

REPORT #59-88

PLANNING DEPARTMENT REPORT
ASHMONT SREET SUBDIVISION
PETER BASS, APPLICANT

Submitted to:

Portland Planning Board
Portland, Maine 04101

July 12, 1988

I. Introduction

Peter Bass of Vega Properties is requesting review of a 3 lot subdivision on Ashmont Street near Linden Street. The development is in the R-5 Zone.

Notices were sent to area residents. In addition, an advertisement appearing in both editions of the July 5, 1988, Guy Gannett Newspaper.

II. Summary of Findings

Zoning: R-5
Land Area: 44,898 sq. ft.
Number of Lots 3
Lot Sizes: 11,610 sq. ft. to 12,339 sq. ft.
Land Uses: The site is about 250 feet from Forest Avenue (see Attachment A). Nearby uses between the site and Forest Avenue (B-2 zone) include commercial uses. There is a B-1 Zone that extends along the northerly side to Ashmont Street toward Deering Avenue. The remaining land uses in the vicinity of the area are residential.

III. Proposed Development

The proposed development includes the subdivision of a 44,898 sq. ft. parcel into three lots (see Attachment B, C). The lots have frontage on an existing accepted City street (Ashmont Street). The proposed lots are nearly double the required minimum R-5 lot size of 6,000 sq. ft.

The applicant indicates that an existing garage on the site will be removed when a house is constructed on Lot 3.

The applicant owns land that is contiguous to the proposed subdivision (East of Lot #1). This parcel should be labeled as a lot with appropriate survey information shown on the recording plat. Some City maps indicate a proposed street running through this parcel. Although it may have been intended as a right of way, it was never recorded for dedication. The property is owned by applicant and is not a dedicated street. See Attachments C, D. The plat indicates that there is a parking easement on this property to the abutting property owner (Forsely) for parking purposes.

IV. Staff Review

The development has been reviewed by staff for compliance with the review criteria of the subdivision ordinance. The subdivision has been reviewed and approved by Building Inspection Services and the Fire Department. Comments of the City Traffic Engineer and Planning Engineer are included in the report.

1. Water and Air Pollution

The proposal will not cause undue air or water pollution. As a residential development utilizing public sanitary and sewer and water facilities, it is not anticipated that the subdivision will have an undue adverse effect on the environment.

2/3. Water

Water service is available from an existing six (6) inch water line in Ashmont Street. A letter from the Portland Water District should be submitted verifying the ability of the Water District to serve the project.

4. Soil Erosion

Finish grades and contours are shown for the future houses on the lots. Parks and Public Works has reviewed and approved soil erosion related issues.

5. Traffic

The subdivision lots have street frontage along Ashmont Street. The applicant is proposing to install granite curbing and a sidewalk along the street frontage of the three (3) subdivision lots. William Bray, City Traffic Engineer, has reviewed the plan and finds it acceptable provided that the applicant install granite curbing from the Forsely property (where the existing granite curbing ends) to Lincoln Street. Mr. Bray recommends that the curbing not end in mid block so as not to create a hazard to cars or snow plows. This would require an additional 85 feet of curbing.

6. Sanitary/Stromwater

Sanitary waste needs of the project would be served by a 15 inch sanitary sewer in Ashmont Street.

Except for a small area along Ashmont Street, most of the storm water on the site flows to the rear of the parcel, southerly of the Burrill property. An existing drainage structure could provide an outlet for the storm water but it is apparently covered. The drainage structure should be returned to a functioning condition as part of the subdivision improvements.

The applicant has submitted drainage plans indicating the exusting and proposed drainage flows on the site (see Attachment F, G). The basic drainage patterns of the site will remain unchanged.

There is an existing 30 inch storm drain line that crosses the rear part of the property. The City apparently was never given an easement for the storm drain line. As this is connected into the City sewer system, a 30 foot

easement should be provided to the City. The subdivision plan has been labeled accordingly. However, a drainage easement document should be submitted for review and approval by Corporation Counsel and Parks and Public Works. Comments of the City Planning Engineer are attached (see Attachment H).

7. Solid Waste

Solid wastes are to be served by municipal trash collection. No adverse effects are anticipated as a result of this development.

8. Scenic or Natural Beauty

The proposal will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic site or rare or irreplaceable natural areas.

