



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

July 12, 2013

RECEIVED

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

JUL 12 2013

Dept. of Building Inspections  
City of Portland Maine

**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 (PWD), 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. An appeal for this project was previously approved by the Zoning Board of Appeals on January 3, 2013. Due to unforeseen circumstances, substantial work has not begun on the project, and the approval expired on July 3.

The details of the proposed project have not changed since originally approved. The only new information presented in this application is related to the lot ownership and recently approved permits from other permitting agencies. At the time the original appeal was approved, PWD did not own the lot on which the proposed project will take place, but had an agreement in place to purchase the property. PWD has since purchased the lot. The current deed is provided in Attachment B.

The proposed pumping station is part of a larger sewer extension project that PWD 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 flow 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.

Ms. Marge Schmuckal  
July 12, 2013  
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Shortly after the ZBA originally approved this project, a group of island residents petitioned PWD to suspend construction activity during the busy summer months. As a result, PWD agreed to stop construction on the project between July 1 and September 3. Work in Island Avenue, in the northwestern part of the island, began in March and has recently been stopped for the summer. Work will commence on September 3, 2013, at which time the remainder of the project, including construction of the proposed pumping station, is expected to be completed.

### 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 previous owners, Howard and Betty Heller, on September 16, 1983. The applicant purchased the property from the Hellers on January 16, 2013. 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 current deed, the Boundary Survey and letter prepared by Owen Haskell, Inc., and information on the chain of title of abutting lots 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

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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.

### 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.

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

The project will impact approximately 2,400 sq. ft. of freshwater wetlands. In order to minimize wetland impacts, the proposed improvements will be 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 E.

### CONDITIONAL USE STANDARDS

The city's Conditional Use Appeal Application form includes three "Standards" which must be found to be false when applied to a proposed project in order for the project to be approved. Each standard is listed below in italics and is followed by a 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.

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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 currently serve many of the existing homes.

**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.

In summary, the applicant does not believe that any of the three standards listed above are met by the proposed project and, as a result, a Conditional Use Appeal should be granted.

**OTHER PERMITS**

The proposed project is subject to several other permits. A list of required permits and their status is listed below:

<b>Permitting Authority</b>	<b>Permit/Program</b>	<b>Status</b>
Maine Dept. of Environmental Protection	Natural Resource Protection Act	Approved
U.S. Army Corps of Engineers	Section 404	Approved
City of Portland Planning Department	Site Plan (Level 1 Site Alteration)	Approved
City of Portland Code Enforcement	Building Permit	Pending

Copies of approved permits are provided in Attachment F.

Ms. Marge Schmuckal  
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Page 5

**CLOSURE**

The following attachments are provided in support of this application:

<b>Attachment</b>	<b>Description</b>
A	Tax Map
B	Boundary Survey, Current Deed & Chain of Title Information
C	Site Photographs
D	Site, Landscaping, & Floor Plans
E	City of Portland Department of Public Services Email Review
F	Approved Permits

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' August 1, 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/

c: Gordon Johnson, Portland Water District

Department of Planning & Urban Development

Marge Schmuckal  
Zoning Administrator

Jeff Levine  
Director, Planning Department



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

Applicant Information:

Subject Property Information

NAME

PORTLAND WATER DISTRICT  
BUSINESS NAME

225 DOUGLASS STREET  
ADDRESS  
PORTLAND, ME 04104

(207) 774-5961  
TELEPHONE #

OWNER

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)  
SAME  
NAME

ADDRESS

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

7/10/13  
DATE

---

**ATTACHMENT A**

---

**Tax Map**



**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**

---

**Boundary Survey, Current Deed &  
Chain of Title 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

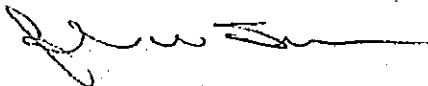
RE: Peaks Island

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

### **SUBJECT PARCEL**

- **TAX MAP 85-S-3 CURRENT OWNER:** Portland Water District by deed dated 1/16/13 recorded in CCRD Book 30306, page 304 from Howard U. and Betty Heller.

Howard U. and Betty Heller by deed dated 9/16/83 recorded in CCRD Book 6273, page 334 from Edith R. Thurrell.

### **ABUTTERS**

- **TAX MAP 85-S-4 CURRENT OWNER:** Glenn D. Strout Sr. by deed dated 4/29/96 recorded in CCRD Book 12478, page 70 from Estate of Dwight Brackett, Sr.

Estate of Dwight Brackett, Sr. by deed dated 4/22/96 recorded in CCRD Book 12478, page 68 from Barbara G. Bridges.

Dwight Brackett, Sr. from the Estate of Fred L. Brackett devised 11/3/1941

- **TAX MAP 85-S-2 CURRENT OWNER:** John Bylenske, et. al. by deed dated 4/11/2000 recorded in the CCRD Book 15463, page 246 from Michael J. Burnham.

Michael J. Burnham by deed date 10/15/97 recorded in CCRD Book 13377, page 292 from Caroline D. Burnham.

Caroline D. Burnham from Estate of Raymond J. Burnham from Estate of Grace E. Burnham who died 9/2/59.

Grace E. Burnham by deed dated 1/11/30 recorded in CCRD Book 1337, page 271 from Harold N. Fisk.

- **TAX MAP 85-S-1 CURRENT OWNER:** Robert E. Burnham et. al. by deed dated 5/10/91 recorded in the CCRD Book 9582, page 113 from H. Allen Burnham.

H. Allen Burnham by deed dated 8/11/83 recorded in the CCRD Book 6497, page 261 from the City of Portland

WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS, that HOWARD U. HELLER and BETTY HELLER of K103 Piper Shores, Scarborough, Maine, in consideration of one dollar (\$1.00) and other valuable consideration paid by the PORTLAND WATER DISTRICT, a Maine quasi-municipal corporation with a place of business at 225 Douglass Street, in Portland, in the County of Cumberland, State of Maine, the receipt of which is hereby acknowledged, do hereby remise, release, bargain, sell and convey with warranty covenants to the said PORTLAND WATER DISTRICT, its successors and assigns, 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. Reference is hereby made to a deed from Edith R. Thurrell to the Grantors herein dated September 16, 1983 and recorded in the Cumberland County Registry of Deeds in Book 6273, Page 334.

