

016-D-006002

94-98 Atlantic St, Portland, Maine

Atlantic Street Apartments

Edward F. Walsh

147 Deepwood Drive, Portland, ME 04103

CITY OF PORTLAND, MAINE
DEVELOPMENT REVIEW APPLICATION
PLANNING DEPARTMENT PROCESSING FORM
Fire Copy

2002-0201

Application I. D. Number

9/16/02

Application Date

Atlantic Street Apartments

Project Name/Description

Edward F. Walsh

Applicant

147 Deepwood Drive, Portland, ME 04103

Applicant's Mailing Address

Consultant/Agent

Applicant Ph: (207) 878-2978 Agent Fax:

Applicant or Agent Daytime Telephone, Fax

94 - 98 Atlantic St , Portland, Maine

Address of Proposed Site

016 D006002

Assessor's Reference: Chart-Block-Lot

Proposed Development (check all that apply): New Building Building Addition Change Of Use Residential Office Retail
 Manufacturing Warehouse/Distribution Parking Lot Other (specify)

Proposed Building square Feet or # of Units _____ Acreage of Site _____

R-6/B-1

Zoning

Check Review Required:

- | | | | |
|---|--|--|--|
| <input checked="" type="checkbox"/> Site Plan (major/minor) | <input type="checkbox"/> Subdivision # of lots _____ | <input type="checkbox"/> PAD Review | <input type="checkbox"/> 14-403 Streets Review |
| <input type="checkbox"/> Flood Hazard | <input type="checkbox"/> Shoreland | <input type="checkbox"/> Historic Preservation | <input type="checkbox"/> DEP Local Certification |
| <input type="checkbox"/> Zoning Conditional Use (ZBA/PB) | <input type="checkbox"/> Zoning Variance | | <input type="checkbox"/> Other _____ |

Fees Paid: Site Plan \$400.00 Subdivision _____ Engineer Review _____ Date 9/18/02

Fire Approval Status:

Reviewer Lt. McDougall

- Approved Approved w/Conditions See Attached Denied

Approval Date 1/22/03 Approval Expiration 1/22/04 Extension to _____ Additional Sheets Attached

Condition Compliance Lt. McDougall 1/22/03
signature date

Performance Guarantee Required* Not Required

* No building permit may be issued until a performance guarantee has been submitted as indicated below

- | | | | |
|---|----------------|--|-----------------|
| <input type="checkbox"/> Performance Guarantee Accepted | _____ | _____ | _____ |
| | date | amount | expiration date |
| <input type="checkbox"/> Inspection Fee Paid | _____ | _____ | |
| | date | amount | |
| <input type="checkbox"/> Building Permit Issue | _____ | | |
| | date | | |
| <input type="checkbox"/> Performance Guarantee Reduced | _____ | _____ | _____ |
| | date | remaining balance | signature |
| <input type="checkbox"/> Temporary Certificate of Occupancy | _____ | <input type="checkbox"/> Conditions (See Attached) | _____ |
| | date | | expiration date |
| <input type="checkbox"/> Final Inspection | _____ | _____ | |
| | date | signature | |
| <input type="checkbox"/> Certificate Of Occupancy | _____ | | |
| | date | | |
| <input type="checkbox"/> Performance Guarantee Released | _____ | _____ | |
| | date | signature | |
| <input type="checkbox"/> Defect Guarantee Submitted | _____ | _____ | _____ |
| | submitted date | amount | expiration date |
| <input type="checkbox"/> Defect Guarantee Released | _____ | _____ | |
| | date | signature | |

To: Planning Board

From: Steven Schorf

Date: Jan 28, 2003

Re: Atlantic Street Apts

I am submitting written comments as I will be attending the PACTS Plan Public comment mtg this evening.

I have reviewed the various documents relating to this project and ~~and~~ I have two concerns that I wish to express to the board.

First is that this project will eliminate parking for the existing building next door. This flies in the face of having zoning in the first place.

Second, ~~is~~ is that the building has absolutely no character. This lack of character shows that the developer is looking to throw up a building and is not ~~really~~ interested in building community, but in creating a profit generating product.

This afternoon you saw an excellent proposal from T F H Architects for a building on nearby St Lawrence Street. I mentioned the work of T F H to the developer at the neighborhood mtg and Mrs Walsh indicated no desire to learn ~~of~~ further about it.

I would encourage you to have the developer investigate a more estatic design before approving this application.

Steven Scharf
99 Grant Street
Portland ME 04101

January 1, 2003

Karen Edward Walsh
147 DeWitt Road Drive
Portland, ME 04103

Re: 3-Unit Apartment Building, 94-98 Atlantic Street
Application #2002-0201, CBL 16-D-6002

Dear Mr. and Mrs. Walsh:

At a public hearing held on January 28, 2003, the Planning Board

unanimously adopted:

i. That the proposed development is in conformity with the Land Use Code with the following conditions:

that the subdivision Ordinance of the City of Portland be amended to provide that:

1. That the subdivision plat for record in the City of Portland include the City of Portland definition of Subdivision.
2. That the description of "snow storage area" on the northwest corner of the site be relabeled "snow storage area."

be amended to include the City of Portland definition of Subdivision and the description on the northwest corner of the site be relabeled "snow storage area."

ii. That the proposed development is in conformity with the Land Use Code with the following conditions of approval:

that the following conditions of approval be provided to the applicant:

1. An easement for parking and storage for the Corporation Counsel for the City of Portland.
2. That wheel stops be installed on the driveway at the intersection of the driveway and the sidewalk.
3. That the tipdown curb detail be installed in accordance with City standards.
4. That the driveway entrance be installed in accordance with the standards as outlined in the City of Portland standards.
5. That the applicant provide a site plan showing the proposed exterior fixtures.

and the following conditions of approval be provided to the applicant: 1. An easement for parking and storage for the Corporation Counsel for the City of Portland. 2. That wheel stops be installed on the driveway at the intersection of the driveway and the sidewalk. 3. That the tipdown curb detail be installed in accordance with City standards. 4. That the driveway entrance be installed in accordance with the standards as outlined in the City of Portland standards. 5. That the applicant provide a site plan showing the proposed exterior fixtures.

Please note the following provisions and requirements for all site plan

approval:

1. A performance guarantee covering the site improvement work. The amount of the guarantee and 7 final sets of plans must be submitted to the Planning Division and Public Works prior to the release of the site plan. If any modifications to the approved site plan, you must submit a site plan for staff review and

as a condition of approval a payment of 2.0% of the total cost of the site improvement work must be provided by the Planning Division and Public Works. If any modifications to the approved site plan, you must submit a site plan for staff review and

approval.

2. Once site plan approval will be deemed to have expired if development has not commenced within one (1) year of the approval or with the expiration date in writing by the City and the applicant. Requests to extend approvals must be submitted in writing by the applicant before the expiration date.
3. A defect guarantee, consisting of 10% of the performance guarantee will be released. A defect guarantee must be posted before the start of construction.
4. Prior to construction, a preconstruction meeting shall be held with the contractor, Development Review Coordinator, Public Work's representative and other City staff to review the construction schedule and critical aspects of the site work. At that time, the contractor shall provide (3) copies of a detailed construction schedule to the City. It shall be the contractor's responsibility to arrange a mutually agreeable preconstruction meeting.
5. If work will occur within the public right-of-way such as sidewalk construction, a street opening permit(s) is required from Public Works (874-8300 ext. 8828). (Only excavators licensed by the City of Portland are permitted to work on sidewalks and driveways.) A permit is required from Planning Director Carol Merritt at 874-8300 ext. 8828.
6. The Development Review Coordinator (874-8300 ext. 8828) will schedule a final site inspection (5) working days prior to date required for final site inspection. Please ensure all requirements determined to be incomplete or defective are corrected. Completion of site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please ensure all requirements are completed and approved prior to closing with these requirements in mind.

The approval is based on the submitted application, site plan, and other information provided. If you have any questions, please contact the planning staff.

Sincerely,

Jaimey Martin, Chair
Portland Planning Board

cc: Debra Urban, Planning and Development Department
Michelle Jaegerman, Planning Division Director
Karin Hopkins, Development Review Services Manager
Bonnie Spence, Planner
Jay Reynolds, Development Review Coordinator
Margo Schmuckal, Zoning Administrator
Cathy Dunfey, Inspections
Tommy Fish, Traffic Engineer
Gina Lombardo, Project Engineer
Evelyn Lavelle, City Engineer

- [unclear], City Arborist
- [unclear] Pittell, Associate Corporation Counsel
- [unclear] Jen McDougall, Fire Prevention
- [unclear] fall, Appraiser, Assessor's Office
- [unclear] and Letter File

**CITY OF PORTLAND, MAINE
ADDENDUM**

TO: Chair Caron and Members of the Portland Planning Board

FROM: Jonathan Spence, Planner

DATE: January 28, 2003

SUBJECT: Atlantic St. Apartments, 94-98 Atlantic St., Edward and Karen Walsh, Applicants

The purpose of this addendum is to more directly address issue concerning the Verizon easement and other deed restrictions that effect the development of this parcel.

Easement:

A former owner of the property, George Lane Jr., entered into an easement agreement with New England Telephone and Telegraph for the placement of underground cables and conduits along with an 11' by 18' pre-cast building on the subject property. New England Telephone and Telegraph applied for and was granted minor site plan approval for the placement of this structure in 1998. This approved site plan does not appear to conflict with the proposal. The approved site plan is included as attachment 3.

Deed Restrictions:

Contained in the property deed currently held by the applicant are restrictions set forth in a prior, 1972 deed. These restrictions relate to the redevelopment of the property, specifically that it be redeveloped in accordance with the Munjoy South Urban Renewal Plan and the City's Zoning Ordinance at the time of the renewal plan's adoption. This property was targeted for spot clearance and disposition in this plan, which was adopted by the City Council in 1961. The previously existing 7-unit was demolished in 1964 and the property conveyed to a former owner (Samuel and Ross Segal) by the Portland Renewal Authority in 1970. The Munjoy South Urban Renewal Plan was intended to rehabilitate residential buildings in substandard condition or replace them with new, high quality residential development. The bulk of this plan concerned the area on the lower part of the Hill bounded by Mountfort, Fore and Adams Streets, which was cleared in its entirety for new residential development.

The proposed residential development for 94-98 Atlantic Street is compatible with the Munjoy South Urban Renewal Plan and Corporation Counsel has verified that the development meets the requirements of the 1961 zoning ordinance.

Attachments:

1. Property Deed with Restrictions
2. Easement Language
3. Approved 1998 Site Plan

BK 14688PG288

26931
SHORT FORM WARRANTY DEED

AH
1

George W. Lane, Jr. and Pauline N. Lane, of 4 Douglas Road, Scarborough, Maine, FOR CONSIDERATION PAID, grants to Ed Walsh, of 147 Deepwood Drive, Portland, Maine, with WARRANTY COVENANTS, the following described real property located in the City of Portland, County of Cumberland and State of Maine:

A certain lot or parcel of land, with any improvements thereon, situated on the southwesterly sideline of Atlantic Street adjoining the northwesterly sideline of land now or formerly of Samuel Segal and Rose Segal, in the City of Portland, County of Cumberland and State of Maine, and being more particularly described as follows:

Beginning at a point on the southwesterly sideline of Atlantic Street, said point being distant forty-one and 9/10 (41.9) feet, more or less, northwesterly from the intersection formed by the southwesterly sideline of Atlantic Street and the northwesterly sideline of Monument Street; said point also marking the southeasterly corner of land of said Samuel Segal et al; thence

In a southwesterly direction on a course at right angles with Atlantic Street by the northwesterly sideline of land of said Samuel Segal et al., a distance of seventy (70) feet, more or less, to land now or formerly of Robert S. Morrow and Mary V. Morrow; thence

Northwesterly by the easterly sideline of land of said Robert S. Morrow et al., a distance of eighty-eight (88) feet, more or less, to land now or formerly of Michael DeCourcoy and Catherine E. DeCourcoy; thence

Northeasterly by the southeasterly sideline of land of said Michael DeCourcoy et al and by land now or formerly of Mariana Nanos, a distance of seventy (70) feet, more or less, to the southwesterly sideline of Atlantic Street; thence

Southeasterly by the southwesterly sideline of Atlantic Street, a distance of ninety (90) feet and seven (7) inches, more or less, to land of Samuel Segal et al and the point of beginning.

Also, all right, title and interest, if any, in and to all passage ways, lanes, streets or alleys adjoining, abutting and/or running with the above described premises.

The above described premises are conveyed subject to the following restrictions, covenants and agreements as set forth in a deed from Samuel Segal and Rose Segal to George W. Lane, Jr. and Pauline N. Lane, dated October 5, 1972 and recorded in the Cumberland County Registry of Deeds in Book 3308, Page 40. Specific mention is made to condition number 4 in said deed which requires the following language:

"This conveyance is subject to all to all of the restrictions, covenants and agreements contained in the Indenture by which said premises were conveyed to Samuel Segal and Rose Segal by Portland, Renewal Authority. The foregoing, as all the other covenants, contained in the aforesaid Indenture to Samuel Segal and Rose Segal from Portland Renewal Authority shall be a covenant running with the land and shall be enforceable in the same manner as prescribed in the said Indenture for the enforcement of the covenants therein contained."

MAINE REAL ESTATE TAX PAID

See Attached Deed

6K14688PE289

The above described premises are also conveyed together with and subject to matters set forth in an Easement Deed from George W. Lane, Jr., to New England Telephone and Telegraph Company, dated December 6, 1988 and recorded in the said Registry of Deeds in Book 14382, Page 275.

Excepting herefrom two certain lots or parcels of land as described in a deed from George W. Lane, Jr., to Robert C. Parish and Kathleen M. Woods, dated May 6, 1982 and recorded in the Cumberland County Registry of Deeds in Book 4953, Page 112.

