

09-79900007

296-C-13

204 Hicks St.

Duplex

Diversified Properties

on Spreadsheet



# PORTLAND MAINE

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Planning & Urban Development Department  
Penny St. Louis Littell, Director

**OCTOBER 15, 2009**

**Project Name:** Hicks Street-204; 28x32 Duplex Construction; Diversified Properties, Applicant  
**Project ID:** 09-79900007  
**Project Address:** 204 HICKS STREET  
**Planner:** Shukria Wiar

Dear Applicant:

On October 15, 2009, the Portland Planning Authority approved a minor site plan for a duplex at 204 Hicks Street as submitted by Jim Wolf and shown on the approved plan prepared by Gorrill-Palmer Consulting Engineers, Inc. and dated 10.02.2009 with the following conditions:

1. If icing of the Hicks Street sidewalk occurs due to the drainage from the proposed foundation drain as determined by the Department of Public Services, the applicant shall submit an amended plan for review and approval by the Planning Authority and the Department of Public Services. The plan shall mitigate the drainage problem by means of a drywell or other acceptable measures and connect the foundation drain into the existing storm drain system within Hicks Street. The estimated cost of potential mitigation measures shall be included within the performance guarantee for the project and shall be held for one year after issuance of a certificate of occupancy.
2. Construction of any other dwelling unit on the remaining lot (Parcel 2A) shall undergo a subdivision review by the City.
3. The applicant shall submit copies of the easements with the book and page number as shown on the revised plan dated 10.02.2009 prior to the issuance of certificate of occupancy.

The approval is based on the submitted site plan. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.

#### **STANDARD CONDITIONS OF APPROVAL**

Please note the following standard conditions of approval and requirements for all approved site plans:

1. The site shall be developed and maintained as depicted in the site plan and the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or the planning authority pursuant to the terms of this article. Any such parcel lawfully altered prior to the enactment date of these revisions shall not be further altered without approval as provided herein. Modification or alteration shall mean and include any deviations from the approved site plan including, but not limited to, topography, vegetation and impervious surfaces shown on the site plan. No action, other than an amendment approved by the planning authority or Planning Board, and field changes approved by the Public Services authority as provided herein, by any authority or department shall authorize any such modification or alteration.
2. The above approvals do not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
3. Final sets of plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (\*.dwg), release AutoCAD 2005 or greater.
4. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and seven (7) final sets of plans must be submitted to and approved by the Planning Division and Public Services Dept. prior to the release of the subdivision plat for recording at the Registry of Deeds or prior to the release of a building permit, street opening permit or certificate of occupancy for site plans. If you need to make any modifications to the approved plans, you must submit a revised subdivision or site plan application for staff review and approval.
5. 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. Requests to extend approvals must be received before the expiration date.
6. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
7. Prior to construction, a pre-construction meeting shall be held at the project site with the contractor, development review coordinator, Public Service's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.

8. If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

The Development Review Coordinator must be notified five (5) working days prior to date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874-8632. Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as all site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If there are any questions, please contact Shukria Wiar at 756-8083 or [shukriaw@portlandmaine.gov](mailto:shukriaw@portlandmaine.gov)

Sincerely,



Alexander Jaegerman  
Planning Division Director

Attachments:

1. Performance Guarantee Packet

**Electronic Distribution:**

Penny St. Louis Littell, Director of Planning and Urban Development  
Alexander Jaegerman, Planning Division Director  
Barbara Barhydt, Development Review Services Manager  
Shukria Wiar, Planner  
Philip DiPierro, Development Review Coordinator  
Marge Schmuckal, Zoning Administrator  
Tammy Munson, Inspections Division Director  
Gayle Guertin, Inspections Division  
Lisa Danforth, Inspections Division  
Lannie Dobson, Inspections Division  
Michael Bobinsky, Public Services Director  
Kathi Earley, Public Services  
Bill Clark, Public Services  
David Margolis-Pineo, Deputy City Engineer  
Todd Merkle, Public Services  
Greg Vining, Public Services  
John Low, Public Services  
Jane Ward, Public Services  
Keith Gautreau, Fire  
Jeff Tarling, City Arborist  
Tom Errico, Wilbur Smith Consulting Engineers  
Dan Goyette, Woodard & Curran  
Assessor's Office  
Approval Letter File  
**Hard Copy:** Project File

**DIVERSIFIED PROPERTIES, INC.**

*P.O. BOX 10127, PORTLAND, ME 04104*

*TEL 207-773-4988 FAX 207-773-6875*

*OFFICE HOURS*

*Monday – Friday 8:30am to 5 pm*

*PHYSICAL ADDRESS*

*449 Forest Ave., Portland, ME 04101*

Thursday, August 20, 2009

Jean Fraser  
Shukria Wiar  
Portland City Hall  
389 Congress Street  
Portland, ME 04101

RE: 204 Hicks Street

Dear Jean and Shukria:

Enclosed please find a site plan application for the construction of a duplex at 204 Hicks Street. Gorrill Palmer Engineers has been retained to prepare a site, utility, grading and drainage plan and a water resources narrative for the site. The property has been surveyed by Titcomb Associates and is shown as Parcel B on the enclosed survey. The city has the property shown on tax map 296-C-12 to 16. The property is currently owned by the Mount Sinai Cemetery and under contract to W.A. One, Inc.

Site Description

The project site is located on Hicks Street close to Warren Avenue. There are no existing buildings located on the site. Hicks Street is a city accepted road with granite curbing.

Zoning

The project site is zoned R-5 (Residential Zone). Minimum lot size in this zone is 6,000 square feet. The parcel being developed is 25,246 square feet.

Proposed Use

We are requesting a building permit for a duplex. Plans for the building are enclosed.

Access

The proposed building will be accessed by one double car drive with 4 9 by 19 parking spaces located outside of the required front yard. No other drive exists within 50 feet of our proposed location.

Jean Fraser  
Shukria Wiar  
August 20, 2009

#### Utilities

There is an existing water main located in Hicks Street. Service for lot will be provided via domestic 1" service lines. Power, cable and phone are at the site.

#### Sewer

There is an existing sewer line located within Hicks Street. Gorrill Palmer Engineers has provided a Water Resources narrative to address grading.

#### Wetlands

Wetlands were reviewed by Sweet Associates of Falmouth Maine. No wetlands were found on the site.

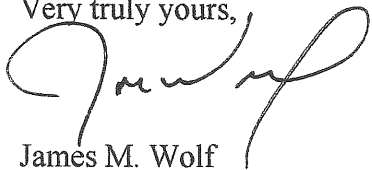
#### Lot Development

Enclosed please find the lot development plan for the parcel. We are proposing a 28 by 32 duplex with a double car drive. The building has been set back on the lot to be consistent with the abutting property. The grading and drainage plans have been prepared by Gorrill Palmer Engineers. 4 street trees have been shown to be planted on preserved. As suggested by Jean Fraser and Shukria Wiar prior to planting the applicant will meet with the city arborist and staff to review location of any new plantings.

#### Sidewalks

Sidewalks have not been shown on the enclosed plans, however, after meeting with Jean Fraser and a Shukria Wiar the applicant is aware sidewalks will be required along the 150 feet of frontage along Hicks Street. We have agreed to this condition.

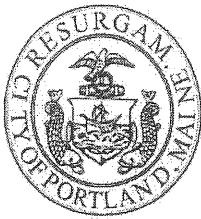
Very truly yours,



James M. Wolf  
JMW/jmy  
Email = [jmw1@maine.rr.com](mailto:jmw1@maine.rr.com)

## **Attachments**

Development Review Application  
Water Resources Narrative  
Duplex Construction Plans  
Site, Utility, Grading and Drainage Plan  
Survey  
Purchase Agreement



Development Review Application  
PORTLAND, MAINE

Department of Planning and Urban Development,  
Planning Division and Planning Board

PROJECT NAME: Hicks Street Duplex

PROPOSED DEVELOPMENT ADDRESS:  
204 Hicks Street

PROJECT DESCRIPTION:  
Construct 1 28 x 32 duplex

CHART/BLOCK/LOT: 296-C-12 to 16

CONTACT INFORMATION:

APPLICANT W.A.DNE INC. c/o  
Name: Diversified Properties  
Address: P.O. Box 10127  
Portland ME  
Zip Code: 04104  
Work #: 773-4988  
Cell #: 831-4988  
Fax #: 773-6875  
Home: \_\_\_\_\_  
E-mail: \_\_\_\_\_

PROPERTY OWNER  
Name: Mount Sinai Cemetery  
Address: 185 Hicks St  
Portland  
Zip Code: 04103  
Work #: \_\_\_\_\_  
Cell #: \_\_\_\_\_  
Fax #: \_\_\_\_\_  
Home: \_\_\_\_\_  
E-mail: \_\_\_\_\_

BILLING ADDRESS  
Name: Same As Applicant  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Zip: \_\_\_\_\_  
Work #: \_\_\_\_\_  
Cell #: \_\_\_\_\_  
Fax #: \_\_\_\_\_  
Home: \_\_\_\_\_  
E-mail: \_\_\_\_\_

~As applicable, please include additional contact information on the next page~



AGENT/REPRESENTATIVE

Name: SAME AS Applicant

Address: \_\_\_\_\_

Zip Code: \_\_\_\_\_

Work #: \_\_\_\_\_

Cell #: \_\_\_\_\_

Fax #: \_\_\_\_\_

Home: \_\_\_\_\_

E-mail: \_\_\_\_\_

ENGINEER

Name: Gorrill - Palmer Consulting

Address: P.O. Box 1237

Gray ME.

Zip Code: 04039

Work #: 657-6910

Cell #: \_\_\_\_\_

Fax #: \_\_\_\_\_

Home: \_\_\_\_\_

E-mail: \_\_\_\_\_

ARCHITECT

Name: NA

Address: \_\_\_\_\_

Zip Code: \_\_\_\_\_

Work #: \_\_\_\_\_

Cell #: \_\_\_\_\_

Fax #: \_\_\_\_\_

Home: \_\_\_\_\_

E-mail: \_\_\_\_\_

CONSULTANT

Name: NA

Address: \_\_\_\_\_

Zip Code: \_\_\_\_\_

Work #: \_\_\_\_\_

Cell #: \_\_\_\_\_

Fax #: \_\_\_\_\_

Home: \_\_\_\_\_

E-mail: \_\_\_\_\_

SURVEYOR

Name: T. Combs Associates

Address: 133 Gray Rd.  
Falmouth ME.

Zip Code: 04105

Work #: 797-9199

Cell #: \_\_\_\_\_

Fax #: \_\_\_\_\_

Home: \_\_\_\_\_

E-mail: \_\_\_\_\_

ATTORNEY

Name: Terry Snow

Address: PO Box 275  
Cumberland Center

Zip Code: 04021

Work #: 829-6363

Cell #: \_\_\_\_\_

Fax #: \_\_\_\_\_

Home: \_\_\_\_\_

E-mail: \_\_\_\_\_

## PROJECT DATA

The following information is required where applicable, in order complete the application

Total Site Area 25,246 sq. ft.  
 Proposed Total Disturbed Area of the Site \_\_\_\_\_ sq. ft.  
 (If the proposed disturbance is greater than one acre, then the applicant shall apply for a Maine Construction General Permit (MCGP) with DEP and a Stormwater Management Permit, Chapter 500, with the City of Portland.)

### IMPERVIOUS SURFACE AREA

Proposed Total Paved Area \_\_\_\_\_ sq. ft.  
 Existing Total Impervious Area 0 sq. ft.  
 Proposed Total Impervious Area \_\_\_\_\_ sq. ft.  
 Proposed Impervious Net Change \_\_\_\_\_ sq. ft.

### BUILDING AREA

Existing Building Footprint \_\_\_\_\_ sq. ft.  
 Proposed Building Footprint 896 sq. ft.  
 Proposed Building Footprint Net change 896 sq. ft.  
 Existing Total Building Floor Area 0 sq. ft.  
 Proposed Total Building Floor Area 1,792 sq. ft.  
 Proposed Building Floor Area Net Change 1,792 sq. ft.  
 New Building YES (yes or no)

### ZONING

Existing R-3  
 Proposed, if applicable \_\_\_\_\_

### LAND USE

Existing \_\_\_\_\_  
 Proposed VACANT duplex

### RESIDENTIAL, IF APPLICABLE

Proposed Number of Affordable Housing Units \_\_\_\_\_  
 Proposed Number of Residential Units to be Demolished \_\_\_\_\_  
 Existing Number of Residential Units \_\_\_\_\_  
 Proposed Number of Residential Units 2  
 Subdivision, Proposed Number of Lots \_\_\_\_\_

### PARKING SPACES

Existing Number of Parking Spaces 0  
 Proposed Number of Parking Spaces 4  
 Number of Handicapped Parking Spaces 0  
 Proposed Total Parking Spaces 4

### BICYCLE PARKING SPACES

Existing Number of Bicycle Parking Spaces \_\_\_\_\_  
 Proposed Number of Bicycle Parking Spaces 0  
 Total Bicycle Parking Spaces \_\_\_\_\_

### ESTIMATED COST OF PROJECT

125,000

Please check all reviews that apply to the proposed development

Design Review _____	Stormwater Quality _____
Flood Plain Review _____	Traffic Movement _____
Historic Preservation _____	Zoning Variance _____
Housing Replacement _____	Historic District/Landmark _____
14-403 Street Review _____	Off Site Parking _____
Shoreland _____	Multi-Family Dwelling _____
Site Location Act Local Review _____	B-3 Pedestrian Activity Review _____
Single Family Dwelling _____	Change of Use _____
2 Family Dwelling <input checked="" type="checkbox"/> _____	

**APPLICATION FEE:**

Check all reviews that apply. Payment may be made in cash or check to the City of Portland.

<p><b>Major Development (more than 10,000 sq. ft.)</b></p> <p><input type="checkbox"/> Under 50,000 sq. ft. (\$500.00)</p> <p><input type="checkbox"/> 50,000 - 100,000 sq. ft. (\$1,000.00)</p> <p><input type="checkbox"/> Parking Lots over 100 spaces (\$1,000.00)</p> <p><input type="checkbox"/> 100,000 - 200,000 sq. ft. (\$2,000.00)</p> <p><input type="checkbox"/> 200,000 - 300,000 sq. ft. (\$3,000.00)</p> <p><input type="checkbox"/> Over 300,000 sq. ft. (\$5,000.00)</p> <p><input type="checkbox"/> After-the-fact Review (\$1,000.00 plus applicable application fee)</p>	<p><b>Plan Amendments</b></p> <p><input type="checkbox"/> Planning Staff Review (\$250.00)</p> <p><input type="checkbox"/> Planning Board Review (\$500.00)</p> <p><b>Subdivision</b></p> <p><input type="checkbox"/> Subdivision (\$500.00) + amount of lots _____ (\$25.00 per lot) \$ _____ + (applicable Major site plan fee)</p>
<p><b>Minor Site Plan Review</b></p> <p><input checked="" type="checkbox"/> Less than 10,000 sq. ft. (\$400.00)</p> <p><input type="checkbox"/> After-the-fact Review (\$1,000.00 plus applicable application fee)</p>	<p><b>Other Reviews</b></p> <p><input type="checkbox"/> Site Location of Development (\$3,000.00) (except for residential projects which shall be \$200.00 per lot _____)</p> <p><input type="checkbox"/> Traffic Movement (\$1,000.00)</p> <p><input type="checkbox"/> Storm water Quality (\$250.00)</p> <p><input type="checkbox"/> Section 14-403 Review (\$400.00 + \$25.00 per lot)</p> <p><input type="checkbox"/> Other _____</p>

**DEVELOPMENT REVIEW APPLICATION SUBMISSION**

Submissions shall include seven (7) packets with folded plans containing the following materials:

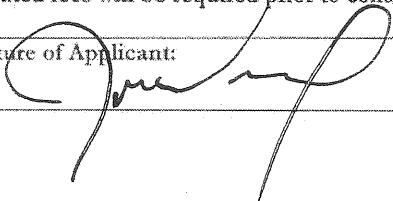
1. Seven (7) full size site plans that must be folded.
2. Application form that is completed and signed.
3. Cover letter stating the nature of the project.
4. All Written Submittals (Sec. 14-525 2. (c), including evidence of right, title and interest.
5. A stamped standard boundary survey prepared by a registered land surveyor at a scale not less than one inch to 100 feet.
6. Plans and maps based upon the boundary survey and containing the information found in the attached sample plan checklist.
7. Copy of the checklist completed for the proposal listing the material contained in the submitted application.
8. One (1) set of plans reduced to 11 x 17.

Refer to the application checklist (page 9) for a detailed list of submittal requirements.

Portland's development review process and requirements are outlined in the Land Use Code (Chapter 14), which includes the Subdivision Ordinance (Section 14-491) and the Site Plan Ordinance (Section 14-521). Portland's Land Use Code is on the City's web site: [www.portlandmaine.gov](http://www.portlandmaine.gov) Copies of the ordinances may be purchased through the Planning Division.

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 Planning Authority and Code Enforcement's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

This application is for site review only; a Performance Guarantee, Inspection Fee, Building Permit Application and associated fees will be required prior to construction.

<p>Signature of Applicant: </p>	<p>Date: 8/20/09</p>
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**Hicks Street Duplex – WA One  
Water Resources Narrative**

**I. Overview**

The proposed project is a two-family dwelling located on Hicks Street on an approximately 0.58 acre parcel. The site is currently undeveloped.