MAINE REAL ESTATE TAX PAID

IN WITNESS WHEREOF, the said Howard U. Heller and Betty Heller have hereunto caused this instrument to be signed this 15<sup>th</sup> day of January, 2013.

WITNESS

\_\_\_\_\_

Howard U. Heller  
Howard U. Heller

\_\_\_\_\_

Betty Heller  
Betty Heller

STATE OF MAINE  
COUNTY OF CUMBERLAND

January 15 , 2013

Personally appeared the above-named Howard U. Heller and Betty Heller, and acknowledged the foregoing to be their free act and deed.

Before me,

*Norman V. Twaddel*

Notary Public

**NORMAN V. TWADDEL**

NOTARY PUBLIC, MAINE  
MY COMMISSION EXPIRES ~~DECEMBER 17, 2010~~

Printed Name

**SEAL**

Received  
Recorded Register of Deeds  
Jan 16 2013 12:06:45P  
Cumberland County  
Pamela E. Lovley

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 rent, 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

XX  
XXXXXXXXXXXXXXXXXXXX, have hereunto 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 11/7 AM, and recorded in  
BOOK 6273 PAGE 334

*James J. Walsh* Registrar

BK 12478PG071

Witness my hand and seal this 29<sup>th</sup> day of April, 1996

Signed, Sealed and Delivered Estate of Dwight A. Brackett, Sr.  
In presence of

*Lewis Holman* By: *Sharon L. Foster, P.R.*  
Sharon L. Foster,  
Personal Representative

State of Maine, County of Cumberland ss. April 29, 1996

Then personally appeared the above named Sharon L. Foster  
in her said capacity and acknowledged the foregoing instrument to be her free act and deed.

Before me,

*Lewis Holman*  
Notary Public  
Attorney at Law

Printed Name: *Lewis Holman*

RECEIVED  
RECORDED REGISTRY OF DEEDS  
96 APR 30 PM 2:20  
CUMBERLAND COUNTY  
*John B. O'Brien*



## Abstract of the Will of

Seal

Fred L. Brackett

## STATE OF MAINE

CUMBERLAND, ss.

PORTLAND,

December 22,

Probate Court.

A. D. 19 41

I, Henry A. Peabody  
hereby certify that

Register of the Probate Court in and for said County,  
the last Will and Testament

of Fred L. Brackett

late of Portland

in said County,

deceased, was proved, approved and allowed by the Judge of Probate for said County

at a Court held at Portland, on the twenty-second day of December

A. D. 19 41 ; and that the following is a true copy of so much of said Will

as devises Real Estate in the County of Cumberland,

SECOND: I give, bequeath and devise all the rest, residue and remainder of my estate of every name and nature, wherever situated and whenever or however acquired, to my wife, Louise M. Brackett, for and during the term of her widowhood, with full power and authority to lease, sell, and/or mortgage any part or all same, real or personal, without license from the Probate Court, and to invest and re-invest the proceeds thereof and use not only the income thereof but so much of the principal as she may find necessary for her comfortable support and maintenance.

Fred L.  
Brackett

THIRD: I give, bequeath and devise all that shall remain of said estate upon the death of my said wife or upon her remarriage, to my son, Dwight A. Brackett, and my daughter, Lucille L. Wilson, share and share alike; to have and to hold to them and their heirs and assigns forever.

I hereby nominate and appoint my wife, Louise M. Brackett, should she survive me, otherwise my son, Dwight A. Brackett, sole executor of this my last will and testament and request that no bond be required of either in said capacity.

In Witness Whereof I have hereunto set my hand and seal at Portland, ----

Witness, my hand and the Seal of the Probate Court for said County of Cumberland, the day and year first above written.

Henry A. Peabody,

Register.

Received December 29, 19 41, at 11 o'clock - m. A.M., and recorded according to the original.

0024375

BK 15463PG246

*RELEASE DEED*

KNOW ALL PERSONS BY THESE PRESENTS, THAT I, MICHAEL J. BURNHAM of Portland, County of Cumberland, State of Maine, whose mailing address is 175A Pine Street, Apt. 11, Portland, Maine 04102, for consideration paid, RELBASE to PATRICIA B. and JOHN DYLENSKI, with a mailing address of 71 Silkey Road, North Granby, Connecticut 06060, one-sixth of my right, title and interest in the real property located on Peaks Island, County of Cumberland and State of Maine more particularly bounded and described as follows, to wit:


MAINE REAL ESTATE TAX PAID


A certain lot or parcel of land, together with the buildings thereon, situated on Peaks Island in Portland, County of Cumberland and State of Maine, near the Duck Pond, so-called, and described as follows: Beginning at the Northeast corner of Lot No. 135 as shown on a plan of the "Henry M. Brackett" Estate as recorded in Cumberland County Registry, Plan Book No. 9, Page 57; thence Southwesterly by line of said Lot No. 135 and a proposed street fifty (50) feet to a stake; thence Southeasterly seventy-five (75) feet to a stake; thence Northeasterly thirty-five (35) feet to a stake and line of Lot No. 134; thence Northerly by line of Lot No. 134 seventy-five (75) feet to the bound first mentioned. The lot herein described is a portion of Lot No. 135 as shown on a Plan of the said Henry M. Brackett Estate and is the same conveyed by Harold N. Fisk to Grace B. Burnham by his deed dated January 11, 1930, recorded in the Cumberland County Registry of Deeds, Book 1337, Page 271.

MEANING AND INTENDING to describe and release and hereby releasing to the above-named Grantees one-sixth (1/6) of my right, title and interest in the above described parcel, which I believe to be a one-third (1/3) interest. Said interest was conveyed to me by deed of Caroline D. Burnham dated October 15, 1997 and recorded in the Cumberland County Registry of Deeds in Book 13377, Page 292.

IN WITNESS WHEREOF, I, MICHAEL J. BURNHAM, have hereunto set my hand and seal this 11<sup>th</sup> day of April, 2000.

*SIGNED, SEALED and DELIVERED*  
*in presence of*



  
MICHAEL J. BURNHAM

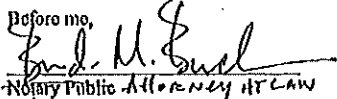
BK 115463 PG 2471

STATE OF MAINE  
CUMBERLAND, ss

Date: 4/11/00

Then personally appeared the above named MICHAEL J. BURNHAM and acknowledged the foregoing instrument to be his free act and deed.

