

City of Portland, Maine - Building or Use Permit Application

389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

PERMIT ISSUED

Permit No: 01041 MAY 29 2001 Issue Date:

CBL: 089 F002001

Location of Construction: 0 Whaleback Rd	Owner Name: Kamath Enterprises Llc	Owner Address: 54 Rowland Rd CITY OF PORTLAND	Phone: 617-965-4063
Business Name: n/a	Contractor Name: Weinschenk, Ric Builders	Contractor Address: 60 Willow Ln Portland	Phone: 2078283900
Lessee/Buyer's Name: n/a	Phone: n/a	Permit Type: Single Family	Zone: IR-1

Past Use: Vacant Lot	Proposed Use: New Single Family Construction; Call Rick Worthley at 828-3900. Site Plan #2001-0066	Permit Fee: \$2,670.00	Cost of Work: \$441,000.00	CEO District: 3
Proposed Project Description: Build New Single Family Home		FIRE DEPT: <input type="checkbox"/> Approved <input type="checkbox"/> Denied	INSPECTION: Use Group: A-3 Type: 513 PERMIT ISSUED WITH REQUIREMENTS	

Signature: _____
PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.)
Action: Approved Approved w/Conditions Denied
Signature: _____ Date: _____

Permit Taken By: cih Date Applied For: 04/24/2001 **Zoning Approval**

<p>1. This permit application does not preclude the Applicant(s) from meeting applicable State and Federal Rules.</p> <p>2. Building permits do not include plumbing, septic or electrical work.</p> <p>3. Building permits are void if work is not started within six (6) months of the date of issuance. False information may invalidate a building permit and stop all work..</p>	<p>Special Zone or Reviews</p> <p><input type="checkbox"/> Shoreland <i>N/A</i></p> <p><input type="checkbox"/> Wetland</p> <p><input type="checkbox"/> Flood Zone <i>Panel 15 zone</i></p> <p><input type="checkbox"/> Subdivision</p> <p><input checked="" type="checkbox"/> Site Plan <i># 2001-006</i></p> <p>Maj <input type="checkbox"/> Minor <input type="checkbox"/> MM <input checked="" type="checkbox"/></p> <p>Date: <i>OK with contractor 5/25/01</i></p>	<p>Zoning Appeal</p> <p><input type="checkbox"/> Variance</p> <p><input type="checkbox"/> Miscellaneous</p> <p><input type="checkbox"/> Conditional Use</p> <p><input type="checkbox"/> Interpretation</p> <p><input type="checkbox"/> Approved</p> <p><input type="checkbox"/> Denied</p> <p>Date: _____</p>	<p>Historic Preservation</p> <p><input checked="" type="checkbox"/> Not in District or Landmark</p> <p><input type="checkbox"/> Docs Not Require Review</p> <p><input type="checkbox"/> Requires Review</p> <p><input type="checkbox"/> Approved</p> <p><input type="checkbox"/> Approved w/Conditions</p> <p><input type="checkbox"/> Denied</p> <p>Date: _____</p>
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PERMIT ISSUED WITH REQUIREMENTS

CERTIFICATION

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

NAME OF APPLICANT ADDRESS DATE PHONE

RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE DATE PHONE

THIS IS NOT A PERMIT/CONSTRUCTION CANNOT COMMENCE UNTIL THE PERMIT IS ISSUED

2001-0066

All Purpose Building Permit Application

01-0414

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

Location/Address of Construction: Battery Cravens between Whaleback and Hussey Rd Peaks Is.

Total Square Footage of Proposed Structure: 6901 (inc deck) 4901 (living) Square Footage of Lot: 81,659.

Tax Assessor's Chart, Block & Lot Number: Chart# 89 Block# F Lot# 2 Owner: Kamath Enterprises c/o Dr Brian Pereira Telephone#: 677-965-4063

Lessee/Buyer's Name (If Applicable): _____ Owner's/Purchaser/Lessee Address: 54 Rowent Rd Newton, MA 02459 Cost Of Work: 441,000.- Fee: 2670 300 → Bill us site

Current use: Vacant property, former battery foundation
If the location is currently vacant, what was prior use:
Approximately how long has it been vacant:
Proposed use: Single family home
Project description: Pereira Cottage at Battery Cravens

Contractor's Name, Address & Telephone: undecided / Bldg: Rick Weinstank
Applicants Name, Address & Telephone: Cottage Design Co, LLC 33 Island Ave Peaks Island Me 04108 828-3900
Who should we contact when the permit is ready: Rick Wortley
Telephone: 828-3900
If you would like the permit mailed, what mailing address should we use: to be picked up
Rec'd By: CH 4/24

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PLOT PLAN INCLUDES THE FOLLOWING:

- The shape and dimension of the lot, all existing buildings (if any), the proposed structure and the distance from the actual property lines. Structures include decks porches; a bow windows cantilever sections and roof overhangs, as well as, sheds, pools, garages and any other accessory structures.
- Scale and North arrow; Zoning District & Setbacks
- First Floor sill elevation (based on mean sea level datum);
- Location and dimensions of parking areas and driveways;
- Location and size of both existing utilities in the street and the proposed utilities serving the building;
- Location of areas on the site that will be used to dispose of surface water.
- Existing and proposed grade contours

A COMPLETE SET OF CONSTRUCTION DRAWINGS INCLUDES THE FOLLOWING:

- Cross Sections w/Framing details (including porches, decks w/ railings, and accessory structures)
 - Floor Plans & Elevations
 - Window and door schedules
 - Foundation plans with required drainage and damp proofing
- Electrical and plumbing layout. Mechanical drawings for any specialized equipment such as furnaces, chimneys, gas equipment, HVAC equipment (air handling) or other types of work that may require special review must be included.

SEPARATE PERMITS ARE REQUIRED FOR INTERNAL & EXTERNAL PLUMBING, HVAC AND ELECTRICAL INSTALLATIONS

- All construction must be conducted in compliance with the 1999 B.O.C.A. Building Code as amended by Section 6-Art II.
- All plumbing must be conducted in compliance with the State of Maine Plumbing Code.
- All Electrical Installation must comply with the 1999 National Electrical Code as amended by Section 6-Art III.
- HVAC (Heating, Ventilation and Air Conditioning) installation must comply with the 1993 BOCA Mechanical Code.

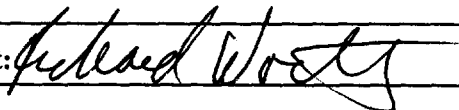
Minor/Minor Site Review Fee for New Single Family homes: \$300.00/Building Permit Fee: \$30.00 for the 1st \$1000.cost plus \$6.00 per \$1,000.00 construction cost thereafter.

ONE SET OF SUBMISSIONS INCLUDING CONSTRUCTION AND SITE PLAN DRAWINGS MUST BE SUBMITTED ON PAPER NO LARGER THAN 11" x 17" BEFORE ANY BUILDING PERMIT WILL BE ISSUED

Certification

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

Signature of applicant:



Date:

4.24.01

**CITY OF PORTLAND, ME
BOCA 1999 Plan Review Record
One and Two Family Dwelling**

Valuation: \$441,000.00 Plan Review # 2001

Fee: \$2,670.00 Date: 28 APRIL 2001

Building Location: Whaleback Rd. P.I. CBL: 089-F-002

Building Description: Single Family dwelling / private garage.

Reviewed By: S. Hoffses

Use or Occupancy: R-3 Type of Construction: 5-B

*NR: Not Required NA: Not Applicable SR: See Report X: OK per plan

Correction List		
NO:	Description	Code Section
1.	All site plan & building code requirements shall be completed before a Certificate of occupancy can or will be issued.	111.0 118.0
2.	A STATEMENT of design shall be submitted by a structural engineer on the bunker and foundation system on its capability to carry the proposed structure.	107.7
3.	Private garage shall comply with section 407.d	407.0
4.	All chimneys and vents shall comply with NFPA 211 (Chimneys ch. 4) (Fireplaces ch 8.)	NFPA 211
5.	Guandrails shall comply with section 1022.0	1022.0
6.	Handrails shall comply with section 1021.0	1021.0
7.	STAIR CONSTRUCTION shall comply with sections 1014.0 (winders 1014.6.b)	1014.0 1014.6.3
8.	Minimum corridor widths shall be 36"	1011.3
9.	Sleeping room egress or rescue windows shall comply with section 1010.4	1010.4
10.	Smoke detectors shall comply with section 920.3.2	920.3.2
11.	Ventilation of attic or crawl spaces across shall comply with section 1210.0 & 1211.0	1210.0 1211.0
12.	All building elements shall be fasten in compliance with	

REV: PSH 4-7-00

Foundations (Chapter 18)

Wood Foundation (1808)

NA Design
NA Installation

Footings (1807.0)

- _____ Depth below (outside) grade 4' minimum;
but below frost line except for insulated footings.
- _____ Insulated footing provided
- _____ Soil bearing value (table 1804.3)
- _____ Footing width
- _____ Concrete footing (1810.0) .3.1, 3.2

1 _____ *Need engineer report on bunker sec. 107.7*
_____ *Building built on old 1942 bunker -*

Foundation Walls

- _____ Design (1812.1)
- _____ Minimum thickness Tables 1812.3.2.(1) & 1812.3.2 (2)
- _____ Water proofing and damp proofing Section 1813
- X _____ Sill plate (2305.17)
- X _____ Anchorage bolting in concrete (2305.17)
- 1 _____ Columns (1912)
- S1 _____ Crawl space (1210.2) Ventilation
- S1 _____ Crawl opening size (1210.2.1)
- S1 _____ Access to crawl and attic space (1211.0)

Floors (Chapter 16-23)

- X _____ Joists - Non sleeping area LL40PSF (Table - 1606)
- X _____ Joists - Sleeping area LL30PSF (Table - 1606)
- X _____ Grade
- X _____ Spacing
- X _____ Span
- X _____ Girder 4" bearing 2305

Floors (contd.)