**II. Development Description**

The project area consists of approximately 0.58 acres of undeveloped land on the southerly end of Hicks Street. The includes the construction of a 28' by 32' two story structure which will be a two-family residence..

The existing parcel slopes from east to west, with the majority of the site being tributary to an existing culvert on the abutting parcel to the north. The existing low point on the property is located adjacent to the Hicks Street right-of-way and drains via the abutter's culvert to a ditch parallel to Hicks Street and is then tributary to the Hicks Street storm drain system.

**III. Municipal Requirements**

Pursuant to SECTION V PORTLAND STORMWATER MANAGEMENT STANDARDS, of the Technical Standards, Paragraph II Applicability, Subparagraph B,

*"Single and two-family development proposals shall be required to meet Basic Standards, excluding Appendix B1c."*

The Basic Standards requires applicants to address erosion and sediment control for the property, to maintain the measures during construction, and to stabilize the site with loam and seed upon the completion of the project.

**IV. Conformance to Requirements**

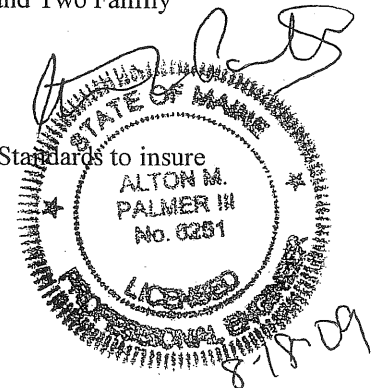
The proposed grading for the site conforms to the natural topography, resulting in stormwater runoff from the proposed project being tributary to the existing low point adjacent to the northwest corner of the site, similar to the existing conditions.

Siltation fence is shown downgradient of the developed area for sediment control, and it is noted on the plans that erosion control fabric is required on specified slopes dependent upon the time of year that final stabilization occurs.

In addition, a note on the plan requires that all work be conducted in accordance with Portland Technical Standards, Section VIII, Erosion and Sedimentation Control Standards for Single and Two Family Homes.

**V. Conclusion**

Incorporating BMP's such as silt fence and erosion control fabric meets the Basic Standards to insure that the project does not result in the transport of sediment off-site.



PURCHASE AND SALE AGREEMENT - LAND ONLY

June 29 2009

Effective Date is defined in Paragraph 20 of this Agreement. Effective Date

1. PARTIES: This Agreement is made between W.A. ONE INC AND OR Assignees ("Buyer") and Mount Sinai Cemetery Assoc, Inc ("Seller").

2. DESCRIPTION: Subject to the terms and conditions hereinafter set forth. Seller agrees to sell and Buyer agrees to buy ( ) all ( ) part of; if "part of" see para. 22 for explanation) the property situated in municipality of Portland, County of Cumberland, State of Maine, located at Hicks Street described in deed(s) recorded at said County's Registry of Deeds Book(s) 2724 Page(s) 425 being Parcel A as shown on a Plan by OCEST ASSOC.

3. PURCHASE PRICE: For such Deed and conveyance Buyer agrees to pay the total purchase price of \$ 1,000 - Buyer ( ) has made, or ( ) will make within 5 business days of the date of this offer, a deposit of earnest money in the amount of \$ NA. If said deposit is to be made after the submission of this offer and is not made by the above deadline, this offer shall be void and any attempted acceptance of this offer in reliance on the deposit being made will not result in a binding contract. Buyer agrees that an additional deposit of earnest money in the amount of \$ NA will be paid Failure by Buyer to make this additional deposit in compliance with the above terms shall constitute a default under this Agreement. The remainder of the purchase price shall be paid by a certified or cashier's check upon delivery of the Deed.

This Purchase and Sale Agreement is subject to the following conditions:

4. EARNEST MONEY/ACCEPTANCE: Lee Louay ESO (" ") shall hold said earnest money and act as escrow agent until closing; this offer shall be valid until ( ) AM ( ) PM; and, in the event of non-acceptance, this earnest money shall be returned promptly to Buyer. In the event that the Agency is made a party to any lawsuit by virtue of acting as escrow agent, Agency shall be entitled to recover reasonable attorney's fees and costs which shall be assessed as court costs in favor of the prevailing party.

5. TITLE AND CLOSING: A deed, conveying good and merchantable title in accordance with the Standards of Title adopted by the Maine Bar Association shall be delivered to Buyer and this transaction shall be closed and Buyer shall pay the balance due and execute all necessary papers on Sept 29, 2009 (closing date) or before, if agreed in writing by both parties. If Seller is unable to convey in accordance with the provisions of this paragraph, then Seller shall have a reasonable time period, not to exceed 30 days, from the time Seller is notified of the defect, unless otherwise agreed to in writing by both Buyer and Seller, to remedy the title. Seller hereby agrees to make a good-faith effort to cure any title defect during such period. If, at the later of the closing date set forth above or the expiration of such reasonable time period, Seller is unable to remedy the title, Buyer may close and accept the deed with the title defect or this Agreement shall become null and void in which case the parties shall be relieved of any further obligations hereunder and any earnest money shall be returned to the Buyer.

6. DEED: The property shall be conveyed by a Quit Claim w/ Covenant deed, and shall be free and clear of all encumbrances except covenants, conditions, easements and restrictions of record which do not materially and adversely affect the continued current use of the property.

7. POSSESSION: Possession of premises shall be given to Buyer immediately at closing unless otherwise agreed in writing.

8. RISK OF LOSS: Until the closing, the risk of loss or damage to said premises by fire or otherwise, is assumed by Seller. Buyer shall have the right to view the property within 24 hours prior to closing for the purpose of determining that the premises are in substantially the same condition as on the date of this Agreement.

9. PRORATIONS: The following items, where applicable, shall be prorated as of the date of closing: rent, association fees, (other) fiscal year). Real estate taxes shall be prorated as of the date of closing (based on municipality's fiscal year). Seller is responsible for any unpaid taxes for prior years. If the amount of said taxes is not known at the time of closing, they shall be apportioned on the basis of the taxes assessed for the preceding year with a reapportionment as soon as the new tax rate and valuation can be ascertained, which latter provision shall survive closing. Buyer and Seller will each pay their transfer tax as required by State of Maine.

[Handwritten initials]

HSE

10. PROPERTY DISCLOSURE FORM: Buyer acknowledges receipt of Seller's Property Disclosure Form. Buyer is encouraged to seek information from professionals regarding any specific issue or concern.

11. DUE DILIGENCE: Buyer is encouraged to seek information from professionals regarding any specific issue or concern.

Licenses makes no warranties regarding the condition, permitted use or value of Sellers' real property. This Agreement is subject to the following contingencies, with results being satisfactory to Buyer:

CONTINGENCY	YES	NO	DAYS FOR COMPLETION	OBTAINED BY	TO BE PAID FOR BY
1. SURVEY Purpose: <u>Needed for building permit</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>45</u>	<u>Buyer</u>	<u>Buyer</u>
2. SOILS TEST Purpose: <u>WETLAND STUDY</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>21</u>	<u>Buyer</u>	<u>Buyer</u>
3. SEPTIC SYSTEM DESIGN Purpose: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	_____	_____
4. LOCAL PERMITS Purpose: <u>Building permit for 1 duplex</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>90</u>	<u>Buyer</u>	<u>Buyer</u>
5. HAZARDOUS WASTE REPORTS Purpose: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	_____	_____
6. UTILITIES Purpose: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	_____	_____
7. WATER Purpose: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	_____	_____
8. SUB-DIVISION APPROVAL Purpose: _____	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____	_____
9. DEP/LURC APPROVALS Purpose: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	_____	_____
10. ZONING VARIANCE Purpose: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	_____	_____
11. MDOT DRIVEWAY/ ENTRANCE PERMIT Purpose: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	_____	_____
12. DEED RESTRICTION Purpose: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	_____	_____
13. TAX EXEMPT STATUS Purpose: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	_____	_____
14. OTHER Purpose: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	_____	_____

Further specifications regarding any of the above:

Unless otherwise specified above, all of the above will be obtained and paid for by Buyer. If the result of any inspection or other condition specified herein is unsatisfactory to Buyer, Buyer will declare the Agreement null and void by notifying Seller in writing within the specified number of days, and any earnest money shall be returned to Buyer. If the result of any inspection or other condition specified herein is unsatisfactory to Buyer, and Buyer wishes to pursue remedies other than voiding the Agreement, Buyer must do so to full resolution within the time period set forth above; otherwise this contingency is waived. If Buyer does not notify Seller that an inspection is unsatisfactory within the time period set forth above, this contingency is waived by Buyer. In the absence of inspection(s) mentioned above, Buyer is relying completely upon Buyer's own opinion as to the condition of the property.

12. FINANCING: This Agreement  is  is not subject to Financing. If subject to Financing:
- This Agreement is subject to Buyer obtaining a \_\_\_\_\_ loan of \_\_\_\_\_ % of the purchase price, at an interest rate not to exceed \_\_\_\_\_ % and amortized over a period of \_\_\_\_\_ years.
  - Buyer to provide Seller with letter from lender showing that Buyer has made application and, subject to verification of information, is qualified for the loan requested within \_\_\_\_\_ days from the Effective Date of the Agreement. If Buyer fails to provide Seller with such letter within said time period, Seller may terminate this Agreement and the earnest money shall be returned to Buyer.
  - Buyer to provide Seller with loan commitment letter from lender showing that Buyer has secured the loan commitment within \_\_\_\_\_ days of the Effective Date of the Agreement. If Buyer fails to provide Seller with this loan commitment letter within said time period, Seller may deliver notice to Buyer that this Agreement is terminated three business days after delivery of such notice unless Buyer delivers the loan commitment letter before the end of the three-day period. If the Agreement is terminated under the provision of this sub-paragraph, the earnest money shall be returned to Buyer.
  - Buyer hereby authorizes, instructs and directs its lender to communicate the status of the Buyer's loan application to Seller or Seller's licensee.
  - After (b) or (c) are met, Buyer is obligated to notify Seller in writing if the lender notifies Buyer that it is unable or unwilling to proceed under the terms of the financing. Any failure by Buyer to notify Seller within two business days of receipt by Buyer of notice from the lender shall be a default under this Agreement.
  - Buyer agrees to pay no more than \_\_\_\_\_ points. Seller agrees to pay up to \$ \_\_\_\_\_ toward Buyer's actual pre-pays, points and/or closing costs, but no more than allowable by Buyer's lender.
  - Buyer's ability to obtain financing  is  is not subject to the sale of another property. See addendum  Yes  No.
  - Buyer may choose to pay cash instead of obtaining financing. If so, buyer shall notify seller in writing and the Agreement shall no longer be subject to financing, and Seller's right to terminate pursuant to the provisions of this paragraph shall be void.

13. AGENCY DISCLOSURE: Buyer and Seller acknowledge they have been advised of the following relationships:

_____	Licensee	_____	Agency	is a	<input type="checkbox"/> Seller Agent	<input type="checkbox"/> Buyer Agent
					<input type="checkbox"/> Disc Dual Agent	<input type="checkbox"/> Transaction Broker
_____	Licensee	_____	Agency	is a	<input type="checkbox"/> Seller Agent	<input type="checkbox"/> Buyer Agent
					<input type="checkbox"/> Disc Dual Agent	<input type="checkbox"/> Transaction Broker

If this transaction involves Disclosed Dual Agency, the Buyer and Seller acknowledge the limited fiduciary duties of the agents and hereby consent to this arrangement. In addition, the Buyer and Seller acknowledge prior receipt and signing of a Disclosed Dual Agency Consent Agreement.

14. MEDIATION: Except as provided below, any dispute or claim arising out of or relating to this Agreement or the property addressed in this Agreement shall be submitted to mediation in accordance with the Maine Residential Real Estate Mediation Rules. Buyer and Seller are bound to mediate in good faith and pay their respective mediation fees. If a party does not agree first to go to mediation, then that party will be liable for the other party's legal fees in any subsequent litigation regarding that same matter in which the party who refused to go to mediation loses in that subsequent litigation. This clause shall survive the closing of the transaction. Earnest money disputes subject to the jurisdiction of small claims court will be handled in that forum.

15. DEFAULT: In the event of default by the Buyer, Seller may employ all legal and equitable remedies, including without limitation, termination of this Agreement and forfeiture by Buyer of the earnest money. In the event of a default by Seller, Buyer may employ all legal and equitable remedies, including without limitation, termination of this Agreement and return to Buyer of the earnest money. Agency acting as escrow agent has the option to require written releases from both parties prior to disbursing the earnest money to either Buyer or Seller.

16. PRIOR STATEMENTS: Any representations, statements and agreements are not valid unless contained herein. This Agreement completely expresses the obligations of the parties.

17. HEIRS/ASSIGNS: This Agreement shall extend to and be obligatory upon heirs, personal representatives, successors, and assigns of the Seller and the assigns of the Buyer.

18. COUNTERPARTS: This Agreement may be signed on any number of identical counterparts, such as a faxed copy, with the same binding effect as if the signatures were on one instrument. Original or faxed signatures are binding.

19. ADDENDA:  Yes Explain: \_\_\_\_\_  No

20. EFFECTIVE DATE/NOTICE: Any notice, communication or document delivery requirements hereunder may be satisfied by providing the required notice, communication or documentation to the party or their licensee. Withdrawals of offers and counteroffers will be effective upon communication, verbally or in writing. This Agreement is a binding contract when signed by both Buyer and Seller and when that fact has been communicated. Licensee is authorized to complete Effective Date on Page 1 of this Agreement. Except as expressly set forth to the contrary, the use of "by (date)" or "within \_\_\_\_\_ days" shall refer to calendar days being counted from the Effective Date as noted on Page 1 of the Agreement, beginning with the first day after the Effective Date and ending at 5:00 p.m. Eastern Time on the last day counted.

21. CONFIDENTIALITY: Buyer and Seller authorize the disclosure of the information herein to the real estate licensees, attorneys, lenders, appraisers, inspectors, investigators and others involved in the transaction necessary for the purpose of closing this transaction. Buyer and Seller authorize the lender and/or closing agent preparing the entire closing statement to release a copy of the closing statement to the parties and their licensees prior to, at and after the closing.

22. OTHER CONDITIONS:

See Exhibit A for Additional conditions.

A copy of this Agreement is to be received by all parties and, by signature, receipt of a copy is hereby acknowledged. If not fully understood, contact an attorney. This is a Maine contract and shall be construed according to the laws of Maine.

Seller acknowledges that State of Maine law requires buyers of property owned by non-resident sellers to withhold a prepayment of capital gains tax unless a waiver has been obtained by Seller from the State of Maine Revenue Services.

Buyer acknowledges that Maine law requires continuing interest in the property and any back up offers to be communicated by the listing agent to the Seller.

Buyer's Mailing address is P.O. Box 10127, Portland, ME 04104

<u>[Signature]</u>	<u>6/29/09</u>		
BUYER	DATE	BUYER	DATE
<u>President</u>			

Seller accepts the offer and agrees to deliver the above-described property at the price and upon the terms and conditions set forth and agrees to pay agency a commission for services as specified in the listing agreement.

Seller's Mailing address is 5500 NW 2ND Ave Apt 418 Boca Raton, FL

<u>Harvey S. Elowitz</u>	<u>6/29/09</u>		<u>33487</u>
SELLER	DATE	SELLER	DATE
<u>MT. Sinai Cemetery Association</u>			

COUNTER-OFFER: Seller agrees to sell on the terms and conditions as detailed herein with the following changes and/or conditions:

The parties acknowledge that until signed by Buyer, Seller's signature constitutes only an offer to sell on the above terms and the offer will expire unless accepted by Buyer's signature with communication of such signature to Seller by (date) \_\_\_\_\_ (time) \_\_\_\_\_ AM \_\_\_\_\_ PM.

SELLER	DATE	SELLER	DATE
--------	------	--------	------

The Buyer hereby accepts the counter offer set forth above.

BUYER	DATE	BUYER	DATE
-------	------	-------	------

EXTENSION: The time for the performance of this Agreement is extended until \_\_\_\_\_ DATE \_\_\_\_\_

BUYER	DATE	SELLER	DATE
-------	------	--------	------

BUYER	DATE	SELLER	DATE
-------	------	--------	------





Exhibit A to Purchase Agreement between Mt. Sinai Cemetery Association(seller) and WA One, Inc.(purchaser) for land on Hicks Street Portland Maine known as Parcel A on a plan prepared by Oest Associates

1. Seller has disclosed to Purchaser the existence of a potential adverse claim by the abutter, Mr. Baker (including fence and shed). Purchaser accepts the risks of such claim and Seller has no duty or obligation to remedy or resolve any issue related thereto, and no covenant in its deed shall include any claim by such abutter.
2. Purchaser shall not apply for any permit or approval that would require subdivision approval.

*Jan*

HSE



# PORTLAND MAINE

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Public Services Department  
Michael J. Bobinsky, Director

13 October 2009

Mr. James M. Wolf,  
Diversified Properties, Inc.,  
P. O. Box 10127,  
Portland, Maine 04104

**RE: The Capacity to Handle the Anticipated Wastewater Flows, and Storm Water Flows, from the Proposed Duplex, at 204 Hicks Street, Portland, Maine.**

Dear Mr. Wolf:

The existing eight-inch diameter sanitary sewer pipe, in Hicks Street, **has adequate capacity to transport**, while The Portland Water District sewage treatment facilities, located off Marginal Way, **have adequate capacity to treat** the anticipated net increase in wastewater flows of **360 G.P.D.**, from the proposed two family dwelling.

