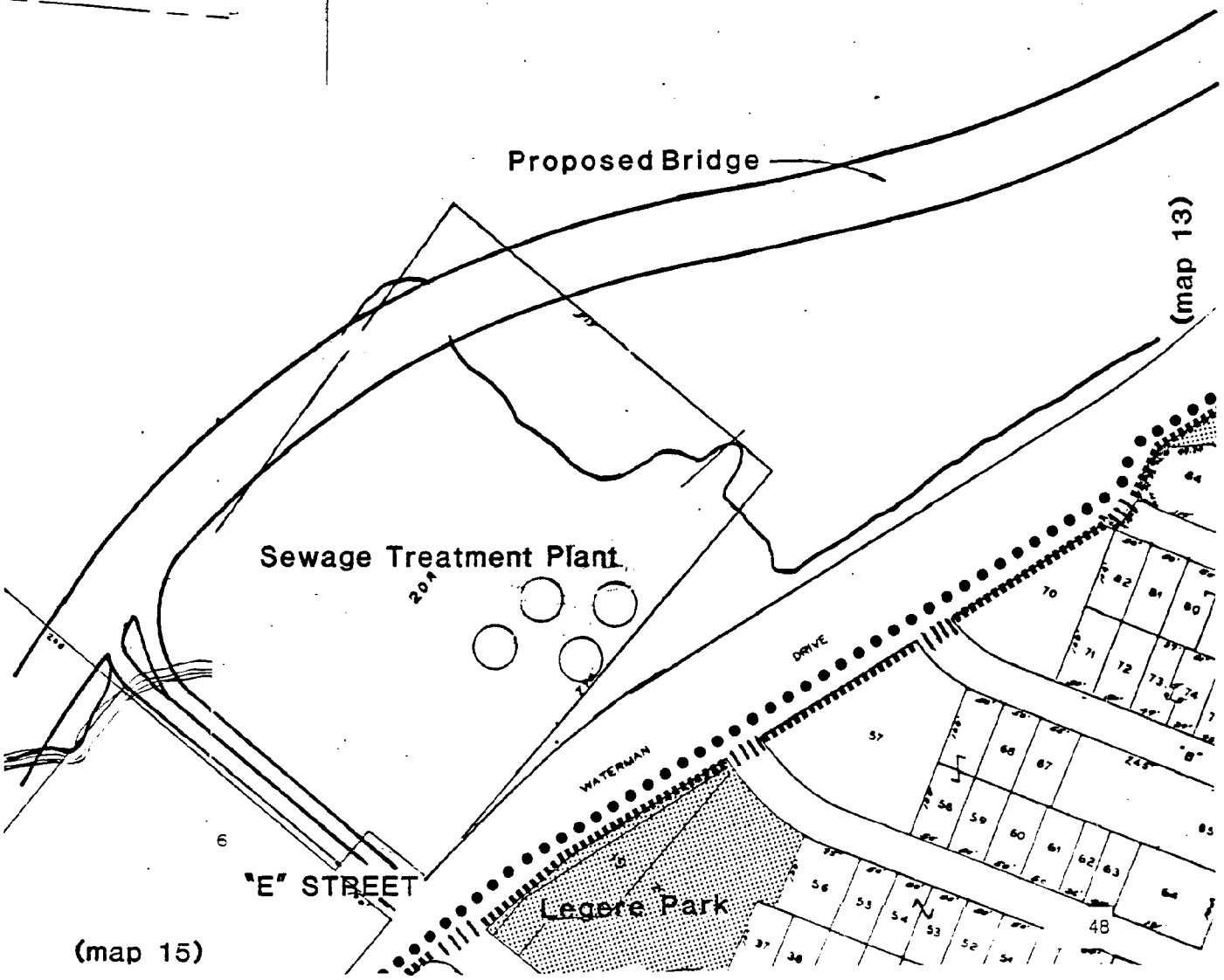
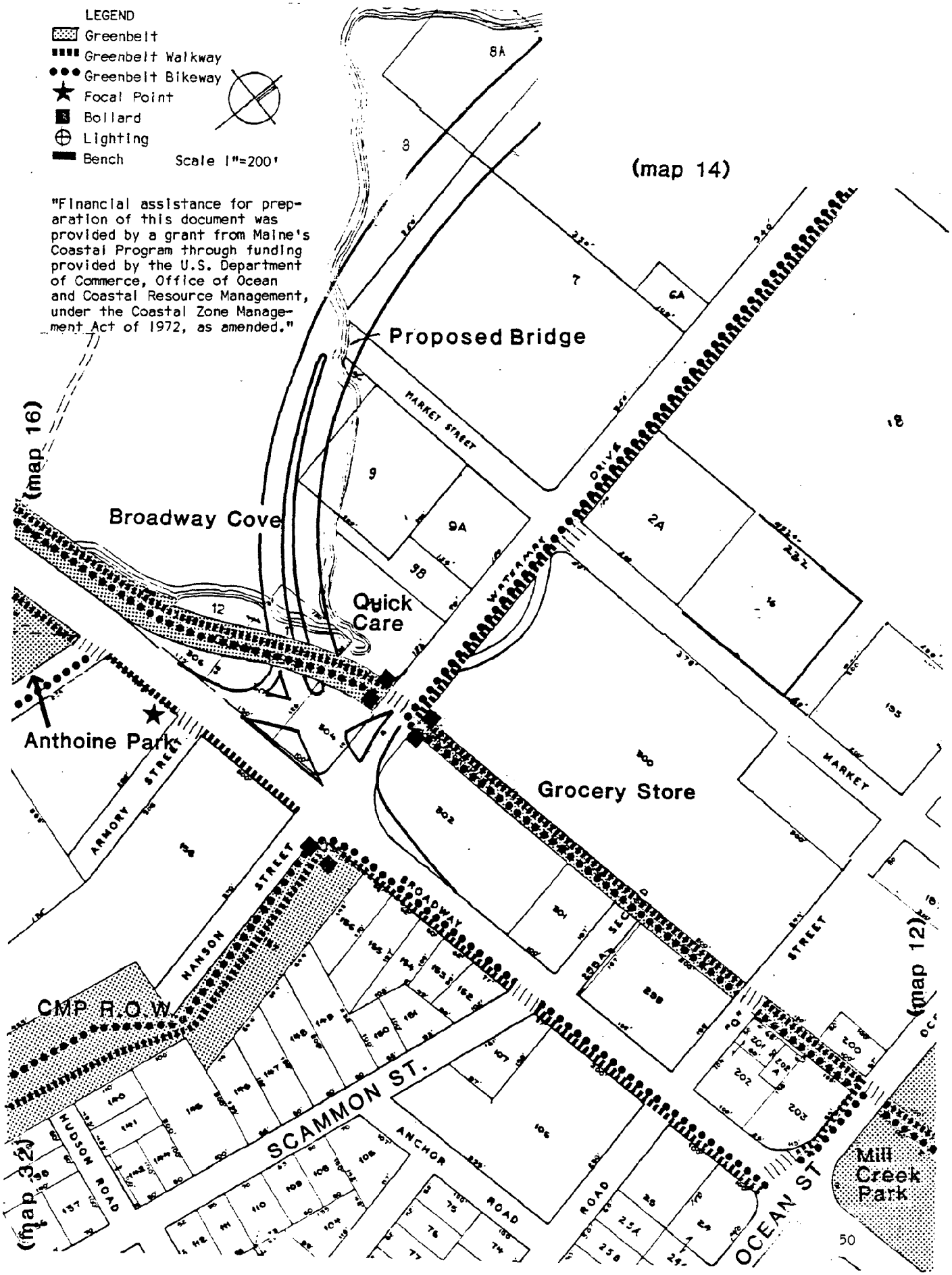


Quick Care	There is an asphalt walkway around the grounds at this site. It was volunteered as part of the site plan.
Recommendation:	Maintain this walkway carefully and try to link it with adjacent sections of the Greenbelt.
The Railway Path from Ocean Street to Waterman Drive	The railway path runs behind several commercial operations in this area. There is a 4' embankment on the Broadway side of the path. There is a chain link fence on the grocery store side of the path. The space has a somewhat narrow feeling, as it is dominated by loading docks and trucks.
Recommendation:	Continue 8' stone dust path through this area.

Map 15


LEGEND
Greenbelt
Greenbelt Walkway
Greenbelt Bikeway
Focal Point
Bollard
Lighting
Bench
Scale 1"=200'
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(map 14)
(map 16)
(map 12)
(map 32)
Proposed Bridge
Broadway Cove
Quick Care
Anthoine Park
Grocery Store
CMP R.O.W.
Mill Creek Park
MARKET STREET
WATERMAN DRIVE
ARMORY STREET
HANSON STREET
BROADWAY
SCAMMON ST.
HUDSON ROAD
ANCHOR ROAD
OCEAN ST.
MARKET STREET

Anthoine Creek

Anthoine Creek is a significant drainage way. It has some fairly steeply sloping banks which collect runoff and prevent flooding. The creek stretches from Anthoine Street to Kaler School. There are some low, marshy areas and a considerable amount of scrubby, unsightly plant growth in and along the creek. There is also some unsightly litter along its banks. At the same time, there are several very pretty and valuable old white birches and oaks along its shore. Children use the creek to walk to and from Kaler School, rather than having to walk along Broadway. (See Map #31 for Kaler School).

Recommendation:

Formalize access through the creek. Establish a policy for the preservation of the creek as public open space (as was suggested in the Growth Plan for the Eighties). Because children are currently using the creek as a pathway, their needs must be met. The pathway could easily by surveyed from surrounding homes and abutting streets. The path design should separate children from potential hazards, possibly by installing an elevated wooden walk over muddy areas of the creek. (See Details/ Standards/Vignettes). The creek itself should be retained in its natural state so that it can continue to act as a deterrent to flooding. Limit clearing and regrading. Correct erosion problems. Clean up the litter in the area. As needed, selectively plan short segments of wooden walkway to bridge wet or steep sections of the creek. Create some foot bridges across the creek where the flow of water meanders out of the direction of the path.

Green Space Behind Buttonwood

There is a small green space which overlooks Broadway Cove near Buttonwood Street. Children often travel the tracks and play on the beach in this neighborhood. Since there are commercial establishments abutting this cove, public use of the beach in this area will probably be acceptable.

Recommendation:

To the extent that this space lies within the right-of-way or can be obtained, screen the space from private backyards and create a 'vest pocket park'. Frame views with plant materials, protect the embankment with beach rose. Correct erosion problems at the end of Bagley and Buttonwood Streets. Addition of a small children's play area and a bench would serve neighborhood recreation needs.

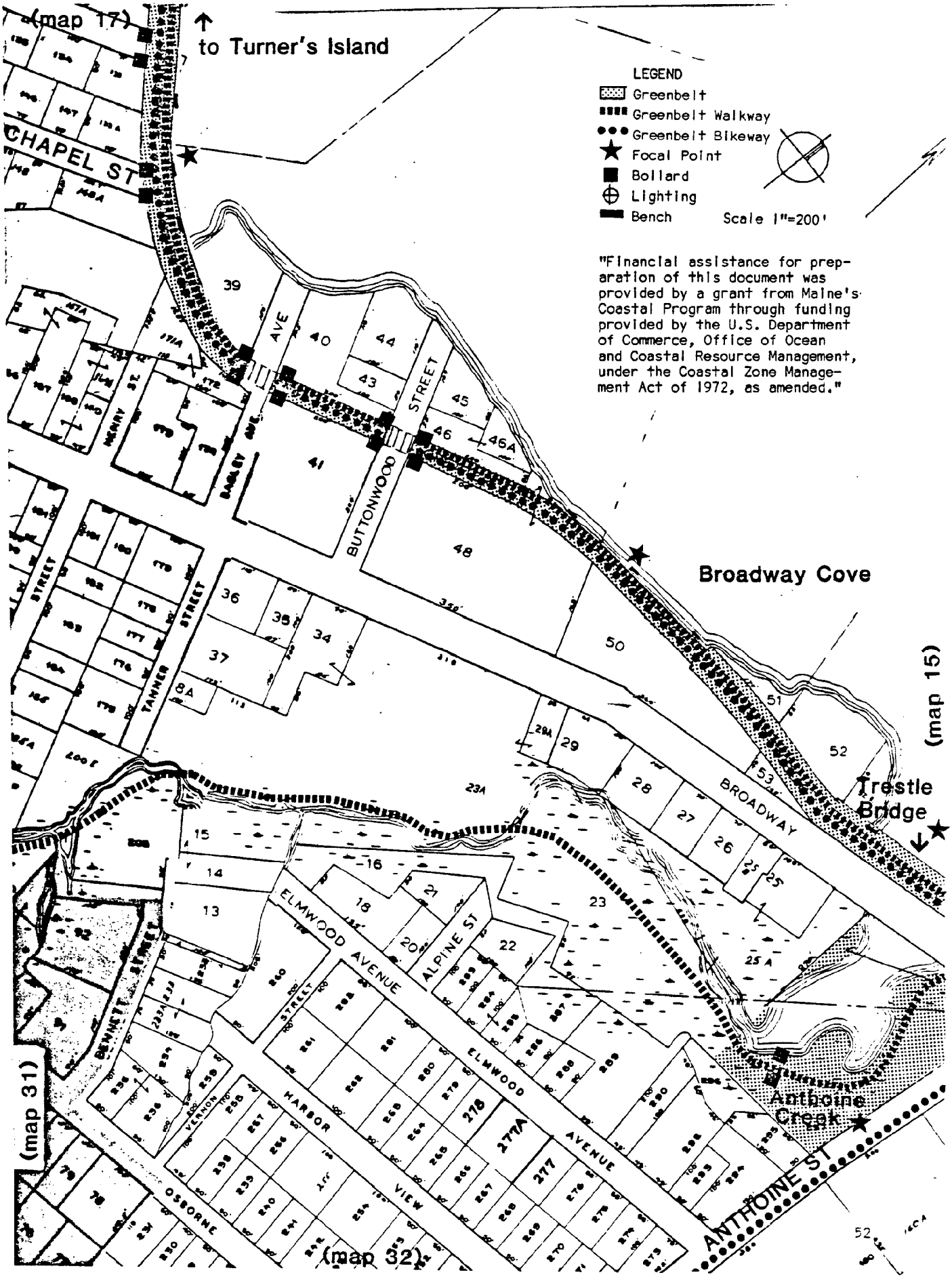
Railway Path from the Trestle Bridge to Chapel Street

The path runs across the Anthoine Creek outlet with a trestle bridge. This could be an attractive stopping point along the Greenbelt. The path traverses the driveways of several businesses and then ducks behind the businesses run along the shoreto Turner's Island. Buildings here are close to the bank's edge. Many people use the path to go to and from Knightville-Mill Creek business district. There is a pleasant tidal inlet at Henry Street.

Recommendation:

Improve the trestle for safe pedestrian use by adding a railing, checking its structural integrity, repairing, if necessary, and paving with a comfortable walking surface. Plant shrubs (See Details/Standards/ Vignettes) with thorns to discourage trespassing in accordance with general recommendations for treatment of the railway path. Clean away rubbish at the Henry Street tidal inlet and preserve as a natural area.

Map 16


(map 17)
to Turner's Island
CHAPEL ST
LEGEND
Greenbelt
Greenbelt Walkway
Greenbelt Bikeway
Focal Point
Bollard
Lighting
Bench
Scale 1"=200'
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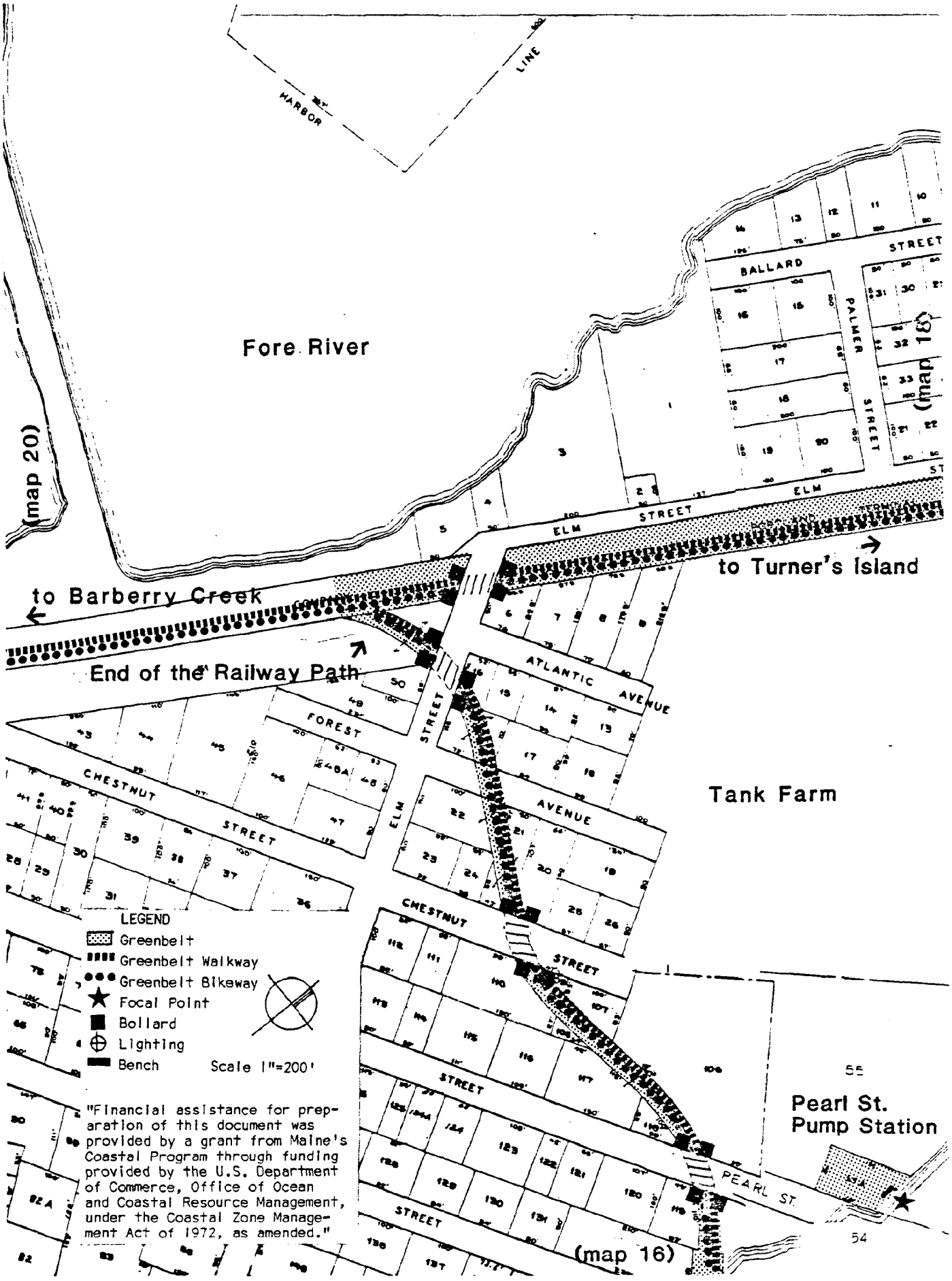
BUTTONWOOD STREET
Broadway Cove
BROADWAY
Trestle Bridge
(map 15)
ELMWOOD AVENUE
ALPINE ST
HARBOR VIEW
ANTHOINE ST
Anthoine Creek
(map 31)
(map 32)

The Pearl Street Pump Station	This is public waterfront property and offers a great view of Broadway Cove. There is currently a grassy spot which attracts people to sit and rest. On the north side, there are many petroleum tanks.
Recommendation:	Install a bench, and screen the tank farm by planting medium-sized shrubs such as burning bush, viburnum, or Buckthorn near where a person would be likely to sit or stand. This will mitigate the visual impact of the massive tanks.
End of the Railway Path	The railway path ends at the intersection of Atlantic Avenue and Elm Street where it intersects with the Portland Terminal Company's railway.
Recommendation:	Pursue public access through the terminal company's right-of-way which connects to the Barberry Creek area.

Map 17



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Turner's Island-Six Acres at the Point

Turner's Island possesses great potential as part of the Greenbelt by virtue of its panoramic views, its size, its central location and its deepwater frontage. Currently, it is owned by Portland Terminal Company. Although it is vacant, neighborhood residents use the land to store firewood, to park and enjoy the view or for child's play. At one time, there was a dock for tankers on its north edge. The sea wall is in disrepair.

Recommendation:

The City should acquire this property. If the price is too high, acquisition could be made with intent to develop, using the Request for Proposal system. Plans from private developers could be solicited, and the plan placing the highest value on community recreational access could be chosen.

If the City is unable to acquire this property, then preparations should be made to encourage owners to formalize a public easement and/or facility.

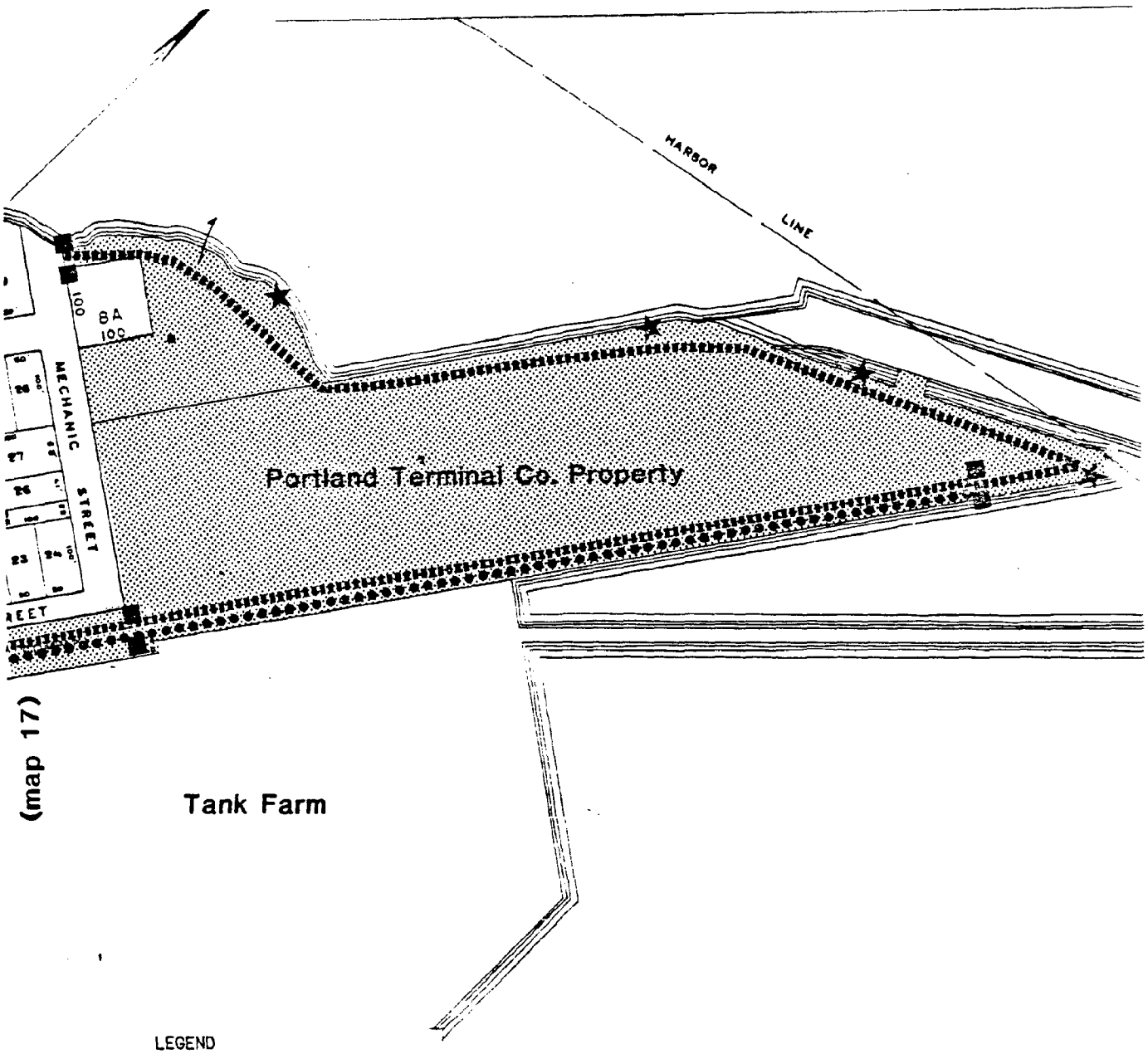
Study traffic patterns at the intersection of Elm Street and Broadway. Alleviate erosion problems along the sea wall, and repair the sea wall. Evaluate harbor traffic patterns, particularly if the Fore River continues to enjoy economic revitalization. Traffic issues should be weighed with an eye to whether the proposed east-west roadway, running from Highland Avenue to Main Street through the old city dump, might alleviate some of the traffic volume at the entrance to the Point.

