



RECEIVED

DEC 17 2012

**CITY OF PORTLAND**  
**ZONING BOARD OF APPEALS**  
*Conditional Use Appeal Application*

Dept. of Building Inspections  
City of Portland Maine

Applicant Information:

Subject Property Information

NAME

PORTLAND WATER DISTRICT  
BUSINESS NAME

225 DOUGLASS STREET  
ADDRESS  
PORTLAND, ME 04104

(207) 774-5961  
TELEPHONE #

PURCHASE & SALE AGREEMENT  
APPLICANT'S RIGHT, TITLE OR INTEREST  
(eg: owner, purchaser, etc)

ISLAND RESIDENTIAL (IR-2)  
CURRENT ZONING DESIGNATION

EXISTING USE OF PROPERTY:  
UNDEVELOPED

GREAT POND ROAD  
PROPERTY ADDRESS

85/S/3  
CHART/BLOCK/LOT (CBL)

PROPERTY OWNER (if different)  
HOWARD U. & BETTY HELLER  
NAME  
K103 PIPER SHORES  
ADDRESS  
15 PIPER ROAD  
SCARBOROUGH, ME 04074

CONDITIONAL USE AUTHORIZED BY  
SECTION 14 - 145.9(c)(1)

TYPE OF CONDITIONAL USE  
PROPOSED:

SEWAGE PUMPING STATION

STANDARDS: Upon a showing that a proposed use is a conditional use under this article, a conditional use permit shall be granted unless the Board determines that:

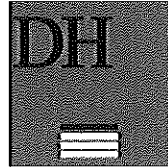
1. There are unique or distinctive characteristics or effects associated with the proposed conditional use;
2. There will be an adverse impact upon the health, safety, or welfare of the public or the surrounding area; and
3. Such impact differs substantially from the impact which would normally occur from such a use in that zone.

NOTE: If site plan approval is required, attach preliminary or final site plan.

The undersigned hereby makes application for a conditional use permit as described above, and certifies that the information herein is true and correct to the best of his OR her knowledge and belief.

SIGNATURE OF APPLICANT

12/10/2012  
DATE



DeLUCA-HOFFMAN ASSOCIATES, INC.  
CONSULTING ENGINEERS  
778 MAIN STREET  
SUITE 8  
SOUTH PORTLAND, MAINE 04106  
TEL. 207.775.1121  
FAX 207.879.0896

- SITE PLANNING AND DESIGN
- ROADWAY DESIGN
- ENVIRONMENTAL ENGINEERING
- PERMITTING
- AIRPORT ENGINEERING
- CONSTRUCTION ADMINISTRATION
- LANDSCAPE PLANNING

December 14, 2012

Ms. Marge Schmuckal, Zoning Administrator  
City of Portland  
389 Congress Street  
Portland, ME 04101

**Subject: Proposed Sewage Pumping Station  
Great Pond Road & 3<sup>rd</sup> Street, Peaks Island  
Zoning Board of Appeals Conditional Use Application  
Applicant: Portland Water District**

Dear Marge:

On behalf of the Portland Water District, we are submitting eleven (11) complete copies of a Conditional Use Appeal Application and supporting materials for a proposed sewage pumping station located at the corner of Great Pond Road and 3<sup>rd</sup> Street on Peaks Island.

The proposed pumping station is part of a larger sewer extension project that the Portland Water District and the City of Portland are undertaking in order to provide sewer service for approximately 79 residences on Peaks Island, many of which feature old subsurface wastewater disposal systems, such as cesspools, that do not meet today's environmental standards. The overall project will include approximately 4,400 linear feet of new gravity sanitary sewer in the northwestern and southern portions of the island. The proposed pumping station will serve 31 residences located along Winding Way, Great Pond Road, 3<sup>rd</sup> Street, and Seashore Avenue.

As a result of the proposed project, wastewater from these residences will drain to the pumping station via a new gravity sewer prior to being pumped to the terminus end of the existing gravity sewer system on Maple Street. This existing system drains to the Island's wastewater treatment plant, located adjacent to the ferry landing on Welch Street. The pumping station is required because the new service areas are not high enough in elevation to connect to the existing sewer system by gravity.

#### EXISTING PROJECT SITE

The project site is a 10,752 sq. ft. (0.25 acre) parcel located at the southern corner of Great Pond Road and 3<sup>rd</sup> Street and is identified as Block S, Lot 3 on the City of Portland Tax Assessor's Chart 85. Figure 1, provided in Attachment A, shows the site delineated on an excerpt of the tax map. The parcel is bound by Great Pond Road to the northwest, 3<sup>rd</sup> Street to the northeast, a residential house to the southwest and undeveloped land to the southeast. The site was established as a lot of record by a Subdivision Plan recorded in the Cumberland County Registry of Deeds on Page 57 of Plan Book 9 and was conveyed to the current owners, the Hellers, on

Ms. Marge Schmuckal  
December 14, 2012  
Page 2

September 16, 1983. Owen Haskell, Inc. of Falmouth completed a Boundary Survey on the site in October 2012 and provided confirmation of the lot's status as a lot of record by letter, dated December 10, 2012. Copies of the Boundary Survey and letter prepared by Owen Haskell, Inc. are provided in Attachment B.

The parcel is located within the IR-2 Island Residential Zone, in which sewage pumping stations are permitted as a conditional use. At an initial project review meeting with the City on October 1, 2012, it was determined that a front yard setback shall be applied along the site's Great Pond Road frontage; side yard setbacks shall be applied along the northeast and southwest property boundaries; and a rear yard setback shall be applied along the southeast property boundary. Per the City's Land Use Ordinance, the front yard minimum setback was calculated to be the average depth of the existing front yards on either side of the lot, as depicted on the Boundary Survey (Attachment B). The minimum front yard calculation is provided in the table below.

<b>Front Yard Building Setback Calculation</b>		
<b>CBL</b>	<b>Owner</b>	<b>Front Yard</b>
85-S-2	Bylenski et. al.	12.4'
85-P-2	Muro	0.0' (encroaches into ROW)
<b>Average</b>	-	<b>6.2'</b>

The site is currently undeveloped and is comprised of overgrown brush type vegetation. Photos of the site are provided in Attachment C. Albert Frick Associates of Gorham, Maine delineated the wetlands on the parcel in November 2012. An emergent freshwater wetland encroaches onto the southern portion of the lot, and a forested/scrub-shrub freshwater wetland comprises much of the central portion of the parcel. The emergent wetland is considered part of the Shoreland Zone; however, no disturbance is proposed within the emergent wetland or Shoreland Zone.

The applicant currently has a Purchase & Sale Agreement for the property. Copies of the current property deed and the Purchase and Sale Agreement are provided in Attachment D.

#### **PROPOSED DEVELOPMENT**

The proposed project includes the installation of a subsurface wet well and valve pit, a 13'x17' wood frame building to house the electrical panels, telemetry system controls and emergency generator, and a paved driveway. The driveway will be accessed from 3<sup>rd</sup> Street and includes a 9'x18' area suitable for maintenance and operation vehicle parking. The parking area is located entirely outside the required front and side parking setbacks.

Gawron-Turgeon Architects has prepared a Landscape Plan for the project with the goal of providing screening and landscaping to ensure compatibility with the surrounding neighborhood. Attractive low maintenance plants have been selected that provide definition to the street edge and provide a buffer for the adjacent neighbor. Over 50% of the plants are native species and support biodiversity.

