



January 23, 2015

Ms. Barbara Barhydt
Planning Department
Portland City Hall
389 Congress Street
Portland, Maine 04101

**RE: Level I Site Plan Development Review Application
Motley Street Extension, Portland, Maine**

Dear Ms. Barhydt:

On behalf of Skyline Real Estate Services, Inc., Walsh Engineering Associates, Inc. (WEA) is pleased to submit the Level I Site Plan Development Review Application for the Motley Street Extension. The applicant is seeking to improve approximately 90 feet of Motley Street to City of Portland standards in order to develop five existing tax map lots (Map 177, Lots F011, F012, F020, F021, and F022) into two single-family residential properties.

This project was approved by the City of Portland, Planning Board on January 24, 2013 (Project ID 2012-627). Construction of the project never occurred and since then, the permit approval has lapsed. No aspect of the project has changed with this submittal.

The lots are bounded to the south by land now or formerly (N/F) of Michael and Jennifer Gillespie, the east by Caroline Street (paper street), the north by land N/F of Steven Graney III and the N/F City of Portland, and to the east by Motley Street. The site is predominantly wooded with moderate underbrush and ledge outcrops. Generally, the site slopes from south to north with moderate to steep slopes (3% to 33%). There are no existing wetlands on or adjacent to the site.

The portion of Motley Street currently constructed to City standards terminates with a dead end at the northerly side of the site. Water, natural gas, and overhead electric and communication lines extend beyond the improved portion of Motley Street to the Gillespie property. There are no existing utilities services extending into the site.

Existing Conditions and Existing Zoning

The site is composed of five parcels identified on the City of Portland Assessor's Map as Tax Map 177, Block F, Lots 011, 012, 020, 021, and 022 (see attached Tax Map) with a total combined area of 24,583 square feet (0.56 acres). The combined parcel is located within both the Residential R-3 and R-5 zones. The purposes of these zones are:

- R-3: To provide for medium-density residential development characterized by single-family homes on individual lots and also to provide for planned residential unit developments on substantially sized parcels. Such development shall respond to the physical qualities of a site and complement the scale, character and style of the surrounding neighborhood.
- R-5: To provide appropriate areas of the city for medium-density residential development characterized by single-family and low-intensity multifamily dwellings on individual lots; to ensure the stability of established medium-density neighborhoods by controlling residential conversions; and to provide for planned residential unit development on substantially sized

parcels. Such PRUD development shall respond to the physical qualities of a site and complement the scale, character and style of the surrounding neighborhood.

Currently, Motley Street is constructed to City of Portland standards for the first 456 feet from the intersection of Brighton Avenue. Beyond the southerly end of pavement, the street is continued another 187 feet to the end of the right-of-way (R.O.W.) with a gravel surface, which narrows to a minimum width of 13' to circumvent a ledge outcrop on the east side of the street and terminates with a dead end. Utilities within the R.O.W. include a 4" water main, a 4" gas main, and overhead electric and communications, which extend to the Gillespie property at the end of the R.O.W. An 8" sewer main currently terminates in a manhole at the end of paved section of Motley Street.

Proposed Development

The applicant is proposing to improve approximately 94 feet of Motley Street to City of Portland Local Street standards in order to develop two single family residential lots. Lot 1 will have a total area of 12,733 square feet (0.292 acres) and Lot 2 will have a total area of 11,849 square feet (0.272 acres). Street construction will consist of full depth construction of approximately 94 feet of roadway along the centerline of the R.O.W. beginning at the southerly end of the existing paved portion of Motley Street. The new section of road will consist of two 14' wide lanes with 1' wide gravel shoulders. The new section of road will terminate north of the existing driveway ramp into the Gillespie property. Due to the steep grade of the Gillespie driveway, the proposed pavement will terminate at an angle with the east side of the pavement terminating at station 4+94.7 and the west side of the pavement terminating at station 5+00.

A shared 16' wide paved driveway will be constructed for access to the two proposed single family residential lots. The shared driveway will split off to each lot at approximately 118 feet from the centerline of Motley Street. An 11' wide access easement will be provided on each lot for the benefit of the adjacent lot to provide access to the shared driveway.

The existing sewer main will be extended by 117' with 6" SDR35 pipe and terminate in a new manhole with a stub on the southerly side for future connection. Separate underground gas, water, sewer, electric, and communication services for each proposed residential lot will be installed through the proposed driveway corridor.

Fire Safety

The proposed residential lots are located approximately 410 feet from a city hydrant located on the westerly side of Motley Street (STA 2+43±). Therefore, the requirement of section 3 of the Technical Services Manual of being located within 500' of a hydrant has been satisfied. A 16-foot wide driveway will provide access to the lots for emergency vehicles.

The proposed single family residential houses will be sprinkled in accordance with Section 3.3 of the City of Portland Technical Manual. The sprinkler systems for the houses will be designed by a professional sprinkler designer who will determine if the necessary pressure and flow requirements for the sprinkler systems are met.

LEVEL I SITE DEVELOPMENT REVIEW APPLICATION AND REQUIREMENTS

Per the city ordinance for Site Plan Review, the project meets the level I Site Development Application requirements. Per Section 14-526, Site Plans are subject to transportation standards, environmental quality standards, public infrastructure and community safety standards and site design standards. Each of these standards is discussed below:

Transportation Standards

The proposed Motley Street improvements will consist of an extension of an existing dead end street in order to serve two additional single-family residential house lots. Loading, unloading, and parking for the residential lots will primarily be conducted within the driveways for the residential lots. The street will remain a dead end; therefore, the proposed development is not anticipated to impact the existing level of service of Motley Street.