Given the potential these six acres on Turner's Island possess for development, there are equally wide-ranging differences of opinion. How should the area be developed? What role should it play as part of the Greenbelt? One approach is to simply preserve these acres as open space. This could entail making minimal changes, perhaps building a parking lot and developing the deep water side to enhance a marine-related use which would not require building or structure.

Development could make more active use of this area possible for the public. This approach calls for researching commercial, residential or community-oriented facets of development to make Turner's Island a more productive community asset.

There are many possible uses for this land on Turner's Island, including constructing a public landing, a fishing pier, a community center, a museum, a school, a marina, a residential development or a mixed use of any of the above.

Map 18



LEGEND
- Greenbelt
- Greenbelt Walkway
- Greenbelt Bikeway
- Focal Point
- Bollard
- Lighting
- Bench

Scale 1"=200'

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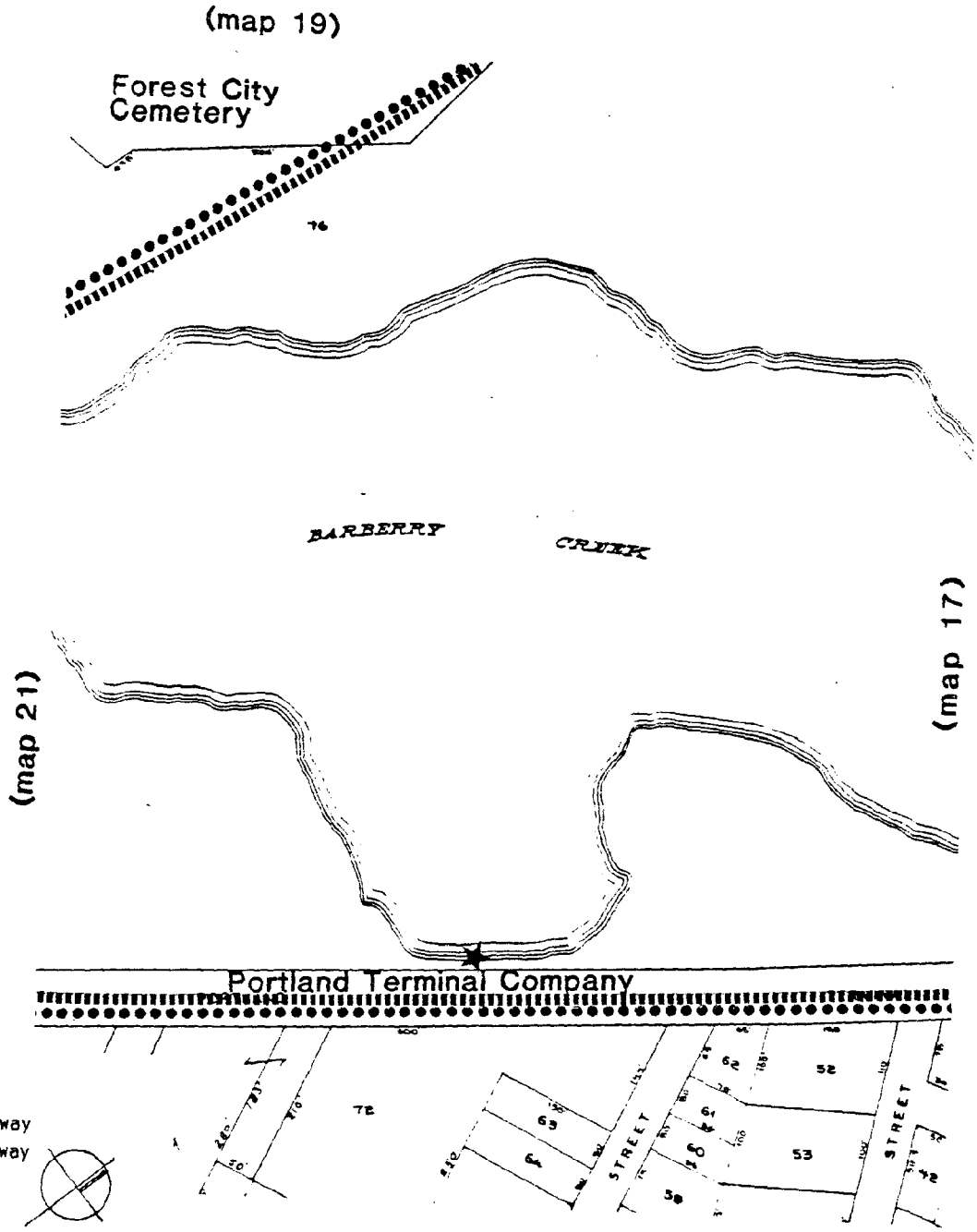
Forest City Cemetary	The cemetary is owned by the City of Portland. Clark Street is a tree-lined boulevard that crosses the cemetary from Lincoln Street to the bank of the creek. There is a strip of undeveloped land at the east side of the cemetary. A long stretch of sandy beach bounds the north side. There is a scenic overlook to oil barges and Portland's waterfront. (See Maps #20 & 21).
Recommendation:	Plan for a 6' stone dust bicycle/pedestrian pathway from Barberry Creek across the waterfront which would then loop back at Clark Street or continue onto city streets. A small parking lot (3-5 cars) should be built on the east side of the cemetery for Greenbelt users. (See Map #21).

Map 20



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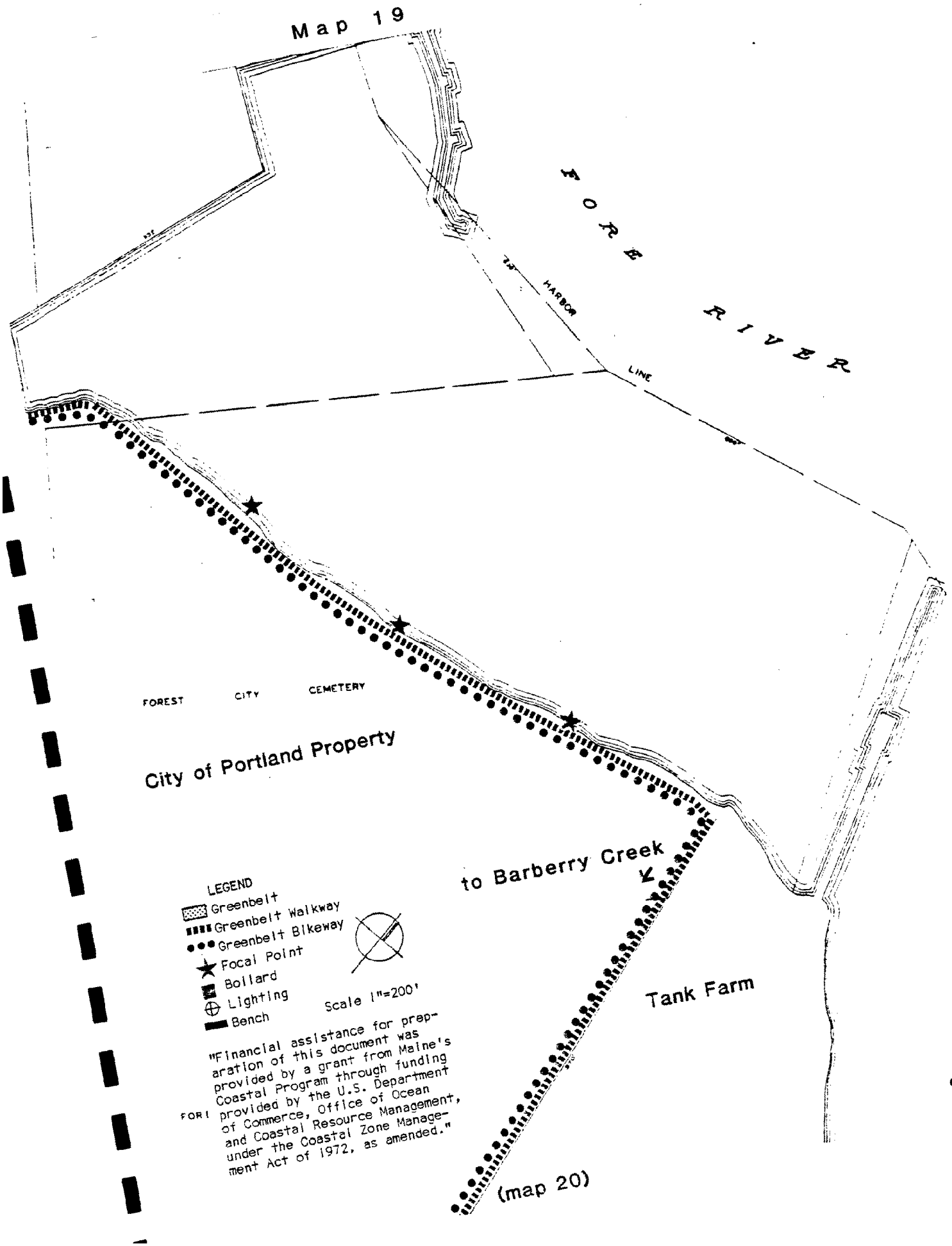
Turner's Island to Barberry Pond Portland Terminal Company owns the railroad bed from Turner's Island to Broadway and beyond. The tracks would make an ideal link from the proposed Turner's Island recreational area (See Map #18) to Barberry Creek area.

Recommendation: The City should pursue acquisition of the railroad bed for the purposes of a bike/walk path.


Map 19
FORE RIVER
HARBOR
LINE
FOREST CITY CEMETERY
City of Portland Property
to Barberry Creek
Tank Farm
(map 20)
LEGEND
Greenbelt
Greenbelt Walkway
Greenbelt Bikeway
Focal Point
Bollard
Lighting
Bench
Scale 1"=200'
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Barberry Pond

Barberry Pond is an important drainage way that begins at the Highland Cemetery by the old dump and collects in a pond beside Forest City Cemetery. Forest City Cemetery is owned by the City of Portland. South Portland is currently negotiating to buy the vacant lot that is southeast of the pond. Existing paths traverse the woods. A land bridge is used to cross the water between the woods and the cemetery property. It is subject to submersion at high tide.

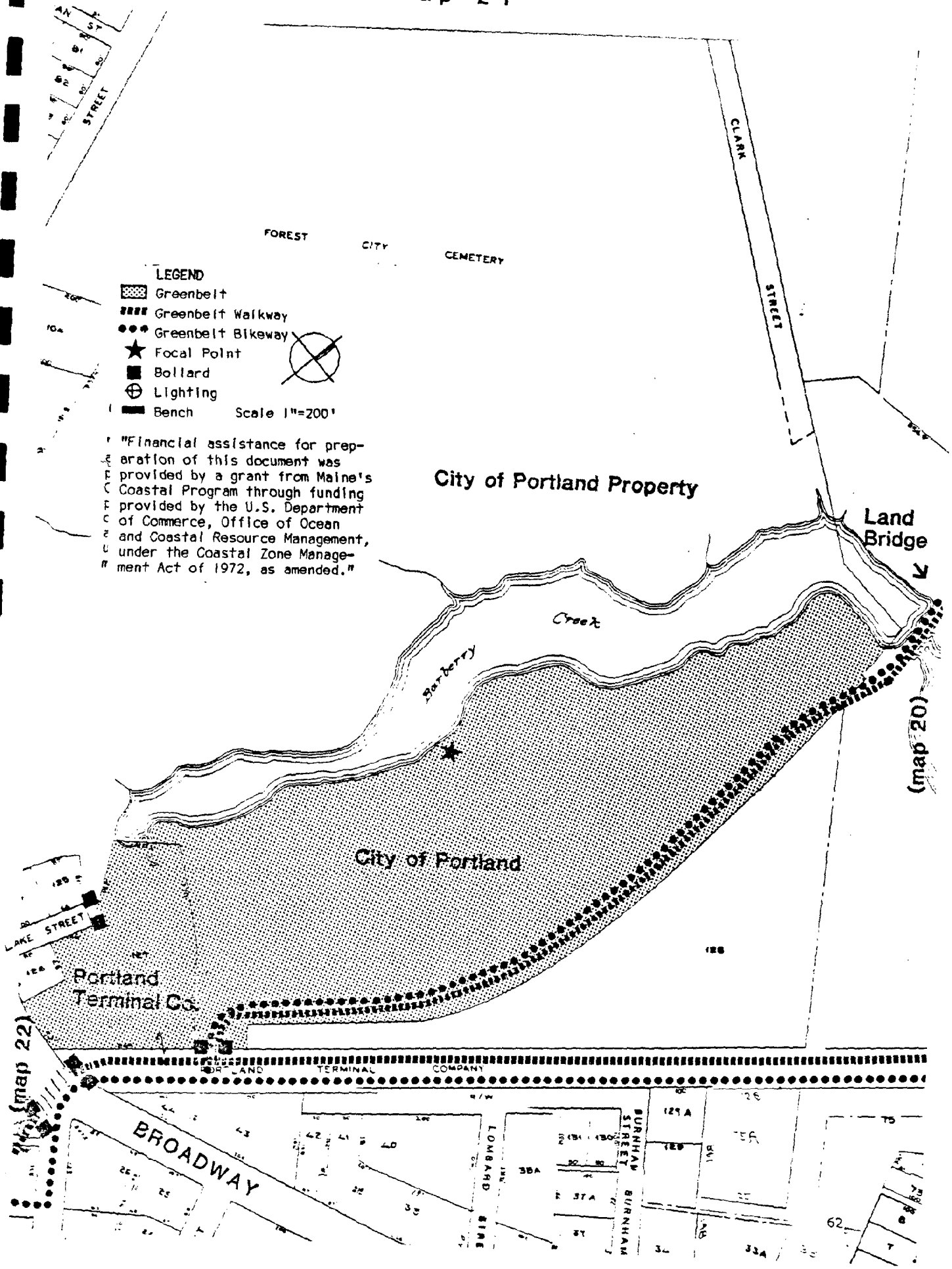
Recommendation:

Pursue a bicycle/pedestrian link from Forest City Cemetery to the City of Portland lot via the land bridge consisting of a 6' stone dust path.

Pursue an easement across or acquisition of the Portland Terminal Company property to tie the City of Portland lot to Lake Street and Broadway.

Retain the dirt paths which now exist in the woods for foot paths.

Map 21


LEGEND
Greenbelt
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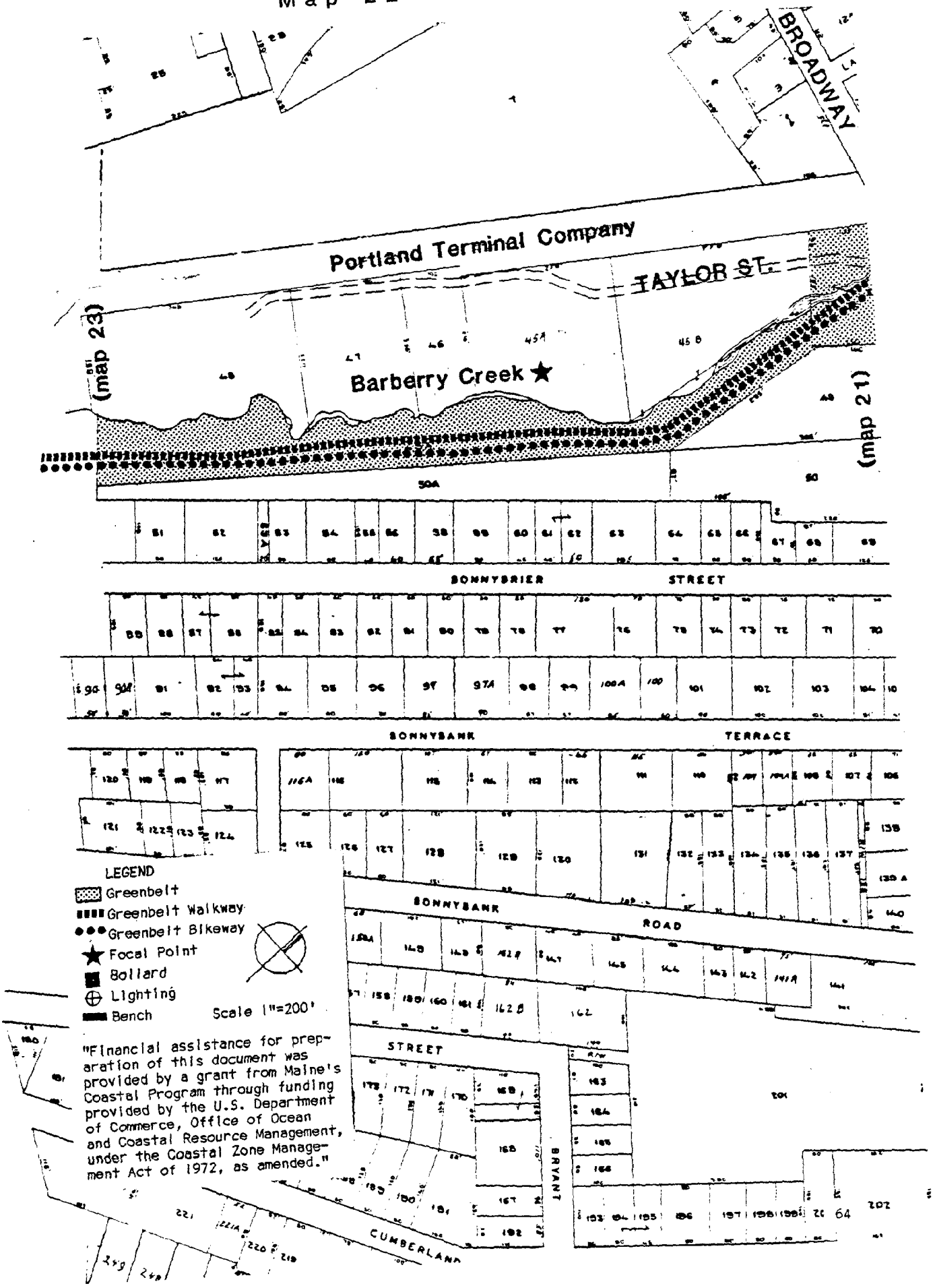
FOREST CITY CEMETERY
CLARK STREET
City of Portland Property
Land Bridge
Barberry Creek
(map 20)
City of Portland
LAKE STREET
Portland Terminal Co.
(map 22)
PORTLAND TERMINAL COMPANY
BROADWAY
LOMBARD
BURNHAM STREET

Barberry Creek	Barberry Creek flows under Broadway and runs parallel to Bonnybrier Street. It is a small creek and an important drainage area with abundant opportunities for nature walks and bird watching.
Recommendation:	Continue the 6' stone dust bike/walk path through this area.

Map 22



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Barberry Creek to Highland Cemetery

Recommendation: Connect the 6' stone dust path from Barberry Creek to Highland cemetery via the Portland Pipe Line property. The Portland Pipe Line property is currently for sale. Incorporate the Greenbelt in any future development.

Map 23

LEGEND
- Greenbelt
- Greenbelt Walkway
- Greenbelt Bikeway
- Focal Point
- Bollard
- Lighting
- Bench

Scale 1"=200'

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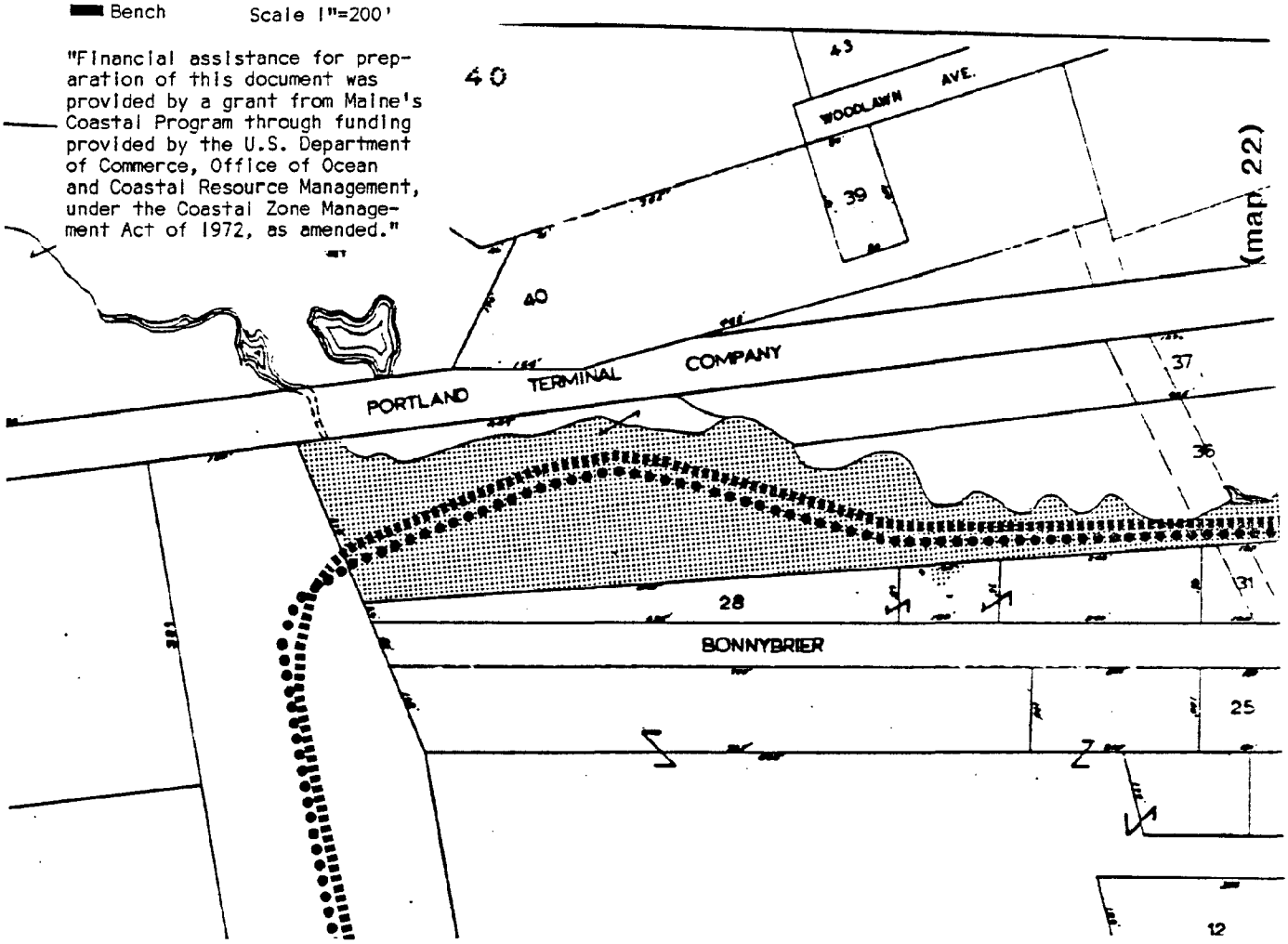


(map 24)