Before me,

  
Notary Public - ATTORNEY AT LAW

BRENDA M. BUCHANAN, ESQ.  
Printed Name

Commission Expires: N/A

RECEIVED  
RECORDED REGISTRY OF DEEDS

2000 MAY 10 AM 11:44

CUMBERLAND COUNTY

*John B. Rubin*

061591

BK 3377PG292

I, Caroline D. Burnham  
of Portland, County of Cumberland and State of Maine,  
~~XXXXXXXXXX~~ for consideration paid,  
grant to Michael J. Burnham

of said Portland  
with ~~Warranty Covenants~~  
the land in Portland, Cumberland County, State of Maine.

A one-third (1/3) interest in a certain lot or parcel of land,  
together with the buildings thereon, situated on Peaks Island in  
Portland, County of Cumberland and State of Maine, near the Duck  
Pond so-called, and described as follows: Beginning at the  
Northeast corner of Lot No. 135 as shown on a plan of the "Henry  
M. Brackett" Estate as recorded in Cumberland County Registry,  
Plan Book No. 9, Page 57; thence Southwesterly by line of said  
Lot No. 135 and a proposed street fifty (50) feet to a stake;  
thence Southeasterly seventy-five (75) feet to a stake; thence  
Northeasterly thirty-five (35) feet to a stake and line of Lot No.  
134; thence Northerly by line of Lot No. 134 seventy-five (75)  
feet to a bound first mentioned. The lot herein described is a  
portion of Lot No. 135 as shown on a Plan of the said Henry M.  
Brackett Estate and is the same conveyed by Harold H. Fisk to  
Grace E. Burnham by his deed dated January 11, 1930, recorded in  
the Cumberland County Registry of Deeds, Book 1337, Page 271.

Being the same premises conveyed to Caroline D. Burnham by Deed of  
Distribution by Personal Representative of the Estate of  
Raymond J. Burnham to be recorded in Cumberland County Registry of  
Deeds.

RECEIVED  
CUMBERLAND COUNTY DEEDS  
1997 OCT 16 AM 10:49  
CUMBERLAND COUNTY  
John B. Quinn

XXXXXXXXXXXXXXXXXXXX

XX

Witness my hand and seal this 15th day of Oct. 1997  
Dana W. Childs Caroline D. Burnham  
Caroline D. Burnham

The State of Maine CUMBERLAND ss. Oct. 15 1997

Then personally appeared the above named Caroline D. Burnham  
and acknowledged the foregoing instrument to be her free act and deed,

Before me, Dana W. Childs  
Justice of the Peace - Attorney at Law - Notary Public

1261 WARRANTY DEED DANA W. CHILDS  
Print Name

# Know all Men by these Presents, That

281

I, Harold N. Fisk of Portland in the County of Cumberland and State of Maine,

in consideration of one dollar and other valuable considerations,

paid by

See  
Book 2542  
Page 469

Grace E. Burnham, of said Portland,

the receipt whereof I do hereby acknowledge, do hereby give, grant, bargain, sell and convey unto the said

Grace E. Burnham, her heirs and assigns forever, a certain lot or parcel of land, together with the buildings thereon, situated on Peaks Island in said Portland, Maine, near the Duck Pond so-called, and described as follows: Beginning at the Northeast corner of lot No. 135 as shown on a plan of the "Henry M. Brackett" Estate as recorded in Cumberland County Registry, Plan Book No. 9 page 57 thence southwesterly by line of said lot "No. 135" and a proposed street 50 feet to a stake; thence southeasterly seventy-five (75) feet to a stake thence northeasterly thirty-five (35) feet to a stake and line of lot No. 134 thence northerly by line of lot no. 134 seventy-five feet (75) to a bound first mentioned. The lot herein described is a portion of lot No. 135 as shown on a Plan of the said Henry M. Brackett Estate. Being the same premises conveyed to the said Harold N. Fisk by Frank H. Pennell and John J. Fisk by their warranty deed dated April 20, 1910 and recorded in the Cumberland County Registry of Deeds in Book 861, page 8, the buildings on said premises having been erected subsequent to the conveyance of the said land to me.

To Have and to Hold the aforegranted and bargained premises, with all the privileges and appurtenances thereof, to the said Grace E. Burnham, her heirs and assigns, to her and their use and behoof forever. And I do covenant with the said Grantee, her heirs and assigns, that I am lawfully seized in fee of the premises; that they are free of all incumbrances;

that I have good right to sell and convey the same to the said Grantee to hold as aforesaid; and that I and my heirs, shall and will warrant and defend the same to the said Grantee, her heirs and assigns forever, against the lawful claims and demands of all persons.

In Witness Whereof, I the said Harold N. Fisk and Mildred L. Fisk wife of the said Harold N. Fisk joining in this deed as Grantor, and relinquishing and conveying my rights by descent and all other rights in the above described premises

our hands and seal s this eleventh day of January have hereunto set one thousand nine hundred and thirty.

Signed, Sealed and Delivered  
in presence of

Frank M. Libby

Harold N' Fisk Seal

Olive M. Stockman

Mildred L. Fisk Seal

State of Maine, CUMBERLAND, ss. January 11,  
the above named Harold N' Fisk

19 30.

Personally appeared

and acknowledged the above instrument to be his free act and deed.

Before me,

Frank M. Libby, Notary Public,

Justice of the Peace -  
Notarial Seal

Received January 24, 19 30 at 10 o'clock 20a. A. M., and recorded according to the original.

QUITCLAIM DEED  
With Covenant

Inst 23596 R 9582 Ps 113

Know all Men by these Presents,

That, H. Allen Burnham, now of Hollis, County of York,  
State of Maine

in consideration of one dollar and other valuable considerations

paid by myself, H. Allen Burnham and by my brother, Robert E.  
Burnham, the latter of

whose mailing address is 169 Bolton Street, Portland, Maine 04102

the receipt whereof I do hereby acknowledge, do hereby remise, release, bargain,  
sell and convey, and forever quitclaim unto the said H. Allen Burnham and Robert  
E. Burnham, as equal tenants-in-common and not as joint tenants,

their heirs and assigns forever,

that parcel of land, with all buildings thereon, referred to as  
Lot 85-S-1, proposed First Street Seashore Avenue, Peaks Island,  
Maine, as more fully described and set forth on the Assessor's  
plans of file in the Assessor's office, Portland City Hall, 389  
Congress Street, Portland, Maine.