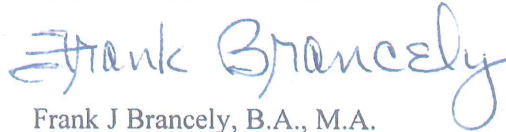
<b><u>Anticipated Wastewater Flows, from the Proposed Duplex:</u></b>	
2 Proposed Two Bedroom Units, @ 180 G.P.D. / Unit	= <u>360 GPD</u>
<b>Total Proposed Net Increase in Wastewater Flows for this Project</b>	<b>= 360 GPD</b>

The City combined sewer overflow (C.S.O.) abatement consent agreement, with the U.S.E.P.A., and with the Maine D.E.P., requires C.S.O. abatement, as well as storm water mitigation, from all projects, in order to offset any increase in sanitary flows. Storm water mitigation, for this project, will involve proposed grading that allows the natural topography to sheetflow stormwater runoff, to the existing low point, of the property, adjacent to the Hicks Street right-of-way; where it drains, via the abutter's culvert, to a ditch, parallel to Hicks Street, and then to the Hicks Street storm drain system, to the northwest. The impervious surfaces involve proposed grading that will sheetflow stormwater runoff, via the driveway, to Hicks Street. For a two year design storm, this amounts to 0.1105 c.f.s.

O:\Engshare\FJB\CAPACITY Letters\Hicks Street 204  
C:\Frank\A\CAPACITY Letters\Hicks Street 204

If The City can be of further assistance, please call 874-8832.

Sincerely,  
**CITY OF PORTLAND**



Frank J Brancely, B.A., M.A.  
Senior Engineering Technician

FJB

CC: Penny Saint Louis Littell, Director, Department of Planning, and Urban Development, City of Portland.  
Barbara Barhydt, Development Review Services Manager, Department of Planning, and Urban Development, City of Portland.  
Shukria Wiar, Planner, Department of Planning, and Urban Development, City of Portland.  
Michael Bobinsky, Director, Department of Public Services, City of Portland.  
David Margolis-Pineo, P.E., Deputy City Engineer, City of Portland.  
Bradley A. Roland, P.E., Environmental Projects Engineer, City of Portland.  
Michael Farmer, P.E., Project Engineer, City of Portland.  
Stephen K. Harris, Assistant Engineer, City of Portland.  
Harold L. Downs, Senior Wastewater Technician, City of Portland.  
John Emerson, Wastewater Coordinator, City of Portland.  
Jane Ward, Administrative Assistant, City of Portland.

**From:** Barbara Barhydt  
**To:** Wolf, Jim  
**Date:** Wednesday, September 30, 2009 12:01:51 PM  
**Subject:** Re: question

Hi Jim:

The small lot development provisions do not apply to this project as the total land area of the site exceeds the maximum lot area of 12,000 square feet.

I believe Danielle has responded to this question regarding subdivision and confirmed that it would trigger subdivision review.

Thank you.

Barbara

Barbara Barhydt  
Development Review Services Manager  
Planning Division  
389 Congress Street 4th Floor  
Portland, ME 04101  
(207) 874-8699  
Fax: (207) 756-8256  
bab@portlandmaine.gov

>>> "Jim Wolf" <jmw1@maine.rr.com> Monday, September 28, 2009 11:39 AM >>>

Barbara

Does the small lot development allow for a two-three unit property in the R-5 zone be split and a new single be built if the lot sizes comply? Would this need subdivision approval. Thank you.

Jim

James M. Wolf  
Diversified Properties, Inc.  
Post Office Box 10127  
Portland, Maine 04104  
1-207-773-4988

1-207-773-6875 fax

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**CC:** Machado, Ann; West -Chuhta, Danielle; Wiar, Shukria

**From:** Barbara Barhydt  
**To:** Wolf, Jim  
**Date:** Wednesday, September 30, 2009 2:46:24 PM  
**Subject:** RE: question

Hi Jim:

A three unit building in the R-5 requires a minimum lot size of 18,000 sf. The small lot infill has a maximum lot size of 12,000 for the original lot, so the small lot provisions cannot be applied to large lots.

Sorry for the confusion before. I hope this answers your question.

Barbara

Barbara Barhydt  
Development Review Services Manager  
Planning Division  
389 Congress Street 4th Floor  
Portland, ME 04101  
(207) 874-8699  
Fax: (207) 756-8256  
bab@portlandmaine.gov

>>> "Jim Wolf" <jmw1@maine.rr.com> Wednesday, September 30, 2009 12:13 PM >>>  
I realize it does not apply to Hicks. I am asking as I have found a three unit with a potential extra lot. If I have to go to subdivision to get the lot it is not practical to buy.

James M. Wolf  
Diversified Properties, Inc.  
Post Office Box 10127  
Portland, Maine 04104  
1-207-773-4988  
1-207-773-6875 fax

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

From: Barbara Barhydt [<mailto:BAR@portlandmaine.gov>]  
Sent: Wednesday, September 30, 2009 12:02 PM  
To: [jmw1@maine.rr.com](mailto:jmw1@maine.rr.com)  
Cc: Ann Machado; Danielle West -Chuhta; Shukria Wiar  
Subject: Re: question

Hi Jim:

The small lot development provisions do not apply to this project as the total land area of the site exceeds the maximum lot area of 12,000 square feet.

I believe Danielle has responded to this question regarding subdivision and confirmed that it would trigger subdivision review.

Thank you.

Barbara

Barbara Barhydt  
Development Review Services Manager  
Planning Division  
389 Congress Street 4th Floor  
Portland, ME 04101  
(207) 874-8699  
Fax: (207) 756-8256  
[bab@portlandmaine.gov](mailto:bab@portlandmaine.gov)

>>> "Jim Wolf" <[jmw1@maine.rr.com](mailto:jmw1@maine.rr.com)> Monday, September 28, 2009 11:39 AM  
>>>

Barbara

Does the small lot development allow for a two-three unit property in the R-5 zone be split and a new single be built if the lot sizes comply? Would this need subdivision approval. Thank you.

Jim

James M. Wolf  
Diversified Properties, Inc.  
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**CC:** Schmuckal, Marge; West -Chuhta, Danielle



**From:** Danielle West -Chuhta  
**To:** Barhydt, Barbara; Wiar, Shukria  
**Date:** Mon, Sep 14, 2009 10:45 AM  
**Subject:** Fwd: RE: Hicks Street Duplex

I think that we need to focus on the site standards. I was referencing 17 MRSA Section 2808, which indicates that on or after January 1, 2007, "[u]nreasonable use of land that results in altered flow of surface water that unreasonably injures another's land or that unreasonably interferes with the reasonable use of another's land is a nuisance."

Danielle

>>> Barbara Barhydt 9/14/2009 9:52:58 AM >>>

When we chatted about this project, I had asked if they were draining the same rate of water would they be allowed.

Danielle, I think you indicated that you thought there was a court case that changed that standard. Shukria shared that with Jim and he is looking for the case or change in statutes.

Thanks.

Barbara

>>> Danielle West -Chuhta Monday, September 14, 2009 9:21 AM >>>

I would refer him to the site requirements.

Danielle

>>> Shukria Wiar 9/14/2009 9:14:47 AM >>>

Danielle,

Please see attached email from Jim Wolf.

Thanks.

>>> "Jim Wolf" <[jmw1@maine.rr.com](mailto:jmw1@maine.rr.com)> 09/14 7:42 AM >>>

Hi Shukria

I have forwarded your email to Gorrill Palmer and have asked that the revision be made. You mentioned last week that the new rule on drainage was incorporated or made law recently. For our knowledge could you please forward where we can read about this change.

As always, thank you for your help.

Jim

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

From: Shukria Wiar [<mailto:SHUKRIAW@portlandmaine.gov>]

Sent: Friday, September 11, 2009 11:32 AM

To: [jmw1@maine.rr.com](mailto:jmw1@maine.rr.com)

Subject: Hicks Street Duplex

Jim:

David Margolis-Pineo, Barbara Barhydt and I met yesterday to discuss your project at 204 Hicks Street. It is agreed that for you to drain onto an abutter's private land, regardless of the quantity of stormwater drainage, you do need an easement to put your drainage on their land. If this is not a viable option, however, you could either choose to tie into the City's storm drain system or fill in only the disturbed area for the duplex and pitch the drainage to the street. Please note that in order for the City to determine if the "fill and pitch" option is workable in this case, you will need to submit the following:

1. A revised site plan showing the drainage patterns that come off the abutters' lots on the south side and specifically address how pitching the drainage to the street will impact drainage from the abutting lots.



**To:** Marge Schmuckal  
David Margolis-Pineo  
Tom Errico  
Jeff Tarling  
Keith Gautreau  
Dan Goyette

**From:** Shukria Wiar

**Date:** September 16, 2009

---

Additional information submitted for the following project:

**Application #:** 09-79900007

**Project Name:** Duplex

**Project Address:** 204 Hicks Street

**Comments:**

The applicant has submitted a revised site plan for review; he is proposing to split the lot now. See cover letter for all the revisions.

**Shukria Wiar - Hicks Street Duplex - Revised Site Plan and Grading Plan**

---

**From:** "Jim Wolf" <jmw1@maine.rr.com>  
**To:** "Shukria Wiar" <SHUKRIAW@portlandmaine.gov>  
**Date:** 9/15/2009 7:33 PM  
**Subject:** Hicks Street Duplex - Revised Site Plan and Grading Plan  
**CC:** "Barbara Barhydt" <BAB@portlandmaine.gov>, "David Margolis-Pineo" <DMP@portlandmaine.gov>

---

Shukria

Attached please find a copy of our revised site plan for a duplex at 204 Hicks Street. Revisions to the plan include:

1. Regrading to send the stormwater runoff from the impervious surfaces to sheetflow to Hicks Street via the driveway.
2. Power shall be underground from the pole.
3. Additional erosion control has been shown.
4. Four trees to the left of the property and one to the right of the drive are shown to be preserved. These trees serve as the required 2 street trees per unit required by code.
5. The parcel has been shown split into two lots allowing code enforcement to address the splitting of the lot at this time. This parcel has been under separate ownership from abutting properties for more than 5 years. Splitting of the lot shall occur when the property is deeded from its current owner to WA One and a separate entity.

Please contact me after your review to discuss any questions you may have. Thank you for your continued help.

Jim

**From:** "Jim Wolf" <jmw1@maine.rr.com>  
**To:** "Shukria Wiar" <SHUKRIAW@portlandmaine.gov>  
**Date:** 9/8/2009 2:56:24 PM  
**Subject:** RE: FW: Fwd: Hicks

Thank you for forwarding Dave's email.

The purpose of asking to use the esplanade for a pipe was to compromise. Dave's earlier comment that states a "easement may" be necessary for us to use a swale as has our abutter Baker and his abutter Derice has done in the past. Please note that note that Baker does not have an easement to drain to Derice nor Derice to the cemetery. In summary, we disagree an easement is necessary for our project.

The pipe we are being asked to install will add in excess of 30,000 dollars to the project between construction and permits. Simply, we cannot afford this cost.

Thank you for considering allowing us to construct a swale or placing a drain in the esplanade.

Jim

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

From: Shukria Wiar [mailto:SHUKRIAW@portlandmaine.gov]  
Sent: Tuesday, September 08, 2009 1:31 PM  
To: jmw1@maine.rr.com  
Subject: Re: FW: Fwd: Hicks

Here is the email from David M. Pineo to answer Gorrill Palmer's question. Thanks.

-----  
-----  
-----  
-----

September 8, 2009

To: Shukria Wiar  
From: David Margolis-Pineo  
Re: Review Comments - Public Services  
204 Hicks Street- Preliminary Comments

In response to a question submitted to you on September 8, 2009 by Al Palmer of Gorrill and Palmer.

The City of Portland's Roadway Design Standards designate the esplanade areas for the installation of CTV, Tel and Fire and Electric. The preferred location of the storm drain system is three feet off the center line of the street.

>>> "Jim Wolf" <jmw1@maine.rr.com> 09/08 11:14 AM >>>

Shukria

With regard to Dave's comment number 5 Gorrill Palmer asked the question below.

Jim

James M. Wolf  
Diversified Properties, Inc.  
Post Office Box 10127  
Portland, Maine 04104  
1-207-773-4988  
1-207-773-6875 fax

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

From: Alton Palmer [mailto:APalmer@gorrillpalmer.com]  
Sent: Tuesday, September 08, 2009 11:08 AM  
To: Jim Wolf  
Subject: RE: Fwd: Hicks

Hi,

Relative to #5, would the City allow the piping to be installed beneath the esplanade and sidewalk.

If so, this would appear to be a reasonable alternative.

Thanks,

Al Palmer

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

From: Jim Wolf [mailto:jmw1@maine.rr.com]  
Sent: Tuesday, September 08, 2009 11:03 AM  
To: Alton Palmer  
Subject: FW: Fwd: Hicks

James M. Wolf  
Diversified Properties, Inc.  
Post Office Box 10127  
Portland, Maine 04104  
1-207-773-4988  
1-207-773-6875 fax

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

From: Shukria Wiar [mailto:SHUKRIAW@portlandmaine.gov]  
Sent: Tuesday, September 08, 2009 10:28 AM  
To: jmw1@maine.rr.com  
Subject: RE: Fwd: Hicks

Good Morning:

Attached is the comments that I recieved from David Margolis-Pineo.  
The comment in red is mine.

Thanks.

Shukria

>>> "Jim Wolf" <jmw1@maine.rr.com> 09/08 10:12 AM >>>

Good Morning

I was curious if you heard back from Dave? Once we have his answers we can have our plan drafted. Thank you.

Jim

James M. Wolf  
Diversified Properties, Inc.  
Post Office Box 10127  
Portland, Maine 04104  
1-207-773-4988  
1-207-773-6875 fax

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

From: Jim Wolf [mailto:jmw1@maine.rr.com]  
Sent: Thursday, September 03, 2009 4:12 PM  
To: 'Shukria Wiar'  
Subject: RE: Fwd: Hicks

Hi Shukria

We reviewed all of the comments and have a couple of questions.

Dave asked for erosion control. The plan showed silt fence at the  
bottom

left corner which is the low point. Does he want additional silt  
fence??

Dave also mentioned the culvert going under our drive which will keep  
water

flowing as is now. We plan on shortening the pipe and rip rapping the  
remaining swale to be consistent with the abutter and his abutter. Is  
this

acceptable?

Thank you

Jim

James M. Wolf  
Diversified Properties, Inc.  
Post Office Box 10127  
Portland, Maine 04104  
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or reply to sender of this email. Thank you.

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

From: Shukria Wiar [mailto:SHUKRIAW@portlandmaine.gov]  
Sent: Thursday, September 03, 2009 2:08 PM  
To: jmw1@maine.rr.com  
Subject: Re: Fwd: Hicks

See attached comments from Jeff Tarling...

>>> Jeff Tarling 09/03 1:06 PM >>>  
Hi Shukria -

I inspected the proposed Hicks Street duplex site.

My recommendation & condition, the top priority of this project is to save the three groups of Red Maples along the adjacent property line to the left of the proposed development. These mature trees provide good buffer between the existing & proposed development, since they are Red Maples they have adapted to growing in wet areas. The second condition is to save a buffer along the rear property line outside the building envelope.

Looking just at this proposed development project, knowing that in some later time further development potential exists on this lot, the trees outside the effected area shall NOT be cut or cleared. This would be discussed at the time of the future project review. The project tree removal should always focus on the development plans in hand and not speculative to possible future development.

I would be available to meet with the applicant and project team in the field as needed to review.

Thanks,

Jeff Tarling  
City Arborist

>>> Shukria Wiar 9/3/2009 10:38:12 AM >>>

Please let me know when you are going to out to see the trees he is marking...I want to take some pictures.

Thanks.

Shukria  
>>> "Jim Wolf" <jmw1@maine.rr.com > 09/03 10:32 AM >>>

Good Morning



I was curious if anything came out of yesterdays meeting? Also, we are marking trees today if you'd like to see what Jeff has instructed us to try and preserve.

Jim

James M. Wolf

Diversified Properties, Inc.

Post Office Box 10127

Portland, Maine 04104

1-207-773-4988

1-207-773-6875 fax

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September 4, 2009

To: Shukria Wiar  
From: David Margolis-Pineo  
Re: Review Comments – Public Services  
204 Hicks Street– Preliminary Comments

It is my understanding that Mr. Wolf sent the following email to you responding to my comments submitted to you on September 2, 2009.

>>> "Jim Wolf" <[jmw1@maine.rr.com](mailto:jmw1@maine.rr.com)> 09/03 4:12 PM >>>  
Hi Shukria

We reviewed all of the comments and have a couple of questions.

Dave asked for erosion control. The plan showed silt fence at the bottom left corner which is the low point. Does he want additional silt fence?? Dave also mentioned the culvert going under our drive which will keep water flowing as is now. We plan on shortening the pipe and rip rapping the remaining swale to be consistent with the abutter and his abutter. Is this acceptable?

