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March 20, 2015

Barbara Barhydt
Development Review Services Coordinator
Portland Planning Division
4th Floor, Portland City Hall
389 Congress Street
Portland, Maine 04101

Subject: House Lot Development
Fenway Street – Tim Higgins

Dear Barbara,

Thank you for meeting with us at your recent pre-application meeting to discuss the development of the land owned by Mr. Tim Higgins at the end of Fenway Street. The parcel of land envelopes Lots 1- 9 Block A Map 196 and Lots 13-20 Block A Map 198 and is approximately 1.2 acres.

As you are aware, Fenway Street is not improved along the frontage of the parcel. It is Mr. Higgins' intention to improve Fenway Street per the requirements of Section 14-403 of the Zoning Ordinance.

At the pre-application meeting we discussed which street was the closest paved roadway to Fenway Street. Mr. Higgins received a letter from Corporate Counsel in 1999 (attached), which states that Westland Street was the nearest paved street to a project on Chandler Street. Chandler Street is across Westland Street from Fenway Street. Further, the letter cites Section 14-403(b):

“For a lot abutting any portion of a street which is unimproved or improved but not permanently paved, that portion which abuts the lot, and any like portion between such portion and the nearest permanently paved portion between such portion and the nearest permanently paved street or portion which is the principal access to such lot, shall be improved, including sewers, storm drains, pavements, curbs and, if located on a designated school walking route, sidewalks, in accordance with the minimum technical standards...”

It is our understanding that pavement would only be required to be extended from the lot frontage to the intersection of Fenway Street and Westland Street. The letter also states that... *“A 24 foot paved roadway must extend the fifty feet of frontage of your lot... to Westland Street...”*

Ms. Barbara Barhydt
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Therefore, based upon the 1999 letter received from Corporate Counsel, it is our understanding that in order to develop his lot, Mr. Higgins would be required to reconstruct Fenway to a 24 foot wide paved roadway from the lot to the intersection of Fenway and Westland Street with any utilities or drainage, as necessary.

Please feel free to contact our office with any questions.

Sincerely,

Gorrill-Palmer Consulting Engineers, Inc.

A handwritten signature in blue ink, appearing to read 'Doug Reynolds', written over a horizontal line.

Doug Reynolds, P.E.
Project Manager

Enclosure

Copy: Mr. Tim Higgins

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Corporation Counsel
Gary C. Wood



CITY OF PORTLAND

Associate Counsel
Charles A. Lane
Elizabeth L. Boynton
Donna M. Kasiafcas
Penny Littlell

April 20, 1999

Mr. John Swan
c/o Cayuga Corp.
P. O. Box 10194
Portland, ME 04104

Dear Mr. Swan:

This correspondence is in follow up to your April 5, 1999 telephone call to Bill Bray, Director of Public Works, in which you inquired as to the various Code requirements necessary to make your lot on Chandler Street (an unaccepted and unimproved street) a buildable lot. The two nearest paved streets to Chandler Street are Osgood Street and Westland Street.

Section 14-403 of the City Code requires that every lot has street frontage on a street of not less than 24 feet in width. In addition, section (b) of that provision requires:

For a lot abutting any portion of a street which is unimproved or improved but not permanently paved, that portion which abuts the lot, and any like portion between such portion and the nearest permanently paved portion between such portion and the nearest permanently paved street or portion which is the principal access to such lot, shall be improved, including sewers, storm drains, pavements, curbs and, if located on a designated school walking route, sidewalks, in accordance with the minimum technical standards promulgated by the public works authority pursuant to section 14-498 (a) of article IV of this chapter.

The exception to this requirement is where the lot owner owned the lot since November 19, 1984 and states his intention under oath to make the newly constructed house his personal residence.

As a result, in order to render your lot a buildable lot the following steps are required by the Public Works Authority:

A 24 foot paved roadway must extend the fifty feet of frontage of your lot, down Chandler Street, connecting to Westland Street or to Osgood Street via Fenway Street.

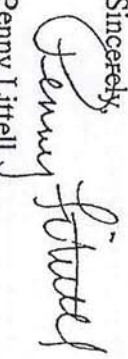
Mr. John Swan
April 20, 1999
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In the circumstances, Public Works will require that Chandler Street be build to City standards, including sewers, storm drains, curbs and pavement. However, the roadway from Chandler, whether it connects to Westland or Osgood, need only be provided with a 24 foot wide pavement according to City standards, provided that drainage issues will not be created by such pavement. Your engineer will need to provide sufficient evidence of the drainage on Fenway or Osgood to satisfy the City that drainage issues will not arise from said paving activity.

A quitclaim deed must be given to the City transferring any right, title or interest you may have in these streets so that the City is free to accept these streets at some point in the future. In addition, the attached form must be executed and presented to the City.

A plan for the street improvements must be submitted to the Public Works Department for review and approval. Thereafter, a performance guarantee must be filed with the City for the estimated costs of the public improvements.

I trust this answers all of your questions.

Sincerely,

Penny Littell
Associate Corporation Counsel

Enclosure
c: William Bray, Director of Public Works
Marge Schmuckel, Zoning Administrator
Gary Wood, Corporation Counsel

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