- ~~X~~ Bearing (1 1/2" minimum on wood or steel 3" on masonry) and lapped (3")
- ~~SA~~ Bridging (2305.16)
- ~~SA~~ Boring and notching (2305.5.1)
- ~~SA~~ Cutting and notching (2305.3)
- ~~SA~~ Fastening table (2305.2)
- ~~X~~ Floor trusses (AFPANDS Chapter 35)
- ~~X~~ Draft stopping (721.7)
- ~~X~~ Framing of openings (2305.11) (2305.12)
- ~~X~~ Flooring - (2304.4) 1" solid - 1/2" particle board
- ~~ICA~~ Concrete floors (1905) 3 1/2" 6 mil polyethylene vapor retarder
- _____
- _____
- _____
- _____
- _____

Wall Construction (Chapter 2300)

- ~~X~~ Design (1609) wind loads
- ~~X~~ Load requirements
- ~~X~~ Grade
- ~~SA~~ Fastening schedule (Table 2305.2)
- ~~X~~ Wall framing (2305.4.1)
- ~~X~~ Double top plate (2305.4.2)
- ~~X~~ Bottom plates: (2305.4.3)
- ~~SA~~ Notching and boring: (2305.4.4) studs
- ~~X~~ Non load bearing walls (2305.5)
- ~~SA~~ Notching and boring (2305.5.1)
- ~~X~~ Wind bracing (2305.7)
- ~~X~~ Wall bracing required (2305.8.1)
- ~~X~~ Stud walls (2305.8.3)
- ~~X~~ Sheathing installation (2305.8.4)
- ~~X~~ Minimum thickness of wall sheathing (Table 2305.13)
- ~~MO~~ Metal construction
- ~~MA~~ Masonry construction (Chapter 21)
- ~~SA~~ Exterior wall covering (Chapter 14)
- ~~X~~ Performance requirements (1403)
- ~~X~~ Materials (1404)
- ~~SA~~ Veneers (1405)
- ~~X~~ Interior finishes (Chapter 8)

Roof-Ceiling Construction (Chapter 23)

- ~~X~~ Roof rafters - Design (2305.15) spans
- ~~X~~ Roof decking and sheathing (2305.15.1) 5/8" boards and (2307.3) (Table 2307.3.1(2))
- ~~BB~~ Roof trusses (2313.3.1)

Roof Coverings (Chapter 15)

- ~~SA~~ Approved materials (1404.1)
- Performance requirement (1505)
- Fire classification (1506)
- Material and installation requirements (1507)
- Roof structures (1510.0)
- Type of covering (1507)

**Chimneys and Fireplaces
 BOCA Mechanical/1993**

- ~~SA~~ Masonry (1206.0) *NT*
- ~~MA~~ Factory - built (1205.0)
- ~~SA~~ Masonry fireplaces (1404)
- ~~MA~~ Factory - built fireplace (1403)
- ~~SA~~ NFPA 211

**Mechanical
 1993 BOCA Mechanical Code**

State Plumbing Code

will require HHE 200

private subsurface disposal system

Load Design Criteria

Floor live load sleeping	<u>30 PSF</u>	<u>X</u>
Floor live load non sleeping	<u>40 PSF</u>	<u>X</u>
Roof live load	<u>42 PSF</u>	<u>X</u>
Roof snow load	<u>48 PSF</u>	<u>X</u>
Seismic Zone	<u>2</u>	<u>X</u>
Weathering area	<u>S</u>	<u>X</u>
Frost line depth	<u>4' MIN</u>	<u>X</u>

Glazing (Chapter 24)

- X Labeling (2402.1)
- I Louvered window or jalousies (2402.5)
- I Human impact loads (2405.0)
- 59 Specific hazardous locations (2405.2)
- 59 Sloped glazing and skylights (2404)

Private Garages (Chapter 4)

- 59 General (407)
- I Beneath rooms (407.3)
- I Attached to rooms (407.4)
- I Door sills (407.5)
- I Means of egress (407.8)
- I Floor surface (407.9)

Egress (Chapter 10)

- ~~X~~ One exit from dwelling unit (1010.2)
 - ~~SA~~ Sleeping room window (1010.4)
 - ~~X~~ EXIT DOOR (1017.3) 32" W 80" H
 - ~~X~~ Landings (1014.3.2) stairway
 - ~~NA~~ Ramp slope (1016.0)
 - ~~SA~~ Stairways (1014.3) 36" W
 - ~~SA~~ Treads (1014.6) 10" min.
 - ~~SA~~ Riser (1014.6) 7 3/4" max.
 - ~~SA~~ Solid riser (1014.6.1)
 - ~~SA~~ Winders (1014.6.3)
 - ~~NA~~ Spiral and Circular (1014.6.4)
 - ~~SA~~ Handrails (1022.2.2.) Ht.
 - ~~SA~~ Handrail grip size (1022.2.4) 1 1/4" to 2"
 - ~~SA~~ Guards (1012.0) 36" min.
-
-
-

Smoke Detectors (920.3.2)

- ~~SA~~ Location and interconnection
- ~~SA~~ Power source

**Dwelling Unit Separation
Table 602**

NA

BUILDING PERMIT REPORT

DATE: 28 April 2001 ADDRESS: 0 Whale back Rd. P.I. CBL: 089-F7002

REASON FOR PERMIT: To Construct a Single Family dwelling/garage private.

BUILDING OWNER: Kamath Enterprises LLC

PERMIT APPLICANT: Cottage Design Co/LLC CONTRACTOR Pic Weingarten Bldgs.

USE GROUP: R-3 CONSTRUCTION TYPE: 5B CONSTRUCTION COST: \$441,000.00 PERMIT FEES: \$2670.00

The City's Adopted Building Code (The BOCA National Building Code/1999 with City Amendments)
The City's Adopted Mechanical Code (The BOCA National Mechanical Code/1993)

CONDITION(S) OF APPROVAL

This permit is being issued with the understanding that the following conditions shall be met: *1 *2 *4 *8 *9
*11, *13, *14, *15, *16, *20, *27, *28, *29, *30, *31, *32, *33, *34, *35, *36, *38, *39, *40.

- *1. This permit does not excuse the applicant from meeting applicable State and Federal rules and laws.
- *2. Before concrete for foundation is placed, approvals from the Development Review Coordinator and Inspection Services must be obtained. (A 24 hour notice is required prior to inspection) **"ALL LOT LINES SHALL BE CLEARLY MARKED BEFORE CALLING."**
- 3. Foundation drain shall be placed around the perimeter of a foundation that consists of gravel or crushed stone containing not more than 10 percent material that passes through a No. 4 sieve. The drain shall extend a minimum of 12 inches beyond the outside edge of the footing. The thickness shall be such that the bottom of the drain is not higher than the bottom of the base under the floor, and that the top of the drain is not less than 6 inches above the top of the footing. The top of the drain shall be covered with an approved filter membrane material. Where a drain tile or perforated pipe is used, the invert of the pipe or tile shall not be higher than the floor elevation. The top of joints or top of perforations shall be protected with an approved filter membrane material. The pipe or tile shall be placed on not less than 2" of gravel or crushed stone, and shall be covered with not less than 6" of the same material. Section 1813.5.2
- *4. Foundations anchors shall be a minimum of 1/2" in diameter, 7" into the foundation wall, minimum of 12" from corners of foundation and a maximum 6' O.C. between bolts. Section 2305.17
- 5. Waterproofing and dampproofing shall be done in accordance with Section 1813.0 of the building code.
- 6. Precaution must be taken to protect concrete and masonry. Concrete Sections 1908.9-19.8.10/ Masonry Sections 2111.3-2111.4.
- 7. It is strongly recommended that a registered land surveyor check all foundation forms before concrete is placed. This is done to verify that the proper setbacks are maintained.
- *8. Private garages located beneath habitable rooms in occupancies in Use Group R-1, R-2, R-3 or I-1 shall be separated from adjacent interior spaces by fire partitions and floor/ceiling assembly which are constructed with not less than 1-hour fire resisting rating. Private garages attached side-by-side to rooms in the above occupancies shall be completely separated from the interior spaces and the attic area by means of 1/2 inch gypsum board or the equivalent applied to the garage side. (Chapter 4, Section 407.0 of the BOCA/1999)
- *9. All chimneys and vents shall be installed and maintained as per Chapter 12 of the City's Mechanical Code. (The BOCA National Mechanical Code/1993). Chapter 12 & NFPA 211
- 10. Sound transmission control in residential building shall be done in accordance with Chapter 12, Section 1214.0 of the City's Building Code.
- *11. Guardrails & Handrails: A guardrail system is a system of building components located near the open sides of elevated walking surfaces for the purpose of minimizing the possibility of an accidental fall from the walking surface to the lower level. Minimum height all Use Groups 42". In occupancies in Use Group A, B,H-4, I-1, I-2, M, R, public garages and open parking structures, open guards shall have balusters or be of solid material such that a sphere with a diameter of 4" cannot pass through any opening. Guards shall not have an ornamental pattern that would provide a ladder effect. Handrails shall be a minimum of 34" but not more than 38". Exception: Handrails that form part of a guard shall have a height not less than 36 inches (914 mm) and not more than 42 inches (1067 mm). Handrail grip size shall have a circular cross section with an outside diameter of at least 1 1/4" and not greater than 2". (Sections 1021 & 1022.0). Handrails shall be on both sides of stairway. (Section 1014.7)
- 12. Headroom in habitable space is a minimum of 7'6". (Section 1204.0)
- *13. Stair construction in Use Group R-3 & R-4 is a minimum of 10" tread and 7 1/4" maximum rise. All other Use Group minimum 11" tread, 7" maximum rise. (Section 1014.0) Sec. 1014.6.3
- *14. The minimum headroom in all parts of a stairway shall not be less than 80 inches. (6'8") 1014.4
- *15. The Minimum required width of a corridor shall be determined by the most restrictive of the criteria under section 1011.3 but not less than 36".
- *16. Every sleeping room below the fourth story in buildings of Use Groups R and I-1 shall have at least one operable window or exterior door approved for emergency egress or rescue. The units must be operable from the inside without the use of special knowledge or separate tools. Where windows are provided as means of egress or rescue they shall have a sill height not more than 44 inches (1118mm) above the floor. All egress or rescue windows from sleeping rooms shall have a minimum net clear opening height dimension of 24 inches (610mm). The minimum net clear opening width dimension shall be 20 inches (508mm), and a minimum net clear opening of 5.7 sq. ft. (Section 1010.4)
- 17. Each apartment shall have access to two (2) separate, remote and approved means of egress. A single exit is acceptable when it exits directly from the apartment to the building exterior with no communications to other apartment units. (Section 1010.1)
- 18. All vertical openings shall be enclosed with construction having a fire rating of at least one (1) hour, including fire doors with self closure's. (Over 3 stories in height requirements for fire rating is two (2) hours. (Section 710.0)
- 19. The boiler shall be protected by enclosing with (1) hour fire rated construction including fire doors and ceiling, or by providing automatic extinguishment. (Table 302.1.1)

