

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

2001-0014  
Application I. D. Number  
02/02/2001  
Application Date

Edwards, Terrence  
Applicant  
15 Jewell Street, Peaks Island, ME 04108  
Applicant's Mailing Address

Fill Permit  
Project Name/Description

15 - 15 Jewel Rd, Peaks Island, Maine 04108  
Address of Proposed Site  
089 J002001  
Assessor's Reference: Chart-Block-Lot

Consultant/Agent  
Applicant Ph: (207) 766-5660 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) Fill Permit 104cy

2,318 sf 23,783 sf  
Proposed Building square Feet or # of Units Acreage of Site  
IR1  
Zoning

**Check Review Required:**

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

Fees Paid: Site Plan \$50.00 Subdivision \_\_\_\_\_ Engineer Review \_\_\_\_\_ Date 02/02/2001

Reviewer Jay Reynolds

**DRC Approval Status:**

- Approved
- Approved w/Conditions See Attached
- Denied
- Approval Date 10/03/2001 Approval Expiration 10/03/2002 Extension to \_\_\_\_\_  Additional Sheets Attached
- Condition Compliance Jay Reynolds 10/03/2001  
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	

July 23, 1996

**CITY OF PORTLAND, MAINE  
FILL PERMIT GUIDELINES FOR PROPOSED FILLED AREAS  
UNDER 500 CUBIC YARDS**

The following items are guidelines to help applicants prepare a plan or sketch for approval of land areas being filled with 500 cubic yards of material or less. It is the applicant's responsibility to locate and assess all impacts as a result of the proposed filling and to acquire all applicable permits outside of the City of Portland review. Should you fail to complete or address these items you may be subject to strict enforcement which may result in costly construction amendments. Plans or sketches shall indicate proposed grades and contain the information suggested in the following guidelines:

1. Fill elevations shall match and conform in height with the elevation of an existing road shoulder, an existing driveway or land abutting your property line. Embankments and sloped areas created by fill construction shall not exceed a 3:1 sideslope or 33% grade. Areas steeper than 3:1 shall be stabilized using stone riprap, erosion control blankets, or an engineered retaining structure or system.
2. The filled area shall be graded such as to provide positive gravity drainage from a roadside, driveway, and buildings to a ditchline, culvert, wetlands, or a common drainage system located within or adjacent to the applicant's lot.
3. Fill shall not be placed near, within, or block the flow path of an existing drainage course. Any filling within the drainage course under the opinion of the Development Review Coordinator shall be removed and restored to its original condition at the owner's expense.
4. Siltation fence shall be installed and maintained at all times. The siltation fence shall be located along the entire downstream limits of the filled area or around the perimeter of the filled area to protect the disturbed area from siltation and possible erosion. Installation shall be initially reviewed by the Development Review Coordinator (DRC) and must be in accordance with the Best Management Practices for Construction Erosion and Sediment Control.
5. Erosion control (silt fence) shall be maintained on a regular basis. Silt fence may not be removed until the lawn area or disturbed area is 80% revegetated or is approved by the DRC.
6. Any alteration of a drainage course, or rerouting will require the plan to be reviewed by the Planning staff as a minor site plan and will require a stamped professional engineered plan and calculations for drainage discharge, channel sizing, and location.