Ms. Marge Schmuckal  
December 14, 2012  
Page 3

Copies of the proposed Site Plan, Building Floor Plan, and Landscape Plan are provided in Attachment E.

The project will impact approximately 2,400 sq. ft. of freshwater wetlands. A Natural Resource Protection Act Permit is required from the Maine Department of Environmental Protection for these impacts. In order to minimize wetland impacts, the proposed improvements were located as far north and west on the lot as possible, while still meeting building setback requirements. As a result, portions of the wet well and valve pit are proposed to be located within the Great Pond Road right-of-way. The City's Department of Public Services has reviewed the site plan and has indicated by email correspondence that they do not object to portions of the wet well and valve pit being located within the right-of-way. A copy of this email, from Deputy City Engineer, David Margolis-Pineo, is provided in Attachment F.

**CLOSURE**

The following attachments are provided in support of this application:

Attachment	Description
A	Tax Map
B	Boundary Survey & Lot of Record Information
C	Site Photographs
D	Title, Right, or Interest
E	Site, Landscaping, & Floor Plans
F	City of Portland Department of Public Services Email Review

In addition to the application form and supporting information, enclosed is a check in the amount of \$100 for the application fee. We request to be scheduled on the Zoning Board of Appeals' January 3, 2013 agenda to present this information and seek approval for the proposed project. In the interim, if you have any questions or require additional information, please contact me.

Sincerely,

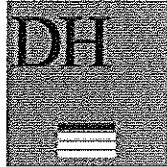
DeLUCA-HOFFMAN ASSOCIATES, INC.



Michael E. Tadema-Wielandt, P.E.  
Project Engineer

MTW/smk

c: Jay Hewett, Portland Water District



DeLUCA-HOFFMAN ASSOCIATES, INC.  
CONSULTING ENGINEERS

778 MAIN STREET  
SUITE 8  
SOUTH PORTLAND, MAINE 04106  
TEL. 207.775.1121  
FAX 207.879.0896

- SITE PLANNING AND DESIGN
- ROADWAY DESIGN
- ENVIRONMENTAL ENGINEERING
- PERMITTING
- AIRPORT ENGINEERING
- CONSTRUCTION ADMINISTRATION

December 18, 2012

Ms. Marge Schmuckal, Zoning Administrator  
City of Portland  
389 Congress Street  
Portland, ME 04101

*sent via e-mail*

RECEIVED

**Subject: Proposed Sewage Pumping Station  
Great Pond Road & 3<sup>rd</sup> Street, Peaks Island  
Zoning Board of Appeals Conditional Use Application  
Additional Information**

DEC 18 2012

Dept. of Building Inspections  
City of Portland Maine

Dear Marge:

On December 17, 2012, DeLuca-Hoffman Associates submitted a Conditional Use Appeal Application on behalf of the Portland Water District for a proposed sewage pumping station on Great Pond Road on Peaks Island. In addition to the information provided in the application package, your office has asked that we more specifically address the three standards listed on the application form. The form states that a Conditional Use Permit shall be granted unless all three standards are met. Each standard is listed below in italics and is followed by our statement of applicability to the proposed project.

*1. There are unique or distinctive characteristics or effects associated with the proposed conditional use.*

There are no unique or distinctive characteristics or effects associated with the proposed pumping station. The project will feature a 13' x 17' residential style building, a driveway, several underground utility structures, and landscaping. The design is typical of sewage pumping stations owned and operated by the Portland Water District.

The proposed pumping station will be very similar in appearance and operation to the existing pumping station located on Ryefield Street, just 0.2 miles west of the proposed project.

*2. There will be an adverse impact upon the health, safety, or welfare of the public or the surrounding area.*

The project will not have an adverse impact upon the health, safety, or welfare of the public or surrounding area. In fact, the project has the ability to improve the health, safety, and welfare of the public in the surrounding area by eliminating the use of failing, outdated subsurface wastewater disposal systems that many of the existing homes feature.

Ms. Marge Schmuckal  
December 18, 2012  
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3. *Such impact differs substantially from the impact which would normally occur from such a use in that zone.*

The impacts associated with the proposed project are expected to be typical of such a use. As stated above, the proposed pumping station will be very similar in appearance and operation to the existing pumping station located on Ryefield Street, also within the IR-2 Zone.

We do not believe that any of the three standards listed above are met by the proposed project and, as a result, a Conditional Use Permit should be granted. We look forward to meeting with the Zoning Board of Appeals on January 3, 2013 to discuss the project further. In the interim, if you have any questions or require additional information, please contact me.

Sincerely,

DeLUCA-HOFFMAN ASSOCIATES, INC.



Michael E. Tadema-Wielandt, P.E.  
Project Engineer

MTW/smk

c: Jay Hewett, Portland Water District

**ATTACHMENT A**

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**Tax Map**



PROJECT LOCATION  
CBL: 85-S-3



**TAX MAP**  
**PORTLAND WATER DISTRICT**  
**PEAKS ISLAND - PORTLAND, MAINE**

SOURCE: CITY OF PORTLAND

DeLuca-Hoffman Associates, Inc.  
778 MAIN STREET, SUITE 8  
SOUTH PORTLAND, ME 04106  
207-775-1121  
www.delucahoffman.com

DRAWN: DED  
CHECKED: MTW  
DATE: DEC 2012  
FILENAME: 3134-TAX MAP  
SCALE: 1 inch = 250 feet

FIGURE  
**1**



**ATTACHMENT B**

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**Boundary Survey &  
Lot of Record Information**



OWEN HASKELL, INC.

Professional Land Surveyors

390 U.S. Route 1, Unit 10 • Falmouth, Maine 04105 • 207/774-0424 • FAX: 774-0511 • ohi@owenhaskell.com

December 10, 2012

Joe Laverriere, PE  
Deluca-Hoffman Associates  
778 Main Street, Suite 8  
South Portland, Maine 04016

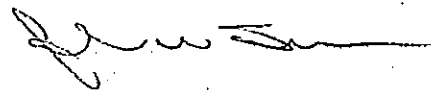
RE: Peaks Island

Dear Joe:

The survey we recently completed on Winding Way on Peaks Island in Portland for the proposed pump station is shown as lot 134 on a subdivision plan recorded in the Cumberland County Registry of Deeds in Plan Book 9, page 57. This lot was conveyed as a single lot to Howard U. and Betty Heller on September 16, 1983 by deed recorded in said Registry of Deeds in book 6273, page 334.

