

City of Portland, Maine - Building or Use Permit Application

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

Permit No: 01-0797		Issue Date: JUL 19	CBL: 303 C001001
Location of Construction: 3 Newcomb St	Owner Name: Bennett John H	Owner Address: 77 Middle St	Phone: 207-799-6322
Business Name: n/a	Contractor Name: no contractor/self	Contractor Address: n/a n/a	Phone: n/a
Lessee/Buyer's Name n/a	Phone: n/a	Permit Type: Commercial	Zone: B-4

Past Use: Vacant Building / 2 Months	Proposed Use: Build 1500 SqFt Auto Garage. Call John at 799-6322 when ready.	Permit Fee: \$234.00	Cost of Work: \$35,000.00	CEO District: 1
Proposed Project Description: Build a 1500 SqFt Auto Repair Garage.		FIRE DEPT: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied	INSPECTION: Use Group: <i>B-1</i> Type: <i>2</i> PERMIT ISSUED WITH REQUIREMENTS	
		Signature: <i>[Signature]</i> Date: <i>[Signature]</i>		
		PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.) Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied Signature: _____ Date: _____		

Permit Taken By: cih	Date Applied For: 07/03/2001	Zoning Approval		
<ol style="list-style-type: none">This permit application does not preclude the Applicant(s) from meeting applicable State and Federal Rules.Building permits do not include plumbing, septic or electrical work.Building permits are void if work is not started within six (6) months of the date of issuance. False information may invalidate a building permit and stop all work..		Special Zone or Reviews <input type="checkbox"/> Shoreland <i>N/A</i> <input type="checkbox"/> Wetland <input type="checkbox"/> Flood Zone <i>Panel 6 Zone X</i> <input type="checkbox"/> Subdivision <input checked="" type="checkbox"/> Site Plan <i>see letter #2001-0150</i> Maj <input type="checkbox"/> Minor <input checked="" type="checkbox"/> MM <input type="checkbox"/> <i>OK - NS with conducting</i> Date: <i>7/18/01</i>	Zoning Appeal <input type="checkbox"/> Variance <input type="checkbox"/> Miscellaneous <input type="checkbox"/> Conditional Use <input type="checkbox"/> Interpretation <input type="checkbox"/> Approved <input type="checkbox"/> Denied Date: _____	Historic Preservation <input checked="" type="checkbox"/> Not in District or Landmark <input type="checkbox"/> Does Not Require Review <input type="checkbox"/> Requires Review <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied Date: <i>[Signature]</i>
		PERMIT ISSUED WITH REQUIREMENTS		

CERTIFICATION

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

SIGNATURE OF APPLICANT

ADDRESS

DATE

PHONE

RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE

DATE

PHONE

All Purpose Building Permit Application

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

Location/Address of Construction: #3 NEWCOMB ST PORTLAND

Total Square Footage of Proposed Structure <u>1500</u>	Square Footage of Lot <u>13,373</u> sq ft
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Tax Assessor's Chart, Block & Lot Chart# <u>303</u> Block# <u>C</u> Lot# <u>1</u>	Owner: <u>JOHN BENNETT</u>	Telephone: <u>W 799 6322</u> <u>H 854 4821</u>
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Lessee/Buyer's Name (If Applicable)	Applicant name, address & telephone: <u>JOHN BENNETT</u> <u>77 N. 100th ST WESTBROOK</u> <u>799 6322 W 854 4821 H</u>	Cost Of Work: \$ <u>35,000</u> Fee: \$ <u>274</u>
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Current use: VACANT / Building

If the location is currently vacant, what was prior use: AUTO GARAGE + MECHANIC

Approximately how long has it been vacant: 2 MONTHS

Proposed use: SAME

Project description:

Contractor's name, address & telephone: JOHN BENNETT

Who should we contact when the permit is ready: JOHN BENNETT

Mailing address: 77 N. 100th ST WESTBROOK 04692
H 854 4821
W 799 6322
Phone:

IF THE REQUIRED INFORMATION IS NOT INCLUDED IN THE SUBMISSIONS THE PERMIT WILL BE AUTOMATICALLY DENIED AT THE DISCRETION OF THE BUILDING/PLANNING DEPARTMENT, WE MAY REQUIRE ADDITIONAL INFORMATION IN ORDER TO APPROVE THIS PERMIT.

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

Signature of applicant: <u>John Bennett</u>	Date: <u>7/3/01</u>
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This is not a permit, you may not commence ANY work until the permit is issued

BUILDING PERMIT REPORT

DATE: 6 July 2001 ADDRESS: 3 Newcomb Street CBL: 303-C-001

REASON FOR PERMIT: To Construct a 80'x50' Auto Repair garage

BUILDING OWNER: John Bennett

PERMIT APPLICANT: /CONTRACTOR Owner:

USE GROUP: S-1 CONSTRUCTION TYPE: 5B CONSTRUCTION COST: \$35,000.00 PERMIT FEES: \$23460

The City's Adopted Building Code (The BOCA National Building Code/1999 with City Amendments)
The City's Adopted Mechanical Code (The BOCA National Mechanical Code/1993)

CONDITION(S) OF APPROVAL

This permit is being issued with the understanding that the following conditions shall be met: *1, *2, *4, *6, *9
*24, *28, *30, *31, *33, *35, *37

- * 1. This permit does not excuse the applicant from meeting applicable State and Federal rules and laws.
- * 2. Before concrete for foundation is placed, approvals from the Development Review Coordinator and Inspection Services must be obtained. (A 24 hour notice is required prior to inspection) **"ALL LOT LINES SHALL BE CLEARLY MARKED BEFORE CALLING."**
3. Foundation drain shall be placed around the perimeter of a foundation that consists of gravel or crushed stone containing not more than 10 percent material that passes through a No. 4 sieve. The drain shall extend a minimum of 12 inches beyond the outside edge of the footing. The thickness shall be such that the bottom of the drain is not higher than the bottom of the base under the floor, and that the top of the drain is not less than 6 inches above the top of the footing. The top of the drain shall be covered with an approved filter membrane material. Where a drain tile or perforated pipe is used, the invert of the pipe or tile shall not be higher than the floor elevation. The top of joints or top of perforations shall be protected with an approved filter membrane material. The pipe or tile shall be placed on not less than 2" of gravel or crushed stone, and shall be covered with not less than 6" of the same material. Section 1813.5.2
- * 4. Foundations anchors shall be a minimum of 1/2" in diameter, 7" into the foundation wall, minimum of 12" from corners of foundation and a maximum 6' O.C. between bolts. Section 2305.17
5. Waterproofing and dampproofing shall be done in accordance with Section 1813.0 of the building code.
- * 6. Precaution must be taken to protect concrete and masonry. Concrete Sections 1908.9-19.8.10/ Masonry Sections 2111.3-2111.4.
7. It is strongly recommended that a registered land surveyor check all foundation forms before concrete is placed. This is done to verify that the proper setbacks are maintained.
8. Private garages located beneath habitable rooms in occupancies in Use Group R-1, R-2, R-3 or I-1 shall be separated from adjacent interior spaces by fire partitions and floor/ceiling assembly which are constructed with not less than 1-hour fire resisting rating. Private garages attached side-by-side to rooms in the above occupancies shall be completely separated from the interior spaces and the attic area by means of 1/2 inch gypsum board or the equivalent applied to the garage side. (Chapter 4, Section 407.0 of the BOCA/1999)
- * 9. All chimneys and vents shall be installed and maintained as per Chapter 12 of the City's Mechanical Code. (The BOCA National Mechanical Code/1993). Chapter 12 & NFPA 211
10. Sound transmission control in residential building shall be done in accordance with Chapter 12, Section 1214.0 of the City's Building Code.
11. Guardrails & Handrails: A guardrail system is a system of building components located near the open sides of elevated walking surfaces for the purpose of minimizing the possibility of an accidental fall from the walking surface to the lower level. Minimum height all Use Groups 42". In occupancies in Use Group A, B.H-4, I-1, I-2, M, R, public garages and open parking structures, open guards shall have balusters or be of solid material such that a sphere with a diameter of 4" cannot pass through any opening. Guards shall not have an ornamental pattern that would provide a ladder effect. Handrails shall be a minimum of 34" but not more than 38". Exception: Handrails that form part of a guard shall have a height not less than 36 inches (914 mm) and not more than 42 inches (1067 mm). Handrail grip size shall have a circular cross section with an outside diameter of at least 1 1/4" and not greater than 2". (Sections 1021 & 1022.0). Handrails shall be on both sides of stairway. (Section 1014.7) **R-3 (ONE & TWO FAMILY DWELLINGS) GUARD HEIGHT IS 36" MINIMUM.**
12. Headroom in habitable space is a minimum of 7'6". (Section 1204.0)
13. Stair construction in Use Group R-3 & R-4 is a minimum of 10" tread and 7 1/2" maximum rise. All other Use Group minimum 11" tread, 7" maximum rise. (Section 1014.0)
14. The minimum headroom in all parts of a stairway shall not be less than 80 inches. (6'8") 1014.4
15. The Minimum required width of a corridor shall be determined by the most restrictive of the criteria under section 1011.3 but not less than 36".
16. Every sleeping room below the fourth story in buildings of Use Groups R and I-1 shall have at least one operable window or exterior door approved for emergency egress or rescue. The units must be operable from the inside without the use of special knowledge or separate tools. Where windows are provided as means of egress or rescue they shall have a sill height not more than 44 inches (1118mm) above the floor. All egress or rescue windows from sleeping rooms shall have a minimum net clear opening height dimension of 24 inches (610mm). The minimum net clear opening width dimension shall be 20 inches (508mm), and a minimum net clear opening of 5.7 sq. ft. (Section 1010.4)
17. Each apartment shall have access to two (2) separate, remote and approved means of egress. A single exit is acceptable when it exits directly from the apartment to the building exterior with no communications to other apartment units. (Section 1010.1)
18. All vertical openings shall be enclosed with construction having a fire rating of at least one (1) hour, including fire doors with self closure's. (Over 3 stories in height requirements for fire rating is two (2) hours. (Section 710.0)
19. The boiler shall be protected by enclosing with (1) hour fire rated construction including fire doors and ceiling, or by providing automatic extinguishment. (Table 302.1.1)

