

123-E-36

2005-0043

45 Seeley Ave.

2 Unit

Helen Malone

on Spreadsheet

Ethan

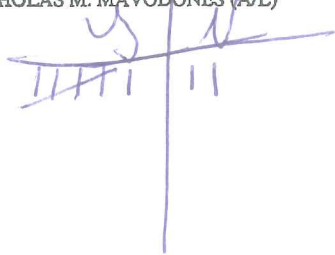
*Order 130-04/05
Feb 20 12-20-04*

JILL C. DUSON (MAYOR)(A/L)
PETER O'DONNELL (A/L)
JAMES F. CLOUTIER(A/L)
NICHOLAS M. MAVODONES (A/L)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

WILLIAM R. GORHAM (1)
KAREN A. GERAGHTY (2)
DONNA J. CARR (3)
CHERYL A. LEEMAN (4)
JAMES I. COHEN (5)

Tab 10 1-3-05



**AMENDMENT TO ZONING MAP
RE: REZONING FROM R3 to R5
45 SEELEY AVENUE**

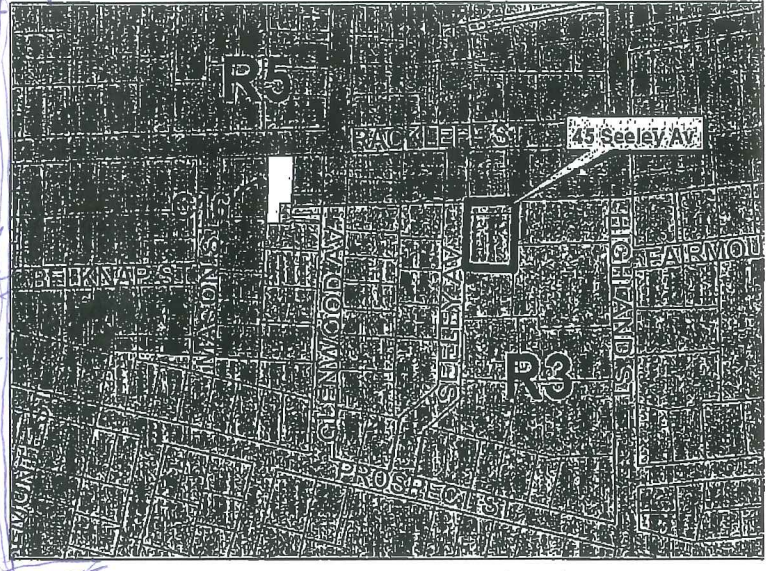
**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND,
MAINE IN CITY COUNCIL ASSEMBLED AS FOLLOWS:**

That the Zoning Map of the City of Portland, dated December 2000, as amended and on file in the Department of Planning and Urban Development, and incorporated by reference into the Zoning Ordinance by §14-49, be and hereby is amended by adopting the map change amendment below.

*Address on Bio
Prospect & Seeley
Pat Amidon
anti sprawl*

*Davis Robinson
40 Seeley Ave
current zoning
is R5 -
Slipping Slope
all border properties
could do likewise*

*Joe Malone
Jessica Bando/S
SF home, w/2 fam
homes around it
what is basis for the
zone change.*



Proposed Rezoning for 45 Seeley Ave. from R3 to R5

November 2004

Map prepared by the City of Portland's Department of Planning & Development and the GIS Workgroup

*→ Aug 9
application*

*Nov 23
P. Bd Vote*

Oct 12 wkshp

- Ed Carney -
- Libby ~~Angels~~ *Marcus* - spot zoning - 1) merely provides for ind. built 2) size 3) consistent w/ comp plan
- Joe Lewis Seeley Ave,
- Sean ~~Winn~~ *Winn* 46 seeley - has a duplex across st.
- Elz Rabinell 79 Highland St feel of neighborhood -

**CITY OF PORTLAND, MAINE
CITY COUNCIL AGENDA REQUEST FORM**

TO: Sonia Bean
FROM: Alexander Jaegerman, Director of Planning Division
DATE: December 8, 2004
SUBJECT: Agenda Request

1) Council Meeting at which action is requested:

1st Reading December 20, 2004

- 1 electronic copy of packet due 2 weeks prior to this date for the agenda meeting
- 4 hard copies due the Thursday before the Council meeting

2nd Reading January 3, 2005

2) Can action be taken at a later date? YES NO

I. SUMMARY OF ISSUE

Applicant wishes to construct a two-unit residential development on a lot on the R3 zone where only single-family development is allowed.

II. REASON FOR SUBMISSION (What issue/problem will this address?)

The applicant proposes to rezone the property to a zone which would allow for a two-unit development.

III. INTENDED RESULT (How does it resolve the issue/problem?)

If granted, the proposed R5 rezoning of the subject property would allow for the development of a two-unit home.

IV. FINANCIAL IMPACT

No significant financial impact is anticipated.

V. STAFF ANALYSIS & RECOMMENDATION

Based on findings that the proposed rezone is appropriate within the context of the existing neighborhood form and is consistent with the goals and policies of the Comprehensive Plan, staff recommends that the Council approve the proposed rezone.

On November 23, 2004, the Planning Board voted unanimously to recommend that the Council approve the proposed rezone.

VI. INDEX OF SUPPLEMENTAL MATERIAL

- A. Rezone Application
- B. Deed
- C. November 16, 2004 Malone Memo - Comprehensive Plan Analysis
- D. Public Comment

- E. Proposed Subdivision
- F. Proposed Rezone
- G. Required Neighborhood Meeting Certification

cc: Elizabeth Boynton, Associate Corporation Counsel

Proposed Malone R3-R5 Rezone – 45 Seeley Avenue

- **We have an application**

Applicant presented a plan for a single family house with an in-law apartment to the zoning administrator and was informed that second units are not allowed in the R3.

- **The proposed zone seems appropriate for the site based on neighborhood context**

The subject site abuts an R5 zone and is part of a neighborhood characterized by diverse housing types, including many legal and legal non-conforming multi-family structures – making an R5 rezone logical as opposed to a contract zone

- **The proposed zone seems appropriate for the site based on Comprehensive Plan Policies**

- **Development would be limited to 2-Units**

If rezoned R5, the subject site could not support more than two units due to density standards which apply to multiplex (3 units +) development (6,000 sq. ft. of land per unit where site = +/- 10,000 sq. ft.)

- **A 2-Unit development would not significantly impact the existing neighborhood**

Dimensional standards in the R5 are only slightly less restrictive than the R3
Our traffic engineer does not anticipate any traffic problems

- **Duplex design standards further ensure consistency with the neighborhood**

Design review standards for duplex development will apply to any two-family proposal which provides some assurances that the project will be design in a manner that is consistent with the neighborhood

CITY COUNCIL REPORT #61-04

**R3 – R5 ZONE CHANGE
45 SEELEY AVENUE**

HELEN MALONE, APPLICANT

**Submitted to:
Portland City Council
Portland, Maine**

**Submitted by:
Portland Planning Board**

December 8, 2004

I. PROJECT SUMMARY

Applicant: Helen Malone
45 Seeley Avenue
Portland, ME 04103

Site Location: 45 Seeley Street

CBL#: 123 E036001

Zoning: R3

Lot Area: Entire Lot 19,907 Sq. Ft.

Proposed Lot to Remain R3
for Existing House 9,387 Sq. Ft.

Proposed Lot to Accommodate
New Two-Family Home and become R5 10,520 Sq. Ft.

I. PROJECT DESCRIPTION

The applicant proposes to rezone the vacant half of her 19,907 Sq. Ft. parcel from R3 to R5 so as to allow for the construction of a two-family home. The subject site is located toward the north end of Seeley Street in close proximity to Rackleff Street. Properties on Rackleff Street are zoned R5 while properties on Seeley are predominantly zoned R3. A legal, non-conforming two-family unit exists directly across the street from the subject site.

II. PUBLIC OUTREACH AND RESPONSE

Upon receipt of the subject application staff mailed notice all property owners within 500 feet of the subject site. An October 12, 2004 Planning Board workshop and the November 23, 2004 Public Hearing were also noticed in the same manner.

Public comment, in the form of letters and email, has been received by the City regarding the proposed rezone. The concerns expressed in that correspondence relate to open space preservation, parking, traffic, and neighborhood character, feel and aesthetics. Some have expressed a concern that there would be an increased potential for renters to occupy the site as a result of the proposed rezone.

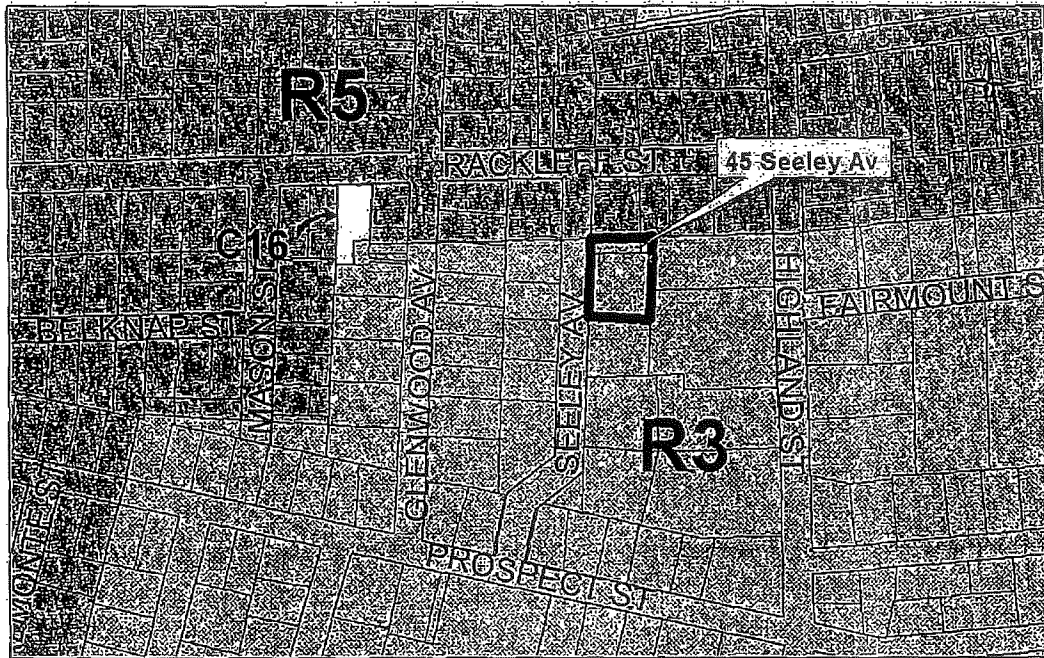
The applicant held the required neighborhood meeting and presented the City with the required meeting record.

III. REZONE

The 10,520 Sq. Ft. portion of the subject site, which the applicant proposes to rezone, could not be developed as a multifamily property under current R3 zoning. If rezoned to R5, that site could accommodate a one or two-family structure. The R5 zone has density limitations that would preclude a three family or greater from being developed on the subject site.

The physical boundaries of the proposed rezone area would affect small portions of the abutting Lewis (to North on Rackleff) and Webber (to East on Highland) properties, but would not significantly increase or decrease the developability of those lots. Neither of these abutters has stated an objection to the proposed rezone as of the date of this report.

The area proposed for rezone is identified by a call out box in the map below.



Proposed Rezoning for 45 Seeley Ave. from R3 to R5

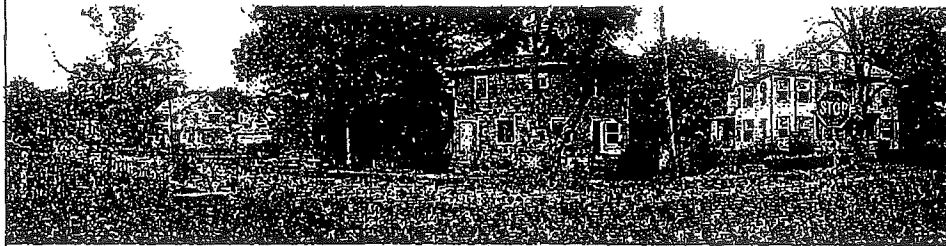
November 2004

Map prepared by the City of Portland's Department of Planning & Development and the GIS Workgroup.

100 0 100 200 Feet



SEELEY AVENUE ENTRANCE FROM RACKLEFF STREET



RACKLEFF STREET VIEWED FROM SEELEY AVENUE



SEELEY AVENUE - WEST SIDE
ACROSS STREET FROM 45 SEELEY STREET



45 SEELEY AVENUE - SUBJECT SITE
SEELEY AVENUE - EAST SIDE

45 Seeley Avenue – Proposed R3 to R5 Rezone - Context Photos

IV. ANALYSIS

In order to accept the proposed rezone, the City Council must find the proposal consistent with the Comprehensive Plan and appropriate in the context of the existing neighborhood.

At the Planning Board’s request, the applicant has presented a Comprehensive Plan analysis in order to justify the proposed rezone. The proposed project would allow for a slight increase in density in an already built-out portion of the City with existing public infrastructure. The rezone would allow for one additional unit over what is currently permissible, which is not expected to have an unreasonable traffic or neighborhood character impact above and beyond a single-family home. A two-family development would be consistent with existing structures in close proximity to the site including two multi-family structures across the street. While the Comprehensive Plan encourages preservation of open space and the subject lot is vacant, the subject lot is currently zoned for development and the applicant has full right, title and interest to develop the property.

With the proposed zone change would come changes to the dimensional requirements for the site as summarized in the following table:

Standard	Current R3	Proposed R5	Change
Front Yard	25 Feet	20 Feet	5 Feet Less
Side Yards	1 Story – 8 Feet	1 Story – 8 Feet	Same
	1.5 Stories – 8 Feet	1.5 Stories – 8 Feet	Same
	2 Stories – 14 Feet	2 Stories – 12 Feet	2 Feet Less
	2.5 Stories – 16 Feet	2.5 Stories – 14 Feet	2 Feet Less
Rear Yards	25 Feet	20 Feet	5 Feet Less
Height	35 Feet	35 Feet	Same
Max Lot Coverage	35% (As of 12/15/04, as per City Council Action	40%	5% More

The dimensional requirement changes that would come with the proposed rezone would not significantly alter neighborhood form, as there are many structures in the neighborhood, which predate the current zoning ordinances and are built to higher densities.

Section 14-526 of the Site Plan ordinance sets architectural and design standards for two family developments in the City of Portland. Those standards require development to relate to the forms and fabric of an existing neighborhood. Upon development, City staff will conduct a site plan review and hold the development to these standards providing a further guarantee that the proposed development will not adversely affect the character of the neighborhood.

4

Side Plan.

V. CONCLUSION AND RECOMMENDATION

The Planning Board finds that the proposed zoning and density change is reasonable in light of the existing neighborhood and the goals and policies of the Comprehensive Plan. Site Plan review of the project will require conformance with the architectural and design standards for two-family development ensuring consistency with the character of the existing neighborhood.

On November 23, 2004 the Planning Board voted unanimously (7-0) to recommend to the City Council that the subject R6 rezone at 45 Seeley Avenue should be approved.

VI. MOTION FOR THE COUNCIL TO CONSIDER

On the basis of plans and materials submitted by the applicant and on the basis of information contained in City Council Report #61-04 relevant to standards for rezoning, and other findings as follows:

1. The Portland City Council finds that the proposed Rezoning is consistent with the policies of the Comprehensive Plan of the City of Portland. The Council therefore approves the proposed rezone of a Northerly portion of the property at 45 Seeley Avenue and small portions of two abutting lots as depicted in the zoning map contained in this report.

VII. AVAILABLE SUPPLEMENTAL MATERIALS

- A. Rezone Application
- B. Deed
- C. November 16, 2004 Malone Memo - Comprehensive Plan Analysis
- D. Public Comment
- E. Proposed Subdivision
- F. Proposed Rezone
- G. Required Neighborhood Meeting Certification



City of Portland, Maine
Department of Planning and Development
Text Amendment Application

Application ID: 637 Application Date: 08/13/2004 CBL: 123 E036001 Property Location: 45 Seeley Ave

Applicant Information:

Malone Helen A Wid Kw Vet
 Name

Business Name

45 Seeley Ave
 Address

Portland, ME 04103
 City, State and Zip

207-772-3496
 Telephone Fax

Applicant's Right, Title or Interest in Subject Property:

Current Zoning Designation: R3

Existing Use of Property:

Dougle size lot with a single family home.

Proposed Use of Property:

Owner would like to divide the lot and build a two family home on the "new" lot. Current zoning only allows a single but the "vacant or new" parcel abuts the R-5 zone which would allow a two family.

Property Owner:

Malone Helen A Wid Kw Vet
 Name

45 Seeley Ave
 Address

Portland, ME 04103
 City, State and Zip

Telephone Fax

Amendment A R5

Amendment B _____

Amendment C

Section 14: _____

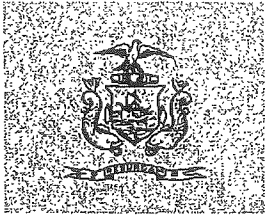
Planning Approval

REVIEW TYPE: Committee Review

RECOMMENDATION DATE: _____ APPROVAL DATE: _____ ENACTMENT DATE: _____

AI

August 9 '04



APPLICATION FOR ZONING AMENDMENT
City of Portland, Maine
Department of Planning and Development
Portland Planning Board

1. Applicant Information:

Helen Malone
Name

45 Seeley Ave.
Address

Portland

207 772-3496
Phone

Fax
774-5114

2. Subject Property:

45 Seeley Ave
Address

Portland

123 E036001
Assessor's Reference (Chart-Block-Lot)

3. Property Owner: Applicant Other

Name

SAME AS ABOVE
Address

Phone

Fax

4. Right, Title, or Interest: Please identify the status of the applicant's right, title, or interest in the subject property:

Owner

Provide documentary evidence, attached to this application, of applicant's right, title, or interest in the subject property. (For example, a deed, option or contract to purchase or lease the subject property.)

5. Vicinity Map: Attach a map showing the subject parcel and abutting parcels, labeled as to ownership and/or current use. (Applicant may utilize the City Zoning Map or Parcel Map as a source.)

A2

6. Existing Use:

Describe the existing use of the subject property:

Double size lot with a single family home.

7. Current Zoning Designation(s): R-3 that abutts an R-5 zone

8. Proposed Use of Property: Please describe the proposed use of the subject property. If construction or development is proposed, please describe any changes to the physical condition of the property.

Owner would like to divide the lot and build a Two family home on the "new" lot. Current zoning only allows a single but the "vacant or new" parcel abutts the R-5 zone which would allow a Two family.

9. Sketch Plan: On a separate sheet please provide a sketch plan of the property, showing existing and proposed improvements, including such features as buildings, parking, driveways, walkways, landscape and property boundaries. This may be a professionally drawn plan, or a carefully drawn plan, to scale, by the applicant. (Scale to suit, range from 1"=10' to 1"=100'.)

10. Proposed Zoning: Please check all that apply:

A. Zoning Map Amendment, from R-3 to R-5

B. Zoning Text Amendment to Section 14-_____

For Zoning Text Amendment, attach on a separate sheet the exact language being proposed, including existing relevant text, in which language to be deleted is depicted as crossed out (example), and language to be added is depicted with underline (example).

or C. Conditional or Contract Zone

A conditional or contract rezoning may be requested by an applicant in cases where limitations, conditions, or special assurances related to the physical development and operation of the property are needed to ensure that the rezoning and subsequent development are consistent with the comprehensive plan and compatible with the surrounding neighborhood. (Please refer to Division 1.5, Sections 14-60 to 62)

11. **Application Fee:** A fee for must be submitted by check payable to the City of Portland in accordance with Section 14-54 of the Municipal Code (see below). The applicant also agrees to pay all costs of publication (or advertising) of the Workshop and Public Hearing Notices as required for this application. Such amount will be billed to the applicant following the appearance of the advertisement.

<input checked="" type="checkbox"/> Zoning Map Amendment	\$2,000.00
<input type="checkbox"/> Zoning Text Amendment	\$2,000.00
<input type="checkbox"/> Contract/Conditional Rezoning	
Under 5,000 sq. ft.	\$1,000.00
5,000 sq. ft. and over	\$3,000.00
Legal Advertisements	percent of total bill
Notices	.55 cents each
(receipt of application, workshop and public hearing)	

NOTE: Legal notices placed in the newspaper are required by State Statue and local ordinance. Applicants are billed directly by the newspaper for these notices.

12. **Signature:** The above information is true and accurate to the best of my knowledge.

8/9/04
Date of Filing

John A. Malm
Signature of Applicant

Further Information:

Please contact the Planning Office for further information regarding the rezoning process. Applicants are encouraged to make an appointment to discuss their rezoning requests before filing the application.

Applicants are encouraged to include a letter or narrative to accompany the rezoning application which can provide additional background or context information, and describe the proposed rezoning and reasons for the request in a manner that best suits the situation.

In the event of withdrawal of the zoning amendment application by the applicant in writing prior to the submission of the advertisement copy to the newspaper to announce the public hearing, a refund of two-thirds of the amount of the zone change fee will be made to the applicant by the City of Portland.

Portland Planning Board
Portland, Maine

Effective: July 6, 1998

(A4)

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That JANETTE CHASE, of Portland, County of Cumberland, and State of Maine, in consideration of one (\$1.00) dollar and other valuable consideration, paid by HELEN A. MALONE, of Portland, County of Cumberland, and State of Maine, the receipt whereof I hereby acknowledge, do hereby give, grant, bargain, sell and convey unto the said HELEN A. MALONE, her heirs and assigns forever,

A certain lot or parcel of land, with any buildings thereon, situated on the easterly side of Seeley Avenue in the City of Portland, County of Cumberland and State of Maine and bounded and described as follows:

Beginning on the easterly sideline of Seeley Avenue (as established by dedication to the public by Laurence C. Andrew by dedication recorded in Cumberland County Registry of Deeds in Book 1360, Page 338) at the southwesterly corner of land conveyed by Harry L. Bradbury to Congregational-Christian Conference of Maine by deed dated March 30, 1946 and recorded in said Registry of Deeds in Book 1812, Page 426; thence easterly in a straight line by said land now or formerly of said Congregational-Christian Conference of Maine and by other land now or formerly of Helen R. Andrew 100.18 feet more or less to an iron pipe; thence southerly on a line parallel with the line of said Seeley Avenue dedication by other land now or formerly on said Andrew 198.95 feet more or less to an iron pipe; thence westerly at an included angle of 93 degrees, 44 minutes and by a split rail fence and other land of said Andrew 100.21 feet more or less to the easterly sideline of said Seeley Avenue dedication; thence northerly by the easterly sideline of said Seeley Avenue dedication 199.54 feet more or less to the point of beginning.

The Grantor also hereby conveys to the Grantee such rights, if any, as the Grantor may have as owner of the above described property to maintain a connection from the above-described property to and with the sewer located in Seeley Avenue.

Being the same premises conveyed to the Grantor herein by deed of Helen R. Andrew dated June 18, 1965 and recorded in the Cumberland County Registry of Deeds in Book 2905, Page 308.

TO HAVE AND TO HOLD the aforegranted and bargained premises, with all the privileges and appurtenances thereof, to the said Helen A. Malone, her heirs and assigns, to them 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, and free of all encumbrances and that I have a 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.

(B1)

MAINE REAL ESTATE TAX PAID

3473L

IN WITNESS WHEREOF, I, JANETTE CHASE the said Grantor hereunto set my hand and seal this 18th day of January, 1993.

Signed, Sealed and Delivered in presence of

[Signature]

Janette Chase
JANETTE CHASE

STATE OF MAINE
COUNTY OF CUMBERLAND, ss.

January 18, 1993

Then personally appeared the above named Janette Chase and acknowledged the foregoing to be her free act and deed.

Before me,

[Signature]
~~Notary Public~~ Attorney at Law
William P. Doherty

Recorded
Cumberland County
Registry of Deeds
01/19/93 01:43:03PM
John B. O'Brien
Register

B2

MEMORANDUM

TO: Ethan Boxer-Macomber, Planner - City of Portland

FROM: Helen Malone

DATE: November 16, 2004

RE: 45 Seeley Avenue Zone Change Request & Compliance with Portland's Comprehensive Plan for Houses

Thank you for your consideration in the rezoning of the northerly portion of my property from an R-3 zone to an R-5 zone. The current zone line changes from R-5 to R-3 near my northerly property line (30±' away), therefore, the requested change would extend the R-5 zone toward the south. An R-5 zone change would permit me to construct a 2-family dwelling which I intend to use as my primary residence along with a single residential unit.

I believe the zone request is consistent with the City of Portland's Comprehensive Plan, "Housing: Sustaining Portland's Future," in a number of areas.

Policy #1 of the Housing Plan is to "Ensure that an adequate supply of housing is available to meet the needs, preferences and financial capabilities of all Portland households, now and in the future." Since the primary reason for my request is to be able to continue to afford to own a home in Portland by having a rental unit as an income subsidy to my fixed income I believe this is consistent with Policy #1. In addition, it appears the zone request is also consistent with Objectives 1.a., 1.b., 1.c., 1.d., 1.e., and 1.g.

Policy #3 of the Housing Plan "Building on Neighborhood Stability and Integrity" would also appear to support this zone request. The 2-family property I intend to build is consistent with other uses in the immediate neighborhood and is appropriately scaled to the neighborhood. This type of land use is consistent with the overall goal of Policy #3 as well its Objectives 3.a., 3.c., 3.d., 3.e., and 3.g.

Policy #5 of the City's Housing Plan "Sustainable Development" also appears to be very supportive of the type of zone request being sought in this application. Objectives 5.a., 5.b., 5.c. and 5.e. of Policy #5 all appear to encourage this type of zone change.

While there are numerous other references in the City's Comprehensive Housing plan, I believe I have highlighted the more significant portions which support my request for a zone change from R-3 to R-5. In addition, I was not able to locate a single policy, objective or action listed in the Housing Plan which is at odds with this request.

I respectfully and humbly appreciate your consideration for my request. Please let me know if you require any additional information from me at this time.

(C)

From: "Meahl, Pierre" <pmeahl@unumprovident.com>
To: <ebm@portlandmaine.gov>
Date: 10/8/04 8:28:31 PM
Subject: 45 Seeley Avenue

Ethan -

Thanks for the opportunity to voice a couple of serious concerns I have about Helen's bid to split and rezone her property for a two family home. They are as follows:

- 1) Impact to traffic in the neighborhood. We have a quite street - almost like a country lane - right in the heart of Portland. There are 12 kids that live on the street ranging from 2 - 15 yrs old and use the street to play on (carefully of course) almost like an extension of their own front yards. The inclusion of a two family home would increase the flow of traffic and potentially jeopardize the safety of the neighborhood for our children.
- 2) Impact to parking. Where would the additional cars go? A two family home with garages for parking would require a monstrosity of a building on a tiny piece of land that would compromise the aesthetics of the neighborhood.
- 2) Impact to the "feel" of the neighborhood. With the exception of one multi-unit (Shawn and Linda's place), the street is comprised of only single family homes. The addition of a multi-unit / two family residence will undoubtedly reduce property values and more importantly change the fabric of the neighborhood / community from one of residents to tenants.
- 3) Impact to the aesthetics. While I'll grant you the fact that our street does not have a defined consistency when it comes to the architectural design, a two family home (+ garage see #2) on that lot would look large and potentially out of place.

It's Helen's property and she is a wonderful neighbor. I'd want to have the option to build on that piece of land if it were mine (though I wouldn't!), but I believe strongly that we need to keep the neighborhood consistent in terms of the types of residences built. Let her construct a one family home - not a two.

Thanks for your consideration. Look forward to seeing you at the meeting on October 12th.

