

192-G-3

2013-014

192 Fleetwood St.
filling and Grading
Lendell Allen

~~(DRC file)~~ (Post Approval file)

add to Spreadsheet

From: Len Allen <LAllen@revitasinc.com>
To: Philip DiPierro <PD@portlandmaine.gov>
Date: 6/9/2014 8:55 AM
Subject: RE: 192 Fleetwood Street - Filling and Grading Project

Hi Phil,

Give me a ring if you could, I'd like to see you again. I'll be around 6/9-6/20, 6/18-6/22, 6/26-6/30.
Plants are still alive. Though will need to move three, they're not thriving where they are currently (not enough sun).

Regards,
Len

[cid:image006.gif@01CE6777.CF589020]<<http://www.revitasinc.com/>>

511 Congress Street
6th Floor
Portland, ME 04101

[cid:image007.gif@01CE6777.CF589020]<<http://www.linkedin.com/company/revitas>>

[cid:image008.gif@01CE6777.CF589020]<<http://www.facebook.com/RevitasInc>>

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[cid:image010.gif@01CE6777.CF589020]<<http://blog.revitasinc.com/>>

Lendell Allen
Distinguished Technologist

T: 207-228-2327
M: 207-712-2914

revitasinc.com<<http://www.revitasinc.com/>>

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From: Philip DiPierro [mailto:PD@portlandmaine.gov]
Sent: Monday, June 09, 2014 8:42 AM
To: Len Allen
Subject: RE: 192 Fleetwood Street - Filling and Grading Project

Hi Len, I'll try to stop by within the next week or so. Are all the plants still alive?

Thanks.

Phil

Philip DiPierro
Development Review Coordinator
City of Portland Planning Division
389 Congress Street
Portland, Maine 04101

Phone 207 874-8632

Fax 207 756-8258

>>> Len Allen <LAllen@revitasinc.com<mailto:LAllen@revitasinc.com>> 6/6/2014 5:18 PM >>>

Hi Phil,

Hopefully Spring has arrived (if not summer). Hope the long winter finds you well. Was wondering when we can wrap up the project (i.e. defect guarantee).

Thanks and Regards,
Len

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From: Philip DiPierro [mailto:PD@portlandmaine.gov]
Sent: Monday, June 17, 2013 10:55 AM
To: Len Allen
Subject: 192 Fleetwood Street - Filling and Grading Project

Hi Len, I just wanted to follow up on the completion of your fill project on Fleetwood Street. The last time I was there it looked like everything was finished with the exception of the required landscape plantings. Did all the dogwood, winterberry, and blueberry plants get installed in compliance with the approved plan? If so, I'll stop by for a final inspection, and then I can generate the paperwork so that the performance guarantee can be reduced and converted to the defect guarantee.

I'd like to close this one out if possible. Let me know if you're ready for a final inspection. Please contact me with any questions. Thanks.

Phil

Philip DiPierro
Development Review Coordinator
City of Portland Planning Division
389 Congress Street
Portland, Maine 04101



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Planning and Urban Development
Jeffrey Levine, Director

Planning Division
Alexander Jaegerman, Director

TO: Ellen Sanborn, Finance Department
FROM: Alexander Jaegerman, Planning Division Director
DATE: September 6, 2013
SUBJECT: Request for Release of Performance Guarantee
Allen Filling & Grading Project, 192 Fleetwood Street
(ID # 2013-014 Lead CBL # 192 G 003001)

Please release the Performance Guarantee, Letter of Credit Account #NE-358 for the Allen Filling & Grading Project at 192 Fleetwood Street.

Remaining Balance \$311.50

This Letter of Credit is being replaced with a City Held Escrow Account, in the amount of **\$311.50** that represents the Defect Guarantee for the site improvements as depicted on the site plan, approved on February 4, 2013.

Approved:

Alexander Jaegerman
Planning Division Director

cc: Barbara Barhydt, Development Review Services Manager
Philip DiPierro, Development Review Coordinator
File: UI



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Planning and Urban Development
Jeffery Levine, Director

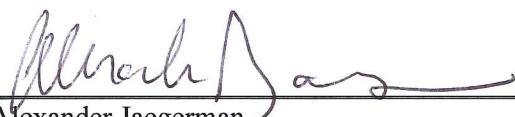
Planning Division
Alexander Jaegerman, Director

TO: Ellen Sanborn, Finance Department
FROM: Alexander Jaegerman, Planning Division Director
DATE: July 2, 2013
SUBJECT: Request for Reduction of Performance Guarantee to Defect Guarantee
Allen Filling & Grading Project, 192 Fleetwood Street
(ID # 2013-014 Lead CBL # 192 G 003001)

Please reduce the Performance Guarantee, Letter of Credit Account # NE-358 for the Allen Filling & Grading Project at 192 Fleetwood Street, and convert it to the Defect Guarantee.

Original Amount	\$3,115.00
<u>This Reduction</u>	<u>\$2,803.50</u>
Remaining Balance	\$ 311.50

This is the first reduction for the project.

Approved: 
Alexander Jaegerman
Planning Division Director

cc: Barbara Barhydt, Development Review Services Manager
Philip DiPierro, Development Review Coordinator

Memorandum
Department of Planning and Development
Planning Division



TO: Inspections Department

FROM: Philip DiPierro, Development Review Coordinator

DATE: July 2, 2013

RE: C. of O. for # 192 Fleetwood Street, Allen Filling & Grading Project
(Id#2013-014) (CBL 192 G 003001)

After visiting the site, I have the following comments:

Site work complete:

At this time, I recommend issuing a permanent Certificate of Occupancy.

Cc: Tammy Munson, Director of Inspection Services
Barbara Barhydt, Development Review Services Manager
File: UI

DEVELOPMENT REVIEW COORDINATOR
POST APPROVAL PROJECT CHECKLIST

Date: 2/25/13

Project Name: Site Filling & Grading Project

Project Address: 192 Fleetwood Str.

Site Plan ID Number: #2013-014

Planning Board/Authority Approval Date: 2/4/13

Site Plan Approval Date: 2/4/13

Performance Guarantee Accepted: 4/25/13 COL # NE-358
\$ 3,115.00

Inspection Fee Paid: 4/18/13 DC # 1107
\$ 300.00

Infrastructure Contributions Paid: N/A

Amount of Disturbed Area in SF or Acres: 12,750 SF

MCGP/Chapter 500 Stormwater PBR: < 1 Acre - NO added impervious surface

Plans/CADD Drawings Submitted: ?

Pre-Construction Meeting: 4/18/13

Conditions of Approval Met: 7/1/13

As-Builts Submitted: N/A

Public Services Sign Off: 7/1/13

Certificate of Occupancy Memo Processed:
(Temporary or Permanent) 7/2/13

Performance Guarantee to Defect Guarantee: 7/2/13

Defect Guarantee Released: 6/26/14



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Planning & Urban Development Department
Jeff Levine, AICP, Director

Planning Division
Alexander Jaegerman, FAICP, Director

February 22, 2013

Lendell H. Allen
14 Colonial Court
Portland, Maine 04102

Tony Cowles
Carroll Associates, Landscape
Architects
217 Commercial Street, Suite 200
Portland, Maine 04101

Project Name: **Site Filling and Grading Project**
Project ID: 2013-014
Address: 192 Fleetwood Street
CBL: 192 G 003001
Applicant: Lendell H. Allen
Planner: Philip DiPierro

Dear Mr. Allen and Mr. Carroll:

On February 4, 2013, the Planning Authority approved with conditions a Level I: Site Alteration site plan for the Site Filling and Grading project at 192 Fleetwood Street that includes the cutting and removal of trees and brush, site filling and grading, re-vegetation of disturbed areas, and re-defining a freshwater wetland swale. The decision is based upon the application received January 15, 2013 as submitted by Lendell H. Allen, and prepared by Carroll Associates, Landscape Architects, and plans dated January 9, 2013, and revised on February 19, 2013. The proposal was reviewed for conformance with the standards of Portland's site plan ordinance.

SITE PLAN REVIEW

The Planning Authority found the plan is in conformance with the Site Plan Standards of the Land Use Code subject to the following condition(s) of approval:

- dave
3/7/13
1. Evidence of project approval of the Tier 1 NRPA Permit from the Maine Department of Environmental Protection (DEP) for the filling and alteration of the wetlands must be submitted prior to the issuance of the building permit.

The approval is based on the submitted site plan. If you need to make any modifications to the City Hall, 389 Congress Street . Portland, ME 04101-3509 . Ph (207) 874-8719 . Fx 756-8258 . TTY 874-8936

approved site plan, you must submit a revised site plan for staff review and approval.

STANDARD CONDITIONS OF APPROVAL

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

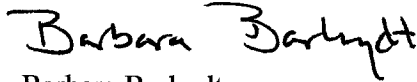
1. **Develop Site According to Plan** The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require 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.
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 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
City Hall, 389 Congress Street . Portland, ME 04101-3509 . Ph (207) 874-8719 . Fx 756-8258 . TTY 874-8936

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 Philip DiPierro at (207) 874-8632.

Sincerely,



Barbara Barhydt
Acting Planning Division Director

Attachments:

1. Performance Guarantee Packet

cc: Jeff Levine, AICP, Director of Planning and Urban Development
Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Philip DiPierro, Planner/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
Doug Roncarati, Stormwater Coordinator, Public Services
Greg Vining, Associate Engineer, Public Services
Michelle Sweeney, Associate Engineer
John Low, Associate Engineer, Public Services
Rhonda Zazzara, Field Inspection Coordinator, Public Services
Mike Farmer, Project Engineer, Public Services
Jane Ward, Administration, Public Services
Jeff Tarling, City Arborist, Public Services
Jeremiah Bartlett, 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

SUBDIVISION/SITE DEVELOPMENT
Cost Estimate of Improvements to be covered by Performance Guarantee

Date: April 12th, 2013

Name of Project: 192 Fleetwood Street-Site Filling/Grading Project
 Address/Location: 14 Colonial Court - Portland, ME
 Application ID #: 2013-014
 Developer: Homeowner (Lendell Allen)
 Form of Performance Guarantee: _____

Type of Development: Subdivision _____ Site Plan (Level I, II or III) Level I

TO BE FILLED OUT BY THE APPLICANT:

Item	PUBLIC			PRIVATE		
	Quantity	Unit Cost	Subtotal	Quantity	Unit Cost	Subtotal
1. STREET/SIDEWALK	n/a			n/a		
Road/Parking Areas	_____	_____	_____	_____	_____	_____
Curbing	_____	_____	_____	_____	_____	_____
Sidewalks	_____	_____	_____	_____	_____	_____
Esplanades	_____	_____	_____	_____	_____	_____
Monuments	_____	_____	_____	_____	_____	_____
Street Lighting	_____	_____	_____	_____	_____	_____
Street Opening Repairs	_____	_____	_____	_____	_____	_____
Other	_____	_____	_____	_____	_____	_____
2. EARTH WORK	n/a					
Cut	_____	_____	_____	45 CY	6.00	\$270.00
Clover Seed	_____	_____	_____	10#	35.00	\$350.00
Mulch	_____	_____	_____	5Bales	5.00	\$25.00
Loam	_____	_____	_____	100 CY	16.00	\$1600.00
3. SANITARY SEWER	n/a			n/a		
Manholes	_____	_____	_____	_____	_____	_____
Piping	_____	_____	_____	_____	_____	_____
Connections	_____	_____	_____	_____	_____	_____
Main Line Piping	_____	_____	_____	_____	_____	_____
House Sewer Service Piping	_____	_____	_____	_____	_____	_____
Pump Stations	_____	_____	_____	_____	_____	_____
Other	_____	_____	_____	_____	_____	_____
4. WATER MAINS	n/a			n/a		
5. STORM DRAINAGE	n/a			n/a		
Manholes	_____	_____	_____	_____	_____	_____
Catchbasins	_____	_____	_____	_____	_____	_____
Piping	_____	_____	_____	_____	_____	_____
Detention Basin	_____	_____	_____	_____	_____	_____
Stormwater Quality Units	_____	_____	_____	_____	_____	_____
Other	_____	_____	_____	_____	_____	_____

6. SITE LIGHTING	n/a			n/a		
7. EROSION CONTROL	n/a			120 LF	1.75	\$210.00
Silt Fence						
Check Dams						
Pipe Inlet/Outlet Protection						
Level Lip Spreader						
Slope Stabilization						
Geotextile						
Hay Bale Barriers				6	5.00	\$30.00
Catch Basin Inlet Protection						
8. RECREATION AND OPEN SPACE AMENITIES	n/a			n/a		
9. LANDSCAPING (Attach breakdown of plant materials, quantities, and unit costs)	n/a			see Attached Plant List		\$630.00
10. MISCELLANEOUS						
TOTAL:						\$3115.00
GRAND TOTAL:						

total
\$3,115.00
ok 4/16/13

INSPECTION FEE (to be filled out by the City)

	PUBLIC	PRIVATE	TOTAL
A: 2.0% of totals:		\$300	\$300
or			
B: Alternative Assessment:		\$300	\$300
Assessed by:	<u>Deil King</u> (name)	<u>(name)</u>	<u>4/16/13</u>

192 FLEETWOOD STREET

PLANT SCHEDULE

QTY.	SYM.	BOTANICAL NAME	COMMON NAME	SIZE	REMARKS
			TREES		
6	C6	CORNUS SERICEA 'BAILEY'	RED TULG DOGWOOD	2-3'	120.00
1	IV1	ILEX VERTICILLATA 'APOLLO'	WINTERBERRY (M)	30-36"	40.00
5	IV2	ILEX VERTICILLATA 'WINTER RED'	WINTERBERRY (F)	30-36"	200.00
9	VON	VACCINIUM CORTMBOSUM 'NORTHLAND'	HIGHBUSH BLUEBERRY	30-36"	180.00
3	VC	VACCINIUM CORTMBOSUM 'LATE BLUE'	HIGHBUSH BLUEBERRY	30-36"	90.00

NOTE: ALL SUBSTITUTIONS SHALL BE APPROVED BY LANDSCAPE ARCHITECT PRIOR TO ORDERING OF PLANTS

CARROLL ASSOCIATES
Landscape Architects

(5)

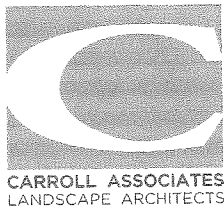
- i. Level I: Site Alteration, Level II and Level III: 2% of the performance guarantee or as assessed by Planning or Public Works Engineer at \$45 an hours with minimum inspection fee of \$300 Level I: Minor Residential Inspection Fee \$100 (flat fee).

1. Street vacation \$2,000

(b) *Post-approval submissions.*

1. *Final Plans.* Following final site plan approval and prior to issuance of any building permit, the developer shall submit final plans meeting all the conditions of the site plan approval, including without limitation all streets, sewers, drainage structures and landscaping. Thereafter, limited and minor departures from the approved site plan shall be approved by the Public Services Authority as field changes pursuant to Section 14-532 below. Amendments or revisions to the approved site plan shall be reviewed by the Planning Authority pursuant to 14-532.
2. *As-built plans.* Upon completion of a Level II or Level III development, the applicant shall submit the as-built plans as specified in the Technical Manual.
3. *Performance Guarantee and Defect Guarantee:*
 - a. *Performance Guarantee Required.* Following approval of Level I, II and III site plan applications and prior to the issuance of a building permit, the developer shall post with the City a performance guarantee in the form and amount specified in section 14-501 specifying the completion of the required site plan improvements within two (2) years from the origination date of such guarantee. In no case shall the term of such guarantee be for a period of less than one (1) year, nor shall any performance guarantee expire between October 30 and April 15 of the following year.

- b. *Required site improvements.* Development improvements include, but are not limited to, sanitary sewers, storm drains, drainage systems, erosion control, catch basins, manholes, other improvements constructed chiefly below grade, slope stabilization, curbing, paving, sidewalks, lighting, landscaping and buffers.
- c. *Phased Project.* A project may be reviewed and approved for up to three (3) phases. A performance guarantee shall be posted for each phase. Each phase of such project shall be independent of subsequent phases and shall conform to all standards of this article in the event that subsequent phases do not go forward.
- d. *Exemptions.*
 - i. Level I minor residential development is exempt from performance guarantee requirements except for those projects that complete construction in the winter and the site work is incomplete due to weather conditions. A performance guarantee will be required that is sufficient to complete the remaining site work as approved on the site plan. The performance guarantee must be reviewed and approved by the Planning Authority prior to the release of a temporary certificate.
- e. *Abandoned site.* In the event that a development is abandoned or the site improvements do not meet City standards as approved in the site plan, the performance guarantee may be utilized to stabilize, secure, complete and/or restore the site as may be necessary, including, but not limited to, revegetation of areas, grading and fencing.
- f. *Performance Guarantee Reductions.* The developer shall be eligible to receive up to three reductions in the performance guarantee in a calendar year equal to the estimated cost of the completed improvements. The developer shall submit a written request for a reduction that reports what work has been done and what is left to complete along with



Project Memo: 192 Fleetwood Street

To: Phil DiPierro
Development Review Coordinator, City of Portland
From: Tony Cowles
Cc: Pat Carroll
Date: March 8, 2013

RE: 192 Fleetwood Street –Site Filling and Grading Project (Project ID 2013-014)

Phil,

In response to your 2-22-13 Approval letter for Level 1 Sit Alteration, we offer the following items:

- **Approved Tier 1 NRPA Permit from MDEP**
- **7 Copies of the Site Plans- Issued for Construction (dated 3-8-2013)**
- **CD containing electronic copies of Site Plans**
- **Cost Estimate of Improvements (for Performance Guarantee)**

It is likely we will not be playing a role in Construction Administration, however the Owner is aware of his responsibilities as spelled out in the Standard Conditions of Approval. I believe he is anxious to get started, and anticipate that you will be hearing from him soon to initiate the Performance Guarantee/Inspection Fees, and to set up a pre-construction meeting.

As always, please don't hesitate to contact our office if you have any questions or concerns.

Best Regards,

A handwritten signature in black ink, appearing to read 'Tony Cowles', written in a cursive style.

Tony Cowles
Maine Licensed Landscape Architect



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



PAUL R. LEPAGE
GOVERNOR

PATRICIA W. AHO
COMMISSIONER

March 2013

Mr. Lendell H. Allen
14 Colonial Court
Portland, ME 04102

RE: Natural Resources Protection Act Tier I Application, Portland, DEP #L-25872-TA-A-N

Dear Mr. Allen:

Please find enclosed a signed copy of your Department of Environmental Protection land use permit. You will note that the permit includes a description of your project, findings of fact that relate to the approval criteria the Department used in evaluating your project, and conditions that are based on those findings and the particulars of your project. Please take several moments to read your permit carefully, paying particular attention to the conditions of the approval. The Department reviews every application thoroughly and strives to formulate reasonable conditions of approval within the context of the Department's environmental laws. You will also find attached some materials that describe the Department's appeal procedures for your information.

If you have any questions about the permit or thoughts on how the Department processed this application please get in touch with me directly. I can be reached at (207) 615-3149 or at Bill.Bullard@maine.gov.