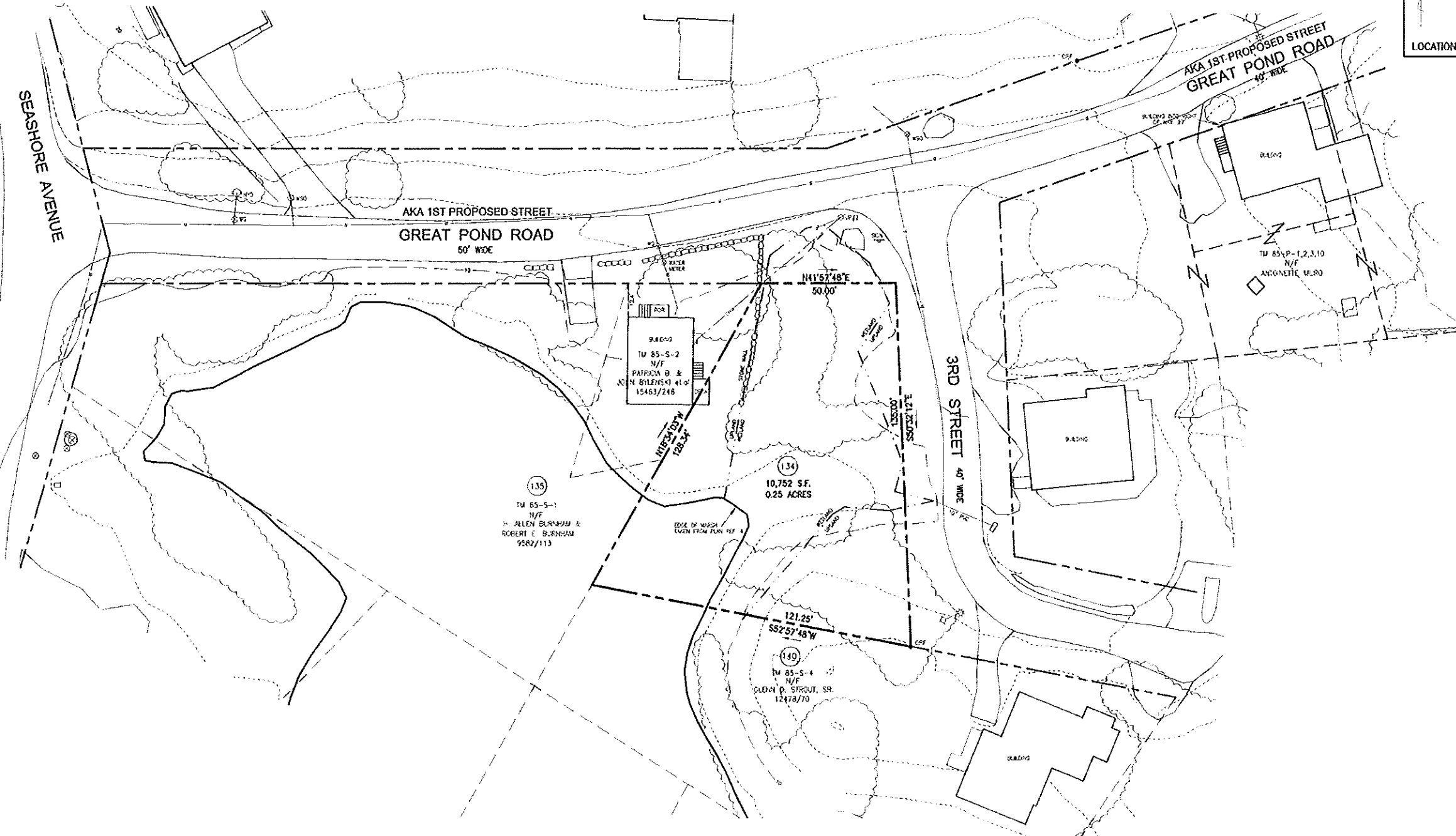
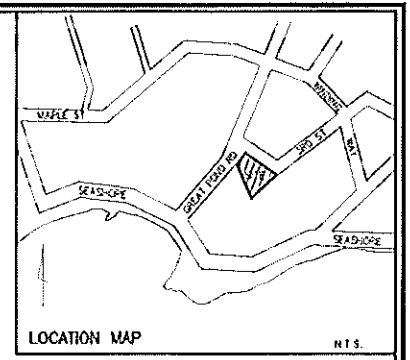
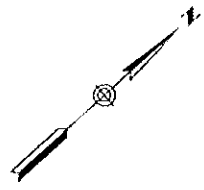
Please do not hesitate to contact us if you need additional information or have questions.

Very truly yours,  
OWEN HASKELL, INC.



John W. Swan, PLS

FILE: Swan pump station lot



- LEGEND**
- R/W PIPE OR ROD FOUND
  - WATER VALVE
  - ◇ HYDRANT
  - ⊕ UTILITY POLE
  - MARKER
  - ▭ STONE WALL
  - OVERHEAD WRES
  - WATER LSE
  - 1" CONTOUR
  - ⑬ LOT NUMBER PER PLAN REF. 1

- PLAN REFERENCES**
1. "PLAN OF THE HENRY M. BRAGYTTI ESTATE COMPRISING THE ENTIRE SOUTHERLY END OF PEAK'S ISLAND, MAINE ASSESSMENT MADE UNDER WARRANT FROM THE PROBATE COURT," DATED OCTOBER 1900 RECORDED IN PLAN BOOK 9 PAGE 57.
  2. "STANDARD BOUNDARY SURVEY ON SEASIDE AVE., 3RD PROPOSED ST., PEAK'S ISLAND, PORTLAND, MAINE MADE FOR DEBORAH DEANGELO, GLEN D. STROUT & CHRISTOPHER HOPPIN" DATED OCTOBER 9, 1997 REV. 2 08-15-01 BY OWEN HASKELL, INC.
  3. "BOUNDARY SURVEY AT 11 WINDING WAY, PEAKS ISLAND - PORTLAND, MAINE MADE FOR VALERIE MART" DATED DEC 13, 2004 BY OWEN HASKELL, INC.
  4. AERIAL MAP BY KAPPA MAPPRO, INC. DATED APRIL 24, 2010.

- NOTES**
1. OWNERS OF RECORD: HOWARD G. & BETTY MELLER
  2. PROPERTY IS SHOWN AS LOT 3 BLOCK 5 ON CITY OF PORTLAND ASSESSORS MAP 85.
  3. BEARINGS ARE BASED ON MAINE STATE PLANE COORDINATE SYSTEM MAINE WEST NAD83.
  4. TOPOGRAPHY, VEGETATION, ROADS AND SOME STRUCTURES TAKEN FROM PLAN REFERENCE 4.
  5. WETLAND DELINEATED BY ALBERT FRICK ASSOCIATES AND FIELD LOCATED BY OWEN HASKELL, INC.

**CERTIFICATE**  
 OWEN HASKELL, INC. CERTIFIES THAT THIS PLAN IS BASED ON, AND THE RESULT OF, AN ON-THE-GROUND FIELD SURVEY AND THAT TO THE BEST OF OUR KNOWLEDGE, INFORMATION AND BELIEF, IT CONFORMS TO THE BOARD OF LICENSEE FOR PROFESSIONAL LAND SURVEYORS CURRENT STANDARDS OF PRACTICE.

10/29/12  
 DATE

JOHN W. SWAN, PLS. NO. 1038



REV. 1 10/30/12 ADD TAX W/P LOTS 85-P-1,2,3,10		
<b>BOUNDARY SURVEY</b>		
ON GREAT POND ROAD, PEAKS ISLAND PORTLAND, MAINE		
MADE FOR <b>DELUCA HOFFMAN ASSOCIATES</b>		
<b>OWEN HASKELL, INC.</b>		
390 U.S. ROUTE 09P, PALMOUTH, ME 04105 (207) 774-0124 PROFESSIONAL LAND SURVEYORS		
Drawn By	RS	Date
Trace By	JRW	OCT. 25, 2012
Check By	JWS	Scale
Book No.	FILE	1" = 20'
		Job No.
		2012-12SP
		Draw. No.
		1



C:\Users\jws\Documents\2012\12SP\12SP12.dwg

**ATTACHMENT C**

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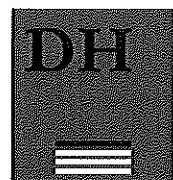
**Site Photographs**



**PHOTO 1 – Project site from across Great Pond Road, facing southeast  
(Photo taken by Rachel Sunnell, Gawron-Turgeon Architects, 10/25/12)**



