

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

**2007-0163**  
Application I. D. Number

**9/18/2007**  
Application Date

**Fill Permit**  
Project Name/Description

**Waterman Sharon Lea**  
Applicant  
**331 Ludlow St, Portland, ME 04102**  
Applicant's Mailing Address

Consultant/Agent  
**Applicant Ph: (207) 772-0077 Agent Fax:**  
Applicant or Agent Daytime Telephone, Fax

**331 - 331 Ludlow St, Portland, Maine**  
Address of Proposed Site  
**286 D005001**  
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) **Fill Permit**

Proposed Building square Feet or # of Units \_\_\_\_\_ Acreage of Site \_\_\_\_\_ Zoning \_\_\_\_\_

**Check Review Required:**

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

Fees Paid: Site Plan \$50.00 Subdivision \_\_\_\_\_ Engineer Review \_\_\_\_\_ Date 9/25/2007

**Planning Approval Status:**

- Approved  Approved w/Conditions See Attached  Denied
- 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 _____	



# PORTLAND MAINE

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**Planning and Development Department**  
Lee D. Urban, Director

**Planning Division**  
Alexander Jaegerman, Director

Ms. Sharon Waterman  
331 Ludlow Street  
Portland, ME 04103

RE: Fill Permit – 331 Ludlow Street (ID # 2007-0163) (CBL#286 D 005001)

Dear Ms. Waterman:

On October 25, 2007, the Portland Planning Authority granted approval for a fill permit at 331 Ludlow Street.

The City's approval is granted subject to the following conditions:

1. **Erosion and Sedimentation control shall be established prior to soil disturbance, and shall be done in accordance with Best Management Practices, Maine Department of Environmental Protection Technical and Design Standards and Guidelines.**
2. **All guidelines listed in the Fill Permit Application shall be followed.**
3. **All fill areas must be stabilized for winter by November 15, 2007.**
4. The expiration date of this approval is October 24, 2008.

The approval is based on the submitted site plan and scope of work discussed at the recent site visit/pre-construction meeting. If you need to make any modifications to the site plan, you must submit a revised site plan for staff review and approval.

Please note the following provisions and requirements for all site plan approvals:

1. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. A one year extension may be granted by this department if requested by the applicant in writing prior to the expiration date of the site plan.

This letter serves as your Fill Permit. We look forward to working with you on future projects. If there are any questions, please contact the Development Review Coordinator, Philip DiPierro.

Sincerely,

Alexander Jaegerman  
Planning Division Director

cc: Inspections Department  
Barbara Barhydt, Development Review Services Manager  
Marge Schmuckal, Zoning Administrator  
Philip DiPierro, Development Review Coordinator  
Penny Littell, Corporation Counsel  
Approval Letter File

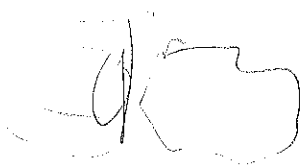
**From:** Todd Merkle  
**To:** Philip DiPierro  
**Date:** 10/12/2007 1:19:35 PM  
**Subject:** 331 Ludlow drain pipe issue.

The minot Corp. built the project and those pipes were never installed to City standards. That being said it is a private pipe and the City does not want it according to Bill Goodwin who has a huge knowledge of these things.

I would suggest getting permission from Parks about going onto City property to clean up the inlet at this pipe. Maybe Phil Labbe or Denise Clavette can give them permission.

Hope this helps.

Todd!

A handwritten signature in black ink, appearing to be "Todd Merkle". The signature is written in a cursive style with a vertical line through the middle of the name.



www.unum.com

## Fax

**DATE**

October 12, 2007

**TO**

Philip DiPierro

**COMPANY**

City of Portland Planning &amp; Development Dept

**FAX**

207-756-8258

**PHONE**

207-874-8632

**FROM**

Sharon Waterman

**FAX**

207-575-4387

**PHONE**

207-575-4367 (w) 207-772-0077 (h)

**SUBJECT**

331 Ludlow Street

**NO. OF PAGES (+ COVER)**

2

**NOTES/COMMENTS**

Attached is a note detailing what my new contractor is proposing. Also attached is a plan showing the approximate grade changes. If you wish to meet with Andrew Cail, please call him on his cell number, 939-3851. He is more than willing to meet with you or someone from the City to discuss this if needed. He can start the work as soon as you give me the go-ahead.