20. All single and multiple station smoke detectors shall be of an approved type and shall be installed in accordance with the provisions of the City's Building Code Chapter 9, Section 920.3.2 (BOCA National Building Code/1999), and NFPA 101 Chapter 18 & 19. (Smoke detectors shall be installed and maintained at the following locations):

- In the immediate vicinity of bedrooms
- In all bedrooms
- In each story within a dwelling unit, including basements

21. A portable fire extinguisher shall be located as per NFPA #10. They shall bear the label of an approved agency and be of an approved type. (Section 921.0)

22. The Fire Alarm System shall be installed and maintained to NFPA #72 Standard.

23. The Sprinkler System shall be installed and maintained to NFPA #13 Standard.

*24. All exit signs, lights and means of egress lighting shall be done in accordance with Chapter 10 Section & Subsections 1023.0 & 1024.0 of the City's Building Code. (The BOCA National Building Code/1999)

25. Section 25 - 135 of the Municipal Code for the City of Portland states, "No person or utility shall be granted a permit to excavate or open any street or sidewalk from the time of November 15 of each year to April 15 of the following year".

26. The builder of a facility to which Section 4594-C of the Maine State Human Rights Act Title 5 MRSA refers, shall obtain a certification from a design professional that the plans commencing construction of the facility, the builder shall submit the certification the Division of Inspection Services.

27. Ventilation and access shall meet the requirements of Chapter 12 Sections 1210.0 and 1211.0 of the City's Building Code. (Crawl spaces & attics).

*28. All electrical, plumbing and HVAC permits must be obtained by Master Licensed holders of their trade. No closing in of walls until all electrical (min. 72 hours notice) and plumbing inspections have been done.

29. All requirements must be met before a final Certificate of Occupancy is issued.

*30. All building elements shall meet the fastening schedule as per Table 2305.2 of the City's Building Code (The BOCA National Building Code/1996).

*31. Ventilation of spaces within a building shall be done in accordance with the City's Mechanical code (The BOCA National Mechanical Code/1993). (Chapter M-16)

All requirements AND conditions on the attached site development plan sheets shall be met

*32. Please read and implement the attached Land Use Zoning report requirements. *Attached site development plan sheets shall be met*

*33. Boring, cutting and notching shall be done in accordance with Sections 2305.3, 2305.3.1, 2305.4.4 and 2305.5.1 of the City's Building Code. *shall be met*

*34. Bridging shall comply with Section 2305.16.

*35. Glass and glazing shall meet the requirements of Chapter 24 of the building code. (Safety Glazing Section 2406.0)

*36. All flashing shall comply with Section 1406.3.10.

*37. All signage shall be done in accordance with Section 3102.0 signs of the City's Building Code, (The BOCA National Building Code/1999).

*38. *This permit is being issued with the understanding that this bldg. will be served by a private street. NO Certificate of Occupancy can or shall be issued until this is resolved and installed. (Per tele. conv. with owner 7/11/01 @ 2:30 PM.)*

12. Sarah H. Hedges, Building Inspector

Cc: Lt. McDougall, PFD

Marge Schmuckal, Zoning Administrator

Michael Nugent, Inspection Service Manager

PSH 10/1/00

**This permit is herewith issued, on the basis of plans submitted and conditions placed on these plans, any deviations shall require a separate approval.

***THIS PERMIT HAS BEEN ISSUED WITH THE UNDERSTANDING THAT ALL THE CONDITIONS OF THE APPROVAL SHALL BE COMPLETED. THEREFORE, BEFORE THE WORK IS COMPLETED A REVISED PLAN OR STATEMENT FROM THE PERMIT HOLDER SHALL BE SUBMITTED TO THIS OFFICE SHOWING OR EXPLAINING THAT THE CONDITIONS HAVE BEEN MET. IF THIS REQUIREMENT IS NOT RECEIVED YOUR CERTIFICATE OF OCCUPANCY SHALL BE WITHHELD. (You Shall Call for Inspections)

****ALL PLANS THAT REQUIRE A PROFESSIONAL DESIGNER'S SEAL, (AS PER SECTION 114.0 OF THE BUILDING CODE) SHALL ALSO BE PRESENTED TO THIS DIVISION ON AUTO CAD LT. 2000, DXF FORMAT OR EQUIVALENT.

*****CERTIFICATE OF OCCUPANCY FEE \$50.00

Applicant: John H. Bennett

Date: 7/10/01

Address: 3 Newcomb St

C-B-L: 303-C-001, 2, 3, 14, 15, 16

CHECK-LIST AGAINST ZONING ORDINANCE

Date - Rebuild of Existing single family and commercial garage on the same property

Zone Location - B-4

Interior or corner lot - end of Rd.

Proposed Use/Work - to rebuild Auto garage - 1500^{sq} ft
permitted use without repairs

Sewage Disposal - Private

Lot Street Frontage - 60' - 89.59' shown

Front Yard - 20' min - 20' + shown

Rear Yard - 20' min - 26' scaled

Side Yard - 10' req - 14' shown & revised by letter
50.8'

Projections - none

Width of Lot - 60' - 293'

Height - 65' MAX

Lot Area - 10,000^{sq} ft - 13,373^{sq} ft

Lot Coverage Impervious Surface - 80% MAX of 10,690.4^{sq} ft

Area per Family - N/A

Off-street Parking - N/A (if for existing house is present)

Loading Bays - N/A

Site Plan - minor

Shoreland Zoning/ Stream Protection - N/A

Flood Plains - Panel 6 - zone X
Exterior Effects - noise - smoke - outdoor storage

All repairs are to be performed in a fully enclosed structure

MAX Floor Area Ratio (F.A.R.) $\frac{2886}{12,273} = .235$ vs .55 for R-3 Zone

Not required to meet 14-403 street requirements
This is an existing use, and an existing developed property

(new garage) 30 x 50 = 1500
existing house 693
2 floors → 693
2886
over actually what the footprint is

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

2001-0150

Application I. D. Number

06/15/2001

Application Date

3 Newcomb Street

Project Name/Description

Bennett John H

Applicant

3 Newcomb St , Portland , ME 04103

Applicant's Mailing Address

Buchanan, Brenda M.

Consultant/Agent

Applicant Ph: (207) 799-6322 Agent Fax:

Applicant or Agent Daytime Telephone, Fax

3 - 3 Newcomb St, Portland, Maine

Address of Proposed Site

303 C001001

Assessor's Reference: Chart-Block-Lot

Approval Conditions of Planning

- 1 That the portions of the lot programmed for parking, ingress and egress be suitably graveled and all other area be seeded with a species of appropriate durability.

Approval Conditions of Insp

- 1 This permit is being approved on the basis of plans submitted. Any deviations shall require a separate approval before starting that work.
- 2 Separate permits shall be required for future decks, sheds, pools, and/or garage.
- 3 Separate permits shall be required for any new signage.
- 4 All repairs are to be performed in a fully enclosed structure.
- 5 All "external effects" such as noise, smoke, and outdoor storage requirements shall be observed at all times.

Approval Conditions of DRC

- 1 An erosion control plan and erosion control measures such as silt fence will be placed on the plan presented at the pre-construction meeting.
- 2 Neighboring streets will be kept free and clean of mud and debris possibly generated by this site development.
- 3 No floor drain will be included within the building.
- 4 That the drainage accommodated by the swale either be kept on site per a letter from the storm water engineer or a letter from the abutter allowing the 2 inch pipe draining onto their property be recieved by staff

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

DRC Copy

2001-0150

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Proposed Development (check all that apply): ☒ New Building ☐ Building Addition ☐ Change Of Use ☐ Residential ☐ Office ☐ Retail

☐ Manufacturing ☐ Warehouse/Distribution ☐ Parking Lot

☒ Other (specify) Replace commercial garage

1,500 sq. ft. unit

.31

Proposed Building square Feet or # of Units

Acreage of Site

Zoning

Check Review Required:

☒ Site Plan
(major/minor)

☐ Subdivision
of lots _____

☐ PAD Review

☐ 14-403 Streets Review

☐ Flood Hazard

☐ Shoreland

☐ Historic Preservation

☐ DEP Local Certification

☐ Zoning Conditional
Use (ZBA/PB)

☐ Zoning Variance

☐ Other _____

Fees Paid: Site Plan \$400.00 Subdivision _____ Engineer Review _____ Date: 06/18/2001

DRC Approval Status:

Reviewer Steve Bushey

☐ Approved

☒ Approved w/Conditions
See Attached

☐ Denied

Approval Date 07/16/2001

Approval Expiration 07/16/2002

Extension to _____

☒ Additional Sheets
Attached

☐ Condition Compliance

Steve Bushey
signature

07/16/2001
date

Performance Guarantee

☐ Required*

☐ Not Required

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

☐ Performance Guarantee Accepted

_____ date

_____ amount

_____ expiration date

☐ Inspection Fee Paid

_____ date

_____ amount

☐ Building Permit Issued

_____ date

☐ Performance Guarantee Reduced

_____ date

_____ remaining balance

_____ signature

☐ Temporary Certificate of Occupancy

_____ date

☐ Conditions (See Attached)

_____ expiration date

☐ Final Inspection

_____ date

_____ signature

☐ Certificate Of Occupancy

_____ date

☐ Performance Guarantee Released

_____ date

_____ signature

☐ Defect Guarantee Submitted

_____ submitted date

_____ amount

_____ expiration date

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

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Applicant

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☐ Manufacturing ☐ Warehouse/Distribution ☐ Parking Lot ☒ Other (specify) Replace commercial garage