Handwritten signature/initials

- * 20. All single and multiple station smoke detectors shall be of an approved type and shall be installed in accordance with the provisions of the City's Building Code Chapter 9, Section 920.3.2 (BOCA National Building Code/1999), and NFPA 101 Chapter 18 & 19. (Smoke detectors shall be installed and maintained at the following locations):
 - In the immediate vicinity of bedrooms
 - In all bedrooms
 - In each story within a dwelling unit, including basements
- 21. A portable fire extinguisher shall be located as per NFPA #10. They shall bear the label of an approved agency and be of an approved type. (Section 921.0)
- 22. The Fire Alarm System shall be installed and maintained to NFPA #72 Standard.
- 23. The Sprinkler System shall be installed and maintained to NFPA #13 Standard.
- 24. All exit signs, lights and means of egress lighting shall be done in accordance with Chapter 10 Section & Subsections 1023.0 & 1024.0 of the City's Building Code. (The BOCA National Building Code/1999)
- 25. Section 25 - 135 of the Municipal Code for the City of Portland states, "No person or utility shall be granted a permit to excavate or open any street or sidewalk from the time of November 15 of each year to April 15 of the following year".
- 26. The builder of a facility to which Section 4594-C of the Maine State Human Rights Act Title 5 MRSA refers, shall obtain a certification from a design professional that the plans commencing construction of the facility, the builder shall submit the certification the Division of Inspection Services.
- * 27. Ventilation and access shall meet the requirements of Chapter 12 Sections 1210.0 and 1211.0 of the City's Building Code. (Crawl spaces & attics).
- * 28. All electrical, plumbing and HVAC permits must be obtained by Master Licensed holders of their trade. No closing in of walls until all electrical (min. 72 hours notice) and plumbing inspections have been done.
- * 29. All requirements must be met before a final Certificate of Occupancy is issued.
- * 30. All building elements shall meet the fastening schedule as per Table 2305.2 of the City's Building Code (The BOCA National Building Code/1996).
- * 31. Ventilation of spaces within a building shall be done in accordance with the City's Mechanical code (The BOCA National Mechanical Code/1993). (Chapter M-16)
- * 32. Please read and implement the attached Land Use Zoning report requirements.
- * 33. Boring, cutting and notching shall be done in accordance with Sections 2305.3, 2305.3.1, 2305.4.4 and 2305.5.1 of the City's Building Code.
- * 34. Bridging shall comply with Section 2305.16.
- * 35. Glass and glazing shall meet the requirements of Chapter 24 of the building code. (Safety Glazing Section 2406.0)
- * 36. All flashing shall comply with Section 1406.3.10.
- * 37. All signage shall be done in accordance with Section 3102.0 signs of the City's Building Code, (The BOCA National Building Code/1999).
- * 38. Minimum thickness of weather coverings shall comply with Table 1406.3
- * 39. Anchored masonry veneer shall comply with section 1406.5
- * 40. This permit requires a statement on the underground bunker or which the proposed building is to be constructed - This statement shall be by a professional engineer stating the structural capability of the bunker to carry the load - Sec. 107.7
- * 41. Roofing material shall comply with section 1507.6 - No wood shingles.

All requirements and conditions on the attached site development review sheets shall be met.

[Signature]
 P. Samuel Hoffses, Building Inspector
 Cc: Lt. McDougall, PFD
 Marge Schmuckal, Zoning Administrator
 Michael Nugent, Inspection Service Manager

PSH 10/1/00

****This permit is herewith issued, on the basis of plans submitted and conditions placed on these plans, any deviations shall require a separate approval.**

*****THIS PERMIT HAS BEEN ISSUED WITH THE UNDERSTANDING THAT ALL THE CONDITIONS OF THE APPROVAL SHALL BE COMPLETED. THEREFORE, BEFORE THE WORK IS COMPLETED A REVISED PLAN OR STATEMENT FROM THE PERMIT HOLDER SHALL BE SUBMITTED TO THIS OFFICE SHOWING OR EXPLAINING THAT THE CONDITIONS HAVE BEEN MET. IF THIS REQUIREMENT IS NOT RECEIVED YOUR CERTIFICATE OF OCCUPANCY SHALL BE WITHHELD. (You Shall Call for Inspections)**

******ALL PLANS THAT REQUIRE A PROFESSIONAL DESIGNER'S SEAL, (AS PER SECTION 114.0 OF THE BUILDING CODE) SHALL ALSO BE PRESENTED TO THIS DIVISION ON AUTO CAD LT. 2000, DXF FORMAT OR EQUIVALENT.**

*******CERTIFICATE OF OCCUPANCY FEE \$50.00**

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

2001-0066

Application I. D. Number

04/24/2001

Application Date

Whaleback Rd,

Project Name/Description

Kamath Enterprises Llc

Applicant

54 Rowena Rd , Newton , MA 02159

Applicant's Mailing Address

Cottage Design Co, LLC

Consultant/Agent

Whaleback Rd, Portland, Maine

Address of Proposed Site

089 F002001

Assessor's Reference: Chart-Block-Lot

Agent Ph: (207)828-3900

Agent Fax:

Applicant or Agent Daytime Telephone, Fax

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

4901

Proposed Building square Feet or # of Units

Acreage of Site

Zoning

Check Review Required:

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

Fees Paid: Site Plan \$50.00 Subdivision _____ Engineer Review \$250.00 Date 04/27/2001

DRC Approval Status:

Reviewer Jay Reynolds

Approved Approved w/Conditions See Attached Denied

Approval Date 05/22/2001 Approval Expiration 05/22/2002 Extension to _____ Additional Sheets Attached
 Condition Compliance Jay Reynolds 05/22/2001
signature date

Performance Guarantee Required* Not Required

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

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

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

2001-0066

Application I. D. Number

04/24/2001

Application Date

Whaleback Rd,

Project Name/Description

Kamath Enterprises Llc

Applicant

54 Rowena Rd , Newton , MA 02159

Applicant's Mailing Address

Cottage Design Co, LLC

Consultant/Agent

Agent Ph: (207) 828-3900

Agent Fax:

Applicant or Agent Daytime Telephone, Fax

Whaleback Rd, Portland, Maine

Address of Proposed Site

089 F002001

Assessor's Reference: Chart-Block-Lot

Approval Conditions of DRC

- 1 SIDESLOPES THAT EXCEED 3 TO 1 (33%) SHALL BE RIP-RAP OR APPROVED EQUAL
- 2 DRIVEWAYS MUST BE AT 12' WIDTH MINIMUM
- 3 All damage to sidewalk, curb, street, or public utilities shall be repaired to City of Portland standards prior to issuance of a Certificate of Occupancy.
- 4 Two (2) City of Portland approved species and size trees must be planted on your street frontage prior to issuance of a Certificate of Occupancy.
- 5 Your new street address HAS NOT BEEN ASSIGNED TO DATE, the number must be displayed on the street frontage of your house prior to issuance of a Certificate of Occupancy.
- 6 The Development Review Coordinator (874-8632) must be notified five (5) working days prior to date required for final site inspection. Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as 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.
- 7 A street opening permit(s) is required for your site. Please contact Carol Merritt ay 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)
- 8 As-built record information for sewer and stormwater service connections must be submitted to Public Works Engineering Section (55 Portland Street) and approved prior to issuance of a Certificate of Occupancy.
- 9 The site contractor shall establish finish grades at the foundation, bulkhead and basement windows to be in conformance with the first floor elevation (FFE) and sill elevation (SE) set by the building contractor to provide for positive drainage away from entire footprint of building.
- 10 The Development Review Coordinator reserves the right to require additional lot grading or other drainage improvements as necessary due to field conditions.

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

2001-0066

Application I. D. Number

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Applicant or Agent Daytime Telephone, Fax

Whaleback Rd, Portland, Maine

Address of Proposed Site

089 F002001

Assessor's Reference: Chart-Block-Lot

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

4901

Proposed Building square Feet or # of Units

Acreage of Site

Zoning

Check Review Required:

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

Fees Paid: Site Plan \$50.00 Subdivision _____ Engineer Review \$250.00 Date: 04/27/2001

Insp Approval Status:

Reviewer Marge Schmuckal

Approved Approved w/Conditions See Attached Denied

Approval Date 05/25/2001 Approval Expiration 05/25/2002 Extension to _____ Additional Sheets Attached

Condition Compliance Marge Schmuckal 05/25/2001
signature date

Performance Guarantee Required* Not Required

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

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

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

2001-0066

Application I. D. Number

04/24/2001

Application Date

Whaleback Rd,

Project Name/Description

Kamath Enterprises Lic

Applicant

54 Rowena Rd , Newton , MA 02159

Applicant's Mailing Address

Cottage Design Co, LLC

Consultant/Agent

Agent Ph: (207) 828-3900

Agent Fax:

Applicant or Agent Daytime Telephone, Fax

Whaleback Rd, Portland, Maine

Address of Proposed Site

089 F002001

Assessor's Reference: Chart-Block-Lot

Approval Conditions of Insp

- 1 This permit is being approved on the basis of plans submitted. Any deviations shall require a separate approval before starting that work.
- 2 Separate permits shall be required for future decks, sheds, pools, and/or garage.
- 3 It is understood that your revised plans no longer include a pool.
- 4 This approval is based upon the revised elevation plans showing a total building height of 34' 11". As you know the maximum building height is 35 feet. I have used an average elevation grade of 98.25. The top of the existing bunker is 108.50. Your maximum 35 foot elevation would then be at 133.25'. I would strongly suggest that at the point that your roof is framed up, that you have an independent expert verify those heights for the Code Enforcement Officer.

Approval Conditions of DRC

- 1 SIDESLOPES THAT EXCEED 3 TO 1 (33%) SHALL BE RIP-RAP OR APPROVED EQUAL
- 2 DRIVEWAYS MUST BE AT 12' WIDTH MINIMUM
- 3 All damage to sidewalk, curb, street, or public utilities shall be repaired to City of Portland standards prior to issuance of a Certificate of Occupancy.
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Applicant: Wamshank
Address: Whalaback Rd

Date: 5/7/01
C-B-L: 89-F-2

CHECK-LIST AGAINST ZONING ORDINANCE

Date - New - on existing Battery CRAVEN

Zone Location - IR-1

Interior ~~or corner lot~~ - Abuts 2 Rds, but is not a corner lot - Hussey Rd is the front edge

Proposed Use/Work - construct a single family dwelling on an existing foundation (Battery Craven walls) - on City lot

Sewage Disposal - private septic system

Lot Street Frontage - 100' - well over 100'

Front Yard - 30' min - 148' + shown

Rear Yard - 30' min - 39' 6" shown

Side Yard - 20' min - 41' shown & 100' + shown

Projections - ~~Swimming pool~~ removed on approved plan

Width of Lot - 100' - 100' + shown

Height - 35' MAX - ~~using backer grade~~

Average grade from 4 corners uses 98.25 AS Th Average grade - showing 34' 11"

Lot Area - 40,000 sq ft (on Public water) 81,659 sq ft

Lot Coverage Impervious Surface - 20% MAX 16331.8 sq ft

Area per Family - 40,000 sq ft

Off-street Parking - 2 req - 2 shown

Loading Bays - N/A

Site Plan - minor/minor # 2001-0066

Shoreland Zoning/Stream Protection - not in shoreland

Flood Plains - Panel 15 - Zone C

14-432 - pools not allowed in the front yard - shown in the pool has been removed

OK
 $48 \times 59 = 2832$
 $24 \times 32 = 768$
3600 sq ft

Zoning Division
Marge Schmuckal
Zoning Administrator

Department of Urban Development
Joseph E. Gray, Jr.
Director



CITY OF PORTLAND

Jacquelyn M. Kurz
Pierce Atwood
One Monument Square
Portland, ME 04101

October 10, 2000

RE: Battery Craven, Whaleback Road, Peaks Island – 89-F-2 - IR-1 zone

Dear Jackie,


Pursuant to our conversation this morning, I am writing in regard to the proposed sale of a portion of the lot known as Battery Craven on Peaks Island currently owned by Peaks Island Company, LLC and Karlsen Management Associates, Inc. I understand that the buyer intends to use the existing bunker at Battery Craven as the foundation for a new residence. At present, however, the location of the lot line dividing the proposed lots A-1 and A-2 would be in violation of § 14-422 of the Portland Zoning Ordinance, and therefore the lot is not a buildable lot.

