

197-F-12

2007-0187

Caribou Street

Section 14-403 St. Extension

R. Stuart Carter

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

*relates to permit # 07-1266  
relocation of house to this site*

2007-0187 *? also # 07-1263*  
Application I. D. Number

**R. Stuart Carter**  
Applicant  
**95 Westland Avenue, Portland, ME 04102**  
Applicant's Mailing Address

**10/19/2007**  
Application Date  
**Caribou Street - Section 14-403**  
Project Name/Description

Consultant/Agent  
**Applicant Ph: (207) 874-0000 Agent Fax:**  
Applicant or Agent Daytime Telephone, Fax

**Caribou Street, Portland, Maine**  
Address of Proposed Site  
**197 f012**  
Assessor's Reference: Chart-Block-Lot

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

Proposed Building square Feet or # of Units 6,000 Acreage of Site \_\_\_\_\_ Zoning R5

**Check Review Required:**

- Site Plan (major/minor)  Zoning Conditional - PB  Subdivision # of lots \_\_\_\_\_
- Amendment to Plan - Board Review  Zoning Conditional - ZBA  Shoreland  Historic Preservation  DEP Local Certification
- Amendment to Plan - Staff Review  Zoning Variance  Flood Hazard  Site Location
- After the Fact - Major  Stormwater  Traffic Movement  Other \_\_\_\_\_
- After the Fact - Minor  PAD Review  14-403 Streets Review

Fees Paid: Site Plan \$425.00 Subdivision \_\_\_\_\_ Engineer Review \_\_\_\_\_ Date 10/22/2007

**Planning Approval Status:**

Reviewer \_\_\_\_\_

- Approved**  **Approved w/Conditions**  **Denied**
- See Attached

Approval Date \_\_\_\_\_ Approval Expiration \_\_\_\_\_ Extension to \_\_\_\_\_  Additional Sheets Attached

OK to Issue Building Permit \_\_\_\_\_  
signature \_\_\_\_\_ date \_\_\_\_\_

**Performance Guarantee**  **Required\***  **Not Required**

\* No building permit may be issued until a performance guarantee has been submitted as indicated below

<input type="checkbox"/> Performance Guarantee Accepted	date	amount	expiration date
<input type="checkbox"/> Inspection Fee Paid	date	amount	
<input type="checkbox"/> Building Permit Issue	date		
<input type="checkbox"/> Performance Guarantee Reduced	date	remaining balance	signature
<input type="checkbox"/> Temporary Certificate of Occupancy	date	<input type="checkbox"/> Conditions (See Attached)	expiration date
<input type="checkbox"/> Final Inspection	date	signature	
<input type="checkbox"/> Certificate Of Occupancy	date		
<input type="checkbox"/> Performance Guarantee Released	date	signature	
<input type="checkbox"/> Defect Guarantee Submitted	submitted date	amount	expiration date
<input type="checkbox"/> Defect Guarantee Released	date	signature	

Dear Barbara Barhyte and Portland planning:

10/16/07

This letter is to request an approval of a plan involving the move of an existing single family home in Portland.

The building is currently located at 184 Osgood St., and owned by Waynefleet school, it is located at the entrance to the school's athletic fields. Currently, during the schools athletic events the main parking lot fills quickly. This forces many people to park on both Osgood and Hobart streets. This situation causes a safety concern for both the school and its families. The school would like this house removed so they may free up an area adjacent to their facility that could accommodate up to 30 additional vehicles. The school would prefer not to demolish the building, but instead save it and keep it within the Portland Housing market.

They have offered me the building for a reasonable fee if I would pay to relocate it. I have been working diligently to do just that. As of today, I have both demolition and single family permit applications in process at city hall. Within those applications are minimum lot size waivers from Augusta. A septic design from Albert Fricke, which has been both processed and approved in Augusta. A letter from Waynefleet school stating the transfer of ownership to me. And a second letter from the school stating their plans for the property once the building is removed.

What this leaves is what is required of me at Caribou St.( the receiving lot). 3 years ago, I tried to stick build on this property, and though I did receive waivers from the planning department for sewer, sidewalk and curb. Just the cost of rebuilding and widening the road were prohibitive. Apparently, with this move, I would be able to build and widen the road and clean up the overgrown drainage swales on both sides and replace any culverts as needed. After speaking with public works it seems that a paving waiver would also be considered because of the nature of the entire neighborhood: all dirt roads. I would like to use reclaim on the roadbed to strengthen it. I would be able to widen the road from its current width of 15 ft. to a new width of 24 ft. This would make it the widest section of road in the entire neighborhood, including the main access road off of Congress St.

I do realize that this additional waiver may make some at planning a bit uncomfortable. But if you would send one of your inspectors out to meet with me on site, you will see just what I am speaking of. I have spoke with public works and they do seem to agree with the strategy that I've laid out as to be the best for the contiguity of the existing neighborhood.

Thank You for your consideration,



R. Stuart Carter III  
(207) 838-9395  
Scarter4@maine.rr.com



# Site Plan Application

Department of Planning and Development  
Portland Planning Board

Address of Proposed Development:

CARIBOU ST  
PTLD

Zone:

R-5

Project Name:

OSGOOD/WAYNEFLEET MOVE

Existing Building Size: 0 sq. ft.

Proposed Building Size: 1,300 sq. ft.

Existing Acreage of Site: 6,000 sq. ft.

Proposed Acreage of Site: 6,000 sq. ft.

Tax Assessor's Chart, Block & Lot:

Chart#      Block #      Lot#  
197          F          12+13

Property Owners Mailing address:

95 WESTLAND AVE.  
PORTLAND ME 04102

Telephone #: (207) 874-0000

Cell Phone #: (207) 838-9395

Consultant/Agent Contact Name and mailing address, Telephone # and Cell Phone #:

R. STUART CARTER  
95 WESTLAND AVE.  
PTLD, ME 04102  
(207) 838-9395

Applicant's Name/Mailing Address:

R. STUART CARTER  
95 WESTLAND AVE  
PORTLAND, ME  
04102

Telephone #: (207) 874-0000

Cell Phone #: (207) 838-9395

Fee For Service Deposit (all applications)

X (\$200.00)

Proposed Development (check all that apply)

New Building     Building Addition     Change of Use     Residential     Office     Retail

Manufacturing     Warehouse/Distribution     Parking lot

Subdivision (\$500.00) + amount of lots \_\_\_\_\_ (\$25.00 per lot) \$ \_\_\_\_\_ + major site plan fee if applicable

Site Location of Development (\$3,000.00)

(except for residential projects which shall be \$200.00 per lot \_\_\_\_\_)

Traffic Movement (\$1,000.00)     Storm water Quality (\$250.00)

Section 14-403 Review (\$400.00 + \$25.00 per lot)

Other \_\_\_\_\_

**RECEIVED**

**OCT 19 2007**

City of Portland  
Planning Division

Major Development (more than 10,000 sq. ft.)

Under 50,000 sq. ft. (\$500.00)

50,000 - 100,000 sq. ft. (\$1,000.00)

Parking Lots over 100 spaces (\$1,000.00)

100,000 - 200,000 sq. ft. (\$2,000.00)

200,000 - 300,000 sq. ft. (\$3,000.00)

Over 300,000 sq. ft. (\$5,000.00)

After-the-fact Review (\$1,000.00 + applicable application fee)

~ Please see next page ~

**Minor Site Plan Review**

- Less than 10,000 sq. ft. (\$400.00)
- After-the-fact Review (\$1,000.00 + applicable application fee)

**Plan Amendments**

- Planning Staff Review (\$250.00)
- Planning Board Review (\$500.00)

Who billing will be sent to:

R. STUART CARTER  
95 WESTLAND, AVE  
PORTLAND, ME 04102


Submittals shall include (7) separate **folded** packets of the following:

- a. copy of application
- b. cover letter stating the nature of the project
- c. site plan containing the information found in the attached sample plans checklist
- d. 1 set of 11x17 plans

Section 14-522 of the Zoning Ordinance outlines the process which is available on our web site: [portlandmaine.gov](http://portlandmaine.gov)

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 Code Official'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 site review only; a Building Permit application and associated fees will be required prior to construction.**

Signature of Applicant: 	Date: 10/16/07
--	-------------------

**CITY OF PORTLAND  
DEPARTMENT OF PUBLIC WORKS  
Engineering Division**

**M E M O**

TO: Jean Fraser  
FROM: Michael Farmer, Project Engineer  
DATE: Dec. 5, 2007  
RE: Caribou Street - Proposed Single Family House Lot

I am submitting the following comments on behalf of the Department of Public Works, based on a review of the 11" x 17" plan dated 6-13-2003, titled SITE PLAN/BOUNDARY PLAN, EXISTING CONDITIONS, CARIBOU STREET PORTLAND, ME.

Section 14-403 of the City Code of Ordinances requires the applicant to build Caribou Street to City standards across the proposed house lot and to build the street (or streets) to City standards from the proposed lot to a permanently paved street. The Department of Public Works has concluded that the closest permanently paved streets to the proposed lot are Hobart Street and Osgood Street. This offers the applicant two possible routes to get from a permanently paved street to the proposed lot.

One alternative would be to improve Westland Avenue from Hobart Street to Caribou Street and Caribou Street from Westland Street to, and in front of, the proposed lot. DPW street construction standards require a turn around at the end of a dead end street. Since Caribou Street is now dead end street, the applicant would be required to construct a turn around on Caribou Street as part of this alternative.

The second alternative would be to improve Caribou Street from Osgood Street to, and in front of, the proposed lot. Since this alternative would make Caribou Street passable (for emergency vehicles, plows and garbage trucks) from Westland Avenue to Osgood Street, a turn around on Caribou Street near the proposed lot would not be required.

Improving a street to City standards in this case would include a 28 foot wide paved street with the following utilities: storm drain, water, electric power, street lights, communication, and possibly sanitary sewer. Granite curbing is also generally required; however, Sec. 14-403 allows DPW to waive the requirement for granite curbing in some cases. Section 14-403 indicates that sidewalks may not be required if the street is not on a school walking route. DPW has indicated an inclination to waive the granite curb requirement in this case on parts of Caribou Street and Westland Avenue where the existing roadside ditches and cross culverts function well.

The DPW has two policies regarding sewer connections and extensions that seem relevant to this application. One policy is to require sewer extensions as part of street extensions. Section 14-403 supports this policy by stating that street improvements required under 14-403 shall include

sewers. The other DPW policy is to allow an on-site wastewater disposal system when a proposed house lot is more than 200 feet away from an existing sanitary sewer.

The closest existing sanitary sewer to the proposed lot on Caribou Street is about 800 feet away, on Hobart Street. DPW is reluctant to require a sanitary sewer extension in this situation because of the large expense involved to build an 800-foot sewer extension. However, the alternative of an on-site wastewater system is also unattractive because the proposed house lot is so small, at only 6,000 square feet.

More detailed plans will be required if the applicant pursues this project. An engineered plan and profile design for the street extension is required. A drainage analysis and drainage system design is required. More detailed survey plans are required to show the street areas that will be improved and offered to the City for acceptance. The applicant or his consultants can contact City staff in the Engineering Division of DPW to discuss typical plan details that will be required.

which does not contain an independent apartment or dwelling unit. A story which exceeds eighteen (18) feet in height shall be counted as two (2) stories. A basement shall be counted as a story for the purpose of height measurement where more than one-half of its height is above the average level of the adjoining ground.

*Stream:* A free-flowing body of water from the outlet of 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 series topographic map, to the point where the body of water becomes a river or flows to another water body or wetland within a shoreland area, or any stream designated within a Stream Protection Zone.

*Stream, tributary:* A channel between defined banks created by the action of surface water, whether intermittent or perennial, and which is characterized by the lack of upland vegetation or presence of aquatic vegetation and by the presence of a bed devoid of topsoil containing waterborne deposits on exposed soil, parent material or bedrock, and which flows to a water body or wetland. This definition does not include the term "stream" as defined in this section, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

*Street:* A public way established by or maintained under public authority, or a way dedicated to the use of the public and appearing on the official map of the city.

*Street line:* The line of demarcation between a street and the abutting land.

*Structure:* Anything constructed or erected of more than one (1) member which requires a fixed location on the ground or attached to something having a fixed location on the ground.

*Studios for artists and craftspeople:* A facility for the production of arts and crafts products such as paintings, sculpture or other arts, or the practice of arts such as music or dance, or the production of custom handcrafted, or limited production of products such as furniture, wood, clay and metal products, publications and similar low impact arts and crafts activities.

