

Land Bank Commission Meeting
Thursday, November 6, 2014
Room 24 - City Hall
5:00-6:00 p.m.

1. Agenda - November 6, 2014 Land Bank Commission

Documents: [11-6-14 AGENDA1.PDF](#)

2. Minutes From September 4, 2014 Meeting

Documents: [9-4-14 MINUTES.PDF](#)

3. Review Proposal For A Natural Gas Main Easement At Portland Technology Park

Documents: [RAND_PROPGAS_EASEMENT_23SEP2014.PDF](#),
[RAND_PROPGAS_EASEMENT_23SEP2014COLOR_2.PDF](#), [MEMO TO LBC FOR GAS
LINE 10-30-14_2_1.PDF](#)

4. Approval Of The Request From The Department Of Public Services To Construct A Community Garden At The Eastern Promenade

Documents: [COMMUNITY GARDEN - EASTERN PROM.PDF](#), [FIGURES AND PHOTOS _
EP GARDEN.PDF](#)

5. Discussion With Peaks Island Land Preserve RE: Terms & Conditions Of Ice Pond Agreement

Documents: [ICE POND DAM EVALUATION.PDF](#), [ICE POND- FIRE POND EASEMENT
DEED.PDF](#), [PILP TO LAND BANK COMMISSION 10-29-14.PDF](#)

LAND BANK COMMISSION MEETING

THURSDAY, NOVEMBER 6, 2014

ROOM 24 – CITY HALL BASEMENT

5:00-6:00 P.M.

A G E N D A

- 1) Approval of September 4, 2014 Minutes
- 2) Review Proposal for a Natural Gas Main Easement at Portland Technology Park
Action: Recommendation to City Council
- 3) Approval of the Request From the Department of Public Services to Construct a Community Garden at the Eastern Promenade
Action: Recommendation to City Council
- 4) Discussion with Peaks Island Land Preserve RE: Terms and Conditions of Ice Pond Agreement
Action: Recommendation to City Council
- 5) Executive Session on Item #3 if needed
Motion:
- 6) Communications and Reports from Staff
- 7) Adjourn Meeting

NEXT MEETING SCHEDULED FOR DECEMBER 4, 2014 (if deemed necessary)

LAND BANK COMMISSION MEETING

THURSDAY, SEPTEMBER 4, 2014

ROOM 24 – CITY HALL BASEMENT

ATTENDANCE: Tom Jewell (Co-Chair), Cheryl Leeman (Co-Chair), Meri Lowry, Rene Perry (5:30 p.m.), Colleen Tucker, Commission members.

CITY STAFF: Mike Bobinsky, Public Services, Doug Roncarati, Public Services, Danielle West-Chuhta, Corporation Counsel, Michael Goldman, Associate Corporation Counsel, Judith Rosen, Executive Department.

GUESTS: John Freeman, Curtis Rindlaub, Robert Vinforth, John Whitman

ROLL CALL AND DECLARATION OF A QUORUM

The meeting was called to order by Co-Chair Tom Jewell at 5:10 p.m. There was not a quorum at that time so the executive session was postponed to later on the agenda.

UPDATE ON PARKS REFERENDUM: Danielle West-Chuhta gave Commission members an update. Trust for Public Land is looking at the referendum, analyzing its content and will give back feedback. No changes of language can happen for 5 years.

Meri Lowry felt the Commission did not have to meet last month re: Rockland Avenue Stormwater Outfall at Capisic Pond Park. City staff felt the meeting was required due to the language in the referendum. Discussion followed. Danielle will check into the language and interpretation of the referendum. Cheryl Leeman asked that Mike Bobinsky and/or Doug Roncarati keep the Commission advised as to what projects are coming up in the future so that the Commission can know if they need to meet on them.

EXECUTIVE SESSION

A motion was made by Meri Lowry, 2nd by Rene Perry to go into Executive Session re: Consideration and Action of Request from Peaks Island Land Preserve re: Ice Pond Pursuant to 1 M.R.S.A. Section 405(6)(C) and (E) at 5:35 p.m.