I hope to hear from you soon regarding the permit. Thank you for your assistance!

**NOTICE REGARDING CONFIDENTIAL COMMUNICATION:** The information provided in this FAX is intended only for the addressee named above. The contents of this FAX and its attachments may include proprietary or otherwise privileged information and are considered private and confidential. If you are not the intended recipient of the FAX, please promptly deliver the FAX to the intended recipient and do not leave it in a location where it can be seen by others. You are also hereby notified that any other use, dissemination, distribution or reproduction of this information is strictly prohibited. If you received this FAX in error, please immediately notify the sender to determine the best means to resolve the situation.

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October 12, 2007

Mr. DiPierro:

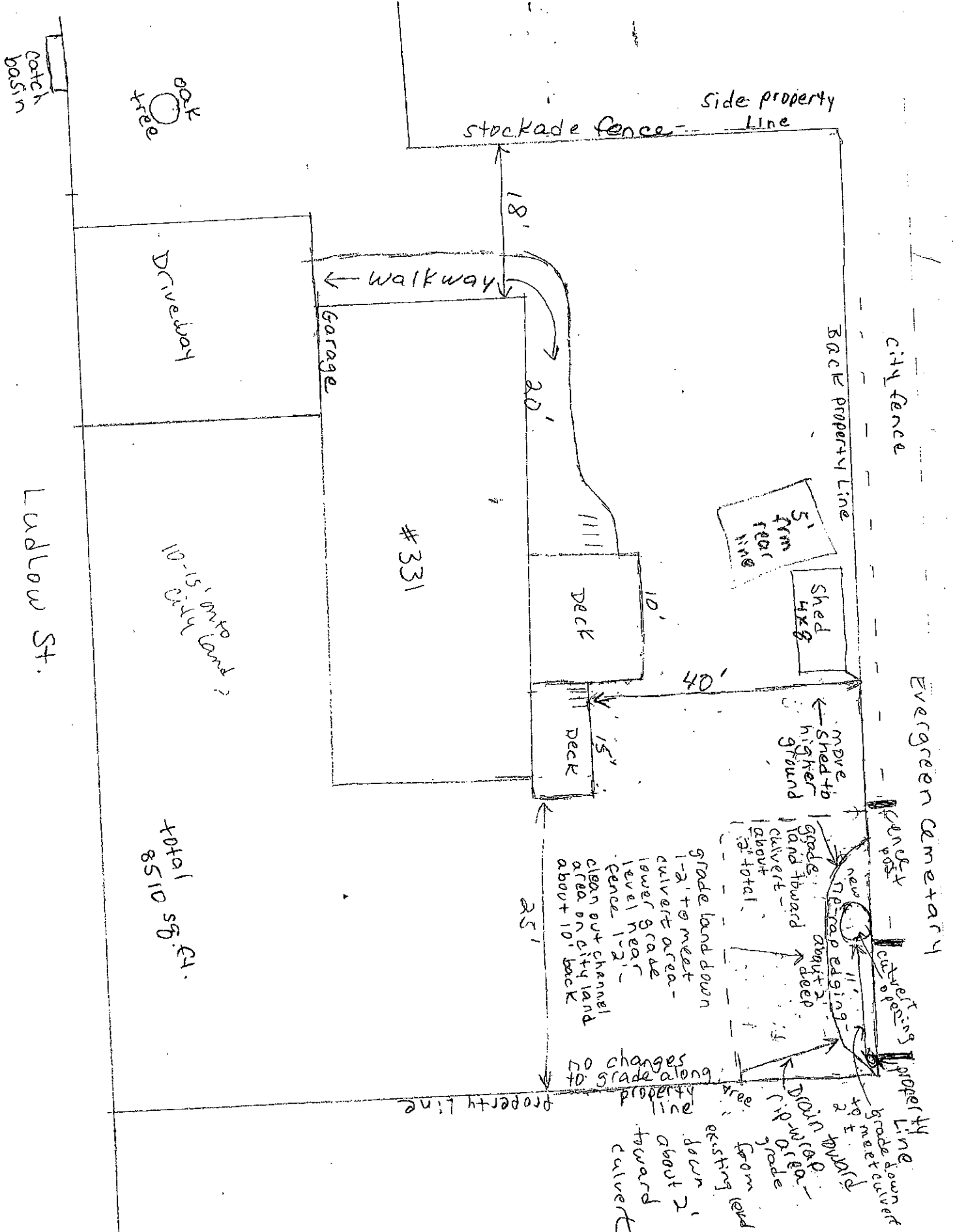
After we met on Wednesday (10/10), I called Jeff Grondin at Pleasant River Excavating. When we discussed what you were looking for by way of a site/work plan showing grade levels, Jeff said that he could not possibly do the job before early December. He was surprised that it has been 2 weeks and I still don't have an appropriate permit and told me that his schedule had filled. This was not an acceptable time frame for me.