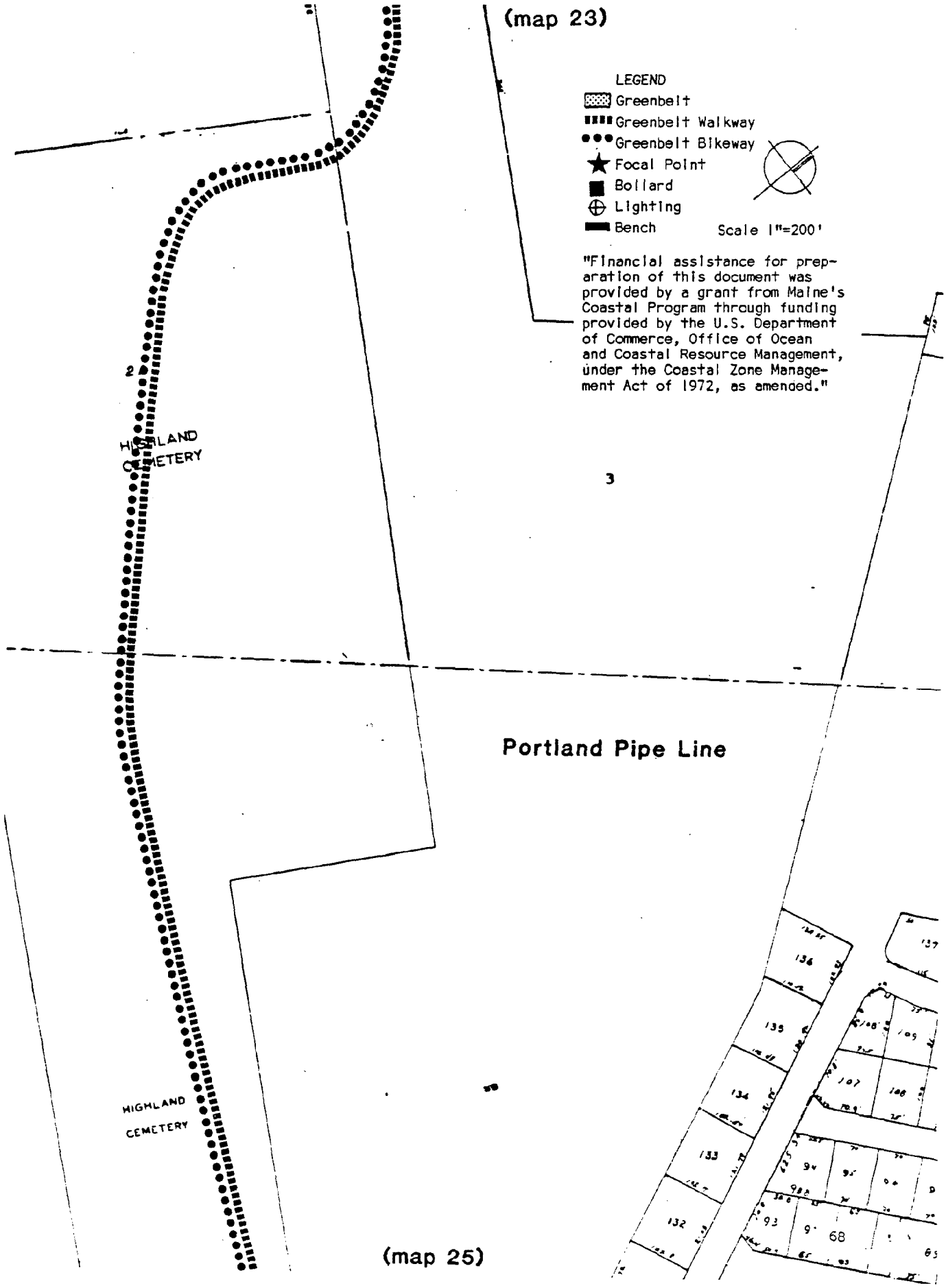
Highland Avenue Cemetery

The cemetery is owned and managed by the South Portland Lions Club. There is a narrow drive thru the center of the cemetery lined with spireas. The adjacent property is a sand pit which is currently used by all terrain vehicle owners. The view into the pit from the cemetery is pleasing to the eye.

Recommendation:

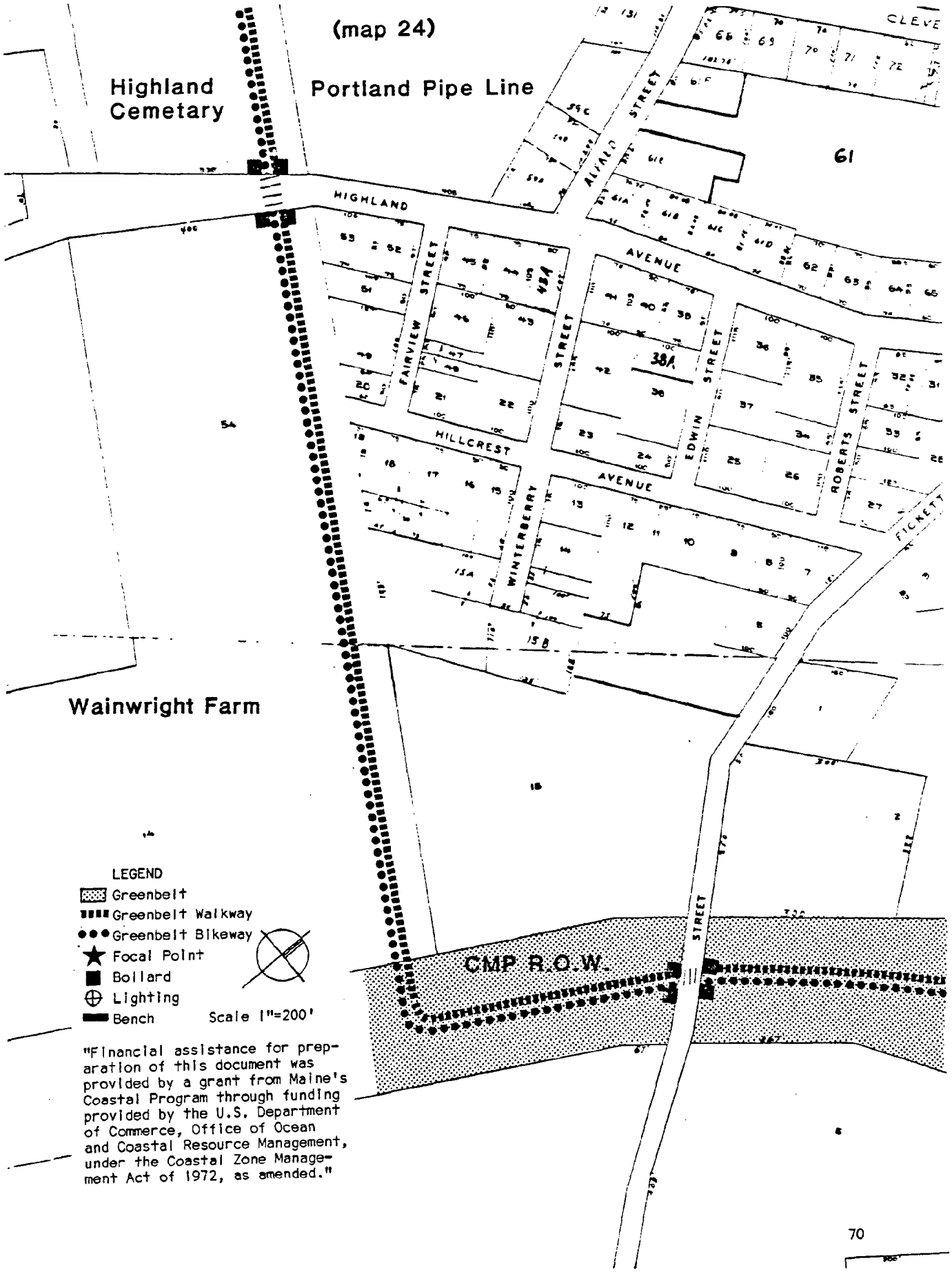
A pedestrian/bicycle 6' stone dust path should connect Barberry Creek to Highland Avenue. Use the center gravel road for this traffic. Install a Greenbelt crossing sign at Highland.

Map 24


(map 23)
LEGEND
Greenbelt
Greenbelt Walkway
Greenbelt Bikeway
Focal Point
Bollard
Lighting
Bench
Scale 1"=200'
"Financial assistance for preparation of this document was provided by a grant from Maine's Coastal Program through funding provided by the U.S. Department of Commerce, Office of Ocean and Coastal Resource Management, under the Coastal Zone Management Act of 1972, as amended."
2
HIGHLAND CEMETERY
3
Portland Pipe Line
HIGHLAND CEMETERY
136
135
134
133
132
137
109
107
108
94
95
93
68
(map 25)

Cemetery to CMP ROW	The link of choice between Highland Cemetery and the CMP ROW is at Wainwright Farm.
Recommendation:	Pursue connection between Highland Avenue and the CMP ROW over Wainwright Farm Property. Request a formal easement. The property is in a state of transition. Incorporate the Greenbelt into any future development.

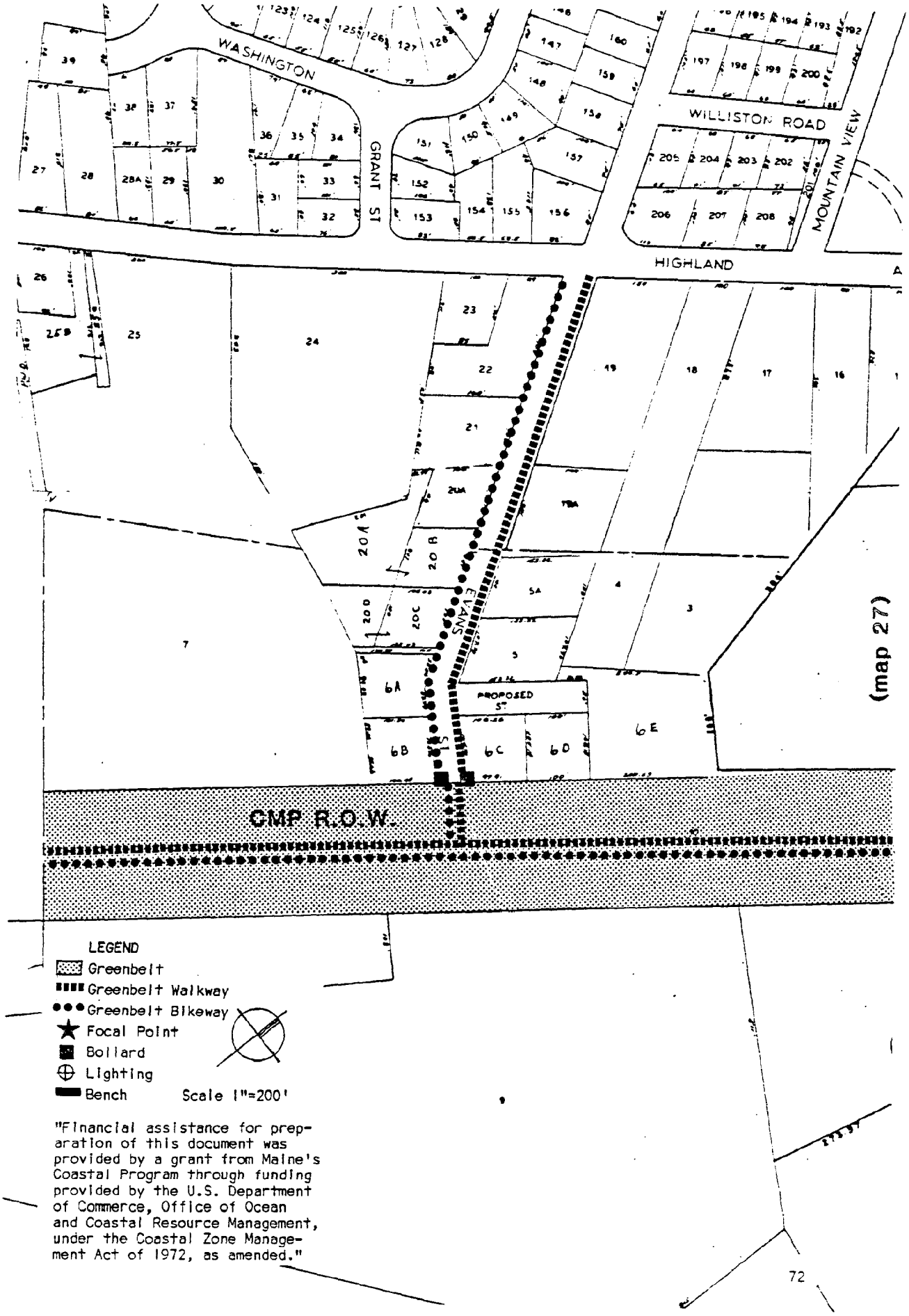
Map 25



"Financial assistance for preparation of this document was provided by a grant from Maine's Coastal Program through funding provided by the U.S. Department of Commerce, Office of Ocean and Coastal Resource Management, under the Coastal Zone Management Act of 1972, as amended."

CMP RIGHT OF WAY CONNECTION TO HINCKLEY PARK	The right of way owned by Central Maine Power is also a drainage way for the area. Any path construction through this area would have to be sensitive to the wet nature of the site. This may increase construction costs.
Recommendation:	Request an easement for a pedestrian/bicycle 6' stone dust path over the CMP right of way.

Map 26



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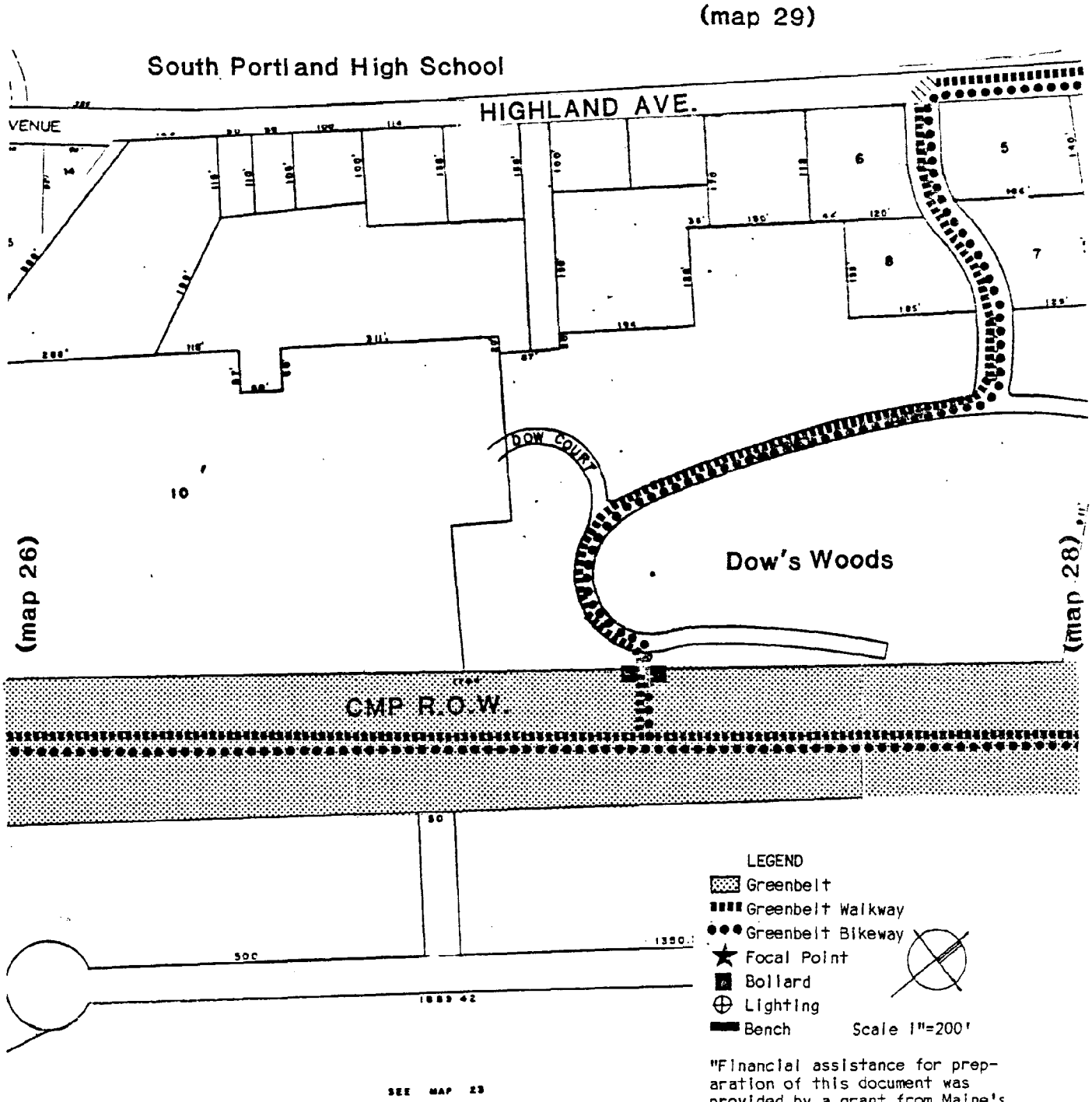
Dow's Woods

Recommendation: Create a spur off of the CMP ROW at Dow's Woods to loop back to Highland Avenue and connect to the Portland Pipe Line property off of Nutter Street (See Map #29). Use the existing road for access or install sidewalks.

Map 27



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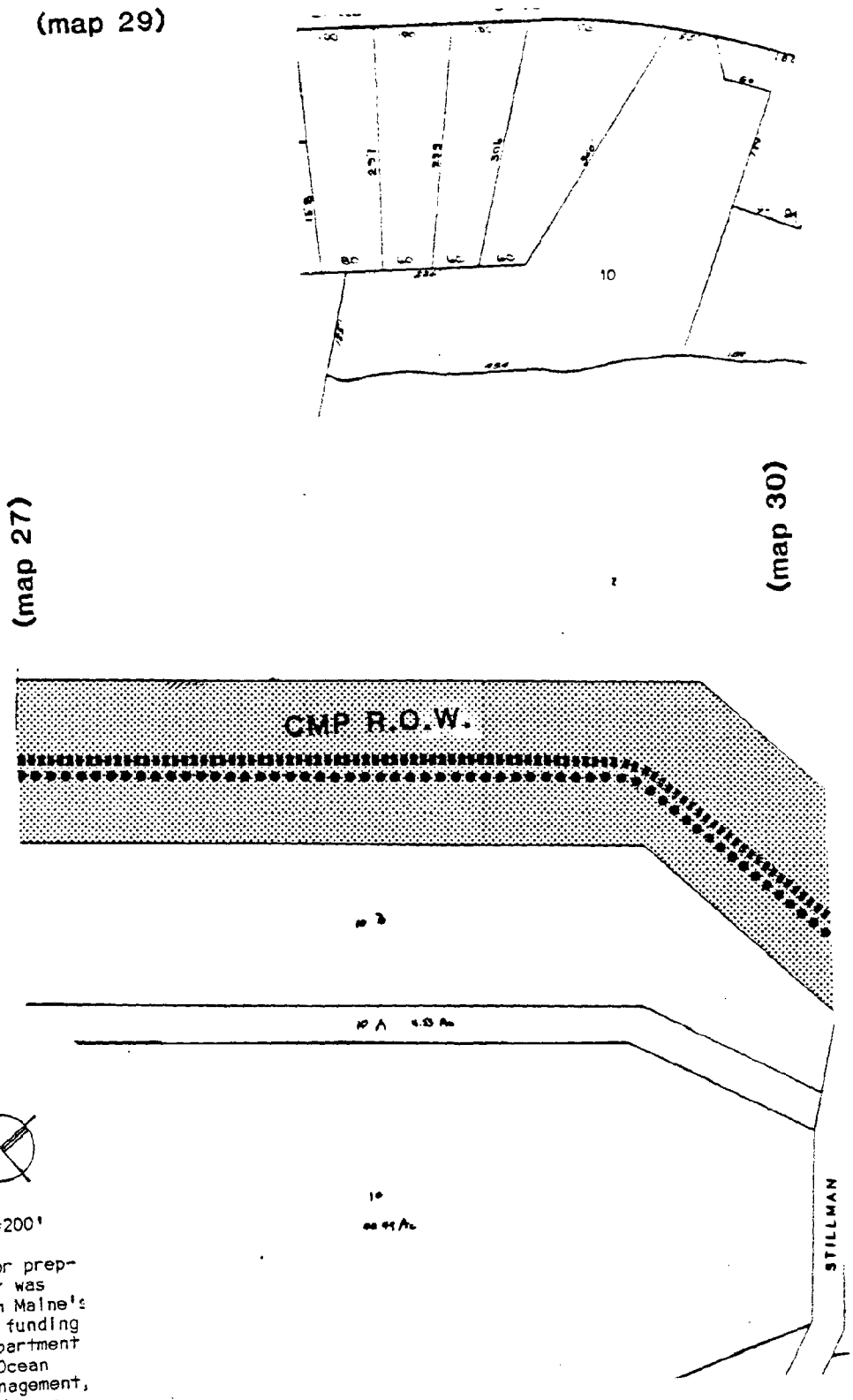
CMP ROW to Stillman Street

Recommendation: Continue the 6' walk/bike stone dust path.

Map 28



LEGEND
- Greenbelt
- Greenbelt Walkway
- Greenbelt Bikeway
- Focal Point
- Bollard
- Lighting
- Bench

Scale 1"=200'

"Financial assistance for preparation of this document was provided by a grant from Maine's Coastal Program through funding provided by the U.S. Department of Commerce, Office of Ocean and Coastal Resource Management, under the Coastal Zone Management Act of 1972, as amended."

Loop Back to Antholne Creek	The path system splits at Dow's Woods with one path heading toward Hinckley Park and another path going from Dow's Woods, across Highland Avenue to Nutter Road and across Nutter Road to the Portland Pipe Line Tank Farms. The Greenbelt then outlines the Pipe Line's chain link fence, past T-Ledge, past Hamilton Woods to the Pipeline's vacant lot next to Antholne Creek.
Recommendation:	Formalize easements through these areas.
	Develop a 6' stone dust pedestrian/bicycle path.
	Screen unsightly views.
	Screen for privacy behind residences.
	Erect Greenbelt crossing signs where it crosses Highland and Nutter Streets.