Sincerely,

Bill Bullard, Project Manager
Division of Land Resource Regulation
Bureau of Land & Water Quality

pc: File

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826

BANGOR
106 HOGAN ROAD, SUITE 6
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
512 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769
(207) 764-0477 FAX: (207) 760-3143



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
17 STATE HOUSE STATION AUGUSTA, MAINE 04333-0017

DEPARTMENT ORDER

IN THE MATTER OF

LENDELL H. ALLEN
Portland, Cumberland County
URBAN GARDEN
L-25872-TA-A-N (approval)

) NATURAL RESOURCES PROTECTION ACT
) FRESHWATER WETLAND ALTERATION
) WATER QUALITY CERTIFICATION
) FINDINGS OF FACT AND ORDER

Project Description: The applicant proposes to alter 1,500 square feet of forested wetlands that are considered wetlands of special significance because they are hydrologically connected to emergent wetlands associated with Capisic Pond through a series of downgradient wetland swales and conveyances. After reviewing the information in the file and conducting a site visit, the Department determined that the activity will not negatively affect the freshwater wetland of special significance or other protected natural resources; therefore the proposed project is eligible for Tier 1 review. The applicant proposes to construct gardening space to be used for raised bed gardening, beekeeping and fruit tree cultivation on a 14,416-square foot parcel located near his residence at 14 Colonial Court. The applicant proposes to fill an existing centrally-located wetland swale on the parcel and to reroute storm flows into a new swale to be created on the northeast side of the parcel as shown on a plan titled "Site Grading Plan," prepared by Carroll Associates, and dated January 9, 2013. The applicant has avoided and minimized wetland impacts to the greatest extent practicable with a plan to relocate the swale as depicted on the grading plan and by placing excavated wetland soils, with wetland seed mix added, into the new swale in an effort to approximate the lost wetland functions and values. According to the Department's Geographic Information System (GIS), there are no mapped significant wildlife habitats associated with the project site.

Permit for: Tier 1

DEP Decision: Approved Denied (see attached letter)

CORPS Action: The Corps has been notified of your application. The following are subject to Federal screening: (1) projects with previously authorized or unauthorized work, in combination with a Tier 1 permit for a single and complete project, which total more than 15,000 square feet of altered area; (2) projects with multiple state permits and/or state exemptions which apply to a single and complete project that total more than 15,000 square feet of altered area; and (3) projects that may impact a vernal pool, as determined by the State of Maine or the Corps. If your activity is listed above, *Corps approval is required for your project.* For information regarding the status of your application contact the Corps' Maine Project Office at 623-8367.

Standard Conditions:

- 1) If construction or operation of the activity is not begun within four (4) years from the date signed, this permit shall lapse and the applicant shall reapply to the Department for a new permit. This permit is transferable only with prior approval from the Department. If the activity is associated with a larger project, starting any aspect of that project constitutes start of construction.

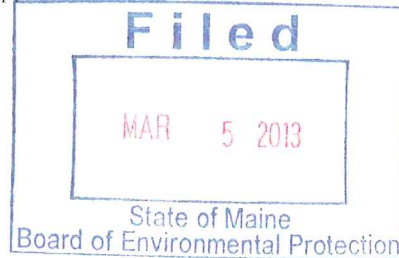
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- 4) A copy of this approval will be sent to the City of Portland. Department approval of your activity does not supersede or substitute the need for any necessary local approvals.

THIS APPROVAL DOES NOT CONSTITUTE OR SUBSTITUTE FOR ANY OTHER REQUIRED STATE, FEDERAL OR LOCAL APPROVALS NOR DOES IT VERIFY COMPLIANCE WITH ANY APPLICABLE SHORELAND ZONING ORDINANCES.

DONE AND DATED IN AUGUSTA, MAINE, THIS 5th DAY OF March, 2013.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Michael Keelins for
Patricia W. Aho, Commissioner



PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES...

WB/L25872AN/ATS#75693



Natural Resource Protection Act (NRPA) Standard Conditions

THE FOLLOWING STANDARD CONDITIONS SHALL APPLY TO ALL PERMITS GRANTED UNDER THE NATURAL RESOURCE PROTECTION ACT, TITLE 38, M.R.S.A. SECTION 480-A ET.SEQ. UNLESS OTHERWISE SPECIFICALLY STATED IN THE PERMIT.

- A. Approval of Variations From Plans. The granting of this permit is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from these plans, proposals, and supporting documents is subject to review and approval prior to implementation.
- B. Compliance With All Applicable Laws. The applicant shall secure and comply with all applicable federal, state, and local licenses, permits, authorizations, conditions, agreements, and orders prior to or during construction and operation, as appropriate.
- C. Erosion Control. The applicant shall take all necessary measures to ensure that his activities or those of his agents do not result in measurable erosion of soils on the site during the construction and operation of the project covered by this Approval.
- D. Compliance With Conditions. Should the project be found, at any time, not to be in compliance with any of the Conditions of this Approval, or should the applicant construct or operate this development in any way other than specified in the Application or Supporting Documents, as modified by the Conditions of this Approval, then the terms of this Approval shall be considered to have been violated.
- E. Time frame for approvals. If construction or operation of the activity is not begun within four years, this permit shall lapse and the applicant shall reapply to the Board for a new permit. The applicant may not begin construction or operation of the activity until a new permit is granted. Reapplications for permits may include information submitted in the initial application by reference. This approval, if construction is begun within the four-year time frame, is valid for seven years. If construction is not completed within the seven-year time frame, the applicant must reapply for, and receive, approval prior to continuing construction.
- F. No Construction Equipment Below High Water. No construction equipment used in the undertaking of an approved activity is allowed below the mean high water line unless otherwise specified by this permit.
- G. Permit Included In Contract Bids. A copy of this permit must be included in or attached to all contract bid specifications for the approved activity.
- H. Permit Shown To Contractor. Work done by a contractor pursuant to this permit shall not begin before the contractor has been shown by the applicant a copy of this permit.

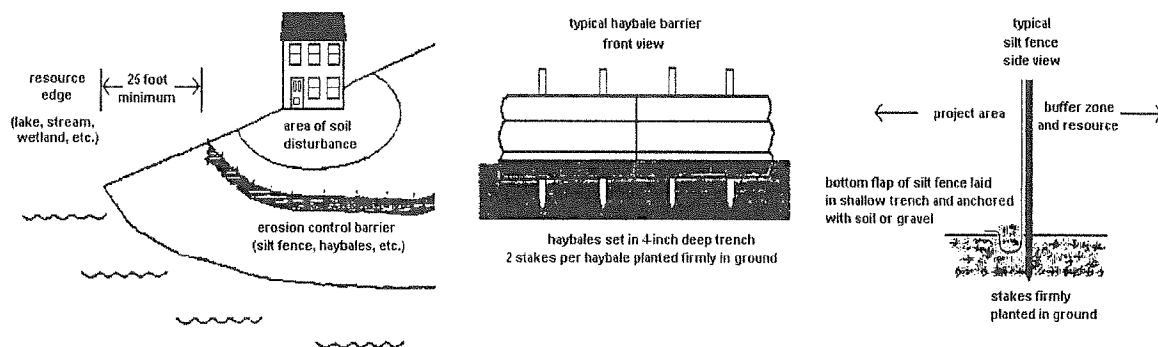


STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
 17 STATE HOUSE STATION, AUGUSTA, MAINE 04333

Erosion Control for Homeowners

Before Construction

1. If you have hired a contractor, make sure you discuss your permit with them. Talk about what measures they plan to take to control erosion. Everybody involved should understand what the resource is, and where it is located. Most people can identify the edge of a lake or river. However, the edges of wetlands are often not so obvious. Your contractor may be the person actually pushing dirt around, but you are both responsible for complying with the permit.
2. Call around to find where erosion control materials are available. Chances are your contractor has these materials already on hand. You probably will need silt fence, hay bales, wooden stakes, grass seed (or conservation mix), and perhaps filter fabric. Places to check for these items include farm & feed supply stores, garden & lawn suppliers, and landscaping companies. It is not always easy to find hay or straw during late winter and early spring. It also may be more expensive during those times of year. Plan ahead -- buy a supply early and keep it under a tarp.
3. Before any soil is disturbed, make sure an erosion control barrier has been installed. The barrier can be either a silt fence, a row of staked hay bales, or both. Use the drawings below as a guide for correct installation and placement. The barrier should be placed as close as possible to the soil-disturbance activity.
4. If a contractor is installing the erosion control barrier, double check it as a precaution. Erosion control barriers should be installed "on the contour", meaning at the same level or elevation across the land slope, whenever possible. This keeps stormwater from flowing to the lowest point along the barrier where it can build up and overflow or destroy the barrier.



During Construction

1. Use lots of hay or straw mulch on disturbed soil. The idea behind mulch is to prevent rain from striking the soil directly. It is the force of raindrops hitting the bare ground that makes the soil begin to move downslope with the runoff water, and cause erosion. More than 90% of erosion is prevented by keeping the soil covered.
2. Inspect your erosion control barriers frequently. This is especially important after a rainfall. If there is muddy water leaving the project site, then your erosion controls are not working as intended. You or your contractor then need to figure out what can be done to prevent more soil from getting past the barrier.

3. Keep your erosion control barrier up and maintained until you get a good and healthy growth of grass and the area is permanently stabilized.

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1. After your project is finished, seed the area. Note that all ground covers are not equal. For example, a mix of creeping red fescue and Kentucky bluegrass is a good choice for lawns and other high-maintenance areas. But this same seed mix is a poor selection for stabilizing a road shoulder or a cut bank that you don't intend to mow. Your contractor may have experience with different seed mixes, or you might contact a seed supplier for advice.
2. Do not spread grass seed after September 15. There is the likelihood that germinating seedlings could be killed by a frost before they have a chance to become established. Instead, mulch the area with a thick layer of hay or straw. In the spring, rake off the mulch and then seed the area. Don't forget to mulch again to hold in moisture and prevent the seed from washing away or being eaten by birds or other animals.
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Why Control Erosion?

To Protect Water Quality

When soil erodes into protected resources such as streams, rivers, wetlands, and lakes, it has many bad effects. Eroding soil particles carry phosphorus to the water. An excess of phosphorus can lead to explosions of algae growth in lakes and ponds called blooms. The water will look green and can have green slime in it. If you are near a lake or pond, this is not pleasant for swimming, and when the soil settles out on the bottom, it smothers fish eggs and small animals eaten by fish. There many other effects as well, which are all bad.

To Protect the Soil

It has taken thousands of years for our soil to develop. Its usefulness is evident all around us, from sustaining forests and growing our garden vegetables, to even treating our septic wastewater! We cannot afford to waste this valuable resource.

To Save Money (\$\$)

Replacing topsoil or gravel washed off your property can be expensive. You end up paying twice because State and local governments wind up spending your tax dollars to dig out ditches and storm drains that have become choked with sediment from soil erosion.



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

14 Colonial Ct
192-F-8



PAUL R. LEPAGE
GOVERNOR

PATRICIA W. AHO
COMMISSIONER

March 2013

Mr. Lendell H. Allen
14 Colonial Court
Portland, ME 04102

RE: Natural Resources Protection Act Tier 1 Application, Portland, DEP #L-25872-TA-A-N

Dear Mr. Allen:

Please find enclosed a signed copy of your Department of Environmental Protection land use permit. You will note that the permit includes a description of your project, findings of fact that relate to the approval criteria the Department used in evaluating your project, and conditions that are based on those findings and the particulars of your project. Please take several moments to read your permit carefully, paying particular attention to the conditions of the approval. The Department reviews every application thoroughly and strives to formulate reasonable conditions of approval within the context of the Department's environmental laws. You will also find attached some materials that describe the Department's appeal procedures for your information.

If you have any questions about the permit or thoughts on how the Department processed this application please get in touch with me directly. I can be reached at (207) 615-3149 or at Bill.Bullard@maine.gov.

Sincerely,

Bill Bullard

Bill Bullard, Project Manager
Division of Land Resource Regulation
Bureau of Land & Water Quality

pc: File

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826

BANGOR
106 HOGAN ROAD, SUITE 6
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769
(207) 764-0477 FAX: (207) 760-3143



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
17 STATE HOUSE STATION AUGUSTA, MAINE 04333-0017

DEPARTMENT ORDER

IN THE MATTER OF

LENDELL H. ALLEN
Portland, Cumberland County
URBAN GARDEN
L-25872-TA-A-N (approval)

) NATURAL RESOURCES PROTECTION ACT
) FRESHWATER WETLAND ALTERATION
) WATER QUALITY CERTIFICATION
) FINDINGS OF FACT AND ORDER

Project Description: The applicant proposes to alter 1,500 square feet of forested wetlands that are considered wetlands of special significance because they are hydrologically connected to emergent wetlands associated with Capisic Pond through a series of downgradient wetland swales and conveyances. After reviewing the information in the file and conducting a site visit, the Department determined that the activity will not negatively affect the freshwater wetland of special significance or other protected natural resources; therefore the proposed project is eligible for Tier 1 review. The applicant proposes to construct gardening space to be used for raised bed gardening, beekeeping and fruit tree cultivation on a 14,416-square foot parcel located near his residence at 14 Colonial Court. The applicant proposes to fill an existing centrally-located wetland swale on the parcel and to reroute storm flows into a new swale to be created on the northeast side of the parcel as shown on a plan titled "Site Grading Plan," prepared by Carroll Associates, and dated January 9, 2013. The applicant has avoided and minimized wetland impacts to the greatest extent practicable with a plan to relocate the swale as depicted on the grading plan and by placing excavated wetland soils, with wetland seed mix added, into the new swale in an effort to approximate the lost wetland functions and values. According to the Department's Geographic Information System (GIS), there are no mapped significant wildlife habitats associated with the project site.

Permit for:	<input checked="" type="checkbox"/> Tier 1
DEP Decision:	<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied (see attached letter)
CORPS Action:	<input checked="" type="checkbox"/> The Corps has been notified of your application. The following are subject to Federal screening: (1) projects with previously authorized or unauthorized work, in combination with a Tier 1 permit for a single and complete project, which total more than 15,000 square feet of altered area; (2) projects with multiple state permits and/or state exemptions which apply to a single and complete project that total more than 15,000 square feet of altered area; and (3) projects that may impact a vernal pool, as determined by the State of Maine or the Corps. If your activity is listed above, <i>Corps approval is required for your project.</i> For information regarding the status of your application contact the Corps' Maine Project Office at 623-8367.

Standard Conditions:

- 1) If construction or operation of the activity is not begun within four (4) years from the date signed, this permit shall lapse and the applicant shall reapply to the Department for a new permit. This permit is transferable only with prior approval from the Department. If the activity is associated with a larger project, starting any aspect of that project constitutes start of construction.

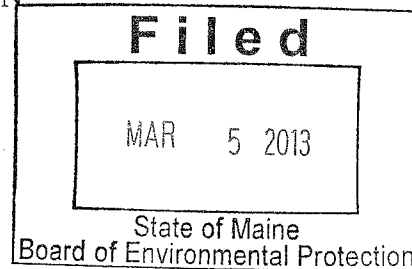
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DONE AND DATED IN AUGUSTA, MAINE, THIS 5th DAY OF March, 2013.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Michael Keenan for
Patricia W. Aho, Commissioner



PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES...

WB/L25872AN/ATS#75693



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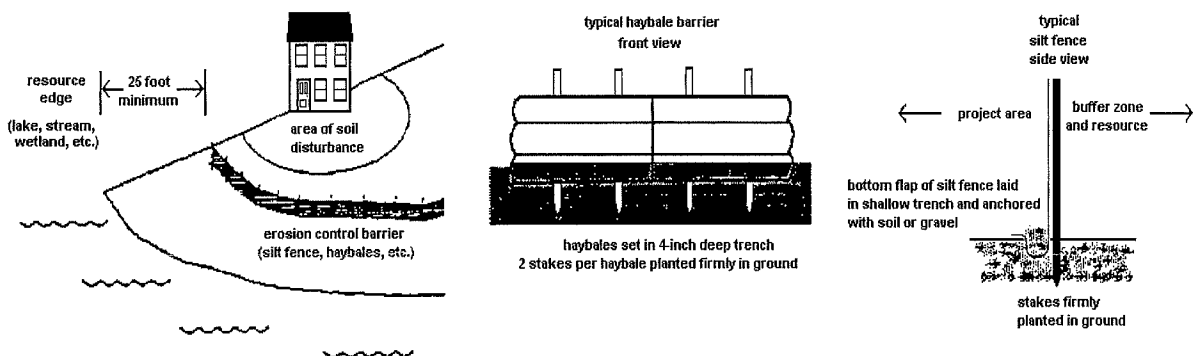


STATE OF MAINE
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Replacing topsoil or gravel washed off your property can be expensive. You end up paying twice because State and local governments wind up spending your tax dollars to dig out ditches and storm drains that have become choked with sediment from soil erosion.



DEP INFORMATION SHEET

Appealing a Department Licensing Decision

Dated: March 2012

Contact: (207) 287-2811

SUMMARY

There are two methods available to an aggrieved person seeking to appeal a licensing decision made by the Department of Environmental Protection's ("DEP") Commissioner: (1) in an administrative process before the Board of Environmental Protection ("Board"); or (2) in a judicial process before Maine's Superior Court. An aggrieved person seeking review of a licensing decision over which the Board had original jurisdiction may seek judicial review in Maine's Superior Court.

A judicial appeal of final action by the Commissioner or the Board regarding an application for an expedited wind energy development (35-A M.R.S.A. § 3451(4)) or a general permit for an offshore wind energy demonstration project (38 M.R.S.A. § 480-HH(1)) or a general permit for a tidal energy demonstration project (38 M.R.S.A. § 636-A) must be taken to the Supreme Judicial Court sitting as the Law Court.

This INFORMATION SHEET, in conjunction with a review of the statutory and regulatory provisions referred to herein, can help a person to understand his or her rights and obligations in filing an administrative or judicial appeal.

I. ADMINISTRATIVE APPEALS TO THE BOARD

LEGAL REFERENCES

The laws concerning the DEP's *Organization and Powers*, 38 M.R.S.A. §§ 341-D(4) & 346, the *Maine Administrative Procedure Act*, 5 M.R.S.A. § 11001, and the DEP's *Rules Concerning the Processing of Applications and Other Administrative Matters* ("Chapter 2"), 06-096 CMR 2 (April 1, 2003).

HOW LONG YOU HAVE TO SUBMIT AN APPEAL TO THE BOARD

The Board must receive a written appeal within 30 days of the date on which the Commissioner's decision was filed with the Board. Appeals filed after 30 calendar days of the date on which the Commissioner's decision was filed with the Board will be rejected.

HOW TO SUBMIT AN APPEAL TO THE BOARD

Signed original appeal documents must be sent to: Chair, Board of Environmental Protection, c/o Department of Environmental Protection, 17 State House Station, Augusta, ME 04333-0017; faxes are acceptable for purposes of meeting the deadline when followed by the Board's receipt of mailed original documents within five (5) working days. Receipt on a particular day must be by 5:00 PM at DEP's offices in Augusta; materials received after 5:00 PM are not considered received until the following day. The person appealing a licensing decision must also send the DEP's Commissioner a copy of the appeal documents and if the person appealing is not the applicant in the license proceeding at issue the applicant must also be sent a copy of the appeal documents. All of the information listed in the next section must be submitted at the time the appeal is filed. Only the extraordinary circumstances described at the end of that section will justify evidence not in the DEP's record at the time of decision being added to the record for consideration by the Board as part of an appeal.

WHAT YOUR APPEAL PAPERWORK MUST CONTAIN

Appeal materials must contain the following information at the time submitted:

1. *Aggrieved Status.* The appeal must explain how the person filing the appeal has standing to maintain an appeal. This requires an explanation of how the person filing the appeal may suffer a particularized injury as a result of the Commissioner's decision.
2. *The findings, conclusions or conditions objected to or believed to be in error.* Specific references and facts regarding the appellant's issues with the decision must be provided in the notice of appeal.
3. *The basis of the objections or challenge.* If possible, specific regulations, statutes or other facts should be referenced. This may include citing omissions of relevant requirements, and errors believed to have been made in interpretations, conclusions, and relevant requirements.
4. *The remedy sought.* This can range from reversal of the Commissioner's decision on the license or permit to changes in specific permit conditions.
5. *All the matters to be contested.* The Board will limit its consideration to those arguments specifically raised in the written notice of appeal.
6. *Request for hearing.* The Board will hear presentations on appeals at its regularly scheduled meetings, unless a public hearing on the appeal is requested and granted. A request for public hearing on an appeal must be filed as part of the notice of appeal.
7. *New or additional evidence to be offered.* The Board may allow new or additional evidence, referred to as supplemental evidence, to be considered by the Board in an appeal only when the evidence is relevant and material and that the person seeking to add information to the record can show due diligence in bringing the evidence to the DEP's attention at the earliest possible time in the licensing process or that the evidence itself is newly discovered and could not have been presented earlier in the process. Specific requirements for additional evidence are found in Chapter 2.

OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

1. *Be familiar with all relevant material in the DEP record.* A license application file is public information, subject to any applicable statutory exceptions, made easily accessible by DEP. Upon request, the DEP will make the material available during normal working hours, provide space to review the file, and provide opportunity for photocopying materials. There is a charge for copies or copying services.
2. *Be familiar with the regulations and laws under which the application was processed, and the procedural rules governing your appeal.* DEP staff will provide this information on request and answer questions regarding applicable requirements.
3. *The filing of an appeal does not operate as a stay to any decision.* If a license has been granted and it has been appealed the license normally remains in effect pending the processing of the appeal. A license holder may proceed with a project pending the outcome of an appeal but the license holder runs the risk of the decision being reversed or modified as a result of the appeal.

WHAT TO EXPECT ONCE YOU FILE A TIMELY APPEAL WITH THE BOARD

The Board will formally acknowledge receipt of an appeal, including the name of the DEP project manager assigned to the specific appeal. The notice of appeal, any materials accepted by the Board Chair as supplementary evidence, and any materials submitted in response to the appeal will be sent to Board members with a recommendation from DEP staff. Persons filing appeals and interested persons are notified in advance of the date set for Board consideration of an appeal or request for public hearing. With or without holding a public hearing, the Board may affirm, amend, or reverse a Commissioner decision or remand the matter to the Commissioner for further proceedings. The Board will notify the appellant, a license holder, and interested persons of its decision.

II. JUDICIAL APPEALS

Maine law generally allows aggrieved persons to appeal final Commissioner or Board licensing decisions to Maine's Superior Court, see 38 M.R.S.A. § 346(1); 06-096 CMR 2; 5 M.R.S.A. § 11001; & M.R. Civ. P 80C. A party's appeal must be filed with the Superior Court within 30 days of receipt of notice of the Board's or the Commissioner's decision. For any other person, an appeal must be filed within 40 days of the date the decision was rendered. Failure to file a timely appeal will result in the Board's or the Commissioner's decision becoming final.

An appeal to court of a license decision regarding an expedited wind energy development, a general permit for an offshore wind energy demonstration project, or a general permit for a tidal energy demonstration project may only be taken directly to the Maine Supreme Judicial Court. See 38 M.R.S.A. § 346(4).

Maine's Administrative Procedure Act, DEP statutes governing a particular matter, and the Maine Rules of Civil Procedure must be consulted for the substantive and procedural details applicable to judicial appeals.

ADDITIONAL INFORMATION

If you have questions or need additional information on the appeal process, for administrative appeals contact the Board's Executive Analyst at (207) 287-2452 or for judicial appeals contact the court clerk's office in which your appeal will be filed.

Note: The DEP provides this INFORMATION SHEET for general guidance only; it is not intended for use as a legal reference. Maine law governs an appellant's rights.



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3. *The basis of the objections or challenge.* If possible, specific regulations, statutes or other facts should be referenced. This may include citing omissions of relevant requirements, and errors believed to have been made in interpretations, conclusions, and relevant requirements.
4. *The remedy sought.* This can range from reversal of the Commissioner's decision on the license or permit to changes in specific permit conditions.
5. *All the matters to be contested.* The Board will limit its consideration to those arguments specifically raised in the written notice of appeal.
6. *Request for hearing.* The Board will hear presentations on appeals at its regularly scheduled meetings, unless a public hearing on the appeal is requested and granted. A request for public hearing on an appeal must be filed as part of the notice of appeal.
7. *New or additional evidence to be offered.* The Board may allow new or additional evidence, referred to as supplemental evidence, to be considered by the Board in an appeal only when the evidence is relevant and material and that the person seeking to add information to the record can show due diligence in bringing the evidence to the DEP's attention at the earliest possible time in the licensing process or that the evidence itself is newly discovered and could not have been presented earlier in the process. Specific requirements for additional evidence are found in Chapter 2.

OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

1. *Be familiar with all relevant material in the DEP record.* A license application file is public information, subject to any applicable statutory exceptions, made easily accessible by DEP. Upon request, the DEP will make the material available during normal working hours, provide space to review the file, and provide opportunity for photocopying materials. There is a charge for copies or copying services.
2. *Be familiar with the regulations and laws under which the application was processed, and the procedural rules governing your appeal.* DEP staff will provide this information on request and answer questions regarding applicable requirements.
3. *The filing of an appeal does not operate as a stay to any decision.* If a license has been granted and it has been appealed the license normally remains in effect pending the processing of the appeal. A license holder may proceed with a project pending the outcome of an appeal but the license holder runs the risk of the decision being reversed or modified as a result of the appeal.

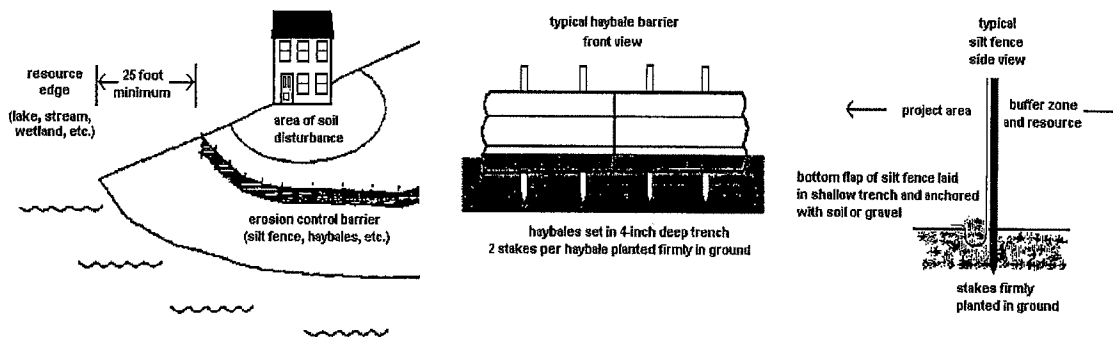


STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
 17 STATE HOUSE STATION, AUGUSTA, MAINE 04333

Erosion Control for Homeowners

Before Construction

1. If you have hired a contractor, make sure you discuss your permit with them. Talk about what measures they plan to take to control erosion. Everybody involved should understand what the resource is, and where it is located. Most people can identify the edge of a lake or river. However, the edges of wetlands are often not so obvious. Your contractor may be the person actually pushing dirt around, but you are both responsible for complying with the permit.
2. Call around to find where erosion control materials are available. Chances are your contractor has these materials already on hand. You probably will need silt fence, hay bales, wooden stakes, grass seed (or conservation mix), and perhaps filter fabric. Places to check for these items include farm & feed supply stores, garden & lawn suppliers, and landscaping companies. It is not always easy to find hay or straw during late winter and early spring. It also may be more expensive during those times of year. Plan ahead -- buy a supply early and keep it under a tarp.
3. Before any soil is disturbed, make sure an erosion control barrier has been installed. The barrier can be either a silt fence, a row of staked hay bales, or both. Use the drawings below as a guide for correct installation and placement. The barrier should be placed as close as possible to the soil-disturbance activity.
4. If a contractor is installing the erosion control barrier, double check it as a precaution. Erosion control barriers should be installed "on the contour", meaning at the same level or elevation across the land slope, whenever possible. This keeps stormwater from flowing to the lowest point along the barrier where it can build up and overflow or destroy the barrier.



During Construction

1. Use lots of hay or straw mulch on disturbed soil. The idea behind mulch is to prevent rain from striking the soil directly. It is the force of raindrops hitting the bare ground that makes the soil begin to move downslope with the runoff water, and cause erosion. More than 90% of erosion is prevented by keeping the soil covered.
2. Inspect your erosion control barriers frequently. This is especially important after a rainfall. If there is muddy water leaving the project site, then your erosion controls are not working as intended. You or your contractor then need to figure out what can be done to prevent more soil from getting past the barrier.

3. Keep your erosion control barrier up and maintained until you get a good and healthy growth of grass and the area is permanently stabilized.

After Construction

1. After your project is finished, seed the area. Note that all ground covers are not equal. For example, a mix of creeping red fescue and Kentucky bluegrass is a good choice for lawns and other high-maintenance areas. But this same seed mix is a poor selection for stabilizing a road shoulder or a cut bank that you don't intend to mow. Your contractor may have experience with different seed mixes, or you might contact a seed supplier for advice.
2. Do not spread grass seed after September 15. There is the likelihood that germinating seedlings could be killed by a frost before they have a chance to become established. Instead, mulch the area with a thick layer of hay or straw. In the spring, rake off the mulch and then seed the area. Don't forget to mulch again to hold in moisture and prevent the seed from washing away or being eaten by birds or other animals.
3. Keep your erosion control barrier up and maintained until you get a good and healthy growth of grass and the area is permanently stabilized.

Why Control Erosion?

To Protect Water Quality

When soil erodes into protected resources such as streams, rivers, wetlands, and lakes, it has many bad effects. Eroding soil particles carry phosphorus to the water. An excess of phosphorus can lead to explosions of algae growth in lakes and ponds called blooms. The water will look green and can have green slime in it. If you are near a lake or pond, this is not pleasant for swimming, and when the soil settles out on the bottom, it smothers fish eggs and small animals eaten by fish. There many other effects as well, which are all bad.

To Protect the Soil

It has taken thousands of years for our soil to develop. Its usefulness is evident all around us, from sustaining forests and growing our garden vegetables, to even treating our septic wastewater! We cannot afford to waste this valuable resource.

To Save Money (\$\$)

Replacing topsoil or gravel washed off your property can be expensive. You end up paying twice because State and local governments wind up spending your tax dollars to dig out ditches and storm drains that have become choked with sediment from soil erosion.

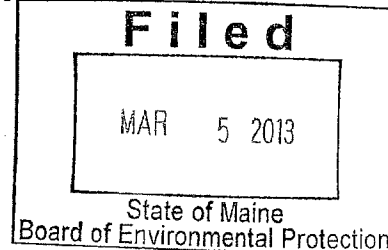
- 2) The project shall be completed according to the plans in the application. Any change in the project plans must be reviewed and approved by the Department.
- 3) Properly installed erosion control measures shall be installed prior to beginning the project, and all disturbed soil should be stabilized immediately upon project completion.
- 4) A copy of this approval will be sent to the City of Portland. Department approval of your activity does not supersede or substitute the need for any necessary local approvals.

THIS APPROVAL DOES NOT CONSTITUTE OR SUBSTITUTE FOR ANY OTHER REQUIRED STATE, FEDERAL OR LOCAL APPROVALS NOR DOES IT VERIFY COMPLIANCE WITH ANY APPLICABLE SHORELAND ZONING ORDINANCES.

DONE AND DATED IN AUGUSTA, MAINE, THIS 5th DAY OF March, 2013.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Michael Keelins for
Patricia W. Aho, Commissioner



PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES...

WB/L25872AN/ATS#75693



Natural Resource Protection Act (NRPA) Standard Conditions

THE FOLLOWING STANDARD CONDITIONS SHALL APPLY TO ALL PERMITS GRANTED UNDER THE NATURAL RESOURCE PROTECTION ACT, TITLE 38, M.R.S.A. SECTION 480-A ET. SEQ. UNLESS OTHERWISE SPECIFICALLY STATED IN THE PERMIT.

- A. Approval of Variations From Plans. The granting of this permit is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from these plans, proposals, and supporting documents is subject to review and approval prior to implementation.
- B. Compliance With All Applicable Laws. The applicant shall secure and comply with all applicable federal, state, and local licenses, permits, authorizations, conditions, agreements, and orders prior to or during construction and operation, as appropriate.
- C. Erosion Control. The applicant shall take all necessary measures to ensure that his activities or those of his agents do not result in measurable erosion of soils on the site during the construction and operation of the project covered by this Approval.
- D. Compliance With Conditions. Should the project be found, at any time, not to be in compliance with any of the Conditions of this Approval, or should the applicant construct or operate this development in any way other the specified in the Application or Supporting Documents, as modified by the Conditions of this Approval, then the terms of this Approval shall be considered to have been violated.
- E. Time frame for approvals. If construction or operation of the activity is not begun within four years, this permit shall lapse and the applicant shall reapply to the Board for a new permit. The applicant may not begin construction or operation of the activity until a new permit is granted. Reapplications for permits may include information submitted in the initial application by reference. This approval, if construction is begun within the four-year time frame, is valid for seven years. If construction is not completed within the seven-year time frame, the applicant must reapply for, and receive, approval prior to continuing construction.
- F. No Construction Equipment Below High Water. No construction equipment used in the undertaking of an approved activity is allowed below the mean high water line unless otherwise specified by this permit.
- G. Permit Included In Contract Bids. A copy of this permit must be included in or attached to all contract bid specifications for the approved activity.
- H. Permit Shown To Contractor. Work done by a contractor pursuant to this permit shall not begin before the contractor has been shown by the applicant a copy of this permit.



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

14 Colonial Ct
192-F-8



PAUL R. LEPAGE
GOVERNOR

PATRICIA W. AHO
COMMISSIONER

March 2013

Mr. Lendell H. Allen
14 Colonial Court
Portland, ME 04102

RE: Natural Resources Protection Act Tier 1 Application, Portland, DEP #L-25872-TA-A-N

Dear Mr. Allen:

Please find enclosed a signed copy of your Department of Environmental Protection land use permit. You will note that the permit includes a description of your project, findings of fact that relate to the approval criteria the Department used in evaluating your project, and conditions that are based on those findings and the particulars of your project. Please take several moments to read your permit carefully, paying particular attention to the conditions of the approval. The Department reviews every application thoroughly and strives to formulate reasonable conditions of approval within the context of the Department's environmental laws. You will also find attached some materials that describe the Department's appeal procedures for your information.

If you have any questions about the permit or thoughts on how the Department processed this application please get in touch with me directly. I can be reached at (207) 615-3149 or at Bill.Bullard@maine.gov.

Sincerely,

Bill Bullard

Bill Bullard, Project Manager
Division of Land Resource Regulation
Bureau of Land & Water Quality

pc: File

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826

BANGOR
106 HOGAN ROAD, SUITE 6
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769
(207) 764-0477 FAX: (207) 760-3143



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
17 STATE HOUSE STATION AUGUSTA, MAINE 04333-0017

DEPARTMENT ORDER

IN THE MATTER OF

LENDELL H. ALLEN
Portland, Cumberland County
URBAN GARDEN
L-25872-TA-A-N (approval)

) NATURAL RESOURCES PROTECTION ACT
) FRESHWATER WETLAND ALTERATION
) WATER QUALITY CERTIFICATION
) FINDINGS OF FACT AND ORDER

Project Description: The applicant proposes to alter 1,500 square feet of forested wetlands that are considered wetlands of special significance because they are hydrologically connected to emergent wetlands associated with Capisic Pond through a series of downgradient wetland swales and conveyances. After reviewing the information in the file and conducting a site visit, the Department determined that the activity will not negatively affect the freshwater wetland of special significance or other protected natural resources; therefore the proposed project is eligible for Tier 1 review. The applicant proposes to construct gardening space to be used for raised bed gardening, beekeeping and fruit tree cultivation on a 14,416-square foot parcel located near his residence at 14 Colonial Court. The applicant proposes to fill an existing centrally-located wetland swale on the parcel and to reroute storm flows into a new swale to be created on the northeast side of the parcel as shown on a plan titled "Site Grading Plan," prepared by Carroll Associates, and dated January 9, 2013. The applicant has avoided and minimized wetland impacts to the greatest extent practicable with a plan to relocate the swale as depicted on the grading plan and by placing excavated wetland soils, with wetland seed mix added, into the new swale in an effort to approximate the lost wetland functions and values. According to the Department's Geographic Information System (GIS), there are no mapped significant wildlife habitats associated with the project site.

Permit for:	<input checked="" type="checkbox"/> Tier 1
DEP Decision:	<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied (see attached letter)
CORPS Action:	<input checked="" type="checkbox"/> The Corps has been notified of your application. The following are subject to Federal screening: (1) projects with previously authorized or unauthorized work, in combination with a Tier 1 permit for a single and complete project, which total more than 15,000 square feet of altered area; (2) projects with multiple state permits and/or state exemptions which apply to a single and complete project that total more than 15,000 square feet of altered area; and (3) projects that may impact a vernal pool, as determined by the State of Maine or the Corps. If your activity is listed above, <i>Corps approval is required for your project.</i> For information regarding the status of your application contact the Corps' Maine Project Office at 623-8367.

Standard Conditions:

- 1) If construction or operation of the activity is not begun within four (4) years from the date signed, this permit shall lapse and the applicant shall reapply to the Department for a new permit. This permit is transferable only with prior approval from the Department. If the activity is associated with a larger project, starting any aspect of that project constitutes start of construction.

WHAT TO EXPECT ONCE YOU FILE A TIMELY APPEAL WITH THE BOARD

The Board will formally acknowledge receipt of an appeal, including the name of the DEP project manager assigned to the specific appeal. The notice of appeal, any materials accepted by the Board Chair as supplementary evidence, and any materials submitted in response to the appeal will be sent to Board members with a recommendation from DEP staff. Persons filing appeals and interested persons are notified in advance of the date set for Board consideration of an appeal or request for public hearing. With or without holding a public hearing, the Board may affirm, amend, or reverse a Commissioner decision or remand the matter to the Commissioner for further proceedings. The Board will notify the appellant, a license holder, and interested persons of its decision.

II. JUDICIAL APPEALS

Maine law generally allows aggrieved persons to appeal final Commissioner or Board licensing decisions to Maine's Superior Court, see 38 M.R.S.A. § 346(1); 06-096 CMR 2; 5 M.R.S.A. § 11001; & M.R. Civ. P 80C. A party's appeal must be filed with the Superior Court within 30 days of receipt of notice of the Board's or the Commissioner's decision. For any other person, an appeal must be filed within 40 days of the date the decision was rendered. Failure to file a timely appeal will result in the Board's or the Commissioner's decision becoming final.

An appeal to court of a license decision regarding an expedited wind energy development, a general permit for an offshore wind energy demonstration project, or a general permit for a tidal energy demonstration project may only be taken directly to the Maine Supreme Judicial Court. See 38 M.R.S.A. § 346(4).

Maine's Administrative Procedure Act, DEP statutes governing a particular matter, and the Maine Rules of Civil Procedure must be consulted for the substantive and procedural details applicable to judicial appeals.

ADDITIONAL INFORMATION

If you have questions or need additional information on the appeal process, for administrative appeals contact the Board's Executive Analyst at (207) 287-2452 or for judicial appeals contact the court clerk's office in which your appeal will be filed.

Note: The DEP provides this INFORMATION SHEET for general guidance only; it is not intended for use as a legal reference. Maine law governs an appellant's rights.

Review Comments

1-22-13

1. Need copies of State and Federal permits.
2. Need written assessment of zoning from Marge.
3. Follow up with Bill Clark about waiving the survey requirement.
4. Summary of significant natural features? - none
5. Protections for significant natural features? Construction after April and October 1'st?
6. Consistency with Master Plan?
7. Existing utilities - water service needs to be shown on the plan. NIA
8. Stormwater management and EC plan.
9. Evidence of financial capacity?
10. Soil type and submission of a geotechnical report. NIA

Survey?

