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**MEMORANDUM**

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**To:** FILE

**From:** Marge Schmuckal

**Dept:** Zoning

**Subject:** Application ID: 2006-0230

**Date:** 5/30/2008

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On May 21, 2008 I received revised plans in response to previous zoning concerns. The submittals are not dimensioned and result in further zoning comments.

The applicant shows 2 interior parking spaces. Although not dimensioned in size, the spaces look much smaller than the 9'x19' required under the technical standards. The method of parking within the building also seems to be problematical and not realistic.

The applicant was told that either the side or rear setback (applicant's choice) is required to be 15'. In response the applicant stated that the rear deck would be removed and only a patio would be installed. This response still does not meet the basic requirement of the ordinance. The setback along the rear of the building without the deck (based upon previously submitted dimensioned plans) show the setback along the rear of the building to vary from approximately 14' to 14.5'. Therefore, the applicant is still not meeting the setback requirement that either a rear or side setback SHALL be a minimum of 15' and is in violation of the Land Use Zoning Ordinance. For further clarification a patio, using pavers or similar components, does not constitute a structure that would require a setback. Any deck constructed of wood or wood-like materials that are attached together constitute a structure which requires a setback. Please note that steps down from an egress are considered to be a structure.

The submittal of any future plans should be properly dimensioned for accurate scaling.

Marge Schmuckal  
Zoning Administrator

## MEMORANDUM



**TO:** Jean Fraser  
**FROM:** Dan Goyette, PE and Lauren Swett, EIT  
**DATE:** April 24, 2008  
**RE:** 72 Walnut Street Residence

Woodard & Curran has reviewed the Minor Site Plan submissions for the Shopov Residence at 72 Walnut Street. The construction of a residential building is proposed for the site along with associated site improvements and utility connections.

### Documents Reviewed

- Minor site plan application additional information for the Shopov Residence, 72 Walnut St, prepared by Planning/Design Associates on behalf of Rumen I. Shopov, dated April 1, 2008.
- Plan sheets for the Shopov Residence 1 and 1-B dated April 27, 2001 and A-1, and A-2 dated April 1, 2008, prepared by Planning/Design Associates on behalf of Rumen I. Shopov.
- Prior submission from November 10, 2006, including application information, Site Plan, Landscape Plan, Boundary Survey, A-1, and A-2.

### Comments

- The plan sheets need to be stamped and signed by a professional engineer.
- The plan sheets are dated April 27, 2001. Does this indicate the last revisions? If not, dates of plan revisions should be included.
- The applicant should confirm that the survey for the project coincides with approved City standards. The survey needs to be tied to the vertical datum of NGVD 1929. Also, the project needs to be tied to the Maine State Plane Coordinate System (2-zone projection), West Zone using the NAD 1983 (HARN) Datum and the U.S. Survey Foot as the unit of measure. This should be indicated on the survey.
- Multiple site plans drawings have been included with different levels of detail. A single site plan should be provided to clearly represent the project intent. Separate plans may be used to show grading, utilities, landscaping, etc., however all plans should be consistent.
- The grading on the site plan sheets 1 and 1-B is not consistent. Both show the proposed building, however, it appears that the proposed grading is only shown on sheet 1. If this is the case, please indicate on the plans.
- Details are referenced on the site plan, however no detail sheets have been provided. Details showing that the project components conform to City of Portland Standards include but are not limited to:
  - Rip rap swale
  - Building underdrain
  - Retaining walls and sheet pile
  - Utility connections, structures, trenches
  - Concrete, brick, and pavement cross sections
  - Driveway construction
  - Granite curb
- Site plan notes indicate the installation of 6" high stone curb. City of Portland standards require a curb reveal of 7".