Map 29

LEGEND
- Greenbelt
- Greenbelt Walkway
- Greenbelt Bikeway
- Focal Point
- Bollard
- Lighting
- Bench

Scale 1"=200'

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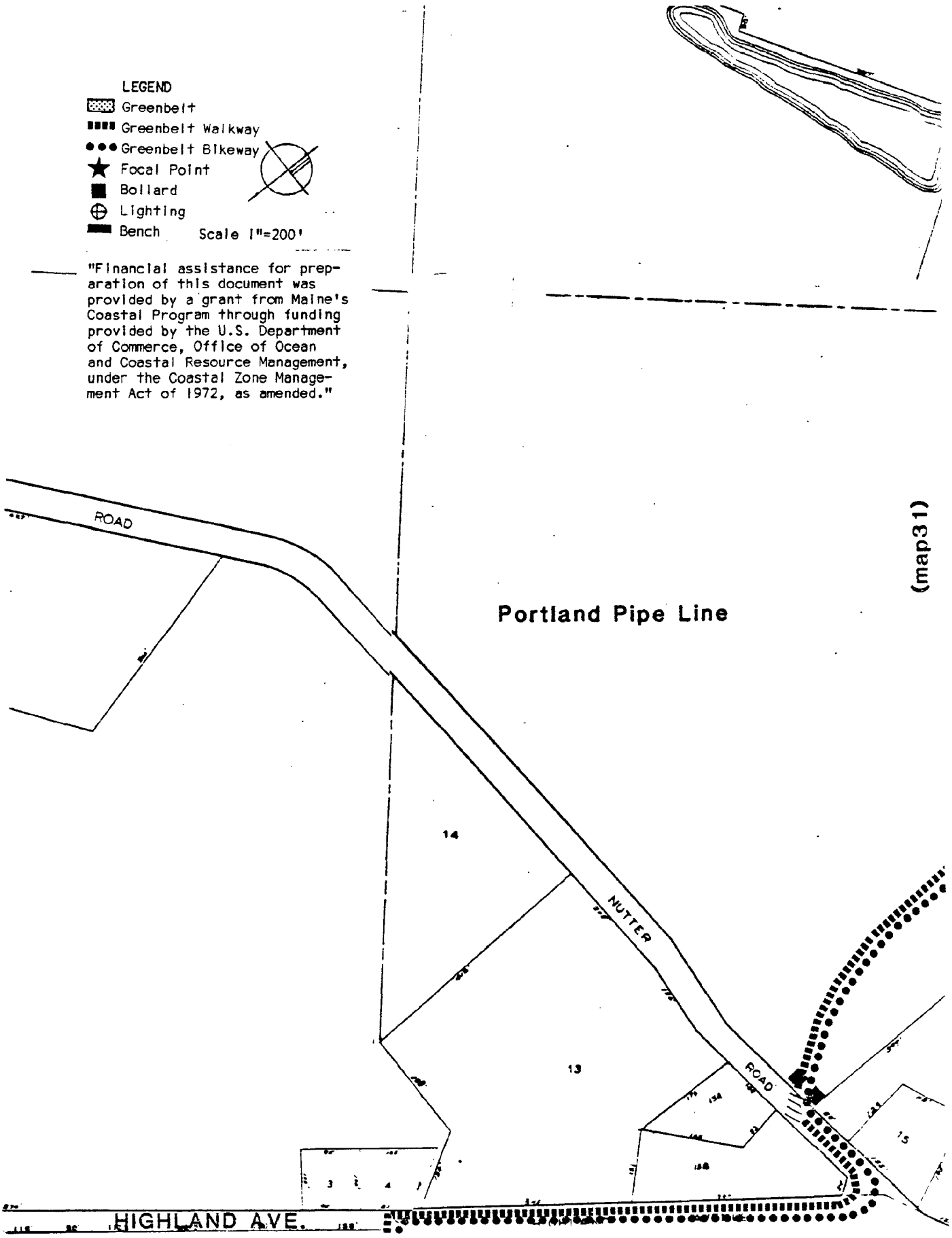
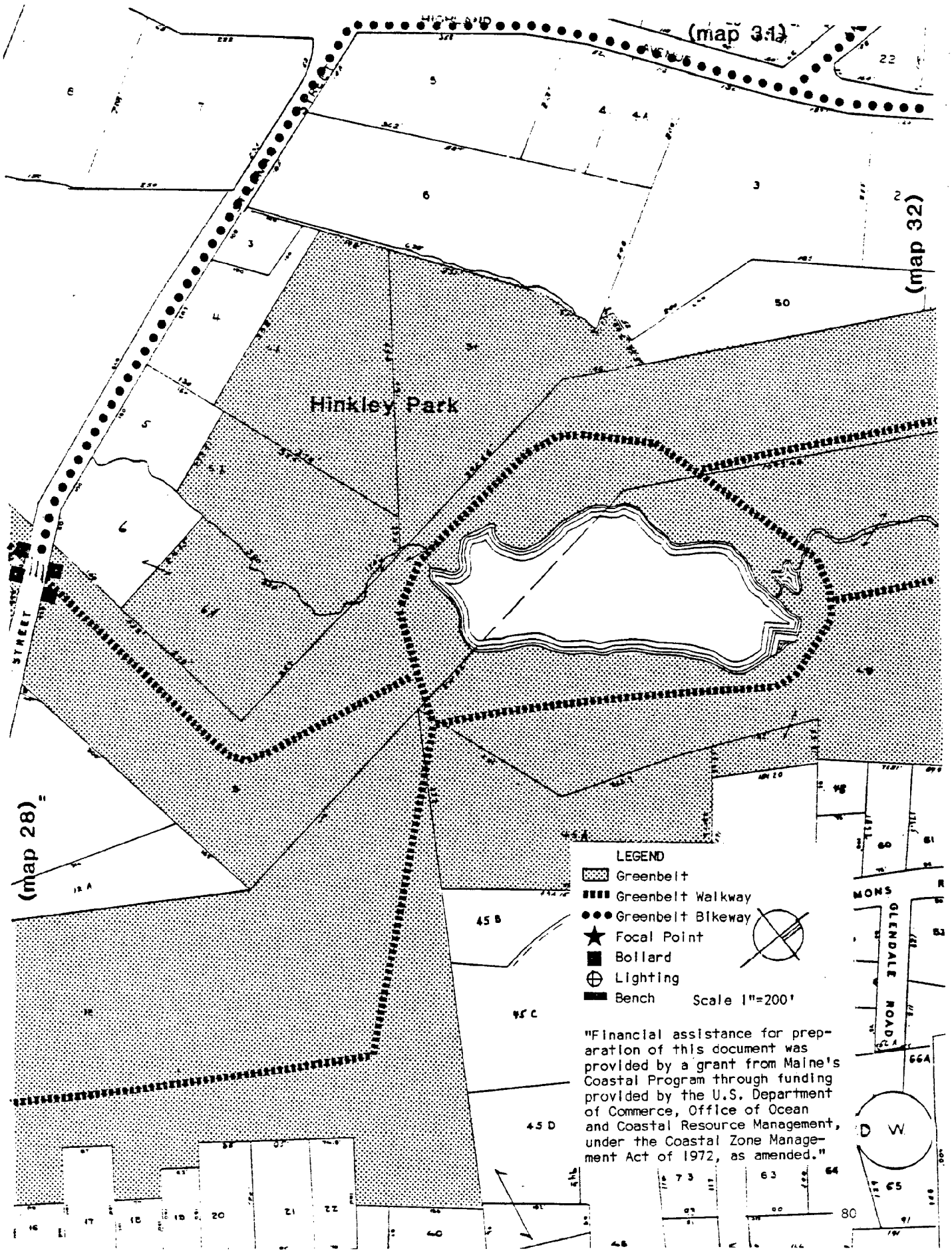


(map 27) (map 28)

Hinckley Park	The park is property the city has acquired piece by piece for recreational use. The deed restricts use to passive recreation and minimal clearing. In 1979 the city retained a landscape architect and developed a master plan. At first, residents in the area protested the park plan. Fear of loiterers, vandalism, litter, and traffic problems were frequent complaints. After construction the same residents became active supporters of the park, vandalism and loitering has been greatly reduced.
Recommendation:	Install, as unobstrusively as possible, a connecting Greenbelt path through the park. The path would be a 6' stone dust bike/pedestrian path. Recognize the additional maintenance needs which are eminent in the near future and continue quality management. Develop other amenities and parking facilities elsewhere in the city to reduce pressure on Hinckley Park.

Map 30


(map 31)
(map 32)
(map 28)
Hinkley Park
STREET
GLENDALE ROAD
LEGEND
Greenbelt
Greenbelt Walkway
Greenbelt Bikeway
Focal Point
Bollard
Lighting
Bench
Scale 1"=200'
"Financial assistance for preparation of this document was provided by a grant from Maine's Coastal Program through funding provided by the U.S. Department of Commerce, Office of Ocean and Coastal Resource Management, under the Coastal Zone Management Act of 1972, as amended."

Open Space at Kelley & Osborne

The Portland Pipe Line vacant lot by Anthoine Creek at Kelley Street and Osborne Street has tall birches and hardwoods with a clear understory. The Portland Pipe Line Corporation has informally agreed to allow the Greenbelt to pass through this lot. It is a pleasant and important transition space from Anthoine Creek to Kaler School.

Recommendation:

Formalize an easement through the woods. Do deed research on ownership at creek.

Create sight lines from key points for observation and security.

Resolve liability issues.

Clean up creek area as need for safety.

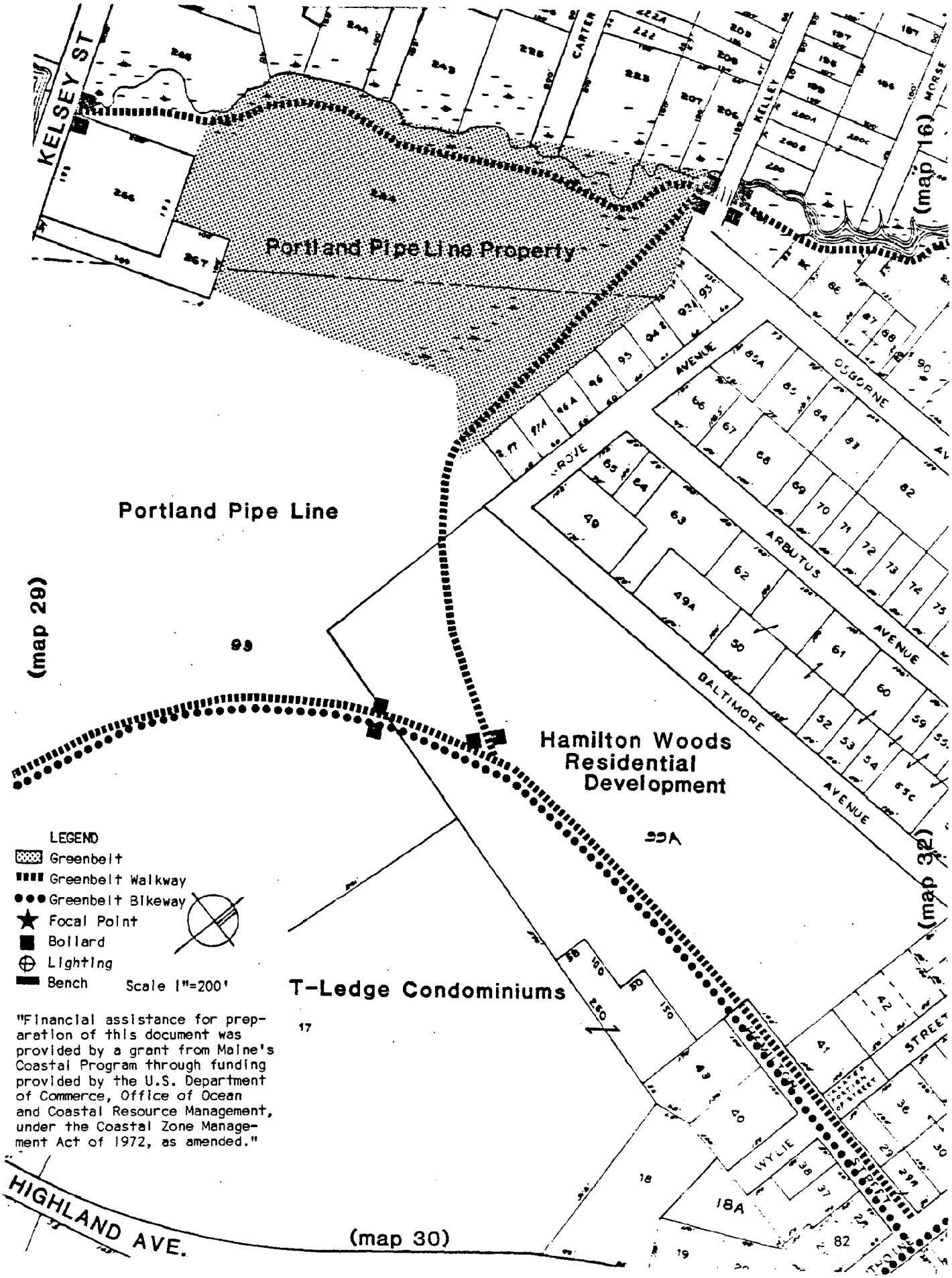
Correct erosion problems in an environmentally sound manner.

Retain the dirt paths currently in use. Cover with stone dust. Paths should be a minimum of 42" wide.

Use footbridges where wetland makes path construction impossible.

Seek easement to get from Portland Pipe Line Corporation to Kaler School.

Map 31



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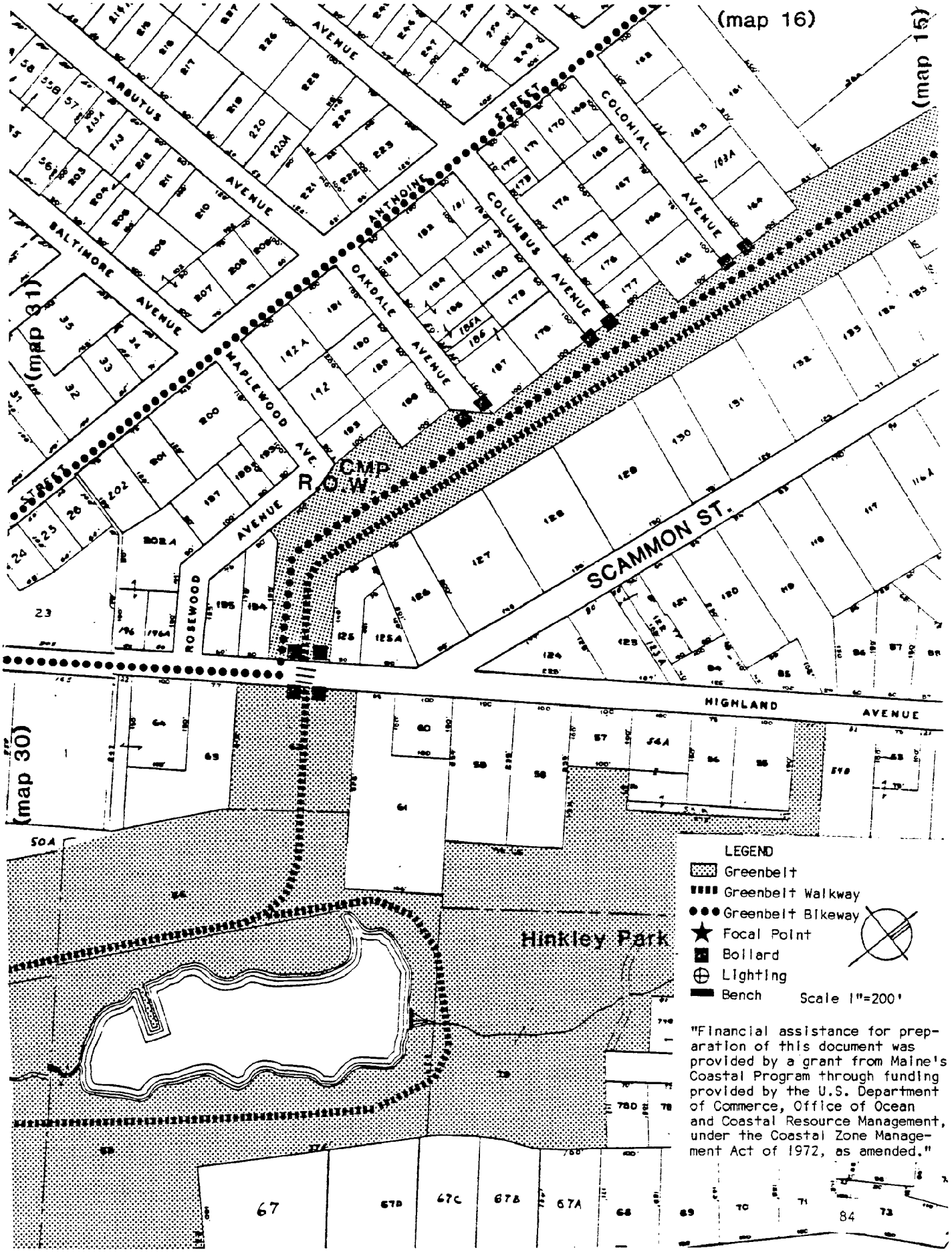
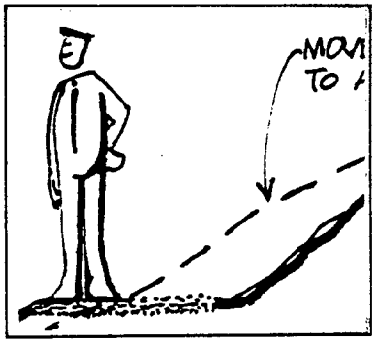
MAP #32

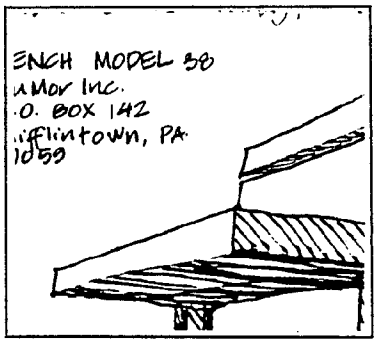
Hinckley Park to Broadway	The CMP ROW crosses Highland Avenue at the park entrance then parallels Scammon Street until it reaches Broadway and Waterman Drive. An existing dirt path attests to the value of the right-of-way as a pedestrian/bicycle link to the Knightville-Mill Creek area.
Recommendation:	Acquire permission from CMP to install a 6' wide compacted stone dust pedestrian/bicycle path connecting Hinckley Park to Broadway. Regrade as necessary to a maximum 5% slope along the path. (See ANSI 117.1 for slope at walk standards).

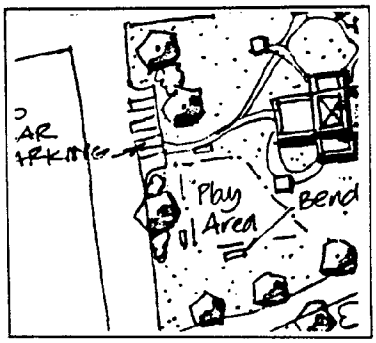
Map 32



"Financial assistance for preparation of this document was provided by a grant from Maine's Coastal Program through funding provided by the U.S. Department of Commerce, Office of Ocean and Coastal Resource Management, under the Coastal Zone Management Act of 1972, as amended."


MOV
TO


ENCH MODEL 38
uMor Inc.
.O. BOX 142
ifflintown, PA
1059


AR
ARKING
Play
Area
Bend

SCREENING

The limit of the city's responsibility to screen public property along the Greenbelt is as follows:

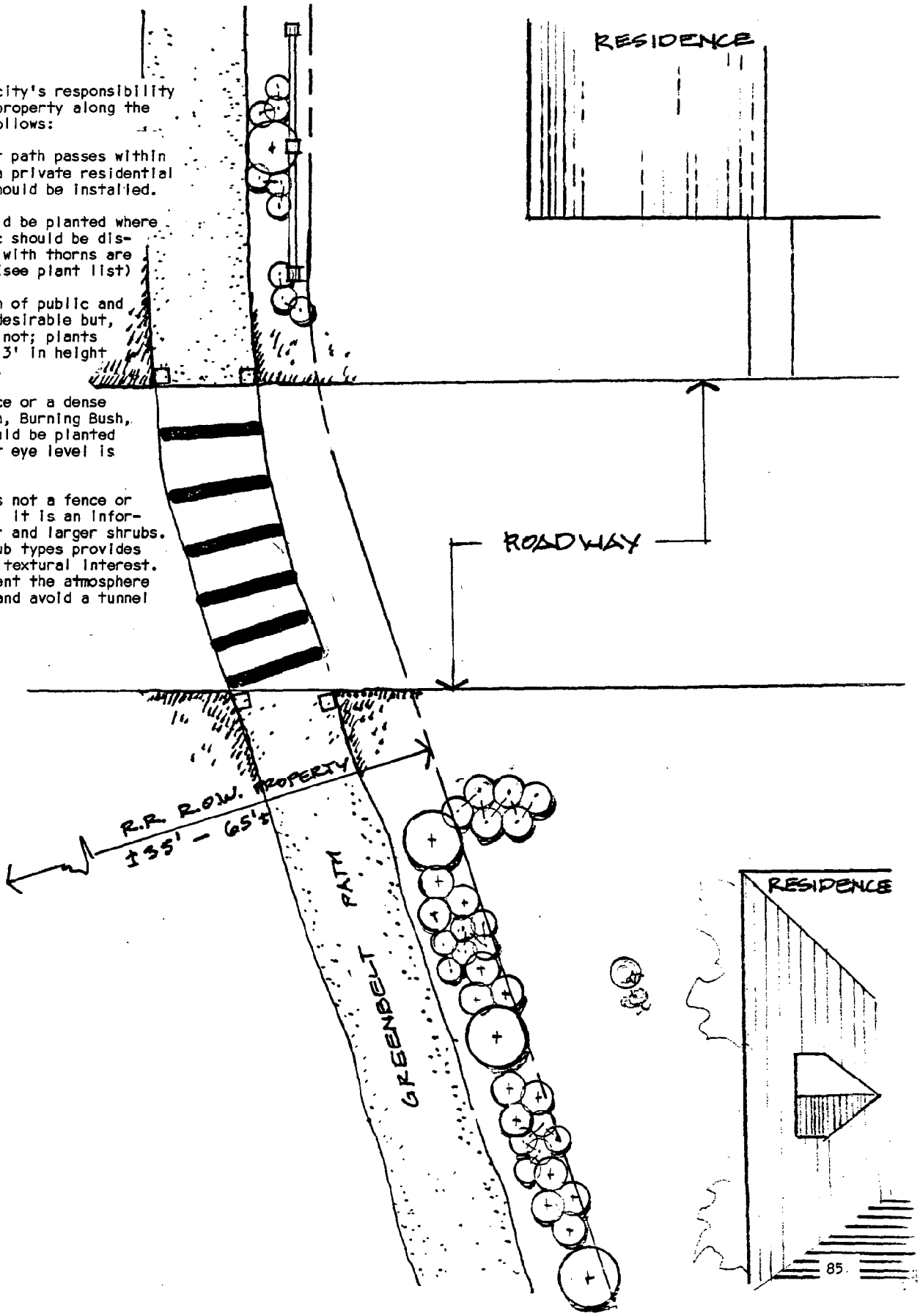
When the Greenbelt path passes within 15' of a wall of a private residential home, screening should be installed.

Dense shrubs should be planted where pedestrian traffic should be discouraged. Shrubs with thorns are most effective. (see plant list)

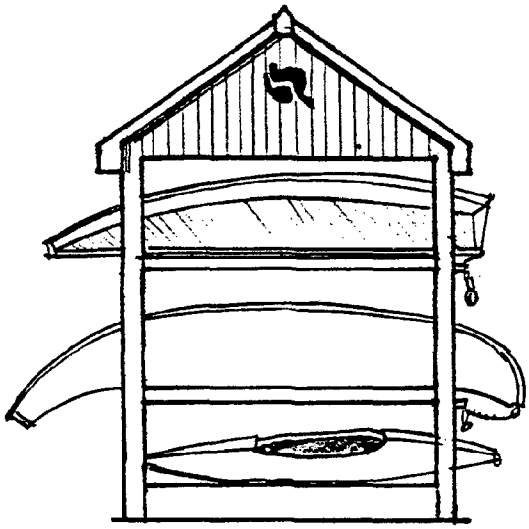
Where a separation of public and private space is desirable but, blocking views is not; plants that grow only to 3' in height should be planted.

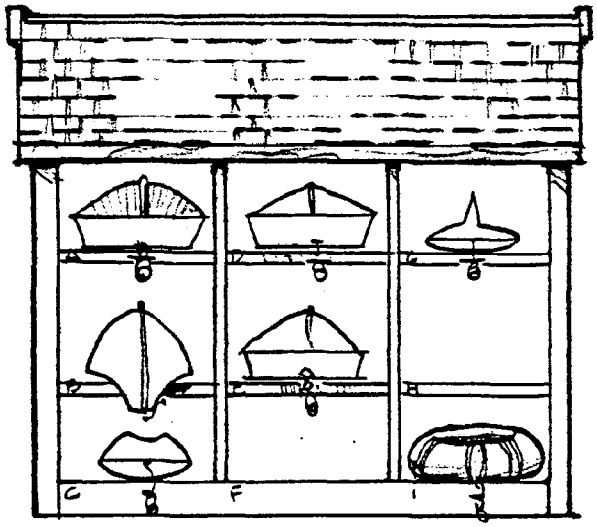
A 6' stockade fence or a dense hedge of Buckthorn, Burning Bush, or Honeysuckle could be planted where screening at eye level is needed.

An ideal screen is not a fence or a wall of shrubs. It is an informal mix of smaller and larger shrubs. Also a mix of shrub types provides more seasonal and textural interest. This will compliment the atmosphere of the Greenbelt and avoid a tunnel effect.