Access to the proposed residential lots will be from a proposed 16' wide shared driveway along the section of Motley Street to be improved to City of Portland standards.

The proposed Motley Street improvements will extend the paved portion of the street approximately 94-feet south of the end of the existing paved portion along the centerline of the R.O.W. The traveled way of the section to be improved will be widened from 13 feet to 28 feet, thereby increasing the functionality of the road. The proposed improved portion of the road will terminate prior to the driveway ramp of the Gillespie property. Because extension of the improved roadway beyond the Gillespie property driveway ramp would cause impractical grading and reworking of the Gillespie property driveway, we have improved the street to the extent practical. The eastern edge of proposed pavement will terminate prior to the Gillespie driveway, allowing for room to grade it, thus creating an angled termination of pavement at the southerly end of the proposed street improvement.

Because there is currently no sidewalk or curbing on the street and the street is not located on a designated school walking route, we are hereby requesting a waiver from the requirement for curbing and sidewalks along the street improvement section is being made.

Environmental Quality Standards

No wetlands, watercourses, floodplains, significant wildlife habitats, fisheries, or other important natural features are located within the site.

The site will be cleared of all trees within the working section of the Motley Street R.O.W., along the driveway corridor, and within the building envelope of the proposed lots.

Stormwater drainage patterns at the site will remain the same between pre and post development conditions. In general, stormwater runoff will drain from south to north via overland flow. Stormwater from the improved section of Motley Street will flow along the edges of the road to existing catch basins located in the northerly portion of Motley Street. The existing catch basins are connected to the City of Portland stormwater management system.

Stormwater quantity increases will be negligible as a result of the Motley Street improvements. The existing ground cover consists of compacted gravel and ledge (both of which are considered impervious surfaces). Therefore, there will be no increase in impervious area as a result of the proposed street improvements.

Erosion control measures will be implemented before and during construction, according to the attached erosion and sediment control plan.

Public Infrastructure and Community Safety Standards

The proposed development is a permitted use within the City of Portland Zoning Ordinance, and meets all other city requirements for the area. Existing utilities include a 4" water main, a 4" gas main, and overhead electric and communications, which extend to the Gillespie property at the end of the R.O.W, and an 8" sewer main, which currently terminates in a manhole at the end of paved section of Motley Street.

The existing sewer main will be extended with an 8" line, which will terminate in a new manhole at the southerly end of the proposed street improvement section. An 8" stub will be installed and capped on the southerly side of the new manhole for a future connection. Two separate 4" sewer laterals will be connected to the new 8" main to serve the proposed residential lots.

Electricity, telephone and CATV services will be brought to the residential lots via underground connections to the pole located directly across Motley Street from the proposed driveway.

Water services will be brought to the residential lots by connecting to an existing 8" D.I. waterline that runs along Motley Street. The line is located approximately 15' right of the centerline of the Motley Street R.O.W. The connection will be made at the site driveway entrance.

Natural gas services will be brought to the residential lots by connecting to an existing 4" gas main that runs along Motley Street. The line is located within the Motley Street R.O.W.; however, the offset from the centerline is not known at this time. The connection will be made at the site driveway entrance.

Site Design Standards

Historic Resources: The proposed site alteration does not affect designated landmarks nor is it within designated historic districts or historic landscape districts.

Exterior Lighting: No additional exterior lighting is proposed for the Motley Street improvements.

Signage: No additional signage is proposed for the Motley Street improvements.

Curbs and Sidewalks: We are hereby requesting a waiver to eliminate the requirement for sidewalks and curbing for the roadway improvements (see below). The proposed 16" wide access driveway and driveway apron meet the City of Portland standards.

Evidence of Financial and Technical Capability

The applicant has retained Walsh Engineering Associates, Inc. to provide technical design and permitting services through the site plan review process. WEA has permitted numerous sites through the City Site Plan Approval.

Construction cost for the proposed site alterations is estimated to be \$150,000 for the roadway improvements. The applicant hopes to commence construction in the spring of 2015 with completion set for June 2015. The project will be self-funded by Skyline Real Estate Services, Inc.

Evidence of Right, Title or Interest

Please find the attached deeds for the subject lots.

Written Waiver Requests

Sidewalks and Curbs:

We are respectfully requesting that the requirement to construct a sidewalk and install curb along all frontages, per section 14-526(a)2.c(i) of the City of Portland Code of Ordinances, be waived. The site meets waiver requirements per section 14-506(b) by the following:

1. Sidewalks

a. *14-506(b)(Sidewalks)3: A safe alternative-walking route is reasonably and safely available, for example, by way of a sidewalk on the other side of the street that is lightly traveled.*

- Currently, Motley Street is improved for approximately 456 feet from the intersection of Brighton Avenue. The current construction does not include sidewalk or curbing. As the street is and will likely remain a dead end local street serving only residential properties, the traffic volume is not expected to significantly increase from the existing condition. In addition, the street is not located within a designated school walking route. Therefore, the safety of pedestrians utilizing Motley Street will not be affected by the development.

b. *14-506(b)(Sidewalks)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.*

- Strict adherence to the sidewalk requirement would result in the loss of significant site features related to landscaping and topography that are deemed to be of greater public value. These site features include the additional vegetation, ledge, and existing lot lawn area that would be required to be removed in order to install the sidewalk to Brighton Avenue.

