

Red Condition
310-0079

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

2006-0103
Application I. D. Number
5/26/2006
Application Date
Single Family Home
Project Name/Description

Smith David E &
Applicant
15 Bartlett St , Portland, ME 04103
Applicant's Mailing Address
Elise Kiely
Consultant/Agent
Agent Ph: (207)838-1050 Agent Fax:
Applicant or Agent Daytime Telephone, Fax

Beaumont St, Portland, Maine
Address of Proposed Site
294 C062001
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) _____

Proposed Building square Feet or # of Units 8541 Acreage of Site _____ Zoning _____

Check Review Required:

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

Fees Paid: Site Plan \$50.00 Subdivision _____ Engineer Review \$250.00 Date 5/26/2006

DRC Approval Status:

Reviewer Jay Reynolds

- Approved
- Approved w/Conditions See Attached
- Denied

Approval Date 6/22/2006 Approval Expiration 6/22/2007 Extension to _____ Additional Sheets Attached

Condition Compliance Jay Reynolds 6/22/2006
signature date

Performance Guarantee Required* Not Required

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

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

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

2006-0103

Application I. D. Number

5/26/2006

Application Date

Single Family Home

Project Name/Description

Smith David E &

Applicant

15 Bartlett St , Portland, ME 04103

Applicant's Mailing Address

Eiise Kiely

Consultant/Agent

Agent Ph: (207) 838-1050

Agent Fax:

Applicant or Agent Daytime Telephone, Fax

Beaumont St, Portland, Maine

Address of Proposed Site

294 C062001

Assessor's Reference: Chart-Block-Lot

Approval Conditions of DRC

- 1 All Site work (final grading, landscaping, loam and seed) must be completed prior to issuance of a certificate of occupancy.
- 2 Two (2) City of Portland approved species and size trees must be planted on your street frontage prior to issuance of a Certificate of Occupancy.
- 3 All damage to sidewalk, curb, street, or public utilities shall be repaired to City of Portland standards prior to issuance of a certificate of occupancy.
- 4 A sewer permit is required for your project. Please contact Carol Merritt at 874-8300, ext . 8822. The Wastewater and Drainage section of Public Works must be notified five (5) working days prior to sewer connection to schedule an inspector for your site.
- 5 A street opening permit(s) is required for your site. Please contact Carol Merritt ay 874-8300, ext. 8822. (Only excavators licensed by the City of Portland are eligible.)
- 6 The Development Review Coordinator reserves the right to require additional lot grading or other drainage improvements as necessary due to field conditions.



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI

GOVERNOR

DAVID P. LITTELL

COMMISSIONER

October 30, 2006

Ms. Katherine Earley, Environmental Manager
City of Portland
Department of Public Works
55 Portland Street
Portland, ME 04101

RE: Stream restoration work on Capisic Stream

Dear Kathy,

I am writing regarding the City's efforts to restore some or part of the historic stream bed of Capisic Stream and address non-point source pollution. Both the City and the DEP are committed to this important work to reduce pollution to Casco Bay and to restore part of the historic ecosystem of southern Maine.

The specific occasion for my letter is DEP's attention to building permits in the vicinity of Beaumont Street and Nickerson Street, in the area northeast of Warren Avenue. Our staff have been asked to make determinations by the City of Portland's residents in the area regarding whether a historic portion of Capisic Stream qualifies for protection as a "stream" under the Natural Resource Protection Act (NRPA). Unfortunately, two of our most qualified staff who we have had examine the site have determined that the stream simply does not qualify any longer as a "stream" under the NRPA. On the scientific criteria applied by DEP this is the right determination.

Nonetheless, I examined the area myself and I was discouraged by what I saw. It appears possible that this portion of Capisic Stream was in fact at one time a full stream and would have qualified for protection. What DEP believes may have happened is that the headwaters of Capisic Stream were dewatered by successive wetland filling above this area and the sewer work specifically in this area has provided a preferential drainage pathway for flows that used to use Capisic Stream. Therefore there is not sufficient water left in the stream to qualify it for protection.

I am writing because of the City's strong efforts to restore portions of the historic stream bed. I do not know if the City has targeted this portion of the stream bed for restoration. However, it is quite clear that as a result of building activities in the area that any ability to restore this portion of stream bed and wetlands will become more difficult as time passes.

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826
RAY BLDG., HOSPITAL ST.

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

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

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769-2094
(207) 764-0477 FAX: (207) 760-3143



APR-05-2006 11:55

MAINE DEP SMRO

2078226303 P.02

BUREAU OF LAND AND WATER QUALITY

CONTACT ID 4711

FIELD DETERMINATION FORM

CONTACT

NEIL KILEY
P.O. BOX 66687
FALMOUTH ME 04105
2076717336

PROPERTY OWNER

KILEY, NEIL
P.O. BOX 66687
FALMOUTH ME 04105

STAFF

KALINICH, JEFFREY

RESOURCE FW

DIRECTIONS

Forest Avenue west to Avalon Street take left, turn right on Dorothy, turn right onto Beaumont Street.

SITE TOWN PORTLAND

MAP 294
LOT 62,63

MEMO

Jeff Kalinich visited the site with Neil Kiley for a stream determination. The resource in question is not a stream as defined by the Natural Resources Protection Act (NRPA). The lots do contain freshwater wetlands protected by the NRPA. Filling over 4,300 square feet of these wetlands will require a NRPA permit.

Erosion control devices must be installed and maintained on the project site during any soil disturbance activity. A Maine Construction General Permit "NOI" and "NOT" must be filed with the Department if more than 1 acre of area is going to be disturbed on the project site at any given time during construction.

NAME:

Jeff Kalinich

RECEIVED 3/22/2006

SITE VISIT 3/28/2006

COMPLETED

4/5/2006

Custom Built Homes of Maine, Inc.

35 Main Street
Windham, ME 04062
PH: (207) 892-3149
FAX: (207) 892-1383
e-mail: customhomes@cbhm.net



Fax Cover Sheet

Date: May 31, 2007
To: Phil DiPierro Fax#: 756-8258
From: Angelica Plante Office Manager Pages (with cover): 3
Re: 26 Beaumont Street, Portland 04103
Notes: Hi Phil.

Enclosed, please find the **UNSIGNED** drainage easement that you requested.

Also, this property was hydro seeded on 5/25/07 and my site supervisor confirmed that because he was there on 5/29 planting trees.

Please call me if you have any further question.

Thank you, Angie

STORMWATER DRAINAGE EASEMENT

KNOW ALL PERSONS BY THESE PRESENTS, that Custom Built Homes of Maine, Inc. , having a mailing address of 35 Maine Street, Windham, Maine 04062 (the "Grantor"), for consideration paid, receipt whereof is hereby acknowledged, grants to the **City of Portland**, a body politic and corporate located in Cumberland County, State of Maine, whose mailing address is 389 Congress Street, Portland, Maine (the "Grantee"), a non-exclusive easement on land located at City Tax Map CBL 294-C-62. The easement is granted for the purpose of stormwater drainage on, under and across an area, twenty feet in width, and located ten feet on either side of the installed culvert, and running generally in an east - west direction, parallel to Beaumont Street, and for the width of the lot, as generally shown on the site plan entitled "Beaumont Street Development Plan", dated May 25, 2006 and stamped by Stephen J. Bradstreet, P.E., on file in the City of Portland Building Inspection Department. The easement grants the right perpetually to enter at any and all times upon the Grantor's property for the purpose of maintaining on, under and across said property a stormwater piping system within said drainage easement area; reserving to the Grantor and his successors and assigns the use and enjoyment of said drainage easement area for all purposes as are not inconsistent with the easement granted herein, provided that no building or any kind of permanent structure, including, but not limited to, walls and fences, shall be erected on said easement area and that no hedges, bushes or trees shall be planted within said easement areas by Grantor, its successors and assigns without the written permission of Grantee, its successors and assigns.

Grantor hereby grants to Grantee the right to trim, cut down and remove trees, bushes, and other vegetation of all kinds, to remove debris and deposits of any kind and to alter and regrade the contours of said stormwater drainage easement to such extent as in the reasonable judgment of Grantee is reasonably necessary or appropriate for the above purpose, and to enter upon said stormwater drainage easements at any and all times for any of the foregoing purposes. Grantee agrees for itself and its successors and assigns to properly and professionally undertake all work permitted hereunder within the easement area at its sole cost and expense and, following the completion of any work within the easement area, to restore the easement area to its condition prior to the undertaking of such work.

The easements granted herein shall run with the land and be binding, upon and shall inure to the benefit of, Grantor and Grantee, and their respective successors and assigns.

IN WITNESS WHEREOF, Custom Built Homes of Maine, Inc. has caused this

Stormwater Drainage Easement to be executed by its duly authorized representative as of the ___ day of _____, 2007.

WITNESS

_____ By: _____

STATE OF MAINE
CUMBERLAND, ss.

Dated: _____

Personally appeared the above-named _____ in his capacity as the duly authorized representative of Custom Built Homes of Maine, Inc. and acknowledged the foregoing instrument to be the free act and deed of Custom Built Homes of Maine, Inc..

Before me,

Notary Public/Attorney at Law

Printed name: _____

May 18, 2007

Makoko Georges Budagu
26 Beaumont Street
Portland, Maine 04103

RE: Final Site Inspection, (Project # 2006-0103), (CBL 294 C062001)

Dear Mr. Budago:

Recently I visited your property at 26 Beaumont Street, and conducted a site inspection for a Final Certificate of Occupancy. During my inspection it was observed that several site improvements were incomplete. Please be advised that your Temporary Certificate of Occupancy expires on June 1, 2007. The following items must be completed **prior** to the issuance of a Final Certificate of Occupancy (as outlined and agreed to in the conditions of approval relating to you building permit).

The following items require immediate action and must be completed by **June 1, 2007**.

1. A copy of the drainage easement for the driveway culvert recorded at the Cumberland County Registry of Deeds must be submitted.
2. Final grading per the approved site plan,
3. Loaming and seeding of all disturbed areas,
4. Two (2) City of Portland approved species and size trees must be planted on your street frontage,

Please contact me if you have any questions.

Sincerely,

Philip DiPierro
Development Review Coordinator

Cc: Barbara Barhydt, Development Review Services Manager
Jeanie Bourke, Inspection Services Manager
File: Urban Insight

Memorandum
Department of Planning and Development
Planning Division



TO: Inspections Department

FROM: Barbara Barhydt, Development Review Services Manager

DATE: January 17, 2007

RE: Temporary C. of O. for #26 Beaumont Street
(ID#2006-0103) (CBL 294C062001)

Attached is the review of the site from Dan Goyette, Consulting Engineer from Woodard and Curran. Based upon his review, I have the following comments:

A copy of the drainage easement for the driveway culvert recorded at the Cumberland County Registry of Deeds must be submitted prior to the issuance of the final certificate of occupancy.

Site work incomplete:
Final Grading.
Loam and Seed.
Landscaping.

I anticipate this work can be completed by **June 1, 2006**.
At this time, **I recommend issuing a temporary Certificate of Occupancy.**

Cc: Jeanie Bourke, Inspection Services Manager
Chris Hanson, Inspector
File: Barbara Barhydt, Development Review Services Manager
File: Urban Insight



BUREAU OF LAND AND WATER QUALITY

CONTACT ID 4711

FIELD DETERMINATION FORM

CONTACT

NEIL KILEY
P.O. BOX 66687

FALMOUTH ME 04105
2076717336

PROPERTY OWNER

KILEY, NEIL

P.O. BOX 66687

FALMOUTH ME 04105

STAFF

KALINICH, JEFFREY

RESOURCE FW

DIRECTIONS

Forest Avenue west to Avolon Street take left, turn right on Dorothy, turn right onto Beaumont Street.

SITE TOWN PORTLAND

MAP LOT

294 62,63

MEMO

Jeff Kalinich visited the site with Neil Kiley for a stream determination. The resource in question is not a stream as defined by the Natural Resources Protection Act (NRPA). The lots do contain freshwater wetlands protected by the NRPA. Filling over 4,300 square feet of these wetlands will require a NRPA permit.

Erosion control devices must be installed and maintained on the project site during any soil disturbance activity. A Maine Construction General Permit "NOI" and "NOT" must be filed with the Department if more than 1 acre of area is going to be disturbed on the project site at any given time during construction.

