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August 24, 2012

Barbara Barhydt, Development Review Services Manager
Philip DiPierro, Development Review Coordinator
City of Portland Planning and Urban Development Department
Planning Division
Fourth Floor, City Hall
389 Congress Street
Portland, ME 04101

Proposed Modular Block Retaining Wall

Grasshopper Apartments LLC

55 Sherman Street

Portland, Maine

CBL: 048 D022001

Dear Barbara and Phil,

On behalf of Grasshopper Apartments LLC, we have prepared the enclosed Level I Site Alteration Application and supporting plans for their property located at 55 Sherman Street in Portland. The applicant has assembled a team of professionals to survey, design and construct a proposed modular block retaining wall in the northeasterly corner of their property.

Background

Grasshopper Apartments LLC, the owners of 55 Sherman Street, propose to construct a small retaining wall and level off the area behind their apartment building located on the site. This work is intended to create a larger lawn area behind the building and discourage foot traffic crossing the rear of the property.

The site is located in the R-6 Residential District, and is shown on Assessors' Map 48, Block D, Lot 22.

This lot is approximately 0.26 acres in size and includes a multi-unit apartment building, with a parking area on the westerly side of the property. It is our understanding that the parking area includes certain leased parking spaces for other adjacent properties. The site is accessed from Sherman Street and includes an existing sidewalk along the entire parcel frontage.

Project Team

Michelle Dunham of Grasshopper Apartments LLC has assembled the following team to prepare the enclosed application materials and construct the proposed site improvements:

Contractor:

Tom Williams
Williams Construction Co.
29 Ocean Avenue
Portland, ME 04103

WmsConstruction8@aol.com

Structural Engineer:

Steven Grant, P.E.
SRG Engineering Inc.
P.O. Box 925
Gray, ME 04039-0925

srg@srgeng.com

Surveyor & Civil Engineer:

David St.Clair Jr., P.L.S.
Nancy St.Clair, P.E.
St.Clair Associates
34 Forest Lane
Cumberland, ME 04021

david@stclairassociatesmaine.com
nancy@stclairassociatesmaine.com

Site Design Elements

The wall location has been selected to avoid undue disruption to the mature canopy trees that exist along the rear of the site. The new wall will be approximately 70' long and will vary in height as it tapers to existing grade at either end. At the tallest point, there will be approximately 5.83' of exposed wall face with an additional approximately 2' of wall below grade. A new fence will be installed along the top of the wall and will include a gate near the rear corner of the building to allow access to the side of the building.

As the enclosed grading plan shows, the existing lawn area in the northeasterly corner will be regraded to allow a flatter, more useful area. In addition, a small corner of pavement will be added (approximately 22 sf.) to square off the existing edge of pavement. The disturbed area will be loamed and seeded to provide a useful outdoor space for the building's tenants.

Site Grading Plan and Details

St.Clair Associates completed a limited topographic survey of the property which focused in the northeast corner of the site, in the area envisioned for the new retaining wall. The edges of pavement and slopes along the northerly side of the building were located, along with the building itself. Using the recorded boundary plan prepared by Royal River Survey Company, along with our survey data as described above, we prepared a base plan of this site which was used as the basis for retaining wall placement and grading design. The boundary information shown on this plan relies solely on the prior recorded boundary plan as prepared by others.

Based on the existing condition data gathered as part of our survey, we prepared a Site Grading Plan to reflect the proposed new grades in the lawn area and the anticipated top and bottom of wall elevations along the property limits. This plan information was conveyed to SRG Engineering for their use in the modular block retaining wall design.

As the existing topography shows, currently there is a small corner of the paved parking area that drains toward the grassed area. The lawn slopes off toward the property limits and sheds off in a general northerly and easterly direction toward the abutting properties. The lawn area has been graded to reflect these general drainage patterns. It is not anticipated that the additional approximately 22 sf of impervious area associated with the squaring off of the existing parking lot will represent a significant increase in peak runoff leaving the site.