The plan indicates the intent of saving existing mature trees on the site. However, the plan should specify that a minimum of two trees per lot in the front yard shall either be planted or conserved and meeting the "Aboricultural Specifications and Standards of Practices of the City of Portland Technical and Design Standards, and Guidelines".

9. Financial and Technical Capability

A letter has been received from a financial institution outlining the applicants financial capability to undertake the project (see Attachment I).

10. Shoreland

The project is not located within 250 feet of the shoreland zone.

11. Fire Department Review

The subdivision has been reviewed and approved by the Fire Department.

IV. Motions for the Board to Consider

On the basis of plans and material submitted by the applicant and the findings of this Board reflected in the information provided in report #59-88 relevant to standards for subdivison review and/or other as follows.

The Board finds that:

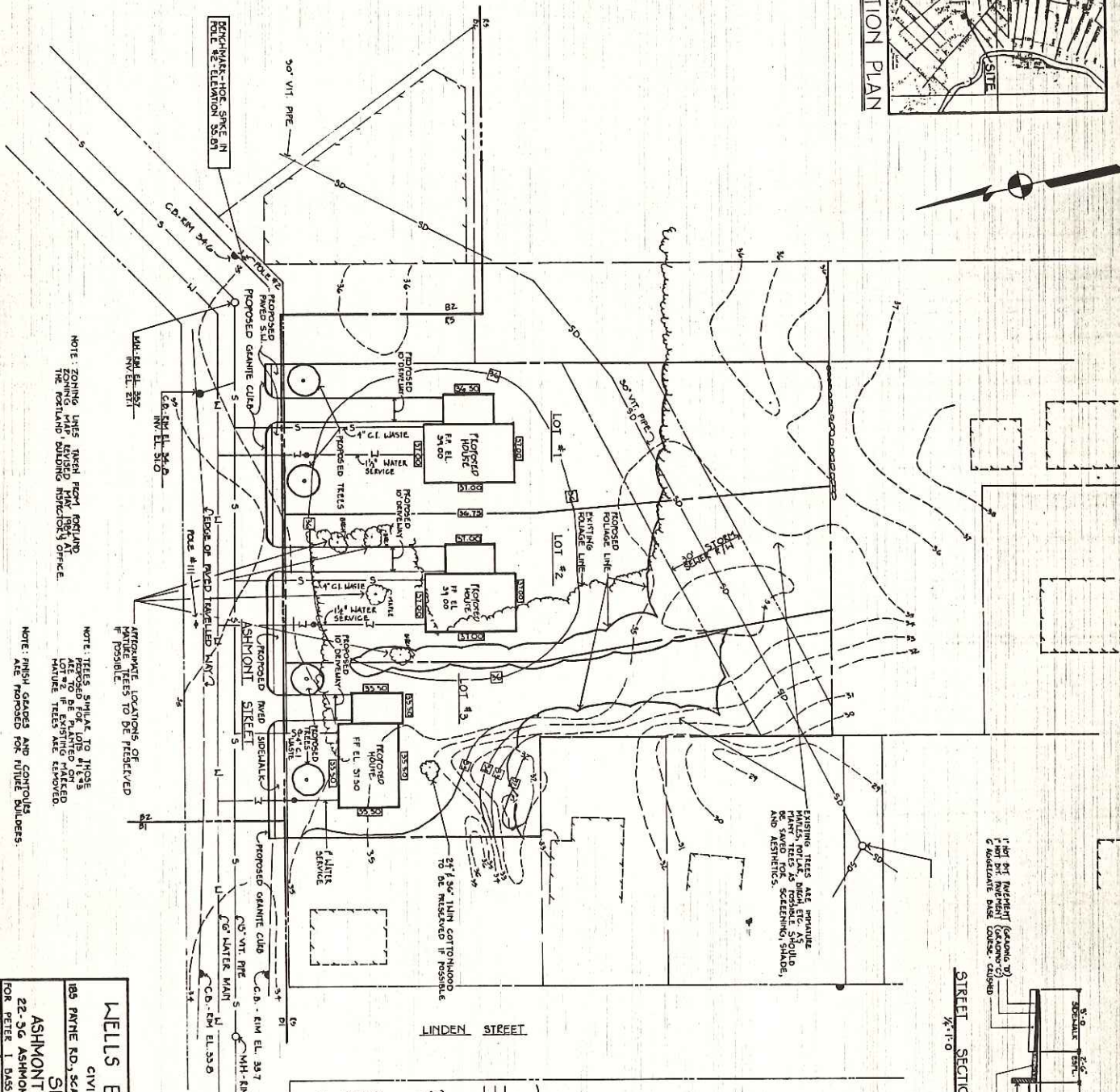
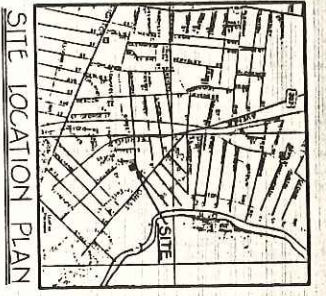
1. That the plan is in conformance with the subdivision standards of the Land Use Code.