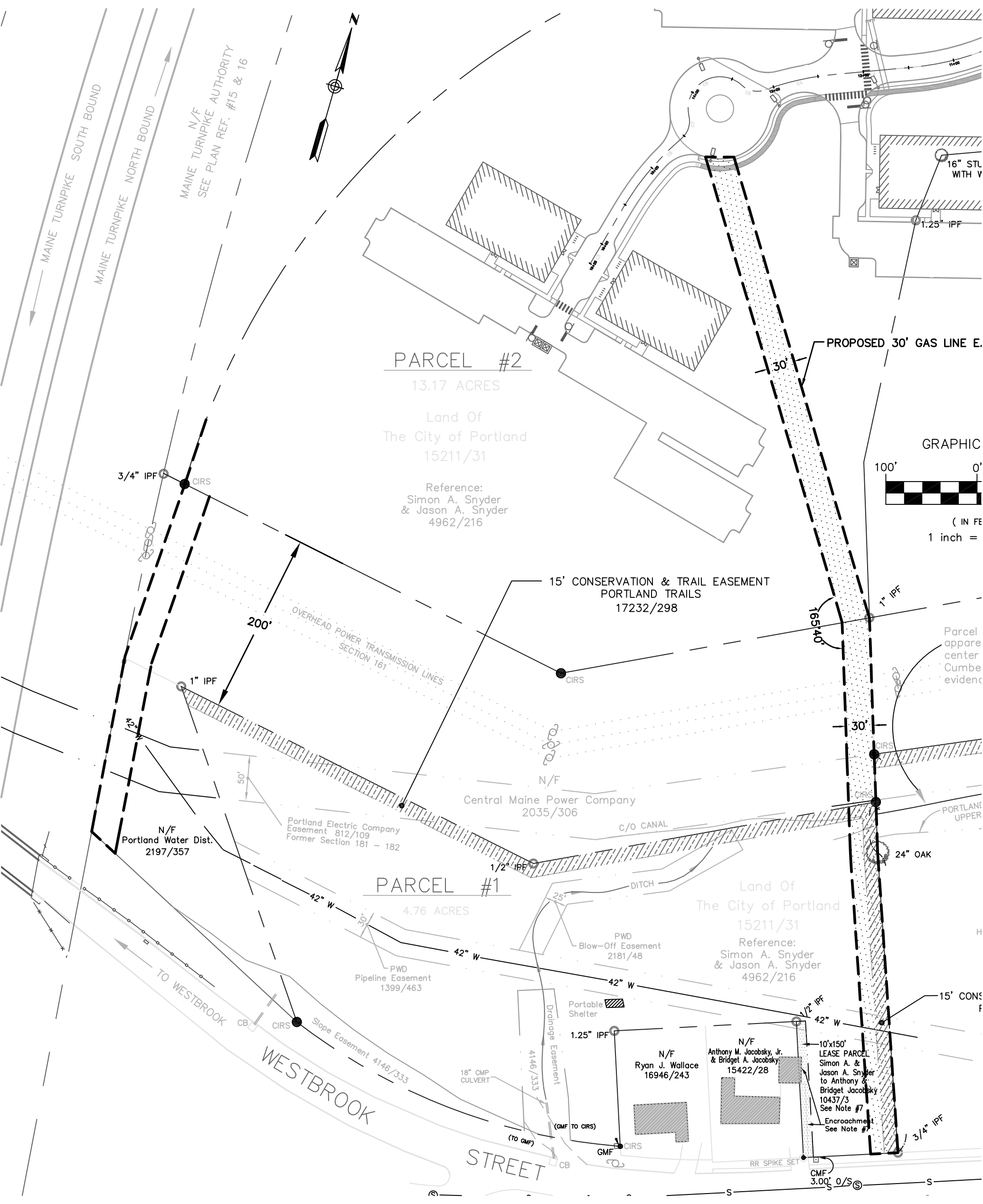
Colleen Tucker made a motion to come out of Executive Session at 6:00 p.m., 2nd by Meri Lowry.