- The application letter states that “a geotechnical report was done to determine underlying soils conditions and the foundation design.” A soils investigation was completed, however the report states that “no structural engineering was done” and that it is “recommended for foundation and retaining wall engineering.” Engineering design, incorporating the geotechnical recommendations, should be provided for the building foundation and the proposed retaining walls and sheet pile.
- The plans should show the utility connections more clearly, providing details as required. Utility connections are to be made by a licensed contractor, following the City of Portland's street opening guidelines.
- More information should be provided regarding the grading between the building and the retaining wall on the eastern side of the property. A rip rap swale is indicated for this area, however the grading does not reflect this. If the one-foot contours cannot be used to accurately represent the swale, numerous spot grades should be provided to show the appropriate slope.
- The site plan should more clearly show the locations and grading around retaining walls to be removed, new walls to be installed, and existing walls to remain on the site. In addition, more information should be provided regarding sheet pile installed at the site. Specifically, it is unclear from the site plan what is going to be done on the eastern side of the property for grading around the boulder wall and the sheet piling. Proposed grading should tie into the existing topography at the site.
- No stormwater management plan or calculations have been submitted for the project. The applicant should show where the site's runoff will enter the City's storm drain and that the site will not increase the volume of stormwater entering this system.
- The condition of the sidewalk at the site will need to be evaluated to determine if the applicant will be required to install new brick sidewalk in front of the site.

Please contact our office if you have any questions.

DRG/LJS  
203943

Zoning Review

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**MEMORANDUM**

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**To:** FILE

**From:** Marge Schmuckal

**Dept:** Zoning

**Subject:** Application ID: 2006-0230

**Date:** 4/11/2008

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On 4/9/08 I received additional plans. This two unit is being reviewed under the R-6 small lot development. The R-6 small lot infill requires either the rear or side setback to property lines from building structures to be fifteen feet minimum. I am seeing that no side nor the rear yard meets the criteria of a minimum setback of 15 feet.

I am only seeing one official parking space. The plans are not consistent in what they depict. The site plan does not show an exterior parking. However, a landscaping plan (S-2) does show an exterior gravel parking area, but it is less than 6' at the street line and there is no curb cut to access it. I am not sure how that gravel parking area is supposed to work. Therefore the applicant is deficient one parking space.

I saw no submittal of floor plans as requested.

I am also noticing that the only stamped, signed survey plan by the actual surveyor is without the building on the property. All other "site" plans with the building depicted are only stamped by a landscape architect. Therefore I am asking planning if that is allowed under their requirements.

Marge Schmuckal  
Zoning Administrator

February 6, 2009

Memo To: Jean Fraser– Planning Department  
From: David Margolis-Pineo – Public Services  
RE: 72 Walnut Street

After a discussion with John Emerson, it was agree to propose the following to the applicant of 72 Walnut Street.

1. The applicant shall design and build the proposed detention basin to contain and infiltrate the site runoff volume of a one inch rain event. Any additional volume would be conveyed by a separate stormwater lateral to Walnut St.
2. As a condition of approval, if at any time the infiltrated water results in a negative impact on the down gradient property owner, the applicant shall cap the detention basin and infiltration system and convey all site drainage to Walnut Street by the stormwater lateral.

72 Walnut

2-6-09.

D M-P.

6' then clay - hesitant to ask appl.  
? impact on neighbor - to go onto Mancini's land  
talked to Dan + John Emerson to get more soil info.

design to capture 1 inch  
then outlet from det. basin to street  
stormwater lateral +  
sewer lateral

if problem, <sup>re neighbor</sup> then fill det basin w/  
concrete

2-6-09 10:45

David M-P confirmed to me he has  
spoken today to Fred Panico and agreed  
the above - it saves re scale of detention  
basin but adds cost re storm pipe to street.  
David understood FP to discuss w/ client/  
applicant

**From:** "Dan Goyette" <DGoyette@woodardcurran.com>  
**To:** "Jean Fraser" <JF@portlandmaine.gov>, "David Margolis-Pineo" <DMP@portlandmaine.gov>  
**Date:** 2/4/2009 2:11:35 PM  
**Subject:** 72 Walnut Street

Jean,

I talked with one of our hydrogeologists. They would like to see some additional information on the adjacent soils as the subject parcel varies considerably from one side to the other. If the lot infiltrates the same amount of runoff that would theoretically enter the soil in its present condition there should not be any change. If the site is infiltrating more water, it will most likely daylight at some point. Where and when this were to occur are unknowns, as it could take years or days. Without knowing all the soils information for the surrounding area it is impossible to determine.

