

From: Barbara Barhydt
To: Clark, William; Dorr, Jennifer; Schmuckal, Marge; Stone, Melissa
Date: 5/11/2009 4:54:20 PM
Subject: Fwd: Cobb Ave Turnaround Easement - CBL 210-B-011 & 012 - Need Revised Site Plan

Hi Bill:

The one document that you have is signed by Marge Schmuckal and the chair of the Zoning Board of Appeals. I would check with Marge to see what she has regarding that decision.

I don't know if this was part of a subdivision, so we might have some records. Jennifer and Melissa, would you please check our files to see if we have a subdivision plan for this street?

Thank you.

Barbara

>>> William Clark Monday, May 11, 2009 3:41 PM >>>
Hi Barbara,

The districting folks came to me saying the last owner on the left of Cobb Ave was not too happy with City trucks turning around on his land.

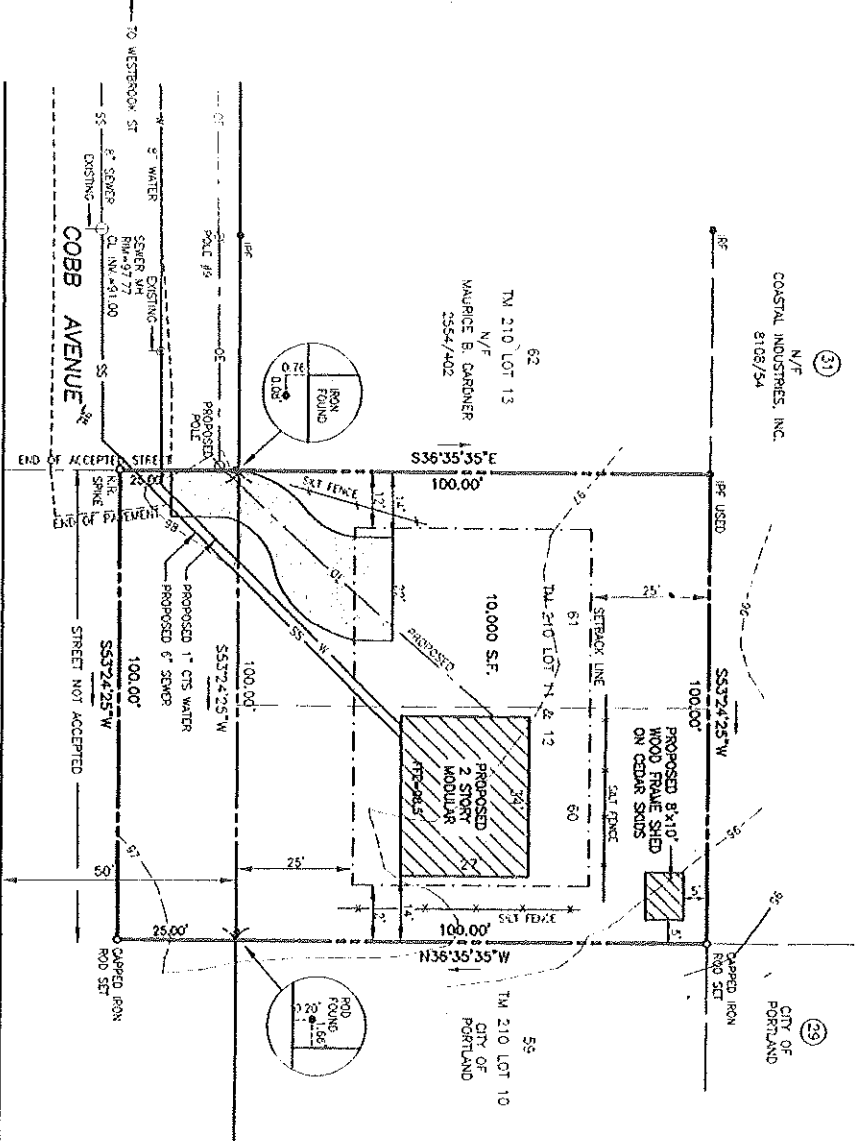
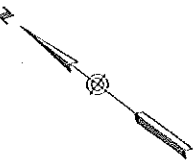
We didn't have anything in the vault so I went On-line and found out that the owner was granted a frontage variance in 2005 (deed CCRD 22431/238) with a Sweetheart Deal Turnaround Easement granted from the owner to the City (deed CCRD 23428/262). The deed for the easement called for a revised site plan attached as Schedule A, but it was not attached to the deed when it was recorded.