Being the same premises as conveyed by release deed of the City  
of Portland to the Grantor herein, said deed recorded in the  
Cumberland County Registry of Deeds at Book 6497 Page 261.

This is, in large part, a corrective deed in that the aforesaid  
release deed of and from the City of Portland should have named  
as Grantees both of the Grantees listed herein.

To have and to hold the same, together with all the privileges and appurtenances thereunto belonging, to the said H. Allen Burnham and Robert E. Burnham, as equal tenants-in-common and not as joint tenants,

their heirs and assigns forever.

And I do covenant with the said Grantees, their heirs and assigns, that

I shall and will warrant and defend the premises to the said Grantees, their heirs and assigns forever, against the lawful claims and demands of all persons claiming by, through, or under me.

In Witness Whereof, I, the said H. Allen Burnham

doth

~~husband/wife of the said~~

~~jointly with the said Grantee~~ and relinquishing and conveying all rights by descent and all other rights in the above described premises, have hereunto set my hand and seal this 10 day of the month of May, A.D. 19<sup>91</sup>90.

Signed, Sealed and Delivered in presence of

*✓ Roger C. Bodwin*.....

*H. Allen Burnham*  
H. Allen Burnham

State of Maine, County of

ss.

5-10-<sup>91</sup>1990

Then personally appeared the above named H. Allen Burnham

SEAL

and acknowledged the foregoing instrument to be his free act and deed.

Before me,

Recorded  
Cumberland County  
Registry of Deeds  
06/05/91 03:22:07PM  
Robert P. Titcomb  
Registrar

*Thomas J. Boonick*  
Notary Public  
Attorney at Law

Printed Name

*Thomas J. Boonick*

23122

## Know all Men by these Presents,

That The City of Portland, a body politic and corporate, and located at Portland, in the County of Cumberland and State of Maine, in consideration of one dollar and other valuable considerations paid by H. Allen Burnham

of Portland, in the County of Cumberland and State of Maine, the receipt whereof it does hereby acknowledge, does hereby release, bargain, sell and convey, and forever quit-claim unto the said H. Allen Burnham and his

Heirs and Assigns forever, all its right, title and interest in and to the following described real estate situated in Portland in the County of Cumberland and State of Maine and more particularly described as, viz: Real Estate, Portland, Maine, Assessor's Plans on file in Assessor's Office, City Hall,

85-S-1  
Proposed First St.  
Seashore Ave.

The said City of Portland hereby makes no representations or warranties of any kind as to the acceptance or improvement of any unaccepted or unimproved street or way abutting the property herein described.



Meaning and intending to convey the same land and building  
which the said grantor acquired by tax deed dated Mar. 28, 1979

The deed above referred to is recorded in the Cumberland  
County Registry of Deeds in Book 4397 Page 232

This property was assessed to Edwin R. Zeitz

and was sold 1st Monday in Feb. 1977 for the non-payment of  
the 1976 tax. ~~XX~~  
~~XX~~

At each tax sale the City of Portland was the Purchaser.

Said premises are hereby conveyed subject to taxes thereon  
for the year 1983-84 and said grantee assumes and agrees to pay said  
taxes as part of the consideration for this conveyance.

To have and to hold the same, together with all the privi-  
leges and appurtenances thereunto belonging to the said  
H. Allen Burnham and his

Heirs and Assigns, forever.

In Witness Whereof, the said City of Portland has caused this instrument to be executed and its corporate seal affixed by Richard J. Ranaghan, Jr. Director of Finance, thereunto duly authorized, this 11th day of August A. D. 1983 .

Signed, Sealed and Delivered in presence of

*Margaret A. Heary*

City of Portland  
By *Richard J. Ranaghan, Jr.*  
Director of Finance.

SEAL

State of Maine, }  
Cumberland, } ss.

Aug. 11, 1983 .

Then personally appeared the above named Richard J. Ranaghan, Jr. and acknowledged the foregoing instrument to be his free act and deed in his said capacity, and the free act and deed of said City of Portland.

Before me,

*Gayland E. Pelkey*  
Justice of the Peace  
Notary Public.