Potential conditions of approval.

1. That the recording plat shall include adjacent land owned by the applicant. This parcel shall be numbered as a lot with the appropriate survey information.
2. Comments of the City Traffic Engineer regarding curbing along Ashmont Street (see page 2).
3. That an easement for the 30 inch storm drain be submitted for staff review and approval.
4. Comments of the Planning Engineer regarding the storm drain catch basin (see Attachment H).
5. That a minimum of two trees be conserved or planted in the front yard of each lot meeting the City Technical and Design Standards, and Guidelines.

ATTACHMENTS

- A. Location Map
- B. Subdivision Plan
- C. Recording Plat
- D. Thomas Ainsworth's Letter
- E. Principal Engineer' Memo
- F. Existing Site Drainage
- G. Proposed Site Drainage
- H. Planning Engineer's Memo
- I. Financial Capability Letter
- J. Peter Bass's Letter



NOTE: ZONING LINES TAKEN FROM PORTLAND ZONING MAP DIVISION PROJECTS OFFICE.

NOTE: FINISH GRADES AND CONTROLS ARE PROPOSED FOR ROUTE SOLUTIONS.

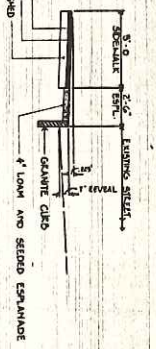
NOTE: TEES SHALL BE THOSE PROPOSED FOR LOTS #1, #2, #3, #4, #5, #6, #7, #8, #9, #10, #11, #12, #13, #14, #15, #16, #17, #18, #19, #20, #21, #22, #23, #24, #25, #26, #27, #28, #29, #30, #31, #32, #33, #34, #35, #36, #37, #38, #39, #40, #41, #42, #43, #44, #45, #46, #47, #48, #49, #50, #51, #52, #53, #54, #55, #56, #57, #58, #59, #60, #61, #62, #63, #64, #65, #66, #67, #68, #69, #70, #71, #72, #73, #74, #75, #76, #77, #78, #79, #80, #81, #82, #83, #84, #85, #86, #87, #88, #89, #90, #91, #92, #93, #94, #95, #96, #97, #98, #99, #100.

APPROPRIATE LOCATIONS OF NATURAL TEES TO BE PRESERVED IF POSSIBLE.

EXISTING TEES ARE APPROXIMATE MAINTENANCE, DRAIN ETC. AS SHOWN. PLEASE REFER TO SCENIC SLIDES, AND AESTHETICS.

LINDEN STREET

STREET SECTION



- LEGEND**
- PROPOSED FINISH CONTROL
 - PROPOSED FINISH GRADE
 - SHUTOFF VALVE
 - LATER LINE
 - SLIDER LINE
 - MANHOLE
 - CATCH-BASIN
 - NON PIPE ROUND
 - ZONING BOUNDARY

ZONE RS

MINIMUM AREA = 6000 S.F.
 MINIMUM FRONT YARD = 20'
 MINIMUM SIDE YARD = 5'
 MINIMUM 2 STORIES = 12'
 MINIMUM WIDTH = 20'

MELLS ENGINEERING, INC.
 CIVIL ENGINEERING
 185 FRYE RD., SCARBOROUGH, MAINE, 083-2595

ASHMONT STREET SUBDIVISION
 22-36 ASHMONT STREET, PORTLAND, MAINE
 FOR PETER L. BASS TO MERRILL ST. PORTLAND, MAINE

DATE: 6-30-66
 SCALE: 1"=20'
 51

B

AINSWORTH & THELIN, P.A.