NAME:

Jeff Kalinich

RECEIVED

3/22/2006

SITE VISIT

3/28/2006

COMPLETED

4/5/2006

Blue Horse Properties, LLC
P.O. Box 66687
Falmouth, ME 04105
Tel. (207) 671-7336
Fac. (207) 781-7726

June 20, 2006

Mr. Jay Reynolds
Planning Department
City of Portland
389 Congress Street
Portland, ME 04104

RE: Application for Single Family House, Beaumont Street

Response to Letter to David Smith Dated June 14, 2006

Dear Mr. Reynolds:

Blue Horse Properties, LLC is the applicant for this project having recently purchased the subject property from Mr. Smith. Per your letter, we are submitting four copies of a revised site plan and other documentation to address your comments.

Paragraph 1: Street improvements: No response required. ✓

Paragraph 2: DEP Approvals: I have attached a copy of the memorandum we received from Jeffrey Kalinich of the DEP after he conducted a site evaluation at our request on March 28, 2006. This letter was submitted with our application, but apparently was omitted from your packet. ✓

A. Capisic Brook: The DEP determined that the watercourse on the site was not a "stream" subject to additional impact guidelines. ✓

B. Wetlands: The DEP has authorized us to fill up to 4300 square feet of wetlands on the site. The actual wetlands impact as noted on the revised site plan will only be 2879 square feet. ✓

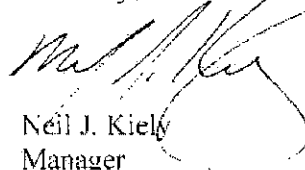
Paragraph 3: Zoning Review: We have been notified by Ann Machado that the project has passed zoning review. ✓

Paragraph 4: Culvert Sizing: Attached find a letter from Stephen Bradstreet, P.E. addressing the culvert sizing. ✓

OK
Paragraph 5: Wetland Delineation: The wetlands already were delineated on the site plan, but apparently they were too light, so we have darkened them for easier viewing.

I hope that we have fully addressed your comments. Please call me at 671-7336 if there are any remaining issues.

Sincerely,



Neil J. Kiely
Manager
Blue Horse Properties, LLC

Mr. David Smith
15 Bartlett Street
Portland, Maine 04103

June 14, 2006

Dear Mr. Smith:

RE: Application for single family house, Beaumont Street

Upon review of the site plan, the City's Planning Division has the following comments:

1. Because Beaumont Street is permanently paved, there are no roadway improvements required for street access (section 14-403).
2. Due to the environmental impacts, the City will need confirmation that this development is permissible by the Maine Department of Environmental Protection. A copy of all approvals from the DEP is requested.
 - A. Capisic Brook: The watercourse that is being crossed with a driveway appears to be the northern branch of Capisic Brook. The DEP has specific guidelines with regards to soil disturbance in and around these waterbodies.
 - B. Wetlands: There are also specific guidelines with regards to wetland filling and alterations. In particular, wetlands adjacent to waterbodies are a higher priority and this item will need to be reviewed by the DEP as well.
3. The zoning administrators are reviewing the lot division and a zoning determination will be forthcoming.

Assuming #2 and 3 are resolved,

4. Please have your engineer provide information that shows that the proposed 18" culvert is adequately sized.
5. Please transfer the wetland information from the survey to the site plan. Also, please show the areas of wetland impact including the total square footage of wetland loss.

Please resubmit 4 copies of the revised site plan and any DEP approvals to my attention.

Sincerely,

Jay Reynolds
Development Review Coordinator

cc: Sarah Hopkins, Development Review Services Manager
Marge Schmuckal, Zoning Administrator

City of Portland, Maine - Building or Use Permit Application

389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

| | | |
|-----------------------|-------------|---------------------|
| Permit No: 06-1209 | Issue Date: | CBL: 294 C062001 |
|-----------------------|-------------|---------------------|

| | | | |
|--|---|---|---------------------|
| Location of Construction: 0 BEAUMONT ST | Owner Name: SMITH DAVID E & JAMES C MC | Owner Address: 15 BARTLETT ST | Phone: |
| Business Name: | Contractor Name: Custom Built Homes of Maine, Inc. | Contractor Address: 35 Main Street Windham | Phone 2073100079 |
| Lessee/Buyer's Name | Phone: | Permit Type: Amendment to Single Family | Zone: |

| | | | | |
|--|---|--|---------------------------------|--------------------|
| Past Use: Single Family Home | Proposed Use: Amendment to permit#060792- amend permit #060792 change from Cape to Colonial w/ porch | Permit Fee: \$30.00 | Cost of Work: \$30.00 | CEO District: 5 |
| Proposed Project Description: amend permit #060792 change from Cape to Colonial w/ porch | | FIRE DEPT: <input type="checkbox"/> Approved <input type="checkbox"/> Denied | INSPECTION: Use Group: Type: | |
| | | Signature: | Signature: | |
| PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.) | | | | |
| Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied | | | | |
| | | Signature: | Date: | |

| | | | | |
|-----------------------------|---------------------------------|------------------------|--|--|
| Permit Taken By: Idobson | Date Applied For: 08/15/2006 | Zoning Approval | | |
|-----------------------------|---------------------------------|------------------------|--|--|

| | | | |
|---|---|---|---|
| <ol style="list-style-type: none"> This permit application does not preclude the Applicant(s) from meeting applicable State and Federal Rules. Building permits do not include plumbing, septic or electrical work. Building permits are void if work is not started within six (6) months of the date of issuance. False information may invalidate a building permit and stop all work.. | Special Zone or Reviews <input type="checkbox"/> Shoreland <input type="checkbox"/> Wetland <input type="checkbox"/> Flood Zone <input type="checkbox"/> Subdivision <input type="checkbox"/> Site Plan Maj <input type="checkbox"/> Minor <input type="checkbox"/> MM <input type="checkbox"/> Date: | Zoning Appeal <input type="checkbox"/> Variance <input type="checkbox"/> Miscellaneous <input type="checkbox"/> Conditional Use <input type="checkbox"/> Interpretation <input type="checkbox"/> Approved <input type="checkbox"/> Denied Date: | Historic Preservation <input type="checkbox"/> Not in District or Landmark <input type="checkbox"/> Does Not Require Review <input type="checkbox"/> Requires Review <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied Date: |
|---|---|---|---|

COPY CERTIFICATION

I hereby certify that I am the owner of record of the named property, or that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his authorized agent and I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in the application is issued, I certify that the code official's authorized representative shall have the authority to enter all areas covered by such permit at any reasonable hour to enforce the provision of the code(s) applicable to such permit.

SIGNATURE OF APPLICANT ADDRESS DATE PHONE

RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE DATE PHONE

builders

INSULATION

of maine, inc.

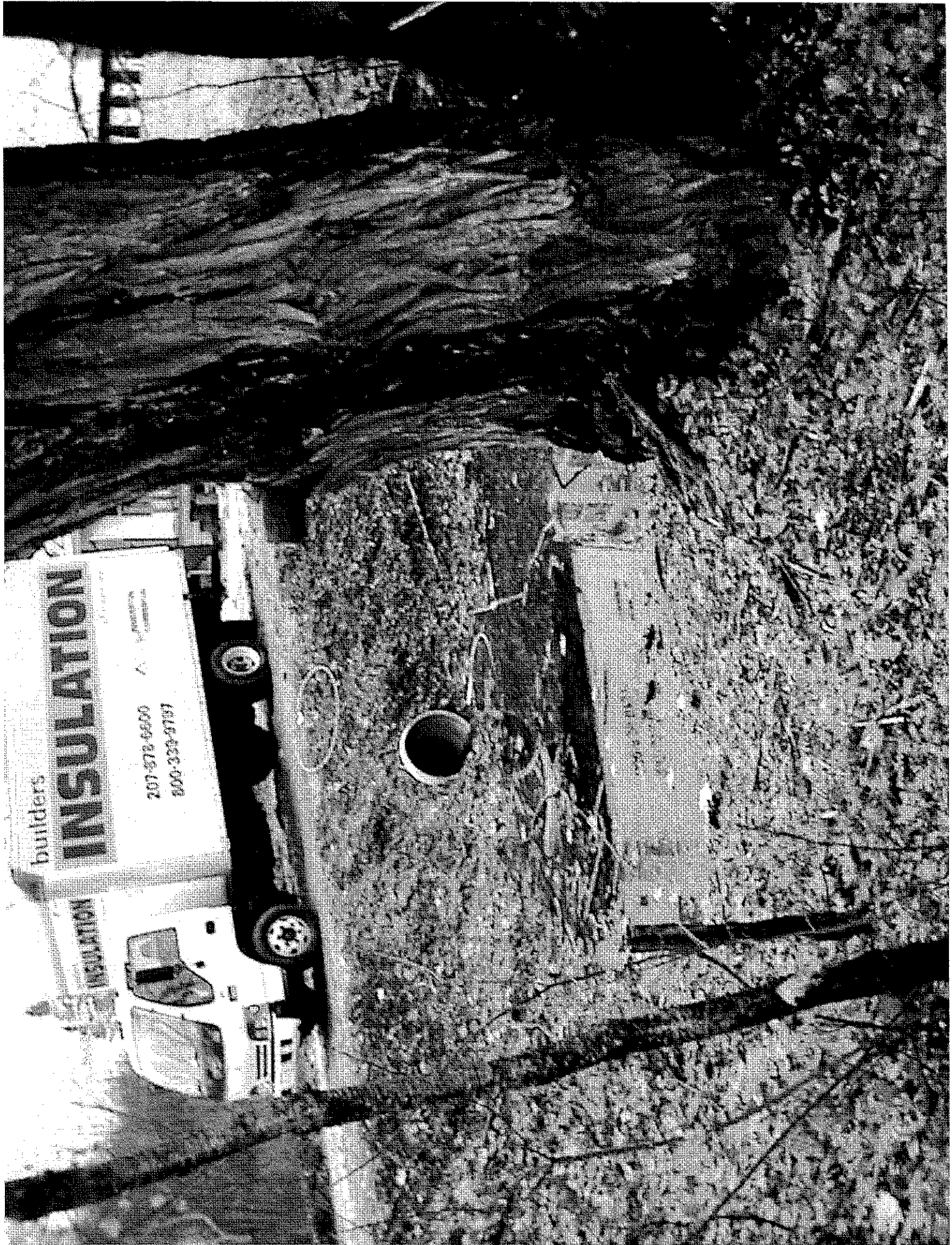
207-878-6600

800-339-9797



RESIDENTIAL
COMMERCIAL







BUREAU OF LAND AND WATER QUALITY

CONTACT ID 4711

FIELD DETERMINATION FORM

CONTACT

NEIL KILEY
P.O. BOX 66687

FALMOUTH ME 04105
2076717336

PROPERTY OWNER

KILEY, NEIL

P.O. BOX 66687

FALMOUTH ME 04105

STAFF

KALINICH, JEFFREY

RESOURCE FW

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NAME:

Jeff Kalinich

RECEIVED

3/22/2006

SITE VISIT

3/28/2006

COMPLETED

4/5/2006

From: "Dan Goyette" <DGoyette@woodardcurran.com>
To: "Jay Reynolds" <JAYJR@portlandmaine.gov>
Date: Thu, Oct 5, 2006 9:12 AM
Subject: Beaumont Street

Jay,

On Thursday, October 5, I conducted a site visit on Beaumont Street to inspect a driveway culvert. The culvert is a 24" corrugated, smooth wall interior HDPE culvert. The culvert has been installed pitching in the wrong direction approximately by an inch due to a conflict with existing utilities. During storm events water may pond behind the culvert to a depth of one inch. It does not appear that the ponding water will have an impact on abutting properties. In the event that the ponding water does result in an impact to abutting properties the culvert could be replaced by a 24" PVC culvert. A PVC pipe does not have the thick corrugations that an HDPE culvert has, thereby gaining the ability to install it at the appropriate grade. The culvert could be replaced now or a wait and see approach can be taken. Please let me know if you need any more information.

Daniel Goyette, PE

41 Hutchins Drive
Portland, Maine 04102
Phone: 800-426-4262
Fax: 207-871-0724
Email: dgoyette@woodardcurran.com

From: "Dan Goyette" <DGoyette@woodardcurran.com>
To: "Jay Reynolds" <JAYJR@portlandmaine.gov>
Date: Tue, Oct 10, 2006 8:14 AM
Subject: RE: Beaumont Street

Jay,

A 24" PVC pipe will have a wall thickness around .7" and a hdpe pipe is around 2". It varies depending on manufacturer etc. Let me know if this is what you were looking for.

-----Original Message-----

From: Jay Reynolds [mailto:JAYJR@portlandmaine.gov]
Sent: Friday, October 06, 2006 3:02 PM
To: Dan Goyette
Subject: Re: Beaumont Street

One last thing, can you compare the wall thicknesses of the 24" pvc vs. the 24"HDPE so I can quantify the net change in elevation that can be achieved?

