

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

2010-0034

Application I. D. Number

10/26/2010

Application Date

Duplex

Project Name/Description

Nelson Robert C &

Applicant

38 Morse St , Portland , ME 04103

Applicant's Mailing Address

CBRN Inc. /Bob Nelson

Consultant/Agent

Agent Ph: (207)838-8256 Agent Fax:

Applicant or Agent Daytime Telephone, Fax

36 - 36 Morse St, Portland, Maine

Address of Proposed Site

163A A016001

Assessor's Reference: Chart-Block-Lot

Proposed Development (check all that apply): New Building Building Addition Change Of Use Residential Office Retail
 Manufacturing Warehouse/Distribution Parking Lot Apt 0 Condo 0 Other (specify) _____

0

Proposed Building square Feet or # of Units _____ Acreage of Site _____ Proposed Total Disturbed Area of the Site _____ Zoning _____

Check Review Required:

- | | | | |
|---|---|--|--|
| <input checked="" type="checkbox"/> Site Plan (major/minor) | <input type="checkbox"/> Zoning Conditional - PB | <input type="checkbox"/> Subdivision # of lots _____ | <input type="checkbox"/> Design Review |
| <input type="checkbox"/> Amendment to Plan - Board Review | <input type="checkbox"/> Zoning Conditional - ZBA | <input type="checkbox"/> Shoreland | <input type="checkbox"/> Historic Preservation |
| <input type="checkbox"/> Amendment to Plan - Staff Review | <input type="checkbox"/> Zoning Variance | <input type="checkbox"/> Flood Hazard | <input type="checkbox"/> Site Location |
| <input type="checkbox"/> After the Fact - Major | <input type="checkbox"/> Stormwater | <input type="checkbox"/> Traffic Movement | <input type="checkbox"/> Housing Replacement |
| <input type="checkbox"/> After the Fact - Minor | <input type="checkbox"/> PAD Review | <input type="checkbox"/> 14-403 Streets Review | <input type="checkbox"/> Other _____ |

Fees Paid: Site Plan \$300.00 Subdivision _____ Engineer Review _____ Date 10/27/2010

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	_____	<input type="checkbox"/> Conditions (See Attached)	_____
	date		expiration date
<input type="checkbox"/> Final Inspection	_____	_____	
	date	signature	
<input type="checkbox"/> Certificate Of Occupancy	_____		
	date		
<input type="checkbox"/> Performance Guarantee Released	_____	_____	
	date	signature	
<input type="checkbox"/> Defect Guarantee Submitted	_____	_____	_____
	submitted date	amount	expiration date
<input type="checkbox"/> Defect Guarantee Released	_____	_____	
	date	signature	



PORTLAND MAINE

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Planning & Urban Development Department
Jeff Levine, AICP, Director

Planning Division
Alexander Jaegerman, FAICP, Director

March 25, 2013

Robert C. Nelson
47 Alice Court
Portland, ME. 04103

Re: Level I Minor Residential Site Plan
38 Morse Street; Duplex (aka 36 Morse Street)
Application ID: # 2010-0034

CBL: 163 A015 001 and 163A A016 001

Dear Mr. Nelson:

On May 2nd, 2011 you received an approval letter for a duplex at the above address (copy attached) and on April 11th, 2012 you received a letter confirming that the expiry date for the approval letter had been extended to May 2nd, 2014 (copy attached).

I am writing this letter to clarify that the Project/Application ID on both of those letters should be #2010-0034 and not the numbers shown in those letters. This is important as all our records are being computerized and linked to a project number, so when you apply for a building permit the correct number is required to access the records that confirm that you have site plan approval with waivers, and that the approval has been extended.

I apologize for the confusion and please keep this letter with the other letters and enclose it with those documents when you submit for a building permit.

Thank you

Sincerely,

Jean Fraser, Planner

cc. Phil diPierro, DRC Planning
 Inspections Division



PORTLAND MAINE

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Planning and Urban Development Department
Penny St. Louis, Director

Planning Division
Alexander Jaegerman, Director

May 2, 2011

Robert C. Nelson
47 Alice Court
Portland, ME. 04103

Re: **Level I Minor Residential Site Plan**
38 Morse Street; Duplex (aka 36 Morse Street)
Application ID: (# 2010-0064)

CBL: 163 A015 001 and 163A A016 001

Dear Mr. Nelson:

On May 2, 2011, the Portland Planning Authority approved a Level I Minor Residential Site Plan for the proposal to build a new 2-family duplex on a Lot 2, with associated minor improvements on Lot 1, at 32-38 Morse Street. The proposals are shown in the approved Site Plan dated 09-17-10 (Rev 3; 4-6-11) and Site Details Plan dated 10-04-2010 both prepared by Owen Haskell, Inc, and the elevations submitted 10-26-2010, with the following conditions:

- i. That the signed and recorded deeds for the 5 foot strip of land along the southern boundary (required to be purchased to meet frontage requirements) shall be submitted prior to the issuance of a Building Permit; and
- ii. That the signed and recorded easement to the single family property that allows for the Lot 1 driveway to go across a small corner of the Lot 2 shall be submitted prior to the issuance of a Certificate of Occupancy (CO). It is recommended that this easement be enlarged to allow for snow storage; and
- iii. That property pins are required to be installed prior to the issuance of a Building Permit to ensure accurate placement of the duplex with respect to required setbacks; and
- iv. That the final site grading of the drainage swale along the southern boundary shall ensure that runoff will remain on Lot 2; such grading to avoid damage to the large red maple in the Morse Street right of way near the swale; and
- v. That the parking area on Lot 2 shall be graded, and the southern edge of the driveway curbed in asphalt, both with the objective of directing storm water to the street and helping to ensure that the adjacent drainage swale is able to operate as intended; and
- vi. That the applicant shall comply with the City of Portland Technical Manual and Public Services detailed requirements regarding any work within the Morse Street right of way; and

O:\PLAN\Dev Rev\Morse 38\New application duplex on new lot Oct 2010\final APPROVAL LETTER 38 Morse St May 2, 2011.doc

389 Congress Street • Portland, Maine 04101-3509 • Ph (207) 874-8721 or 874-8719 • Fax 856-8258 • TTY 874-8936

Should be
#2010-0034
JT
Planner.

- vii. That any lighting on the rear part of Lot 2, including building mounted, shall be in compliance with the City of Portland Technical Manual Section 12 Site Lighting Standards to avoid glare or light trespass onto abutting properties; and
- viii. That the project shall not be phased and all the proposed landscaping, fencing, and drainage/ infrastructure for both lots shall be completed prior to the issuance of a Certificate of Occupancy (CO); and
- ix. That in the event that one or more of the duplex units are intended to be sold off as condominiums, please note that any conversion shall meet the City's Ordinance (currently 14-565 to 14-571), and that condominium documents (clarifying responsibilities for maintenance of common areas) shall be submitted for review and approval by the Planning Authority prior to the sale of the first unit; and

The approval is based on the submitted site plan. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.

Please note the following provisions and requirements for all site plan approvals:

1. The site shall be developed and maintained as depicted in the site plan and the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or the planning authority pursuant to the terms of the Site Plan Ordinance of Portland's Land Use Code. Any such parcel lawfully altered prior to the enactment date of these revisions shall not be further altered without approval as provided in the City Ordinance. Modification or alteration shall mean and include any deviations from the approved site plan including, but not limited to, topography, vegetation and impervious surfaces shown on the site plan. No action, other than an amendment approved by the planning authority or Planning Board, and field changes approved by the Public Services authority as provided herein, by any authority or department shall authorize any such modification or alteration.
2. The above approvals do not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division through the Building Permit application process.
3. Final sets of plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.
4. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and seven (7) final sets of plans must be submitted to and approved by the Planning Division and Public Services Dept. prior to the release of a building permit, street opening permit or certificate of occupancy for site plans. If you need to make any modifications to the approved plans, you must submit a revised site plan application for staff review and approval.
5. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date.
6. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
7. Prior to construction, a pre-construction meeting shall be held at the project site with the contractor, development review coordinator, Public Service's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the site/building contractor shall provide three

3.

(3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.

8. If work will occur within the public right-of-way such as utilities, curb, sidewalk and 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 Division 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, please contact Jean Fraser at 874- 8728.

Sincerely,



Alexander Jaegerman
Planning Division Director

Attachment:

1. Performance Guarantee Packet
2. City of Portland Technical Manual Section 12 Site Lighting Standards

Electronic Distribution:

Penny St. Louis, Director of Planning and Urban Development
Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Jean Fraser, Planner
Philip DiPierro, Development Review Coordinator
Marge Schmuckal, Zoning Administrator
Tammy Munson, Inspections Division Director
Gayle Guertin, Inspections Division
Lannie Dobson, Inspections Division
Michael Bobinsky, Public Services Director
Kathi Earley, Public Services
Bill Clark, Public Services
David Margolis-Pineo, Deputy City Engineer
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Greg Vining, Public Services
John Low, Public Services
Jane Ward, Public Services
Capt. Keith Gautreau, Fire
Jeff Tarling, City Arborist, Public Services
Tom Errico, P.E., T.Y. Lin Associates
Assessor's Office
Approval Letter File
Hard Copy: Project File



PORTLAND MAINE

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Planning & Urban Development Department
Gregory A. Mitchell, Acting Director

Planning Division
Alexander Jaegerman, Director

April 11th, 2012

Robert C. Nelson
47 Alice Court
Portland, ME 04103

Project Name: **Level I Minor Residential Site Plan: Duplex**
Address: 38 Morse Street (aka 36 Morse Street)
Project ID: 2012-0064
CBL: 163 A 015 001 and 163 A 016 001

Should be

*# 2010-0034
for
Planner.*

Dear Mr. Nelson:

Thank you for your letter dated April 9th, 2012 requesting a two year extension of the site plan approval for your proposal to build a new 2-family duplex on Lot 2 at the above address. I understand that your request is based on the fact that the required purchase of the 5 foot strip of land along the southern boundary (needed to meet frontage requirements) took longer than anticipated and has only recently been finalized.

In my capacity as Planning Division Director for the City of Portland and under the provision of Section 14-532 (c) Expiration of site plan approval, I am granting your request to extend your approval by two years to May 2nd, 2014.

If you have any questions, please contact Jean Fraser at 874 8728.

Sincerely,

Alexander Jaegerman
Planning Division Director

CC:

Greg Mitchell, Interim Director of Planning & Urban Development
Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Jean Fraser, Planner
Philip DiPierro, Development Review Coordinator, Planning
Marge Schmuckal, Zoning Administrator, Inspections Division
Tammy Munson, Inspection Division Director
Lannie Dobson, Administration, Inspections Division
Gayle Guertin, Administration, Inspections Division
Michael Bobinsky, Public Services Director
Katherine Earley, Engineering Services Manager, Public Services
Bill Clark, Project Engineer, Public Services

David Margolis-Pineo, Deputy City Engineer, Public Services
Matt Doughty, Field Inspection Coordinator, Public Services
Greg Vining, Associate Engineer, Public Services
John Low, Associate Engineer, Public Services
Mike Farmer, Project Engineer, Public Services
Jane Ward, Administration, Public Services
Jeff Tarling, City Arborist, Public Services
Captain Chris Pirone, Fire Department
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Planning & Urban Development Department

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April 11th, 2012

Robert C. Nelson
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2010-0034

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Planning and Urban Development Department
Penny St. Louis, Director

Planning Division
Alexander Jaegerman, Director

May 2, 2011

Robert C. Nelson
47 Alice Court
Portland, ME. 04103

210-0034

**Re: Level I Minor Residential Site Plan
38 Morse Street; Duplex (aka 36 Morse Street)
Application ID: # 2010-0064**

3

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- v. That the parking area on Lot 2 shall be graded, and the southern edge of the driveway curbed in asphalt, both with the objective of directing storm water to the street and helping to ensure that the adjacent drainage swale is able to operate as intended; and
- vi. That the applicant shall comply with the City of Portland Technical Manual and Public Services detailed requirements regarding any work within the Morse Street right of way; and

as signed & sent

waiver granted for curbs + sidewalk

- vii. That any lighting on the rear part of Lot 2, including building mounted, shall be in compliance with the City of Portland Technical Manual Section 12 Site Lighting Standards to avoid glare or light trespass onto abutting properties; and
- viii. That the project shall not be phased and all the proposed landscaping, fencing, and drainage/ infrastructure for both lots shall be completed prior to the issuance of a Certificate of Occupancy (CO); and
- ix. That in the event that one or more of the duplex units are intended to be sold off as condominiums, please note that any conversion shall meet the City's Ordinance (currently 14-565 to 14-571), and that condominium documents (clarifying responsibilities for maintenance of common areas) shall be submitted for review and approval by the Planning Authority prior to the sale of the first unit; and

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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 Division 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, please contact Jean Fraser at 874- 8728.

Sincerely,

Alexander Jaegerman
Planning Division Director

Attachment:

1. Performance Guarantee Packet
2. City of Portland Technical Manual Section 12 Site Lighting Standards

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Capt. Keith Gautreau, Fire
Jeff Tarling, City Arborist, Public Services
Tom Errico, P.E., T.Y. Lin Associates
Assessor's Office
Approval Letter File
Hard Copy: Project File

COPY

WARRANTY DEED

KAHLEEN L. BARRY of the City of Portland, County of Cumberland and State of Maine, for consideration paid, grant to ROBERT C. NELSON of the City of Portland, County of Cumberland and State of Maine, whose mailing address is 47 Alice Court, Portland, Maine, 04103, with Warranty Covenants, the land in the City of Portland, County of Cumberland and State of Maine, as more particularly described on the attached Schedule A.

Also hereby conveying all rights, easements, privileges, and appurtenances belonging to the premises hereinabove described.

Witness my hand this 4 day of ^{April}~~March~~, 2012.

Signed and Delivered in the presence of:

Debra Emory

Kathleen L. Barry
Kathleen L. Barry

STATE OF MAINE
CUMBERLAND, SS.

April
~~March~~ 4, 2012

Then personally appeared the above named Kathleen L. Barry and acknowledged the foregoing instrument to be her free act and deed.

Before me,

Millionor G. Albert
Notary Public/Maine Attorney at Law

Printed Name

MILLIONOR G. ALBERT
Notary Public, Maine
My Commission Expires February 4, 2015

SCHEDULE A

A certain lot or parcel of land situated on the westerly side of Morse Street in the City of Portland, County of Cumberland and State of Maine bounded and described as follows:

Beginning at a point on the westerly sideline of Morse Street at the southeast corner of Lot 2 as shown on "Site Plan at 38 Morse Street, Portland, Maine made for Robert C. Nelson" dated Sept. 17, 2010 revised thru 4-6-11 by Owen Haskell, Inc.;

Thence, S 06°32'30" W along the westerly sideline of said Morse Street 5.00 feet, more or less;

Thence, N 85°40' 10" W across land now or formerly of Barry as described in Deed recorded in the Cumberland County Registry of Deeds in Book 14190, Page 209, a distance of 155. 12 feet, more or less, to land now or formerly of Broda as described in Deed recorded in Book 22591, Page 320;

Thence, N 40°35'40" E along land of said Broda 7.06 feet, more or less, to the southwest corner of Lot 2 as shown on said plan;

Thence, S 85°40'11" E along said Lot 2 a distance of 160.30 feet, more or less, to the westerly sideline of said Morse Street and the point of beginning containing 788 sq. ft. more or less.

Being a portion of those premises conveyed to the Grantor herein by Deed of Shirley C. Barry dated September 25, 1998, recorded in the Cumberland County Registry of Deeds in Book 14190, Page 209.