Pierre A. Meahl
36 Seeley Ave (resident for 4+ years)

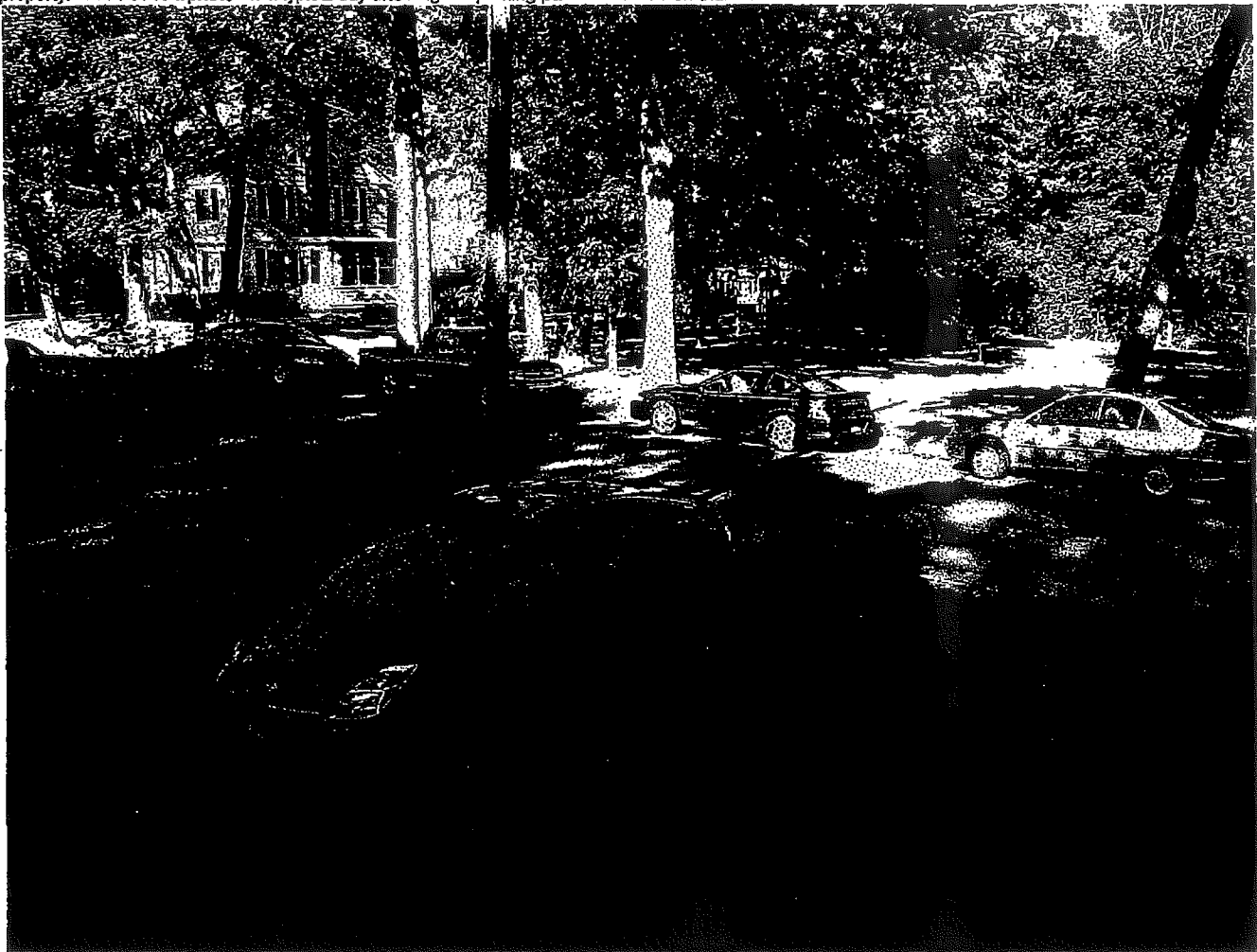
DI

From: Davis Robinson <drobins1@maine.rr.com>
Date: Tue Oct 12, 2004 8:00:44 AM US/Eastern
To: ebm@portlandmaine.gov
Subject: zoning hearing

Dear Planning Board,

I am writing to express some concerns over the request for a change in zoning from R3 to R5 for the purposes of building a multi-family residence at 45 Seeley Avenue, in the hope that any development on the site will add to the character of the neighborhood, not detract from it.

1. Traffic. Seeley Avenue is a quiet oasis in the heart of Deering Highlands, made up primarily of families with small children who play in the street and ride their bikes. Dog walkers and joggers frequently make Seeley part of their daily loop because of its quiet residential feel. It is a real community that frequently holds neighborhood get-togethers, bike decorating contests, chili nights, cook-outs, etc. Adding rental units on this street of single family residences is out of character. It will add 3-4 more cars to the daily traffic flow and add to the number of cars parked on an already crowded section of the street across from a home that also has rental tenants and a small hair cutting business. Short-term occupants tend to be less involved and committed to the community of Seeley Avenue, as evidenced by the frequent turn-over of rental units on the corner of the street. Even if Mrs. Malone wanted to keep the new home for her own use, once the zoning change is made nothing will prevent it from someday being put to other use as a rental property. Attached is a photo on a typical day showing the parking patterns of cars on that end of the street.



2. Design. For the neighborhood to maintain its charm, a smart design is called for on that lot. The bulk of the homes on Seeley Avenue are from the turn of the century through the 1920's and consists mostly of colonial and English cottage designs. Another plot of open land on the street was developed in the 1950's and 60's with one "contemporary" home and two ranch-style houses. The open lot remaining could be developed with a single family home that fits in with the colonial home on one side of it, or the ranch house on the other, or the cottage houses across the street. It is an eclectic mix to try to fit into. An unflattering design that doesn't take into account the setbacks, window height, discreet parking, and family feel would change the tone of the

D2

street.

3. Open space. For purely selfish and aesthetic reasons, I love the open space as is. Helen does a beautiful job gardening, and it will be sad to see that space go. Of course its her right to develop it as she sees fit, but I hope that whatever decisions are made add to the quality of life on the street for all. If there were any way to purchase the lot to maintain it as an open area, I would be more than willing to spearhead that effort and donate financially to the cause. The open spaces in mature Portland neighborhoods provide "breathing space" psychologically, tree cover, and noise abatement. The streets one block over in any direction (Glenwood, Highland, Prospect or Rackleff) all suffer from higher traffic volume, more noise, and less open space. It is a big part of why Seeley is an attractive street to live on.

I was also puzzled by the fact that the land appears to have been donated to Mrs. Malone for \$1 on the deed. It makes me think perhaps there was an intent to retain the lot intact for some other future use. I've been told that originally it was a horse riding arena for the yellow farmhouse on Highland St. Is a little park a possibility?

Sincerely,

Davis Robinson
40 Seeley Avenue

D3

From: lincoln peirce <bignate@maine.rr.com>
To: <ebm@portlandmaine.gov>
Date: 11/9/04 8:47:40 PM
Subject: 45 Seeley

Hi Ethan,

For the past four-and-a-half years we have lived at 41 Rackleff Street, at the corner of Rackleff and Glenwood. Prior to that, we lived at 45 Glenwood, just across the street. We've been residents of the Deering Highlands neighborhood for over ten years.

We are writing to express our opposition to the plan by Helen Malone to re-zone her property and construct a two-family structure on Seeley Street. Such a building would profoundly change the character of Seeley Street, and not for the better. The lot in question is one of the last remaining undeveloped parcels of land in the neighborhood and represents a welcome open space on Seeley Street. It is distressing to imagine this quiet bit of land playing host to a large residence with either one or two driveways providing parking for, more than likely, at least 4 vehicles. Many young children live and play on Seeley and Rackleff Streets; Seeley Street is popular among pedestrians, cyclists, and dog-walkers for its peace and quiet. We find it doubtful that the subsequent increase in traffic will do anything but make the neighborhood less pleasant, less quiet, and less safe.

Such a residence would also deprive Deering Highland residents of one of the more memorable views in the neighborhood: across Mrs. Malone's yard one can see the back yards of certain houses on Highland Street, including the yellow farmhouse owned by Nisu and David Seder which is historically significant for being the first house built in Deering Highlands. Must this view be replaced with a vinyl-sided two-family home which will only detract from the architectural integrity and charm which so many neighborhood residents treasure?

That Mrs. Malone has the right to build on her property now seems indisputable; but, as longtime residents of Deering Highlands, we add our voices to the chorus of those urging the Portland Planning Board to deny her request to build a two-family structure. Such a house would be an architectural and aesthetic black eye for one of Portland's most beautiful neighborhoods.

Thank you for your consideration.

Lincoln Peirce
Jessica Gandolf
41 Rackleff Street
874-4755

D4

40 Seeley Avenue
Portland, ME 04103
Phone: 772-9924
lmarcus@maine.rr.com
November 17, 2004

Ethan Boxer-Macomber, Planner
Planning Division
Department of Planning and Development
389 Congress Street
Portland, ME 04101

Dear Mr. Boxer-Macomber:

I live at 40 Seeley Avenue in Portland directly across the street from the lot next to 45 Seeley Avenue that owner Helen Malone is currently requesting to change from an R3 to R5 zone so that she may build a two family house on that site. I oppose the zone change because I believe it has a likely potential to negatively and irrevocably alter the character of the street.

To understand this point of view, one must first understand that Seeley Avenue is very unlike adjacent Prospect, Highland and Rackleff Streets to which it has been unfairly compared. Where Prospect, Highland and Rackleff Streets are well traveled streets that connect neighborhood to neighborhood, Seeley Avenue is a quiet oasis with a country road/village feel that leads nowhere except to connect Rackleff and Prospect. Where Prospect, Highland and Rackleff Streets have numerous two-family dwellings, Seeley Avenue has only one two family out of a total of nine single family homes and that one two-family feels decidedly out of place. Where Prospect, Highland and Rackleff Streets are not conducive to street play, on Seeley Avenue children and walkers from the Woodsfords and Deering Highlands neighborhoods routinely use the roadway itself for recreation and exercise. Seeley Avenue is a very special little street, the character of which is both fragile and central to the quality of life in the neighborhood at large.

Thus setting the scene, my first concern with a zone change is the increased traffic that is certain to come with a two family home. A two family can reasonably be expected to bring with it the addition of four more cars and, if rented to groups of friends or students, the number of cars could easily go up as is clearly evident at 46 Seeley Avenue, the two family home across the street. Such numbers may seem small but on Seeley Avenue that's a minimum of a 20% car and traffic increase. It has been argued, illogically, that building a single family that does not require a zoning change would also bring with it increased traffic but the math is not hard here: a single family will certainly bring less increased traffic than a two family. As mentioned above, Seeley Avenue is a very special little street on which children and walkers routinely use the roadway itself for recreation--it would only take a few more cars parking and whizzing by to change that irrevocably.

My second concern is that although the owner (Helen Malone) states her intentions to *eventually* live in one apartment herself, *once the zone change is made there is absolutely no guarantee nor binding agreement that would prevent the two family from being sold and/or rented to multiple tenants nor in five years time getting reviewed for additional units as appears to be permissible for R5 zoning as stated in Chapter 14, Sec. 14-117, a.1., page 14-104 of the City of Portland Code of Ordinances.* Intentions are not binding, hell is paved with good ones and there is much precedence in life to be wary of decisions based on them. Ms. Malone owns another rental property on Prospect Street and has acknowledged her plans to rent out the new Seeley Avenue place once it is built until such time as she feels ready to move in herself so there is good reason to wonder . . .

D5

Then there are smaller concerns such as 1) the façade set-back requirements that appear to change with the zoning change and 2) the possible removal of trees during the construction process. On the preliminary design as shared in the workshop and neighborhood meetings by developer (and son) Joseph Malone, the set-back on the proposed two family will be twenty feet, five feet shorter than the other homes on the street and as required by the current R3 zoning designation. The street, not unified in architectural style, is unified in its set backs -- a change would disrupt that unity.

Another small but important issue are the trees. The trees of Seeley Avenue are part of what make it a unique place. The R-5 requirement that a two family home must have two driveways (--reasonably so!) and a front sidewalk seems sure to necessitate the removal of more trees than if the lot was simply developed as a single family home for which it is currently zoned.

Regarding the zoning change proposal process, the City of Portland Code of Ordinances, Chapter 14, Section 14-32, page 14-14 states: "A public hearing shall not be scheduled until *after* [my emphasis] the minutes of the neighborhood meeting are submitted to the planning authority." That we were told of the public hearing date even before the neighborhood meeting was announced seems to conflict with that rule. Also, I came late to the neighborhood meeting and did not observe any minutes being taken. What is the process for requesting a copy of those minutes? I would like to review them.

Finally, I will assume that Mark Malone, who is listed in The Planning Board Guide as being Vice Chair of the Planning Board and who is also the son of Helen Malone, will, of course, recuse himself from any participation what so ever in this process.

In conclusion, Seeley Avenue is a unique little side street whose character benefits the surrounding community. It is my sense that a change of zoning designation and the attendant building of a two-family rental home on the lot in question would be counter to the Comprehensive Plan of the City of Portland and would permanently affect that character in ways that may not be intended but are likely to occur.

Respectfully submitted,

Libby Marcus

Db

Neighborhood Meeting Invitation

November 9, 2004

Dear Neighbor:

Please join us for a neighborhood meeting to discuss our plans for a zone change from R-3 to R-5 to allow the development (on a vacant lot) of a two family house instead of a single family house located at 45 Seeley Avenue, Portland, Maine.

Meeting Location 30 Highland Street, Portland, Maine
Meeting Date: November 16, 2004
Meeting Time: 6:00 pm

If you have any questions please call Joseph Malone at 207-772-2422 (day) or 207-774-2994 (evening).

Sincerely,
Helen Malone

51

NAME	Address
Ray Eastman	26 Seeley Ave
Phil Hatch	84 Rackliff ST
Gilbert Congdon	141 Prospect St
Martha Congdon	141 Prospect St
Ray Eastman	14 Highland St
Albert Whithers	14 Highland St
Charles Gaskin	15 Highland St
Frank Merrill	19 Seeley Ave
Elizabeth Gilmore	24 Fairmount St.
Dan Legere	346 Woodford St.
Kathryn Coolidge	30 Seeley Ave
Davis Robinson	40 Seeley Ave
Karen Malone	118 Beacon St
Joe Lewis	53 Seeley Ave
Addison S. Brown	155 Prospect St
Roger Johnson	24 Fairmount St.

plus lobby — from 40 Seeley Ave

started 6:15 pm ended 7:30 pm



**City of Portland, Maine
Department of Planning and Development**

Dear Neighbor:

Thank you for attending this evening's neighborhood meeting.

Applicants for major developments, zone changes, and subdivisions of more than five units/lots are required to hold a neighborhood meeting prior to the Planning Board's public hearing on the development proposal.

The purpose of these meetings is to improve communication between neighbors and applicants for development. We have found that neighbors raise questions and offer insight that often improve the design or compatibility of a proposed development.

The City code requires that property owners within 500 feet of the proposed development and residents on an "interested parties list" be invited to participate in a neighborhood meeting. A sign-in sheet will be circulated and minutes of the meeting will be taken. Both the sign-in sheet and minutes will be submitted to the Planning Board.

Should you wish to offer additional comments on this proposed development, you may send correspondence to:

Planning Division
Department of Planning and Development
City Hall
389 Congress Street
Portland, ME 04101;

Or email:
sh@portlandmaine.gov;

Or call 874-8720.

Thank you for taking the time to attend tonight's meeting.

Sincerely,

Sarah Hopkins
Development Review Services Manager

63

Minutes from Nome meeting

Tuesday Nov. 16, 2004

6:00 30 Highland St.

- Joseph Malone passed hand out to all present.

Joseph Malone reviewed proposed house development including lot description and explanation of current zoning.

Reviewed city's recommendation that the adjacent R5 zone be annexed to accommodate the proposed 2 family house.

Reviewed history of application process.

Clarification that annexation of R5 zone would not include the existing house - only the lot.

Participants asked for zoning clarification on the map.

Joseph Malone circulated architect drawings of 2 possible plans for new 2 family.

Question & answer period ensued, including:

How does the city determine zoning?

Does the zone change affect any other lots?

Comments regarding the proposal:

- Joe Lewis spoke favorable, citing Helen Malone's reputation as a property owner. His property abuts the proposed development.
- Mr Hatch was in favor of the project.
- Mr Averill was in favor.
- Kathryn Coolidge expressed a desire to have no sidewalks in front of the new house. Several others expressed a similar strong agreement.
- Dan Legere spoke favorable of the project.
- Davis Robinson was opposed to the project.

citing that it would bring a transient element to the neighborhood. He feared many new families would be developed.

- Libby? also opposed the project fearing an unsavory element would take root in the neighborhood and fearing the potential for further development of the neighborhood.

KENNETH E. WEBBER

BOOK 13921
PAGE 261

DAVID D. JUDEN
NISU T. LOGAN

BOOK 20403
PAGE 64

S74°53'08" W 59.08'
N15°06' 125'

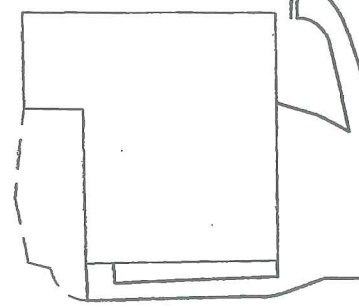
N/A
FRANK S. &
AVEF
BOOK
PAGE

3/4" IPF (HELD)
0.8' A.G.

137.70'
198.52'

N75°25'21" W 100.42'

HELEN MALONE



CRIMPED 1" IPF
0.2' A.G. (HELD)

11
154.87'

N18°27'08" E

PROPOSED LOT

60.82'
S18°23'58" W

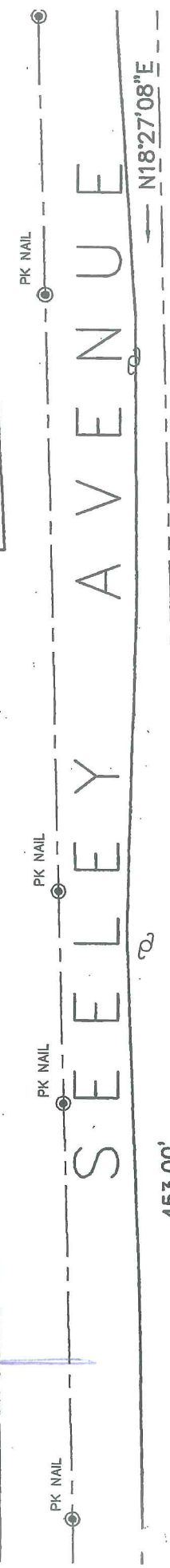
3/4" IPF (HELD)
FLUSH

N17°10'32" E

S74°52'19" E 100.18'

199.50'

00' PER DEED
N18°27'08" E



PK NAIL

PK NAIL

PK NAIL

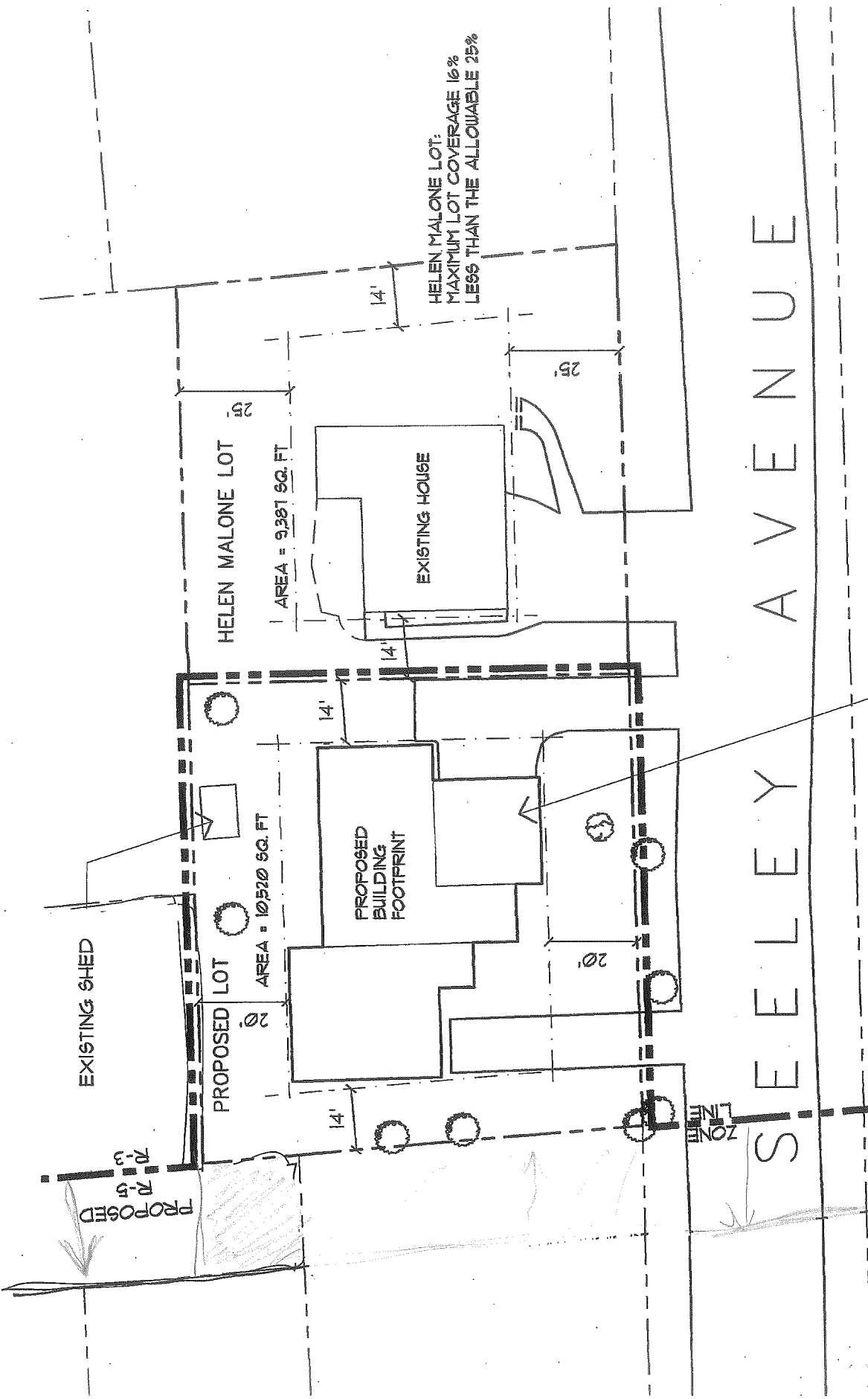
PK NAIL

N18°27'08" E

453.00'

(E)

N/F
KAREN
LEWIS
OK 15039
PAGE 71



HELEN MALONE LOT:
 MAXIMUM LOT COVERAGE 16%
 LESS THAN THE ALLOWABLE 25%

SUBJECT PROPERTY
 MAXIMUM LOT COVERAGE 29%
 LESS THAN THE ALLOWABLE 40%

F

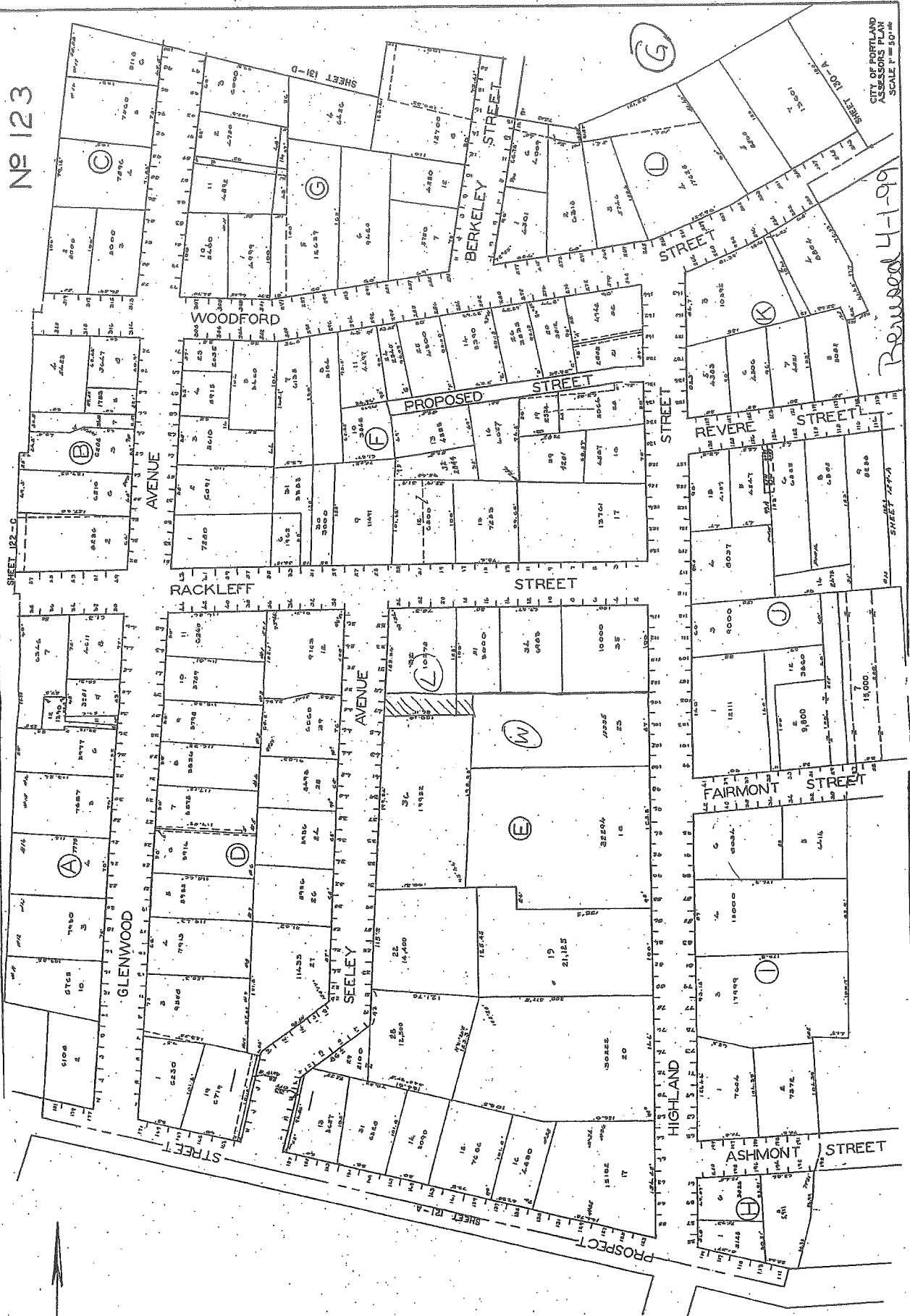
No 123

SHEET 122-C

SHEET 121-A

CITY OF PORTLAND
ASSESSORS PLAN
SCALE 1" = 50'

Revised 4-1-99



May 19, 2005

Jim Seymour
Sebago Technics
P.O. Box 1339
Westbrook, ME 04098

RE: 45 Seeley Avenue
Response to Memo dated March 18, 2005

Dear Jim:

In response to your member of March 18, 2005, the following is provided:

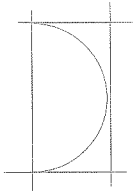
1. Stormwater Management – As requested, we have curbed the south side of the driveway and graded the pavement to drain back to Seeley Avenue.
2. Road Access – The driveway has been relocated to the north to save the trees.
3. Grading/Erosion Control – These items were covered in a detail shown on the lower right corner of Sheet 2.
The foundation drain is in a separate pipe parallel to the sanitary sewer until it weaves into the sanitary pipe.
4. Utility Installation/Location – We have four separate underground utilities, which are separated by five feet (water/sewer = 10').
They are placed between the existing trees. I believe we have located the utilities in the best possible location.
5. Construction Details – The driveway cross-section is shown on Sheet 2 and the grades are shown on Sheet 1.
Sheet 2 has the details.

Please review and give us a call if you have any questions.

Sincerely,

Lester S. Berry, P.E.

SeymourResp



May 20, 2005

d o y l e
e n t e r p r i s e s

Ethan Boxer-Macomber
Planner
City of Portland Planning Division
389 Congress Street
Portland, ME 04101

Dear Ethan:

I've enclosed three sets of plans for the Malone Duplex Application, 45 Seeley Avenue. The plans have been revised per Jim Seymour's comments in his March 18, 2005 memo. Les Berry, BH2M also provided a cover letter describing the revisions. Please let me know if these plans are acceptable and I will coordinate a pre-construction meeting and performance guarantee agreement. Do you have a template agreement for us to use?

Please let me know if there is any other information you need at this time. The best way to reach me is on my cell phone (207) 653-8059.
Thank you.