- Status of Fleetwood Street
- Area to be claimed?
- Survey not signed or sealed
- Construction entrance
- 1500 +/- cubic yards

2/12/13

- Survey needs to be signed & stamped
- Corner pins need to be identified
- Add construction entrance to plans

From: Jeff Tarling
To: Philip DiPierro
Date: 2/1/2013 8:32 AM
Subject: Fleetwood Street

Hi Phil -

The proposed landscape plan looks good for the proposed Fleetwood Street project.
In fact, it is better than most !

Jeff

February 1, 2013

TO: Philip DiPierro
Barbara Barhydt
FROM: David Margolis-Pineo
Dept. of Public Services
RE: Preliminary Review Comments: 192 Fleetwood St – Level One Site Alteration

The Department of Public Services has the following comments on this project.

1. The survey and engineering plans needed to be stamped.
2. The survey pins for Parcel "B" are required to be set and clearly visible prior to the placement on any fill material.
3. A construction entrance should be shown on the plans and constructed prior to the placement of fill.
4. The erosion control plan is acceptable however the applicant is requested to consider a 2'-3' high berm of stump grinding instead of silt fencing.
5. The plan indicates that a portion of Fleetwood St to be claimed. Note that the claiming of a portion of this street will require a real estate attorney guidance.
6. It is my understanding that a Permit by Rule has been submitted to the DEP for this project. Please supply assurance that the proposed work is allow by the DEP.

Thank you.

We have no further comments.

MEMORANDUM



TO: Philip DiPierro, Development Review Coordinator
FROM: David Senus, P.E.
DATE: January 30, 2013
RE: 192 Fleetwood Street, Level I Site Alteration Application

Woodard & Curran has reviewed the Level I Site Alteration Application for the landscaping improvements project located at 192 Fleetwood Street in Portland, Maine. The project consists of removal of trees and brush, site filling, and grading adjacent to an existing wetland, as well as stabilization of a proposed embankment and drainage swale. The Applicant is filing an NRPA Tier 1 Permit Application with the MaineDEP due to proximity to and filling of onsite wetland areas.

Documents Reviewed by Woodard & Curran

- Site Plan Application and attachments dated January 9, 2013, prepared by Carroll Associates, on behalf of Len Allen and Kyra Suwak.
- Drawings, Sheets L-1.0 through L-3.0, dated January 9, 2013, prepared by Carroll Associates, on behalf of Len Allen and Kyra Suwak.

Comments

- 1) The Erosion & Sediment Control Plan should include a detail and location for a stabilized construction entrance/exit where trucks will enter and exit the site from Colonial Court.

MEMORANDUM

To: FILE

From: Philip DiPierro

Subject: Application ID: 2013-014

Date: 1/23/2013

Comments Submitted by: Marge Schmuckal/Zoning on 1/23/2013

The use of the land is for gardening only which is not a regulated use in any of the Residential Zones. This property is in a R-3 Zone. There are no zoning issues relating to this fill proposal. There are no other structures on this property. There is no need for building permit(s) to installing a garden.



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 Alteration site plan.

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 square feet, or creation of other impervious surface areas between 1,000 and 7,500 square feet.
- 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;

The Land Use Code (including Article V), the Technical Manual, and the Design Manual are available on the City's web site at <http://www.portlandmaine.gov/planning/default.asp> or copies may be purchased at the Planning Division Office.

Planning Division
Fourth Floor, City Hall
389 Congress Street
(207) 874-8721 or (207) 874-8719

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

PROJECT NAME: Allen-Suwak Residence

PROPOSED DEVELOPMENT ADDRESS:

192 Fleetwood Street (14 Colonial Court-Locus Parcel B) Portland, ME

PROJECT DESCRIPTION:

Cutting/removal of trees and brush, site grading and filling, re-vegetation of disturbed areas,
and redefine freshwater wetland swale

CHART/BLOCK/LOT: Map 192/Block G/Lots 3, 4, & 5

CONTACT INFORMATION:	Applicant's Contact for electronic plans Name: e-mail: work #:
Applicant – must be owner, Lessee or Buyer Name: Lendell H. Allen Business Name, if applicable: Address: 14 Colonial Court City/State : Portland, ME Zip Code: 04102	Applicant Contact Information Work # Home# Cell # (207) 712-2914 Fax# e-mail:
Owner – (if different from Applicant) Name: (Same as Applicant) Address: City/State : Zip Code:	Owner Contact Information Work # Home# Cell # Fax# e-mail:
Agent/ Representative Name: Carroll Associates, Landscape Architects Address: 217 Commercial Street-Suite 200 City/State : Portland, ME Zip Code: 04101	Agent/Representative Contact information Work # (207) 772-1552 Cell # e-mail: pcarroll@carroll-assoc.com tcowles@carroll-assoc.com
Billing Information Name: Address: City/State : Zip Code:	Billing Information Work # Cell # Fax# e-mail:

Engineer		Engineer Contact Information	
Name:		Work #	
Address:		Cell #	Fax#
City/State :	Zip Code:	e-mail:	
Surveyor		Surveyor Contact Information	
Name:	James D. Nadeau, LLC Professional Land Surveyors	Work #	(207) 878-7870
Address:	918 Brighton Ave.	Cell #	Fax#
City/State :	Portland, ME	Zip Code:	04102
		e-mail:	

APPLICATION FEES:

Check all reviews that apply. Payment may be made by Check or Cash addressed to the City of Portland.

Level I Site Alteration Site Plan <input checked="" type="checkbox"/> Application Fee (\$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 is assessed separately.	Fees Paid (office use) —
Performance Guarantee: A performance guarantee is required to cover all public and private site improvements.	Required
Inspection Fee: An inspection fee of 2% of the performance guarantee is due prior to the release of permits	2% of the performance guarantee

Application Check List


Refer to the application checklist for a detailed list of submittal requirements.

All site plans and written application materials must be uploaded to a website for review. At the time of application, instructions for uploading the plans will be provided to the applicant. One paper set of the plans, written materials and application fee must be submitted to the Planning Division Office to start the review process.

Portland's development review process and requirements are outlined in the Land Use Code (Chapter 14), which includes the Subdivision Ordinance (Section 14-491) and the Site Plan Ordinance (Section 14-521).

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 Site Plan review only, a Performance Guarantee, Inspection Fee, Building Permit Application and associated fees will be required prior to construction.

Signature of Applicant: 	Date: 1/9/2013
--	-------------------

Please refer to Article V, Site Plan of the City of Portland Land Use Code for detailed information concerning the City's site plan review process, thresholds and standards. Should you have any questions regarding the submittal requirements or any other aspect of the site plan review process, please contact the Planning Division.

PROJECT DATA

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

Total Site Area	14,416 sq. ft.
Proposed Total Disturbed Area of the Site	12,750 sq. ft.
IMPERVIOUS SURFACE AREA	
• Proposed Total Paved Area	0 sq. ft.
• Existing Total Impervious Area	0 sq. ft.
• Proposed Total Impervious Area	0 sq. ft.
• Proposed Impervious Net Change	0 sq. ft.
PARKING SPACES	
• Existing Number of Parking Spaces	n/a
• Proposed Number of Parking Spaces	n/a
TOTAL Number of Parking Spaces	0

General Submittal Requirements – Level I Site Alteration

Applicant Checklist	Planner Checklist	Number of Paper Copies	Submittal Requirement
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	1	Completed application form.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	1	Application fees.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	1	Written description of project.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	1	Evidence of right, title and interest.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Copies of required state and/or federal permits.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	1	Written assessment of proposed project's compliance with applicable zoning requirements.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	1	Written description of existing and proposed easements or other burdens.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	1	Written requests for waivers from individual site plan and/or technical standards.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	1	Evidence of financial and technical capacity.

Site Plans and Boundary Survey Requirements – Level I Site Alteration

Applicant Checklist	Planner Checklist	Number of Copies	Submittal Requirement
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	1	Boundary Survey meeting the requirements of Section 13 of the City of Portland Technical Manual. <i>- Survey needs to be signed & stamped</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Site Plan Including the following:
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		▪ Existing structures with distance from property line (including location of proposed piers, docks or wharves if in Shoreland Zone)
<input type="checkbox"/> n/a	<input checked="" type="checkbox"/>		▪ Location and dimension of existing and proposed paved areas.
<input type="checkbox"/> n/a	<input checked="" type="checkbox"/>		▪ Location and details of proposed infrastructure improvements (e.g. - curb and sidewalk improvements, utility connections, roadway improvements).
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		▪ Identification of and proposed protection measures for any significant natural features on the site (including wetlands, ponds, watercourses, floodplains, significant wildlife habitats and fisheries or other important natural features listed in Section 14-526 (b)1. of the Land Use Code.
<input type="checkbox"/> n/a	<input checked="" type="checkbox"/>		▪ Details of proposed pier rehabilitation (Shoreland areas only). <i>N/A</i>
<input type="checkbox"/> n/a	<input checked="" type="checkbox"/>		▪ Existing utilities. <i>N/A</i>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		▪ Existing and proposed grading and contours.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		▪ Proposed stormwater management and erosion controls.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		▪ Total area and limits of proposed land disturbance. <i>12,750 SF</i>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		▪ Existing vegetation to be preserved and proposed site landscaping.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		▪ Existing and proposed easements or public or private rights of way.

Site Plan Standards for Review of Level I: Site Alteration

Level I: Site alteration plans shall only be subject to the following site plan standards, as applicable, as contained in section 14-526:

- (a) Transportation standards:
 - 1. Impact on surrounding street systems, Tom E ok
 - 2. Access and circulation, and - sidewalk - curbing? N/A ok
 - 4. Parking ok
- (b) Environmental quality standards
 - 1. Preservation of significant natural features,
 - 2. Landscaping and landscape preservation, and Jeff T. ok
 - 3. Water quality, stormwater management and erosion control. Add construction entrance
- (c) Public infrastructure and community safety standards.
 - 1. Consistency with city master plans. ok
- (d) Site design standards
 - 5. Historic resources, N/A ok
 - 6. Exterior lighting, None proposed ok
 - 8. Signage and wayfinding, and None proposed ok
 - 9. Zoning related design standards. None ok

Except as provided in article III, or to conditions imposed under section 14-526(e) only, or to those submission requirements set forth in section 14-527 as relate solely thereto.



PORTLAND FIRE DEPARTMENT SITE REVIEW FIRE DEPARTMENT CHECKLIST



A separate drawing[s] shall be provided to the Portland Fire Department for all site plan reviews.

- 1. Name, address, telephone number of applicant.
- 2. Name address, telephone number of architect
- 3. Proposed uses of any structures [NFPA and IBC classification]
- 4. Square footage of all structures [total and per story]
- 5. Elevation of all structures
- 6. Proposed fire protection of all structures
 - **As of September 16, 2010 all new construction of one and two family homes are required to be sprinkled in compliance with NFPA 13D. This is required by City Code. (NFPA 101 2009 ed.)**
- 7. Hydrant locations

CARROLL ASSOCIATES

217 COMMERCIAL STREET SUITE 200
PORTLAND, ME 04101
PHONE 207.772.1552 FAX 207.772.0712

LANDSCAPE ARCHITECTS

January 9, 2013

Ms. Barbara Barhydt
Planning Division
City of Portland Maine
Fourth Floor – City Hall
389 Congress Street
Portland, ME 04101

Dear Ms. Barhydt,

On behalf of Len Allen and Kyra Suwak, Carroll Associates is submitting a Level I Site Alteration Permit Application for landscape improvements to the property located at 192 Fleetwood Street (Locus Parcel B of 14 Colonial Court) in Portland Maine. In addition, we are simultaneously submitting a Permit Application with MDEP. Given the site's proximity to Capisic Pond, MDEP suggests the NRPA Tier 1 permit as the appropriate application for this project. These improvements would include removal of trees and brush, site filling and grading adjacent to an existing wetland, as well as stabilization of a proposed embankment and drainage swale.

Our clients purchased property surrounding their existing home in 2011, and wish to develop some space for raised bed gardening, outdoor recreation, etc. It is the intent of the Owner to perform selective pruning, thinning, and stump removal to bring more light through the canopy and onto the slope, and to maximize their outdoor living and gardening space on the property. Existing (invasive) plants will be grubbed and removed, and the swale will be re-vegetated with native wetland shrubs and grasses to help stabilize potentially erosive slopes. Proposed vegetation management is outlined on the attached Site Plan, and additional measures to stabilize the embankment may employ a combination of erosion control fabric and small hay bale barriers. Appropriate care will be taken to minimize disturbance and runoff using measures outlined in the erosion control details provided on the drawings.

Wetland delineation on site was performed by Mark Hampton Associates in October, 2012. All site improvements shall be performed as prescribed in the City of Portland Chapter 14/Land Use Ordinances. We anticipate that work will occur once the Application has been reviewed and approved by the City of Portland Planning Department and the MDEP.

Enclosed you will find a set of Site Plans outlining proposed work on the property, as well as photos of existing conditions. Please feel free to contact our office with any questions.

Regards,



Tony Cowles
Maine Licensed Landscape Architect
CARROLL ASSOCIATES
(207) 772-1552

CARROLL ASSOCIATES

217 COMMERCIAL STREET SUITE 200
PORTLAND, ME 04101
PHONE 207.772.1552 FAX 207.772.0712

LANDSCAPE ARCHITECTS

January 24, 2013

Philip DiPierro
Development Review Coordinator
City of Portland Planning Division
389 Congress Street
Portland, Maine

Dear Phil,

Enclosed is a CD containing all the electronic files associated with the Site Alteration Permit Application for landscape improvements to the property located at 192 Fleetwood Street (Locus Parcel B of 14 Colonial Court) in Portland, Maine. We are submitting this application on behalf of Len Allen and Kyra Suwak.

I have also included the Cover Letter we sent to Barbara Barhydt on January 9, 2013 that accompanied the application. Please don't hesitate to call if you have any questions.

Regards,



Tony Cowles
Maine Licensed Landscape Architect
CARROLL ASSOCIATES
(207) 772-1552

CITY OF PORTLAND
DEPARTMENT OF PLANNING & URBAN DEVELOPMENT
 389 Congress Street
 Portland, Maine 04101

INVOICE FOR FEES

Application No: 2013-014	Applicant: ALLEN LENDELL H & KYRA J S
Project Name: Allen-Suwak Residence	Location: 192 FLEETWOOD ST
CBL: 192 G003001	Development Type: Level I Site Alteration
Invoice Date: 01/15/2013	

Previous Balance	-	Payment Received	+	Current Fees	-	Current Payment	=	Total Due	Payment Due Date
\$0.00		\$0.00		\$200.00		\$200.00		\$0.00	On Receipt

Previous Balance	\$0.00
-------------------------	---------------

Fee Description	Qty	Fee/Deposit Charge		
Level I Site Alteration	1	\$200.00		
		\$200.00		
		Total Current Fees:	+	\$200.00
		Total Current Payments:	-	\$200.00
		Amount Due Now:		\$0.00

Bill to:

CBL 192 G003001
Application No: 2013014
Invoice Date: 01/15/2013
Invoice No: 39769
Total Amt Due: \$0.00
Payment Amount: \$200.00

PROPOSED SWALE TO
CONNECT WITH EXISTING
SWALE FLOWLINE

EXHIBIT B

14 COLONIAL COURT - LOCUS PARCEL B (LOOKING SOUTH EAST)

SUMMER 2012





EXHIBIT C

14 COLONIAL COURT-LOCUS PARCEL B (VIEW LOOKING NORTH)

APPROXIMATE
FLOWLINE OF
EXISTING SWALE

SUMMER 2012

APPROXIMATE LOCATION OF
WHERE PROPOSED SWALE
TIES INTO EXSTING FLOWLINE

EXHIBIT D

SUMMER 2012

14 COLONIAL COURT - LOCUS PARCEL B (VIEW LOOKING SOUTH)



APPROXIMATE TOP
OF PROPOSED SLOPE

PROPOSED SWALE
DESCENDS DOWN
SLOPE TO MEET UP W/
EXISTING FLOWLINE

HIGH POINT OF
SWALE

EXHIBIT A

14 COLONIAL COURT-LOCUS PARCEL B (VIEW LOOKING EAST)



APPLICATION FOR A NATURAL RESOURCES PROTECTION ACT PERMIT

→ PLEASE TYPE OR PRINT IN **BLACK INK ONLY**

1. Name of Applicant:		Lendell H. Allen		5. Name of Agent:		Carroll Associates							
2. Applicant's Mailing Address:		14 Colonial Court Portland, ME 04102		6. Agent's Mailing Address:		217 Commercial St. Portland, ME 04101							
3. Applicant's Daytime Phone #:		(207) 712-2914		7. Agent's Daytime Phone #:		(207) 772-1552							
4. Applicant's Email Address: Required from either applicant or agent:			8. Agent's E-mail Address:			pcarroll@carroll-assoc.com tcowles@carroll-assoc.com							
9. Location of Activity: (Nearest Road, Street, Rt.#)		192 Fleetwood St. (14 Colonial -Locus Parcel B)		10. Town:		Portland, ME							
				11. County:		Cumberland							
12. Type of Resource: (Check all that apply)		<input type="checkbox"/> River, stream or brook <input type="checkbox"/> Great Pond <input type="checkbox"/> Coastal Wetland <input checked="" type="checkbox"/> Freshwater Wetland <input type="checkbox"/> Wetland Special Significance <input type="checkbox"/> Significant Wildlife Habitat <input type="checkbox"/> Fragile Mountain		13. Name of Resource:		Capisic Pond							
				14. Amount of Impact: (Sq.Ft.)		Fill: 12,750 sq/ft Dredging/Veg Removal/Other: Filling, grading, planting							
15. Type of Wetland: (Check all that apply)		<input type="checkbox"/> Forested <input type="checkbox"/> Scrub Shrub <input type="checkbox"/> Emergent <input type="checkbox"/> Wet Meadow <input type="checkbox"/> Peatland <input type="checkbox"/> Open Water <input checked="" type="checkbox"/> Other <u>Swale</u>		FOR FRESHWATER WETLANDS <table border="0" style="width:100%; text-align:center;"> <tr> <td style="width:33%;"><i>Tier 1</i></td> <td style="width:33%;"><i>Tier 2</i></td> <td style="width:33%;"><i>Tier 3</i></td> </tr> <tr> <td> <input checked="" type="checkbox"/> 0 - 4,999 sq ft. <input type="checkbox"/> 5,000-9,999 sq ft <input type="checkbox"/> 10,000-14,999 sq ft </td> <td> <input type="checkbox"/> 15,000 – 43,560 sq. ft. </td> <td> <input type="checkbox"/> > 43,560 sq. ft. or smaller than 43,560 sq. ft., not eligible for Tier 1 </td> </tr> </table>				<i>Tier 1</i>	<i>Tier 2</i>	<i>Tier 3</i>	<input checked="" type="checkbox"/> 0 - 4,999 sq ft. <input type="checkbox"/> 5,000-9,999 sq ft <input type="checkbox"/> 10,000-14,999 sq ft	<input type="checkbox"/> 15,000 – 43,560 sq. ft.	<input type="checkbox"/> > 43,560 sq. ft. or smaller than 43,560 sq. ft., not eligible for Tier 1
<i>Tier 1</i>	<i>Tier 2</i>	<i>Tier 3</i>											
<input checked="" type="checkbox"/> 0 - 4,999 sq ft. <input type="checkbox"/> 5,000-9,999 sq ft <input type="checkbox"/> 10,000-14,999 sq ft	<input type="checkbox"/> 15,000 – 43,560 sq. ft.	<input type="checkbox"/> > 43,560 sq. ft. or smaller than 43,560 sq. ft., not eligible for Tier 1											
16. Brief Activity Description		Applicant proposes to redefine freshwater wetland swale , import fill to site, and perform grading to create level area for urban gardening											
17. Size of Lot or Parcel & UTM Locations:		<input checked="" type="checkbox"/> 14,416 square feet, or <input type="checkbox"/> 0.33 acres		UTM Northing: _____ UTM Easting: _____									
18. Title, Right or Interest:		<input checked="" type="checkbox"/> own <input type="checkbox"/> lease <input type="checkbox"/> purchase option <input type="checkbox"/> written agreement											
19. Deed Reference Numbers:		Book#: 28872 Page: 192		20. Map and Lot Numbers:		Map #: 192/F Lot #: 3,4, & 5							
21. DEP Staff Previously Contacted:		Bill Bullard		22. Part of a larger project:		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No							
23. Resubmission of Application?		<input type="checkbox"/> Yes → <input checked="" type="checkbox"/> No		If yes, previous application #		Previous project manager: see 8-21-12 MDEP Field Determination							
24. Written Notice of Violation?		<input type="checkbox"/> Yes → <input checked="" type="checkbox"/> No		If yes, name of DEP enforcement staff involved:		N/A							
25. Previous Wetland Alteration:		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No											
26. Detailed Directions to the Project Site:		From Brighton Avenue, SW on Colonial Rd., East on Colonial Ct.-Property located at end of Colonial Court on LEFT											
27. TIER 1		TIER 2/3 AND INDIVIDUAL PERMITS											
<input checked="" type="checkbox"/> Title, right or interest documentation <input checked="" type="checkbox"/> Topographic Map <input checked="" type="checkbox"/> Narrative Project Description <input checked="" type="checkbox"/> Plan or Drawing (8 1/2" x 11") <input checked="" type="checkbox"/> Photos of Area <input checked="" type="checkbox"/> Statement of Avoidance & Minimization <input checked="" type="checkbox"/> Statement/Copy of cover letter to MHPC		<input type="checkbox"/> Title, right or interest documentation <input type="checkbox"/> Topographic Map <input type="checkbox"/> Copy of Public Notice/Public Information Meeting Documentation <input type="checkbox"/> Wetlands Delineation Report (Attachment 1) that contains the information listed under Site Conditions <input type="checkbox"/> Alternatives Analysis (Attachment 2) including description of how wetland impacts were Avoided/Minimized		<input type="checkbox"/> Erosion Control/Construction Plan <input type="checkbox"/> Functional Assessment (Attachment 3), if required <input type="checkbox"/> Compensation Plan (Attachment 4), if required <input type="checkbox"/> Appendix A and others, if required <input type="checkbox"/> Statement/Copy of cover letter to MHPC <input type="checkbox"/> Description of Previously Mined Peatland, if required									
28. FEES Amount Enclosed:		\$35.00 (Check #1010)											
CERTIFICATIONS AND SIGNATURES LOCATED ON PAGE 2													