-----*
Official Receipt for Recording in:

Cumberland County Registry Of Deeds
PO Box 7230
PORTLAND, MAINE 04112

Issued To:
MONAGHAN LEAHY LLP
PO BOX 7046
PORTLAND ME 041127046

Recording Fees

-----*			
Filing Type	Number	Volm Page Time	Recording Amount
-----*			
DEED	17668 29483	00199 03:43:15p	18.00
DR-BARRY KATHLEEN L IN-NELSON ROBERT C			
TRANSFER TAX	17668 29483	00199 03:43:15p	2.20
DR-BARRY KATHLEEN L IN-NELSON ROBERT C			

20.20

Collected Amounts

-----*		
Payment Type		Amount
-----*		
CHECK	417	20.20
		----- 20.20

Total Received : 20.20
Less Total Recordings: 20.20

Change Due : .00

Thank You
PAMELA E. LOVLEY - Register of Deeds

By - Debbie

Receipt# Date Time
0736056 04/05/2012 03:43p

SHORT FORM WARRANTY DEED

Robert C. Nelson 47 Alice Court, Portland, ME 04103, FOR CONSIDERATION PAID, grants to **Robert C. Nelson and Donata R. Nelson** of 47 Alice Court, Portland, ME 04103, as joint tenants and not as tenants in common, with WARRANTY COVENANTS, the following described real property located in the City of Portland, County of Cumberland and State of Maine:

Parcel One

A certain lot or parcel of land, with any improvements thereon, situated on the westerly side of Morse Street in the City of Portland, County of Cumberland and State of Maine, and being lot numbered 43 as shown on plans of property of Dorothy S. True and heirs of F.W.H. Smith, recorded in the Cumberland County Registry of Deeds in Plan Book 25, Page 50, and in Plan Book 26, Page 35, to which plan reference is hereby made for a more particular description.

Parcel Two

A certain lot or parcel of land, with any improvements thereon, situated on the westerly side of Morse Street, in the City of Portland, County of Cumberland and State of Maine, and being lot numbered 44 as shown on plan of property in Portland, Maine owned by Dorothy s. True, et als, and recorded in the Cumberland County Registry of Deeds in Plan Book 26, Page 35, to which plan reference is hereby made for a more particular description of said lot.

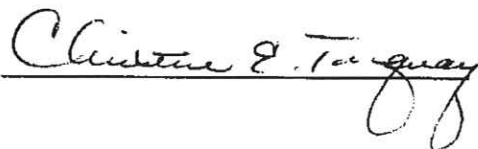
The premises are conveyed together with and subject to any and all easements or appurtenances of record, insofar as the same are in force and applicable.

This conveyance is made subject to unpaid real estate taxes for the current tax year, if any, which the Grantees herein, by acceptance of this deed, assume and agree to pay.


Meaning and intending to convey and hereby conveying the same premises conveyed to the Grantor herein by deed of Nancy A. Goodwin, Personal Representative of the Estate of Mildred L. Taliento, dated August 23, 2006 and recorded in the Cumberland County Registry of Deeds in Book 24297, Page 23.

WITNESS my hand and seal this 3rd day of March, 2008.

WITNESS



Christine E. Tanguay



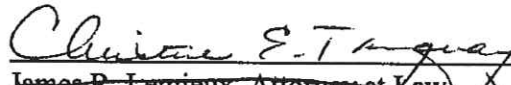
Robert C. Nelson

STATE OF MAINE
Cumberland County, ss.

March 3, 2008

Personally appeared the above named Robert C. Nelson and acknowledged the foregoing instrument to be his free act and deed.

Before me,


James R. Lemieux, Attorney at Law

CHRISTINE E. TANGUAY
Notary Public, Maine
My Commission Expires
October 4, 2012

S:\CFreeman\Clients\N\Nelson-2746-07-Deed.wpd

Received
Recorded Register of Deeds
Mar 03, 2008 02:01:31P
Cumberland County
Pamela E. Lovien

REAL ESTATE PURCHASE AND SALE AGREEMENT

This agreement is made as of October ____, 2010, by and between Kathleen Barry of Portland, County of Cumberland and State of Maine (hereinafter referred to as "SELLER"), and Robert C. Nelson of Portland, County of Cumberland and State of Maine (hereinafter referred to as "PURCHASER");

1. PURCHASE AND SALE OF PROPERTY.

SELLER hereby agrees to sell to PURCHASER and PURCHASER hereby agrees to purchase from SELLER, upon the terms and conditions hereinafter set forth, a certain 5-foot strip of real estate located at 28 Morse Street in the City of Portland, County of Cumberland and State of Maine bordering on property owned by Purchaser, as depicted upon the plan attached hereto.

2. PURCHASE PRICE.

The purchase price shall be as follows:

A. THREE THOUSAND TWO HUNDRED DOLLARS (\$3,200.00) paid as follows:

RECEIVED

SEP 29 2010

Dept. of Building Inspections
City of Portland Maine

i. ONE HUNDRED DOLLARS (\$100.00) has been delivered to SELLER at the time of signing of this agreement by PURCHASER, as an earnest money deposit; and

ii. The balance of THREE THOUSAND ONE HUNDRED DOLLARS (\$3,100.00) by bank or certified check at closing, representing the balance of the purchase price, with further adjustments for prorations as hereinafter set forth or otherwise provided.

B. Additionally, PURCHASER shall, within ninety (90) days of the Closing (as defined below), or within such longer but reasonable time if delayed due to weather and ground conditions, install a driveway for SELLER upon SELLER'S property.

3. CONVEYANCE TITLE.

Against the payment of the purchase price, SELLER shall on the date of closing execute and deliver to PURCHASER a warranty deed free and clear of all encumbrances, except utility easements which may serve the premises, zoning and building restrictions and taxes assessed but not yet due, and such other matters which would constitute standard exceptions to legal title opinions issued in the Greater Portland area and acceptable to institutional mortgage lenders for mortgage purposes. However, should the PURCHASER claim the title to be defective, then SELLER shall have a reasonable time, after due notice of such defect or defects, to remedy the title, after which time, if such defect or defects are not corrected so that there is marketable title, then the PURCHASER may, at his option, withdraw the above-mentioned deposit and be relieved from further obligations hereunder.

4. CLOSING.

The closing of this transaction shall occur not later than sixty (60) days from execution hereof by the SELLER at a time and place as the parties may mutually agree upon, provided, however, that at PURCHASER'S option the closing may be extended for up to 90 days if, despite good faith efforts, he has not yet obtained the permits and approvals described in section 10 below. Time is of the essence to this contract.

5. PRORATIONS.

Current real estate taxes will be prorated as of the date of closing, and SELLER and PURCHASER shall each pay his or her equal share of the State of Maine transfer tax. No other prorations or adjustments shall be made to the purchase price.

6. RISK OF LOSS.

The risk of loss or damage to said premises by fire or otherwise, until the closing, is assumed by the SELLER.

7. DEFAULT.

In the event the PURCHASER fails to consummate the purchase of the premises in accordance with the provisions of this agreement, then this agreement, shall be terminated, and PURCHASER shall forfeit said earnest money deposit which shall be retained by the SELLER as liquidated damages. In the event the SELLER fails to consummate the sale of the premises in accordance with the provisions of this agreement, then PURCHASER shall have the right to specific performance of this Agreement.

8. POSSESSION.

SELLER shall deliver full possession of the premises to PURCHASER at the time of closing. PURCHASER shall have reasonable access prior to closing for inspection, surveys, etc.

9. BROKERAGE COMMISSIONS.

Each party represents and certifies to each other that no broker has been retained in regard to this transaction.

10. CONDITIONS PRECEDENT TO CLOSING.

A. The PURCHASER'S obligation to close is conditioned upon the approval from the City of Portland for a building and all other related permits and approvals satisfactory to PURCHASER. If PURCHASER is unable to obtain said permit(s) and approval(s), PURCHASER may declare this contract null and void and the earnest money shall be promptly returned to PURCHASER.

11. MISCELLANEOUS.

A. This agreement shall inure to the benefit of, and be binding upon, the parties hereto and their respective heirs, personal representatives, successors and assigns.

B. This agreement constitutes the entire agreement between the parties, supersedes all prior negotiations and understandings between them, and shall not be altered or amended except by written amendment signed by SELLER and PURCHASER.

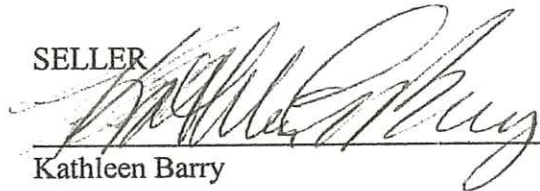
C. This agreement shall be construed and enforced in accordance with the laws of the State of Maine.

D. SELLER is aware that Maine law requires PURCHASER to withhold 2.5% of the sale proceeds unless SELLER certifies residency of the State of Maine at the time of closing or is otherwise exempt from this provision.

WITNESS:



SELLER



Kathleen Barry

Social Security #: 004-52-1898

Date of Birth 1-30-50

WITNESS:

PURCHASER



Robert C. Nelson

Social Security #: 005-64-1093

Date of Birth 8/18/60

Note for file

Level I.

36-38 Morse St

Dev lev discussion (DPS - DM-P

- T Errico

- J Tarling (City Arboret)

re submitted waiver request.

- (1) All agreed met one waiver criteria re each.
- (2) Jeff confirmed that the waiver criteria re landscaping wouldn't apply as sidewalks + curbs could both be fit in around trees (DPS had done a site visit)
- (3) Dan reminded all re Ordinance re that s/f not required to do either. Maybe request sidewalk along entire frontage
- (4) Final decision: not to require anything as stretch along s/f most important but not req'd. Prefer BOTH sidewalk + curb here - noted sidewalk exists (setback) further along towards wash.
- (5) DPS wants tree removed w drainage swale otherwise won't work - if to spk applicant Jeff seems ok with that.

Robert C. Nelson

April 11, 2011

47 Alice Court

Portland, Maine 04103

RE: 38 Morse St

To the City of Portland,

I am requesting a waiver, to not install sidewalks and curbing on the 38 Morse St project. This request is due to the existing property meeting sec. 25-96 requirement. Where sidewalks, are not a requirement, for a single family, only for a two- family or a multi-family.

This request for the waiver meets 3 and 6 of sec 14-506b. There is a safe alternate walking route on the opposite side of Morse St, by way of a sidewalk.

This waiver also meets #6. If sidewalks and curbs were added, they would ruin the existing landscaping and this location would lose its character in this neighborhood, by removing the existing trees at the property, where the sidewalk would be located.

The requirements, on sec 14-506, 1 and 5, for curbing are met, due to the cost to construct the curbing, and the applicable street opening fees, are in excess of 5% of the overall project cost.

The runoff, from the development site or within the street, does not require curbing, for storm water management.

Please see enclosed photos of existing trees and landscaping of Morse St properties. I look forward to hearing from you.

Sincerely,

Robert C. Nelson

4-13-11 Discussed Dev Rev
TE + DMP OK re ✓'ed
not OK re X 'd

? crit. re loss of sig site features
(eg trees/character) —
need Jeff's input

4-13-11 Approved to Mr Nelson

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APR 12 2011

City of Portland
Planning Division

[see email
to Jeff.

4-6-11 Morse Street 2010-0034

Meeting with Bob + Donata Nelson, owners/
applicants
Jean Fraser, Planner (City)

① Update on project:

They have engaged a new engineer
Pinkerman - Greer (Tom Greer)

He will be reviewing all eng. aspects

likely that Haskell Owen will do planning.
They intend to get revisions to me by next Tues 4/12

② Sidewalk + Curbing waivers

Jean explained background + policy re the ordinance and need to "make a case" + clarify frontage involved.

③ Drainage

They will be discussing further with Greer -
will probably be curbing along one side of
the driveway or regrade w/ catchbasin.

④ Planting

Jean asked:

- Clarify existing / proposed
- Concentrate (? arborvitae) between parking area and neighbors
- Some trees/shrubs between driveways + between lots, subject to maintaining sightlines for cars backing out.

March 21, 2011

Robert C. Nelson

Donata R. Nelson

47 Alice Court

Portland , Maine 04103

838-8256

Re: 38 Morse St.

Waiver for curbs and sidewalks

Dear Jean Frazier,

We are requesting a waiver, to be exempt from installing curbs and sidewalks, at the property listed, since there is a safe alternate walking route, on the opposite side of the street. The opposite side of the street has sidewalks, which meet requirements.

In regards to the curbs, there are no existing curbs on Morse, therefore, we requesting that this also be waived.

I look forward to hearing from you on this matter.

Sincerely



Robert C. Nelson

RECEIVED

MAR 22 2011

City of Portland
Planning Division

Jean Fraser - 38 Morse Street

From: Jean Fraser
To: Tarling, Jeff
Date: 4/13/2011 2:10 PM
Subject: 38 Morse Street

Jeff

This is the duplex at the rear of the site next to the school on Ocean.

At issue is the sidewalk and curbing waiver; David and Tom have agreed one criteria for each and it comes down to whether it meets the second criteria : "**Strict adherence to the curb and sidewalk requirement would result in the loss of significant site features related to landscaping or topography that are deemed to be of greater public value**"

The applicant has provided a large number of photos showing the very large trees along the site and along this side of Morse - so the question from David and Tom is whether a sidewalk could be fit in without harming the trees and whether curbing could be squeezed in too????

I personally think we should waive both because the landscape character of the street is similar to Skylark where we waived the sidewalk on one side) but Tom and David are not sure it meets waiver criteria. This is a more urban and higher ped use area.

Technically only the frontage of the "new" lot (ie not in front of the existing house) is required to have sidewalk and curbing but some staff consider its all one development.

If you go to the site both I and the applicant would like to meet you there- also they have revised the site plan and the planting and you need to review that (latest Plan and frontage photos are in inter-office mail to you now).

This is a level 1 now and reviews are supposed to be quick!!!!

thanks
Jean

April 9, 2012

City of Portland

Alexander Jaegerman

Planning Division

CC: Jean Frazier

Planning Division

389 Congress St.

Portland, Maine 04101

Re: Level I Minor Residential Site Plan

38 Morse St Duplex aka 36 Morse St

Application ID #2010-0064

Dear Mr. Jaegerman,

We are requesting a two year extension, for the proposal to build a new two family duplex. The reason for this request, is due to the purchase of the five foot strip of land, along the southern boundary which was just finalized (which is required to reach frontage requirements), the first of April 2012.

The approval for this project was on May 2, 2011, application ID# 2010-0064.

If there are any questions please contact Robert Nelson 207-838-8256.

Sincerely,



Robert C. Nelson

RECEIVED

APR 10 2012

City of Portland
Planning Division



PORTLAND MAINE

Strengthening a Remarkable City, Building a Community for Life • www.portlandmaine.gov

Planning and Urban Development Department
Penny St. Louis, Director

Planning Division
Alexander Jaegerman, Director

May 2, 2011

Robert C. Nelson
47 Alice Court
Portland, ME. 04103

**Re: Level I Minor Residential Site Plan
38 Morse Street; Duplex (aka 36 Morse Street)
Application ID: # 2010-0064**

CBL: 163 A015 001 and 163A A016 001

Dear Mr. Nelson:

On May 2, 2011, the Portland Planning Authority approved a Level I Minor Residential Site Plan for the proposal to build a new 2-family duplex on a Lot 2, with associated minor improvements on Lot 1, at 32-38 Morse Street. The proposals are shown in the approved Site Plan dated 09-17-10 (Rev 3; 4-6-11) and Site Details Plan dated 10-04-2010 both prepared by Owen Haskell, Inc, and the elevations submitted 10-26-2010, with the following conditions:

- i. That the signed and recorded deeds for the 5 foot strip of land along the southern boundary (required to be purchased to meet frontage requirements) shall be submitted prior to the issuance of a Building Permit; and
- ii. That the signed and recorded easement to the single family property that allows for the Lot 1 driveway to go across a small corner of the Lot 2 shall be submitted prior to the issuance of a Certificate of Occupancy (CO). It is recommended that this easement be enlarged to allow for snow storage; and
- iii. That property pins are required to be installed prior to the issuance of a Building Permit to ensure accurate placement of the duplex with respect to required setbacks; and
- iv. That the final site grading of the drainage swale along the southern boundary shall ensure that runoff will remain on Lot 2; such grading to avoid damage to the large red maple in the Morse Street right of way near the swale; and
- v. That the parking area on Lot 2 shall be graded, and the southern edge of the driveway curbed in asphalt, both with the objective of directing storm water to the street and helping to ensure that the adjacent drainage swale is able to operate as intended; and
- vi. That the applicant shall comply with the City of Portland Technical Manual and Public Services detailed requirements regarding any work within the Morse Street right of way; and

as signed & sent

- vii. That any lighting on the rear part of Lot 2, including building mounted, shall be in compliance with the City of Portland Technical Manual Section 12 Site Lighting Standards to avoid glare or light trespass onto abutting properties; and
- viii. That the project shall not be phased and all the proposed landscaping, fencing, and drainage/ infrastructure for both lots shall be completed prior to the issuance of a Certificate of Occupancy (CO); and
- ix. That in the event that one or more of the duplex units are intended to be sold off as condominiums, please note that any conversion shall meet the City's Ordinance (currently 14-565 to 14-571), and that condominium documents (clarifying responsibilities for maintenance of common areas) shall be submitted for review and approval by the Planning Authority prior to the sale of the first unit; and

The approval is based on the submitted site plan. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.