I went on John Mannsville/PVC's website but they only give a 'minimum' wall thickness in their spec sheets.

Thanks again for your help.

Jay

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

>>> "Dan Goyette" <DGoyette@woodardcurran.com> 10/05/2006 9:08:29 AM >>>

Jay,

On Thursday, October 5, I conducted a site visit on Beaumont Street to inspect a driveway culvert. The culvert is a 24" corrugated, smooth wall interior HDPE culvert. The culvert has been installed pitching in the wrong direction approximately by an inch due to a conflict with existing utilities. During storm events water may pond behind the culvert to a depth of one inch. It does not appear that the ponding water will have an impact on abutting properties. In the event that the ponding water does result in an impact to abutting properties the culvert could be replaced by a 24" PVC culvert. A PVC pipe does not have the thick corrugations that an HDPE culvert has, thereby gaining the ability to install it at the appropriate grade. The culvert could be replaced now or a wait and see approach can be taken. Please let me know if you need any more information.

Daniel Goyette, PE

41 Hutchins Drive
Portland, Maine 04102
Phone: 800-426-4262

Fax: 207-871-0724

Email: dgoyette@woodardcurran.com

Mr. Ted Wendition
Custom Built Homes
27 Main Street
Windham, ME 04062

October 10, 2006

Dear Ted:

RE: Beaumont Street Culvert Installation

Thank you for meeting on site to look at the culvert installation at Beaumont Street. I met with your excavator following our meeting. He provided more information as to why the culvert was set at elevations that are different than the approved plan.

Since then, I've requested a second opinion from a Professional Engineer. The City agrees with the following statements, and will require the following recommendations. These recommendations will ensure that the drainage will flow in the correct manner across your client's property, and will not negatively impact any neighboring properties:

1. Change the type of pipe from a HDPE pipe to PVC. A PVC pipe does not have the thick corrugations that an HDPE culvert has, thereby gaining the ability to install it at the appropriate grade.
2. Change the angle of the pipe installation so that the outlet is closer to the original drainage course.

The City appreciates your willingness to work together on this matter.

Sincerely,

Jay Reynolds
Development Review Coordinator

cc: Alexander Jaegerman, Planning Division Director
Sarah Hopkins, Development Review Services Manager



PORTLAND MAINE

Strengthening a Remarkable City, Building a Community for Life • www.portlandmaine.gov

Planning and Development Department
Lee D. Urban, Director

Planning Division
Alexander Jaegerman, Director

Mr. Ted Wendition
Custom Built Homes
27 Main Street
Windham, ME 04062

October 10, 2006

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Jay Reynolds
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Sarah Hopkins, Development Review Services Manager

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

2006-0103

Application I. D. Number

5/26/2006

Application Date

Single Family Home

Project Name/Description

Smith David E &

Applicant

15 Bartlett St , Portland, ME 04103

Applicant's Mailing Address

Elise Kiely

Consultant/Agent

Agent Ph: (207)838-1050 Agent Fax:

Applicant or Agent Daytime Telephone, Fax

**Jay Reynolds
AMENDMENT**

Beaumont St, Portland, Maine

Address of Proposed Site

294 C062001

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) _____

Proposed Building square Feet or # of Units 8541 Acreage of Site _____ Zoning _____

Check Review Required:

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

Fees Paid: Site Pla \$50.00 Subdivision _____ Engineer Review \$250.00 Date 5/26/2006

DRC Approval Status:

Reviewer Jay Reynolds

- Approved Approved w/Conditions See Attached Denied
- Approval Date 6/22/2006 Approval Expiration 6/22/2007 Extension to _____ Additional Sheets Attached
- Condition Compliance Jay Reynolds 6/22/2006
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 | _____ | <input type="checkbox"/> Conditions (See Attached) | _____ |
| | date | | 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 | |

Memorandum
Department of Planning and Development
Planning Division



TO: Inspections Department

FROM: Barbara Barhydt, Development Review Services Manager

DATE: January 12, 2007

RE: Temporary C. of O. for #26 Beaumont Street
(ID#2006-0103) (CBL 294C062001)

Attached is the review of the site from Dan Goyette, Consulting Engineer from Woodard and Curran. Based upon his review, I have the following comments:

The 24" driveway culvert has been installed properly. The City is seeking a drainage easement for the culvert in the event that work is done to restore the tributaries to Capisic Brook the City will be able to adjust the culvert as necessary.

Site work incomplete:
Final Grading.
Loam and Seed.
Landscaping.

I anticipate this work can be completed by **June 1, 2006**.
At this time, **I recommend issuing a temporary Certificate of Occupancy.**

Cc: Jeanie Bourke, Inspection Services Manager
Chris Hanson, Inspector
File: Barbara Barhydt, Development Review Services Manager
File: Urban Insight

MEMORANDUM

TO: Barbara Barhydt, City of Portland Planner
FROM: Dan Goyette, PE – Development Review Engineer, Woodard & Curran
DATE: January 11, 2007
RE: Beaumont Street

After visiting the site, I have the following comments:

The 24" driveway culvert has been installed properly. The City may wish to acquire a drainage easement for the culvert. In the event that work is done to restore the tributaries to Capisic Brook the City will be able to adjust the culvert as necessary.

Site work incomplete:

Final Grading,
Loam and Seed,
Landscaping.

At this time, **I recommend issuing a temporary Certificate of Occupancy.** I anticipate this work can be completed by **June 1, 2007.**

Please contact our office if you have any questions.

DRG
203848

MEMORANDUM

TO: Barbara Barhydt, City of Portland Planner
FROM: Dan Goyette, PE – Development Review Engineer, Woodard & Curran
DATE: January 11, 2007
RE: Beaumont Street

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The 24" driveway culvert has been installed properly. The City may wish to acquire a drainage easement for the culvert. In the event that work is done to restore the tributaries to Capisic Brook the City will be able to adjust the culvert as necessary.

Site work incomplete:

Final Grading,
Loam and Seed,
Landscaping.

At this time, **I recommend issuing a temporary Certificate of Occupancy.** I anticipate this work can be completed by **June 1, 2007.**

Please contact our office if you have any questions.

DRG
203848

BK
24790

Pg
240

STORMWATER DRAINAGE EASEMENT

KNOW ALL PERSONS BY THESE PRESENTS, that Custom Built Homes of Maine, Inc. , having a mailing address of 35 Maine Street, Windham, Maine 04062 (the "Grantor"), for consideration paid, receipt whereof is hereby acknowledged, grants to the **City of Portland**, a body politic and corporate located in Cumberland County, State of Maine, whose mailing address is 389 Congress Street, Portland, Maine (the "Grantee"), a non-exclusive easement on land located at City Tax Map CBL 294-C-62. The easement is granted for the purpose of stormwater drainage on, under and across an area, twenty feet in width, and located ten feet on either side of the installed culvert, and running generally in an east – west direction, parallel to Beaumont Street, and for the width of the lot, as generally shown on the site plan entitled "Beaumont Street Development Plan", dated May 25, 2006 and stamped by Stephen J. Bradstreet, P.E., on file in the City of Portland Building Inspection Department. The easement grants the right perpetually to enter at any and all times upon the Grantor's property for the purpose of maintaining on, under and across said property a stormwater piping system within said drainage easement area; reserving to the Grantor and his successors and assigns the use and enjoyment of said drainage easement area for all purposes as are not inconsistent with the easement granted herein, provided that no building or any kind of permanent structure, including, but not limited to, walls and fences, shall be erected on said easement area and that no hedges, bushes or trees shall be planted within said easement areas by Grantor, its successors and assigns without the written permission of Grantee, its successors and assigns.

Grantor hereby grants to Grantee the right to trim, cut down and remove trees, bushes, and other vegetation of all kinds, to remove debris and deposits of any kind and to alter and regrade the contours of said stormwater drainage easement to such extent as in the reasonable judgment of Grantee is reasonably necessary or appropriate for the above purpose, and to enter upon said stormwater drainage easements at any and all times for any of the foregoing purposes. Grantee agrees for itself and its successors and assigns to properly and professionally undertake all work permitted hereunder within the easement area at its sole cost and expense and, following the completion of any work within the easement area, to restore the easement area to its condition prior to the undertaking of such work.

The easements granted herein shall run with the land and be binding, upon and shall inure to the benefit of, Grantor and Grantee, and their respective successors and assigns.

IN WITNESS WHEREOF, Custom Built Homes of Maine, Inc. has caused this

Stormwater Drainage Easement to be executed by its duly authorized representative as of the 12 day of January, 2007.

WITNESS

Wanda Pelland

By: Sten Servais

STATE OF MAINE
CUMBERLAND, ss.

Dated: January 12, 2007

Personally appeared the above-named Sten Servais in his capacity as the duly authorized representative of Custom Built Homes of Maine, Inc. and acknowledged the foregoing instrument to be the free act and deed of Custom Built Homes of Maine, Inc..

Before me,

Susan J. Leavitt
Notary Public/Attorney at Law

Printed name: Susan J. Leavitt
Notary Public, Maine
My Commission Expires December 4, 2008

WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS, that **CUSTOM BUILT HOMES OF MAINE, INC.**, a Maine corporation with a place of business in Windham, Cumberland County, Maine, for consideration paid, grants to **GEORGES BUDAGU MAKOKO**, whose mailing address is 1375 Forest Avenue #F10, Portland, Maine 04103, with **WARRANTY COVENANT**, a certain lot or parcel of land, together with any buildings thereon, situated in **PORTLAND**, County of **CUMBERLAND**, and State of **MAINE**, described as follows:

A certain lot or parcel of land, with any improvements thereon, located on the northerly side of Beaumont Street in the City of Portland, County of Cumberland and State of Maine, and more particularly described as follows:

Beginning on the northerly side of said Beaumont Street at a capped iron rod at the most easterly corner of land now or formerly of Slavinski at a point located N 55° 15' 28" E along said Beaumont Street 50.00 feet from its intersection with the easterly side of Nickerson Road;

Thence N 59° 51' 13" W, leaving said Beaumont Street, along the northeasterly sideline of said Slavinski land 131.62 feet to a capped iron rod at land or formerly of The Maples Condominium;

Thence N 62° 50' 37"E, along the said Maples Condominium land 106.79 feet to a capped iron rod at a corner;

Thence S 34° 44' 33" E, continuing along the said Maples Condominium land, a distance of 105.08 feet to a capped iron rod at the northerly side of said Beaumont Street;

Thence S 55° 15' 28" W, along said Beaumont Street, a distance of 50.00 feet to the beginning;

Containing an area of 8,541 square feet, more or less.

Also Granting, *without* covenants of warranty, all right, title, and interest, if any, of the Grantor herein in and to the abutting portion of said Beaumont Street.

This conveyance is **subject to**, and exception is hereby made to the incorporated statutory covenant of "free of all encumbrances" for rights and easements reserved in a deed from Everett C. Wells to Thomas W. Mulkern and Fannie M. Mulkern dated February 16, 1927 and recorded in the Cumberland County Registry of Deeds in Book 1261, Page 273.

Reference is hereby made to a deed from Blue Horse Properties, LLC, a Maine limited liability company, dated September 13, 2006, to Custom Built Homes of Maine,

Inc., a Maine corporation and recorded in the Cumberland County Registry of Deeds in Book 24368, Page 66.

Reference is hereby further made to a portion of the premises conveyed in a deed from David E. Smith and James C. McCallum, dated June 15, 2006, to Blue Horse Properties, LLC, and recorded in the Cumberland County Registry of Deeds in Book 24075, Page 203, and in a deed from Mary Slavinski, dated June 28, 2006, to Blue Horse Properties, LLC and recorded in the Cumberland County Registry of Deeds in Book 24122, Page 134. Reference is further made to "Proposed Lot A" as shown on plan titled "Boundary & Topographic Survey and Proposed Lot Line Adjustment Plan on Beaumont Street, Portland, Maine" made for Elise Kiely by Owen Haskell, Inc. and dated May 18, 2006.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed by its duly authorized officer on this 12 day of JANUARY, 2007.

Wanda Pelland
Witness

Custom Built Homes of Maine, Inc.
By: Glen Gervais
Glen Gervais
Vice President

STATE OF MAINE
COUNTY OF CUMBERLAND, ss.

Personally appeared the above named Glen Gervais, in His capacity as Vice President, Custom Built Homes of Maine, Inc., this 12th day of January, 2007, and acknowledged the foregoing instrument to be His free act and deed and the free act and deed of Custom Built Homes of Maine, Inc..