1,500 sq. ft. unit

.31

Proposed Building square Feet or # of Units

Acreage of Site

Zoning

Check Review Required:

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(major/minor)

☐ Subdivision
of lots _____

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☐ 14-403 Streets Review

☐ Flood Hazard

☐ Shoreland

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☐ DEP Local Certification

☐ Zoning Conditional
Use (ZBA/PB)

☐ Zoning Variance

☐ Other _____

Fees Paid: Site Plan \$400.00 Subdivision _____ Engineer Review _____ Date: 06/18/2001

Insp Approval Status:

Reviewer Marge Schmuckal

☐ Approved

☒ Approved w/Conditions
See Attached

☐ Denied

Approval Date 07/18/2001

Approval Expiration 07/18/2002

Extension to _____

☒ Additional Sheets
Attached

☒ Condition Compliance

Marge Schmuckal
signature

07/18/2001
date

Performance Guarantee

☐ Required*

☐ Not Required

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_____ date

_____ amount

_____ expiration date

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_____ date

_____ amount

☐ Building Permit Issued

_____ date

☐ Performance Guarantee Reduced

_____ date

_____ remaining balance

_____ signature

☐ Temporary Certificate of Occupancy

_____ date

☐ Conditions (See Attached)

_____ expiration date

☐ Final Inspection

_____ date

_____ signature

☐ Certificate Of Occupancy

_____ date

☐ Performance Guarantee Released

_____ date

_____ signature

☐ Defect Guarantee Submitted

_____ submitted date

_____ amount

_____ expiration date

ATT JONATHAN SPENCE

July 17, 2001

John Bennett
3 Newcomb Street
Portland, Maine

Subject: Proposed Garage
3 Newcomb Street

Dear John,

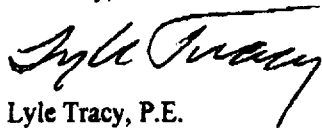
Per your request, I have reviewed the recent adjustments to the proposed site plan to the existing property at 3 Newcomb Street. Initial site modifications were summarized in our letter to you dated June 13, 2001. Recent adjustments to the proposed site plan are in response to comments and concerns of an adjacent property owner located to the north of 3 Newcomb Street (Waxler property) regarding discharge of surface flow toward the north. In response, the following adjustments to the proposed site modification plan include:

- shifting of the proposed new garage and detention swale 3 feet away from the north property line (toward the south);
- replacement of the 2-inch diameter discharge from the detention swale with a 1-foot wide crested weir at elevation 101.5 feet and orientated toward the west; and
- minor/localized regrading to the west of the crested weir to allow sheet flow toward the northwest as water exits the weir (approximately 1 to 2 percent surface slope).

Shifting the garage and swale toward the north will reduce the gravel surface and increase the grassed area on the property by 150 square feet, which will slightly reduce the overall surface flow off the property. As stated in our June 13 letter, our original surface flow assessment had showed that the overall surface flow off the property for the proposed site modifications would be less than that for existing conditions. Replacement of the 2-inch diameter discharge pipe with the crested weir will adequately attenuate peak runoff. Flow from swale will exit the property from the weir toward the northwest via sheet flow, rather than by point discharge from a 2-inch pipe.

In summary, it is concluded that the adjustments to the proposed site modification plan summarized herein will not adversely effect surface flow patterns from the site, and are consistent with the original site plan modifications described on June 13. If you should have any questions concerning this letter, please contact me.

Sincerely,



Lyle Tracy, P.E.

Received
7/19/01



CITY OF PORTLAND

July 9, 2001

Ms. Brenda M. Buchanan
Warren, Currier & Buchanan
57 Exchange Street
Portland, ME 04101

RE: 3 Newcomb Street (CBL 303-F-001)

Dear Ms. Buchanan:

On July 9, 2001, the Portland Planning Authority granted minor site plan approval for the replacement of the existing 733 square foot commercial garage with a new 1,500 square foot garage at the property located at 3 Newcomb Street.

The approval is subject to the following condition(s):

1. That the portions of the lot programmed for parking, ingress and egress be suitably graveled and all other area be seeded with a species of appropriate durability.

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.

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

1. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. A one year extension may be granted by this department if requested by the applicant in writing prior to the expiration date of the site plan.
2. A performance guarantee in a form acceptable to the City of Portland and an inspection fee equal to 2.0% of the performance guarantee will have to be posted before beginning any site construction or issuance of a building permit.
3. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
4. Prior to construction, a pre-construction meeting shall be held at the project site with the contractor, development review coordinator, Public Work'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.

CBL 303-C-001 STREET ADDRESS 3 Newcomb St

DATE	TIME	CONTACT	NARRATIVE	INITIALS
6/July	6:33	John Bennett 799-6322	Called left message that I needed Structural Engineers plans over Slab and headers.	#
7/July	11:00	re 12/4	Will have engineer report on slab-	
11/July	10:00		MR. Bennett called is send in Engineers reports. Received info. 11/July/01. & MR Cormier.	
11/July	2:15		Called MR. Bennett ref. private toilet disposal. Called MR. Bennett and explained No Certificate of occupancy UNTIL private toilet is installed.	
14/July	12:00		Call from State wide Bldg. 3 - 2'x10" heads over door.	

MAINE-WIDE CONSTRUCTION

1-800-452-1940**P.O. Box 2106, Augusta, ME 04338-2106****Fax: 207-622-7528**

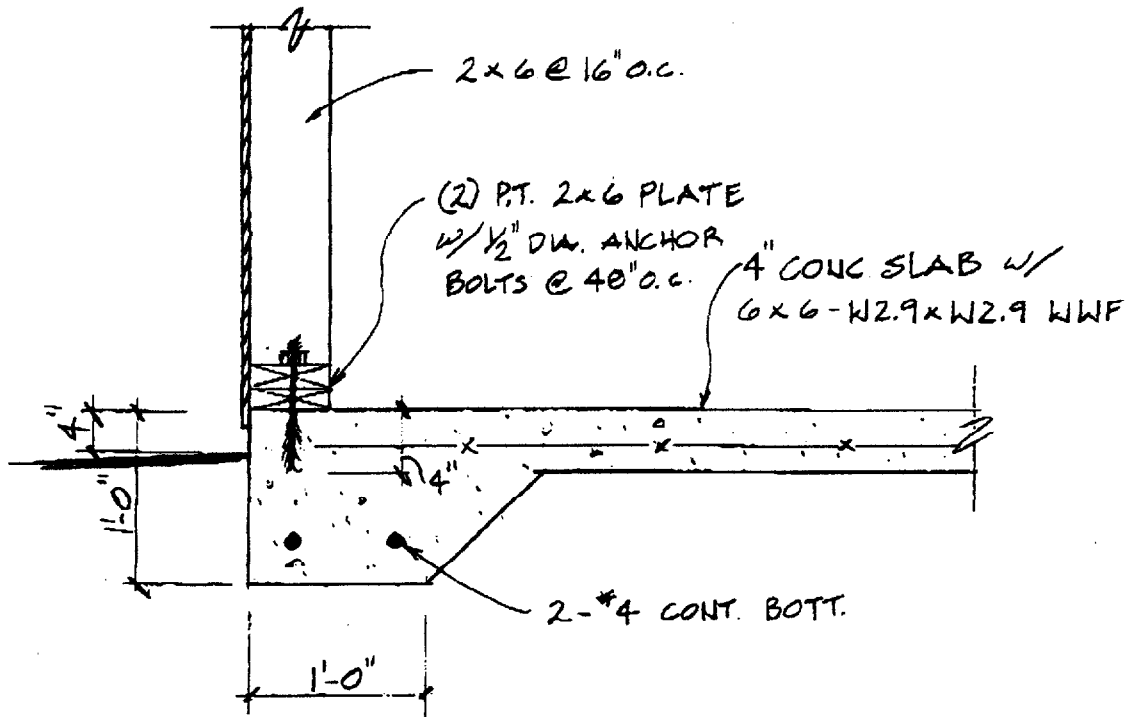
FAX COVER SHEET

Date:	07/11/2001 @ 9:51 a.m.
-------	------------------------

To:	Sam Hoffses, Building Inspector Telephone: 874-8704 Fax: 874-8716
Company:	
From:	Tim Cormier
Re:	John Bennett - Wood Structures Truss Design
No. of Pages	2 (which includes this cover sheet)

NOTES:
Hi Sam,
Faxing over the Truss Design for John Bennett job. (799-6322)
If you have any questions feel free to call me @ 1-800-452-1940.
Thank You.
<i>Tim Cormier</i>
Tim Cormier

F-FAX-COVER



① - TYPICAL WALL FOOTING

GENERAL STRUCTURAL NOTES:

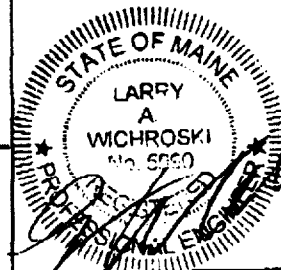
1. Bear footings on firm, compacted soil. Assumed allowable soil bearing pressure = 1,500 psf.
2. Place foundation concrete only on clean, firm, inspected bearing material.
3. Concrete regular weight (144 pcf) with Type II cement per ASTM C150, aggregate per ASTM C33, and potable water. Aggregate size = 1" for footings and slabs. Minimum 28-day compressive strength = 3000 psi.
4. Reinforcing bars shall be deformed per ASTM A 615-S1, Grade 60.
5. Lap splices in concrete: 46 bar diameters.
6. Plain anchors: ASTM A 307.

Title:

BENNETT GARAGE
PORTLAND, ME.