*Theaters:* Any establishment devoted to showing motion pictures, or for dramatic, musical or live performances.



printout from MIS Search  
of City's UI system

Form Mode

Data Entry  Edit  Inquiry

**Search By:** Appl ID:

Project:

Applicant:

Street:

CBL:

**Click to Select**

App	AppDate	Project	Street	FromNbr	ToNbr	CBL
2007-0193	11/05/2007	14-403	Pennell Ave	0	0	347 A008001
✓ 2007-0187	10/19/2007	14-403 Caribou Street	Caribou Street	0	0	197 f012
2007-0042	03/02/2007	14-403 Amendment to Plan - Street Ext	Beverly Street	0	0	335 B001001
2005-0079	04/15/2005	14-403 Section (Harvard & Yale)	Harvard Street	240	240	438 A012001
✓ 2004-0200	09/28/2004	14-403 Street Ext. (Beverly Street)	Beverly St	68	68	335 C074001
✓ 2002-0057	02/28/2002	14-403 extension and single fam.	Barclay Ave	40	40	339 E018001

(+ on dley)

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

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

**Sec.14 -506 (b) Modifications.**

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

Sidewalks-

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

Curbing-

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

stormwater management.

In no event shall the waiver have the effect of creating potentially hazardous vehicle and pedestrian conflict or nullifying the intent and purpose and policies of the land development plan relating to transportation and pedestrian infrastructure and the regulations of this article.

At its discretion, the planning authority may refer any petition for a waiver from the curb and sidewalk requirement to the planning board for decision.

## Timetable on Carbon -

- 10/26/07 - Requested elev plans, survey + deeds  
site plan dimensions do not match
- 11/02/07 - Received revised site plan that met  
zoning req's.
- 11/07/07 - distributed 14-403 appl. to planner
- 11/21/07 - initial PW comments discussed  
Dev Rev but raised wider issues re  
scale of reqs asked for re other 14-403s  
and interpretation of ord. re "perm paved"
- 11/27/07 - meeting Planning / PW / legal (legal couldn't  
attend at last minute) to discuss/resolve -  
PW came to a view + were to put in writing to  
Planning
- 11/28/07 e-mail from JF to PW gentle req. for comments
- 11/29/07 " " " " " " " "

NOTE: <sup>several</sup> neighbors called JF starting beg of NOV.

CITY OF PORTLAND, MAINE

Planning Department Billing and Payment Report  
Date Range From Jan 1, 1900 Through Nov 30, 2007

Appl. ID	App. Date	Inv. No.	Inv. Date	Inv. Description	Billed	Deposit	Paid	Inv. Balance	Ck #	ROR #
20030142	07/16/03	10405	07/17/03	Section 14-403, # of lots	\$75.00	\$0.00	\$75.00	\$0.00	0	0
				Invoice Total	\$75.00		\$75.00	\$0.00		
				Application Total	\$75.00		\$75.00	\$0.00		
20040200	09/28/04	16022	09/28/04	Section 14-403, # of lots	\$50.00	\$0.00	\$50.00	\$0.00	6211	0
				Invoice Total	\$50.00		\$50.00	\$0.00		
				Application Total	\$50.00		\$50.00	\$0.00		
20040265	12/21/04	17157	12/21/04	Section 14-403, # of lots	\$800.00	\$0.00	\$800.00	\$0.00	4775	0
				Invoice Total	\$800.00		\$800.00	\$0.00		
				Application Total	\$800.00		\$800.00	\$0.00		
20070187	10/19/07	29298	10/22/07	Section 14-403, # of lots	\$25.00	\$0.00	\$25.00	\$0.00	7130	10
				Invoice Total	\$25.00		\$25.00	\$0.00		
				Application Total	\$25.00		\$25.00	\$0.00		
				Report Total	\$950.00	\$0.00	\$950.00	\$0.00		

*Bay St. Extension*

*Beverly St.*

*Howard/ Yale*

*Caribou St.*

*Barclay Ave.*

? Braintree  
? OSquad  
? Kines.

*11.30.07 - <sup>am</sup> Jen has arr. for MIS to cross ck that we have all cases by doing search "14-403" "Sheet extensions" not yet done by 4:30 pm 11.30.07 when I called Mr Carter.*

**CITY OF PORTLAND  
DEPARTMENT OF PUBLIC WORKS  
Engineering Division**

**M E M O**

TO: Jean Fraser  
FROM: Michael Farmer, Project Engineer  
DATE: Dec. 5, 2007  
RE: Caribou Street - Proposed Single Family House Lot

I am submitting the following comments on behalf of the Department of Public Works, based on a review of the 11" x 17" plan dated 6-13-2003, titled SITE PLAN/BOUNDARY PLAN, EXISTING CONDITIONS, CARIBOU STREET PORTLAND, ME.

Section 14-403 of the City Code of Ordinances requires the applicant to build Caribou Street to City standards across the proposed house lot and to build the street (or streets) to City standards from the proposed lot to a permanently paved street. The Department of Public Works has concluded that the closest permanently paved streets to the proposed lot are Hobart Street and Osgood Street. This offers the applicant two possible routes to get from a permanently paved street to the proposed lot.

One alternative would be to improve Westland Avenue from Hobart Street to Caribou Street and Caribou Street from Westland Street to, and in front of, the proposed lot. DPW street construction standards require a turn around at the end of a dead end street. Since Caribou Street is now dead end street, the applicant would be required to construct a turn around on Caribou Street as part of this alternative.

The second alternative would be to improve Caribou Street from Osgood Street to, and in front of, the proposed lot. Since this alternative would make Caribou Street passable (for emergency vehicles, plows and garbage trucks) from Westland Avenue to Osgood Street, a turn around on Caribou Street near the proposed lot would not be required.

Improving a street to City standards in this case would include a 28 foot wide paved street with the following utilities: storm drain, water, electric power, street lights, communication, and possibly sanitary sewer. Granite curbing is also generally required; however, Sec. 14-403 allows DPW to waive the requirement for granite curbing in some cases. Section 14-403 indicates that sidewalks may not be required if the street is not on a school walking route. DPW has indicated an inclination to waive the granite curb requirement in this case on parts of Caribou Street and Westland Avenue where the existing roadside ditches and cross culverts function well.

The DPW has two policies regarding sewer connections and extensions that seem relevant to this application. One policy is to require sewer extensions as part of street extensions. Section 14-403 supports this policy by stating that street improvements required under 14-403 shall include sewers. The other DPW policy is to allow an on-site wastewater disposal system when a proposed house lot is more than 200 feet away from an existing sanitary sewer.

The closest existing sanitary sewer to the proposed lot on Caribou Street is about 800 feet away, on Hobart Street. DPW is reluctant to require a sanitary sewer extension in this situation because of the large expense involved to build an 800-foot sewer extension. However, the alternative of an on-site wastewater system is also unattractive because the proposed house lot is so small, at only 6,000 square feet.

More detailed plans will be required if the applicant pursues this project. An engineered plan and profile design for the street extension is required. A drainage analysis and drainage system design is required. More detailed survey plans are required to show the street areas that will be improved and offered to the City for acceptance. The applicant or his consultants can contact City staff in the Engineering Division of DPW to discuss typical plan details that will be required.

**From:** Todd Merkle  
**To:** Jean Fraser; Michael Farmer  
**Date:** 11/30/2007 7:57:04 AM  
**Subject:** Re: Caribou Street

As far as the City paying for some work on Hobart.

1. Hobart is accepted.
2. There was a problem with the City pipe going across Hobart, which had nothing to do with the two house project.
3. The City paid the contractor to replace City infrastructure that was failing since he was on site anyway.

I have no files that I know of.

>>> Jean Fraser Thursday, November 29, 2007 4:30 PM >>>  
Mike and Co,

I have just spoken to a very unhappy Stuart Carter.

I gave him the gist of the Tues meeting decision and he has asked whether there was any chance of a waiver for the curbing part of a link to Osgood or whether the City would help re the cost of the curbing (he mentioned that when the 2 homes on Hobart were built there were culvert problems and the City paid for some of the work).

Its now 6 weeks since he applied for the 14-403 so I think it would help if I could just get a letter to him saying what we require. Then we would all know the position and could meet with him and he can try an negotiate or appeal or whatever. **Mike- could you please get the PW formal comments on this to me asap-**

By the way he wants to research what we have required for other 14-403s...and wants to know where all those files are kept so he can come in and look. Do you have a set of files he can look at?

thanks  
Jean

**CC:** Barbara Barhydt; David Margolis-Pineo





# PORTLAND MAINE

Planning Division  
Jean Fraser, Planner

11-20-2007

Mrs Thompson

Re Carbou Street  
proposed relocation of a  
house to site next door  
to your property.

Further to our telephone conversation  
earlier this week, I enclose the  
entirety of the see 14-403 application  
documents/plans.

The current position is that the  
City is still reviewing the  
proposals and the extent of  
street improvements to be  
required - a decision is likely  
next week.

Jean

389 Congress Street, 4th floor • Portland, ME • (207) 874-8728 • Fx 756-8258  
Email: [jf@portlandmaine.gov](mailto:jf@portlandmaine.gov)

746-5445

11-26-07- Linda Thompson called w/ questions:  
\* doesn't septic system require a larger lot  
\* what are reqs for this zoning  
\* ? tel poles

- I spoke to colleagues and called her back  
\* confirmed its R5; ht OK; septic OK.

# CARIBOU ST

Note for file

11/29/2007

Tel conv. w/ R Stuart Carter, Applicant

- ① Having est. that David M-P and Mike F had not called him, I called today.
- ② we discussed the 2 options <sup>Hobart</sup> <sub>Osgood</sub> - it appears hes ok re lighting but curbing is a problem (raised ? on this which I have put to PW in an e-mail)
- ③ He's starting to feel hes being asked to do more than others + feels City should be paying for some of the improvements in that area. Wants to look at files for other S14-403 applications (I said I would call him back 11/30 on that)
- ④ I confirmed PW have reached a crew + I am awaiting a formal memo which I will send to him. He asked what would be the process to appeal/question/negotiate those requirements - I suggested we could meet with him + then he could appeal. He requested info on the appeal process + how long it would take + I undertook to call back 11/30 (see email to Barbara + Penny 11/29)

emailed PL 11.29.07  
no response 11.30.07 9:30 PM



[350ft needs turnaround Greg Cass reg's]

11/27/2007

Discussed at a meeting with PW with all reviewers, Kathi Earley, Mike Bobenski + Barbara Barbara Barhydt present.

- 1) Reviewed condition/status of surrounding streets and sewerwater etc.
- 2) Discussed attached draft which was only a "basis for discussion" as interpretation of 14-403 and its standards is complex.
- 3) Agreed that there were 2 options for Mr Carter - linking to Osgood or to Hobart + that PW would waive curbs and sidewalks and sewers as follows:
  - Osgood - curbs needed from high pt down to Osgood
    - no sewer or sidewalk
  - Carbon - ditch drainage
    - no sewer or sidewalk
- 4) Mill farmer to write up PW comments + send JF.

**From:** Ann Machado  
**To:** Jean Fraser  
**Date:** Tuesday, November 27, 2007 2:57:48 PM  
**Subject:** Re: Caribou St house relocation

Jean -

Because of the dormers, it is considered a two story house according to the zoning definition. A two story house does need 12 foot side setbacks, but section 14-120(d)(3) does allow you to reduce a side yard down to 8 feet if you can increase the setback on the other side. The right side yard is at 8 feet. The left setback is at 27 feet and it would only have to be at 16 feet to meet the side setback requirement.

As far as adding a comment in Urban Insight under the minor minor site plan (2007-0179) for a minor minor we always just put our comments with the building permit.

Ann

>>> Jean Fraser 11/26/2007 12:51:44 PM >>>  
Ann,

I note in your notes re the building permit that you consider this to be a 2-story high house that is being relocated onto the Caribou Street lot and that Stuart Carter acknowledged this. Did he submit revised plans to you/Phil?

On the plans I have the side setback is inadequate if it is 2 storeys.

You have noted it meets zoning requirements under the BP UI entry system; could you please also put a short comment in under the Minor Minor site plan (Application # 2007-0179) so that there is no question over this aspect of the review (a neighbor has called suggesting that it does not meet zoning requirements).