Please note the following provisions and requirements for all site plan approvals:

1. The site shall be developed and maintained as depicted in the site plan and the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or the planning authority pursuant to the terms of the Site Plan Ordinance of Portland's Land Use Code. Any such parcel lawfully altered prior to the enactment date of these revisions shall not be further altered without approval as provided in the City Ordinance. Modification or alteration shall mean and include any deviations from the approved site plan including, but not limited to, topography, vegetation and impervious surfaces shown on the site plan. No action, other than an amendment approved by the planning authority or Planning Board, and field changes approved by the Public Services authority as provided herein, by any authority or department shall authorize any such modification or alteration.
2. The above approvals do not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division through the Building Permit application process.
3. Final sets of plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.
4. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and seven (7) final sets of plans must be submitted to and approved by the Planning Division and Public Services Dept. prior to the release of a building permit, street opening permit or certificate of occupancy for site plans. If you need to make any modifications to the approved plans, you must submit a revised site plan application for staff review and approval.
5. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date.
6. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
7. Prior to construction, a pre-construction meeting shall be held at the project site with the contractor, development review coordinator, Public Service's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the site/building contractor shall provide three

(3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.

8. If work will occur within the public right-of-way such as utilities, curb, sidewalk and 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 Division 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, please contact Jean Fraser at 874- 8728.

Sincerely,

Alexander Jaegerman
Planning Division Director

Attachment:

1. Performance Guarantee Packet
2. City of Portland Technical Manual Section 12 Site Lighting Standards

Electronic Distribution:

Penny St. Louis, Director of Planning and Urban Development
Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Jean Fraser, Planner
Philip DiPierro, Development Review Coordinator
Marge Schmuckal, Zoning Administrator
Tammy Munson, Inspections Division Director
Gayle Guertin, Inspections Division
Lannie Dobson, Inspections Division
Michael Bobinsky, Public Services Director
Kathi Earley, Public Services
Bill Clark, Public Services
David Margolis-Pineo, Deputy City Engineer
Matt Doughty, Public Services
Greg Vining, Public Services
John Low, Public Services
Jane Ward, Public Services
Capt. Keith Gautreau, Fire
Jeff Tarling, City Arborist, Public Services
Tom Errico, P.E., T.Y. Lin Associates
Assessor's Office
Approval Letter File
Hard Copy: Project File

Jean Fraser - RE: draft approval letter Re: 38 Morse St

From: Thomas Errico <Thomas.Errico@tylin.com>
To: DMP@portlandmaine.gov; JF@portlandmaine.gov
Date: 4/28/2011 10:50 AM
Subject: RE: draft approval letter Re: 38 Morse St
CC: JST@portlandmaine.gov

Jean – The spacing between the two project driveways meet City standards. The driveway for the duplex will be approximately 18 feet from the abutting house driveway. This does not meet our 20-foot separation standard. I believe I supported a waiver in prior correspondence and want to be consistent, so I would continue to support a waiver for these plans.

Thanks

Thomas A. Errico, PE
 Senior Associate
 Traffic Engineering Director

TYLIN INTERNATIONAL

12 Northbrook Drive
 Falmouth, ME 04105
 207.347.4354 direct
 207.400.0719 mobile
 207.781.4753 fax

thomas_errico@tylin.com
 Visit us online at www.tylin.com

"One Vision, One Company"
 Please consider the environment before printing.

From: Jean Fraser [mailto:JF@portlandmaine.gov]
Sent: Wednesday, April 27, 2011 3:26 PM
To: David Margolis-Pineo; Tom Errico
Cc: Jeff Tarling
Subject: draft approval letter Re: 38 Morse St

David and Tom

Since David wrote this we have had the discussion re sidewalks and curbs (and agreed not to require because the ordinance does not apply to the s/f lot and the other lot frontage is largely driveway).

Re David's comments below, I recall that Tom said he was OK re the driveways but I don't have anything in writing.

David, re the drainage I have received Jeff's request to keep the tree (see below) and discussed this with the applicant. The applicant has agreed to put an asphalt curb all along the southern edge of the driveway for Lot 2 so that the stormwater is directed to the street and doesn't sheet flow much into the swale. (as a level I this is not reviewed by W&C)

Since it appears all reviewers have verbally signed off and this is a Level I - and the applicant has improved the storm water drainage- rather than send further comments, COULD CONFIRM THAT YOU ARE OK WITH THE ATTACHED DRAFT APPROVAL LETTER (assuming you are....). The draft takes account of all the written and verbal comments I have received.

The final Site Plan is dated 4.12.2011.

Please confirm the approval letter is OK or let me know how you think it should be revised. I'd like to send it Friday (I am on vacation tomorrow)

thanks

Jean

>>> David Margolis-Pineo (David Margolis-Pineo) 3/31/2011 1:02 PM >>>
Jean,

I spent quite a few minutes on site yesterday taking a hard look at the area. I'm real mixed on the sidewalk and curbing.

Drainage can be accomplished as long as care is taken during construction to keep it from going onto the abutting property. To make it work however, I do believe that the large street tree will have to be removed. The trunk is so large and the space so tight I don't see it working without the removal. But generally the grades are there to make the drainage happen but a little more detail is needed.

I also asked Tom Errico to take a look at the proposed drive cut. Something looks funky there. He will double check and make recommendations on that front.

And of course property pins. Since the lot is being split, the proposed property corners need to be pinned.

I can send these comments along now formally if you would like.

>>> Jean Fraser 3/31/2011 12:37 PM >>>
David,

I don't think so- we discussed it at Dev Rev this week and it would be helpful to have some comments to back up my comments to him over the phone....which were:

Re DRAINAGE: I spoke to the applicant after the Dev Rev meeting and told him that they needed to design something that would work better than the shallow swale and that we would need evidence that whatever was proposed would "work" and remain effective at keeping stormwater on his site or within the street ROW eg profiles, sections, spot grades/contours etc. I also said that the city's engineer (ie you) was reluctant to speak to his engineer as we did not want to be prescriptive, could not design it for him and there were a number of possible solutions.

Re SIDEWALKS AND CURBING: I indicated that there was a strong staff view that he should be including these in his proposals and he needs to make a more detailed case that a waiver should be granted (showing how the site meets 2 criteria under each heading) and with more photos.....He pointed out that we had not required sidewalks/curbing on many recent projects in that area; he will re-submit the waiver request.

I anticipate that we won't get anything back from him until the end of next week.

Jean

>>> David Margolis-Pineo 3/31/2011 12:20 PM >>>

Jean,

Did I send you my comments on this project?

From: Jeff Tarling
To: Jean Fraser
Date: 4/25/2011 2:44 PM
Subject: Re: 38 Morse Street

Hi Jean -

The Red Maple tree at the left side of the driveway "appears" to be in the way from a drainage perspective. I would ask the applicant to review to see if they feel they can do the site work and not damage the tree. The tree is a healthy Red Maple in good condition, a tree we would want to save.

Thanks,

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>>> Jean Fraser 4/25/2011 1:30 PM >>>
Jeff

At the dev Rev meeting I got the impression you were OK with losing one tree for the drainage even though there would be no sidewalk- could you please confirm.

thanks
Jean

Note for file

38 Morse St

All sup
file folder
re sidewalk/
curbing req.

3-30-11.

838-8256

Bob Nelson

Dev Rev

As promised, called the applicant re prelim comments on the revised plans circulated last week. These conveyed:

- ① [Dev Rev: Alex, Barbara, Sand, Lauren] - Drainage proposals will not ensure stormwater is managed on site - swale is too shallow. OPS Engineer unwilling to be prescriptive although curbing along driveway might be a workable option (if this proposed we would need to see profile of driveway and section of site from property line/across curb/driveway. whatever proposal chosen (we realize cost effectiveness is a consideration) we need evidence that it will direct & contain runoff from parking area/driveway.
- ② Sidewalks + Curbing - strong view that these - especially sidewalk - should not be waived. will need to make a strong case with supporting information - SF offered to clarify waiver criteria with Mr Nelson (mtg 4-6 1:30 agreed)
- ③ Need some planting near 4-space parking area to screen (fence doesn't cut trees there - prob. cause snow blowing) - conifers.

[Signature]

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Jean

Jean Fraser - Enter comments in UI please Fwd: 38 Morse Street

From: Jean Fraser
To: Errico, Thomas; Margolis-Pineo, David; Schmuckal, Marge; Tarling, Jeff
Date: 3/25/2011 11:47 AM
Subject: Enter comments in UI please Fwd: 38 Morse Street
Attachments: DPS MORSE STREET #38.doc; Morse St 38 DPS review comments 2 22 2011.doc; First Review letter38 Morse 11.15.2010.doc; Second Review letter 38 Morse 1.28.2011.doc

This project remained in UI under **2010-0034** and did not get transferred to HTE nor One solution.

So I think you can put comments direct into UI (except Tom).

Update; Dan Goyette looked at this latest plan on Wed during Dev Rev and commented that the "swale would not work" (too shallow and too little a gradient). David- please bear this in mind along with Mike Farmers feb comments when finalizing your comments.

I have asked the applicant for the driveway easement documentation.

thanks
Jean

>>> Jean Fraser 3/23/2011 4:29 PM >>>
Hi

I am writing to follow up the circulation at Dev Rev today of: the revised site plan and a short letter from Bob Nelson re waiver for sidewalks and curbing. He dropped these off yesterday and I wanted to get them into your hands.

This project should be in *One Solution* but I can't find it- it was in HTE but I can't access that right now. So please send any comments by e-mail and we will discuss at Dev Rev. on 3.30.2011 so I can send a further letter to Mr Nelson.

Reminder re the background on this:

First layout (with one lot and 2 new units nearer to Morse St) approved Sept 2009 (in UI) and amended in early 2010. never pursued (I think funding issues). Waiver was given for sidewalk and curbs along the frontage of the entire lot (which had 3 units in this proposal) - I think the location of large trees along the frontage was part of the reason for that waiver.

New site plan application came in Oct 2010 for lot split and 2 units on second lot. Confirmed as not subdivision. This is the third version of the site plan and follows on from my 1.28.2011 review comments. I only have two sets of DPS review comments (attached; the first one from David was incorporated into the review letters; the one from Mike Farmer was sent to the applicant to amplify re the review letter of 1.28.2011).

I don't have zoning comments (may be buried in HTE or *One Solution*) but I know Ann found that the footprint, size and location of the porch and the setbacks had all changed on the last plan as compared with the submission. I have nothing on record from Tom Errico although we discussed it before I wrote the first review

letter.

Re sidewalk and curbs and a waiver (yes, I know the letter is weak but so have other requests and I believe the current practice is for us to review the situation against the criteria and come up with our decision), we are now only reviewing the new lot (with the 2 new units) so I am not sure we can ask for sidewalks and curbing along the frontage of the existing single family house.

Remember this is being reviewed under the new site plan ordinance which places it in Level I Site Plan Review (similar to that for single family home).

thanks

Jean

PS Jeff - I think some arborvitae like what you asked for on Hicks St could be asked for to buffer parking area- David has plan but you can have your own copy if you want.

3-25-11

Bob Nelson called to check I'd rec'd everything etc.

I called back + left message:

- 1) Plans + letter received
- 2) Have been circulated to reviewers and being reviewed.
- 3) Will be meeting with reviewers + getting comments next wed. + will get back to him then.
- 4) Bob indicate that swale seemed inadequate re width + slope
- 5) Asked him to address driveway easement - we need to see this

BT.

→ The Engineer would like to speak to our engineer - I explained 3 people involved so will give him one contact
on wed 3-30-11

March 21, 2011

Robert C. Nelson

Donata R. Nelson

47 Alice Court

Portland , Maine 04103

838-8256

Re: 38 Morse St.

Waiver for curbs and sidewalks

Dear Jean Frazier,

We are requesting a waiver, to be exempt from installing curbs and sidewalks, at the property listed, since there is a safe alternate walking route, on the opposite side of the street. The opposite side of the street has sidewalks, which meet requirements.

In regards to the curbs, there are no existing curbs on Morse, therefore, we requesting that this also be waived.

I look forward to hearing from you on this matter.

Sincerely



Robert C. Nelson

RECEIVED

MAR 22 2011

City of Portland
Planning Division



PORTLAND MAINE

Planning Division
Jean Fraser, Planner

2-22-2011

Robert C Nelson
47 Alice Court
Portland, ME 04103

Dear Mr. Nelson

Re 36-38 Morse St.

I received the following ^(attached) engineering
comments today and send them
along as they provide some
detailed guidance in addition to
my letter of 1-28-2011.
Please call if any questions.

Sincerely,

Jean Fraser

**ENGINEERING DIVISION
Portland Department of Public Services
55 Portland Street
Portland, ME 04101**

M E M O

TO: Jean Fraser
FROM: Mike Farmer, Project Engineer
DATE: February 22 2011
RE: 38 Morse Street - Proposed 2-Family House

I offer the following comments based upon review of the plans marked as received by the Planning Division on Jan. 20, 2011.

1. Per Dave Margolis-Pineo's Nov. 10, 2010 memo, the applicant has apparently designed the grading plan so surface runoff from the duplex lot flows onto Morse Street. A deeper and more prominent swale along the proposed driveway should be incorporated into the grading plan to assure that runoff does not flow directly onto the abutting property.
2. Per Dave's November memo, the project requires curbing and a sidewalk, unless the waiver conditions are met.
3. It might make sense to enlarge the proposed driveway easement to provide some room for snow storage along the driveway.
4. Per the Plumbing Code, cleanouts are generally required when a sewer lateral is longer than 100 feet, as is the case on this project. In addition to at least one cleanout, I recommend requiring a cast iron valve box and cover (marked SEWER) to protect the top of each cleanout.
5. The Plumbing Code generally requires the sewer lateral and water service to be at least 10 feet apart, unless the water service is at least 18 inches above the sewer and the water service is built on a bench of undisturbed soil.
6. Is a separate foundation drain going to be provided? On streets with combined sewers, such as Morse Street, it is customary in Portland to run a separate sanitary sewer and foundation drain from the building to the street. The two pipes are typically connected with a Wye fitting at the curb line and one connection is made to the combined sewer.



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

Planning Division
Alexander Jaegerman, Director

January 28, 2011

Robert C. Nelson
47 Alice Court
Portland ME. 04103

**Re: Level I: Minor Residential Site Plan Review
36-38 Morse Street; Duplex on separate lot
Application # 2010-0034**

Dear Mr. Nelson,

Thank you for the plans (Site Plan Rev 1 and Site Details Rev 1) received in this office on January 20, 2011.

These plans have been reviewed by staff. The revisions partially address the review letter dated November 15, 2010 and we have the following comments:

Stormwater Management:

These plans address the engineering comments regarding the discharge of stormwater into the sanitary sewer system, but we note that the previously proposed catchbasin has now been omitted. As the driveway is not curbed, the contours indicate that the stormwater will drain onto the neighbors property. Please revise the stormwater management design so that it ensures the stormwater displaced by the new development does not flow onto other private properties; the design may include detention/ infiltration on site, sheet flow to Morse Street or a connection to a stormwater system in Washington Avenue, or other acceptable options.