Before me,

Susan J. Leavitt
Attorney at Law/Notary Public

Susan J. Leavitt
Notary Public, Maine
My Commission Expires December 4, 2008



ENGINEERS
ARCHITECTS
PLANNERS
CONSTRUCTORS

222 St. John Street
Suite 314
Portland, Maine 04102

Voice 207.828.1272
Fax 207.774.6907
www.ekcorp.com

June 20, 2006

Jay Reynolds
City of Portland
389 Congress Street
Portland, ME 04104

**Subject: Beaumont Street
 Single Family Home**

Dear Jay:

On behalf of Bluehorse Enterprises, Edwards and Kelcey is submitting the enclosed support documents for the culvert sizing. The attached USGS plan is old and does represent current conditions. All land area upstream of Route 302 no longer flows through this site but is intercepted by the Route 302 stormdrain and redirected. The only stormwater that flows through this site is from the immediately adjacent residential neighborhoods. This channel typically has no flow except for immediately after storm events.

The area contributing flow to the new driveway culvert is only 13.8 acres based on site reconnaissance. The resulting 10 year storm event flow is 18.2 CFS and is adequately handled by a 24" ADS N-12 culvert. This was misrepresented on the original submission.

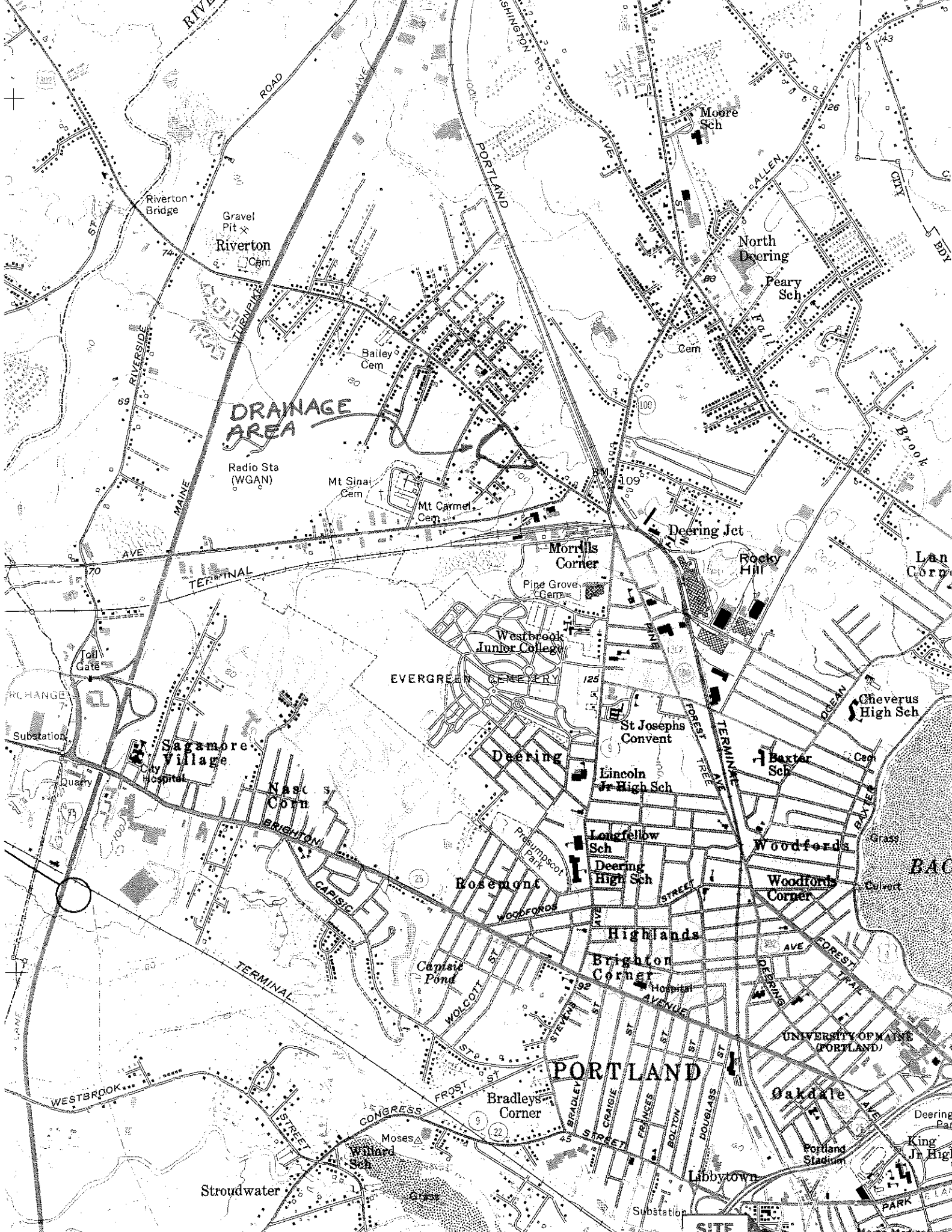
Neil Kiely will be providing documentation from DEP concerning the wetland permitting and the plan has been revised to notate the impacted area.

If you have any questions, please feel free to call me at 828-1272 ext. 12.

Very truly,

Edwards and Kelcey

Stephen J. Bradstreet, P.E.
Associate Vice President



DRAINAGE AREA

PORTLAND

SITE

Maine Medusa

EDWARDS AND KELCEY
CONSULTING ENGINEERS

PROJECT Beaumont Street FILE NO.
SUBJECT SHEET NO. OF
COMPUTED BY SJB CHECKED BY DATE

$$.15 \frac{4}{12} \times 2,000^2 = 600,000 \text{ SF} = 13.8 \text{ Acres}$$

$$Q = CiA$$

C = urban area w/ 20% impervious

$$C = .30$$

$$t_c = 10' / 1000' = 9 \text{ min}$$

$$L_{10} = 4.4$$

$$A = 13.8$$

$$Q = .30(4.4)(13.8) = 18.2 \text{ CFS}$$

Mannings nomograph

$$\text{w/ } S = .005, n = .012 \quad 24''$$

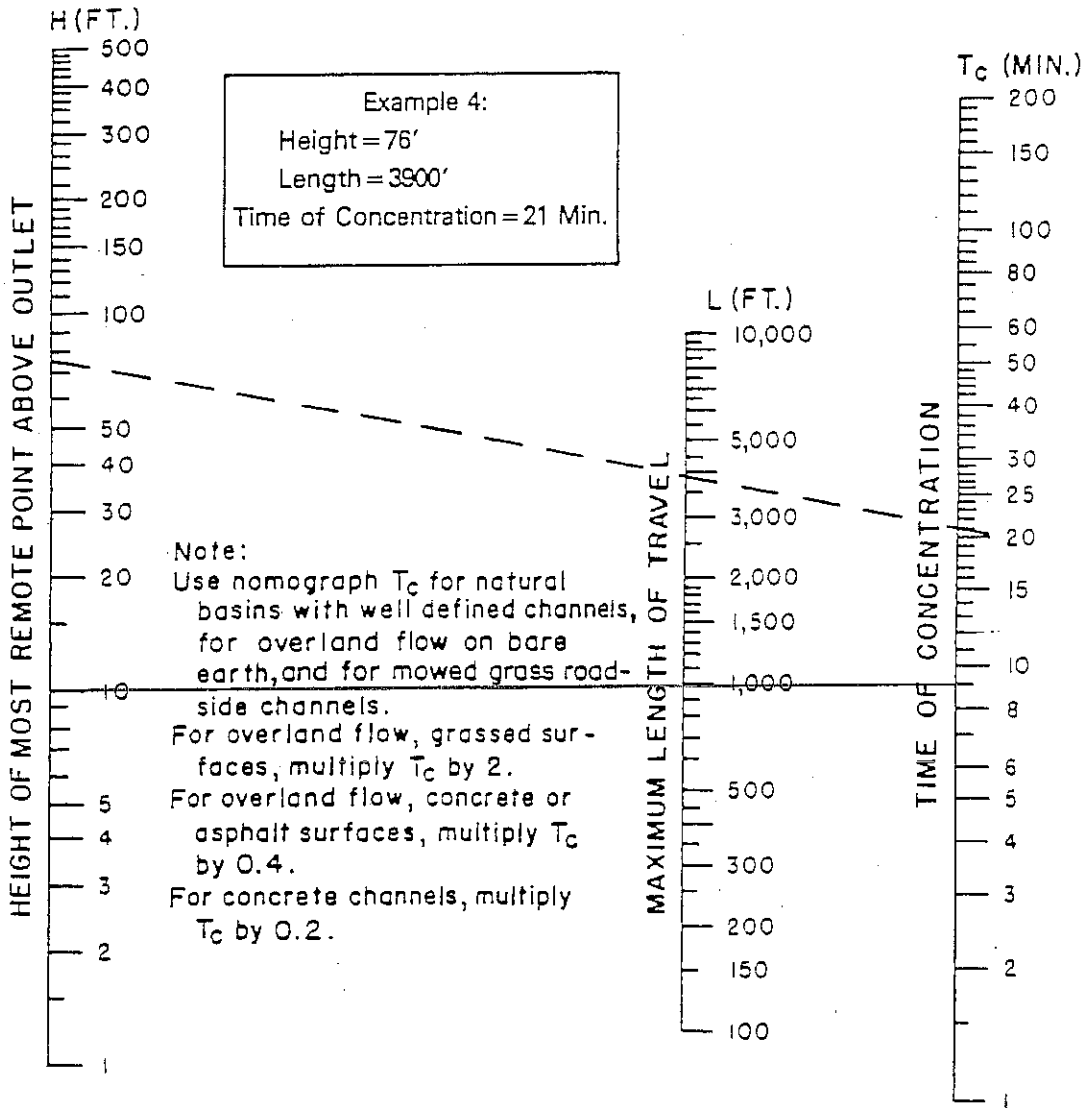
$$Q = 19 \text{ CFS}$$

| Type of Surface | Runoff Coefficient (C) |
|--|---------------------------|
| <u>Rural Areas</u> | |
| Concrete or sheet asphalt pavement | 0.8 - 0.9 |
| Asphalt macadam pavement | 0.6 - 0.8 |
| Gravel roadways or shoulders | 0.4 - 0.6 |
| Bare earth | 0.2 - 0.9 |
| Steep grassed areas (2:1) | 0.5 - 0.7 |
| Turf meadows | 0.1 - 0.4 |
| Forested areas | 0.1 - 0.3 |
| Cultivated fields | 0.2 - 0.4 |
| <u>Urban Areas</u> | |
| Flat residential, with about ^{20%} 30% of area impervious | 0.40 0.30-0.40 |
| Moderately steep residential, with about 50% of area impervious | 0.65 |
| Moderately steep built-up area, with about 70% of area impervious | 0.80 |

- Notes:
1. For flat slopes or permeable soil, use the lower values. For steep slopes or impermeable soil, use the higher values.
 2. The Drainage Report will provide C for design.