Attorneys at Law
Seven Ocean Street
P.O. Box 2389
Gateway Place
South Portland, Maine 04106-2824
(207) 767-4824

Paul E. Thelin
Kathryn Monahan Ainsworth
Thomas G. Ainsworth
Jennifer Hall McKay

William D. Pinansky,
of Counsel

March 21, 1988

Planning Department
ATTN: Alex Jaegerman, Chief Planner
City Hall
389 Congress Street
Portland, Maine 04101

RE: Peter Bass Property, Ashmont Street, Portland

Dear Mr. Jaegerman & Mr. Gray:

This office acts for Peter Bass in connection with his ownership and development of certain land located on Ashmont Street in the City of Portland depicted in the Wells Engineering, Inc. subdivision plan of land at 22 - 36 Ashmont Street, Portland dated January 28, 1988. In connection with our title examination of the premises at the time Mr. Bass purchased the property, we satisfied ourselves that Mr. Bass acquired ownership in interest in and to the land over which a street was proposed by a developer predecessor in title, but which street was never constructed. At that time, and at the time of the writing of this letter, we are satisfied that Mr. Bass acquired marketable title in and to that land over which the proposed street is located. Accordingly, that land has been included in the subdivision plan prepared by Wells Engineering.

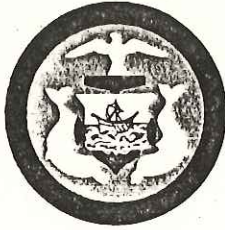
Rather than a lengthy resitiation here of the chain of title, please know that we would be pleased to field any questions surrounding the sufficiency of title to the land involved with the proposed street.

Sincerely,



Thomas G. Ainsworth

TGA/jgf
cc: Peter Bass



CITY OF PORTLAND

GEORGE A. FLAHERTY
DIRECTOR OF PARKS & PUBLIC WORKS

RECEIVED

DEC 31 1986

AINSWORTH & AINSWORTH, P.A.

December 29, 1986

Katherine Ainsworth
P.O. Box 444 D.T.S.
Portland, Maine 04112

RE: Status of "Proposed Street" between Ashmont Street and Longfellow Street

Dear Ms. Ainsworth:

We have researched this so-called proposed street many times and can find no indication that there was ever any dedication. We have no record of any plans having been recorded in the Registry of Deeds which show this so-called street.

We have a plan in our vault which was done by the E.C. Jordan Company in 1892 which does show the configuration of a street in this location, but the "street" is un-named and the plan, to our knowledge, was never recorded.

This, in our opinion, does not constitute a street dedication.

We consider this "street" or parcel of land, to be private property and do not recognize it as a proposed, dedicated, or unaccepted street.

If you have any further questions or concerns regarding this matter, please give me a call.