Sincerely,

April L. Wernig



05P043

TO: Ethan Macomber Boxer– Planner
FROM: Jim Seymour – Development Review Coordinator, Sebago Technics, Inc.
RE: 45 Seeley Avenue. – Proposed Malone Residence Duplex.
DATE: March 18, 2005

Sebago Technics has reviewed the plan dated March 2005 from BH2M and provide these comments on the grading, drainage and supporting documentation for the proposed duplex off of 45 Seeley Avenue. The following comments and responses are submitted in outline format:

1. **Stormwater Management**

The increase in impervious surface is very small. The concern that raises the most concern is with the grading and proximity of the development in an existing relative dense neighborhood. The general surface flow is west to east across the lot. Though the amount of runoff, is in engineering estimates small, it can still be a nuisance to abutters if constructed without caution. Given the potential for saturation and minor ponding and again the existing neighbors landscaping and homes, diversion or collection of runoff is recommended. The design of the driveway will attempt to sheet flow water from the paved driveway section towards Seeley Avenue. The direction of flow is consistent with the existing conditions. However, given the sensitivity of the neighbors and concerns of the Planning Staff, we feel that the applicant should take additional measures to collect potential surface and snow melt runoff prior to impacting the abutters properties. This would include curbing the southern edge of the driveway and eliminate swales to the street.

2. **Road Access/Circulation**

The city and abutters appear to be most concerned with existing mature trees and damage to or cutting for the utilities and driveway location. If the driveway curb cut could be relocated 12 feet to the North and a reverse curve is placed to meet the driveway location near the garage then one, possibly two trees could be saved. Though final determination shall be left with the City Arborist regarding tree save methods. Please review this option.

3. **Grading/Erosion Control**

The applicant has not proposed erosion control measures. We recommend that the applicant install silt fencing along the property lines of both abutters to delineate the limits of construction and address sediment transport or erosion during construction. At a

minimum a detail and grass seeding or sod planting plan for disturbed soil areas is required.

The house plans indicate a full basement. Where will the foundation drains connect? Please show on plans.

4. **Utility Installation/Location**

All utilities shall be underground and be located to minimize street cuts and tree elimination or root damage. The current layout appears not to minimize impacts. As is the City will likely request an overlay across the trench cuts for the full width of the street.

Please show where underground electric will be located to serve the duplex.

5. **Construction Details**

We will require the following details for approval:

1. Driveway cross-section detail for road materials, sloping, shoulders, and drainage provisions.
2. Details are required for curbing, sewer and drainage connections and pavement trenching/repairs to city specifications for work in the City ROW.

Please contact our office with any questions.

JS:

PLANNING BOARD REPORT #19-05

**MALONE FAMILY RESIDENTIAL DUPLEX
VICINITY OF 45 SEELEY AVENUE**

SITE PLAN AND SUBDIVISION REVIEW

HELEN MALONE, APPLICANT

Submitted to:
Portland Planning Board
Portland, Maine

Submitted by:
Ethan Boxer-Macomber, Planner

March 16, 2005

A March 22, 2005 Public Hearing has been scheduled for the Planning Board to consider the above referenced application.

I. PROJECT SUMMARY

Applicant:	Helen Malone 45 Seeley Avenue Portland, ME 04103
Site Location:	45 Seeley Street
CBL#:	123 E036001
Development Proposal:	A two-family residence and related site improvements
Zoning:	R5
Land Area:	10,520 Sq. Ft. (.24-Acres)
Parking Spaces:	4 Off-Site Spaces

II. PROJECT BACKGROUND & DESCRIPTION

The applicant recently sought and was granted a rezone of the subject site from R3 to R5 so as to accommodate the subject two-family residence project.

During the rezone process, due to neighborhood concern, staff committed to the City Council that the subject site plan review would be brought to the Planning Board even though major site plan review is not normally triggered by a project of this scale. Subdivision review is also triggered by the project since the subject lot was only recently divided from the abutting Malone property to the South.

The proposed two family dwelling presents a strong single-family appearance and features a shared driveway. The home features quality materials including cedar siding, architectural shingles, and a stone chimney.

III. PUBLIC OUTREACH AND RESPONSE

Upon receipt of the subject site plan application; staff noticed property owners within 500 feet of the site and placed an ad in the *Portland Press Herald* newspaper in accordance with the requirements of the site plan ordinance. Prior to the March 22, 2005 Public Hearing the project was again noticed in

the same manner.

As of the date of this report, staff has received comments from neighbors who cited the following concerns:

1. The proposed setback is not consistent with the existing setbacks in the neighborhood.
2. The proposed utility line placement and driveway location result in the loss of existing trees of significance.
3. If future residents of the proposed units own more than 4 vehicles total, on street parking would occur.

IV. SITE PLAN

1. Traffic, Loading, and Circulation §14-526(a)(1)

The proposed project has been reviewed by the City's consulting traffic engineer and by Traffic Division staff. The project is not anticipated to cause any traffic problems.

2. Parking §14-526(a)(2)

On-Site Parking

The applicant has provided 4 on-site parking spaces in conformance with City Code. Whereas two of those spaces are "stacked" the Planning Board may consider imposing a condition that the stacked spaces be assigned to a single-unit.

Off-Site Parking

Seeley Avenue is an accepted City street with on-street parking available on both sides. Ample on-street parking is available.

3. Health and Safety §14-526(a)(3)

Per the Site Plan ordinance, the massing and placement of the proposed building should "not cause health or safety problems as to the existing uses in the neighborhood". Staff finds the proposed project to be consistent with this standard.

4. Value / Utility of Neighboring Structures §14-526(a)(4)

The proposed project would not have an unreasonable negative impact on the value or utility of neighboring properties.

5. Sewers, Stormdrains, Water §14-526(a)(5)

The applicant has requested a letter of wastewater capacity from the Department of Public Works and

letter of adequate water capacity from the Portland Water District. As of the date of this report those capacity letters were not yet available. The Planning Board may chose to condition that these letters be furnished to the Planning Authority prior to issuance of a building permit.

6. On-Site Landscaping §14-526(a)(6)

The applicant proposes dense rows of screening trees where view lines are open to the abutting property to the South as well as foundation plantings.

7. Significant Existing Vegetation §14-526(a)(7)

As many as a dozen existing trees of significance exist on the subject property and in the public right-of-way fronting the property. The proposed plan calls for the removal of at least two existing trees to accommodate the proposed driveway. Two other trees appear to be threatened by proximity to proposed utility lines.

By relocating and/or rerouting the proposed utilities and driveway, it may be possible to preserve additional trees. In order to ensure conformance with this standard, the Board may chose to condition that the applicant work with staff, the City's consulting engineer, and the City Arborist to ensure that every reasonable effort is made to preserve as many existing trees as possible.

8. Drainage and Erosion Control §14-526(a)(8)

The City's consulting civil engineer has reviewed the proposed drainage plan and will require revisions as outlined in a March 18, 2005 memo from Jim Seymour, P.E. (Attachment ___). The Planning Board may chose to condition that the plans be revised to adequately address Mr. Seymour's concerns.

9. Exterior Lighting §14-526(a)(9)

Details of exterior lighting fixtures have not been provided. The Planning Board may chose to require that the applicant present these materials prior to issuance of a building permit, subject to review and approval by the Planning Authority.

10. Fire Prevention §14-526(a)(10)

The Fire Department, Office of Fire Prevention, has reviewed and approved the proposed site plan (Attachment D2).

11. Duplex and Multi-Unit Development §14-526(a)(15)

Staff finds the proposed project in full conformance with this standard with the possible exception of building placement. §14-526(a)(15) requires that building placement "respect the existing relationship of buildings to public streets" and "shall be integrated into the existing city fabric and streetscape".

Most of the existing structures on the street are sited with '25 front yard setbacks. The proposed duplex is sited approximately '22 feet from the right-of-way at its closest point. The Board may consider requiring the front yard setback to be increased.

V. SUBDIVISION

1. Water and Air Pollution §14-497(a)(1)

The proposed project will not have an adverse effect on water or air quality.

2. Water Capacity and Supply §14-497(a)(2-3)

See section IV.5 above.

3. Soil Erosion §14-497(a)(4)

As outlined in the attached memo from the City's consulting civil engineer, additional erosion control information will be required on the plan.

4. Traffic §14-497(a)(5)

See section IV.1 above.

5. Sanitary and Stormwater Capacity §14-497(a)(6)

See section IV.5 above.

6. Sewage and Solid Waste Disposal §14-497(a)(7)

City "blue bag" trash collection is provided on Seeley Avenue.

7. Subdivision Technical and Design Standards §14-498

Curb and Sidewalk

The applicant has requested a sidewalk waiver under §14-506(b) whereas (1) existing trees of significance would be destroyed if a sidewalk were installed and (2) an alternative route is available in an existing sidewalk on the opposite side of the street.

The applicant, as well as several neighbors to the project, has expressed opposition to constructing a sidewalk here for the above cited reasons and also due to the fact that no other sidewalk exists anywhere on the east side of Seeley. Staff and the City Engineer strongly recommend that the Planning Board grant this sidewalk waiver.

Street Trees

See section IV.7above

VI. CONCLUSION AND RECOMMENDATION

Staff finds the proposed project consistent with the R5 Zoning Ordinance and the standards of the Site Plan and Subdivision ordinances and recommends that the Planning Board approve the proposed motion.

VII. MOTION FOR THE BOARD TO CONSIDER

On the basis of plans submitted by the applicant and on the basis of information contained in Planning Report #19-05 relevant to standards for site plan and subdivision regulations, and other findings as follows:

1. That the plan is in conformance with the subdivision standards of the land use code.

Potential Conditions of Approval:

- i.

2. That the plan is in conformance with the site plan standards of the land use code.

Potential Conditions of Approval:

- i. The applicant shall work with staff, the City's consulting civil engineer, and the City Arborist to ensure that every reasonable effort is made to preserve as many existing trees as possible. This effort may require relocation of the proposed utility laterals and/or driveway.
- ii. The project plans shall be revised so as to address engineering concerns expressed by the City's consulting civil engineer in a March 18, 2005 memo.
- iii. The shall applicant present an exterior lighting plan in conformance with the City's exterior lighting standards prior to issuance of a building permit, subject to review and approval by the Planning Authority.

VIII. ATTACHMENTS

- A. Application
- B. Noticing Range Map
- C. Tax Map
- D. Project Narrative and Fire Prevention Approval
- E. Floor Plans and Elevations
- F. Site Plan and Survey

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

2005-0043
Application I. D. Number
3/8/2005
Application Date
Two Unit
Project Name/Description

Malone Helen A Wid Kw Vet
Applicant
45 Seeley Ave, Portland, ME 04103
Applicant's Mailing Address

45 - 45 Seeley Ave, Portland, Maine
Address of Proposed Site
123 E036001
Assessor's Reference: Chart-Block-Lot

Consultant/Agent
Agent Ph: 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) _____

2,685 s.f. _____
Proposed Building square Feet or # of Units Acreage of Site R45
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 Pla \$400.00 Subdivision _____ Engineer Review _____ Date 3/8/2005

Planning Approval Status:

Reviewer _____

- Approved Approved w/Conditions See Attached Denied
Approval Date _____ Approval Expiration _____ Extension to _____ Additional Sheets Attached
 OK to Issue Building Permit _____ 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	_____ date _____	<input type="checkbox"/> Conditions (See Attached)	_____ 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 Site Plan Application

If you or the property owner owe real estate taxes, personal property taxes or user charges on any property within the City of Portland, payment arrangements must be made before permit applications can be received by the Inspections Division.

Address of Proposed Development: <u>45 Seeley St. Attch.</u>			Zone: R5 <u>R5</u>
Total Square Footage of Proposed Structure: <p style="text-align: center; font-size: 1.2em;">2685 sq²</p>		Square Footage of Lot: <p style="text-align: center; font-size: 1.2em;">10,519</p>	
Tax Assessor's Chart, Block & Lot:		Property owner's mailing address:	Telephone #:
Chart# <p style="text-align: center; font-size: 1.2em;">123</p>	Block# <p style="text-align: center; font-size: 1.2em;">E</p>	Lot# <p style="text-align: center; font-size: 1.2em;">36</p>	<u>45 SEELEY ST PORTLAND</u>
Consultant/Agent, mailing address, phone # & contact person:		Applicant's name, mailing address, telephone #/Fax#/Pager#:	Project name:
<u>DIANE DOYLE DOYLE ENTERPRISES 16 TIFFANY LN SACO, ME 04072</u>		<u>HELEN MALONE 45 SEELEY ST PORTLAND, ME</u>	
Proposed Development (check all that apply) <input checked="" type="checkbox"/> New Building <input type="checkbox"/> Building Addition <input type="checkbox"/> Change of Use <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Office <input type="checkbox"/> Retail <input type="checkbox"/> Manufacturing <input type="checkbox"/> Warehouse/Distribution <input type="checkbox"/> Parking lot <input type="checkbox"/> Subdivision (\$500.00) + amount of lots _____ (\$25.00 per lot) \$ _____ <input type="checkbox"/> Site Location of Development (\$3,000.00) (except for residential projects which shall be \$200.00 per lot _____) <input type="checkbox"/> Traffic Movement (\$1,000.00) <input type="checkbox"/> Stormwater Quality (\$250.00) <input type="checkbox"/> Section 14-403 Review (\$400.00 + \$25.00 per lot) <input type="checkbox"/> Other _____			
Major Development (more than 10,000 sq. ft.) <input type="checkbox"/> Under 50,000 sq. ft. (\$500.00) <input type="checkbox"/> 50,000 - 100,000 sq. ft. (\$1,000.00) <input type="checkbox"/> Parking Lots over 100 spaces (\$1,000.00) <input type="checkbox"/> 100,000 - 200,000 sq. ft. (\$2,000.00) <input type="checkbox"/> 200,000 - 300,000 sq. ft. (\$3,000.00) <input type="checkbox"/> Over 300,000 sq. ft. (\$5,000.00) <input type="checkbox"/> After-the-fact Review (\$1,000.00 + applicable application fee)			
Minor Site Plan Review <input checked="" type="checkbox"/> Less than 10,000 sq. ft. (\$400.00) <input type="checkbox"/> After-the-fact Review (\$1,000.00 + applicable application fee)			
Plan Amendments <input type="checkbox"/> Planning Staff Review (\$250.00) <input type="checkbox"/> Planning Board Review (\$500.00)			

- Please see next page -

A2

Who billing will be sent to: (Company, Contact Person, Address, Phone #)

DOYLE ENTERPRISES
16 TIFFANY LN
SACC, ME 04072

Submittals shall include (9) separate folded packets of the following:

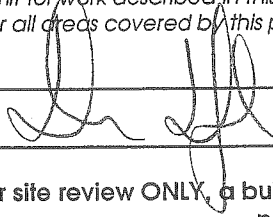
- a. copy of application
- b. cover letter stating the nature of the project
- c. site plan containing the information found in the attached sample plans check list

Amendment to Plans: Amendment applications should include 6 separate packets of the above (a, b, & c)
ALL PLANS MUST BE FOLDED NEATLY AND IN PACKET FORM

Section 14-522 of the Zoning Ordinance outlines the process, copies are available at the counter at .50 per page (8.5 x11)
you may also visit the web site: ci.portland.me.us chapter 14

I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the 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:

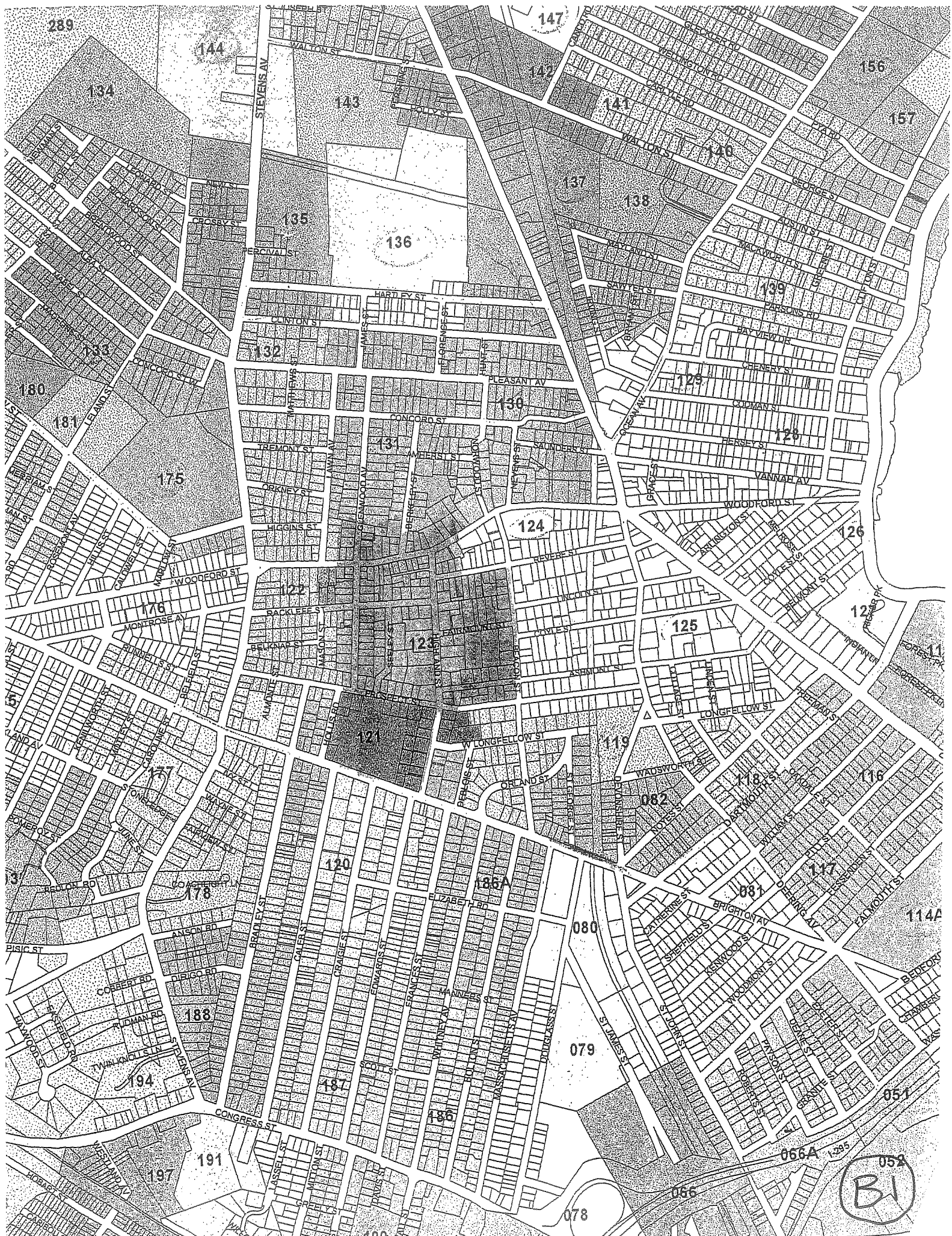


Date:

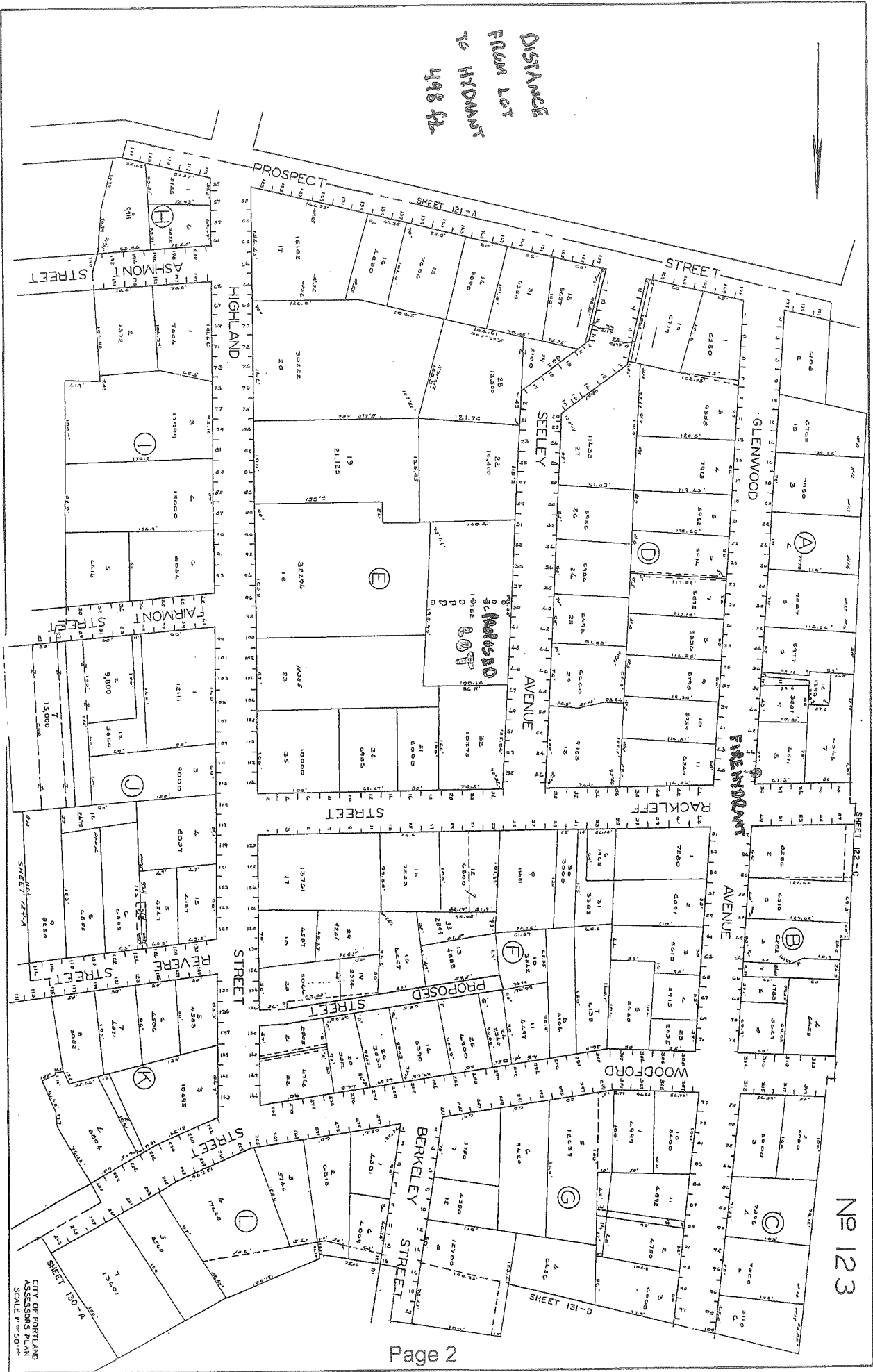
3/8/05

This application is for site review ONLY, a building Permit application and associated fees will be required prior to construction.

A3



DISTANCE
FROM LOT
TO HYDANT
498 ft.



№ 123



Planning and Development Dept.
Portland City Hall
389 Congress Street
Portland, ME 04101

RE: Site plan review.

The following is a brief explanation and description of the new construction proposed by Helen Malone at 45 Seeley Ave in Portland (Tax Map 123, Block E, Lot 36). The applicant appeared before the Planning Board and City Council and obtained a zone change from the existing R3 to a R5 zone. The zone change was granted with the provision that the Planning Board approves the final site plan.

The proposed project consists of building a 2687 square foot, one and a half story two-family home to be constructed on the 10,519 square foot vacant lot adjacent to the applicant's current residence at 45 Seeley Ave. The proposed site coverage totals 4,279 square feet or forty percent of the lot. The plan includes exterior parking for three vehicles and a one car attached garage. The house has been positioned on the lot in such a manner as to preserve the old growth trees on site.

The proposed home will include two apartments. The first apartment is a single floor, two bedroom, two bath residence that will serve as the primary residence for the applicant. The second apartment is a two-floor, one bedroom, one and a half bath unit that will serve in the immediate future to provide the applicant with rental income as well as provide an option for caregiver housing should the need arise.

The material proposed for the home includes cedar siding, aluminum clad windows and architectural roof shingles. The chimney and base of the structure will be stone. The house has been tastefully designed and fits the character of the neighborhood. Every attempt has been made to make the house appear to be a one family.

The applicant would also like to apply for a sidewalk waiver. The City Council as well as the neighbors have expressed concern that a sidewalk would not fit the character of the street, as there is no sidewalk on the entire length of Eastern side of the street. There is a sidewalk on the opposite side of the street. In addition, the construction of a sidewalk would require the removal of several large, old growth trees.

The applicant would utilize the available public sewer, water and gas utilities, which can be easily accessed at the site. The projected completion time is four months from the start of construction. The applicant would like to begin construction as soon as approvals are obtained.