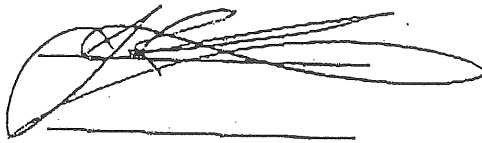
The premises are conveyed together with and subject to any and all easements or appurtenances of record, insofar as the same are in force and applicable.

This conveyance is made subject to unpaid real estate taxes for the current tax year, if any, which the Grantees herein, by acceptance of this deed, assume and agree to pay.

Meaning and intending to convey and hereby conveying the same premises conveyed to the Grantor herein by deed of Samuel Segal and Rose Segal, dated October 5, 1972 and recorded in the Cumberland County Registry of Deeds in Book 3308, Page 40.

WITNESS our hands and seals this 15th day of April 1999

WITNESS




George W. Lane, Jr.

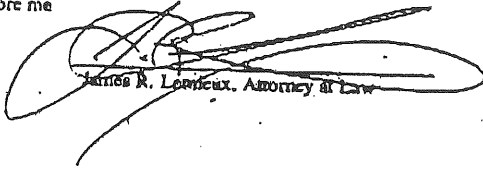

Pauline N. Lane

STATE OF MAINE
County of Cumberland, ss

04/15/99

Personally appeared the above named George W. Lane, Jr. and Pauline N. Lane and acknowledged the foregoing instrument to be their free act and deed.

Before me


James R. Lehoucq, Attorney at Law

RECEIVED
RECORDED REGISTRY OF DEEDS
1999 APR 16 PM 1:52
CUMBERLAND COUNTY
John B Barnes

3308/40

22675

40

Know All Men by these Presents,

That we, Samuel Segal and Rose Segal, both of Portland, in the County of Cumberland, and State of Maine

in consideration of one dollar and other valuable consideration

paid by George W. Lane, Jr. and Pauline N. Lane, both of Scarborough, in said County of Cumberland

the receipt whereof we do hereby acknowledge, do hereby remise, release, bargain, sell and convey, and forever quit-claim unto the said George W. Lane, Jr. and Pauline N. Lane, as joint tenants and not as tenants in common, and their heirs and assigns, and the survivor of them, and the heirs and assigns of the survivor of them, forever,

~~all our~~ all our right, title and interest in and to the following described parcel of land:

A certain lot or parcel of land situated on the southwesterly sideline of Atlantic Street adjoining the northwesterly sideline of land now or formerly of Samuel Segal and Rose Segal, in the City of Portland, County of Cumberland and State of Maine, and being more particularly described as follows:

Beginning at a point on the southwesterly sideline of Atlantic Street, said point being distant 41.9 feet, more or less, northwesterly from the intersection formed by the southwesterly sideline of Atlantic Street and the northwesterly sideline of Monument Street, said point also marking the northeasterly corner of land of said Samuel Segal et al; thence in a southwesterly direction on a course at right angles with Atlantic Street by the northwesterly sideline of land of said Samuel Segal at al seventy (70) feet, more or less, to land now or formerly of Robert S. Morrow and Mary V. Morrow; thence northwesterly by the easterly sideline of land of said Robert S. Morrow et al 88 feet, more or less, to land now or formerly of Michael DeCourcey and Catherine E. DeCourcey; thence northeasterly by the southeasterly sideline of land of said Michael DeCourcey et al and by land of Mariana Manos 70 feet, more or less, to the southwesterly sideline of Atlantic Street; thence southeasterly by the southwesterly sideline of

3308/40

3308/40

Atlantic Street 90 feet and 7 inches, more or less, to land of Samuel Segal et al and the point of beginning.

Also, all right, title and interest, if any, in and to all passages, lanes, streets or alleys adjoining, abutting and/or running with the above described premises.

Meaning and intending to convey the lot of land conveyed to these Grantors by the Portland Renewal Authority, by Indenture dated October 19, 1970 and recorded in the Cumberland County Registry of Deeds, Book 3147, Page 691.

The above described premises are conveyed subject to the following restrictions, covenants and agreements:

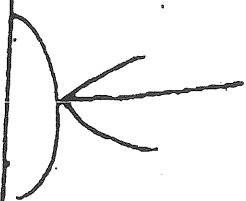
1. The Purchasers, their heirs and assigns, shall promptly begin and diligently complete the redevelopment of the above described parcel of land in accordance with Sec. 5 of the Contract for Sale of Land for Private Redevelopment entered into by and between the Grantors hereto and the Authority under date of September 21, 1970.
2. The Purchasers, their heirs and assigns, shall devote the above described premises to the uses specified in the Manjoy South Urban Renewal Plan dated May 25, 1961, adopted by the City Council for the City of Portland on June 17, 1961, and duly recorded in the office of the City Clerk for said City of Portland in Volume 82, pages 74 through 79, and Volume 52, Page 98, as amended to date, and shall comply with the zoning ordinance for the City of Portland, in effect on December 18, 1961, a copy of which ordinance is on file in said office of the City Clerk.
3. The Purchasers, their heirs and assigns, shall not discriminate on the basis of race, color, sex, religion or national origin in the sale, lease or rental, or in the use or occupancy of the demised property or any improvements erected or to be erected thereon, or any part thereof.
4. The Purchasers, their heirs and assigns, shall not convey said premises to any person, firm or corporation, other than a public body, unless the deed by which such conveyance is effected shall contain the following covenant and restriction:

"This conveyance is subject to all of the restrictions, covenants and agreements contained in the Indenture by which said premises were conveyed to Samuel Segal and Rose Segal by Portland Renewal Authority.

The foregoing, as all the other covenants, contained in the aforesaid Indenture to Samuel Segal and Rose Segal from Portland Renewal Authority shall be a covenant running with the land and shall be enforceable in the same manner as prescribed in the said Indenture for the enforcement of the covenants therein contained."

To have and to hold the same, together with all the privileges and appurtenances thereunto belonging to them the said George W. Lane, Jr. and Pauline H. Lane, as joint tenants and not as tenants in common, and their heirs and assigns, and the survivor of them, and their heirs and assigns of the survivor of them, forever,

41



(S)
(S)

10/5/72
10/6/72

BK 14382 PG 275

89199

AHz

EASEMENT DEED

For and in consideration of the sum of One Dollar (\$1.00) and other valuable considerations to me paid by New England Telephone and Telegraph Company, a corporation duly organized under the laws of the State of New York, whose address is 125 High Street, Boston, Massachusetts, 02110, the receipt of which is hereby acknowledged, I, George W. Lane, Jr., of Scarborough, Maine, hereby grant unto said Company, its successors and assigns, the right and easement to place and maintain underground communication cables, conduits and appurtenances along with an eleven (11) foot by eighteen (18) foot pre-cast concrete building upon an easement over a parcel of land located on the southwesterly sideline of Atlantic Street, in the City of Portland, Cumberland County, Maine, bounded and described as follows: Beginning at a point, being a 5/8-inch rebar set on the southwesterly sideline of said Atlantic Street at the most northerly corner of land of the Grantor and the most easterly corner of land, now or formerly of Lee L. Staples and Irene M. Staples as described in Book 4541, Page 163; thence, S 40-26-24 E, along the southwesterly sideline of said Atlantic Street, 31.00 feet to a 5/8-inch rebar set; thence, S 49-33-36 W, through land of the Grantor, 52.00 feet to a 5/8-inch rebar set; thence, N 40-26-24 W, through land of the Grantor, 31.00 feet to a 5/8-inch rebar set on the southeasterly line of land of said Staples; thence, N 49-33-36 E, along said land of said Staples, 52.00 feet to the point of beginning. The above-described easement area contains 1,612 square feet, more or less. Bearings are based on observed magnetic north, dated July, 1998. All rebars set are capped, "OEST 1245."

Said easement is further described as being a portion of Map #16, Block D, Lot #6, as identified by the Assessors Maps for the City of Portland, County of Cumberland, and State of Maine, and as a portion of land owned by George W. Lane, Jr., as described in Book 3308, Page 40, of the Cumberland County Registry of Deeds. Further reference is made to a plan by Oest Associates Inc., of South Portland, Maine, entitled, "Standard Boundary Survey - Fiber Optic Switching Facility, Located on Property of George W. Lane, Jr., Atlantic Street, Portland, Maine," dated July, 1998.

Further rights are herein granted to construct, place and maintain a grounding system consisting of ground rods, mats, and/or wells for protection of said telecommunication equipment. The right to cut trees, trim brush and grade said easement area is also granted with permission for both pedestrian and vehicular access to enter upon my property for the above purposes. <

Further rights are herein granted to Central Maine Power Company, a corporation duly organized under the laws of the State of Maine, whose address is Edison Drive, Augusta, Maine, 04330, to place and maintain conduit, electrical cables, and appurtenances to provide electrical service to the above-referenced facility and to enter upon my property for the above purposes.

New England Telephone Company agrees to the following:

- 1) Assume any and all taxes associated with this terminal;
- 2) Indemnify and save harmless the Grantor, his heirs and assigns from any claim costs and liability arising from use of said premises;
- 3) Landscape said easement area and alter the external facade in accordance with the Grantor's wishes;
- 4) Upon completion of New England Telephone Company's use of and removal of its equipment from said easement area, all rights herein granted shall revert to the owner of record.

Witness my hand and common seal this 6th day of December, 1998.

Witnesses:

Nancy J. Bozenhard

George W. Lane, Jr.
George W. Lane, Jr.

State of Maine County of Cumberland ss.,

December 6, 1998

Then personally appeared the above named George W. Lane, Jr. and acknowledged the foregoing instrument to be his free act and deed

Before me,

Nancy J. Bozenhard
Notary Public

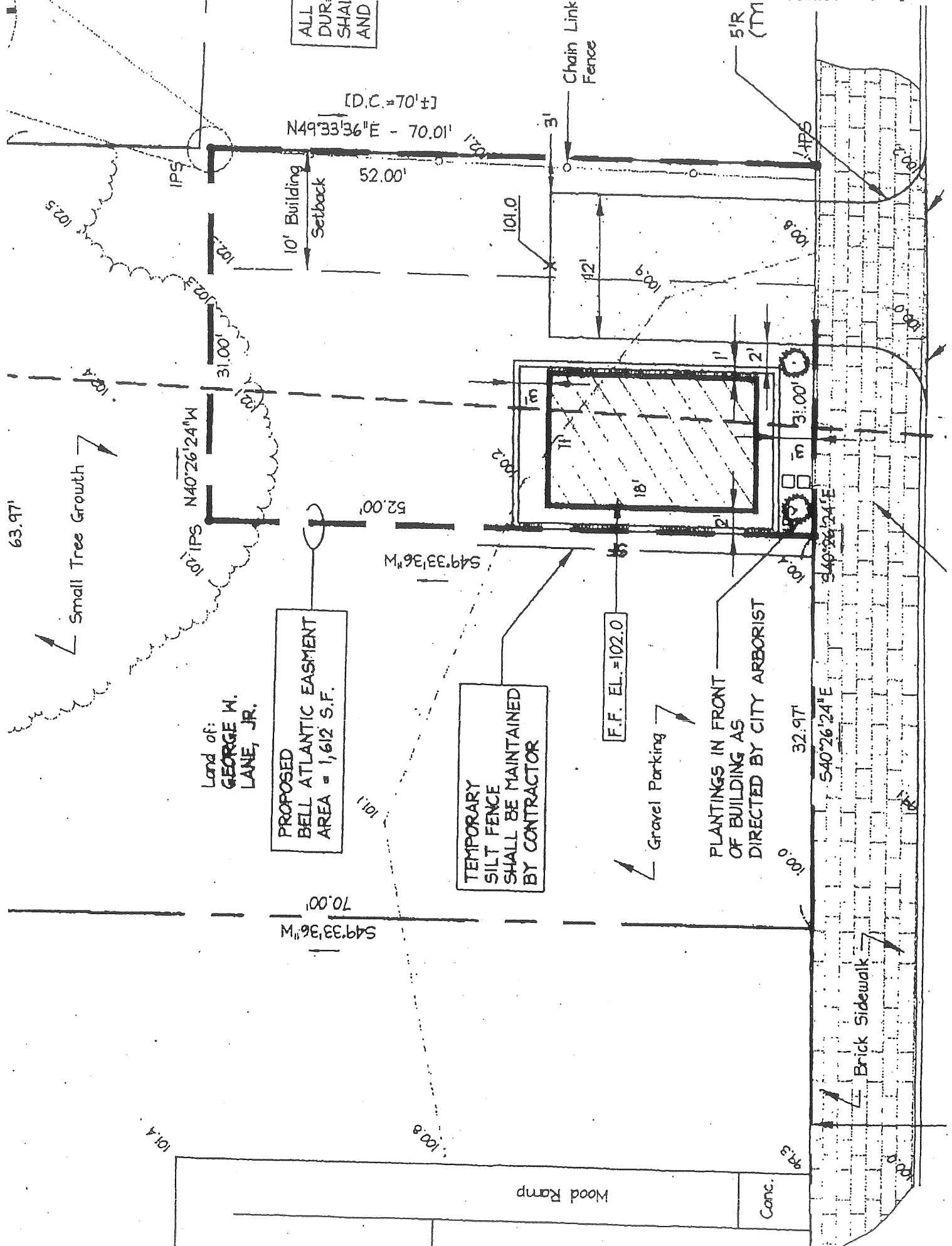
My Commission expires:

NANCY BOZENHARD
Notary Public, Maine
My Commission Expires October 20, 2005

SEAL

RECEIVED
RECORDED REGISTRY OF DEED
1998 DEC 11 PM 3:46
CUMBERLAND COUNTY
John B. O'Brien

1-7-8 12:27
ALL DUR. SHAL AND



PROPOSED
BELL ATLANTIC EASMENT
AREA = 1,612 S.F.

