

From: [Sirois, Alison](#)
To: MDENBOW@maine.rr.com
Cc: [Green, Robert L](#)
Subject: RE: Fallbrook Construction Merrymeeting Dr Portland
Date: Friday, February 28, 2020 2:37:07 PM

Good afternoon Mr. and Mrs. Denbow,

We do have an application for the development and Robert Green is the project manager who will be reviewing the application. An application like this that requires review pursuant to the Natural Resources Protection Act will ensure that the developers avoid and minimize impacts to natural resources on site through our rigorous evaluation process of the proposed development that also include reviews by agencies like Maine Inland Fish and Wildlife who provide technical review on project design and impacts to essential habitats and critters living within those resources. I am forwarding your concerns on to Bob (included here) who will be able to answer any further questions you have regarding our review process.

Alison Sirois

Regional Licensing and Compliance Manager, Southern Maine
Bureau of Land Resources, Maine Department of Environmental Protection
Phone (207)699-7028 Office (207)822-6300
www.maine.gov/dep

From: MDENBOW@maine.rr.com <MDENBOW@maine.rr.com>

Sent: Friday, February 28, 2020 2:23 PM

To: Sirois, Alison <Alison.Sirois@maine.gov>

Subject: Fallbrook Construction Merrymeeting Dr Portland

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Alison Sirois

Maine Department of Environmental Protection

Alison

My wife and I are writing to you about the Fallbrook Properties LLC at 60 Merrymeeting Drive. This will be a large-scale development of Skilled Nursing Facility that will impact 12.78 acres of wooded land in the city of Portland. This land currently has on it wetlands, vernal pools, is a pathway for wildlife that travels between the wooded section behind St Josephs Manor, over Maine Ave, across and following the roadways between Florida Ave and Merry Meeting Road, across Ray Street, to a wooded section leading to the Falmouth line where Portland Trails currently has a path.

There are numerous mammals, amphibians, birds, that currently use this area for their habitat. The mammals include deer and their fawns, fox and their kits, coyotes, racoons and their kits, bats, possums, woodchucks, and squirrels. Numerous larger birds inhabit these wooded areas, red tail hawks, owls, pileated woodpeckers and eagles have been known to visit the woods. The ponds and streams in the land area have been the home to reported turtles, salamanders, frogs, tree frogs, and others.

Neighbors who live in this area met with the developers recently and it was apparent from the

meeting the developers and owner of the property were not concerned with the preservation of the natural environment at all, stating they intended to cut down all the trees and develop the entire area, including the wetlands and stream.

My wife and I would like to ensure that your office is advised of our and the neighborhoods concerns.

Please place this in the public record area, your attention in this matter would be greatly appreciated.

Mike and Deb Denbow

69 Florida Ave, Portland, Maine

207-899-0053 mdenbow@maine.rr.com

From: MDENBOW@maine.rr.com
To: [Green, Robert L](#)
Subject: Fallbrook Project Portland Maine
Date: Tuesday, March 3, 2020 1:50:50 PM

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I have written an e-mail to you earlier about this project, I am sure you have mine plus several others. I would like to be notified if and when a public meeting is to be held on this.

Thanks you

Mike Denbow

69 Florida Ave, Portland, Maine

207-899-0053 mdenbow@maine.rr.com

From: Green, Robert L
To: MDENBOW@maine.rr.com
Subject: RE: Fallbrook Project Portland Maine
Date: Wednesday, March 4, 2020 9:16:00 AM

Good morning,

I am writing to acknowledge receipt of your email. I was assigned this project late last week and am still becoming familiar with it. It is my understanding that several people have written the Department expressing their concerns and/or requesting the Department hold a public hearing on the project. Today and tomorrow I will be delving into the proposed project and public concerns with it. As soon as I can, I will provide responses to everyone. Specifically to your request for a public meeting, there are procedural rules for that sort of action and a response to your request usually comes from the Bureau Director. I need to find out where we are in that process.

I will keep you informed as this moves forward.

Thank you,

Bob.