Yours Truly,

William S. Boothby,
Principal Engineer

WSB/pap

DEPT. OF BUILDING INSPECTIONS
CITY OF PORTLAND

FEB 19 1988

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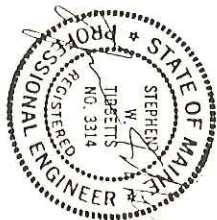
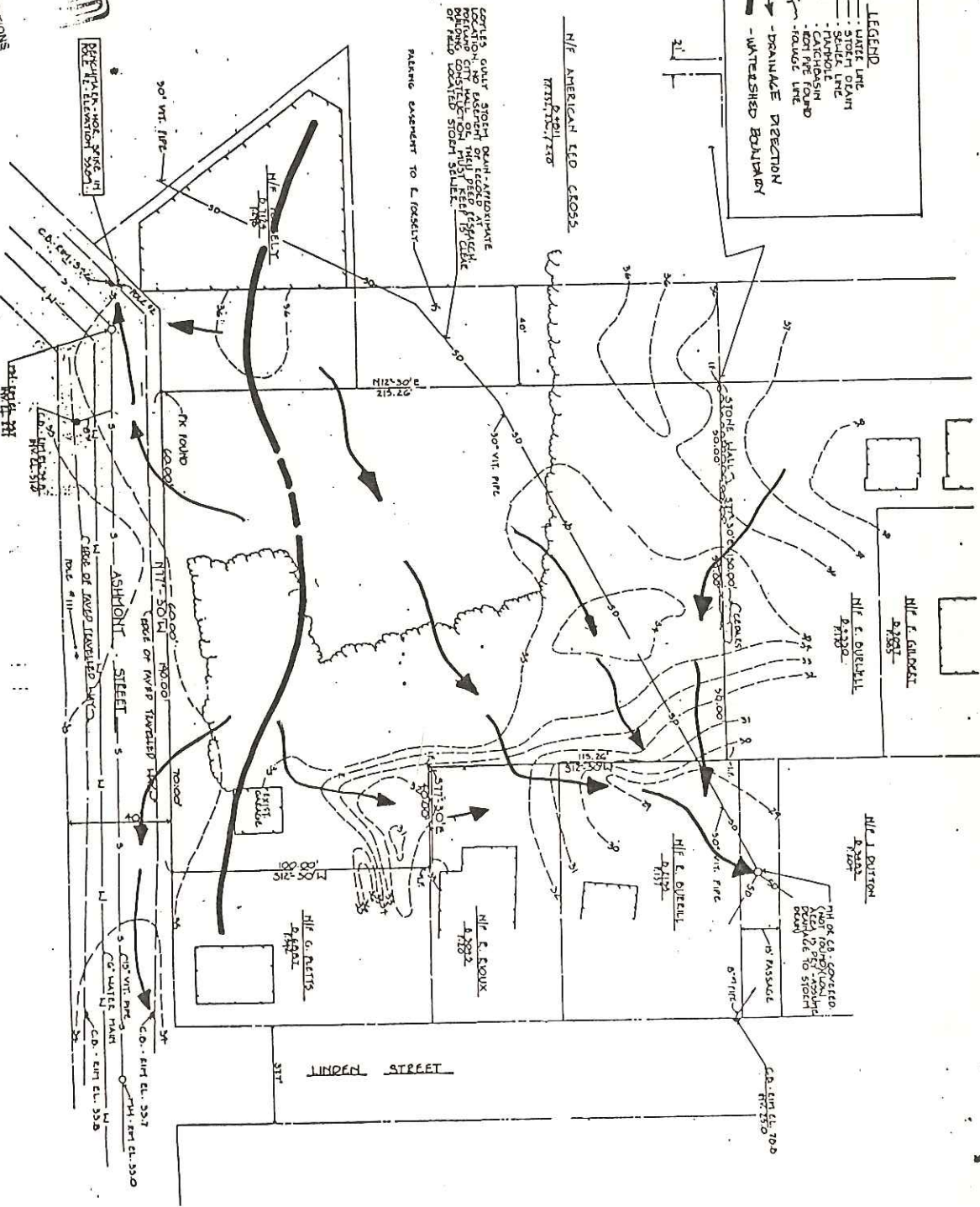


LEGEND

- 1 — STORM LINE
- 2 — STORM DRAIN
- 3 — SCAFFER LINE
- 4 — DRAINAGE
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DRAINAGE DIRECTION

WATERSHED BOUNDARY



ATTACHMENT 11

CITY OF PORTLAND
M E M O R A N D U M

TO: Richard Knowland, Senior Planner
FROM: Steven Harris, Planning Engineer
DATE: July 8, 1988
SUBJECT: Ashmont Street Subdivision

The proposed subdivision plan is acceptable provided that the catchbasin to the rear of the site is uncovered, repaired and/or replaced. The repair or replacement of the inlet structure shall be approved by the City Engineer and/or designee.



Key Bank of
Southern Maine

One Canal Plaza, Portland, Maine 04112 207 775-6511

July 7, 1988

City of Portland
Planning Board
Portland, Maine

RE: Peter Bass d/b/a Vega Properties

Dear Planning Board Members:

Peter Bass and Linda are valued customers of Key Bank of Southern Maine. All borrowings have been handled as agreed. It is our opinion, based on our experience and knowledge of their financial status, that they have the ability to complete the improvements proposed for the Ashmont Street project.

Please let me know if you have any questions.

Very truly yours,

Eric S. Christensen
Vice President



70 MERRILL STREET
PORTLAND, ME 04101
207/772-6005
207/839-3824

Chairman and Members of the Planning Board
Portland City Hall
389 Congress St.
Portland, Maine 04101

RE: Ashmont Street 3 Lot Subdivision

Dear Chairman and Members of the Planning Board;

In applying for this subdivision I had requested a waiver for granite curbing on the grounds that most of Ashmont Street in the residential area has none, and in fact most of the neighborhood has no curbing or sidewalks at all. The Public Works Department has made its recommendation that I not only install curbs and sidewalks on the Ashmont Street frontage of my subdivision but continue it to Linden Street. As I stated in my cover letter to the application, I am trying to create a subdivision that is appropriate to the neighborhood. This means that I am not taking advantage of the maximum allowable density of the zone. It also means a much smaller impact on the services and utilities of the city.