Would your folks have a copy up there in Planning, or should I contact the surveyor?

Thanks,

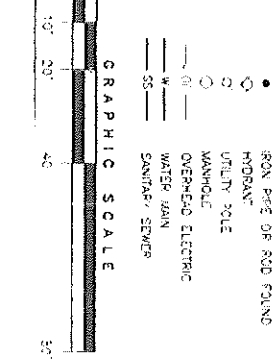
Bill

CC: Earley, Steven; Margolis-Pineo, David



NOTE: ELEVATIONS BASED ON CITY DATUM
P.X. IN POLE #2 ELEV. 100.10

LEGEND:
 ● IRON PIPE OR ROD FOUND
 ○ IRON PIPE FOUND
 ○ UTILITY POLE
 ○ MANHOLE
 ○ OVERHEAD ELECTRIC
 ○ WATER MAIN
 ○ SANITARY SEWER

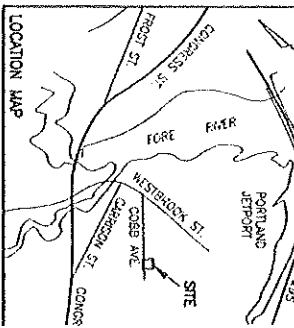


PLAN REFERENCES:

1. PLAN BY E. C. JORDAN & CO. DATED MAY 1923 FOR LILLIAN PARKER RECORDED IN PLAN BOOK 13 PAGE 33 LOTS SHOWN THUS 60
2. PLAN FOR DUNEY PROPERTY BY OWEN HASKELL, INC. DATED APRIL 10, 1987.
3. PLAN FOR COASTAL INDUSTRIES, INC. BY OWEN HASKELL, INC. DATED NOVEMBER 1988.
4. PLAN FOR CITY OF PORTLAND BY OWEN HASKELL, INC. DATED NOV. 20, 1990.
5. PLAN FROM CITY OF PORTLAND WATER DISTRICT.
6. PLAN FROM CITY OF PORTLAND PUBLIC WORKS "AS-BUILT" COBB AVENUE SEWER NOV. 15, 1983.

ZONING:

ZONE R-2
 MINIMUM LOT SIZE: 10,000 S.F.
 MINIMUM FRONTAGE: 30 FT.
 SETBACKS: FRONT 25 FT., SIDE 12 FT., REAR 25 FT.



SITE PLAN

COBB AVENUE, PORTLAND, MAINE
 MADE FOR RECORD OWNER:
JONATHAN WARD

OWEN HASKELL, INC.
 PROFESSIONAL LAND SURVEYORS

Drawn By	RS	Date	MARCH 18, 2005	Job No	99008F
Trace By	JLW				
Checked By	JPRC				
Drawn No.	P251	Scale	1" = 20'	Drawn N	15



**EASEMENT DEED FOR
TURNAROUND**

In consideration of the payment of one dollar, Harry R. Olsson, Jr. and Diane T. Olsson, joint tenants with a mailing address at 2313 Barnumville Rd. Manchester Center, Vermont ("Grantor"), hereby grant to CITY OF PORTLAND, a body politic and corporate with a place of business at 389 Congress Street, Portland, Maine 04101 ("Grantee") a perpetual easement over a strip of land (the "Easement Area") running off of Cobb Avenue which Easement Area and property are more particularly described in Schedule A, attached hereto and incorporated herein by reference. This easement is for the purpose of facilitating emergency access (fire, police, etc.), street maintenance and other City purposes (snow plowing, trash removal, etc.) to the Cobb Avenue development.

Being the southerly half of the 35' x 50' easement described on the revised site plan prepared for Jonathan D. Ward by Owen Haskell, Inc. dated May, 2005 and attached hereto as Schedule A.

Together with and hereby granting to Grantee the perpetual right in its discretion to maintain, replace, relocate and repair within the Easement Area an area, paved or unpaved, capable of serving as a turnaround by motorized vehicles.