I have reviewed the photographs identified as Photographs 1 and 2 included in Appendix A to the "Phase I Environmental Site Assessment Report," performed on the subject property by Environmental Engineering & Remediation, Inc., and dated September 18, 2000. Those photographs depict both a concrete pad for a gun turret and a concrete wall with a door to the entrance of the Battery. The concrete wall with the door is located above ground and is of significant size. It is clearly constructed or erected of more than one member, and requires a fixed location on the ground. As a result, it is a structure within the definition provided in § 14-47 of the Ordinance.

Furthermore, the proposed lot line dividing lots A-1 and A-2 is located less than twenty feet from the Battery structure, and therefore would violate the prohibition in § 14-422 that "no lot shall be so reduced that yards . . . shall be less than the minimum required." In this location, § 14-145.5.3 provides that the required side yard must provide a setback of twenty feet between the structure and the boundary line. Because the proposed lot line would reduce the yard to less than twenty feet, the lot is not buildable and I would not issue a building permit for the construction of a residence. The concrete pad for the gun turret, however, is not a structure within the meaning of the Ordinance, and therefore does not present an issue for calculation of the side yard.

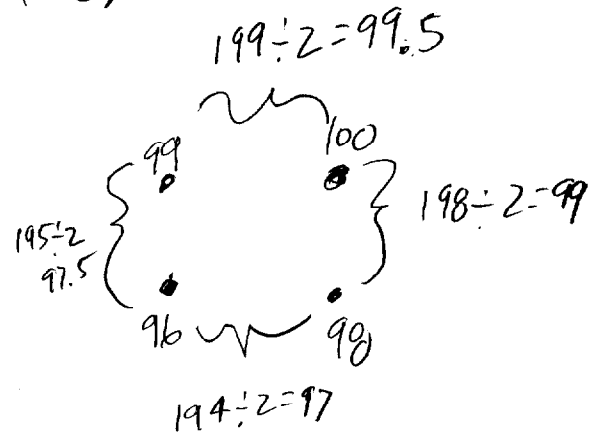
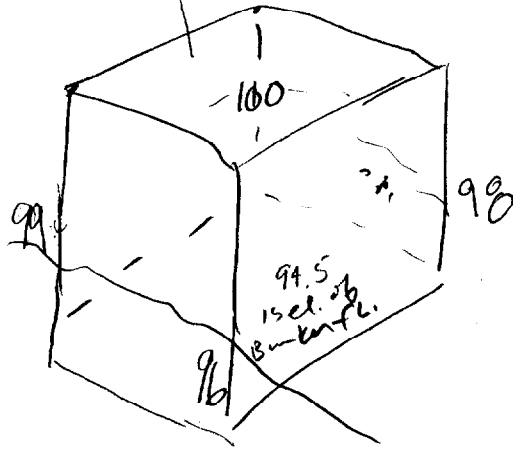
In conclusion, unless the proposed lot line is redrawn to conform to the minimum requirement of a twenty foot setback from any vertical portion of the Battery, the City will not issue a building permit for construction of a residence at this site.

Yours truly,


Marge Schmuckal
Zoning Administrator

Cc: File

Top of slab is el. 108.50



$$\begin{array}{r} 108.50 \\ - 98.25 \\ \hline \end{array}$$

10.25 is the height of the existing bunker

- 97.5
- 97.0
- 99.0
- 99.5

$$\frac{393}{4} = 98.25$$

↑
The Average grade

BK 5852 PG 136

EXHIBIT A

A certain lot or parcel of land with any buildings thereon, located on Peaks Island in the City of Portland, County of Cumberland, State of Maine, bounded and described as follows:

Beginning on the southerly sideline of Hussey Road at its intersection with the westerly line of Lot #11 shown on plan entitled "Ocean Side Project, Peaks Island, Maine, Northgate Subdivision" prepared by Theodore T. Rand May 4, 1970 and recorded in Cumberland County Registry of Deeds in Plan Book 85, Page 37;

Thence S 11° 31' 00" W along the westerly lines of Lots #11, #10, #9, #8 and #7 a distance of 539.05 feet to the northerly sideline of Whaleback Road;

Thence along the northerly sideline of Whaleback Road by the following three (3) courses and distances:

S 80° 31' 35" W 41.65 feet;
thence S 72° 52' 05" W 70.07 feet; and
thence along a 188.20 foot radius curve deflecting to the right 11.98 feet to the southeasterly corner of the land conveyed to Bernard M. Smith and Joan M. Smith from The Peaks Island Company, LLC by deed of even or recent date to be recorded;

Thence N 52° 15' 51" W 154.79 feet;

Thence N 20° 35' 34" W 50.00 feet;

Thence N 30° 51' 58" E 122.67 feet to the southerly sideline of said Hussey Road to the northeasterly corner of land to be conveyed to Bernard M. Smith, et al., by deed of even or recent date;

Thence along the southerly sideline of Hussey Road by the following six (6) courses and distances:

northeasterly along a 125.00 foot radius curve deflecting to the left 12.67 feet;
thence continuing along said curve deflecting to the left a distance of 85.01 feet;
thence N 48° 07' 38" E 63.18 feet; thence along a 275.00 foot radius curve deflecting to the left 135.51 feet;
thence along a 220.43 foot radius curve deflecting to the right 84.15 feet; and
thence N 41° 46' 00" E 74.29 feet to the point of beginning.

Containing 81,659 square feet, more or less.

BK 5852 PG 137

Bearings are referenced to the 1972 magnetic meridian.

This conveyance is made subject to existing waterline easements given by Casco Bay Island Development Association to John B. and Marilyn Faison recorded in Cumberland County Registry of Deeds in Book 4401, Page 15; to Charles James Wright in Book 4401, Page 17; to Richard D. Grant in Book 4493, Page 332; and to John R. and Harriet Johnson in Book 4511, Page 96 also recorded in said Registry of Deeds.

Also SUBJECT TO overhead power lines shown on the Plan of "Battery Craven" recorded in Cumberland County Registry of Deeds in Plan Book 200, Page 137.

The driveway and utility easement, and view easement, including height restrictions, over a portion of the premises conveyed herein, as described in the deeds of Karlisen Management Associates, Inc. and The Peaks Island Company, LLC, to the Grantor herein dated of even or recent date to be recorded in Cumberland County Registry of Deeds, are hereby extinguished by merger of title between the dominant and servient estates in the Grantor.

Reference is made to the Plan entitled "Plan Showing a Standard Boundary Survey of Battery Craven Lot, Peaks Island, Portland, ME," dated February 4, 2000 as revised through October 12, 2000, prepared by Daniel J. Dalphonso P.L.S. #1172.

f:\home\lancy\current\wz\wzsch\new lot a-2.doc

0067085

BK T 5852 PG 135

WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS, that FREDERIC D. WEINSCHENK of Peaks Island, Portland, Maine, ("Grantor") for consideration paid, GRANTS TO KAMATH ENTERPRISES, LLC, a Maine Limited Liability Company with a mailing address of 54 Rowena Road, Newton, MA 02159 ("Grantee"), with WARRANTY COVENANTS, the premises situated on Peaks Island in the City of Portland, County of Cumberland and State of Maine, more particularly described in Exhibit A, attached hereto and made a part hereof.

Together with a perpetual right and exclusive easement for the benefit of the Grantee, its successors and assigns, for ingress and egress on foot and by motor vehicle and for the installation, maintenance, repair and replacement of driveways, roads, drainage ditches, sidewalks, culverts, and utility lines, wires, pipes, grates, conduits and mains, and fences, the construction, installation, maintenance and replacement of a septic system and any components relating thereto, together with the right to alter, landscape, excavate and pave the surface of the earth for the foregoing purposes over, along, under and across the premises described on Exhibit B, attached hereto and made a part hereof (the "Easement Area").

Any structures, buildings, fences, improvements, trees, shrubs, vegetation, plants, or utility improvements erected or constructed in connection with the rights and easements granted herein on, over, or across the Easement Area shall be limited to a height of four (4) feet above the current contour of the ground and any said building, structure or landscaping erected or constructed within the Easement Area shall be maintained at a height not to exceed four (4) feet.

Being the same premises conveyed to the Grantor herein by deeds of The Peaks Island Company, LLC and Karlsen Management Associates, Inc. dated of even or recent date to be recorded in the Cumberland County Registry of Deeds. Further reference is made to deeds from Catherine E. Plante dated March 12, 2000 and recorded at Book 15362, Pages 165 and 173.

IN WITNESS WHEREOF, the said Frederic D. Weinschenk has caused this instrument to be signed and sealed on November 16, 2000.

Sonia Buck
Witness

[Signature]
Frederic D. Weinschenk

State of Maine
Cumberland, ss.

November 16, 2000

SEAL

Then personally appeared the above-named Frederic D. Weinschenk and acknowledged the foregoing instrument to be his free act and deed.

Before me,

Sonia Buck

Notary Public
Print Name: My Commission Expires March 16, 2006

MAINE REAL ESTATE TAX PAID

From: Marge Schmuckal
To: Mike Nugent ; Penny Littell
Subject: Re: Weinschenk on Peaks

In the past there may have been an illegal division which did not qualify for an official subdivision review. As I understand it, a division line was drawn down the middle of Battery Craven, creating an illegal division. That error, which was not brought to the attention of the City, has been righted. There is no violation of the subdivision rules. This corner still has three distinct lots, as it had in the past. CBL #089-F-002 had a lot line change at the end of last year. Some of this lot was deeded over to an existing, undersized lot, CBL #089-F-008, in order to make it a buildable lot. Deeding over to an adjoining lot is not considered a subdivision. No new lots have been created here. This new building permit for Weinshenck constructing a single family dwelling requires a minor/minor site plan review, but it does not kick in a subdivision review. Hope that helps Marge

>>> Mike Nugent 05/07 3:15 PM >>>

A single Permit has been issued for 089 F008 . There is a permit application for an abutting parcel (089 F002) but also a letter from Marge suggesting a Zoning issue....Stay tuned.....