I feel especially that the offsite improvements are an unfair burden on me since I will be increasing pedestrian traffic only minimally and there is really no specific destination in that direction. I hope that I won't find it necessary to revise my plans toward a denser development to make it economically viable to cover these expenses.

Yours truly,

Peter Bass

cc: David Klenk

CITY OF PORTLAND, MAINE
M E M O R A N D U M

TO: Chairman and Members of the Portland Planning Board

FROM: David Klenk, Planner

DATE: June 14, 1988

SUBJECT: Ashmont Street Subdivision

Peter Bass of Vega Properties is proposing to create a three lot residential subdivision on Ashmont Street in the vicinity of Linden Street as shown on the attached location plan. The total land area of the subdivision is 44,898 square feet. The lot sizes are 12,339, 12,339, and 11,610 square feet. respectively. In addition, Mr. Bass is retaining approximately 8,610 square feet of land between lot number 1 and the Forsely property. In conjunction with the subdivision review, Mr. Bass is requesting a waiver of the requirement of granite curbing along the frontage of the property.

In reviewing the plans staff has collected the following comments:

Public Works:

1. The subdivision (recording) plan should be based on a survey noted as done in accordance, with state surveying standards (with or without technical exceptions). The plan should indicate irons to be set at all lot corners or angle points.
2. There is some question as to the status of the 30 inch storm drain which crosses the property. If the city is responsible for maintaining the storm drain, a 30 foot easement is necessary. The easement should be indicated on the plan, and an easement conveyed to the city.
3. According to the drainage plan, most of the site drains to a low area southerly of the Burrill property. Apparently, the drainage structure there is buried. This drainage inlet should be returned to a functioning condition as part of the subdivisions improvements.
4. There are no apparent technical reasons to waive the requirement for granite curbing along the frontage of Ashmont Street.

Ashmont Street Subdivision
Page 2
June 14, 1988

Traffic:

Mr. Bray, City Traffic Engineer, has recommended that the applicant install granite curbing from the Forsely property (where the existing granite curbing ends) to Linden Street. Mr Bray recommends that the curbing not end in mid block so as not to create a hazard to cars or snow plows.

Landscaping:

The subdivision is required to provide two trees on each lot, in full public view. The location and species of these trees should be indicated on the plan.

Attached is a location plan, subdivision plan, drainage plans and a narrative from the applicant.