Robert L. Green, Jr.
Environmental Specialist
Bureau of Land Resources
Maine Department of Environmental Protection
(207) 615-2214
www.maine.gov/dep

From: MDENBOW@maine.rr.com <MDENBOW@maine.rr.com>

Sent: Tuesday, March 3, 2020 1:51 PM

To: Green, Robert L <Robert.L.Green@maine.gov>

Subject: Fallbrook Project Portland Maine

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I have written an e-mail to you earlier about this project, I am sure you have mine plus several others. I would like to be notified if and when a public meeting is to be held on this.

Thanks you

Mike Denbow

69 Florida Ave, Portland, Maine

207-899-0053 mdenbow@maine.rr.com

From: MDENBOW@maine.rr.com
To: [Green, Robert L](#)
Subject: Fallbrook project, Portland, Maine by Fallbrook LLC
Date: Sunday, April 26, 2020 10:43:20 AM

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good day Mr Green,

Hope you are well and safe. I am following up regarding the Fallbrook LLC project that is being proposed for property located off of Ray St in Portland, Maine bordering Florida Ave.

My wife and I own property at 69 Florida Ave in Portland. We purchased our home over 20 years ago for the location and neighborhood quality the location brings to this portion of Portland. The wooded land, lack of traffic noise buffered by the trees, wildlife that have been evident throughout our years here, give this area a country atmosphere.

The recent notification and meeting with proposed builders of Fallbrook LLC about a large-scale skilled nursing facility that will be built in a wooded section abutting our neighborhood has changed the dynamics of the once calm neighborhood. At a meeting with Fallbrook LLS., it was stated by the designers and owners the project will be built with the cooperation from Maine Medical Center. The reasoning for this is Maine Medical Center does not wish to be in the nursing home business any longer and is looking for placement of the people who currently reside at St Joseph's Manor. Fallbrook LLC with the cooperation of Maine Medical Center has decided to build a facility to accommodate this by building a facility that will completely remove the wooded section in the neighborhood, covering wet lands, and placing parking lots up to the allowed distances from property lines. It was indicated in this meeting there would be no compromise. Representatives stated building would start as early as June of this year, they changed this quickly to October of this year when questioned further at the meeting.

Unfortunately, families in the neighborhood are quickly selling their homes to avoid the anticipated approval by city planning board for this immense construction project. They along with the rest of us here feel this will not only change the neighborhood, but will have significant impact on land, housing values, drainage, wildlife, wetlands, noise, traffic, safety, and loss of community. Because Maine Medical Center, who owns St Joseph's Manor, does not wish to be in the nursing home business and wishes to convert their existing nursing home into something else, our neighborhood may have to pay the price.

In this letter I will only be addressing the environmental impact and concerns this project will have. The concerns regarding traffic, safety, will not be addressed.

Increase in drainage issues and Mosquito's

Currently the undeveloped land absorbs most of the water. Houses along the border of the proposed building area do have some flooding but is fairly well controlled by the make up the property. The proposed building site will remove most of the trees and land mass and replace it with a building or tarred section of driveway that will hold at least 90 or more vehicles. This will increase the potential for large amounts of run off

that would normally be absorbed by the forested area. Engineers and staff from the Fallbrook LLC project stated that run off ponds would be used to control this. They could not effectively answer where that water would be directed afterward. They were also asked how the potential of increased mosquito habitat would be handled. The answer was that was not their concern.

Wildlife and Wetlands

This area has a population of deer and fawns, fox, coyotes, racoons and their kits, hawks, owls, turkeys, ducks and ducklings, bats (that eat the mosquitos), tree frogs, migratory birds, and the list goes on. Removing this environment will significantly impact the ecological balance of the wildlife that calls this home. There is nearly 1 acre of wetlands on the property that the designers have stated they will build over, there are vernal pools, along with streams both above and below ground. Removal of this land will not only impact the environmental balance but will also cause more noise pollution currently abated by the trees and current land configuration

My wife and I hope the Department of Environmental Protection will closely review the project and make a wise and prudent decision on its outcome. Review of the plans for the project and also looking at the existing St Josephs Manor as an alternative building site would make more financial, ecological sense with less impact.