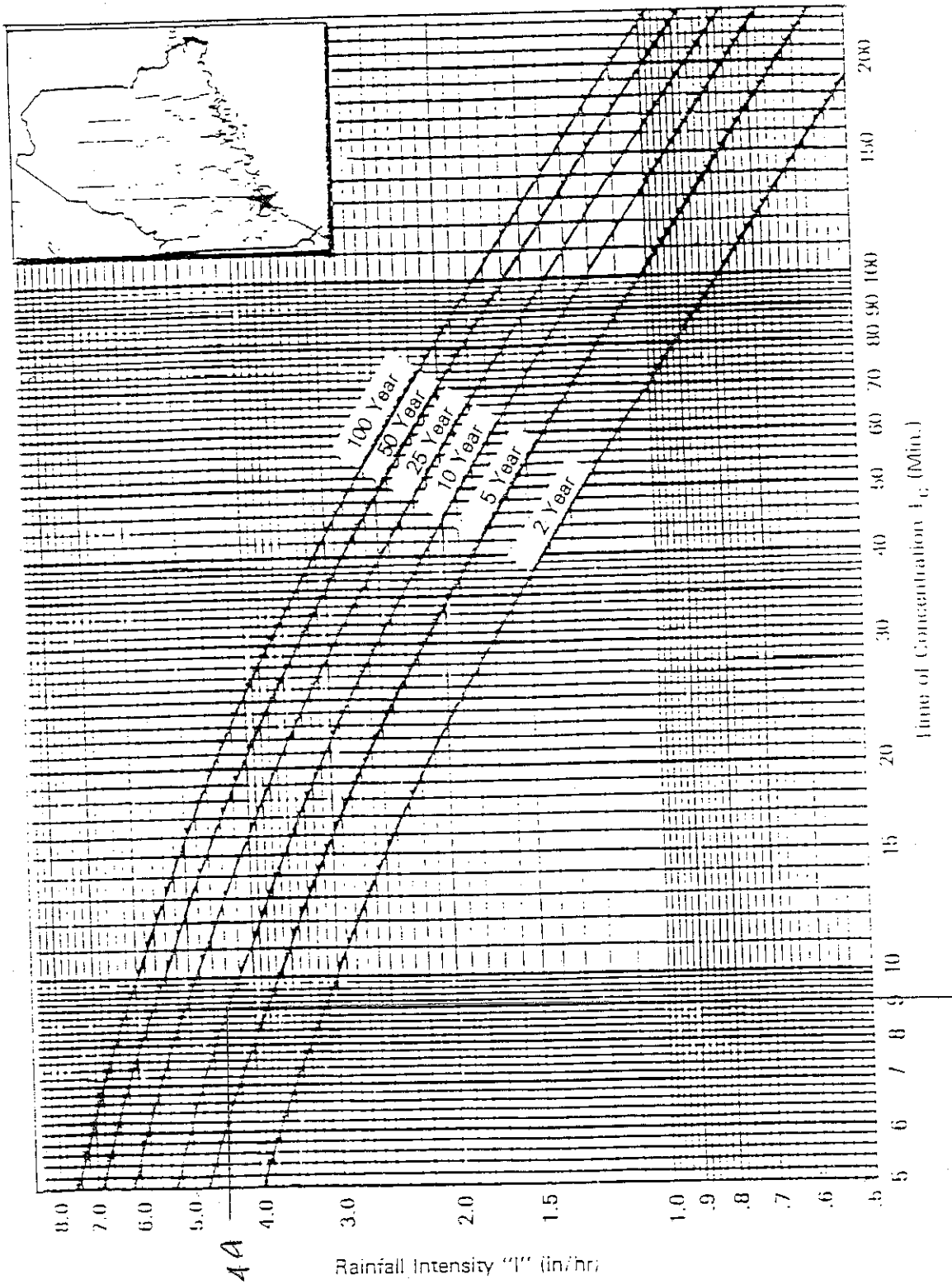
RUNOFF COEFFICIENT "C"
(Rational Method)

Table 12-5



TIME OF CONCENTRATION
 (Rational Method)

Figure 12-10



IDF CURVE FOR CITY OF PORTLAND
(Rational Method)

Figure 12-12

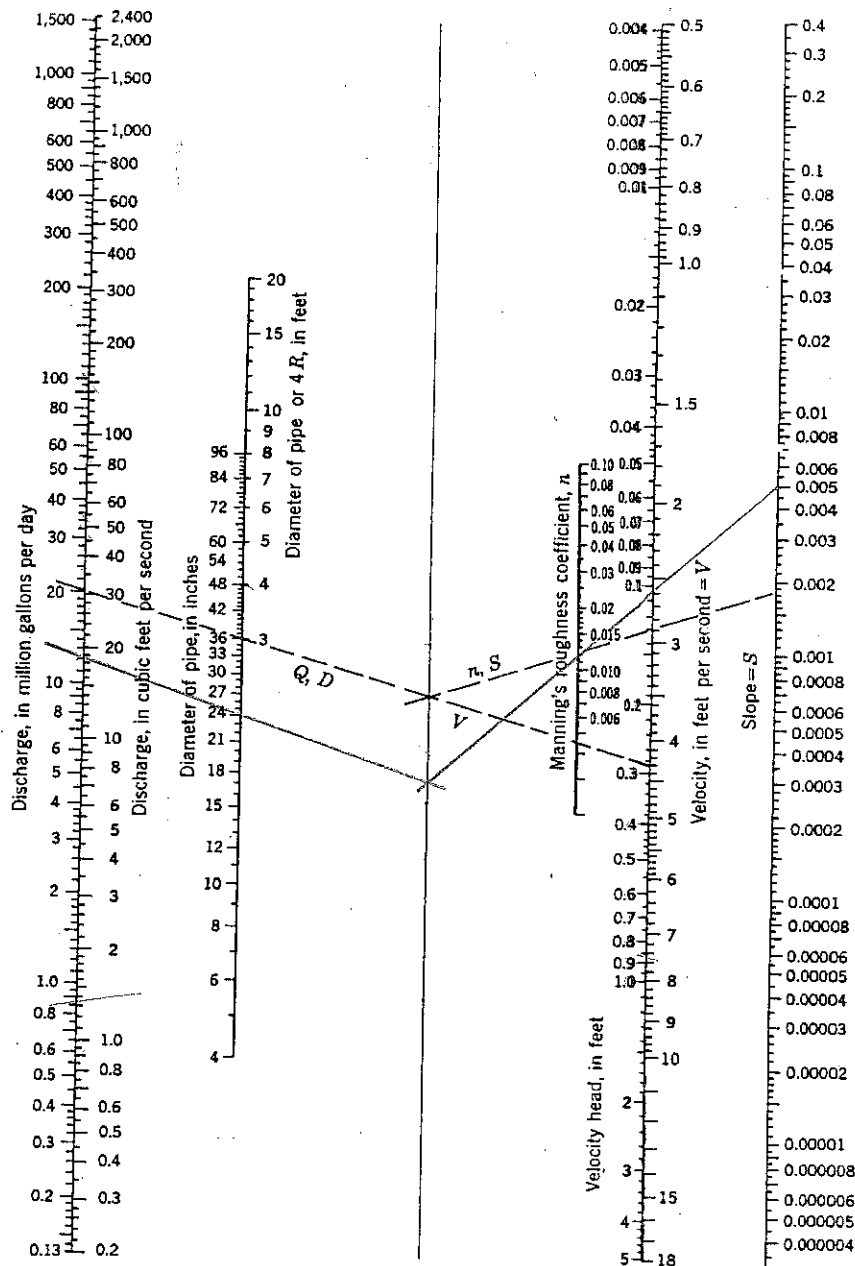


FIGURE 22.—Alignment chart for Manning formula for pipe flow.

in which the nomenclature is basically the same as that used in Equation 13 and C is a coefficient related to roughness.

The formula is used widely for pressure-conduit or pipe flow, although it is equally applicable to open-channel conditions. Published values for C have come largely from pipe-flow experiments, while many of the reported n values are from open-channel flow tests. The Hazen-Williams

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From: "Dan Goyette" <DGoyette@woodardcurran.com>
To: "Jay Reynolds" <JAYJR@portlandmaine.gov>
Date: 10/5/2006 9:12:15 AM
Subject: Beaumont Street

Jay,

On Thursday, October 5, I conducted a site visit on Beaumont Street to inspect a driveway culvert. The culvert is a 24" corrugated, smooth wall interior HDPE culvert. The culvert has been installed pitching in the wrong direction approximately by an inch due to a conflict with existing utilities. During storm events water may pond behind the culvert to a depth of one inch. It does not appear that the ponding water will have an impact on abutting properties. In the event that the ponding water does result in an impact to abutting properties the culvert could be replaced by a 24" PVC culvert. A PVC pipe does not have the thick corrugations that an HDPE culvert has, thereby gaining the ability to install it at the appropriate grade. The culvert could be replaced now or a wait and see approach can be taken. Please let me know if you need any more information.

Daniel Goyette, PE

41 Hutchins Drive
Portland, Maine 04102
Phone: 800-426-4262
Fax: 207-871-0724
Email: dgoyette@woodardcurran.com



PORTLAND MAINE

Strengthening a Remarkable City, Building a Community for Life www.portlandmaine.gov

Planning and Development Department
Lee D. Urban, Director

Planning Division
Alexander Jaegerman, Director

Mr. David Smith
15 Bartlett Street
Portland, Maine 04103

June 14, 2006

Dear Mr. Smith:

RE: Application for single family house, Beaumont Street

Upon review of the site plan, the City's Planning Division has the following comments:

1. Because Beaumont Street is permanently paved, there are no roadway improvements required for street access (section 14-403).
2. Due to the environmental impacts, the City will need confirmation that this development is permissible by the Maine Department of Environmental Protection. A copy of all approvals from the DEP is requested.
 - A. Capisic Brook: The watercourse that is being crossed with a driveway appears to be the northern branch of Capisic Brook. The DEP has specific guidelines with regards to soil disturbance in and around these waterbodies.
 - B. Wetlands: There are also specific guidelines with regards to wetland filling and alterations. In particular, wetlands adjacent to waterbodies are a higher priority and this item will need to be reviewed by the DEP as well.
3. The zoning administrators are reviewing the lot division and a zoning determination will be forthcoming.

Assuming #2 and 3 are resolved,

4. Please have your engineer provide information that shows that the proposed 18" culvert is adequately sized.
5. Please transfer the wetland information from the survey to the site plan. Also, please show the areas of wetland impact including the total square footage of wetland loss.

Blue Horse Properties, LLC
P.O. Box 66687
Falmouth, ME 04105
Tel. (207) 671-7336
Fac. (207) 781-7726

June 20, 2006

Mr. Jay Reynolds
Planning Department
City of Portland
389 Congress Street
Portland, ME 04104

RE: Application for Single Family House, Beaumont Street
Response to Letter to David Smith Dated June 14, 2006

Dear Mr. Reynolds:

Blue Horse Properties, LLC is the applicant for this project having recently purchased the subject property from Mr. Smith. Per your letter, we are submitting four copies of a revised site plan and other documentation to address your comments.

Paragraph 1: Street improvements: No response required. ✓

Paragraph 2: DEP Approvals: I have attached a copy of the memorandum we received from Jeffrey Kalinich of the DEP after he conducted a site evaluation at our request on March 28, 2006. This letter was submitted with our application, but apparently was omitted from your packet. OK

A. Capisic Brook: The DEP determined that the watercourse on the site was not a "stream" subject to additional impact guidelines. OK

B. Wetlands: The DEP has authorized us to fill up to 4300 square feet of wetlands on the site. The actual wetlands impact as noted on the revised site plan will only be 2879 square feet. *checked, correct...*

Paragraph 3: Zoning Review: We have been notified by Ann Machado that the project has passed zoning review. OK

Paragraph 4: Culvert Sizing: Attached find a letter from Stephen Bradstreet, P.E. addressing the culvert sizing. OK

Mr. Ted Wendition
Custom Built Homes
27 Main Street
Windham, ME 04062

October 10, 2006

Dear Ted:

RE: Beaumont Street Culvert Installation

Thank you for meeting on site to look at the culvert installation at Beaumont Street. I met with your excavator following our meeting. He provided more information as to why the culvert was set at elevations that are different than the approved plan.

Since then, I've requested a second opinion from a Professional Engineer. The City agrees with the following statements, and will require the following recommendations. These recommendations will ensure that the drainage will flow in the correct manner across your client's property, and will not negatively impact any neighboring properties:

1. Change the type of pipe from a HDPE pipe to PVC. A PVC pipe does not have the thick corrugations that an HDPE culvert has, thereby gaining the ability to install it at the appropriate grade.
2. Change the angle of the pipe installation so that the outlet is closer to the original drainage course.

The City appreciates your willingness to work together on this matter.

Sincerely,

Jay Reynolds
Development Review Coordinator

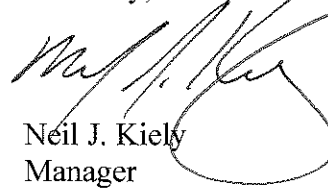
cc: Alexander Jaegerman, Planning Division Director
Sarah Hopkins, Development Review Services Manager

OK

Paragraph 5: Wetland Delineation: The wetlands already were delineated on the site plan, but apparently they were too light, so we have darkened them for easier viewing.

I hope that we have fully addressed your comments. Please call me at 671-7336 if there are any remaining issues.

Sincerely,



Neil J. Kiely
Manager
Blue Horse Properties, LLC



CORPORATE OFFICES: Maine, Massachusetts,
New Hampshire, Connecticut, Florida
Operational offices throughout the U.S.

MEMORANDUM

TO: Barbara Barhydt, City of Portland Planner
FROM: Dan Goyette, PE – Development Review Engineer, Woodard & Curran
DATE: January 11, 2007
RE: Beaumont Street

After visiting the site, I have the following comments:

The 24" driveway culvert has been installed properly. The City may wish to acquire a drainage easement for the culvert. In the event that work is done to restore the tributaries to Capisic Brook the City will be able to adjust the culvert as necessary.

Site work incomplete:

Final Grading,
Loam and Seed,
Landscaping.

At this time, **I recommend issuing a temporary Certificate of Occupancy.** I anticipate this work can be completed by **June 1, 2007.**

Please contact our office if you have any questions.