Last evening I met with another contractor, Andrew Cail, from A.R. Cail Landscaping & Excavating. Andrew looked at my back yard and came up with the following. His suggestion was to move the shed over to the left about 6-8 feet and start from that point and grade downward toward the culvert. He was looking at a total downward slope of between 1' and 2" from the shed to the culvert opening, and he also suggested lowering the land grade over the culvert opening and along the fence line as well. He suggested a similar grade change from the high point near my property line (in front of the large tree) and also from the corner pin/marker toward the culvert. This way, there will be no change near the property line that would affect my neighbor other than to direct any water collecting on his land down into the culvert. Andrew said that he would rip-rap (spelling?) around the culvert but at a lower level than the land is currently at. This would allow any water that may collect on my property (and the corner of my neighbor's property) to flow toward the culvert instead of pooling or trying to go uphill toward the street. Basically, the grade level at the fence line would be between 1' and 2' lower than what it is currently at so that it is more level with City land on the other side of the fence. This would also help avoid future erosion of my land and would not require an expensive retaining wall. He was estimating a semi-circle rip-rap approximately 14' (starting at the property pin and running toward the left side of the drain) and around 2' deep. His opinion was that this would repair my land and help future drainage issues.

★ For Andrew to do this work, he would need the 2 sections of fencing from the property pin toward the shed removed, including the fence post in the middle. He would then need written permission from someone at the City to clean out between 10' and 15' outward onto City property to clear out the drainage channel leading to the drain opening.

Andrew also made the following suggestion: since the drainage channel on City land needs to be cleaned out about 10-15' back, and he is in agreement that a rip-rap in this area on City land could help to minimize future blockage of the drain opening, that he would be willing to meet with you and/or an inspector from the City to maybe work out an arrangement where he might install the rip-rap on City property to the City's specs.

If you have any questions or would like to meet with Andrew, or if an inspector or engineer would like to meet with Andrew regarding his proposed changes to my land grade, etc., he can be reached on his cell phone at 939-3851. (I gave Andrew your business card.)



# Fill Permit Application

If you or the property owner owes real estate or personal property taxes or user charges on any property within the City, payment arrangements must be made before permits of any kind are accepted.

Location/Address of Fill Area: <u>331 Ludlow St</u>		
Total Cubic Yardage of Proposed Fill <u>not to exceed 50 yards</u>	Square Footage of Lot <u>8510</u>	
Tax Assessor's Chart, Block & Lot Chart# <u>286</u> Block# <u>D</u> Lot# <u>5</u>	Owner: <u>Sharon Waterman and Nelson Kuhn</u>	Telephone: <u>772-0077</u>
Lessee/Buyer's Name (If Applicable)	Applicant name, address & telephone: <u>Sharon Waterman</u> <u>331 Ludlow St</u> <u>(772) 772-0077</u>	500cy-less \$50.00 500cy-more \$100.00  Fee: \$ <u>50.00</u>

(607) 575-4367

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.