The enclosed Detail Sheet includes provisions for protection of the site in order to avoid potential soil erosion and sedimentation during construction. Silt fence will be installed along the downstream limits of work in areas, as practicable. There is a small existing retaining wall on the abutting parcel, along the northerly property limits that will remain. The proposed new modular block wall will be constructed behind this wall. In this area, the contractor shall use caution to avoid potential release of sediment onto the adjacent property during construction as installation of silt fence in this particular area is not practicable. In areas where the installation of silt fence is not practicable, the contractor may use a continuous contained berm (filter sock) which can be placed on paved areas and allows vehicle passage.

There is a nearby drain inlet immediately adjacent to the westerly building wall which collects runoff from a portion of the paved parking area. This inlet does not receive flows from the work area, but its discharge point is not apparent. The contractor shall use caution during excavation to avoid disturbance of a potential drain line emanating from this structure. In addition, in the event that any construction dewatering is necessary, this inlet shall be protected from any construction related sediment by a suitable means of inlet protection.

Once the area behind the new wall is backfilled, loam and seed will be placed within the limits of the proposed lawn area. The seeding mix specified on the plan set has been selected based on the anticipated residential lawn use. Mulch will be applied as needed to support the growth of new grass in this area.

Modular Block Wall Design

The Site Grading Plan described above was provided to SRG Engineering for their use in designing a modular block retaining wall. Their plan set includes a Title Page, Wall Elevations and Sections, Details, and wall calculations.

Level I: Site Alteration Permit

Based on our review of the City's Site Plan review requirements and our initial discussions with Phil DiPierro, it is our understanding that the construction of the retaining wall will require a Level 1: Site Alteration Application. We have prepared the enclosed application materials in support of this review process.

Site Plan Standards for Review of Level I: Site Alteration

In accordance with the review process for Level I: Site alteration plans, the following section 14-526 site plan standards (in *italics* below) apply, as appropriate. Our responses follow each item:

(a) *Transportation standards:*

1. *Impact on surrounding street systems,*

The proposed installation of a new modular block retaining wall in the northeasterly corner of this site will have no impact on vehicular parking and loading on the site, or on the transportation activities on the surrounding street system. The proposed changes will not increase the vehicle trips associated with the site use as a multi-tenant apartment building.

2. *Access and circulation, and*

The proposed site improvements will not affect vehicular access and circulation within or adjacent to the site. Pedestrian circulation will be improved as the grassed area will be further defined for the residents' use, with the installation of the retaining wall and fence in this area. These changes will help discourage cut-through pedestrian traffic and encourage the proper use of the public sidewalk systems in the area.

4. *Parking*

The proposed squaring off of the edge of pavement in the area near the retaining wall will help to define the edge of the parking area, but is not intended to increase (or reduce) the extent of parking on the site.

(b) *Environmental quality standards*

1. *Preservation of significant natural features,*

As noted in the introduction to this narrative, the applicants have limited the extent of the proposed retaining wall in order to maintain the existing mature trees that are located along the slopes on the northerly property limits. These existing canopy trees provide shading and visual buffering in this area and are proposed to be retained as part of this plan. The proposed creation of a more useful lawn area will also provide a valuable natural element in an otherwise primarily impervious setting.

2. *Landscaping and landscape preservation, and*

As noted above, the existing key landscape features on this site are proposed to be retained. Given the limited extent of proposed site alterations, the proposed site landscaping consists solely of the new lawn area.

3. Water quality, stormwater management and erosion control.

As discussed above, the proposed new impervious area equates to approximately 22 sf. Given the limited extent of new impervious area, it is not anticipated that the proposed site improvements will have a significant adverse impact on water quality or the peak rate of stormwater runoff from this site. The enclosed Site Grading Plan includes details and contractor instructions to address Erosion and Sediment Control during construction.

(c) Public infrastructure and community safety standards.