DRG
203848

**City of Portland
Department of Planning and Development
Planning Division**

389 Congress Street, 4th Floor
Portland ME 04101
(207)874-8721 or (207)874-8719
Fax: (207)756-8258



FAX

To: Glen Gervay

Company: Custom Built Homes

Fax #: 892-1383

Date: 1/11/07

From: Barbara Barbydt

You should receive 3 page(s) including this cover sheet.

Comments:

STORMWATER DRAINAGE EASEMENT

KNOW ALL PERSONS BY THESE PRESENTS, that Custom Built Homes of Maine, Inc. , having a mailing address of 35 Maine Street, Windham, Maine 04062 (the “Grantor”), for consideration paid, receipt whereof is hereby acknowledged, grants to the **City of Portland**, a body politic and corporate located in Cumberland County, State of Maine, whose mailing address is 389 Congress Street, Portland, Maine (the “Grantee”), a non-exclusive easement on land located at City Tax Map CBL 294-C-62. The easement is granted for the purpose of stormwater drainage on, under and across an area, twenty feet in width, and located ten feet on either side of the installed culvert, and running generally in an east – west direction, parallel to Beaumont Street, and for the width of the lot, as generally shown on the site plan entitled “Beaumont Street Development Plan”, dated May 25, 2006 and stamped by Stephen J. Bradstreet, P.E., on file in the City of Portland Building Inspection Department. The easement grants the right perpetually to enter at any and all times upon the Grantor’s property for the purpose of maintaining on, under and across said property a stormwater piping system within said drainage easement area; reserving to the Grantor and his successors and assigns the use and enjoyment of said drainage easement area for all purposes as are not inconsistent with the easement granted herein, provided that no building or any kind of permanent structure, including, but not limited to, walls and fences, shall be erected on said easement area and that no hedges, bushes or trees shall be planted within said easement areas by Grantor, its successors and assigns without the written permission of Grantee, its successors and assigns.

Grantor hereby grants to Grantee the right to trim, cut down and remove trees, bushes, and other vegetation of all kinds, to remove debris and deposits of any kind and to alter and regrade the contours of said stormwater drainage easement to such extent as in the reasonable judgment of Grantee is reasonably necessary or appropriate for the above purpose, and to enter upon said stormwater drainage easements at any and all times for any of the foregoing purposes. Grantee agrees for itself and its successors and assigns to properly and professionally undertake all work permitted hereunder within the easement area at its sole cost and expense and, following the completion of any work within the easement area, to restore the easement area to its condition prior to the undertaking of such work.

The easements granted herein shall run with the land and be binding, upon and shall inure to the benefit of, Grantor and Grantee, and their respective successors and assigns.

IN WITNESS WHEREOF, Custom Built Homes of Maine, Inc. has caused this

Stormwater Drainage Easement to be executed by its duly authorized representative as of the ____ day of _____, 2007.

WITNESS

_____ By: _____

STATE OF MAINE
CUMBERLAND, ss.

Dated: _____

Personally appeared the above-named _____ in his capacity as the duly authorized representative of Custom Built Homes of Maine, Inc. and acknowledged the foregoing instrument to be the free act and deed of Custom Built Homes of Maine, Inc..

Before me,

Notary Public/Attorney at Law

Printed name: _____

From: <Debkeen2@cs.com>
To: <Jeffrey.C.Kalinich@maine.gov>, <mike.mullen@maine.gov>, <david.p.littell@maine.gov>
Date: 1/4/2007 10:00:52 AM
Subject: Beaumont Street, Portland, Capisic Brook --urgent.

I am requesting that you do a site visit on Beaumont Street, my concerns are the conditions you placed on the site, erosion control and also resulting destruction of wetlands beside the site.

It is my understanding that the City is working on reclaiming Capisic Brook as a part of their CSO mandate under federal EPA guidelines to meet clean water requirements to prevent pollution from going directly into Casco Bay. This area will eventually be part of that reclamation.

This site which now includes --what amounts to a dam on the brook--will impede that mission. Allowing the stream to continue to run directly into the sewer, in violation of EPA guidelines, making that separation more difficult and more expensive, possibly endangering the whole length of the stream.

This is still a fixable problem. It would require moving utilities and lowering the culvert to allow the stream to flow properly once the area is reclaimed and returned to its former self. It is still my opinion that this was a very bad 'call' on MDEP's part. The conditions here are no different than the conditions in other parts of the brook which continue to be called a stream.

My concern is that better communication between the city and the MDEP (and the neighbors) at the outset could have resulted in additional information preventing this decision from being made. MDEP had made their declaration months before the application was received by the city, likely unaware of the City's on-going and active plans to reclaim the brook to meet their EPA mandate. The house is up and ready to be occupied, but there is still time (a day) VERY little time---to FIX the problem to prevent it from creating long-term environmental consequences.

It is still my opinion that this site meets all of the requirements and definitions for determination as a stream. The brook is on the geological survey map and defined as a stream on that map. The conditions are no different here than at other parts of the brook.

At a minimum further damage to the existing wetlands in the area and the erosion of sand into the brook bed needs to be prevented.

MODE = MEMORY TRANSMISSION

START=JAN-11 11:35

END=JAN-11 11:51

FILE NO.=871

| STN NO. | COMM. | ABBR NO. | STATION NAME/TEL NO. | PAGES | DURATION |
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| 001 | BUSY | 2 | 918921383 | 000/003 | 00:00:00 |

-CITY OF PORTLAND -

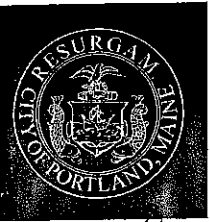
City of Portland
Department of Planning and Development
Planning Division
 389 Congress Street, 4th Floor
 Portland ME 04101
 (207)874-8721 or (207)874-8719
 Fax: (207)756-8258



FAX

To: Glen Jervay
Company: Custom Built Homes
Fax #: 892-1383
Date: 1/11/07
From: Barbara Barlydt
 You should receive 3 page(s) including this cover sheet.

Comments:



PORTLAND MAINE

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www.portlandmaine.gov

Gayle - put with the permit please - Thanks, Marge

Planning and Development Department
Lee D. Urban, Director

Planning Division
Alexander Jaegerman, Director

June 15, 2006

Elise & Neal Kiely
Blue Horse Enterprises, LLC
P.O. Box 66687
Falmouth, ME 04105

Re: Beaumont Street

Dear Elise and Neal;

The Public Works Authority has determined that Beaumont Street is permanently paved, as required in Section 14-403 of the Land Use Code. As such, the road provides adequate frontage per zoning and must not be brought up to City standards.

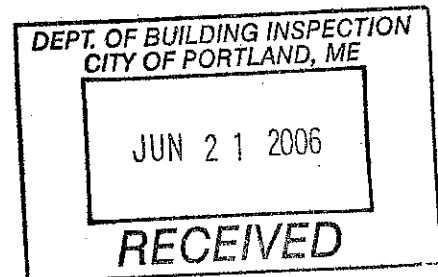
As we discussed on the phone last week, please take note that the Public Works Department will sponsor a zoning text amendment to this section of the ordinance to require such streets to be constructed to City standards in the future.

Please call if you have any questions.

Sincerely,

Sarah Hopkins
Development Review Program Manager

cc.: Alexander Jaegerman, Planning Division Director
Jay Reynolds, Development Review Coordinator
Marge Schmuckal, Zoning Administrator
Michael Bobinsky, Public Works Director
Eric Labelle, City Engineer
Penny Littell, Associate Corporation Counsel



From: Alex Jaegerman
To: Barbara Barhydt; Dan Goyette; Philip DiPierro
Date: 3/12/2007 9:08:45 AM
Subject: Fwd: Beaumont Street occupancy permit

Here is the latest in a series of Deb Keenan emails on this subject. I realize that we've reviewed this every time she has written. Noting the extensive cc list, all city councilors, the DEP commissioner, etc. I wonder if we need to once again provide a response with a brief chronology, and once again, do a site visit to see the suspect house and culvert. I have not been out myself, so if Phil and Dan are going out, I would like to accompany you, and Barbara you might as well come see it also.

Alex.

>>> <Debkeen2@cs.com> 3/10/2007 3:39:23 PM >>>

Please forward to the appropriate personell.The Beaumont Street house that was Built ON capisic brook --creating a damn over it--appears to be occupied. I'm wondering how they got an occupancy permit without fullfilling the clearly stated requirements on the application both by the City and MDEP?

It now appears that Dorothy Street has a "flooding" problem. A "stream" (capisic Brook?) now runs over it.The "cause" will not be clear until spring comes. Another "stream "is now running over Avalon as well . My research shows that the CSO under Forest Ave was supposed to be "separated" back in 2001.

Further research shows they are violating MDEP rules (and just plain common sense) all over the place. From rerouting the stream to wrecking black willows and other vegetation and wildlife habitat. I was content to say simply someone made a mistake ,well alot of them--- a BIG mistake at that. It appears this key stone cops "mistake" will have long term consequences for the environment as well as for individuals living near by.

The culvert that was placed to allow the brook to "flow"---well doesn't.It is inappropriately placed. It's placed too high to actually meet the brook--Thus it creates a damn. And the angle of the culvert "re-routes" the brook (onto other's property).Instead of on the project site, which would have been it's natural course.

The fill appears to have an inappropriete slope allowing erosion and sedimentation to leach(flow directly) into the brook .AND they never did any erosion control during construction as required. It appears MDEP showed UP the day they were supposed to GET their occupancy permit --- a day late and a dollar short.--AFTER construction was completed -- to THEN require them to do ersoion control.

The brook is clearly defined as such on every document that I can find (and there is plenty of documentation) but most importantly on the most recent geological survey map.(required to define it as a brook). Are we returning to the days when enforcement of laws is a thing of the past?? Is this what "streamlining" brings us?" look the other way " permitting?

I' ve got to ask ----who did this developer "know" to get away with all of this??

CC: Lee Urban

Barbara

From: William Clark
To: Philip DiPierro
Date: 6/13/2007 1:11:19 PM
Subject: Plan Checklist

Phil,

Attached are 2 checklists. One was developed for project submissions, and the second I prepared for As-Built plans. I will add items to the As-Built Checklist after my June vacation.

On another note. I received a deed for a Stormwater Drainage Easement for a project on Beaumont Street. Tax Map CBL 294-C-62. called " Beaumont Street Development Plan" by Stephen J. Bradstreet, PE May 25, 2006 to be on file in the City Building Inspections Dept. Would there be a copy in your office?

Thanks,

Bill

Blue Horse Properties, LLC
P.O. Box 66687
Falmouth, ME 04105
Tel. (207) 671-7336
Fac. (207) 781-7726

June 20, 2006

Mr. Jay Reynolds
Planning Department
City of Portland
389 Congress Street
Portland, ME 04104

RE: Application for Single Family House, Beaumont Street

Response to Letter to David Smith Dated June 14, 2006

Dear Mr. Reynolds:

Blue Horse Properties, LLC is the applicant for this project having recently purchased the subject property from Mr. Smith. Per your letter, we are submitting four copies of a revised site plan and other documentation to address your comments.

Paragraph 1: Street improvements: No response required. ✓

Paragraph 2: DEP Approvals: I have attached a copy of the memorandum we received from Jeffrey Kalinich of the DEP after he conducted a site evaluation at our request on March 28, 2006. This letter was submitted with our application, but apparently was omitted from your packet.

A. Capisie Brook: The DEP determined that the watercourse on the site was not a "stream" subject to additional impact guidelines. ✓

B. Wetlands: The DEP has authorized us to fill up to 4300 square feet of wetlands on the site. The actual wetlands impact as noted on the revised site plan will only be 2879 square feet. ✓

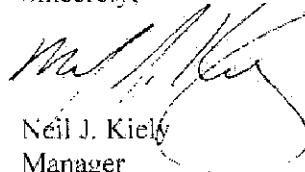
Paragraph 3: Zoning Review: We have been notified by Ann Machado that the project has passed zoning review. ✓

Paragraph 4: Culvert Sizing: Attached find a letter from Stephen Bradstreet, P.E. addressing the culvert sizing. ✓

OK
Paragraph 5: Wetland Delineation: The wetlands already were delineated on the site plan, but apparently they were too light, so we have darkened them for easier viewing.

I hope that we have fully addressed your comments. Please call me at 671-7336 if there are any remaining issues.