IMPORTANT: IF THE SIGNATURE BELOW IS NOT THE APPLICANT'S SIGNATURE, ATTACH LETTER OF AGENT AUTHORIZATION SIGNED BY THE APPLICANT.

By signing below the applicant (or authorized agent), certifies that he or she has read and understood the following :

DEP SIGNATORY REQUIREMENT

PRIVACY ACT STATEMENT

Authority: 33 USC 401, Section 10; 1413, Section 404. Principal Purpose: These laws require permits authorizing activities in or affecting navigable waters of the United States, the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters. Disclosure: Disclosure of requested information is voluntary. If information is not provided, however, the permit application cannot be processed nor a permit be issued.

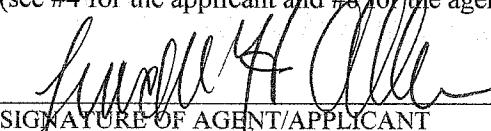
CORPS SIGNATORY REQUIREMENT

USC Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry shall be fined not more than \$10,000 or imprisoned not more than five years or both. I authorize the Corps to enter the property that is subject to this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein.

DEP SIGNATORY REQUIREMENT

"I certify under penalty of law that I have personally examined the information submitted in this document and all attachments thereto and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the information is true, accurate, and complete. I authorize the Department to enter the property that is the subject of this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Further, I hereby authorize the DEP to send me an electronically signed decision on the license I am applying for with this application by emailing the decision to the address located on the front page of this application (see #4 for the applicant and #8 for the agent)."


SIGNATURE OF AGENT/APPLICANT

Date: 1/9/2013

Signature of Agent 

Date: 1-9-13

NOTE: Any changes in activity plans must be submitted to the DEP and the Corps in writing and must be approved by both agencies prior to implementation. Failure to do so may result in enforcement action and/or the removal of the unapproved changes to the activity.

(yellow)

CARROLL ASSOCIATES

317 COMMERCIAL STREET SUITE 300
PORTLAND, ME 04101
PHONE 207.772.1552 FAX 207.772.0712

LANDSCAPE ARCHITECTS

January 9, 2013

Ms. Barbara Barhydt
Planning Division
City of Portland Maine
Fourth Floor – City Hall
389 Congress Street
Portland, ME 04101

Dear Ms. Barhydt,

On behalf of Len Allen and Kyra Suwak, Carroll Associates is submitting a Level I Site Alteration Permit Application for landscape improvements to the property located at 192 Fleetwood Street (Locus Parcel B of 14 Colonial Court) in Portland Maine. In addition, we are simultaneously submitting a Permit Application with MDEP. Given the site's proximity to Capisic Pond, MDEP suggests the NRPA Tier 1 permit as the appropriate application for this project. These improvements would include removal of trees and brush, site filling and grading adjacent to an existing wetland, as well as stabilization of a proposed embankment and drainage swale.

Our clients purchased property surrounding their existing home in 2011, and wish to develop some space for raised bed gardening, outdoor recreation, etc. It is the intent of the Owner to perform selective pruning, thinning, and stump removal to bring more light through the canopy and onto the slope, and to maximize their outdoor living and gardening space on the property. Existing (invasive) plants will be grubbed and removed, and the swale will be re-vegetated with native wetland shrubs and grasses to help stabilize potentially erosive slopes. Proposed vegetation management is outlined on the attached Site Plan, and additional measures to stabilize the embankment may employ a combination of erosion control fabric and small hay bale barriers. Appropriate care will be taken to minimize disturbance and runoff using measures outlined in the erosion control details provided on the drawings.

Wetland delineation on site was performed by Mark Hampton Associates in October, 2012. All site improvements shall be performed as prescribed in the City of Portland Chapter 14/Land Use Ordinances. We anticipate that work will occur once the Application has been reviewed and approved by the City of Portland Planning Department and the MDEP.

Enclosed you will find a set of Site Plans outlining proposed work on the property, as well as photos of existing conditions. Please feel free to contact our office with any questions.

Regards,



Tony Cowles
Maine Licensed Landscape Architect
CARROLL ASSOCIATES
(207) 772-1552



MARK HAMPTON ASSOCIATES, INC.

SOIL EVALUATION • WETLAND DELINEATIONS • SOIL SURVEYS • WETLAND PERMITTING

3338
October 17, 2012

Mr. Tony Cowles
Carroll Associates
217 Commercial Street
Suite 200
Portland, ME 04101

Re: Wetland Delineation Allen/Suwak Parcel, 14 Colonial Court Portland, Maine

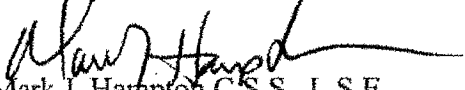
Dear Tony,

I completed yesterday, a delineation of wetlands on a 0.5+/- acre portion of parcels located at 14 Colonial Court Portland, Maine. The wetland delineation was completed in accordance with the 1987 U.S. Army Corps of Engineers Wetland Delineation Manual dated October 2009 and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual for the Northcentral and Northeast Regions dated January 2012. These manuals requires the presence of three parameters for a wetland to be present, wetland hydrology, hydrophytic vegetation, and hydric soils.

The wetlands I found on the parcel were flagged with yellow flagging. The flagging was labeled in an alphanumeric sequence. The wetland flags were located by GPS handheld equipment capable of locating a point to within three feet. The wetlands found onsite are forested and scrub/shrub wetlands. The wetlands found on the parcel are associated with in-fill development surrounding this parcel and the drainage moves across the parcel from the south to north. The wetlands on the parcel do not meet the definition of wetlands of special significance as defined by Maine Department of Environmental Protection.

If you have any questions or require additional information, please contact me.

Sincerely,


Mark J. Hampton C.S.S., L.S.E.
Certified Soil Scientist #216
Licensed Site Evaluator #263

P.O. BOX 1931 • PORTLAND, ME 04104-1931 • 207-756-2900 • mhampton@maine.rr.com

Quality services that meet your deadline

Len Allen

From: Len Allen
Sent: Tuesday, January 08, 2013 5:01 PM
To: Len Allen
Subject: Registry of Deeds

25 Pearl Street, Portland, Maine

192 Fleetwood Street

Book and Page 28872/192
Legal Description 192-G-3-4-5
FLEETWOOD ST
14462 SF

14 Colonial Court

Book and Page 16639/168
Legal Description 192-F-8
COLONIAL CT 14
FLEETWOOD ST
6617 SF

74 Colonial Road

Book and Page 28872/192
Legal Description 192-F-1 TO 3
COLONIAL RD 74-84
13196 SF

revitas

511 Congress Street
6th Floor
Portland, ME 04101



Lendell Allen
Distinguished Technologist

T: 207-228-2327
M: 207-712-2914

lallen@revitasinc.com

NOTICE: This e-mail, and any files transmitted with it, are private and confidential and are solely for the use of the intended recipient. It may contain material which is legally privileged. The views expressed in this message are those of the individual and not necessarily those of Revitas. You are responsible for checking any attachments for viruses and deleting any viruses found. If you are not the intended recipient, you are strictly prohibited from using the contents of this email in any manner. You should immediately reply to this message and inform the sender that the message was misdirected. Unless specifically authorized by Revitas, this email does not create a legally binding contract.

Return to:

Lendell H. Allen and Kyra J. Suwak
192 Fleetwood Street
Portland, ME 04102

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS: That I, **Sally P. Nappi**, surviving joint tenant, of 192 Fleetwood Street, Portland, ME 04102, for consideration paid, grant to **Lendell H. Allen and Kyra J. Suwak**, of 14 Colonial Court, Portland, ME 04102, as joint tenants with rights of survivorship, with WARRANTY COVENANTS:

SEE ATTACHED EXHIBIT A.

MEANING and INTENDING to describe and convey the same premises conveyed to the grantors herein by deed recorded at Book 24431, Page 300 in the Cumberland County Registry of Deeds. Frank J. Nappi died 10/8/2008.

Executed this 3rd day of August, 2011

Sally P. Nappi
Sally P. Nappi

State of ME
County of

8-3 2011

Then personally appeared before me the said Sally P. Nappi and acknowledged the foregoing to be his/her voluntary act and deed.

Jane L. Barriault
Notary Public/Justice of The Peace
Commission expiration:

Jane L. Barriault
Attorney-at-Law

MAINE REAL ESTATE TAX PAID

EXHIBIT A

74 and 192 Colonial Road

Certain lots or parcels of land, together with the buildings thereon, situated in Portland, County of Cumberland, and State of Maine, being lots numbered (F)-1-(320), (F)-2-(321), (F)-3-(322), (F)-5-(285), (F)-6-(284) and (F)-7-(283) as shown on the City of Portland Assessors Plan numbered 192.

192 Fleetwood Street

Certain lots or parcels of land, together with the buildings thereon, situated in Portland, County of Cumberland and State of Maine, being lots numbered (G)-3-(279), (G)-4-(280) and (G)-5-(281) as shown on the City of Portland Assessors Plan numbered 192.

Received
Recorded Register of Deeds
Aug 05, 2011 01:51:35P
Cumberland County
Pamela E. Lovley

0061227

BK16639PG168

WARRANTY DEED

Know All Men By These Presents That I, Constance M. Monte Calvo
of 14 Colonial Court, Portland,
County of Cumberland and State of Maine,
for consideration paid, grant to Lendell H. Allen and Kyra J. Suwak
of PO Box 44, Scarborough,
County of Cumberland and State of Maine

with **WARRANTY COVENANTS:**

A certain lot or parcel of land together with any buildings thereon situated in
Portland County of Cumberland
and State of Maine, more particularly described in Exhibit A attached hereto and
incorporated herein by reference.

In Witness Whereof, I have hereunto set my hand(s) this 15th day of
August, 2001.

[Signature]
Witness

[Signature]
Constance M. Monte Calvo

MAINE REAL ESTATE TAX PAID

State of Maine
County of Cumberland ss.

On this 15th day of August, 2001, personally appeared before me the
above named Constance M. Monte Calvo
and acknowledged the foregoing to be his/her/their free act and deed.

[Signature]
Notary Public, Attorney at Law
[Signature]

Return to: Lendell H. Allen

BK 16639 PG 169

File No: 01032624

Exhibit A - Deed

A certain lot or parcel of land together with the buildings thereon designated number fourteen Colonial Court, in the City of Portland, County of Cumberland and State of Maine; more fully described as follows:

Beginning in the most southerly corner of Lot #282 as delineated on the plan recorded in the Cumberland County Registry of Deeds, in Plan Book 11, Page 111, which point of beginning is the intersection of the northeasterly side of Colonial Court with the Northwesterly side of Fleetwood Street; thence northeasterly by said sideline of Fleetwood Street one hundred thirteen and eighty-five hundredths (113.85) feet to a point; thence northwesterly at the right angles to Fleetwood Street fifty-nine and seven tenths (59.7) feet to a point; thence southwesterly and parallel to Fleetwood Street one hundred seven and eight tenths (107.8) feet to said sideline of Colonial Court; thence southeasterly by sideline of Colonial Court sixty (60) feet to the point of beginning. The premises herein conveyed are a portion of lots numbered 282 and 283 as shown on said plan.

RECEIVED
RECORDED REGISTRY OF DEEDS

2001 AUG 16 AM 10:44

CUMBERLAND COUNTY

John B. C. Brin

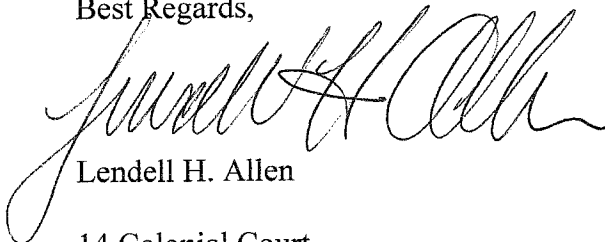
Planning Division
City of Portland
389 Congress Street
Portland, ME 04101

January 9th, 2013

Dear Planning Division Representative,

This letter is to communicate my financial ability to complete the project described in this application. With an anticipated construction cost between \$10K and 15K, I've reserved \$15K in cash and have additional monies in liquid assets (\$59K) for any cost overruns. I can provide financial documents upon your request.

Best Regards,



Lendell H. Allen

14 Colonial Court
Portland, ME 04102
207-712-2914
lallen@revitasinc.com



Project Memo: 192 Fleetwood Street

To: Phil DiPierro
Development Review Coordinator, City of Portland
From: Tony Cowles
Cc: Pat Carroll
Date: February 20, 2013

RE: 192 Fleetwood Street – Review Comments

Phil,

In response to your 2-12-13 comments, we offer the following information with regard to your requested modifications:

Re: Public Services

-The survey needs to be signed and stamped by a licensed surveyor

CA: See enclosed copy from Surveyor

-The survey pins for parcel "B" are required to be set and clearly visible prior to the placement of fill.

CA: See Notation on Sheet L-2.0 (enclosed)

-A construction entrance should be shown on the plans and constructed prior to the placement of fill.

CA: See Detail 4/Sheet L-2.0 (enclosed)

-The erosion control plan is acceptable however the applicant is requested to consider a 2' to 3' high berm of stump grindings instead of silt fence.

CA: See Notation on Detail 1/Sheet L-2.0 (enclosed)

-Submit an approved NRPA Tier 1 permit.

CA: Approved NRPA Tier 1 Permit from MDEP will be transmitted electronically once received

As always, please don't hesitate to contact our office if you have any questions or concerns.

Best Regards,

A handwritten signature in black ink, appearing to read 'Tony Cowles', with a long horizontal flourish extending to the right.

Tony Cowles
Maine Licensed Landscape Architect

Tony Cowles

From: Philip DiPierro <PD@portlandmaine.gov>
Sent: Tuesday, February 12, 2013 3:46 PM
To: tcowles@carroll-assoc.com
Subject: 192 Fleetwood Street - Review Comments

Hi Tony, following are the review comments for the Level I site Alteration Application at 192 Fleetwood Street.

Public Services

- The survey needs to be signed and stamped by a licensed surveyor.
- The survey pins for parcel "B" are required to be set an clearly visible prior to the placement of fill.
- A construction entrance should be shown on the plans and constructed prior to the placement of fill.
- The erosion control plan is acceptable however the applicant is requested to consider a 2' to 3' high berm of stump grindings instead of silt fence.
- Submit an approved NRPA Tier 1 permit.

Please contact me with any questions. Thanks.

Phil

Philip DiPierro
Development Review Coordinator
City of Portland Planning Division
389 Congress Street
Portland, Maine 04101

Phone 207 874-8632

Fax 207 756-8258

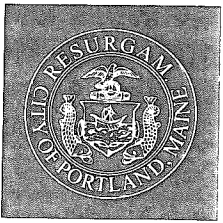
Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

No virus found in this message.

Checked by AVG -

Version: 2013.0.2897 / Virus Database: 2639/6074 - Release Date: 02/01/13

Internal Virus Database is out of date.



Strengthening a Remarkable City, Building a Community for Life

www.portlandmaine.gov

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

Planning Division
Alexander Jaegerman, Director

March 19, 2010

James Wolf
Diversified Properties, Inc.
P.O. Box 10127
Portland, Maine 04104

RE: Single Family Home, 74 Colonial Road, CBL #192 F 1-3

Dear Mr. Wolf:

I am writing in response to your recent inquiry about the development potential of a vacant land parcel located at 74 Colonial Road. You indicated to me that you wish to build a single family home at that location. In order for me to evaluate your proposed development, you will need to submit a single family building permit application and pay the appropriate fee.

Your application will need to address all the individual site plan standards as they apply to your project. The standards can be found in Chapter 14, Section 14-526 (Standards) of the City's Land Use Ordinance. You should pay particular attention to, and address in writing, standards 1, 5, 8, 11, 16, 17, 18, 19, 20, and 21. In addition your final site plan will need to contain the elements listed in Section 14-525 (Final Site Plan) as they relate to your project.

As you are aware, and based on several conversations we have had about this property, the site appears to be very challenging to develop. Be advised that your design must consider environmental impacts due to the property's proximity to wetlands, the Capisic Brook watershed, and it's location within an urban impaired watershed.

I look forward to reviewing your completed application, and, as always, feel free to contact me with any questions.

Sincerely,

Philip DiPierro,
Development Review Coordinator

Electronic cc: Penny St. Louis Littell, Director of Planning and Urban Development
Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Services Manager
David Margolis-Pineo, Deputy Engineer
Danielle West-Chuhta, Associate Corporation Counsel

March 19, 2010

James Wolf
Diversified Properties, Inc.
P.O. Box 10127
Portland, Maine 04104

RE: Single Family Home, 74 Colonial Road, CBL #192 F 1-3

Dear Mr. Wolf:

I am writing in response to your recent inquiry about the development potential of a vacant land parcel located at 74 Colonial Road. You indicated to me that you wish to build a single family home at that location. In order for me to evaluate your proposed development, you will need to submit a single family building permit application and pay the appropriate fee.