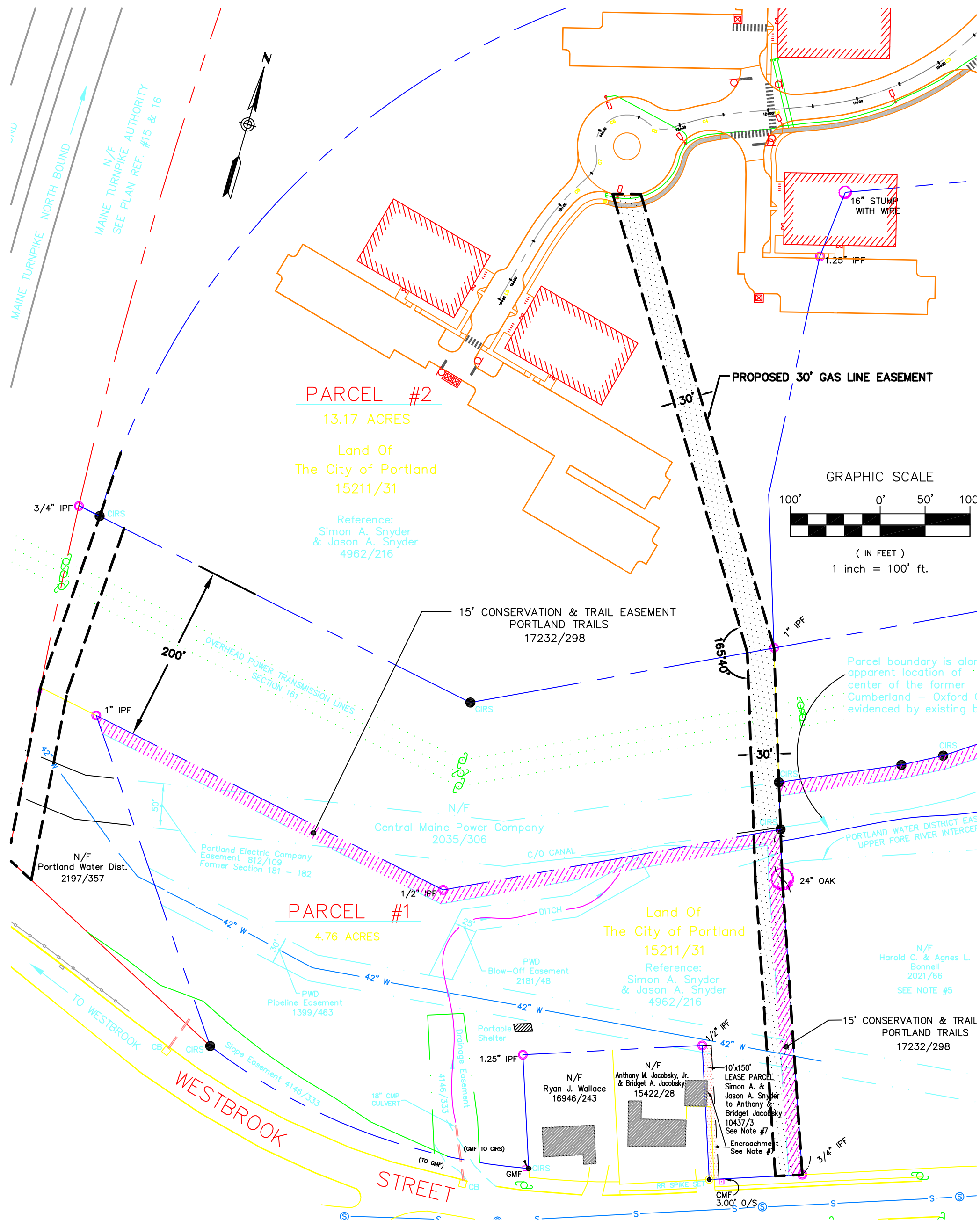
Residents from Peaks Island and Peaks Island Land Preserve spoke regarding the request the Land Preserve submitted to the Land Bank Commission asking for monies to help acquire the Ice Pond property on Peaks Island. Discussion followed.

A motion was made by Rene Perry, 2nd by Colleen Tucker to approve and grant Peaks Island Land Preserve \$30,000 for the acquisition of a conservation easement of the property called the "Ice Pond" on Peaks Island. Additionally, that a public easement or other appropriate instrument of record for the public's access and the fire hydrant be reviewed and approved by Corporation Counsel and finally, that a management plan be developed with the City's involvement and assistance to be reviewed and approved by Corporation Counsel. PASSED.

Meeting adjourned at 6:25 p.m.

NEXT MEETING DATE: Thursday, November 6, 2014 at 5:00 p.m., Room 24, City Hall Basement.







Gregory A. Mitchell
Director, Economic Development Department

Economic Development Department
Gregory A. Mitchell, Director

MEMORANDUM

TO: Co-Chairs Leeman and Jewel, and Portland Land Bank Commission Members
FROM: Nelle Hanig, Business Programs Manager
DATE: October 28, 2014
SUBJECT: **Easement Needed on Resource Protection Zone Land
For Proposed Gas Line to Portland Technology Park**

Request

City staff is requesting Land Bank Commission approval and recommendation to the City Council to establish a twenty foot wide easement to Unitil over Resource Protection Zone (RPZ) property in Land Bank Parcel E-4, to install and maintain an underground natural gas line from Westbrook Street to the Portland Technology Park and to remove vegetation as may be required to do so.