GAYLAND E. PELKEY  
NOTARY PUBLIC, MAINE  
MY COMMISSION EXPIRES JUNE 27, 1987

SEAL

*Jessie Walker*

RECEIVED  
1984 JUL -3 PM 3:42  
RECORDED REGISTRY OF DEEDS  
CUMBERLAND COUNTY

## **ATTACHMENT C**

---

### **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)**

**DH**

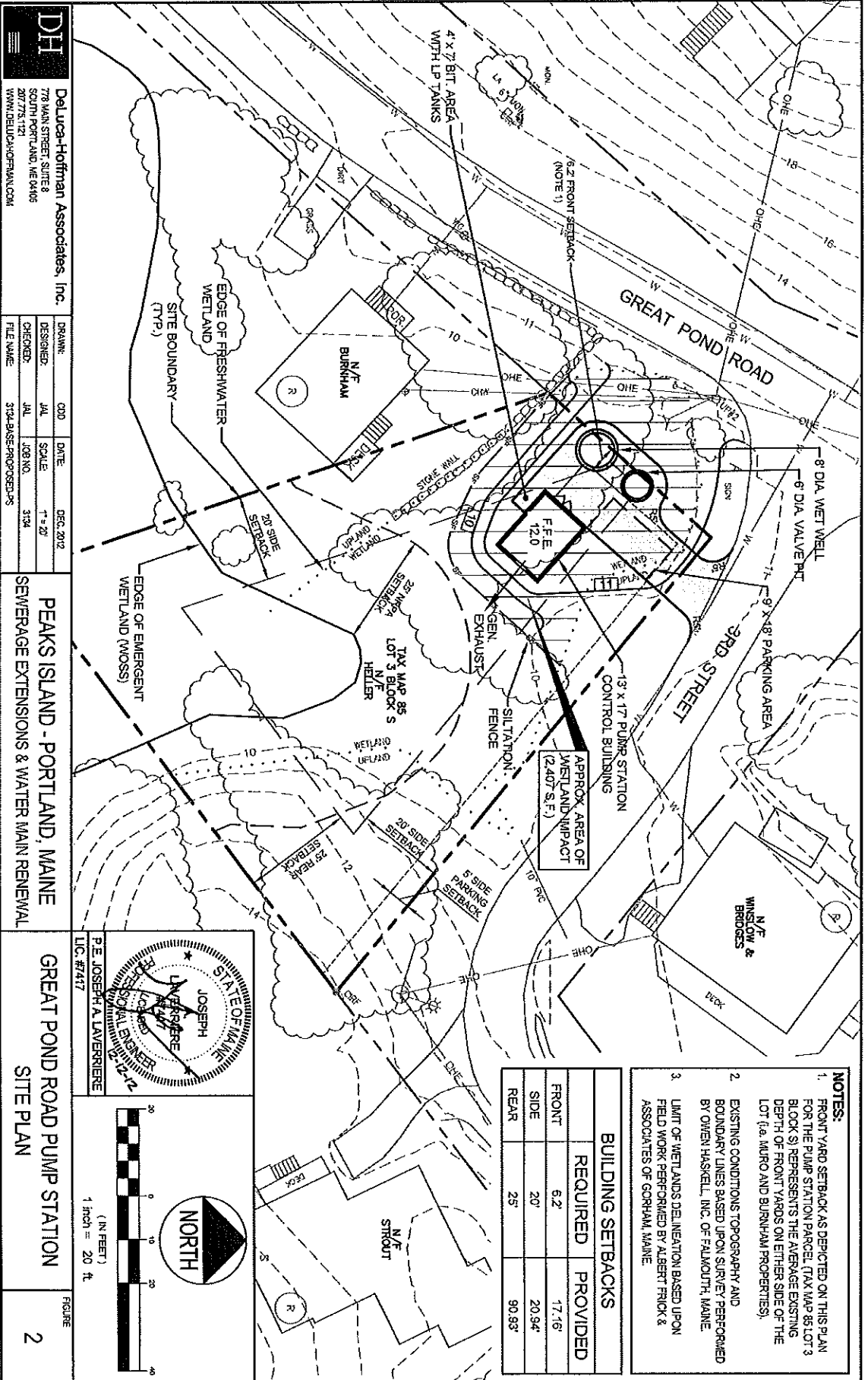
DeLUCA-HOFFMAN ASSOCIATES, INC.  
CONSULTING ENGINEERS  
778 MAIN STREET, SUITE 8  
SOUTH PORTLAND, MAINE 04106  
TEL. 207-775-1121  
FAX: 207-879-0896  
E-MAIL: [dhai@delucahoffman.com](mailto:dhai@delucahoffman.com)

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

## **ATTACHMENT D**

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### **Site, Landscaping & Floor Plans**

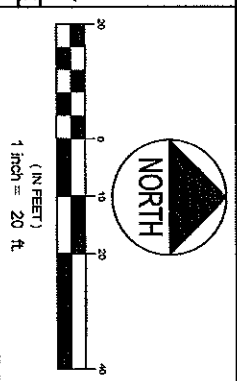
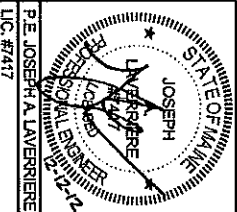


**DH**  
 Deluca-Hoffman Associates, Inc.  
 778 MAIN STREET, SUITE 8  
 SOUTH PORTLAND, ME 04106  
 207.775.1121  
 WWW.DELUCAHOFFMAN.COM

DRAWN: CDD DATE: DEC. 2012  
 DESIGNER: JAL SCALE: 1" = 20'  
 CHECKED: JAL JOB NO: 3124  
 FILE NAME: 3124-BASE-PROPOSED.DWG

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

GREAT POND ROAD PUMP STATION  
 SITE PLAN



**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. AURO AND BURHAM 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'

**ATTACHMENT E**

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

## Joe Laverriere

---

**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

**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

---

**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

This message and any attachments are intended for the individual or entity named above and may contain privileged or confidential information. If you are not the intended recipient, please do not forward, copy, print, use or disclose this communication to others; please notify the sender by replying to this message and then delete it from your system.

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

This message and any attachments are intended for the individual or entity named above and may contain privileged or confidential information. If you are not the intended recipient, please do not forward, copy, print, use or disclose this communication to others; please notify the sender by replying to this message and then delete it from your system.