**PHOTO 2 – Looking up 3<sup>rd</sup> Street from Great Pond Road, project site on right  
(Photo taken by Joseph Laverriere, DeLuca-Hoffman Associates, 7/19/12)**



DeLUCA-HOFFMAN ASSOCIATES, INC.  
CONSULTING ENGINEERS  
778 MAIN STREET, SUITE 8  
SOUTH PORTLAND, MAINE 04106  
TEL. 207-775-1121  
FAX: 207-879-0896  
E-MAIL: [dhal@delucahoffman.com](mailto:dhal@delucahoffman.com)

**Proposed Sewage Pump Station  
Portland Water District  
Great Pond Road, Peaks Island, Portland, Maine  
(DHAI JN 3134)**

**ATTACHMENT D**

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**Title, Right, or Interest**

**PURCHASE AND SALE AGREEMENT**

**THIS AGREEMENT** for the purchase and sale of real estate made this 29th day of November, 2012, by and between the **PORTLAND WATER DISTRICT**, a quasi-municipal corporation located at 225 Douglass Street, Portland, ME 04102(hereinafter referred to as "PWD"), and Howard U. Heller and Betty Heller, with a mailing address of K103 Piper Shore, 15 Piper Road, Scarborough, ME 04074, (hereinafter referred to as "**SELLER**").

**WITNESSETH:**

**WHEREAS, SELLER** is the owner of certain land located in the area of Seashore Avenue, Peaks Island, Maine, which property is more particularly described in a deed to **SELLER** recorded in the Cumberland County Registry of Deeds in Book 6273, Page 334; and

**WHEREAS, the PWD** desires to acquire said property;

**NOW THEREFORE**, in consideration of the foregoing and for other good and valuable consideration, the parties, intending to be legally bound, hereby agree as follows:

1. **SALE**

**SELLER** agrees to sell the property shown on Exhibit A, attached hereto and incorporated herein, to the **PWD**, and **PWD** agrees to purchase said property in accordance with the provisions hereof.

2. **CONSIDERATION**

The consideration for the property shall be Eleven Thousand Dollars (\$11,000.00).

3. **TITLE**

Title to the property shall be conveyed by good and marketable title acceptable to the **PWD** General Manager, and insurable by title insurance at the standard rates, evidenced by warranty deed, and shall be free of liens or other encumbrances and leases or other rights of occupancy, except for utility easements and other encumbrances that do not impair the value of the property. However, should the title prove defective, then the **SELLER** shall have reasonable time after written notice of such defect or defects to remedy the title at his own cost and expense, after which time, if such defect or defects are not corrected so that there is insurable title, then the **PWD** may terminate this Agreement and be relieved of all obligations hereunder, and any deposit paid pursuant to paragraph 13 of this agreement shall be immediately returned to **PWD**.

**4. POSSESSION**

(a) Full possession of the property will be given at the transfer of title. The following items shall be pro-rated as of the transfer of title:

- Real estate taxes for the fiscal year in the City of Portland, and any other special assessments which may be due on the property.

**5. RISK OF LOSS**

The risk of loss or damage to the property by fire or otherwise, until transfer of title hereunder, is assumed by the **SELLER**. The above described property is to be delivered in substantially the same condition as of the date of this Agreement unless otherwise stated.

**6. INSPECTION**

**SELLER** shall allow **PWD** to inspect the property upon request and shall allow any soil testing required by **PWD** and reasonable notice prior to the closing date.

**7. CONDITIONS TO CLOSING**

**SELLER** and **PWD**'s obligation to close hereunder are contingent on the following conditions:

- a. testing results acceptable to **PWD** that the property is suitable for the construction and operation of a sewer pumping station;
- b. receipt by **PWD** of land use approvals, including but not limited to Zoning Board of Appeals approvals, for the construction and operation of a sewer pumping station.

**8. CLOSING**

The closing shall be held at a time and place agreeable to the parties after all conditions to closing have been met, but in no event shall the closing occur later than March 1, 2013. Time is of the essence in the performance of this Agreement.

**9. BINDING EFFECT**

This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, administrators, successors and assigns.



10. **ENTIRE AGREEMENT**

This Agreement represents the entire and complete Agreement and understanding between the parties and supersedes and prior Agreement or understanding, written or oral, between the parties with respect to the acquisition or exchange of the property hereunder.

11. **HEADINGS AND CAPTIONS**

The headings and captions appearing herein are for the convenience of reference only and shall not in any way, affect the substantive provisions hereof.

12. **GOVERNING LAW**

This Agreement shall be governed by and construed and enforced in accordance with the laws of the State of Maine.

13. **NOTICE**

Any notice required or permitted under this Agreement shall be deemed sufficient if mailed with first class postage affixed or delivered in person to:

FOR THE PWD: Portland Water District  
ATTN: GENERAL MANAGER  
225 Douglass Street  
P.O. Box 3550  
Portland, ME 04104-3550

FOR SELLER: Mr. and Mrs. Howard U. Heller  
K103 Piper Shore  
15 Piper Road  
Scarborough, ME 04074

13. PWD shall provide an earnest money deposit in the amount of Five Hundred Dollars (\$500.00) to be applied towards the purchase price. The deposit shall be provided to Portland Water District to hold in escrow until the closing.

14. SELLER acknowledges that State of Maine Law requires withholding a prepayment of capital gains unless a waiver has been obtained by SELLER from the State of Maine Revenue Service.

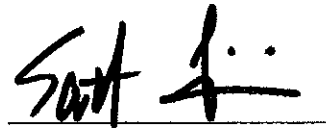
15. SELLER shall complete a property disclosure form in the form attached hereto as Exhibit B.

16. In the event of default by PWD, SELLER may terminate this Agreement and PWD shall forfeit its earnest money deposit. In the event of default by the SELLER, PWD and employ all

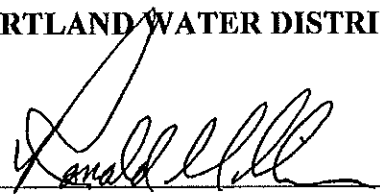
legal and equitable remedies including without limitation termination of this Agreement and a return to PWD of the earnest money deposit.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals on the day and year first written above.

**PORTLAND WATER DISTRICT**

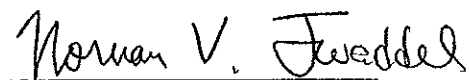


WITNESS

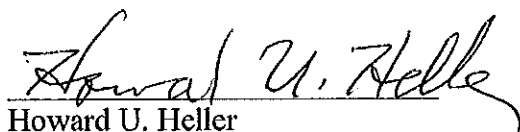


RONALD MILLER  
GENERAL MANAGER

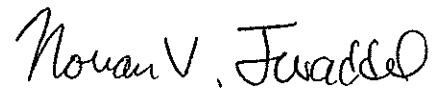
**SELLER**



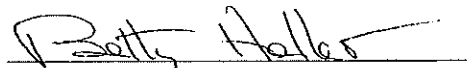
WITNESS



Howard U. Heller



WITNESS



Betty Heller

334

QUITCLAIM DEED

With Covenant

33742

Know all Men by these Presents,

That EDITH R. THURRELL, OF the City of Portland,  
County of Cumberland and State of Maine, being unmarried

in consideration of One Dollar (\$1.00) and Other Valuable Consideration

paid by HOWARD U. HELLER and BETTY HELLER, both of Portland,  
County of Cumberland and State of Maine

whose mailing address is P.O. Box 7341, 377 Fore Street, Portland, Maine

the receipt whereof I do hereby acknowledge, do hereby remise, release, bargain,  
sell and convey, and forever quitclaim unto the said HOWARD U. HELLER and BETTY  
HELLER

their heirs and assigns forever.