1. Consistency with city master plans.

Given the limited nature of the proposed site design improvements, and no proposed changes in site use, this work would be considered consistent with the City master plan. The proposed new retaining wall and fence will provide access control to the backyard area for this residential building and will discourage unauthorized foot traffic through the back of this property. Clearer definition of the property limits and areas reserved for the use of the building's residents will aid in security for this site, as well as others in the area. In addition, the creation of a rear yard area for the building's residents also creates a sense of private ownership and responsibility for maintenance.

(d) Site design standards

5. Historic resources,

This site is not within a mapped historic district but is adjacent to a Historic District. Given the limited nature of the proposed retaining wall construction, and creation of a flatter lawn area, it is not expected that this work would adversely affect any historic resources in the area.

6. Exterior lighting,

No exterior lighting changes are proposed. Residential scale building-mounted lighting fixtures exist on the apartment house. In addition, there is a pole mounted security light for the parking area. These will remain.

8. Signage and wayfinding, and

The proposed site improvements will not require any new signage.

9. Zoning related design standards.

The majority of the zoning related design standards for multiple family residences on lots smaller than 10,000 sf in the R-6 zone, focus on architectural elements such as building form, facades, roof pitch, massing and height. Since no building alterations are proposed, the primary design standard that applies is integration with the character of the area in terms of landscaping and open space. The new lawn area dramatically improves the existing poorly maintained slope area that is overgrown and offers a new pedestrian-scale space.

As the above narrative demonstrates, we are confident that the proposed site improvements associated with the new modular block retaining wall, and regraded lawn area represent a minor change to the overall site, and offer the opportunity to better define a pedestrian scale open space area within the property, for the use of the residents within the building.

Closure

We appreciate your review of the enclosed design plans and supporting application materials. If you have any questions, or require any additional information, please let us know. We look forward to hearing from you.

Sincerely,

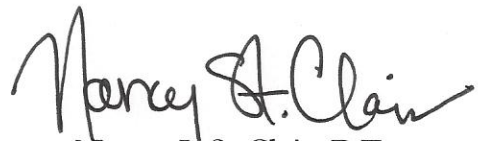
ST.CLAIR ASSOCIATES



David C. St.Clair Jr., P.L.S.

President

DCS/NJS:njs



Nancy J. St.Clair, P.E.

Vice President

c: Michelle Dunham

Tom Williams



Level I – Site Alteration Development Review Application Portland, Maine

Planning and Urban Development Department
Planning Division

Portland's Planning and Urban Development Department coordinates the development review process for site plan, subdivision and other applications under the City's Land Use Code. Attached is the application form for a Level I: Site Alteration site plan.

Level I: Site Alteration Development includes:

- Alteration of a watercourse or wetland as defined in Section 14-47 of the City Code.
- Alteration of a site. The disturbance of land areas of less than one (1) acre that are stripped, graded, grubbed, filled or excavated. The Planning Authority shall exempt from review the loam and seeding of lawns and the cumulative placement of less than fifteen (15) cubic yards of fill on any lot provided such loaming or placement does not alter a drainage course, swale, wetland or redirect water onto adjoining property and does not violate any other provision of the Portland City Code or state or federal law. "Disturbed area" does not include routine maintenance, but does include re-development and new impervious areas.
- The construction of any temporary or permanent parking area, paving of existing unpaved surface parking areas between 1,000 and 7,500 square feet, or creation of other impervious surface areas between 1,000 and 7,500 square feet.
- The rehabilitation or reconstruction, but not new construction, of piers, docks, wharves, bridges, retaining walls, and other structures located within the shoreland zone.
- A site alteration in which vehicle access is proposed from more than one (1) street;

The Land Use Code (including Article V), the Technical Manual, and the Design Manual are available on the City's web site at <http://www.portlandmaine.gov/planning/default.asp> or copies may be purchased at the Planning Division Office.

Planning Division

Fourth Floor, City Hall
389 Congress Street
(207) 874-8721 or (207) 874-8719

Office Hours

Monday thru Friday
8:00 a.m. – 4:30 p.m.