Together with and hereby granting to Grantee the perpetual right within the Easement Area to periodically trim trees and to remove dead, diseased or fallen trees (including "leaners") and to selectively clear undergrowth and make plantings to (1) prevent erosion, (2) provide for the safe passage of municipal vehicles, and (3) provide for public safety, all in accordance with good forestry and landscaping management practices.

Both Grantor and Grantee acknowledge that this easement is being granted without claim for damages and provided to Grantee for use by municipal vehicles without charge.

To have and to hold the said Easement and all rights granted hereunder to the said Grantee and their successors and assigns forever.

IN WITNESS WHEREOF, Grantors have caused this easement to be executed this 2nd day of May, 2005.

Harry R. Olsson, Jr.
Harry R. Olsson, Jr.

Diane T. Olsson
Diane T. Olsson

WITNESS: Beth M. Smith

State of Maine
County of Knox, ss.

May 2, 2005

Received
Recorded Register of Deeds
Nov. 28, 2005 11:27:32A
Cumberland County
John B O'Brien

Personally appeared the above-named Harry R. Olsson, Jr. and Diane T. Olsson, of Manchester Center, Vermont, as aforesaid, and each acknowledged the foregoing instrument to be his or her free act and deed.

Before me,

Margaret J. C. Black

Margaret J. C. Black
Notary Public

Commission expires 7-7-2009

SEAL



Rm 315

**CITY OF PORTLAND
CERTIFICATE OF VARIANCE APPROVAL**

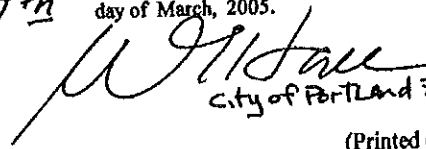
I, William Hall, the duly appointed Chair of the Board of Appeals for the City of Portland, Cumberland County and State of Maine, hereby certify that on the 3rd day of March 2005, the following variance was granted pursuant to the provisions of 30-A M.R.S.A. Section 4353(5) and the City of Portland's Code of Ordinances.

1. **Current Property Owner: Harry R & Diane T. Olsson**
2. **Property: Cumberland County Registry of Deeds, Book 14670, Page 313**
(Last recorded April 1999 Deed in Chain of Title)
110 Cobb Avenue, Portland, ME CBL: 210-B-011 & 012
3. **Variance and Conditions of Variance:**

To grant relief from section 14-90(4) to allow approximately twenty-five (25) feet of lot frontage instead of the required Fifty (50) feet, with the condition that unless and until the private rights on the vacated way are terminated, any residence constructed on the lot shall be set back (front set back) from the northern edge of the vacated way and not the centerline of the vacated way.

To grant relief from Section 14-403(b) minimum requirements for street improvements with the condition that a snow plow turn around easement shall be given to the City of Portland if so required by the Planning Department during their single family site plan review.

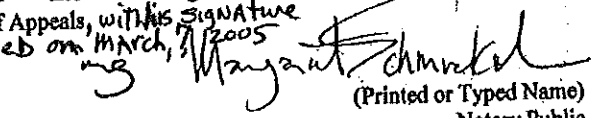
IN WITNESS WHEREOF, I have hereto set my hand and seal this 7th day of March, 2005.


Chair for The
City of Portland Zoning Board
William Hall
(Printed or Typed Name)

STATE OF MAINE
Cumberland, ss.

SEAL

Then personally appeared the above-named **William Hall** and acknowledged the above certificate to be his free act and deed in his capacity as Chairman of the Portland Board of Appeals, with his signature witnessed on March, 2005


(Printed or Typed Name)
Notary Public
my term expires June 28, 2005

PURSUANT TO 30-A M.R.S.A. SECTION 4353(5), THIS CERTIFICATE MUST BE RECORDED BY THE PROPERTY OWNER IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS WITHIN 90 DAYS FROM FINAL WRITTEN APPROVAL FOR THE VARIANCE TO BE VALID. FURTHERMORE, THIS VARIANCE IS SUBJECT TO THE LIMITATIONS SET FORTH IN SECTION 14-474 OF THE CITY OF PORTLAND'S CODE OF ORDINANCES.