D

Application ID Number: 2005-0043

Delete Review

Save

C

Department: Fire

Status: Approved

Reviewer: Lt. MacDougal

Comments:

Approval Date: 03/14/2005

Expiration Date: 03/14/2006

Extension Date:

OK to Issue Permit

Name: Lt. MacDougal

Date: 03/14/2005

Date 2:

Create Date: 03/14/2005 By: gaylenm

Update Date: 03/14/2005 By: gaylenm

D2

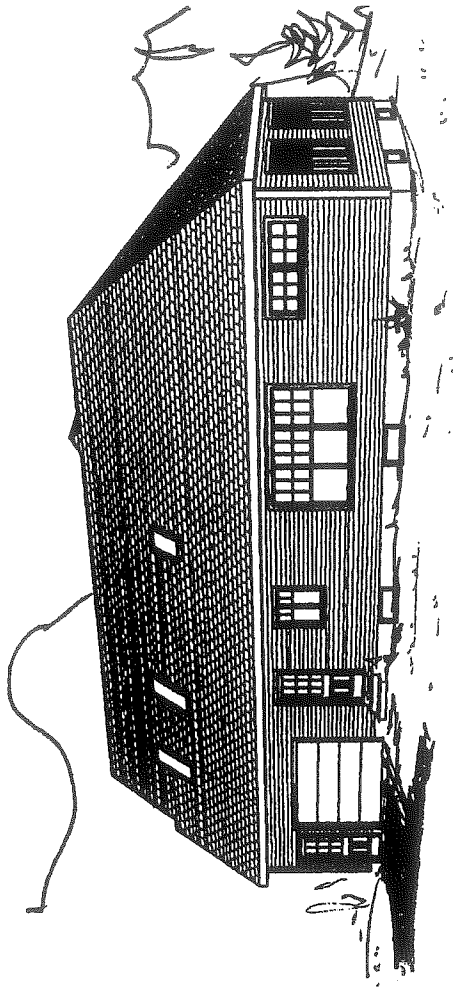
MALONE RESIDENCE
PORTLAND PLANNING BOARD

MARCH 1, 2005

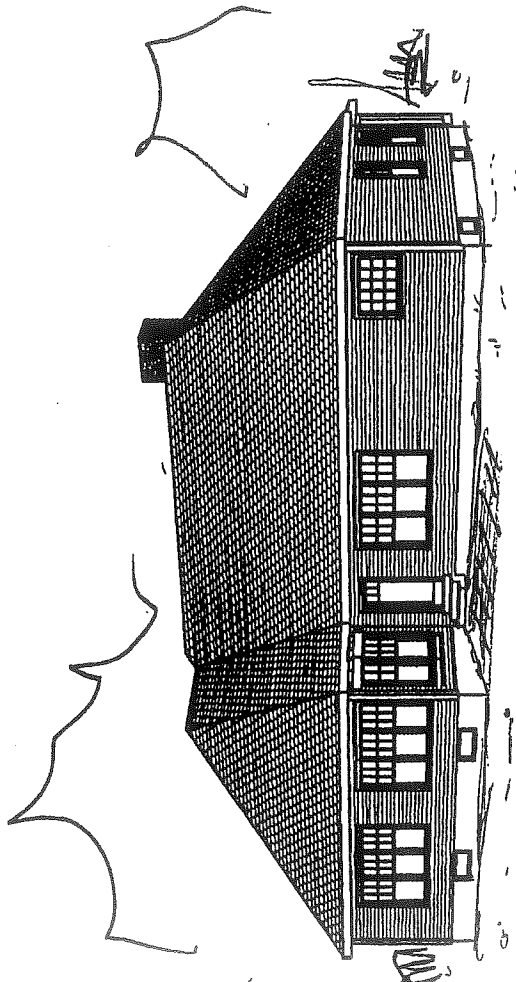


doyle
architects

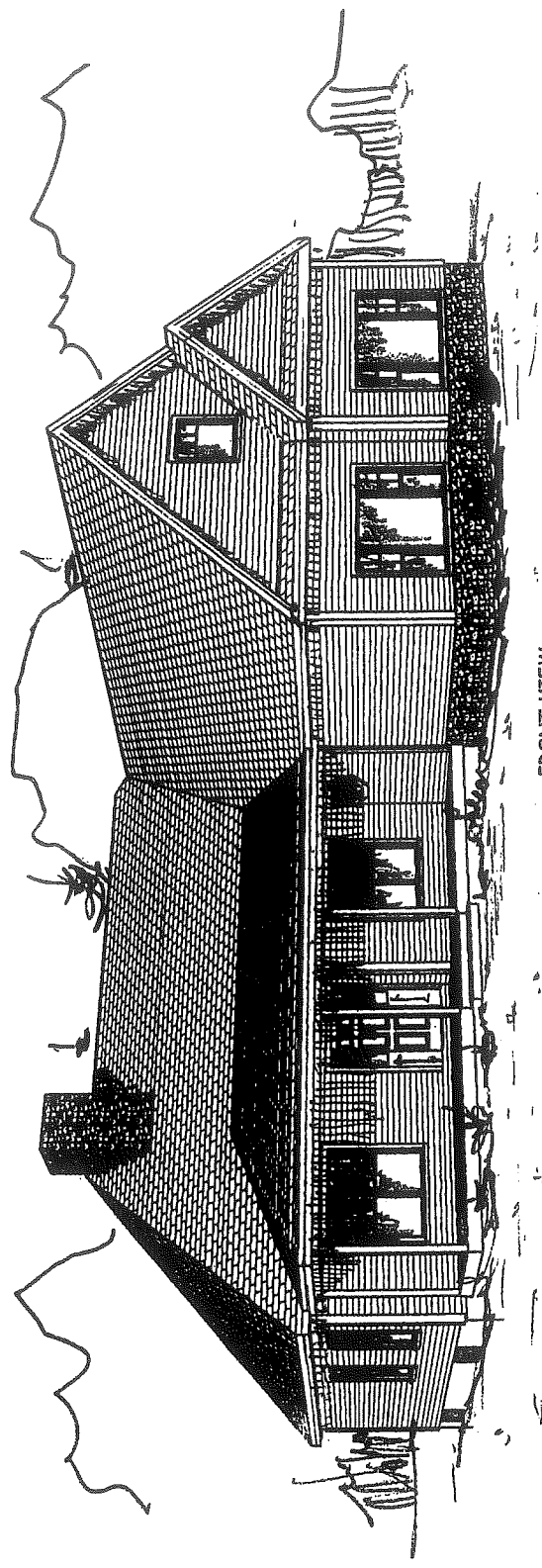
EL



RIGHT SIDE
DRIVEWAY VIEW



BACK VIEW



FRONT VIEW

date 2-25-05
scale NTS
sheet no. 1 of 3

residence for
HELEN MALONE
45 Seeley Avenue
Portland, Maine

builder
DOYLE ENTERPRISE
Diane Doyle
207-286-3530

plans by
JERRY DUGAL
207-353-5915

E2

PLANNING BOARD REPORT #58-04

**R3 – R5 ZONE CHANGE
45 SEELEY AVENUE**

HELEN MALONE, APPLICANT

**Submitted to:
Portland Planning Board
Portland, Maine**

**Submitted by:
Ethan Boxer-Macomber, Planner**

November 18, 2004

A November 23, 2004 Public Hearing has been scheduled for the Planning Board to consider the subject application.

I. PROJECT SUMMARY

Applicant:	Helen Malone 45 Seeley Avenue Portland, ME 04103
Site Location:	45 Seeley Street
CBL#:	123 E036001
Zoning:	R3
Lot Area:	Entire Lot 19,907 Sq. Ft.
	Proposed Lot to Remain R3 for Existing House 9,387 Sq. Ft.
	Proposed Lot to Accommodate New Two-Family Home and become R5 10,520 Sq. Ft.

I. PROJECT DESCRIPTION

The applicant proposes to rezone the vacant half of her 19,907 Sq, Ft. parcel from R3 to R5 so as to allow for the construction of a two-family home. The subject site is located toward the north end of Seeley Street in close proximity to Rackleff Street. Properties on Rackleff Street are zoned R5 while properties on Seeley are predominantly zoned R3. A legal, non-conforming two-family unit exists directly across the street from the subject site.

II. PUBLIC OUTREACH AND RESPONSE

Upon receipt of the subject application staff mailed notice all property owners within 500 feet of the subject site. An October 12, 2004 Planning Board workshop and the November 23, 2004 Public Hearing were also noticed in the same manner.

Public comment received with regard to the proposed rezone is included with this staff report (Attachment ___). The concerns expressed in those letters relate to loss open space, parking, traffic, and neighborhood character, feel and aesthetics. Many have expressed a

concern that there would be an increased potential for renters to occupy the site as a result of the proposed rezone.

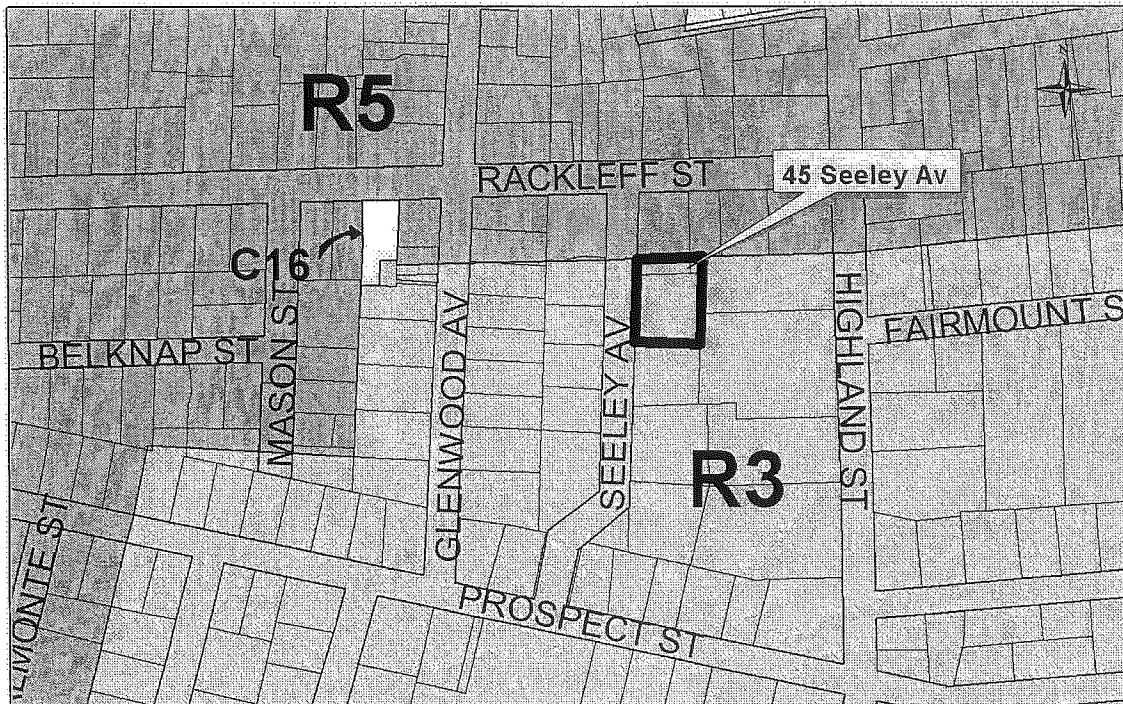
The applicant held the required neighborhood meeting and presented staff with the required meeting record (Attachment G).

III. REZONE

The 10,520 Sq. Ft. portion of the subject site, which the applicant proposes to rezone, could not be developed as a multifamily property under current R3 zoning. If rezoned to R5, that site could accommodate a one or two-family structure. The R5 zone has density limitations that would preclude a three family or greater from being developed on the subject site.

The physical boundaries of the proposed rezone area would affect small portions of the abutting Lewis (to North on Rackleff) and Webber (to East on Highland) properties, but would not significantly increase or decrease the developability of those lots. Neither of these abutters has stated an objection to the proposed rezone as of the date of this staff report.

The area proposed for rezone is identified by a call out box in the map below.



Proposed Rezoning for 45 Seeley Ave. from R3 to R5

November 2004

Map prepared by the City of Portland's Department of Planning & Development and the GIS Workgroup

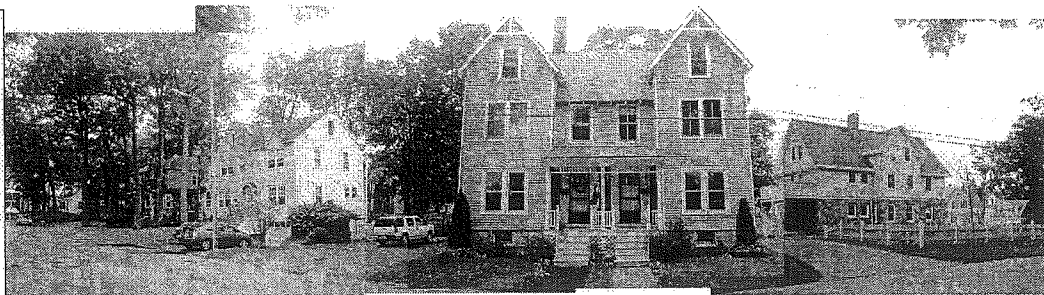
100 0 100 200 Feet



SEELEY AVENUE ENTRANCE FROM RACKLEFF STREET



RACKLEFF STREET VIEWED FROM SEELEY AVENUE



SEELEY AVENUE - WEST SIDE
ACROSS STREET FROM 45 SEELEY STREET



45 SEELEY AVENUE—SUBJECT SITE
SEELEY AVENUE - EAST SIDE

45 Seeley Avenue – Proposed R3 to R5 Rezone - Context Photos

IV. ANALYSIS

In order for the Planning Board and the City Council to accept the proposed rezone, each body must find the proposal consistent with the Comprehensive Plan and appropriate in the context of the existing neighborhood.

At staff's request, the applicant has presented a Comprehensive Plan analysis in order to justify the proposed rezone (Attachment C).

The proposed project would allow for a slight increase in density in an already built-out portion of the City with existing public infrastructure. The rezone would allow for one additional unit over what is currently permissible, which is not expected to have an unreasonable traffic or neighborhood character impact above and beyond a single-family home. A two-family development would be consistent with existing structures in close proximity to the site including two multi-family structures across the street. While the Comprehensive Plan encourages preservation of open space and the subject lot is vacant, the subject lot is currently zoned for development and the applicant has full right, title and interest to develop the property.

With the proposed zone change would come changes to the dimensional requirements for the site as summarized in the following table:

Standard	Current R3	Proposed R5	Change
Front Yard	25 Feet	20 Feet	5 Feet Less
Side Yards	1 Story – 8 Feet	1 Story – 8 Feet	Same
	1.5 Stories – 8 Feet	1.5 Stories – 8 Feet	Same
	2 Stories – 14 Feet	2 Stories – 12 Feet	2 Feet Less
	2.5 Stories – 16 Feet	2.5 Stories – 14 Feet	2 Feet Less
Rear Yards	25 Feet	20 Feet	5 Feet Less
Height	35 Feet	35 Feet	Same
Max Lot Coverage	25% (Current) 35% (As of 12/15/04, as per City Council Action	40%	5% More (By the time the site could be developed)

The dimensional requirement changes that would come with the proposed rezone would not significantly alter neighborhood form, as there are many structures in the neighborhood, which predate the current zoning ordinances and are built to higher densities.

Section 14-526 of the Site Plan ordinance sets architectural and design standards for two family development in the City of Portland. Those standards require development to relate to the forms and fabric of an existing neighborhood. Upon development, City staff will conduct a site plan review and hold the development to these standards providing a

further guarantee that the proposed development will not adversely affect the character of the neighborhood.

Staff therefore finds the proposed rezone consistent with the Comprehensive Plan.

V. CONCLUSION AND RECOMMENDATION

Staff finds that the proposed zoning and density change is reasonable in light of the existing neighborhood and the goals and policies of the Comprehensive Plan. Site Plan review of the project will require conformance with the architectural and design standards for two-family development ensuring consistency with the character of the existing neighborhood. Staff therefore recommends that the Planning Board find the proposed project consistent with the Comprehensive Plan and recommend that the City Council approve the proposed rezone.

VI. MOTION FOR THE BOARD TO CONSIDER

On the basis of plans and materials submitted by the applicant and on the basis of information contained in Planning Report #58-04 relevant to standards for rezoning, and other findings as follows:

1. The Board finds that the proposed Rezoning [is or is not] consistent with the policies of the Comprehensive Plan of the City of Portland. The Planning Board therefore [recommends or does not recommend] to the City Council approval of the proposed rezone of a Northerly portion of the property at 45 Seeley Avenue and small portions of two abutting lots as depicted in the zoning map contained in this report.

VII. ATTACHMENTS

- A. Rezone Application
- B. Deed
- C. November 16, 2004 Malone Memo - Comprehensive Plan Analysis
- D. Public Comment
- E. Proposed Subdivision
- F. Proposed Rezone
- G. Required Neighborhood Meeting Certification



City of Portland, Maine
Department of Planning and Development
Text Amendment Application

Application ID: 637 **Application Date:** 08/13/2004 **CBL:** 123 E036001 **Property Location:** 45 Seeley Ave

Applicant Information:

Malone Helen A Wid Kw Vet

Name

Business Name

45 Seeley Ave

Address

Portland, ME 04103

City, State and Zip

207-772-3496

Telephone

Fax

Applicant's Right, Title or Interest in Subject Property:

Current Zoning Designation: R3

Existing Use of Property:

Dougle size lot with a single family home.

Proposed Use of Property:

Owner would like to divide the lot and build a two family home on the "new" lot. Current zoning only allows a single but the "vacant or new" parcel abuts the R-5 zone which would allow a two family.

Property Owner:

Malone Helen A Wid Kw Vet

Name

45 Seeley Ave

Address

Portland, ME 04103

City, State and Zip

Telephone

Fax

Amendment A R5

Amendment B _____

Amendment C

Section 14: _____

Planning Approval

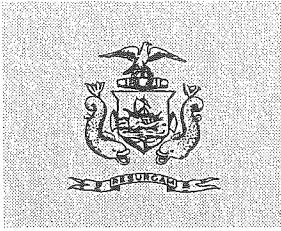
REVIEW TYPE: Committee Review

RECOMMENDATION DATE: _____

APPROVAL DATE: _____

ENACTMENT DATE: _____

AI



APPLICATION FOR ZONING AMENDMENT
 City of Portland, Maine
 Department of Planning and Development
 Portland Planning Board

1. Applicant Information:

Helen Malone
 Name

45 Seeley Ave.
 Address

Portland

207 772-3496
 Phone

Fax
774-5114

2. Subject Property:

45 Seeley Ave
 Address

Portland

123 E036001
 Assessor's Reference (Chart-Block-Lot)

3. Property Owner: Applicant Other

Name

SAME AS ABOVE
 Address

Phone

Fax

4. Right, Title, or Interest: Please identify the status of the applicant's right, title, or interest in the subject property:

Owner

Provide documentary evidence, attached to this application, of applicant's right, title, or interest in the subject property. (For example, a deed, option or contract to purchase or lease the subject property.)

5. Vicinity Map: Attach a map showing the subject parcel and abutting parcels, labeled as to ownership and/or current use. (Applicant may utilize the City Zoning Map or Parcel Map as a source.)

A2

6. Existing Use:

Describe the existing use of the subject property:

Double size lot with a single family home.

7. Current Zoning Designation(s): R-3 that abutts an R-5 zone

8. Proposed Use of Property: Please describe the proposed use of the subject property. If construction or development is proposed, please describe any changes to the physical condition of the property.

Owner would like to divide the lot and build a Two family home on the "new" lot. Current zoning only allows a single but the "vacant or new" parcel abutts the R-5 zone which would allow a Two family.

9. Sketch Plan: On a separate sheet please provide a sketch plan of the property, showing existing and proposed improvements, including such features as buildings, parking, driveways, walkways, landscape and property boundaries. This may be a professionally drawn plan, or a carefully drawn plan, to scale, by the applicant. (Scale to suit, range from 1"=10' to 1"=100')

10. Proposed Zoning: Please check all that apply:

- A. Zoning Map Amendment, from R-3 to R-5
- B. Zoning Text Amendment to Section 14-_____

For Zoning Text Amendment, attach on a separate sheet the exact language being proposed, including existing relevant text, in which language to be deleted is depicted as crossed out (example), and language to be added is depicted with underline (example).

- or C. Conditional or Contract Zone

A conditional or contract rezoning may be requested by an applicant in cases where limitations, conditions, or special assurances related to the physical development and operation of the property are needed to ensure that the rezoning and subsequent development are consistent with the comprehensive plan and compatible with the surrounding neighborhood. (Please refer to Division 1.5, Sections 14-60 to 62)

A3


11. **Application Fee:** A fee for must be submitted by check payable to the City of Portland in accordance with Section 14-54 of the Municipal Code (see below). The applicant also agrees to pay all costs of publication (or advertising) of the Workshop and Public Hearing Notices as required for this application. Such amount will be billed to the applicant following the appearance of the advertisement.

<input checked="" type="checkbox"/> Zoning Map Amendment	\$2,000.00
<input type="checkbox"/> Zoning Text Amendment	\$2,000.00
<input type="checkbox"/> Contract/Conditional Rezoning	
Under 5,000 sq. ft.	\$1,000.00
5,000 sq. ft. and over	\$3,000.00
Legal Advertisements	percent of total bill
Notices	.55 cents each
(receipt of application, workshop and public hearing)	

NOTE: Legal notices placed in the newspaper are required by State Statue and local ordinance. Applicants are billed directly by the newspaper for these notices.

12. **Signature:** The above information is true and accurate to the best of my knowledge.

8/9/04
Date of Filing


Signature of Applicant

Further Information:

Please contact the Planning Office for further information regarding the rezoning process. Applicants are encouraged to make an appointment to discuss their rezoning requests before filing the application.

Applicants are encouraged to include a letter or narrative to accompany the rezoning application which can provide additional background or context information, and describe the proposed rezoning and reasons for the request in a manner that best suits the situation.

In the event of withdrawal of the zoning amendment application by the applicant in writing prior to the submission of the advertisement copy to the newspaper to announce the public hearing, a refund of two-thirds of the amount of the zone change fee will be made to the applicant by the City of Portland.

Portland Planning Board
Portland, Maine

Effective: July 6, 1998

A4

3473L

WARRANTY DEED

MAINE REAL ESTATE TAX PAID

KNOW ALL MEN BY THESE PRESENTS, That JANETTE CHASE, of Portland, County of Cumberland, and State of Maine, in consideration of one (\$1.00) dollar and other valuable consideration, paid by HELEN A. MALONE, of Portland, County of Cumberland, and State of Maine, the receipt whereof I hereby acknowledge, do hereby give, grant, bargain, sell and convey unto the said HELEN A. MALONE, her heirs and assigns forever,

A certain lot or parcel of land, with any buildings thereon, situated on the easterly side of Seeley Avenue in the City of Portland, County of Cumberland and State of Maine and bounded and described as follows:

Beginning on the easterly sideline of Seeley Avenue (as established by dedication to the public by Laurence C. Andrew by dedication recorded in Cumberland County Registry of Deeds in Book 1360, Page 338) at the southwesterly corner of land conveyed by Harry L. Bradbury to Congregational-Christian Conference of Maine by deed dated March 30, 1946 and recorded in said Registry of Deeds in Book 1812, Page 426; thence easterly in a straight line by said land now or formerly of said Congregational-Christian Conference of Maine and by other land now or formerly of Helen R. Andrew 100.18 feet more or less to an iron pipe; thence southerly on a line parallel with the line of said Seeley Avenue dedication by other land now or formerly on said Andrew 198.95 feet more or less to an iron pipe; thence westerly at an included angle of 93 degrees, 44 minutes and by a split rail fence and other land of said Andrew 100.21 feet more or less to the easterly sideline of said Seeley Avenue dedication; thence northerly by the easterly sideline of said Seeley Avenue dedication 199.54 feet more or less to the point of beginning.

The Grantor also hereby conveys to the Grantee such rights, if any, as the Grantor may have as owner of the above described property to maintain a connection from the above-described property to and with the sewer located in Seeley Avenue.

Being the same premises conveyed to the Grantor herein by deed of Helen R. Andrew dated June 18, 1965 and recorded in the Cumberland County Registry of Deeds in Book 2905, Page 308.

TO HAVE AND TO HOLD the aforegranted and bargained premises, with all the privileges and appurtenances thereof, to the said Helen A. Malone, her heirs and assigns, to them 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, and free of all encumbrances and that I have a 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.

(B1)

IN WITNESS WHEREOF, I, JANETTE CHASE the said Grantor hereunto set my hand and seal this 18th day of January, 1993.

Signed, Sealed and Delivered
in presence of

[Signature]

Janette Chase
JANETTE CHASE

STATE OF MAINE
COUNTY OF CUMBERLAND, ss.

January 18, 1993

Then personally appeared the above named Janette Chase and acknowledged the foregoing to be her free act and deed.

Before me,

[Signature]
Notary Public/Attorney at Law

William P. Doherty

Recorded
Cumberland County
Registry of Deeds
01/19/93 01:43:03PM
John B. O'Brien
Register

B2

MEMORANDUM

TO: Ethan Boxer-Macomber, Planner - City of Portland

FROM: Helen Malone

DATE: November 16, 2004

RE: 45 Seeley Avenue Zone Change Request & Compliance with Portland's Comprehensive Plan for Houses

Thank you for your consideration in the rezoning of the northerly portion of my property from an R-3 zone to an R-5 zone. The current zone line changes from R-5 to R-3 near my northerly property line (30±' away), therefore, the requested change would extend the R-5 zone toward the south. An R-5 zone change would permit me to construct a 2-family dwelling which I intend to use as my primary residence along with a single residential unit.

I believe the zone request is consistent with the City of Portland's Comprehensive Plan, "Housing: Sustaining Portland's Future," in a number of areas.

Policy #1 of the Housing Plan is to "Ensure that an adequate supply of housing is available to meet the needs, preferences and financial capabilities of all Portland households, now and in the future." Since the primary reason for my request is to be able to continue to afford to own a home in Portland by having a rental unit as an income subsidy to my fixed income I believe this is consistent with Policy #1. In addition, it appears the zone request is also consistent with Objectives 1.a., 1.b., 1.c., 1.d., 1.e., and 1.g.

Policy #3 of the Housing Plan "Building on Neighborhood Stability and Integrity" would also appear to support this zone request. The 2-family property I intend to build is consistent with other uses in the immediate neighborhood and is appropriately scaled to the neighborhood. This type of land use is consistent with the overall goal of Policy #3 as well its Objectives 3.a., 3.c., 3.d., 3.e., and 3.g.

Policy #5 of the City's Housing Plan "Sustainable Development" also appears to be very supportive of the type of zone request being sought in this application. Objectives 5.a., 5.b., 5.c. and 5.e. of Policy #5 all appear to encourage this type of zone change.

While there are numerous other references in the City's Comprehensive Housing plan, I believe I have highlighted the more significant portions which support my request for a zone change from R-3 to R-5. In addition, I was not able to locate a single policy, objective or action listed in the Housing Plan which is at odds with this request.

I respectfully and humbly appreciate your consideration for my request. Please let me know if you require any additional information from me at this time.

C

From: "Meahl, Pierre" <pmeahl@unumprovident.com>
To: <ebm@portlandmaine.gov>
Date: 10/8/04 8:28:31 PM
Subject: 45 Seeley Avenue

Ethan -

Thanks for the opportunity to voice a couple of serious concerns I have about Helen's bid to split and rezone her property for a two family home. They are as follows:

- 1) Impact to traffic in the neighborhood. We have a quite street - almost like a country lane - right in the heart of Portland. There are 12 kids that live on the street ranging from 2 - 15 yrs old and use the street to play on (carefully of course) almost like an extension of their own front yards. The inclusion of a two family home would increase the flow of traffic and potentially jeopardize the safety of the neighborhood for our children.
- 2) Impact to parking. Where would the additional cars go? A two family home with garages for parking would require a monstrosity of a building on a tiny piece of land that would compromise the aesthetics of the neighborhood.
- 2) Impact to the "feel" of the neighborhood. With the exception of one multi-unit (Shawn and Linda's place), the street is comprised of only single family homes. The addition of a multi-unit / two family residence will undoubtedly reduce property values and more importantly change the fabric of the neighborhood / community from one of residents to tenants.
- 3) Impact to the aesthetics. While I'll grant you the fact that our street does not have a defined consistency when it comes to the architectural design, a two family home (+ garage see #2) on that lot would look large and potentially out of place.

It's Helen's property and she is a wonderful neighbor. I'd want to have the option to build on that piece of land if it were mine (though I wouldn't!), but I believe strongly that we need to keep the neighborhood consistent in terms of the types of residences built. Let her construct a one family home - not a two.

Thanks for your consideration. Look forward to seeing you at the meeting on October 12th.

Pierre A. Meahl
36 Seeley Ave (resident for 4+ years)

DI

From: Davis Robinson <drobins1@maine.rr.com>
Date: Tue Oct 12, 2004 8:00:44 AM US/Eastern
To: ebm@portlandmaine.gov
Subject: zoning hearing

Dear Planning Board,

I am writing to express some concerns over the request for a change in zoning from R3 to R5 for the purposes of building a multi-family residence at 45 Seeley Avenue, in the hope that any development on the site will add to the character of the neighborhood, not detract from it.

1. Traffic. Seeley Avenue is a quiet oasis in the heart of Deering Highlands, made up primarily of families with small children who play in the street and ride their bikes. Dog walkers and joggers frequently make Seeley part of their daily loop because of its quiet residential feel. It is a real community that frequently holds neighborhood get-togethers, bike decorating contests, chili nights, cook-outs, etc. Adding rental units on this street of single family residences is out of character. It will add 3-4 more cars to the daily traffic flow and add to the number of cars parked on an already crowded section of the street across from a home that also has rental tenants and a small hair cutting business. Short-term occupants tend to be less involved and committed to the community of Seeley Avenue, as evidenced by the frequent turn-over of rental units on the corner of the street. Even if Mrs. Malone wanted to keep the new home for her own use, once the zoning change is made nothing will prevent it from someday being put to other use as a rental property. Attached is a photo on a typical day showing the parking patterns of cars on that end of the street.



2. Design. For the neighborhood to maintain its charm, a smart design is called for on that lot. The bulk of the homes on Seeley Avenue are from the turn of the century through the 1920's and consists mostly of colonial and English cottage designs. Another plot of open land on the street was developed in the 1950's and 60's with one "contemporary" home and two ranch-style houses. The open lot remaining could be developed with a single family home that fits in with the colonial home on one side of it, or the ranch house on the other, or the cottage houses across the street. It is an eclectic mix to try to fit into. An unflattering design that doesn't take into account the setbacks, window height, discreet parking, and family feel would change the tone of the

D2

street.

3. Open space. For purely selfish and aesthetic reasons, I love the open space as is. Helen does a beautiful job gardening, and it will be sad to see that space go. Of course its her right to develop it as she sees fit, but I hope that whatever decisions are made add to the quality of life on the street for all. If there were any way to purchase the lot to maintain it as an open area, I would be more than willing to spearhead that effort and donate financially to the cause. The open spaces in mature Portland neighborhoods provide "breathing space" psychologically, tree cover, and noise abatement. The streets one block over in any direction (Glenwood, Highland, Prospect or Rackleff) all suffer from higher traffic volume, more noise, and less open space. It is a big part of why Seeley is an attractive street to live on.

I was also puzzled by the fact that the land appears to have been donated to Mrs. Malone for \$1 on the deed. It makes me think perhaps there was an intent to retain the lot intact for some other future use. I've been told that originally it was a horse riding arena for the yellow farmhouse on Highland St. Is a little park a possibility?