Engineer Name: Address: City/State : Zip Code:	Engineer Contact Information Work # Cell # Fax# e-mail:
Surveyor Name: Address: City/State : Zip Code:	Surveyor Contact Information Work # Cell # Fax# e-mail:

APPLICATION FEES:

Check all reviews that apply. Payment may be made by Check or Cash addressed to the City of Portland.

Level I Site Alteration Site Plan ___ Application Fee (\$200.00) The City invoices separately for the following: <ul style="list-style-type: none"> • Notices (\$.75 each) • Legal Ad (% of total Ad) • Planning Review (\$40.00 hour) • Legal Review (\$75.00 hour) Third party review is assessed separately.	Fees Paid (office use) ___
Performance Guarantee: A performance guarantee is required to cover all public and private site improvements.	Required
Inspection Fee: An inspection fee of 2% of the performance guarantee is due prior to the release of permits	2% of the performance guarantee

Application Check List

Refer to the application checklist for a detailed list of submittal requirements.

All site plans and written application materials must be uploaded to a website for review. At the time of application, instructions for uploading the plans will be provided to the applicant. One paper set of the plans, written materials and application fee must be submitted to the Planning Division Office to start the review process.

Portland’s development review process and requirements are outlined in the Land Use Code (Chapter 14), which includes the Subdivision Ordinance (Section 14-491) and the Site Plan Ordinance (Section 14-521).

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 Planning Authority and Code Enforcement'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 codes applicable to this permit.

This application is for a Site Plan review only, a Performance Guarantee, Inspection Fee, Building Permit Application and associated fees will be required prior to construction.

Signature of Applicant:	Date:
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Please refer to Article V, Site Plan of the City of Portland Land Use Code for detailed information concerning the City's site plan review process, thresholds and standards. Should you have any questions regarding the submittal requirements or any other aspect of the site plan review process, please contact the Planning Division.

PROJECT DATA

The following information is required where applicable, in order complete the application

Total Site Area	sq. ft.
Proposed Total Disturbed Area of the Site	sq. ft.
IMPERVIOUS SURFACE AREA	
• Proposed Total Paved Area	sq. ft.
• Existing Total Impervious Area	sq. ft.
• Proposed Total Impervious Area	sq. ft.
• Proposed Impervious Net Change	sq. ft.
PARKING SPACES	
• Existing Number of Parking Spaces	
• Proposed Number of Parking Spaces	
TOTAL Number of Parking Spaces	

General Submittal Requirements – Level I Site Alteration

Applicant Checklist	Planner Checklist	Number of Paper Copies	Submittal Requirement
<input type="checkbox"/>	<input type="checkbox"/>	1	Completed application form.
<input type="checkbox"/>	<input type="checkbox"/>	1	Application fees.
<input type="checkbox"/>	<input type="checkbox"/>	1	Written description of project.
<input type="checkbox"/>	<input type="checkbox"/>	1	Evidence of right, title and interest.
<input type="checkbox"/>	<input type="checkbox"/>	1	Copies of required state and/or federal permits.
<input type="checkbox"/>	<input type="checkbox"/>	1	Written assessment of proposed project's compliance with applicable zoning requirements.
<input type="checkbox"/>	<input type="checkbox"/>	1	Written description of existing and proposed easements or other burdens.
<input type="checkbox"/>	<input type="checkbox"/>	1	Written requests for waivers from individual site plan and/or technical standards.
<input type="checkbox"/>	<input type="checkbox"/>	1	Evidence of financial and technical capacity.