>>> Penny Littell 05/04 10:49 AM >>>

Did we get anywhere with the research to determine what Ric has sold and/or is developing in the Battery Craven area on Peaks?

CC: Mark Adelson

GROUP DESIGN TRANSMITTAL

DATE: May 2 2001 PROJECT NO: _____

TO: Sam Hopper RE: Battery Cavern
CEO Beards for the
City of Portland
ATT: _____

COPIES	DESCRIPTION
1	Letter Report

for your use ___ as requested
 ___ approved as submitted ___ approved as noted
 other _____

REMARKS: _____

SIGNED: W.C.R.

GROUP: design

William C. Koutalidis, A.I.A., P.E.

Mr. Sam Hoffses
Code Enforcement Officer
389 Congress Street
City of Portland, Me. 04101

May 2, 2001

Re Battery Craven, Peaks Island

At the request of Ric Weinschenk, Contractor, I inspected Battery Craven, Peaks Island. This 60 year old reinforced concrete bunker appears to be in excellent condition. The 6'-0" thick roof slab of this structure, along with 18" interior thick partitions and 6'0"+ exterior walls will become the foundation for the support of a two story house. This roof slab is supported by numerous interior partitions with a maximum slab span of 22'-0".

Without original design information for this structure, I am unable to investigate the effects of the loads imposed by the house. However, I do believe that the bunker can support the house for the following reasons:

1. The roof slab previously supported the weight of 4' to 6' of gravel fill which exceeds the total dead and live load of the proposed house.
2. We can assume that the roof slab and roof walls were designed to withstand the force of bombs and naval shells.
3. The maximum roof slab span of 22'-0" occurs over the original power room. And estimated house column load of 10 kips placed at the center of this span would required a slab of approximately of 2'-6" thickness.
4. There is a similar concrete bunker on Peaks Island that also supports a two story house.

Recommendations:

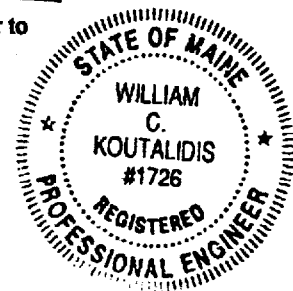
1. All columns shall have a 2'-0" x 8" footing pad placed on the roof slab.
2. The open nature of this massive foundation will enable the contractor to monitor the roof slab during and after the house is constructed.

Please contact me should you have any questions.

Group:Design, Inc.

William C. Koutalidis, P.E.

W.C. Koutalidis



From: Marge Schmuckal
To: Tom Fortier
Subject: Other Weinschenk info

Tom, just some info concerning my dealings with Weinschenk. On Friday, Ric wanted to meet with me again concerning Battery Craven. I had written a letter to him denying the building permit for a new single family there. Since that date, I have met with him 2 or 3 times, both scheduled and unscheduled. On my part, I wanted to get enough information to confirm my decision. Or if my first decision was inaccurate, I wanted something concrete to back it up. One of these meetings was over 1 ½ hours long. Of course, on his side, he is trying to convince me that my decision was wrong. Well, on Friday he wanted to meet again. I told his guy Ric Wortley that I did not want to meet again, that there was no real benefit to doing so. So you might hear from Ric that I am being uncooperative with him. But he has his options, i.e. an appeal.

THE COTTAGE DESIGN COMPANY, LLC.

DESIGNERS OF FINE AND UNUSUAL HOMES AND NEIGHBORHOODS
33 ISLAND AVENUE, PEAKS ISLAND, MAINE 04108
(207) 828-3900 FAX (207) 775-7703

To Whom It may Concern:

Re: Permit application amendment

Date: May 10, 2001

Please be advised that:

1) The swimming pool portion of the Kamath Enterprises , LLC permit application at Whaleback Road, Peaks Island dated April 24, 2001 has been withdrawn.

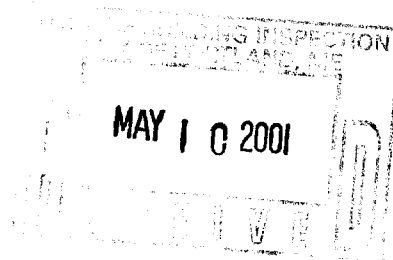
2)The lowest grade adjacent to the house has been amended to elevation 99.0



Ric Weinschenk

President and authorized agent

I figured the average grade to 98.25



PINKHAM & GREER

CONSULTING ENGINEERS, INC.

May 10, 2001
File:00125

Mrs. Marge Schumuckal
Zoning Administrator
City of Portland
389 Congress Street
Portland, ME. 04101

RE: Battery Craven Bunker, Peaks Island

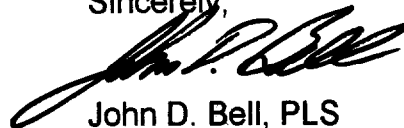
Dear Mrs. Schumuckal:

I have been asked by Mr. Ric Weinschenk to render an opinion as to the original grade at the "Battery Craven" bunker on Peaks Island. I have visited the site twice in the course of performing topographic surveys of the subject lot and of the lot abutting on the west.

For my purposes, I am defining "original" as the grade that existed on the site prior to the construction of the bunker. Since to my knowledge there is no accurate information regarding the "original" grade, the best I can do is offer my opinion. Based on my visits to the site and the general data available from USGS topographic plans that pre-date the construction of the bunker, it is my opinion that the original grades resembled the contours I have drawn with bold, lines on the accompanying copy of the site plan that I prepared for Mr. Weinschenk.

If you have any questions regarding this opinion, please do not hesitate to contact me.