**ATTACHMENT F**

---

**Approved Permits**

## APPLICATION FOR A NATURAL RESOURCES PROTECTION ACT PERMIT

→ PLEASE TYPE OR PRINT IN BLACK INK ONLY

1. Name of Applicant: Portland Water District		5. Name of Agent: Joseph A. Laverriere, P.E. DeLuca-Hoffman Associates, Inc.	
2. Applicant's Mailing Address: 225 Douglass Street Portland, ME 04104		6. Agent's Mailing Address: 778 Main Street, Suite 8 South Portland, ME 04106	
3. Applicant's Daytime Phone #: (207) 774-5961		7. Agent's Daytime Phone #: (207) 775-1121	
4. Applicant's Email Address: Required from either applicant or agent: jhewett@pwd.org		8. Agent's E-mail Address: joe@delucahoffman.com	
9. Location of Activity: (Nearest Road, Street, Rt.#) Great Pond Rd/3rd Street Peaks Island		10. Town: Portland	11. County: Cumberland
12. Type of Resource: (Check all that apply)	<input type="checkbox"/> River, stream or brook <input type="checkbox"/> Great Pond <input type="checkbox"/> Coastal Wetland <input checked="" type="checkbox"/> Freshwater Wetland <input type="checkbox"/> Wetland Special Significance <input type="checkbox"/> Significant Wildlife Habitat <input type="checkbox"/> Fragile Mountain		13. Name of Resource: Unnamed Freshwater Wetland
	14. Amount of Impact: (Sq.Ft.)		Fill: 2,407 Dredging/Veg Removal/Other:
15. Type of Wetland: (Check all that apply)	<b>FOR FRESHWATER WETLANDS</b>		
	<input checked="" type="checkbox"/> Forested <input checked="" type="checkbox"/> Scrub Shrub <input type="checkbox"/> Emergent <input type="checkbox"/> Wet Meadow <input type="checkbox"/> Peatland <input type="checkbox"/> Open Water <input type="checkbox"/> Other _____	<i>Tier 1</i> <input checked="" type="checkbox"/> 0 - 4,999 sq ft. <input type="checkbox"/> 5,000-9,999 sq ft <input type="checkbox"/> 10,000-14,999 sq ft	<i>Tier 2</i> <input type="checkbox"/> 15,000 - 43,560 sq. ft.
16. Brief Activity Description	Construction of a sewage pumping station with associated 221 sq. ft. generator building, driveway, and utility infrastructure		
17. Size of Lot or Parcel & UTM Locations:	<input type="checkbox"/> _____ square feet, or <input checked="" type="checkbox"/> 0.25 acres UTM Northing: 4834014 UTM Easting: 404150		
18. Title, Right or Interest:	<input type="checkbox"/> own <input type="checkbox"/> lease <input checked="" type="checkbox"/> purchase option <input type="checkbox"/> written agreement		
19. Deed Reference Numbers:	Book#: 6273 Page: 334	20. Map and Lot Numbers:	Map #: 85 Lot #: S-3
21. DEP Staff Previously Contacted:	Jared Woolston	22. Part of a larger project:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No After-the-Fact: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
23. Resubmission of Application?	<input type="checkbox"/> Yes → <input checked="" type="checkbox"/> No If yes, previous application # _____	Previous project manager: _____	
24. Written Notice of Violation?	<input type="checkbox"/> Yes → <input checked="" type="checkbox"/> No If yes, name of DEP enforcement staff involved: _____	25. Previous Wetland Alteration: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
26. Detailed Directions to the Project Site:	From Ferry Dock, south on Island Ave to New Island Ave, right on Whitehead St., left on Seashore Ave., road turns into Maple St. then Winding Way, right on Great Pond Road, site is located on southern corner of 3rd Street.		
27. TIER 1		TIER 2/3 AND INDIVIDUAL PERMITS	
<input checked="" type="checkbox"/> Title, right or interest documentation <input checked="" type="checkbox"/> Topographic Map <input checked="" type="checkbox"/> Narrative Project Description <input checked="" type="checkbox"/> Plan or Drawing (8 1/2" x 11") <input checked="" type="checkbox"/> Photos of Area <input checked="" type="checkbox"/> Statement of Avoidance & Minimization <input checked="" type="checkbox"/> Statement/Copy of cover letter to MHPC		<input type="checkbox"/> Title, right or interest documentation <input type="checkbox"/> Topographic Map <input type="checkbox"/> Copy of Public Notice/Public Information Meeting Documentation <input type="checkbox"/> Wetlands Delineation Report (Attachment 1) that contains the information listed under Site Conditions <input type="checkbox"/> Alternatives Analysis (Attachment 2) including description of how wetland impacts were Avoided/Minimized <input type="checkbox"/> Erosion Control/Construction Plan <input type="checkbox"/> Functional Assessment (Attachment 3), if required <input type="checkbox"/> Compensation Plan (Attachment 4), if required <input type="checkbox"/> Appendix A and others, if required <input type="checkbox"/> Statement/Copy of cover letter to MHPC <input type="checkbox"/> Description of Previously Mined Peatland, if required	
28. FEES Amount Enclosed:	\$35.00		

**CERTIFICATIONS AND SIGNATURES LOCATED ON PAGE 2**

**IMPORTANT: IF THE SIGNATURE BELOW IS NOT THE APPLICANT'S SIGNATURE, ATTACH LETTER OF AGENT AUTHORIZATION SIGNED BY THE APPLICANT.**

By signing below the applicant (or authorized agent), certifies that he or she has read and understood the following :

**DEP SIGNATORY REQUIREMENT**

**PRIVACY ACT STATEMENT**

Authority: 33 USC 401, Section 10; 1413, Section 404. Principal Purpose: These laws require permits authorizing activities in or affecting navigable waters of the United States, the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters. Disclosure: Disclosure of requested information is voluntary. If information is not provided, however, the permit application cannot be processed nor a permit be issued.

**CORPS SIGNATORY REQUIREMENT**

USC Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry shall be fined not more than \$10,000 or imprisoned not more than five years or both. I authorize the Corps to enter the property that is subject to this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein.

**DEP SIGNATORY REQUIREMENT**

"I certify under penalty of law that I have personally examined the information submitted in this document and all attachments thereto and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the information is true, accurate, and complete. I authorize the Department to enter the property that is the subject of this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Further, I hereby authorize the DEP to send me an electronically signed decision on the license I am applying for with this application by emailing the decision to the address located on the front page of this application (see #4 for the applicant and #8 for the agent)."