Summary

The utilities installed in the Portland Technology Park include water, sewer, electric and the infrastructure to accommodate fiber optic-based communications networks. A natural gas line has also been installed; however, there is not yet a natural gas connection to the Park. Companies interested in locating in this business park will want access to gas for heating as well as for production, if they are manufacturers. The City's Public Services and Economic Development Departments are working with Unitil to establish a route to extend a natural gas line from Westbrook Street to the Technology Park. Unitil will require a 20' wide easement to install and maintain its gas line, with 20' of cleared area above ground. **See attached plans showing the proposed route for the gas line.** (The plans note a 30' easement, however, Unitil has since agreed to reduce it to 20'). Please know that a number of location options have been considered, over several years, to connect the Technology Park to natural gas. This proposed route from Westbrook Street is recommended as it is a lower cost option and will minimize impact to the environment, being the shortest route.

Easements Needed for Natural Gas Extension

Fourteen acres of the PTP property is included in the City's Land Bank. Easements for installation and maintenance of the Unitil gas line are needed from the City of Portland, CMP and PWD (as the route crosses a PWD easement). PWD and Unitil are both comfortable with the route, and it is currently under review by CMP. In addition, Portland Trails has a conservation easement on the RPZ land. We have talked with Portland Trails about the proposed route. The Portland Trails conservation easement reserved the City's rights to install and maintain underground utilities and to remove vegetation as may be necessary to do so. Since the conservation easement does not allow all terrain vehicles (ATV's) on

the property, Unitil has agreed to walk the route on its annual check of the easement.

Background on the Technology Park

Phase One of the Portland Technology Park was completed in the Summer of 2013. This involved the construction of a 975 foot road with utilities, creating three sites for development. Site 1 will accommodate a 40,000 sf building; Sites 2 and 3 will each accommodate a 10,000 sf building. At full build-out, the Park is approved for upwards of 120,000 square feet of space in seven buildings. In this condominium business park, the building sites will be individually owned, with the surrounding land held in common ownership by a condominium association. With the purchase of individual sites, a company will be responsible for constructing its building, driveway and parking area. Economic Development staff is currently in discussions with a company interested in Site 1.

This environmentally friendly campus will provide a home for innovative, knowledge-based companies. In a setting amidst natural woodlands preserved throughout the site, low impact development techniques have been incorporated into the Park's design, for example, reduced impervious surfaces, gravel wetlands and under-drained soil filters. The Design Guidelines for the Park call for native plant and tree species rather than expanses of maintained lawn areas and for buildings to meet the City's Green Building Code and be sited for maximum solar gain. Transportation connectivity to the site is remarkable, located minutes from the Interstate and the Portland International Jetport.



Michael J. Bobinsky
Director of Public Services

To: Members of the Land Bank Commission
From: Troy Moon, Environmental Programs and Open Space Manager
Re: Proposed Community Garden on the Eastern Promenade
Date: October 30, 2014

The Department of Public Services seeks to establish a new community garden on the Eastern Promenade in an area directly behind the tennis courts. We believe this use is consistent with historic and current uses of the park. Agricultural uses of the Eastern Prom predate establishment of the park. The 2004 Eastern Promenade Master Plan notes that “[p]rior to public interest in this site, it was primarily pasture land” (p. 14) and goes on enshrine community gardens as an accepted and highly sought-after use of park land (p. 40). The Master Plan notes the waiting list for gardens among Portland residents. This remains true ten years later despite the fact that the garden expansion recommended in the Master Plan (p. 44) was successfully completed. The proposed garden is a direct response to high citizen demand. The waiting list for a garden spot currently numbers 130 people. The majority of these are residents of Munjoy Hill.

Our intent is to locate the proposed garden entirely behind the existing fence surrounding the tennis and basketball courts, which measures 235’ along the street and stands 10’ tall. (See figure 1) No structures in the proposed garden would exceed 8’ in height.

As shown in Figure 2, the design would consist of two distinct sections separated from each other by a gap that mimics a gap in the fence along the street. This spacing is to preserve the view corridor from the street. A group of 40 individual



Michael J. Bobinsky
Director of Public Services

garden plots would be located behind the tennis courts and be surrounded by a 4' wooden fence similar to the one at the North Street Garden. (See photo 1) This area would also include a tool storage shed similar to the one at North Street which is 8'x10' and 8' tall. A smaller area behind the basketball courts would be dedicated for "plant a row" gardening, where people would work cooperatively as opposed to on their own individual plot. There would not be a fence around this section of garden.

On the northern corner of the garden, we propose a small orchard that would be tended by gardeners. We would specify an appropriate species of dwarf heirloom trees in consultation with an expert such as John Bunker of Maine Organic Farmers and Growers Association. Anticipated full height of these trees would be 15'. Access to the garden would occur at the existing curb cut which is at the intersection of Eastern Promenade and Montreal St. This is at the north end of the tennis courts. Vehicle access would be restricted to City vehicles only that are actively engaged in maintenance or delivery of materials such as compost or wood chips. It is anticipated that most gardeners will live in the neighborhood and will walk to the garden.