A certain lot or parcel of land situated Northerly of Seashore Avenue  
on Peaks Island, in the City of Portland, County of Cumberland and  
State of Maine being Lot 134 as shown on a plan of Henry M. Brackett  
Estate and recorded in the Cumberland County Registry of Deeds in  
Plan Book 9, Page 57 to which plan reference is hereby made for a  
more particular description.

As to Lot 134 above-described, reference is hereby made to a deed  
from Charles and Margaret Franco to the Grantor herein dated March  
25, 1976 and recorded in the Cumberland County Registry of Deeds in  
Book 3822, Page 159.

To have and to hold the same, together with all the privileges and appurtenances thereto belonging, to the said EDITH R. THURRELL

her heirs and assigns forever.

And I do covenant with the said Grantee, their heirs and assigns, that I shall and will warrant and defend the premises to the said Grantee, their heirs and assigns forever, against the lawful claims and demands of all persons claiming by, through, or under

In Witness Whereof, the said EDITH R. THURRELL

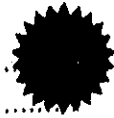
XXX

XXXXXXXXXXXXXXXXXXXX

XXXXXXXXXXXXXXXXXXXX have hereto set my hand and seal this 16th day of the month of September, A.D. 19 83.

Signed, Sealed and Delivered in presence of

[Signature] .....

Edith R. Thurrell  
EDITH R. THURRELL 

State of Maine, County of Cumberland ss. September 16, 19 83.  
Then personally appeared the above named EDITH R. THURRELL

and acknowledged the foregoing instrument to be her free act and deed.  
Before me,

[Signature] .....

Notary Public  
Attorney at Law

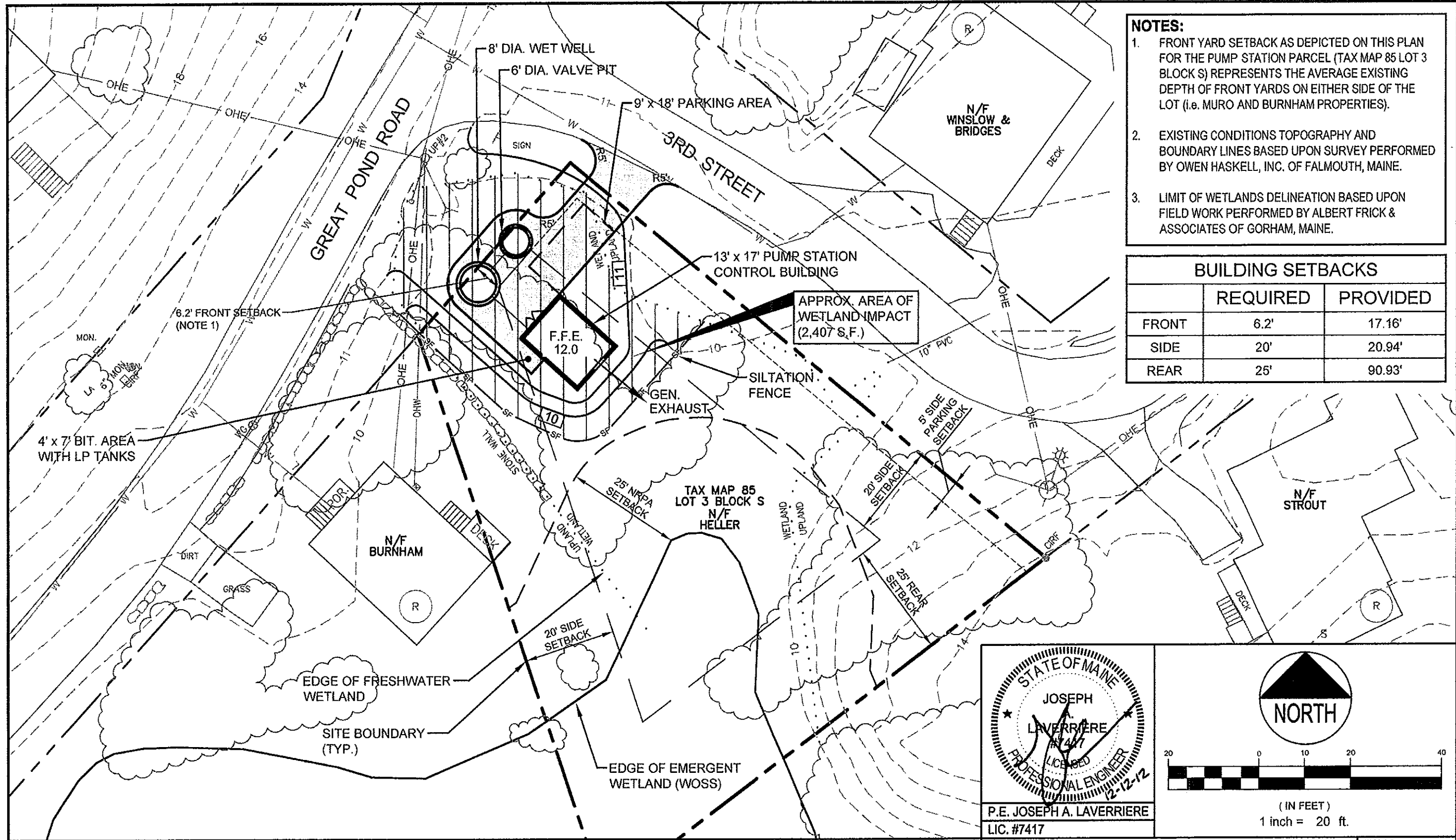
SEP 16 1983  
REGISTRY OF DEEDS CUMBERLAND COUNTY, MAINE  
Received at 11 1/4 AM, and recorded in  
BOOK 6273 PAGE 334

James J. Walsh Registrar

**ATTACHMENT E**

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**Site, Landscaping & Floor Plans**



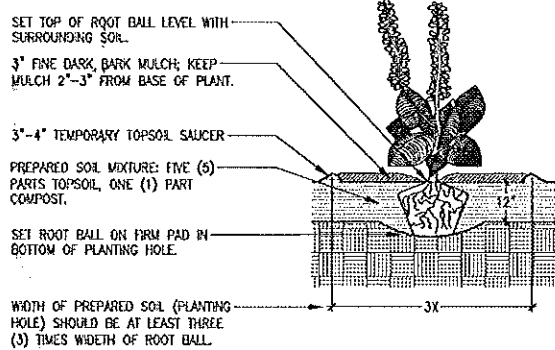
- NOTES:**
- FRONT YARD SETBACK AS DEPICTED ON THIS PLAN FOR THE PUMP STATION PARCEL (TAX MAP 85 LOT 3 BLOCK S) REPRESENTS THE AVERAGE EXISTING DEPTH OF FRONT YARDS ON EITHER SIDE OF THE LOT (i.e. MURO AND BURNHAM PROPERTIES).
  - EXISTING CONDITIONS TOPOGRAPHY AND BOUNDARY LINES BASED UPON SURVEY PERFORMED BY OWEN HASKELL, INC. OF FALMOUTH, MAINE.
  - LIMIT OF WETLANDS DELINEATION BASED UPON FIELD WORK PERFORMED BY ALBERT FRICK & ASSOCIATES OF GORHAM, MAINE.