Thank you

Jim

To this email I respond:

1. It is my understanding that Mr. Wolf will submit a revised site plan showing the limits of clearing. I do not feel approximately 20' of erosion control fencing is adequate to control the potential erosion from this site. The site plan contours show the property sloping to the north. I feel it would be appropriate to install erosion control along the entire northerly property line and depending on the scope of disturbance, possible along the southerly and westerly property lines as well.
2. With the proposed re-contouring of the site, encroachment onto the abutting property is a real possibility. This would require a temporary construction easement from the abutting property owner.
3. Mr. Wolf is proposing to add a new utility pole. Should a street light be added to this pole?
4. Mr. Wolf is currently proposing to discharge onto the abutting property, increased site drainage due to the addition of impervious area. My understanding is this would require a drainage easement from the abutting property owner.

adding

An alternative is to move all drainage piping and structures into the road right of way connecting into the catchbasin in front of lot 103 as shown on the site plan.

Again, this department reserves the right to provide additional comments when revisions are made to a resubmitted site plan and details.

## Shukria Wiar - Hicks Street Duplex - Revised Site Plan and Grading Plan

---

**From:** "Jim Wolf" <jmw1@maine.rr.com>  
**To:** "Shukria Wiar" <SHUKRIAW@portlandmaine.gov>  
**Date:** 9/15/2009 7:33 PM  
**Subject:** Hicks Street Duplex - Revised Site Plan and Grading Plan  
**CC:** "Barbara Barhydt" <BAB@portlandmaine.gov>, "David Margolis-Pineo" <DMP@portlandmaine.gov>

---

Shukria

Attached please find a copy of our revised site plan for a duplex at 204 Hicks Street. Revisions to the plan include:

1. Regrading to send the stormwater runoff from the impervious surfaces to sheetflow to Hicks Street via the driveway.
2. Power shall be underground from the pole.
3. Additional erosion control has been shown.
4. Four trees to the left of the property and one to the right of the drive are shown to be preserved. These trees serve as the required 2 street trees per unit required by code.
5. The parcel has been shown split into two lots allowing code enforcement to address the splitting of the lot at this time. This parcel has been under separate ownership from abutting properties for more than 5 years. Splitting of the lot shall occur when the property is deeded from its current owner to WA One and a separate entity.

Please contact me after your review to discuss any questions you may have. Thank you for your continued help.

Jim

**Zoning Administrator Marge Schmuckal**  
08/27/09

This duplex is located in the R-5 Residential Zone. All setbacks, lot coverage, building height and parking requirements are being met.

It is noted that a separate permit shall be obtained for a shed shown at the rear of the lot (SW corner) or the shed shall be remove.

This application shows no daylight basement in the rear and no bulkheads. No decks are being shown, only landing platforms and stairs. Separate reviews and permits shall be required for the addition of rear decks.

This application is being approved on the basis of plans submitted. The property is one lot that is 25,246 sq ft in size. The lot shall not be divided prior to required reviews of that revision. Such a division may require a subdivision review before the Planning Board.

write  
as part  
of  
a letter

- Need sign off from:

David M. Pinco

re: Sidewalk

drainage

Capacity Request Application

- Dan - okay

- Tom Errico -

- Fire

- Jeff Tarling

Driveway width?

1. R-5 - not R-3

2. 29<sup>th</sup> - copy of deeds

3. Who is the assigns are? → Drivers

**From:** Jean Fraser  
**To:** Barhydt, Barbara; Schmuckal, Marge  
**Date:** 8/14/2009 3:05:15 PM  
**Subject:** Jim Wolf's duplex- Pre-app 204 Hicks Street

Barbara and Marge,

Sukria and I met with Jim this afternoon and the following was agreed:

1. Jim needs to submit the following (in addition to the grading and drainage plans he sent by pdf):

Floor plans and elevations

Drainage narrative

Note re the street trees (re location; 4 are shown)

Note re provision of sidewalk (he will do sidewalk; curbs already in place)

Agreed that 2 sets of plans will be full size to scale and 5 sets 11X17 (as long as scaleable and measureable); he indicated they would arrive in Planning on Mon or Tues next week.

2. He will hold to submit until Jean clarifies with Marge re the parking; his plan (attached and paper copy at scale given to Marge today) shows parking stacked (each unit has 2 spaces, one behind each other; each unit can access their stacked 2 spaces independently). Jim says the entire site plan and building/parking layout is exactly as an approved lot on Carriage Lane. Marge- is this something we have approved/would approve?

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Note: This is zoned R5 within a pocket of R5 surrounded by R3 near the Warren Ave end of Hicks. He confirmed that he is going to divide the lot and do another house/duplex in future.

He will submit the building permit application a few days after he submits the site plan application.

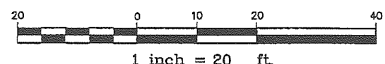
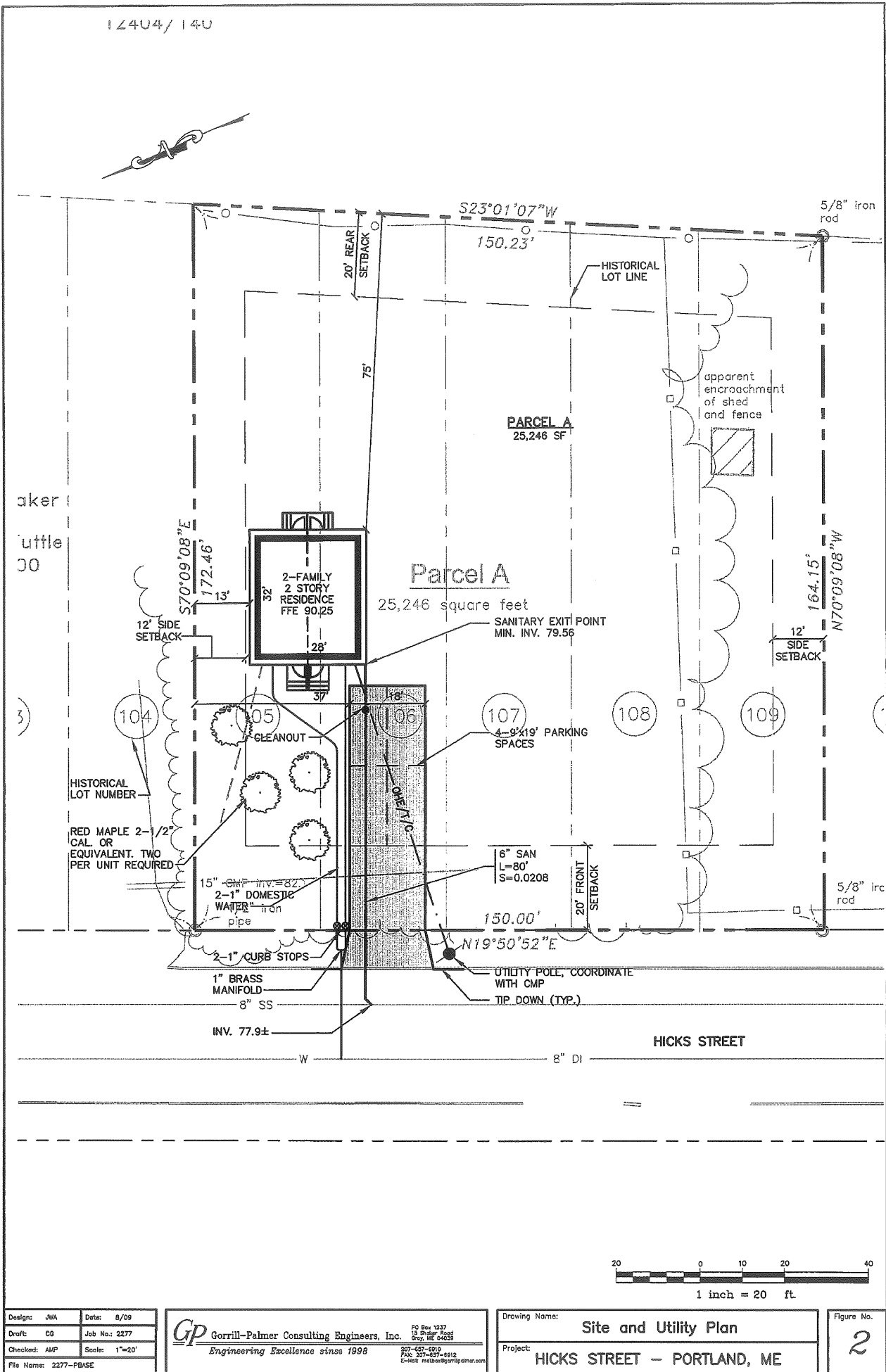
Jean

(Shukria- please add if I have left anything out)

**CC:** Wiar, Shukria

The applicant is improving sidewalks but is not shown on site plan; there is no sidewalk detail either.

Condition of approval.  
Agreed to this - condition of approval



Design:	JWA	Date:	8/09
Draft:	CG	Job No.:	2277
Checked:	AMP	Scale:	1"=20'
File Name:	2277-PBASE		

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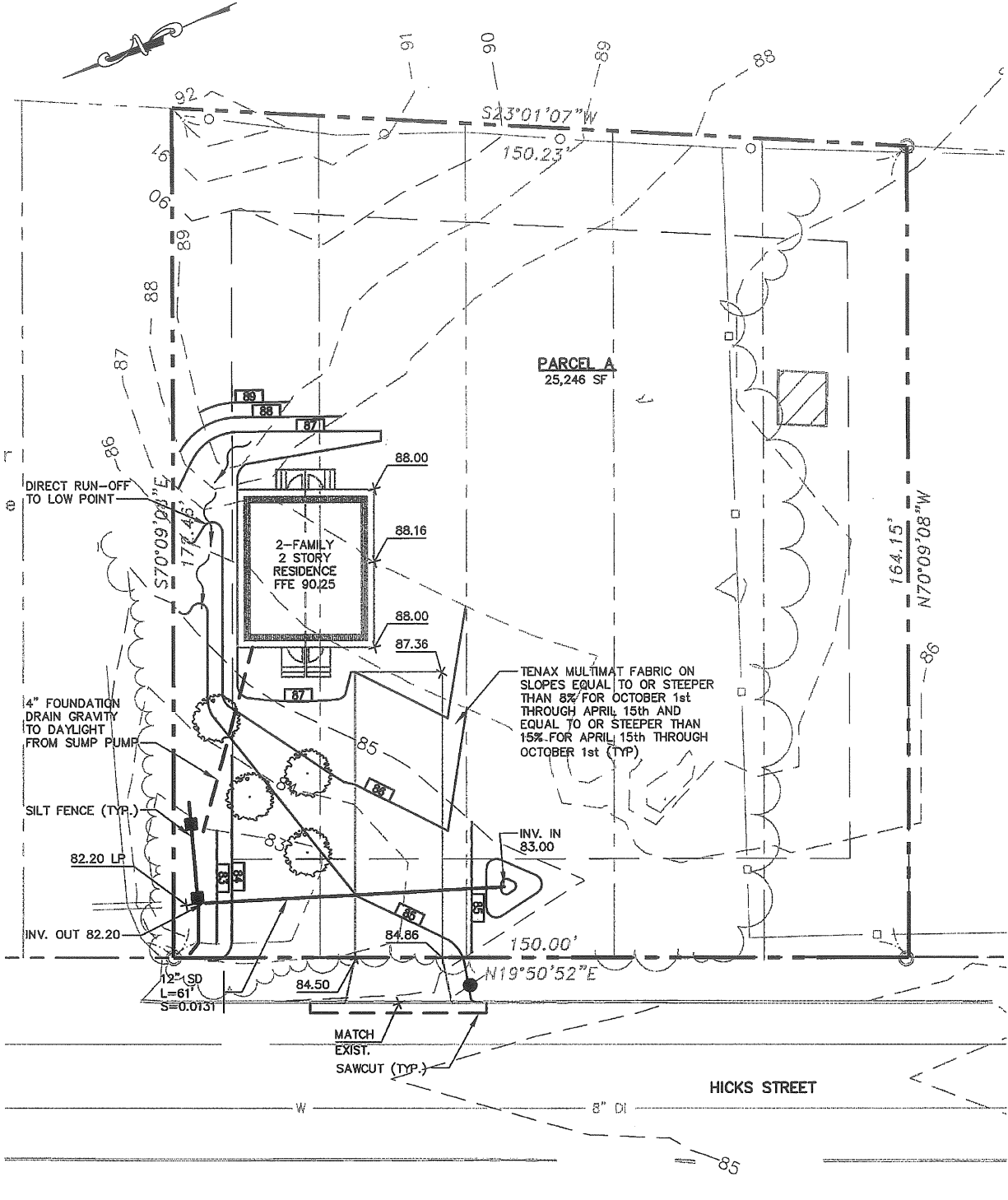
PO Box 1237  
 13 Shaker Road  
 Gray, ME 04035  
 207-657-6910  
 FAX: 207-657-6912  
 E-Mail: metbas@gorrillpalmer.com

Drawing Name: **Site and Utility Plan**

Project: **HICKS STREET - PORTLAND, ME**

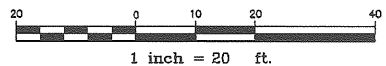
Figure No. **2**

12404/140



**NOTES:**

1. ALL DISTURBED AREAS THAT ARE NOT PAVED SHALL RECEIVE 4" LOAM & SEED
2. COMMON BORROW SHALL MEET MDOT SPECIFICATION 703.18.
3. FOUNDATION DRAIN SHALL BE DIRECTED TO SUMP LOCATED WITHIN BUILDING. SUMP PUMP SHALL DISCHARGE WATER TOWARDS LOW POINT.



Design: JWA	Date: 6/09
Draft: CG	Job No.: 2277
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File Name: 2277-PB/SE	

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 04109, ME 04029

207-457-9910  
 207-457-9912  
 E-Mail: mlp@gorrillpalmer.com

Drawing Name: <b>Grading and Drainage Plan</b>
Project: <b>HICKS STREET - PORTLAND, ME</b>

Figure No. <b>3</b>
------------------------



**From:** Jean Fraser  
**To:** Jim Wolf  
**Date:** 8/25/2009 12:30:07 PM  
**Subject:** Fwd: RE: duplex

Jim

I forgot to mention that we noticed that the Purchase and Sale is to W. A. ONE Inc while most of the other documentation is Diversified Properties.

Danielle West-Chuhta is on vacation but we will want her to review when she returns next week so you may be asked for further clarification re your Right Title and Interest.

Jean

>>> Jean Fraser 8/25/2009 12:03:40 PM >>>  
Hello Jim

It has had the "intake" zoning review yesterday (all OK) and will be circulated to other reviewers tomorrow at the regular Wed meeting.

We will "look at it" tomorrow but DPS usually require 2 weeks for (all) their reviews; as many folks are on vacation etc it may be difficult to expedite so at this point I can not indicate a review timetable.

I am on vacation next week so will try to let you know tomorrow where things are at and who to chase if you want to do so next week.

Jean

>>> "Jim Wolf" <[jmw1@maine.rr.com](mailto:jmw1@maine.rr.com)> 8/25/2009 10:31:30 AM >>>  
Hi Jean

Do you know if anyone has taken a look at the submission? Thank you

James M. Wolf  
Diversified Properties, Inc.  
Post Office Box 10127  
Portland, Maine 04104  
1-207-773-4988  
1-207-773-6875 fax

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

From: Jean Fraser [<mailto:JF@portlandmaine.gov>]  
Sent: Thursday, August 20, 2009 4:38 PM  
To: [jmw1@maine.rr.com](mailto:jmw1@maine.rr.com)  
Subject: RE: duplex

Hello Jim,

They have been received and are already entered into the new computer system; they are with Barbara for an initial review tomorrow.

I had a quick look and it looks comprehensive to me....but I have not looked at it re content eg meeting zoning etc.

As I am not in tomorrow, you could contact Barbara direct for a status report.

Jean

>>> "Jim Wolf" <[jmw1@maine.rr.com](mailto:jmw1@maine.rr.com)> 8/20/2009 3:45:49 PM >>>  
Hi Jean

Did the package arrive?

James M. Wolf  
Diversified Properties, Inc.  
Post Office Box 10127  
Portland, Maine 04104  
1-207-773-4988  
1-207-773-6875 fax

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

From: Jean Fraser [<mailto:JF@portlandmaine.gov>]  
Sent: Wednesday, August 19, 2009 1:58 PM  
To: [jmw1@maine.rr.com](mailto:jmw1@maine.rr.com)  
Subject: RE: duplex

Jim

Sounds good; also notes re the street trees and provision of sidewalk.

Jean

>>> "Jim Wolf" <[jmw1@maine.rr.com](mailto:jmw1@maine.rr.com)> 8/19/2009 12:56:22 PM >>>  
Hi Jean

We will be submitting tomorrow for the duplex. As discussed we will submit the following:

1. 7 each of a cover letter, application and drainage summary
2. 2 full sixe prints to scale of the survey, site plan and building plans
3. 5- 11 by 17's not to scale of the survey, site plan and building plans

I believe the above reflects our discussion.

Jim

James M. Wolf  
Diversified Properties, Inc.  
Post Office Box 10127  
Portland, Maine 04104  
1-207-773-4988  
1-207-773-6875 fax

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

From: Jean Fraser [<mailto:JF@portlandmaine.gov>]  
Sent: Tuesday, August 18, 2009 10:33 AM  
To: [jmw1@maine.rr.com](mailto:jmw1@maine.rr.com)  
Subject: RE: duplex

Jim

I gather you are meeting Marge today in any case.