The Department presented this plan to the Historic Preservation Board on October 15, 2014. The Board unanimously endorsed the garden as proposed and presented in the concept drawings. We are also pleased that the Friends of Eastern Promenade have endorsed this plan.

Staff is prepared to answer any questions Commission members may have.

Proposed Community Garden Eastern Promenade Figures and Photographs

City of Portland
Department of Public Services
10/9/2014

Figure 1 - Location



Figure 2 – Concept Sketch



Photo 1 – North St. Fence and Shed



Photo 2- from street



Photo 3 – from street



Photo 4 – From sidewalk, south of courts



Photo 5 –from park, south of courts



Photo 6 – view back toward street from northern corner





DATE: November 26, 2013

MEMORANDUM

TO: Curtis Rindlaub, President of the Board, Peaks Island Land Preserve

FROM: Robert Reed, P.E.

SUBJECT: Ice Pond Dam Assessment

This memorandum summarized the findings from HDR Engineering Inc.'s (HDR) site visit to Ice Pond Dam on Peak's Island, Portland, ME on November 19, 2013. The purpose of this visit was to assess the type and general condition of the dam for the Peaks Island Land Preserve (PILP) prior to PILP's acquisition of the dam and impoundment. The assessment included a site visit to make visual observations and was performed by Robert Reed, P.E. of HDR, accompanied by Curtis Rindlaub, President of the Board of PILP. Selected photographs taken during the site visit are included as Attachment A of this memorandum. Information on the history of the dam was based on discussions with Mr. Rindlaub.

Ice Pond Dam is a laid stone masonry dam with an approximately 6-inch concrete cap that impounds a body of water known locally as Ice Pond, or Ice House Pond (Google Maps labels the impoundment as Echo Pond.) The original purpose of the dam was to raise the level of Ice Pond for the purpose of ice production on Peaks Island. Ice Pond is currently a recreational pond whose primary function is as an ice skating pond during the winter. The dam is approximately 120 feet long, 3-feet 6-inches wide, and between 6 and 8 feet high. The dam is shown in Photo 1. Due to the presence of extremely thick downstream vegetation, the exact height of the dam was difficult to determine in the field. The left approximately 55 feet and right approximately 30 feet of the dam have earthen berms abutting the downstream face of the dam. (Note that for the purposes of this memo, the directions "left" and "right" are referenced looking downstream, or towards the ocean.) The middle approximately 35 feet has an exposed downstream face where the berms drop to a creek that carries leakage through the dam down to a 24 inch diameter corrugated metal pipe (CMP) culvert that passes under Seashore Avenue. (Photo 9)

The dam impoundment is heavily silted in. Immediately upstream of the dam leaves, silt and sticks have accumulated to within 6 inches of the water surface, or within 2 feet of the dam crest. During the site visit, Mr. Rindlaub took several soundings of Ice Pond from a canoe, and found a water depth of approximately 2-feet 6-inches to 3 feet. At the time of the inspection, the water level was approximately 1-foot 6-inches below the crest of the dam, meaning that, most likely, there is 3-foot or more of silt accumulation at the bottom of the pond.

The portions of the dam with earth berms on the downstream side did not show indications of significant movement or distress. Berm condition was difficult to observe due to the heavy

vegetation.

Only an approximately 35-foot portion of the dam could be observed on the downstream face. It is unclear if the masonry was originally mortared. There is currently no mortar in the joints and water is leaking through the portion of the dam upstream of the creek. An 11-inch diameter clay tile pipe was observed near the bottom of the dam, which was most likely the original means of passing flow. (Photo 10.) This drainage tile is no longer flowing, presumably because it has silted in. The top 2 feet of the masonry appear to be more loosely stacked than the masonry below, with larger joints between stones.

An approximately 9 to 10-foot long length of the dam, beginning approximately 55 feet from the left abutment, has tilted downstream and partially collapsed. As a result, the crest of the dam at this point has lowered approximately 1-foot 6-inches, and is largely held in place by root growth. In this area, the masonry has blown out downstream and left a void 5 feet long by 3 feet high and as much as 3-feet 6-inches into the dam, approximately the width of the dam. The cause of this collapse is likely the root growth into the dam that is now visible in the void. This same root growth is now, along with accumulated sticks and logs upstream, most likely holding this section of the dam together. (See photos 3 and through 5 and Photo 7.) Full collapse of this portion of the dam is likely in the next few years. It would be advisable to lower the level of the pond below the level of the void until repairs can be made to either restore the dam to its original dimensions and alignment, or to otherwise repair the void and stabilize the structure.