Thank you for your attention in this matter. We request that this e-mail be placed into the public record for the review for this site.

Mike and Deb Denbow
69 Florida Ave, Portland, Maine
207-899-0053 (mdenbow@maine.rr.com)

From: [Green, Robert L](mailto:Green.Robert.L)
To: MDENBOW@maine.rr.com
Subject: RE: Fallbrook project, Portland, Maine by Fallbrook LLC
Date: Wednesday, May 27, 2020 4:13:00 PM

Good afternoon,

First, I must apologize for the lack of response to your comments about this project. Time has slipped away faster than I realized.

I would like to respond to the points you raised in your February 28, 2020 email and the email below. As a point of explanation, a project of this size requires a Site Location of Development Act (Site Law) permit. Because of the amount of wetland alteration proposed, the applicant must also obtain a Natural Resources Protection Act (NRPA) permit. As the project is located within the City of Portland, and the City has delegated review authority under the Site Law, the City is the permitting authority for some of the issues you've raised, specifically, noise and (stormwater) drainage. Please be advised that the Site Law does not address issues of property value changes or loss of community. Also, traffic is no longer regulated under Site Law; this is more the responsibility of the City.

As for your question related to drainage, the City will review the details, but I can tell you that stormwater will be collected from the impervious and developed surfaces and routed through stormwater treatment units to provide treatment, such as removal of suspended solids and thermal cooling, before being discharged to the remaining wetlands and ultimately off-site, with the bulk of the runoff leaving the site via the culvert near the Ray Street/Florida Avenue intersection. Stormwater rules established by both the City and the Department require that the rate of runoff from the built condition not exceed the rate of runoff from the existing (undeveloped) condition. This requirement is designed to prevent flooding of downstream properties. The applicant must also demonstrate that the City's existing infrastructure (storm sewer system) will have the capacity to handle the increased flow volume.

As for your concern about mosquitos, the proposed stormwater treatment units are designed to capture and treat stormwater (generally) within a 24-hour period. This project proposes to use a roof drip-edge filter and vegetated underdrained soil filter neither of which are not expected to have standing water for any period of time that would allow for the laying and hatching of mosquito eggs. The gravel wetland unit may have water at its surface but not to any depth, so again, I do not see an issue here. What may be experienced is that the remaining forested wetland may become wetter for a longer period of time. Using the wetlands to hold stormwater runoff is an issue that will be reviewed by the City's stormwater engineer. If stormwater runoff raises the surface water greater than two inches for a period of 24 hours or greater, then that is considered an alteration to the wetland, an alteration that would need to be accounted for as part of the NRPA permitting process. Since this issue was not raised in the NRPA permit application, I can only assume that excessive flooding in the wetland is not proposed. Please note that this type of wetland impact is very uncommon. This went a little off track in regards to your question about mosquitos, but to circle back, if too much water is kept in the remaining wetlands (enough that mosquito populations increase significantly), then it's very likely that the wetlands would be altered such that this impact would need to be addressed by permit.

Speaking more directly to your concerns about impacts to wildlife, for a project to receive a NRPA permit, the applicant must demonstrate that the project will meet the standards established in the NRPA. The standard that applies here is Harm to Habitats; Fisheries. Here the specific point of interest is to avoid unreasonable harm to significant wildlife habitats (as defined in statute and rule), as well as, the different types of wetlands and waterbodies. This standard does allow the Department to take into consideration any proposed mitigation in determining whether there is an unreasonable harm to these protected natural resources. You mention there are vernal pools on site. The NRPA only provides protection to pools that are classified as "significant vernal pools". After walking the site back in March, when vernal pools determinations can be made, I did not see any vernal pools, nor did I see stream features (again, as defined in statute and rule). Standing water? Yes, but no

vernal pools, as defined. You also mentioned bats are found in the area. Most species of bats in Maine are classified as rare, threatened, endangered, or at least species of concern by the Maine Department of Inland Fisheries and Wildlife (MDIFW). In particular, tree dwelling bats are the species of most interest. Because the range and habitat requirements of these bats is so large and pervasive, the focus for protecting these bats is primarily during the pupping season. MDIFW, as well as the US Fish and Wildlife Service, have established guidelines limiting tree cutting during the pupping season (June 1 through July 31). The permit for this project will include this limitation. As for the other wildlife you listed that can be found on the property, the NRPA does not provide unique protections for these species, in part because of their abundance in numbers and the wide range of habitats where they can be found. That they are found here speaks more to the persistence of life to find a way to survive.

