



Planning & Urban Development Department
Penny St. Louis Littell, Director

Planning Division
Alexander Jaegerman, Director

December 17, 2009

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**Dept. of Building Inspections
City of Portland Maine**

Allan Jagger
40 O'Brien Street
Portland, ME 04101

RE: 251 Woodford Street, CBL #123-L-5-7

Dear Mr. Jagger:

I received your recent submittal dated December 4, 2009 for 251 Woodford Street. As stated in your letter you are anxious to complete the remediation for the after-the fact review of a parking lot that extends into the R-5 zone.

In order to review your remediation plan for the after-the, we need seven sets of the site plan prepared by a competent professional and based upon a stamped survey. The plans must be to scale and address all of the items contained in the letter sent to you on June 2, 2009. A copy of that letter is attached for your reference. Please submit the revised plans to our office by January 15, 2010.

We are seeking your timely cooperation with the City's site plan submission, review and approval requirements. Failure to comply will result in this office referring the matter to the City of Portland Corporation Counsel for legal action and possible civil penalties, as provided for in Section 1-15 of the Code and in Title 30-A M.R.S.A. Ss 4452.

Should you have any questions about the content of this letter, please contact me at 874-8699.

Sincerely,

Barbara Barhydt
Development Review Services Manager

cc: Penny St. Louis Littell, Director, Department of Planning and Urban Development
Alexander Jaegerman, Planning Division Director
Marge Schmuckal, Zoning Administrator
Danielle West-Chuhta, Associate Corporation Counsel

Attachment 1

Letter to Allan Jagger from Barbara Barhydt, dated June 2, 2009

June 2, 2009

Allan D. Jagger
40 O'Brion St.
Portland, ME 04101

Dear Mr. Jagger:

Thank you for meeting with Alexander Jaegerman, Planning Division Director, and I on May 29, 2009. As we discussed, the City of Portland has reviewed the after-the-fact site plan that was submitted for a parking area at 251 Woodford Street. At this meeting we confirmed the following points.

Zoning

- 1. Section 14-51 of the Zoning Ordinance states:

Where a zone boundary line divides a lot in single or joint ownership of record at the time such line is established, the provisions of this article for the less restricted portion of such lot shall extend not more than thirty (30) feet into the more restricted portion, provided that the lot has at least twenty (20) feet of street frontage in the less zone when taken together with adjacent premises which are under the same or equivalent ownership or control. If such boundary line divides a business or industrial zone from a residence zone, no frontage on a street other than the principal business street in the less restricted zone may be taken into consideration in connection with the right herein granted. This section shall not apply to differing dimensional requirements, including height, within a zoning district.

- 2. An excerpt of Section 14-344 of Portland Off- Street Parking Requirements states:

In R-3 through R-5 zones, the Board of Appeals may permit off-street parking for passenger cars only accessory to a use located in and conforming with the provisions of a nearby business or industrial zone (except B-1 zones) if the lot on which the use is proposed is located wholly within three hundred (300) feet,....

- 3. The property at 251 Woodfords Street is divided between the B-1 zone for the front portion of the property running parallel to Woodford Street and the R-5 zone for the rear portion of the property as shown on the site plan dated 12/12/07. Marge Schmuckal, Zoning Administrator, has reviewed the after-the-fact site plan for a parking lot at 251 Woodford Street, which is to serve the change of use of the existing building to an office use and one dwelling unit. She has determined that the paved area may extend 30 feet beyond the B-1 zone line into the R-5 District. The paved parking area extends approximately 50 feet beyond the B-1 and R-5 zone line, thus the parking area is located 20 feet into the R-5 Zone.

Ms. Schmuckal has ultimately concluded that you must either show that the extra pavement is removed or some other approvable method for restricting parking is placed in the area.

Site Plan - Stormwater Management

1. Under the City's site plan ordinance and regulations, a stormwater management plan that controls water runoff for a parking lot is required. The site plan as submitted has been reviewed by the City's consulting engineer and the Department of Public Services. In accordance with the Zoning recommendation, the City Staff recommend that the pavement in the R-5 zone be removed and then loamed and seeded. This restoration of this area to a lawn will reduce stormwater runoff and remediate the site.
2. A minimum of six (6) parking spaces are required to serve the change of use as determined by Ann Machado, Zoning Specialist.

Required Revisions and Remediation

The Department of Planning and Urban Development finds that the submitted site plan does not meet zoning or the City's site plan ordinance. As a result, the Department requires that the site plan be revised to reflect the improvements needed to meet the City's zoning ordinance and site plan ordinance as follows:

1. A revised site plan must be submitted that shows the removal of twenty feet of pavement within the R-5 zone and the stabilization of the site with loam and seed.
2. The driveway leading to the existing garage may remain.
3. A minimum of six parking spaces must be shown on the plan.
4. The revised site plan must be reviewed and approved by the Planning Authority.
5. Erosion and sedimentation controls meeting DEP's best management practices will be required during construction.
6. Adequately screen the dumpster with solid fencing.
7. As discussed at our meeting, a performance guarantee based upon an agreed upon amount to cover the cost of excavating the pavement and restoring the area with loam and seed is required prior to the issuance of a permit. Enclosed with this letter is the cost estimate form and sample forms for a letter of credit or an escrow account. The cost estimate form should be submitted for review and approval prior to finalizing a performance guarantee.
8. A 2% inspection fee is required based on the final amount of the performance guarantee.
9. A preconstruction meeting and a building permit for site work are required prior to remediation of the site.
10. Once this site work is complete to the satisfaction of the City of Portland, then a final certificate of occupancy for the site may be granted and any sign permits may be considered.

Should you have any questions about the contents of this letter, please feel free to call me.

Sincerely,

Barbara Barhydt
Development Review Services Manager

cc: Penny St. Louis Littell, Director, Department of Planning and Urban Development
Alexander Jaegerman, Planning Division Director
Marge Schmuckal, Zoning Administrator
Tammy Munson, Inspection Division Director