Your application will need to address all the individual site plan standards as they apply to your project. The standards can be found in Chapter 14, Section 14-526 (Standards) of the City's Land Use Ordinance. You should pay particular attention to, and address in writing, standards 1, 5, 8, 11, 16, 17, 18, 19, 20, and 21. In addition your final site plan will need to contain the elements listed in Section 14-525 (Final Site Plan) as they relate to your project.

As you are aware, and based on several ^{and it is within an urban impaired watershed.} conversations we have had about this property, the site appears to be very challenging to develop. Be advised that your design must consider environmental impacts due to the property's proximity to wetlands, and the Capisic Brook watershed.

I look forward to reviewing your completed application, and, as always, feel free to contact me with any questions.

Sincerely,

Philip DiPierro,
Development Review Coordinator

Electronic cc: Penny St. Louis Littell, Director of Planning and Urban Development
Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Services Manager
David Margolis-Pineo, Deputy Engineer
Danielle West-Chuhta, Associate Corporation Counsel

COLONIAL RD Road

Wire Fence

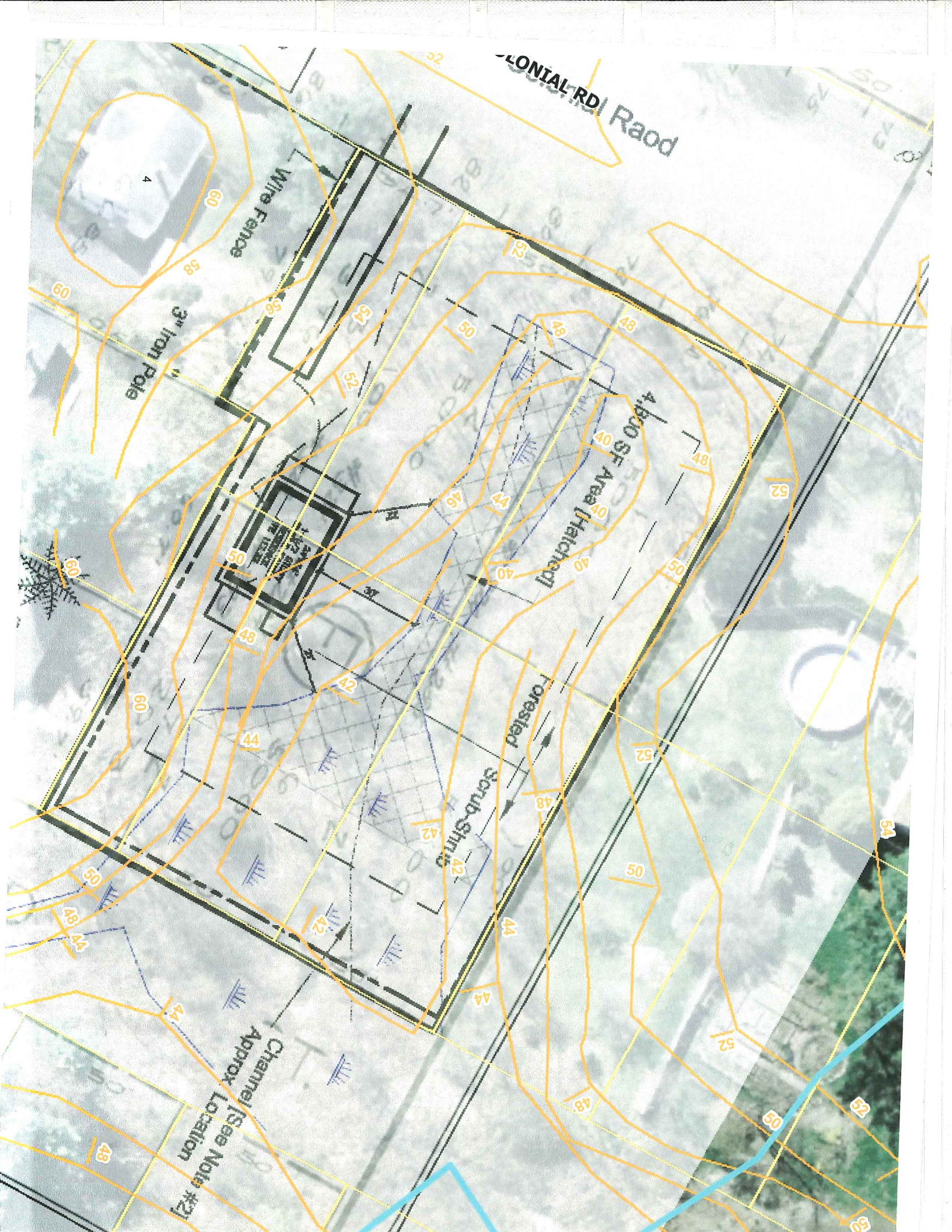
3" Iron Pole

4,800 SF Area Hatchcock

Forested

Scrub Shrub

Channel [See Note #2]
Approx. Location





Philip DiPierro - Re: Fwd: Colonial Road

From: Doug Roncarati
To: Philip DiPierro
Date: 3/9/2010 9:39 AM
Subject: Re: Fwd: Colonial Road
CC: David Margolis-Pineo
Attachments: Rev_74_Colonial_Draft-site_contours3-4-10.pdf

Hi Phil,

I've attached a PDF showing the revised location of the house in relation to the wetlands and drainage course. Mr. Wolf is really trying to shoehorn the house onto this site. Site prep and construction alone would impact a 25' buffer around the wetland. In order to maintain a minimal 25' vegetated, undisturbed buffer around the wetland, there could be no yard on that side of the proposed house. And even if a buffer easement were included in the deed and on the site plan after a house was built, encroachment is inevitable and the City does not have the resources to monitor and enforce such a buffer in perpetuity. Assuming that the contours are somewhat accurate, he will have 16-19% grades to the edge of the wetland, which means he will probably bring in at least some fill to level the site.

For all intents & purposes, this is not a buildable site. By allowing houses to be constructed on such sites the City assumes responsibility for expensive environmental impacts and opens itself up to flooding and maintenance liability, all of which it cannot afford.

David Margolis-Pineo agrees with this assessment.

Doug

>>> Philip DiPierro 3/5/2010 10:14 AM >>>

Doug, no filling of the wetlands is proposed. After you get a chance to review the plan, let me know what you think.

Thanks.

Phil

>>> Doug Roncarati 3/5/2010 10:02 AM >>>

No Phil,

I was away attending a funeral. I probably won't get to it until Monday. However, despite DEP's designation of the wetlands or drainage channel/stream, I am firmly opposed to allowing any filling of wetlands associated with a drainage channel that flows a short distance to an urban impaired stream or alteration/encroachment on the drainage channel itself. Particularly since the pond is very much in the public eye right now and I am in the middle of a very lively watershed planning effort that is being watched closely by the City Manager and several Council members. If DEP is not going to help us meet our state & federal mandate, we will have to find a way. I'll be able to give you more guidance once I look at the site plan and superimpose it on the aerial phot.

Doug

Douglas A. Roncarati, Jr.
Stormwater Program Coordinator

City of Portland
Department of Public Services, Engineering
(207) 874-8848

>>> Philip DiPierro 3/5/2010 9:48 AM >>>

Hi guys, I just received written confirmation from the DEP that the site contains wetlands only and qualifies for filling up to 4,300 SF without the need for DEP permits. The channel on the site does not meet the definition of a river, stream, or brook.

Have you had a chance to review the most recent sketch plan submission?

Thanks.

Phil

>>> David Margolis-Pineo (David Margolis-Pineo) 3/4/2010 2:43 PM >>>

Doug,

Can we talk about this? Thanks

>>> Philip DiPierro 3/4/2010 8:45 AM >>>

Dave & Doug, can you guys take a look at this and give me some feedback.

John Maclaine at the DEP recently visited the site and, according to Jim Wolf, determined that no stream exists, only wetlands exist. According to Jim Wolf, John will be sending a determination to me.

It sounds like Jim Wolf would prefer to move the house closer to the road to avoid disturbing more of the site. I have also attached Doug's overlay of the grading contours as added info.

Let me know what you think. Thanks.

phil

>>> "Jim Wolf" <jmw1@maine.rr.com> 3/2/2010 3:11 PM >>>

Phil

Attached is the latest draft. We can shorten up the house and add a couple of feet. G-P and I would like to discuss moving the house forward to eliminate the disturbance of the property getting back to the building window. G-P feels that making the do not disturb area smaller will in no way affect the capisic watershed.

Jim

James M. Wolf
Diversified Properties, Inc.
Post Office Box 10127
Portland, Maine 04104
1-207-773-4988
1-207-773-6875 fax

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Philip DiPierro - RE: FW: Shoreland zoning definition - Colonial Road

From: "Jim Wolf" <jmw1@maine.rr.com>
To: "Philip DiPierro" <PD@portlandmaine.gov>
Date: 1/22/2010 12:04 PM
Subject: RE: FW: Shoreland zoning definition - Colonial Road
CC: "Barhydt, Barbara" <BAB@portlandmaine.gov>, "Margolis-Pineo, David" <DMP@portlandmaine.gov>, "Roncarati, Doug" <DAR@portlandmaine.gov>

Is there anyone who we can speak with? We did find a building area but it would require an 80 foot drive and the building area. In discussions with my engineer it would appear to make sense to lower the setback from the wetland versus increasing the amount of impervious surface caused by the long drive.

James M. Wolf
Diversified Properties, Inc.
Post Office Box 10127
Portland, Maine 04104
1-207-773-4988
1-207-773-6875 fax

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From: Philip DiPierro [mailto:PD@portlandmaine.gov]
Sent: Friday, January 22, 2010 11:21 AM
To: Wolf, Jim
Cc: Barhydt, Barbara; Margolis-Pineo, David; Roncarati, Doug
Subject: RE: FW: Shoreland zoning definition - Colonial Road

Hi Jim, given the lots proximity to Capisic Pond, and the environmental issues associated with the pond and the watershed, it's unlikely the City can afford to be flexible with regard to setbacks.

Philip DiPierro
Development Review Coordinator
City of Portland Planning Division
389 Congress Street
Portland, Maine 04101

Phone 207 874-8632
Fax 207 756-8258

>>> "Jim Wolf" <jmw1@maine.rr.com> 1/21/2010 4:36 PM >>>
Hi Phil

Thank you for the email. We have scaled off an additional 30 feet from the wetland as being undisturbed and find that for all practical purposes the lot becomes not buildable. I realize this is a sensitive part of town politically, however, is there any flexibility with the setback distance. We would be more than happy to provide substantial

erosion control during construction and until vegetation is reestablished. Thank you.

Jim

James M. Wolf
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Post Office Box 10127
Portland, Maine 04104
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1-207-773-6875 fax

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From: Philip DiPierro [mailto:PD@portlandmaine.gov]
Sent: Thursday, January 14, 2010 2:29 PM
To: jmw1@maine.rr.com
Cc: Barbara Barhydt; Doug Roncarati; David Margolis-Pineo
Subject: RE: FW: Shoreland zoning definition - Colonial Road

Hi Jim, as discussed earlier, we would be looking at this site assuming the "worst case scenario." Since an accurate stream determination can't be made due to the time of year, a 75-100 foot setback from the possible stream would be required. Your site plan would have to be developed with this in mind.

If, when conditions permit, it is determined that we are dealing with wetlands and not a stream, a minimum 25 foot undisturbed setback from the wetlands will be required. Again, your site plan would have to be developed with this in mind. Please keep in mind that in addition to the 25 foot undisturbed buffer, an allowance must be made for disturbance around the foundation due to normal excavation activities and other work associated with the construction of the structure. The buffer limits and foundation would also have to be located and flagged by a licensed surveyor.

Your site plan may have to be customized to fit the site, including but not limited to relocating the structure further from the sensitive areas, rotating the structure to increase the setback, changing the style of your house to increase the setback, etc.

Please contact me with any questions.

Philip DiPierro
Development Review Coordinator
City of Portland Planning Division
389 Congress Street
Portland, Maine 04101

Phone 207 874-8632
Fax 207 756-8258

>>> "Jim Wolf" <jmw1@maine.rr.com> 1/11/2010 9:46:28 AM >>>
I believe what John is saying is he does not determine whether a stream is perennial or intermittent. The USDA map appears to control and this area is not on the map. Therefore, if a stream, which is highly unlikely as Sweet



DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF LAND AND WATER QUALITY

3/2/2010

CONTACT ID 8287

FIELD DETERMINATION FORM

CONTACT

JIM WOLF
PO BOX 10127

PORTLAND ME 04104
2077734988

PROPERTY OWNER

WOLF, JIM
PO BOX 10127

PORTLAND ME 04104

STAFF MACLAINE, JOHN

RESOURCE RSB

DIRECTIONS

74 Colonial Road, Portland



MAR - 5 2010

City of Portland

RECEIVED

MAR - 5 2010

City of Portland
Planning Division

SITE TOWN PORTLAND

MAP LOT

MEMO

Updated March 3, 2010

On December 22, 2009, I met with Jim Wolf to determine if the currently undeveloped lot at 74 Colonial Road in Portland contains a stream. A drainage begins on the property adjacent to Colonial Road from a culvert draining water under Colonial Road. Measured from the culvert outlet, a freshwater wetland drainage is present for 77 feet before the water concentrates into a more defined channel. At the time of the inspection, a determination on whether the drainage turns into a stream could not be completed due to weather conditions.

On March 1, 2009 I inspected the site again and determined that the drainage upstream does not meet the definition of a River, Stream, or Brook as defined by the Natural Resources Protection Act. Permits are not required by the Department for activities adjacent to this wetland.

Wetlands on this property qualify for the exemption allowing the one time alteration of up to 4,300 square feet of wetland without a permit from the Department. Alteration in excess of 4,300 square feet will require a NRPA tier permit from the Department.

Erosion control devices must be installed and maintained on the project site during any soil disturbance activity.

NAME:

RECEIVED

12/15/2009

SITE VISIT

12/22/2009

COMPLETED

3/1/2010

Philip DiPierro - Colonial Road

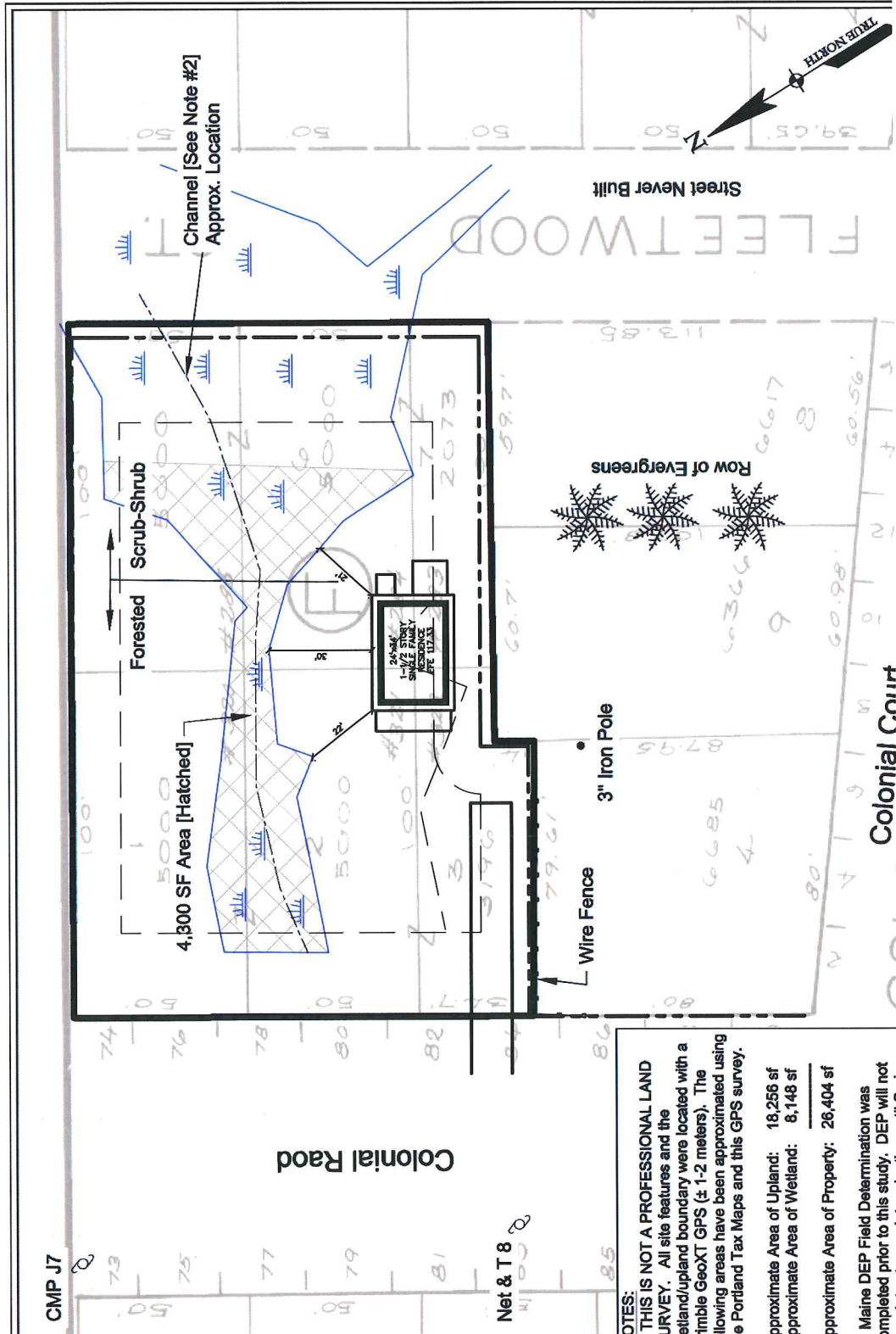
From: "Jim Wolf" <jmw1@maine.rr.com>
To: "Philip DiPierro" <PD@portlandmaine.gov>
Date: 3/2/2010 3:08 PM
Subject: Colonial Road
Attachments: 2346-concept.pdf

Phil

Attached is the latest draft. We can shorten up the house and add a couple of feet. G-P and I would like to discuss moving the house forward to eliminate the disturbance of the property getting back to the building window. G-P feels that making the do not disturb area smaller will in no way affect the capisic watershed.
Jim

James M. Wolf
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CMP J7

Net & T 8

NOTES:
 THIS IS NOT A PROFESSIONAL LAND SURVEY. All site features and the wetland/upland boundary were located with a Trimble GeoXT GPS (± 1-2 meters). The following areas have been approximated using the Portland Tax Maps and this GPS survey.
 Approximate Area of Upland: 18,256 sf
 Approximate Area of Wetland: 8,148 sf
 Approximate Area of Property: 26,404 sf
 Maine DEP Field Determination was completed prior to this study. DEP will not

Associates has determined it is not, the most it could be is intermittent which calls for a 25 foot setback.

Jim

James M. Wolf
Diversified Properties, Inc.
Post Office Box 10127
Portland, Maine 04104
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From: Philip DiPierro [mailto:PD@portlandmaine.gov]
Sent: Friday, January 08, 2010 4:38 PM
To: jmw1@maine.rr.com
Subject: Re: FW: Shoreland zoning definition

Are you saying John is going to revise his field determination to say that the site does not contain a river, stream or brook?

Phil

>>> "Jim Wolf" <jmw1@maine.rr.com> 1/8/2010 2:05:59 PM >>>
Phil

This is what I received from John. John looked at his map and the area is not depicted as a stream. Does this information confirm we are not dealing with a perennial stream? Thank you.