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Ashmont Street Subdivision

Page 2

June 14, 1988

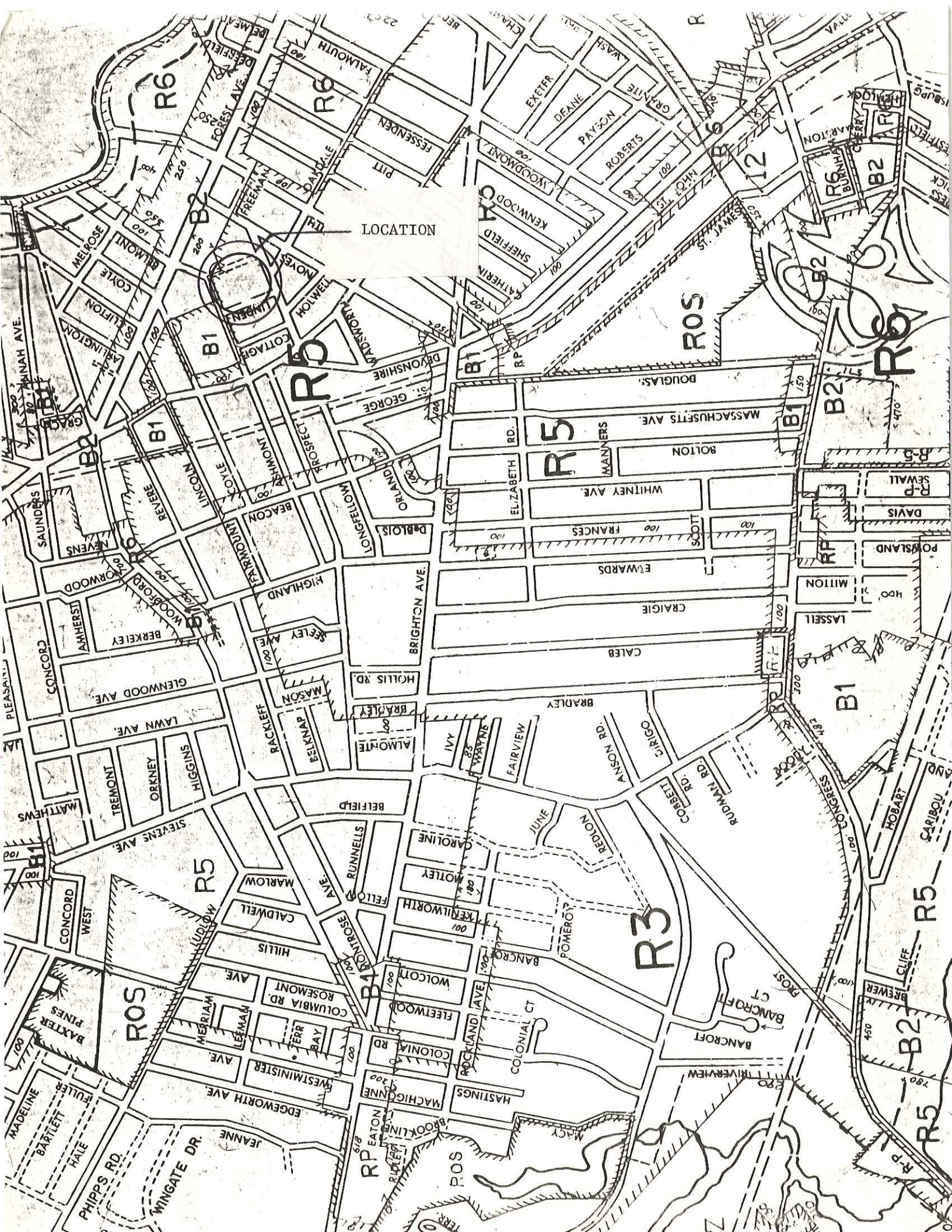
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LOCATION