  
SIGNATURE OF AGENT/APPLICANT

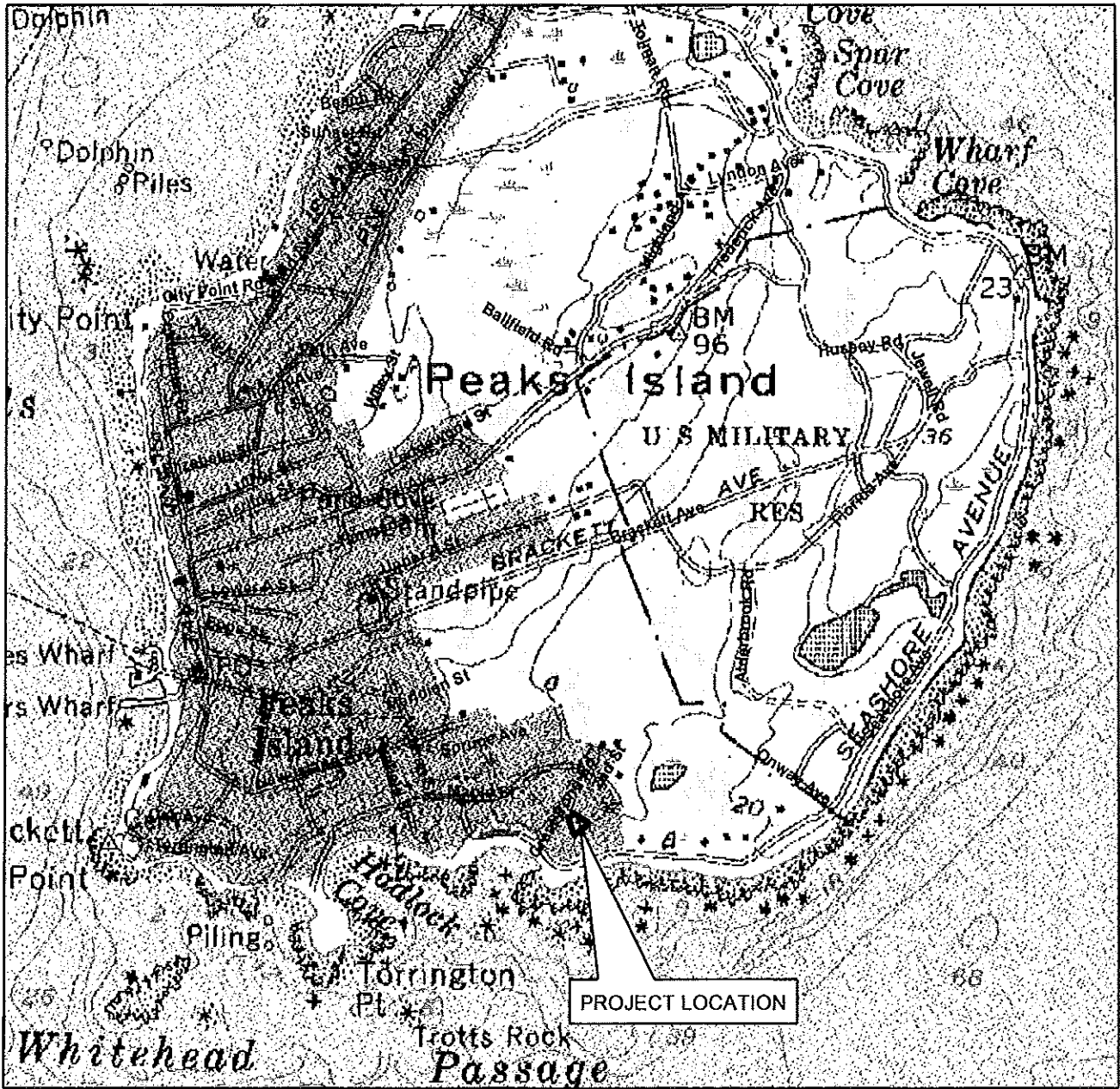
Date: 1/9/2013

Signature of Agent

Date:

**NOTE: Any changes in activity plans must be submitted to the DEP and the Corps in writing and must be approved by both agencies prior to implementation. Failure to do so may result in enforcement action and/or the removal of the unapproved changes to the activity.**

(yellow)



**USGS LOCATION MAP**  
**PORTLAND WATER DISTRICT**  
**PEAKS ISLAND - PORTLAND, MAINE**

SOURCE: MAINE OFFICE OF GIS

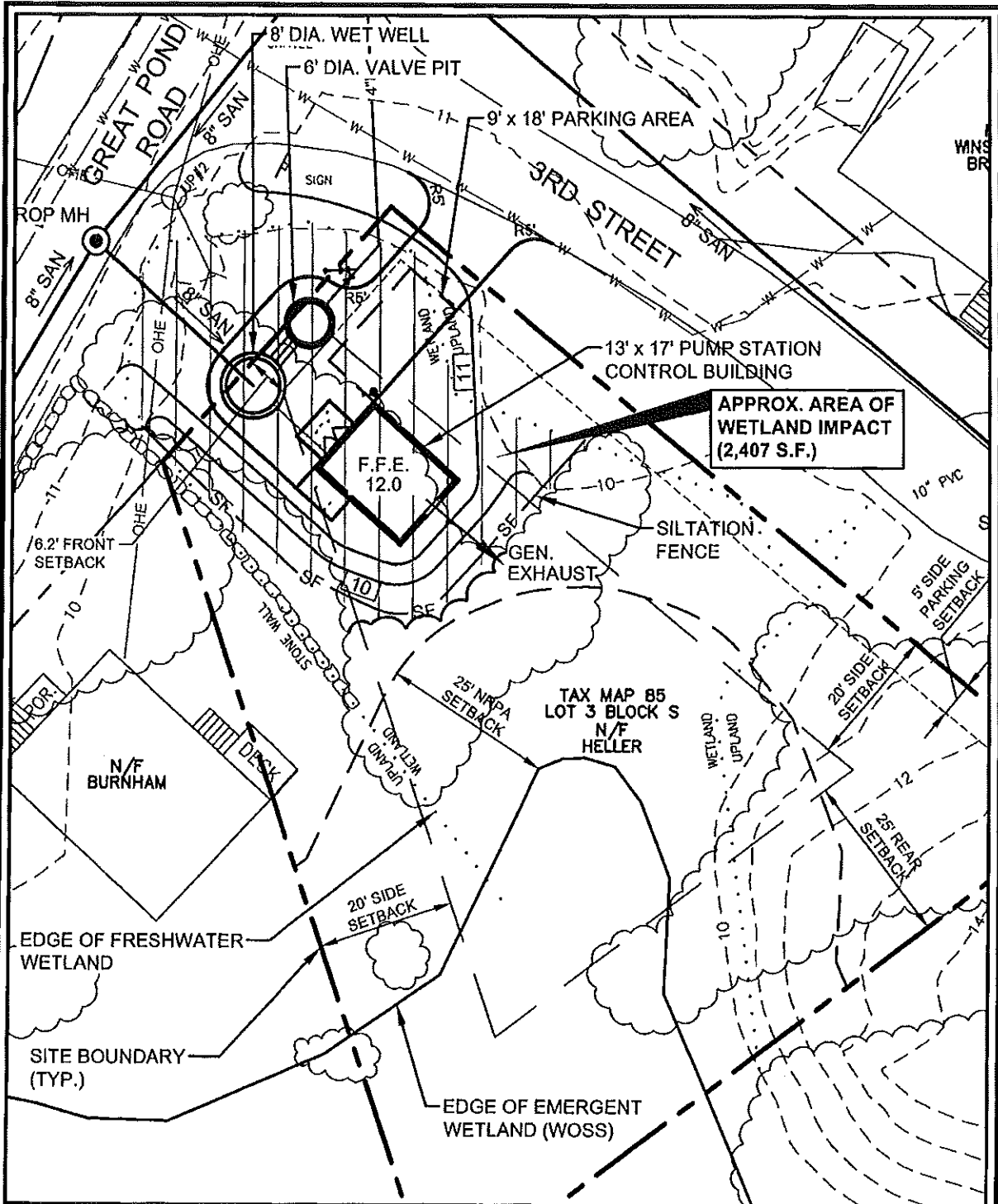
DeLuca-Hoffman Associates, Inc.  
 778 MAIN STREET, SUITE 8  
 SOUTH PORTLAND, ME 04106  
 207-775-1121  
 www.delucahoffman.com

DRAWN: DED  
 CHECKED: MTW  
 DATE: DEC 2012  
 FILENAME: 3134-USGS  
 SCALE: 1 Inch = 1,000 feet

FIGURE

1

R:\3134 Peaks Island\Cadd\DESIGN SET\dwg\3134-BASE-PROPOSED-PS.dwg c:\dude 1/10/2013 10:04 AM



LOCATION:  
CITY OF PORTLAND  
PEAKS ISLAND  
GREAT POND RD. / 3RD ST.