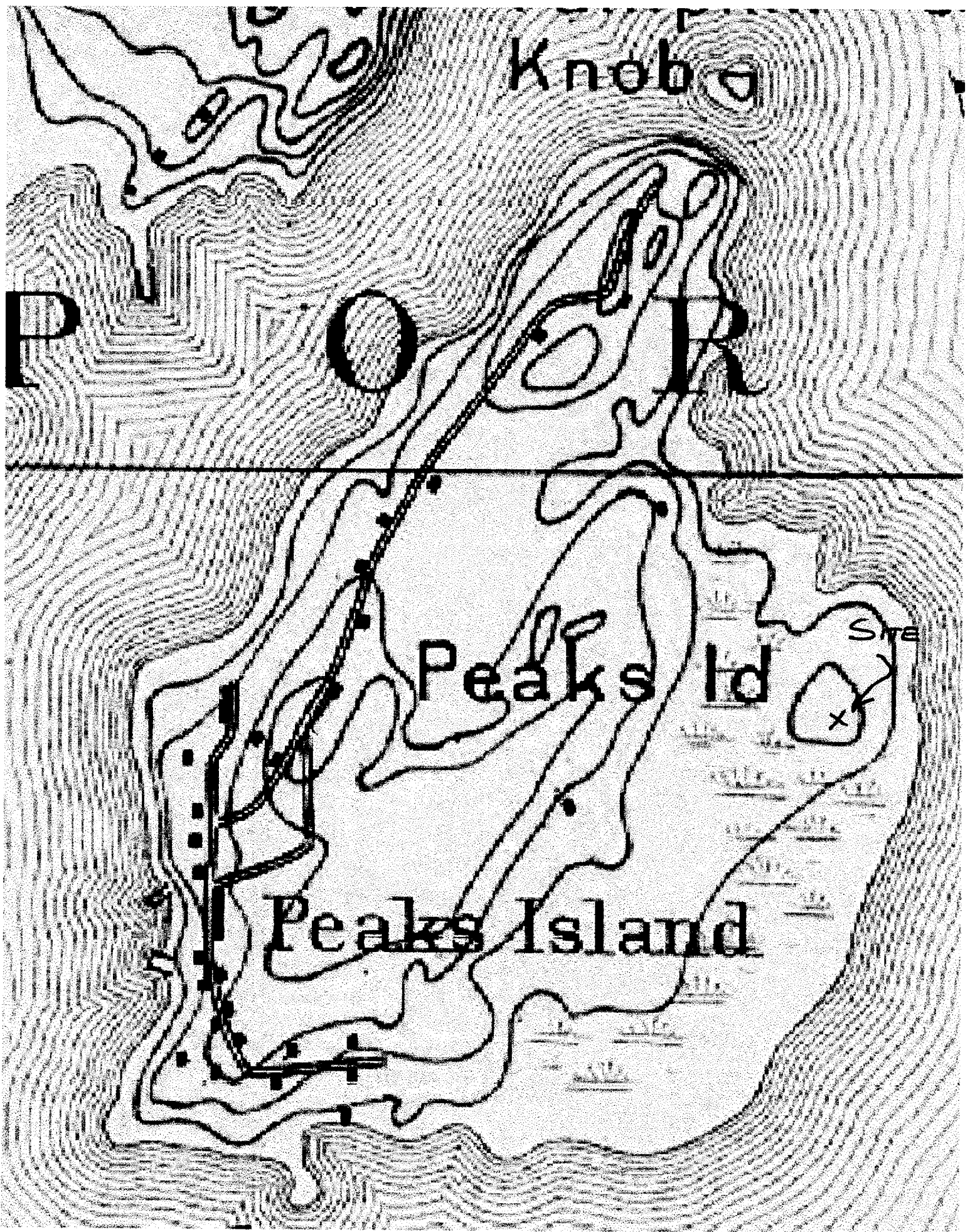
Sincerely,



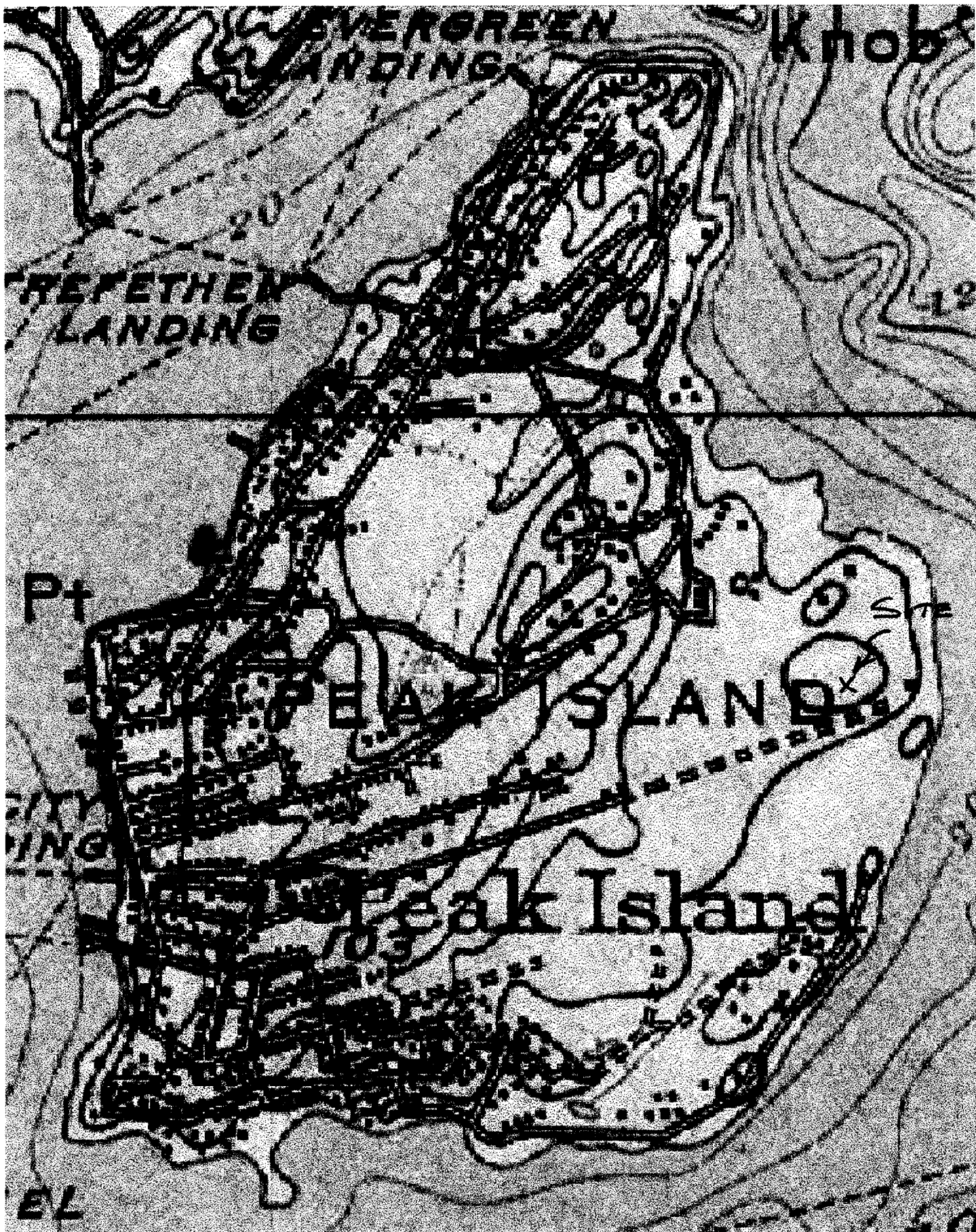
John D. Bell, PLS
For PINKHAM & GREER

DEPT. OF BUILDING INSPECTION
CITY OF PORTLAND, ME

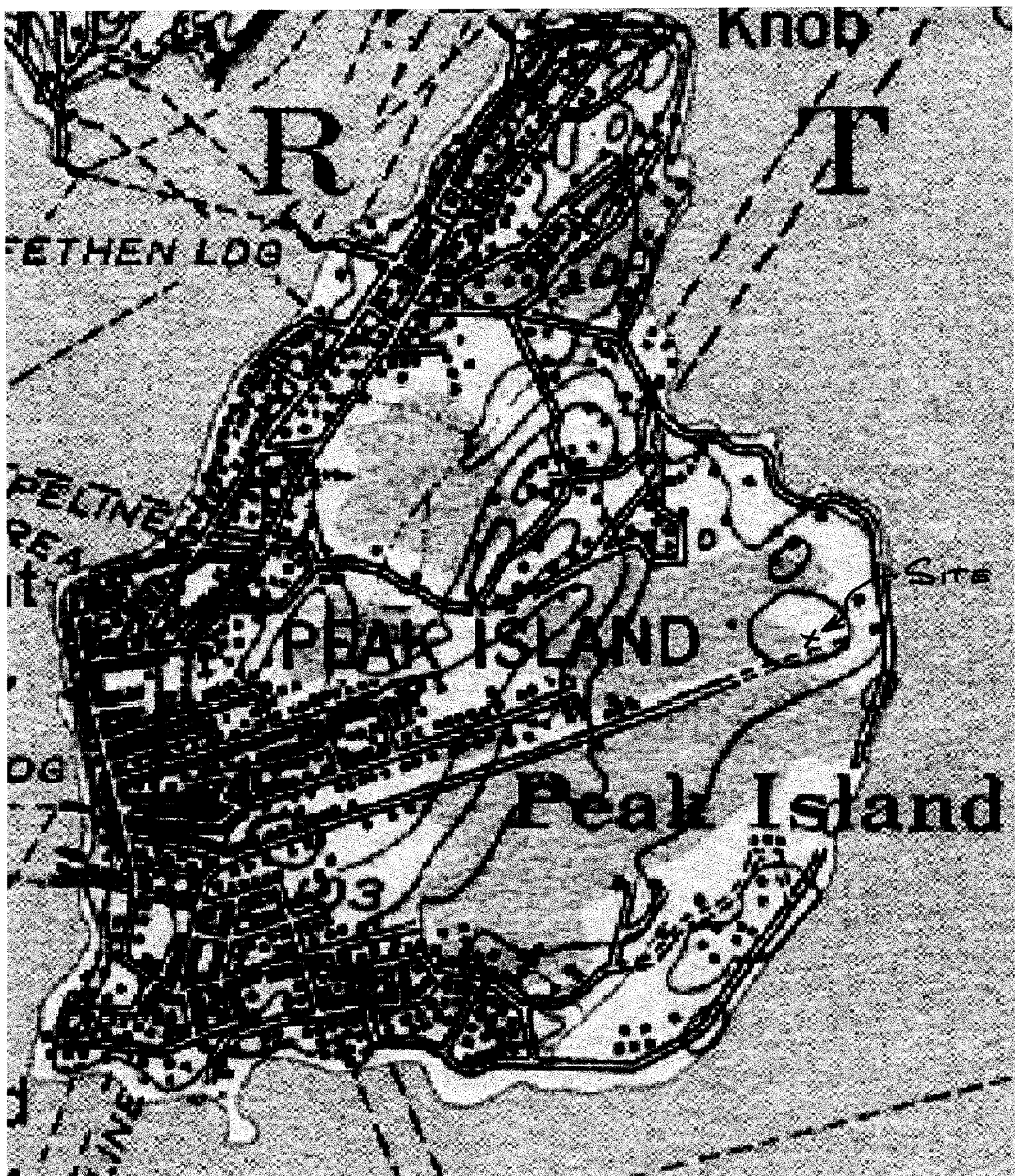
MAY 10 2001



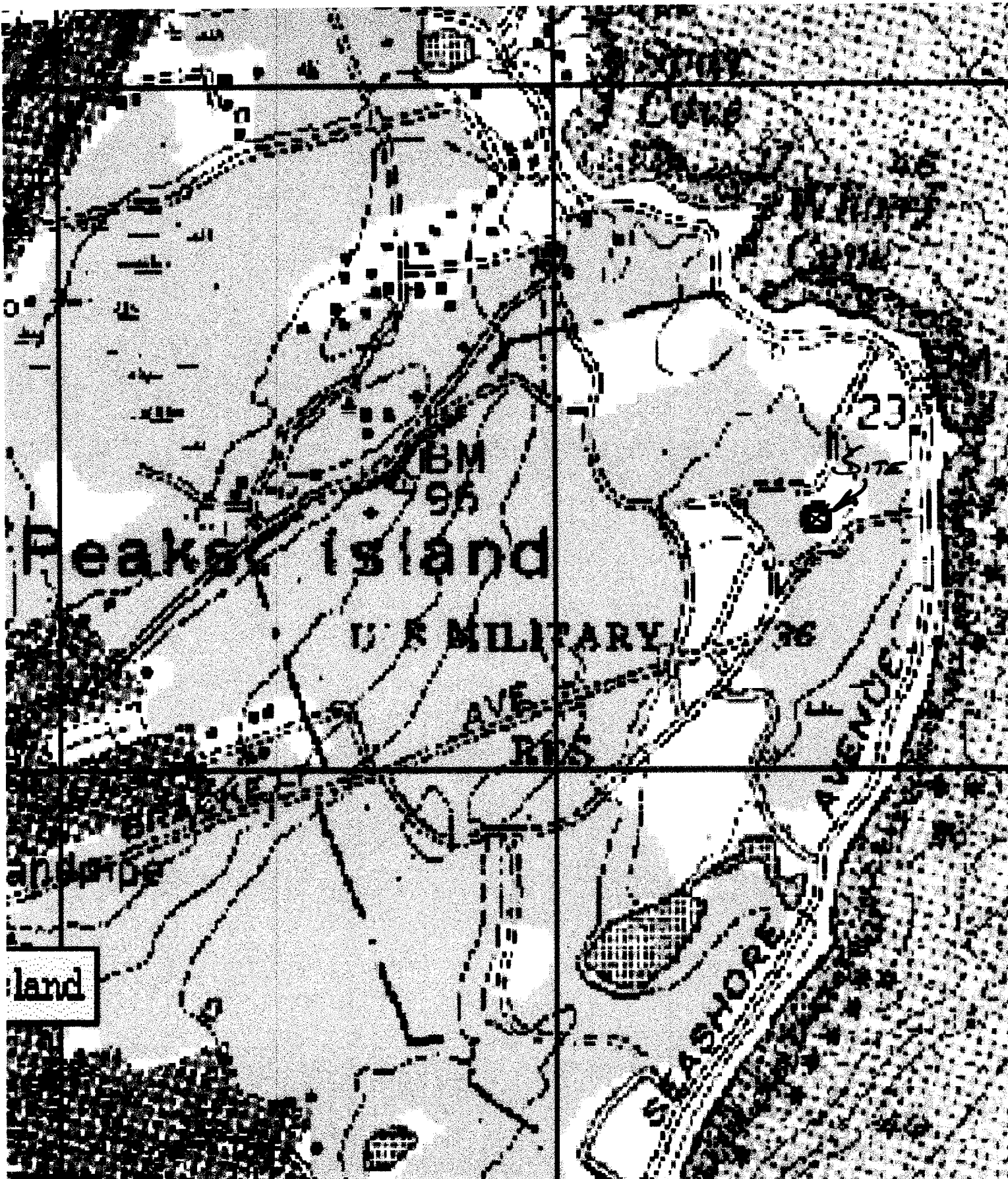
1893 U.S.G.S.



1916 U.S.G.S.



1941 U.S.G.S.



CURRENT U.S.G.S.



CITY OF PORTLAND

May 8, 2001

Ric Weinschenk Builders
60 Willow Lane
Portland, ME 04103

RE: Whaleback Road, Peaks Island - 089-F-002 - IR-1 zone

Dear Ric,

I am in receipt of your permit application received on April 24, 2001. I also appreciate your time that you stopped in our office to help explain the complexities of this construction project. Based on all this information, I am denying your application for two reasons as outlined below.