Zoning:

We note that the new building has been moved 5 feet closer to the property boundary with Lot 1 and that the porch for one of the units is now located in the front setback and has been enlarged. Because it has been enlarged it exceeds the zoning maximum of 50 sq feet and also it does not match the submitted floor plans. If the porch remained as shown on the submitted floor plans it would meet zoning requirements because it would be under the 50 sq feet maximum within the setback. Please revise so that the layout meets zoning requirements. Also please confirm the calculations of the lot coverage.

Landscaping and Screening:

The proposed new trees along the boundary are acceptable, but I suggest that some additional dense shrub planting be introduced where the parking space is nearest the boundary with the neighbors to the south. Lot #2 should have 2 street trees and only one is shown.

Sidewalks and curbing:(See Site Plan Ordinance 14-524 2. d and 14-526 2 c.)

The revised site plan does not include a sidewalk and curbing along the frontage and I have not received any information to address the previous comments regarding sidewalks and curbing; these were:

Sidewalks and curbing are required along the frontage of the new lot, but you may request a waiver from these requirements if the site meets the applicable waiver requirements. I attach the waiver requirements and please submit a narrative that outlines how the site meets the waiver criteria. The photographs submitted in relation to the previous application are on the file but please submit a new waiver request as this is a new application and the proposals are different.

Please include a sidewalk and curbing in the proposals, or submit a waiver request.

Please note that a condition of any approval would be that property pins are required to be set before occupancy. Also an easement for the portion of the Lot 1 driveway located on Lot 2 would be required prior to occupancy.

The Planning staff recommendation is that you submit a revised plan addressing the stormwater, landscape and zoning review comments outlined in this letter for final review and approval.

If you do not wish to include sidewalks and curbing in the proposals, please also submit a specific sidewalk and curbing waiver request (narrative) for consideration so that we can confirm the sidewalk and curbing requirements in this case.

Please contact me if you have any questions or would like to set up a meeting; I can be reached on (207) 874 8728 or at jf@portlandmaine.gov

Sincerely,



Jean Fraser
Planner

Attachment: Waiver Criteria for Sidewalks and Curbing

cc.

Barbara Barhydt, Development Review Manager
Marge Schmuckal, Zoning Administrator
David Margolis-Pineo, Public Services
Mike Farmer, Public Services
Jeff Tarling, City Arborist

City of Portland Ordinances
REQUIREMENTS FOR CONSTRUCTION OF SIDEWALKS AND CURBING

Sec. 25-96. Required for nonresidential, two-family or multi-family development; exceptions.

Where a nonresidential, or two-family or multi-family development requiring site plan approval abuts any accepted street and a sidewalk with granite curbing satisfactory to the public works authority has not already been provided, a sidewalk constructed of bituminous concrete, portland cement concrete, brick or other paving material and granite curbing shall be provided along the entire street frontage of the lot. If either a sidewalk or curbing, but not both, shall exist at such location which is satisfactory to the public works authority, only a sidewalk or curbing, as the case may be, shall be provided. In either case, such sidewalk and curbing shall be constructed in accordance with the specifications and to the satisfaction of the public works authority at no cost to the city. In conjunction with major site plan review, the planning board, or with minor site plan review, the planning authority, may waive or modify the requirements contained herein upon a like finding and on the same terms and conditions as set forth in section 14-506(b) of this Code.

Sec.14 –506 (b) Modifications.

(B) where the planning board or planning authority finds that, for each of the requirements listed below, two or more of the conditions exist with respect to compliance with the requirements set forth in sections 14-498 and 14-499 pertaining to the provision and construction of curbs and/or sidewalks, it may vary the regulations so that substantial justice may be done and the public interest secured:

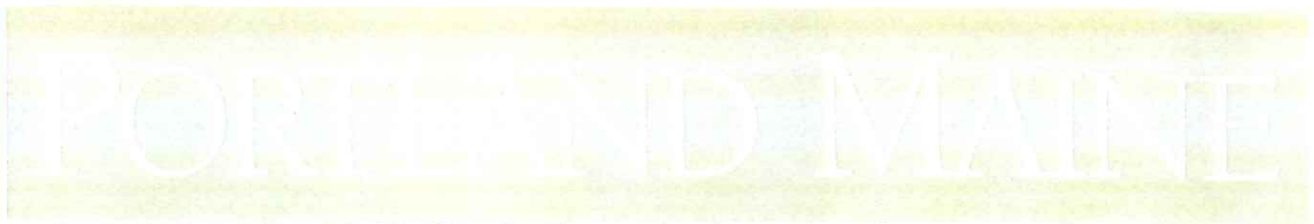
SIDEWALKS-

1. There is no reasonable expectation for pedestrian usage coming from, going to and traversing the site.
2. There is no sidewalk in existence or expected within 1000 feet and the construction of sidewalks does no contribute to the development of a pedestrian oriented infrastructure.
3. A safe alternative-walking route is reasonably available, for example, by way of a sidewalk on the other side of the street.
4. The street is scheduled for major reconstruction as a component of the capital improvement program.
5. The street has been constructed or reconstructed without sidewalks within the last 24 months.
6. Strict adherence to the curb and sidewalk requirement would result in the loss of significant site features related to landscaping or topography that are deemed to be of a greater public value.

CURBING-

1. The cost to construct the curbing, including any applicable street opening fees, is in excess of 5% of the overall project cost
2. The street is scheduled for major reconstruction as a component of the capital improvement program.
3. The street has been rehabilitated without curbing in the last 60 months.
4. Strict adherence to the curb and sidewalk requirement would result in the loss of significant site features related to landscaping or topography that are deemed to be of a greater public value.
5. Runoff from the development site or within the street does not require curbing for stormwater management.

IN NO EVENT SHALL THE VARIATION HAVE THE EFFECT OF CREATING POTENTIALLY HAZARDOUS VEHICLE AND PEDESTRIAN CONFLICT OR NULLIFYING THE INTENT AND PURPOSE AND POLICIES OF THE LAND DEVELOPMENT PLAN RELATING TO TRANSPORTATION AND PEDESTRIAN INFRASTRUCTURE AND THE REGULATIONS OF THIS ARTICLE. AT ITS DISCRETION, THE PLANNING AUTHORITY MAY REFER ANY PETITION FOR A VARIANCE FROM THE CURB AND SIDEWALK REQUIREMENT TO THE PLANNING BOARD FOR DECISION.



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www.portlandmaine.gov

Planning & Urban Development Department

Penny St. Louis Littell, Director

Planning Division

Alexander Jaegerman, Director

November 15, 2010

Robert C. Nelson
47 Alice Court
Portland ME. 04103

Re:

**Level I: Minor Residential Site Plan Review
36-38 Morse Street; Duplex on separate lot
Application # 2010-0034**

Dear Mr. Nelson,

I am writing to confirm the status of your site plan application following the submission of your application and plans in October, 2010 for a duplex on a new lot and modifications to the lot around the existing single family house.

Please note that this proposal is being reviewed under a revised Site Plan Ordinance that came into effect in August 2010 and which is on the website; please refer to Section 14-524.

Staff has reviewed the proposals and the City's review comments are as follows:

1. **Drainage:** David Margolis-Pineo, Deputy Engineer, comments as follows:
City code 24-44(c) does not allow the discharge of stormwater to a sanitary sewer system. The proposals show a 12" Inserta Tee into a 10" sanitary sewer. A 10" sanitary is designed for sanitary waste only.

The sanitary sewer lines from the two new units should be tied together at the property line with one connection into the street sewer line. Please have the Engineer stamp the plans and cross-reference the engineering details to the Site Plan; it would also be helpful if the plans were dated so they can be referenced in correspondence.

Stormwater runoff for both lots shall be handled either on site, sheet flow to Morse Street or connect to a stormwater system in Washington Avenue, or develop other acceptable options.

As advised with respect to the previous (already approved) project, the storm water lines could connect to the proposed catch basin, with an 8" pvc line installed from the catch basin into the street (not to the sewer; it should be laid at a slope of .01). In this case the outlet pipe should be fitted with a 4" orifice plate inside of the catch basin.

2. Parking: The parking aisle (behind the parking spaces) should be 24 feet in width (not including the parking space itself) to allow for cars to maneuver in and out of the parking spaces. The proposal shows this aisle as being 10 feet wide which is not acceptable.
3. Landscaping: The proposals should show proposed landscaping, including planting along the site boundary to the south to screen the driveway and parking area for 4 cars, and two street trees along the street frontage of the new lot.
4. Sidewalks and curbing: Sidewalks and curbing are required along the frontage of the new lot, but you may request a waiver from these requirements if the site meets the applicable waiver requirements. I attach the waiver requirements and please submit a narrative that outlines how the site meets the waiver criteria. The photographs submitted in relation to the previous application are on the file but please submit a new waiver request as this is a new application and the proposals are different.
5. Elevations: The elevations and the site plan are inconsistent with respect to the location of entrances, and walkways are not shown leading to the entrances.
6. Please note that a condition of any approval would be that property pins are required to be set before occupancy. Also an easement for the portion of the duplex driveway located on the single family home lot would be required prior to occupancy.

The Planning staff recommendation is to submit a revised plan addressing the engineering specifications and review comments for final review and approval.

Please contact me if you have any questions or would like to set up a meeting; I can be reached on (207) 874 8728 or at jf@portlandmaine.gov

Sincerely,



Jean Fraser
Planner

Attachment: Waiver Criteria for Sidewalks and Curbing

cc.
Barbara Barhydt, Development Review Manager
Marge Schmuckal, Zoning Administrator
David Margolis-Pineo, Public Services

City of Portland Ordinances

REQUIREMENTS FOR CONSTRUCTION OF SIDEWALKS AND CURBING

Sec. 25-96. Required for nonresidential, two-family or multi-family development; exceptions.

Where a nonresidential, or two-family or multi-family development requiring site plan approval abuts any accepted street and a sidewalk with granite curbing satisfactory to the public works authority has not already been provided, a sidewalk constructed of bituminous concrete, portland cement concrete, brick or other paving material and granite curbing shall be provided along the entire street frontage of the lot. If either a sidewalk or curbing, but not both, shall exist at such location which is satisfactory to the public works authority, only a sidewalk or curbing, as the case may be, shall be provided. In either case, such sidewalk and curbing shall be constructed in accordance with the specifications and to the satisfaction of the public works authority at no cost to the city. In conjunction with major site plan review, the planning board, or with minor site plan review, the planning authority, may waive or modify the requirements contained herein upon a like finding and on the same terms and conditions as set forth in section 14-506(b) of this Code.

Sec.14 –506 (b) Modifications.

(B) where the planning board or planning authority finds that, for each of the requirements listed below, two or more of the conditions exist with respect to compliance with the requirements set forth in sections 14-498 and 14-499 pertaining to the provision and construction of curbs and/or sidewalks, it may vary the regulations so that substantial justice may be done and the public interest secured:

SIDEWALKS-

1. There is no reasonable expectation for pedestrian usage coming from, going to and traversing the site.
2. There is no sidewalk in existence or expected within 1000 feet and the construction of sidewalks does not contribute to the development of a pedestrian oriented infrastructure.
3. A safe alternative-walking route is reasonably available, for example, by way of a sidewalk on the other side of the street.
4. The street is scheduled for major reconstruction as a component of the capital improvement program.
5. The street has been constructed or reconstructed without sidewalks within the last 24 months.
6. Strict adherence to the curb and sidewalk requirement would result in the loss of significant site features related to landscaping or topography that are deemed to be of a greater public value.

CURBING-

1. The cost to construct the curbing, including any applicable street opening fees, is in excess of 5% of the overall project cost
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City of Portland Ordinances

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draft

November XX, 2010

Robert C. Nelson
47 Alice Court
Portland ME. 04103

Re:

Level I: Minor Residential Site Plan Review
36-38 Morse Street; Duplex on separate lot
Application # 2010-0034

Dear Mr. Nelson,

I am writing to confirm the status of your site plan application following the submission of your application and plans in October, 2010 for a duplex on a new lot and modifications to the lot around the existing single family house.

Please note that this proposal is being reviewed under a revised Site Plan Ordinance that came into effect in August 2010 and which is on the website; please refer to Section 14-524.

Staff has reviewed the proposals and ~~are unable to recommend approval of the submitted plans for the following reasons:~~ *The City's review is as follows:*

- The David Margolis-Vineo, Deputy Engineer comments follow*
1. **Drainage:** City code 24-44(c) does not allow the discharge of stormwater to a sanitary sewer system. The proposals show a 12" Inserta Tee into a 10" sanitary sewer. A 10" sanitary is designed for sanitary waste only.

The sanitary sewer lines from the two new units should be tied together at the property line with one connection into the street sewer line. Please have the Engineer stamp the plans and cross-reference the engineering details to the Site Plan; it would also be helpful if the plans were dated so they can be referenced in correspondence.

Stormwater runoff for both lots shall be handled either on site, sheet flow to Morse Street or connect to a stormwater system in Washington Avenue, or develop other acceptable options.

As advised with respect to the previous (already approved) project, the storm water lines could connect to the proposed catch basin, with an 8" pvc line installed from the catch basin into the street (not to the sewer). In this case the outlet pipe should be fitted with a 4" orifice plate inside of the catch basin. The 8" outlet pipe should be laid at a slope of .01.

~~Tech Manual~~
~~1-2-2~~

2. ~~Resid. 40' easement~~
~~82-24~~

is this correct -
I thought we changed the width based on # of vehicles

2. Parking: The parking aisle (behind the parking spaces) should be 24 feet in width (not including the parking space itself) to allow for cars to maneuver in and out of the parking spaces. The proposal shows this aisle as being 10 feet wide which is not acceptable.
3. Landscaping: The proposals should show proposed landscaping, including planting along the site boundary to the south to screen the driveway and parking area for 4 cars, and two street trees along the street frontage of the new lot.
4. Sidewalks and curbing: Sidewalks and curbing are required along the frontage of the new lot, but you may request a waiver from these requirements if the site meets the applicable waiver requirements. I attach the waiver requirements and please submit a narrative that outlines how the site meets the waiver criteria. The photographs submitted in relation to the previous application are on the file but please submit a new waiver request as this is a new application and the proposals are different.
5. Elevations: The elevations and the site plan are inconsistent with respect to the location of entrances, and walkways are not shown leading to the entrances.
6. Please note that a condition of any approval would be that property pins are required to be set before occupancy. Also an easement for the portion of the duplex driveway located on the single family home lot would be required prior to occupancy.

The Planning staff recommendation is to submit a revised plan addressing the engineering

Please contact me if you have any questions or would like to set up a meeting; I can be reached on (207) 874 8728 or at jf@portlandmaine.gov

Sincerely,
engineering specifications for final ^{review and comments} review and approval.

Jean Fraser
Planner

Attachment: Waiver Criteria for Sidewalks and Curbing

cc.
Barbara Barhydt, Development Review Manager
Marge Schmuckal, Zoning Administrator
David Margolis-Pineo, Public Services

From: Jean Fraser
To: rnelson3@maine.rr.com
Date: 10/29/2009 3:54:06 PM
Subject: 38 Morse Street - ? re linkages/attachment

Bob,

1. I looked back at my notes of internal discussions and what I indicated (by 'phone) to you on 6.12.08 - at that time we confirmed that a duplex near the front (ie all one building with 2 units in it) attached to the existing s/f would be considered a multiplex development. When you applied the duplex turned into 2 separate new buildings with a horizontal linkage (plus the linkage to the existing s/f) and moved further to the rear. We accepted that because it technically met the ordinance and addressed constraints on your site and access and the location of your lot etc.