TEMPORARY
SILT FENCE
SHALL BE MAINTAINED
BY CONTRACTOR

F.F. EL. = 102.0

PLANTINGS IN FRONT
OF BUILDING AS
DIRECTED BY CITY ARBORIST

Land of:
GEORGE W.
LANE, JR.

Small Tree Growth

Gravel Parking

Brick Sidewalk

Wood Ramp

Conc.

CITY OF PORTLAND, MAINE
MEMORANDUM

TO: Chair Caron and Members of the Portland Planning Board
FROM: Jonathan Spence, Planner
DATE: November 26, 2002
SUBJECT: Atlantic St. Apartments, 94-98 Atlantic St., Edward and Karen Walsh, Applicants

*Deb - R-6 infill
- More Articulation*

*Orlando - Screening of
AT&T building*

*Kevin - front windows
jarring*

Introduction

Edward and Karen Walsh have requested a workshop session before the Planning Board to introduce a residential project for 94-98 Atlantic Street in the Munjoy Hill Neighborhood. The project consists of 3-unit apartment building with associated parking and landscaping. The property is approximately 4,900 square feet and is significantly encumbered by an existing AT&T substation. The zoning for this property is R-6.

*Maise
- parking
etc.
2nd lot?
non-articulating*

This project will be reviewed for conformance with the standards of the site plan and subdivision ordinances.

Access/Circulation

The site access is proposed from two curb cuts along the properties frontage on Atlantic Street. The northerly existing curb cut will be the primary access point and lead to three parking spaces and the building entrance for the upper units. A new curb cut will provide vehicular access to three additional parking spaces, one of which is on the adjacent property that is also owned by the applicant. Pedestrian access from the street to the side building entrance is via a bituminous walkway between the existing substation and the proposed building. Pedestrian access for the ground floor unit will be directly from the street with a small front porch.

The proposed circulation is currently under review by the Consulting Engineer and the City's Traffic Engineer. Staff's concerns relate to the delineation of the parking on the adjacent lot. Without a physical barrier of some kind, vehicles will park in much the way they do now, driving over the existing curb and parking on the grass. This is a very difficult site to accommodate the required six parking spaces. Staff will continue to work with the applicant to create an effective, workable parking scheme.

Proposed Development

The proposed building is a three-story, flat-roofed structure with three, two-bedroom units. The provided elevations illustrate prominent corner boards, parapet walls and roof cornice. Windows are numerous although the alignment on the street face appears unbalanced. The front entrance includes a small porch entering into a mudroom. The side entrance is oriented towards the parking area and is also covered. Staff recommends that the applicant consider stairs that face in both directions with possibly a mitered handrail to ease pedestrian access from the street.

The floorplans provide spacious kitchen/living areas with an open concept. Bedroom sizes are large and include ample closets.

Utilities

Utility connections are available in close proximity to the project in Atlantic Street. Capacity letters will be required prior to the scheduling of a public hearing.

Drainage/Grading/Stormwater Management

The existing lot, comprised generally of compacted gravel with limited vegetation, is used as unorganized parking of the abutting project. The developed site will have likely have limited or no increase in impervious area, as the site is mostly impervious now. It is the professional estimation that stormwater leaving the site will be cleaner than in the existing state.

Landscaping

The applicant has been in conversation with Jeff Tarling on the creation of a landscape plan appropriate for this project. A landscape plan will be required prior to a public hearing.

Lighting

Staff requests that the applicant provide catalog cuts for all exterior fixtures prior to the scheduling of a public hearing

Fire Safety

The proposal has been reviewed and approved by the fire department. At the time of this review, it was thought that the property was to be sprinkled. The applicant had met with the Fire Department prior to submittal to discuss the need for sprinkling on structures that provided immediate egress for second floor units. Prior to a public hearing, staff will work closely with the Fire Department and the applicant to resolve this minor misunderstanding.

Financial Capacity

The applicant has provided evidence of financial capacity that is included as attachment 2.

Attachments:

1. Applicants submittal
2. Financial Capacity
3. Initial Review Comments, Jim Seymour, 10-9-2002
4. Initial Review Comments, Public Works, 9-20-2002
5. Initial Review Comments, Fire Department
6. Plans

CITY OF PORTLAND, MAINE
DEVELOPMENT REVIEW APPLICATION
PLANNING DEPARTMENT PROCESSING FORM
ADDENDUM

2002-0201

Application I. D. Number

9/16/02

Application Date

Atlantic Street Apartments

Project Name/Description

Edward F. Walsh

Applicant

100 Deepwood Drive, Portland, ME 04103

Applicant's Mailing Address

Consultant/Agent

Applicant Ph: (207) 878-2978 Agent Fax:

Applicant or Agent Daytime Telephone, Fax

94 - 98 Atlantic St , Portland, Maine

Address of Proposed Site

016 D006002

Assessor's Reference: Chart-Block-Lot

Approval Conditions of Fire

Application requires State Fire Marshal approval.

1. The sprinkler system shall be installed in accordance with NFPA 13 r standards.

2. A sprinkler test shall be submitted to the Portland Fire Department

3. The sprinkler system connection location shall be approved by the Portland Fire Department

AHS

**CITY OF PORTLAND, MAINE
DEVELOPMENT REVIEW APPLICATION
PLANNING DEPARTMENT PROCESSING FORM
Planning Copy**

2002-0201

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Edward F. Walsh

Applicant

147 Deepwood Drive, Portland, ME 04103

Applicant's Mailing Address

Consultant/Agent

Applicant Ph: (207) 878-2978 Agent Fax:

Applicant or Agent Daytime Telephone, Fax

94 - 98 Atlantic St , Portland, Maine

Address of Proposed Site

016 D006002

Assessor's Reference: Chart-Block-Lot

Proposed Development (check all that apply): New Building Building Addition Change Of Use Residential Office Retail

Manufacturing Warehouse/Distribution Parking Lot Other (specify) _____

PL 7812071

FAX (481-2729)

R-6/B-1

Proposed Building square Feet or # of Units _____ Acreage of Site _____ Zoning _____

Check Review Required:

- | | | | |
|---|--|--|--|
| <input checked="" type="checkbox"/> Site Plan (major/minor) | <input type="checkbox"/> Subdivision # of lots _____ | <input type="checkbox"/> PAD Review | <input type="checkbox"/> 14-403 Streets Review |
| <input type="checkbox"/> Flood Hazard | <input type="checkbox"/> Shoreland | <input type="checkbox"/> Historic Preservation | <input type="checkbox"/> DEP Local Certification |
| <input type="checkbox"/> Zoning Conditional Use (ZBA/PB) | <input type="checkbox"/> Zoning Variance | | <input type="checkbox"/> Other _____ |

Fees Paid: Site Plan \$400.00 Subdivision _____ Engineer Review _____ Date 09/18/2002

Planning Approval Status:

Reviewer _____

- Approved Approved w/Conditions See Attached Denied

Approval Date _____ Approval Expiration _____ Extension to _____ Additional Sheets Attached

OK to Issue Building Permit _____ signature _____ date _____

Performance Guarantee Required* Not Required

* No building permit may be issued until a performance guarantee has been submitted as indicated below

- | | | | |
|---|----------------------------|--|-----------------------------|
| <input type="checkbox"/> Performance Guarantee Accepted | _____ date _____ | _____ amount _____ | _____ expiration date _____ |
| <input type="checkbox"/> Inspection Fee Paid | _____ date _____ | _____ amount _____ | |
| <input type="checkbox"/> Building Permit Issue | _____ date _____ | | |
| <input type="checkbox"/> Performance Guarantee Reduced | _____ date _____ | _____ remaining balance _____ | _____ signature _____ |
| <input type="checkbox"/> Temporary Certificate of Occupancy | _____ date _____ | <input type="checkbox"/> Conditions (See Attached) | _____ expiration date _____ |
| <input type="checkbox"/> Final Inspection | _____ date _____ | _____ signature _____ | |
| <input type="checkbox"/> Certificate Of Occupancy | _____ date _____ | | |
| <input type="checkbox"/> Performance Guarantee Released | _____ date _____ | _____ signature _____ | |
| <input type="checkbox"/> Defect Guarantee Submitted | _____ submitted date _____ | _____ amount _____ | _____ expiration date _____ |
| <input type="checkbox"/> Defect Guarantee Released | _____ date _____ | _____ signature _____ | |

CITY OF PORTLAND, MAINE
DEVELOPMENT REVIEW APPLICATION
PLANNING DEPARTMENT PROCESSING FORM
Engineering Copy

AH 4

2002-0201
Application I. D. Number
9/16/02
Application Date
Atlantic Street Apartments
Project Name/Description

Edward F. Walsh
Applicant
17 Deepwood Drive, Portland, ME 04103
Applicant's Mailing Address

Consultant/Agent
Applicant Ph: (207) 878-2978 Agent Fax:
Applicant or Agent Daytime Telephone, Fax

94 - 98 Atlantic St , Portland, Maine
Address of Proposed Site
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Proposed Development (check all that apply): New Building Building Addition Change Of Use Residential Office Retail
 Manufacturing Warehouse/Distribution Parking Lot Other (specify) _____

Proposed Building square Feet or # of Units _____ Acreage of Site _____ Zoning R-6/B-1

Check Review Required:

- Site Plan (major/minor) Subdivision # of lots _____ PAD Review 14-403 Streets Review
- Flood Hazard Shoreland Historic Preservation DEP Local Certification
- Zoning Conditional Use (ZBA/PB) Zoning Variance Other _____

Fees Paid: Site Plan \$400.00 Subdivision _____ Engineer Review _____ Date 9/18/02

Engineering Comments

PUBLIC WORKS ENGINEERING REVIEW...9/20/02

The following comments were generated upon review of the plans and application dated 9/16/02:

1. Sheet S-1, Site Plan does not specify all of the existing utilities in Atlantic Street. Namely, the City's 18 inch brick barrel shaped sanitary sewer is missing.
2. The Site Plan does not specify any proposed utilities servicing the apartment building development.
3. The applicant must demonstrate available utility capacity to the site through utility capacity letters.
4. The applicant proposes a driveway entrance off Atlantic Street. The existing curb that is removed to create this entrance shall remain the property of the City of Portland. As a result, a note must be added to the plan stating this requirement.
5. The proposed driveway entrance specifies the use of radial granite curb on both sides of the driveway. The City requires the use of terminal granite curbing (7 feet long tipdown curbing) on both sides of new residential driveways. The detail sheet must specify an appropriate installation detail for this feature.
6. The Site Plan must specify the construction impact to the existing brick sidewalk as a direct result of creating a new site entrance and installation of new utility services. Obviously, sidewalk reconstruction will result from this proposal and the plans need to reflect this. A brick sidewalk construction detail must appear on the plans, as well.
7. The construction excavation limits resulting from the utility service connections in Atlantic Street, must appear on the plans.
8. A construction detail specifying the proposed sanitary sewer main connection must appear on the plans.
9. The applicant is advised to contact Carol Merritt at Public Works concerning permits and fees associated with connecting to City sewer and for excavation and construction within the Public right of way.
10. The applicant should be aware that any damage to the existing City curbing, brick sidewalk, roadway and sanitary sewer will result in the applicant and/or their contractor bearing the entire burden for the cost of repair.

Performance Guarantee Required* Not Required

No building permit may be issued until a performance guarantee has been submitted as indicated below

A49

Neighborhood Meeting on 94 Atlantic Street, Portland
Held at St. Lawrence Arts and Community Center
January 20, 2003 at 5:30 p.m.

The following people were present at the meeting:

<u>Name</u>	<u>Address</u>	<u>Phone</u>
Karen & Ed Walsh (Applicants)	147 Deepwood Drive, Portland	878-2978
Steven Schatf	77 Grant Street, Portland	774-9393
Brian Burwell	12 Maple Ave., Freeport (owns 31 Fore St.)	865-9350
Elena Schmidt	97-99 Atlantic Street, Portland	871-1095
Don Ogier	90 Congress Street, Portland	871-1095
Janis & Robert Witham	45 Lafayette St., Portland	773-2521
John Carter	48 Atlantic Street, Portland	
Gary Macisso	69 Vesper Street, Portland	761-1949

Karen Walsh presented the site plan to all present and explained the parking situation, including the parking easement provided on Applicant's adjacent lot at 90 Atlantic Street, snow storage easements, driveway configurations and locations, existing AT&T building and footprint for proposed apartment building. Concerns were raised by Elena Schmidt regarding displacement of cars from vacant lot, where three cars at 90 Atlantic Street are presently parking, to Atlantic Street. Ms. Schmidt explained that the restaurant located on the corner of Congress Street and Atlantic Street was generating a number of customers that would park on Congress Street and Atlantic Street. She had concerns that there may not be enough room on Atlantic Street to allow additional tenants to park.

Steven Schatf asked about the design of our apartment building and asked to see a copy of the plan. We presented the front, rear and side elevations of the building. Mr. Schatf felt the building was rather plain and wondered about the flat roof. He felt the building did not possess a great deal of character. Karen Walsh explained that the flat roof was in keeping with the design and nature of the buildings on Atlantic Street and the simplicity and clean lines of the building would be enhanced with the mouldings. The

design had also been modified to include a front recessed doorway with transoms and sidelights as well as additional windows being added to the front of the building to provide more symmetry.

Gary Macisso had concerns regarding proper snow removal and maintenance of sidewalks in front of the building. The applicant assured him that they would be hiring someone to plow and remove the snow when necessary and would keep the sidewalks cleared as well.

John Carter asked when construction would begin. Karen Walsh explained that once receiving final approval on the site plan, the next step would be to file for a building permit. Construction more than likely would not take place until sometime in the spring (March or April).