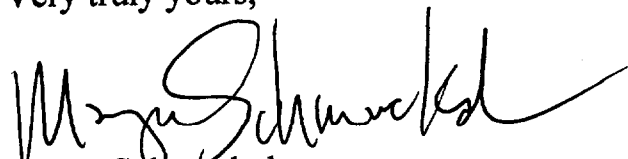
First, you are not meeting the maximum height requirement of 35 feet [section 14- 145.5(6)]. Your proposed height would be approximately 41 feet. I am basing that interpretation on the existing grade around the existing structure. I am considering the very elaborate, existing bunker a structure. I do not believe that it serves as just a foundation for this proposed single family dwelling. It is an actual bunker (Battery Craven) with internal walls and rooms. Although it is true that loam has been mounded up and around it for purposes of war- time concealment, I believe that it is a structure in itself. Therefore the entering grades around this concealed bunker, should more accurately be used for the grade base measurements than the roof of the bunker.

Secondly, the proposed pool is located within the front yard. Section 14-432 states that no swimming pool shall be sited in the front yard. It does not state the required front yard. There is a difference. The definition (section 14-47) of "yard, front" is, "a yard adjoining the front lot line, extending between side lot lines, the depth of which shall be the least distance between the front lot line and any structure." A further reading of the rear and side yards definitions show that your pool would be considered to be within the front yard and not the side yard.

Please note that you have the right to appeal my interpretations under section 14-472. If you wish to exercise your right to appeal, you have 30 days from the date of this letter in which to do so. I have included all the information that you would need to file an appeal.

5/25/01
revised plans
to meet
35' height

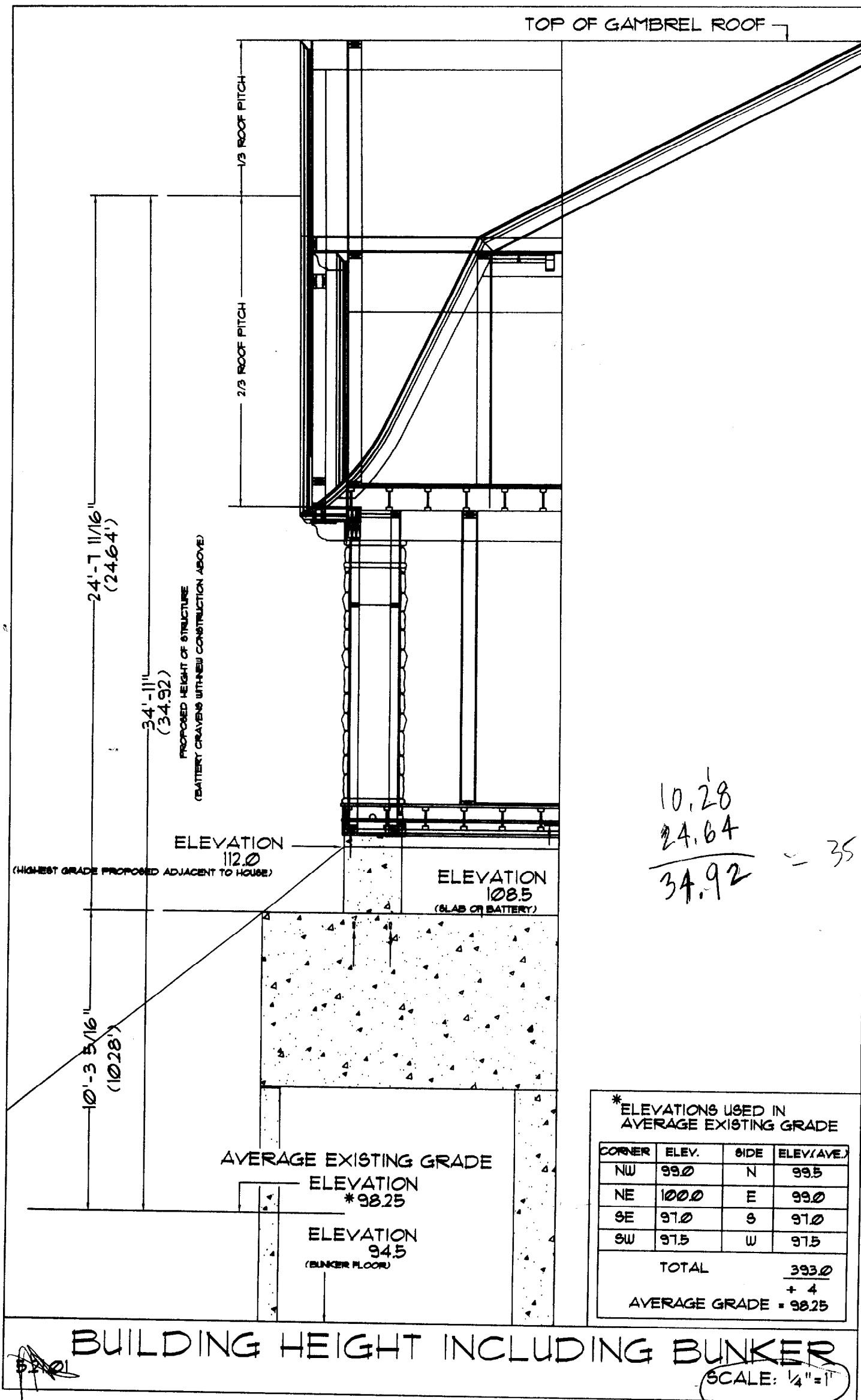
Very truly yours,



Marge Schmückal
Zoning Administrator

Cc: Kamath Enterprises c/o Dr. Brian Pereira, 54 Rowena Rd., Newton, MA 02459
Mark Adelson, Housing and Neighborhood Services
Alex Jaegerman, Planning
Sarah Hopkins, Planning
Jay Reynolds, Planning
Penny Littell, Corporation Counsel
Tom Fortier, Peaks Island Co-ordinator
File

**AutoCAD digital format Final plans depicting
the as-built condition must be filed with this
office prior to closure.**



10.28
24.64

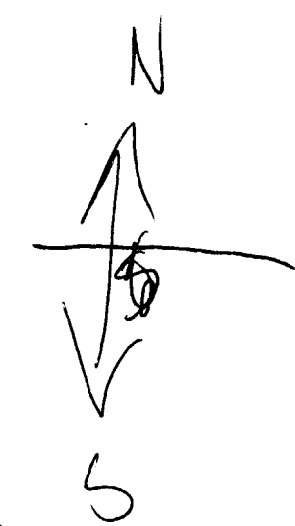
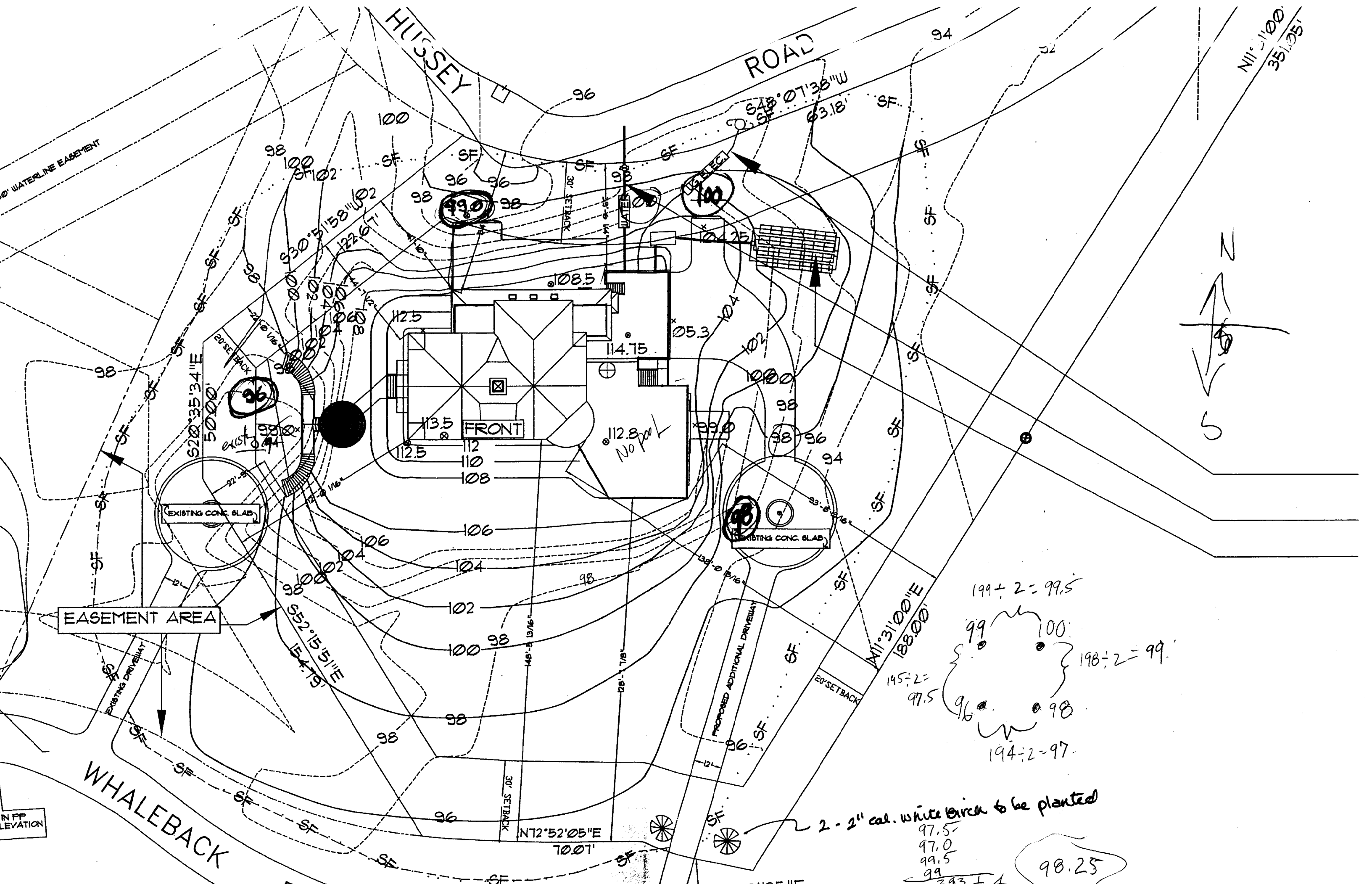
34.92 = 35' is max height

98.25
35.00

133.25 — shall be no higher than this elevation

Note - This reprint is not exactly to scale condition that this actual bldg be no higher than 35 ft

