



Ann Machado <amachado@portlandmaine.gov>

782 Forest Avenue - ZBA Application #3010

Christina Stacey <cstacey@portlandmaine.gov>
To: Ann Machado <amachado@portlandmaine.gov>

Thu, Sep 14, 2017 at 11:19 AM

----- Forwarded message -----

From: **Lindsey Kelloway** <lindsey@bostonpie.com>
Date: Wed, Sep 13, 2017 at 3:04 PM
Subject: RE: 782 Forest Avenue - ZBA Application #3010
To: Christina Stacey <cstacey@portlandmaine.gov>

Hi Chris,

Hope all is well. We've consulted with an engineer and have come up with the attached solution using pervious pavers. Please have Ann review and let us know if this would be a solution.

Thank you.

Lindsey Kelloway

Property Manager/Bookkeeper

Phone: 978-777-8044 x114

From: Christina Stacey [mailto:cstacey@portlandmaine.gov]
Sent: Monday, July 31, 2017 12:16 PM

To: Lindsey Kelloway <lindsey@bostonpie.com>
Subject: Re: 782 Forest Avenue - ZBA Application #3010

Hi Lindsey,

I spoke with Ann about this and she said we could consider that as a solution, as the requirement is for "impervious area" and does not specify that it has to be green space. However, we would ask you to provide a professionally-drawn plan showing how the area will be made pervious (i.e. materials used, installation specs, etc.) and how it will be maintained as such. My understanding is that it is difficult to maintain the perviousness of the surface, as things like winter sand will eventually block the drainage paths, so it needs more maintenance than normal pavement. I would recommend working with a civil engineer on what options exist. If you decide to proceed with a plan, it can be e-mailed to me directly for review, so that Ann can make a final decision.

Best,
Chris

On Wed, Jul 26, 2017 at 11:54 AM, Lindsey Kelloway <lindsey@bostonpie.com> wrote:

Hi Christina,

Sorry for the delay in responding. Yes the owner is talking about pervious pavers. Please let me know if the higher-ups would consider it, we would put together a plan if they required it.

Thank you.

Lindsey Kelloway

Property Manager/Bookkeeper

Phone: 978-777-8044 x114

From: Christina Stacey [mailto:cstacey@portlandmaine.gov]

Sent: Monday, July 17, 2017 11:13 AM

To: Lindsey Kelloway <lindsey@bostonpie.com>

Subject: Re: 782 Forest Avenue - ZBA Application #3010

Does he mean to try to do the pervious pavers that I mentioned? As I mentioned, I would have to talk to higher-ups here to see if we would consider that an option. If we did, we would definitely require a detailed plan showing the product, installation method, and maintenance plan.

Chris

On Fri, Jul 14, 2017 at 3:18 PM, Lindsey Kelloway <lindsey@bostonpie.com> wrote:

Hi Christina,

I was able to speak with the owner briefly today. He suggested removing the pavement on the side of the building completely and replacing the two parking spots with pavers and then doing the triangle area between the pavers and sidewalk with shrubs, fountain grass and mulch. Would that be acceptable by the City and put has back to where we were as far as the impervious surface ratio is concerned? Also, would we still have to appear at a meeting to get that approved or would we be able to work that out with your office?

Thank you again for all your help.

Lindsey Kelloway

Property Manager/Bookkeeper

Phone: 978-777-8044 x114

From: Christina Stacey [mailto:cstacey@portlandmaine.gov]

Sent: Monday, June 26, 2017 2:46 PM

To: David Jenks <david@bostonpie.com>

Cc: Lindsey Kelloway <lindsey@bostonpie.com>

Subject: Re: 782 Forest Avenue - ZBA Application #3010

Yes, no problem.

Although we have some time before the hearing date, I did take an initial look at the application packet. Based on my reading, it does not appear that you are disputing any of the allegations made in the Notice of Violation. Please correct me if I'm wrong. It looks like the primary action you want is a variance from the impervious lot coverage requirement within the B-2c-zoned section of the property. If so, I would probably recommend changing this appeal to a practical difficulty variance, the form for which is attached. If you do change to a practical difficulty variance, be sure to provide an explanation/answer for each of the questions and standards posed in the application form. These standards are the sole basis that the ZBA uses make a variance decision.

I would also recommend updating your plan to show the zone division line between the B-2c on the front part of the property and the R-5 on the rear part of the property. The impervious surface limitation applies only to the B-2c portion of the property.

With regards to the parking space that encroaches into the public way, I do not believe the ZBA has the authorization to grant approval for the parking space to remain on property not owned by you (i.e. on city-owned property). This is an encroachment issue between two property owners (you and the city) and cannot be appealed to the ZBA unless you have an argument against the facts as presented - for example, if you have a survey showing that the city doesn't actually own that property.

Let me know if you have questions or need to talk about this further, as I realize it can be a bit confusing! If you want to change the appeal type or make any other revisions, please be sure to submit the revised materials (11 copies of any new materials) as well as a new PDF scan of the complete packet, no later than Monday, July 17th.

Sincerely,
Chris

On Mon, Jun 26, 2017 at 2:27 PM, David Jenks <david@bostonpie.com> wrote:

Hi Christina,

Great, I have that on my schedule. Can you please include Lindsey on all correspondence going forward.

Thanks,

David Jenks

President

Boston Pie, Inc.

100 Conifer Hill Drive