Questions were raised about anticipated rent for the units. Karen and Ed Walsh explained that they would have a better idea once final bids for construction on the building were in, however, the rents would be in the range of current market rents for 2-bedroom units.

The meeting adjourned at 6:55 p.m.

BK 14382 PG 275

89199

EASEMENT DEED

For and in consideration of the sum of One Dollar (\$1.00) and other valuable considerations to me paid by New England Telephone and Telegraph Company, a corporation duly organized under the laws of the State of New York, whose address is 125 High Street, Boston, Massachusetts, 02110, the receipt of which is hereby acknowledged, I, George W. Lane, Jr., of Scarborough, Maine, hereby grant unto said Company, its successors and assigns, the right and easement to place and maintain underground communication cables, conduits and appurtenances along with an eleven (11) foot by eighteen (18) foot pre-cast concrete building upon an easement over a parcel of land located on the southwesterly sideline of Atlantic Street, in the City of Portland, Cumberland County, Maine, bounded and described as follows: Beginning at a point, being a 5/8-inch rebar set on the southwesterly sideline of said Atlantic Street at the most northerly corner of land of the Grantor and the most easterly corner of land, now or formerly of Lee L. Staples and Irene M. Staples as described in Book 4541, Page 163; thence, S 40-26-24 E, along the southwesterly sideline of said Atlantic Street, 31.00 feet to a 5/8-inch rebar set; thence, S 49-33-36 W, through land of the Grantor, 52.00 feet to a 5/8-inch rebar set; thence, N 40-26-24 W, through land of the Grantor, 31.00 feet to a 5/8-inch rebar set on the southeasterly line of land of said Staples; thence, N 49-33-36 E, along said land of said Staples, 52.00 feet to the point of beginning. The above-described easement area contains 1,612 square feet, more or less. Bearings are based on observed magnetic north, dated July, 1998. All rebars set are capped, "OEST 1245."

Said easement is further described as being a portion of Map #16, Block D, Lot #6, as identified by the Assessors Maps for the City of Portland, County of Cumberland, and State of Maine, and as a portion of land owned by George W. Lane, Jr., as described in Book 3308, Page 40, of the Cumberland County Registry of Deeds. Further reference is made to a plan by Oest Associates Inc., of South Portland, Maine, entitled, "Standard Boundary Survey - Fiber Optic Switching Facility, Located on Property of George W. Lane, Jr., Atlantic Street, Portland, Maine," dated July, 1998.

Further rights are herein granted to construct, place and maintain a grounding system consisting of ground rods, mats, and/or wells for protection of said telecommunication equipment. The right to cut trees, trim brush and grade said easement area is also granted with permission for both pedestrian and vehicular access to enter upon my property for the above purposes.

Further rights are herein granted to Central Maine Power Company, a corporation duly organized under the laws of the State of Maine, whose address is Edison Drive, Augusta, Maine, 04330, to place and maintain conduit, electrical cables, and appurtenances to provide electrical service to the above-referenced facility and to enter upon my property for the above purposes.

New England Telephone Company agrees to the following:

- 1) Assume any and all taxes associated with this terminal;
- 2) Indemnify and save harmless the Grantor, his heirs and assigns from any claim costs and liability arising from use of said premises;
- 3) Landscape said easement area and alter the external facade in accordance with the Grantor's wishes;
- 4) Upon completion of New England Telephone Company's use of and removal of its equipment from said easement area, all rights herein granted shall revert to the owner of record.

Witness my hand and common seal this 6th day of December, 1998.

Witnesses:

Nancy J. Bozenhard

George W. Lane, Jr.
George W. Lane, Jr.

State of Maine County of Cumberland ss.,

December 6, 1998

Then personally appeared the above named George W. Lane, Jr. and acknowledged the foregoing instrument to be his free act and deed

Before me,

Nancy J. Bozenhard
Notary Public

My Commission expires:

NANCY BOZENHARD
Notary Public, Maine
My Commission Expires October 20, 2005

SEAL

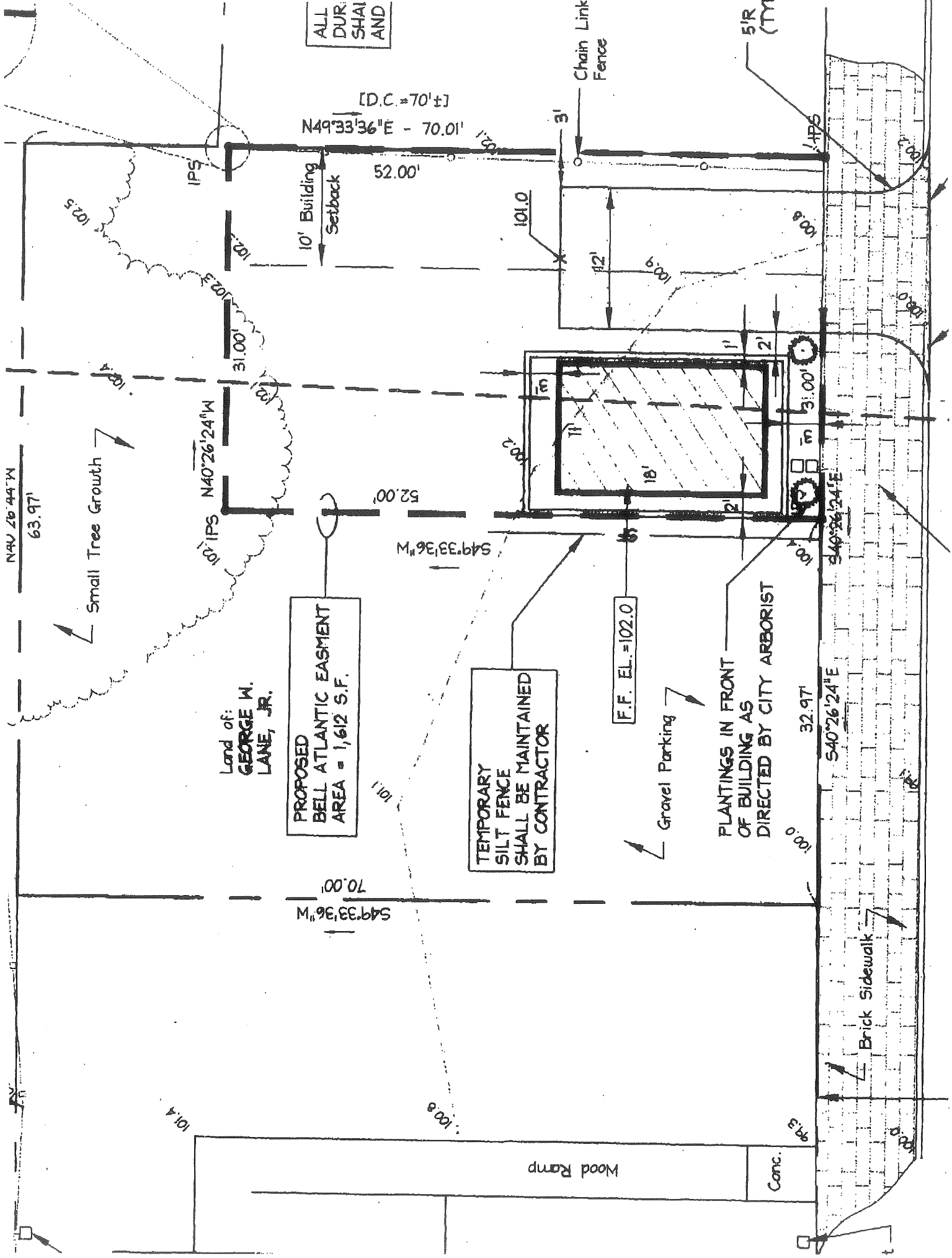
RECEIVED
RECORDED REGISTRY OF DEED

1998 DEC 11 PM 3:46

CUMBERLAND COUNTY

John B. O'Brien

ALL DUR. SHAJ AND



PROPOSED BELL ATLANTIC EASEMENT AREA = 1,612 S.F.

TEMPORARY SILT FENCE SHALL BE MAINTAINED BY CONTRACTOR

F.F. EL. = 102.0

PLANTINGS IN FRONT OF BUILDING AS DIRECTED BY CITY ARBORIST

Gravel Parking

Small Tree Growth

Land of: GEORGE W. LANE, JR.

Wood Ramp

Conc.

Brick Sidewalk

Chain Link Fence

5'R (CY)

[D.C. = 70' ±]

$N49^{\circ}33'36''E - 70.01'$

$S49^{\circ}33'36''W - 70.00'$

$S40^{\circ}26'24''E - 32.97'$

$N40^{\circ}26'24''W$

63.97'

$N49^{\circ}26'44''W$

101.4

100.8

99.3

100.0

100.0

32.97'

$S49^{\circ}33'36''W$

52.00'

31.00'

100.1

102.5

100.2

101.0

100.9

100.8

100.0

100.0

100.0

100.0

100.0

100.0

100.0

100.0

10' Building Setback

3'

12'

1'

2'

3.00'

3.00'

3.00'

3.00'

3.00'

3.00'

3.00'

3.00'

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PLANNING BOARD REPORT #04-03



**THREE-UNIT APARTMENT BUILDING
SUBDIVISION AND SITE PLAN REVIEW
94-98 ATLANTIC STREET
EDWARD AND KAREN WALSH, APPLICANTS**

the world!

Submitted to:

Portland Planning Board
Portland, Maine
January 28, 2003

I. INTRODUCTION

Edward and Karen Walsh have requested a Public Hearing before the Planning Board for a residential project for 94-98 Atlantic Street in the Munjoy Hill Neighborhood. The project consists of a 3-unit apartment building with associated parking and landscaping. The property is approximately 4,900 square feet and is encumbered by an existing Verizon substation and its associated easement. The easement is shown on the plans and will be used by the residents for parking and circulation. Corporation Counsel has reviewed the language of the easement and believes that no conflict between the proposed development and the easement exists.

247 notices were sent to area property owners. Notice of the public hearing has appeared in the Portland Press Herald.

II. FINDINGS

Property:	94-98 Atlantic Street
Current Zoning:	R-6
Land Area:	4,900 square feet (approximate)
Existing Use:	vacant/Verizon substation
Proposed Use:	3-unit residential apartment building/Verizon substation
Land Uses in the Vicinity:	residential, light commercial

III. PROPOSED DEVELOPMENT

The proposed building is a three-story, flat-roofed structure with three, two-bedroom units. The provided elevations illustrate prominent corner boards, parapet walls and roof cornice. Windows are numerous and balanced. The front entrance includes a small porch entering into a mudroom. The side entrance is oriented towards the parking area and is also covered.

The floorplans provide spacious kitchen/living areas with an open concept. Bedroom sizes are large and include ample closets.

IV. STAFF REVIEW

The proposal has been reviewed for compliance with the Subdivision and Site Plan Regulations of the Land Use Code. Review of the proposal has been completed by Planning, Public Works, Fire and Inspections.

V. SITE PLAN REVIEW

1/2. Traffic/Parking

The site access is proposed from two curb cuts along the properties frontage on Atlantic Street. The northerly existing curb cut will be the primary access point and lead to three parking spaces and the building entrance for the upper units. A new curb cut will provide vehicular access to three additional parking spaces, one of which is on the adjacent property that is also owned by the applicant. The Zoning Administrator, Marge Schmuckal, discusses the acceptability of this

arrangement in her memo included as attachment 5. As a condition of approval:

-An easement for parking and associate snow removal be provided to Corporation Counsel for review and approval.

Three details are missing from the supplied plans and offered as conditions of approval:

-that wheel stops be installed for parking spaces 1,2 and 3.

-that the tipdown curb detail be amended to conform to City standards

-that the driveway entrance detail be amended to conform to City standards as outlined in the Public Works comments.

Pedestrian access from the street to the side building entrance is via a bituminous walkway between the existing substation and the proposed building. Pedestrian access for the ground floor unit will be directly from the street with a small front porch.

3. Proposed Buildings

The proposed building meets all requirements for height, setbacks, lot coverage and open space ratio. It is not anticipated to adversely affect the surrounding neighborhood.

4. Sewer, Storm Drain and Water

The applicant has provided staff with capacity letters from the Public Works department and from the Portland Water District. (see attachments 3 and 4)

5. Landscaping

The applicant has been working closely with Jeff Tarling to create a landscape plan for this project. Due to the limited areas on the property suitable for planting trees, the subdivision requirement of two per unit will not be able to be met on site. Prior to the Public Hearing, recommendations from the City Arborist will be available to serve as the basis for a condition of approval.

6. Soils and Drainage

The existing lot, comprised generally of compacted gravel with limited vegetation, is used as unorganized parking of the abutting project. The developed site will likely have limited or no increase in impervious area, as the site is mostly impervious now. It is the professional estimation of the reviewing engineer that stormwater leaving the site will be cleaner than in the existing state.

7. Exterior Lighting

Staff requests that the applicant, as a condition of approval:

- provide the catalog cut for any proposed exterior fixtures.

8. Solid Waste Disposal

Solid waste will be handled by the City of Portland.

9. Fire

The proposal has been reviewed and approved by the fire department.

10. City Infrastructure

The proposed development is consistent with the existing City infrastructure.

11. Financial/Technical Capacity

The applicant has provided evidence of financial capacity that is included as attachment 2.

12. Two-Family Design Standards

Standard 15 of the Site Plan ordinance requires that all proposed two-family structures be designed such that they complement and enhance the design of the nearest residential neighborhood in terms of building form, height, style etc. The proposed three-story design, with the front entry porch and flat roof, will both blend into the neighborhood and also enhance its attractiveness.

VI. SUBDIVISION REVIEW

1. Water and Air Pollution

The development is not anticipated to result in undue water or air pollution.

2/3. Water

The development has sufficient water available for the reasonably foreseeable needs of the subdivision as indicated through the capacity letter

4. Soil Erosion

Proper erosion control measures will be required in the field during the minimal site work proposed.