James M. Wolf
Diversified Properties, Inc.
Post Office Box 10127
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From: Maclaine, John [mailto:John.Maclaine@maine.gov]
Sent: Friday, January 08, 2010 1:59 PM
To: Jim Wolf
Subject: Shoreland zoning definition

Jim,

According to the Guidelines for municipal shoreland zoning ordinances, a stream is defined as, a free-

flowing body of water from the outlet of a great pond or the confluence of two(2) perennial streams as depicted on the most recent edition of a United States Geological Survey 7.5 minute series topographic map, or if not available, a 15-minute topographic map, to the point where the body of water becomes a river or flows to another waterbody or wetland within the Shoreland Zone.□

In looking at the Portland ordinance definition, it appears that □*within the Shoreland Zone*□ is not included.

The DEP does not have a definition of a □perennial stream□; DEP only considers if it meets the definition of a □river, stream or brook□.

John Maclaine

Field Services and Enforcement

Department of Environmental Protection

Bureau of Land and Water Quality

Division of Land Resource Regulation

Philip DiPierro - RE: FW: Shoreland zoning definition - Colonial Road

From: Philip DiPierro
To: Wolf, Jim
Date: 1/14/2010 2:29 PM
Subject: RE: FW: Shoreland zoning definition - Colonial Road
CC: Barhydt, Barbara; Margolis-Pineo, David; Roncarati, Doug

Hi Jim, as discussed earlier, we would be looking at this site assuming the "worst case scenario." Since an accurate stream determination can't be made due to the time of year, a 75-100 foot setback from the possible stream would be required. Your site plan would have to be developed with this in mind.

If, when conditions permit, it is determined that we are dealing with wetlands and not a stream, a minimum 25 foot undisturbed setback from the wetlands will be required. Again, your site plan would have to be developed with this in mind. Please keep in mind that in addition to the 25 foot undisturbed buffer, an allowance must be made for disturbance around the foundation due to normal excavation activities and other work associated with the construction of the structure. The buffer limits and foundation would also have to be located and flagged by a licensed surveyor.

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Please contact me with any questions.

Philip DiPierro
Development Review Coordinator
City of Portland Planning Division
389 Congress Street
Portland, Maine 04101

Phone 207 874-8632
Fax 207 756-8258

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Jim

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In looking at the Portland ordinance definition, it appears that within the Shoreland Zone is not included.

The DEP does not have a definition of a perennial stream ; DEP only considers if it meets the definition of a river, stream or brook .

John Maclaine
Field Services and Enforcement

Department of Environmental Protection
Bureau of Land and Water Quality
Division of Land Resource Regulation



DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF LAND AND WATER QUALITY

12/31/2009

FIELD DETERMINATION FORM

CONTACT ID 8287

CONTACT

JIM WOLF
PO BOX 10127

PORTLAND ME 04104
2077734988

PROPERTY OWNER

WOLF, JIM
PO BOX 10127

PORTLAND ME 04104

STAFF MACLAINE, JOHN

RESOURCE RSB

MEMO

On December 22, 2009, I met with Jim Wolf to determine if the currently undeveloped lot at 74 Colonial Road in Portland contains a stream. A drainage begins on the property adjacent to Colonial Road from a culvert draining water under Colonial Road. Measured from the culvert outlet, a freshwater wetland drainage is present for 77 feet before the water concentrates into a more defined channel. At the time of the inspection, a determination on whether the drainage turns into a stream could not be completed due to weather conditions. This area outside 77 feet from the culvert could potentially be a River, Stream, or Brook as defined by the Natural Resources Protection Act. It is recommended that an additional field determination by Department staff be requested in the spring to officially determine if a stream is formed by the wetland drainage swale.

The Department recommends that if the property is to be developed before an additional determination can be made, the owner should assume that the drainage be treated as a jurisdictional stream 77 feet from the culvert outlet.

The Department has jurisdiction over regulated activities in, on, over, or within 75 feet of the streams. Regulated activities between 25 and 75 feet from the stream will require a Natural Resources Protection Act (NRPA) Permit By Rule (PBR). If there is a suitable location for the activity outside of 75 feet from a stream, that location should be used to avoid impact on the buffer. However, if the impact cannot be avoided, the extent to which the project includes activity within the 75 foot buffer must be minimized and not extend within 25 feet of the resource under PBR. Most activities within 25 feet of streams will require an individual NRPA permit from the Department.

Portions of wetlands on this property that are located greater than 25 feet from the assumed stream qualify for the exemption allowing the one time alteration of up to 4,300 square feet of wetland without a permit from the Department. Alteration in excess of 4,300 square feet will require a NRPA tier permit from the Department. If the fill is located within 75 feet of the assumed stream, a Permit By Rule may still be required for fill or soil disturbance within the 75 foot setback.

Erosion control devices must be installed and maintained on the project site during any soil disturbance activity.

NAME:

DIRECTIONS

74 Colonial Road, Portland

RECEIVED

JAN 6 2010

City of Portland
Planning Division

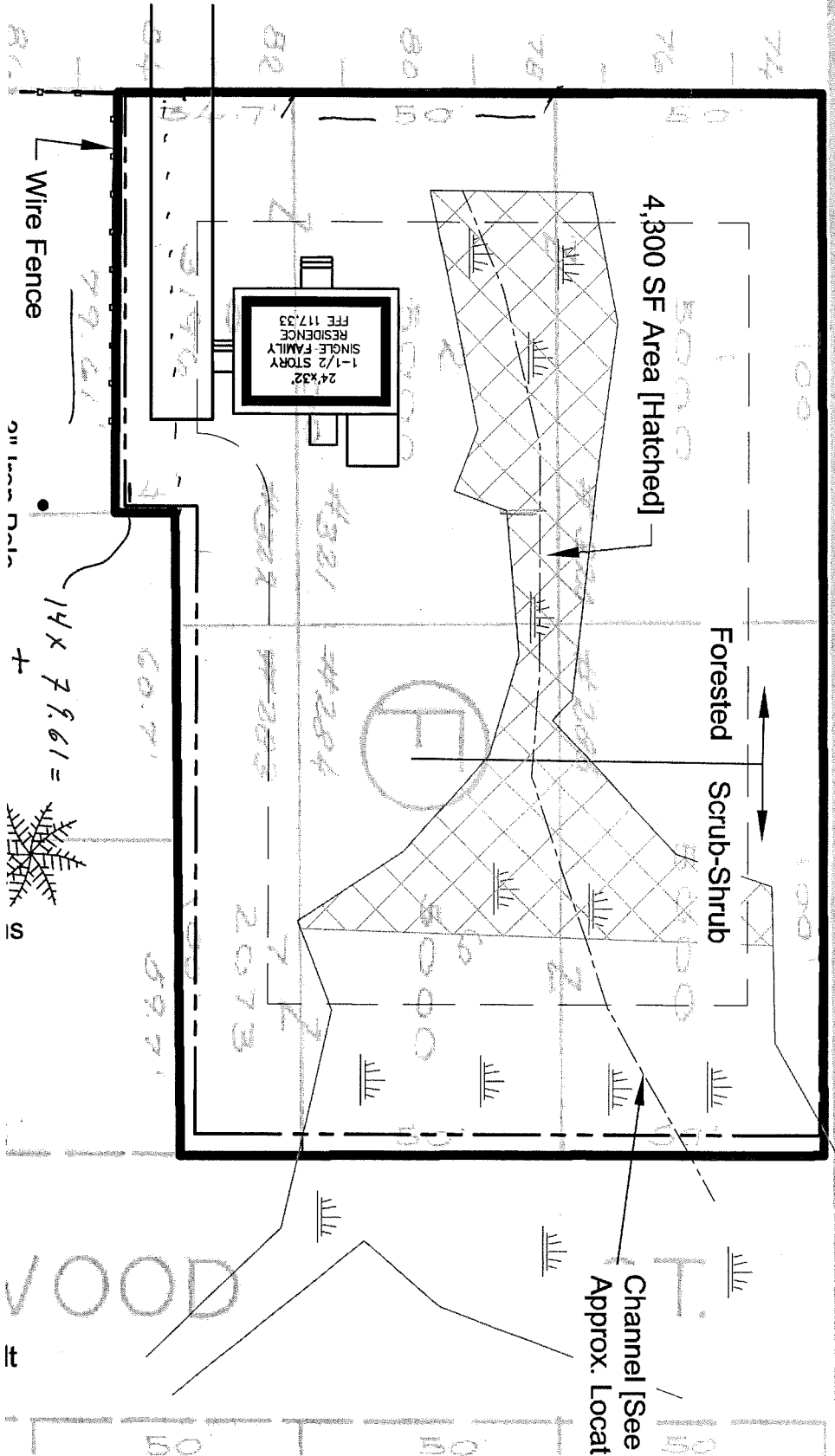
SITE TOWN PORTLAND

RECEIVED 12/15/2009

SITE VISIT 12/22/2009

COMPLETED 12/31/2009

Colonial Road



Show contours fill areas

Do we consider wetlands part of available S.F. for building

ZONING S.F.?

*12,070 SF
1114
Total 13,184 SF = 8816 SF minus wetlands*

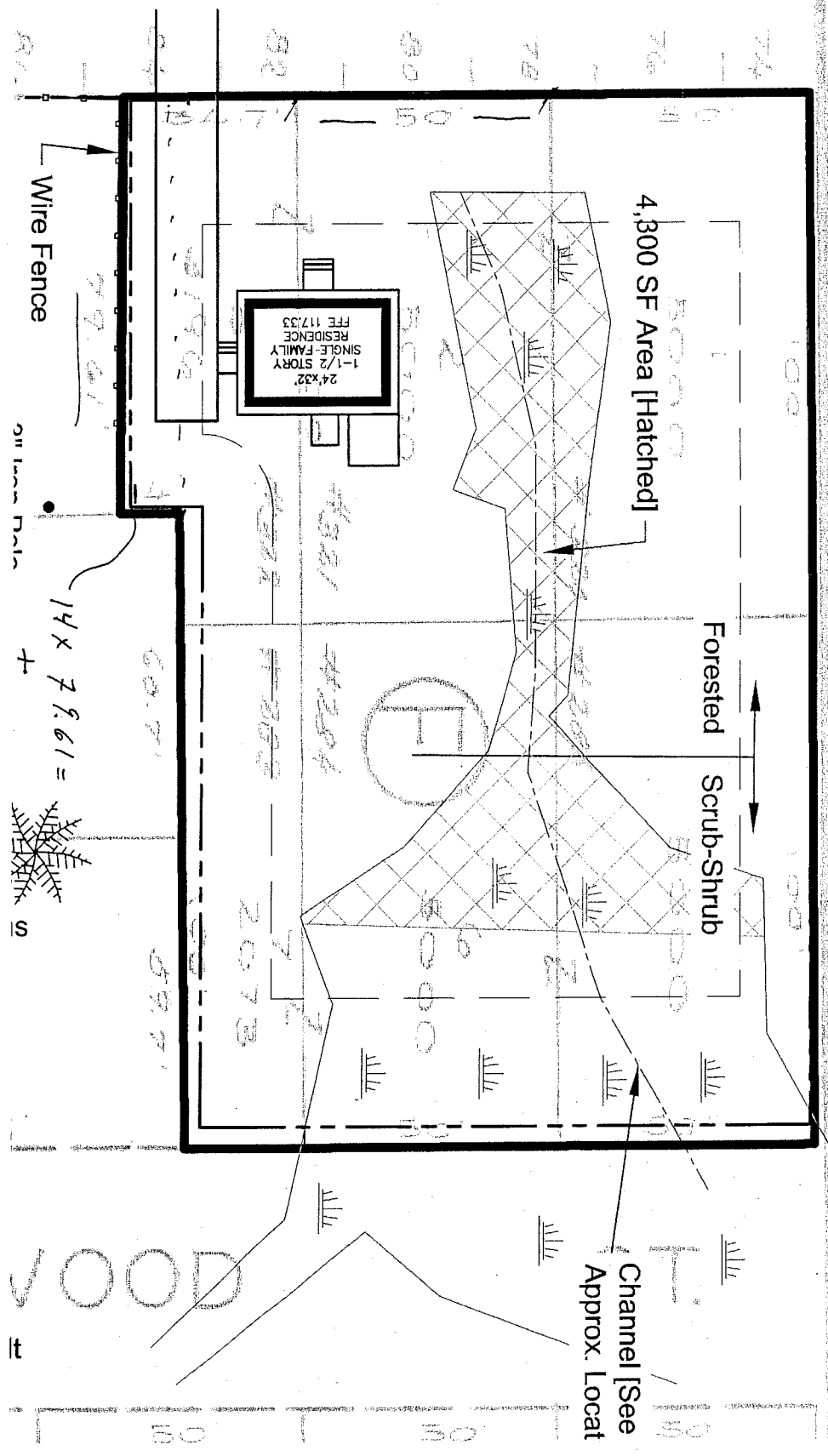


MS-4
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 File check

Show contours
 fill areas
 Director people

Do we consider wetlands 517 45
 PART OF AVAILABLE S.F FOR BUILDING

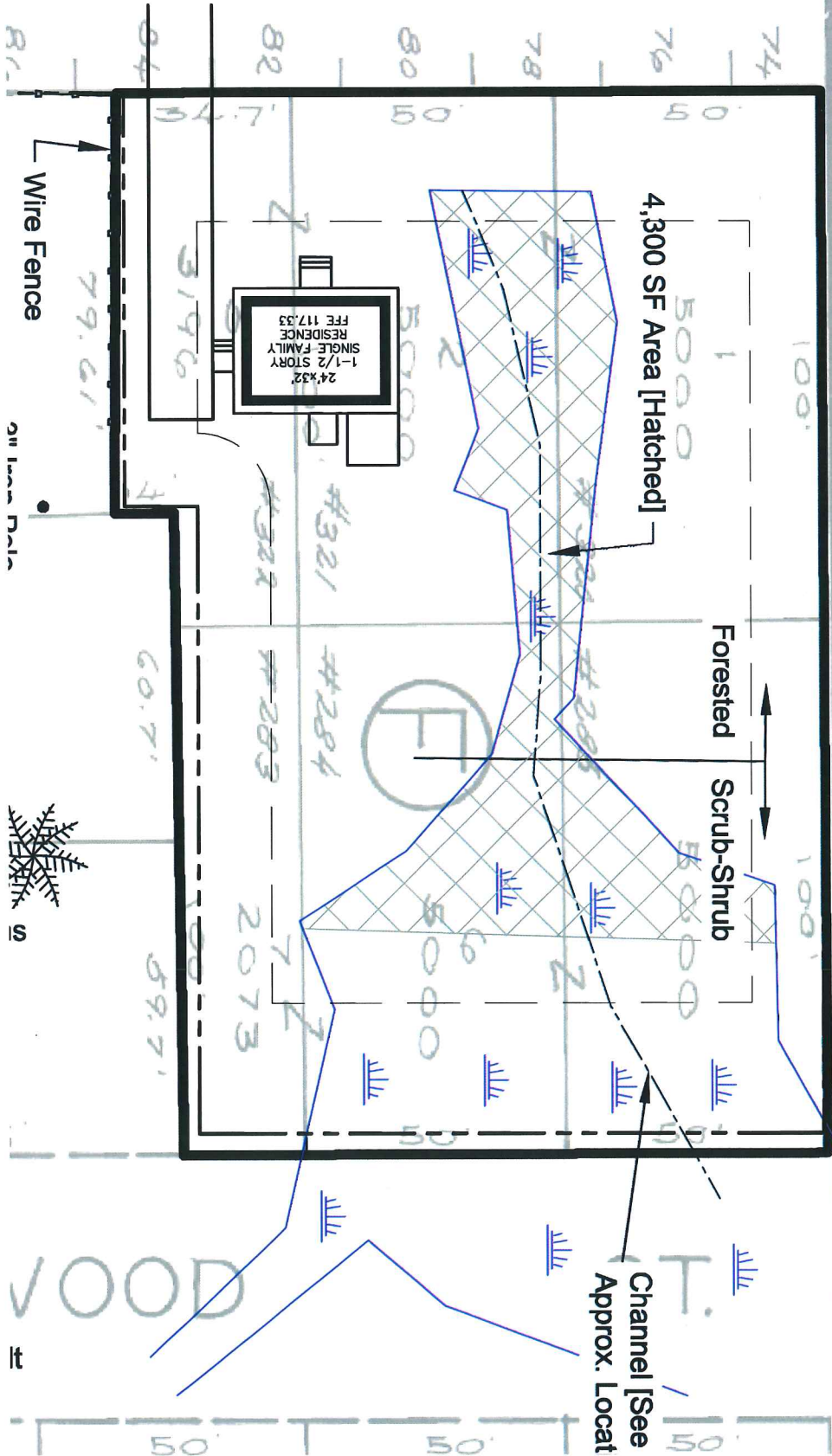
Colonial Road



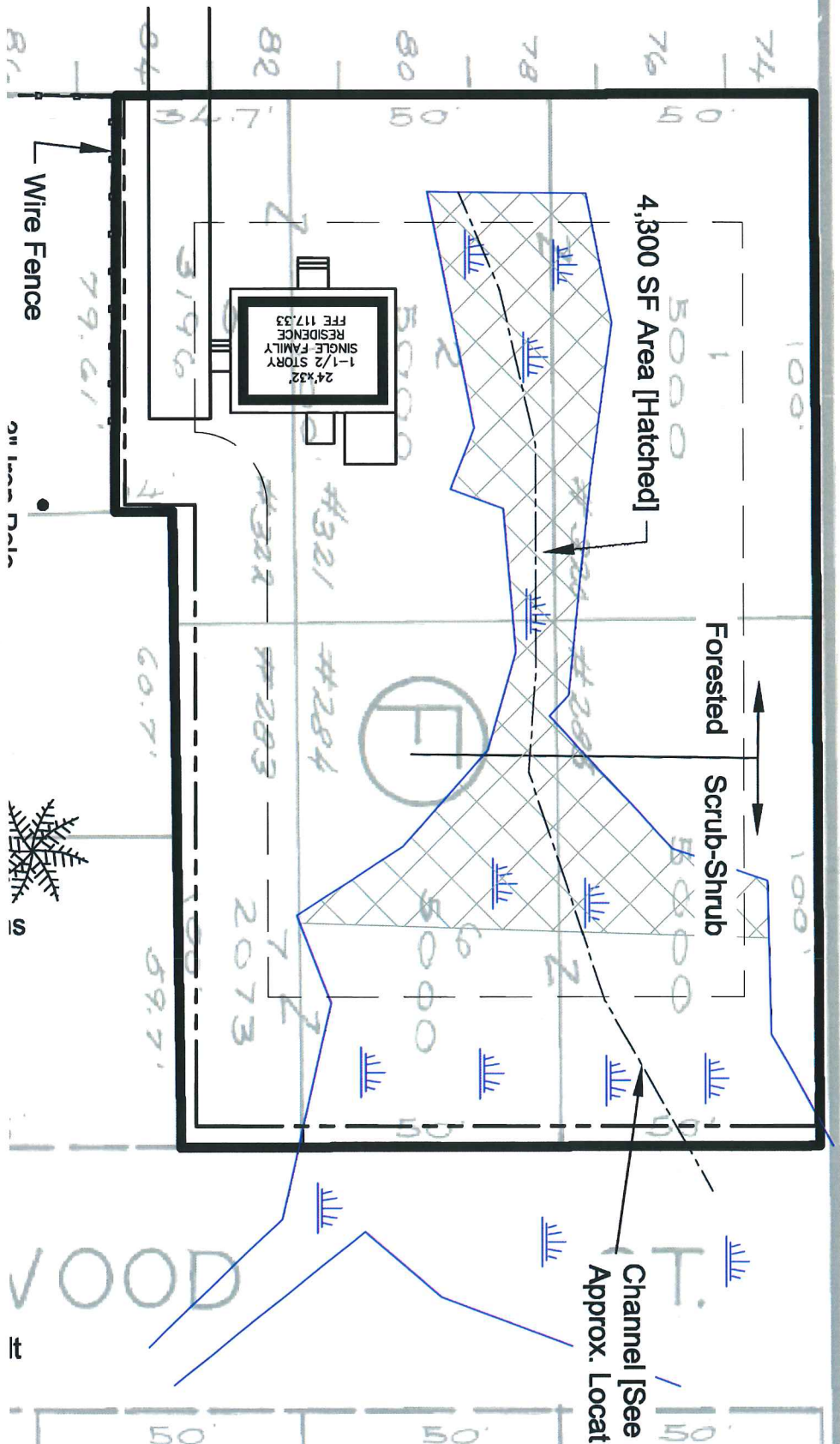
ZONING S.F.?