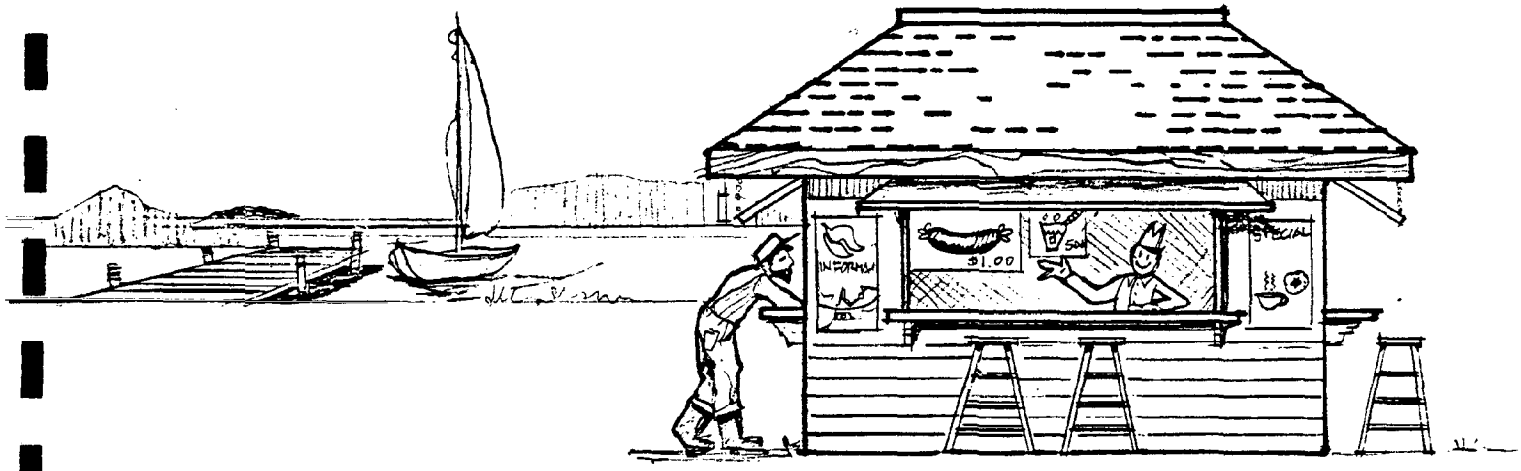


BOAT STORAGE & CONCESSION STAND

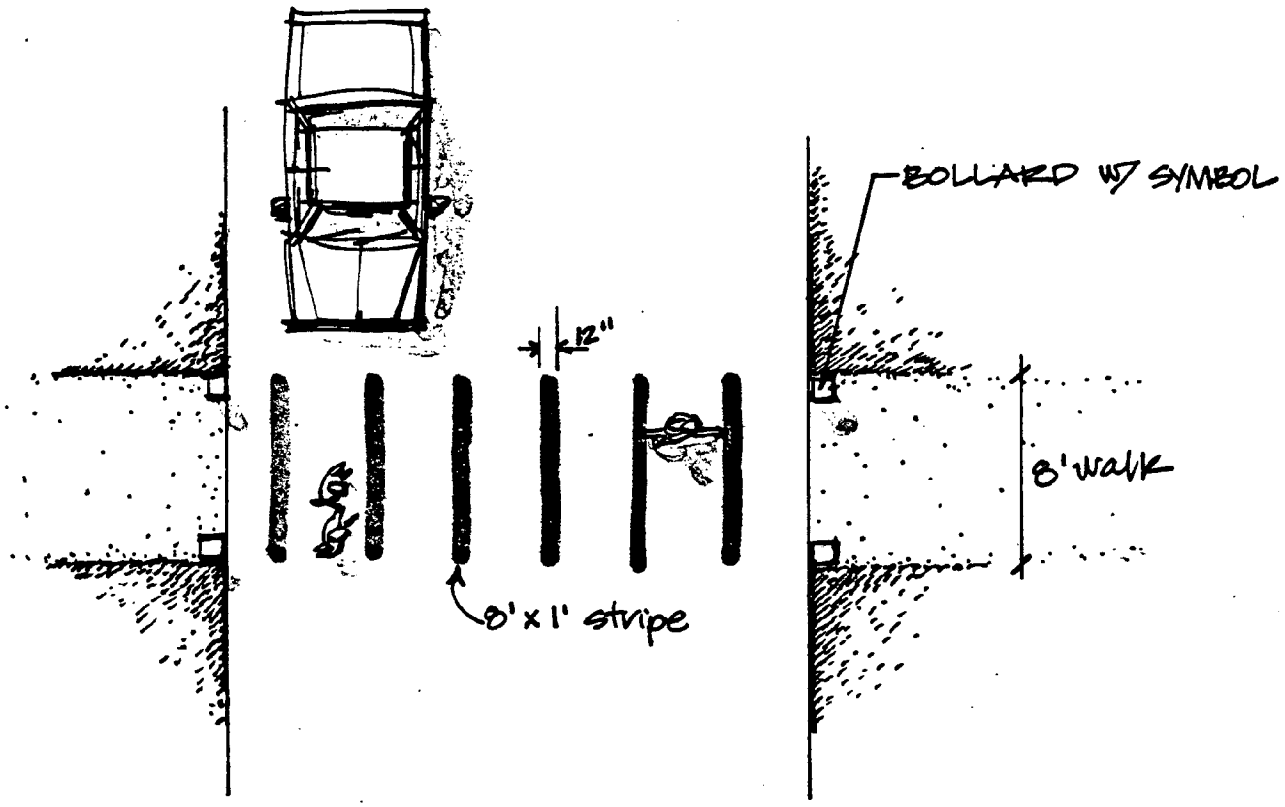




SMALL BOAT STORAGE WHERE BOAT LAUNCHES HAVE BEEN EARMARKED ALONG THE GREENBELT COULD BE SIMPLY CONSTRUCTED. DINGHYS, CANOES, KAYAKS, SAILBOARDS, AND OTHER SMALL CRAFTS COULD BE PADLOCKED IN RENTED SLOTS. REVENUES COULD BE USED FOR GREENBELT MAINTAINANCE.



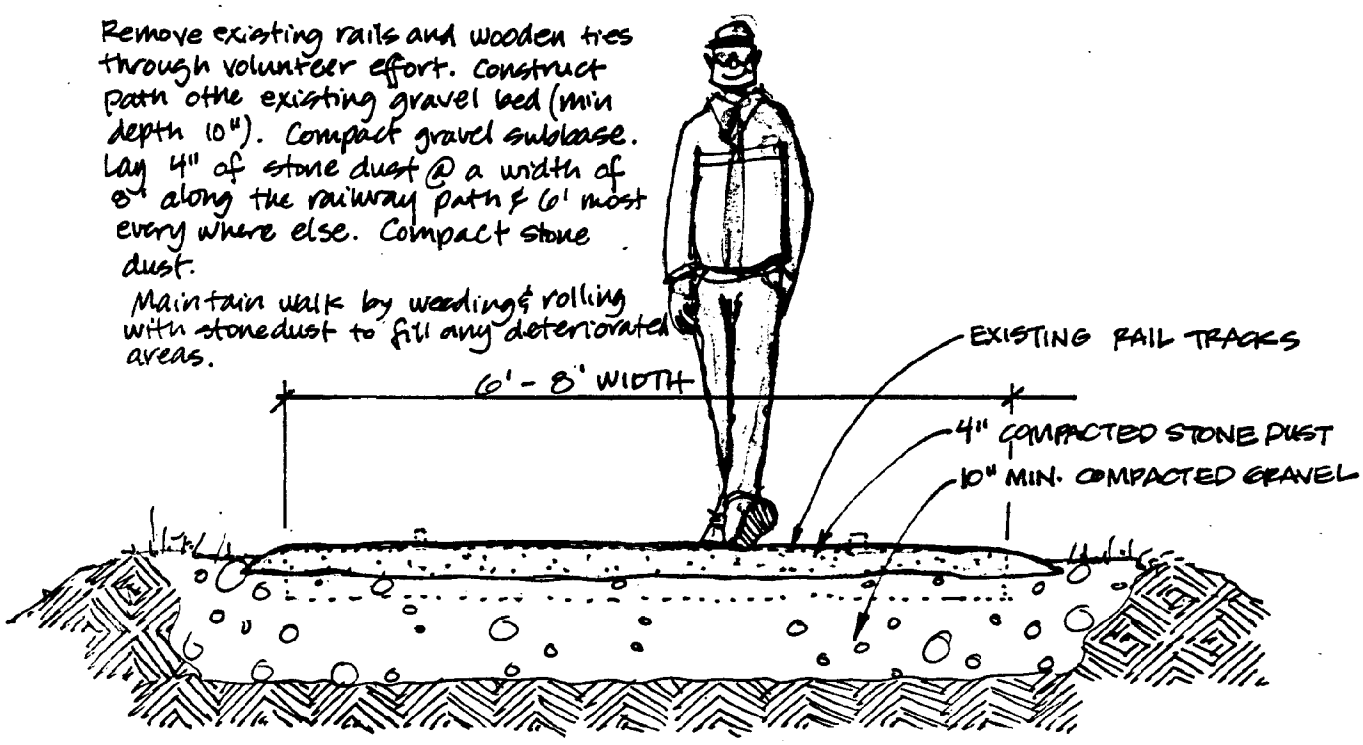
A CONCESSION STAND COULD BE VERY POPULAR AT THE PUBLIC BOAT LAUNCH; AT PORTLAND PIER, AND AT NEW COMMERCIAL DESTINATIONS SHOULD THEY BE DEVELOPED. REVENUES COULD BE USED FOR GREENBELT MAINTAINANCE.



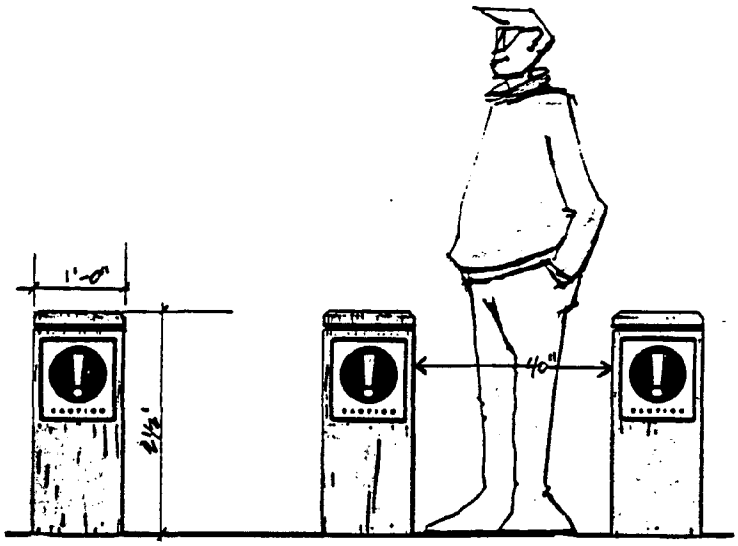
TYPICAL CROSSWALK STRIPING

Remove existing rails and wooden ties through volunteer effort. Construct path on the existing gravel bed (min depth 10"). Compact gravel sublease. Lay 4" of stone dust @ a width of 8' along the railway path & 6' most every where else. Compact stone dust.

Maintain walk by weeding & rolling with stonedust to fill any deteriorated areas.

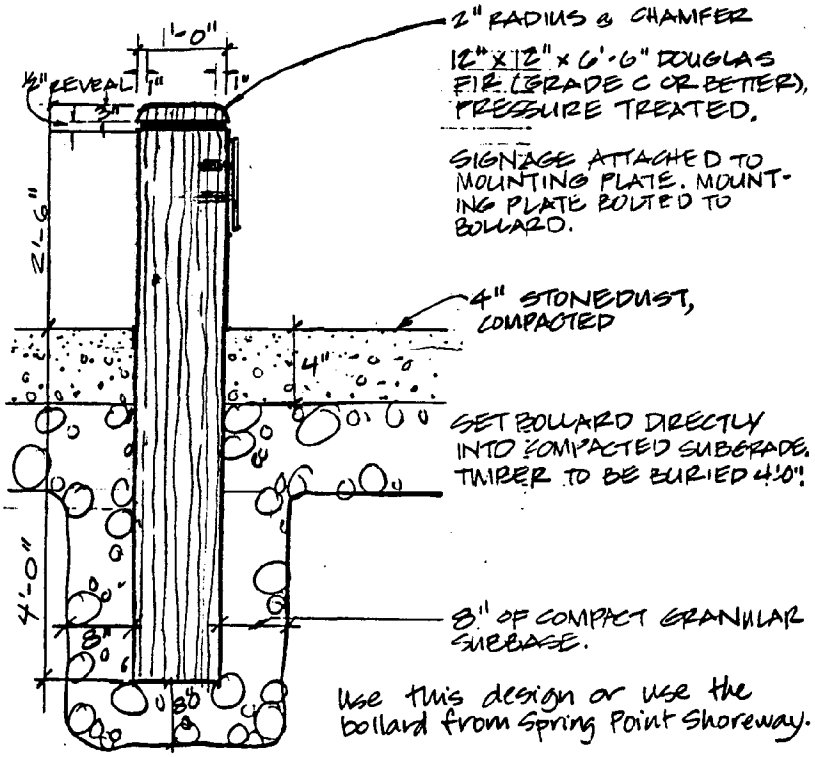


STONE DUST PATH



Bollard/Signage Detail

- A symbol is to be placed on all bollards to identify public access space
- Bollards should flank the entrances to the path system. Bollards at entrances to paths @ areas like Barberry Creek and the CMP R.O.W. should be placed with 40" of clear space between them. This will allow passage to strollers & people in wheelchairs but discourage ATV users.
- The Greenbelt symbol can be carved or burned into the wooden bollards. However we recommend mounting signage to bollards as it can be replaced in case of vandalism.



Bollard Installation

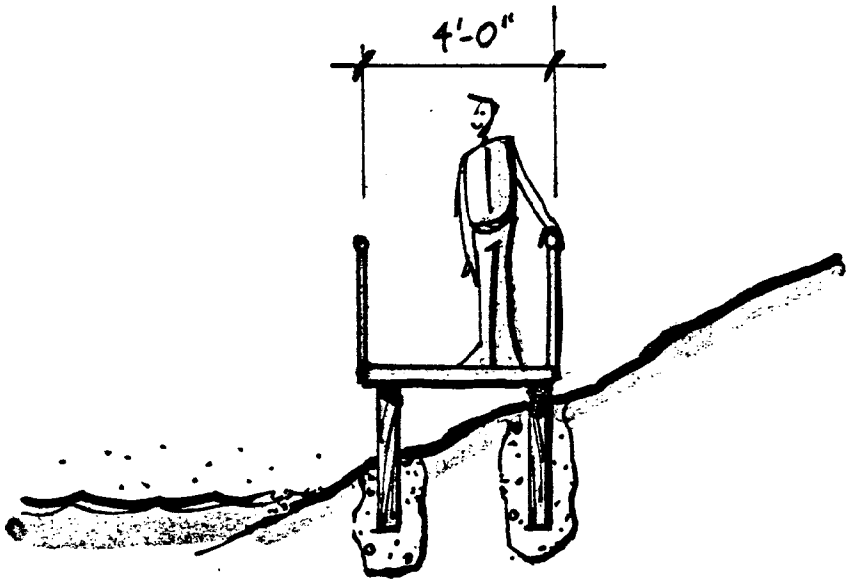
© Possible sign to warn pedestrians @ crosswalk.

Signage used elsewhere to identify public waterfront access.

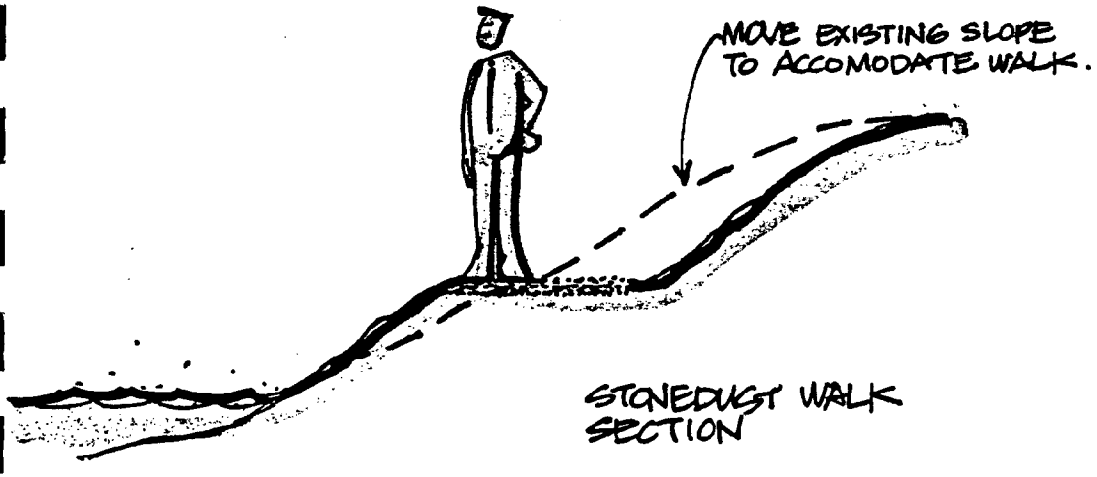
© Greenbelt symbol idea developed by Skinner & Lam Inc. (Celeste Labrie)

A GRAPHIC DESIGNER SHOULD BE HIRED BY CITY TO DEVELOP THE GREENBELT SYMBOL, EXT. SIGNAGE & EDUCATIONAL MATERIAL FOR THE GREENBELT. AN ALTERNATIVE WOULD BE TO GET HELP FROM STUDENTS @ SMVTI. OR PORTLAND SCHOOL OF ART.

NARROW PATH



WOODEN WALK/BRIDGE SECTION



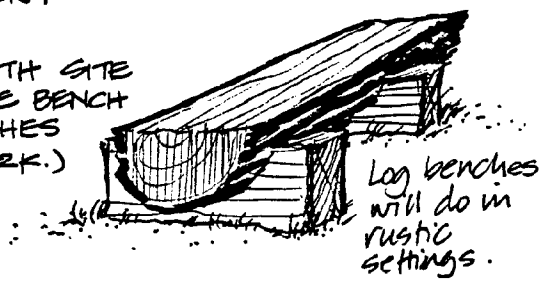
STONEDUST WALK SECTION

THIS GRAPHIC ILLUSTRATES THE TYPE OF WALKS TO BE USED AT SLOPES @ DAVIDSON'S BEACH OR AT ANTHOINE CREEK

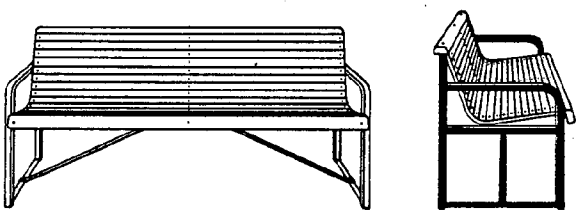
BENCHES

BENCHES TO BE PLACED WHERE SCENIC VIEWS EXIST AND AS REST STOPS ALONG THE PATHS. ALL BENCHES SHOULD HAVE A SEAT HEIGHT OF 19". AT LEAST ½ OF BENCHES PLACED THROUGHOUT THE GREENBELT SHOULD HAVE BACK & ARM RESTS. BENCHES SHOULD BE CHOSEN FOR DURABILITY, AESTHETICS & EASE OF MAINTENANCE. BENCHES SHOULD BE SURFACE MOUNTED TO CONCRETE FOOTINGS TO FACILITATE REPAIR & REPLACEMENT.

MAINTAIN THE DESIGN VOCABULARY OF AREAS WITH SITE FURNITURE IN PLACE (EXAMPLE: USE THE SAME BENCH ALREADY IN PLACE @ MILLCREEK PARK FOR BENCHES ALONG THE NEW RAILWAY PATH THROUGH THE PARK.)



Nice design - simple. Responds to ANSI 117.1



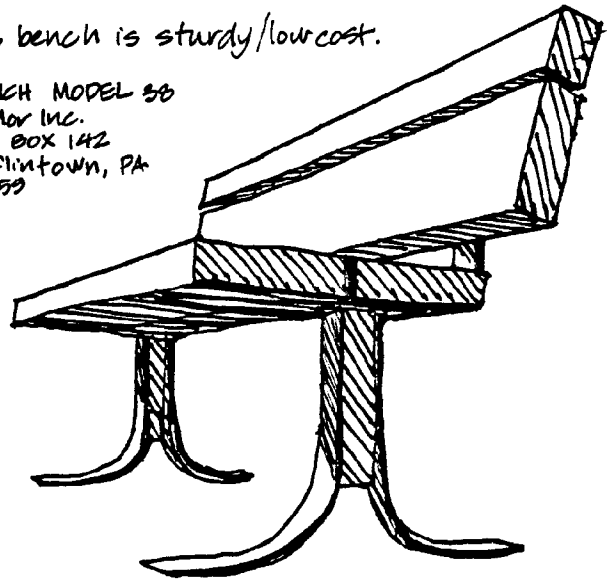
Model 316K2572
Bench Trestle with back
25" D x 72" W x 31" H (shown)

Landscape Forms, Inc.
Route 3, Kalamazoo, Michigan 49001
(616)381-0396

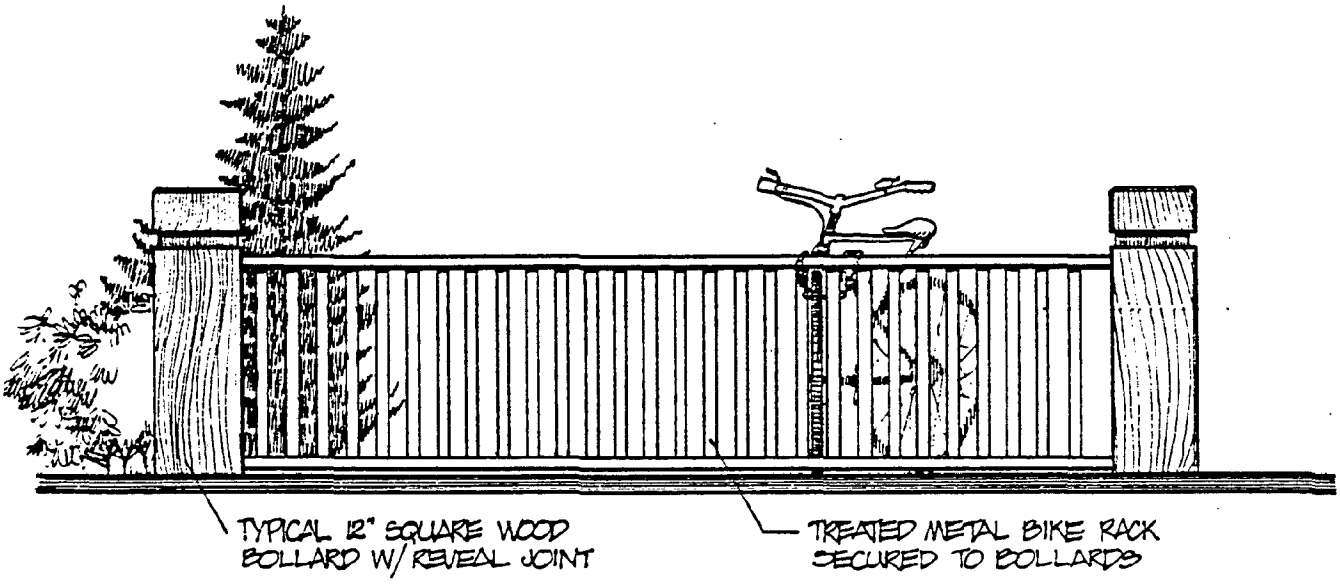
The Trestle™ Group was designed for today's economy with practical construction features at reasonable cost. Materials are nearly indestructible welded steel and solid 1x2 oak—and if an oak slat ever does need to be replaced, that can be done on the spot in a minute or two. All units except trash receptacles are shipped knocked down for on-site assembly, at substantial savings in shipping and packing and greater safety en route. Benches are designed to be free standing. If you prefer permanent mounting, pre-drilled holes in base are standard. Optional special sizes are also available on request.