2. Curbing

a. *14-506(b)(Curbing)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.*

- Strict adherence to the curb requirement would result in the loss of significant site features related to landscaping and topography that are deemed to be of greater public value. These site features include the additional vegetation, ledge, and existing lot lawn areas that would be required to be removed in order to install the curb to Brighton Avenue. The increase in elevation at the edge of the road due to curb installation would also require significant grading of the existing lots to maintain drainage from the lots toward the road.

b. *14-506(b)(Curbing)6: The cost to construct the curbing, including any applicable street opening fees, is in excess of 5% of the overall project cost.*

- Installation of curbing and sidewalk along the new 90' section of roadway would be impractical unless sidewalk and curb were also installed along the currently improved section of Motley Street. The cost of retrofitting of curb and sidewalk along the existing section of Motley Street would exceed 5% of the overall project cost.

Enclosed you will find one (1) copy of the Level I Site Plan Development Review Application, one (1) copy of full-size Site Plans, one (1) copy of 11"x17" size Site Plans, Letter of Financial Capacity and a CD with the electronic submission.

I trust you will find the information sufficient for review. We look forward to working with you as part of the review process.

Respectfully,



William R. Walsh, III, PE
Walsh Engineering Associates, Inc.

Enc. Level I Site Plan Development Review Application
Site Plans and Details (24"x36" copy, 11"x17" copy)
Letter of Financial Capacity
Electronic Copy of Enclosed (CD)

cc. Mr. Scott Lalumiere, Skyline Real Estate Services, Inc.

Skyline Real Estate Services, Inc.



**84 Middle Street
Portland, ME 04101
207-358-7900 (P)
207-358-7904 (F)**

January 8, 2015

To Whom It May Concern,

By this letter, the undersigned authorizes Walsh Engineering Associates, Inc. to act as the agent for the undersigned in the preparation and submission of all Federal, State, and Local Town permit applications and relevant documents and correspondence for all necessary permits for construction of the Motley Street Extension, Motley Street, Portland, Maine; to attend meetings and site visits; to appear before all board, commissions, committees, and to provide such other services as are necessary to appropriate in furtherance of the aforementioned Motley Street Extension project.

Sincerely,

Skyline Real Estate Services, Inc.
84 Middle Street
Portland, ME 04101



Scott Lalumiere

Date

1/8/15



84 Middle Street
Portland, ME 04101
207-358-7900 (P)
207-358-7904 (F)

City of Portland
Planning Division
Jennifer Munson
389 Congress St.
Portland, Me 04101

January 23, 2015

Re: Motley Street Road Extension
Skyline Real Estate Services Inc.

Dear: Ms. Munson

This letter will serve as conformation that Skyline has the funds in place to complete this \$150,000.00 road extension project.

Please feel free to call me at (207)-358-7900 with any questions.

Sincerely,

A handwritten signature in blue ink that reads "Steve Matthews". The signature is written in a cursive style.

Steve Matthews



Jeff Levine, AICP, Director
 Planning & Urban Development Department

Electronic Signature and Fee Payment Confirmation

Notice: Your electronic signature is considered a legal signature per state law.

By digitally signing the attached document(s), you are signifying your understanding this is a legal document and your electronic signature is considered a **legal signature** per Maine state law. You are also signifying your intent on paying your fees by the opportunities below.

I, the undersigned, intend and acknowledge that no Site Plan or Historic Preservation Applications can be reviewed until payment of appropriate application fees are **paid in full** to the Inspections Office, City of Portland Maine by method noted below:

- Within 24-48 hours, once my complete application and corresponding paperwork has been electronically delivered, I intend to **call the Inspections Office** at 207-874-8703 and speak to an administrative representative and provide a credit/debit card over the phone.
- Within 24-48 hours, once my application and corresponding paperwork has been electronically delivered, I intend to **call the Inspections Office** at 207-874-8703 and speak to an administrative representative and provide a credit/debit card over the phone.
- I intend to deliver a payment method ~~through the U.S. Postal Service mail~~ once my application paperwork has been electronically delivered.

M. J. Webster (agent)
 Applicant Signature:

1/23/15
 Date:

Miss Cannon (agent)
 I have provided digital copies and sent them on: 1/23/15 (CD)

1/23/15
 Date:

NOTE: All electronic paperwork must be delivered to buildinginspections@portlandmaine.gov or by physical means i.e. a thumb drive or CD to the Inspections Office, City Hall, 3rd Floor, Room 315.



Level I – Site Alteration Development Review Application Portland, Maine

Planning and Urban Development Department
Planning Division

Portland's Planning and Urban Development Department coordinates the development review process for site plan, subdivision and other applications under the City's Land Use Code. Attached is the application form for a Level I: Site Alterations. Please note that Portland has delegated review from the State of Maine for reviews under the Site Location of Development Act, Chapter 500 Stormwater Permits, and Traffic Movement Permits.

Level I: Site Alteration Development includes:

- Alteration of a watercourse or wetland as defined in Section 14-47 of the City Code.
- Alteration of a site. The disturbance of land areas of less than one (1) acre that are stripped, graded, grubbed, filled or excavated. The Planning Authority shall exempt from review the loam and seeding of lawns and the cumulative placement of less than fifteen (15) cubic yards of fill on any lot provided such loaming or placement does not alter a drainage course, swale, wetland or redirect water onto adjoining property and does not violate any other provision of the Portland City Code or state or federal law. "Disturbed area" does not include routine maintenance, but does include re-development and new impervious areas.
- The construction of any temporary or permanent parking area, paving of existing unpaved surface parking areas between 1,000 and 7,500 sq. ft., or creation of other impervious surface areas between 1,000 and 7,500 sq. ft.
- The rehabilitation or reconstruction, but not new construction, of piers, docks, wharves, bridges, retaining walls, and other structures located within the shoreland zone.
- A site alteration in which vehicle access is proposed from more than one (1) street.