Daniel Goyette, PE

41 Hutchins Drive  
Portland, Maine 04102  
Phone: 800-426-4262  
Fax: 207-774-6635  
Email: [dgoyette@woodardcurran.com](mailto:dgoyette@woodardcurran.com)

## Note for file

Review at Dew Lew 1-28-09  
Outstanding issues

1. Curb Cut: exceeds City max  
TE to confirm max width  
needed re garage  
area next to bldg pervious - no pkg  
& no access  
plant trees  
move curb.
2. Parking next to house: not to be used for parking  
must remain pervious  
no driveway access  
plant trees
3. Sidewalk material: PS support waiver but must go  
to Council  
or make case that utilities require  
small cut + repair.
- ④ Test pit - didn't disavow; JF f/u w/ e-mail



**From:** David Margolis-Pineo  
**To:** Jean Fraser  
**Date:** 1/26/2009 10:48:20 AM  
**Subject:** Re: Sidewalk materials - 72 Walnut St

I would support a wavier from the requirement to put in brick for the sidewalk. Due to the steepness of the sidewalk and knowing that brick can be slippery when wet, and because the sidewalk is concrete on both sides of the proposed lot.

>>> Jean Fraser 01/26 10:39 AM >>>  
David,

The applicant has requested a waiver from the requirement to put in brick for the sidewalk immediately in front of the property (item 7 of the letter dated November 15, 2008 (received and circulated Dec 4, 2008) because it is connecting 2 sections of concrete sidewalk and the concrete sidewalk materials are characteristic of this neighborhood. (It is concrete on the opposite side of the street too)

I have no experience of sidewalk material decisions in this area but I need you to either support - or not- this request for a waiver.

Thanks  
Jean

**CC:** Dan Goyette; Todd Merkle

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**MEMORANDUM**

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**To:** FILE

**From:** Marge Schmuckal

**Dept:** Zoning

**Subject:** Application ID: 2006-0230

**Date:** 1/23/2009

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I have reviewed the floor plans which look ok. I am concerned looking at the floor plans and the building elevations plans that there might be some rear steps down to the patio which are not shown. So I would want some sort of verification about that prospect. If there are intended stairs down to the patio, they would be required to be shown on the site plan and other plans.

Although the actual height of the structure appears to be meeting the maximum height requirements, I am still questioning the dimensional accuracy of plan A-1. The grade elevation is given as 132.5' and the ridge height is given as 179.0'. Mathematically that translates to 46.5' between the two. However, when a 1/4" scale is put on the plans, it scales closer to 41.5'. That is why I am questioning the accuracy of the plans. 5' difference seems like a big discrepancy. I want to be able to rely upon the submitted plans.

Marge Schmuckal  
Zoning Administrator

January 23, 2009

Memo To: Jean Fraser – Planning Department  
From: David Margolis-Pineo, Todd Merkle, Harold Downs – Public Services  
RE: 72 Walnut Street

Jean – When we met with the applicant we were assured by the applicant's designer that all roof and site drainage water is intended to be directed to the detention basin on site and that the basin was designed to contain a 25 year storm event and infiltrate that water.

I concur with Dan Goyette that no soils information has been shown for the location where the detention pond will be located. A test pit should be required to determine the permeability of the soils to accept and infiltrate the water volume anticipated from the site.

I agree with Dan Goyette's comment concerning the underdrain.

It should be a condition of approval that if a foundation underdrain system is install for the proposed house, that underdrain system should not be connected to the sanitary sewer system.

**From:** "Errico, Thomas A" <TERRICO@wilbursmith.com>  
**To:** "Jean Fraser" <JF@portlandmaine.gov>  
**Date:** 1/5/2009 8:02:28 AM  
**Subject:** 72 Walnut Street

Jean -

I have reviewed the plans submitted for the above project and generally find them to be acceptable with the following comments.

\* Parking in front of the garage door such that the sidewalk is blocked will be prohibited and will be enforced by the City.

\* The plan illustrates a radius from the driveway northeasterly connecting with the curb. The applicant should provide greater detail on this radius.

\* Parking will be provided in the garage (two spaces) and along the side of the house (1 or 2 spaces). I find this condition to be acceptable, although I would note that the outdoor spaces are located close to the property boundary and zoning should confirm that this condition is permitted.