Site Plans and Boundary Survey Requirements – Level I Site Alteration

Applicant Checklist	Planner Checklist	Number of Copies	Submittal Requirement
<input type="checkbox"/>	<input type="checkbox"/>	1	Boundary Survey meeting the requirements of Section 13 of the City of Portland Technical Manual.
<input type="checkbox"/>	<input type="checkbox"/>	1	Site Plan Including the following:
<input type="checkbox"/>	<input type="checkbox"/>		▪ <i>Existing structures with distance from property line (including location of proposed piers, docks or wharves if in Shoreland Zone)</i>
<input type="checkbox"/>	<input type="checkbox"/>		▪ <i>Location and dimension of existing and proposed paved areas.</i>
<input type="checkbox"/>	<input type="checkbox"/>		▪ <i>Location and details of proposed infrastructure improvements (e.g. - curb and sidewalk improvements, utility connections, roadway improvements).</i>
<input type="checkbox"/>	<input type="checkbox"/>		▪ <i>Identification of and proposed protection measures for any significant natural features on the site (including wetlands, ponds, watercourses, floodplains, significant wildlife habitats and fisheries or other important natural features listed in Section 14-526 (b)1. of the Land Use Code.</i>
<input type="checkbox"/>	<input type="checkbox"/>		▪ <i>Details of proposed pier rehabilitation (Shoreland areas only).</i>
<input type="checkbox"/>	<input type="checkbox"/>		▪ <i>Existing utilities.</i>
<input type="checkbox"/>	<input type="checkbox"/>		▪ <i>Existing and proposed grading and contours.</i>
<input type="checkbox"/>	<input type="checkbox"/>		▪ <i>Proposed stormwater management and erosion controls.</i>
<input type="checkbox"/>	<input type="checkbox"/>		▪ <i>Total area and limits of proposed land disturbance.</i>
<input type="checkbox"/>	<input type="checkbox"/>		▪ <i>Existing vegetation to be preserved and proposed site landscaping.</i>
<input type="checkbox"/>	<input type="checkbox"/>		▪ <i>Existing and proposed easements or public or private rights of way.</i>

Site Plan Standards for Review of Level I: Site Alteration

Level I: Site alteration plans shall only be subject to the following site plan standards, as applicable, as contained in section 14-526:

- (a) Transportation standards:
 1. Impact on surrounding street systems,
 2. Access and circulation, and
 4. Parking
- (b) Environmental quality standards
 1. Preservation of significant natural features,
 2. Landscaping and landscape preservation, and
 3. Water quality, stormwater management and erosion control.
- (c) Public infrastructure and community safety standards.
 1. Consistency with city master plans.
- (d) Site design standards
 5. Historic resources,
 6. Exterior lighting,
 8. Signage and wayfinding, and
 9. Zoning related design standards.

Except as provided in article III, or to conditions imposed under section 14-526(e) only, or to those submission requirements set forth in section 14-527 as relate solely thereto.



PORTLAND FIRE DEPARTMENT SITE REVIEW FIRE DEPARTMENT CHECKLIST



A separate drawing[s] shall be provided to the Portland Fire Department for all site plan reviews.

1. Name, address, telephone number of applicant.
2. Name address, telephone number of architect
3. Proposed uses of any structures [NFPA and IBC classification]
4. Square footage of all structures [total and per story]
5. Elevation of all structures
6. Proposed fire protection of all structures
 - **As of September 16, 2010 all new construction of one and two family homes are required to be sprinkled in compliance with NFPA 13D. This is required by City Code. (NFPA 101 2009 ed.)**
7. Hydrant locations

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that **HCR PROPERTIES LIMITED LIABILITY COMPANY**, a Maine limited liability company with a place of business at Portland, Maine, for consideration paid, grant to **GRASSHOPPER APARTMENTS, LLC**, a Maine limited liability company with a mailing address of 55 Sherman Street, Portland, Maine 04101, with **WARRANTY COVENANTS**, the land in Portland, County of Cumberland and State of Maine, described below:

A certain lot or parcel of land with the buildings thereon, situated on the northerly side of Sherman Street, in the City of Portland, County of Cumberland and State of Maine, and bounded and described as follows: Beginning on the northerly side of Sherman Street at a point distant 59.55 feet westerly from its intersection with the westerly sideline of State Street; thence westerly by the northerly line of said Sherman Street 60 feet; thence northerly at right angles to Sherman Street 95 feet; thence easterly parallel to said Sherman Street 60 feet; thence southerly 95 feet to the point of beginning.