Sincerely,

Davis Robinson
40 Seeley Avenue

D3

From: lincoln peirce <bignate@maine.rr.com>
To: <ebm@portlandmaine.gov>
Date: 11/9/04 8:47:40 PM
Subject: 45 Seeley

Hi Ethan,

For the past four-and-a-half years we have lived at 41 Rackleff Street, at the corner of Rackleff and Glenwood. Prior to that, we lived at 45 Glenwood, just across the street. We've been residents of the Deering Highlands neighborhood for over ten years.

We are writing to express our opposition to the plan by Helen Malone to re-zone her property and construct a two-family structure on Seeley Street. Such a building would profoundly change the character of Seeley Street, and not for the better. The lot in question is one of the last remaining undeveloped parcels of land in the neighborhood and represents a welcome open space on Seeley Street. It is distressing to imagine this quiet bit of land playing host to a large residence with either one or two driveways providing parking for, more than likely, at least 4 vehicles. Many young children live and play on Seeley and Rackleff Streets; Seeley Street is popular among pedestrians, cyclists, and dog-walkers for its peace and quiet. We find it doubtful that the subsequent increase in traffic will do anything but make the neighborhood less pleasant, less quiet, and less safe.

Such a residence would also deprive Deering Highland residents of one of the more memorable views in the neighborhood: across Mrs. Malone's yard one can see the back yards of certain houses on Highland Street, including the yellow farmhouse owned by Nisu and David Seder which is historically significant for being the first house built in Deering Highlands. Must this view be replaced with a vinyl-sided two-family home which will only detract from the architectural integrity and charm which so many neighborhood residents treasure?

That Mrs. Malone has the right to build on her property now seems indisputable; but, as longtime residents of Deering Highlands, we add our voices to the chorus of those urging the Portland Planning Board to deny her request to build a two-family structure. Such a house would be an architectural and aesthetic black eye for one of Portland's most beautiful neighborhoods.

Thank you for your consideration.

Lincoln Peirce
Jessica Gandolf
41 Rackleff Street
874-4755

D4

40 Seeley Avenue
Portland, ME 04103
Phone: 772-9924
lmarcus@maine.rr.com
November 17, 2004

Ethan Boxer-Macomber, Planner
Planning Division
Department of Planning and Development
389 Congress Street
Portland, ME 04101

Dear Mr. Boxer-Macomber:

I live at 40 Seeley Avenue in Portland directly across the street from the lot next to 45 Seeley Avenue that owner Helen Malone is currently requesting to change from an R3 to R5 zone so that she may build a two family house on that site. I oppose the zone change because I believe it has a likely potential to negatively and irrevocably alter the character of the street.

To understand this point of view, one must first understand that Seeley Avenue is very unlike adjacent Prospect, Highland and Rackleff Streets to which it has been unfairly compared. Where Prospect, Highland and Rackleff Streets are well traveled streets that connect neighborhood to neighborhood, Seeley Avenue is a quiet oasis with a country road/village feel that leads nowhere except to connect Rackleff and Prospect. Where Prospect, Highland and Rackleff Streets have numerous two-family dwellings, Seeley Avenue has only one two family out of a total of nine single family homes and that one two-family feels decidedly out of place. Where Prospect, Highland and Rackleff Streets are not conducive to street play, on Seeley Avenue children and walkers from the Woodsfords and Deering Highlands neighborhoods routinely use the roadway itself for recreation and exercise. Seeley Avenue is a very special little street, the character of which is both fragile and central to the quality of life in the neighborhood at large.

Thus setting the scene, my first concern with a zone change is the increased traffic that is certain to come with a two family home. A two family can reasonably be expected to bring with it the addition of four more cars and, if rented to groups of friends or students, the number of cars could easily go up as is clearly evident at 46 Seeley Avenue, the two family home across the street. Such numbers may seem small but on Seeley Avenue that's a minimum of a 20% car and traffic increase. It has been argued, illogically, that building a single family that does not require a zoning change would also bring with it increased traffic but the math is not hard here: a single family will certainly bring less increased traffic than a two family. As mentioned above, Seeley Avenue is a very special little street on which children and walkers routinely use the roadway itself for recreation--it would only take a few more cars parking and whizzing by to change that irrevocably.

My second concern is that although the owner (Helen Malone) states her intentions to *eventually* live in one apartment herself, *once the zone change is made there is absolutely no guarantee nor binding agreement that would prevent the two family from being sold and/or rented to multiple tenants nor in five years time getting reviewed for additional units as appears to be permissible for R5 zoning as stated in Chapter 14, Sec. 14-117, a.1., page 14-104 of the City of Portland Code of Ordinances.* Intentions are not binding, hell is paved with good ones and there is much precedence in life to be wary of decisions based on them. Ms. Malone owns another rental property on Prospect Street and has acknowledged her plans to rent out the new Seeley Avenue place once it is built until such time as she feels ready to move in herself so there is good reason to wonder . . .

D5

Then there are smaller concerns such as 1) the façade set-back requirements that appear to change with the zoning change and 2) the possible removal of trees during the construction process. On the preliminary design as shared in the workshop and neighborhood meetings by developer (and son) Joseph Malone, the set-back on the proposed two family will be twenty feet, five feet shorter than the other homes on the street and as required by the current R3 zoning designation The street, not unified in architectural style, *is* unified in its set backs -- a change would disrupt that unity.

Another small but important issue are the trees. The trees of Seeley Avenue are part of what make it a unique place. The R-5 requirement that a two family home must have two driveways (--reasonably so!) and a front sidewalk seems sure to necessitate the removal of more trees than if the lot was simply developed as a single family home for which it is currently zoned.

Regarding the zoning change proposal process, the City of Portland Code of Ordinances, Chapter 14, Section 14-32, page 14-14 states: "A public hearing shall not be scheduled until *after* [my emphasis] the minutes of the neighborhood meeting are submitted to the planning authority." That we were told of the public hearing date even before the neighborhood meeting was announced seems to conflict with that rule. Also, I came late to the neighborhood meeting and did not observe any minutes being taken. What is the process for requesting a copy of those minutes? I would like to review them.

Finally, I will assume that Mark Malone, who is listed in The Planning Board Guide as being Vice Chair of the Planning Board and who is also the son of Helen Malone, will, of course, recuse himself from any participation what so ever in this process.

In conclusion, Seeley Avenue is a unique little side street whose character benefits the surrounding community. It is my sense that a change of zoning designation and the attendant building of a two-family rental home on the lot in question would be counter to the Comprehensive Plan of the City of Portland and would permanently affect that character in ways that may not be intended but are likely to occur.

Respectfully submitted,

Libby Marcus

DB

Neighborhood Meeting Invitation

November 9, 2004

Dear Neighbor:

Please join us for a neighborhood meeting to discuss our plans for a zone change from R-3 to R-5 to allow the development (on a vacant lot) of a two family house instead of a single family house located at 45 Seeley Avenue, Portland, Maine.

Meeting Location 30 Highland Street, Portland, Maine
Meeting Date: November 16, 2004
Meeting Time: 6:00 pm

If you have any questions please call Joseph Malone at 207-772-2422 (day) or 207-774-2994 (evening).

Sincerely,
Helen Malone

51

NAME	Address
Ray Eastman	26 Seeley Ave
Phil Hatch	34 Rackliff ST
Gilbert Congdon	141 Prospect St
Martha Congdon	141 Prospect St.
Peter Doherty	14 Highland St
Albert Whitham	14 Highland St
Clyde Goring	15 Highland St
Frank Merrill	19 Seeley Ave
Elizabeth Gilmore	24 Fairmount St.
Dan Legere	346 Woodford St.
Kathryn Coolidge	30 Seeley Ave
Davis Robinson	40 Seeley Ave.
Karen Malone	118 Beacon St
Joe Lewis	53 Seeley Ave
ADDISON S. BROWN	155 Prospect St
Roger Gilmore	24 Fairmount St.

plus Libby — from 40 Seeley Ave.

started 6:15 PM ended 7:30 PM



**City of Portland, Maine
Department of Planning and Development**

Dear Neighbor:

Thank you for attending this evening's neighborhood meeting.

Applicants for major developments, zone changes, and subdivisions of more than five units/lots are required to hold a neighborhood meeting prior to the Planning Board's public hearing on the development proposal.

The purpose of these meetings is to improve communication between neighbors and applicants for development. We have found that neighbors raise questions and offer insight that often improve the design or compatibility of a proposed development.

The City code requires that property owners within 500 feet of the proposed development and residents on an "interested parties list" be invited to participate in a neighborhood meeting. A sign-in sheet will be circulated and minutes of the meeting will be taken. Both the sign-in sheet and minutes will be submitted to the Planning Board.

Should you wish to offer additional comments on this proposed development, you may send correspondence to:

Planning Division
Department of Planning and Development
City Hall
389 Congress Street
Portland, ME 04101;

Or email:
sh@portlandmaine.gov;

Or call 874-8720.

Thank you for taking the time to attend tonight's meeting.

Sincerely,

Sarah Hopkins
Development Review Services Manager

63

Minutes from Nome meeting
Tuesday Nov. 16, 2004
6:00 30 Highland St.

- Joseph Malone passed hand out to all present.

Joseph Malone reviewed proposed house development including lot description and explanation of current zoning.

Reviewed city's recommendation that the adjacent R5 zone be annexed to accommodate the proposed 2 family house.

Reviewed history of application process.

Clarification that annexation of R5 zone would not include the existing house - only the lot.

Participants asked for zoning clarification on the map.

Joseph Malone circulated architect drawings of 2 possible plans for new 2 family.

Question & answer period ensued, including:

How does the city determine zoning?

Does the zone change affect any other lots?

Comments regarding the proposal:

- Joe Lewis spoke favorable, citing Helen Malone's reputation as a property owner. His property abuts the proposed development.
- Mr Hatch was in favor of the project
- Mr Averill was in favor...
- Kathryn Coolidge expressed a desire to have no sidewalks in front of the new house. Several others expressed a similar strong agreement.
- Dan Legere spoke favorable of the project
- Davis Robinson was opposed to the project

citing that it would bring a transient element to the neighborhood. He feared many new families would be developed.

- Libby? also opposed the project fearing an unsavory element would take root in the neighborhood and fearing the potential for further development of the neighborhood.

MALONE

NOT A SUMMIT WOLFE DUPLEX - ^{MARK} MEYER ARCHITECT
WILL ~~BE~~ PRESENT A STAND ALONE
APPEARANCE.

WOULD ACTUALLY HAVE FEWER
BED ROOMS THAN OTHER HOMES ON
STREET → MOTHER'S RETIREMENT
UNIT.

NAT'L MATERIALS
HIGHER END HOME

DELOGU - STAFF SHOULD REVIEW DESIGN

SILK - PLEASE PROVIDE NARRATIVE.

PUBLIC ^{ROBINSON}

LIBBY ~~MARSH~~ - SEELEY ALMOST ALL

SINGLE FAMILY - CONCERNED ABOUT
MULTI DEVELOPMENT IF BECAME
A RENTAL - STUDENT RENTALS
IN AREA = EXISTING PROBLEM.

* 20 FOOT SETBACK SEEMS INCONSISTENT.

DAVID'S ROBINSON - ABUTTING R5 PROPERTIES
ARE ZONED R5 BUT HAVE SINGLE-
FAMILY UNITS, NOT MULTIPLE

PETER NEAL - TWO-UNIT OWNER

ETHOS CONCERNS OF LIBBY

* SCHARF - IDEA THAT RENTER = BAD
NOT TO BE PART OF BOARDS.

* ~~BACK~~ AS A HEARING

DAVIS ROBINSON → SINGLE FAMILY =
BEST BLEND INTO NEIGHBORHOOD

DAVID COOLIDGE → Pilot of the no-sidewalk
effort.

Also - IN OPPOSITION BASED
ON FACT THAT SEELEY =
100% SINGLE, LESS 1 DUPLEX

LIBBY MARCJ -

TRAFFIC PROBLEMS EXIST DUE TO
TWO SINGLE-FAMILY STRUCTURES EXISTING.
→ STREET USED AS A PARK DEPARTO..
→ COMP PLAN

POTENTIAL FOR RENTAL INCREASED

CATHERINE COOLIDGE - 30 SEELEY

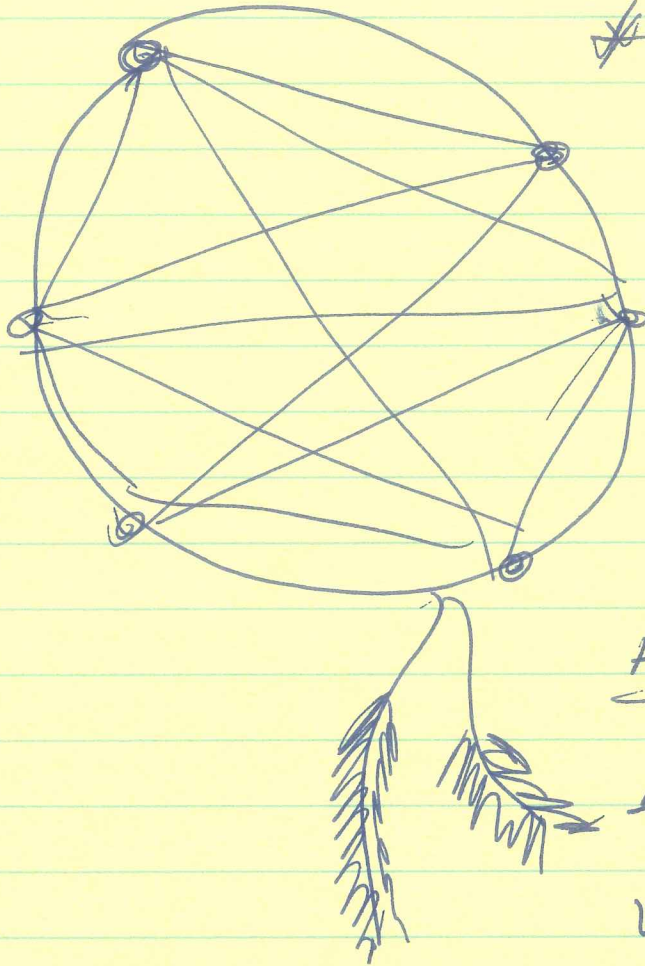
LEWIS - "FOUR-SQUARE IN FAVOR"

RAEKLIF/SEELEY OWNER & LONG TIME RESIDENT.
100% SUPPORT

SCHWARTZ - COMP PLAN CALL FOR
DIVERSITY IN NEIGHBORHOODS.

⊙ WHAT THEY DO OR SAY THEY'LL
DO HAS NO BEARING ON BOARD'S
DECISION.

ANDREW DUCAS → ① ONLY EFFECTS
ONE LOT.



* LONG TIME RES OF
155 PROSPECT WHOSE
LIFE → 2-FAMILY
HOME ON THAT LOT
GREATLY OPPOSES
LORRAINE BROWN

ADDISON BROWN →
RENT TURN-OVER

Δ = unfair to
new residents who
have invested in
their properties

LOWREY MOVES MOTION w/ "IS" AND "RECOMMENDS"

BEAL - ① OKAY & CONSISTENT w/ COMP PLAN
② DEEPLY CONCERNED ABOUT CHARACTERIZATION
OF RENTERS, BY OPPOSING PERSONS...

SILK - VERY UNCOMFORTABLE w/ REZONE
& SLIPPERY SLOPE / AD HAWK ΔS.
"DIFFICULT SITUATION"

TEVAMAR - ZONING NOT UP TO SPEED w/ COMP PLAN
PROJECT - CONSISTENT...

LOWREY - REASONABLE EXPANSION OF PERMITTED
USES ON THE LOT.

- TREE REPLACEMENT PLAN
WILL PROVIDE SOME ASSURANCES.

- TREES WILL BE CONSIDERED
REGARDING SIDEWALK
FOR DRIVEWAYS...

PATTERSON → OKAY w/ IT...

OFFENSE @ CALLING 2-PART
MT A HOME.

ORLANDO → REBUTTS SILK - LAW COURT
IS NEUTRAL ON 'SPOT ZONING'.

- MODEST Δ - WELL SUPPORTED

FOR +/- 6 REASONS

CHECK TAPE...

GO PAS

Planning and Development Dept.
Portland City Hall
389 Congress Street
Portland, ME 04101

RE: Site plan review.

The following is a brief explanation and description of the new construction proposed by Helen Malone at 45 Seeley Ave in Portland (Tax Map 123, Block E, Lot 36). The applicant appeared before the Planning Board and City Council and obtained a zone change from the existing R3 to a R5 zone. The zone change was granted with the provision that the Planning Board approves the final site plan.

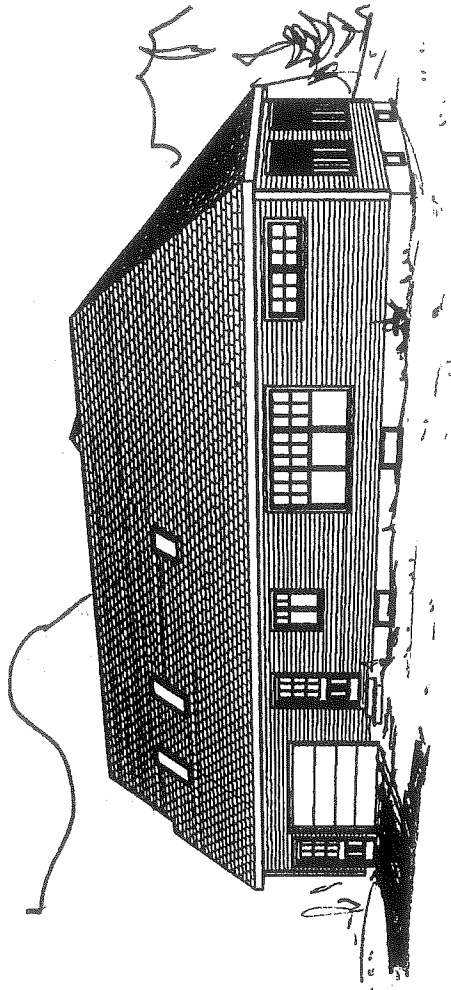
The proposed project consists of building a 2687 square foot, one and a half story two-family home to be constructed on the 10,519 square foot vacant lot adjacent to the applicant's current residence at 45 Seeley Ave. The proposed site coverage totals 4,279 square feet or forty percent of the lot. The plan includes exterior parking for three vehicles and a one car attached garage. The house has been positioned on the lot in such a manner as to preserve the old growth trees on site.

The proposed home will include two apartments. The first apartment is a single floor, two bedroom, two bath residence that will serve as the primary residence for the applicant. The second apartment is a two-floor, one bedroom, one and a half bath unit that will serve in the immediate future to provide the applicant with rental income as well as provide an option for caregiver housing should the need arise.

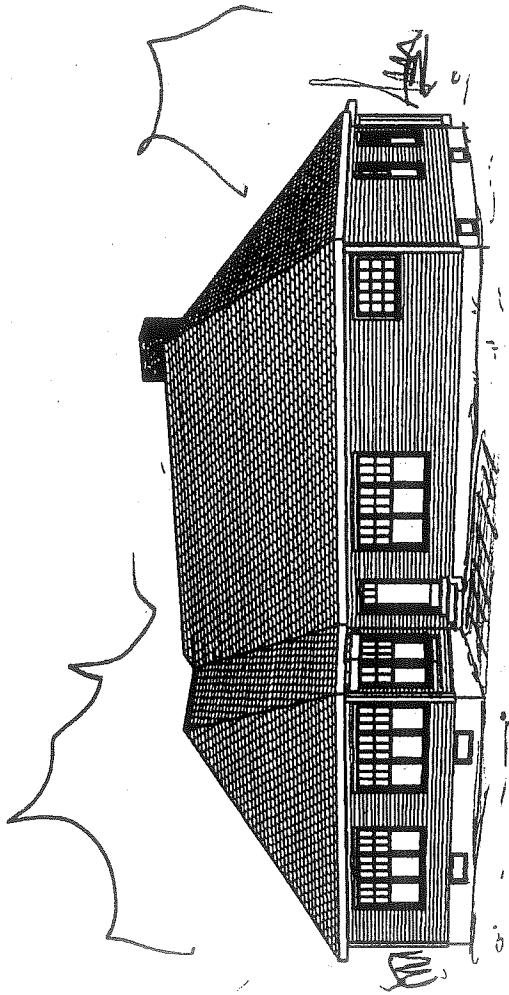
The material proposed for the home includes cedar siding, aluminum clad windows and architectural roof shingles. The chimney and base of the structure will be stone. The house has been tastefully designed and fits the character of the neighborhood. Every attempt has been made to make the house appear to be a one family.

The applicant would also like to apply for a sidewalk waiver. The City Council as well as the neighbors have expressed concern that a sidewalk would not fit the character of the street, as there is no sidewalk on the entire length of Eastern side of the street. There is a sidewalk on the opposite side of the street. In addition, the construction of a sidewalk would require the removal of several large, old growth trees.

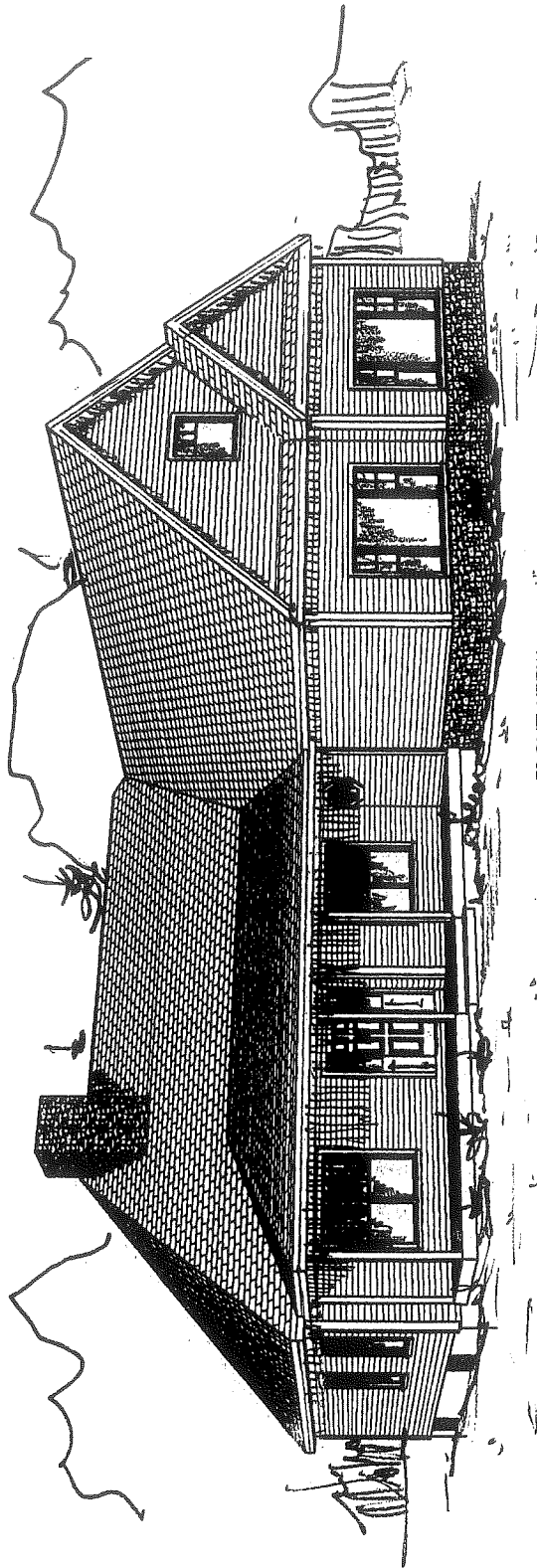
The applicant would utilize the available public sewer, water and gas utilities, which can be easily accessed at the site. The projected completion time is four months from the start of construction. The applicant would like to begin construction as soon as approvals are obtained.



RIGHT SIDE
DRIVEWAY VIEW



BACK VIEW



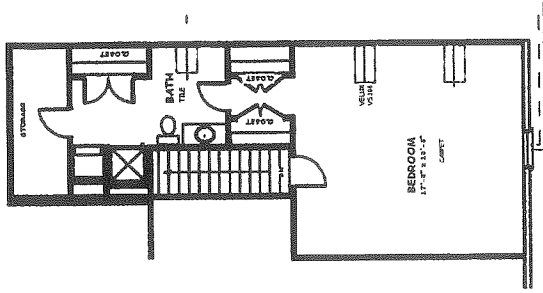
FRONT VIEW

builder
DOYLE ENTERPRISE
Diane Doyle
207-286-3530

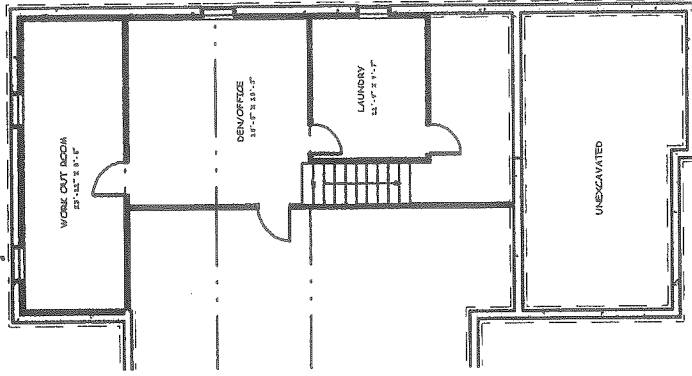
residence for
HELEN MALONE
45 Seeley Avenue
Portland, Maine