7. The applicant shall disclose the amount, a description of type, and the origin of the proposed fill material. Fill material shall consist of non-contaminated soils free of large debris. Only under special exceptions shall sources of inert construction debris (concrete, brick, mortar, ceramics, etc.) be utilized for fill. Special exception fill material shall be reviewed by the Development Review Coordinator prior to actual placement for approval.
8. The fill material shall not remain exposed without a temporary erosion and sedimentation control or seeding application for more than 14 days. Temporary erosion control such as hay mulching must also occur on stock piled material if the time of exposure is to be greater than 14 days.
9. The filled area must be covered with 3-4" layer of loam material, free of clay, stone, roots, or wood debris. Loamed areas shall be seeded within 7 days following final grading or be covered with a hay mulch until the area is ready for final seeding. If the area fails to grow grass within 14 days, the area shall be re-seeded.
10. A copy of the boundary survey shall be submitted showing the approximate limits of filling. No filling shall be allowed within any public right of way, easement, or on any land other than the lot owned by the applicant.
11. The applicant shall complete all construction, grading, and seeding activities by September 1, or a date agreed to by the Development Review Coordinator. Failure to complete will require the applicant to apply for a permit extension.
12. The Development Review Coordinator reserves the right to require additional lot grading or other drainage improvements as necessary due to field conditions.

Please take notice that these are only guidelines and that the review of each applicant is different and is dependent on field conditions and topography. Conditions or requirements requested may exceed these guidelines in certain circumstances, by addressing the above items the applicant will be better prepared to understand the fill permit approval process. Prior to actual construction it would be helpful if you contacted the DRC 874-8300 ext. 8632 to establish your anticipated construction schedule. If you have any questions or need further assistance please call the above number.

Department of Planning & Development  
Lee D. Urban, Director



## CITY OF PORTLAND

Sent Certified Mail

Division Directors  
Mark B. Adelson  
Housing & Neighborhood Services

Alexander Q. Jaegerman, AICP  
Planning

John N. Lufkin  
Economic Development

May 19, 2003

Raymond and Judith Lestage  
378 Capisic Street  
Portland, ME 04103

RE: Filling at 378 Capisic Street

Dear Mr. and Mrs. Lestage:

On April 28, 2003, site changes were observed taking place on your property at 378 Capisic Street without the required approval. The filling that is occurring on your property requires the review and approval of a fill permit. If it is determined that the filling is altering a drainage course, you will be required to apply for minor site plan review.

This is a **STOP WORK ORDER** pursuant to Section 14-522 of the Land Use Ordinance. All construction activity must stop immediately.

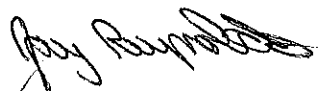
In order to come into compliance, you must perform the following:

Please apply for an after-the-fact fill permit application with a plan showing, but not limited to, the following:

1. Boundary Lines.
2. Limits of Fill.
3. Yardage of Fill.
4. Existing/Proposed Contours (as needed).
5. Erosion and Sedimentation Control Measures.

Failure to comply will result in this office referring the matter to the City of Portland Corporation Counsel for legal action and possible civil penalties, as provided for in Section 1-15 of the Code and in Title 30-A M.R.S.A. Ss 4452.

Sincerely,

  
✓ Jay Reynolds  
Development Review Coordinator

O:\DRC\capisic378a.doc

**From:** Jay Reynolds  
**To:** Marge Schmuckal; Penny Littell ; Sarah Hopkins  
**Date:** Thu, Aug 5, 2004 1:26 PM  
**Subject:** Peaks, Jewell Rd., Edwards and Hastings

I've gone out to the site and verified that the lot has some piles of lawn clippings and wood chip piles on it (we did this last summer also). This is not a "filling" operation. Moreover, this is not an "alteration of a watercourse", I.E., there is no leverage to enforce anything (is there really a problem here?). I will defer to Marge in Zoning with regards to any 'use' issues.  
Mr. Charles Hastings, the neighbor, deserves a letter from the City (after 2 years of phone calls), so we can be done with this.  
Jay

But seriously: I have contacted Charles Hastings & Paul Osher out there (left voice mail). I have been told that Terry Edwards is storing his equipment on that lot. I want to see some pictures of that. I'm sure if I ask, I will receive. That will be a much stronger zoning use position to take. I can update you as to how this shakes out.  
Marge

>>> Sarah Hopkins 07/29 4:41 PM >>>

On the fill issue on Peaks, I thought that we were going to write a letter to T. Edwards saying that he is using the site for commercial use which is not allowed in the zone? Would that work?  
-big truck driver