Sincerely,



Neil J. Kiely
Manager
Blue Horse Properties, I.L.C

Mr. David Smith
15 Bartlett Street
Portland, Maine 04103

June 14, 2006

Dear Mr. Smith:

RE: Application for single family house, Beaumont Street

Upon review of the site plan, the City's Planning Division has the following comments:

1. Because Beaumont Street is permanently paved, there are no roadway improvements required for street access (section 14-403).
2. Due to the environmental impacts, the City will need confirmation that this development is permissible by the Maine Department of Environmental Protection. A copy of all approvals from the DEP is requested.
 - A. Capisic Brook: The watercourse that is being crossed with a driveway appears to be the northern branch of Capisic Brook. The DEP has specific guidelines with regards to soil disturbance in and around these waterbodies.
 - B. Wetlands: There are also specific guidelines with regards to wetland filling and alterations. In particular, wetlands adjacent to waterbodies are a higher priority and this item will need to be reviewed by the DEP as well.
3. The zoning administrators are reviewing the lot division and a zoning determination will be forthcoming.

Assuming #2 and 3 are resolved,

4. Please have your engineer provide information that shows that the proposed 18" culvert is adequately sized.
5. Please transfer the wetland information from the survey to the site plan. Also, please show the areas of wetland impact including the total square footage of wetland loss.

Please resubmit 4 copies of the revised site plan and any DEP approvals to my attention.

Sincerely,

Jay Reynolds
Development Review Coordinator

cc: Sarah Hopkins, Development Review Services Manager
Marge Schmuckal, Zoning Administrator



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Planning and Development Department
Lee D. Urban, Director

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June 15, 2006

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Sarah Hopkins
Development Review Program Manager

cc.: Alexander Jaegerman, Planning Division Director
Jay Reynolds, Development Review Coordinator
Marge Schmuckal, Zoning Administrator
Michael Bobinsky, Public Works Director
Eric Labelle, City Engineer
Penny Littell, Associate Corporation Counsel

TM 294-C-64
N/F
THE MAPLES
7509/218

TM 294-C-60
N/F
PAUL & MARY SLAVINSKI

TM 294-C-61
N/F
PAUL SLAVINSKI

6x20 covered porch

CONTRACTOR SHALL
INSTALL SILT FENCE
AS SHOWN

9,541 S.F.
.20 ACRES

4" PERIMETER DRAIN
TO SUMP IN BASEMENT

DIMENSION LINE ALONG
FACE OF FOUNDATION =
78.7

INV IN
80.10

UNDERGROUND ELECTRIC,
TELEPHONE AND CABLE
TELEVISION COORDINATE
WITH UTILITY COMPANY

INV OUT
80.10

1" COPPER WATER SERVICE
RPPRP INLET AND OUTLET
PROTECTION, TYPICAL

INV OUT
80.25

18" ADS N-12
L=30'
S=0.005

INSTALL STREET TREE PER CITY
SIZING AND TYPE REQUIREMENTS
CONNECT TO EXISTING WATER MAIN
COORDINATE WITH PORTLAND WATER
DISTRICT

BEAUMONT STREET

INV IN
78.02

CONNECT TO EXISTING 42" RCP
SEWER MAIN, COORDINATE
WITH CITY OF PORTLAND

PK=65.0
42" INV = 76.2

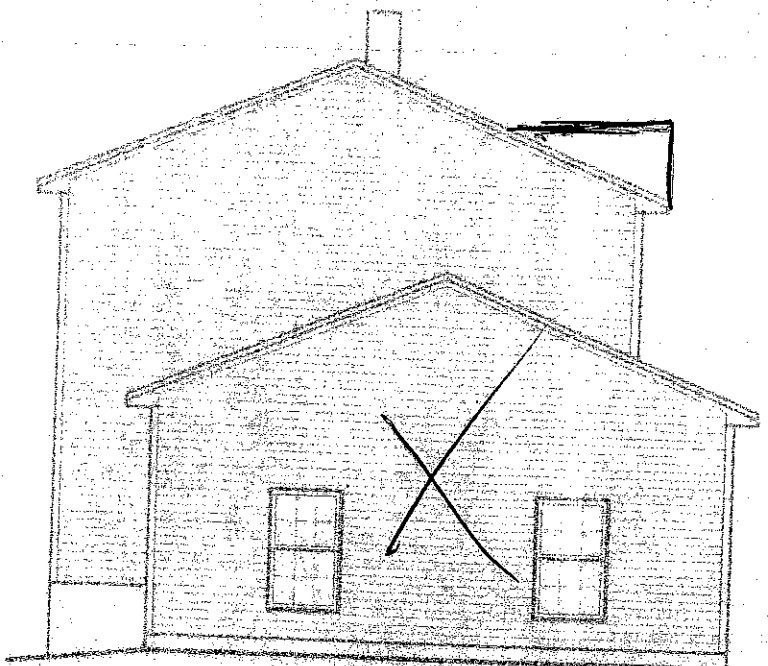
18" CMP
L=30'
S=0.0104

INV IN
78.02

42" INV
76.2

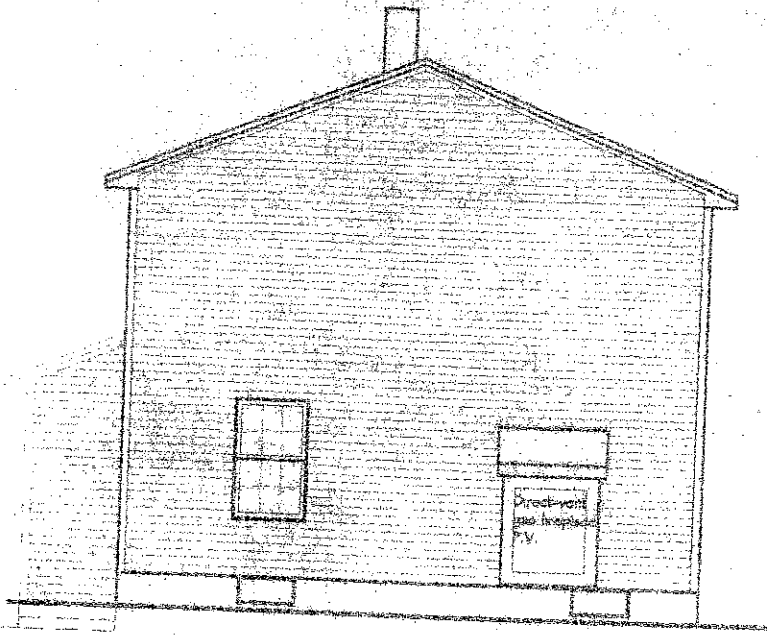
RM=84.8
8" INV=75.0
42" CL INV = 76.8

REV 1/20/74



RIGHT ELEVATION

Scale: N.T.S.



LEFT ELEVATION

Scale: N.T.S.

PAGE 05

CUSTOM HOMES

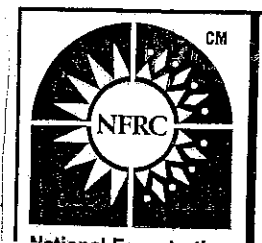
08/10/2006 12:48 2078921383

change to protrude from house



FRONT ELEVATION

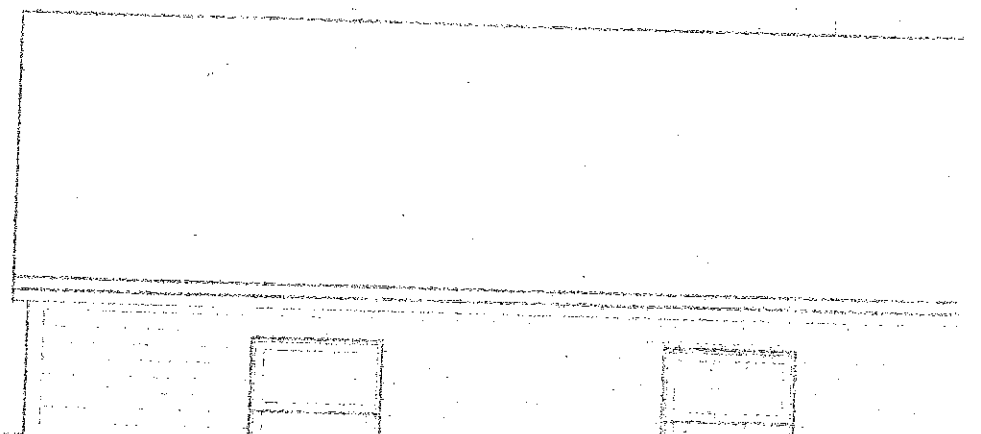
Scale: N.T.S.