EDP

ENGINEERING DESIGN PROFESSIONALS
Consulting Engineers
P.O. Box 575, Freeport, Maine 04032 (207)865-9505



Job No: 03001

Date: 7-10-01

Name: LAW

Sheet: S-1

207 282 2423
WOOD STRUCTURES INC.

207 282 2423 P.01/01

JUL-09-2001 13:09

Job	Truss	Truss Type	Qty	Ply	W61 Stock Trusses 1/1/99	Sheet
5787545	532	PINK	75	1	11/3/99	B-A-1
WOOD STRUCTURES INC., BIDDLEFORD, ME						
4.0-32 & Sep / 1999 Milled Industries, Inc. Wed Nov 03 14:11:55 1999 Page 1						

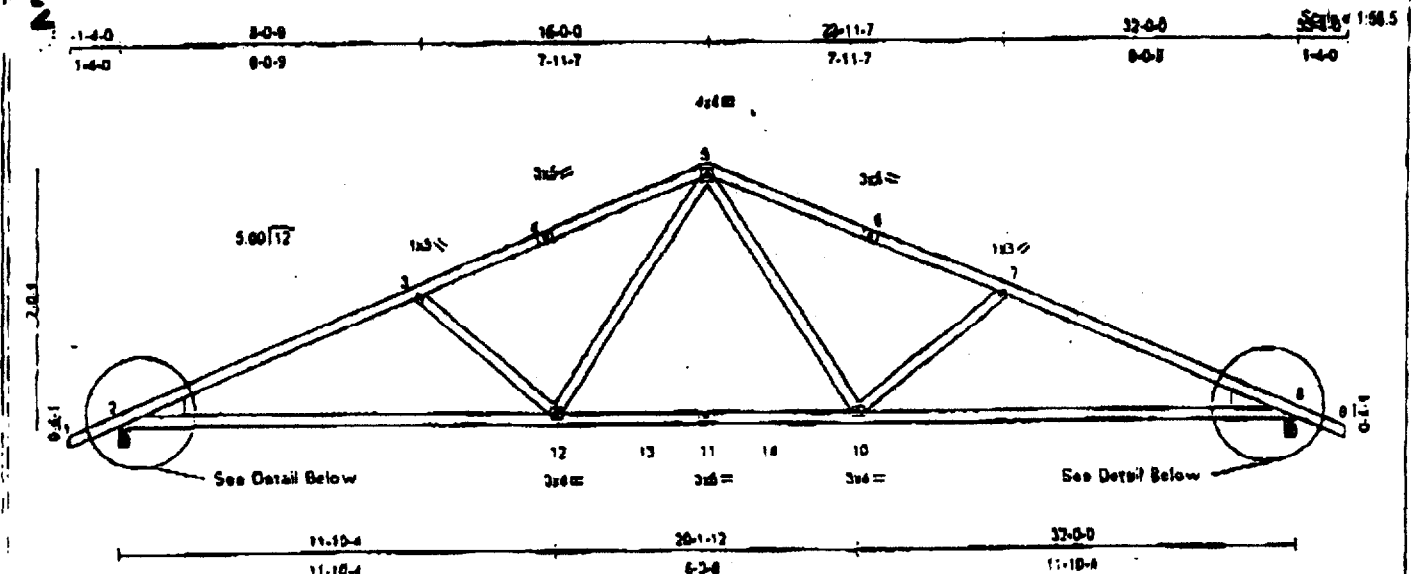


Plate Offsets (in ft)						
14-0-0	6-0-2	12-1-3	2-0-1-0	16-0-0	8-0-2	18-1-3
2-0-0	2-0-0	2-0-0	2-0-0	2-0-0	2-0-0	2-0-0
LOADING (psf)	SPACING	CS1	DEFL	PLATES	GRP	
TCLL 42.0	Plate Increase 1.15	TC 0.75	(in) (ft) (ft)	M20	168/123	
TCCL 7.0	Lumber Increase 1.15	BC 0.77	Vert(TL) -0.37 16-12 > 888			
BCCL 0.0	Rep Stress Incr YES	WB 0.81	Vert(TL) -0.65 2-12 > 883			
BCCL 10.0	Ceds BOCA/ANSI95	(Matrix)	Horz(TL) 0.13 8 h/o			
			1st LC LL Min (defl) = 240			
				Weight: 121 lb		

LUMBER
TOP CHORD 2 X 4 SYP 2400F 2.0E
CHORD 2 X 4 SPF 2100F 1.8E
AS 2 X 4 SPF-8 Stud
ROGE
 Left: 2 X 6 SPF 1850F 1.5E, Right: 2 X 6 SPF 1850F 1.5E

BRACING
TOP CHORD Sheathed or 2-1-5 on center purlin spacing.
BOT CHORD Rigid purlin directly applied or 10-0-0 on center bracing.

REACTIONS (lb/kip): 2 = 2084/0-3-8, 6 = 2084/0-3-8

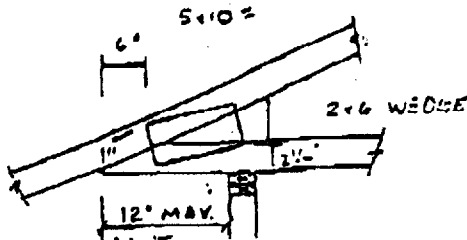
FORCES (lb) - First Load Case Only
TOP CHORD 1-2 = 68, 2-3 = 3993, 3-4 = 3320, 4-5 = 3165, 5-6 = 3165, 6-7 = 3320, 7-8 = 3993, 8-9 = 48
BOT CHORD 2-12 = 3653, 12-13 = 2409, 11-13 = 2409, 11-14 = 2409, 10-14 = 2409, 9-10 = 3653
WEBS 3-12 = -827, 6-12 = 974, 5-10 = 974, 7-10 = -827

NOTES

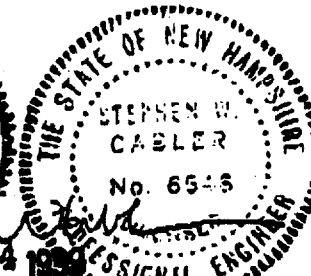
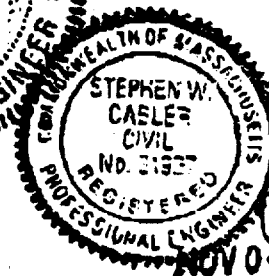
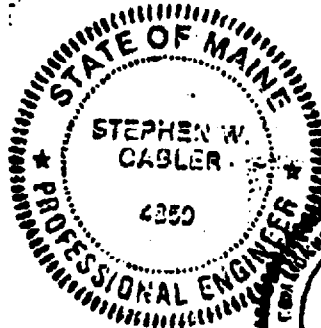
- 1) This truss has been checked for unbalanced loading conditions.
- 2) All plates are M20 plates unless otherwise indicated.
- 3) This truss has been designed for a live load of 20.0psf on the bottom chord in all areas with a clearance greater than 3-6-3 between the bottom chord and any other members.
- 4) This truss has been designed with ANSI/TP: 1-1995 criteria.

LOAD CASE(S): Standard

DESIGN LOADING:
TCLL/TOTAL (PSF)
 23.58 @ 24" oc.
 53.74 @ 19.2" oc.
 60/89 @ 16" oc.



Post-It® Fax Note	7871	Date	# of Pages
To	Tina Carmichael	From	
Co./Dept		Co.	
Phone #		Phone #	
		Fax #	



USE SIDE BEFORE USE.
 When shown, and a tie on individual building component to be shown at component's responsibility of building designer. Not used at temporary shoring to future shoring during construction & the responsibility of the building designer for general guidance.

MII
 TOTAL P.01

799-6322

SCALE

1 CM = 1 FOOT

FLOOR PLAN

← 50' →

WORK AREA

STORAGE

BATH

OFFICE

10' 10'

10'

10'

10'

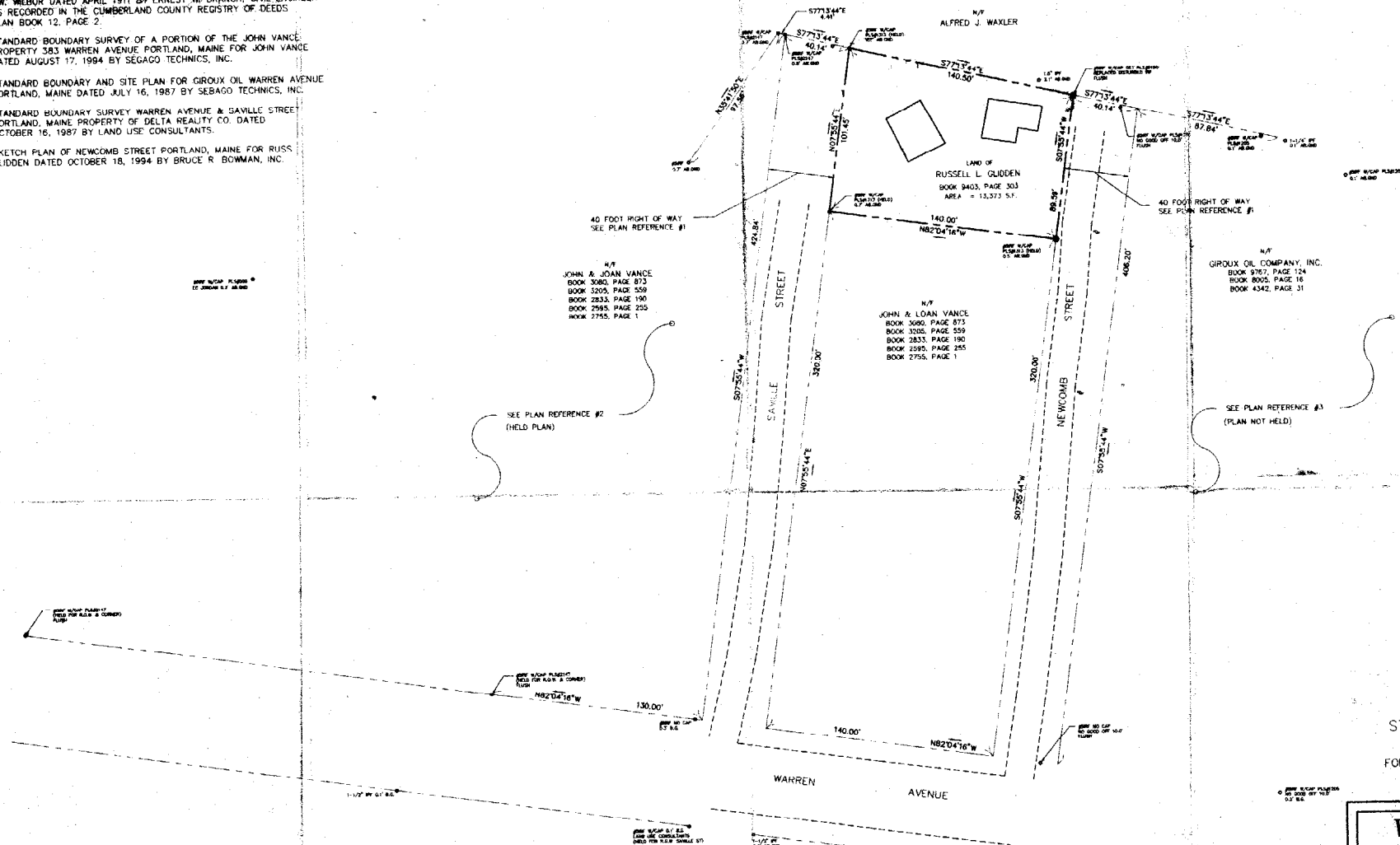
10'