BUILDING SETBACKS		
	REQUIRED	PROVIDED
FRONT	6.2'	17.16'
SIDE	20'	20.94'
REAR	25'	90.93'

STATE OF MAINE  
 JOSEPH A. LAVERRIERE  
 LICENSED PROFESSIONAL ENGINEER  
 12-12-12  
 P.E. JOSEPH A. LAVERRIERE  
 LIC. #7417

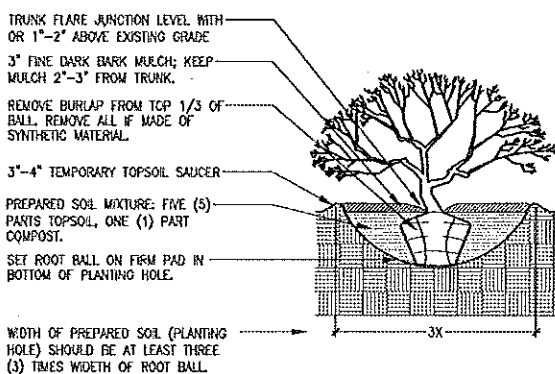
NORTH

(IN FEET)  
 1 inch = 20 ft.



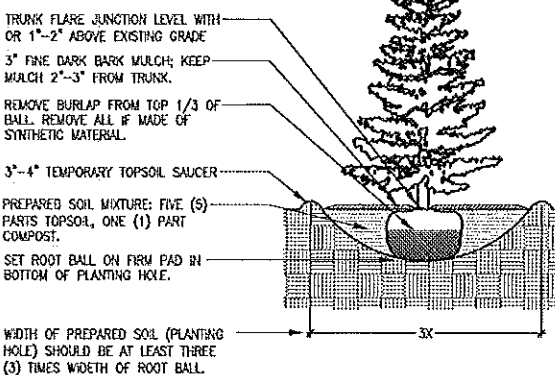
**L1 PERENNIAL PLANTING SECTION**

N.T.S.



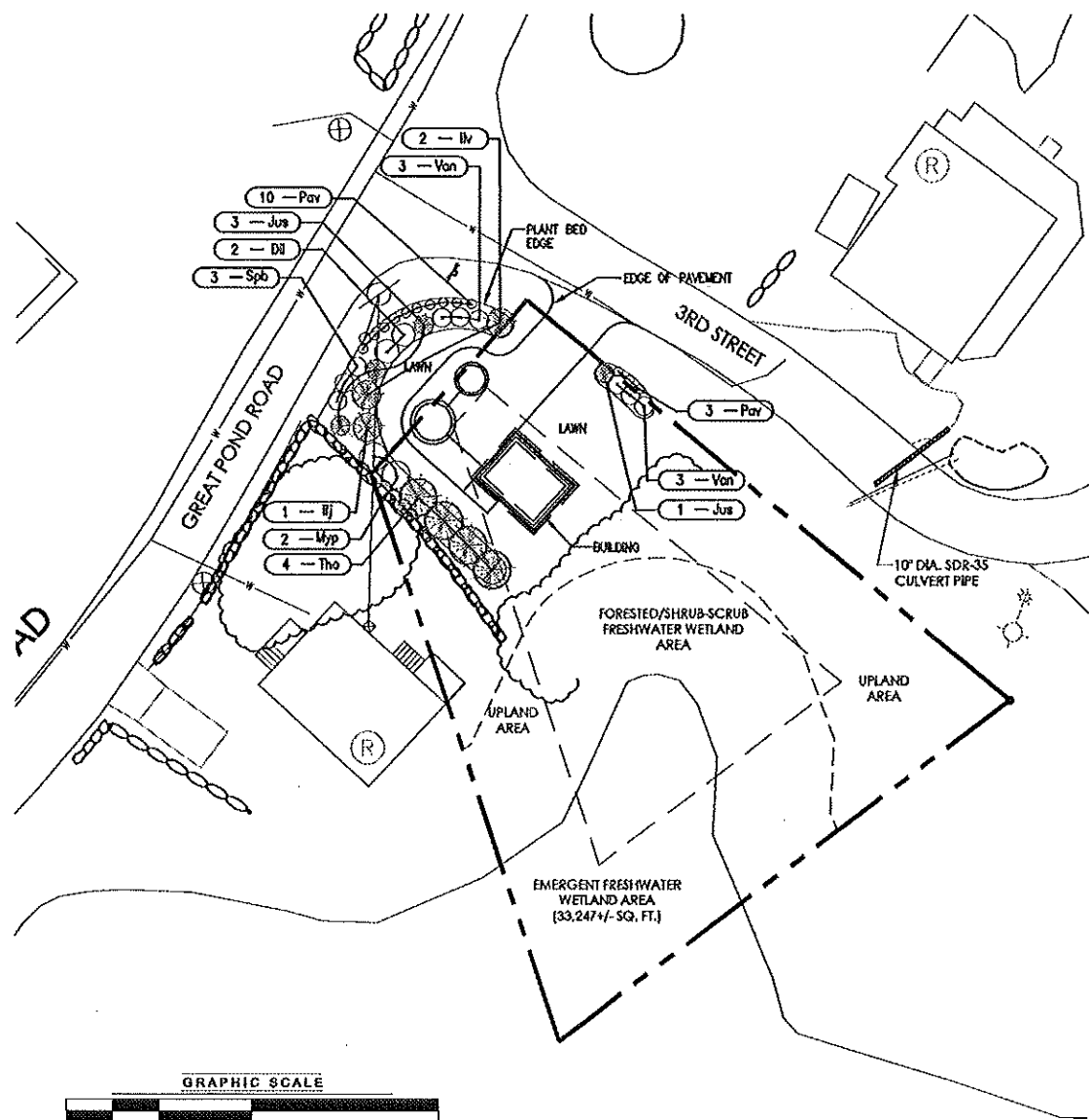
**F1 SHRUB PLANTING SECTION**

N.T.S.



**A1 EVERGREEN TREE PLANTING SECTION**

N.T.S.



Plant Schedule						
KEY	BOTANICAL_NAME	COMMON_NAME	SIZE	Count	TYPE	NOTES
Tho	<i>Thuja occidentalis</i> 'Tochry'	Mission Arborvitae	6-6"	4	Tree	18x12", Native, RTL
Bj	<i>Ilex verticillata</i> 'Jim Dandy'	Jim Dandy Winterberry	3'	1	Shrub	8x7", Native
Iv	<i>Ilex verticillata</i> 'Red Sprite'	Red Sprite Winterberry	3'	2	Shrub	4x6", Native
Jus	<i>Juniperus squamata</i> 'Holger'	Holger Juniper	2-2.6'	4	Shrub	3x4", new growth yellow
My	<i>Myrica pennsylvanica</i>	Northern Bayberry	3'	2	Shrub	8x8", Native
Van	<i>Vaccinium</i> 'Northblue'	Northblue Blueberry Hybrid	2-2.5'	8	Shrub	2.5ft. self-fruitful
Di	<i>Dianella</i> 'Inocera'	Bush Honeysuckle	3'	2	shrub	6x8" native
Spb	<i>Spiraea betulifolia</i> 'Ter'	Birchleaf Spiraea	2-2.6'	3	shrub	3-4'
Pav	<i>Panicum virgatum</i> 'Shenandoah'	Shenandoah Switch Grass	2 gal.	13	Perennial	3x3", Native, burgundy in fall

**A6 LANDSCAPE PLAN & PLANT SCHEDULE**

1" = 20'