2. As requested, I have included the extract from the Ordinance below- I have underlined the relevant wording:

14-117 (a) 2. Multiplex development with three (3) or more horizontally or vertically attached dwelling units or a series of such attached dwelling units and the construction of at least one (1) building on a parcel of less than two (2) acres, provided that:

a. *The land area requirement for a multiplex shall be six thousand (6,000) square feet of land area per dwelling unit; except that a multiplex with two hundred fifty (250) feet or more of street frontage needs only forty five hundred (4,500) square feet of land area per dwelling unit;*

b. *No dwelling unit shall have less than six hundred (600) square feet of floor area, exclusive of common hallways and storage in basement and attic;*

c. *No open outside stairways or fire escapes above the ground floor shall be constructed;*

d. *No habitable space in a dwelling unit shall be below grade, except basements that are a part of and below aboveground units;*

e. *Such development shall be subject to article V (site plan) of this chapter for site plan review approval and shall conform to the R-5 Design Standards.*

As I mentioned during our telephone call, the building and fire code issues are very different from the site plan and zoning requirements. Any proposal needs to meet all of these.

If you wish to pursue the question, I would like to bring Barbara Barhydt into the discussion...just let me know.

Jean

Jean Fraser, Planner
City of Portland
874 8728

From: Jeff Tarling
To: Jean Fraser
Date: 9/24/2009 3:24:47 PM
Subject: 38 Morse Street

Hi Jean -

I have reviewed the recent submission including trees & landscape features on the 38 Morse Street project. They are improved and meet the topics that we suggested in the field at our site visit. Thus, I find the plans acceptable.

Thanks,

Jeff Tarling
City Arborist

CC: Barbara Barhydt; David Margolis-Pineo



To: Marge Schmuckal; Jeff Tarling; Barbara Barhydt
From: Jean Fraser
Date: September 24, 2009

Additional information submitted for the following project:

Application ID #: 2008-0064
Project Name: 2 units added to grandfathered existing unit (not subdivision)
Project Address: 38 Morse Street

FINAL COMMENTS: September 30th, 2009 (very minor items to review) so approval letter can be issued; draft approval letter attached (first page only) so please see whether you are OK with the suggested conditions and whether any others needed.

This is an administrative review.

Applicant has submitted:

1. Revised site plan with landscaping revised to address Jeff Tarling's comments at meeting on Sept 17, 2009;
2. Capacity letters;
3. Letter of financial capability;
4. Letter explaining phasing and maintenance.

Subject to these being OK I have drafted the attached Approval Letter (1st page) and need comments on that too please.

Thanks
Jean

DRAFT FOR DISCUSSION AT Dev Rev

September X, 2009

Robert C. Nelson
47 Alice Court
Portland ME. 04103

**Re: 38 Morse Street (32-38 Morse Street); Addition of 2-units
Application ID: # 2008-0064**

CBL: 163 A015 001 and 163A A016 001

Dear Mr. Nelson:

On XXX, 2009, the Portland Planning Authority approved a minor site plan for the proposal to add 2 units (to create a multiplex) at 32-38 Morse Street, as shown in the approved plans prepared by Owen Haskell, Inc and dated (X), with the following conditions:

- i. That if the construction of the project is phased, the first unit shall meet all site plan requirements (landscaping, fencing, and drainage/infrastructure) prior to the issuance of a Certificate of Occupancy; and
- ii. The second unit shall be constructed and occupied (Certificate of Occupancy) within x months of the issuance of the CO for the first unit, otherwise the parking will need to be reduced to 2 spaces with lawn and landscaping replacing any parking area in excess of 2 spaces; and
- iii. That in the event that one or more of these units are intended to be sold off as condominiums, please note that any conversion shall meet the City's Ordinance (currently 14-565 to 14-571), and that condominium documents (clarifying responsibilities for maintenance of common areas) shall be submitted for review and approval by the Planning Authority prior to the sale of the first unit.

The approval is based on the submitted site plan. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.

Please note the following provisions and requirements for all site plan approvals:

1. The site shall be developed and maintained as depicted in the site plan and the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or the planning authority pursuant to the terms of this article. Any such parcel lawfully altered prior to the enactment date of these revisions shall not be further

Donata R. Nelson

September 22, 2009

Robert C. Nelson

47 Alice Court

Portland, Maine 04103

838-8256

878-5975

Re: 38 Morse St

Additional units

RECEIVED

SEP 22 2009

City of Portland
Planning Division

Dear Jean Frazier,

Enclosed is the information requested by the planning dept, to finalize approval for a permit , for the 38 Morse St project.

Letter from Portland Water District

Letter from City of Portland Sewer Dept

Letter from financial institution

Per our meeting with Jeff Tarling, I have had the plans revised, to reflect his recommendations. These are also enclosed.

The plan is to do the project in phases. We have the funds to build one unit. All site work and foundation work will be done in the first phase. When the building is complete, we will finance the first building and use the proceeds to fund the second building. We will be caring for the property maintenance; snowplowing, landscaping ourselves, etc. ourselves.

We look forward to hearing from you

Bob Nelson





Portland, Maine
Strengthening a Remarkable City, Building a Community for Life www.portlandmaine.gov

RECEIVED

Public Services Department
Michael J. Bobinsky, Director

SEP 22 2009

August 20, 2009

City of Portland
Planning Division

Mr. Robert C. Nelson
47 Alice Court
Portland Maine 04103

**RE: The Capacity to Handle the Anticipated Wastewater and Stormwater Flows,
from the Two Condominium Homes, at 38 Morse Street.**

Dear Mr. Nelson:

SANITARY INFORMATION

The existing ten-inch diameter vitrified clay sanitary sewer pipe, located in Morse Street has adequate capacity to transport, while The Portland Water District sewage treatment facilities, located off Marginal Way, has adequate capacity to treat the anticipated wastewater flows of the 360 GPD.

Anticipated Wastewater Flows from the Proposed Two Condominium Homes:

Two, (Two-Bedroom) Condominium Homes, @ 180 G.P.D./Home = 360 GPD

Anticipated Stormwater Flows from the Proposed Four Single-Family Homes

The Average Stormwater for a Two Year Design Storm

The Developed Property with 2 Single Family Homes/Driveways = .7419 CFS

All Intensity data references The Rain Atlas in the U.S. Department of Commerce Weather Bureau

STORMWATER INFORMATION

The City combined sewer overflow (C.S.O.) abatement consent agreement, with the U.S.E.P.A. and with the Maine D.E.P., requires C.S.O. abatement, as well as storm water mitigation, from all projects, in order to offset any increase in sanitary flows. The City of Portland is aware that a possible C.S.O. event may occurring at CSO 20, located off East Marginal Way, from the anticipated increase of storm water flows from the proposed Condominium project.

If The City can be of further assistance, please call 874-8829.

Sincerely,
CITY OF PORTLAND

Harold L Downs

Harold L Downs
Senior Engineering Technician

HLD

- CC:
- Penny Littell, Director, Department of Planning, and Urban Development, City of Portland
 - Barbara Barhydt, Development Review Services Manager, Department of Planning, and Urban Development, City of Portland
 - Jean Fraser, Planning & Development
 - David Margolis-Pineo, P.E., Deputy City Engineer, City of Portland
 - Bradley A. Roland, P.E., Environmental Projects Engineer, City of Portland
 - Michael Farmer, P.E., Project Engineer, City of Portland
 - Stephen K. Harris, Assistant Engineer, City of Portland
 - John Emerson, Wastewater Coordinator, City of Portland
 - Jane Ward, Administrative Assistant, City of Portland



Portland Water District

FROM SEBAGO LAKE TO CASCO BAY

RECEIVED

SEP 22 2009

August 18, 2009

Robert Nelson
47 Alice Court
Portland, ME 04103

City of Portland
Planning Division

Re: 38 Morse Street, Portland
Ability to serve with PWD water

Dear Mr. Nelson:

This letter is to confirm that there should be an adequate supply of clean and healthful water to serve the needs of the 2-unit residential building located at 38 Morse Street in Portland. According to District records, there is an 8-inch ductile iron water main on the west side of the street as well as a hydrant located adjacent to the site.

The current data from the nearest hydrant indicates there should be adequate capacity of water to serve the domestic water needs of your proposed project, as stated in your letter.

Hydrant Location: Morse Street at Sherwood Street
Hydrant Number: POD-HYD11841
Static Pressure: 85 PSI
Residual Pressure: Not measured
Flow: Not measured
Last Tested: 5/23/2007

With regard to your fire protection needs, please notify your plumber of these results so that they can design your system to best fit the noted conditions. Also, please contact your local fire department to determine if the fire service capacity is sufficient for their needs. Based on the high water pressure in this area, we recommend that you consider the installation of pressure reducing devices that comply with state plumbing codes.

In order for the proposed building to be served as shown on the site plan, dated April 1, 2008, a meter pit would be required on the site between 10 and 20 ft. from the street line. In order to serve the building without installing a meter pit, the meter would have to be located in an area of the building with shared access between the occupants. All water to the site would have to pass through that meter before the lines could split to serve both units. Since there will be one service in the name of one customer, there will be only one meter, and the customer will receive a single bill. If desired, a memo meter in the second unit could be installed by the property owner as a way to measure water use in that unit.



38 Morse Street
Portland, Maine

Ability to Serve
August 18, 2009

Another possible option would involve the installation of two individual services from the main, one serving each unit. Each unit could then have its own PWD account and meter.

We can discuss the service options in more detail at the service application stage. We will also work with you to properly size the water service and meter to meet the needs of this property. If a residential sprinkler system is required, it is your responsibility to size the service and meter to meet the demands of your system.

If the District can be of further assistance in this matter, please let us know.

Sincerely,
Portland Water District


Rico Spugnardi, P.E.
Business Development Engineer

RECEIVED

SEP 22 2009

City of Portland
Planning Division

MERIDIAN MORTGAGE GROUP

September 17, 2009

Mr. Robert Nelson
47 Alice Court
Portland, Maine 04103

Re: 38 Morse Street
Portland, Maine 04103

Dear Rob,

I am pleased to confirm that you have been pre-approved for construction financing at the above referenced address.

Please do not hesitate to call me at 329-1051 with any questions.

Sincerely,


Peter Mitschele 

RECEIVED

SEP 22 2009

City of Portland
Planning Division

final review docs

9/17/09 1pm

Met Bob Nelson + Jeff Tarling on site.

The following agreed :-

- 1) 3 ex. street trees to be shown in correct locations + labelled "to remain"
- 2) 1 new street tree OK ~~as also~~ to be near drive but set back
- 3) new fencing along boundary between parking + neighbor - to screen re lights to show location + detail of materials, ht etc.
- 4) JT rec. lilacs in area between parking + street to screen + more ^{foundation} planting
- 5) JT requested trees along rear boundary (S side) be shown more accurately + shown to be retained (plus show proposed lawn)
- 6) JT requested arbutus along the side of the unit nearest neighbor

R Nelson to send 3 copies revised landscape plan + 4 letters (2 cap letters, 1 fm letter, 1 re phasing etc) by/on Tues 9/25/09. for final review. JT will wor. re ex. BPat that time.

From: "Dan Goyette" <DGoyette@woodardcurran.com>
To: "Jean Fraser" <JF@portlandmaine.gov>
Date: 9/16/2009 1:34:54 PM
Subject: Morse Street

Jean,

All of my previous comments have been adequately addressed. Please let me know if you have any questions.

Dan Goyette, P.E.
Project Engineer
(207) 774-2112 (office)
(207) 774-6635 (fax)

dgoyette@woodardcurran.com

Woodard & Curran
www.woodardcurran.com
Commitment & Integrity Drive Results

September 15, 2009

To: Barbara Barhydt
Jean Fraser
From: David Margolis-Pineo and
Public Services Staff
Re: 38 Morse Street

It is understood that the applicant meets the waver conditions to delete the requirements to install a sidewalk and curbing at this location. This department is agreeable to that waver request.

The stormwater drainage and sanitary sewer lateral now shown on the site plan are acceptable to this department.

This department has no further comments.

NOTE FOR FILE

38 MORSE STREET #2008-0064

09.14.09

Telephone call from Mr Nelson re 38 Morse Street

- 1. Mr Nelson asked how to get financial capability letter when he will be financing this himself. I advised him to have the bank confirm that he has the resources to undertake the proposals as shown.**
- 2. Mr Nelson will also send a “companion” letter to explain how he is approaching the phasing and financing and ownership and maintenance issues. I indicated that I would be seeking advice on these letters from senior colleagues as this was a somewhat unusual development so not sure if any further issues might arise.**
- 3. JF confirmed that Jeff Tarling had intended to contact them last week but had been sidetracked onto some urgent items; that I had spoken to Jeff yesterday who promised to follow up on Thursday of this week. Mr Nelson will e-mail Jeff re the telephone number to use on Thursday. I explained that there were the 3 issues: retention of existing street trees (he confirmed 2 were being retained but I indicated that the plan just shows one); location of proposed street trees; screening of parking.**
- 4. JF mentioned that there were some internal discussions still going on re the need for sidewalks despite the earlier confirmation that these would not be required. Mr Nelson referred to the nearby duplexes that do not have sidewalk in front of them. I said I was hoping to resolve tomorrow.**

From: Jean Fraser
To: Tarling, Jeff
Date: 9/11/2009 2:04:36 PM
Subject: Fwd: Morse St. FYI (38 Morse Street)

Jeff

When you speak to the Nelsons/draft comments could you please take into account and address the following:

1. **Loss of mature street tree that forms part of avenue on that street:** Their plan "Site Plan" Rev 5 shows that one of the two mature street trees appears to be removed. As these trees are "significant site features" along this street and are also a reason for not requiring sidewalks (see below), IS THERE A WAY IT CAN BE RETAINED?
2. **Location of their proposed street trees:** I am wondering if the street trees they have proposed (3) should be located nearer the street so that they are in line with the existing mature trees along Morse?
3. **Screening of parking:** There is an explicit statement in the land use ordinance that says:
(14-526 (15):

"3. Open space on the site for all two-family, special needs independent living unit, bed and breakfast and multiple-family development shall be integrated into the development site. Such open space in a special needs independent living unit or a multiple-family development shall be designed to complement and enhance the building form and development proposed on the site. Open space functions may include but are not limited to buffers and screening from streets and neighboring properties, yard space for residents, play areas, and planting strips along the perimeter of proposed buildings;

5. The scale and surface area of parking, driveways and paved areas are arranged and landscaped to properly screen vehicles from adjacent properties and streets;"

As you can see from the photos, all the houses along Morse are located near the street and this proposed parking area will "jut" into the front lawn area so screening seems really important.

thanks
Jean

>>> Jean Fraser 9/11/2009 1:53:01 PM >>>
David,

I have forwarded (below) the original Oct 2008 approval from Todd Merkle to waive both sidewalk and curbing along the frontage of 38 Morse Street (duplex development on small lot).

Since then in June 2009 and then also in August 2009 (after confirming to the applicant in Oct 2008 that sidewalks and curbing would not be required) Public Services sent comments requesting both curbing and sidewalks as part of this development.

I have done a careful site visit to establish whether the duplex proposal at this site meets the Ordinance waiver requirements (copy attached) for sidewalks and curbing since that is the what guides this determination .

Based on my site visit (see photos) and the way these waiver criteria have been interpreted in the past, the lot in question meets the waiver criteria. The proposals need to meet only 2 criteria under each category (there are 6 criteria re sidewalks and 5 for curbs - see attached). Your recent Memo only refers to criteria #2 under sidewalks which the proposal does not meet; however I believe it does meet two other

criteria.

Sidewalks:

It meets criteria 3 ie "a safe alternative walking route is reasonably available, for example, by way of a sidewalk on the other side of the street": as you will see in the attached photos, a good sidewalk runs all the way from Ocean to Washington on the other side of the street.

It meets criteria 6 ie "strict adherence to the sidewalk requirement would result in the loss of significant site features related to landscaping or topography that are deemed to be of greater public value". You will see from the photos that on this lot's side of the street a row of very mature trees runs all along Morse Street and they are a few feet from the edge of the road; there is no sidewalk at all except for a short section up by the school where its much steeper and which has other landscaping and a hill behind it. This site has 2 of these trees (one may need to be removed for new access- Jeff will need to review to see if it can be retained and they are also adding new street trees).