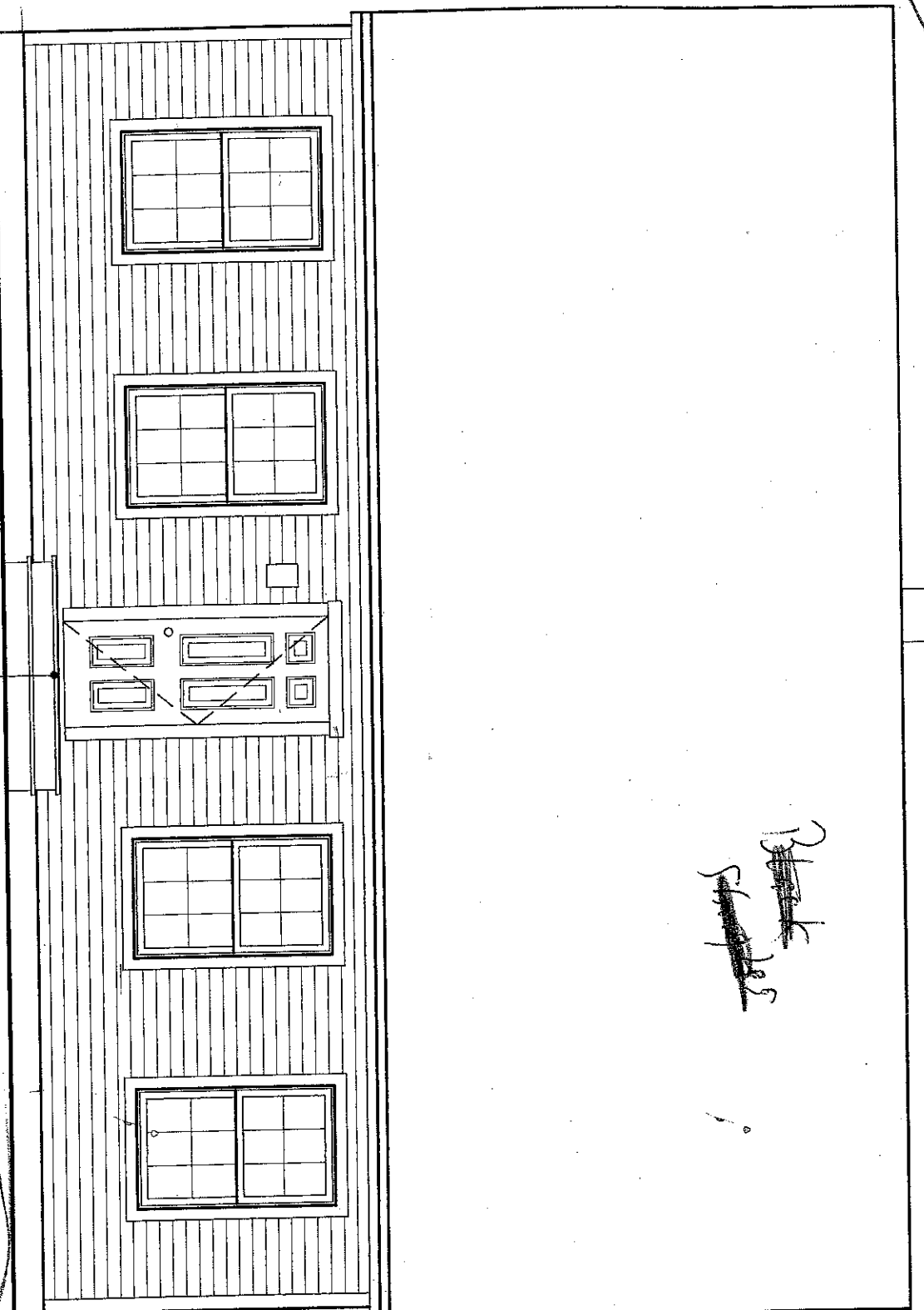
PARADIGM

Window Solutions
STANDARD DOUBLE HUNG

8311/8312
NFRC PWS-A-001
VINYL • LOW-E



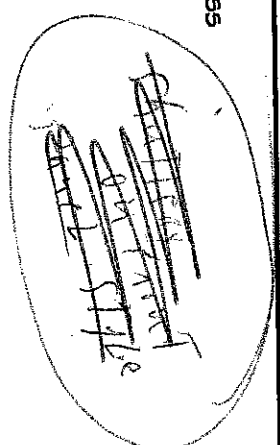
~~Black~~
~~Steel~~



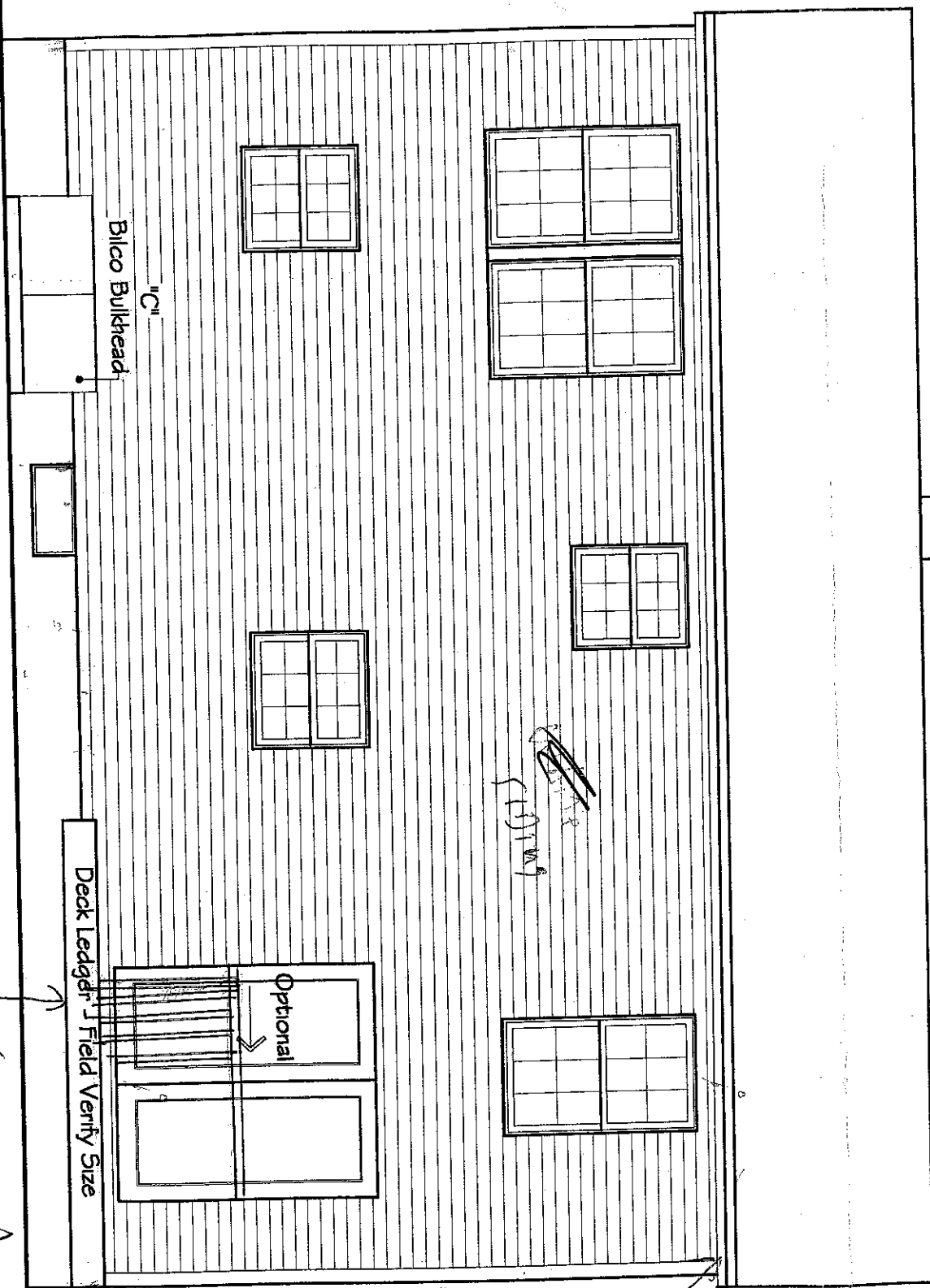
FRONT ELEVATION

Scale: N.T.S.

Field ventry access
to ground level



White
trim

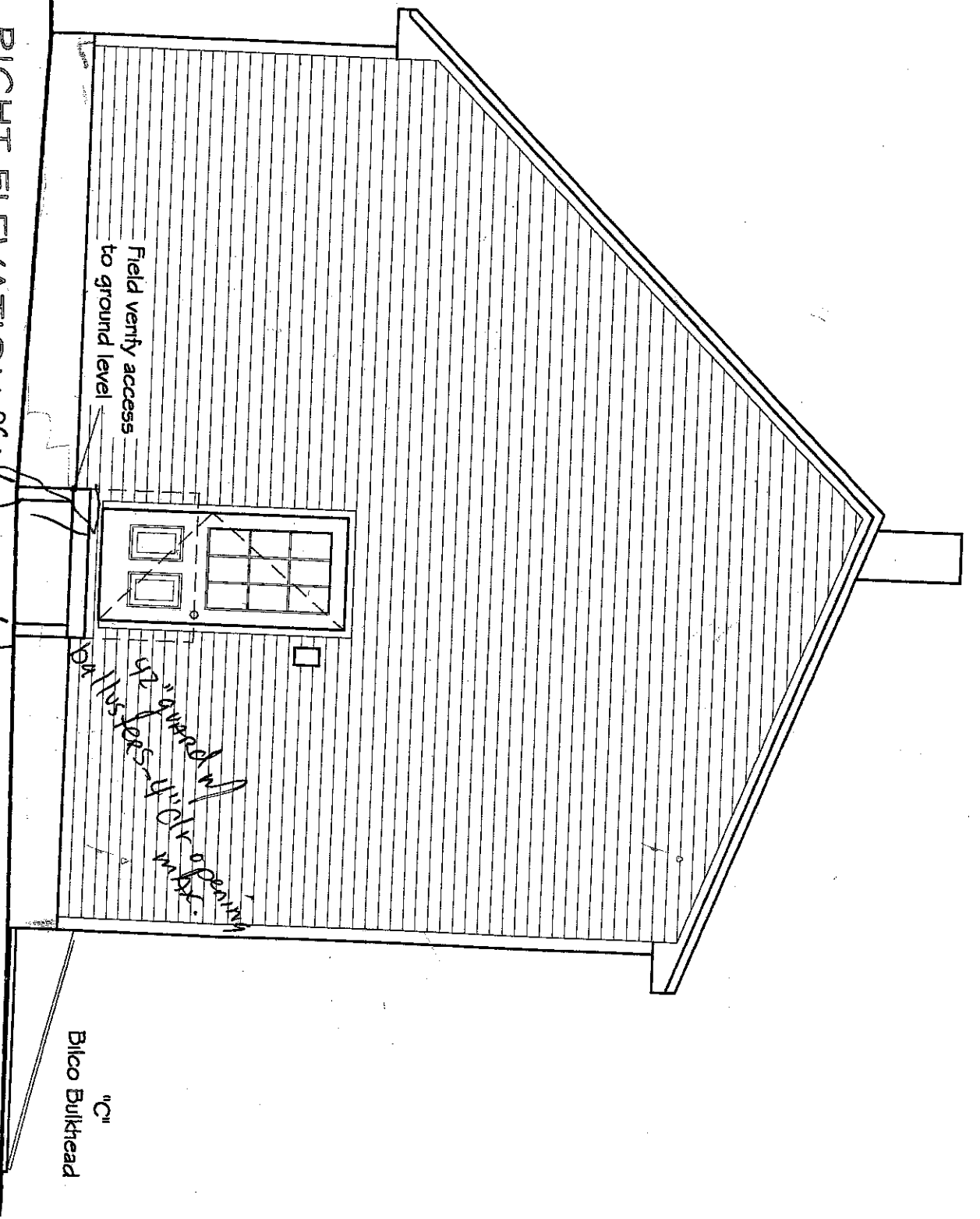


REAR ELEVATION

Scale: NTS

1/4" Ledger
guard rail
1/2" balusters-4" c/c
spacing max

700-254



RIGHT ELEVATION (P.C.)
Scale: N.T.S.

Field verify locations of foundation wall and footing drops dependent on existing site contours.

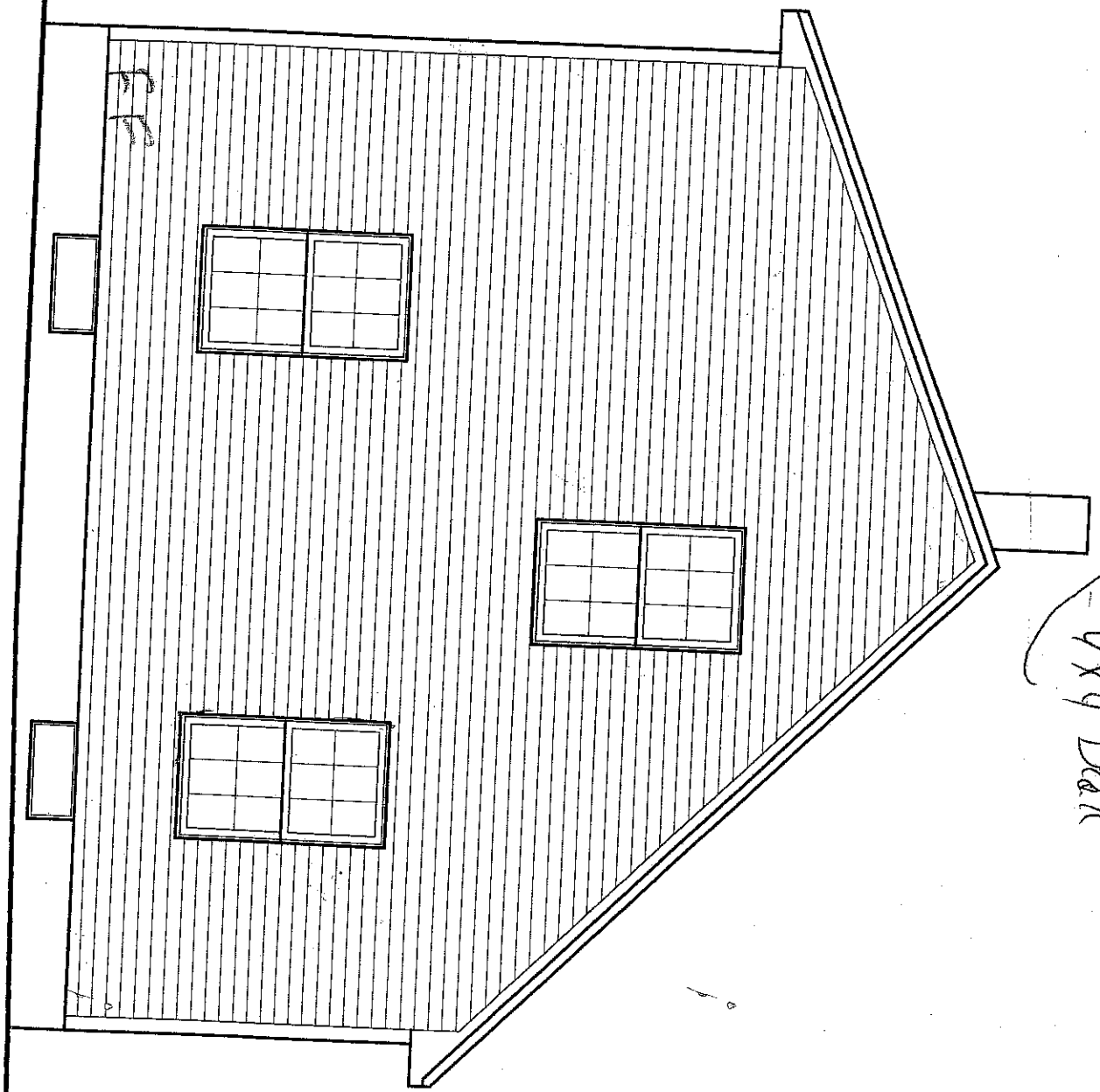
16" Bilco Bulkhead

forward of 11'0" or more. or less of 11'0" or more.

VXXY Detail

white
trim

2" square max



LEFT ELEVATION
Scale: N.T.S.

PLEASE BE ADVISED THAT JMG DESIGNS, INC. IS NOT CERTIFIED AS A STATE OF MAINE ARCHITECT OR ENGINEER. THIS WORK IS SUPPLIED STRICTLY AS A SERVICE TO A CLIENT.