389 Congress St Portland, Maine 04101 (207) 874-8730 FAX 874-8949 TTY 874-8936

Received
Recorded Register of Deeds
Mar 21, 2005 08:33:28A
Cumberland County
John B O'Brien

*Jonathan D. Ward
Michelle M. Ward
14 Raspberry Lane • PO Box 304 • Port Clyde, ME 04855-0304
Telephone (207) 372-0677 • Pager (207) 580-0677
Email: quagi@midcoast.com*

TO: Portland Planning Dept.
RE: 110 Cobb Ave. Site Plan Review
DATE: March 28, 2005

On March 4, 2005, we were granted a variance to permit construction of a single family residence at 110 Cobb Avenue. This memo accompanies our building permit application.

Cobb Avenue has been vacated past the line marked "End of Accepted Street." Though the pavement continues for about 10 feet, the City has no rights past that line. The abutting owners on either side of the vacated street own out to the centerline.

As part of the variance process, we have agreed to grant the City a snow plow turnaround easement "if so required by the planning department during their single family site plan review." Obviously, we would like any turnaround, if required, to blend with the surrounding landscape, and not give drivers the impression that there's a public turnaround at the end of the street.

Currently, plows have been pushing the snow off the end of the pavement and piling it at the indicated point. This is apparently working well and not obstructing the existing driveway. If we place the driveway for 110 directly opposite the one on the other side of the street (as proposed), plows can continue pushing the snow where they have been. Obviously, the plows have been able to turn around at the end of the street up to this point, probably using the existing driveway. We would also like to explore the possibility of using our driveway as part of turnaround. Initially, we do not plan to pave it, so we can expand the width if necessary.

If the Planning Department is agreeable, we'd like to try out this arrangement for the winter of 2005-2006, with the understanding that if it is not acceptable to the City, we will take further steps to accommodate plow operations.

In any case, we would like to meet with Planning Department staff during the site plan review process to look at this issue. We are available most weekdays, but will require advance notice because we live two hours away.

From: Jay Reynolds
To: Single Family Signoff
Date: Mon, May 9, 2005 3:37 PM
Subject: #114 Cobb Avenue

ID#2005-0066, CBL 210B011001,

Approvals with conditions have been entered in urban insight for this application

Jay Reynolds
Development Review Coordinator
City of Portland
Planning and Development
(207) 874-8632
jayjr@portlandmaine.gov

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

2005-0066
Application I. D. Number

3/29/2005
Application Date

Cobb Ave
Project Name/Description

Olsson Harry R & Diane T Jts
Applicant

2313 Barnumville Rd , Manchester Ctr , VT 05255
Applicant's Mailing Address

Jonathan Ward
Consultant/Agent

Agent Ph: (207)372-0677 Agent Fax:
Applicant or Agent Daytime Telephone, Fax

110 - 110 Cobb Ave, Portland, Maine
Address of Proposed Site

210 B011001
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 Other (specify) _____

998 Proposed Building square Feet or # of Units 12500 Acreage of Site Zoning

Check Review Required:

- | | | | |
|--|--|--|--|
| <input type="checkbox"/> Site Plan (major/minor) | <input type="checkbox"/> Subdivision # of lots _____ | <input type="checkbox"/> PAD Review | <input type="checkbox"/> 14-403 Streets Review |
| <input type="checkbox"/> Flood Hazard | <input type="checkbox"/> Shoreland | <input type="checkbox"/> Historic Preservation | <input type="checkbox"/> DEP Local Certification |
| <input type="checkbox"/> Zoning Conditional Use (ZBA/PB) | <input type="checkbox"/> Zoning Variance | <input type="checkbox"/> Other _____ | |

Fees Paid: Site Pla \$50.00 Subdivision Engineer Review \$250.00 Date 3/29/2005

Zoning Approval Status:

Reviewer _____

- Approved Approved w/Conditions See Attached Denied

Approval Date _____ Approval Expiration _____ Extension to _____ Additional Sheets Attached

Condition Compliance _____ 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 _____ | |