Signature of applicant: <u>Sharon Waterman</u>	Date: <u>9-18-07</u>
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**This is not a permit. You may not commence ANY work until the permit is issued.**

## FILL PERMIT SUBMISSION

- Your submission must include 4 copies of the site plan on 11" x 17" paper or greater.
- A site plan shall include: The shape and dimension of the lot, area and limits of the proposed fill area, and the distance from the actual property lines. **Any site plan not drawn to scale will not be accepted.**
- The following items are guidelines to help applicant(s) prepare a site plan for approval of land areas being filled. It is the applicant's responsibility to locate and assess all impacts as a result of the proposed filling and to acquire all applicable permits outside of the City of Portland review. Site plans shall contain the information suggested in the following guidelines:
  1. Fill elevations shall match and conform in height with the elevation of an existing road shoulder, an existing driveway or land abutting your property line. Embankments and sloped areas created by fill construction shall not exceed a 3:1 side slope or 33% grade. Areas steeper than 3:1 shall be stabilized using stone riprap, erosion control blankets, or an engineered retaining structure or system.
  2. The filled area shall be graded such as to provide positive gravity drainage from a roadside, driveway, and buildings to a ditch line, culvert, wetlands, or a common drainage system located within or adjacent to the applicant's lot.
  3. Fill shall not be placed near, within, or block the flow path of an existing drainage course. Any filling or

## Damage to my Property Resulting from Damage in Evergreen Cemetery

**Waterman, Sharon L**

**From:** Waterman, Sharon L  
**Sent:** Tuesday, June 26, 2007 1:31 PM  
**To:** 'sge@portlandmaine.gov'; 'prl@portlandmaine.gov'  
**Subject:** FW: Damage to my Property Resulting from Damage in EvergreenCemetery

Mr. Labbe/Mr. Earley:

Below is the string of emails so far regarding the damage to my property. I have yet to hear whether an easement can be arranged for future drainage issues onto my property, and I also haven't heard anything more about reassessing the drainage problem that begins in the cemetery area and ends in my back yard. The cemetery area has not yet been cleaned up and the drain opening now appears to be almost completely blocked. There is nothing I can do from my perspective to clean it out since the blockage is coming from the cemetery and the entire area in my yard appears to be undermined as a result of that blockage.

I have contacted FEMA, and the inspector who came to my property said that the damage was nothing that FEMA would cover. He advised me to work it out with the City since the culvert is used to drain City property.

I am concerned that if we get another storm like the last few that have all caused lakes in my yard (which resulted from the drainage problem in the cemetery) that my back yard will sustain even further damage.

I believe the items to be addressed are:

- clean up the area in the cemetery behind the drain
- clean out the area in front of the drain on the city's side
- clean out the drain from my side
- reassess the drainage system currently in place since it is causing or resulting in damage to my property
- repair or replace the drain opening on my side
- build up and/or repair the area on my side to restore it to where it was
- work out an easement so the City can come onto my property to maintain the drain opening

I hope to hear from you soon.

Sharon Waterman

---

**From:** Waterman, Sharon L  
**Sent:** Thursday, May 17, 2007 2:50 PM  
**To:** 'Phillip Labbe'  
**Subject:** RE: Damage to my Property Resulting from Damage in EvergreenCemetery

Thank you!

No, I understand there is no such easement but a city inspector told my husband that there should be one. That's what I was trying to work out with Mr. Early but the only conversation he and I have had so far was him instructing me to call you.

What about the area on my property directly in front of the fence - the retaining area and surrounding land is all undermined and the drain may have indeed collapsed resulting from the clogged drain/overflow, etc. This area now needs to be repaired.

Many thanks for your prompt reply!



Damage to my Property Resulting from Damage in Evergreen Cemetery

Sharon

---

**From:** Phillip Labbe [mailto:PRL@portlandmaine.gov]  
**Sent:** Thursday, May 17, 2007 2:39 PM  
**To:** Waterman, Sharon L  
**Subject:** Re: Damage to my Property Resulting from Damage in Evergreen Cemetery

Sharon,  
 I went to your location yesterday to look at the situation. We have scheduled a tree crew to go and remove the downed trees and to clear the drainage channel. In your phone conversation with me you indicated that you had spoken to Steve Early of Public Works and he was sending someone over to check the area. Are you aware if he did or not? Does the city maintain a drainage easement through that area? I can't answer the FEMA question. You might want to call them ask that question. I will be contacting Steve Early about your situation.

Phil  
 >>> "Waterman, Sharon L" <SWaterman@UNUM.COM> 5/17/2007 1:44:31 PM >>>

Mr. Labbe -

I am following up on my call to your office last week. Since I have not heard from you, I thought you could use some background and detail information.