In your email below, you state that the project will completely remove the wooded section in the neighborhood. Clearing limits for the project are outlined in the plans. The remaining forested wetlands along the Florida Avenue and Ray Street sides of the property will remain wooded. Under the NRPA, removal of forest canopy constitutes a wetland alteration that may not be conducted without first obtaining a permit from the Department. As a result, a wooded buffer between most of the houses on these two streets and the project will remain. Any new wetland alteration proposed on this property will need to go through the permitting process again.

I mentioned earlier that the Department may consider mitigation efforts in its review as to whether a project will result in an unreasonable impact to protected natural resources. As this project proposes to alter approximately 38,500 square feet for forested wetlands, compensation for those alterations is being required. The permit will stipulate that the applicant must make a payment to the In-Lieu Fee Compensation Program (see https://www.maine.gov/dep/land/nrpa/ILF_and_NRCP/index.html for details) as mitigation for the loss of wetlands.

At this point, I expect to complete the permit (for approval) in the next day or so. If you have any other questions or comments, please let me know. I can hold back on sending the permit up for review and approval until your questions have been addressed. Also, if you would like to receive a copy of the approved permit, please let me know, and I will add your name and email address to the routing sheet.

Bob.

Robert L. Green, Jr.
Environmental Specialist
Bureau of Land Resources
Maine Department of Environmental Protection
(207) 615-2214
www.maine.gov/dep

From: MDENBOW@maine.rr.com <MDENBOW@maine.rr.com>

Sent: Sunday, April 26, 2020 10:43 AM

To: Green, Robert L <Robert.l.Green@maine.gov>

Subject: Fallbrook project, Portland, Maine by Fallbrook LLC

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good day Mr Green,

Hope you are well and safe. I am following up regarding the Fallbrook LLC project that is being proposed for property located off of Ray St in Portland, Maine bordering Florida Ave.

My wife and I own property at 69 Florida Ave in Portland. We purchased our home over 20 years ago for the location and neighborhood quality the location brings to this portion of Portland. The wooded land, lack of traffic noise buffered by the trees, wildlife that have been evident throughout our years here, give this area a country atmosphere.

The recent notification and meeting with proposed builders of Fallbrook LLC about a large-scale

skilled nursing facility that will be built in a wooded section abutting our neighborhood has changed the dynamics of the once calm neighborhood. At a meeting with Fallbrook LLS., it was stated by the designers and owners the project will be built with the cooperation from Maine Medical Center. The reasoning for this is Maine Medical Center does not wish to be in the nursing home business any longer and is looking for placement of the people who currently reside at St Joseph's Manor. Fallbrook LLC with the cooperation of Maine Medical Center has decided to build a facility to accommodate this by building a facility that will completely remove the wooded section in the neighborhood, covering wet lands, and placing parking lots up to the allowed distances from property lines. It was indicated in this meeting there would be no compromise. Representatives stated building would start as early as June of this year, they changed this quickly to October of this year when questioned further at the meeting.

Unfortunately, families in the neighborhood are quickly selling their homes to avoid the anticipated approval by city planning board for this immense construction project. They along with the rest of us here feel this will not only change the neighborhood, but will have significant impact on land, housing values, drainage, wildlife, wetlands, noise, traffic, safety, and loss of community. Because Maine Medical Center, who owns St Joseph's Manor, does not wish to be in the nursing home business and wishes to convert their existing nursing home into something else, our neighborhood may have to pay the price.