Thanks  
Jean

**CC:** Barbara Barhydt; Marge Schmuckal; Philip DiPierro



Planning file copy

PORTLAND, MAINE  
Strengthening a Remarkable City. Building a Community for Life [www.portlandmaine.gov](http://www.portlandmaine.gov)

Planning and Development Department  
Lee D. Urban, Director

Planning Division  
Alexander Jaegerman, Director

December 7<sup>th</sup>, 2007

R. Stuart Carter III  
95 Westland Avenue  
Portland, Me 04102

RE: **Application for Sec 14-403 Review  
Caribou Street Lot  
(Application ID #2007-0187)**

Dear Mr. Carter:

Thank you for your application to improve Caribou Street, submitted in conjunction with a Single Family Site Plan application to relocate a 2 story house onto a lot on Caribou Street (Application ID #2007-0179) and the Building Permit applications (#07-1263 for removing 184 Osgood Street; #07-1266 for relocating the house onto a new foundation at Caribou Street).

This application was not progressed in October 2007 because of a number of inconsistencies in the documentation; the 14-403 review was commenced at the beginning of November, 2007.

Regarding the requirements for the street improvements, I appreciate there have been a number of telephone discussions with various City staff and questions over the current status of the streets in that area and the feasibility of different options to serve your proposed lot. As you know, your application has raised a number of policy and strategic issues which relate to three areas of review:

- The Citys Ordinance as set out in 14-403 and referenced sections;
- The Citys *Technical and Design Standards* which set out more detailed street improvement requirements (reference copies are available at Public Works and Planning Departments); and
- The City's overall investment strategy for street improvements.

I attach final comments from Public Works which comprise two Memos: the first from Michael Farmer dated December 5, 2007; and a second Memo from David Margolis-Pineo dated December 6, 2007 which further clarifies the requirements related to curbing

and sewers. I suggest a meeting with City staff would be the next step once you have considered the comments and decided on a course of action.

During a recent telephone call you asked to review the files for other Section 14-403 applications which have been determined by the City. Because our records are kept in a computer system, I requested reports from that system showing the 14-403 applications since 2002. There are a total of six where the reviews are completed, two of which are for the same street. I attach a summary of all of these applications based on my review of the case files. You are welcome to review these individual case files, but please give us some advance notice so we can pull the files for you.


You also asked for information regarding the process for appealing any of the street improvement requirements set out by Public Works. Other cases of this kind have been referred to the Zoning Board of Appeals and Marge Schmuckal, Zoning Administrator, would handle the paper work with my support.

The City would expect the improved streets to be accepted by the City and therefore would need to see the Warranty Deeds for all the sections of street that are improved.

Please note that the Single Family Site Plan and Building Permit reviews are being undertaken in parallel with this 14-403 review by separate sections of this Department; I understand that Phil DiPierro, Ann Machado and Chris Hanson are in touch with you on other aspects of the proposal.

Please contact me at (207) 874 8728 (or [jf@portlandmaine.gov](mailto:jf@portlandmaine.gov)) if you have any questions and/or would like me to set up a meeting with relevant reviewers.

Sincerely,

  
Jean Fraser  
Planner

Attachments: City of Portland Department of Public Works Memos from  
Michael Farmer (12.5.2007) and David Margolis-Pineo (12.6.2007)  
Summary of 14-403 cases (table)

cc: Barbara Barhydt, Development Review Services Manager  
Penny Littell, Associate Corporation Counsel  
Katherine Earley, Public Works Engineering Manager  
David Margolis-Pineo, Deputy City Engineer  
Mike Farmer, Project Engineer  
Todd Merkle, Public Works  
Phil DiPierro, DRC (Planning)  
Jeanie Bourke, Inspections Director  
Chris Hanson, Building Inspector  
Marge Schmuckal, Zoning Administrator  
Ann Machado, Zoning

**CITY OF PORTLAND  
DEPARTMENT OF PUBLIC WORKS  
Engineering Division**

**M E M O**

TO: Jean Fraser  
FROM: Michael Farmer, Project Engineer  
DATE: Dec. 5, 2007  
RE: Caribou Street - Proposed Single Family House Lot

I am submitting the following comments on behalf of the Department of Public Works, based on a review of the 11" x 17" plan dated 6-13-2003, titled SITE PLAN/BOUNDARY PLAN, EXISTING CONDITIONS, CARIBOU STREET PORTLAND, ME.

Section 14-403 of the City Code of Ordinances requires the applicant to build Caribou Street to City standards across the proposed house lot and to build the street (or streets) to City standards from the proposed lot to a permanently paved street. The Department of Public Works has concluded that the closest permanently paved streets to the proposed lot are Hobart Street and Osgood Street. This offers the applicant two possible routes to get from a permanently paved street to the proposed lot.

One alternative would be to improve Westland Avenue from Hobart Street to Caribou Street and Caribou Street from Westland Street to, and in front of, the proposed lot. DPW street construction standards require a turn around at the end of a dead end street. Since Caribou Street is now dead end street, the applicant would be required to construct a turn around on Caribou Street as part of this alternative.

The second alternative would be to improve Caribou Street from Osgood Street to, and in front of, the proposed lot. Since this alternative would make Caribou Street passable (for emergency vehicles, plows and garbage trucks) from Westland Avenue to Osgood Street, a turn around on Caribou Street near the proposed lot would not be required.

Improving a street to City standards in this case would include a 28 foot wide paved street with the following utilities: storm drain, water, electric power, street lights, communication, and possibly sanitary sewer. Granite curbing is also generally required; however, Sec. 14-403 allows DPW to waive the requirement for granite curbing in some cases. Section 14-403 indicates that sidewalks may not be required if the street is not on a school walking route. DPW has indicated an inclination to waive the granite curb requirement in this case on parts of Caribou Street and Westland Avenue where the existing roadside ditches and cross culverts function well.

The DPW has two policies regarding sewer connections and extensions that seem relevant to this application. One policy is to require sewer extensions as part of street extensions. Section 14-403 supports this policy by stating that street improvements required under 14-403 shall include

sewers. The other DPW policy is to allow an on-site wastewater disposal system when a proposed house lot is more than 200 feet away from an existing sanitary sewer.

The closest existing sanitary sewer to the proposed lot on Caribou Street is about 800 feet away, on Hobart Street. DPW is reluctant to require a sanitary sewer extension in this situation because of the large expense involved to build an 800-foot sewer extension. However, the alternative of an on-site wastewater system is also unattractive because the proposed house lot is so small, at only 6,000 square feet.

More detailed plans will be required if the applicant pursues this project. An engineered plan and profile design for the street extension is required. A drainage analysis and drainage system design is required. More detailed survey plans are required to show the street areas that will be improved and offered to the City for acceptance. The applicant or his consultants can contact City staff in the Engineering Division of DPW to discuss typical plan details that will be required.

page 2  
from  
mike farmer PW



**CITY OF PORTLAND  
DEPARTMENT OF PUBLIC WORKS  
Engineering Division**

**M E M O**

TO: Jean Fraser  
FROM: David Margolis-Pineo, Deputy City Engineer  
DATE: Dec. 6, 2007  
RE: Caribou Street - Proposed Single Family House Lot

A couple comments to clarify Mike Farmer's memo to you on the same subject dated December 5, 2007.

If the applicant chooses to improve the road from Hobart Street, DPW will waive the requirement to extend the sanitary sewer.

If the applicant chooses to improve the road from Osgood Street, no sanitary sewer is required with is option as well, however granite curbing is required since Osgood Street has granite curbing where Caribou Street would connect.

It understood with either option, a drainage plan must be approved.

**Summary of 14-403 Requirements in previous approvals\***

(in date order of approval)

Street	Applica- tion Ref #	Date appr'd	Status prior to imp's	Length improved	Pav ing	Sewers	Curbs	Side walks	Turn- around	Light- ing
<b>Barclay</b>	2002-0057	June 2002	Unaccepted Paper street	270 ft- at that time for 2 lots; later 3 lots	Yes	Yes (+ water)	Yes + under drains	Yes - one side	Yes	Yes
<b>Bay</b>	2003-0142	2003	Not known; assume unaccepted	275 ft as part of 4-lot subdivision	Yes	Existing	Yes + under drain	Yes - one side	Yes	Yes + tel pole & hy- drant
<b>Beverly</b>	2004-0200	June 2005	Paper Street	145 ft - dead end (for 2 lots)	Yes	Part existing	Yes	Yes - both sides	Yes	Yes
<b>Beverly</b>	2007-0042	October 2007	Paper Street	316 ft (for 2 lots) to connect to Randolph St.	Yes	Part existing	Yes	Yes - both sides	Paving turning area in Randolph h St.	Yes
<b>Harvard/ Yale</b>	2004-0187 2005-0079	April 2005	Paper Street	Extensive as part of 10-lot subdivision	Sec 14-403 became part of subdivision and requirements related to the larger project.					
<b>Kineo (in system as Dudley)</b>	2006-0211 (part of site plan)	March 2007	Unaccepted and not dedicated paper street	84 ft for 1-2 lots	Yes	Yes	Yes + under drain	Yes (one trail thru to Dudley)	Yes	No
<b>Pennell</b>	2007-0193	Under review								
<b>Caribou</b>	2007-0187	Under review								

\*Information available as of Dec 7, 2007; table prepared by Jean Fraser, Planner

Planning Division Director  
389 Congress Street, Suite 400  
Portland, ME 04101

Phone: (207)874-8724

>>> Dan Skolnik 01/02/08 2:58 PM >>>  
Hello Lee and Alex,

I recently met with Mr. Carter and viewed the properties involved in his permit request. He's looking to move a house and is willing to comply with either of two scenarios the City requires to do so:

1. Improve portions of Westland Ave. and Caribou St., or
2. Connect Caribou St. to Hobart St.

Mr. Carter's view is that the City should not require a full 28-foot width or granite curbing in option 1. With regard to option 2, he believes the requirement of a turnaround is inappropriate due to the site specifics.

What are the holdups to a compromise as you see it?

Thanks,  
Dan

Dan Skolnik  
City Council, District 3  
City of Portland  
389 Congress St.  
Portland, Maine 04101  
207.831.7343

>>> Jean Fraser 1/9/2008 9:47:28 AM >>>  
Alex,

Further to our discussion yesterday, I attach a copy of the letter I sent to Stuart Carter in early December- it has all the attachments.

Jean

**CC:** Barhydt, Barbara; Earley, Katherine; Farmer, Michael; Littell, Penny; Margolis-Pineo, David; Schmuckal, Marge

Circulation record



PORTLAND, MAINE  
Strengthening a Remarkable City. Building a Community for Life [www.portlandmaine.gov](http://www.portlandmaine.gov)

Planning and Development Department  
Lee D. Urban, Director

Planning Division  
Alexander Jaegerman, Director

December 7<sup>th</sup>, 2007

← mailed at PO  
this date

R. Stuart Carter III  
95 Westland Avenue  
Portland, Me 04102

RE: **Application for Sec 14-403 Review  
Caribou Street Lot  
(Application ID #2007-0187)**

Dear Mr. Carter:

Thank you for your application to improve Caribou Street, submitted in conjunction with a Single Family Site Plan application to relocate a 2 story house onto a lot on Caribou Street (Application ID #2007-0179) and the Building Permit applications (#07-1263 for removing 184 Osgood Street; #07-1266 for relocating the house onto a new foundation at Caribou Street).

This application was not progressed in October 2007 because of a number of inconsistencies in the documentation; the 14-403 review was commenced at the beginning of November, 2007.

Regarding the requirements for the street improvements, I appreciate there have been a number of telephone discussions with various City staff and questions over the current status of the streets in that area and the feasibility of different options to serve your proposed lot. As you know, your application has raised a number of policy and strategic issues which relate to three areas of review:

- The Citys Ordinance as set out in 14-403 and referenced sections;
- The Citys *Technical and Design Standards* which set out more detailed street improvement requirements (reference copies are available at Public Works and Planning Departments); and
- The City's overall investment strategy for street improvements.

I attach final comments from Public Works which comprise two Memos: the first from Michael Farmer dated December 5, 2007; and a second Memo from David Margolis-Pineo dated December 6, 2007 which further clarifies the requirements related to curbing

and sewers. I suggest a meeting with City staff would be the next step once you have considered the comments and decided on a course of action.