10'

30' 30'

PLAN REFERENCES

1. PLAN OF LOTS WARREN AVENUE TERRACE PORTLAND, MAINE FOR J.W. WILBUR DATED APRIL 1911 BY ERNEST W. BRANCH, CIVIL ENGINEER AS RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS PLAN BOOK 12, PAGE 2.
2. STANDARD BOUNDARY SURVEY OF A PORTION OF THE JOHN VANCE PROPERTY 383 WARREN AVENUE PORTLAND, MAINE FOR JOHN VANCE DATED AUGUST 17, 1994 BY SEGAGO TECHNIQS, INC.
3. STANDARD BOUNDARY AND SITE PLAN FOR GIROUX OIL WARREN AVENUE PORTLAND, MAINE DATED JULY 16, 1987 BY SEBAGO TECHNIQS, INC.
4. STANDARD BOUNDARY SURVEY WARREN AVENUE & SAVILLE STREET PORTLAND, MAINE PROPERTY OF DELTA REALTY CO. DATED OCTOBER 16, 1987 BY LAND USE CONSULTANTS.
5. SKETCH PLAN OF NEWCOMB STREET PORTLAND, MAINE FOR RUSS GUDDEN DATED OCTOBER 18, 1994 BY BRUCE R. BOWMAN, INC.



STANDARD BOUNDARY
SURVEY
FOR: RUSSELL GUDDEN
SAVILLE STREET
PORTLAND, MAINE

WORKSHEET

BH2M

Survey - Map - Boundary - Planning Inc.
ENGINEERS - SURVEYORS - PLANNERS
30 Iron Street, Portland, Maine 04101, 207-859-2771

JOB NO. 98-062	DATE AUGUST 1998	SCALE AS NOTED
DESIGNED R.C.L.	DRAWN R.C.L.	CHECKED L.S.B.

NOT TO BE USED FOR ANY PURPOSES OTHER THAN THAT FOR WHICH IT WAS DESIGNED OR FOR WHICH IT WAS APPROVED BY THE ENGINEER OR ARCHITECT.

GRAPHIC SCALE

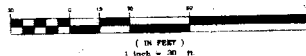
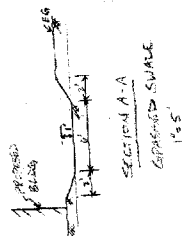
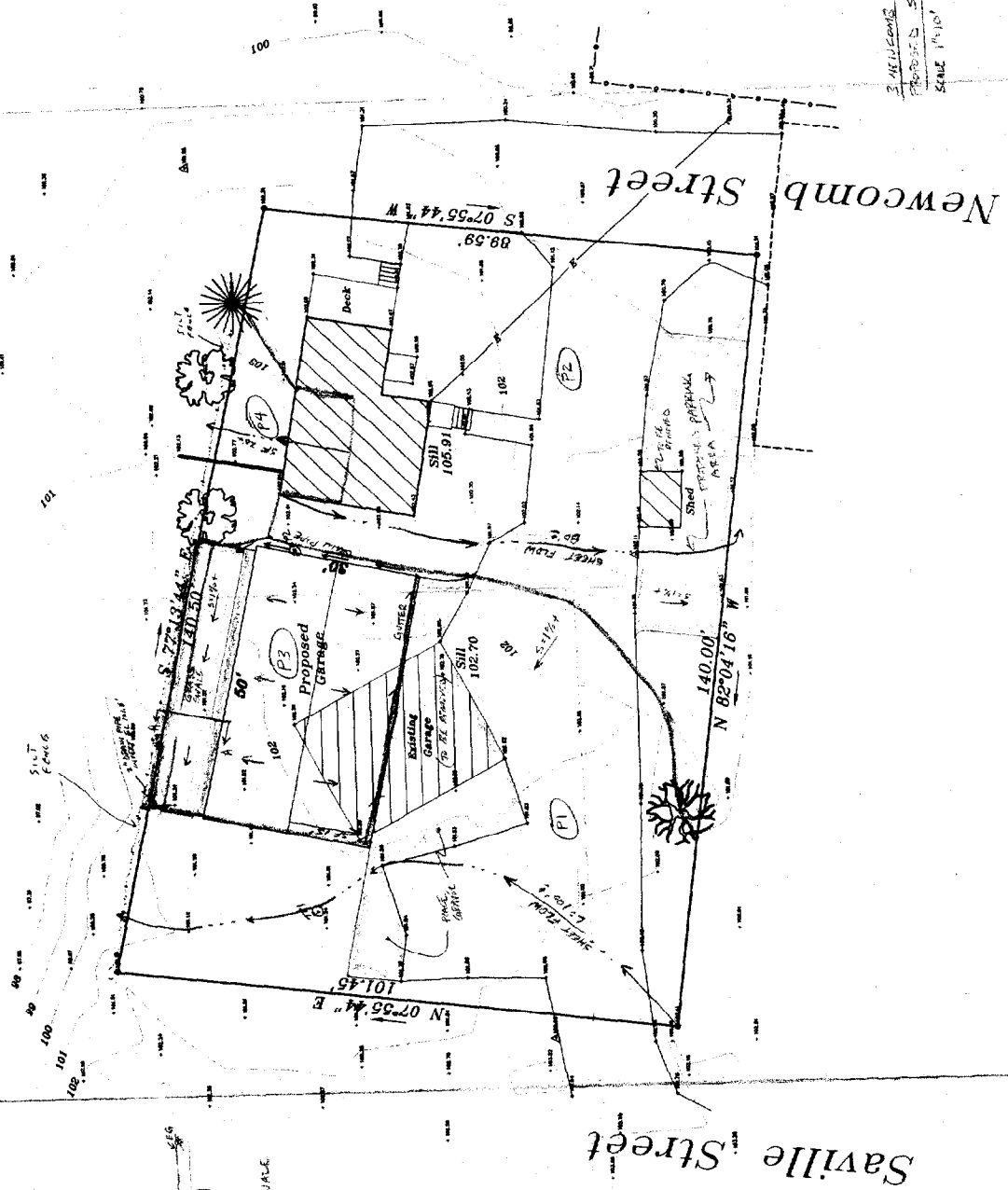
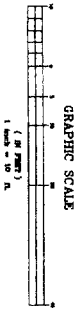