This bench is sturdy/low cost.

BENCH MODEL 58
DuMor Inc.
P.O. BOX 142
Mifflintown, PA
17059



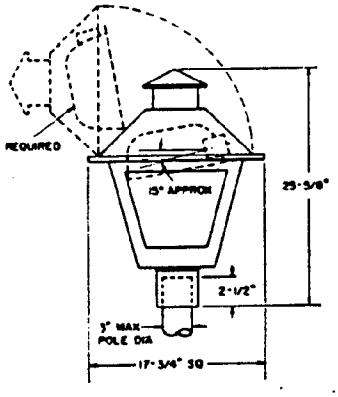
BIKE RACK



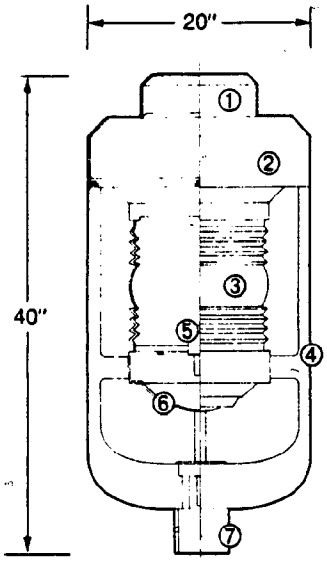
Reprinted from Spring Point
Shoreway 1978

Detail: Bike Rack

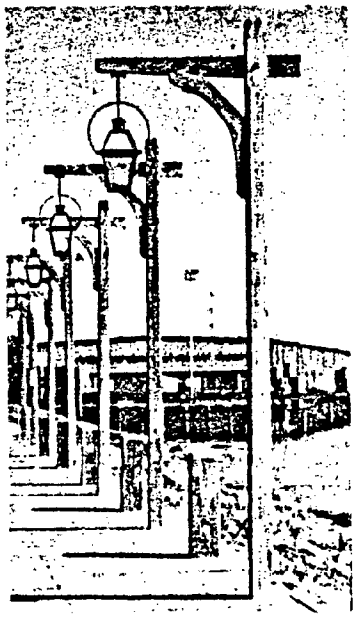
LIGHTING RECOMMENDATION



G.E. Town and Country Light Fixture



Sterner Harbor Light Fixture



Lighting has been recommended for the railway path section of the Greenbelt which beings behind the American Legion building at Mill Cove to the trestle bridge a Anthoine Creek inlet to Broadway Cove. (See 1"=200' map).

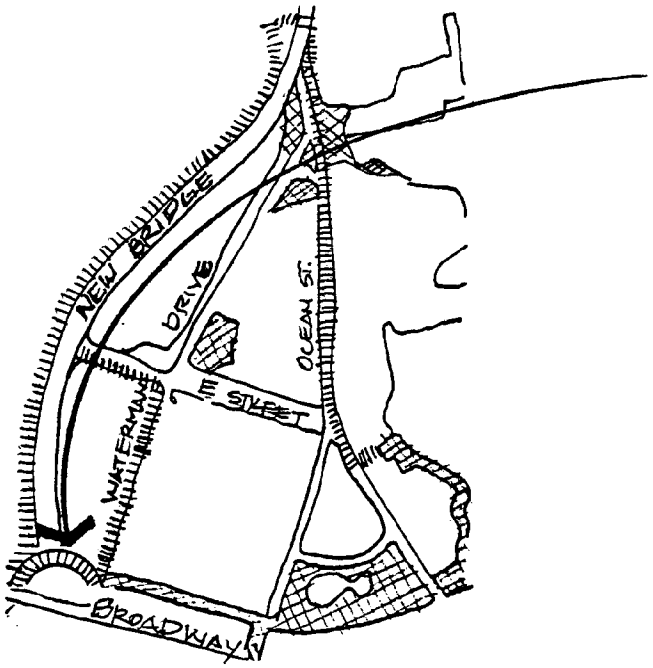
Lighting has not been recommended for the remainder of the Greenbelt at this time for many reasons. Lighting is not needed at night for park or path use because the parks and paths close at dusk in keeping with the Department of Parks and Recreation hours of operation. The path also passes through residential areas where lighting could be a visual nuisance and a maintenance problem. Lighting is not recommended for the undeveloped areas of the system, such as Barberry Creek, due to maintenance considerations.

This recommendation should be reviewed by the City Planning Staff, the Department of Parks and Recreation and the Public Works Department after the path has been used for one year. Lighting may need to be placed in areas where vandalism has proven to be a nuisance. We believe this method of retrofitting lighting to proven problem areas in the most responsible recommendation we can make regarding lighting. Should an area prove to be a problem before the formal review by the above-named groups, action should be taken to alleviate the problem in a timely manner.

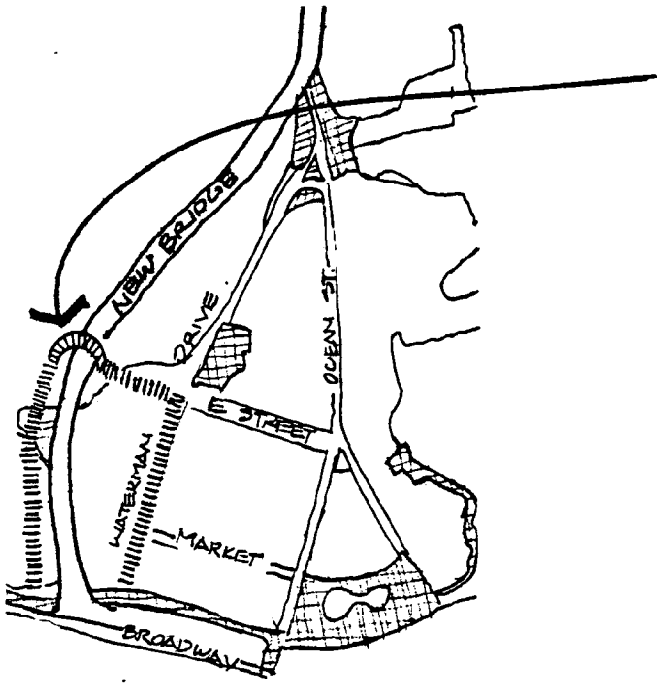
C.M.P. will purchase and maintain two types of lighting. The General Electric Town and Country luminaire or a cobra style area light. The city provides the post, footing, cable, and leases the fixture from C.M.P. For that reason, the Town and Country fixture should be considered for areas where a pedestrian scale fixture is appropriate. The cobra fixture has no application along the Greenbelt.

Ideally, lighting that is durable yet handsome could be used. Heavy wooden posts such as telephone pole posts would be in keeping with the waterfront look, would be less expensive to maintain than some, and would be appropriate for some of the more remote areas of the Greenbelt.

PEDESTRIAN CROSSING OPTIONS AT NEW BRIDGE

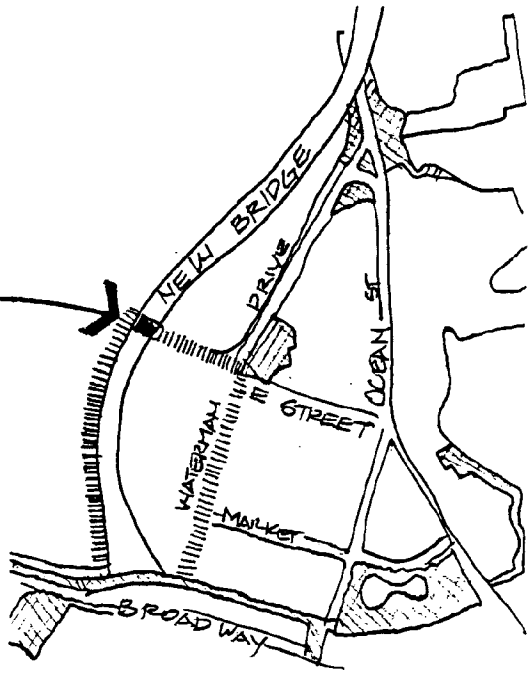


A Bridge over the intersection of Broadway and the new bridge is a direct solution. This overpass will have to be at least 14' high. This is difficult to climb for some people. A continuous walk at the water's edge around Knightville-Mill Creek is an optimum route. There should be options for both a long and a short route. One option is to encourage Greenbelt users to cross Broadway before they reach the new bridge, then walk along the South side of Broadway to Anthoine Creek. To return to the R.R. Property path, users will have to cross back to the North side at Anthoine Street.

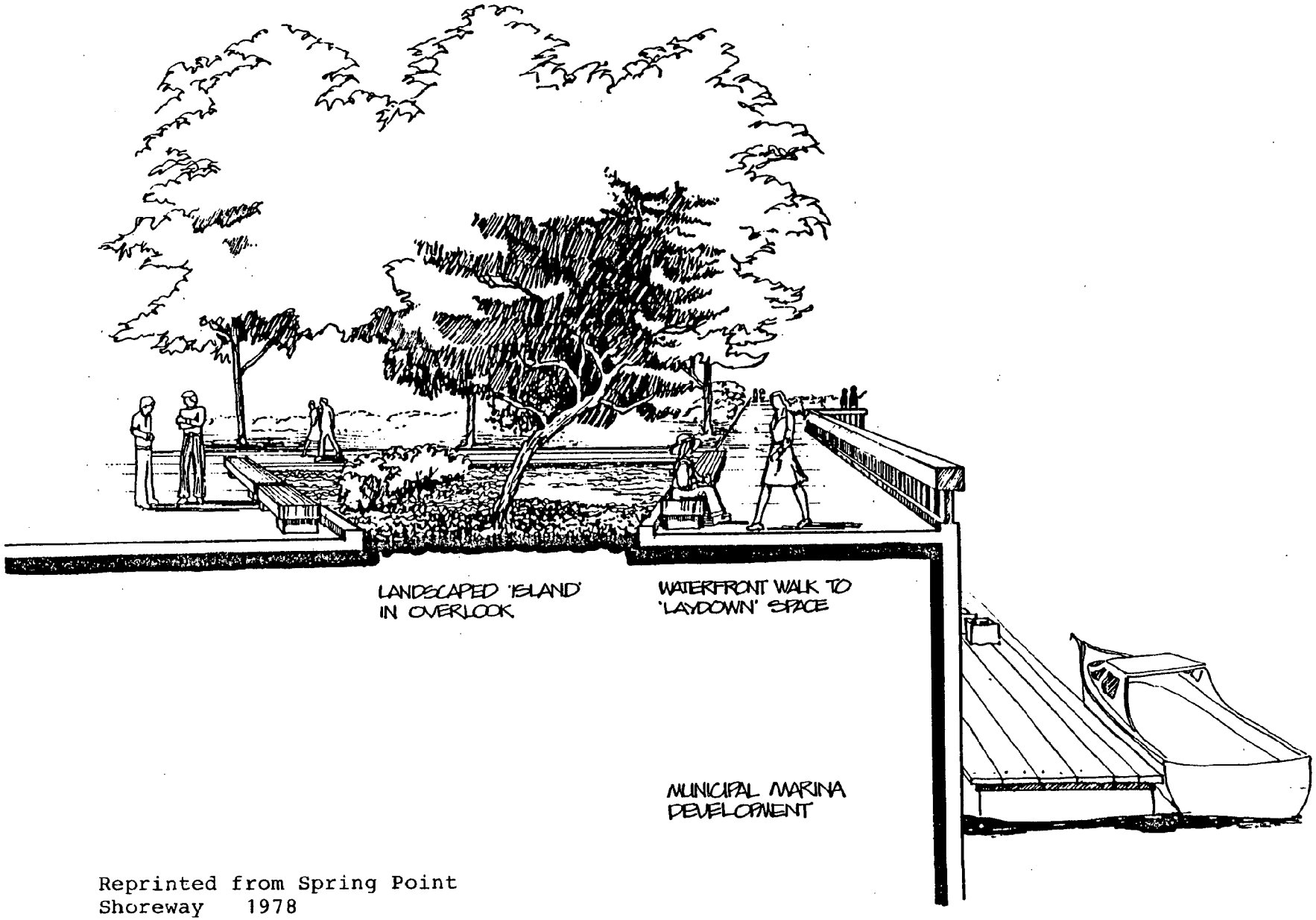


An overpass at the intersection of E. Street and the new bridge may be the best way to go over the bridge. There are four lanes to cross at E. St. There are Five lanes at Broadway. Still the grade may be prohibitive for those not fully mobile. A pathway along Waterman Drive and a path along the water side of the new bridge would form the links back to the R.R. property Greenbelt.

An underpass at E. Street could be constructed on the pilings of the new bridge below the road level. This option could involve the least prohibitive change in grade. This would facilitate handicapped users. After the new bridge is built, Waterman drive could be reduced to two lanes, leaving room for a Greenbelt path. A path on the water side, below the road level could reconnect the Greenbelt with the path at the R.R. property .



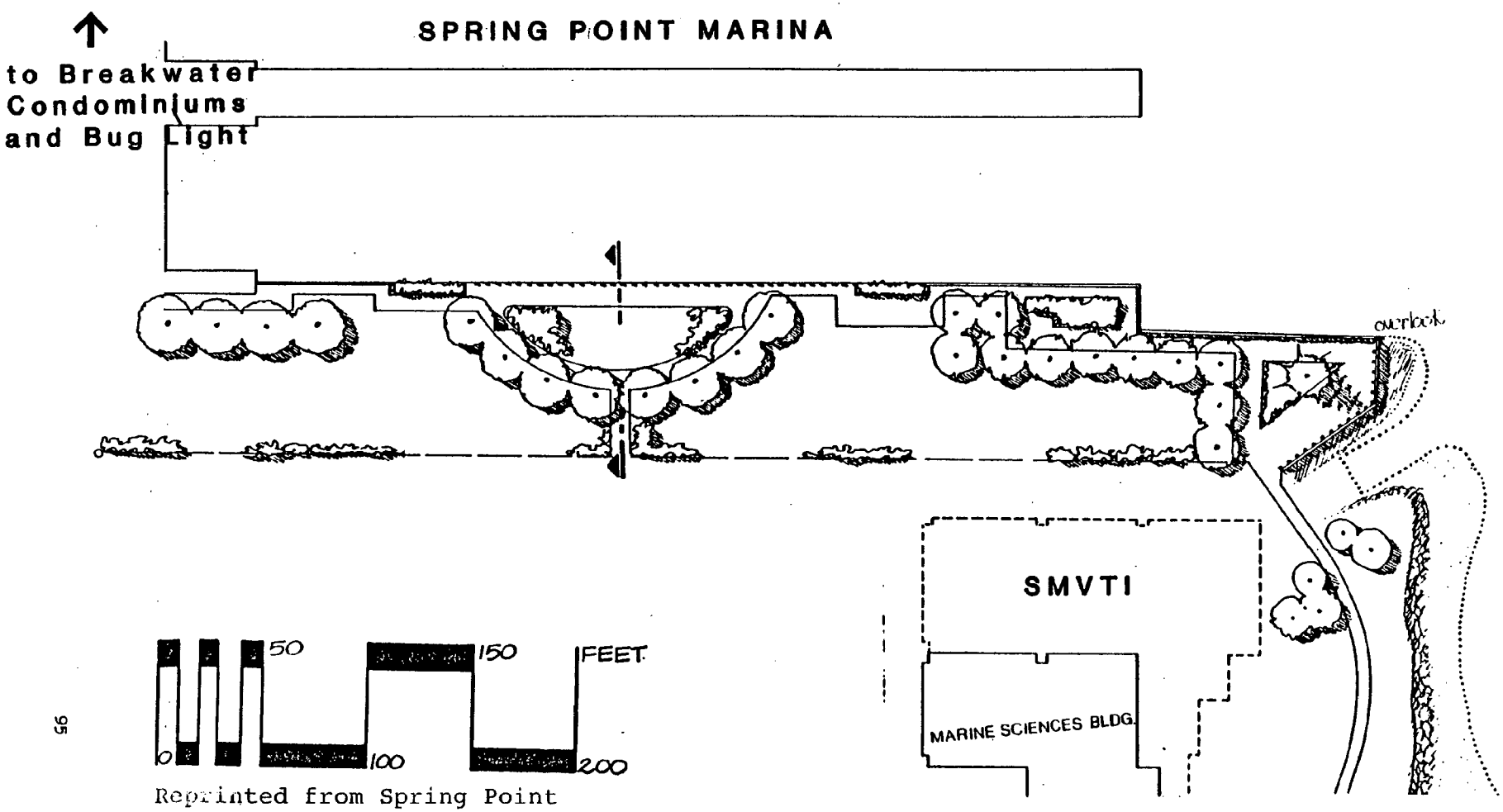
Proposed
Overlook next to Spring Point Marina



Reprinted from Spring Point
Shoreway 1978

OVERLOOK TO SPRING POINT

Proposed
Walkway/Overlook next to Spring Point Marina

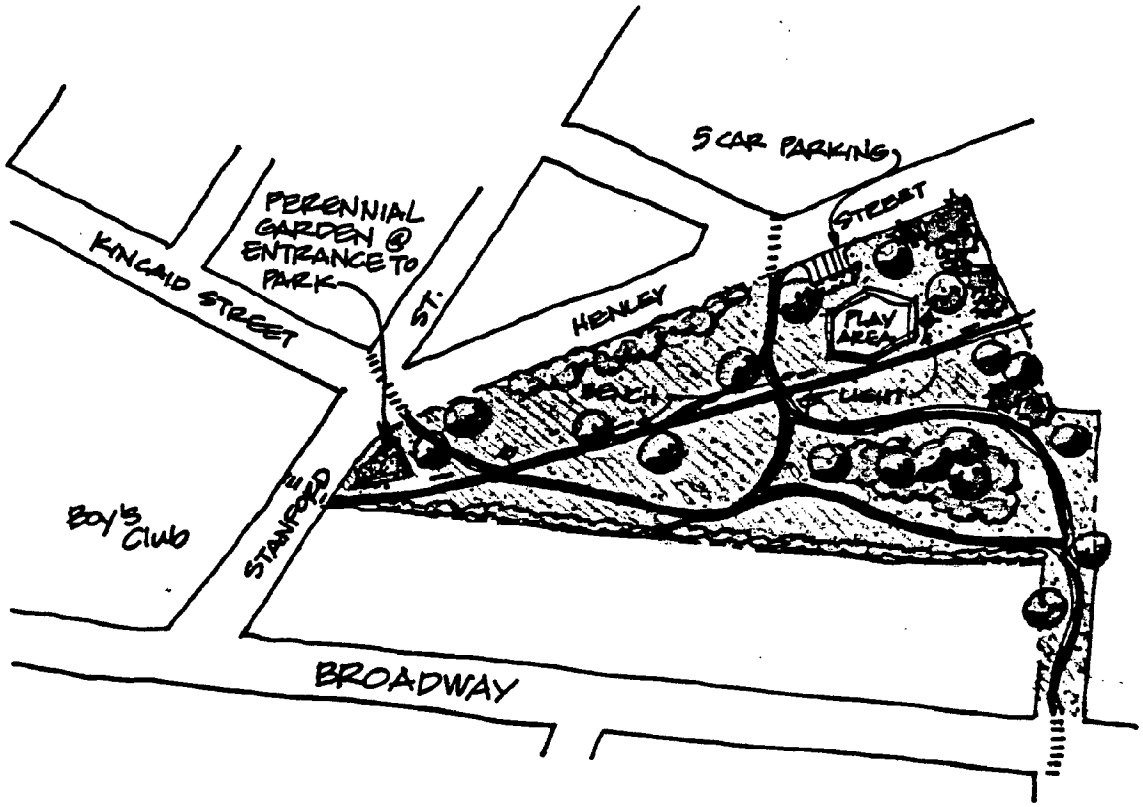


Reprinted from Spring Point
Shoreway 1978

WALKWAY/OVERLOOK-SPRING POINT MARINA

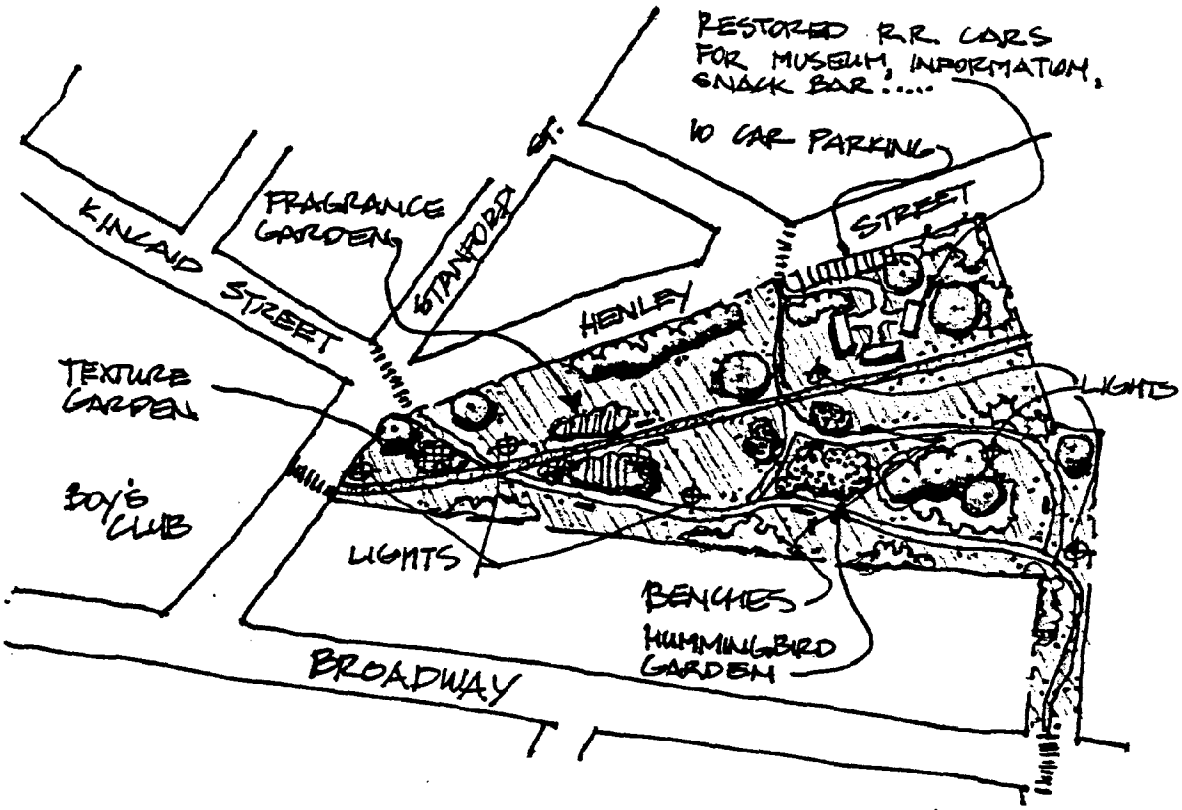
The vignettes which follow are quick concept sketches, not recommendations for construction. Intimate knowledge of site constraints is needed prior to design of any recreational area. As each open space recommended for preservation by the Greenbelt Master Plan is considered for construction, a landscape architect should be engaged to create a site specific construction document.