However, I confirm that the parking as shown in the sketches given to me on Friday is OK under the Ordinance, as interpreted and confirmed by Marge.

Jean

>>> "Jim Wolf" <[jmw1@maine.rr.com](mailto:jmw1@maine.rr.com)> 8/17/2009 12:59:29 PM >>>  
Thank you Jean

I am waiting for the engineers to give me a drainage summary and full

size  
prints to scale. As soon as I receive this material I will submit.

Jim

James M. Wolf  
Diversified Properties, Inc.  
Post Office Box 10127  
Portland, Maine 04104  
1-207-773-4988  
1-207-773-6875 fax

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

From: Jean Fraser [<mailto:JF@portlandmaine.gov>]  
Sent: Monday, August 17, 2009 12:49 PM  
To: [jmw1@maine.rr.com](mailto:jmw1@maine.rr.com)  
Subject: Re: duplex

Jim

I don't think I am going to be able to get an answer from Marge to you today as I am not in this afternoon to chase and I know Marge is caught up in some pressing work.

If you want to press ahead quickly, I suggest that you get the application into Barbara today so that there is a chance it can be distributed on Wednesday to all the reviewers. (Barbara and Marge do a first review before it goes to other reviewers).

Jean

>>> "Jim Wolf" <[jmw1@maine.rr.com](mailto:jmw1@maine.rr.com)> 8/17/2009 10:33:37 AM >>>  
Hi Jean

It was good to meet with you on Friday to show you our intended duplex.

We are in the process of putting your plan set together and having a summary of the project including drainage prepared. When you hear from Marge

regarding  
the stacked parking please contact me.

Jim

**From:** Marge Schmuckal  
**To:** Barbara Barhydt; Jean Fraser  
**Date:** 8/17/2009 4:08:09 PM  
**Subject:** Re: Jim Wolf's duplex- Pre-app 204 Hicks Street

Jean,

Section 14-336(b) of the parking section of the ordinance states:

"Parking shall be prohibited in the front yard of lots containing two (2) or more dwelling units, **except within one (1) driveway on the lot.** "Driveway," as used in this paragraph, shall not include any turnaround area."

Therefore, what Jim Wolf is showing on his plans is approveable under the ordinance.

Marge

>>> Jean Fraser 8/14/2009 3:05:15 PM >>>  
Barbara and Marge,

Sukria and I met with Jim this afternoon and the following was agreed:

1. Jim needs to submit the following (in addition to the grading and drainage plans he sent by pdf):

Floor plans and elevations

Drainage narrative

Note re the street trees (re location; 4 are shown)

Note re provision of sidewalk (he will do sidewalk; curbs already in place)

Agreed that 2 sets of plans will be full size to scale and 5 sets 11X17 (as long as scaleable and measureable); he indicated they would arrive in Planning on Mon or Tues next week.

2. He will hold to submit until Jean clarifies with Marge re the parking; his plan (attached and paper copy at scale given to Marge today) shows parking stacked (each unit has 2 spaces, one behind each other; each unit can access their stacked 2 spaces independently). Jim says the entire site plan and building/parking layout is exactly as an approved lot on Carriage Lane. Marge- is this something we have approved/would approve?

3. He has the new application form all filled in etc.; we pointed out #15 of the Site Plan requirements that would apply here. Because its exactly like Carriage Lane, he feels confident it will be OK.

Note: This is zoned R5 within a pocket of R5 surrounded by R3 near the Warren Ave end of Hicks. He confirmed that he is going to divide the lot and do another house/duplex in future.

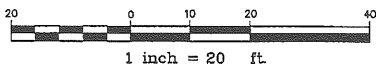
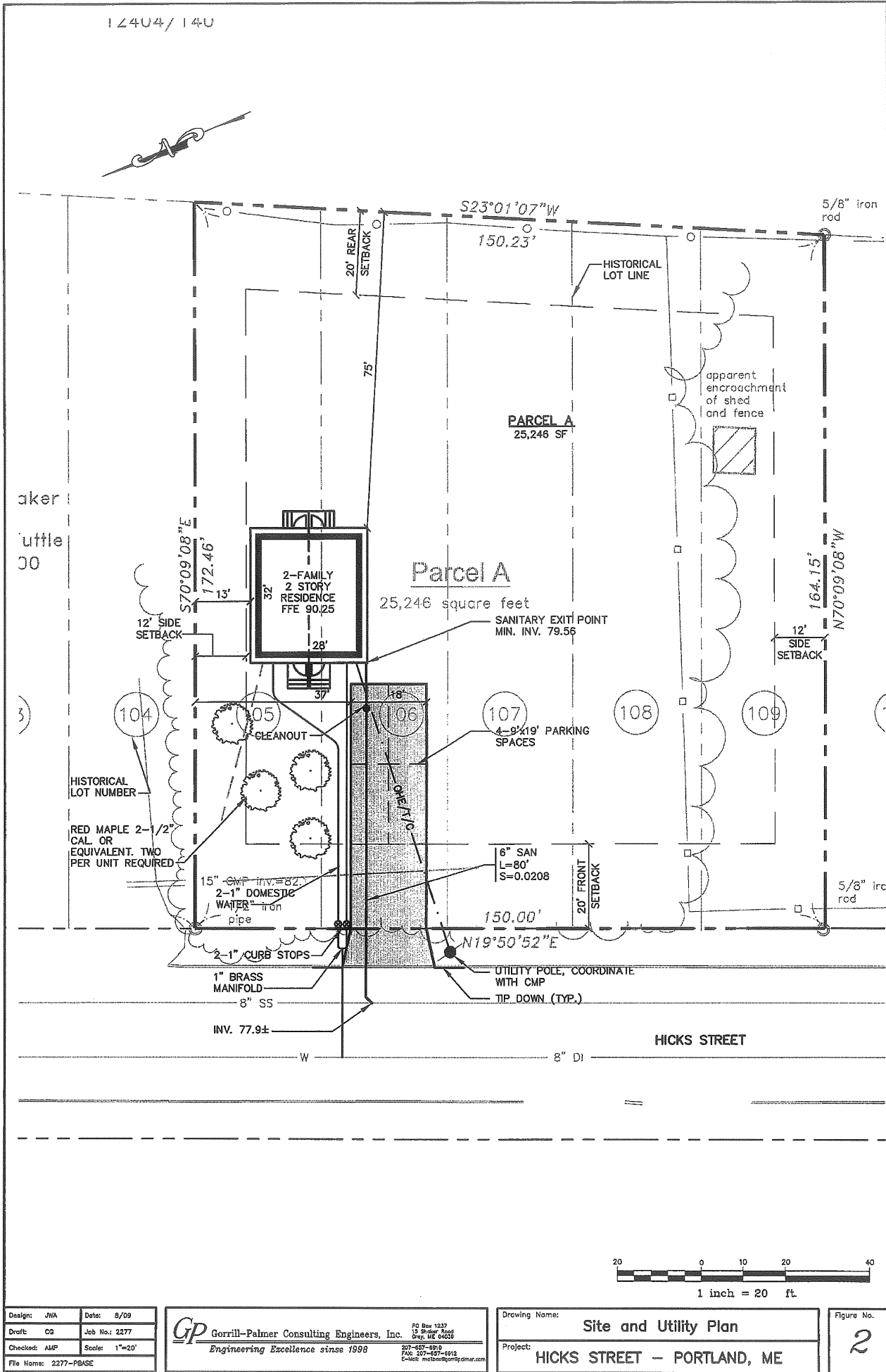
He will submit the building permit application a few days after he submits the site plan application.

Jean

(Shukria- please add if I have left anything out)

**CC:** Shukria Wiar

12404/140



Design: JWA	Date: 8/09
Draft: CG	Job No.: 2277
Checked: AMP	Scale: 1"=20'
File Name: 2277-PBASE	

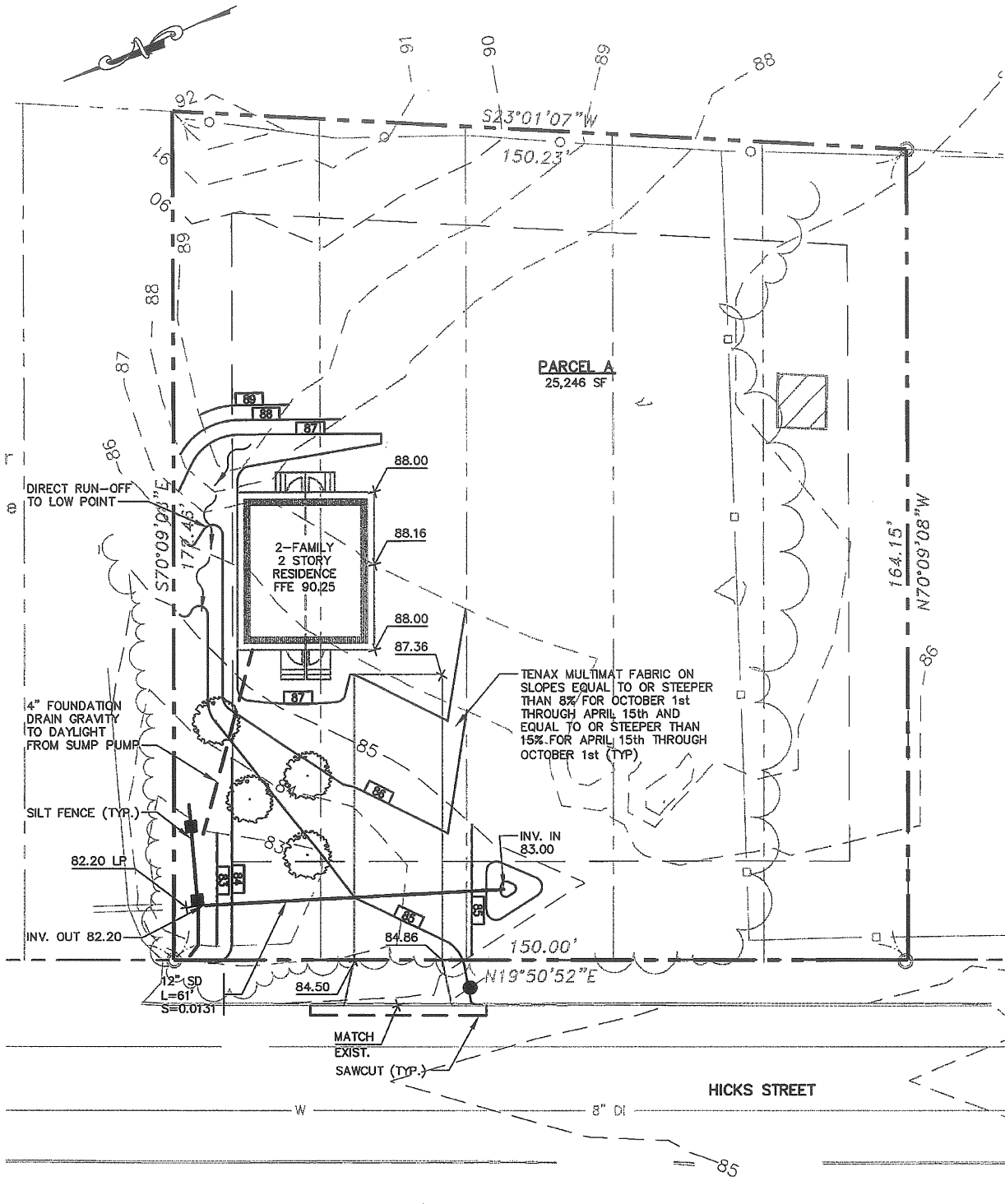
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 18 Spruce Street  
 Gray, ME 04235  
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 FAX: 207-637-6813  
 E-Mail: metbase@gorrillpalmer.com

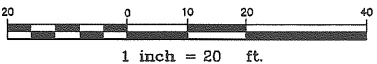
Drawing Name: <b>Site and Utility Plan</b>
Project: <b>HICKS STREET - PORTLAND, ME</b>

Figure No.  
**2**

12404/140



- NOTES:**
1. ALL DISTURBED AREAS THAT ARE NOT PAVED SHALL RECEIVE 4" LOAM & SEED
  2. COMMON BORROW SHALL MEET MDOT SPECIFICATION 703.18.
  3. FOUNDATION DRAIN SHALL BE DIRECTED TO SUMP LOCATED WITHIN BUILDING. SUMP PUMP SHALL DISCHARGE WATER TOWARDS LOW POINT.



Design: JWA	Date: 9/09
Draft: CG	Job No.: 2277
Checked: AMP	Scale: 1"=20'
File Name: 2277-PBASE	

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 FAX: 207-657-6812  
 E-Mail: info@gorrillpalmer.com

Drawing Name: **Grading and Drainage Plan**

Project: **HICKS STREET - PORTLAND, ME**

Figure No. **3**



**From:** Jean Fraser  
**To:** Barhydt, Barbara; Schmuckal, Marge  
**Date:** 8/14/2009 3:05:15 PM  
**Subject:** Jim Wolf's duplex- Pre-app 204 Hicks Street

Barbara and Marge,

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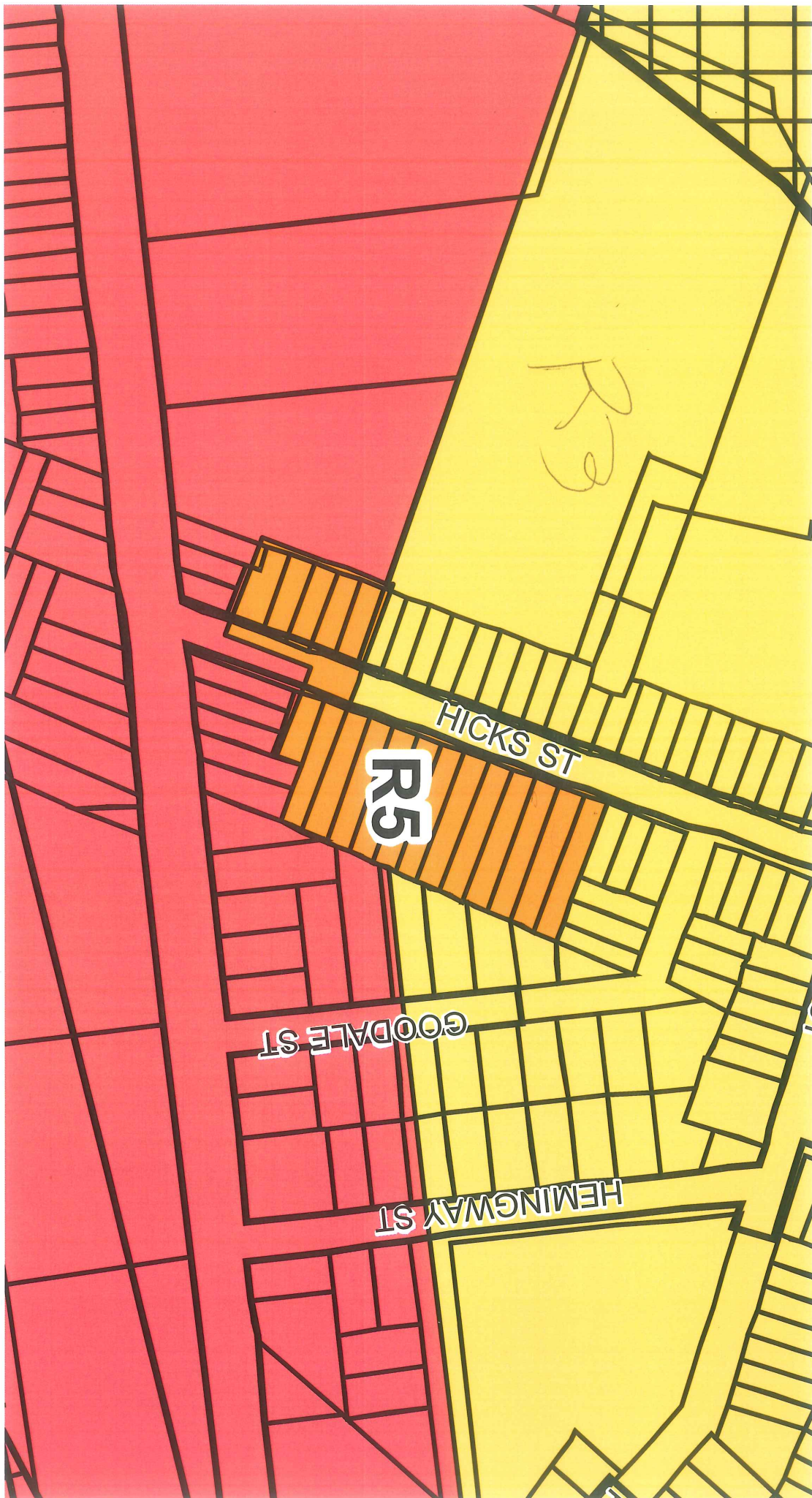
Note: This is zoned R5 within a pocket of R5 surrounded by R3 near the Warren Ave end of Hicks. He confirmed that he is going to divide the lot and do another house/duplex in future.

He will submit the building permit application a few days after he submits the site plan application.