During a recent telephone call you asked to review the files for other Section 14-403 applications which have been determined by the City. Because our records are kept in a computer system, I requested reports from that system showing the 14-403 applications since 2002. There are a total of six where the reviews are completed, two of which are for the same street. I attach a summary of all of these applications based on my review of the case files. You are welcome to review these individual case files, but please give us some advance notice so we can pull the files for you.


You also asked for information regarding the process for appealing any of the street improvement requirements set out by Public Works. Other cases of this kind have been referred to the Zoning Board of Appeals and Marge Schmuckal, Zoning Administrator, would handle the paper work with my support.

The City would expect the improved streets to be accepted by the City and therefore would need to see the Warranty Deeds for all the sections of street that are improved.

Please note that the Single Family Site Plan and Building Permit reviews are being undertaken in parallel with this 14-403 review by separate sections of this Department; I understand that Phil DiPierro, Ann Machado and Chris Hanson are in touch with you on other aspects of the proposal.

Please contact me at (207) 874 8728 (or [jf@portlandmaine.gov](mailto:jf@portlandmaine.gov)) if you have any questions and/or would like me to set up a meeting with relevant reviewers.

Sincerely,

  
Jean Fraser  
Planner

Attachments: City of Portland Department of Public Works Memos from  
Michael Farmer (12.5.2007) and David Margolis-Pineo (12.6.2007)  
Summary of 14-403 cases (table)

*elec all*

cc: x<sup>8</sup> Barbara Barhydt, Development Review Services Manager  
Penny Littell, Associate Corporation Counsel  
Katherine Earley, Public Works Engineering Manager  
David Margolis-Pineo, Deputy City Engineer  
Mike Farmer, Project Engineer  
Todd Merkle, Public Works  
Phil DiPierro, DRC (Planning)  
Jeanie Bourke, Inspections Director  
Chris Hanson, Building Inspector  
Marge Schmuckal, Zoning Administrator  
Ann Machado, Zoning

**CITY OF PORTLAND  
DEPARTMENT OF PUBLIC WORKS  
Engineering Division**

**M E M O**

TO: Jean Fraser  
FROM: Michael Farmer, Project Engineer  
DATE: Dec. 5, 2007  
RE: Caribou Street - Proposed Single Family House Lot

I am submitting the following comments on behalf of the Department of Public Works, based on a review of the 11" x 17" plan dated 6-13-2003, titled SITE PLAN/BOUNDARY PLAN, EXISTING CONDITIONS, CARIBOU STREET PORTLAND, ME.

Section 14-403 of the City Code of Ordinances requires the applicant to build Caribou Street to City standards across the proposed house lot and to build the street (or streets) to City standards from the proposed lot to a permanently paved street. The Department of Public Works has concluded that the closest permanently paved streets to the proposed lot are Hobart Street and Osgood Street. This offers the applicant two possible routes to get from a permanently paved street to the proposed lot.

One alternative would be to improve Westland Avenue from Hobart Street to Caribou Street and Caribou Street from Westland Street to, and in front of, the proposed lot. DPW street construction standards require a turn around at the end of a dead end street. Since Caribou Street is now dead end street, the applicant would be required to construct a turn around on Caribou Street as part of this alternative.

The second alternative would be to improve Caribou Street from Osgood Street to, and in front of, the proposed lot. Since this alternative would make Caribou Street passable (for emergency vehicles, plows and garbage trucks) from Westland Avenue to Osgood Street, a turn around on Caribou Street near the proposed lot would not be required.

Improving a street to City standards in this case would include a 28 foot wide paved street with the following utilities: storm drain, water, electric power, street lights, communication, and possibly sanitary sewer. Granite curbing is also generally required; however, Sec. 14-403 allows DPW to waive the requirement for granite curbing in some cases. Section 14-403 indicates that sidewalks may not be required if the street is not on a school walking route. DPW has indicated an inclination to waive the granite curb requirement in this case on parts of Caribou Street and Westland Avenue where the existing roadside ditches and cross culverts function well.

The DPW has two policies regarding sewer connections and extensions that seem relevant to this application. One policy is to require sewer extensions as part of street extensions. Section 14-403 supports this policy by stating that street improvements required under 14-403 shall include

sewers. The other DPW policy is to allow an on-site wastewater disposal system when a proposed house lot is more than 200 feet away from an existing sanitary sewer.

The closest existing sanitary sewer to the proposed lot on Caribou Street is about 800 feet away, on Hobart Street. DPW is reluctant to require a sanitary sewer extension in this situation because of the large expense involved to build an 800-foot sewer extension. However, the alternative of an on-site wastewater system is also unattractive because the proposed house lot is so small, at only 6,000 square feet.

More detailed plans will be required if the applicant pursues this project. An engineered plan and profile design for the street extension is required. A drainage analysis and drainage system design is required. More detailed survey plans are required to show the street areas that will be improved and offered to the City for acceptance. The applicant or his consultants can contact City staff in the Engineering Division of DPW to discuss typical plan details that will be required.

**CITY OF PORTLAND  
DEPARTMENT OF PUBLIC WORKS  
Engineering Division**

**M E M O**

TO: Jean Fraser  
FROM: David Margolis-Pineo, Deputy City Engineer  
DATE: Dec. 6, 2007  
RE: Caribou Street - Proposed Single Family House Lot

A couple comments to clarify Mike Farmer's memo to you on the same subject dated December 5, 2007.

If the applicant chooses to improve the road from Hobart Street, DPW will waive the requirement to extend the sanitary sewer.

If the applicant chooses to improve the road from Osgood Street, no sanitary sewer is required with is option as well, however granite curbing is required since Osgood Street has granite curbing where Caribou Street would connect.

It understood with either option, a drainage plan must be approved.



**Summary of 14-403 Requirements in previous approvals\***  
(in date order of approval)

Street	Applica- tion Ref #	Date appr'd	Status prior to imp's	Length improved	Pav ing	Sewers	Curbs	Side walks	Turn- around	Light- ing
<b>Barclay</b>	2002-0057	June 2002	Unaccepted Paper street	270 ft- at that time for 2 lots; later 3 lots	Yes	Yes (+ water)	Yes + under drains	Yes - one side	Yes	Yes
<b>Bay</b>	2003-0142	2003	Not known; assume unaccepted	275 ft as part of 4-lot subdivision	Yes	Existing	Yes + under drain	Yes - one side	Yes	Yes + tel pole & hy- drant
<b>Beverly</b>	2004-0200	June 2005	Paper Street	145 ft - dead end (for 2 lots)	Yes	Part existing	Yes	Yes - both sides	Yes	Yes
<b>Beverly</b>	2007-0042	October 2007	Paper Street	316 ft (for 2 lots) to connect to Randolph St.	Yes	Part existing	Yes	Yes - both sides	Paving turning area in Randolp h St.	Yes
<b>Harvard/ Yale</b>	2004-0187 2005-0079	April 2005	Paper Street	Extensive as part of 10-lot subdivision	Sec 14-403 became part of subdivision and requirements related to the larger project.					
<b>Kineo</b> (in system as Dudley)	2006-0211 (part of site plan)	March 2007	Unaccepted and not dedicated paper street	84 ft for 1-2 lots	Yes	Yes	Yes + under drain	Yes (one trail thru to Dudley)	Yes	No
<b>Pennell</b>	2007-0193	Under review								
<b>Caribou</b>	2007-0187	Under review								

\*Information available as of Dec 7, 2007; table prepared by Jean Fraser, Planner

*file Caribou St.*

**From:** Penny Littell  
**To:** ALEX JAEGERMAN; Barbara Barhydt; Jean Fraser  
**Date:** 12/7/2007 11:06:41 AM  
**Subject:** 14-403 appeal

I spoke with Marge about this one. Traditionally, challenges to a PW decision that a paper street must be built has been submitted to the ZBA. Of the 4 cases Marge recalls, not one was waived or exempt from building the street.

**CC:** Marge Schmuckal

**From:** Jean Fraser  
**To:** Scarter4@maine.rr.com  
**Date:** 12/7/2007 4:52:42 PM  
**Subject:** Caribou Street

Mr Carter,

Just to let you know that a letter was mailed today and hopefully you will get it tomorrow and I think it addresses all the issues we discussed.

If you have not received it by Monday, please call me and give me your fax number and I will re-send it by fax.

Jean (Fraser)  
Planner  
874 8728



Planning file copy

*Strengthening a Remarkable City. Building a Community for Life* [www.portlandmaine.gov](http://www.portlandmaine.gov)

Planning and Development Department  
Lee D. Urban, Director

Planning Division  
Alexander Jaegerman, Director

December 7<sup>th</sup>, 2007

R. Stuart Carter III  
95 Westland Avenue  
Portland, Me 04102

RE: **Application for Sec 14-403 Review  
Caribou Street Lot  
(Application ID #2007-0187)**

Dear Mr. Carter:

Thank you for your application to improve Caribou Street, submitted in conjunction with a Single Family Site Plan application to relocate a 2 story house onto a lot on Caribou Street (Application ID #2007-0179) and the Building Permit applications (#07-1263 for removing 184 Osgood Street; #07-1266 for relocating the house onto a new foundation at Caribou Street).

This application was not progressed in October 2007 because of a number of inconsistencies in the documentation; the 14-403 review was commenced at the beginning of November, 2007.

Regarding the requirements for the street improvements, I appreciate there have been a number of telephone discussions with various City staff and questions over the current status of the streets in that area and the feasibility of different options to serve your proposed lot. As you know, your application has raised a number of policy and strategic issues which relate to three areas of review:

- The City's Ordinance as set out in 14-403 and referenced sections;
- The City's *Technical and Design Standards* which set out more detailed street improvement requirements (reference copies are available at Public Works and Planning Departments); and
- The City's overall investment strategy for street improvements.

I attach final comments from Public Works which comprise two Memos: the first from Michael Farmer dated December 5, 2007; and a second Memo from David Margolis-Pineo dated December 6, 2007 which further clarifies the requirements related to curbing

and sewers. I suggest a meeting with City staff would be the next step once you have considered the comments and decided on a course of action.

During a recent telephone call you asked to review the files for other Section 14-403 applications which have been determined by the City. Because our records are kept in a computer system, I requested reports from that system showing the 14-403 applications since 2002. There are a total of six where the reviews are completed, two of which are for the same street. I attach a summary of all of these applications based on my review of the case files. You are welcome to review these individual case files, but please give us some advance notice so we can pull the files for you.

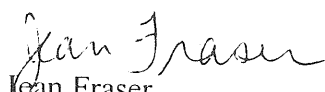
You also asked for information regarding the process for appealing any of the street improvement requirements set out by Public Works. Other cases of this kind have been referred to the Zoning Board of Appeals and Marge Schmuckal, Zoning Administrator, would handle the paper work with my support.

The City would expect the improved streets to be accepted by the City and therefore would need to see the Warranty Deeds for all the sections of street that are improved.

Please note that the Single Family Site Plan and Building Permit reviews are being undertaken in parallel with this 14-403 review by separate sections of this Department; I understand that Phil DiPierro, Ann Machado and Chris Hanson are in touch with you on other aspects of the proposal.

Please contact me at (207) 874 8728 (or [jf@portlandmaine.gov](mailto:jf@portlandmaine.gov)) if you have any questions and/or would like me to set up a meeting with relevant reviewers.

Sincerely,



Jean Fraser  
Planner

Attachments: City of Portland Department of Public Works Memos from  
Michael Farmer (12.5.2007) and David Margolis-Pineo (12.6.2007)  
Summary of 14-403 cases (table)

cc: Barbara Barhydt, Development Review Services Manager  
Penny Littell, Associate Corporation Counsel  
Katherine Earley, Public Works Engineering Manager  
David Margolis-Pineo, Deputy City Engineer  
Mike Farmer, Project Engineer  
Todd Merkle, Public Works  
Phil DiPierro, DRC (Planning)  
Jeanie Bourke, Inspections Director  
Chris Hanson, Building Inspector  
Marge Schmuckal, Zoning Administrator  
Ann Machado, Zoning

**CITY OF PORTLAND  
DEPARTMENT OF PUBLIC WORKS  
Engineering Division**

**M E M O**

TO: Jean Fraser  
FROM: Michael Farmer, Project Engineer  
DATE: Dec. 5, 2007  
RE: Caribou Street - Proposed Single Family House Lot

I am submitting the following comments on behalf of the Department of Public Works, based on a review of the 11" x 17" plan dated 6-13-2003, titled SITE PLAN/BOUNDARY PLAN, EXISTING CONDITIONS, CARIBOU STREET PORTLAND, ME.