date **2-25-05**
scale **NTP**
sheet no. **10F3**

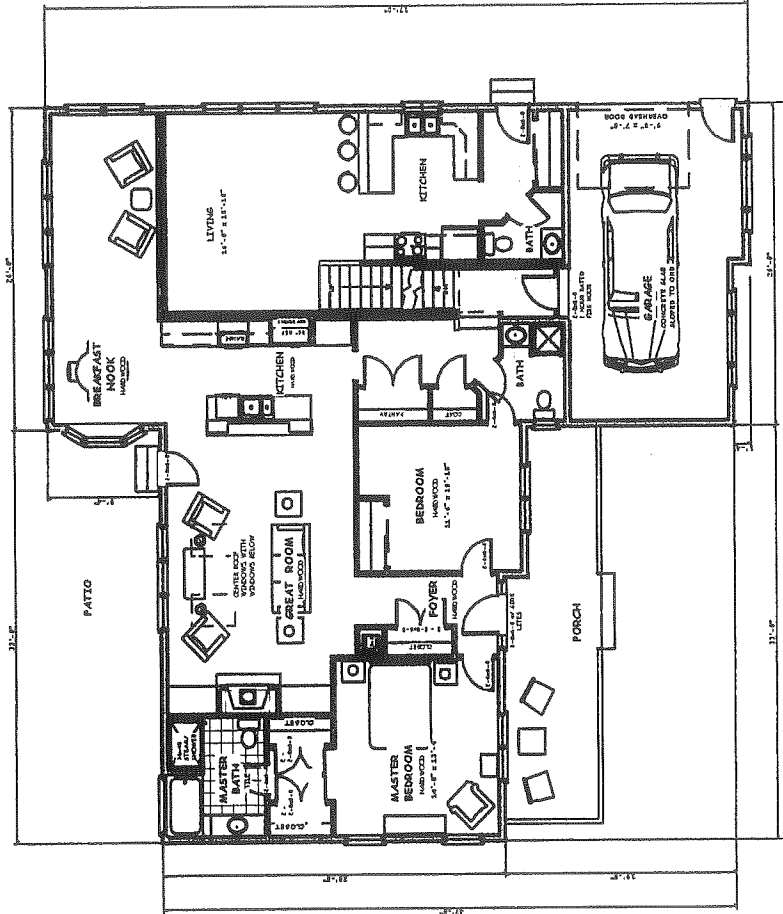
plans by
JERRY DUGAL
207-353-5915



SECOND FLOOR PLAN



BASEMENT PLAN



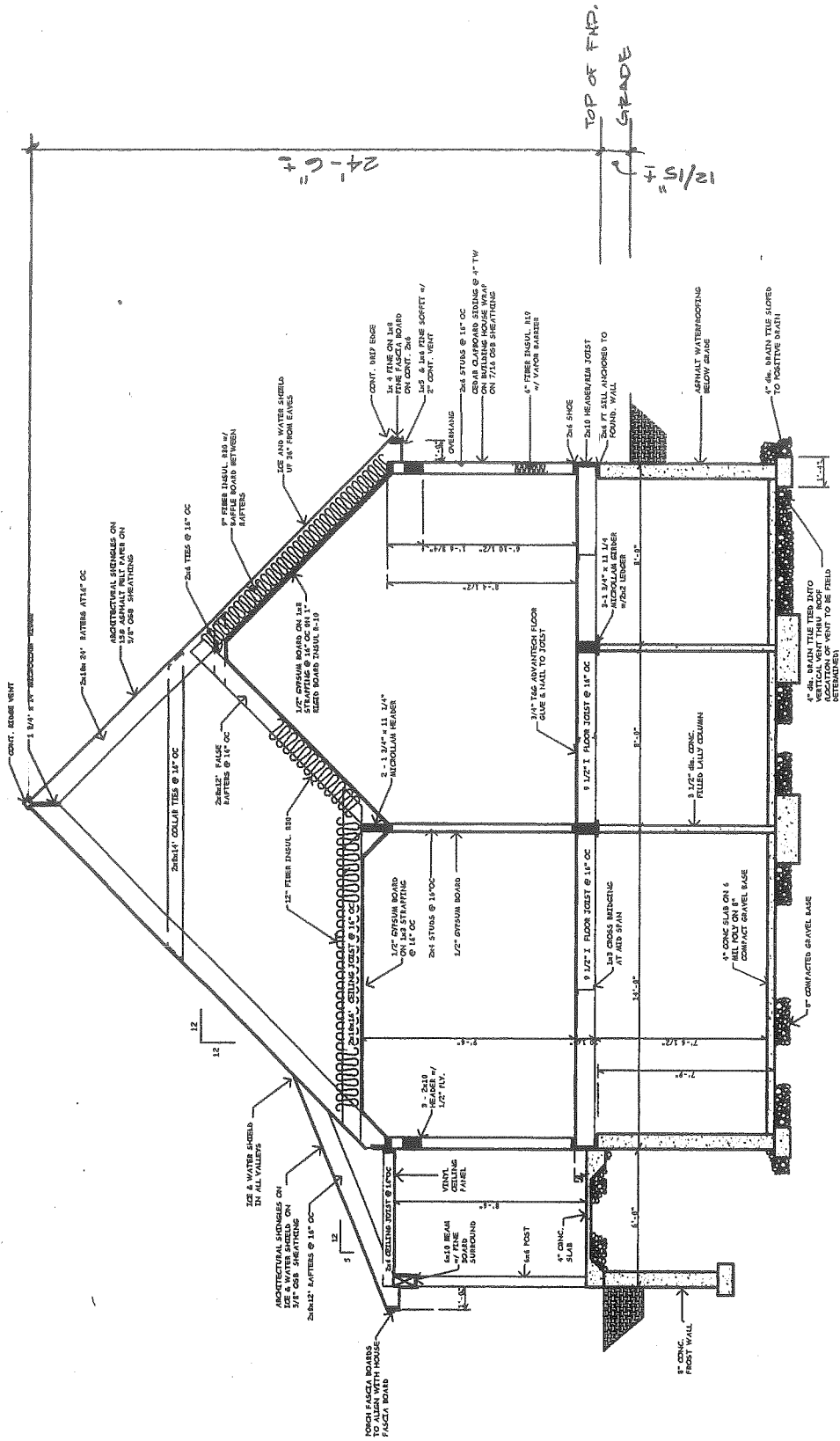
FIRST FLOOR PLAN

date 2-25-05
 scale N.T.S.
 sheet no. 2 of 3

residence for
 HELEN MALONE
 45 Seeley Avenue
 Portland, Maine

builder
 DOYLE ENTERPRISE
 Diane Doyle
 207-286-3530

plans by
 JERRY DUGAL
 207-353-5915



HOUSE CROSS SECTION

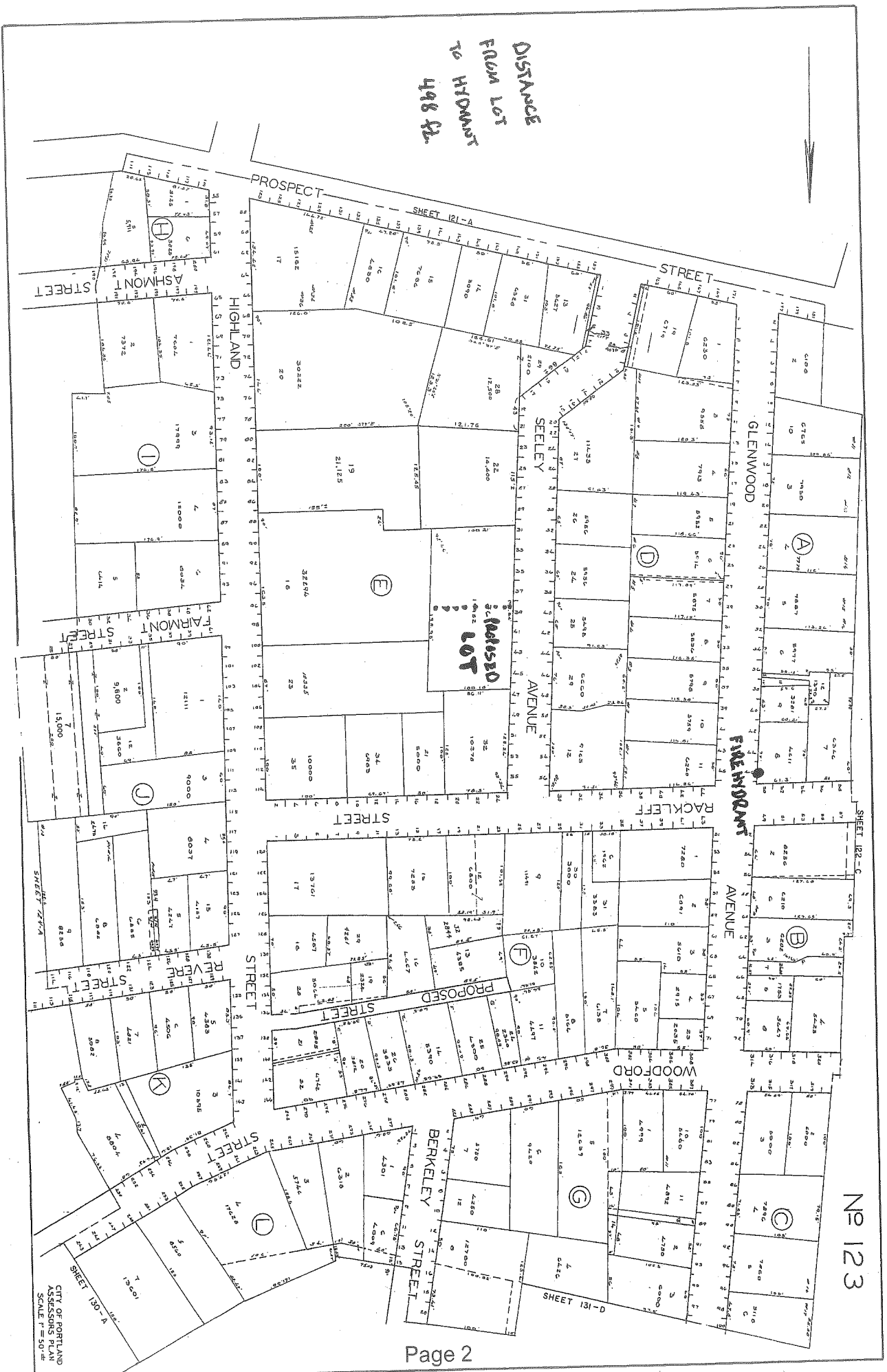
date 2-25-05
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 sheet no. 3 of 3

residence for
HELEN MALONE
 45 Seeley Avenue
 Portland, Maine

builder
DOYLE ENTERPRISE
 Diane Doyle
 207-286-3530

plans by
JERRY DUGAL
 207-353-5915

DISTANCE
FROM LOT
TO HYDRAUT
498 FT.



No 123

CITY OF PORTLAND
ASSESSORS PLAN
SCALE 1" = 50'

CITY OF PORTLAND, MAINE

PLANNING BOARD

Orlando E. Delogu, Chair
Lee Lowry III, Vice Chair
John Anton
Kevin Beal
Michael Patterson
David Silk
Janice E. Tevanian

March 23, 2005

Mrs. Helen Malone
45 Seeley Avenue
Portland, ME 04102

RE: 45 Seeley Avenue – Two-Family House - Site Plan and Subdivision Application
App ID# 2005-0042, CBL #123 E036001

Dear Mrs. Malone:

On March 22, 2005 the Portland Planning Board voted 7-0 to approve the above referenced Subdivision application. The approval was granted for the project based on findings and subject to conditions as follows:

1. That the plan is in conformance with the subdivision standards of the land use code.

Conditions of Approval:

- i. In accordance with §14-499(f) the applicant shall provide 4 street trees along the site's frontage or elsewhere on the street within the vicinity of the subject site. The street tree plan shall be subject to review and approval by the City Arborist.

On March 22, 2005 the Portland Planning Board also voted 7-0 to approve the above referenced Site Plan application. The approval was granted for the project based on findings and subject to conditions as follows:

2. That the plan is in conformance with the site plan standards of the land use code.

Conditions of Approval:

- i. The applicant shall work with staff, the City's consulting civil engineer, and the City Arborist to ensure that reasonable efforts are made to preserve as many existing trees as possible.

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.)

The Development Review Coordinator must be notified five (5) working days prior to date required for final site inspection. The Development Review Coordinator can be reached at the Planning Department at 874-8632. 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.

If there are any questions related to the conditions of approval, the recording of the subdivision plat, or otherwise please contact Ethan Boxer-Macomber at 756-8083 or ebm@portlandmaine.gov.

Sincerely,



Lee Lowry, Chair
Portland Planning Board

cc: Lee D. Urban, Planning and Development Department Director
Alexander Jaegerman, Planning Division Director
Sarah Hopkins, Development Review Services Manager
Ethan Boxer-Macomber, Planner
Jay Reynolds, Development Review Coordinator
Marge Schmuckal, Zoning Administrator
Inspections Division
Michael Bobinsky, Public Works Director
Traffic Division
Eric Labelle, City Engineer
Jeff Tarling, City Arborist
Penny Littell, Associate Corporation Counsel
Lt. Gaylen McDougall, Fire Prevention
Assessor's Office
Approval Letter File

Memorandum
Department of Planning and Development
Planning Division



To: Chair Delogu and Members of the Portland Planning Board
From: Ethan Boxer-Macomber, Planner
Date: October 8, 2004
Re: October 12, 2004 Workshop,
45 Seeley Avenue – Proposed Rezone from R3 to R5

An October 12, 2004 workshop has been scheduled for the Planning Board to review the subject rezone application.

I. Project Summary

Applicant: Helen Malone
45 Seeley Avenue
Portland, ME 04103

Site Location: 45 Seeley Street

CBL#: 123 E036001

Zoning: R3

Lot Area: Entire Lot 19,907 Sq. Ft.

Proposed Lot to Remain R3
for Existing House 9,387 Sq. Ft.

Proposed Lot to Accommodate
New Two-Family Home and become R5 10,520 Sq. Ft.

I. Project Description

The applicant proposes to rezone the vacant half of her 19,907 Sq. Ft. parcel from R3 to R5 so as to allow for the construction of a two-family home. The subject site is located

toward the north end of Seeley Street in close proximity to Rackleff Street. Properties on Rackleff Street are zoned R5 while properties on Seeley are predominantly zoned R3. A legal, non-conforming two-family unit exists directly across the street from the subject site. Staff will present a contextual photomontage of the site vicinity at the October 12, 2004 workshop.

II. Public Outreach And Response

Upon receipt of the subject application staff mailed notice all property owners within 500 feet of the subject site. The October 12, 2004 workshop was noticed in the same manner. As of the date of this memo staff has received no written communications regarding the application.

III. Rezone

The 10,520 Sq. Ft. portion of the subject site, which the applicant proposes to rezone, could not be developed as a multifamily property under current R3 zoning. If rezoned to R5, that site could accommodate a one or two-family structure. The R5 zone has density limitations that would preclude a three family or greater from being developed on the subject site.

IV. Summary of Significant Issues

1. The application slightly misrepresents the actual boundary line between the R3 and R5 zones. Whereas the project narrative and site plan show the subject site abutting the R5, there is actually a +/- 25 foot extension of the R3 on the abutting Lewis and Webber properties. Staff will present a GIS map of the existing zoning at the October 12, 2004 workshop.
2. In order for the Planning Board and the City Council to accept the proposed rezone, each body must find the proposal (1) consistent with the Comprehensive Plan and (2) appropriate in the context of the existing neighborhood. Staff finds that more information will be needed in order for these determinations to be made. Staff recommends that the applicant submit more detailed information to inform the review process.

Staff has requested additional information from the applicant regarding these issues in a September 29, 2004 letter (Attachment C). This information had not been received as of the date of this memo.

V. Attachments

- A. Rezone Application
- B. Deed
- C. September 29, 2004 Boxer-Macomber Letter
- D. Proposed Subdivision
- E. Proposed Rezone

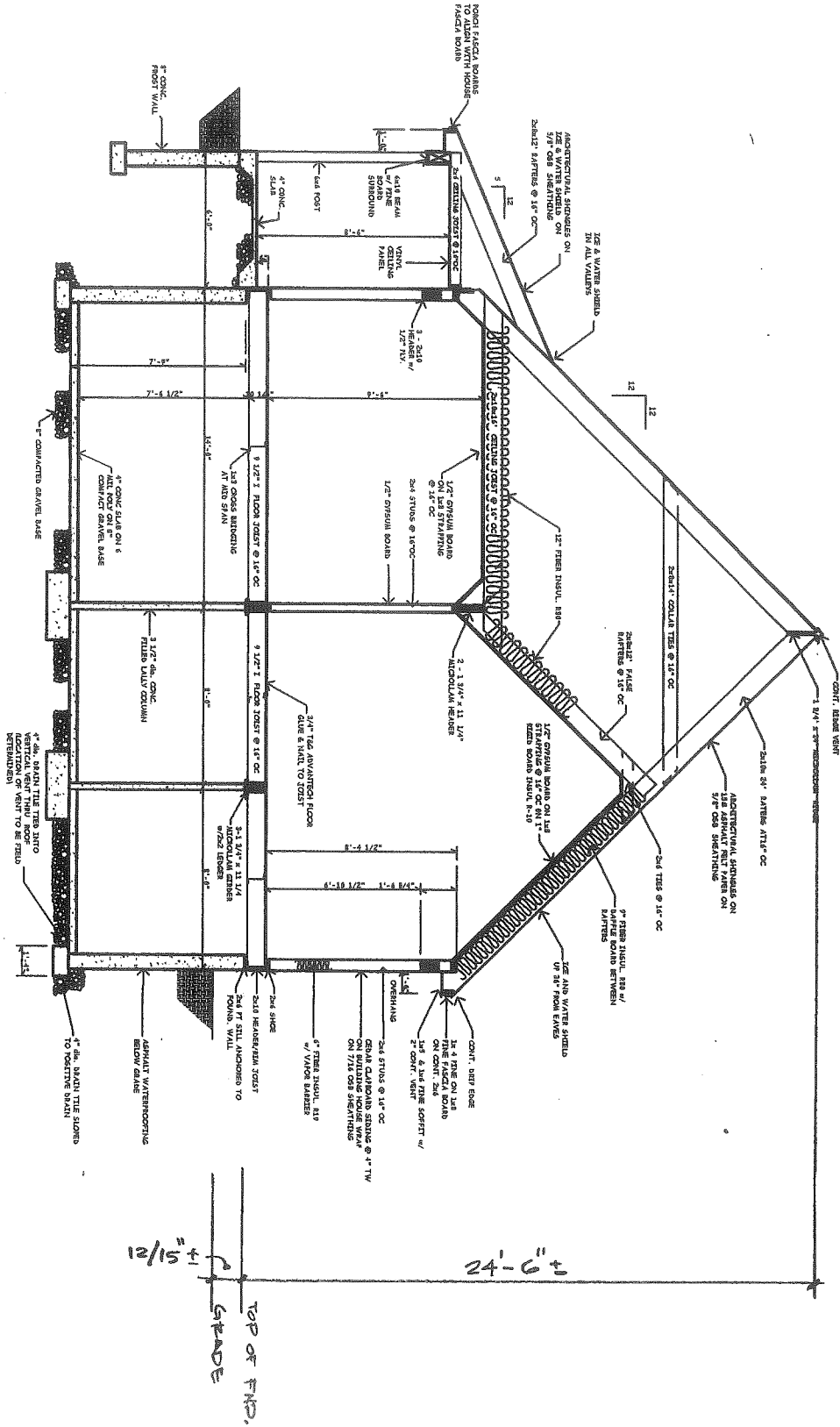
plans by
JERRY DUGAL
 207-353-5915

builder
DOYLE ENTERPRISE
 Diane Doyle
 207-286-3530

residence for
HELEN MALONE
 45 Sealey Avenue
 Portland, Maine

date **2-25-05**
 scale **1/4" = 1'-0"**
 sheet no. **3 of 3**

HOUSE CROSS SECTION



12/12
 24'-6"
 TOP OF FIN. GRADE

MEMORANDUM

TO: Ethan Boxer-Macomber, Planner - City of Portland

FROM: Helen Malone

DATE: November 16, 2004

RE: 45 Seeley Avenue Zone Change Request & Compliance with Portland's Comprehensive Plan for Houses

Thank you for your consideration in the rezoning of the northerly portion of my property from an R-3 zone to an R-5 zone. The current zone line changes from R-5 to R-3 near my northerly property line (30±' away), therefore, the requested change would extend the R-5 zone toward the south. An R-5 zone change would permit me to construct a 2-family dwelling which I intend to use as my primary residence along with a single residential unit.

I believe the zone request is consistent with the City of Portland's Comprehensive Plan, "Housing: Sustaining Portland's Future," in a number of areas.

Policy #1 of the Housing Plan is to "Ensure that an adequate supply of housing is available to meet the needs, preferences and financial capabilities of all Portland households, now and in the future." Since the primary reason for my request is to be able to continue to afford to own a home in Portland by having a rental unit as an income subsidy to my fixed income I believe this is consistent with Policy #1. In addition, it appears the zone request is also consistent with Objectives 1.a., 1.b., 1.c., 1.d., 1.e., and 1.g.

Policy #3 of the Housing Plan "Building on Neighborhood Stability and Integrity" would also appear to support this zone request. The 2-family property I intend to build is consistent with other uses in the immediate neighborhood and is appropriately scaled to the neighborhood. This type of land use is consistent with the overall goal of Policy #3 as well its Objectives 3.a., 3.c., 3.d., 3.e., and 3.g.

Policy #5 of the City's Housing Plan "Sustainable Development" also appears to be very supportive of the type of zone request being sought in this application. Objectives 5.a., 5.b., 5.c. and 5.e. of Policy #5 all appear to encourage this type of zone change.

While there are numerous other references in the City's Comprehensive Housing plan, I believe I have highlighted the more significant portions which support my request for a zone change from R-3 to R-5. In addition, I was not able to locate a single policy, objective or action listed in the Housing Plan which is at odds with this request.

I respectfully and humbly appreciate your consideration for my request. Please let me know if you require any additional information from me at this time.

Department of Planning & Development
Lee D. Urban, Director



CITY OF PORTLAND

Division Directors
Mark B. Adelson
Housing & Neighborhood Services

Alexander Q. Jaegerman, AICP
Planning

John N. Lufkin
Economic Development

September 13, 2004

Helen Malone
45 Seeley Avenue
Portland, ME 04102

RE: 45 Seeley Avenue Rezone - R3 to R5
Application #637, CBL #123 E036001

Dear Mrs. Malone:

The Planning Division has received of your application to rezone a portion of your property at 45 Seeley Avenue from R3 to R5. The intent of the proposed rezone is to allow for the construction of a two-family residence.

Please be advised that an October 12, 2004 Planning Board workshop has been scheduled to review your proposal. A November 23, 2004 public hearing has also been tentatively scheduled with the Planning Board. The Planning Board's role in the review of your application is strictly advisory. At the November 23rd public hearing the Board will vote on whether or not to recommend that City Council approve the proposal.

Once the Planning board has developed a recommendation, a public hearing before the City Council will be scheduled.

If you have any questions, please do not hesitate to contact me by phone at 756-8083 or by email at ebm@portlandmaine.gov. I look forward to working with you through the remainder of the review process.

Best regards,

A handwritten signature in black ink, appearing to read "Ethan Boxer-Macomber".

Ethan Boxer-Macomber
Planner

CC: Sarah Hopkins, Development Review Services Manager



PORTLAND MAINE

Strengthening a Remarkable City, Building a Community for Life

www.portlandmaine.gov

Planning & Development Department

Lee D. Urban, Director

Planning Division

Alexander Jaegerman, Director

September 29, 2004

Mrs. Helen Malone
45 Seeley Avenue
Portland, ME 04102

RE: 45 Seeley Avenue Rezone - R3 to R5
Application #637, CBL #123 E036001

Dear Mrs. Malone:

Planning Division staff has reviewed your application to rezone a portion of your property at 45 Seeley Avenue from R3 to R5 so as to allow for the construction of a two-family residence. Please be advised that in order for your application to be found complete, the following documentation and/or information must be submitted:

1. Evidence of Right, Title, and Interest

The site plan and project description submitted with your application indicate that the subject parcel abuts an R5 zone. In fact, the R5 zone ends along a line approximately 25 feet inside the abutting Lewis property on Rackleff Street. Your zone change proposal calls for rezoning a portion of said Lewis property as well as apportion of the Weber property on Highland Street.

The application should be revised to either (a) include owners of said Lewis and Weber properties as co-applicants or (b) limit the area proposed for rezone to land over which you have full right, title, and interest.

2. Rezone Project Narrative

Please provide a narrative explaining why the City Council should find the proposed rezone appropriate and necessary for the public good and how the proposed rezone is

CI

consistent with the City's Comprehensive Plan. You may also consider providing more a more detailed description of the duplex development that you envision for the site.

As indicated in a prior letter, an October 12, 2004 Planning Board workshop has been scheduled to review your proposal.

If you have any questions, please do not hesitate to contact me by phone at 756-8083 or by email at ebm@portlandmaine.gov.

Best regards,



Ethan Boxer-Macomber
Planner

CC: Sarah Hopkins, Development Review Services Manager

40 Seeley Avenue
Portland, ME 04103
Phone: 772-9924
lmarcus@maine.rr.com
November 17, 2004

Ethan Boxer-Macomber, Planner
Planning Division
Department of Planning and Development
389 Congress Street
Portland, ME 04101

Dear Mr. Boxer-Macomber:

I live at 40 Seeley Avenue in Portland directly across the street from the lot next to 45 Seeley Avenue that owner Helen Malone is currently requesting to change from an R3 to R5 zone so that she may build a two family house on that site. I oppose the zone change because I believe it has a likely potential to negatively and irrevocably alter the character of the street.

To understand this point of view, one must first understand that Seeley Avenue is very unlike adjacent Prospect, Highland and Rackleff Streets to which it has been unfairly compared. Where Prospect, Highland and Rackleff Streets are well traveled streets that connect neighborhood to neighborhood, Seeley Avenue is a quiet oasis with a country road/village feel that leads nowhere except to connect Rackleff and Prospect. Where Prospect, Highland and Rackleff Streets have numerous two-family dwellings, Seeley Avenue has only one two family out of a total of nine single family homes and that one two-family feels decidedly out of place. Where Prospect, Highland and Rackleff Streets are not conducive to street play, on Seeley Avenue children and walkers from the Woodsfords and Deering Highlands neighborhoods routinely use the roadway itself for recreation and exercise. Seeley Avenue is a very special little street, the character of which is both fragile and central to the quality of life in the neighborhood at large.

Thus setting the scene, my first concern with a zone change is the increased traffic that is certain to come with a two family home. A two family can reasonably be expected to bring with it the addition of four more cars and, if rented to groups of friends or students, the number of cars could easily go up as is clearly evident at 46 Seeley Avenue, the two family home across the street. Such numbers may seem small but on Seeley Avenue that's a minimum of a 20% car and traffic increase. It has been argued, illogically, that building a single family that does not require a zoning change would also bring with it increased traffic but the math is not hard here: a single family will certainly bring less increased traffic than a two family. As mentioned above, Seeley Avenue is a very special little street on which children and walkers routinely use the roadway itself for recreation--it would only take a few more cars parking and whizzing by to change that irrevocably.

My second concern is that although the owner (Helen Malone) states her intentions to *eventually* live in one apartment herself, *once the zone change is made there is absolutely no guarantee nor binding agreement that would prevent the two family from being sold and/or rented to multiple tenants nor in five years time getting reviewed for additional units as appears to be permissible for R5 zoning as stated in Chapter 14, Sec. 14-117, a.1., page 14-104 of the City of Portland Code of Ordinances.* Intentions are not binding, hell is paved with good ones and there is much precedence in life to be wary of decisions based on them. Ms. Malone owns another rental property on Prospect Street and has acknowledged her plans to rent out the new Seeley Avenue place once it is built until such time as she feels ready to move in herself so there is good reason to wonder . . .

Then there are smaller concerns such as 1) the façade set-back requirements that appear to change with the zoning change and 2) the possible removal of trees during the construction process. On the preliminary design as shared in the workshop and neighborhood meetings by developer (and son) Joseph Malone, the set-back on the proposed two family will be twenty feet, five feet shorter than the other homes on the street and as required by the current R3 zoning designation The street, not unified in architectural style, *is* unified in its set backs -- a change would disrupt that unity.

Another small but important issue are the trees. The trees of Seeley Avenue are part of what make it a unique place. The R-5 requirement that a two family home must have two driveways (--reasonably so!) and a front sidewalk seems sure to necessitate the removal of more trees than if the lot was simply developed as a single family home for which it is currently zoned.

Regarding the zoning change proposal process, the City of Portland Code of Ordinances, Chapter 14, Section 14-32, page 14-14 states: "A public hearing shall not be scheduled until *after* [my emphasis] the minutes of the neighborhood meeting are submitted to the planning authority." That we were told of the public hearing date even before the neighborhood meeting was announced seems to conflict with that rule. Also, I came late to the neighborhood meeting and did not observe any minutes being taken. What is the process for requesting a copy of those minutes? I would like to review them.

Finally, I will assume that Mark Malone, who is listed in The Planning Board Guide as being Vice Chair of the Planning Board and who is also the son of Helen Malone, will, of course, recuse himself from any participation what so ever in this process.

In conclusion, Seeley Avenue is a unique little side street whose character benefits the surrounding community. It is my sense that a change of zoning designation and the attendant building of a two-family rental home on the lot in question would be counter to the Comprehensive Plan of the City of Portland and would permanently affect that character in ways that may not be intended but are likely to occur.

Respectfully yours,


Libby Marcus

From: "April Wernig" <aprillyn@maine.rr.com>
To: "Ethan Boxer-Macomber" <EBM@portlandmaine.gov>
Date: 6/1/05 7:10:23 AM
Subject: 45 Seeley Ave - Electric Service

Hi Ethan,

I gathered some information from the excavator and electrician regarding the additional cost to bring power under Seeley Avenue to Helen Malone's side of the street. As I mentioned yesterday, Doyle Enterprises had thought the power service from the road to Helen's house had to be underground, not the portion of the power coming from the opposite side of the street. There is a utility pole directly across the street from the property. We planned to bring power over the street to a new pole located in front of the lot to be developed. We've discussed a pole placement with CMP.

The underground power needs its own trench, separate from the gas, sewer, and water service. The installation of the conduit and labor to install it across the street will cost approximately \$4,000 and the cost to trench and fill will be approximately \$2,000. We are extremely cost sensitive at this point as the site work for this project, not including underground power across Seeley Avenue is approaching \$15,000, whereas site work for a duplex project would normally cost in the \$6,000-\$8,000 range.

We would really appreciate yours and the department's review of this item and urge you to accept our proposal to install underground electric from the road to the new structure. Please let me know if you need additional information to evaluate this request. Thank you for your time.