Jean

(Shukria- please add if I have left anything out)

**CC:** Wiar, Shukria



R5

HICKS ST

GOODALE ST

HEMINGWAY ST

R5

**From:** Jean Fraser  
**To:** Barhydt, Barbara; Schmuckal, Marge  
**Date:** 8/14/2009 3:05:15 PM  
**Subject:** Jim Wolf's duplex- Pre-app 204 Hicks Street

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He will submit the building permit application a few days after he submits the site plan application.

Jean

(Shukria- please add if I have left anything out)

**CC:** Wiar, Shukria

**From:** "Jim Wolf" <jmw1@maine.rr.com>  
**To:** "Jean Fraser" <JF@portlandmaine.gov>  
**Date:** 8/12/2009 2:08:36 PM  
**Subject:** RE: Message you left for Barbara Barhydt

Hi Jean

Yesterday we went to apply for a duplex building permit at 204 Hicks Street not aware we needed to go to planning first. We have a grading and drainage plan and a site and utility plan along with the permit application filled out. The property is currently owned by Mount Sinai Cemetery whom we have a purchase agreement. They are aware we are making application.

I have attached for your reference copies of the plans referenced in the previous paragraph. Please note that they will not print to scale.

Do you know what if anything else besides the application is going to be needed? I look forward to seeing you on Friday at 2

Jim

James M. Wolf  
Diversified Properties, Inc.  
Post Office Box 10127  
Portland, Maine 04104  
1-207-773-4988  
1-207-773-6875 fax

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

From: Jean Fraser [mailto:JF@portlandmaine.gov]  
Sent: Wednesday, August 12, 2009 1:13 PM  
To: jmw1@maine.rr.com  
Subject: Message you left for Barbara Barhydt

Jim

Barbara is out of the office today, tomorrow and Friday and asked me to follow up a message that you left her requesting a pre-application meeting in relation to a 2-unit house (not sure where).

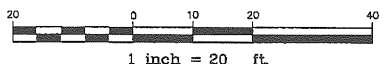
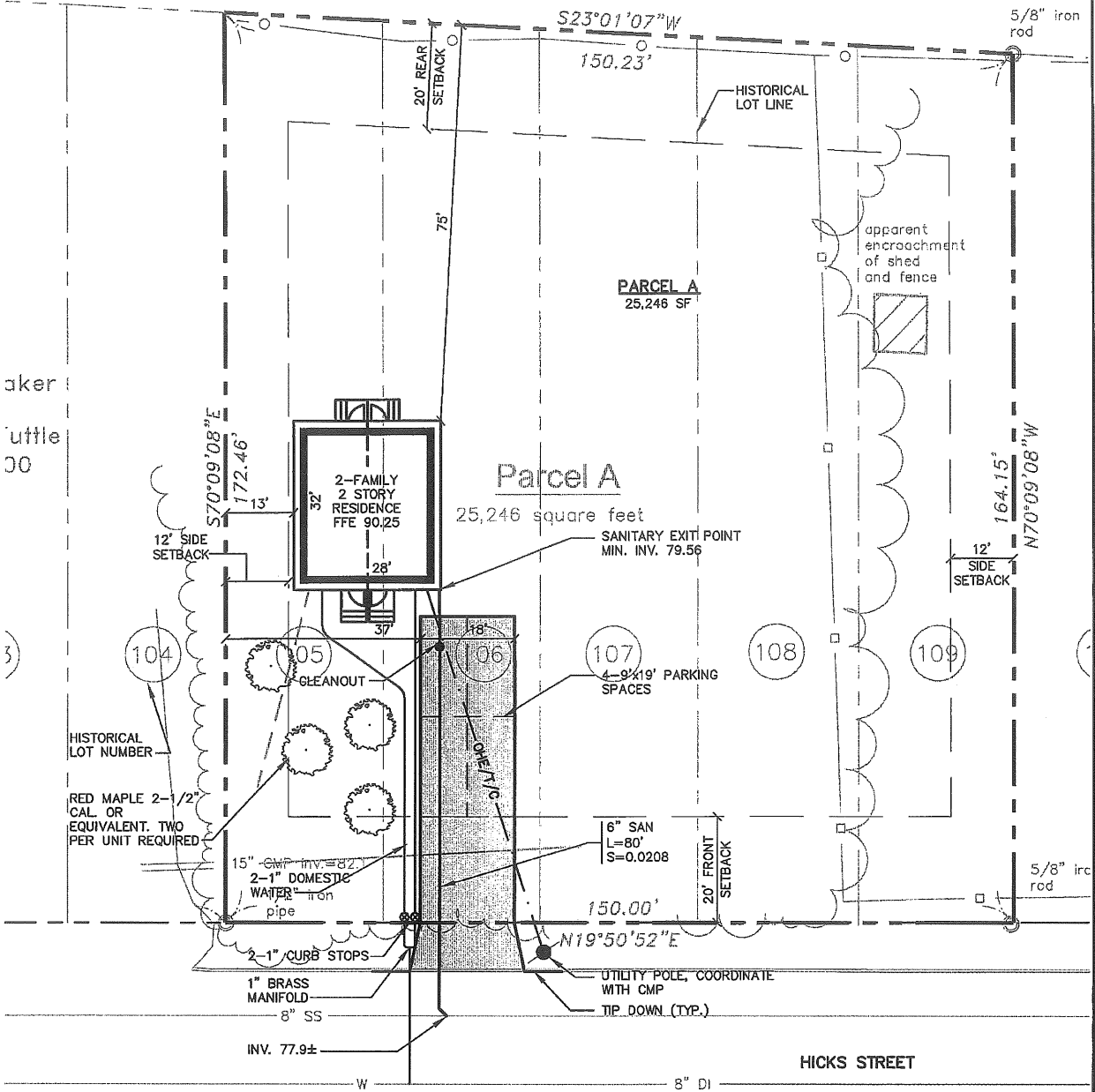
If you would like a meeting this week, then I can meet with you at 2pm on Friday Aug 14th... if you can wait, Barbara can meet with you next week although I don't think she will be able to call you and fix a day/time until Monday.

Please let me know if Friday works or..... (and if it does, maybe give me a few ideas regarding the proposal so I can be prepared)

Thanks  
Jean

Jean Fraser, Planner  
City of Portland  
874 8728

**CC:** "Alton Palmer" <APalmer@gorrillpalmer.com>, "Doug Reynolds"  
<DReynolds@gorrillpalmer.com>



Design: JWA	Date: 8/09
Draft: CG	Job No.: 2277
Checked: AMP	Scale: 1"=20'
File Name: 2277-PBASE	

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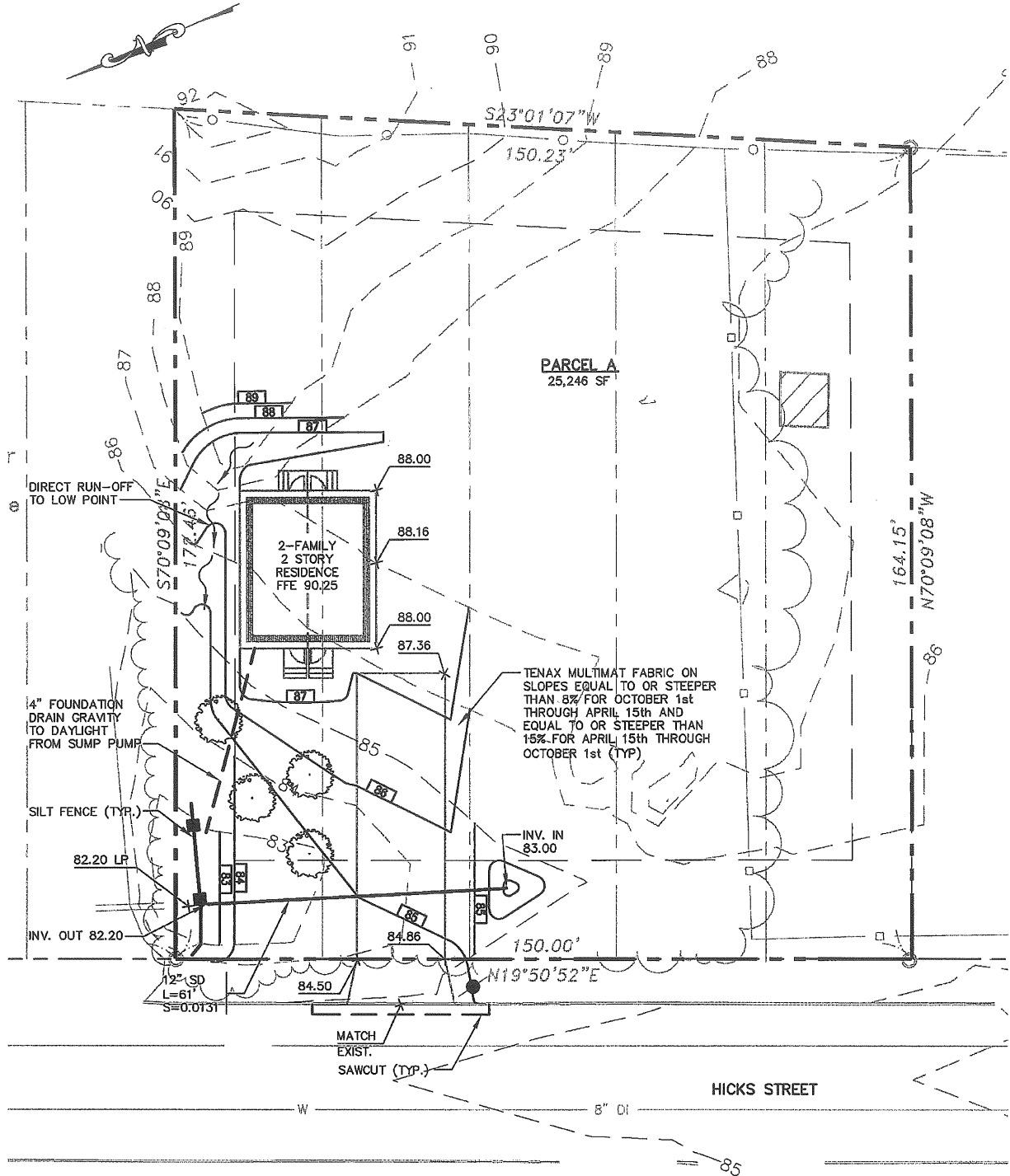
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 207-457-6000  
 FAX: 207-457-8112  
 E-Mail: mail@gorrillpalmer.com

Drawing Name: **Site and Utility Plan**

Project: **HICKS STREET - PORTLAND, ME**

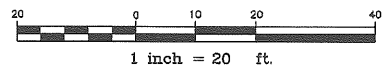
Figure No. **2**

12404/140



**NOTES:**

1. ALL DISTURBED AREAS THAT ARE NOT PAVED SHALL RECEIVE 4" LOAM & SEED
2. COMMON BORROW SHALL MEET MDOT SPECIFICATION 703.18.
3. FOUNDATION DRAIN SHALL BE DIRECTED TO SUMP LOCATED WITHIN BUILDING. SUMP PUMP SHALL DISCHARGE WATER TOWARDS LOW POINT.



Design: JWA	Date: 6/09
Drafts: CG	Job No.: 2277
Checked: AMP	Scale: 1"=20'
File Name: 2277-PBASE	

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 FAX: 207-697-6115  
 E-Mail: matt@gorrillpalmer.com

Drawing Name: <b>Grading and Drainage Plan</b>
Project: <b>HICKS STREET - PORTLAND, ME</b>

Figure No.  
**3**

# MEMO

**To:** Shukria Wiar **From:** Jim Wolf

---

**Fax:** **Pages:**

---

**Phone:** **Date:** 10/5/2009

---

**Re:** Hicks Street **CC:**

---

**Urgent**     **For Review**     **Please Comment**     **Please Reply**     **Please Recycle**

---

● **Comments:**

**Attached please find revised plans which address the comments below:**

1. The sidewalk material policy is asphalt for Hicks Street. The plans should show a sidewalk detail to reflecting the city's technical standard.  
**A detail has been added to the plan**  
  
The city's standard sidewalk width is five feet, not four feet as shown. The city requires that sidewalks be constructed with the back of the sidewalk along the property line. Please correct the site plan to correct both deficiencies.  
**The plan shows a 5 foot walk**
2. The site plans show a proposed sump pump discharge onto the abutting property. Please provide a drainage easement from the abutting property owner to allow this to happen.  
**As discussed, the sump now discharges to the rear eliminating the need for an easement.**
3. Please show drive width at the curb line and indicate on the site plan that the curb tipdowns will be seven feet in length.  
**The drive width is shown to be 22 feet**
4. Show a detail for granite curb installation.  
**The detail has been added to the plan**

**Comment by Marge**

There is still the matter of the illegal shed at the rear of proposed vacant lot #2A. The shed is not a principal use in the R-5 Zone and needs to be removed.

**A note has been added to the plan stating the shed shall be removed**

---





**From:** Danielle West -Chuhta  
**To:** Wiar, Shukria  
**Date:** 9/30/2009 3:47:57 PM  
**Subject:** Hicks Street

Shukria:

I am still waiting to hear back from Terry Snow regarding his analysis of the case I sent last week. Despite this, here is my summary of the matter so far (given our interpretation in similar situations in the past) - (please note that we should wait to send this to Jim until I hear back from Terry Snow):

Under Maine law and the City Land Use Code a subdivision is defined as a "division of a tract or parcel of land into 3 or more lots within any 5-year period . . ." 30-A MRSA Section 4401(4). The term also is defined to include the division of a new structure or structures on a tract or parcel of land into 3 or more dwelling units. Id. The term does not, however, specifically address the issue of a "mixed" subdivision (i.e. the division of the parcel of land and the subsequent placement of a duplex on one of the lots). **Based on this, and the documents I have reviewed thus far, the creation of the two lots on Hicks Street and subsequent placement of a duplex on one of the lots would not trigger subdivision.**

I think that there should be a condition of approval that addresses the subsequent placement of a third unit on the vacant lot. It could read as follows: **"There shall be site plan approval sought and received for any construction or placement of a structure on lot 2A (the vacant lot); if the aforementioned construction or placement occurs within five (5) years of the certificate of occupancy for the duplex on lot 2A an application for Subdivision Review shall also be submitted."**

Thanks,

Danielle

Danielle P. West-Chuhta  
Associate Corporation Counsel  
City of Portland, Maine  
(207) 874-8480

**CC:** Barhydt, Barbara

add to  
HTE when  
finalized

adbo

October 9, 2009

To: Shukria Wiar  
From: David Margolis-Pineo  
Re: Review Comments – Public Services  
204 Hicks Street – Final Review Comments

I received a revised site plan on the above project on October 7, 2009.

The site plan now show details for both granite curbing and bituminous sidewalk installations. The applicant may wish to use MDOT Type “B” gravels instead of Type “A” aggregate shown on both details.

Though not stated, it is understood that the drainage from the proposed esplanade and sidewalk will drain directly to the street.

The applicant has made an attempt to show that a large percentage of site drainage will drain to the street and not on to the down gradient abutter’s property. Again, it is imperative that during the development of this lot that every effort is made to assure that the down gradient property owner is not impacted by additional stormwater runoff due to the development of this lot.

This department has no further comments.

**From:** Shukria Wiar  
**To:** Ann Machado  
**Date:** 12/21/2009 9:08:27 AM  
**Subject:** Re: 202 Hicks Street

Good Morning,

I reviewed the site plan that you provided and it does not need amended site plan. The changes are considered diminutive. The Planning Authority has reviewed and approved the two bulkheads, the rear entries to the building, and the driveway.

If you have any questions, please let me know.

Thanks.

Shukria

>>> Ann Machado 12/21 8:35 AM >>>  
Shukria -

Have you had a chance to find out if the changes (two bulkheads, rear entries and the driveway) to the duplex at 202 Hicks Street need a amended siteplan or are they considered diminutive? If they don't need to do a siteplan amendment will you send me an email saying that you are all set planning wise?

Thanks.

Ann



June 30, 2009

## Portland Water District

FROM SEBAGO LAKE TO CASCO BAY

Diversified Properties, Inc.  
P.O. Box 10127  
Portland, ME 04104

Attn: James M. Wolf  
Re: 204 Hicks Street, Portland  
Ability to serve with PWD water

Dear Mr. Wolf:

This letter is to confirm that there should be an adequate supply of clean and healthful water to serve the needs of the two proposed duplex or triplex housing units located at 204 Hicks Street in Portland. According to District records, there is an 8-inch ductile iron water main on the west side of the street as well as a hydrant located 300' from the site.

The current data from the nearest hydrant indicates there should be adequate capacity of water to serve the domestic water needs of your proposed project, as stated in your e-mail, dated June 11, 2009.

Hydrant Location: Hicks Street at Warren Avenue  
Hydrant Number: POD-HYD01610  
Static Pressure: 67 PSI  
Residual Pressure: 60 PSI  
Flow: 1186 GPM  
Last Tested: 7/20/1990

With regard to your fire protection needs, please notify your mechanical engineer of these results so that they can design your system to best fit the noted conditions. Also, please contact your local fire department to determine if the fire service capacity is sufficient for their needs. If residential sprinkler systems are anticipated PWD will require additional information regarding water usage needs at the time of service application.