PROPOSED ACTIVITY:  
FILL ASSOCIATED WITH GREAT  
POND ROAD PUMP STATION

SCALE: 1" = 20'  
DATUM: -  
DATE: 01.09.13

DELUCA-HOFFMAN  
ASSOCIATES, INC.

WATER BODY:  
UNNAMED WETLANDS

PROJECT APPLICANT:  
PORTLAND WATER DISTRICT



FIGURE:  
2



# PORTLAND MAINE

*Strengthening a Remarkable City, Building a Community for Life • www.portlandmaine.gov*

**Planning & Urban Development Department**  
Jeff Levine, AICP, Director

**Planning Division**  
Alexander Jaegerman, FAICP, Director

April 10, 2013

Portland Water District  
Attention: Jay Hewett  
225 Douglass Street  
Portland ME 04104

DeLuca-Hoffman Associates, Inc.  
Attention: Michael Tadema-Wielandt  
778 Main Street, Suite 8  
South Portland, ME 04106

Project Name: PWD Pump Station on Peaks Island  
Address: Great Pond Road  
Applicant: Portland Water District

Project ID: 2013-045  
CBL: 085 S003 001  
Planner: Shukria Wiar

Dear Mr. Hewett:

On April 10, 2013, the Planning Authority approved with conditions a Level I: Site Alteration site plan for a sewage pumping station at the corner of Great Pond Road and Third Street on Peaks Island. The decision is based upon the application, documents and plans as submitted by Portland Water District and prepared by DeLuca-Hoffman Associates, Inc. and dated 02.08.2013. The proposal was reviewed for conformance with the standards of Portland's site plan ordinance.

#### **WAIVERS**

The Planning Authority waives the Technical Standard, Section 5 (III) (4) (E) Flooding Standard due to the small increase in impervious and the new developed area of 4,000 square feet will flow across a landscaped area and undisturbed wooded areas, which will act as a buffer before the runoff enters the wetland at the south end of the site.

#### **SITE PLAN REVIEW**

The Planning Authority found the plan is in conformance with the Site Plan Standards of the Land Use Code subject to the following conditions of approval:

1. A financial capacity letter shall be submitted for review and approval prior to the issuance of a building permit.
2. The applicant shall add a note to the final S-1 or L-101 plan stating the stormwater runoff from the site will be treated by means of landscaped buffer/ wooded areas south of the new building and driveway.

The approval is based on the submitted site plan. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.

#### **STANDARD CONDITIONS OF APPROVAL**

Please note the following standard conditions of approval and requirements for all approved site plans:

1. **Develop Site According to Plan** The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Modification of any approved site plan or alteration of a

parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.

2. **Separate Building Permits Are Required** This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
3. **Site Plan Expiration** The site plan approval will be deemed to have expired unless work has commenced within one (1) year of the approval or within a time period up to three (3) years from the approval date as agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the one (1) year expiration date.
4. **Performance Guarantee and Inspection Fees** A performance guarantee covering the site improvements, inspection fee payment of 2.0% of the guarantee amount and seven (7) final sets of plans must be submitted to and approved by the Planning Division and Public Services Department prior to the release of a building permit, street opening permit or certificate of occupancy for site plans. If you need to make any modifications to the approved plans, you must submit a revised site plan application for staff review and approval.
5. **Defect Guarantee** A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
6. **Preconstruction Meeting** Prior to the release of a building permit or site construction, a pre-construction meeting shall be held at the project site. This meeting will be held with the contractor, Development Review Coordinator, Public Service's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the Development Review Coordinator will confirm that the contractor is working from the approved site plan. The site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
7. **Department of Public Services Permits** If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)
8. **As-Built Final Plans** Final sets of as-built plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (\*.dwg), release AutoCAD 2005 or greater.

The Development Review Coordinator must be notified five (5) working days prior to the date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874-8632. All site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If there are any questions, please contact Shukria Wiar at (207) 756-8083 or via email at [shukriaw@portlandmaine.gov](mailto:shukriaw@portlandmaine.gov)

Sincerely,

  
Alexander Jaegerman, FAICP  
Planning Division Director

Attachments:

1. Performance Guarantee Packet



cc: Jeff Levine, AICP, Director of Planning and Urban Development  
Alexander Jaegerman, FAICP, Planning Division Director  
Barbara Barhydt, Development Review Services Manager  
Shukria Wiar, Planner  
Philip DiPietro, Development Review Coordinator, Planning  
Marge Schmuckal, Zoning Administrator, Inspections Division  
Tammy Munson, Inspection Division Director  
Lannie Dobson, Administration, Inspections Division  
Gayle Guertln, Administration, Inspections Division  
Michael Bobinsky, Public Services Director  
Katherine Earley, Engineering Services Manager, Public Services  
Bill Clark, Project Engineer, Public Services  
David Margolis-Pineo, Deputy City Engineer, Public Services  
Doug Roncarati, Stormwater Coordinator, Public Services  
Greg Vining, Associate Engineer, Public Services  
Michelle Sweeney, Associate Engineer  
John Low, Associate Engineer, Public Services  
Rhonda Zazzara, Field Inspection Coordinator, Public Services  
Mike Farmer, Project Engineer, Public Services  
Jane Ward, Administration, Public Services  
Jeff Tarling, City Arborist, Public Services  
Jeremiah Bartlett, Public Services  
Captain Chris Pirone, Fire Department  
Danielle West-Chuhta, Corporation Counsel  
Thomas Errico, P.E., TY Lin Associates  
David Sensus, P.E., Woodard and Curran  
Rick Blackburn, Assessor's Department  
Approval Letter File