**PLANTING NOTES:**

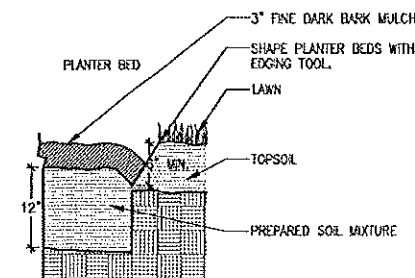
- ALL PLANTING BEDS TO RECEIVE 12" OF PREPARED SOIL MIXTURE; ALL PLANT MATERIAL - FIVE (5) PARTS TOPSOIL, ONE (1) PART COMPOST.
- ALL DISTURBED AREAS TO RECEIVE 6" TOPSOIL AND SEED UNLESS OTHERWISE NOTED.
- GRASS SEED SHALL BE A COMMERCIAL PRODUCT FROM A REPUTABLE MANUFACTURER AND SHALL BE CERTIFIED TO BE NOT MORE THAN ONE (1) YEAR OLD AND OF THE GENERAL PROPORTIONS BY WEIGHT OF THE FOLLOWING SEED TYPE:  
**LAWN SEED MIX:**  
ALLEN, STERLING & LOHRER 'PARK MIXTURE'  
35% VNS KENTUCKY BLUEGRASS  
20% VNS CREeping RED FESCUE  
15% IMPROVED TURF TYPE TRS-RYE  
15% VNS CHEWINGS FESCUE  
15% VNS ANNUAL RYEGRASS  
APPLICATION RATE : 5 LBS PER 1,000 SQUARE FEET
- PRIOR TO PLANT INSTALLATION, LANDSCAPE CONTRACTOR SHALL MEET WITH LANDSCAPE ARCHITECT ON SITE FOR PRE-CONSTRUCTION WALKTHROUGH.
- THE LANDSCAPE ARCHITECT SHALL APPROVE PLANT SPACING AND LAYOUT PRIOR TO PLANTING.
- IF THERE IS A DISCREPANCY BETWEEN PLANT QUANTITIES IN SCHEDULE AND THOSE SHOWN ON PLAN, THE GREATER NUMBER SHALL TAKE PRECEDENCE.
- INSTALLATION OF PLANT MATERIAL: AS SHOWN IN DETAILS. PLANTS SHALL MEET REQUIREMENTS SPECIFIED IN PLANT SCHEDULE ACCORDING TO "AMERICAN STANDARD FOR NURSERY STOCK - MAY 12, 2004".
- LANDSCAPE CONTRACTOR SHALL STORE ALL TRANSPLANTED PLANT MATERIAL TOGETHER ON SITE IN A SHADY LOCATION AWAY FROM CONSTRUCTION DISTURBANCE. ALL TRANSPLANTED PLANT MATERIAL SHALL BE HEeled INTO MULCH OR SOIL AND WATERED NO LESS THAN TWICE PER WEEK. DAILY OR EVEN MORE FREQUENT IRRIGATION MAY BE NECESSARY IN SUMMER MONTHS OR IN TIMES OF EXTREME DROUGHT.
- ALL PLANT MATERIAL SHALL BE INSTALLED IN MULCHED PLANT BEDS. TREES THAT ARE LOCATED IN LAWN AREA SHALL HAVE A MINIMUM 4' DIAMETER CIRCULAR MULCH BED.
- ALL LABELS, TAGS OR OTHER FOREIGN MATERIAL SHALL BE REMOVED FROM PLANT MATERIAL LIMBS AND STEMS.
- LANDSCAPE CONTRACTOR SHALL WATER PLANT MATERIAL SO THAT TOPSOIL IS UNIFORMLY MOIST TO A DEPTH OF 4 INCHES. FREQUENCY OF WATERING SHALL BE NO LESS THAN TWICE PER WEEK FROM INSTALLATION DATE TO SUBSTANTIAL COMPLETION. DAILY OR EVEN MORE FREQUENT IRRIGATION MAY BE NECESSARY IN SUMMER MONTHS OR IN TIMES OF EXTREME DROUGHT.
- LANDSCAPE CONTRACTOR SHALL PROVIDE ONE (1) YEAR REPLACEMENT GUARANTEE FOR ALL NEW PLANT MATERIAL AND SHALL MAINTAIN AND WATER ALL PLANTS (INCLUDING GRASSES AND LAWN) UNTIL ACCEPTANCE.
- PLANT BED PREPARATION: ALL PLANTING BEDS SHALL BE TILLED OR CULTIVATED TO A DEPTH OF NOT LESS THAN 18" WHERE THERE ARE CONSTRUCTION ACTIVITIES AND COMPACTED SOILS. ALL OTHER PLANTING BEDS SHALL BE CULTIVATED TO A DEPTH OF NOT LESS THAN 12".

**SUBMITTALS AND SUBSTITUTIONS NOTES:**

- PLANT VARIETY SUBSTITUTIONS SHALL BE BASED ON SIMILAR CHARACTERISTICS OF THE SPECIFIED PLANT. APPROVALS SHALL BE BASED ON MATURE SIZE, COLOR, BLOOM TIMES, SHAPE, SOLAR AND SOIL PREFERENCES.
- THE CONTRACTOR SHALL SUBMIT A PLANT LIST A MINIMUM OF 30 DAYS PRIOR TO INSTALLATION FOR APPROVAL.
- ALL PLANT SUBSTITUTIONS SHALL BE REQUESTED IN WRITING AND APPROVED BY THE LANDSCAPE ARCHITECT.
- THE CONTRACTOR SHALL NOT RECEIVE PAYMENT FOR ANY SUBSTITUTED PLANT MATERIAL THAT HAS NOT BEEN PRE-APPROVED.