The areas adjacent to the tilted and partially collapsed portions of the dam appear to be in fair condition for a dam that is likely on the order of a century old. (See Photo 5.) The lack of mortar in the joints, however, makes these sections susceptible to unraveling during repair of the partially collapsed portion of the dam.

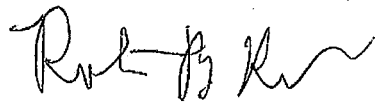
As mentioned above, the leakage through the dam flows down a creek and into a 2-foot diameter CMP culvert under Seashore Avenue. In the event of a dam failure, it is possible that the release of pond water would temporarily overwhelm the culvert, and water could pass over Seashore Avenue and onto the properties on the ocean side of the road which could result in property damage (See Photo 8.) Environmental impacts including erosion and siltation of downstream areas could also result from dam failure. HDR recommends that PILP investigate the potential for impacts to significant protected resources and other environmental impacts with the Maine Department of Environmental Protection (Maine DEP). Based on these observations, risk to life in the event of failure of the dam the dam is considered very unlikely, with some potential for property and environmental damage; therefore, the dam would be considered to have low hazard potential consistent with industry dam safety guidelines. Repair of the deteriorated section of the dam to minimize potential for damage to downstream areas would be prudent and responsible dam ownership.

Examination of State of Maine GIS data available to HDR does not show Ice Pond Dam as being identified by the Maine DEP or the Maine Emergency Management Agency (MEMA.) Repair of the dam would likely require a Maine DEP Permit by Rule, which is a relatively simple and inexpensive permit to obtain. In addition, depending on potential impacts to waterways or wetlands downstream of the dam, the US Army Corps of Engineers (USACE) might need to be

The service provided by HDR includes the professional opinions and judgments on observations made at the site. The conclusions and recommendations presented in this report are based on the visual observations of only the portions of the dam mentioned in this report. Only exterior portions of the structure accessible from the ground were inspected. No field or laboratory testing was performed in the course of this investigation.

HDR appreciates the opportunity to provide this service to the Peaks Island Land Preserve. Please feel free to call with any questions regarding this report.

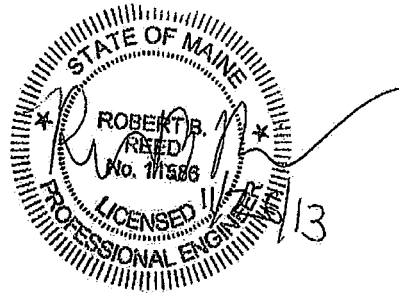
HDR ENGINEERING, INC.



Robert B. Reed, P.E.
Structural Engineer
Hydropower Services

Attachment

cc: Ray Wingert, P.E.



ATTACHMENT A - PHOTOGRAPHS



Photo 1 – Ice Pond Dam, Looking from Left Abutment



Photo 2 – Ice Pond



Photo 3 – Partially Collapsed Section and Void



Photo 4 – Root Growth in Void



Photo 5 – Typical Masonry Condition Adjacent to Partially Collapsed Section



Photo 6 – Non-Functioning 11" Diameter Drain Tile at Bottom of Dam



Photo 7 – Overgrown and Deteriorated Crest Above Void



Photo 8 – 2-foot Diameter CMP Culvert Downstream of Dam



Photo 9 – Properties Downstream of Dam

FIRE POND EASEMENT DEED

We, Jon Boyle and Allyson Burton, both of 896 Seashore Avenue, Peaks Island, Cumberland County, Maine with a mailing address of 5430 Brownyard Ct, Burke, VA 22015 (hereinafter the Grantors), for consideration paid, grant to the City of Portland, a municipal corporation existing under the Laws of the State of Maine and located in Cumberland County, Maine, with a mailing address of 389 Congress Street, Portland, Maine 04101; its successors and assigns (hereinafter the Grantee), with warranty covenants, a perpetual easement to enter at any and all times with persons and machines upon a certain lot or parcel of land more specifically described below for the purpose of obtaining access to a fire pond, and a perpetual easement for the purpose of draining water for firefighting purposes from the pond, said pond being situated upon a certain lot or parcel of land more specifically described below, which lot or parcel of land is located on Peaks Island, Cumberland County, Maine;