Section 14-403 of the City Code of Ordinances requires the applicant to build Caribou Street to City standards across the proposed house lot and to build the street (or streets) to City standards from the proposed lot to a permanently paved street. The Department of Public Works has concluded that the closest permanently paved streets to the proposed lot are Hobart Street and Osgood Street. This offers the applicant two possible routes to get from a permanently paved street to the proposed lot.

One alternative would be to improve Westland Avenue from Hobart Street to Caribou Street and Caribou Street from Westland Street to, and in front of, the proposed lot. DPW street construction standards require a turn around at the end of a dead end street. Since Caribou Street is now dead end street, the applicant would be required to construct a turn around on Caribou Street as part of this alternative.

The second alternative would be to improve Caribou Street from Osgood Street to, and in front of, the proposed lot. Since this alternative would make Caribou Street passable (for emergency vehicles, plows and garbage trucks) from Westland Avenue to Osgood Street, a turn around on Caribou Street near the proposed lot would not be required.

Improving a street to City standards in this case would include a 28 foot wide paved street with the following utilities: storm drain, water, electric power, street lights, communication, and possibly sanitary sewer. Granite curbing is also generally required; however, Sec. 14-403 allows DPW to waive the requirement for granite curbing in some cases. Section 14-403 indicates that sidewalks may not be required if the street is not on a school walking route. DPW has indicated an inclination to waive the granite curb requirement in this case on parts of Caribou Street and Westland Avenue where the existing roadside ditches and cross culverts function well.

The DPW has two policies regarding sewer connections and extensions that seem relevant to this application. One policy is to require sewer extensions as part of street extensions. Section 14-403 supports this policy by stating that street improvements required under 14-403 shall include

sewers. The other DPW policy is to allow an on-site wastewater disposal system when a proposed house lot is more than 200 feet away from an existing sanitary sewer.

The closest existing sanitary sewer to the proposed lot on Caribou Street is about 800 feet away, on Hobart Street. DPW is reluctant to require a sanitary sewer extension in this situation because of the large expense involved to build an 800-foot sewer extension. However, the alternative of an on-site wastewater system is also unattractive because the proposed house lot is so small, at only 6,000 square feet.

More detailed plans will be required if the applicant pursues this project. An engineered plan and profile design for the street extension is required. A drainage analysis and drainage system design is required. More detailed survey plans are required to show the street areas that will be improved and offered to the City for acceptance. The applicant or his consultants can contact City staff in the Engineering Division of DPW to discuss typical plan details that will be required.

**CITY OF PORTLAND  
DEPARTMENT OF PUBLIC WORKS  
Engineering Division**

**M E M O**

TO: Jean Fraser  
FROM: David Margolis-Pineo, Deputy City Engineer  
DATE: Dec. 6, 2007  
RE: Caribou Street - Proposed Single Family House Lot

A couple comments to clarify Mike Farmer's memo to you on the same subject dated December 5, 2007.

If the applicant chooses to improve the road from Hobart Street, DPW will waive the requirement to extend the sanitary sewer.

If the applicant chooses to improve the road from Osgood Street, no sanitary sewer is required with is option as well, however granite curbing is required since Osgood Street has granite curbing where Caribou Street would connect.

It understood with either option, a drainage plan must be approved.



## Summary of 14-403 Requirements in previous approvals\*

(in date order of approval)

Street	Applica- tion Ref #	Date appr'd	Status prior to imp's	Length improved	Pav ing	Sewers	Curbs	Side walks	Turn- around	Light- ing
Barclay	2002-0057	June 2002	Unaccepted Paper street	270 ft - at that time for 2 lots; later 3 lots	Yes	Yes (+ water)	Yes + under drains	Yes - one side	Yes	Yes
Bay	2003-0142	2003	Not known; assume unaccepted	275 ft as part of 4-lot subdivision	Yes	Existing	Yes + under drain	Yes - one side	Yes	Yes + tel pole & hy- drant
Beverly	2004-0200	June 2005	Paper Street	145 ft - dead end (for 2 lots)	Yes	Part existing	Yes	Yes - both sides	Yes	Yes
Beverly	2007-0042	October 2007	Paper Street	316 ft (for 2 lots) to connect to Randolph St.	Yes	Part existing	Yes	Yes - both sides	Paving turning area in Randolph St.	Yes
Harvard/ Yale	2004-0187 2005-0079	April 2005	Paper Street	Extensive as part of 10-lot subdivision	Sec 14-403 became part of subdivision and requirements related to the larger project.					
Kineo (in system as Dudley)	2006-0211 (part of site plan)	March 2007	Unaccepted and not dedicated paper street	84 ft for 1-2 lots	Yes	Yes	Yes + under drain	Yes (one trail thru to Dudley)	Yes	No
Pennell	2007-0193	Under review								
Caribou	2007-0187	Under review								

\*Information available as of Dec 7, 2007; table prepared by Jean Fraser, Planner

John F



# PORTLAND MAINE

*Strengthening a Remarkable City, Building a Community for Life • [www.portlandmaine.gov](http://www.portlandmaine.gov)*

Lee Urban- Director of Planning and Development  
Marge Schmuckal, Zoning Administrator

February 21, 2008

R. Stuart Carter III  
95 Westland Avenue  
Portland, ME 04102

RE: Application for Section 14-403 Review #2007-0187  
Caribou Street – 197-L-007 & 008  
Building Permit #07-1266

Dear Mr. Carter:

You have been inquiring into several issues associated with your proposal to move a house presently owned by Waynflete School to a piece of property you own on Caribou Street. Knowing that various ordinance requirements affect your project, you and Councilor Skolnik requested a meeting with staff to review the applicable sections of the Portland Ordinance and to discuss those sections for which waivers may be obtained.

On December 7, 2007 the City sent you a letter outlining various issues that may impact your plans. Staff members from several City Departments then met with you and a representative from Waynflete at City Hall on February 1, 2008 to discuss your objective of moving the house to your lot and the Ordinance requirements which would apply to such a project. At that meeting you outlined a number of issues and problems related to the options for street improvements that the City had included in its December 7<sup>th</sup> letter to you. Staff has again reviewed the Ordinance language in light of your general objective (recognizing that no detailed street improvement plans have been submitted) and responds to you as follows.

1. **Street Width:** The Public Works Department has reviewed the utilities and drainage issues in Westland Avenue and does not support a waiver for a street width of less than 28 feet for street improvements associated with this 14-403 application. As we discussed with you at the meeting, the City has found that a street width of less than 28 feet did not allow for adequate traffic flow and proper street maintenance. It was communicated that the requirements for curbing and drainage for this option likely would be waived once a plan has been submitted and evaluated. As for the sewer alternative you propose (i.e. installation of a septic system as opposed to connecting to the City sewer), the City recognizes the provision of Chapter 24-37 allows for septic system installation where the sewer

connection would be located 200 feet or more away from an active City sewer system.

2. **Turnaround:** The Public Works Department has reviewed the question of a turnaround and has determined that a turnaround would be required if the street improvements extend to Westland Avenue and Hobart Avenue, but not if the street improvement goes through to Osgood Street. The required turnaround would need to meet the City's Technical Standards: Section 1: "Street Design, Alignment and Grade Standards" item 2E and Figure I-6 "Typical Turnaround Detail." These specify that the turnaround may be in gravel or paved but must be 30 feet away from the end of the dedicated or accepted street and comprise a 30 foot by 30 foot easement to the right side of the street when facing the dead-end. As we discussed at the meeting, a turnaround is typically located over property in which the applicant has right, title and interest. A turnaround does not fit within a 50 foot right of way as you originally imagined.

The above decisions are based on the City's Ordinance requirements as set out in section 14-403. As was stated in the letter from Planning to you in December, the Legal Department has confirmed that you have the right to appeal these decisions through the Zoning Board of Appeals.

If you wish to exercise your right to appeal, you have thirty (30) days from the date of this letter in which to appeal before the Zoning Board of Appeals. If you should fail to do so, my decision is binding and not subject to appeal. If you wish to appeal, please contact me for the necessary paperwork that is required to file an appeal.

Sincerely,



Marge Schmuckal  
Zoning Administrator

Cc: Dan Skolnik, Councilor  
Lee Urban, Director of Planning and Development  
Alex Jaegerman, Planning Division Director  
Barbara Barhydt, Development Review Services Manager  
Jean Fraser, Planner  
Mike Farmer, Public Works, Project Engineer  
Penny Littell, Associate Corporation Counsel  
Katherine Earley, Public Works Engineering Manager  
David Margolis-Pineo, Deputy City Engineer  
Todd Merkle, Public Works  
Phil Dipierro, Planning Development Review Coordinator  
Jeanie Bourke, Inspection Services Director  
Chris Hanson, Code Enforcement Officer  
Ann Machado, Zoning Specialist

**Sec. 14-402. Relationship of buildings to lots.**

Every building hereafter erected shall be located on a lot as defined in section 14-47.

(Code 1968, § 602.18.A)

**Sec. 14-403. Street access.**

(a) *In general.* No building intended for use as a habitation shall be erected on a lot which has its only street frontage on a street less than thirty-five (35) feet wide. No building shall be erected on a lot, except on the islands in Casco Bay, which does not abut a street meeting the minimum requirements for street improvements set forth in this section. For purposes of this section, street shall be as defined in section 14-47, except that a dedicated street which may no longer be accepted due to lapse of time and an accepted street which may have been discontinued by abandonment shall also be deemed to be streets, provided that an applicant for a building permit respecting any lot abutting such street shall, without compensation or claim for damages, and at his own cost and expense, first submit to the building authority (a) a deed from the owner of such lot conveying to the city all his right, title and interest in and to such street or any portion thereof; and (b) an agreement by such owner forever releasing the city from any and all claims for damages for the laying out and taking of such street and indemnifying the city against any and all other such claims, both such instruments to be executed and in recordable form acceptable to the corporation counsel and to encumber and run with the land.

(b) *Minimum requirements for street improvements on unimproved and improved but unpaved streets.* 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 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. Where the nearest permanently paved street does not have granite curbing, the public works authority may waive the requirement of curbing under this section, if it determines that an acceptable alternative drainage plan will be provided. Prior to the

issuance of a building permit for erection of a building on a lot abutting any portion of a street which is unimproved or improved but not permanently paved, the following shall occur: (1) A plan of the street improvements required by this section shall be submitted to the public works authority; and (2) upon determination by the public works authority that the plan meets the street improvement requirements established by this subsection, a performance guarantee and inspection fee for said improvements shall be submitted to the city as set forth in section 14-501. Also as set forth in section 14-501, a one-year defect bond shall be tendered to the city prior to release of the performance guarantee required hereby. The provisions of this subsection (b) shall not apply to the erection of any single-family dwelling on any lot where the owner of the lot establishes that he or she was the owner of that same lot on November 19, 1984, and at all times thereafter, and states his or her intention under oath to make the structure his or her personal residence.

(c) *Exceptions.* The requirements of this section shall not apply to the following city streets upon their construction by the public works authority to such standards as are determined by the authority to be the most feasible:

(1) Dingley Court;

(2) Morgan Court.

(Code 1968, § 602.18.B; Ord. No. 193-84, § 1, 11-19-84; Ord. No. 178-87, 11-2-87; Ord. No. 372-89, 3-20-89; Ord. No. 273-90, 3-19-90)

**Sec. 14-404. Accessory use.**

The term "accessory use" shall include only the following:

(a) A subordinate use of land or building which is customarily incidental to the main building or to the principal use of the land and which is located on the same lot with the principal building or use. No "garage sale," "lawn sale," "attic sale," "rummage sale," or other similar casual sale of tangible personal property which is advertised by any means whatsoever whereby the public at large is or can be made aware of such sale, shall be deemed to be "customarily incidental" if such sale occurs after sales have been conducted on the same premises for six (6) or more days previously during the calendar year.

**Sec. 24-35. Sanitary facilities required.**

Every building intended for human habitation, occupancy, employment, recreation or other purposes, situated within the city shall be provided with suitable and sufficient sanitary facilities for the use of the occupants thereof, which facilities in character, number and method of installation shall comply with all health laws of the state, ordinances of the city, and rules and regulations of the state bureau of health so far as the same are compatible and not inconsistent.