Portland's development review process and requirements are outlined in the Land Use Code (Chapter 14) which is available on our website:

Land Use Code: <http://me-portland.civicplus.com/DocumentCenter/Home/View/1080>

Design Manual: <http://me-portland.civicplus.com/DocumentCenter/View/2355>

Technical Manual: <http://me-portland.civicplus.com/DocumentCenter/View/2356>

Planning Division

Fourth Floor, City Hall
389 Congress Street
(207) 874-8719

Office Hours

Monday thru Friday
8:00 a.m. – 4:30 p.m.

PROJECT NAME: Motley Street Extension

PROPOSED DEVELOPMENT ADDRESS:

Motley Street, Portland, Maine

PROJECT DESCRIPTION:

94-foot extension of Motley Street to be improved to City of Portland Local Street standards to serve two proposed single-family residential lots.

CHART/BLOCK/LOT: 177/E/011, 012, 020, 021, 022

CONTACT INFORMATION:

Applicant – must be owner, Lessee or Buyer Name: Scott Lalumiere Business Name, if applicable: Skyline Real Estate Services, Inc. Address: 84 Middle Street City/State : Portland, ME Zip Code: 04101	Applicant Contact Information Work # 207-650-6164 Home# Cell # Fax# 207-358-7904 e-mail: scottl@mecapllc.com
Owner – (if different from Applicant) Name: Same as Applicant Address: City/State : Zip Code:	Owner Contact Information Work # Same as Applicant Home# Cell # Fax# e-mail:
Agent/ Representative Name: William Walsh, III, PE Walsh Engineering Associates, Inc. Address: 1 Karen Drive, Suite 2A City/State : Westbrook, ME Zip Code: 04092	Agent/Representative Contact information Work # 207-553-9898 Cell # 207-650-8855 e-mail: bill@walsh-eng.com
Billing Information Name: Scott Lalumiere, Skyline Real Estate Services, Inc. Address: 84 Middle Street City/State : Portland, ME Zip Code: 04101	Billing Information Work # 207-650-6164 Cell # Fax# 207-358-7904 e-mail:scottl@mecapllc.com

Engineer Name: William Walsh, III, PE Walsh Engineering Associates, Inc. Address: 1 Karen Drive, Suite 2A City/State : Westbrook, ME Zip Code: 04092	Engineer Contact Information Work # 207-553-9898 Cell # 207-650-8855 Fax# e-mail: bill@walsh-eng.com
Surveyor Name: Isaiah Kimball Kimball Survey & Design Address: 30 Frost Hill Road City/State : York, Maine Zip Code: 03909	Surveyor Contact Information Work # 207-351-0226 Cell # Fax# e-mail: Isaiah@KimballLandSurveying.com
Architect Name: Address: City/State : Zip Code:	Architect Contact Information Work # Cell # Fax# e-mail:
Attorney Name: Address: City/State : Zip Code:	Attorney Contact Information Work # Cell # Fax# e-mail:

APPLICATION FEES:

(Payment may be made by Credit Card, Cash or Check payable to the City of Portland.)

<input checked="" type="checkbox"/> Level 1 Site Alteration (\$200.00)	The City invoices separately for the following: <ul style="list-style-type: none"> • Notices (\$.75 each) • Legal Ad (% of total Ad) • Planning Review (\$40.00 hour) • Legal Review (\$75.00 hour) Third party review fees are assessed separately. Any outside reviews or analysis requested from the Applicant as part of the development review, are the responsibility of the Applicant and are separate from any application or invoice fees.
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APPLICATION SUBMISSION:

1. All site plans and written application materials must be submitted electronically on a CD or thumb drive with each plan submitted as separate files, with individual file which can be found on the **Electronic Plan and Document Submittal** page of the City's website at <http://me-portland.civicplus.com/764/Electronic-Plan-and-Document-Submittal>
2. In addition, one (1) paper set of the plans (full size), one (1) paper set of plans (11 x 17), paper copy of written materials, and the application fee must be submitted to the Building Inspections Office to start the review process.

The application must be complete, including but not limited to the contact information, project data, application checklists, wastewater capacity, plan for fire department review, and applicant signature. The submissions shall include one (1) paper packet with folded plans containing the following materials:


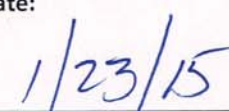
1. One (1) full size site plans that must be folded.
2. One (1) copy of all written materials or as follows, unless otherwise noted:
 - a. Application form that is completed and signed.
 - b. Cover letter stating the nature of the project.
 - c. All Written Submittals (Sec. 14-527 (c), including evidence of right, title and interest.
3. A stamped standard boundary survey prepared by a registered land surveyor at a scale not less than one inch to 50 feet.
4. Plans and maps based upon the boundary survey and containing the information found in the attached sample plan checklist.
5. One (1) set of plans reduced to 11 x 17.

Please refer to the application checklist (attached) for a detailed list of submission requirements.

APPLICANT SIGNATURE:

I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Planning Authority and Code Enforcement's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

This application is for a Level II Site Plan review. It is not a permit to begin construction. An approved site plan, a Performance Guarantee, Inspection Fee, Building Permit, and associated fees will be required prior to construction. Other Federal, State or local permits may be required prior to construction, which are the responsibility of the applicant to obtain.