Exhibit C



3 MINCOMB ST.
PROPOSED SITE DRAINAGE PLAN
SCALE 1"=10' 5/8/01





Saville Street

ReAR

Side

Side

Newcomb Street

FRONT



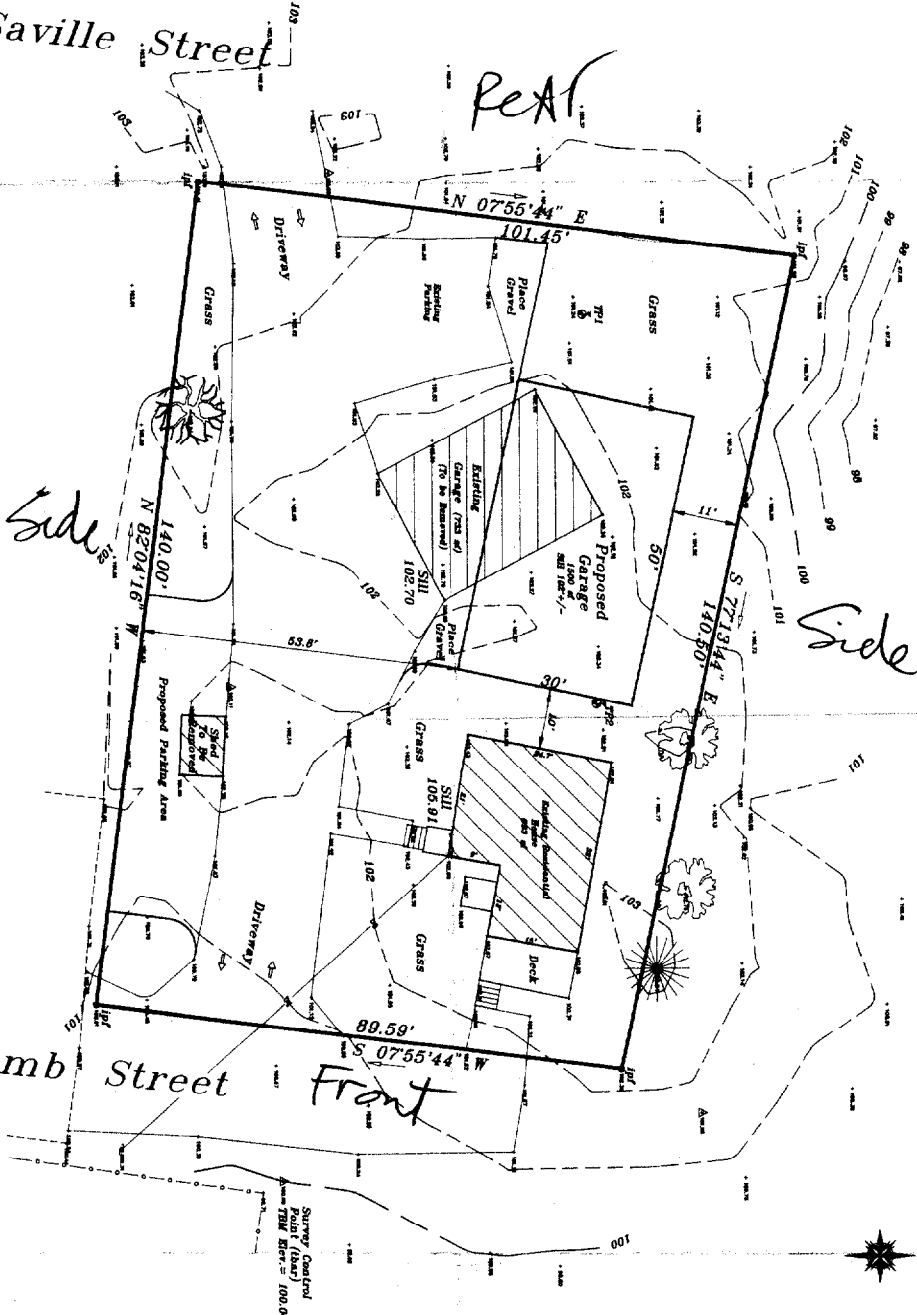
100' x 100' x 100'

Site Plan / Proposed Garage	
DATE: 06/06/01	SCALE: 1" = 20'
DESIGNED BY: Stephen J. Martin, PLS	PROFESSIONAL SEAL NUMBER: 060601
PROJECT NO: 117	CUSTOMER: John Bennett

Site Plan / Proposed Garage


John Bennett
3 Newcomb Street, Portland, Maine

DATE: 06/06/01
SCALE: 1" = 20'
DESIGNED BY: Stephen J. Martin, PLS
PROFESSIONAL SEAL NUMBER: 060601
PROJECT NO: 117
CUSTOMER: John Bennett



- Legend
- Iron Pipe Found
 - Overhead Electrical
 - N/P New or Property of
 - Existing Building
 - Utility Pole
 - Edge of Pavement
 - Tree Pit
 - Survey Control Point
 - Edge of Gravel

- Notes
- 1) Building are based on magnetic north 1984, see reference #1.
 - 2) Contours and spot elevations shown are based on an assumed elevation of 100.00 feet. The actual elevation of the ground surface may vary.
 - 3) Total lot area = 0.21 acres.

 JAMES-WIRE CONSTRUCTION, INC.			
Book 8-1-8"	August	Drawn by I.C.	
Sheet 57-2-1		Checked	
Drawn by J. B. NEWELL			
Location PORTLAND, ME.			Drawing 2