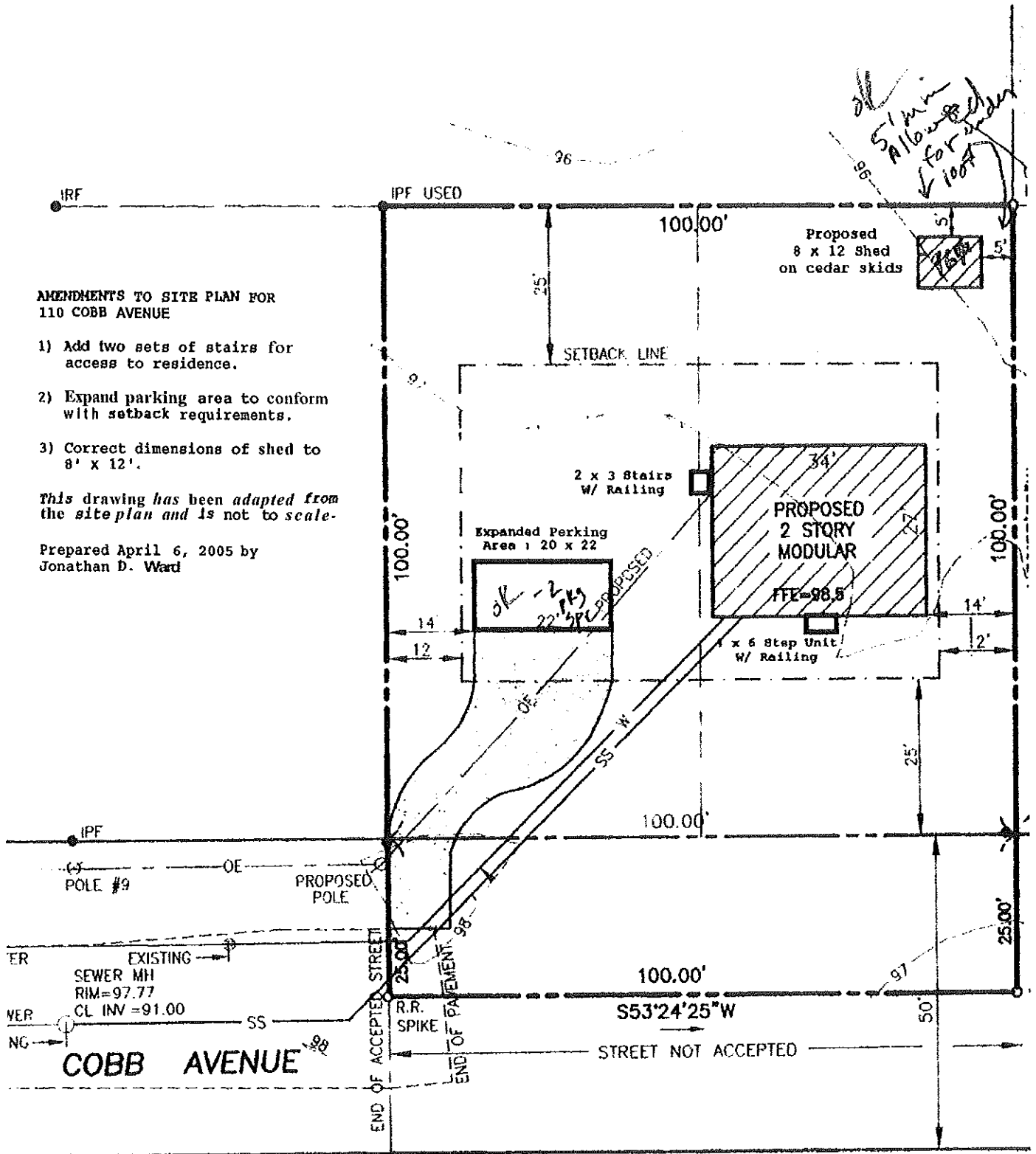
**AMENDMENTS TO SITE PLAN FOR
110 COBB AVENUE**

- 1) Add two sets of stairs for access to residence.
- 2) Expand parking area to conform with setback requirements.
- 3) Correct dimensions of shed to 8' x 12'.

This drawing has been adapted from the site plan and is not to scale.

Prepared April 6, 2005 by
Jonathan D. Ward

all 51 min Allowed for stairs



DEPT. OF BUILDING INSPECTION
CITY OF PORTLAND, ME

APR - 6 2005

RECEIVED

CITY OF PORTLAND