I live at 331 Ludlow Street. At the back of my property is a culvert, or catch-basin, that drains the back of the cemetery on Stevens Ave. The debris on that hill from the cemetery road to the back of my property has been increasing at an alarming rate, making it extremely difficult for us to keep the culvert open. At the time of the "nor'easter" storm, the up-ended trees, fallen branches, mud slides, and everything else just came crashing into the fence and clogged the remaining opening of the culvert enough so that the water didn't drain fast enough. We ended up with a lake in the back yard (I have photos if you need them) and a river from the back yard to the street. (This happened on one other occasion last year, so it appears the problem has been building slowly.)

I contacted Maietta Construction (who built the house and the drain system in the 1970's, I think), and they sent someone out to take a quick look for me. They advised (and a 2nd contractor has agreed) that the culvert could very well have collapsed on the end due to the fact that the opening was completely covered with branches and debris, causing the water not to flow well which formed the lake. The amount of water (at least 3' deep in places) sitting on the ground over the end of the culvert caused undermining of the land which probably resulted in the partial collapse of the culvert. This has caused the grade of the land in my back yard to fall substantially and the bricks and "retaining wall" along the fence to shift. The land is very unstable there now, and there are holes in the ground and underneath the retaining beams.

We are due to have more rain over the weekend, possibly a substantial amount, and with the water flow from the cemetery now having an extremely decreased flow rate, I am worried about even more damage to my back yard.

I am considering putting in a FEMA claim. However, the damage to the culvert (on my property) and resulting damage to my back yard is the result of the accumulating debris in the back of the cemetery, with the damage from the nor'easter being the final straw. Is this something that would be a FEMA claim by the City or by me? Either way, this area of the cemetery needs to be cleaned out and a proper drainage system needs to be installed.

I appreciate any help you can offer. Thank you.

Sharon Waterman  
 Sr. Legal Secretary, Law & Regulatory Affairs  
 Unum  
 207-575-4367

Damage to my Property Resulting from Damage in Evergreen Cemetery

207-575-4387 (fax)

Email: [swaterman@unum.com](mailto:swaterman@unum.com)

This message may contain confidential and privileged information. If it has been sent to you in error, please reply to advise the sender of the error and then immediately delete this message.

Damage to my Property Resulting from Damage in Evergreen Cemetery

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 Phil

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**From:** "Waterman, Sharon L" <SWaterman@UNUM.COM>  
**To:** <mes@portlandmaine.gov>  
**Date:** 9/21/2007 8:45:55 AM  
**Subject:** Pictures to Go With My Fill Permit Application

Re: 331 Ludlow Street

Marge -

Thank you so much for your help yesterday! I brought the application upstairs to Planning and the lady there said she would give the application to Mr. DiPierro on Monday. She also asked if I had any other backup paperwork so I gave her a copy of the email notes that have gone back and forth with Parks and Public Works. She also asked whether I had any photos and I told her I was sending those to you this morning.

Attached are the photos showing the water build-up which caused the collapse of my land, retaining wall, and possibly the culvert (unknown at this time). I do not have any pictures I can send at this time showing the current state of my property, but I can take some if needed.

Please forward a copy of these pictures on to the lady I talked with yesterday in Planning to add them to my application.