April Wernig
(207) 653-8059

CC: "Diane Doyle" <didoyle2@maine.rr.com>



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Planning and Development Department
Lee D. Urban, Director

Planning Division
Alexander Jaegerman, Director

To Applicants for Development in Portland:

The City of Portland has instituted the following fees to recover the costs of reviewing development proposals under the Site Plan and Subdivision ordinances: application fee; engineering fee; and inspection fee. Performance and defect guarantees are also required by ordinance to cover all site work proposed.

The **Application Fee** covers general planning and administrative processing costs, and is paid at the time of application.

The Planning Division is required to send notices to neighbors upon receipt of an application and prior to public meetings. The applicant will be billed for mailing and advertisement costs. Applicants for development will be charged an **Engineering Review Fee**. This fee is charged by the Planning Division for review of on-site improvements of a civil engineering nature, such as stormwater management as well as the engineering analysis of related improvements within the public right-of-way, such as public streets and utility connections, as assessed by the Department of Public Works. The Engineering Review fee must be paid before a building permit can be issued. Monthly invoices are sent out by the Planning Division on a monthly basis to cover engineering costs.

A **Performance Guarantee** will be required following approval of development plans. This guarantee covers all required improvements within the public right-of-way, plus certain site improvements such as landscaping, paving, and drainage improvements. The Planning Division will provide a cost estimate form for figuring the amount of the performance guarantee, as well as sample form letters to be filled out by a financial institution.

An **Inspection Fee** must also be submitted to cover inspections to ensure that sites are developed in accordance with the approved plan. The inspection fee is 2.0% of the performance guarantee amount, or as assessed by the planning or public works engineer. The minimum inspection fee is \$300 for development, unless no site improvements are proposed. Public Works inspects work within the City right-of-way and Planning inspects work within the site including pipe-laying and connections. (The contractor must work with inspectors to coordinate timely inspections, and should provide adequate notice before inspections, especially in the case of final inspection.)

Upon completion of a development project, the performance guarantee is released, and a **Defect Guarantee** in the amount of 10% of the performance guarantee must be provided. The Defect Guarantee will be released after a year.

Other reimbursements to the City include actual or apportioned costs for advertising and mailed notices. All fees shall be paid prior to the issuance of any building permit.

For more information on the fees or review process, please call the Planning Division at 874-8719 or 874-8721.

Alexander Jaegerman, AICP
Planning Division Director

**CITY OF PORTLAND, MAINE
SITE PLAN CHECKLIST**

Project Name, Address of Project

Application Number

Submitted () & Date	Item	Required Information	Section 14-525 (b,c)
_____	(1)	Standard boundary survey (stamped by a registered surveyor, at a scale of not less than 1 inch to 100 feet and including:	1
_____	(2)	Name and address of applicant and name of proposed development	a
_____	(3)	Scale and north points	b
_____	(4)	Boundaries of the site	c
_____	(5)	Total land area of site	d
_____	(6)	Topography - existing and proposed (2 feet intervals or less)	e
_____	(7)	Plans based on the boundary survey including:	2
_____	(8)	Existing soil conditions	a
_____	(9)	Location of water courses, marshes, rock outcroppings and wooded areas	b
_____	(10)	Location, ground floor area and grade elevations of building and other structures existing and proposed, elevation drawings of exterior facades, and materials to be used	c
_____	(11)	Approx location of buildings or other structures on parcels abutting the site	d
_____	(12)	Location of on-site waste receptacles	e
_____	(13)	Public utilities	e
_____	(14)	Water and sewer mains	e
_____	(15)	Culverts, drains, existing and proposed, showing size and directions of flows	e
_____	(16)	Location and dimensions, and ownership of easements, public or private rights-of-way, both existing and proposed	f
_____	(17)	Location and dimensions of on-site pedestrian and vehicular access ways	g
_____	(18)	Parking areas	g
_____	(19)	Loading facilities	g
_____	(20)	Design of ingress and egress of vehicles to and from the site onto public streets	g
_____	(21)	Curb and sidewalks	g
_____	(22)	Landscape plan showing:	h
_____	(23)	Location of existing proposed vegetation	h
_____	(24)	Type of vegetation	h
_____	(25)	Quantity of plantings	h
_____	(26)	Size of proposed landscaping	h
_____	(27)	Existing areas to be preserved	h
_____	(28)	Preservation measures to be employed	h
_____	(29)	Details of planting and preservation specifications	h
_____	(30)	Location and dimensions of all fencing and screening	i
_____	(31)	Location and intensity of outdoor lighting system	j
_____	(32)	Location of fire hydrants, existing and proposed	k
_____	(33)	Written statement	c
_____	(34)	Description of proposed uses to be located on site	1
_____	(35)	Quantity and type of residential, if any	1
_____	(36)	Total land area of the site	b2
_____	(37)	Total floor area and ground coverage of each proposed building and structure	b2
_____	(38)	General summery of existing and proposed easements or other burdens	c3
_____	(39)	Method of handling solid waste disposal	4
_____	(40)	Applicant's evaluation of availability of off-site public facilities, including sewer, water and streets	5
_____	(41)	Description of any problems of drainage or topography, or a representation that there are none	6
_____	(42)	An estimate of the time period required for completion of the development	7
_____	(43)	A list of all state and federal regulatory approvals to which the development may be subject to	8
_____	(44)	The status of any pending applications	8
_____	(45)	Anticipated timeframe for obtaining such permits	h8

- _____ (46) A letter of non jurisdiction h8
_____ (47) Evidence of financial and technical capability to undertake and complete the development including a letter from a responsible financial institution stating that it has reviewed the planned development and would seriously consider financing it when approved.

Note: Depending on the size and scope of the proposed development, the Planning Board or Planning Authority may request additional information, including (but not limited to):

- drainage patterns and facilities;
- erosion and sedimentation controls to be used during construction;
- a parking and/or traffic study;
- and
- a noise study;
- an environmental impact study;
- a sun shadow study;
- a study of particulates and any other noxious emissions;
- a wind impact analysis.

Other comments:

Development Review Fee Schedule (effective July 1, 2003)

- Major Site Plan Review (more than 10,000 sq. ft.)
 - Under 50,000 sq. ft. \$500.00
 - 50,000 - 100,000 sq. ft. \$1,000.00
 - Parking Lots over 100 spaces \$1,000.00
 - 100,000 - 200,000 sq. ft. \$2,000.00
 - 200,000 - 300,000 sq. ft. \$3,000.00
 - Over 300,000 sq. ft. \$5,000.00
- After-the-fact Major Site Plan Review \$1,000.00 + applicable application fee
- Minor Site Plan Review (less than 10,000 sq. ft.) \$400.00 (or up to 20,000 in an Industrial zone)
- After-the-fact Minor Site Plan Review \$1,000.00 + applicable application fee
- Minor-Minor Site Plan Review (Single Families) \$300.00
- Amendment to Plans
 - Planning Board Review \$500.00
 - Planning Staff Review \$250.00
- Subdivision Fee \$500.00 + \$25.00 per lot
- Section 14-403 Review \$400.00 + \$25.00 per lot
- Site Location of Development \$3,000.00
(except for residential projects which shall be \$200.00 per lot)
- Traffic Movement Permit \$1,000.00
- Stormwater Quality Permit \$250.00
- Street Vacation \$2,000.00

Engineering Fees

- Engineer Review Fee Assessed by Engineer
- Inspection Fee 2% of Performance Guarantee or as assessed by Planning or Public Works Engineer with \$300.00 being the minimum

Zone Change

- Zoning Map Amendments \$2,000.00
- Text Amendments \$2,000.00
- Contract/Conditional Rezonings
 - Under 5,000 sq. ft. \$1,000.00
 - 5,000 sq. ft. and over \$3,000.00
- Conditional Use \$100.00

Historic Preservation

- Administrative Review \$50.00
- Minor Projects - Committee Review \$100.00
- Major Projects - Committee Review \$500.00
- After-the-fact Review \$750.00
- HP Special Exception Sign Review \$35.00

Noticing/Advertisements for Historic Preservation and Planning Board Review

- Legal Advertisement Percent of total bill
(Legal Ads are placed in the newspaper for workshop and public hearing meetings)
- Notices .55 cents each
(Notices are sent to abutters when the application is received in the Planning Division, workshop meeting and public hearing meeting)

A Guide to Holding Neighborhood Meetings

In order to improve communication between development applicants and neighbors, the City of Portland requires such applicants to hold a neighborhood meeting.

What type of development proposal requires a neighborhood meeting?

Neighborhood meetings, organized and hosted by the applicant, are required for the following development proposals:

- proposed zone changes, contract zones and zoning text amendments;
- subdivisions of five or more units or lots; and
- major site plan proposals.

Who must be invited to a neighborhood meeting?

Property owners within 500 feet of the proposed development (1000 feet for proposed industrial development), as well as those people on a list of interested citizens and neighborhood groups, must be invited to a neighborhood meeting.

Upon request, the Planning Division will provide to the applicant mailing labels for the neighborhood meeting invitation. We require at least 48 hours prior notice to generate the mailing labels. A charge of \$1.00 per sheet of labels will be payable upon receipt of the labels.

When and where must the neighborhood meeting be held?

The neighborhood meeting must be held after the first Planning Board workshop but not less than seven days prior to the Planning Board public hearing.

The meeting should be held in the evening, during the week, at a location in the neighborhood. Neighborhood schools are usually available for evening meetings.

When must invitations be sent out?

In order to provide sufficient notice to residents, invitations must be sent out no less than seven days prior to the neighborhood meeting.

What information should the invitation include?

A recommended invitation format is included in this packet of material.

Neighborhood Meeting Handouts

Included with this packet of material is a handout sheet from the Planning Division that must be handed out to meeting attendees. This handout explains the requirement for the meeting and additional information on the review process.

Sign-up Sheets and Meeting Minutes

At the meeting, the applicant must circulate a sign-up sheet for those in attendance. The applicant must also keep accurate minutes of the meeting.

After holding the neighborhood meeting, the applicant must submit the sign-up sheet and meeting minutes to the Planning Division. The meeting minutes and sign-up sheet will be attached to the Planning Board report. A public hearing will not be scheduled until the meeting minutes and sign-up sheet are submitted to the Planning Division.

Certification

Included with this packet is a Certification to be completed and signed by the applicant. The applicant is required to certify when the invitations were sent out.

Please call the Planning Division (874-8720) if you have any questions.

Attachments

1. Neighborhood Meeting Invitation Format
2. Handout to Attendees from the Planning Division
3. Neighborhood Meeting Certification

Neighborhood Meeting Invitation Format

Applicant/Consultant
Letterhead

(Date)

Dear Neighbor:

Please join us for a neighborhood meeting to discuss our plans for a (development proposal) located at (location/street address).

Meeting Location: _____

Meeting Date: _____

Meeting Time: _____

If you have any questions, please call (telephone number of applicant or consultant).

Sincerely,

(Applicant)

Note:

Under Section 14-32(C) of the City Code of Ordinances, an applicant for a major development, subdivision of over five lots/units, or zone change is required to hold a neighborhood meeting at least seven days prior to the Planning Board public hearing on the proposal.



City of Portland, Maine Department of Planning and Development

Dear Neighbor:

Thank you for attending this evening's neighborhood meeting.

Applicants for major developments, zone changes, and subdivisions of more than five units/lots are required to hold a neighborhood meeting prior to the Planning Board's public hearing on the development proposal.

The purpose of these meetings is to improve communication between neighbors and applicants for development. We have found that neighbors raise questions and offer insight that often improve the design or compatibility of a proposed development.

The City code requires that property owners within 500 feet of the proposed development and residents on an "interested parties list" be invited to participate in a neighborhood meeting. A sign-in sheet will be circulated and minutes of the meeting will be taken. Both the sign-in sheet and minutes will be submitted to the Planning Board.

Should you wish to offer additional comments on this proposed development, you may send correspondence to:

Planning Division
Department of Planning and Development
City Hall
389 Congress Street
Portland, ME 04101;

Or email:
sh@portlandmaine.gov;

Or call 874-8720.

Thank you for taking the time to attend tonight's meeting.

Sincerely,

Sarah Hopkins
Development Review Services Manager

Neighborhood Meeting Certification

I, (applicant/consultant) hereby certify that a neighborhood meeting was held on (date) at (location) at (time).

I also certify that on (date at least seven days prior to the neighborhood meeting), invitations were mailed to all addresses on the mailing list provided by the Planning Division, including property owners within 500 feet of the proposed development and the residents on the "interested parties" list

Signed,

date

Attached to this certification are

1. Copy of the invitation sent
2. Sign-in sheet
3. Meeting minutes

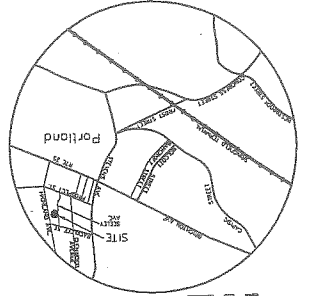
Notice to Developers of New Subdivisions

Effective January 1, 1998, the City of Portland requests that developers of new subdivisions submit information regarding the origin of the name of any new street(s) created within the City limits. This information shall be submitted to the Planning Division with all other related application materials.

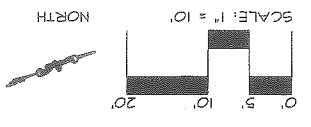
In 1997, Portland residents, Norman and Althea Green, presented the City of Portland with a compilation of research which documents the origins of all street names existing in the City as of 1995. The person, event, location, or subject for which each street was named is now recorded for posterity, constituting an important public record for all those interested in the development of Portland. This compilation is on file at the Portland Public Library, the Maine Historical Society, and the library of the Portland Newspapers, as well as in the City Clerk's Office at Portland City Hall.

It is the intent of the City of Portland to continue this documentation for all streets created in the City. As part of the subdivision review process, applicants are required to submit information regarding the person or subject for which all new streets are being named. In the case of a person, the full name should be submitted, as well as their vocation, relationship to the developer or the area, or other pertinent information. Once the street is formally accepted by the City Council, the information will be placed on file at the City Clerk's office and copies will be sent to the other three Portland repositories.

LOCATION MAP
SCALE: 1" = 2 MILES



- LEGEND
- SYMBOL DESCRIPTION
 - GRANITE MONUMENT FOUND
 - IRON PIPE / IRON ROD FOUND
 - 5/8" IRON ROD W/ CAP TO BE SET
 - PK NAIL FOUND @ CL OF R.O.W.
 - UTILITY POLE
 - EXISTING STONEWALL
 - DECIDUOUS TREE
 - CONIFEROUS TREE
 - CHAIN LINK FENCE
 - PROPERTY LINE
 - EDGE OF PAVEMENT
 - CENTERLINE OF RIGHT OF WAY



APPROVED BY: _____

CITY OF PORTLAND, MAINE
PLANNING BOARD

NAME _____

DATE _____

LOT SIZE: 10,519 S.F.

SITE COVERAGE: (INCLUDES BUILDINGS, DECKS, PORCHES & PAVEMENT)

BUILDING	2687 S.F.
DRIVEWAY	1367 S.F.
WALKS	195 S.F.
TOTAL	4279 S.F.

SITE COVERAGE: 40%

PARKING SPACES:

PROVIDED:	1
TENANT:	2
GUEST:	4
TOTAL	7

ALL TOPOGRAPHIC AND EXISTING BASE INFORMATION PROVIDED BY BHM, 28 STATE STREET, GORHAM, MAINE, TEL. 207.839.2771.

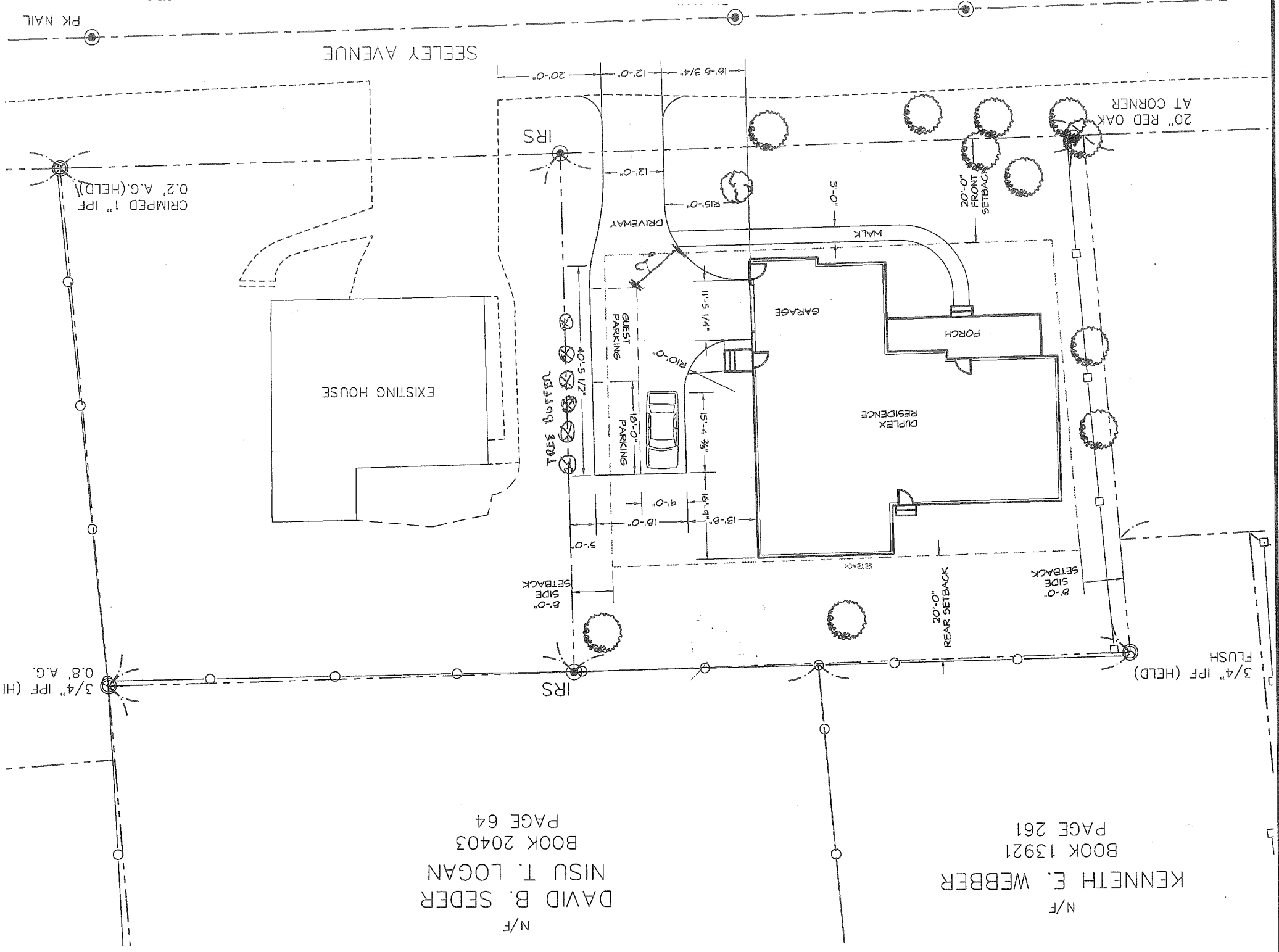
APPLICANT: HELEN A. MALONE
45 SEELEY AVENUE
PORTLAND, ME 04103

TAX MAP 123
BLOCK E
LOT 36

ZONING DISTRICT: R5

N/F
DAVID B. SEDER
NISU T. LOGAN
BOOK 20403
PAGE 64

N/F
KENNETH E. WEBBER
BOOK 13921
PAGE 261



DATE	02.23.05	CHECKED	
JOB NO.	05003	DRAWN	
SCALE	1"=10'	FILE NAME	
SHEET	1	OF	1

Site Plan

Malone Residence

45 Seeley Avenue
Portland, Maine

REVISIONS

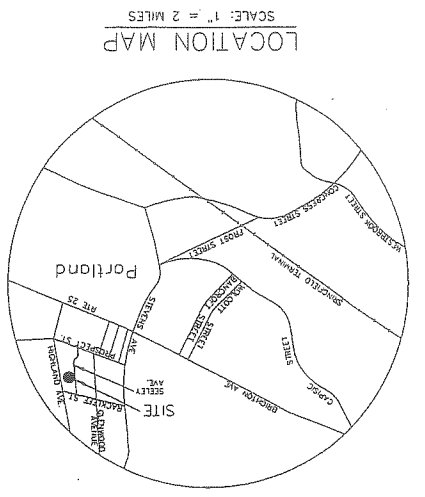
NO.	DATE	ISSUE

Richardson & Associates
Landscape Architects

P.O. Box 426
176 Main Street
Saco, Maine 04072
Tel 207.286.9291
Fax 207.286.9650
mail@richardsonassociates.com

SYMBOL	DESCRIPTION
○	IRON PIPE/IRON ROD FOUND
○	IRON MONUMENT FOUND
○	UTILITY POLE
○	EXISTING STONEWALL
○	DECIDUOUS TREE
○	CONIFEROUS TREE
○	CHAIN LINK FENCE
---	PROPERTY LINE
---	EDGE OF PAVEMENT
---	CENTERLINE OF RIGHT OF WAY

- NOTES:
- OWNER:
HELEN A. MALLONE
45 SEELY AVENUE
PORTLAND, MAINE 04103
 - TAX MAP REFERENCE:
MAP 123, BLOCK E, LOT 36
PARCEL DEED REFERENCE: BOOK 10517, PAGE 275
 - ZONING:
R3
 - MINIMUM STANDARDS:
MIN. LOT SIZE - 6500 S.F.
MIN. FRONTAGE - 50'
SETBACKS: 25' FRONT & REAR
SIDE 8' (1-1/2 STORY HOUSE), 14' (2-STOREY HOUSE)
16' (2-1/2 STORY HOUSE)
 - PLAN REFERENCES:
A. CITY OF PORTLAND, MAINE DEPARTMENT OF PUBLIC WORKS SEELY AVENUE RELOCATION FROM PROSPECT STREET NORTHERLY DATED 6/24/33 RECORD #409/28 AND AVAILABLE AT THE ENGINEERING DEPARTMENT.
B. CITY OF PORTLAND RIGHT OF WAY AND CROSS SECTION PLAN OF SEELY AVENUE FROM PROSPECT AVENUE TO RACKLEFF STREET AND AVAILABLE IN THE ENGINEERING DEPARTMENT.
C. PLAN OF JAMES O. WALKER PROPERTY SEELY AVENUE PORTLAND, MAINE DATED JUNE 1929 BY E. C. JORDAN & CO. AND RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS PLAN BOOK 30, PAGE 55.
D. PLAN OF LAND IN DECREEING, MAINE MADE FOR A. B. JORDAN & C. B. DALTON DATED MAY 1897 BY E. C. JORDAN & CO. AND RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS PLAN BOOK B, PAGE 89.



I CERTIFY THAT THIS SURVEY CONFORMS TO THE MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS TECHNICAL STANDARDS OF PRACTICE FOR A STANDARD BOUNDARY SURVEY, WITH THE FOLLOWING EXCEPTIONS:
1. NO SURVEYORS REPORT

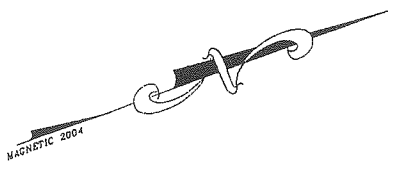
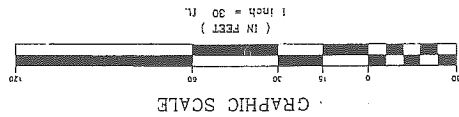
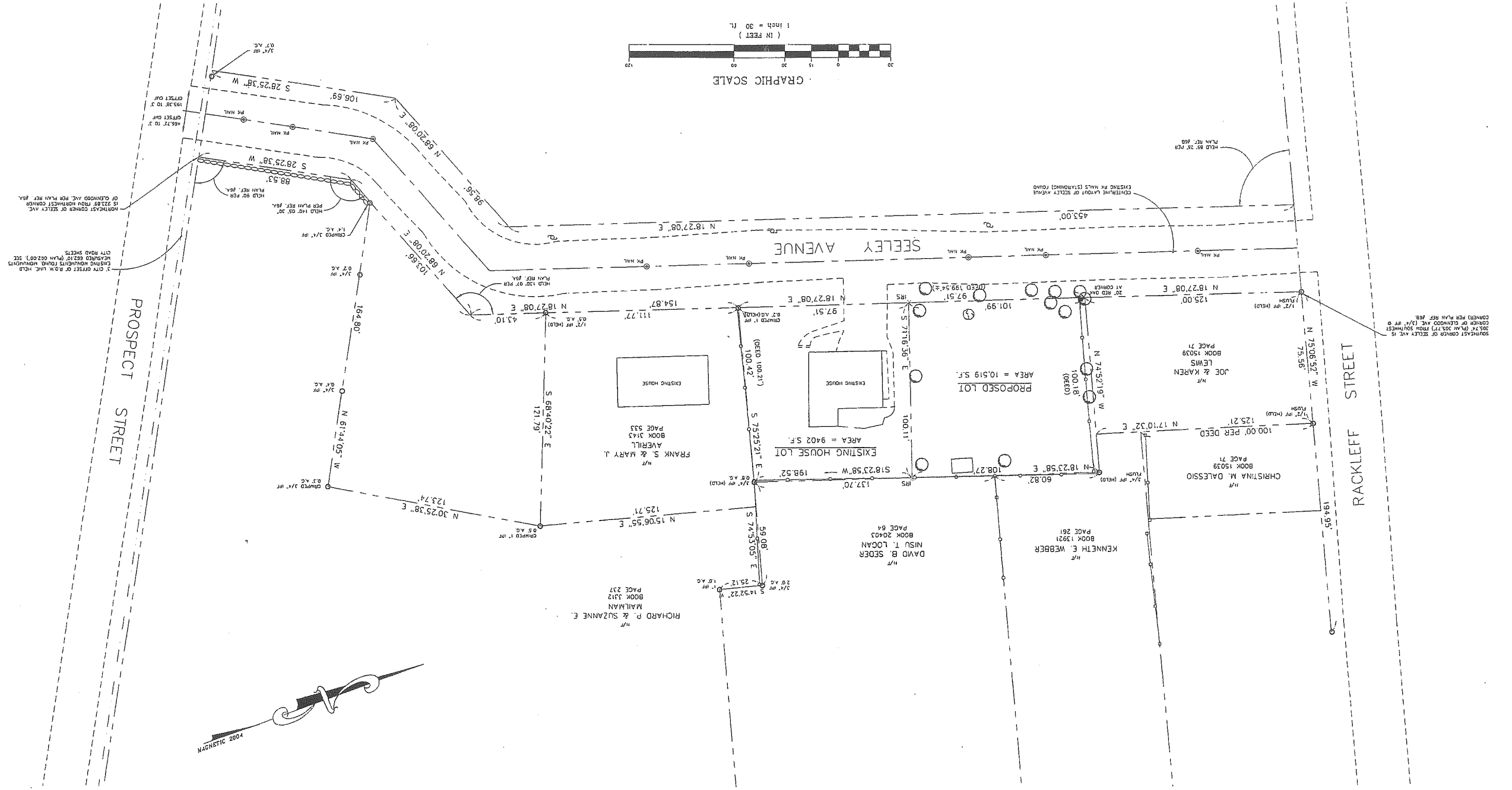
DESIGNED DATE	R. LIBBY, JR.	APRIL 2004
DRAWN SCALE	R. LIBBY, JR.	1" = 30'
CHECKED JOB NO.	W. PELKEY	04412
SHEET 1		

STANDARD BOUNDARY SURVEY PLAN
HELEN A. MALLONE
45 SEELY AVENUE
PORTLAND, MAINE 04103

Helen A. Mallone
45 Seely Avenue
Portland, Maine 04103

BH2M
ENGINEERS * SURVEYORS * PLANNERS
Berry * Huff * McDonald * Milligan Inc.
28 State Street, Gorham, Maine 04038 (207) 839-2771