5. Traffic

Please refer to the Site Plan Review Section

6. Sanitary/Stormwater

Please refer to the Site Plan Review Section

7. Solid Waste Disposal

Please refer to the Site Plan Review Section

8. Scenic Beauty

This development will not cause an undue adverse effect on the scenic or natural beauty of the area aesthetics, historic sites, significant wildlife habitat or rare and irreplaceable natural area.

9. Comprehensive Plan

This development is compatible with the City of Portland Comprehensive Plan.

10. Financial Capability

Please refer to the Site Plan Review Section for details of financial capacity.

11. Groundwater

The development as proposed will not adversely affect the quality or quantity of groundwater.

12. Flood Hazard/Shoreline

The site is not located in the flood hazard or shoreland zones.

VII. NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting at on Monday, January 20, 2003. The meeting minutes and list of those in attendance are included as attachment 9.

VIII. STAFF RECOMMENDATION

Staff recognizes that the number of conditions of approval presented are not ideal but believes that due their being detail oriented, approval at this time is appropriate.

IX. MOTIONS FOR THE BOARD TO CONSIDER

On the basis of plans and material submitted by the applicant and on the basis of information contained in Planning Report #70-02 relevant to the standards of the Site Plan Ordinance and Subdivision Review, the Planning Board finds:

- i. That the proposed development is/is not in conformance with the Site Plan Ordinance of the Land Use Code.

Conditions:

1. An easement for parking and associated snow ^{storage} removal be provided to Corporation Counsel for review and approval.
2. That wheel stops be installed for parking spaces 1,2 and 3.
3. That the tipdown curb detail be amended to conform to City standards.
4. That the driveway entrance detail be amended to conform to City standards as outlined in the Public Works comments.
5. That the applicant provide the catalog cut for any proposed exterior fixtures.

ii. That the proposed development is/is not in conformance with the Subdivision Ordinance of the Land Use Code.

1. That the subdivision plat for recording be provided that included the City of Portland definition of Subdivision.
2. That the description of "snow storage easement" on the northwest corner of the site be relabeled "snow storage area".

Attachments:

1. Applicant's submittal
2. Financial Capacity
3. Capacity, Portland Water District
4. Capacity, Public Works
5. Memo from Zoning Administrator Marge Schmuckal
6. Memo from Public Works Engineering
7. Memo from Engineering Consultant
8. Fire Approval
9. Neighborhood Meeting Minutes and Attendance Sheet
10. Site Plan and Elevations

A# 1

Edward F. and Karen M. Walsh
147 Deepwood Dr
Portland, Me 04103

September 10, 2002


City Of Portland
Zoning and Planning Development
389 Congress St
Portland, Me 04101

Enclosed please find our check in the amount of \$400.00 in connection with our site plan review for a proposed three unit apartment building located at 94-98 Atlantic St. We are also enclosing copies of the proposed site plan and building plans. The anticipated timeframe for completion of this project is one year from start of construction.

We currently own the four unit building adjacent to the proposed site and include a copy of a letter from Mentco Financial expressing their interest in financing the project.

Thank you for your attention to this matter. We look forward to working with you.

Sincerely


Edward F. Walsh

AH 2

*Financial Specialist***MENTCO Financial Services**
James J. Mattson

September 10, 2002

Edward F. Walsh

Re: 94 Atlantic street
Portland, Me. 04102

3-Unit Construction

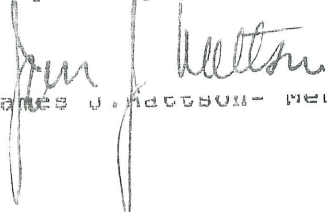
Dear Mr. Walsh,

We are pleased to inform you of interest in funding your project. Providing all permits and city documents are all in place we can close your loan within two weeks.

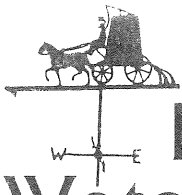
We are anxious to see the completion of this building due to the nature of it's use. As we all know the housing problem is a serious one and the city is in desperate need for good affordable housing.

Again congratulations on your loan and we are looking to working with you again.

Very truly yours,



James J. Mattson - MENTCO FINANCIAL



Portland Water District

225 Douglass St. • P.O. Box 3553 • Portland, ME 04104-3553

Customer Service Hotline (207) 761-8310

(207) 774-5961

FAX (207) 879-5837

December 24, 2002

Karen & Edward Walsh
147 Deepwood Dr.
Portland, Me. 04103

Re: 94 Atlantic St.-Portland

Karen:

This letter is to confirm there should be an adequate supply of clean and healthful water to serve the needs of the proposed 3 unit building at 94 Atlantic St. in Portland. Checking District records, I find there is a 6" cast iron water main in Atlantic St. as well as a 6" cast iron water in Monument Street. The nearest hydrant is in front of the property in question.

The current data from the nearest hydrant indicates there should be adequate capacity of water to serve the needs of your proposed project.

Hydrant Location: Monument St. @Atlantic St.

Hydrant # 279

Static pressure = 40 PSI

Flow = 787 GPM

Last Tested = 6/24/91

If the district can be of further assistance in this matter, please let us know.

Sincerely,
Portland Water District

Jim Pandiscio
Means Coordinator

A#
3

A#4

22 January 2003

Mr. and Mrs. Edward Walsh,
147 Deepwood Drive,
Portland, Maine 04103

**RE: The Capacity to Handle Wastewater Flows, from 94 Atlantic Street, Portland
Maine, Site of a Proposed Apartment Building.**

Dear Mr. and Mrs. Walsh:

The existing eighteen-inch diameter brick barrel sewer pipe located in Atlantic Street has adequate capacity to **transport**, while The Portland Water District sewage treatment facilities, located off Marginal Way, have adequate capacity to **treat** the total anticipated wastewater flows of **540 GPD**, from the proposed project.

Anticipated Wastewater Flows from the Proposed Apartment Building	
Proposed Three 2-bedroom Apartment Units @ 180 GPD/Unit	= 540 GPD
Total Proposed Increase in Wastewater Flows for this Project	= 540 GPD

The City combined sewer overflow (C.S.O.) abatement consent agreement, with the U.S.E.P.A. and The Maine D.E.P. requires C.S.O. abatement, as well as Storm water mitigation, from all projects, in order to offset any increase in sanitary flows.

If I can be of further help, please call me at 874-8832.

Sincerely,
CITY OF PORTLAND

Frank J. Brancely, BA, MA
Senior Engineering Technician

FJB

- cc: Alexander Q. Jaegerman, Acting Co-Director, Department of Planning, and Urban Development, City of Portland
- Jonathan Spence, Planner, Department of Planning, and Urban Development, City of Portland
- Eric Labelle, P.E., City Engineer, City of Portland
- Bradley A. Roland, P.E., Environmental Projects Engineer, City of Portland
- Anthony W. Lombardo, P.E., Project Engineer, City of Portland
- Clifford A. Farris, Wastewater Facilities Coordinator, City of Portland
- Stephen K. Harris, Assistant Engineer, City of Portland
- Todd Merkle, Field Inspections Coordinator, City of Portland
- Desk file

AH 5

From: Marge Schmuckal
To: Jonathan Spence
Date: 1/23/03 12:52PM
Subject: 94 Atlantic Street - new development for 3 apt

Jonathan,

The predominate zone for 94 Atlantic Street is an R-6 zone with a portion of the lot closest to Congress Street designated as a B-1 zone. Please note that the B-1 refers to the abutting residential zone (R-6) for residential requirements.

For background information, this lot is considered a separate lot for zoning purposes. It has in no way "merged" with the adjoining lot, #90 Atlantic Street. In 1964 a 7 family apartment house was demolished on this site (#94). In 1973 the Zoning Board of Appeals granted a principal use of a parking lot for 18 cars. The previously approved use does not preclude any other allowable use, such as a residential use.

I have reviewed this proposal for compliance. It is meeting all the required setbacks, height, lot coverage, open space ratio, and parking, and all other R-6 zone requirements.

As to the one parking space easement on the adjoining lot: I believe the zoning ordinance allows this activity without special approvals. Section 14-333 refers to required parking to be located on the the same lot with the principal use (residential zones) specifically ONLY in the **R-1 through R-5** zones. It does not include the R-6 zone. I further believe that the type of parking shown does not require a conditional use approval through the Zoning Board of Appeals. The conditional use reference for off-street parking within the R-6 zone is referring to off-street parking as a principal use, such as this lot received from the Zoning Board of Appeals in 1973. I do not think it refers to incidental off-street parking. The legal principal use on the adjoining lot (#90) is a five (5) family. It is also noted that no required parking is being eliminated from the adjoining lot at #90 Atlantic Street. A nonconformity is NOT being created by the development of the adjoining lot #94.

It is also noted that this project should also be reviewed as a subdivision by the Planning Board.

Marge Schmuckal
Zoning Administrator
1/23/03

CC: Sarah Hopkins

**CITY OF PORTLAND, MAINE
DEVELOPMENT REVIEW APPLICATION
PLANNING DEPARTMENT PROCESSING FORM
Engineering Copy**

2002-0201
Application I. D. Number

AA
6

Edward F. Walsh
Applicant
147 Deepwood Drive, Portland, ME 04103
Applicant's Mailing Address

9/16/02
Application Date

Atlantic Street Apartments
Project Name/Description

Consultant/Agent
Applicant Ph: (207) 878-2978 Agent Fax:
Applicant or Agent Daytime Telephone, Fax

94 - 98 Atlantic St , Portland, Maine
Address of Proposed Site
016 D006002
Assessor's Reference: Chart-Block-Lot

Proposed Development (check all that apply): New Building Building Addition Change Of Use Residential Office Retail
 Manufacturing Warehouse/Distribution Parking Lot Other (specify) _____

Proposed Building square Feet or # of Units _____ Acreage of Site _____ **R-6/B-1**
Zoning

Check Review Required:

- | | | | |
|--|---|--|--|
| <input checked="" type="checkbox"/> Site Plan
(major/minor) | <input type="checkbox"/> Subdivision
of lots _____ | <input type="checkbox"/> PAD Review | <input type="checkbox"/> 14-403 Streets Review |
| <input type="checkbox"/> Flood Hazard | <input type="checkbox"/> Shoreland | <input type="checkbox"/> Historic Preservation | <input type="checkbox"/> DEP Local Certification |
| <input type="checkbox"/> Zoning Conditional
Use (ZBA/PB) | <input type="checkbox"/> Zoning Variance | <input type="checkbox"/> Other _____ | |

Fees Paid: Site Plan **\$400.00** Subdivision _____ Engineer Review _____ Date **9/18/02**

Engineering Comments

PUBLIC WORKS ENGINEERING REVIEW...9/20/02

The following comments were generated upon review of the plans and application dated 9/16/02:

1. Sheet S-1, Site Plan does not specify all of the existing utilities in Atlantic Street. Namely, the City's 18 inch brick barrel shaped sanitary sewer is missing.
2. The Site Plan does not specify any proposed utilities servicing the apartment building development.
3. The applicant must demonstrate available utility capacity to the site through utility capacity letters.
4. The applicant proposes a driveway entrance off Atlantic Street. The existing curb that is removed to create this entrance shall remain the property of the City of Portland. As a result, a note must be added to the plan stating this requirement.
5. The proposed driveway entrance specifies the use of radial granite curb on both sides of the driveway. The City requires the use of terminal granite curbing (7 feet long tipdown curbing) on both sides of new residential driveways. The detail sheet must specify an appropriate installation detail for this feature.
6. The Site Plan must specify the construction impact to the existing brick sidewalk as a direct result of creating a new site entrance and installation of new utility services. Obviously, sidewalk reconstruction will result from this proposal and the plans need to reflect this. A brick sidewalk construction detail must appear on the plans, as well.
7. The construction excavation limits resulting from the utility service connections in Atlantic Street, must appear on the plans.
8. A construction detail specifying the proposed sanitary sewer main connection must appear on the plans.
9. The applicant is advised to contact Carol Merritt at Public Works concerning permits and fees associated with connecting to City sewer and for excavation and construction within the Public right of way.
10. The applicant should be aware that any damage to the existing City curbing, brick sidewalk, roadway and sanitary sewer will result in the applicant and/or their contractor bearing the entire burden for the cost of repair.

PUBLIC WORKS ENGINEERING REVIEW....12/09/02

I have reviewed the submittal dated 11/20/02 and offer the following comments:

1. Sheet S-1, Site Plan does not specify all of the existing utilities in Atlantic Street. Namely, the City's 18 inch brick barrel shaped sanitary sewer is still not specified.
2. The Final Site Plan does not specify any proposed utilities servicing the apartment building development, specifically gas, water or sanitary sewer. The only utility specified is a the overhead electric.

3. The applicant must demonstrate available utility capacity to the site through utility capacity letters.
4. The driveway taper, as defined in the City's Technical Specifications, must begin at the street gutter and continue in a straight line to the property line. The proposed driveway entrance on the Final Site Plan does not reflect this requirement.
5. The construction excavation limits resulting from the utility service connections and installation of new curbing, in Atlantic Street, must be specified on the plans.
6. A construction detail specifying the proposed sanitary sewer main connection must appear on the plans.

PUBLIC WORKS ENGINEERING REVIEW...1/22/03

1. The proposed driveway entrance still does not conform the City's layout requirement. As stated in the previous, 12/09/02 review, the driveway taper should begin at the street gutterline and continue in a straight line terminating at the right of way boundary. The driveway opening should be a total of four (4) feet wider at the gutter than at the property line. This requirement is defined in the City's Technical Specifications.

The applicant's engineer has satisfied the other issues outlined in previous reviews.