R6

R5

ROS

B1

R5

R5

B2

R6

B1

R6

B1

R5

R3

ROS

R5

B2

R5

R6

R5

R5

R5

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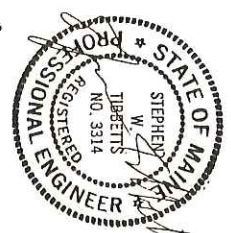
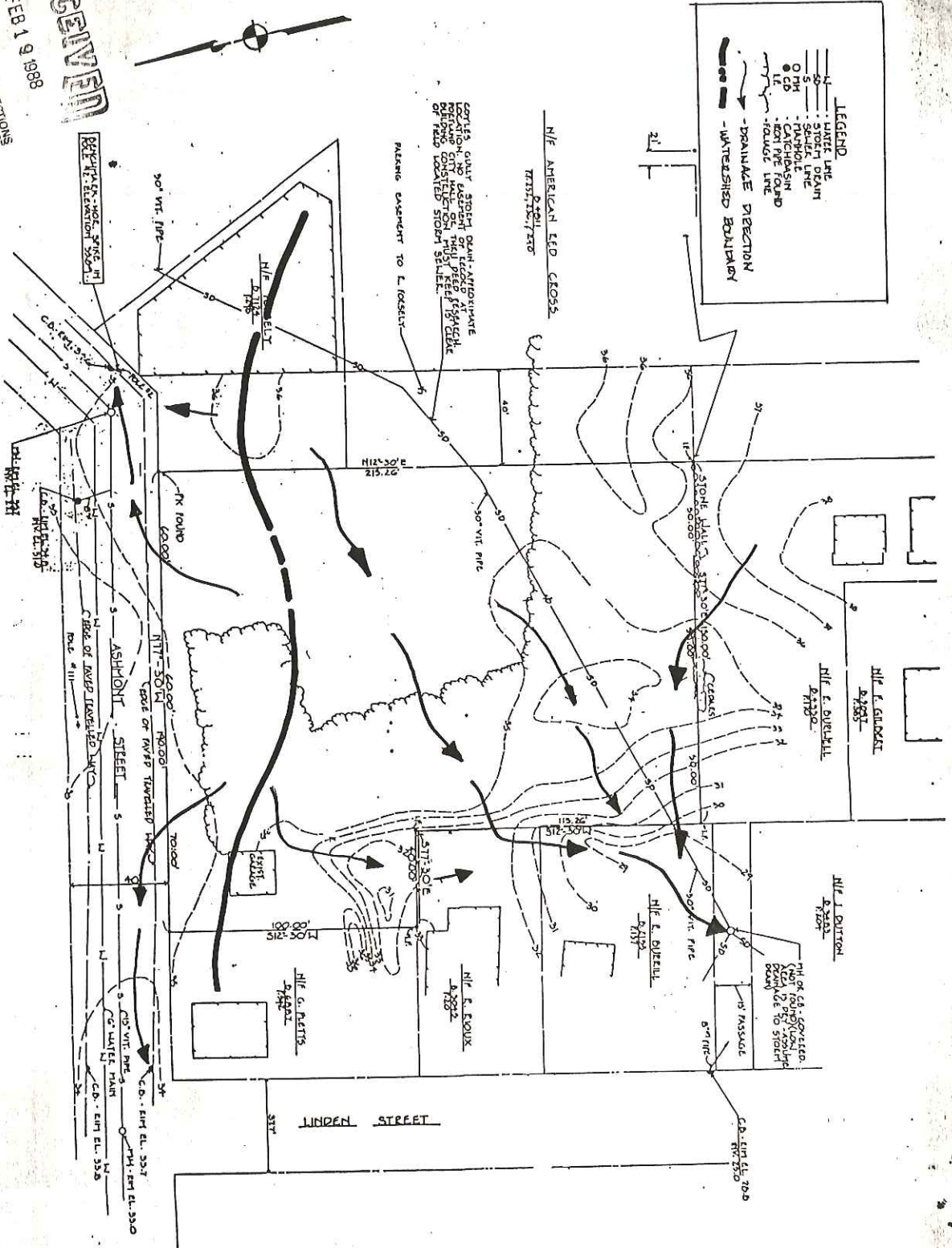
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DEPT. OF BUILDING INSPECTIONS
CITY OF PORTLAND

FEB 19 1988

RECEIVED
RECEIVED - REG. STAFF, M.I.
RECEIVED - REG. STAFF, M.I.



EXISTING DRAINAGE PATTERNS

ASHMONT STREET SUBDIVISION
22-36 ASHMONT STREET
PORTLAND, MAINE

DEVELOPER:
PETER I. BASS
70 MERRILL ST., PORTLAND

SCALE: 1" = 40'

DRAINAGE ASSESSMENT BY:
TIDEWATER PLANNING AND DESIGN
BRUNSWICK, MAINE



RECEIVED
FEB 19 1988

DEPT. OF BUILDING INSPECTIONS
CITY OF PORTLAND
70 MERRIMON STREET
PORTLAND, ME 04101
207/772-6005
207/839-3824

February 19, 1988

To Whom It May Concern:

This is the cover letter to the plans of the 3 lot, single family subdivision I am applying for on Ashmont St. All of the lots easily exceed the minimum size requirements for the R-5 zone. I feel that this subdivision rather than a multi-unit development is the most appropriate to the neighborhood and will have much less impact on existing utilities and road usage.

Items that may be of concern are as follows:

1) The so called "proposed road" that is on the easterly side of the property is in fact undedicated and private property that is owned by me. It was part of a subdivision by the Noyes Hiers that was never recorded in the registry of deeds. The road was actually conveyed in metes and bounds by deed with one of the lots that is now part of this parcel. Enclosed is a copy of a letter from William Boothby describing the city's position. I will also include a letter clarifying any title questions. This will be from my attorney who has done the title work.

I have made contact with the abutters of the road and will work out an arrangement to sell the road to them at a reasonable price. They are all quite receptive to this plan.

2) Coyle's Gulley is a 30 inch storm drain that runs across the rear of the lots. No easement of record or deeded easement could be found. Leaving 15 feet clear of the field location of the pipe still leaves a generous building area.

3) The existing garage on lot #3 is in disrepair and will be removed when a house is constructed on the site.

4) As indicated by the plans showing the existing and proposed drainage patterns there is no net change.

5) I am requesting a waiver on the requirement of