These street trees (set in lawn) are significant and form the character of this street and to remove the large street tree(s) or prevent the planting new trees near the street along this lot's frontage would detract from the whole street (as would the introduction of a short section of sidewalk that would be forever isolated as the street has houses along that are unlikely to be redeveloped). As other staff will confirm, this landscaped street character has often been a basis for the Planning Board and staff to agree this criteria applies.

Curbing:

It meets Criteria 4: ("Strict adherence to the curb requirement would result in the loss of significant site features related to landscaping or topography that are deemed to be of greater public value") ...for the same reason it meets criteria 6 under sidewalks ie that it would remove significant site features that should remain. Also because none of the street - either side- (except a short section by the school seen in photos plus the corners of Sherwood) have curbing and are unlikely to ever have curbing. The character of this street is grass adjacent to the street with the mature trees on the side of the street where this proposal is located.

It meets Criteria 5: ("Runoff from the development site or within the street does not require curbing for stormwater management".) As you can see from photo 100-1313 the short stretch of curbing at the end of Morse Street near Ocean is because the street is steeper there and intersects with Ocean. Well before reaching this site the road levels out and gently slopes to Washington. If we asked the applicant to curb the street here he would probably also have to curb the driveway/parking area and redesign the drainage system which would not make sense.

Since I believe there is a clear case that this project meets the City Ordinance on this issue, I respectfully request that you reconsider your Memo of June 16 updated Aug 25 in respect of the requirements for sidewalk and curbing.

Thank you

Jean

ORIGINAL PS APPROVAL TO WAIVERS:

>> Todd Merkle 10/23/2008 3:01:24 PM >>>

I got this from Kathi. Chapter 24-44b says no foundation drains etc into the sanitary sewer.

I will try to attach it. Pretty much says it all.

I would recommend that the curb and sidewalk requirement be waived due to the current sidewalk on the opposite side of the road.

Todd

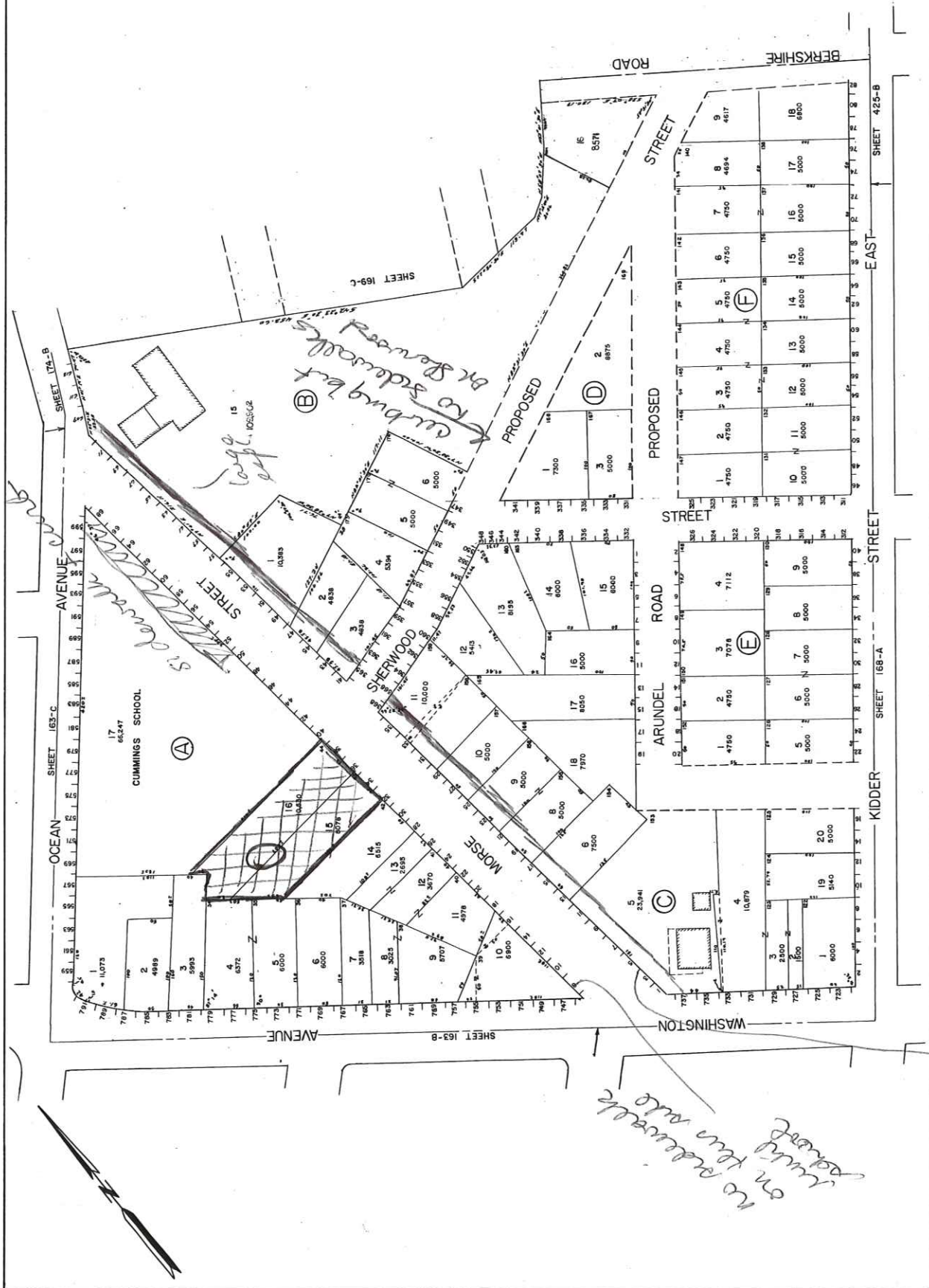
Sec. 24-44. Public sewer connection limitations.

(a) No person shall make connection of sanitary conveniences such as toilets, washrooms, urinals, sinks, showers, drinking fountains, kitchens or laundry rooms, nor discharge or cause to be discharged any waste or wastewater to a building's stormwater system or building storm drain which in turn is connected directly or indirectly to a public storm drain.

(b) No person shall make connection of roof downspouts, foundation drains, sump pump, areaway drains or other sources of surface runoff or groundwater, nor discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary

CC: Barhydt, Barbara

№ 163A



CITY OF PORTLAND
 ASSESSORS' PLAN
 SCALE = 1" = 50'

Revised by Map No. 4/1/79

*no alterations
 on town side*

*Remain same
 except as
 normally
 entered on map*

Sec. 25-96. Required for nonresidential, two-family or multi-family development; exceptions.

Where a nonresidential, or a two-family or multi-family development requiring site plan approval abuts any accepted street and a sidewalk with granite curbing satisfactory to the public works authority has not already been provided, a sidewalk constructed of bituminous concrete, portland cement concrete, brick or other paving material and granite curbing shall be provided along the entire street frontage of the lot. If either a sidewalk or curbing, but not both, shall exist at such location which is satisfactory to the public works authority, only a sidewalk or curbing, as the case may be, shall be provided. In either case, such sidewalk and curbing shall be constructed in accordance with the specifications and to the satisfaction of the public works authority at no cost to the city. In conjunction with major site plan review, the planning board, or with minor site plan review, the planning authority, may waive or modify the requirements contained herein upon a like finding and on the same terms and conditions as set forth in section 14-506(b) of this Code.

Sec.14 -506 (b) Modifications.

(b) Where the planning board or planning authority finds that, for each of the requirements listed below, two or more of the conditions exist with respect to compliance with the requirements set forth in sections 14-498 and 14-499 pertaining to the provision and construction of curbs and/or sidewalks, it may vary the regulations so that substantial justice may be done and the public interest secured:

Sidewalks-

1. There is no reasonable expectation for pedestrian usage coming from, going to and traversing the site.
2. There is no sidewalk in existence or expected within 1000 feet and the construction of sidewalks does not contribute to the development of a pedestrian oriented infrastructure.
3. A safe alternative-walking route is reasonably available, for example, by way of a sidewalk on the other side of the street.
4. The reconstruction of the street is specifically identified in the first or second year of the current Capital Improvement Program.
5. The street has been constructed or reconstructed without sidewalks within the last 24 months.
6. Strict adherence to the sidewalk requirement would result in the loss of significant site features related to landscaping or topography that are deemed to be of a greater public value.

Curbing-

1. The cost to construct the curbing, including any applicable street opening fees, is in excess of 5% of the overall project cost
2. The street is scheduled for major reconstruction as a component of the Capital Improvement Program.
3. The street has been rehabilitated without curbing in the last 60 months.
4. Strict adherence to the curb requirement would result in the loss of significant site features related to landscaping or topography that are deemed to be of a greater public value.
5. Runoff from the development site or within the street does not require curbing for

*Char. of 3 main st has
of tree lined street*

*None on sheet
trees*



looking SW
towards
Wash
Ave



looking SW
towards
Wash
Ave

by school
site up to
Ocean



looking SW
towards
Wash
Ave



looking N
towards
Ocean

From: "Tom Errico" <thomas.errico@tylin.com>
To: "Jean Fraser" <JF@portlandmaine.gov>
Date: 8/26/2009 1:46:59 PM
Subject: 38 Morse Street

Jean - I have reviewed the final plans transmitted on August 19, 2009 and find them acceptable and support waivers from the City's Technical Standards for driveway width, parking stall size, and parking layout dimensions.

If you have any questions, please contact me.

Best regards,

Thomas A. Errico, P.E.

T.Y. Lin International

12 Northbrook Drive
Building A, Suite One
Falmouth, ME 04105

207.347.4354 (Direct)
207.781.4721 (Main)
207.781.4753 (Fax)
207.400.0719 (Mobile)

CC: "David Margolis-Pineo" <DMP@portlandmaine.gov>, "Katherine Earley" <KAS@portlandmaine.gov>

June 16, 2009
August 25, 2009

To: Barbara Barhydt
Jean Fraser
From: David Margolis-Pineo and
Public Services Staff
Re: 38 Morse Street

Public Services has the following comments on the proposed project at 38 Morse Street.

1. The applicant shall install granite curbing and a sidewalk as required by city code. It is realized that this section of walk and curb will be isolated for the time being. There is curb and sidewalk approximately 150' up the hill towards the school. It is hoped that additional sections of curb and sidewalk will be added as time progresses.

The applicant's most recent site plan does not show proposed granite curbing and asphalt sidewalk to be installed. This is still a requirement of the City.

The stormwater drainage and sanitary sewer lateral now shown on the site plan are acceptable to this department.

This department has no further comments.

Sign-off
re drainage

Contradicts Todd's
support for waiver of
both 10/23/08.

on June 16 Planning
raised concern over this
change of comment as
review letter (Oct 30, 08)
confirmed DPS support
for waiver + DPSP had
agreed the Oct 2008 comments
held (not these)

MEMORANDUM

To: FILE

From: Marge Schmuckal

Dept: Zoning

Subject: Application ID: 2008-0064

Date: 8/19/2009

I received a revised submittal today in Site Plan Review. All the R-5 Zone requirements are being met. Separate building permits are required and can be issued after an approved site plan is released by Planning.

Marge Schmuckal
Zoning Administrator

From: Jean Fraser
To: Tarling, Jeff
Date: 8/19/2009 12:08:05 PM
Subject: 38 Morse Street

Jeff,

Just to follow up re the discussion we just had in the Council chamber:

1. The applicant has confirmed (Over the 'phone to me now) that hte proposed fence along the boundary will be 4 feet high; and
2. Please note that any planting needs to screen the parking but also take account of the sight lines needed for cars getting into and out of the parking area....

Can you please send me an e-mail asap re what you think would be a good number/location and planting type to better screen those parking spaces.

Thanks
 Jean

8/19/09
 JF called Bob Nelson (838-8256) - he had called
 on Mon + left message asking JF to call; JF
 called Tues + left him message)

Agreed:

- 1) He has applied for PWD Cap. letter but it might take weeks; JF said if this is only outstanding item it could be a cond. of approval.
 - 2) Sewer cap letter- Bob said he'd applied some months ago and a year ago had been told its OK.
 - 3) Landscape/screening; Jean will fwd Jeff Tarling's suggestions in next week.
 - 4) Fin. capability- Bob to follow up + clarify re phasing + condo/main.
 - 5) Rest of review- JF confirmed it would be at least a week re these latest plans.
- JF,

From: Jean Fraser
To: Brancely, Frank
Date: 8/19/2009 12:19:04 PM
Subject: Sewer capacity letter 38 Morse Street

Frank

This project is currently under review and the applicant tells me that he has submitted a request to the city for a capacity letter some months ago.

The project involves the addition of two single family units onto a lot that already has one unit (David has the plans).

Could you let me know the status of your capacity letter on this?

Thanks
Jean

CC: Margolis-Pineo, David

From: Jean Fraser
To: Brancely, Frank
Date: 8/19/2009 12:19:04 PM
Subject: Sewer capacity letter 38 Morse Street

Frank

This project is currently under review and the applicant tells me that he has submitted a request to the city for a capacity letter some months ago.

The project involves the addition of two single family units onto a lot that already has one unit (David has the plans).

Could you let me know the status of your capacity letter on this?

Thanks
Jean

CC: Margolis-Pineo, David

From: Jean Fraser
To: Gautreau, Keith
Date: 8/10/2009 11:28:19 AM
Subject: 38 Morse Street #2008-0064

Keith,

Could you please enter your comments on this project in UI.

The applicant is a individual trying to do all of the site plan application plans himself as far as possible; he has received inconsistent review comments from other departments over the last year and so is not very happy with the City.

I just want to avoid having him get Fire Dept comments late in the day (I already have sent 2 review letters and he is finalizing revised plans at the moment; the revisions do not change anything except stormwater detailed design).

The proposal adds two units on this large site; there is one unit there already (the garage for that one will be demolished).

The development is being considered multi-family but each unit is self-contained and like a s/f house, but connected with breezeways to technically meet the Ordinance requirement.

The existing fire hydrant is shown on the site plan.

Pl call or e-mail if any questions.

Thanks
Jean

August 20, 2009

Mr. Robert C, Nelson
47 Alice Court
Portland Maine 04103

**RE: The Capacity to Handle the Anticipated Wastewater and Stormwater Flows,
from the Two Condominium Homes, at 38 Morse Street.**

Dear Mr. Nelson:

SANITARY INFORMATION

The existing ten-inch diameter vitrified clay sanitary sewer pipe, located in Morse Street has adequate capacity to **transport**, while The Portland Water District sewage treatment facilities, located off Marginal Way, has adequate capacity to **treat** the anticipated wastewater flows of the 360 GPD.

Anticipated Wastewater Flows from the Proposed Two Condominium Homes:

Two, (Two-Bedroom) Condominium Homes, @ 180 G.P.D/Home = 360 GPD

Anticipated Stormwater Flows from the Proposed Four Single-Family Homes

The Average Stormwater for a Two Year Design Storm

The Developed Property with 2 Single Family Homes/Driveways = .7419 CFS

All Intensity data references The Rain Atlas in the U.S. Department of Commerce Weather Bureau

STORMWATER INFORMATION

The City combined sewer overflow (C.S.O.) abatement consent agreement, with the U.S.E.P.A. and with the Maine D.E.P., requires C.S.O. abatement, as well as storm water mitigation, from all projects, in order to offset any increase in sanitary flows. The City of Portland is aware that a possible C.S.O. event may occurring at CSO 20, located off East Marginal Way, from the anticipated increase of storm water flows from the proposed Condominium project.

If The City can be of further assistance, please call 874-8829.