This easement shall also include the right to enter at any and all times with men and machines upon said lot or parcel of land for firefighting purposes; the right, but not the obligation, to maintain and repair any access road on or to the fire pond location; the right, but not the obligation, to remove snow and ice from any access road; the right, but not the obligation, to install, maintain, repair and replace a dry hydrant upon said lot or parcel of land; the right, but not the obligation, to lay, re-lay, repair, maintain, relocate or replace an underground water line upon or under said lot or parcel of land with all necessary fixtures and appurtenances together with the right at any and all times to make connections with said water line to dry hydrant and to the pond located on said lot or parcel of land; the right, but not the obligation, to use the soil to such extent as may be needed to embank any of said lines and necessary fixtures and appurtenances to a cover of not less than three (3) feet over and around said lines; the right, but not the obligation, to trim, cut down and remove bushes and trees and to remove grass and growing crops on said parcel of land to such extent as in the judgment of the Grantee herein, its successors and assigns, is necessary for any of the above purposes; and the right, but not the obligation, to clean the pond as is reasonably necessary in the sole judgment of the Grantee herein, its successors and assigns, to allow the pond to serve its intended function hereunder;

Provided, however, that (1) after any such work, the Grantee herein, its successors and assigns, shall restore said lot or parcel of land substantially to its previous conditions; (2) the Grantors herein, their successors and assigns shall assume no responsibility for the repair and replacement of the dry hydrant and water line and necessary fixtures and appurtenances after initial proper installation by the Grantors, nor shall the Grantors herein, their heirs and assigns have any responsibility to maintain the water level in the pond.

FIRE POND EASEMENT DESCRIPTION

The lots or parcels of land subject to this easement located on Seashore Avenue, Peaks Island, Maine known as tax map and lot 97-G-7-8-13-25 as shown on maps of the Tax Assessor of the City of Portland for fiscal year 2006; such maps on file in the office of the Tax Assessor for the City of Portland.

Meaning and intending to convey easement rights over a parcel of property obtained by these Grantors by deed dated _____, and recorded in the Cumberland County Registry of Deeds in Book 17005 Page 134.

With the right to enter at any and all times with men and machines upon said access road for firefighting purposes; the right, but not the obligation, to maintain and repair the access road; and the right, but not the obligation, to remove snow and ice from the access road.

The Grantors agree and covenant for themselves, their administrators, executors, heirs, successors and assigns not to construct or cause or allow to be constructed or erected any building or structure within the limits of the easement herein conveyed which interferes with the easement rights of the Grantee herein, its successors and assigns.

The Grantee agrees by accepting delivery of this deed to be bound by the covenants and conditions set forth herein to be performed by it.

IN WITNESS WHEREOF, the said Grantors, Jon Boyle and Allyson Burton, joining in this deed as Grantors and relinquishing and conveying all rights by descent and all other rights in above described premises, have set our hands and seals this June 30, 2005.

Signed, Sealed and Delivered in the presence of

Witness

Witness

Jon Boyle

Allyson Burton

State of Maine ~~District~~
County of Columbia, ss.

June 30, 2005

Then personally appeared the above named Jon Boyle + Allyson Burton and acknowledged the foregoing instrument to be their free act and deed.

My commission expires:

02/28/2010

Notary Public

Deborah F. Fox

Printed Name

Deborah F. Fox
Notary Public - District of Columbia
My Commission Expires Feb. 28, 2010

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Received
Recorded Register of Deeds
Aug 05, 2005 11:09:54A
Cumberland County
John B O'Brien

SEAL

PEAKS ISLAND LAND PRESERVE

P.O. Box 99

Peaks Island, Maine 04108

October 29, 2014

Thomas F. Jewell, Esq.
Hon. Cheryl A. Leeman
Land Bank Commission
City of Portland
389 Congress Street
Portland, Maine 04101

RE: Peaks Island Land Preserve/Ice Pond Project

Dear Tom and Cheryl:

I am writing to provide you and the other members of the Land Bank Commission with background on the request of the Peaks Island Land Preserve ("PILP") to return to the Commission on November 6 to continue the discussion of its planned acquisition of the Ice Pond property on Peaks Island (the "Ice Pond.")

As you know, on September 4, 2014, the Commission voted to recommend to the City Council a \$30,000 grant to PILP for its acquisition of the Ice Pond. PILP was pleased by that vote and happy to hear Commission members' enthusiasm for the project. PILP has had the Ice Pond on its wish list for years because of its beauty, its natural habitat, and its use as a beloved family skating pond. The Peaks Island community strongly supports long-term conservation of the Ice Pond. Since signing a contract last December to purchase the approximately two-acre parcel, PILP has conducted a successful fundraising campaign, receiving contributions from more than 200 donors, most of them individual islanders.

Our request to return to the Land Bank Commission should not be understood as a suggestion that the September 4 outcome was not a good one. Rather, we are returning in order to ask for more discussion about the soundest ownership structure for the Ice Pond over the long term. It has been suggested since we last appeared before the Commission that it would be a good idea to explore those options more thoroughly before moving forward.