ALSO, a certain lot or parcel of land situated on the northerly side of Sherman Street, in said Portland, bounded and described as follows: Beginning at the southwest corner of a lot of land formerly of Edward E. Preble 120 feet, more or less, westerly from State Street, and running thence westerly along said Sherman Street 60 feet, more or less, to Lot No. 4 in Block K on Plan of Deering Pastures, so-called, recorded in said Registry of Deeds in Plan Book 3, page 37, which Lot No. 4 formerly belong to Mary P. Tucker; thence northerly by said Lot No. 4, 95 feet to the southwest corner of Lot No. 20 in said Block K on said Plan; thence easterly by said Lot No. 20 and Lot No. 22 in said Block K, 60 feet, more or less, to said Edward E. Preble lot; thence southerly by said Preble lot 95 feet to the starting point and being Lot No. 3 in Block K on said Plan.


Being a portion of the premises conveyed to the Grantor herein by deed of 201 State St., Inc., dated September 10, 1997 and recorded in the Cumberland County Registry of Deeds in Book 13313, Page 275.

This conveyance is subject to an easement granted by HCR Properties Limited Liability Company to Sherman Investments, LLC, dated May 10, 2002 and recorded in Book 17644, Page 171.


This conveyance is benefitted by a parking lease, a memorandum of which was recorded in said Registry in Book 17644, Page 174.

This transfer satisfies the obligations of the Grantor pursuant to an Installment Sales Contract dated June 13, 2002, a memorandum of which was recorded in Book 17739, Page 167.

IN WITNESS WHEREOF, the said HCR Properties Limited Liability Company has set its hand this 27 day of March, 2003.

Witness 

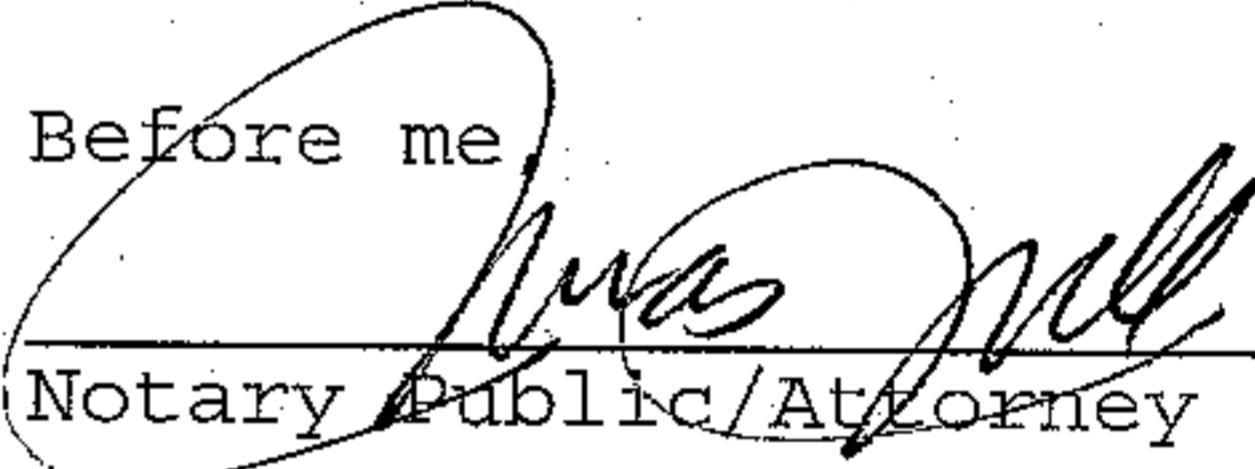
HCR PROPERTIES LIMITED LIABILITY COMPANY

BY: 
Christopher M. Smith
Its Member

STATE OF MAINE
COUNTY OF CUMBERLAND

March 27, 2003

Then personally appeared HCR Properties Limited Liability Company, by its member, Christopher M. Smith and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of said company.

Before me

Notary Public/Attorney at Law

Received
Recorded Register of Deeds
Apr 16, 2003 03:17:46P
Cumberland County
John B. O'Brien