**E15 PLANTING NOTES**

N/A



**A15 PLANT BED EDGE SECTION**

N/A



**PEAKS ISLAND - PORTLAND MAINE  
SEWERAGE EXTENSIONS  
& WATER MAIN RENEWAL**

**REVISIONS**

#	DATE	DESCRIPTION

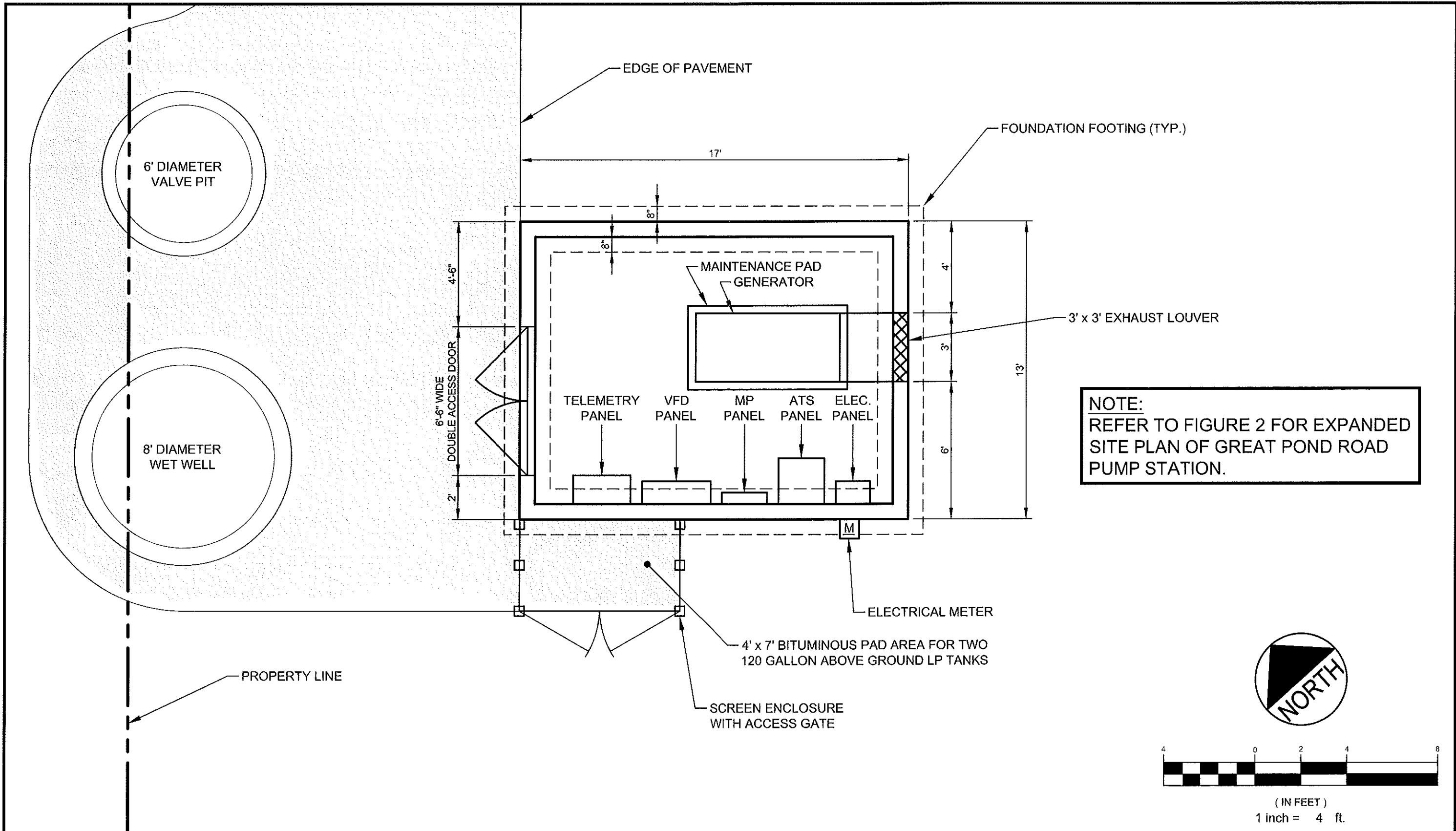
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PROJECT #:	070312
DRAWN BY:	KD
CHECKED BY:	AS
DRAWING SCALE:	VARIABLES

**SHEET TITLE**

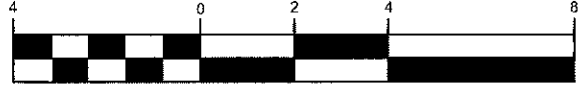
**LANDSCAPE PLAN, DETAILS & NOTES**

**L101**

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**NOTE:**  
REFER TO FIGURE 2 FOR EXPANDED  
SITE PLAN OF GREAT POND ROAD  
PUMP STATION.



(IN FEET)  
1 inch = 4 ft.

	<b>DeLuca-Hoffman Associates, Inc.</b> 778 MAIN STREET, SUITE 8 SOUTH PORTLAND, ME 04106 207.775.1121 WWW.DELUCAHOFFMAN.COM		DRAWN: CDD      DATE: DEC. 2012 DESIGNED: JAL      SCALE: 1" = 4' CHECKED: JAL      JOB NO. 3134 FILE NAME: 3134-PS FLOOR PLAN	<b>PEAKS ISLAND - PORTLAND, MAINE</b> <b>SEWERAGE EXTENSIONS &amp; WATER MAIN RENEWAL</b>	<b>GREAT POND ROAD PUMP STATION</b> <b>FLOOR PLAN</b>	FIGURE <b>3</b>
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**ATTACHMENT F**

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**City of Portland Department of Public Services  
Email Review**

**Joe Laverriere**

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**From:** David Margolis-Pineo [DMP@portlandmaine.gov]  
**Sent:** Friday, December 07, 2012 4:10 PM  
**To:** Joe Laverriere  
**Cc:** Danielle West-Chuhta; Jay Hewett; Norm Twaddel  
**Subject:** Location of Public Infrastructure in Paper Streets

Joe,

Please consider this email as a written response to your request below.

It is my understanding that the Portland Water District is acquiring easements for all the sewers and appurtenances proposed to be installed within the paper streets on Peaks Island. These easements should also cover the proposed pump station wet well and valve pit.

It is also my understanding that the wet well and valve pit are proposed well off the current traveled way which is desirable should the travel way be brought to City standards.

That said, the Department of Public Services does not have an objection to portions of the wetwell and valve pit being located within the paper street.

>>> "Joe Laverriere" <joe@delucahoffman.com> 12/7/2012 2:58 PM >>>  
Dave-

I know you responded back to me via the telephone on November 13<sup>th</sup> indicating that Public Services has no concerns or objections to any portion of the wetwell or valve pit chamber being located within the right-of-way, but can you please provide written response to that affect?

Joseph A. Laverriere, P.E.  
Senior Engineer  
**DeLuca-Hoffman Associates, Inc.**  
778 Main Street, Suite 8  
South Portland, Maine 04106  
T: 207.775.1121, Ext. 133  
F: 207.879.0896

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**From:** David Margolis-Pineo [mailto:DMP@portlandmaine.gov]  
**Sent:** Tuesday, November 13, 2012 10:41 AM  
**To:** Joe Laverriere  
**Cc:** Jay Hewett  
**Subject:** RE:

Joe,

I think the layout is just fine, but want to run it by a couple of other people. I'll be back to you today. Thanks

>>> "Joe Laverriere" <joe@delucahoffman.com> 11/13/2012 9:22 AM >>>  
David-

Sorry, I hit send before finishing.

The question that came up from Barbara was the location of the wetwell and valve pit structures. As shown on the attached concept, these structures are partially within the right-of-way. Can you please comment on whether the siting

of these structures partially within the right-of-way presents any issues from Public Services point of view? The reason for placing them in this location is to minimize wetland impacts. By keeping the pump station and all associated appurtenances as close as possible to Great Pond Road and 3<sup>rd</sup> Streets enables us to reduce the amount of wetland impact. Obviously, the extent of wetland impact is a concern for MDEP. If the structures need to be moved outside of the right-of-way, then we would like to know that as soon as possible.

Thanks,

Joseph A. Laverriere, P.E.  
Senior Engineer  
**DeLuca-Hoffman Associates, Inc.**  
778 Main Street, Suite 8  
South Portland, Maine 04106  
T: 207.775.1121, Ext. 133  
F: 207.879.0896

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**From:** Joe Laverriere  
**Sent:** Tuesday, November 13, 2012 9:15 AM  
**To:** 'David Margolis-Pineo'  
**Subject:**

David-

Attached is the conceptual site plan we have been working on for the Great Pond Road pump station site. Jay Hewett and I have met with Marge Schmuckal and Barbara Barhydt on two previous occasions to discuss the permitting and siting issues from the City's Planning and Codes perspective.

In general, the attached site plan is a direction that is working from Planning and Codes perspective. We need to make a couple minor edits, but I believe we are solid footing with Planning and Codes.

Joseph A. Laverriere, P.E.  
Senior Engineer  
**DeLuca-Hoffman Associates, Inc.**  
778 Main Street, Suite 8  
South Portland, Maine 04106  
T: 207.775.1121, Ext. 133  
F: 207.879.0896

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