(Ord. No. 263-96, 5-20-96)

**Sec. 24-36. Connection to public sewer required.**

The owner of any building used for human habitation, occupancy, employment, recreation or other purposes, situated within the city and abutting on any street, alley or right-of-way in which there is located a public sanitary, combined or interceptor sewer, is hereby required at his expense to connect the building drainage system in the most direct manner possible with the proper public sewer in accordance with the provisions of this article, provided that the public sewer is within two hundred (200) feet of the building (the two hundred (200) feet to be measured in such manner so as not to pass over any property owned privately by anyone other than the owner of the premises from which such measurement is being made). Any required compliance with this section shall be completed within one (1) year after the date of official notice to do so.

(Ord. No. 263-96, 5-20-96)

**Sec. 24-37. Exception for private wastewater system.**

Where the public sewer does not extend to within two hundred (200) feet distant from the nearest point of the building (measured as described in section 24-36), the public sewer shall, at such time, be classified as inaccessible with regard to such premises. Where the public sewers are inaccessible to premises, any building required to be provided with sanitary facilities under section 24-35 shall comply with the following:

- (a) The owner may at his own expense connect with the public sewer even though the building is over two hundred (200) feet distant from the public sewer; or
- (b) Where liquid-carried wastes or wastewater result, they shall discharge into a private wastewater disposal



**From:** Jean Fraser  
**To:** Barhydt, Barbara; Farmer, Michael; Jaegerman, Alex; Littell, Penny; Schmuckal, Marge  
**Date:** 2/1/2008 4:20:45 PM  
**Subject:** Caribou Street meeting today

Hello all:

I have listed out the key actions (action by **bolded** name) from the meeting "for the record" and it could be used to update Dan Skolnik by Alex (if everyone feels they correctly reflect the outcome of the meeting- let me know cc ALEX if these are not OK).

1. It was understood that **Stuart Carter** would consider the options further though at the moment he preferred to go to Hobart but not provide a turnaround and with the pavement narrower than 28 feet in Westland
2. It was clarified to Stuart Carter that staff had already given waivers as far as they could under 14-403 and other Ordinances, although **Penny Littell** will look again at whether there is a basis/process other than ZBA for waiving the turnaround or allowing a different layout of turnaround that is entirely within the ROW.
3. **Mike Farmer** will also look again at the issue of the turnaround size, location and design and whether there is a way that one could be designed that is within the ROW, or any basis for supporting a waiver.
4. **Mike Farmer** to look at Westland Street and clarify whether Public Works would support a waiver of the 28 feet because of the utilities and drainage issues. (Note: it was stated at the meeting that any waiver of this would go to ZBA)
5. It was suggested to **Stuart Carter** that more accurate estimates (based on surveys and PE design work) of the costs to meet City standards are needed to show how the special circumstances of this location result in high costs (some were mentioned at the meeting such as need to relocate utilities; problem of providing drainage if the road is wide; fill needed for turnaround etc). **Mike Farmer** to provide Stuart Carter with the relevant PW Technical Standards so that a more detailed assessment is possible.
6. **Jean Fraser** to remain point of contact with Stuart Carter (except Mike it would be quicker if you send the Tech Stds direct and let me know) and will call Stuart when Penny and Mike have further comments re issues outlined above.

Jean

2-6-08 DW RW.

PW confirmed unable to support waivers re 3+4  
PL indicated must go ZBA (re 2 tho maybe check again)  
JF to draft reply on behalf of PW with  
MS providing ZBA wording (eg 30 day time limit)  
JF to clar. next steps. (draft sent out 2/11)



**From:** Alex Jaegerman  
**To:** Barbara Barhydt; Jean Fraser; Marge Schmuckal; Michael Farmer; Penny Littell  
**Date:** 2/1/2008 4:41:46 PM  
**Subject:** Re: Caribou Street meeting today

With a quick read, to clarify that Mike Farmer will look at the utilities in Westland to see if it justifies consideration of a lesser width. Does Public Works have the authority to determine that a lesser width is acceptable, and whether a turnaround and what sort of turnaround is required? (I think they do.) I thought the ZBA gets involved in an appeal of the application of the standards, via a variance request, not a likely win.

>>> Jean Fraser 2/1/2008 4:20:45 PM >>>  
Hello all:

I have listed out the key actions (action by **bolded** name) from the meeting "for the record" and it could be used to update Dan Skolnik by Alex (if everyone feels they correctly reflect the outcome of the meeting- let me know cc ALEX if these are not OK).

1. It was understood that **Stuart Carter** would consider the options further though at the moment he preferred to go to Hobart but not provide a turnaround and with the pavement narrower than 28 feet in Westland
2. It was clarified to Stuart Carter that staff had already given waivers as far as they could under 14-403 and other Ordinances, although **Penny Littell** will look again at whether there is a basis/process other than ZBA for waiving the turnaround or allowing a different layout of turnaround that is entirely within the ROW.
3. **Mike Farmer** will also look again at the issue of the turnaround size, location and design and whether there is a way that one could be designed that is within the ROW, or any basis for supporting a waiver.
4. **Mike Farmer** to look at Westland Street and clarify whether Public Works would support a waiver of the 28 feet because of the utilities and drainage issues. (Note: it was stated at the meeting that any waiver of this would go to ZBA)
5. It was suggested to **Stuart Carter** that more accurate estimates (based on surveys and PE design work) of the costs to meet City standards are needed to show how the special circumstances of this location result in high costs (some were mentioned at the meeting such as need to relocate utilities; problem of providing drainage if the road is wide; fill needed for turnaround etc). **Mike Farmer** to provide Stuart Carter with the relevant PW Technical Standards so that a more detailed assessment is possible.
6. **Jean Fraser** to remain point of contact with Stuart Carter (except Mike it would be quicker if you send the Tech Stds direct and let me know) and will call Stuart when Penny and Mike have further comments re issues outlined above.

Jean

# Caribou St. Meeting

Feb 1, 2008.

Smart Carter

Ann Hagstrom, Wayne Flete

City

Alex, Barbara, ~~Ann~~<sup>Marge</sup>, Jean, Renny (Mike Flete)

- Alex opened.
- Carter background - moving house (lot 27 end Osgood)  
- understands need <sup>vacant + needs substantial work.</sup>
- Clarified facts
- Options - to Hobart OK but turnaround cost - probab.  
+ to do 28' would have to relocate utility poles/hydrants. (Westland)
- Alex asked limiting factors re turnaround would have to fill because drops off.  
So would need to bring in fill.  
(he was assuming it would be<sup>m</sup> Row but 3s raised)
- SG not keen on going to Osgood because
  - 1) fill needed (wetland areas)
  - 2) curbing.

MF  
arrived →

- MF clar. the usual turnaround location and dimensions
- MF clar need for 28'

Alex - any option to place turnaround on Carter's property.

MF - could look at issue of 24' to avoid moving utilities.

PL - for City to accept, must be to City Stds i.e. 28'

SC - Car 15' existing.  
westland 16' at present / utls on opp sides

MF - disc. re profile of Osgood could minimize fill -  
and re westland, need to fit abot within ROW utls + 28' + drainage.

SC - says he has some ests fit for turnaround several thousand cu yds of fill

Turnaround issue - SC would have to convince City not to require

PL - issue of consistency

AJ - confirmed already waived sewers + curbing

Submitted street drawing - carbon only shows 28'

BB - Process re accepting city-street clarified

PL - Discussion of poss. that if ZB tasked to waive the width + turnaround + ZBA agrees, would there be a problem for city accepting it - never happened before.

(SC confirmed wants to be accepted)

MS - summarized other issues that had gone to ZBA where turned down - none have been successful but tech. stds may not have been waived.

Action: JF to do e-mail using actions

① SC prefers going to Hobart

② Two waivers req'd (width/turnaround)

③ MF to look at whether PL would waive width to avoid moving utilities

④ MF to give SC tech guidelines re turnaround so SC can look at + also confirm cost of achieving 28' (2 poles)

⑤ Rec. PE to do design + cost for options.

⑥ MS suggested look at land for turnaround.

⑦ PL to review Tech stds to see how waiver would work

⊗ JF to ensure gets to SC.

⊗

⊗

⊗

**From:** Alex Jaegerman  
**To:** Dan Skolnik  
**Date:** 1/10/2008 9:32:10 AM  
**Subject:** Fwd: Caribou Street- inquiry from Councilor

Dan:

It has taken me a couple of days to collect the information regarding this project, to respond to your inquiry. Attached is a letter from Planner Jean Fraser to the applicant, R. Stuart Carter, III, that spells out the issues and the options available to him. Knowing that the costs are of concern to Mr. Carter, Jean suggested that a follow-up meeting with the applicant and appropriate city staff would be useful to settle on a course of action. The street improvement requirements are primarily determined by Public Works, and an engineering memo is attached to Jean's letter which spells out the requirements and the possibilities for waivers of curbs, sewers, or other improvements. The engineering memos from Mike Farmer and David Margolis-Pineo suggests an openness to considering some waivers in this case. According to Jean, we have not heard directly from the applicant since this letter was sent on December 7.

The location of the proposed house on Caribou Street requires (under zoning section 14-403) that the street be improved to city standards to the nearest paved street, which is either Osgood Street, or via Westland to Hobart Street. Going to Osgood is shorter, does not require a turn-around, but may have a higher standard for development due to the need to match the improvements existing in Osgood, including granite curb.

Caribou to Westland to Hobart is longer, but may require less extensive improvements, but does require a turn-around.

The issues of curbing, street width, and turn-around are items that would be subject to further discussion with the Public Works Department. Apparently no sanitary sewer is to be required in either case.

We are ready to convene a meeting to continue the review of options with the applicant and public works.

Alex

Alexander Jaegerman, AICP  
 Planning Division Director  
 389 Congress Street, Suite 400  
 Portland, ME 04101

Phone: (207)874-8724

>>> Dan Skolnik 01/02/08 2:58 PM >>>  
 Hello Lee and Alex,

I recently met with Mr. Carter and viewed the properties involved in his permit request. He's looking to move a house and is willing to comply with either of two scenarios the City requires to do so:

1. Improve portions of Westland Ave. and Caribou St., or
2. Connect Caribou St. to Hobart St.

Mr. Carter's view is that the City should not require a full 28-foot width or granite curbing in option 1. With regard to option 2, he believes the requirement of a turnaround is inappropriate due to the site specifics.

What are the holdups to a compromise as you see it?

Thanks,  
 Dan

f/w 1-11-08 to Mike Farmer + David M-P  
 asked them to incl. me in mtg if Carter contacts them direct.

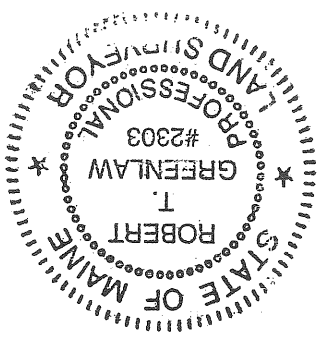
Dan Skolnik  
City Council, District 3  
City of Portland  
389 Congress St.  
Portland, Maine 04101  
207.831.7343

>>> Jean Fraser 1/9/2008 9:47:28 AM >>>  
Alex,

Further to our discussion yesterday, I attach a copy of the letter I sent to Stuart Carter in early December- it has all the attachments.

Jean

**CC:** Barbara Barhydt; David Margolis-Pineo; Jean Fraser; Joe Gray ; Katherine Earley; Lee Urban; Michael Farmer; Mike Murray; Penny Littell



ROBERT T. GREENLAW P.L.S.  
PRESIDENT BACK BAY BOUNDARY, INC.