12,070 SF
 1114
 Total 13,184 SF = 8816 SF MINUS WETLANDS

Colonial Road



Colonial Road



From: Barbara Barhydt
To: DiPierro , Philip; Margolis-Pineo, David
Date: 1/4/2010 2:33:47 PM
Subject: Fwd: 74 Colonial Road, Portland

Hi:

I received this today from Jim Wolf. This is the site we have discussed several times. Please look at it and we can discuss it on Wednesday.

Thank you.

Barbara

>>> "Jim Wolf" <jmwl@maine.rr.com> Monday, January 04, 2010 12:38 PM >>>

Barbara

As you may already know I have property under contract at 74 Colonial Road. Based upon conversations with Phil we request input as to what special precautions staff would like us to implement in our permit application.

Attached for your review is a sketch of the proposed home in relation to the wetland. No wetland disturbance will take place and erosion controls will be shown on the final plan.

I appreciate any input you can provide.

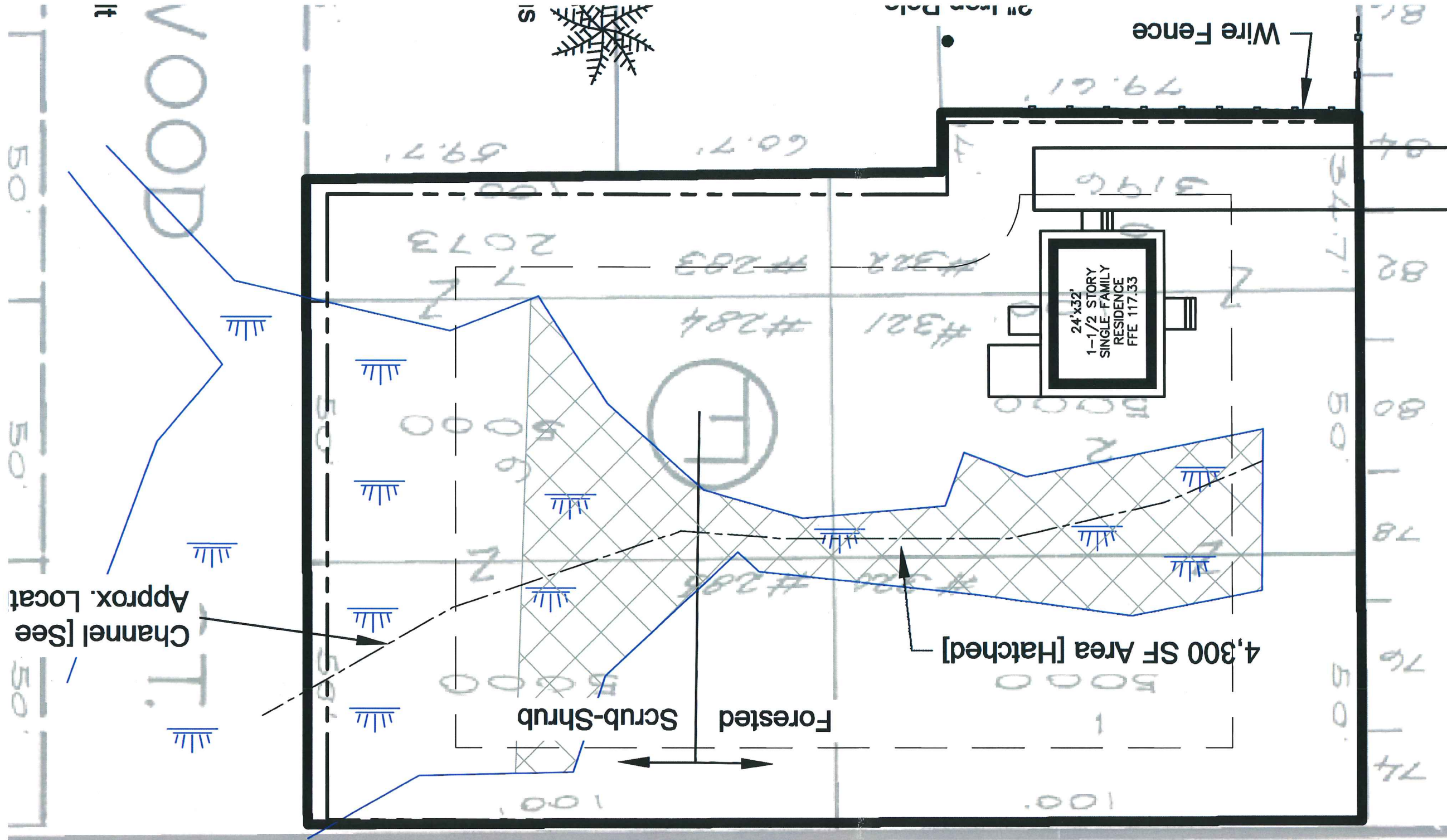
Thank you.

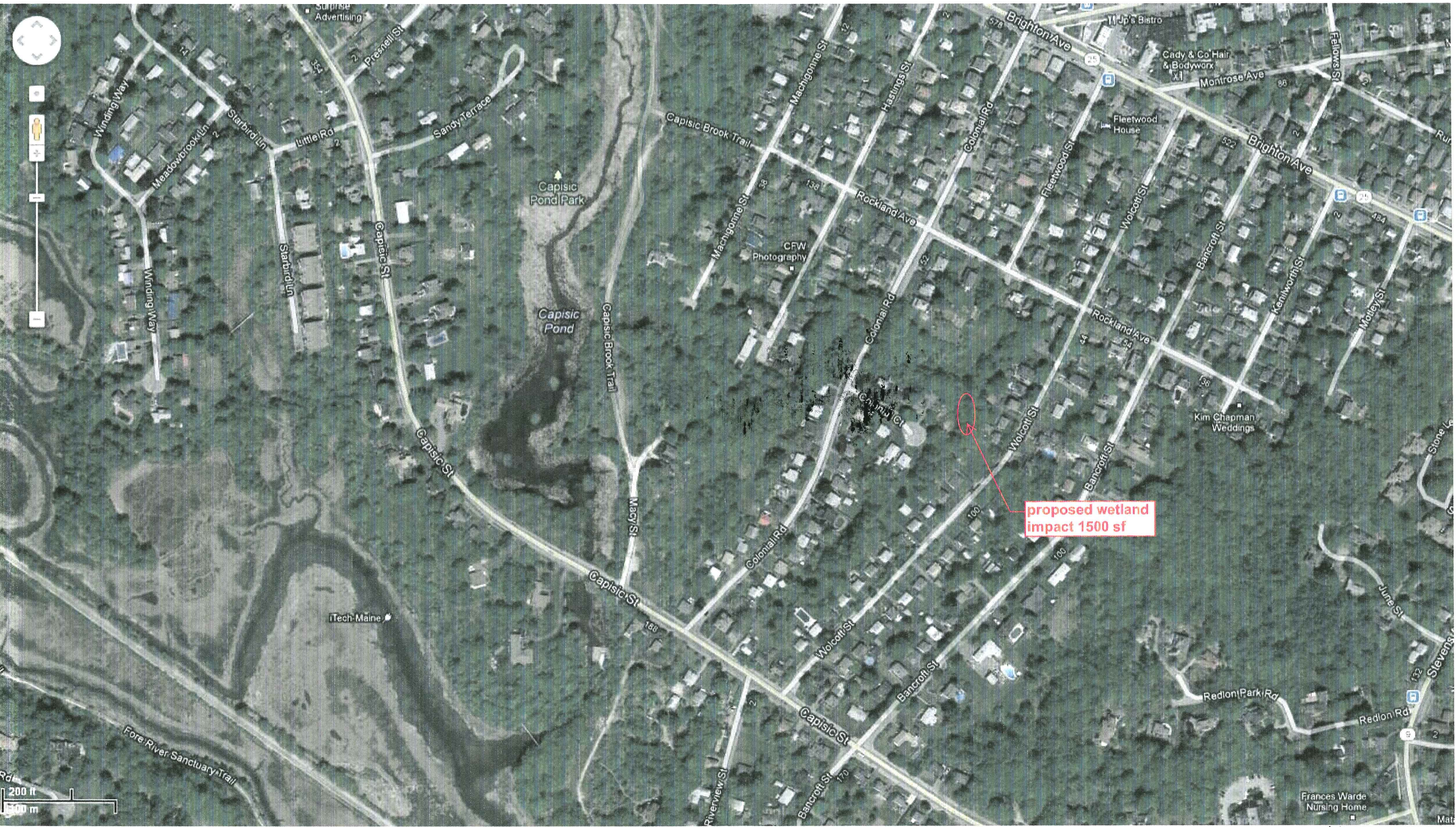
Jim

James M. Wolf
Diversified Properties, Inc.
Post Office Box 10127
Portland, Maine 04104
1-207-773-4988
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Colonial Raod





proposed wetland impact 1500 sf

200 ft
500 m

Plan References:

- "Plan Of Greater Brighton, Portland, Maine Made For George T. Edwards", dated August 1904 by Clifford C. Legrou, Civ. Engr., Portland, Maine, recorded July 25, 1908 at the Cumberland County Registry of Deeds in Plan Book 11, Page 111.
- "City Of Portland, Maine Department Of Public Works, Wolcott Street, Alteration And Extension", dated May 4, 1939, on file at City Engineering Vault as Plan 588/2.
- "Wolcott Street Extension, Portland, Maine, Developed By Earlan J. Dodge", dated April 1948 by Francis A. Griffin, Prof. Engr., South Portland, Maine, recorded July 15, 1948 at the Cumberland County Registry of Deeds in Plan Book 32, Page 15.
- "Subdivision For Clifford L. Swan Co., Inc., Portland, Maine", dated May 1950 by Francis A. Griffin, Prof. Engr., South Portland, Maine, recorded July 26, 1950 at the Cumberland County Registry of Deeds in Plan Book 37, Page 6.
- "City Of Portland, Maine Department Of Public Works, Colonial Road", dated January 28, 1952, on file at City Engineering Vault as Plan 638/7.
- "City Of Portland, Maine Department Of Public Works, Colonial Court", dated January 28, 1952, on file at City Engineering Vault as Plan 638/8.
- "City Of Portland, Maine Department Of Public Works, Wolcott Street, Bancroft St. Outlet Sewer To Capisc St.", dated December 1, 1955, on file at City Engineering Vault as Plan 646/17.
- Plan of Estate of William F. Seal Located in Deering, Maine, surveyed June 16, 1888 by Edward C. Jordan, C.E., Portland, Maine, recorded January 10, 1889 at the Cumberland County Registry of Deeds in Plan Book 6, Page 59.

Locus Deed References:

- Constance M. Monte Calvo
To
Lendell H. Allen and Kyra J. Suwak
dated August 15, 2001 and recorded August 16, 2001 at the Cumberland County Registry of Deeds in Book 16639, Page 188.
- Sally P. Nappi
To
Lendell H. Allen and Kyra J. Suwak
dated August 3, 2011 and recorded August 5, 2011 at the Cumberland County Registry of Deeds in Book 26872, Page 192.

Surveyor's Statement:

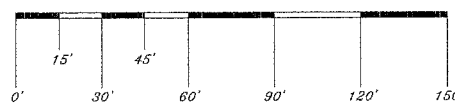
James D. Nadeau, LLC hereby states exclusively to the client listed herein, that this plan is based on, and the result of, an on the ground field survey and that to the best of our knowledge, information, and belief, it conforms to the Maine Board of Licensure For Professional Land Surveyors Standards of Practice.

This plan is not valid without the signature and embossed seal of the below listed Professional Land Surveyor who prepared this plan as it may contain unauthorized alterations unknown to this office.

James D. Nadeau, LLC

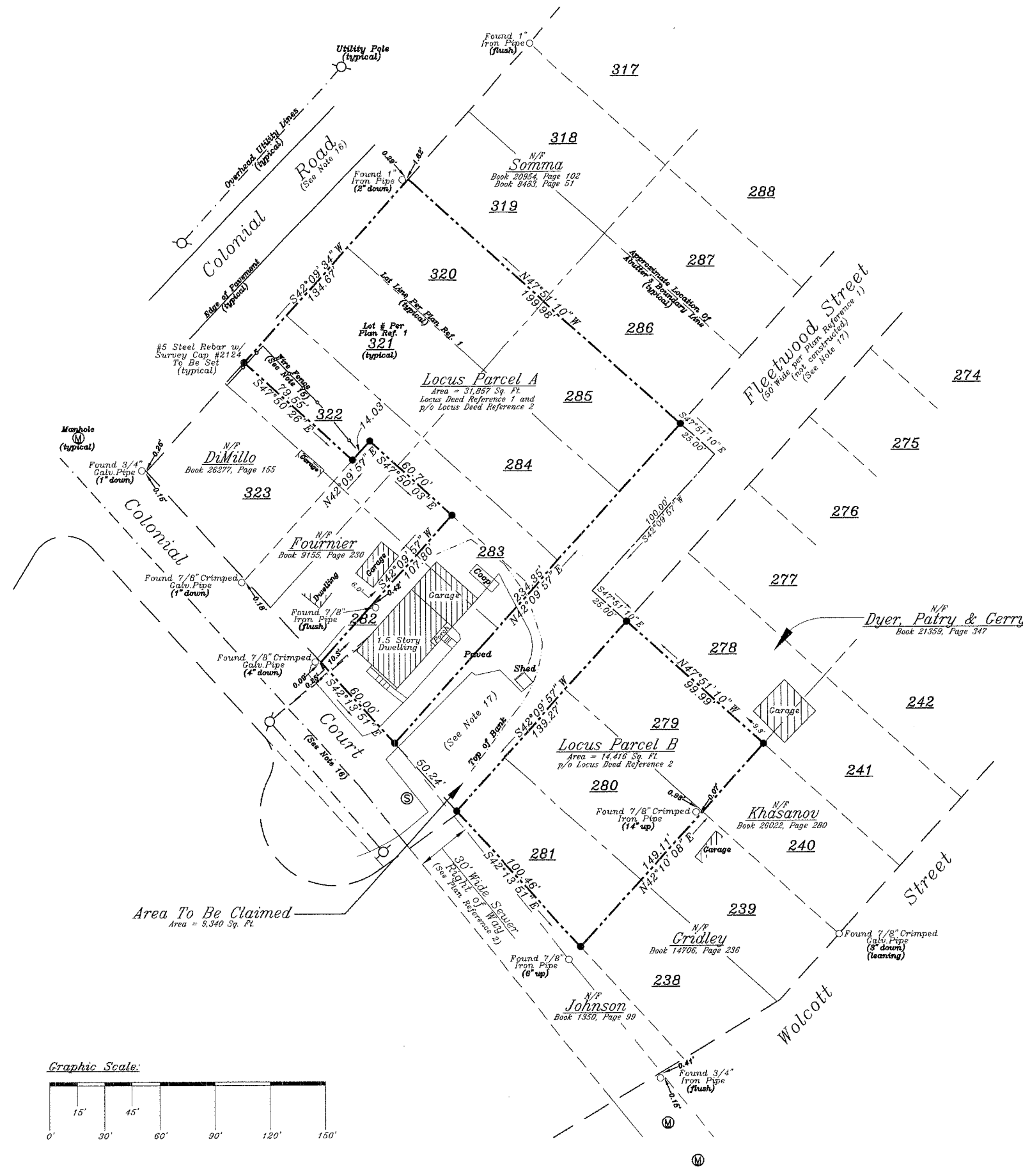
James D. Nadeau, P.L.S. #2124 (agent) Date:

Graphic Scale:



General Notes:

- This plan is not intended to depict limits or extent of fee title ownership. An opinion of title should be rendered by a title attorney.
- This office reserves the right to be held harmless by all 3rd party claims.
- This survey does not purport to reflect any of the following:
 - assessments other than those that are visible or specifically stated in the referenced documents.
 - building setback compliance or restrictive covenants.
 - zoning or other land use regulations.
 - the location of any underground utilities or structures.
- This office reserves the right to be held harmless for unknown or unobtainable private records which could affect the results of this survey.
- Reference is made to "Contract For Land Surveying Services" between James D. Nadeau, LLC and the below listed client(s), which shall be considered an integral part of this survey.
- N/F is an abbreviation for Now or Formerly.
- All deeds referenced on this plan are recorded at the Cumberland County Registry of Deeds (CCRD).
- This office does not accept any liability for errors in the Plan References listed herein.
- Locus Parcel is shown on the City of Portland Assessor's Map 132, Block F, as Lots 1, 2, 3, 5, 6, 7 & 8, and Block G as Lots 3, 4 & 5.
- Total area of Locus Parcels A & B is 46,273 square feet (1.06 acres).
- The apparent right of way lines depicted on this plan are based on the Plan References listed herein, monumentation found in the field, and City Engineering Street Notes. Right of way width of Colonial Court is 50 feet and Colonial Road is 80 feet per the Plan References listed herein.
- The Locus Parcel does not scale in a Special Flood Hazard Area per FEMA Flood Insurance Rate Map Community-Panel Number 230051 0013B, index dated December 8, 1998. The parcel scales in Zone C.
- All building corner offsets to boundary lines are from cornerboards and not building foundation.
- Call 1-888-DIGSAFE at least three business days before performing ANY excavation.
- Abutter's wire fence appears to encroach on Locus Parcel.
- Per City of Portland Records Volume 71, Page 45, dated February 4, 1952, Colonial Court was accepted as 50 feet wide. Per City of Portland Records Volume 52, Page 103, dated November 16, 1925, this section of Colonial Road was accepted as 80 feet wide.
- This portion of Fleetwood Street was apparently never accepted. Fleetwood Street is not listed on the City of Portland City Council Order #94 titled "Order Excepting Streets From Deemed Vacation", as passed on September 3, 1997 and recorded in CCRD Book 13326, Page 19. Per City of Portland e-mail from William Clark, P.L.S., dated May 27, 2011, "Omission of the unaccepted Fleetwood Street from the City Council Order #94 might be deemed a Statutory Violation as the City Council did not file another Order Excepting Streets From Deemed Vacation prior to, or on, September 29, 1997". An attorney should be consulted for any rights, title, and/or interest.



Magnetic North, 2011 (observed)



Plan Depicting The Results Of A Boundary Survey Made For
Lendell H. Allen & Kyra J. Suwak
 Fleetwood Street, Northeastly Sideline Of Colonial Court & Southeastly Sideline Of Colonial Road
 Portland, Maine

PREPARED BY:
James D. Nadeau, LLC
 Professional Land Surveyors
 918 BRIGHTON AVENUE PORTLAND, ME 04102 PH. (207) 878-7870 FAX (207) 878-7871
 Certified Floodplain Managers

RECORD OWNER: Lendell H. Allen & Kyra J. Suwak 14 Colonial Court Portland, Maine 04102	DRAWN BY: TPB	PLAN DATE: 12/12/2011
	CHECKED BY: JDN/MJC	SURVEY DATE: Nov. 2011
	INSTR: Topcon CPT-3003W	SCALE: 1" = 30'
FB 397 & FIELD BOOK: Topcon Ranger	JOB No: 2111243B	SHEET No: 1 of 1