**CC:** Alex Jaegerman; Mike Nugent; Tom Fortier

Department of Planning & Development  
Lee D. Urban, Director



## CITY OF PORTLAND

Sent Registered Mail

Division Directors  
Mark B. Adelson  
Housing & Neighborhood Services

Alexander Q. Jaegerman, AICP  
Planning

John N. Lufkin  
Economic Development

April 1, 2003

Mr. Terrence Edwards  
238 Brackett Ave.  
Peaks Island, ME 04108

RE: Fill Permit/15 Jewell Rd.  
(CBL 089-J-002) (ID# 2001-0014)

Dear Mr. Edwards:

This letter is to notify of a number of issues in regards to your previous fill permit application at 15 Jewell Road.

1. As stated in your approval letter dated October 3, 2001, your fill permit approval expired on October 3, 2002. It has been brought to the City's attention that filling/grading has re-commenced. This is a **STOP WORK ORDER** pursuant to Section 14-523 of the Land Use Ordinance. At this time, you are in violation of Chapter 14, sections 14-523, 14-525(f), and 14-528(c) of the City's land use ordinance.
2. Also stated in the approval letter is that all fill areas are to be stabilized prior to winter. This didn't occur in 2001 or 2002.
3. As stated in the most recent correspondence letter dated April 11, 2002, some construction/demolition material was dumped and stockpiled on your site. The City requested at that time that the material be removed. This was never done, and the city never received a response to this letter.
4. A number of zoning violations may be occurring as a result of item #3. This will be forwarded to the zoning administrator to ensure compliance.

Pursuant to our conversation this morning about renewing the expired fill permit:  
Because of the above stated, the City will not be interested in re-approving a new application for a fill permit.

Sincerely,

Jay Reynolds, Development Review Coordinator

O:\DRC\15jewellfill3.doc

389 Congress Street • Portland, Maine 04101 • (207) 874-8721 • FAX 756-8258 • TTY 874-8936

Planning & Urban Development



Alexander Jaegerman  
Planning Director

**CITY OF PORTLAND**

April 11, 2002

Mr. Terrence Edwards  
238 Brackett Ave.  
Peaks Island, ME 04108

RE: Fill Permit/15 Jewell Rd.

Dear Mr. Edwards:

It was observed that some fill material on your lot has construction debris that is not allowed as fill material. As stated in the city's fill permit guidelines (attached to the approval letter), certain inert materials are not allowed for fill. This is a city and state mandated guideline. In particular, you must remove all piles of concrete, brick, and other construction related material from your fill.

**Please complete this removal prior to June 1, 2002.**

If there are any questions, please contact me at 874-8632.

Sincerely,

  
Jay Reynolds, Development Review Coordinator

cc: Alexander Jaegerman, Planning Director  
Sarah Hopkins, Development Review Services Manager  
Mike Nugent, Inspection Services Manager  
File

16 @ .10  
72 @ .5



**CITY OF PORTLAND, MAINE**  
Department of Building Inspection

1/31 20 01

Received from TERRY EDWARDS a fee

of FIFTY DOLLARS<sup>00</sup>/100 Dollars \$ 50.00

for permit to install  
erect  
alter FILL PERMIT

at move  
demolish BAWBERRY & JEWELL Est. Cost \$ 110

89 - J - 2

*[Handwritten signature]*  
Inspector of buildings

CL# 166220

Per *[Handwritten signature]*

**THIS IS NOT A PERMIT**

No work is to be started until PERMIT CARD is actually posted upon the premises. Acceptance of fee is no guarantee that permit will be granted. PRESERVE THIS RECEIPT. In case permit cannot be granted the amount of the fee will be refunded upon return of the receipt less \$5.00 or 10% whichever is greater.

- WHITE - Applicant's Copy
- YELLOW - Office Copy
- PINK - Auditors Copy