MAP 9 VIGNETTE
Park at Henley and Stanford



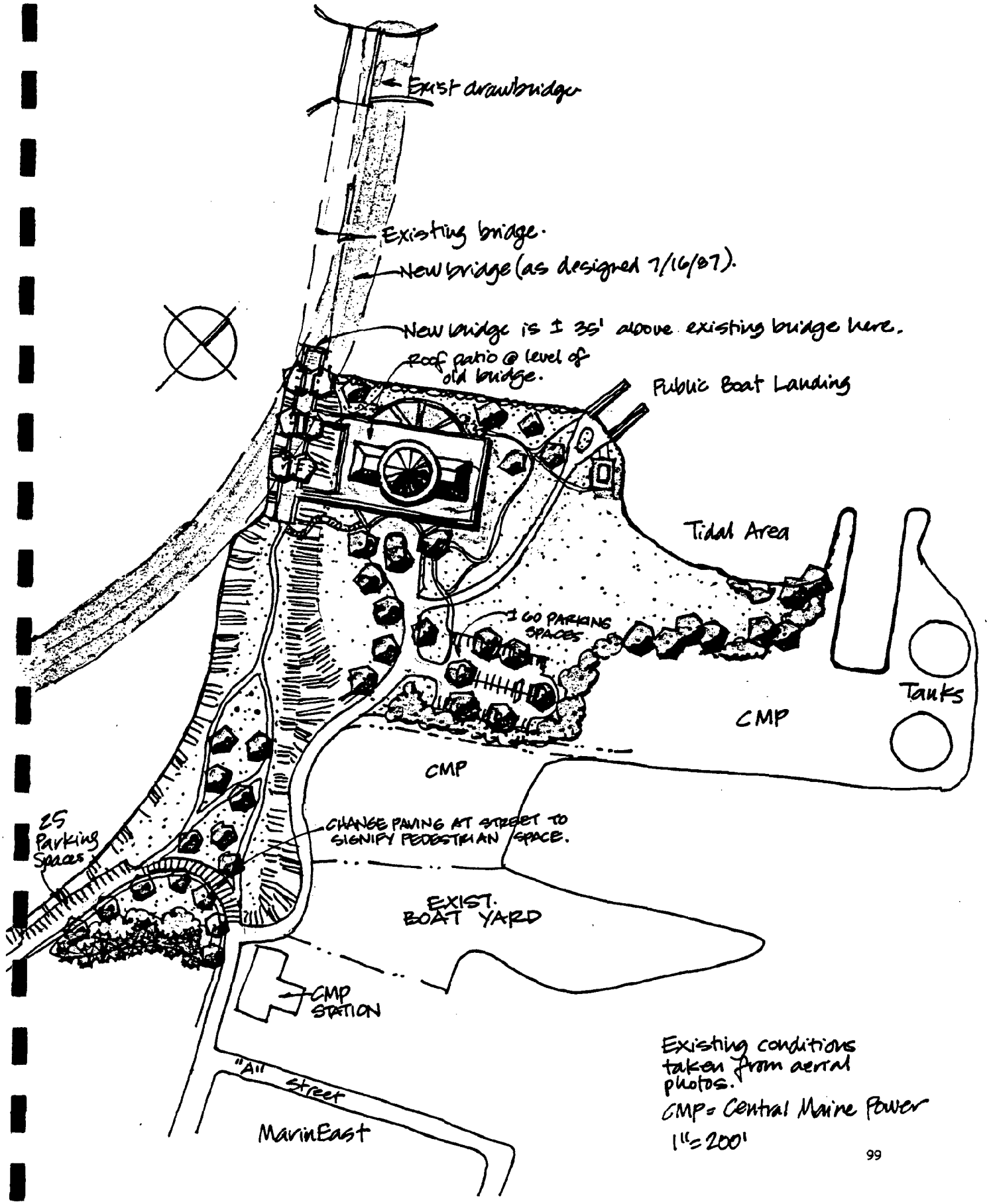
Scale 1" = 200'

MAP 9 VIGNETTE
Park at Henley and Stanford



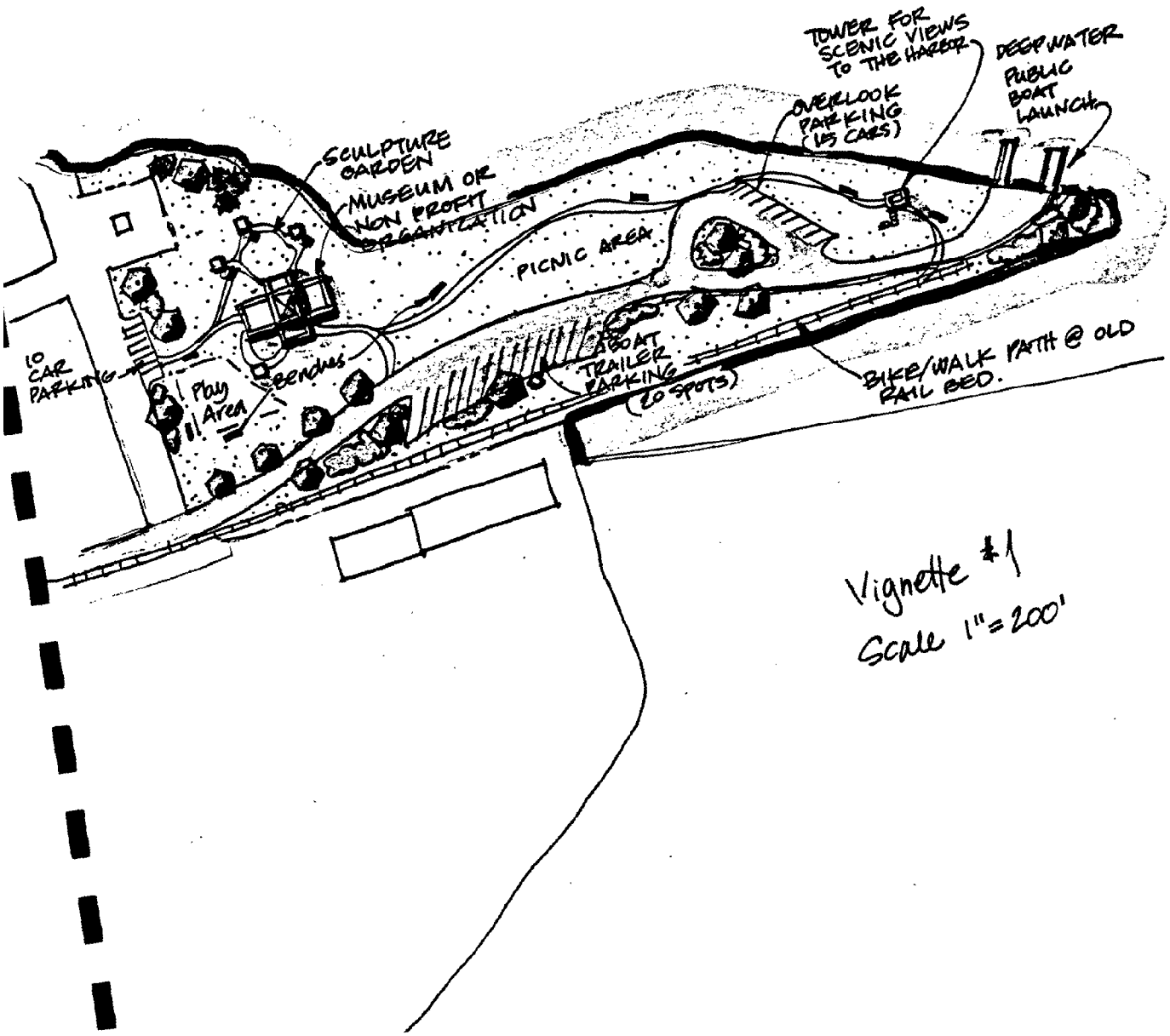
VIGNETTE #2
SCALE 1" = 200'

MAP 13 VIGNETTE
End of Million Dollar Bridge



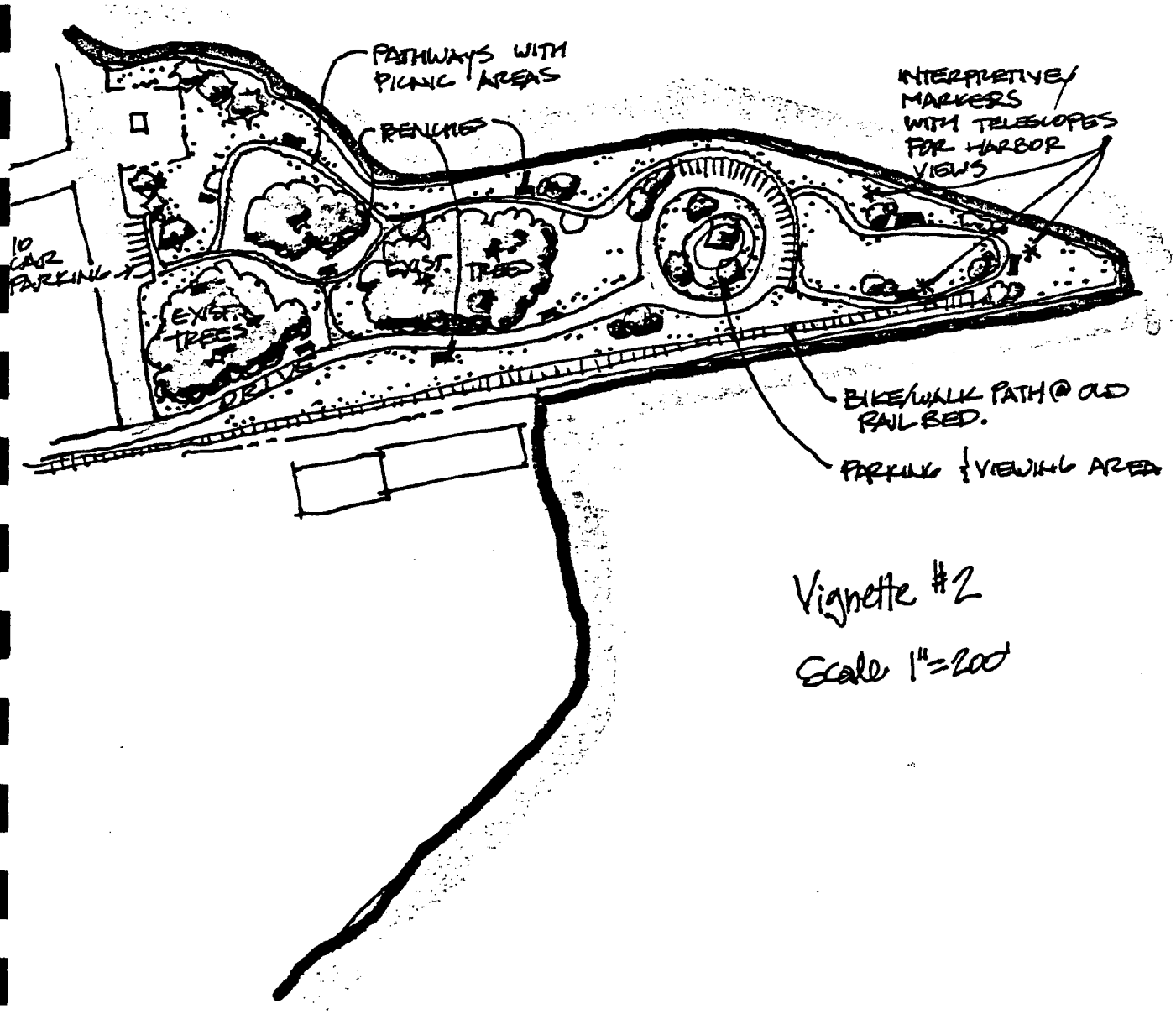
Existing conditions taken from aerial photos.
CMP = Central Maine Power
1" = 200'

MAP 18 VIGNETTE
Turner's Island



Vignette #1
Scale 1" = 200'

MAP 18 VIGNETTE
Turner's Island



Vignette #2

Scale 1"=200'

PLANT LIST

Screening
(Plants with thorns or dense foliage)

Large Shrubs (5-10'h)

Common Name	Botanical Name
Dwarf Burning Bush	Euonymous alatus compacta
Canadian Hemlock	Tsuga canadensis
American Cranberry Bush	Viburnum trilobum
Burkwood Viburnum	Viburnum burkwoodii
Vernal Witchhazel	Hamamelis vernalis
Sweetshrub	Clethra alnifolia

Mid Size (3-5h)

Common Name	Botanical Name
Japanese	Berberis thunbergii
Barberry	Berberis thunbergii
Beach Rose	Rosa rugosa
Seagreen Juniper	Juniperus cinensis 'Sea Green'
Flowering Quince	Chaenomeles speciosa
Rasberries	
Blackberries	

Groundcovers

Common Name	Botanical Name
Blue Rug Juniper	Juniperus h. 'Wiltoni'
Lilyturf	Liriope spicata
Japanese Honeysuckle	Lonicera japonica 'Halliana'
Vinca	Vinca minor
Sargeant Juniper	Juniperus h. Sargenti
Creeping Thyme	Thymus varieties

Butterfly Garden

Common Name	Botanical Name
Aster	Aster novae-angliae
Bergamot	Monarda fistulosa
Butterfly Weed	Asclepias tuberosa
Chives	Allium schoenoprasum
Clover	Trifolium repens
Purple Coneflower	Echinacea purpurea
Coreopsis	Coreopsis grandiflora
Daylily	Hemerocallis
False Indigo	Baptisia australis
Gas Plant	Dictamnus albus
Pearly Everlasting	Anaphalis margaritacea
Sedum	Sedum spectabile
Common Lilac	Syringa vulgaris

PLANT LIST

Texture Garden

Common Name	Botanical Name
Lamb's Ears	Stachys byzatina
Bayberry	Myrica Pensylvania
Dwarf Alberta Spruce	Picea glavca 'Conica'
Bird's Nest Spruce	Picea abies 'Nidiformis'
Wooly Thyme	Thymas lanicaulis
Sedum Species	Sedums
Blue Rug Juniper	Juniperus h. 'Wiltoni'
Ribbon Grass	
Larch	Larix decidua

Fragrance Garden

Common Name	Botanical Name
Artemisia	Artemisia arbrotanum
Dusty Miller	Artemisia stellerana
Chrysanthemum	Chrysanthemum morifolium
Day Lily	Hemerocallis varieties
Hyssop	Hyssopus officinalis
Jupiter's Beard	Centranthus raber
Peony	Paeonia lactiflora
Thyme	Thymus vulgaris
Valerian	Valeriana officinalis
Sweet Violet	Viola odorata
Sweet Woodruff	Galium odoratum
Autumn Clematis	Clematis paniculata
Daphne	Daphne mezereum
Common Lilac	Syringa vulgaris
Mock Orange	Philadelphus species
Beach Rose	Rosa rugosa
Snowball Viburnum	Viburnum carlcephalum
Summersweet	Clethra alnifolia

Hummingbird Garden

Common Name	Botanical Name
Balloon Flower	Platycondon grandiflorum
Bee Balm	Monarda didyma
Bell Flower	Campanula persicifolia "Telham Beauty'
American Columbine	Aquilegia canadensis
Coral Bells	Heuchera sanguinea
Day Lilies	Hemerocallis species
False Dragonhead	Physostegia virginiana
Globe Thistle	Echinops 'Taplow Blue'
Harebell Carpathian	Campanula carpatica
Lupine	Lupinus Russell Hybrids
Garden Phlox	Phlox paniculata
Allwoods Pink	Dianthus Allwoodii
Rose Mallow	Hybiscus moscheutos
Clematis	Clematis lanuginosa candida

GRASS SEED MIX LIST

Embankment Mixtures		
1.	Crown Vetch	60%
	Red Fescue	40%
2.	Highland Bentgrass	6%
	Reed Canary Grass	10%
	Creeping Red Fescue	28%
	Kentucky Bluegrass	27%
	Annual Ryegrass	19%
	Perennial Ryegrass	10%
3.	Crown Vetch	60%
	Red Fescue	30%
	Perennial Ryegrass	10%
Erosion Control Mixes		
1.	Reed Canary Grass	60%
	Red Top	40%
2.	Reed Canary Grass	50%
	Red Top	25%
	Creeping Red Fescue	15%
	Perennial Ryegrass	10%
Lawn Mix		
	Creeping Red Fescue	20%
	Kentucky Bluegrass	70%
	Perennial Ryegrass	10%
Field Mixture		
	Creeping Red Fescue	30%
	K-31 Tall Fescue	40%
	Kentucky Bluegrass	20%
	White Clover	5%
	Crown Vetch	5%

- Construct a 6' wide stone dust path with a compacted depth of 4" throughout the Greenbelt where bike/walk paths are identified on plan. **Exceptions** are an 8' wide stone dust path to be installed at the railroad bed donated by the Greater Portland Public Development Commission and 4' min. width paths to be installed at Anthoine Creek and Davidson's Beach.

- Light on all paths to be lit to a minimum of .5 footcandles.

- Benches should be placed 200' apart to meet ANSI 117.1 recommendations for distance between rest stops. 50% of benches should have back & arm rests.

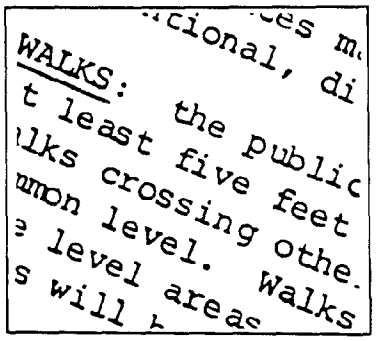
- Bollards should be installed at the entrance to every path, flanking the path on either side. A Greenbelt symbol should be on each bollard to identify the space as accessible to the public.

- Review ANSI 117.1 specifications for making spaces accessible & useable by people who are physically handicapped prior to construction of any piece of the Greenbelt.

- Where the path crosses a busy street a "Greenbelt Crossing" sign should be placed facing traffic, to warn drivers of pedestrian and bicycle traffic.

- Where the Greenbelt path that is planned to run where the existing railroad tracks are along the G.P.P.D.C. property, and where those tracks run within 15'of an existing dwelling, mitigating measures should be taken so that the public path does not intrude on private living space. Screening and adjustment of the path location only within the G.P.P.D.C. property are examples.

- Where views or historic information is particularly significant at sections of the Greenbelt, interpretive markers should be installed similar to those at Spring Point Shoreway. An example would be a marker at the High Street Pump Station explaining the view across the river to the Scotia Prince, the Church Spires and other sights.


WALKS:
the public
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level areas
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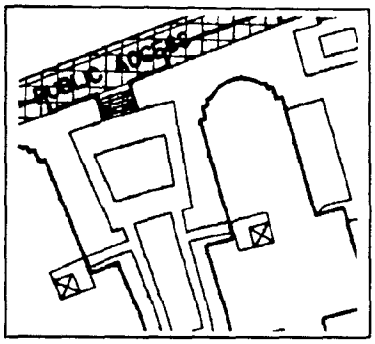

Implementation Plan

Implementation of the Greenbelt Master Plan will occur over many years, and will involve the active participation of a wide variety of City staff, elected officials, business leaders, private developers, community organizations and City residents.

In developing an effective strategy for implementation, it is important that an action plan be developed that is realistic and achievable. It makes sense to target first the simplest, most cost-effective, and least controversial components of the plan and to be certain of their accomplishment. The early components of the Greenbelt can be used to demonstrate the project to the public and to increase public understanding and support.

Described below is a detailed implementation plan that can be used to guide the development of the Greenbelt. The purpose of the plan is to identify strategies for achieving the opportunities and ideas developed in the design phase, and to establish priorities for action. The plan consists of a detailed discussion of the tasks needed to accomplish the Master Plan. The tasks are organized according to the goals presented in the Policy Goals Summary (See Summary). Taken together, they represent a blueprint for action by key decision makers in the city.

Goals 1: Create a continuous public walkway throughout the waterfront neighborhoods of South Portland

Task 1	Negotiate easements, right-of-way agreements or lease agreements for waterfront areas that do not presently have public access.
Task 2	Create mechanisms in the City zoning ordinances that encourage property owners to participate in the Greenbelt Program and negotiate public access agreements during the site review and approval process.
Task 3	Develop a model easement, model right-of-way agreement, and model lease agreement that can be used by property owners that are interested in participating in the waterfront walkway program.
Task 4	Research and analyze the property tax implications for property owners who participate in the Greenbelt. Determine whether tax savings are possible for the landowner, and identify whether they differ among easements, right-of-way agreements, or lease agreements.

Task 5	Identify and contact all property owners who might be affected by the waterfront walkway, and explain the opportunities for participating in the Greenbelt.
Task 6	Begin negotiations first with property owners that are the most supportive of the Greenbelt and interested in participating early in the project. Focus particularly on developers during the site review and approval process.

Goal 2: Preserve open space for use by the public in South Portland.

Task 1	Develop specific land use goals and design plans for key open spaces in the City.
Task 2	Investigate opportunities to preserve open space in cooperation with the South Portland Land Trust, Maine Coast Heritage Trust, Nature Conservancy, and others.
Task 3	Initiate discussions with the owners of key open spaces and determine their interest in participating in the program. Focus particularly on developers during the site review and approval process.
Task 4	Identify and contact abutting property owners and others who might be affected by the public use of open space areas. Identify and develop strategies for addressing the concerns they may have.
Task 5	Document and describe the proposed open space plans and develop an acquisition plan for key parcels of land. Identify the costs of purchasing the land and incorporating it into the Greenbelt. Establish priorities for acquisition and a detailed phasing plan.
Task 6	Submit the acquisition plan to the City Council and request approval for implementation.
Task 7	Prepare educational materials describing the open space acquisition plan and distribute to City staff, government officials and property owners involved with the program.
Task 8	As with the waterfront walkway, begin negotiations with those property owners who are most supportive of the program and interested in participating early.

Goal 3: Create linkage between the waterfront walkway, open space areas and public parks in the City.

Task 1	Use the former railbed now managed by the Greater Portland Development Commission as the spine of the linkage system throughout the City.
Task 2	Work with the Greater Portland Development Commission to complete the transfer of public access rights to the railbed from the Commission to the City.
Task 3	Identify the legal or regulatory steps that are needed for the City to activate its interest in using the railbed for a public walkway.
Task 4	Prepare educational materials for property owners on the railbed that explains the Master Plan and identifies their options for participating. Distribute to property owners.
Task 5	For key linkage areas that are not on the railbed, negotiate easements, right-of-way agreements or lease agreements with property owners that provide linkage between the waterfront walkway and open space areas. Focus particularly on developers during the site review and approval process.
Task 6	Prepare educational materials for property owners not on the railbed that explains the Master Plan and identifies their options for participating. Distribute to property owners.
Task 7	As with the waterfront walkway and the open space areas, begin negotiations with those property owners that are most supportive of the Greenbelt and interested in participating early in the program.

Goal 4: Research and identify local, state and federal coastal zoning, land use and other environmental regulations that may affect implementation of the Master Plan.

Task 1	Complete a careful review of existing or proposed land use and zoning ordinances in South Portland and ensure that the Greenbelt Master Plan is consistent with existing regulations or law.
Task 2	If changes are needed in order to implement the Master Plan, draft specific language to be incorporated into existing city ordinances.

Task 3	Complete a careful review of all state and federal coastal zoning, land use and other environmental regulations to ensure that the Greenbelt Master Plan is consistent with existing regulations and statues.
Task 4	Distribute the Master Plan to state and federal officials who might be involved in reviewing and approving key aspects of the Master Plan early in the implementation process to ensure that the Plan is in compliance with relevant regulations and statutes.
Task 5	Develop specific strategies for resolving possible conflicts early in the implementation process and ensure that action is taken before construction begins on specific components of the Master Plan.
Task 6	Develop a summary of the major environmental and regulatory agencies and regulations that must be considered during the final design and construction of key components of the Greenbelt. Distribute to appropriate City staff to ensure that projects proceed smoothly.

Goal 5: Identify and clarify the implications of any legal issues that may affect implementation of the Master Plan.

Task 1	Complete research on the liability of the City and of property owners under different forms of public access, including easements, right-of-way agreements, and lease agreements, for personal injury and vandalism.
Task 2	Research how other communities with public walkways and waterfront areas have dealt with the issues of liability and insurance.
Task 3	Develop specific recommendations for the City and for property owners on realistic and cost-effective ways to obtain proper legal protection and insurance coverage.
Task 4	Develop educational materials for the public that explain the issues of liability and insurance in a clear and easy-to-understand format.
Task 5	Evaluate the possibility of using "exactions" as a mechanism for making land available for the Greenbelt. Research other communities that have developed ordinances dealing with exactions e.g. Camden, Maine.

Goal 6: Design and implement a public education program that explains the Greenbelt Master Plan to the community.