DEPT. OF BUILDING INSPECTION
CITY OF PORTLAND, ME
MAY 25 2001



EASEMENT AREA

EXISTING CONC. SLAB

EXISTING CONC. SLAB

FRONT
No pool

WHALEBACK

ROAD

HUSSEY

$199 \div 2 = 99.5$
 $198 \div 2 = 99$
 $194 \div 2 = 97$
 $195 \div 2 = 97.5$

2 - 2" cal. white birch to be planted

97.5
 97.0
 99.5
 99
 293 ± 1
 98.25

IN PP ELEVATION

$N11^{\circ}1'00''$
 $351.05'$

$N11^{\circ}31'00''E$
 $188.00'$

$N72^{\circ}52'05''E$
 $70.01'$

$S48^{\circ}07'38''W$
 $63.18'$

$S20^{\circ}35'34''E$
 $50.00'$

$S52^{\circ}15'51''E$
 $154.79'$

$S30^{\circ}51'58''W$
 $122.67'$

$148^{\circ}3'13/16''$

$28^{\circ}1'7/8''$

$139^{\circ}0'8/16''$

$S48^{\circ}07'38''W$

105.3

108.5

112.8

112.5

112.5

113.5

112

108

106

104

102

100

98

96

94

92

90

88

86

84

82

80

78

76

74

72

70

68

66

64

62

60

58

56

54

52

50

48

46

44

42

40

38

36

34

32

30

28

26

24

22

20

18

16

14

12

10

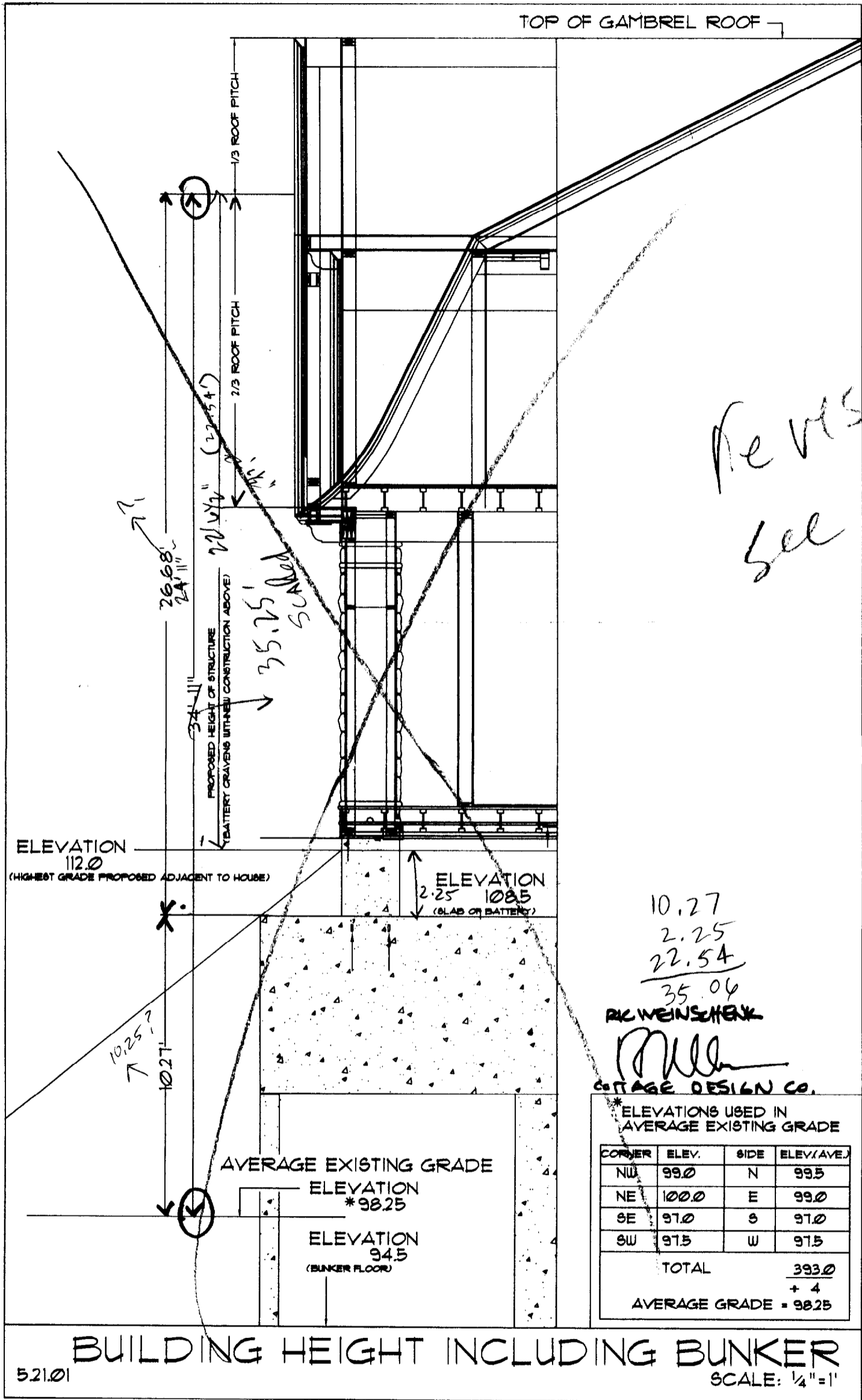
8

6

4

2

0

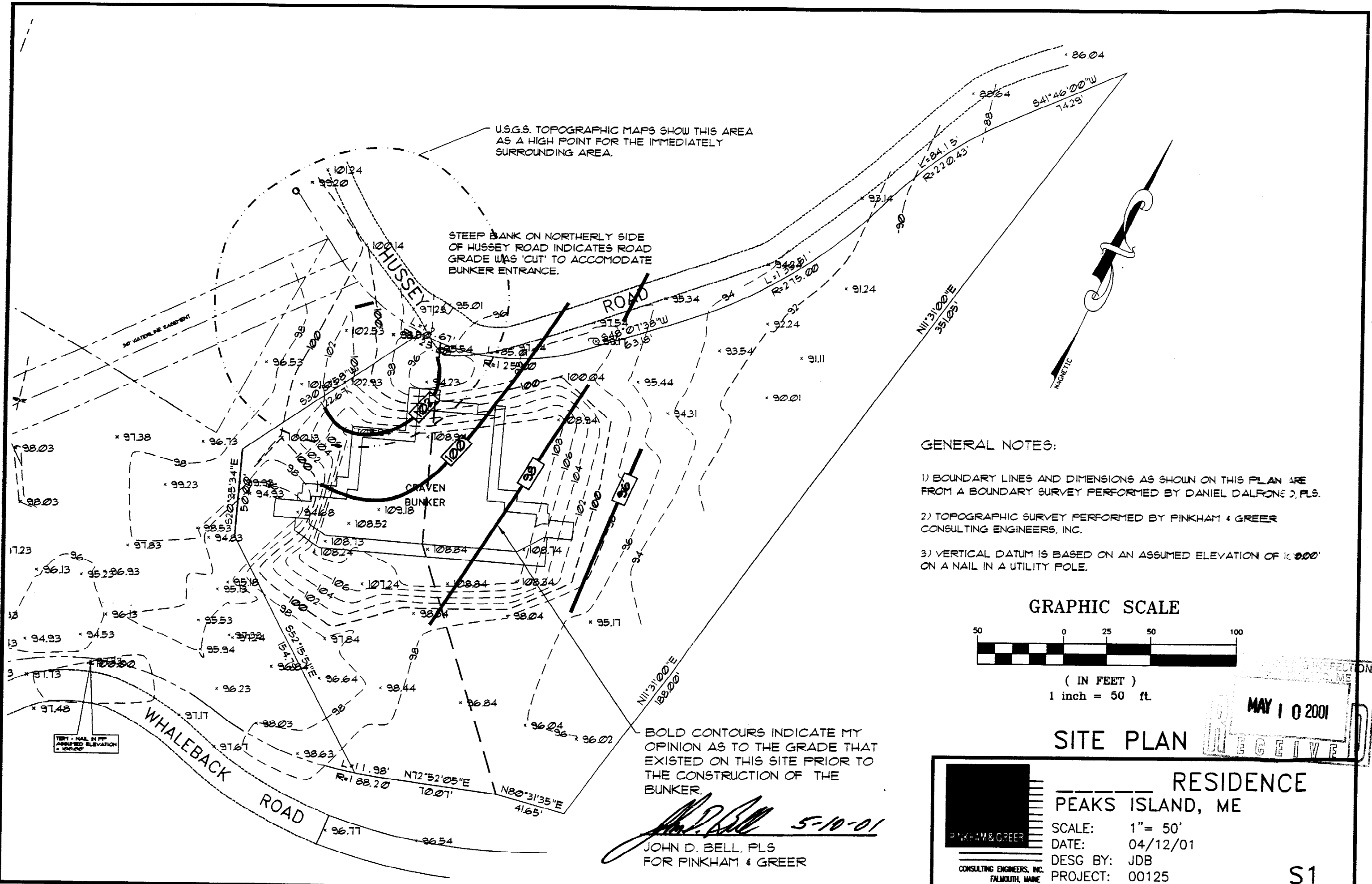


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CITY OF PORTLAND, ME
MAY 18 2001

U.S.G.S. TOPOGRAPHIC MAPS SHOW THIS AREA AS A HIGH POINT FOR THE IMMEDIATELY SURROUNDING AREA.

STEEP BANK ON NORTHERLY SIDE OF HUSSEY ROAD INDICATES ROAD GRADE WAS 'CUT' TO ACCOMODATE BUNKER ENTRANCE.



GENERAL NOTES:

- 1) BOUNDARY LINES AND DIMENSIONS AS SHOWN ON THIS PLAN ARE FROM A BOUNDARY SURVEY PERFORMED BY DANIEL DALFONE, PLS.
- 2) TOPOGRAPHIC SURVEY PERFORMED BY PINKHAM & GREER CONSULTING ENGINEERS, INC.
- 3) VERTICAL DATUM IS BASED ON AN ASSUMED ELEVATION OF 100.00' ON A NAIL IN A UTILITY POLE.

GRAPHIC SCALE



(IN FEET)
1 inch = 50 ft.

BOLD CONTOURS INDICATE MY OPINION AS TO THE GRADE THAT EXISTED ON THIS SITE PRIOR TO THE CONSTRUCTION OF THE BUNKER.

John D. Bell 5-10-01
JOHN D. BELL, PLS
FOR PINKHAM & GREER

SITE PLAN

INSPECTION ON
MAY 10 2001
RECEIVED

RESIDENCE
PEAKS ISLAND, ME

SCALE: 1" = 50'
DATE: 04/12/01
DESG BY: JDB
PROJECT: 00125

PINKHAM & GREER
CONSULTING ENGINEERS, INC.
FALMOUTH, MAINE

TRIP - NAIL IN PIP
ASSUMED ELEVATION
100.00'