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February 4, 2009

Jean Fraser, Planner
Portland Planning Dept.
Planning Division
389 Congress St.
Portland, ME 04101

Re: Project at 72 Walnut Street, Minor Site Plan Application No. 2006-0230

Dear Jean:

I appreciated the opportunity to speak briefly with you regarding the above-referenced application. As you know from our conversation, I represent Jennifer Lawson who, as owner of property at 110 North Street, is an abutter to this project. Although my client has a number of reservations about this project, her chief concerns relate to (i) the location of the building on the lot, (ii) the resulting risk to the integrity of the large stone retaining wall which separates the applicant's property from my client's property and (iii) the height of the proposed building.


First, I note from the most recent proposed site plan that the structure proposed for the property contemplates a foundation which will be constructed with an exterior wall to be located as near as 5.5 feet from the base of the existing large stone retaining wall. Since the over-excavation which will be required for the construction of this foundation will certainly require an opening that exceeds the anticipated exterior face of the foundation wall, the foundation excavation will be even closer to the base of that retaining wall than 5.5 feet. To my understanding, the applicant has submitted nothing to support the conclusion that excavation of a foundation hole that close to the existing retaining wall will not jeopardize the structural integrity of that retaining wall or the steep

bank which sits behind it. Obviously, if the structural integrity of the retaining wall or the bank behind that wall is jeopardized, significant damage could result to the building on my client's property. I believe that it is the applicant's burden to establish through appropriate engineering submissions, that the proposed location of the structure on the lot can be adequately accessed by construction equipment during the construction phase of the project without damaging the retaining wall or entering onto neighboring properties and (b) that the construction of the project, including the excavation of the foundation, will have no short or long term adverse impacts on the structural integrity of the existing retaining wall. I believe that this requirement is specifically contemplated by the provisions of Section 14-526 of the Ordinance, including, without limitation, subsections (a)(6) and (8).

In addition, my review of the building elevations submitted with the application appear to reflect a building height which exceeds the maximum height allowed under Section 14-139(2)(e).

While there may be other issues which are of concern regarding this application, the issues addressed in this letter are at the forefront of my client's concerns and we request that these issues be addressed by the applicant prior to any decision on this application. I appreciate your consideration of these issues and your willingness to discuss them with me. I am also sending a copy of this letter to the applicant's consultant to be sure that the applicant is aware of my client's concerns. As a final matter, I would request that I be included in copies on any further correspondence or communications as this application progresses. Please don't hesitate to contact me if you have any questions.

Sincerely,



Timothy (H) Norton

JAA:lp

Cc: Jennifer Lawson
Fred R. Panico