Signature of Applicant: 	Date: 
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PROJECT DATA

The following information is required where applicable, in order to complete the application.

Total Area of Site	5,650 (in ROW) sq. ft.
Proposed Total Disturbed Area of the Site	5,090 (in ROW) sq. ft.
If the proposed disturbance is greater than one acre, then the applicant shall apply for a Maine Construction General Permit (MCGP) with DEP and a Stormwater Management Permit, Chapter 500, with the City of Portland	
Impervious Surface Area	
Impervious Area (Total Existing)	4,323 sq. ft.
Impervious Area (Total Proposed)	4,323 sq. ft.
Parking Spaces	
# of Parking Spaces (Total Existing)	0 sq. ft.
# of Parking Spaces (Total Proposed)	0 sq. ft.
# of Handicapped Spaces (Total Proposed)	0 sq. ft.

Level 1 Site Alteration			
Applicant Checklist	Planner Checklist	# of Copies	GENERAL WRITTEN SUBMISSIONS CHECKLIST
X		1	Completed Application form
X		1	Application fees
X		1	Written description of project
X		1	Evidence of right, title and interest
N/A		1	Evidence of state and/or federal approvals, if applicable
X		1	Written assessment of proposed project's compliance with applicable zoning requirements
X		1	Summary of existing and/or proposed easement, covenants, public or private rights-of-way, or other burdens on the site
X		1	Written requests for waivers from site plan or technical standards, if applicable.
X		1	Evidence of financial and technical capacity
Applicant Checklist	Planner Checklist	# of Copies	SITE PLAN SUBMISSIONS CHECKLIST
X		1	Boundary Survey meeting the requirements of Section 13 of the City of Portland's Technical Manual
X		1	Preliminary Site Plan including the following: (information provided may be preliminary in nature during preliminary plan phase)
X			Proposed grading and contours;
X			Existing structures with distances from property line;
X			Proposed site layout and dimensions for all proposed structures (including piers, docks or wharves in Shoreland Zone), paved areas, and pedestrian and vehicle access ways;
X			Preliminary design of proposed stormwater management system in accordance with Section 5 of the Technical Manual (note that Portland has a separate applicability section);
X			Preliminary infrastructure improvements;
X			Preliminary Landscape Plan in accordance with Section 4 of the Technical Manual;

TABLE OF CONTENTS

Application Form

Exhibit A – Warranty Deeds

Exhibit B – Erosion and Sedimentation Control Plan

Exhibit C – Portland Water District Ability to Serve Letter

Exhibit D – Tax Map

Exhibit E – Zoning Map

Exhibit F - Approval by the Planning Authority dated January 24, 2013

Exhibit G – Site Plans

 Sheet C1.0 – Existing Conditions Plan and Boundary Survey

 Sheet C2.0 – Site Layout and Utilities Plan

 Sheet C2.1 – Grading and Drainage Plan

 Sheet C3.0 – Roadway Plan and Profile

 Sheet C3.1 – Site Details

 Sheet C3.2 – Site Details

EXHIBIT A
WARRANTY DEEDS

QUITCLAIM DEED WITH COVENANT

KNOW ALL MEN BY THESE PRESENTS, that **DAVID N. FENTON**, of Portland, Maine, for consideration paid, grants to, **SKYLINE REAL ESTATE SERVICES, INC.**, a Maine corporation with a mailing address of 84 Middle Street, Portland, Maine 04101, with QUITCLAIM COVENANTS, the land in Portland, County of Cumberland and State of Maine, described below

MAINE REAL ESTATE TAX PAID

Three certain lots or parcels of land situated on Motley Street and Caroline Street, in Portland in the County of Cumberland and State of Maine at Brighton, so called, bounded and described as follows:

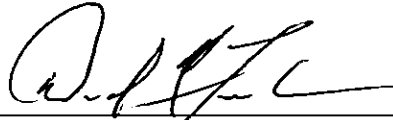
Being lots number 45, 59 and 60 as shown on a plan of Brighton made by Clifford C. LeGrow, Civil Engineer, and recorded in Cumberland County Registry of Deeds, Plan Book 11, Page 109.

Being the same premises conveyed to the Grantor herein by deed of the City of Portland dated July 3, 2002 and recorded in Book 17944, Page 193 and by deed of Daniel Fenton dated October 1, 1981, recorded in Book 4983, Page 315.

IN WITNESS WHEREOF, the said David N. Fenton has set his hand this 3rd day of January, 2013.



Witness

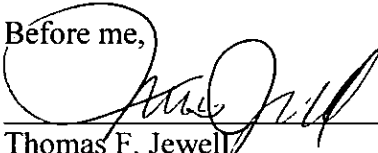


David N. Fenton

STATE OF MAINE
COUNTY OF CUMBERLAND

January 3rd, 2013

Then personally appeared David N. Fenton and acknowledged the foregoing instrument to be his free act and deed.

Before me,


Thomas F. Jewell
Attorney at Law

Received
Recorded Register of Deeds
Jan 10, 2013 01:57:28P
Cumberland County
Pamela E. Lovley

QUITCLAIM DEED WITH COVENANT

KNOW ALL MEN BY THESE PRESENTS, that **NUVOLARI, LLC**, a Maine Limited Liability Company, of Portland, Maine, for consideration paid, grants to; **SKYLINE REAL ESTATE SERVICES, INC.**, a Maine corporation with a mailing address of 84 Middle Street, Portland, Maine 04101, with **QUITCLAIM COVENANTS**, the land in Portland, County of Cumberland and State of Maine, described below

MAINE REAL ESTATE TAX PAID

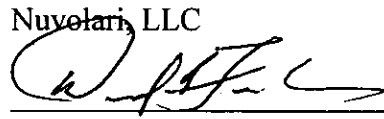
Two certain lots or parcels of land situated on Caroline Street, in the City of Portland County of Cumberland and State of Maine, bounded and described as follows:

Being lots number 43 and 44 as shown on a plan of Brighton made by Clifford C. LeGrow, Civil Engineer, and recorded in Cumberland County Registry of Deeds, Plan Book 11, Page 109.