GABLE
ELEVATION

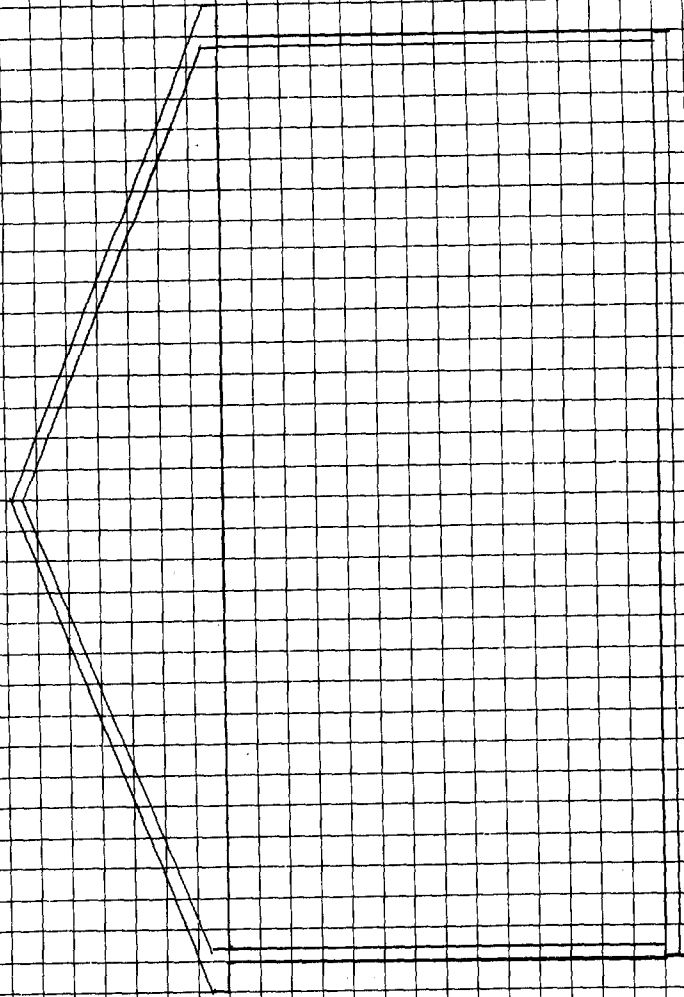


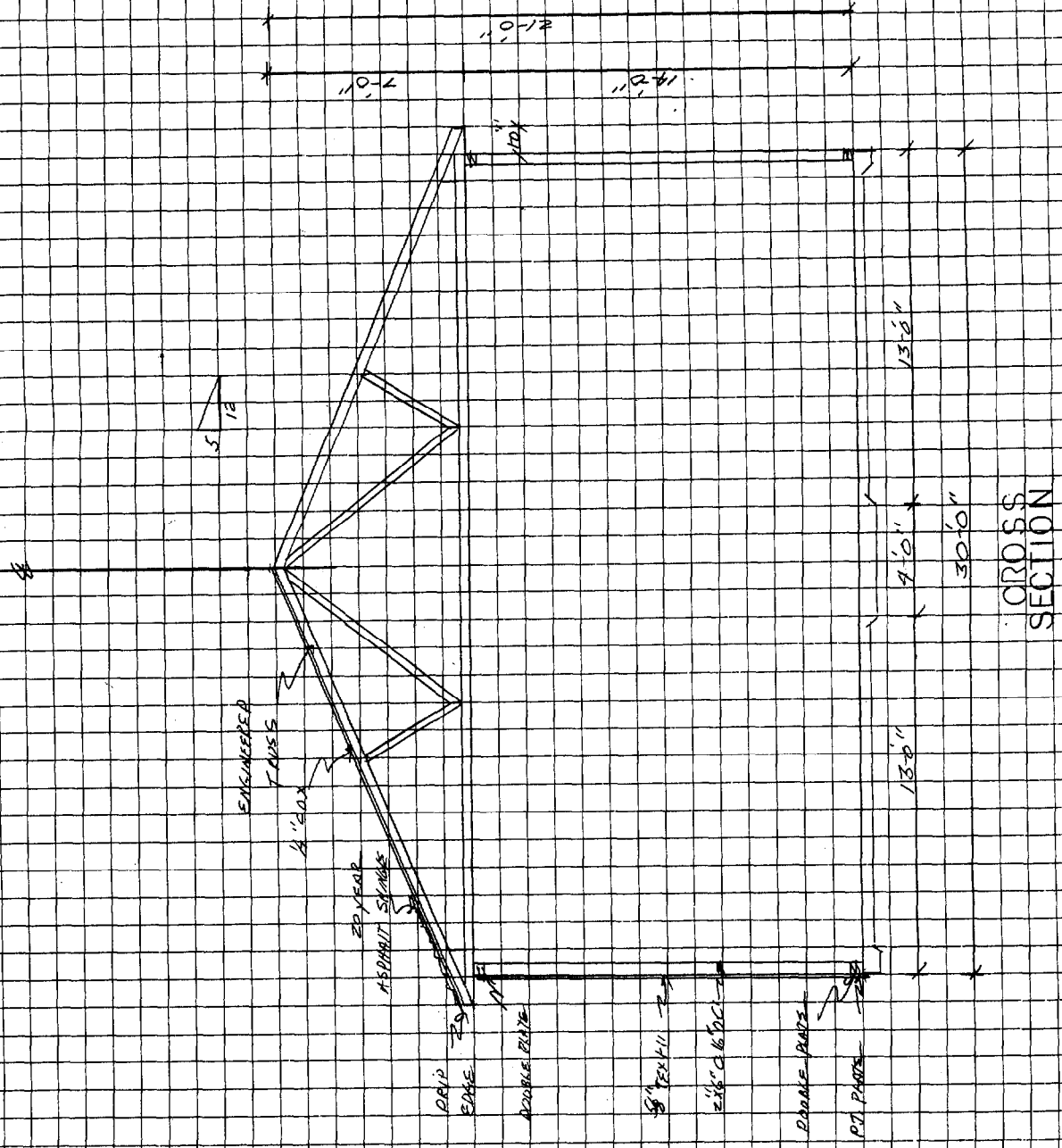
Exhibit G

1500016
OLD STREET
CONCRETE
ANCHOR
BOLTS

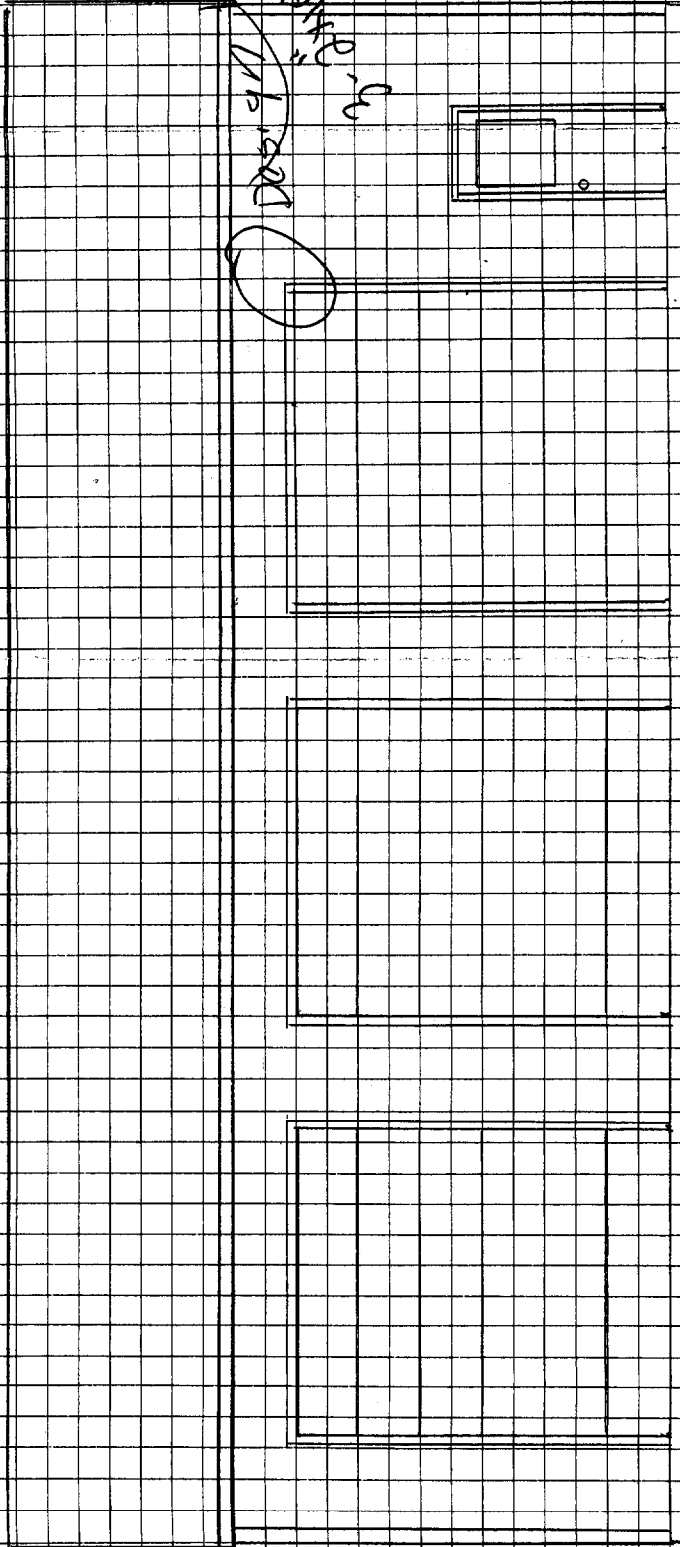
DOUBLY
ANCHORED
8" x 8" x 18"

Date 1/5/01	Approved By TC
Date 5/1/01	Submittal
Drawn By T. BROWN	Checked By
Location ROYAL OAK - MS	Sheet 3

Date 1/5/01	Approved By TC
Date 5/1/01	Submittal
Drawn By T. BROWN	Checked By
Location ROYAL OAK - MS	Sheet 3



CROSS
SECTION



FRONT
ELEVATION

DAVE WILSON CONSTRUCTION, INC.	
DATE 11/18/10	DESIGNED BY J.C.
DATE 11/18/10	APPROVED BY
DATE 11/18/10	LOCATION PORTLAND
DATE 11/18/10	PROJECT 1

WARRANTY DEED

QAD INVESTORS, INC., a Maine Corporation of Westbrook, Cumberland County,
Maine

for consideration paid, grant to JOHN H. BENNETT of Westbrook, Cumberland County,
Maine whose mailing address is 77 Middle Street, Westbrook, Maine 04092

with WARRANTY COVENANTS, the land in Portland, Cumberland County, State of
Maine bounded and described as follows:

See Exhibit A attached hereto and
incorporated herewith

In Witness Whereof, Russell Glidden, President of QAD Investors, Inc. has set his hand
and seal this 31st day of October, 2000

QAD INVESTORS, INC.

By



Russell Glidden, President

STATE OF MAINE
Cumberland, ss.

October 31, 2000

Then personally appeared the above-named Russell Glidden, President of QAD Investors
Inc. and acknowledged the foregoing instrument to be his free act and deed in his said
capacity and the free act and deed of said corporation.

Before me,


Notary Public

Typed Name of Notary: Richard G. Steeves

RICHARD GLENN STEEVES
Notary Public, Maine
My Commission Expires December 7, 2004

Exhibit A

MAINE REAL ESTATE TAX PAID

EXHIBIT A

Certain lots or parcels of land with the buildings thereon situated in the City of Portland, County of Cumberland, and State of Maine and being lots numbered 14, 15, 16, 37, 38, and 39 as delineated on a plan of lots at Warren Avenue Terrace made by Ernest W. Branch, surveyor, dated April 1911 and recorded in Plan Book 12, Page 2 to which reference is hereby made for a more particular description of the premises hereby conveyed.

Being the same premises conveyed to Grantor Corporation by deed dated 11/3/92 recorded in the Cumberland County Registry of Deeds at Book 10566, Page 305.

RECEIVED
RECORDED REGISTRY OF DEEDS
2000 NOV -1 AM 8:48
CUMBERLAND COUNTY
John B. O'Brien

BUILDING PERMIT

~~Site Plan Review~~ Application of John Bennett
Property at 3 Newcomb Street, Portland

Name of Applicant: John H. Bennett
Mailing Address: 77 Middle Street, Westbrook, Maine 04092
Address of Proposed Site: 3 Newcomb Street, Portland, Maine 04103

Applicant John Bennett seeks site plan review approval to replace an existing 733 square foot commercial garage with a new 1,500 square foot commercial garage on property located at 3 Newcomb Street, Portland. Mr. Bennett has worked for many years at an automotive garage known as the South Portland Filling Station, located at 585 Broadway in South Portland. The owner of that business recently has retired, and Mr. Bennett has purchased the site that is the subject of this application in order to establish his own business.

The property is in the B-4 (Commercial Corridor) Zone. The applicant's source of title is a Warranty Deed from QAD Investors, Inc. to John H. Bennett dated October 31, 2001 and recorded in the Cumberland County Registry of Deeds, Book 15817, Page 287. A copy of said deed is attached hereto, marked as **Exhibit A**. The property is designated on city tax maps as Map 303 Block C Lot 1.

CHECKLIST ITEMS:

A standard boundary survey by Stephen J. Martin, R.L.S., is attached hereto, marked as **Exhibit B**. It shows that the applicant is John Bennett, that the name of the project is merely "Proposed Garage," the scale and north points, and the boundaries of the site. It also shows that the total land area of the site is .31 acres (13,373 square feet). The topographic features of the site also are shown. For reference, the applicant also has attached, marked as **Exhibit C**, a copy of an August, 1998 survey done for the former owner of the property by BH2M of Gorham. The purpose of attaching this plan to the application is to provide more perspective about the location of the site.

The existing soil conditions are set forth in the Stormwater Analysis performed by Ray Wingert, CPESC and Lyle Tracy, P.E., which is attached and marked as **Exhibit D**. In addition, a drawing showing the existing drainage conditions is attached, marked as **Exhibit E**, and a drawing showing the proposed drainage plan is attached, marked as **Exhibit F**. The site does not contain any watercourses, marshes, rock outcroppings or wooded areas of note.

The location and ground floor area of existing and proposed structures are shown on **Exhibit B**. The grade elevations of the proposed garage are shown on a three-page sketch prepared by Maine-Wide Construction, Inc., the manufacturer of the proposed structure, which sketch is attached hereto, marked as **Exhibit G**. Specifications for the proposed building showing details about doors and materials to be used are shown on a plan provided by Maine-Wide, attached hereto and marked as **Exhibit H**.

Shown on the plan is a fence on an abutting property owned by Giroux Oil located across Newcomb Street. Behind the fence is a large lot that Giroux Oil uses for its business, including office space, parking of oil trucks and storage of equipment. Southerly of the applicant's property is a large lot owned by John Vance. On the Newcomb street side of that lot is a large garage-like structure that is partly vacant but houses several small businesses, such as a carpentry business and a security firm (down on the Warren Avenue end). On the Saville Street side of the Vance lot, immediately south of the applicant's property line, there are a number of tractor trailer unit bodies without wheels, apparently used for storage. Southerly of those structures is a small brick house that currently is empty. Across Saville Street from the brick house is another single-family house.

The applicant proposes to locate a dumpster outside of the proposed garage. He did not show it on the plan because he was unsure where the city would prefer it be located. He is willing to locate it in whatever location is preferred by the city, and to enclose it per the code.

No off-site public sewer or water facilities are accessible to this site. In addition, the two streets that it abuts – Newcomb and Saville Streets – are unaccepted by the city. Due to the fact that this site already has been developed, and that site plan review approval was granted in 1994 to a former owner in order to construct the existing garage, Zoning Administrator Marge Schmuckal has ruled that it is not necessary for the applicant to build Newcomb Street up to city standards, per Code §14-403. See attached letter to applicant's counsel from Marge Schmuckal dated May 22, 2001, attached hereto and marked as **Exhibit I**.