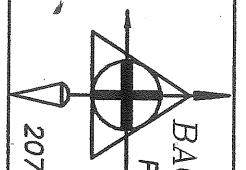
DATE: 09-21-2007

**SURVEYORS STATEMENT:**  
I HEREBY CERTIFY THAT THIS SURVEY CONFORMS TO THE MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS' STANDARDS OF PRACTICE AS ADOPTED APRIL 01, 2001 WITH THE FOLLOWING EXCEPTIONS:  
d) NO WRITTEN REPORT  
b) NO NEW DESCRIPTION

- LEGEND**
- Capped 5/8" Redar Found
  - Iron Pipe or Solid Pin Found
  - ▲ Survey Instrument Point
  - Abutter Line
  - ==== Property Line
  - Street Line
  - (50.00') Distance from reference plan or deed.
  - N/F Now Or Formerly
  - OH Overhead Utility
  - Utility Pole
  - Edge of traveled way
  - Set Back Line
  - 2-1/2" Diameter tree to planted or preserved

PREPARED BY:  
**BACK BAY BOUNDARY, INC.**  
PROFESSIONAL LAND SURVEYING  
65 NEWBURY STREET  
PORTLAND, MAINE  
207-774-2855 FAX 207-761-2010

DRAWER: 2003 NO: 83



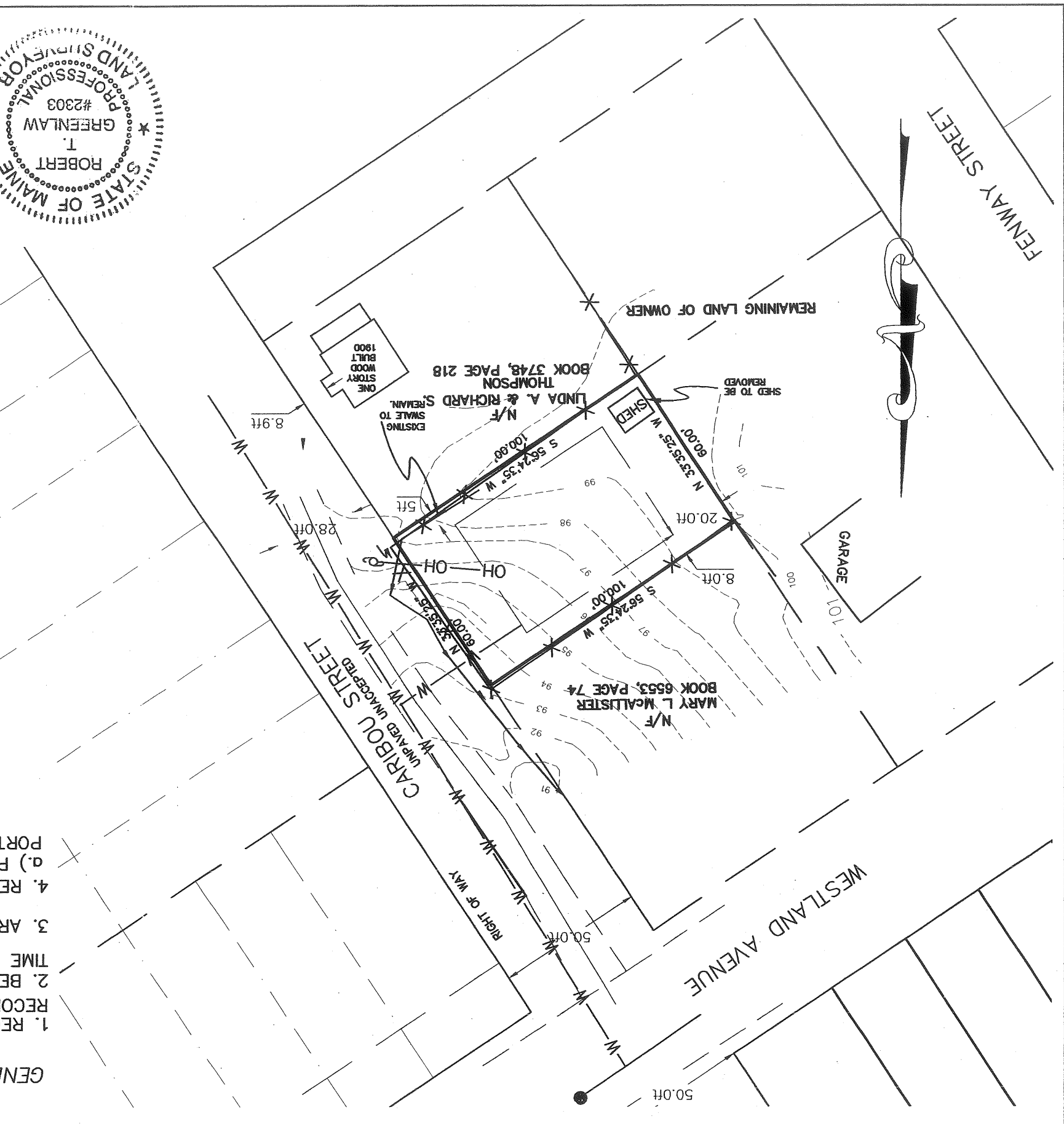
DRAWN BY: DMD  
CHECKED BY: GAS  
SCALE: 1"=40'  
DATE: 06/13/03  
JOB NUMBER:  
200383  
SHEET: 1 OF 4

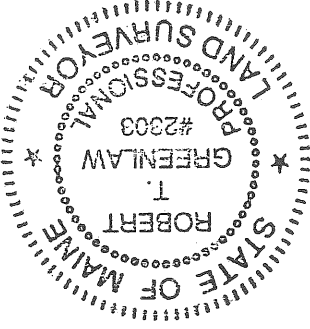
FOR:  
**R. STUART CARTER**  
EXISTING CONDITIONS  
CARIBOU STREET PORTLAND, ME

**SITE PLAN/BOUNDARY PLAN**  
EXISTING CONDITIONS  
CARIBOU STREET PORTLAND, ME  
**R. STUART CARTER**

**GENERAL NOTES:**

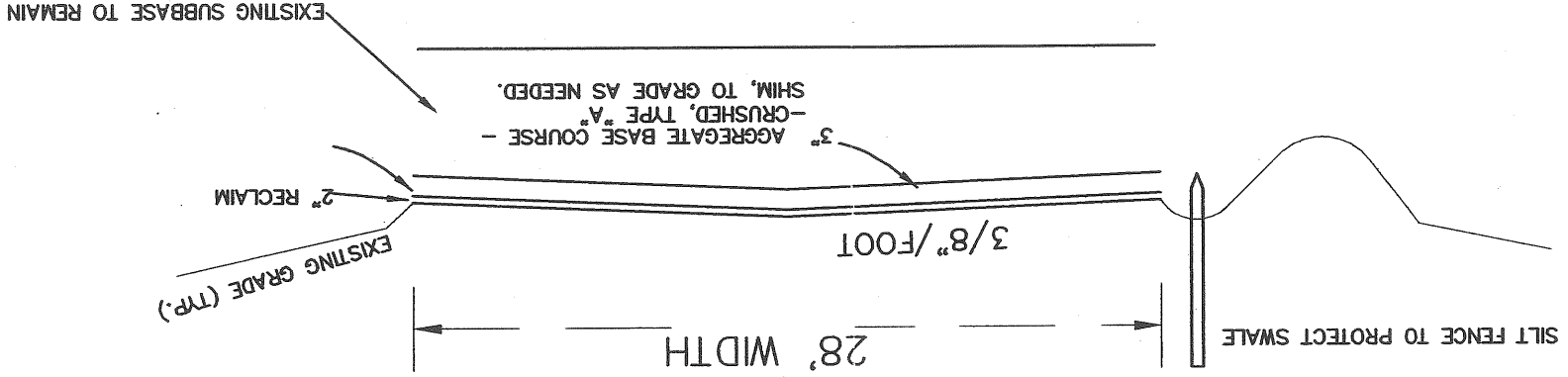
1. RECORD OWNER OF PARCEL: R. STUART CARTER BOOK 15541, PAGE 147 AS RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS.
2. BEARINGS ARE BASED UPON A MAGNETIC OBSERVATION TAKEN AT THE TIME OF THIS SURVEY.
3. AREA OF SUBJECT PARCEL: 6000 SQUARE FEET
4. REFERENCE IS MADE TO THE FOLLOWING PLANS:  
d.) PLAN OF CONGRESS TERRACE OWNED BY A. H. CHAPMAN LAND CO. PORTLAND, MAINE BY W. M. HICKS CIVIL ENG. PLAN BOOK 14 PAGE 61
5. ZONING: R-5 RESIDENTIAL
6. THE FRONT SETBACK SHOWN IS AN AVERAGE OF THE CURRENT SETBACK OF 20 FEET AND EXISTING FRONT SETBACK OF ABUTTING LOT.



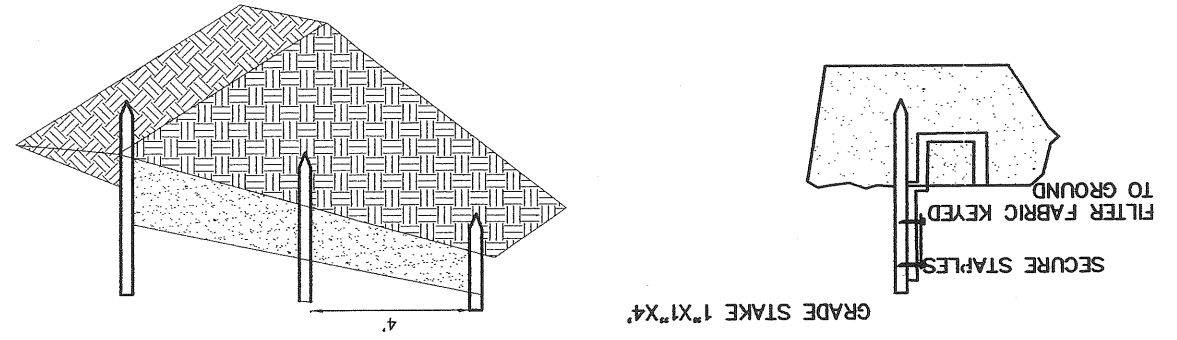


NOT DRAWN TO SCALE

# CARIBOU STREET SECTION



## SILT FENCE

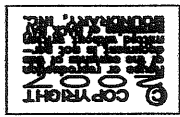


Sheet 4

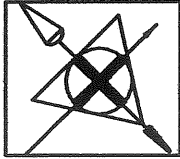
ISSUE DATE	PRELIM	---
FINAL	---	---
BID	---	---
C.D.'s	---	---
REVISION 1	10/16/07	PRINT

JOB: 2003083

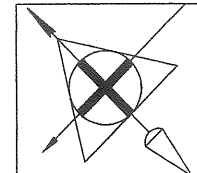
Stuart Carter  
 Portland, ME  
 Caribou St.



BACK BAY BOUNDARY, INC.  
 LAND SURVEYING  
 643 FOREST AVE  
 PORTLAND, ME 04101  
 207.774.2855  
 fax: 207.347.4348  
 BackBayBoundary.com