Being the same premises conveyed to the Grantor herein by deed of Rosemary C. Mulkerrin by deeds dated December 23, 2002, recorded in Book 18609, Page 189.

IN WITNESS WHEREOF, the said David N. Fenton, Manager of Nuvolari, LLC, has set his hand this 3rd day of January, 2013.


Witness 

Nuvolari, LLC

David N. Fenton, Manager

STATE OF MAINE
COUNTY OF CUMBERLAND

January 3, 2013

Then personally appeared David N. Fenton, Manager of Nuvolari, LLC, and acknowledged the foregoing instrument to be his free act and deed in his said capacity.

Before me,

Thomas F. Jewell
Attorney at Law

Received
Recorded Register of Deeds
Jan 10, 2013 01:56:10P
Cumberland County
Pamela E. Lovley

EXHIBIT B
EROSION AND SEDIMENTATION CONTROL PLAN

EROSION AND SEDIMENTATION CONTROL PLAN
for
Motley Street Extension
Motely Street
Portland, Maine

November 2014

The following plan for controlling sedimentation and erosions is based on conservation practices found in the latest edition of the Maine Erosion & Sediment Control BMP's Manual, Maine Department of Environmental Protection. The Contractor who implements this plan shall be familiar with this publication and adhere to it and the practices presented herein.

1 GENERAL EROSION AND SEDIMENTATION CONTROL PRACTICES

The following is a list of general erosion control practices that will be use to prevent erosion and sedimentation before, during, and after the construction of this project. In addition, special care shall be used at all times to:

- 1) Limit disturbance at the area of proposed wetland impacts,
- 2) Correct any erosion problems immediately,
- 3) Regularly monitor the implemented practices, especially after every rainfall,
- 4) Re-vegetate disturbed areas as soon as possible after construction,
- 5) Conform to all requirements/standards of Natural Resources Protection Act (NRPA).

Construction Entrance

A 25' long stabilized stone construction entrance will be installed at the end of the existing paved portion of Motley Street in accordance with the Maine DEP erosion and sedimentation control BMP manual. The construction entrance will be maintained until the roadway construction has been stabilized with compacted base gravel.

Silt Fence and/or Erosion Control Mix Sediment Barriers

As noted on the plans, silt fence and/or erosion control mix sediment barriers will be installed along the down gradient side of the proposed road, driveway, and the proposed buildings prior to any construction activities.

Catch Basin Protection

As noted on the plans, catch basin protection will be installed at each existing catch basins in street prior to any construction activities.

Emergency Provisions

Should a storm be predicted, the contractor shall cover any excavated areas with stone to prevent erosion.

2 MONITORING SCHEDULE

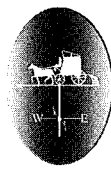
The contractor shall be responsible for installing, monitoring, maintaining, repairing, replacing, and removing all of the erosion and sedimentation controls or appointing a qualified subcontractor to do so. Maintenance measure will be applied as needed during the entire construction cycle. Immediately following any significant rainfall, and at least once a week, a visual inspection will be made of all erosion and sedimentation controls as follows. Erosion

control mix sediment barriers and/or silt fence shall be inspected and repaired. Sediment trapped behind these barriers shall be excavated when it reaches a depth of six inches and redistributed to areas undergoing final grading.

3 EROSION CONTROL REMOVAL

An area is considered stable if it is paved or if 85% growth of planted seeds is established. Once an area is considered stable, the erosion control measures can be removed.

EXHIBIT C
PORTLAND WATER DISTRICT ABILITY TO SERVE LETTER



Portland Water District

FROM SEBAGO LAKE TO CASCO BAY

December 10, 2012

Walsh Engineering Associates, Inc.
918 Brighton Avenue
Portland, ME 04102

Attn: Silas Canavan, P.E.
Re: Motley Street, Portland
Ability to Serve with PWD Water

Dear Mr. Canavan:

The Portland Water District has received your request for an Ability to Serve determination for the noted site submitted on December 6, 2012. Based on the information provided, we can confirm that the District will be able to serve the proposed project as further described in this letter.

Please note that this letter does not constitute approval of this project from the District. Please review this letter for any special conditions specified by the District and to determine the appropriate next steps to take to move your project through the submittal and approval process.

Existing Site Service

According to District records, the project site does not currently have existing water service.

Water System Characteristics

According to District records, there is an 8-inch diameter ductile iron water main on the west side of Motley Street and a public fire hydrant located 165-feet from the site.

Please see attached map showing all available hydrant flow tests near the project site. The current data from the nearest hydrant with flow test information is as follows:

Hydrant Location: Motley Street 200' south of Brighton Avenue
Hydrant Number: POD-HYD01819
Last Tested: 4/16/2003
Static Pressure: 81 psi
Residual Pressure: Not Measured
Flow: Not Measured

Public Fire Protection

It is anticipated that this project will not include the installation of new public hydrants to be accepted into the District water system. The decision to require new hydrants and to determine their locations is solely that of the local fire department. It is your responsibility to contact the Portland Fire Department to ensure that this project is adequately served by existing and/or proposed hydrants.