\* Sight distance should be measured for movements entering and exiting the driveway.

If you have any questions or comments, please contact me.

Best regards,

Thomas A. Errico, P.E.

Senior Transportation Engineer

Wilbur Smith Associates

59 Middle Street

Portland, Maine 04101

w: 207.871.1785 f: 207.871.5825

TErrico@WilburSmith.com <mailto:TErrico@WilburSmith.com>

www.WilburSmith.com <http://www.wilbursmith.com/>

**CC:** "James Carmody" <JPC@portlandmaine.gov>, <KAS@portlandmaine.gov>

December 31, 2008

Memo To: Jean Fraser – Planning Department  
From: David Margolis-Pineo, Todd Merkle, Harold Downs – Public Services  
RE: 72 Walnut Street

1. The install brick sidewalk on Walnut Street frontage.
2. The electric, phone and CATV service to be installed underground. The underground utilities will be installed in conjunction with the street opening rules and regulations.
3. There is no space to park a car outside the garage door without blocking the sidewalk and possibly being in the street.
4. The plans appear to show the site drainage being conveyed on the surface across the sidewalk. No stormwater discharges will be directed across the sidewalk from the site.

The applicant shall direct stormwater runoff from the site by pipe to a catchbasin to be installed by the applicant in Walnut St. The applicant shall install approximately 170' of 12" pipe on Walnut St. connecting into the existing catchbasin at the corner of Sheridan and Walnut.

The reviewer is confused why the applicant has provided storage on-site. It is not required.

5. A traffic plan approved by the Transportation Engineer will be required for work in Walnut St.
6. There is a parking space shown within 5 feet of the property line which will require approval from Marge Schmuckal of the Planning Dept.

## MEMORANDUM



**TO:** Jean Fraser  
**FROM:** Dan Goyette, PE  
**DATE:** December 30, 2008  
**RE:** 72 Walnut Street Residence

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Woodard & Curran has reviewed the Minor Site Plan submissions for the Shopov Residence at 72 Walnut Street. The construction of a residential building is proposed for the site along with associated site improvements and utility connections.

### Documents Reviewed

- Amended site plan application additional information for the Shopov Residence, 72 Walnut St, prepared by Planning/Design Associates on behalf of Rumen I. Shopov, dated November 15, 2008.
- Architectural plan sheets for the Shopov Residence A1-A3, no date, Site plan sheets dated November 20, 2008, prepared by Planning/Design Associates.
- Building Structural plan sheets for the Shopov Residence S001, SF501-SF503, dated November 14, 2008, prepared by Downeast Structural Consultants.
- Prior submission from November 10, 2006, including application information, Site Plan, Landscape Plan, Boundary Survey, A-1, and A-2.

### Comments

- It is not clear how the gutters of the building will all discharge to the detention pond. Downspouts are shown at locations outside of the pond.
- Grading arrows are shown on the plans. Spot grades should also be included to insure that the surface drainage is directed to the appropriate places.
- No soils information has been shown for the pond. Will the stormwater infiltrate or will there be standing water? Also if the plan is for the stormwater to infiltrate then no foundation drains will be allowed in the area of the pond. If foundation drains are present the pond will just enter the foundation drain and glow into the City system there by defeating the purpose of the pond.
- The pond bottom is shown as crushed stone. A vegetated bottom is preferred.
- The large retaining wall is shown to end on a neighbor's property (southern property boundary). Documentation showing rights to do this should be provided.
- A catch basin is called out on the plans but no detail has been provided.

Please contact our office if you have any questions.

DRG  
203943

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**MEMORANDUM**

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**To:** FILE

**From:** Marge Schmuckal

**Dept:** Zoning

**Subject:** Application ID: 2006-0230

**Date:** 12/19/2008

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I reviewed the plans I received on 12/10/08. The setbacks are now being met based on a patio on the rear instead of a structure. The building elevation plans do not scale correctly compared to the given elevations denoted on the plans. There is a 5 foot difference. I would like verifications on the actual numbers that can be relied upon.

I still do not see any floor plans except for the basement showing the two parking spaces.

Marge Schmuckal  
Zoning Administrator