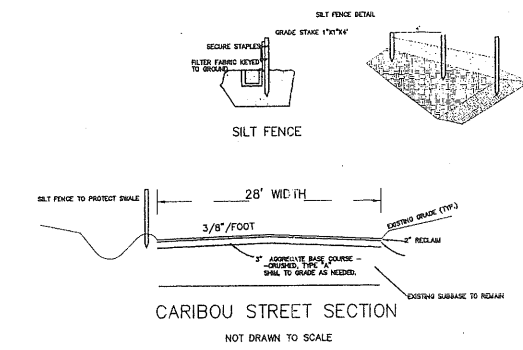
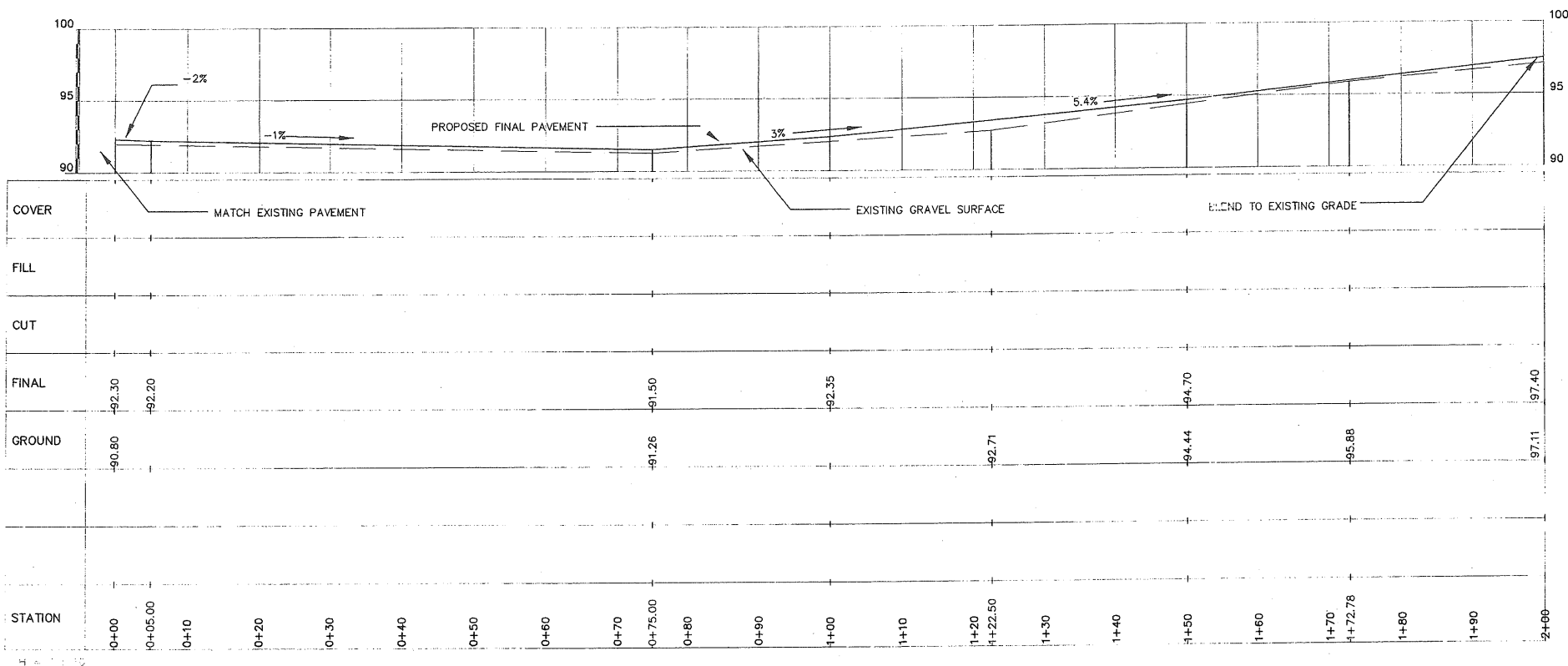
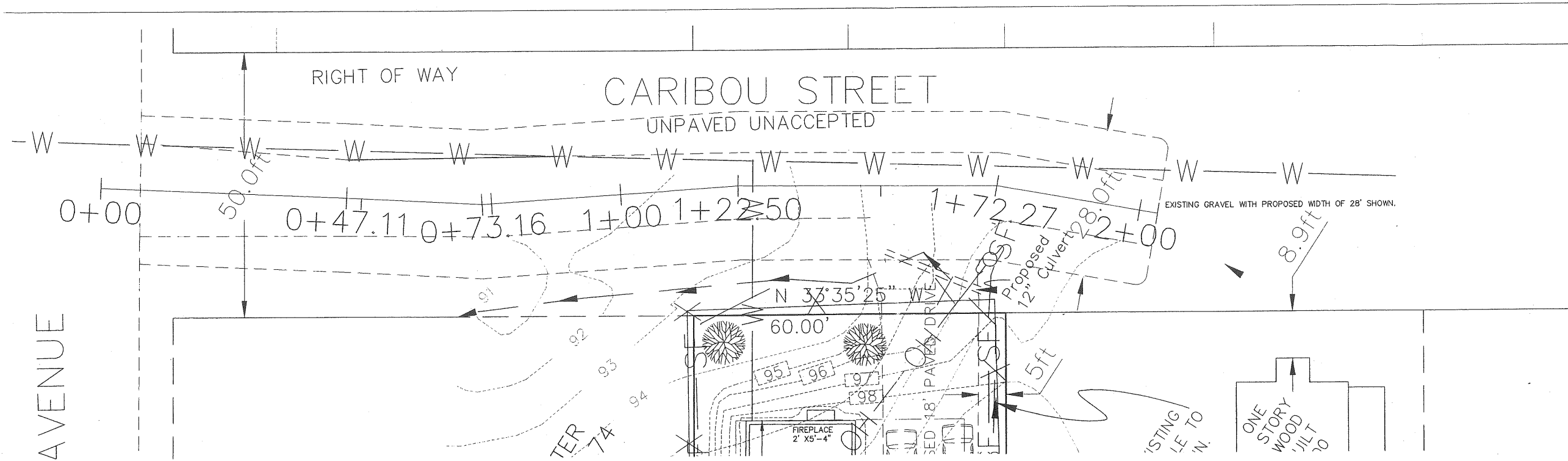




BACK BAY BOUNDARY, INC.  
LAND SURVEYING

643 FOREST AVENUE  
PORTLAND, ME 04101  
207.774.2855  
fax: 207.347-4346  
backbayboundary@cs.com

© COPYRIGHT  
2007  
Reuse or reproduction  
of the contents of this  
document is not per-  
mitted without written  
permission of BACK BAY  
BOUNDARY, INC.

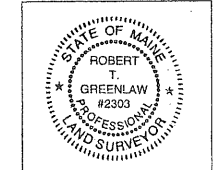


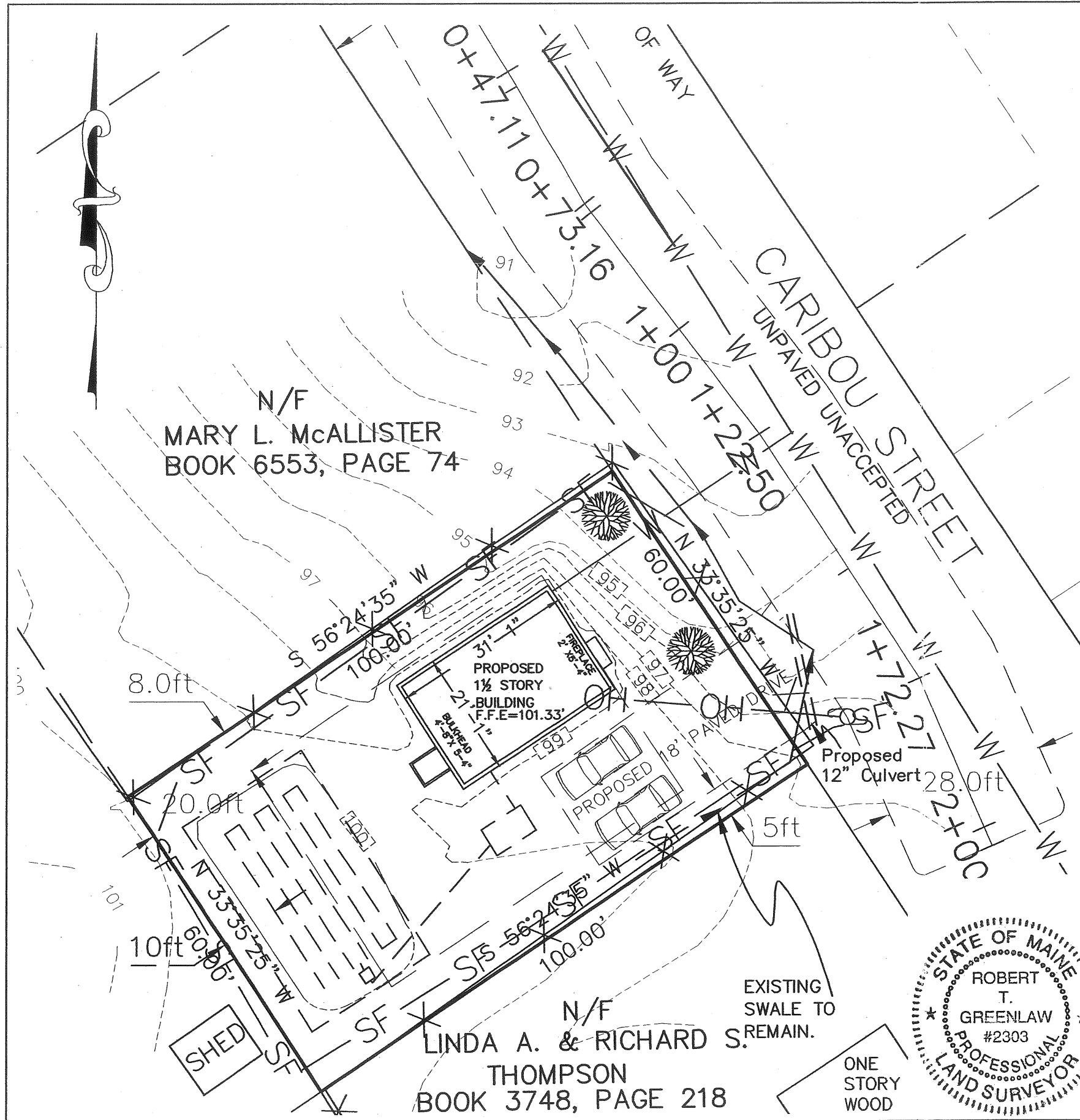
Stuart Carter  
Caribou Street Paving Plan & Profile  
Portland, ME

JOB: 2003083

ISSUE DATE	
PRELIM	08-24-04
FINAL	-
BID	-
C.D.'s	-
REVISION 1	10-16-07
PRINT	10-16-07

SHEET 3 OF 4





**GENERAL NOTES:**

1. RECORD OWNER OF PARCEL: R. STUART CARTER BOOK 15541, PAGE 147 AS RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS.
2. BEARINGS ARE BASED UPON A MAGNETIC OBSERVATION TAKEN AT THE TIME OF THIS SURVEY.
3. AREA OF SUBJECT PARCEL: 6000 SQUARE FEET
4. REFERENCE IS MADE TO THE FOLLOWING PLANS:  
a.) PLAN OF CONGRESS TERRACE OWNED BY A. H. CHAPMAN LAND CO. PORTLAND, MAINE BY W. M HICKS CIVIL ENG. PLAN BOOK 14 PAGE 61
5. THE FRONT SETBACK SHOWN IS AN AVERAGE OF THE CURRENT SETBACK OF 20 FEET AND EXISTING FRONT SETBACK OF ABUTTING LOT.

**ZONING: R-5 RESIDENTIAL**  
**SETBACKS:** FRONT - 20 FT  
 REAR - 20 FT  
 SIDE - 1-1/2 STORY: 8 FT; 2 STORIES: 12 FT  
 ON SIDE STREET: 15 FT  
**MINIMUM LOT SIZE: 6,000 SQ FT**  
**MINIMUM LOT FRONTAGE: 50 FT**  
**MAXIMUM BUILDING HEIGHT: 35 FT**  
**MAXIMUM LOT COVERAGE: 40%**

- LEGEND**
- Capped 5/8" Rebar Found
  - Iron Pipe or Solid Pin Found
  - ▲ Survey Instrument Point
  - Abutter Line
  - Property Line
  - Street Line
  - (50.00') Distance from reference plan or deed.
  - N/F Now Or Formerly
  - Overhead Utility
  - Utility Pole
  - Edge of traveled way
  - Set Back Line
  - 2-1/2" Diameter tree to planted or preserved
  - SF Silt Fence to be installed
  - 99 Existing Contour
  - 99 Proposed Contour

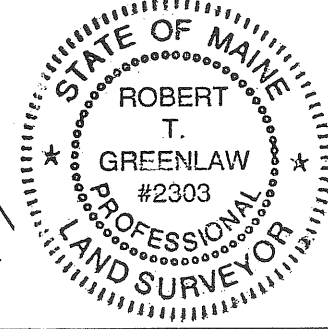
**SURVEYORS STATEMENT:**

I HEREBY CERTIFY THAT THIS SURVEY CONFORMS TO THE MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS' STANDARDS OF PRACTICE AS ADOPTED APRIL 01, 2001 WITH THE FOLLOWING EXCEPTIONS:

- a) NO WRITTEN REPORT
- b) NO NEW DESCRIPTION

DATE: 09-28-2007

ROBERT T. GREENLAW P.L.S.  
 PRESIDENT BACK BAY BOUNDARY, INC.



REVISED 10-16-2007: EXPANDED CARIBOU STREET TO 28 FEET WIDE.

**SITE PLAN/BOUNDARY PLAN**  
**FOR A PROPOSED 1 1/2 STORY RELOCATED HOME**  
**CARIBOU STREET PORTLAND, ME**

FOR:  
**R. STUART CARTER**

DRAWN BY: DMD  
 CHECKED BY: GAS  
 SCALE: 1"=20'  
 DATE: 06/13/03  
 JOB NUMBER:  
 200383  
 SHEET: 2 OF 4

PREPARED BY:  
**BACK BAY BOUNDARY, INC.**  
**PROFESSIONAL LAND SURVEYING**  
 65 NEWBURY STREET  
 PORTLAND, MAINE  
 207-774-2855 FAX 207-761-2010

DRAWER: 2003 NO: 83