Domestic Water Needs

The data noted above indicates there should be adequate pressure and volume of water to serve the domestic water needs of the two proposed single family homes. 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.

Private Fire Protection Water Needs

You have indicated that this project will require water service to provide private fire protection to the site. Please note that the District does not guarantee any quantity of water or pressure through a fire protection service. Please share these results with your sprinkler system designer so that they can design the fire protection system to best fit the noted conditions. If the data is out of date or insufficient for their needs, please contact the MEANS Division to request a hydrant flow test and we will work with you to get more complete data.

Conditions of Service

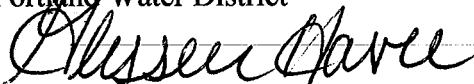
Each lot should have a water service line that connects to the main in Motley Street, the service should enter through each lots' own frontage. Please maintain all minimum separation requirements as follows:

- Property lines – 10-feet
- Gas mains – 6-feet face to face
- Underground electric and telephone – 6-feet face to face
- Sanitary sewer – 5-feet; if sanitary sewer is laid 18-inches below water service, then an 18-inch horizontal separation is allowable

The District can confirm that the main in Motley Street will provide adequate flow and pressure for domestic needs, as noted above the District does not guarantee any quantity of water or pressure through a fire protection service. A single line may be installed to provide both fire and domestic water. The required diameter of a combined service line must be determined by the sprinkler system designer. The split for the sprinkler service must be located after the water meter and must include a non-testable backflow prevention device. The meter must be appropriately sized by the sprinkler system designer to accommodate the necessary flows for fire protection. Prior to activation of the water service, the sprinkler system designer must provide documentation that shows the appropriate meter size.

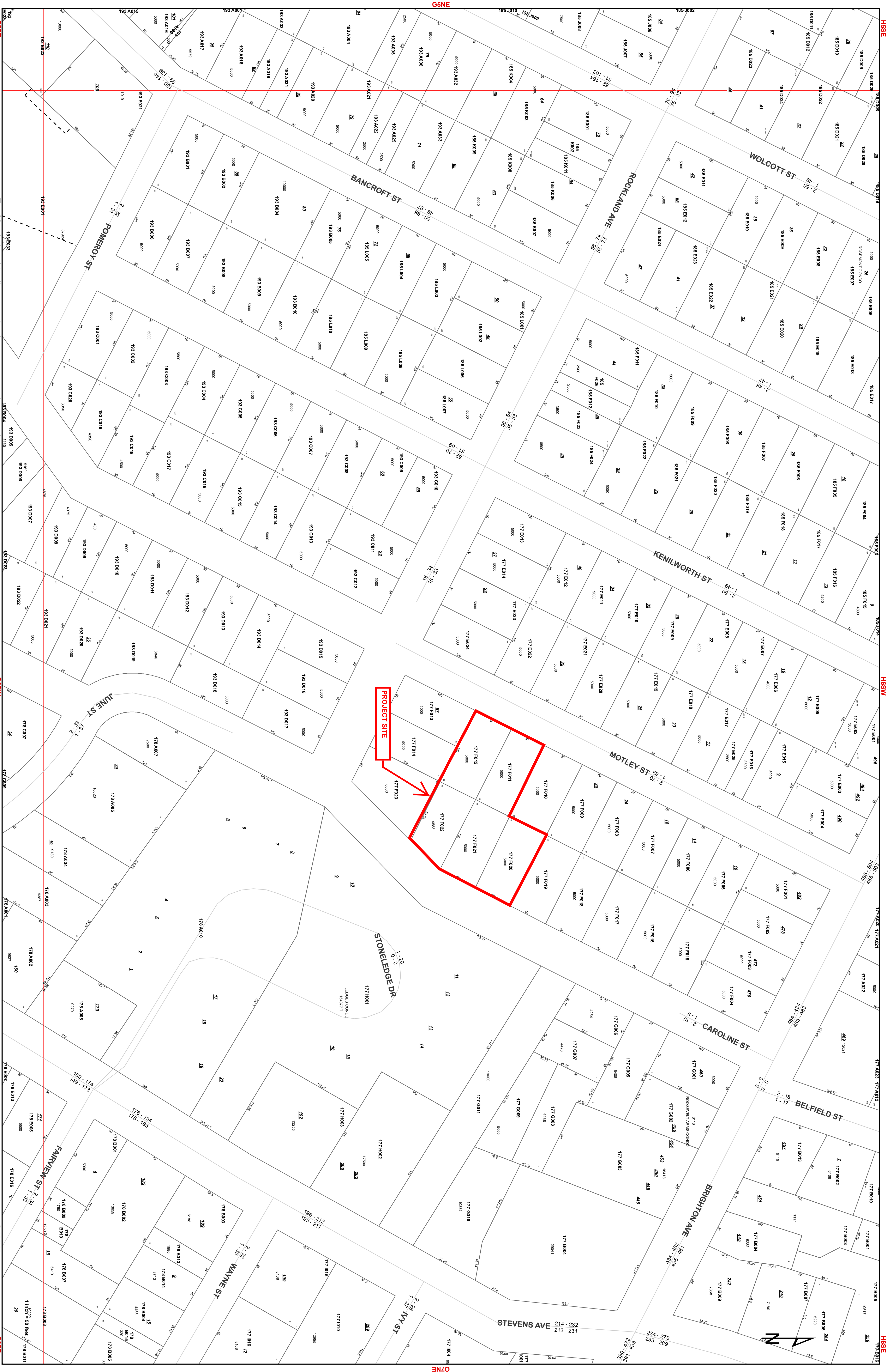
If the District can be of further assistance in this matter, please let us know.