NO.	DATE	REVISION

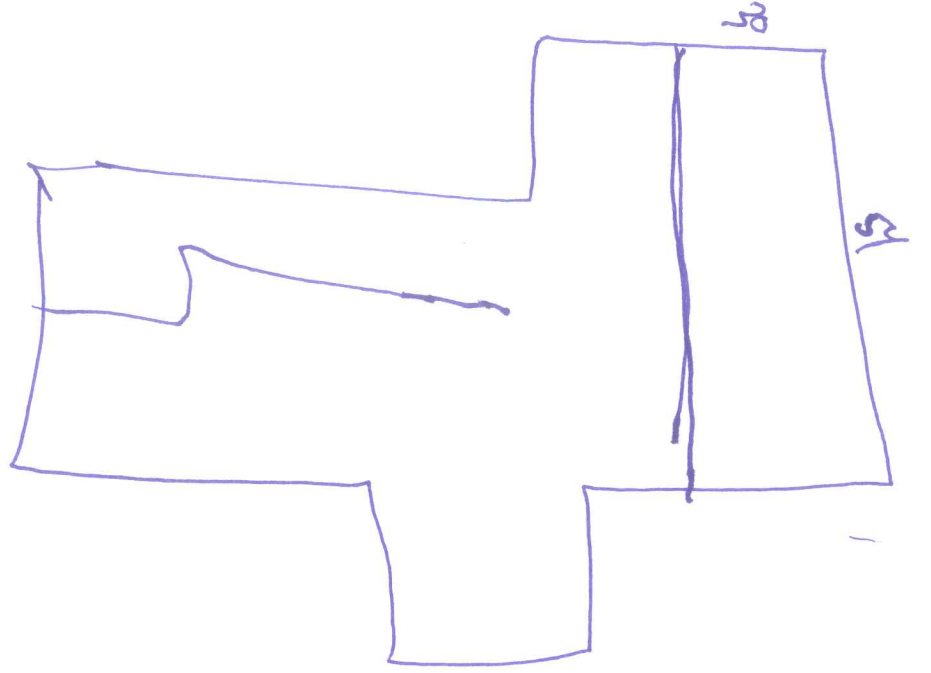




SEELEY AVENUE - WEST SIDE
ACROSS STREET FROM 45 SEELEY STREET



45 SEELEY AVENUE—SUBJECT SITE
SEELEY AVENUE - EAST SIDE



F

STEEL EY AVENUE

SUBJECT PROPERTY
MAXIMUM LOT COVERAGE 29%
LESS THAN THE ALLOWABLE 40%

ZONE
LINE

HELEN MALONE LOT:
MAXIMUM LOT COVERAGE 16%
LESS THAN THE ALLOWABLE 25%

EXISTING HOUSE

PROPOSED
BUILDING
FOOTPRINT

AREA = 9,381 SQ. FT

AREA = 10,520 SQ. FT

HELEN MALONE LOT

PROPOSED LOT

EXISTING SHED

PROPOSED
R-5
R-3

25'

14'

25'

14'

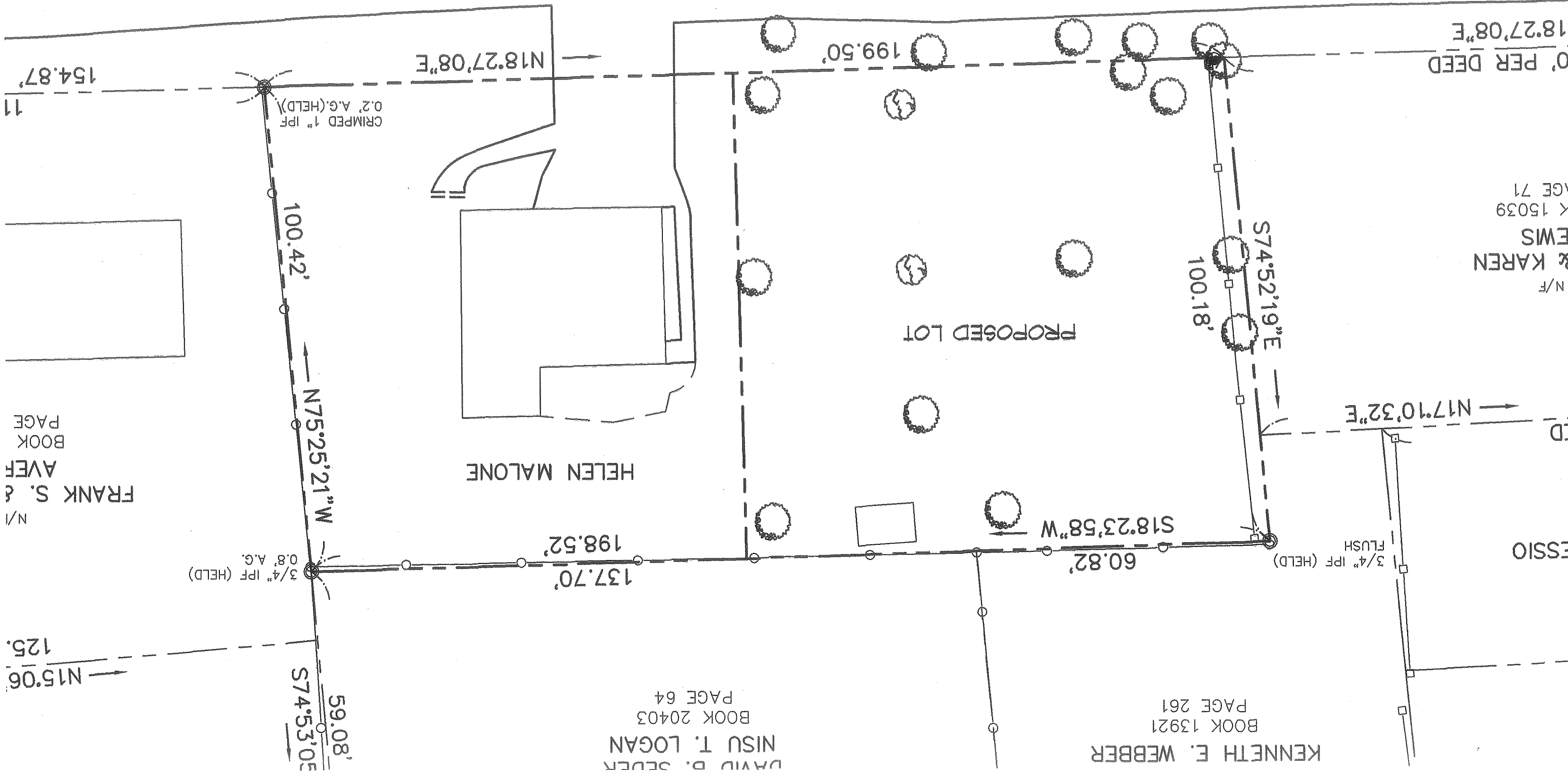
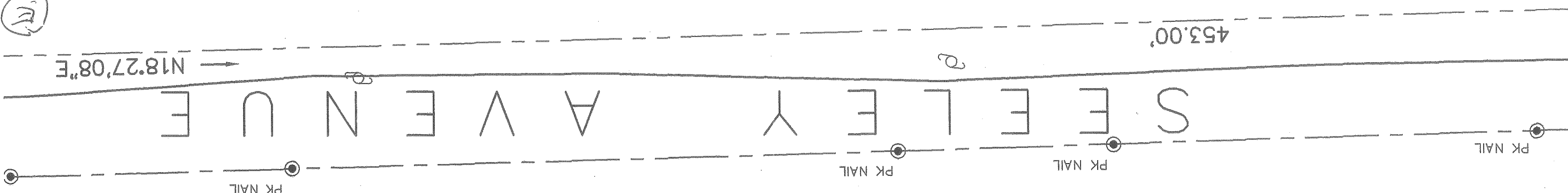
14'

20'

20'

14'

(E)



N/
 FRANK S. &
 AVENUE
 BOOK
 PAGE

DAVID B. SCUDER
 NISU T. LOGAN
 BOOK 20403
 PAGE 64

KENNETH E. WEBBER
 BOOK 13921
 PAGE 261

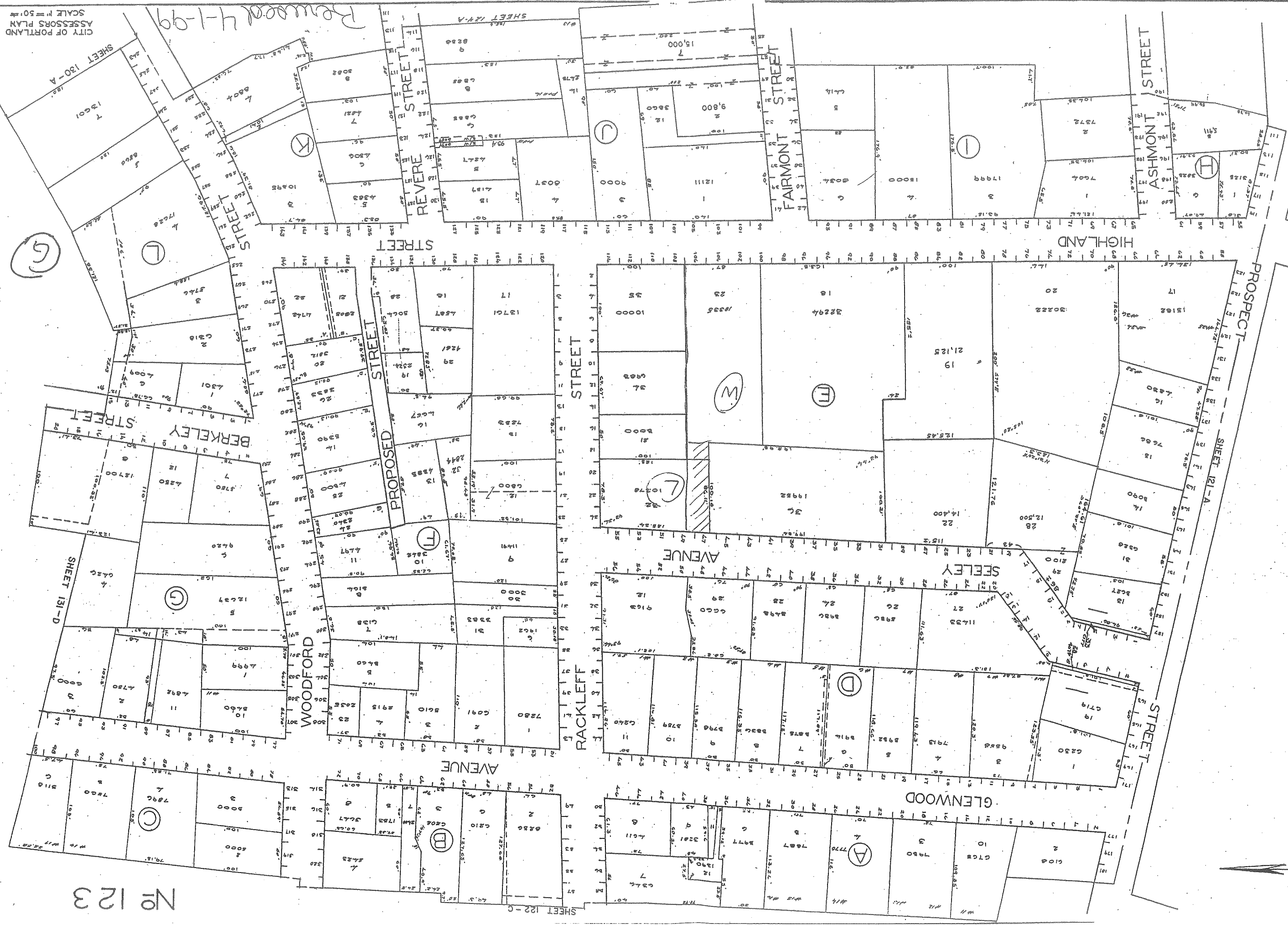
N/
 & KAREN
 LEWIS
 DK 15039
 AGE 71

LESSIO

ED

00' PER DEED
 N18.27'08"E

Revised 4-1-99



No 123



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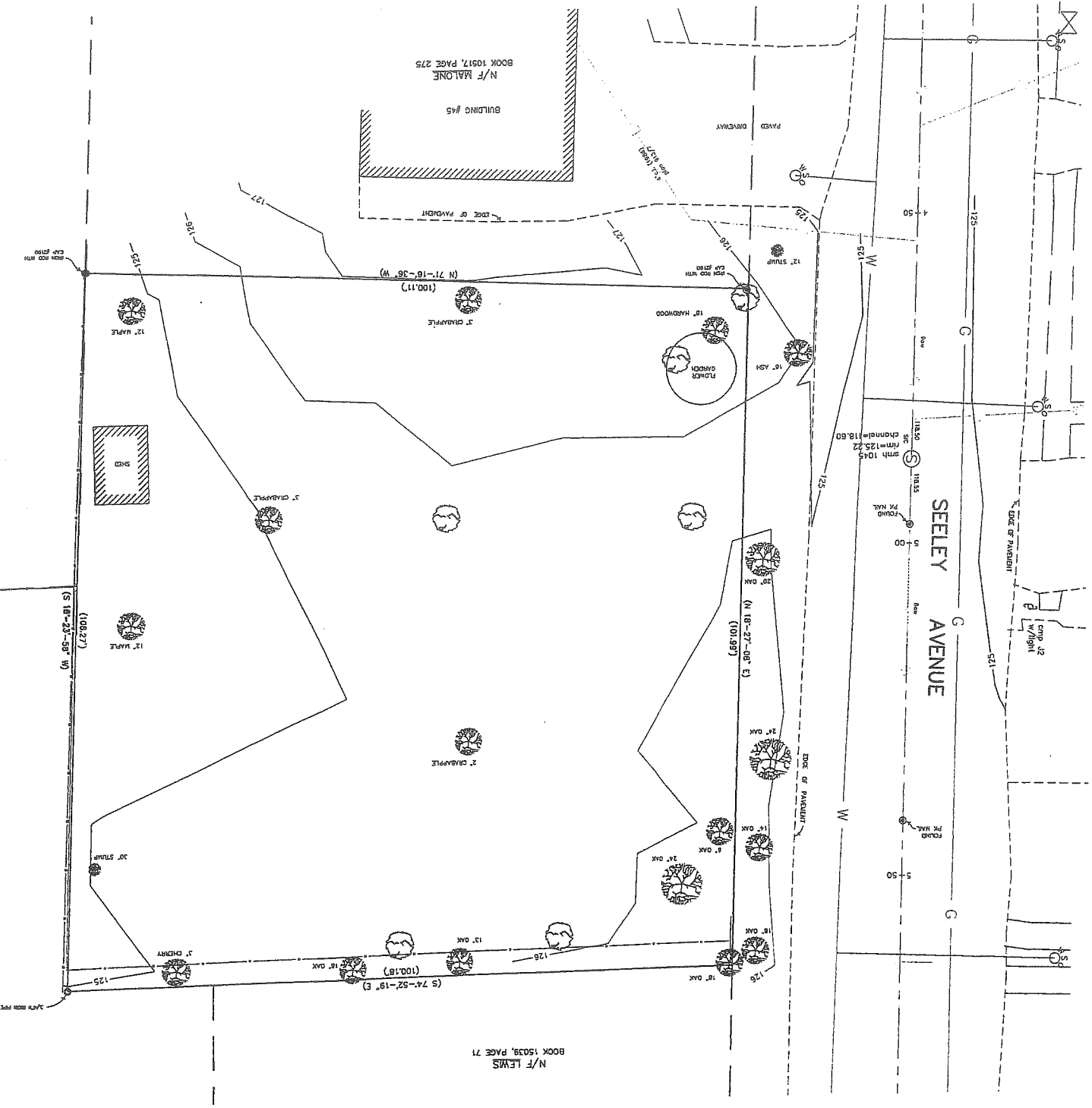
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- NOTES:**
1. THIS IS NOT A BOUNDARY SURVEY. BOUNDARY INFORMATION COPIED FROM PLAN REFERENCE #1 AND IS SHOWN IN PARALLELS. THE HORIZONTAL DATUM FOR THIS PLAN AND CADD FILE IS MAINE COORDINATE GRID SYSTEM, WEST ZONE (MAD 1983) PER THE RECOVERY OF SURVEY CONTROL POINTS SHOWN ON PLAN REFERENCE #2, AND CADD FILE PROVIDED BY THE CITY OF PORTLAND PUBLIC WORKS DEPARTMENT, ENGINEERING SECTION.
 2. ELEVATIONS REFER TO CITY OF PORTLAND DATUM (MEAN TIDE). THE AREA BENCH MARK IS A Pk NAIL FOUND SET IN UTILITY POLE ONE/NET 3 ON RACKLETT STREET (ELEVATION 121.72) AS SHOWN ON PLAN REFERENCE #2.
 3. UNDERGROUND UTILITIES WITHIN SEELEY AVENUE WERE PLOTTED FROM PLAN REFERENCE #2.
 4. SEELEY AVENUE STATIONING REFERS TO PLAN REFERENCE #2.
 5. TOPOGRAPHIC SURVEY PERFORMED WITH APPROXIMATELY 1 FOOT OF SNOW COVER.

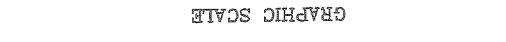
- PLAN REFERENCES:**
1. "STANDARD BOUNDARY SURVEY PLAN FOR HELEN A. MALONE", DATED APRIL, 2004, BY GH2M.
 2. SEELEY AVENUE RECONSTRUCTION, PLAN AND PROFILE, 4+00 TO 7+12.2', DATED JULY, 2004, SHEET 2 OF 2.

LOCUS DEED REFERENCE:

BOOK 10517, PAGE 275

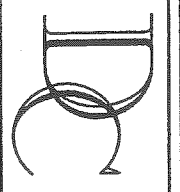
LEGEND:

DIAMETER	⊘
NOW OR FORMERLY	N/F
HYDRANT	⊕
WATER VALVE	⊕
SEWER MANHOLE	⊙
LIGHT POST	⊙
UTILITY POLE	⊙
HEDGE OR SHRUB	⊙
WATER MAIN	W
SANITARY SEWER MAIN	S
STORM DRAIN	SD
OVERHEAD UTILITY LINES	OU
GAS LINE	G
CHAIN LINK FENCE	□
SPLIT RAIL FENCE	□
CONTOUR LINE	40



DATE: MARCH 3, 2006
 H. Scale: Drawn by: MJC
 1" = 10' MJC
 Chk'd by: App'd by: MJC
 PDD
 SHEET 1 OF 1
 ZONE-MISC
 DWG#009 DOYLE-MALONE

Dow & Coulombe, Inc.
 Land Surveyors & Land Planners
 13 Park Street, Saco, ME 04072
 Telephone: 207-284-4821 • Fax: 207-284-4822



PLAN SHOWING A TOPOGRAPHIC SURVEY MADE FOR
DOYLE ENTERPRISES
 (MAILING ADDRESS : 110 MAIN STREET, SUITE 1214, SACO, ME 04072)
 PARCEL LOCATED AT SEELEY AVENUE
 PORTLAND MAINE

No.	Revision	Date

(13)

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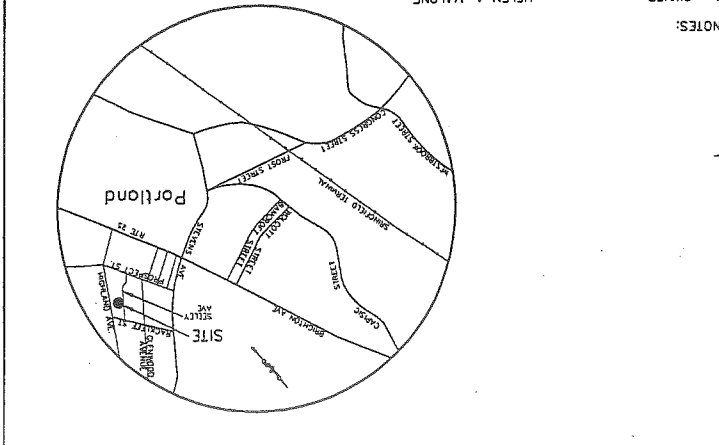
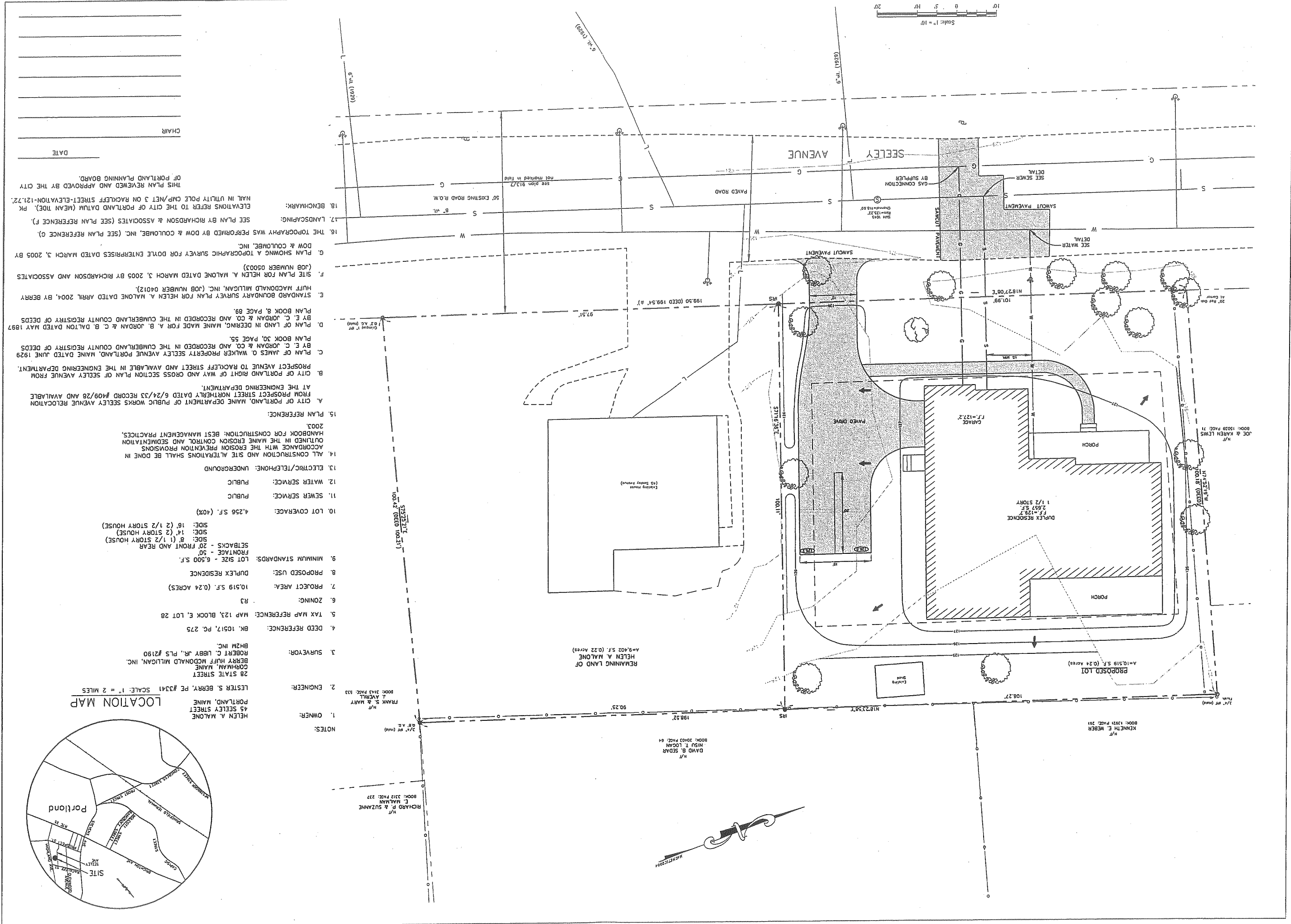
DESIGNED	L. Berry	DATE	March 2005
SCALE	1"=10'	DRAWN	A. Merrill
CHECKED	L. Berry	JOB NO.	05028
SHEET		1	

SITE PLAN
45 SEEBLEY AVENUE
PORTLAND, MAINE

FOR
Doyle Enterprises
110 Maine Street, Suite 1214
Saco, Maine 04072

BH2M
Berry * Huff * McDonald * Milligan Inc.
ENGINEERS * SURVEYORS * PLANNERS
28 State Street, Portland, Maine 04103, (207) 839-2771

NO.	DATE	REVISION	DESCRIPTION



LOCATION MAP SCALE: 1" = 2 MILES

HELEN A. MALONE
45 SEEBLEY STREET
PORTLAND, MAINE
LESTER S. BERRY, PE #3341

1. OWNER:
HELEN A. MALONE

2. ENGINEER:
LESTER S. BERRY, PE #3341

3. SURVEYOR:
CORHAM, MAINE
BERRY HUFF McDONALD MILLIGAN, INC.
ROBERT C. LIBBY JR., PLS #12190
BH2M INC.

4. DEED REFERENCE:
BK. 10517, PG. 275

5. TAX MAP REFERENCE:
MAP 123, BLOCK E, LOT 28

6. ZONING:
R3

7. PROJECT AREA:
10,519 S.F. (0.24 ACRES)

8. PROPOSED USE:
DUPLEX RESIDENCE

9. MINIMUM STANDARDS:
LOT SIZE - 6,500 S.F.
FRONTAGE - 50'
SETBACKS - 20' FRONT AND REAR
SIDE: 8' (1 1/2 STORY HOUSE)
SIDE: 14' (2 STORY HOUSE)
SIDE: 16' (2 1/2 STORY HOUSE)
4,256 S.F. (40%)

10. LOT COVERAGE:
PUBLIC

11. SEWER SERVICE:
PUBLIC

12. WATER SERVICE:
PUBLIC

13. ELECTRIC/TELEPHONE: UNDERGROUND

14. ALL CONSTRUCTION AND SITE ALTERATIONS SHALL BE DONE IN ACCORDANCE WITH THE EROSION PREVENTION PROVISIONS OUTLINED IN THE MAINE EROSION CONTROL AND SEDIMENTATION HANDBOOK FOR CONSTRUCTION: BEST MANAGEMENT PRACTICES, 2003.

15. PLAN REFERENCE:
A. CITY OF PORTLAND, MAINE DEPARTMENT OF PUBLIC WORKS SEEBLEY AVENUE RELOCATION FROM PROSPECT STREET NORTHERLY DATED 6/24/33 RECORD #409/28 AND AVAILABLE AT THE ENGINEERING DEPARTMENT.
B. CITY OF PORTLAND RIGHT OF WAY AND CROSS SECTION PLAN OF SEEBLEY AVENUE FROM PROSPECT AVENUE TO RACKLEFF STREET AND AVAILABLE IN THE ENGINEERING DEPARTMENT.
C. PLAN OF JAMES O. WALKER PROPERTY SEEBLEY AVENUE PORTLAND, MAINE DATED JUNE 1929 BY E. C. JORDAN & CO. AND RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS PLAN BOOK 30, PAGE 55.
D. PLAN OF LAND IN DEERING, MAINE MADE FOR A. B. JORDAN & C. B. DALTON DATED MAY 1897 BY E. C. JORDAN & CO. AND RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS PLAN BOOK 8, PAGE 89.
E. STANDARD BOUNDARY SURVEY PLAN FOR HELEN A. MALONE DATED APRIL 2004, BY BERRY HUFF McDONALD MILLIGAN, INC. (JOB NUMBER 04012).
F. SITE PLAN FOR HELEN A. MALONE DATED MARCH 3, 2005 BY RICHARDSON AND ASSOCIATES (JOB NUMBER 05003).
G. PLAN SHOWING A TOPOGRAPHIC SURVEY FOR DOYLE ENTERPRISES DATED MARCH 3, 2005 BY DOW & COULMBE, INC.

16. THE TOPOGRAPHY WAS PERFORMED BY DOW & COULMBE, INC. (SEE PLAN REFERENCE G).

17. LANDSCAPING:
SEE PLAN BY RICHARDSON & ASSOCIATES (SEE PLAN REFERENCE F).

18. BENCHMARK:
ELEVATIONS REFER TO THE CITY OF PORTLAND DATUM (MEAN TIDE). PK MAIL IN UTILITY POLE CMP/NET 3 ON RACKLEFF STREET-ELEVATION-121.72'. THIS PLAN REVIEWED AND APPROVED BY THE CITY OF PORTLAND PLANNING BOARD.

CHAIR _____
DATE _____