Prior to the September meeting, the idea we discussed with Corporation Counsel Danielle West-Chuhta was that PILP would own fee title to the Ice Pond and the City would hold a Conservation Easement on it, either solely or in conjunction with Oceanside Conservation Trust of Casco Bay ("OCT"). We were agreeable to that, or any other functional partnership involving the City. However, at the September meeting, the idea of the City being sole or co-holder of the CE was rejected in favor of PILP owning fee title and giving a Conservation Easement to OCT only.

It is our understanding that in the past, the City has always been granted some ownership interest in properties in which the Land Bank has invested. We know that last year, the City's bond counsel reversed a previous ruling, opining that it is not essential for the City to hold an ownership interest in Land Bank-funded properties. However, this would be the first case where the City would be obtaining no legal interest.

We have some concern that at the City Council level, there could be concern about proceeding in this manner, both because it has never been done before and also because since 2005 the City has held a fire pond easement on the Ice Pond, allowing it to draw water from the pond using a dry hydrant. This easement expands capacity to fight a fire in the northwest corner of the island, where there is no public water supply.

In mid-October, Fire Chief LaMoria and Mike Murray came out to the island to tour the Ice Pond area. I told them PILP will make every effort to do what is necessary to maintain the pond in its current condition. However, as an all-volunteer organization, PILP feels somewhat daunted by the prospect of being solely responsible to maintain the pond, especially because we are aware the dam that impounds it is in need of repair.

As you may recall, the purchase price for the Ice Pond is \$60,000. But we set (and met!) a fundraising goal of \$160,000 because we know work will be needed on the old laid stone masonry dam that was built by the Trefethen family in the early 20th century to create a pond for the purpose of cutting winter ice for year-round use. During our due diligence investigation we had an engineer come out to evaluate the dam's condition. To no one's surprise he indicated shoring up or replacement of the structure will be necessary to protect the integrity of the pond. He was unable, however, to provide us with a firm plan or cost estimate for this work.

Over the summer we have had numerous conversations with people knowledgeable about dam repair. There are a lot of opinions about how to go about the task of shoring up the dam's weaknesses, and we are now evaluating them. Our hope is to identify a simple, effective solution. In our view, there is no need for what is now a low-profile masonry dam to be replaced by a large, heavily-engineered structure. Despite the uncertainty about how to actually proceed with the dam repair, PILP's Board voted to move forward with the purchase, believing the conservation value of the Ice Pond justifies whatever the cost may be to repair the dam.

Since the September meeting, however, we have had a number of informal conversations with commission members and city officials, some of whom expressed the wish to discuss in more detail whether it is in the best interest of both PILP and the City to approach this project as conceptualized at the September meeting – with PILP owning the fee title and OCT holding a Conservation Easement. We do not know how realistic it is for two non-profit conservation organizations to spearhead the design, permitting and repair/reconstruction of the dam. It has been suggested that the complexity of this task would be lessened considerably if the City had an ownership interest, as well as a practical interest, in doing what is necessary to maintain the pond's integrity.

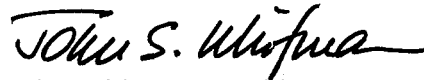
A potential option we would like to explore is for the City to hold fee title to the Ice Pond, and PILP to hold a Conservation Easement on it to protect it from future development. The CE would designate PILP as day-to-day steward, similar to the existing CE held by PILP on 100 +/- acres of City-owned land in the center of the island. As owner of the fee interest, the City would retain rights to maintain the Ice Pond so it will continue to function as a firefighting tool. PILP handle habitat management and supervise its use as a skating pond in the winter.

If the City Council accepts the recommendation that \$30,000 of Land Bank funds be allotted to this project, PILP would still use that money to fund part of the purchase. We recognize there may be other options that make as much or more sense than this, and we will be happy to discuss them with you as well.

If it is decided to stick with the original plan, whereby the City would have no legal interest in the Ice Pond, and the Council accepts the Commission's pending recommendation, PILP is prepared to accept the \$30,000 grant and make its best efforts to address the dam issues. But it does seem to our Board that a PILP-City partnership of some sort might make more sense.

For your reference, I have attached to this letter the report of the engineer who evaluated the dam's condition earlier this year, as well as a copy of the fire pond easement discussed above. We look forward to our discussion with you on November 6.

Best regards,

A handwritten signature in black ink, appearing to read "John S. Whitman", with a stylized flourish at the end.

John Whitman, President
Peaks Island Land Preserve

Enc: Ice Pond Dam Study
Fire Pond Easement