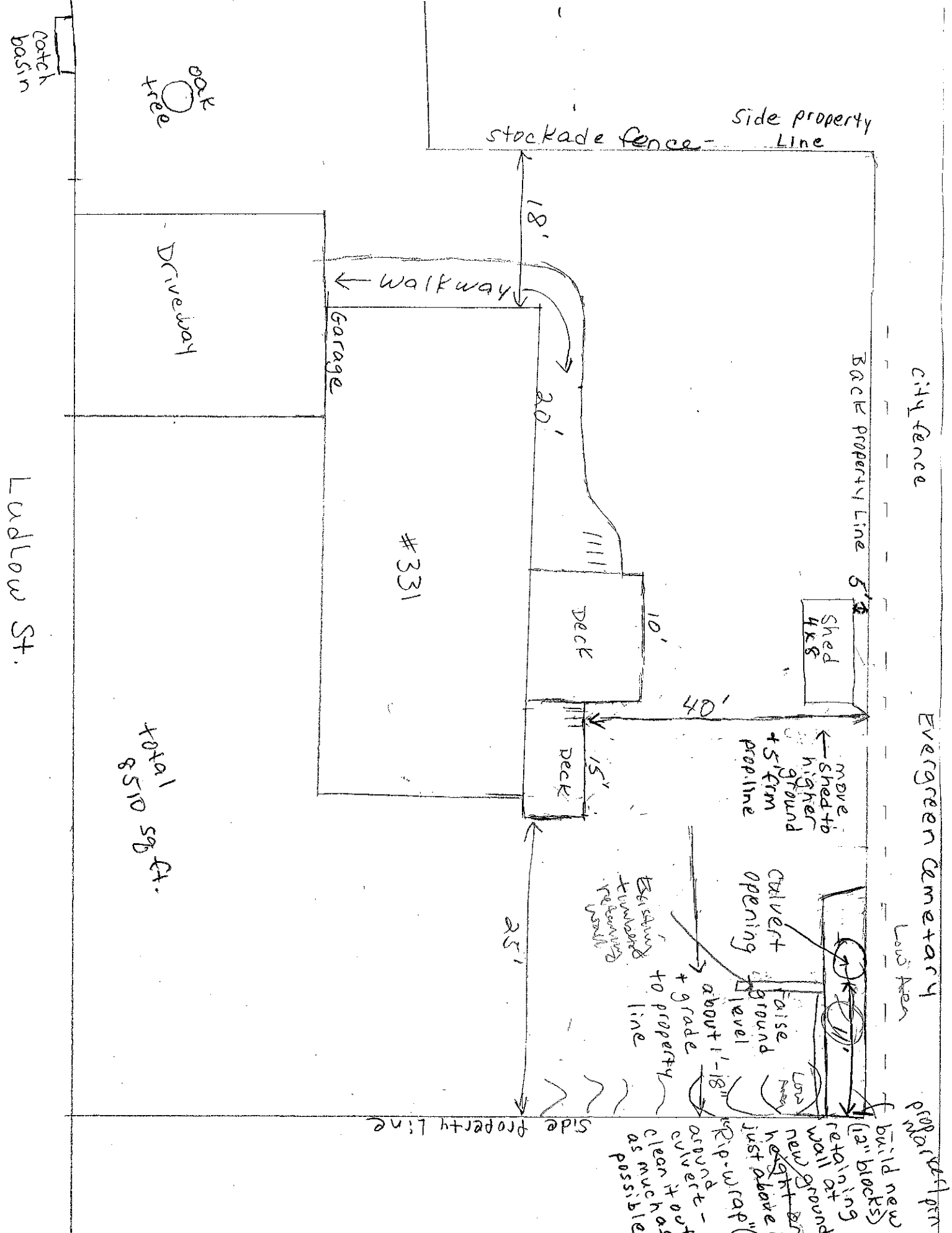
Again, I want to thank you for your assistance yesterday.

<<damage1.jpg>> <<damage2.jpg>> <<damage3.jpg>> <<damage4.jpg>>  
<<damage5.jpg>> <<damage6.jpg>>  
<<river.jpg>>

9/20/07

Sharon Waterman  
Sr. Legal Secretary, Law & Regulatory Affairs  
Unum  
207-575-4367  
207-575-4387 (fax)  
Email: swaterman@unum.com

This message may contain confidential and privileged information. If it has been sent to you in error, please reply to advise the sender of the error and then immediately delete this message.



city fence

Evergreen Cemetery

Louis Area

prop. wrap

Side property Line

BACK PROPERTY LINE

5'

Shed  
4x8

move shed to higher ground + firm prop line

Conduit opening  
False ground level  
about 1'-18" + grade to property line

build new retaining wall at new ground height. just above it. prop-wrap (?) around - divert - clean it out as much as possible

stockade fence

18'

20'

40'

25'

Side property Line

#331

Garage

DECK

DECK

Oak tree

Driveway

Catch basin

Ludlow St.

total 8510 sq ft.



9/20/67

APR 16 2007

9/20/07



9/20/07





PPR-16-2007

9/20/07



9/20/07



PPN 10 2007

9/20/07



PPA 16 2007

9/22/07