In this letter I will only be addressing the environmental impact and concerns this project will have. The concerns regarding traffic, safety, will not be addressed.

Increase in drainage issues and Mosquito's

Currently the undeveloped land absorbs most of the water. Houses along the border of the proposed building area do have some flooding but is fairly well controlled by the make up the property. The proposed building site will remove most of the trees and land mass and replace it with a building or tarred section of driveway that will hold at least 90 or more vehicles. This will increase the potential for large amounts of run off that would normally be absorbed by the forested area. Engineers and staff from the Fallbrook LLC project stated that run off ponds would be used to control this. They could not effectively answer where that water would be directed afterward. They were also asked how the potential of increased mosquito habitat would be handled. The answer was that was not their concern.

Wildlife and Wetlands

This area has a population of deer and fawns, fox, coyotes, racoons and their kits, hawks, owls, turkeys, ducks and ducklings, bats (that eat the mosquitos), tree frogs, migratory birds, and the list goes on. Removing this environment will significantly impact the ecological balance of the wildlife that calls this home. There is nearly 1 acre of wetlands on the property that the designers have stated they will build over, there are vernal pools, along with streams both above and below ground. Removal of this land will not only impact the environmental balance but will also cause more noise pollution currently abated by the trees and current land configuration

My wife and I hope the Department of Environmental Protection will closely review the project and make a wise and prudent decision on its outcome. Review of the plans for the project and also looking at the existing St Josephs Manor as an alternative building site would make more financial, ecological sense with less impact.

Thank you for your attention in this matter. We request that this e-mail be placed into the public record for the review for this site.

Mike and Deb Denbow
69 Florida Ave, Portland, Maine
207-899-0053 (mdenbow@maine.rr.com)

From: [Ian Pollis Houseal](#)
To: [Woodruff, Christine](#)
Subject: DEP permit - Fall Brook Senior Care
Date: Tuesday, February 11, 2020 4:35:45 PM

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ms. Woodruff,

I wanted to make sure my comments get entered into the proposed project at 60 Merrymeeting Dr, Fall Brook Senior Care. I will make comments when the application is made to DEP

I am a direct abutter to the proposed project.

Lucien in the Canco Rd Office of DEP tells me the application has not been made to DEP yet, but they made a notice to abutters through Sebago Technics in November. I guess it was premature.

Could you confirm that you have received this email?

Thank you,

Ian Houseal
86 Florida Avenue, Portland

Mike Casserly, Engineer @ Sanford 324-9125 2/24
Erosion Control for PWD or FD flushing ✓

Mike Denbow Portland, 899-0053
Fall Brook Properties (13 acres)
Concerned party

gave him Alison's email
for public comment

April

11am 2/24
~~2/24~~

KW Architects

201-272-2709

vegetation
& clearing

received

Kevin Downing

8 Sky Harbor Drive
Bidd

From: [Woodruff, Christine](#)
To: [Ian Pollis Houseal](#)
Subject: RE: DEP permit - Fall Brook Senior Care
Date: Wednesday, February 12, 2020 8:43:00 AM

Mr. Houseal,

I have received your email.

Thank you,

Christine Woodruff
Maine DEP, Bureau of Land Resources
(207) 615-6426

-----Original Message-----

From: Ian Pollis Houseal <ihouseal@yahoo.com>
Sent: Tuesday, February 11, 2020 4:36 PM
To: Woodruff, Christine <Christine.Woodruff@maine.gov>
Subject: DEP permit - Fall Brook Senior Care

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ms. Woodruff,

I wanted to make sure my comments get entered into the proposed project at 60 Merrymeeting Dr, Fall Brook Senior Care. I will make comments when the application is made to DEP

I am a direct abutter to the proposed project.

Lucien in the Canco Rd Office of DEP tells me the application has not been made to DEP yet, but they made a notice to abutters through Sebago Technics in November. I guess it was premature.

Could you confirm that you have received this email?

Thank you,

Ian Houseal
86 Florida Avenue, Portland

THIS PAGE INTENTIONALLY LEFT BLANK