Performance Guarantee	<input type="checkbox"/> Required*	<input type="checkbox"/> Not Required
* No building permit may be issued until a performance guarantee has been submitted as indicated below		
<input type="checkbox"/> Performance Guarantee Accepted	_____	_____
	date	amount
		expiration date
<input type="checkbox"/> Inspection Fee Paid	_____	_____
	date	amount
<input type="checkbox"/> Building Permit Issue	_____	
	date	
<input type="checkbox"/> Performance Guarantee Reduced	_____	_____
	date	remaining balance
		signature
<input type="checkbox"/> Temporary Certificate of Occupancy	_____	<input type="checkbox"/> Conditions (See Attached)
	date	expiration date
<input type="checkbox"/> Final Inspection	_____	_____
	date	signature
<input type="checkbox"/> Certificate Of Occupancy	_____	
	date	
<input type="checkbox"/> Performance Guarantee Released	_____	_____
	date	signature
<input type="checkbox"/> Defect Guarantee Submitted	_____	_____
	submitted date	amount
		expiration date
<input type="checkbox"/> Defect Guarantee Released	_____	_____
	date	signature

AH7



02P201

TO: Jonathan Spence – Planner
FROM: Jim Seymour – Development Review Coordinator, Sebago Technics, Inc.
RE: Atlantic Street Apartments – 94 Atlantic Street, Portland
DATE: January 17, 2003

Sebago Technics has reviewed a third site plan submittal for 94 Atlantic Street dated January 6, 2003. At this time the applicant is requesting that final approval be granted. After reviewing this submittal and considering information addressing prior comments to the previous site plan submittal, we have the following comments:

1. **Stormwater Management**

No comments.

2. **Road Access/Circulation**

Install wheel stops at front of parking spaces 1, 2 and 3 to maintain 3 feet of clearance between parked car and building face and keep sidewalk accessible.

3. **Grading/Erosion Control**

No comments.

4. **Utility Installation/Location**

Ability to serve letters will be required from Public Works and the Portland Water District to serve the project.

5. **General**

The applicant has satisfied our comments from memo dated December 5, 2002, with the exception of details (see Section 6 below).

6. **Details**

The applicant must provide the City's granite tip down curb detail (see page I-19, Section I – Street Design Standards, "Typical Tipdown Curb Installation"). Applicant has provided a sloped granite curb detail.

Atlantic Street Apartments
94 Atlantic Street

-2-

December 5, 2002

This information will need to be provided on final plans and may be made a condition of approval.

Please contact our office with any questions.

TS:ts

To: Planning Board

From: Steven Scharf

Date: Jan 28, 2003

Re: Atlantic Street Apts

I am submitting written comments as I will be attending the PACTS Plan Public comment mtg this evening.

I have reviewed the various documents relating to this project and ~~as~~ I have two concerns that I wish to express to the board.

First is that this project will eliminate parking for the existing building next door. This flies in the face of having zoning in the first place.

Second, — is that the building has absolutely no character. This lack of character shows that the developer is looking to throw up a building and is not ~~really~~ interested in building community, but in creating a profit generating product.

This afternoon you saw an excellent proposal from T F H Architects for a building on nearby St Lawrence Street. I mentioned the work of T F H to the developer at the neighborhood mtg and Mrs Walsh indicated no desire to learn ~~to~~ further about it.

I would encourage you to have the developer investigate a more estatic design before approving this application.

Steven Schorf
99 Grant Street
Portland ME 04101

389 Congress Street, 4th Floor
Portland, ME 04101
(207)874-8721 or (207)874-8719
Fax: (207)756-8258

**City of Portland
Planning and Development Department
Planning Division**

Fax

To:	Karen Walsh	Company:	
Fax:	781-2729	Date:	1-21-2003
From:	Jonathan Spence		

Good Morning Karen-

I am sorry that I wasn't able to get comments to you last week as I expected. The following comments have been generated. If at all possible, revised plans addressing these items prior to noon on Friday would make the Public Hearing go much smoother.

1. Please show the railing for the side entrance on the plans.
2. The first floor plan is not correct. It has not been revised since the entrance moved to the front.
3. Please change the label for the snow storage "easement" to snow storage "area" on the north side of the building.
4. Please provide a landscape plan. Per the ordinance, 2 trees per unit are required in addition to foundation/other plantings. If that many trees can't fit on the site, a contribution to Jeff Tarling's tree planting program can be offered instead.
5. Please provide the City's granite tip down curb detail (see page I-19, Section I – Street Design Standards, "Typical Tipdown Curb Installation"). As opposed to the sloped granite curb detail.
6. Please install wheel stops at front of parking spaces 1, 2 and 3 to maintain 3 feet of clearance between parked car and building face and keep sidewalk accessible.

Please contact me if you have any questions.

Thank you.



Jonathan Spence

756-8083

AH 3



02P201

TO: Jonathan Spence – Planner
FROM: Jim Seymour – Development Review Coordinator, Sebago Technics, Inc.
RE: Atlantic Street Apartments – 94 Atlantic Street, Portland
DATE: October 9, 2002

Sebago Technics made a site visit on October 8, 2002 and has reviewed the Site Plan Package and supporting documentation for the proposed Atlantic Street Apartments at 94 Atlantic Street. The following comments are submitted in outline format:

1. Stormwater Management

- A. The existing use of the lot is parking for the adjacent multi-family home at #90 Atlantic Street. The lot is primarily compacted gravel with some vegetation along the property line and as a result behaves primarily as an impervious surface. Therefore the structures that are proposed for the lot would not result in a significant increase in runoff. It is anticipated that runoff leaving the site would be cleaner in the proposed state than in the existing state, since the proposed project would include both paved and landscaped surfaces.

2. Road Access/Circulation

- A. Maneuvering on northeast side of lot could prove to be difficult for larger vehicles.
- B. Proposed project will displace residents vehicles form adjacent #90 Atlantic Street property onto street.
- C. Applicant will need to remove brick sidewalk at proposed drive entrance and rebuild at appropriated grade. Detail must be added for brick sidewalk/drive.

3. Grading/Erosion Control

- A. The site plan illustrates a crushed stone inlet filter in Atlantic Street. This should be replace with an inlet protection measure such as silt sack installed beneath the catch basin grate, eliminating any crushed stone from migrating down Atlantic Street.
- B. Plan must show BMP measures installed. Silt fence must be installed down gradient of disturbed areas. It is not necessary to install silt fence around entire perimeter.

- C. Access to site should be limited to one point and include a construction entrance and some means of preventing sediment-laden runoff from leaving the site.

4. **Utility Installation/Location**

- A. Sewer and water services typically have 10 feet minimum separation. Verify the separation for residential installation with the Sewer Department.
- B. Ability to serve letters will be required from Public Works and Portland Water District to serve the project.
- C. Utilities (including service for sewer, water, gas, electric, cable and telephone) from the proposed building to the street should be shown on the plan.

5. **General**

- A. Title Blocks on sheets S-1 and S-2 call out a scale of 20, yet bar scale on sheet S-1 is 10-scale and no detail on sheet S-1 is drawn at 20-scale. Therefore title block should not include a scale.
- B. No professional engineer's stamp was noted on plans. Is any design work being performed by the civil engineer on record?
- C. Recommend that bollards be installed to protect AT&T structure. Is AT&T reviewing plans? Are there any setbacks required from this structure?
- D. A note should be added to plan stating that any curbing removed is the property of the City.
- E. Show proposed snow storage areas.

6. **Details**

- A. The following details will need to be added/modified to the plans: utility trench detail for water service, brick paver section detail for the drive apron, saw cut detail, and granite curb detail (missing reveal label).
- B. BMP details including, but not limited to: construction entrance and inlet protection on the paved surface (such as Silt Sac®). BMP measures need to be shown installed on the plan in appropriate locations.

Please contact our office with any questions.

TS:ts/??

**Edward and Karen Walsh
147 Deepwood Drive
Portland, Maine 04103
(207) 878-2978**

Jonathan Spence, Planner
City of Portland
389 Congress Street
Portland, Maine 04101

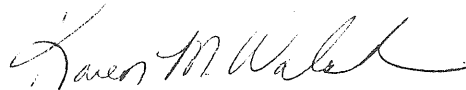
Re: 94 Atlantic Street, Portland, ME

Dear Jonathan:

Enclosed please find a complete set of plans, including a revised site plan and a revised elevation plan, for the proposed 3-unit building at 94 Atlantic Street. I am also enclosing a copy of the ability to serve letter from the Portland Water District and am awaiting a letter from Public Works as well. I will forward a copy upon receipt.

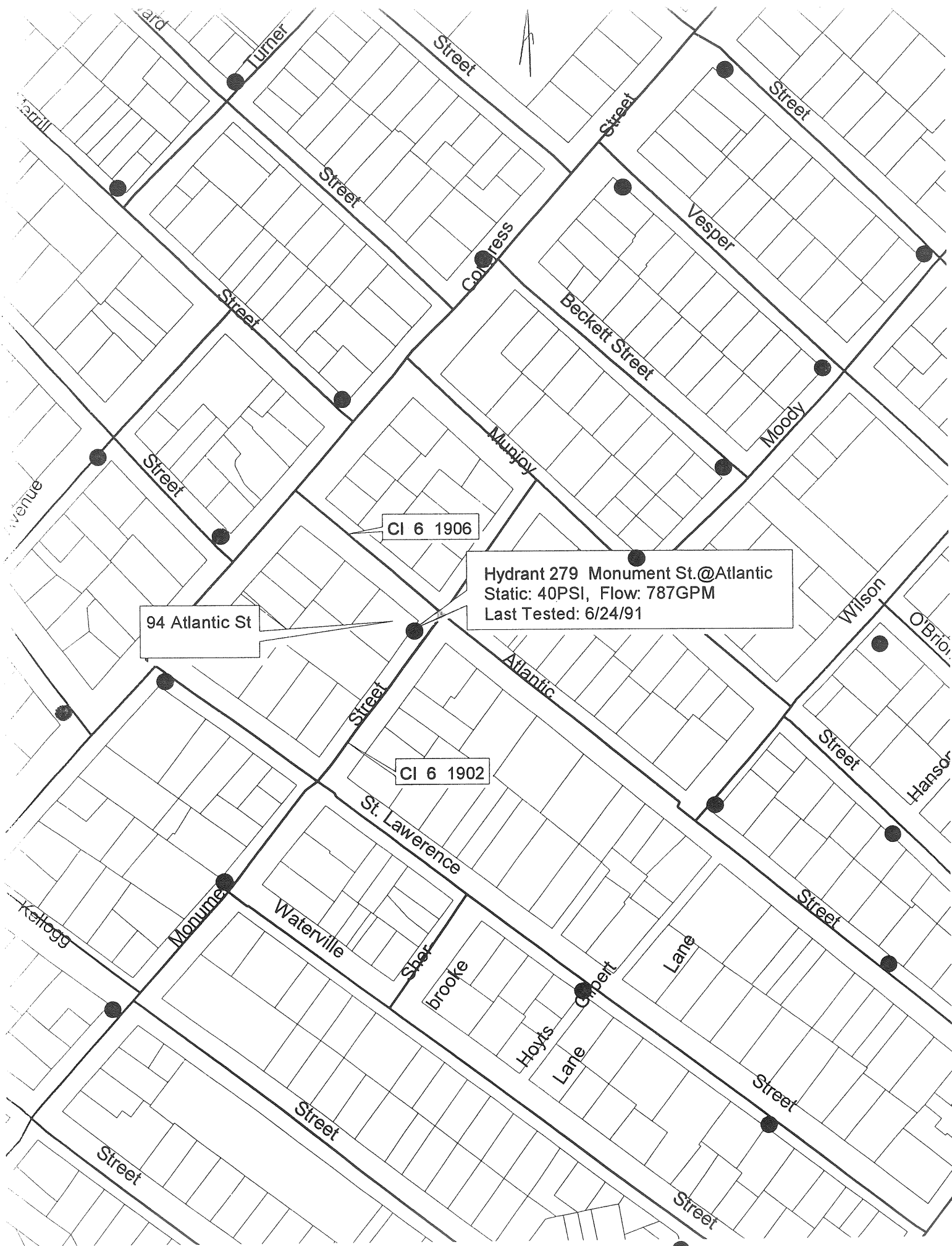
I understand that we have been placed on the Planning Board's agenda for January 28, 2003 in connection with our request for final approval. We have scheduled our neighborhood meeting for January 20, 2003 at 5:30 p.m. at the St. Lawrence Arts and Community Center. Please let me know if you have any questions or concerns on any of the enclosed materials.