Task 1	Prepare an educational package of materials that describes the Greenbelt Master Plan and includes information on legal, regulatory and property ownership issues.
Task 2	Develop an educational slide show that can be used to explain the Master Plan to potential participants. Include before and after slides from similar greenbelt plans and waterfront walkways.
Task 3	Identify and recruit a team of community leaders who are willing to volunteer time explaining the Master Plan to neighborhood associations, civic groups, and residents. Encourage early participants in the program to explain their reasons for supporting the projects to others.
Task 4	Emphasize the voluntary aspects of the program. Create a forum for people who were once opposed to the Spring Point Shoreway to speak now of their support.

Goal 7: Develop a comprehensive fundraising strategy for the Greenbelt Master Plan.

Task 1	Organize the Master Plan into a series of projects that can be implemented in phases over a number of years. Target first those projects that have the widest public support, will benefit the most people, and will cost the least to accomplish.
Task 2	Research and identify local, state and federal sources of funding for implementation. Research private sources of funding including foundations, corporations, community service organizations and private individuals.
Task 3	Identify and evaluate creative fundraising mechanisms that can be used for the Master Plan. Develop opportunities for local businesses, industries,community groups and residents to contribute. Build on successful efforts already completed for other municipal parks to obtain support for park benches, playground equipment, etc.

Task 4	Evaluate the possibility of using "impact fees" of development as a mechanism for obtaining funding to use in acquiring land for the Greenbelt. Research other communities that have considered this, e.g. South Berwick in 1987.
Task 5	Develop fundraising goals for each year and, where appropriate, match specific sources of money with particular projects.
Task 6	Target first those funding sources that are most likely to contribute. Use the core support to stimulate additional giving in the future.

Goal 8: Develop a clear management approach to accomplish the goals and recommendations included in the Greenbelt Master Plan.

Task 1	Submit the Greenbelt Master Plan to the City Council and request formal approval of the design ideas and implementation strategy.
Task 2	Request the City Council to formally append the Greenbelt Master Plan to the City's Comprehensive Growth Plan for the 80's.
Task 3	Request the City Council and the Mayor to continue the involvement of the Greenbelt Advisory Committee throughout implementation.
Task 4	Request the City Council to assign a member of the City Council and the Planning Board to participate on the Greenbelt Advisory Committee.
Task 5	Request the City Council or the City Manager to provide appropriate staff support for the Greenbelt Advisory Committee.
Task 6	Request the City Council or the City Manager to assign a specific city department to be responsible for overseeing implementation of the plan.
Task 7	Develop an implementation schedule for City staff and officials that is realistic and achievable over a period of several years.
Task 8	Establish an annual review and evaluation process for the Master Plan. Evaluate accomplishments at the end of each year and establish new goals for the following year.

Resources For Further Action

There are variety of fundraising resources available for use in the implementation of the Greenbelt Master Plan. These are discussed below.

Land and Water Conservation Grants

The City of South Portland has been fortunate to receive funding from the Land and Water Conservation Grants (LAWCON) program for a variety of projects in the past. City projects that have benefitted from this program include the Spring Point Shoreway, Hinkley Park, Municipal Boat Landing, City Tennis Courts, and the Indoor Swimming Pool.

Federal funding for the statewide grants program has dropped from a high of nearly $3 million per year in the early 1980's to a low of $300,000 in 1987. Because of this, there is limited funding available for major projects and a upper limit of $75,000 per community was established in 1987.

LAWCON requires that their grant represent from 25-50% of the total cost of a project. LAWCON grants can be matched with private sources of support and Community Development Block Grants, but not with Coastal Zone Management or Federal Highway Funds.

Land and Water Conservation grants can be used to acquire lands and develop them, but can not be used for title searches and appraisals. The land must be owned by the City (or sponsoring agency) and can not be leased. It is possible for the City to apply the appraised value of land that is donated to the City as part of the match for a LAWCON grant, but it can take up to two years for the National Park Service to appraise and approve the donation.

The first step in the application process is to request a site inspection by the program. The filing deadline is December 1.

For further information, contact:
John Pichet, Director of Community Services
Division of Community Parks and Recreation
Bureau of Parks and Recreation
State House Station 22
augusta, Maine 04333
Tel. 289-3821

Coastal Zone Management Funds

As sponsors of the Greenbelt Master Plan Planning Process, Maine's Coastal Program administered by the State Planning Office has already provided major support for the design and development of the project. There are two potential sources of funding that might be used for additional greenbelt activity in South Portland.

The Waterfront Action Grant Program is in its third year of operation and can be used for small construction projects, waterfront renewal projects, and land acquisition projects that improve public access to the waterfront. The definition of waterfront for this program includes waterfront property and river front property on tidal rivers up to the head of the tides.

Federal funding for the program is expected to be between $200,000 and $300,000 in FY '88. There is a state limit of $50,000 per community per year. Communities that have received previous waterfront Action funding will be given a handicap in the scoring process for the proposals. The state requires that the city match 50% of their request to the program with other sources of funding.

The State Planning Office prefers to fund smaller projects with this program and would review projects that are part of a large plan very carefully. Consideration will be given to whether the proposed project is a top priority for the overall plan, and whether the project can stand on its own, regardless of the overall plan.

The program strongly favors land acquisition, but land that is leased or included through with easements are eligible for consideration. The program can not be used for title searches.

The Coastal Planning Grant Program sponsored the Greenbelt Master Plan, and might be used for additional projects in the city. Planning Grant money can be used for deed research, and it is possible for South Portland to apply for additional money to complete the deed research needed for the Greenbelt Master Plan. The deadline for this year's program is September 18.

For further information, contact:
Sherry Hanson, Senior Planner
Community Assistance Division
State Planning Office
State House Station 130
Augusta, Maine 04333
Tel. 289-3261

Community Development Block Grants

Community Development Block Grants (CDBG) can be used for community projects that include allocation of at least 51% of the grant to activities that assist low and moderate-income people (as defined by the state and federal government.)

The city currently has CDBG funding for a project underway in Knightville. In addition, several communities in Maine have used CDBG funds for projects involving parks and recreational lands. In Belfast, for example, CDBG funds were combined with a Land and Water Conservation Grant to create a waterfront park and parking area and a breakwater in the town.

The program is funded by the federal government. There is an upper limit of $500,000 per project.

For further information, contact:
Luanne Clifford
State Planning Office
State House Station 130
Augusta, Maine 04333
Tel. 289-3261

Maine Coast Heritage Trust

The Maine Coast Heritage Trust (MCHT) is a non-profit organization that serves as a broker of land conservation projects for landowners and other organizations and agencies. MCHT is primarily interested in participating in projects with statewide significance, and has expressed a willingness to assist with the implementation of the Greenbelt Master Plan, if appropriate. Specific services available through Maine Coast Heritage Trust include:

Information on how to develop conservation easements with landowners;

Sample easements for use for preserving open space and significant coastal lands;

Educational materials and workshops for landowners, explaining the tax implications of donating or selling land to the City; and

Educational materials and workshops on "bargain sales", whereby landowners can sell their land to the city at less than market values and have the difference between the market value and the value of sale be tax-deductible.

The services of the Maine Coast Heritage Trust are provided free of charge. For further information, contact:
Jay Espy, Associate Director
Maine Coast Heritage Trust
P.O. Box 416
Topsham, ME 04086
Tel. 729-7366

The Nature Conservancy

The Nature Conservancy (TNC) is a non-profit organization focussing on the preservation habitats for rare and endangered species. The Nature Conservancy periodically becomes involved in the acquisition of private lands when state or local agencies intend to purchase and protect the land, but may not be able to act quickly enough to secure the property. In such circumstances, TNC will use a portion of its revolving fund to purchase the land and will then, in turn, pass the land along to the appropriate agency.

The Nature Conservancy provided the City of South Portland with the 31-acre Mill Cove Preserve in 1984. The land had been acquired by TNC many years ago, and was transferred to the City with restrictions that it remain protected from development. TNC does not currently own other land in South Portland, and would not be likely to become involved if there was a serious timing problem with a significant acquisition or there was a need to preserve the natural habitat for a rare and endangered species.

For further information, contact:
Barbara Vickery
The Nature Conservancy
122 Main Street
P.O. Box 338
Topsham, Maine 04086
Tel. 729-5181

South Portland Land Trust

Currently being formed and soon to receive its tax-exempt status, the South Portland Land Trust might be an important resource for the City during implementation of the Greenbelt Master Plan. Land trusts in other states and communities have been pivotal in obtaining public access and preserving open space.

For further information, contact:
Tom Blake
South Portland Land Trust
South Portland, Maine 04106

Private Funding Sources

There are a wide variety of opportunities for obtaining funding for the Greenbelt Master Plan from private foundations, corporations, community service groups, or private individuals. To be successful, it is important that a well-researched and carefully planned fundraising strategy be developed. Fundraising efforts could be implemented incrementally over a number of years. It is premature to identify appropriate fundraising sources until specific budgets are developed for various components of the Master Plan.

Once the materials and costs for the projects are identified, the City might consider hiring a fundraising professional to develop and kick-off a detailed fundraising strategy. A key aspect of the strategy should be to dovetail with and compliment previous existing fundraising activities in the community. The South Portland Wish List produced in association with the City might be one mechanism used to raise money. Another innovative funding source might be the National Endowment for the Arts "Design of Cities" Program.

Appendix

State of Maine Title 14, Bill limiting liability of landowners

§ 159-A. Limited liability for recreational or harvesting activities

1. Definitions. As used in this section, unless the context indicates otherwise, the following terms shall have the following meanings.

A. "Premises" shall mean improved and unimproved lands, private ways, any buildings or structures on those lands and waters standing on, flowing through or adjacent to those lands.

B. "Recreational or harvesting activities" shall mean recreational activities conducted out of doors, including hunting, fishing, trapping, camping, hiking, sight-seeing, operation of snow-traveling vehicles, skiing, hang-gliding, boating, sailing, canoeing, rafting or swimming or activities that involve harvesting or gathering forest products. It shall include entry, use of and passage over premises in order to pursue these activities.

2. Limited duty. An owner, lessee or occupant of premises shall owe no duty of care to keep the premises safe for entry or use by others for recreational or harvesting activities or to give warning of any hazardous condition, use, structure or activity on these premises to persons entering for those purposes.

3. Permissive use. An owner, lessee or occupant who gives permission to another to pursue recreational or harvesting activities on the premises shall not thereby:

A. Extend any assurance that the premises are safe for those purposes;

B. Make the person to whom permission is granted an invitee or licensee to whom a duty of care is owed; or

C. Assume responsibility for or incur liability for any injury to person or property caused by any act of persons to whom the permission is granted.

4. Limitations on section. This section shall not limit the liability which would otherwise exist:

A. For a willful or malicious failure to guard or to warn against a dangerous condition, use, structure or activity;

B. For an injury suffered in any case where permission to pursue any recreational or harvesting activities was granted for a consideration other than the consideration, if any, paid to the landowner by the State; or

C. For an injury caused, by acts of persons to whom permission to pursue any recreational or harvesting activities was granted, to other persons to whom the person granting permission, or the owner, lessee or occupant of the premises, owed a duty to keep the premises safe or to warn of danger.

5. No duty created. Nothing in this section shall create a duty of care or ground of liability for injury to a person or property.

1975, c. 253, § 2; 1979, c. 514, § 1.

derived less than one percent of its annual revenue from charitable sources and its survival did not depend on its sources of charitable support. Thompson v. Mercy Hosp. (1984) Me., 483 A.2d 708.

§ 159-A. Limited liability for recreational or harvesting activities

1. Definitions. As used in this section, unless the context indicates otherwise, the following terms shall have the following meanings.

[See main volume for text of 1, A]

B. "Recreational or harvesting activities" means recreational activities conducted out of doors, including hunting, fishing, trapping, camping, hiking, sight-seeing, operation of snow-traveling and all-terrain vehicles, skiing, hang gliding, boating, sailing, canoeing, rafting or swimming or activities that involve harvesting or gathering forest products. It shall include entry, use of and passage over premises in order to pursue these activities.

[See main volume for text of 2 to 5]

6. Costs and fees. The court shall award any direct legal costs, including reasonable attorneys' fees, to an owner, lessee or occupant who is found not to be liable for injury to a person or property pursuant to this section.

1979, c. 663, § 75, eff. March 28, 1980; 1983, c. 297, § 2, eff. July 1, 1984; 1985, c. 762, § 25, eff. July 1, 1986.

1979 Amendment. Subsection 1, B: Chapter 663, a corrections bill, substituted "rafting" for "raifing" in first sentence.

1983 Amendment. Subsection 1, B: Chapter 297, in first sentence, substituted "means" for "shall mean", and inserted "and all terrain".

1985 Amendments.

Subsection 6: Added by c. 762.

Notes of Decisions

In general 1
Summary judgment 2

1. In general

Maine statute limiting liability of property owners for injuries from recreational activities on property precluded bringing of action under Federal Tort Claims Act against government for injuries sustained by plaintiff, who tripped on steps in a national park in Maine, even though plaintiff had merely stopped for a cup of coffee and decided to drink coffee on a sand beach in park. Schneider v. U.S.A., Acadia Nat. Park (C.A.1 Mass.1985) 760 F.2d 366.

2. Summary judgment

Allegations that railroad grade crossing was altered by removal of railroad ties, that landowner, lessee, and railroad made no effort to warn against the hazard created by the alteration, and that lessee was aware people used the particular road and grade crossing were not sufficient to raise a factual issue under 14 M.R.S.A. § 159-A, subd. 4, par. A, providing exception to 14 M.R.S.A. § 159-A rule that owner, lessee, or occupant of premises owes no duty of care to keep the premises safe, based on willful or malicious failure to maintain premises in a safe condition or failure to warn. Jordan v. H.C. Haynes, Inc. (1986) Me., 504 A.2d 618.

§ 160. Certain cases of negligence

Notes of Decisions

Burden of proof 2
Instructions 3

2. Burden of proof

Under comparative negligence provisions of § 156 of this title, defendant has burden of showing contributory fault of plaintiff by preponderance of evidence, and defendants in wrongful death or survivorship actions have same evidentiary burden. Minott v. F. W. Cunningham & Sons (1980) Me., 413 A.2d 1325.

3. Instructions

In wrongful death case, error in charging jury that, initially at inception of case, there was reasonable inference that decedent was in exercise of due care was harmless in light of entire charge on issue of comparative fault, entire charge having such impact that defendants had only burden of proving by preponderance of evidence that negligence of decedent was proxi-

Geraldine M. SCHNIEDER
Plaintiff Appellant,

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v.

UNITED STATES OF AMERICA,
ACADIA NATIONAL PARK,
Defendant, Appellee

The Massachusetts case cited by Caldwell, *Johnson v. New York, New Haven & Hartford R.R.*, 217 Mass. 203, 104 N.E. 445 (1914), held that it could be found that the principal, by retention, ratified the bills of lading signed by his agent, and hence was bound by a provision limiting liability. The court said, at 203, 104 N.E. 445,

"There mere fact that he was willing to assent to the terms of the bills of lading without reading them cannot deprive the defendant of the benefit of the stipulation inserted therein for its protection."

It is true that the *Johnson* court also said, "The stipulation in question was one he had reason to expect." We do not, however, believe this to be a sine qua non. Even if Lash may not have expected an indemnity agreement, he could be found to know that this was more than a receipt that was signed by his agent, and that business sense, as well as his eyesight, told him there were many provisions and conditions. Absent some excuse, not only must one read what one signs, *e.g. Farrell v. Chandler & Williams Inc.*, 252 Mass. 341, 344-45, 147 N.E. 822 (1925); *Lee v. Allied Sports Associates, Inc.*, 343 Mass. 541, 519-50, 209 N.E.2d 329 (1965), it is at least a jury question whether one should examine a document supplied in connection with a business transaction. *Johnson v. New York, New Haven, & Hartford R.R.*, ante.

The answer may depend on the extent the recipient was put on notice. *See Sandler v. Commonwealth Station Co.*, 307 Mass. 170, 172, 33 N.E.2d 389 (1940). In *Kidder v. Greenman*, 253 Mass. 601, 614-16, 187 N.E. 42 (1933), the recipient was excused because the paper, enclosed in an envelope, was other than what it was represented to be. There was no conceivable misrepresentation here. Lash knew he was renting the bag, knew that the terms had not been discussed, and were therefore open, and could see that Palombo, on his behalf, had signed an extensive paper. If he chose to "shut his eyes to [what was] within his own possession and control, that should be Lash's loss; by his silence and acceptance of the article, a jury could find he manifested the company's assent."

We cannot leave this case without observing that appellant's counsel failed seriously in his duty to a busy trial, and appellate court, and to his clients, by not noting manifestly material evidence,[1] and citing only the *Johnson* case, that, standing alone, the district court had found not controlling.

Reversed. No costs.

1. The quoted language at the outset of the agreement was not reproduced in appellant's brief, not legible in the defectively copied exhibit in his appendix, sending us back to Caldwell's trial brief in opposition to Interstate's motion for summary judgment for a legible copy. Of course it should have been in Interstate's brief.

Geraldine M. SCHNIEDER,
Plaintiff, Appellant,

v.

UNITED STATES OF AMERICA,
ACADIA NATIONAL PARK,
Defendant, Appellee.

No. 81-2027.

United States Court of Appeals,
First Circuit.

Argued April 1, 1985.

Decided April 29, 1985.

Plaintiff brought action under the Federal Tort Claims Act against the government for injuries sustained when she tripped on steps in national park in Maine. The United States District Court for the District of Massachusetts, A. David Mazzone, J., entered summary judgment in favor of government, and plaintiff appealed. The Court of Appeals, Bailey Aldrich, Senior Circuit Judge, held that under Maine statute limiting liability of property owners for injuries from recreational activities on property precluded bringing of action.

Affirmed.

1. Negligence ⇐37

Under Maine statute limiting liability of property owner for injuries from recreational activities on property, list of recreational activities was only illustrative; thus, fact that coffee drinking was not within statutory list did not mean that plaintiff, who had stopped to drink coffee in Maine national park and who tripped on steps in park, could maintain action against the United States under Federal Tort Claims Act. 14 M.R.S.A. § 159-A; 28 U.S.C.A. §§ 1346, 2671 et seq.

2. Negligence ⇐37

Maine statute limiting liability of property owners for injuries from recreational activities on property is to be applied objectively, not subjectively. 14 M.R.S.A. § 159-A.

3. Negligence ⇐37

Maine statute limiting liability of property owners for injuries from recreational activities on property precluded bringing of action under Federal Tort Claims Act against government for injuries sustained by plaintiff, who tripped on steps in a national park in Maine, even though plaintiff had merely stopped for a cup of coffee and decided to drink coffee on a sand beach in park. 14 M.R.S.A. § 159-A; 28 U.S.C.A. §§ 1346, 2671 et seq.

Arthur H. Goldsmith, Boston, Mass., for plaintiff, appellant.

Evan Slavitt, Asst. U.S. Atty., Boston, Mass., with whom William F. Weld, U.S. Atty., Boston, Mass., was on brief for defendant, appellee.

Before COFFIN, Circuit Judge, ALDRICH and ROSENN,* Senior Circuit Judges.

*Of the Third Circuit, sitting by designation.

BAILEY ALDRICH, Senior Circuit Judge.

The State of Maine has a statute entitled, *"Limited liability for recreational or harvesting activities."* Me.Rev.Stat.Tit. 14, § 159-A. It provides, in part,

2. Limited duty. An owner, lessee or occupant of premises shall owe no duty of care to keep the premises safe for entry or use by others for recreational or harvesting activities or to give warning of any hazardous condition, use, structure or activity on these premises to persons entering for those purposes.

3. Permissive use. An owner, lessee or occupant who gives permission to another to pursue recreational or harvesting activities on the premises shall not thereby:

A. Extend any assurance that the premises are safe for those purposes;

B. Make the person to whom permission is granted an invitee or licensee to whom a duty of care is owed; ....

On July 21, 1981, on her way to a sightseeing visit to Thunder Hole, a spectacular spot in Acadia National Park, a government reservation on Mount Desert Island, Maine, plaintiff parked her car by a state road, emerged and entered another portion of the Park, the steps down to Sand Beach. She tripped, allegedly because of a defect in the steps, and brings this FTCA suit against the government for her resulting injury. The government, pleading the statute, sought and obtained summary judgment. Plaintiff appeals. We affirm.

Plaintiff concedes the government's general right to rely on the statute, *United States v. Schultz*, 282 F.2d 628, 631 (1st Cir.1960), *cert. denied*, 365 U.S. 817, 81 S.Ct. 698, 5 L.Ed.2d 695 (1961), but contends that there is at least a question of fact whether she fell (literally and figuratively) within it. Under Definitions, the statute provides,

B. "Recreational or harvesting activities" shall mean recreational activities

conducted out of doors, including hunting, fishing, trapping, camping, hiking, sightseeing, operation of snow-traveling vehicles, skiing, hang-gliding, boating, sailing, canoeing, rafting or swimming or activities that involve harvesting or gathering forest products. It shall include entry, use of and passage over premises in order to pursue these activities. (1979)

[1] In this case, before entering the park plaintiff had stopped for a cup of coffee and, rather than drink it there (wherever that was) or in the car, she saw a sign "Sand Beach" and decided to go there to drink it. She makes two contentions. First, that coffee drinking is not within the statutory list, and she intended none of the named activities. The short answer to the first is that the list does not purport to be complete, but is only illustrative. Any number of clearly recreational activities suggest themselves, from birdwatching to sunbathing, to playing ball on the beach. Neither as a matter of grammatical construction, nor sense, is the statute to be read as applying only to the recreational activities expressly named. *Fatheroly v. State of Ohio, Department of Natural Resources, etc.*, 7 Ohio App.3d 110, 454 N.E.2d 564, 566 (1982).

[2, 3] Second, plaintiff claims that it could be found that she was not engaged in any recreational activity at all; that the weather was "cool, drizzly, overcast," and she was going "not to swim, sightsee or have a picnic lunch," and that only to drink coffee under such circumstances could be found not recreational. Passing the extraordinary problems that would arise if the government's liability were to depend on drawing a line between a picnic lunch and a cup of coffee, (coffee and a submarine sandwich, but not coffee, and perhaps a doughnut) or between a cool, overcast day and bright sunshine, surely beauty is in the eye of the beholder. Quite apart from the fact that very evidently plaintiff was going to the beach for the pleasure of being there, or she would have consumed the coffee in her car, the statute is to be applied objectively, not subjectively. But, more important, the consequences of plaintiff's approach would be absurd. The manifest purpose of the Park is recreational. Plaintiff would have it that a greater duty is owed to those for whom the Park is not maintained than to those for whom it is.

This is about as backward thinking as we can imagine; it is difficult to believe that counsel is serious. But, assuming he is, looking at the matter in the large plaintiff totally misconceives the statute's intendment. Its purpose is to allow a landowner to permit broad uses of his land without incurring the obligations of a common law licensor. True, the limited obligation and the permission go hand in hand, but if plaintiff's presence fell outside the recreational permission she would have to prove some other authorization or she would be a mere trespasser. To be, for example, a business invitee would escape the statute, *see Orawsky v. Jersey Central Power & Light Co.*, 472 F.Supp. 881, 884 85 (E.D.Pa. 1977), and would impose greater liability, *cf. Moserve v. Allen Storage Warehouse Co.*, 159 Me. 128, 189 A.2d 381 (1963), but plaintiff can show no such permission. Hence it would avail her nothing to prove that she was not a recreationer; as a trespasser she would have the same limited—and insufficient—claim.[1] *United States v. Schultz*, ante. We cannot conceive of her increasing her rights in the manner attempted.

Quite aside from all this, the court was entirely correct in ruling, as matter of law, that plaintiff was a recreationer.

Affirmed.

1. We note, for completeness, that the statute does preserve to recreationers the same rights that would be accorded to trespassers. *Eg.*

4. Limitations on section. This section shall not limit the liability which would otherwise exist:

A. For a willful or malicious failure to guard or to warn against a dangerous condition, use, structure or activity; ...

No. 81-2027.

United States Court of Appeals,
First Circuit

Argued April 1, 1985.
Decided April 29, 1985.

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