Sincerely,
CITY OF PORTLAND



Harold L Downs
Senior Engineering Technician

HLD

cc: Penny Littell, Director, Department of Planning, and Urban Development, City of Portland
Barbara Barhydt, Development Review Services Manager, Department of Planning, and Urban Development, City of Portland
Jean Fraser, Planning & Development
David Margolis-Pineo, P.E., Deputy City Engineer, City of Portland
Bradley A. Roland, P.E., Environmental Projects Engineer, City of Portland
Michael Farmer, P.E., Project Engineer, City of Portland
Stephen K. Harris, Assistant Engineer, City of Portland
John Emerson, Wastewater Coordinator, City of Portland
Jane Ward, Administrative Assistant, City of Portland



To: Marge Schmuckal; Dan Goyette; David Margolis-Pineo; Tom Errico; Keith Gautreau; Jeff Tarling

From: Jean Fraser

Date: August 19, 2009

file copy

Additional information submitted for the following project:

Application ID #: 2008-0064

Project Name: 2 units added to grandfathered existing unit (not subdivision)

Project Address: 38 Morse Street

COMMENTS PLEASE: Aug 26, 2009

The applicant has submitted the attached Site Plan and Details Plan in response to our comments (sent in review letter) below; please review with these in mind:

1. **Parking:** The zoning requirement for this proposal is 6 spaces and your plan shows 7 spaces, which is excessive in this residential area. Please omit the parking space nearest to the street.
2. **Drainage:** The storm water lines should be tied together on the property and connect to the proposed catch basin. An 8" pvc line should be installed from the catch basin into the street. The outlet pipe should be fitted with a 4" orifice plate inside of the catch basin. The 8" outlet pipe should be laid at a slope of .01.

The sanitary sewer lines from the two new units should be tied together at the property line with one connection into the street sewer line. Please have the Engineer stamp the plans and cross-reference the engineering details to the Site Plan; it would also be helpful if the plans were dated so they can be referenced in correspondence.

3. **Landscaping:** The locations, sizes and species of all planting should be shown on the Site Plan or in a separate Landscape Plan. Two street trees along the street frontage and two foundation plantings are required FOR EACH UNIT along with trees/shrubs/fencing to meet the City's Site Plan Ordinance (14-526 (15) which includes the following requirements:

"3. Open space on the site for all two-family, special needs independent living unit, bed and breakfast and multiple-family development shall be integrated into the development site. Such open space in a special needs independent living unit or a multiple-family development shall be designed to complement and enhance the building form and development proposed on the site. Open space functions may include but are not limited to buffers and screening from streets and neighboring properties, yard space for residents, play areas, and planting strips along the perimeter of proposed buildings;

5. The scale and surface area of parking, driveways and paved areas are arranged and landscaped to properly screen vehicles from adjacent properties and streets;"

As discussed, please contact Jeff Tarling (City Arborist) if you would like further detailed guidance in developing the landscaping proposals.

4. **Driveway:** The driveway access width, parking aisle and parking space dimensions do not meet City standards. The Traffic Engineering Reviewer supports waivers for the aisle width and the parking space dimensions, but requires the driveway width to be increased to 16 feet (currently 9 feet).
5. **Capacity letters** have not yet been received; these need to be obtained and submitted from the Portland Water District and the City's Wastewater Division to assure available capacity for water and sewer services to the two new units.
6. **Future condominiums:** We understand from you that all three units (one existing and the two subject of this application) will remain in the same ownership and management. In the event that these units are sold off as condominiums, please note that the conversion would need to meet the City's Ordinance (copy attached) and condominium documents would also need to be submitted.
7. We have not yet received a letter from a bank or other financial institution which confirms – with reference to the specific development shown on the submitted plans - that you have the financial capability to undertake and complete the development (see 14-525 (c) (9)). If the project is intended to be phased, please note the proposed phasing and demonstrate that the first unit will meet site plan requirements independently and allow for the second unit to be added in. If the phasing meets review standards, the financial capability letter may relate to the first phase of the project.



To: Marge Schmuckal; Dan Goyette; David Margolis-Pineo; Tom Errico; Keith Gautreau; Jeff Tarling
From: Jean Fraser
Date: August 19, 2009

Additional information submitted for the following project:

Application ID #: 2008-0064
Project Name: 2 units added to grandfathered existing unit (not subdivision)
Project Address: 38 Morse Street

COMMENTS PLEASE: Aug 26, 2009

The applicant has submitted the attached Site Plan and Details Plan in response to our comments (sent in review letter) below; please review with these in mind:

1. **Parking:** The zoning requirement for this proposal is 6 spaces and your plan shows 7 spaces, which is excessive in this residential area. Please omit the parking space nearest to the street.
2. **Drainage:** The storm water lines should be tied together on the property and connect to the proposed catch basin. An 8" pvc line should be installed from the catch basin into the street. The outlet pipe should be fitted with a 4" orifice plate inside of the catch basin. The 8" outlet pipe should be laid at a slope of .01.

The sanitary sewer lines from the two new units should be tied together at the property line with one connection into the street sewer line. Please have the Engineer stamp the plans and cross-reference the engineering details to the Site Plan; it would also be helpful if the plans were dated so they can be referenced in correspondence.

3. **Landscaping:** The locations, sizes and species of all planting should be shown on the Site Plan or in a separate Landscape Plan. Two street trees along the street frontage and two foundation plantings are required FOR EACH UNIT along with trees/shrubs/fencing to meet the City's Site Plan Ordinance (14-526 (15) which includes the following requirements:

"3. Open space on the site for all two-family, special needs independent living unit, bed and breakfast and multiple-family development shall be integrated into the development site. Such open space in a special needs independent living unit or a multiple-family development shall be designed to complement and enhance the building form and development proposed on the site. Open space functions may include but are not limited to buffers and screening from streets and neighboring properties, yard space for residents, play areas, and planting strips along the perimeter of proposed buildings;

5. The scale and surface area of parking, driveways and paved areas are arranged and landscaped to properly screen vehicles from adjacent properties and streets;"

As discussed, please contact Jeff Tarling (City Arborist) if you would like further detailed guidance in developing the landscaping proposals.

4. **Driveway:** The driveway access width, parking aisle and parking space dimensions do not meet City standards. The Traffic Engineering Reviewer supports waivers for the aisle width and the parking space dimensions, but requires the driveway width to be increased to 16 feet (currently 9 feet).
5. **Capacity letters** have not yet been received; these need to be obtained and submitted from the Portland Water District and the City's Wastewater Division to assure available capacity for water and sewer services to the two new units.
6. **Future condominiums:** We understand from you that all three units (one existing and the two subject of this application) will remain in the same ownership and management. In the event that these units are sold off as condominiums, please note that the conversion would need to meet the City's Ordinance (copy attached) and condominium documents would also need to be submitted.
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www.portlandmaine.gov

Planning & Urban Development Department

Penny St. Louis Littell, Director

Planning Division

Alexander Jaegerman, Director

July 30, 2009

Robert C. Nelson
47 Alice Court
Portland ME. 04103

**Re: Minor Site Plan Review: 38 Morse Street; Addition of 2-units
Application # 2008-0064**

Dear Mr. Nelson,

I am writing to confirm our recent telephone conversation regarding the need to revise the storm water design for this project. A revised design has been recommended by the Public Services Department to avoid excessive storm water entering the City's 10 inch sewer main at this location, particularly during storm events.

Please substitute the following paragraph for para 2. in my letter of June 30, 2009 (new engineering information underlined) :


2. Drainage: The storm water lines should be tied together on the property and connect to the proposed catch basin. An 8" pvc line should be installed from the catch basin into the street. The outlet pipe should be fitted with a 4" orifice plate inside of the catch basin. The 8" outlet pipe should be laid at a slope of .01.

The sanitary sewer lines from the two new units should be tied together at the property line with one connection into the street sewer line. Please have the Engineer stamp the plans and cross-reference the engineering details to the Site Plan; it would also be helpful if the plans were dated so they can be referenced in correspondence.

All other comments in the letter of June 30, 2009 remain unchanged. Please note that Jeff Tarling (City Arborist) is the City's Landscape reviewer and comments on applicant's submitted Site Plan applications and proposals. In this case we have requested that he offer some suggestions to assist you in meeting the Site Plan Standards, but you may use your own landscape/planting advisor if you prefer. In either case you will need to arrange for the landscape proposals to be drawn on one of the proposal plans, showing location, sizes and species of all proposed planting.

Please contact me if you have any questions; I can be reached on (207) 874 8728 or at jf@portlandmaine.gov

Sincerely,


Jean Fraser
Planner

cc.

Barbara Barhydt, Development Review Manager
Jeff Tarling, City Arborist, Public Services

Dan Goyette, Engineering Reviewer
David Margolis-Pineo, Public Services

From: "Dan Goyette" <DGoyette@woodardcurran.com>
To: "Jean Fraser" <JF@portlandmaine.gov>, "David Margolis-Pineo" <DMP@portlandmaine.gov>
Date: 7/29/2009 4:23:26 PM
Subject: RE: 38 Morse Street

Jean,

The applicant should install an 8" pvc line from the cb into the street. The outlet pipe should be fitted with a 4" orifice plate inside of the catch basin. The 8" outlet pipe should be laid at a slope of .01. Hope this resolves all issues.

Dan

-----Original Message-----

From: Jean Fraser [mailto:JF@portlandmaine.gov]
Sent: Wednesday, July 29, 2009 3:40 PM
To: David Margolis-Pineo; Dan Goyette
Cc: Barbara Barhydt
Subject: 38 Morse Street

David and Dan,

I called the applicant and his engineer has just finished revising the plans and they were about to submit them.

Needless to say he is very unhappy and I explained as best I could (less confused than I was in the hot conference room). The call ended amicably but he feels that taxpayers deserve better.

He will hold off on making the revised submission so his engineer can redo the plans but asked if we could get him something quickly since this was all costing him money.

Therefore I would appreciate an e-mail from Dan asap please to clarify how the post-development runoff can be made to equal the existing and where to take the water that goes into the catchbasin.

(Dan- the plans show the location and size of the existing paved drive to the existing garage so maybe you have enough info- let me know if you need anything else)

thanks
Jean

CC: "Barbara Barhydt" <BAB@portlandmaine.gov>

From: Jean Fraser
To: Goyette, Dan; Margolis-Pineo, David
Date: 7/29/2009 3:39:32 PM
Subject: 38 Morse Street

David and Dan,

I called the applicant and his engineer has just finished revising the plans and they were about to submit them.

Needless to say he is very unhappy and I explained as best I could (less confused than I was in the hot conference room). The call ended amicably but he feels that taxpayers deserve better.

He will hold off on making the revised submission so his engineer can redo the plans but asked if we could get him something quickly since this was all costing him money.

Therefore I would appreciate an e-mail from Dan asap please to clarify how the post-development runoff can be made to equal the existing and where to take the water that goes into the catchbasin.

(Dan- the plans show the location and size of the existing paved drive to the existing garage so maybe you have enough info- let me know if you need anything else)

thanks
Jean

CC: Barhydt, Barbara

From: Jean Fraser
To: Tarling , Jeff
Date: 7/29/2009 3:45:52 PM
Subject: 38 Morse Street

Jeff,

Could you please contact the applicant (Bob Nelson) regarding advising them about screen planting and buffering along the front (new buildings will be set back) and between their proposed 4 space parking area and the neighbors yard.

You have these plans and we discussed this before; they are trying to finalize this plan and say that they have called you many times but you do not call them back.

Home: 878- 5975
Cell: 838- 8256

Thanks
Jean

PS They also say that they and neighbors have called you about the state of the planting at the cul de sac of **Alice Court in North Deering**. Apparently its really bad....



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

Planning Division
Alexander Jaegerman, Director
Robert C. Nelson
47 Alice Court
Portland ME. 04103

June 30, 2009

**Re: Minor Site Plan Review: 38 Morse Street; Addition of 2-units
Application # 2008-0064**

Dear Mr. Nelson,

I am writing to confirm the status of your site plan application following the submission of your letter (undated) and plans dated November, 2008, both received in early May, 2009.

Staff has undertaken a review of the proposals and has the following comments as listed below. As discussed with you in telephone conversations, this letter has been delayed so it could be as comprehensive as possible.

1. **Parking:** The zoning requirement for this proposal is 6 spaces and your plan shows 7 spaces, which is excessive in this residential area. Please omit the parking space nearest to the street.
2. **Drainage:** The storm lines should be tied together on the property and connect to the proposed catch basin. The sanitary sewer lines from the two new units should be tied together at the property line with one connection into the street sewer line. Please have the Engineer stamp the plans and cross-reference the engineering details to the Site Plan; it would also be helpful if the plans were dated so they can be referenced in correspondence.
3. **Landscaping:** The locations, sizes and species of all planting should be shown on the Site Plan or in a separate Landscape Plan. Two street trees along the street frontage and two foundation plantings are required FOR EACH UNIT along with trees/shrubs/fencing to meet the City's Site Plan Ordinance (14-526 (15) which includes the following requirements:

"3. Open space on the site for all two-family, special needs independent living unit, bed and breakfast and multiple-family development shall be integrated into the development site. Such open space in a special needs independent living unit or a multiple-family development shall be designed to complement and enhance the building form and development proposed on the site. Open space functions may include but are not limited to buffers and screening from streets and neighboring properties, yard space for residents, play areas, and planting strips along the perimeter of proposed buildings;

5. The scale and surface area of parking, driveways and paved areas are arranged and landscaped to properly screen vehicles from adjacent properties and streets;"

As discussed, please contact Jeff Tarling (City Arborist) if you would like further detailed guidance in developing the landscaping proposals.

4. Driveway: The driveway access width, parking aisle and parking space dimensions do not meet City standards. The Traffic Engineering Reviewer supports waivers for the aisle width and the parking space dimensions, but requires the driveway width to be increased to 16 feet (currently 9 feet).
5. Capacity letters have not yet been received; these need to be obtained and submitted from the Portland Water District and the City's Wastewater Division to assure available capacity for water and sewer services to the two new units.
6. Future condominiums: We understand from you that all three units (one existing and the two subject of this application) will remain in the same ownership and management. In the event that these units are sold off as condominiums, please note that the conversion would need to meet the City's Ordinance (copy attached) and condominium documents would also need to be submitted.
7. We have not yet received a letter from a bank or other financial institution which confirms – with reference to the specific development shown on the submitted plans - that you have the financial capability to undertake and complete the development (see 14-525 (c) (9)). If the project is intended to be phased, please note the proposed phasing and demonstrate that the first unit will meet site plan requirements independently and allow for the second unit to be added in. If the phasing meets review standards, the financial capability letter may relate to the first phase of the project.

Once we have received revisions/information as outlined above we will resume the Site Plan review.

Please note that the site plan review process is a Planning Division review and separate from the building permit review done by the Inspections Division. The building permit application must be for the same proposals (you need to ensure the Inspections Division have the updated plans), and the building permit will not be issued (even if the buildings are approved) until the site plan approval letter is issued. Please also be aware that the City's site plan ordinance requires a performance guarantee and inspection fee after the project has received site plan approval and prior to the issuance of a building permit.

Please contact me if you have any questions or would like to set up a meeting; I can be reached on (207) 874 8728 or at jf@portlandmaine.gov

Sincerely,



Jean Fraser
Planner

Attachment:

1. City Ordinance 14-565 – 14-581 re Condominium Conversion

cc.

Barbara Barhydt, Development Review Manager
Marge Schmuckal, Zoning Administrator
Jeff Tarling, City Arborist, Public Services

Dan Goyette, Engineering Reviewer
David Margolis-Pineo, Public Services
Tom Errico, Traffic Engineering Reviewer

EXTRACT FROM CITY OF PORTLAND CODE OF ORDINANCES

[as of June 2009]

ARTICLE VII. CONDOMINIUM CONVERSION

Sec. 14-565. Purpose.

The purpose of this article is to regulate the conversion of rental housing to condominiums; to minimize the potential adverse impacts of such conversion on tenants; to ensure that converted such housing is safe and decent; and to maintain a reasonable balance of housing alternatives within the city for persons of all incomes. To these ends, this article shall be liberally construed.

(Ord. No. 213-81, § 608.1, 11-16-81)

Sec. 14-566. Applicability.