Sincerely,
Portland Water District



Glissen Havu, E.I.
Design Engineer

EXHIBIT D
TAX MAP



GSNE

HSSE

H6SW

HSSE

07NE

GSSE

April 1 2012 fy 2013

Tax Map Index: <http://www.portlandassessors.com/taxmaps.htm>

G6SW

Index Number - G6NW

GSSE



1 inch = 50 feet
20

EXHIBIT E
ZONING MAP

EXHIBIT F
CITY OF PORTLAND APPROVAL



PORTLAND MAINE

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Planning & Urban Development Department
Jeff Levine, AICP, Director

Planning Division
Alexander Jaegerman, Director

January 24, 2013

Scott Lalumiere
Milk Street Capital, LLC
84 Middle Street
Portland, ME 04101

William Walsh
Walsh Engineering Associates, LLC
918 Brighton Avenue
Portland, ME 04101

Project Name: Motley Street Construction
Applicant: Scott Lalumiere, Milk Street Capital, LLC
Planner: Nell Donaldson

Project ID: 2012-627
CBLs: 177-F-11, 12, 20, 21, 22

Dear Mr. Walsh & Mr. Lalumiere:

On January 24, 2013, the Planning Authority approved with conditions your Level I: Site Alteration plan for the construction of approximately 90' of Motley Street. The decision is based upon the plan as submitted by Walsh Engineering Associates (revisions dated January 3, 2013). The proposal was reviewed for conformance with the standards of the City of Portland's site plan ordinance (Section 14-526), as well as Section 14-403 of the city's ordinance regarding street access. Note that the city's Department of Public Services found that there is another residence beyond this property which is presently served by a gravel roadway. As such, there is currently adequate space to turn around at the end of Motley Street and a turnaround is not being required as part of this project.

The Level I site plan is approved with the following waivers and conditions:

A. WAIVERS

Sidewalk

The application includes a request for a waiver from the sidewalk provision of the ordinance, and cites the following criteria from Section 14-506(b):

- 3) A safe alternative walking route is reasonable and safely available, for example, by way of a sidewalk on the other side of the street that is lightly traveled; and
- 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 greater public value.

Section 14-403(b) of the city's ordinance further states that street extension projects shall include sidewalks "if located on a designated school walking route." Motley Street is not a designated school walking route. As such, the sidewalk requirement is waived.

Curbing

The Planning Authority found the application meets the following waiver criteria from Section 14-506(b) and thus waives the granite curbing requirement on the following grounds:

- 6) The cost to construct the curbing, including any applicable street opening fees, is in excess of 5% of the overall project cost; and
- 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

B. CONDITIONS OF APPROVAL

The Planning Authority found that the plan is in conformance with the site plan standards of the land use code subject to the following condition of approval:

1. The applicant shall submit draft copies of the deeds for the associated lots which note that, if, in the next five years, the lot in the R-5 zone were to be developed as a two-family or multi-family dwelling, both lots would be subject to subdivision review.

The approval is based on the January 3, 2013 site plan.

C. STANDARD CONDITIONS OF APPROVAL

Please note the following standard conditions of approval and requirements for all approved site plans:

1. **Develop Site According to Plan** The site shall be developed and maintained as depicted on the site plan and in 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 Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.
2. **Separate Building Permits Are Required** This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division. Please also note that separate permits are required for any new signage.
3. **Site Plan Expiration** The site plan approval will be deemed to have expired unless work has commenced within one (1) year of the approval or within a time period up to three (3) years from the approval date as agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the one (1) year expiration date.
4. **Performance Guarantee and Inspection Fees** A performance guarantee covering the site improvements, 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 Department 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. **Defect Guarantee** A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
6. **Preconstruction Meeting** Prior to the release of a building permit or site construction, a pre-construction meeting shall be held at the project site. This meeting will be held 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

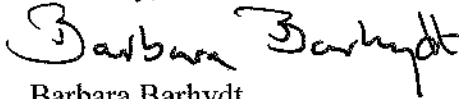
review the construction schedule and critical aspects of the site work. At that time, the Development Review Coordinator will confirm that the contractor is working from the approved site plan. The site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.

7. **Department of Public Services Permits** 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.)
8. **As-Built Final Plans** Final sets of as-built plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.

The Development Review Coordinator must be notified five (5) working days prior to the date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874-8632. 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 Nell Donaldson at (207) 874-8723.

Sincerely,



Barbara Barhydt
Acting Planning Division Director

CC: Jeff Levine, Director of Planning and Urban Development
Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Philip DiPierro, Development Review Coordinator, Planning
Marge Schmuckai, 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 Farley, Engineering Services Manager, Public Services
Bill Clark, Project Engineer, Public Services
David Margolis-Pineo, Deputy City Engineer, Public Services
Doug Roncarati, Stormwater Coordinator, Public Services
Greg Vining, Associate Engineer, Public Services
Michelle Sweeney, Associate Engineer
John Low, Associate Engineer, Public Services
Matt Doughty, Field Inspection Coordinator, Public Services
Mike Farmer, Project Engineer, Public Services
Jane Ward, Administration, Public Services
Jeff Tarling, City Arborist, Public Services
Captain Chris Pirone, Fire Department
Thomas Errico, P.E., TY Lin Associates
David Senus, P.E., Woodard and Curran
Rick Blackburn, Assessor's Department
Approval letter file