Sincerely,



Karen M. Walsh

/kmw
Enclosures

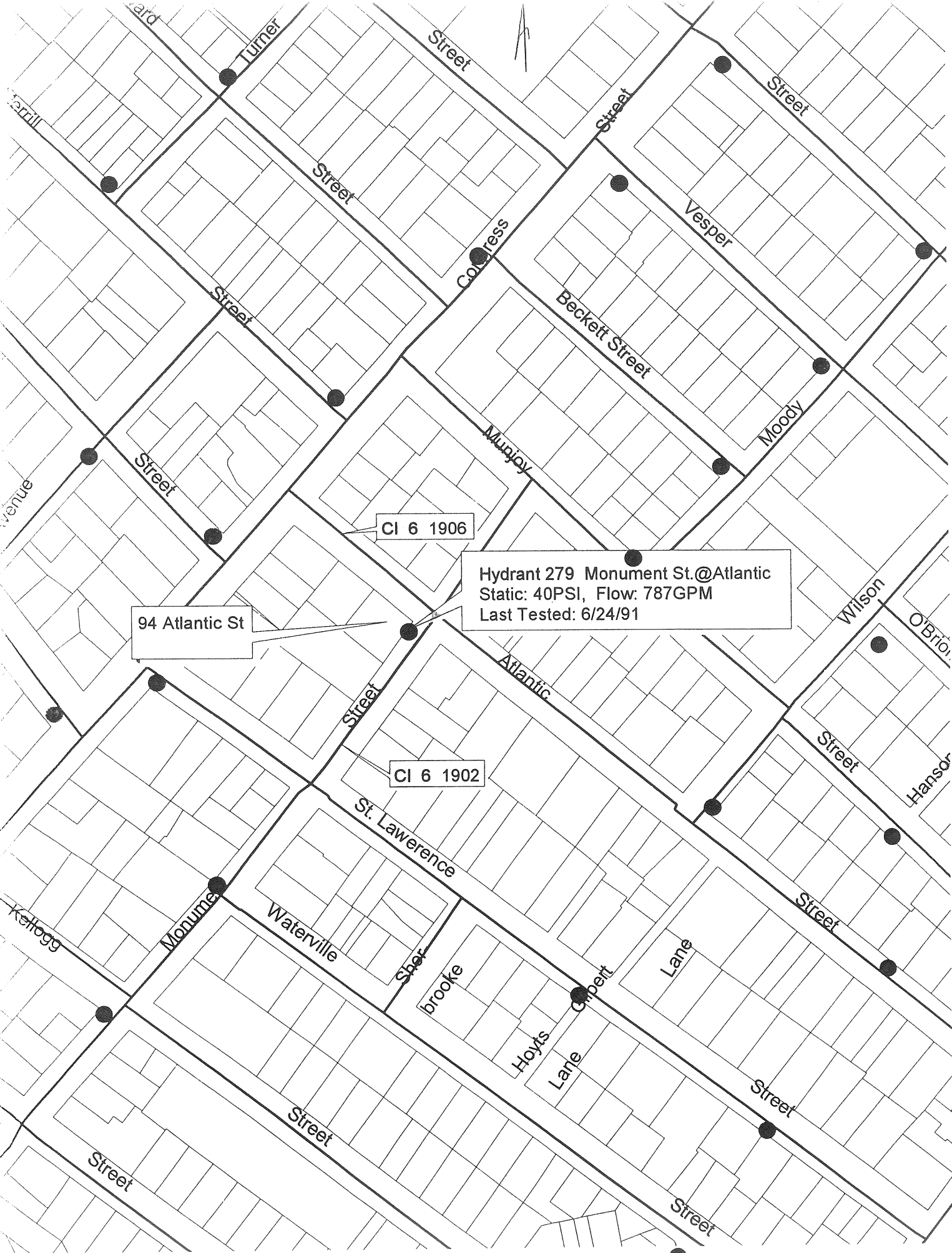


CI 6 1906

94 Atlantic St

Hydrant 279 Monument St.@Atlantic
Static: 40PSI, Flow: 787GPM
Last Tested: 6/24/91

CI 6 1902



GREATER PORTLAND DEVELOPMENT GROUP

18 Carroll Street
Falmouth, Maine 04105
TEL: (207) 781-2071
FAX: (207) 781-2729

FAX

TO: Jonathan Spence

FROM: Karen Walsh

FAX #: 756-8258

PAGES TO FOLLOW: 1

DATE: 11/26/02

RE: 94-98 Atlantic St.

COMMENTS: Jonathan, I'm in receipt of your Memo to the Planning Board. Regarding your paragraph of Fire Safety, I'm faxing a copy of Section 30.2.4 of the Life Safety Code Handbook. Jim Sterling's and my interpretation of this Code led us to believe we did not have to sprinkle the apartment building. I took the Code and the plans to Lt. MacDougal this summer and he agreed that we had in fact met the criteria established in this Section, thereby eliminating the need for a sprinkler system.

Handwritten: 671 8-61 08/01

CHAPTER 30 • New

CHAPTER 31 • Existing

When occupants from upper floors are discharged from exit stair enclosures onto the street floor (in accordance with 7.7.2) and mix with occupants of the street floor in attempting egress to the exterior, the result is an increased demand on street floor egress components, such as exit doors. Therefore, the Code requires that street floor exits be sized to handle the combined capacity.

Exhibit 30/31.2 illustrates a lobby design that might be found in apartment buildings in which multiple exit stairs and street floor exits converge at one or two exterior door locations. The required aggregate capacity of doors A and B is based on the number of people expected to use them. Assuming that the street floor has an occupant load of 400 persons and each of the two enclosed exit stairs (that is, stair 1 and stair 2) discharging into the street floor has a required capacity of 200 persons (that is, a maximum of 50 percent of the 400-person occupant load of the second or third floor via stair 1 and a maximum of 50 percent of the 400-person occupant load of the basement via stair 2), the required egress capacity for the street floor would be 800 persons. The unobstructed door or level travel width required to accom-

modate 800 persons is 160 in. (406 cm). The opening provided by each pair of doors, A and B, needs to be 80 in. (203 cm) in clear, unobstructed width.

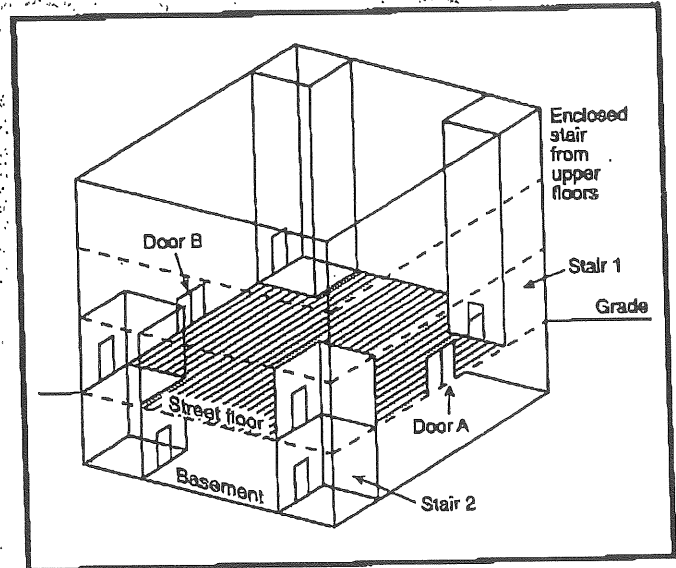


Exhibit 30/31.2 Egress capacity for street floor.

30.2.4 Number of Exits.

Every dwelling unit shall have access to not less than two separate exits remotely located from each other as required by 7.5.1. (See also Section 7.4.)

Exception No. 1: Any dwelling unit shall be permitted to have a single exit, provided that one of the following criteria is met:

- (a) The dwelling unit has an exit door opening directly to the street or yard at ground level.
- (b) The dwelling unit has direct access to an outside stair complying with 7.2.2 that serves not more than two units, both of which are located on the same floor.
- (c) The dwelling unit has direct access to an interior stair serving only that unit, and such stair is separated from all other portions of the building by fire barriers having not less than a 1-hour fire resistance rating with no opening therein.

Exception No. 2: Buildings of four stories or less protected throughout by an approved, supervised automatic sprinkler system in accordance with 30.3.5, with not more than four dwelling units per story, shall be permitted to have a single exit under the following conditions:

31.2.4 Number of Exits.

Every dwelling unit shall have access to not less than two separate exits remotely located from each other as required by 7.5.1. (See also Section 7.4.)

Exception No. 1: Any dwelling unit shall be permitted to have a single exit, provided that one of the following criteria is met:

- (a) The dwelling unit has an exit door opening directly to the street or yard at ground level.
- (b) The dwelling unit has direct access to an outside stair complying with 7.2.2 that serves not more than two units, both of which are located on the same floor.
- (c) The dwelling unit has direct access to an interior stair serving only that unit, and such stair is separated from all other portions of the building by fire barriers having not less than a 1-hour fire resistance rating with no opening therein.

Exception No. 2: Buildings of four stories or less protected throughout by an approved, supervised automatic sprinkler system in accordance with 31.3.5.1 shall be permitted to have a single exit under the following conditions:

Handwritten: 13R

**Edward and Karen Walsh
147 Deepwood Drive
Portland, Maine 04103**

November 20, 2002

Jonathan Spence
City of Portland
Planning Development
389 Congress Street
Portland, Maine 04101

Re: 94 Atlantic Street, Portland

Dear Jonathan:

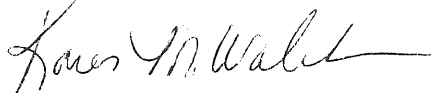
We are currently seeking approval of a 3-unit apartment building at 94 Atlantic Street in Portland. In follow up to the City's review of this project, we are enclosing copies of our revised site plan and building plans. Please note that we have addressed the parking issue for the building and will provide an easement deed to allow parking for Space 4 on our adjacent property at 90 Atlantic Street. We have also addressed several other engineering issues.

The following items will be added to the site plan prior to final review of this project:

1. Sewer line location in Atlantic Street;
2. Utility connection to the proposed building from the street, other than electric and telephone;
3. Granite tip down curb detail;
4. Construction excavation limits due to utility service connection;
5. Detail showing the sanitary sewer main connection;
6. Saw cut detail; and
7. Utility trench for water and sewer.

We are hopeful that the Board will issue preliminary approval conditioned upon the items described above being added to the final site plan. Please let me know if you have any questions or concerns.

Sincerely,



Karen M. Walsh

/kmw

City of Portland Site Plan Application

If you or the property owner owes real estate or personal property taxes or user charges on any property within the City, payment arrangements must be made before permits of any kind are accepted.

Location/Address of Construction: 94-98 ATLANTIC ST PORTLAND ME		
Total Square Footage of Proposed Structure		Square Footage of Lot
Tax Assessor's Chart, Block & Lot Chart# Block# Lot#	Property owner, mailing address: Edward F. Walsh 147 Deepwood Dr Portland, ME 04103	Telephone 207-878-2978
16 D 6		
Consultant/Agent, mailing address, phone & contact person Stephen W. Tubbets PE 108 Main St Brunswick, ME 04011	Applicant name, mailing address & telephone: Edward F. Walsh 878-2978 147 Deepwood Dr Portland, ME 04103	Project name: ATLANTIC STREET APARTMENTS
Owen Hustell 116 Casco RD Portland, ME 04101		
Proposed Development (check all that applies) <input checked="" type="checkbox"/> New Building <input type="checkbox"/> Building Addition <input type="checkbox"/> Change of Use <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Office <input type="checkbox"/> Retail <input type="checkbox"/> Manufacturing <input type="checkbox"/> Warehouse/Distribution <input type="checkbox"/> Parking lot <input checked="" type="checkbox"/> Subdivision, amount of lots <u>1</u> Other: _____		
Major Development _____ \$500.00 Minor Development <input checked="" type="checkbox"/> \$400.00		
Who billing will be sent to: Edward F. Walsh Mailing address: 147 Deepwood Dr State and Zip: Portland, Me 04103 Contact person: Edward F. Walsh Phone: 878-2978		

waiting for sub of 11x17

Nine (9) separate packets must include the following:

- a. copy of application
- b. cover letter stating the nature of the project
- c. site plan containing the information found in the attached sample plans check list

All plans must be folded neatly and in packet form

Section 14-522 of the Zoning Ordinance outlines the process, copies are available at the counter at .25 per page, you may also visit the web site: ci.portland.me.us chapter 14

I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Code Official's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the code applicable to this permit.

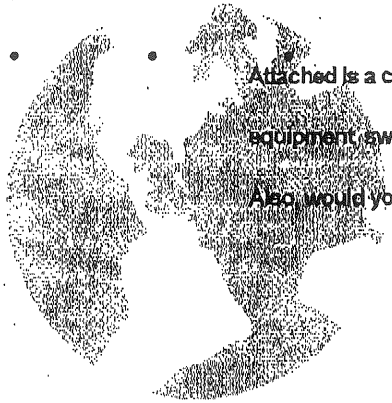
Signature of applicant:	Date: 9-16-02
-------------------------	----------------------

This application is for site review ONLY, a building Permit application and associated fees will be required prior to construct

facsimile transmittal

To: Jonathan Spence .Fax: 207 756 8258
From: Jim Williams 797-1785 Date: 01/06/03
Re: Atlantic Street Switch facility Pages: 4 including this one
CC:

- Urgent For Review Please Comment Please Reply Please Recycle



Attached is a copy of the easement for the 31' by 52' area. Verizon uses its easement area for an equipment switching building and parking. Please do not hesitate to contact me with any questions. Also, would you notify me of any meetings to be held concerning Mr. Walsh's development proposal.



Jim Williams - Verizon - Engineer

Building w/ equip to provide telephone service
to folks on Hill -

Every day use by Verizon

Feb
January

Atty Jim Barnes

1/28/03

BK 14688PG288

26931

SHORT FORM WARRANTY DEED

George W. Lane, Jr. and Pauline N. Lane, of 4 Douglas Road, Scarborough, Maine, FOR CONSIDERATION PAID, grants to Ed Walsh, of 147 Deepwood Drive, Portland, Maine, with WARRANTY COVENANTS, the following described real property located in the City of Portland, County of Cumberland and State of Maine:

A certain lot or parcel of land, with any improvements thereon, situated on the southwesterly sideline of Atlantic Street adjoining the northwesterly sideline of land now or formerly of Samuel Segal and Rose Segal, in the City of Portland, County of Cumberland and State of Maine, and being more particularly described as follows:

Beginning at a point on the southwesterly sideline of Atlantic Street, said point being distant forty-one and 9/10 (41.9) feet, more or less, northwesterly from the intersection formed by the southwesterly sideline of Atlantic Street and the northwesterly sideline of Monument Street; said point also marking the southeasterly corner of land of said Samuel Segal et al; thence

In a southwesterly direction on a course at right angles with Atlantic Street by the northwesterly sideline of land of said Samuel Segal et al., a distance of seventy (70) feet, more or less, to land now or formerly of Robert S. Morrow and Mary V. Morrow; thence

Northwesterly by the easterly sideline of land of said Robert S. Morrow et al., a distance of eighty-eight (88) feet, more or less, to land now or formerly of Michael DeCourcey and Catherine E. DeCourcey; thence

Northeasterly by the southeasterly sideline of land of said Michael DeCourcey et al and by land now or formerly of Mariana Nanos, a distance of seventy (70) feet, more or less, to the southwesterly sideline of Atlantic Street; thence

Southeasterly by the southwesterly sideline of Atlantic Street, a distance of ninety (90) feet and seven (7) inches, more or less, to land of Samuel Segal et al and the point of beginning.