This article shall apply to the conversion of any rental unit to a condominium unit.

(Ord. No. 213-81, § 608.2, 11-16-81)

Sec. 14-567. Definitions.

For the purpose of this article, the following terms shall be defined as follows, unless otherwise clearly implied:

Condominium means any interest in real estate created pursuant to the Unit Ownership Act, 33 M.R.S.A. § 560 et seq., or its equivalent, as it may from time to time be amended.

Developer means and includes any person or other legal entity, but not including an established lending institution unless it is an active participant in a common promotional scheme, who, whether acting as principal or agent, records a declaration of condominium that includes real estate, any portion of which was previously a rental unit.

Tenant means and includes any occupant in lawful possession of a rental unit, whether by lease, sublease, or otherwise.

Unit means any building, or portion thereof, used or intended to be used primarily as a separate dwelling.

(Ord. No. 213-81, § 608.3, 11-16-81)

Cross reference(s)--Definitions and rules of construction generally, § 1-2.

Sec. 14-568. Protection of tenants.

(a) *Notice of intent to convert.* A developer shall give to each tenant written notice of intent to convert at least one hundred twenty (120) days before the tenant is required by the developer to vacate. If a tenant has been in possession of any unit within the same building for more than four (4) consecutive years, the notice period shall be increased by thirty (30) additional days for each additional year, or fraction thereof, to a maximum of two hundred forty (240) additional days. The notice shall set forth specifically the rights of tenants under subsections (a) and (b) of this section and section 14-569, and shall contain the following statement:

If you do not buy your apartment, the developer of this project is required by law to assist you in finding another place to live and in determining your eligibility for relocation payments. If you have questions about your rights under the law, or complaints about the way you have been treated by the developer, you may contact the Building Inspection Division, Department of Planning and Urban Development, City of Portland, 389 Congress Street, Portland, Maine 04101 (telephone: 874-8703).

If the notice specifies a date by which the tenant is required to vacate, the notice may also serve as a notice of termination under the applicable law of forcible entry and detainer, if it meets the requirements thereof. The notice shall be hand-delivered to the tenant or mailed, by certified mail, return receipt requested, postage prepaid, to the tenant at the address of the unit or such other address as the tenant may provide. The notice shall be effective when actually received. No tenant may be required by a developer to vacate without having been given notice as required herein, except for the reasons specified in the applicable law of forcible entry and detainer, and in accordance with the procedures thereof. The terms of a tenancy, including rent, may not be altered during the notice period, except as expressly provided in a preexisting written lease. If, within one hundred twenty (120) days after a tenant is required by a developer to vacate, the developer records a declaration of condominium without having given notice as required herein, the developer shall be presumed to have converted in violation of this article.

(b) *Option to purchase.* For a sixty-day period following the giving of notice as required in subsection (a), the developer shall grant to the tenant an exclusive and irrevocable

option to purchase the unit of which the tenant is then possessed, which option may not be assigned. If the tenant does not purchase or contract to purchase the unit during the sixty-day period, the developer may not convey or offer to convey the unit to any other person during the following one hundred eighty (180) days at a price or on terms more favorable than the price or terms previously offered to the tenant, unless the more favorable price or terms are first offered exclusively and irrevocably to the tenant for an additional sixty-day period. This subsection shall not apply to any rental unit that, when converted, will be restricted exclusively to nonresidential use. If, within two (2) years after a developer records a declaration of condominium, the use of any such unit is changed such that but for the preceding sentence, this subsection would have applied, the developer shall be presumed to have converted in violation of this article.

(Ord. No. 213-81, § 608.4, 11-16-81)

Sec. 14-569. Relocation payments.

If the tenant does not purchase the unit, the developer shall, before the tenant is required by the developer to vacate, make a cash payment to the tenant in an amount equal to the amount of rent paid by the tenant for the immediately preceding two (2) months; provided that this requirement shall not apply to any tenant whose gross income exceeds eighty (80) percent of the median income of the Portland SMSA, adjusted for family size, as determined by the U.S. Department of Housing and Urban Development at the time notice is given as required in section 14-568(a). Additionally, the developer shall, upon demand, provide assistance to the tenant in the form of referrals to other reasonable accommodations and in determining the tenant's eligibility for relocation payments as provided herein.

(Ord. No. 213-81, § 608.5, 11-16-81)

Sec. 14-570. Conversion permit.

Before conveying or offering to convey a converted unit, the developer shall obtain a conversion permit from the building inspection division of the department of planning and urban development. The permit shall issue only upon receipt of a completed application therefor in a form to be devised for that purpose, payment of a fee of one hundred and fifty dollars (\$150.00) per unit, and a finding, upon inspection, that each unit, together with any common areas and facilities appurtenant thereto, is in full compliance with all applicable provisions of article II of chapter 6 (building code), article III of chapter 6 (electrical installations), article V of chapter 6 (minimum

standards for dwellings) and article II of chapter 10 (fire prevention code) of this Code, and the Life Safety Code as adopted by the state. The developer shall post a copy of the permit in a conspicuous place in each unit, and shall make copies available to prospective purchasers upon request.
(Ord. No. 213-81, § 608.6, 11-16-81)

Sec. 14-571. Variation by agreement.

No provision of, or right conferred by, this article may be waived by a tenant, by agreement or otherwise, and any such waiver shall be void. Any attempt to require, encourage, or induce a tenant to waive any provision hereof, or right conferred hereby, shall be a violation of this article. Nothing herein shall be construed to void any term of a lease which offers greater rights than those conferred hereby.
(Ord. No. 213-81, § 608.7, 11-16-81)

- Sec. 14-572. Reserved.**
- Sec. 14-573. Reserved.**
- Sec. 14-574. Reserved.**
- Sec. 14-575. Reserved.**
- Sec. 14-576. Reserved.**
- Sec. 14-577. Reserved.**
- Sec. 14-578. Reserved.**
- Sec. 14-579. Reserved.**
- Sec. 14-580. Reserved.**
- Sec. 14-581. Reserved.**
- Sec. 14-582. Reserved.**

From: "Errico, Thomas A" <TERRICO@wilbursmith.com>
To: Jean Fraser <JF@portlandmaine.gov>
Date: 6/12/2009 2:13:10 PM
Subject: RE: 38 Morse Street

Yes, I would support a waiver for a 16 foot driveway considering the size of the development and the type of street that it is located on.

Thomas A. Errico, P.E.
 Senior Transportation Engineer
 Wilbur Smith Associates
 59 Middle Street
 Portland, Maine 04101
 w: 207.871.1785 f: 207.871.5825
 TErrico@WilburSmith.com
 www.WilburSmith.com

-----Original Message-----

From: Jean Fraser [mailto:JF@portlandmaine.gov]
 Sent: Friday, June 12, 2009 2:10 PM
 To: Errico, Thomas A
 Subject: Re: 38 Morse Street

Tom

We really need to guide the applicant on the driveway width as theres a big difference between 9 feet and 24 feet.

Penny and Barbara are trying to reduce the extent of paving on this project as its all in the front; would you support a waiver to 16 ft width?????

thanks
 Jean

>>> "Errico, Thomas A" <TERRICO@wilbursmith.com> 5/29/2009 2:32:23 PM
 >>>
 Jean -

I have reviewed the site plan prepared by Owen Haskell, Inc. received on May 9, 2009 and offer the following comments.

1. The driveway width does not meet City standards for residential developments with 3 or more units. The City standard is 24 feet. The driveway is only 9 feet wide and I do not support a waiver.

1. The parking aisle is 22 to 24 feet wide, and thus does not fully meet City standards. I find the circulation to be acceptable and support a waiver.

1. The parking spaces appear to be 9 feet by 18 feet wide and do not meet City standards. I support a waiver from the City standard.

6/12/09
 spoke to applicant
 & outlined reviewer
 concerns - he would
 like all comments in
 one letter + will wait
 for this.
 J

If you have any questions or comments, please call me.

Best regards,

Thomas A. Errico, P.E.
Senior Transportation Engineer
Wilbur Smith Associates
59 Middle Street
Portland, Maine 04101
w: 207.871.1785 f: 207.871.5825
TErrico@WilburSmith.com<mailto:TErrico@WilburSmith.com>
www.WilburSmith.com<http://www.wilbursmith.com/>

From: "Dan Goyette" <DGoyette@woodardcurran.com>
To: "Jean Fraser" <JF@portlandmaine.gov>
Date: 6/4/2009 2:15:54 PM
Subject: 38 Morse St

Jean,

The storm drain lines should be tied together on the property and connect to the proposed catch basin.

Daniel Goyette, PE

41 Hutchins Drive
Portland, Maine 04102
Phone: 800-426-4262
Fax: 207-774-6635
Email: dgoyette@woodardcurran.com

From: "Errico, Thomas A" <TERRICO@wilbursmith.com>
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Date: 6/12/2009 2:13:10 PM
Subject: RE: 38 Morse Street

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Best regards,

Thomas A. Errico, P.E.
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TErrico@WilburSmith.com<mailto:TErrico@WilburSmith.com>
www.WilburSmith.com<http://www.wilbursmith.com/>

Barbara, Penny, Jean
6/4/09.

If sell, needs coudo does re
not subdividing etc.

Reduce by 1 of space

lot too large to meet new R-S zone reqs.
w/ max 12,000 sq ft lot which would
allow s/f on one lot + split for duplex.

who maintaining parking area + rear veg.
want this clarified

Buffering at front

Note for file

Dev Rev comments 5/27

- ① Drainage needs remain - storm to catch basin - sewers join on property + then to sewer line
Cb to sewer
- ② PS will review waiver request - they believe circumstances here different from duplexes nearby where waivers given
- ③ Barbara has some "site plan" issues which need further discussion internally

Dev Rev comments 6/3

- ① PS not supportive of waiver for set back curb or sidewalk but will look against concur (PS sticking w/ Oct⁰⁸ e-mail)
- ② TE - confirms his written comments that drive access width ~~is~~ too narrow (8 ft; std is 24')
(he has agreed w/ JF that 16' is OK)

From: "Errico, Thomas A" <TERRICO@wilbursmith.com>
To: Jean Fraser <JF@portlandmaine.gov>
Date: 5/29/2009 2:33:01 PM
Subject: 38 Morse Street

Jean -

I have reviewed the site plan prepared by Owen Haskell, Inc. received on May 9, 2009 and offer the following comments.

1. The driveway width does not meet City standards for residential developments with 3 or more units. The City standard is 24 feet. The driveway is only 9 feet wide and I do not support a waiver.

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w: 207.871.1785 f: 207.871.5825
TErrico@WilburSmith.com<mailto:TErrico@WilburSmith.com>
www.WilburSmith.com<http://www.wilbursmith.com/>

CC: David Margolis-Pineo <DMP@portlandmaine.gov>, Katherine Earley
<KAS@portlandmaine.gov>

From: "Errico, Thomas A" <TERRICO@wilbursmith.com>
To: Jean Fraser <JF@portlandmaine.gov>
Date: 5/29/2009 3:02:35 PM
Subject: RE: 38 Morse Street

My opinion is that the total development is three-units and therefore would have to meet the noted standard.

Thomas A. Errico, P.E.
Senior Transportation Engineer
Wilbur Smith Associates
59 Middle Street
Portland, Maine 04101
w: 207.871.1785 f: 207.871.5825
TErrico@WilburSmith.com
www.WilburSmith.com

-----Original Message-----

From: Jean Fraser [mailto:JF@portlandmaine.gov]
Sent: Friday, May 29, 2009 2:45 PM
To: Errico, Thomas A
Cc: Barbara Barhydt
Subject: Re: 38 Morse Street

Thanks Tom- Barbara and I are meeting Penny re this one as technically it is a duplex not a 3 unit development (because the single family unit is there already)- so I am not sure what review standards apply and I believe there are some other issues. Jean

>>> "Errico, Thomas A" <TERRICO@wilbursmith.com> 5/29/2009 2:32:23 PM
>>>
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w: 207.871.1785 f: 207.871.5825
TErrico@WilburSmith.com<mailto:TErrico@WilburSmith.com>
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CC: Barbara Barhydt <BAB@portlandmaine.gov>

From: Barbara Barhydt
To: Littell, Penny
Date: 5/28/2009 7:41:27 AM
Subject: Morse Street

Hi Penny:

You will recall that this is the project that he wanted to build two more units and was proposing them as separate structures. Marge and Ann thought it met the definition of a two family or multi-plex. The applicant has recently come back with his plan and we are reviewing it administratively. It is a single family with 2 units added. I would like you to look at the plan, as I think Councilor Leeman may need to be updated. Jean is the planner for this one. Please let us know when you are available.

Thank you.

Barbara

CC: Fraser, Jean

*Penny reviewed
May 20 layout -
OK -
See note*



To: Marge Schmuckal; Dan Goyette; David Margolis-Pineo; Tom Errico;
Keith Gautreau; Jeff Tarling

From: Jean Fraser

Date: May 20, 2009

Additional information submitted for the following project:

Application ID #: 2008-0064

Project Name: 2 units added to grandfathered existing unit (not subdivision)

Project Address: 38 Morse Street

PRELIMINARY COMMENTS: May 27, 2009

FINAL COMMENTS: June 3, 2009

This is an administrative review.

Copy for PS includes photos in support of waiver re sidewalks and curbs.

Previous letter points:

“At present the review is “on hold” until we receive the following additional information regarding the proposal:

1. Please submit 7 full size copies of the 1:20 Site Plan. You may want to update the plan to address the following items prior to submitting the seven sets.
2. The site plan review covers all new elements on the site including: a) utility connections; b) storm water/drainage such as trenches or catch basins; c) driveway and parking area construction; d) curbing details; e) any demolitions or removals from the site; f) landscaping including fencing; g) any waste receptacles and their screening; and h) any exterior lighting. Please include this information on the submitted plans.

(continued over)

Based on the submitted site plan received October 27, 2008, we have the following preliminary comments and clarification of required information:

3. The storm water from the buildings and parking area needs to be managed to get it to the City's combined sewer system. The City will require that each unit on this lot have a separate sewer line to the street and a separate storm water line to the street. The two lines from each unit (one sewer, one storm water) should be joined with a "Y" connection and then tied into the City's combined system, resulting in three separate connections. The location and tie-in engineering details should be submitted for these.
4. The sewer lines will need to be protected from back flow in the event of flooding of the combined sewer; please identify on the submitted plans.
5. The storm water from the enlarged parking area will need a separate catch basin within the site (also curbing) to capture the run off and direct it into the City's system at the street. The catch basin will need a Casco trap and will be a fourth connection to the City's system. Again the engineering details should be submitted.
6. Landscaping should include - PER UNIT - two street trees along the street frontage/to screen the parking area and two foundation plantings. These should be shown on the submitted plans along with details of the size and type of planting proposed.
7. Capacity letters will need to be obtained and submitted from the Portland Water District and the City's Wastewater Division to assure available capacity for water and sewer services to the two new units.
8. Chapter 25 of the Portland City Ordinance (attached) requires a sidewalk and granite curbs along the frontage of this property (see attached). You may request a waiver from this requirement but it must reference the listed criteria (a sketch of the surrounding conditions would also be helpful). I understand that Public Services would support a waiver at this location.
9. Please submit a letter from a bank or other financial institution which confirms - with reference to the specific development shown on the submitted plans - that you have the financial capability to undertake and complete the development (see 14-525 (c) (9)). If the project is intended to be phased, please note the proposed phasing and demonstrate that the first unit will meet site plan requirements independently and allow for the second unit to be added in. If the phasing meets review standards, the financial capability letter may relate to the first phase of the project.

38 Morse St.

Note for file

5-8-09

Call from Donata Nelson

(wife of Bob Nelson, applicant)

she's on (cell) 831-6782

She is picking up this project & will ²⁰⁰⁹ send revisions by end Tues May 12th -
I advised her re documentation re sidewalk/curb waivers.

I committed to call her wed after
BWRw (5/13) to let her know status -
she wd. like meeting if still any issues

JF.