It will be possible to serve each unit of the proposed duplex or triplex with one tap at the main, splitting via a one-piece brass manifold located within the public right-of-way. Consult with PWD on acceptable fittings prior to installation. Each service will then have its own control valve at the property line and its own meter, accessible through the unit served. We will work with you to properly size the services.

If the District can be of further assistance in this matter, please let us know.

Sincerely,  
Portland Water District

Rico Spugnardi, P.E.  
Business Development Engineer





June 30, 2009

## Portland Water District

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Sincerely,  
Portland Water District

  
Rico Spugnardi, P.E.  
Business Development Engineer



Rev.	Date	Revision

Issued For	Date	By

Design: JWA Draft: CS Date: 8/09  
 Checked: AMP Scale: 1"=20' Job No: 2277  
 File Name: 2277-plan-2.dwg  
 This plan shall not be modified without written permission from Gorill-Palmer Consulting Engineers, Inc. (GPCE). Any alterations, omissions or otherwise, shall be at the user's sole risk and without liability to GPCE.

**GP**  
 Gorill-Palmer Consulting Engineers, Inc.  
 Engineering Excellence Since 1998  
 P.O. Box 1237  
 15 Shaker Road  
 Gray, ME 04039  
 E-Mail: mail@gorillpalmer.com  
 FAX: 207-657-8912  
 207-657-8910

Drawing Name: **Site, Utility, Grading and Drainage Plans**  
 Project: **Hicks Street Duplex WA One**  
 Client: P.O. Box 10127, Portland, Maine 04101  
 Hicks Street, Portland, Maine

Drawing No. **1**

**SPACE AND BULK REQUIREMENTS - R-5 ZONE**

MINIMUM LOT SIZE: 6,000 S.F. (DUPLEX UNIT)  
 9,000 S.F. (MULTIFLEX UNIT)

MINIMUM FRONTAGE: 50 FT.

MINIMUM SETBACKS:  
 FRONT YARD: 20 FT.  
 SIDE YARD: 8 FT.  
 REAR YARD: 5 FT.  
 1 STORY: 8 FT.  
 1 1/2 STORY: 8 FT.  
 2 STORY: 14 FT.  
 2 1/2 STORY: 14 FT.

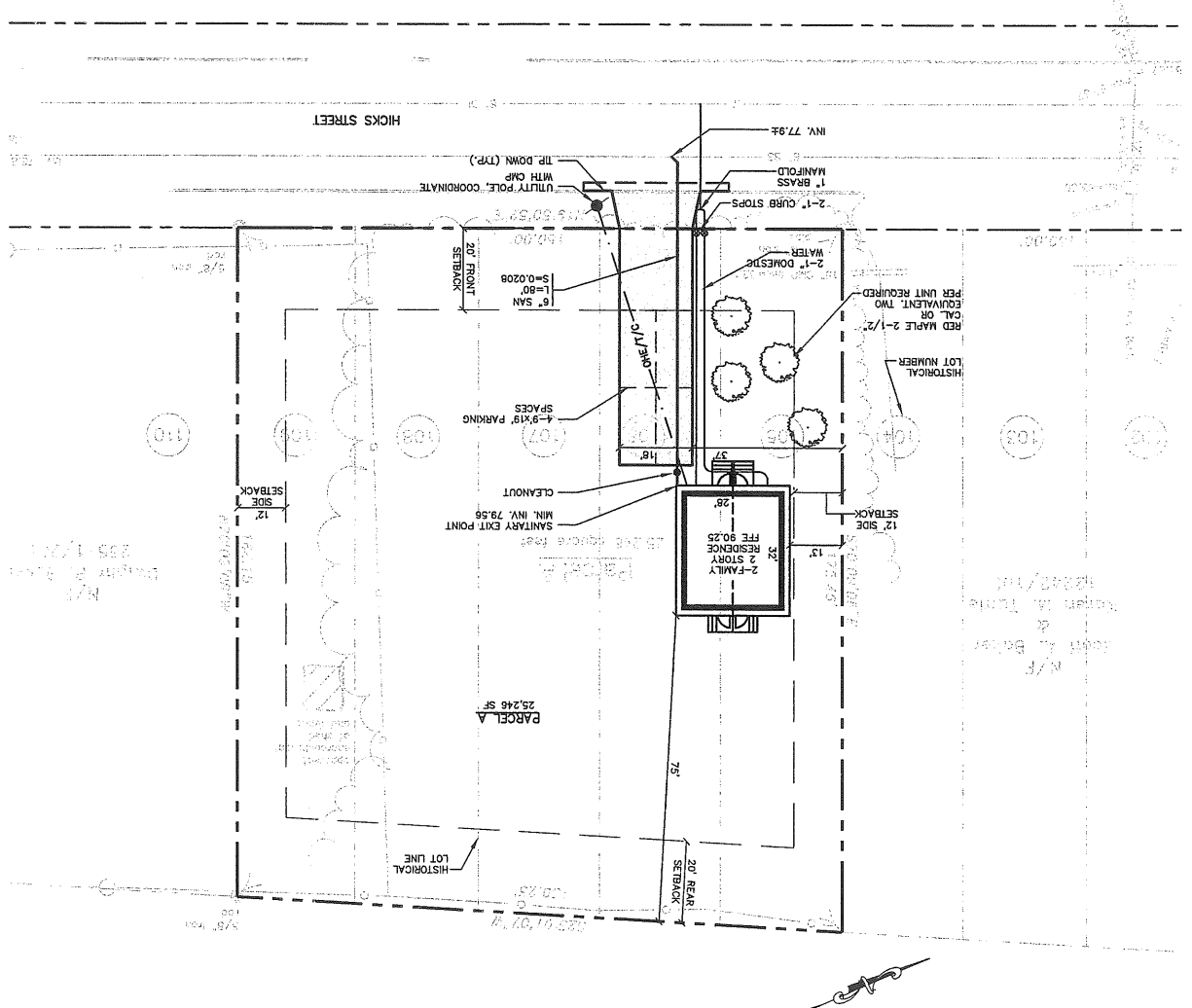
MINIMUM LOT WIDTH:  
 OTHER USES: 60 FT. (DUPLEX UNIT)  
 80 FT. (MULTIFLEX UNIT)

\* THE WIDTH OF ONE (1) SIDE YARD MAY BE REDUCED ONE (1) FOOT FOR EVERY FOOT THAT THE OTHER SIDE YARD IS CORRESPONDINGLY INCREASED, BUT NO SIDE YARD SHALL BE LESS THAN EIGHT (8) FEET IN WIDTH.

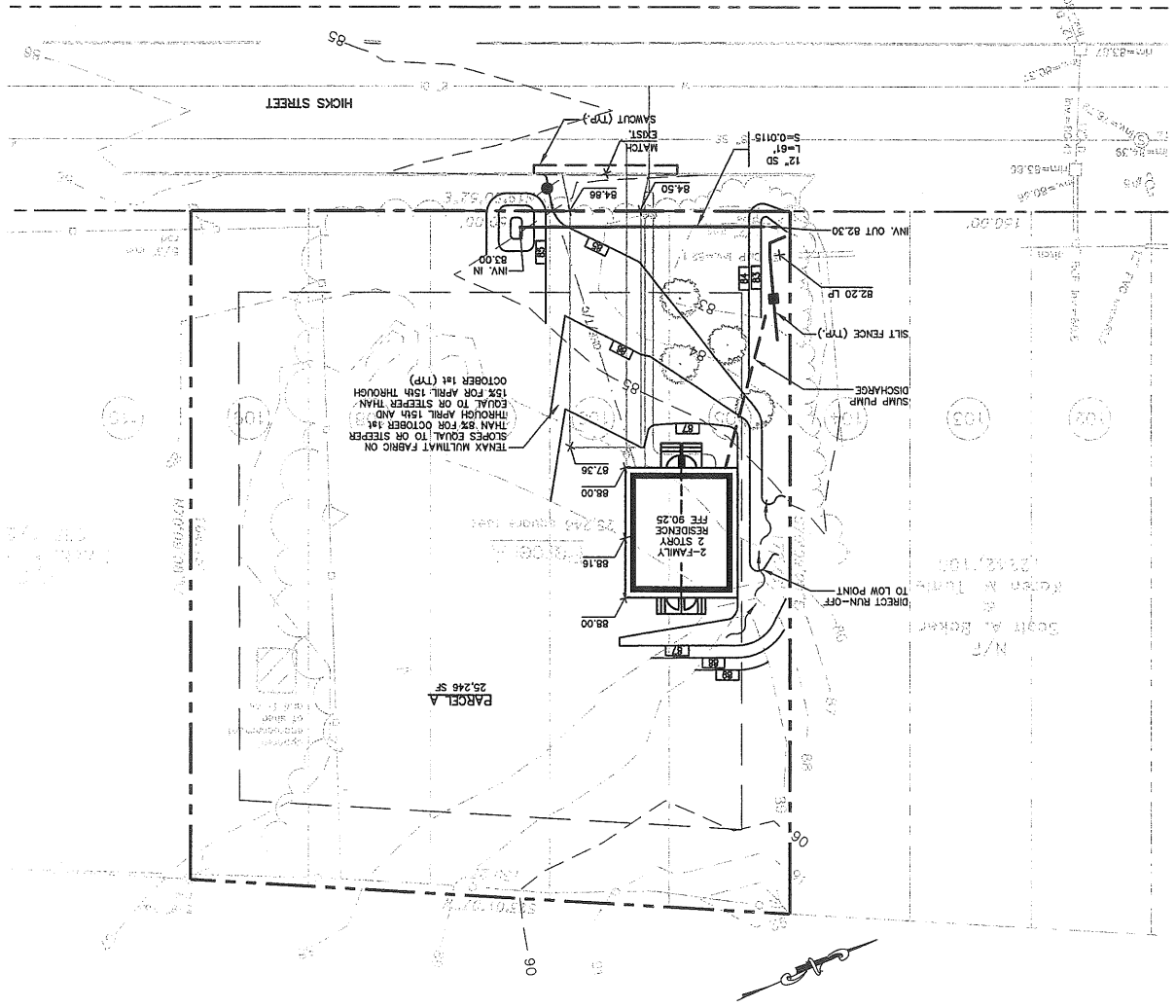
**NOTES:**

- EACH LOT SHALL BE PROVIDED WITH AT LEAST TWO (2) TREES PER UNIT MEETING THE CITY'S ARBORESCULE SPECIFICATIONS AND WHICH ARE CLEARLY VISIBLE FROM THE STREET LINE AND ARE LOCATED SO AS TO VISUALLY WIDEN THE NARROW DIMENSION OR PROPORTION OF THE UNIT.
- ELECTRICAL SERVICE SHALL BE COORDINATED WITH CENTRAL HAINE POWER.
- SEWER AND WATER SERVICES SHALL BE INSTALLED BY THE DEVELOPER, AND THE CONNECTION TO THE HOUSE WILL BE THE RESPONSIBILITY OF THE LOT OWNER.
- EQUIVALENT STREET TREE SHALL INCLUDE RETENTION OF EXISTING TREES OF SAME OR GREATER CALIPER.
- ALL WORK SHALL BE DONE IN CONFORMANCE WITH THE CITY OF PORTLAND TECHNICAL STANDARDS SECTION VII EROSION AND SEDIMENTATION CONTROL STANDARDS FOR SINGLE AND TWO FAMILY HOMES.

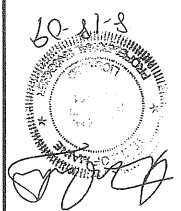
**SITE AND UTILITY PLAN**  
 1"=20'



**GRADING AND DRAINAGE PLAN**  
 1"=20'



NOTE: THIS PLAN SET IS ISSUED FOR PERMITTING PURPOSES AND SHALL NOT BE USED FOR CONSTRUCTION.