Also, all right, title and interest, if any, in and to all passageways, lanes, streets or alleys adjoining, abutting and/or running with the above described premises.

The above described premises are conveyed subject to the following restrictions, covenants and agreements as set forth in a deed from Samuel Segal and Rose Segal to George W. Lane, Jr., and Pauline N. Lane, dated October 5, 1972 and recorded in the Cumberland County Registry of Deeds in Book 3308, Page 40. Specific mention is made to condition number 4 in said deed which requires the following language:

"This conveyance is subject to all of the restrictions, covenants and agreements contained in the Indenture by which said premises were conveyed to Samuel Segal and Rose Segal by Portland, Renewal Authority. The foregoing, as all the other covenants, contained in the aforesaid Indenture to Samuel Segal and Rose Segal from Portland Renewal Authority shall be a covenant running with the land and shall be enforceable in the same manner as prescribed in the said Indenture for the enforcement of the covenants therein contained."

MAINE REAL ESTATE TAX PAID

See Attached deed

6K14608PG289

The above described premises are also conveyed together with and subject to matters set forth in an Easement Deed from George W. Lane, Jr. to New England Telephone and Telegraph Company, dated December 6, 1988 and recorded in the said Registry of Deeds in Book 14382, Page 275.

Excepting heretofore two certain lots or parcels of land as described in a deed from George W. Lane, Jr., to Robert C. Parish and Kathleen M. Woods, dated May 6, 1982 and recorded in the Cumberland County Registry of Deeds in Book 4953, Page 112.

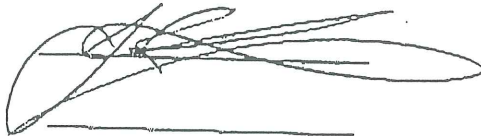
The premises are conveyed together with and subject to any and all easements or appurtenances of record, insofar as the same are in force and applicable.

This conveyance is made subject to unpaid real estate taxes for the current tax year, if any, which the Grantees herein, by acceptance of this deed, assume and agree to pay.

Meaning and intending to convey and hereby conveying the same premises conveyed to the Grantor herein by deed of Samuel Segal and Rose Segal, dated October 5, 1972 and recorded in the Cumberland County Registry of Deeds in Book 3308, Page 40.

WITNESS our hands and seals this 15th day of April 1999

WITNESS



George W. Lane, Jr.
George W. Lane, Jr.

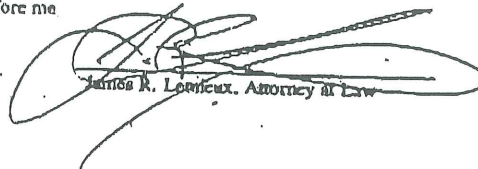
Pauline N. Lane
Pauline N. Lane

STATE OF MAINE
County of Cumberland, ss

04/15/99

Personally appeared the above named George W. Lane, Jr. and Pauline N. Lane and acknowledged the foregoing instrument to be their free act and deed.

Before me



James R. Lenoir, Attorney at Law

RECEIVED
RECORDED REGISTRY OF DEEDS

1999 APR 16 PM 1:52

CUMBERLAND COUNTY

John B. Barnes

3308/40

22675

40

Know All Men by these Presents,

That we, Samuel Segal and Rose Segal, both of Portland, in the County of Cumberland, and State of Maine

in consideration of one dollar and other valuable consideration

paid by George W. Lane, Jr. and Pauline N. Lane, both of Scarborough, in said County of Cumberland

the receipt whereof we do hereby acknowledge, do hereby remise, release, bargain, sell and convey, and forever quit-claim unto the said George W. Lane, Jr. and Pauline N. Lane, as joint tenants and not as tenants in common, and their heirs and assigns, and the survivor of them, and the heirs and assigns of the survivor of them, forever,

~~Hold our heirs, heirs and assigns, and the survivor of them, forever,~~ all our right, title and interest in and to the following described parcel of land:

A certain lot or parcel of land situated on the southwesterly sideline of Atlantic Street adjoining the northwesterly sideline of land now or formerly of Samuel Segal and Rose Segal, in the City of Portland, County of Cumberland and State of Maine, and being more particularly described as follows:

Beginning at a point on the southwesterly sideline of Atlantic Street, said point being distant 41.9 feet, more or less, northwesterly from the intersection formed by the southwesterly sideline of Atlantic Street and the northwesterly sideline of Monument Street, said point also marking the northeasterly corner of land of said Samuel Segal et al; thence in a southwesterly direction on a course at right angles with Atlantic Street by the northwesterly sideline of land of said Samuel Segal et al seventy (70) feet, more or less, to land now or formerly of Robert E. Morrow and Mary V. Morrow; thence northwesterly by the easterly sideline of land of said Robert E. Morrow et al 88 feet, more or less, to land now or formerly of Michael DeCoursey and Catherine E. DeCoursey; thence northeasterly by the southeasterly sideline of land of said Michael DeCoursey et al and by land of Mariana Manos 70 feet, more or less, to the southwesterly sideline of Atlantic Street; thence southwesterly by the southwesterly sideline of

3308/40

3308/40

Atlantic Street 90 feet and 7 inches, more or less, to land of Samuel Segal et al and the point of beginning.

Also, all right, title and interest, if any, in and to all passages, lanes, streets or alleys adjoining, abutting and/or running with the above described premises.

Meaning and intending to convey the lot of land conveyed to these Grantors by the Portland Renewal Authority, by Indenture dated October 19, 1970 and recorded in the Cumberland County Registry of Deeds, Book 3147, Page 691.

The above described premises are conveyed subject to the following restrictions, covenants and agreements:

1. The Purchasers, their heirs and assigns, shall promptly begin and diligently complete the redevelopment of the above described parcel of land in accordance with Sec. 3 of the Contract for Sale of Land for Private Redevelopment entered into by and between the Grantors hereto and the Authority under date of September 21, 1970.

2. The Purchasers, their heirs and assigns, shall devote the above described premises to the uses specified in the Munjoy South Urban Renewal Plan dated May 25, 1961, adopted by the City Council for the City of Portland on June 17, 1961, and duly recorded in the office of the City Clerk for said City of Portland in Volume 42, pages 74 through 79, and Volume 53, Page 98, as amended to date, and shall comply with the zoning ordinance for the City of Portland, in effect on December 18, 1961, a copy of which ordinance is on file in said office of the City Clerk.

3. The Purchasers, their heirs and assigns, shall not discriminate on the basis of race, color, sex, religion or national origin in the sale, lease or rental, or in the use or occupancy of the demised property or any improvements erected or to be erected thereon, or any part thereof.

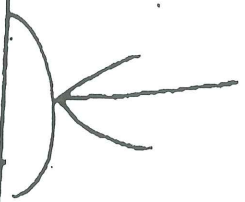
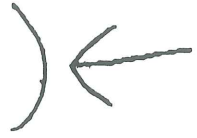
4. The Purchasers, their heirs and assigns, shall not convey said premises to any person, firm or corporation, other than a public body, unless the deed by which such conveyance is effected shall contain the following covenant and restriction:

"This conveyance is subject to all of the restrictions, covenants and agreements contained in the Indenture by which said premises were conveyed to Samuel Segal and Rose Segal by Portland Renewal Authority.

The foregoing, as all the other covenants, contained in the aforesaid Indenture to Samuel Segal and Rose Segal from Portland Renewal Authority shall be a covenant running with the land and shall be enforceable in the same manner as prescribed in the said Indenture for the enforcement of the covenants therein contained."

To have and to hold the same, together with all the privileges and appurtenances thereunto belonging to them the said George W. Lane, Jr. and Pauline H. Lane, as joint tenants and not as tenants in common, and their heirs and assigns, and the survivor of them, and their heirs and assigns of the survivor of them, forever,

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(S)
(S)

10/5/72

10/6/72

**Edward and Karen Walsh
147 Deepwood Drive
Portland, Maine 04103**

November 20, 2002

Jonathan Spence
City of Portland
Planning Development
389 Congress Street
Portland, Maine 04101

Re: 94 Atlantic Street, Portland

Dear Jonathan:

We are currently seeking approval of a 3-unit apartment building at 94 Atlantic Street in Portland. In follow up to the City's review of this project, we are enclosing copies of our revised site plan and building plans. Please note that we have addressed the parking issue for the building and will provide an easement deed to allow parking for Space 4 on our adjacent property at 90 Atlantic Street. We have also addressed several other engineering issues.

The following items will be added to the site plan prior to final review of this project:

1. Sewer line location in Atlantic Street;
2. Utility connection to the proposed building from the street, other than electric and telephone;
3. Granite tip down curb detail;
4. Construction excavation limits due to utility service connection;
5. Detail showing the sanitary sewer main connection;
6. Saw cut detail; and
7. Utility trench for water and sewer.

We are hopeful that the Board will issue preliminary approval conditioned upon the items described above being added to the final site plan. Please let me know if you have any questions or concerns.

Sincerely,



Karen M. Walsh

/kmw

From: William Scott
 To: Penny Littell
 Date: 4/2/2004 11:40:52 AM
 Subject: Atlantic Street Apartments Deed Review

* 396-5112

Hi again. Here are our comments concerning these deeds:

1. Warranty Deed, Walsh to Walsh & Walsh

There does not appear to be a problem with the deed itself. However, the parking and snow storage easement as described by deed does not match the easement as delineated on the accompanying site plan. Is there a more recently revised plan showing the easement as the deed describes it? (Lynda has produced a .pdf file (attached) that shows the deed plot of the easement for you to use as a comparison.)

2. Exhibit A

This description has one bad bearing call (fifth paragraph, "S 40-26-24 W" should be "S 40-26-24 E" instead). I also wanted to call your attention to the restrictions and covenants clause, in case that is important to you. It references a previous "Indenture" from the Portland Renewal Authority, and states that these restrictions, covenants, and agreements "shall be a covenant running with the land". F.Y.I.

Please let me know if you have any questions about any of these reviews, Penny. Thanks.

CC: Eric Labelle; James Robbins; Jon Giles; Lynda Clayton

5/4/04

TO: Penny Littell
 from: ED WALSH
 phone 730-1101
 pages 3

Please see the corrected exhibit A attached, also the snow storage easement is correct

Smearle
 Ed Walsh

Exhibit A

94 Atlantic Street, Portland

A certain lot or parcel of land, with any improvements thereon, situated on the southwesterly sideline of Atlantic Street adjoining the southeasterly sideline of land of Edward and Karen Walsh, in the City of Portland, and being bounded and described as follows:

BEGINNING on the southwesterly line of Atlantic Street at a point located N 40° 26' 24" W, a distance of 64.37 feet from the intersection of Atlantic Street with the northerly sideline of Monument Street;

THENCE, N 40° 26' 24" W, along the southwesterly line of Atlantic Street a distance of 70 feet to an iron rod found at land now or formerly Lee L. and Irene M. Staples;

THENCE, S 49° 33' 36" W, along said Staples a distance of 70.00 feet to land now or formerly Robert S. and Mary V. Morrow;

THENCE, S 40° 26' 24" E, along said Morrow a distance of 70.00 feet to the northwesterly boundary of Lot A as shown on an unrecorded plan of Atlantic Street Apartments, 94 Atlantic Street Portland, Maine prepared for Edward and Karen Walsh by Owen Haskell, Inc., dated September 22, 2003;

THENCE, , N 49° 33' 36" E, along Lot A a distance of 70.00 feet to the point of beginning, containing 4,900 square feet.

Meaning and intending to describe Lot B as shown on said unrecorded plan.

TOGETHER WITH an easement for parking and snow storage across Lot A on said Plan, which is identified as "Snow Storage Easement" and further described as follows:

Beginning at a point on the westerly sideline of Atlantic Street at the northeasterly corner of Lot A;

Thence S 49° 33' 36" W along the northerly line of said Lot A 70.00 feet to the westerly line of said Lot A;

Thence S 40° 26' 24" E along the westerly line of said Lot A 11.00 feet;

Thence N 49° 33' 36" E across said Lot A 47.50 feet;

Thence N 25° 35' 51" E across said Lot A 24.62 feet to the westerly sideline of Atlantic Street;

Thence N 40° 26' 24" W along the westerly sideline of Atlantic Street 1.00 foot to the point of beginning containing 658 square feet.

Said easement is not to interfere with the use and enjoyment of the burdened parcel.

SUBJECT TO the following restrictions, covenants and agreements set forth in a deed from Samuel Segal and Rose Segal to George W. Lane, Jr., and Pauline N. Lane., dated October 5, 1972 and recorded in the Cumberland County Registry of Deeds in Book 3308, Page 40. Specific mention is made to condition number 4 in said deed which requires the following language:

“This conveyance is subject to all of the restrictions, covenants and agreements contained in the Indenture by which said premises were conveyed to Samuel Segal and Rose Segal by Portland Renewal Authority. The foregoing, as all the other covenants, contained in the aforesaid Indenture to Samuel Segal and Rose Segal from Portland Renewal Authority shall be a covenant running with the land and shall be enforceable in the same manner as prescribed in the said Indenture for the enforcement of the covenants therein contained”

For title of the Grantor reference is hereby made to a deed from George W. Lane, Jr. and Pauline N. Lane to Ed Walsh dated April 15, 1999 and recorded in said Registry of Deeds in Book 14688, Page 288