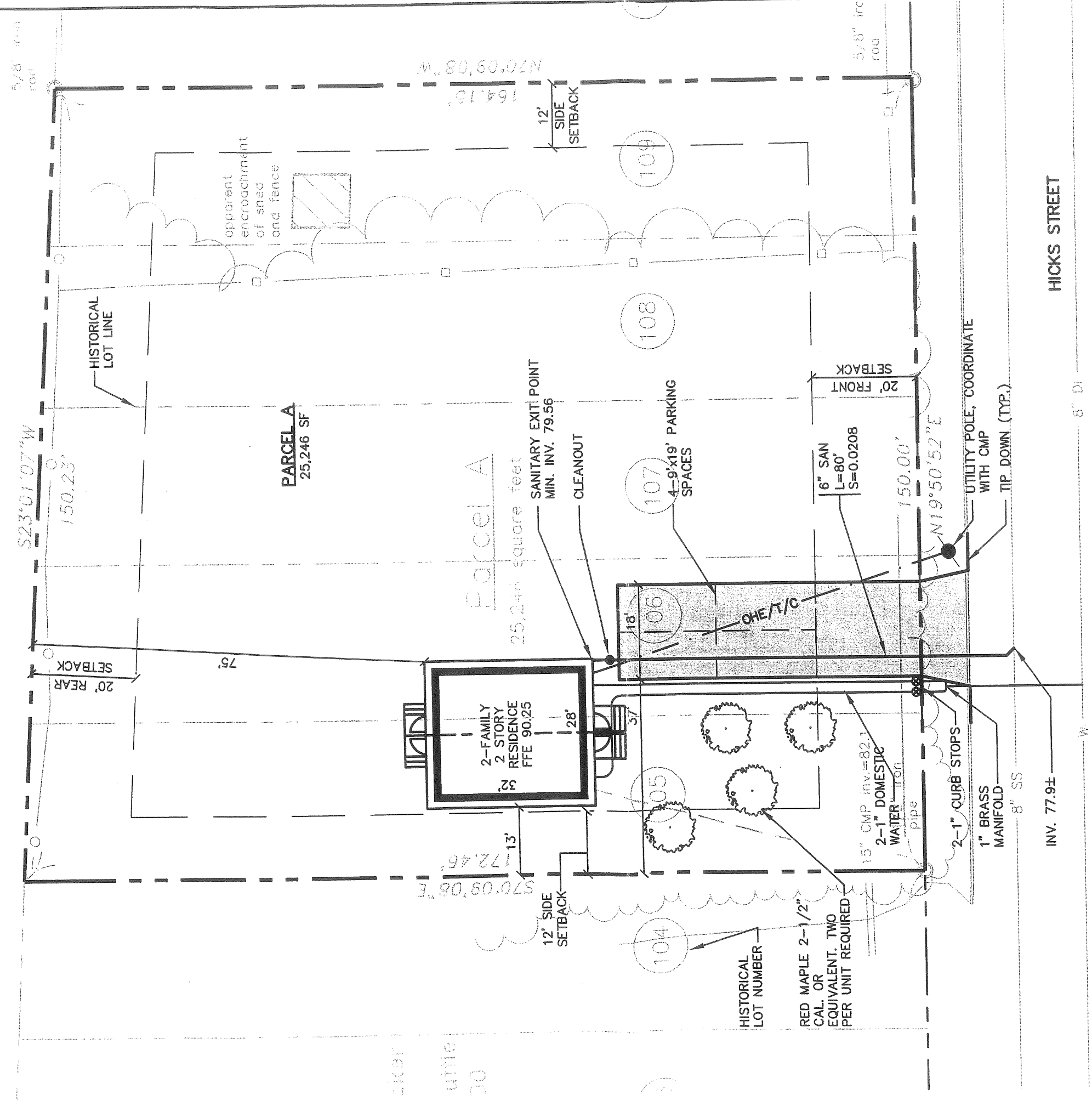








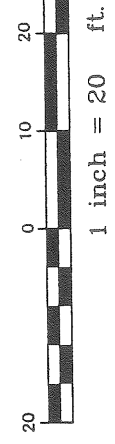
14404/14U



HICKS STREET

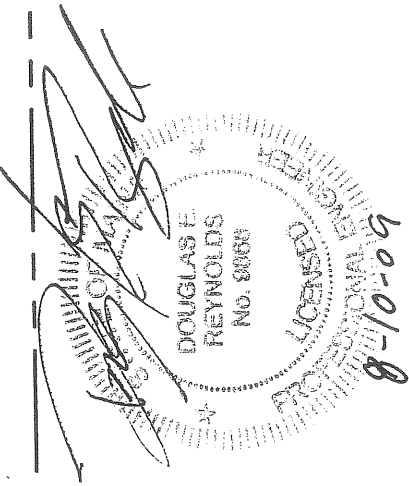
8' DI

INV. 77.9±



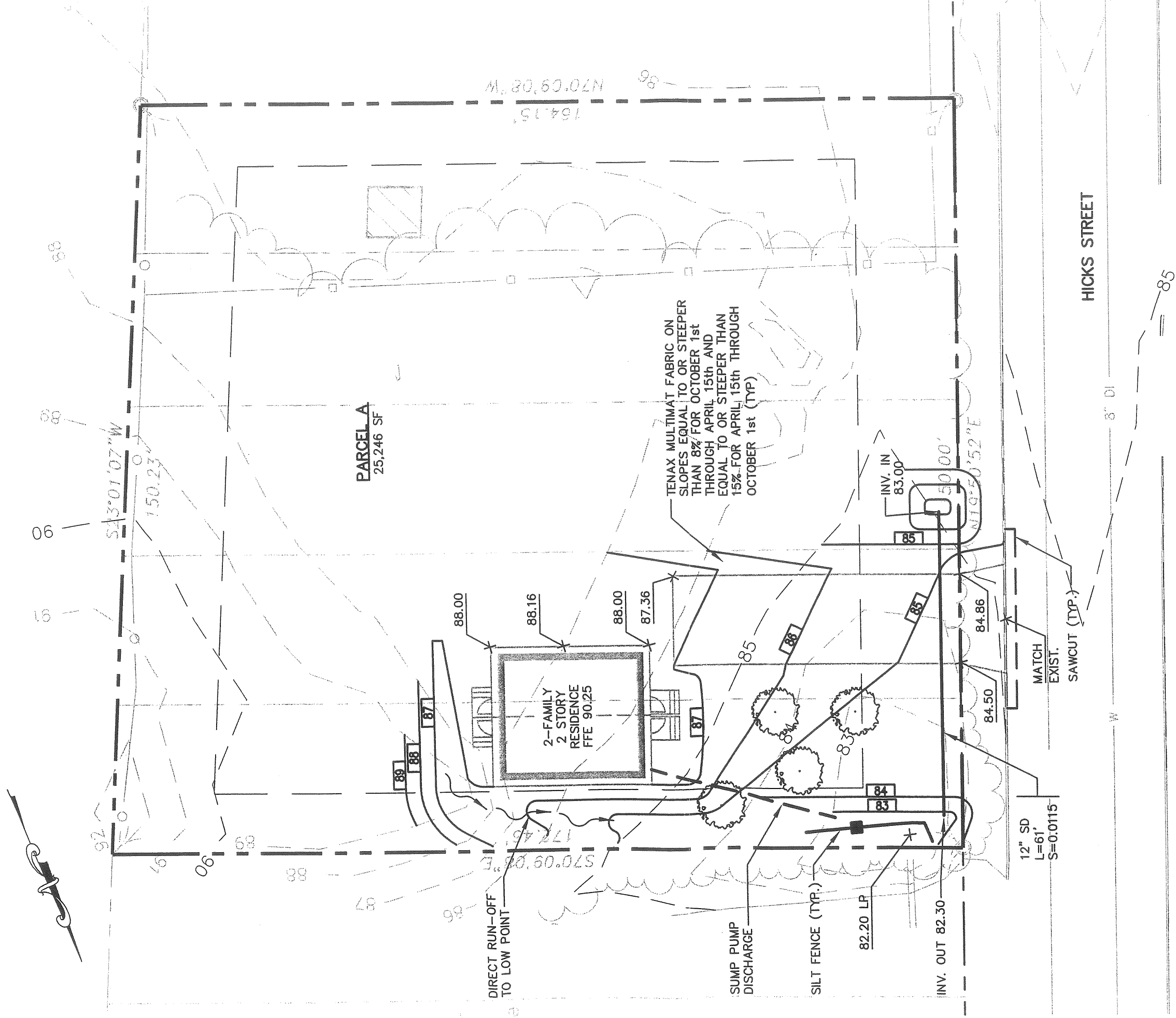
Design:	JWA	Date:	8/09
Draft:	CG	Job No.:	2277
Checked:	AMP	Scale:	1"=20'
File Name:	2277-PBASE		

**GP** Gorrill-Palmer Consulting Engineers, Inc.  
 Engineering Excellence since 1998  
 PO Box 1237  
 15 State St.  
 Portland, ME 04109  
 207-557-6910  
 FAX: 207-557-6913  
 E-Mail: info@gorrillpalmer.com



Drawing Name: **Site and Utility Plan**  
 Project: **HICKS STREET - PORTLAND, ME**  
 Figure No. **2**

12404/140



- NOTES:**
1. ALL DISTURBED AREAS THAT ARE NOT PAVED SHALL RECEIVE 4" LOAM & SEED
  2. COMMON BORROW SHALL MEET MDOT SPECIFICATION 703.18.
  3. FOUNDATION DRAIN SHALL BE DIRECTED TO SUMP LOCATED WITHIN BUILDING.

Design:	JWA	Date:	8/09
Draft:	CG	Job No.:	2277
Checked:	AMP	Scale:	1"=20'
File Name:	2277-PBASE		

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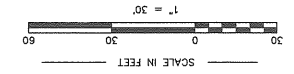
Drawing Name: **Grading and Drainage Plan**  
 Project: **HICKS STREET - PORTLAND, ME**

Figure No. **3**

NO.	REVISIONS	DATE
<b>PLAN OF</b> <b>Standard Boundary Survey</b> MADE FOR <b>Diversified Properties</b> Portland, Maine P.O. Box 10127		
BOOK # 833	DATE: June 29, 2009	SCALE: 1"=30'
JOB# 209027	FILE# 9359	
<b>Titcomb Associates</b> 133 Gray Road Falmouth, Maine 04105 (207) 797-9199		



**CERTIFICATION**  
 This survey conforms to the current standards of practice set forth by the Maine State Board of Licensure for Land Surveyors.  
 Rex J. Creteau, P.L.S. #2223



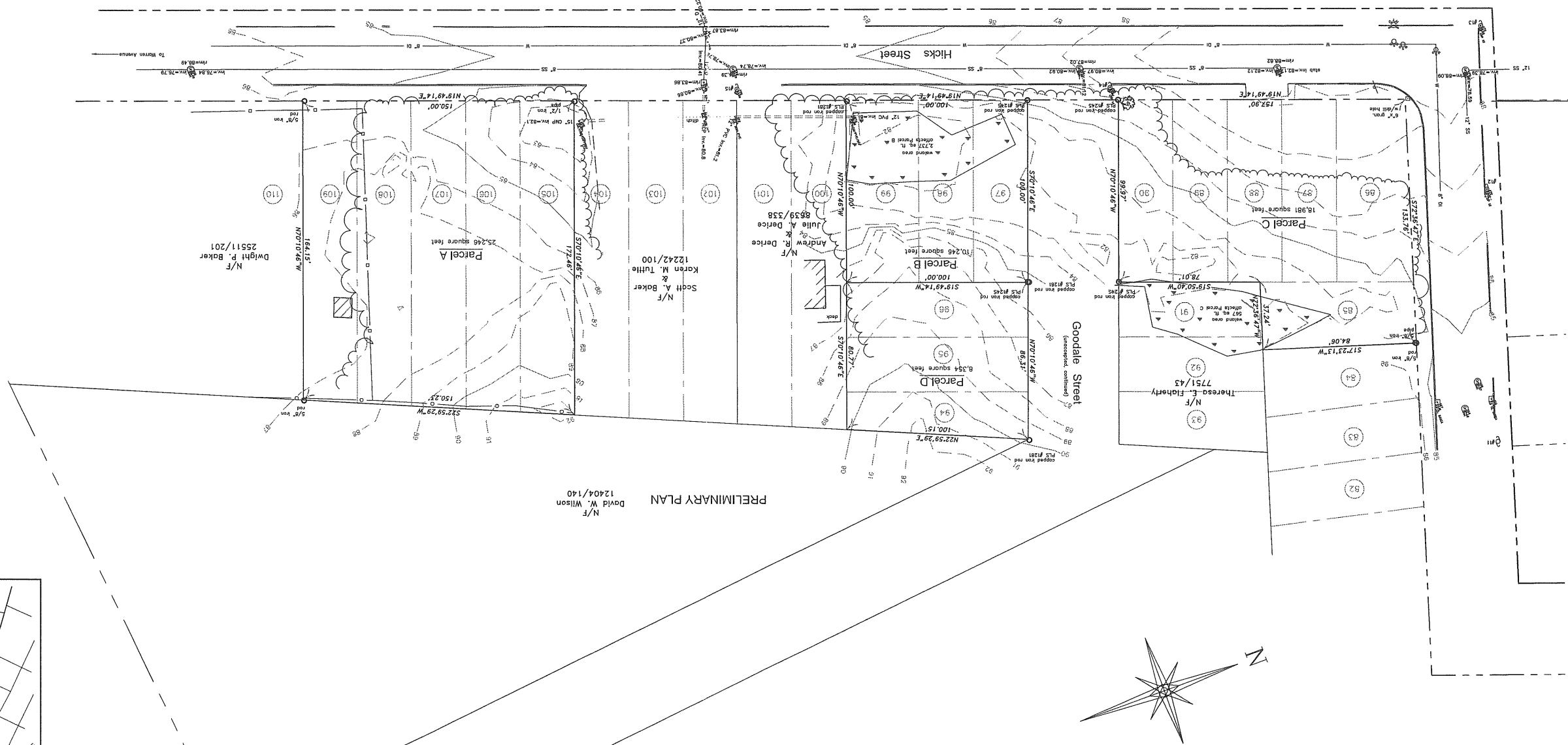
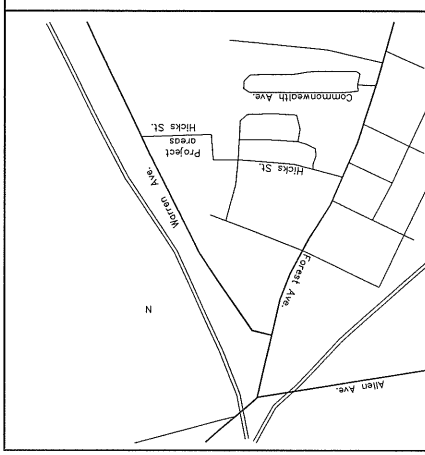
**PRELIMINARY PLAN**

**OWNERS OF RECORD**  
 Mt. Shad Cemetery Association  
 Parcels A & B, Book 2724, Page 425  
 Parcel C, Book 2238, Pages 300 thru 306  
 Parcel D, Book 24891, Page 72  
**AREA**  
 As noted

**LEGEND**

○	Monument - found
●	Iron marker - found
●	Iron marker - set (#5 rebar)
○	Property line (locus)
○	Property line (abutter)
○	Chain link fence
○	Right of way line
○	Edge of pavement
○	Curb
○	Utility pole
○	Sign
○	Water valve
○	Fire hydrant
○	Sewer manhole
○	Catch basin (square)
○	Sewer line
○	Sloped ditch
○	Underground water line
○	Contours (11')
○	Contours (5ft)
○	Now or formerly
○	1234/567
○	Dead reference (Book/Page)
○	Wilderness tree
○	Deciduous tree
○	Existing building

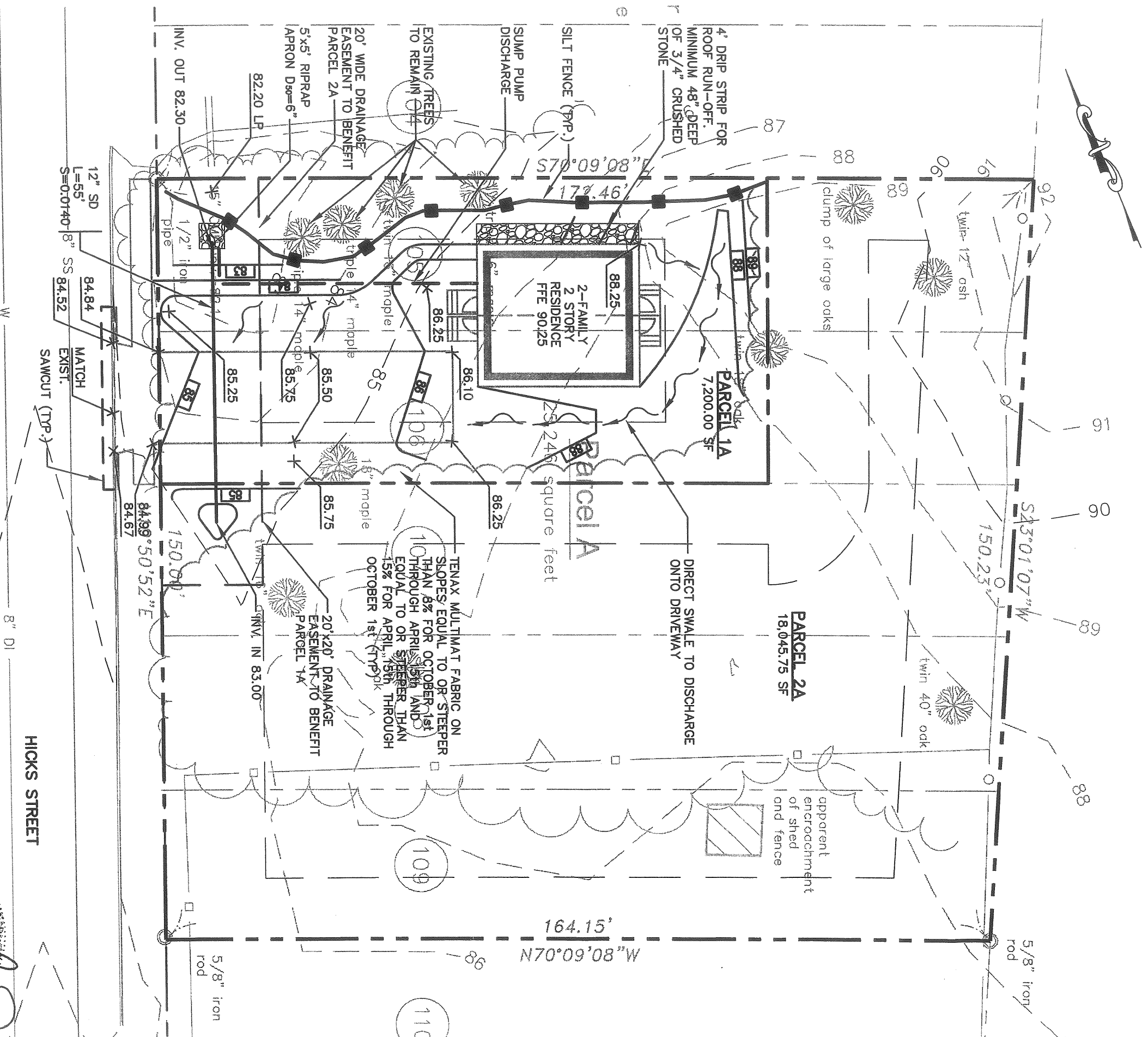
**VICINITY MAP**  
 No Scale



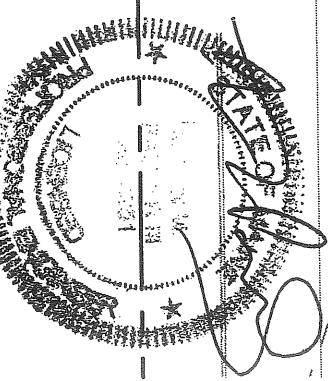
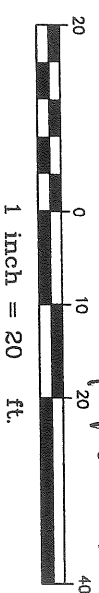
**PRELIMINARY PLAN**  
 David W. Wilson  
 12404/140  
 N/F

**PRELIMINARY PLAN**

- NOTES**
- Book and Page references are to the Cumberland County Registry of Deeds, unless otherwise specified.
  - Bearings are referenced to grid north, Maine State Plane Coordinate System, West Zone (NAD83).
  - Project Benchmark: 3/0's monument, easterly side of Hicks Street at first angle point northerly of the intersection of Hicks and Dorothy Streets, elevation=88.12 City of Portland datum.
  - All utility locations shown hereon are approximate, based on location of visible features and information provided by others. The appropriate utilities should be contacted prior to any construction.
  - Wellheads mapped by Sweet Associates and located in the field by Titcomb Associates.
  - This parcel is located in flood zone C (areas of minimal flooding). See plan reference 2.
- REFERENCES**
- Right of way and sewer plans provided by the City of Portland Public Works
  - Flood Insurance Rate Map Community Panel Number 230051 0006 B City of Portland, Maine, Effective date: July 17, 1985.
  - Plan entitled "Plan of Pinehurst" made for Fidelity Bond and Realty Trust by E.C. Jordan & Co. dated July 1917, recorded in Plan Book 13, Page 91.
  - Plan entitled "Frost Villa Sites" made for Everett C. Wells by Ernest W. Branch Civil Engineer dated August 15, 1919 recorded in Plan Book 14, Page 25.
  - Plan entitled "Standard Boundary Survey" made for Mount Shad Cemetery Association, Inc. by CEST Associates, Inc. dated July, 2003.



- NOTES:**
1. ALL DISTURBED AREAS THAT ARE NOT PAVED SHALL RECEIVE 4" LOAM & SEED
  2. COMMON BORROW SHALL MEET MDOT SPECIFICATION 703.18.
  3. FOUNDATION DRAIN SHALL BE DIRECTED TO SUMP LOCATED WITHIN BUILDING.
  4. THE GRADING AND DRAINAGE SYSTEM ON THE PROPERTY (IDENTIFIED AS PARCEL 1A) SHALL BE CONSTRUCTED AND LOCATED AS DEPICTED ON THE APPROVED SITE PLAN AND SAID GRADING AND DRAINAGE SYSTEM SHALL NOT BE MODIFIED WITHOUT FURTHER APPROVAL FROM THE PLANNING AUTHORITY.



Design:	JWA	Date:	8/09
Draft:	CG	Job No.:	2277
Checked:	AMP	Scale:	1"=20'
File Name:	2277-PBASE		

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 E-Mail: info@gorrillpalmer.com

Drawing Name: **Grading and Drainage Plan**  
 Project: **HICKS STREET - PORTLAND, ME**

Figure No. **3**