Exhibit D shows existing and proposed directions of water flow, along with a proposed drainage system. The Stormwater Analysis concludes the site has no unusual or problematic topographical features. It is essentially a small, flat lot. The applicant proposes to gutter the new building to direct runoff to the rear of the building where a detention swale to be constructed would provide sufficient stoppage to attenuate peak runoff to a level less than existing conditions.

The site is not subject to any easements or rights-of-way of record or other burdens.

As can be seen on **Exhibit B**, two driveways are proposed, one with ingress and egress onto Newcomb Street and the other with ingress and egress onto Saville Street. There are no particular pedestrian accessways. The applicant proposes to park cars in two areas – to the west of the proposed garage, where existing parking has been located, and also in an area at the southeasterly corner of the lot. The spaces are not shown as striped because the area will not be paved and striped. There is adequate space in the designated area for a total of eight cars. The nature of the applicant's business is that in almost all cases, he repairs and returns vehicles to their owners the same day as they are dropped off at his garage. He therefore anticipates that cars will be parked on the site overnight only on rare occasions.

There are no loading facilities associated with the applicant's business. As noted above, ingress and egress will be to and from both Newcomb and Saville Streets. There are no curbs or sidewalks (and, in fact, only rudimentary pavement) on those streets.

The landscaping plan is shown on **Exhibit B**. It will essentially retain the existing trees on the site, add some gravel and grass in areas that are currently bare earth due to the existing use of the site. The applicant does not propose any extensive landscaping, screening or buffering given the site's location, but is willing to follow recommendations of staff in this regard.

The lighting plan is simple – one light outside the door of the building, as shown on a hand-drawn sketch depicting the electrical plan that is attached hereto and marked as **Exhibit J**. Specifications for the light is as follows: 175 watt mercury vapor dusk-to-dawn security lamps, 7,000 lumens at the source, shielded to prevent glare at the house on the site. See specifications, attached hereto, marked as **Exhibit K**.

There are no fire hydrants on Newcomb or Saville Streets. The nearest one is on Warren Avenue. The applicant intends to maintain on site a fire extinguisher adequate for use in an automotive garage.

PROPOSED USES ON THE SITE:

The site currently is developed with a residential structure measuring 693 square feet plus a deck on its easterly side measuring approximately 8 x 15 feet, a storage shed and a 733 square foot structure currently used as a commercial garage.

No change is proposed to the existing residential structure except that the sump-pump drainage that is currently channeled directly onto the ground via a pipe coming out of a cellar window will be channeled into a dry well to be constructed at the rear of the house.

The shed is not useful to the applicant and is proposed for demolition.

The existing garage is of extremely poor construction, and is sited at an awkward angle to the driveway that leads from Newcomb Street to the site. The applicant proposes to demolish the existing garage along with the shed and remove all of the associated debris from the site. He proposes to construct a 1,500 square foot (30' x 50') garage having three bays and a small office area. The new building is sited square to the property line in order to be more easily accessed from the driveway.

The proposed structure is a prefabricated insulated wood structure on a concrete slab. It will have a gabled roof. The building height will be 22 feet. Three 10' x 12' overhead doors will front the bays and a standard door on the easterly end of the front of the building will open into the office area. Heat will be a waste-oil fueled hot-air furnace.

James G. Mancini, S.E., a Maine licensed site evaluator, conducted an on-site investigation of the potential for subsurface wastewater disposal and concluded that the

site cannot support any sort of subsurface system. A copy of a letter from Mr. Mancini and the notes of his findings are attached hereto, marked as **Exhibit L**. Consequently, the applicant proposes to install a self-contained toilet, either a composing or gas-burning model. Copies of specifications for such toilets are attached hereto, marked as **Exhibit M**. The applicant proposes to use waterless hand cleanser. There is an exterior water spigot on the side of the existing house, and the applicant proposes to use that spigot for a water source on the limited number of occasions that he needs water in the course of his business, such as when an automobile radiator needs to be filled.

The applicant estimates it will take three months to demolish the existing garage and complete construction of the new garage and site improvements as shown on the site plan.

No state or federal regulatory approvals are required.

This project is to be financed by the applicant with his own funds. A copy of his bank account summary as of May 4, 2001 is attached hereto, marked as **Exhibit N**, along with bids and price quotes for the necessary site work, purchase and installation of the building and electrical work, marked as **Exhibit O**.

COMPLIANCE WITH ZONING REQUIREMENTS:

The site is located in the B-4 Zone. Code §14-229-11(14) says that facilities for the maintenance and repair of automobiles are a permitted use provided that all repairs are performed in a fully-enclosed structure. The applicant will perform all repairs inside the proposed three-bay garage, which will be fully equipped with lifts.

The plan meets all of the dimensional requirements set out in §14-229.13. Lot size is 13,373 square feet (10,000 square feet is required), it has street frontage of 89.59 square feet (60 feet is required), it is set back more than 60 feet from the front of the lot (20 feet is required), more than 25 feet from the rear line (20 feet is required), eleven feet from the sideline on the north and 53.8 feet from the sideline on the south (10 feet is required.) The lot is 89.59 feet wide at the front and 101.45 feet wide at the rear, (60 feet is the lot width minimum) and the building will be 22 feet high (65 feet is the maximum). The calculations showing acceptable impervious surface and maximum floor area ratios are set forth in **Exhibit D**.

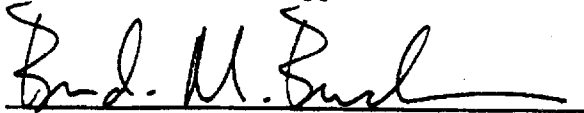
As for the other requirements set forth in §14-229.14, the landscaping is in keeping with the surrounding area, and the zoning administrator has agreed that no curbs or sidewalks need be constructed (See **Exhibit I**). Division 20 of the Code, which sets forth the requirements for off-street parking, does not set a minimum number of parking spaces for an automotive garage (or any business with less than 3, 000 square feet of floor area) in the B-4 zone. The business does not require a loading area. The applicant is aware that he must obtain a permit before erecting a sign for his business and that the size, type and location of the sign will be governed by the provisions of Division 22 of the Code. There will be no exterior storage of materials. Overnight parking of vehicles on the site will

occur rarely. No junk vehicles will be maintained on the site. Trash, waste and debris will be disposed of in the dumpster or by recycling, as appropriate. The site is not located in a shoreland or flood plain zone.

Finally, the applicant does not anticipate any problems with the external effects regulated by §14-229.15. All work will be done within an enclosed structure. The operation will not violate noise level standards, it will not be the source of vibration or heat. The single exterior light will be shielded to prevent glare from reaching the existing house on the site. The business to be operated by the applicant does not involve radiation, or emit fumes or smoke.

Dated this fourteenth day of June, 2001.

By: 
John H. Bennett, Applicant



Brenda M. Buchanan
Attorney for Applicant
Warren, Currier & Buchanan
57 Exchange Street
Portland, Maine 04101
Tel. 772-1262

BUILDING PERMIT

~~Site Plan Review~~ Application of John Bennett
Property at 3 Newcomb Street, Portland

Name of Applicant: John H. Bennett
Mailing Address: 77 Middle Street, Westbrook, Maine 04092
Address of Proposed Site: 3 Newcomb Street, Portland, Maine 04103

Applicant John Bennett seeks site plan review approval to replace an existing 733 square foot commercial garage with a new 1,500 square foot commercial garage on property located at 3 Newcomb Street, Portland. Mr. Bennett has worked for many years at an automotive garage known as the South Portland Filling Station, located at 585 Broadway in South Portland. The owner of that business recently has retired, and Mr. Bennett has purchased the site that is the subject of this application in order to establish his own business.

The property is in the B-4 (Commercial Corridor) Zone. The applicant's source of title is a Warranty Deed from QAD Investors, Inc. to John H. Bennett dated October 31, 2001 and recorded in the Cumberland County Registry of Deeds, Book 15817, Page 287. A copy of said deed is attached hereto, marked as **Exhibit A**. The property is designated on city tax maps as Map 303 Block C Lot 1.

CHECKLIST ITEMS:

A standard boundary survey by Stephen J. Martin, R.L.S., is attached hereto, marked as **Exhibit B**. It shows that the applicant is John Bennett, that the name of the project is merely "Proposed Garage," the scale and north points, and the boundaries of the site. It also shows that the total land area of the site is .31 acres (13,373 square feet). The topographic features of the site also are shown. For reference, the applicant also has attached, marked as **Exhibit C**, a copy of an August, 1998 survey done for the former owner of the property by BH2M of Gorham. The purpose of attaching this plan to the application is to provide more perspective about the location of the site.

The existing soil conditions are set forth in the Stormwater Analysis performed by Ray Wingert, CPESC and Lyle Tracy, P.E., which is attached and marked as **Exhibit D**. In addition, a drawing showing the existing drainage conditions is attached, marked as **Exhibit E**, and a drawing showing the proposed drainage plan is attached, marked as **Exhibit F**. The site does not contain any watercourses, marshes, rock outcroppings or wooded areas of note.

The location and ground floor area of existing and proposed structures are shown on **Exhibit B**. The grade elevations of the proposed garage are shown on a three-page sketch prepared by Maine-Wide Construction, Inc., the manufacturer of the proposed structure, which sketch is attached hereto, marked as **Exhibit G**. Specifications for the proposed building showing details about doors and materials to be used are shown on a plan provided by Maine-Wide, attached hereto and marked as **Exhibit H**.

Shown on the plan is a fence on an abutting property owned by Giroux Oil located across Newcomb Street. Behind the fence is a large lot that Giroux Oil uses for its business, including office space, parking of oil trucks and storage of equipment. Southerly of the applicant's property is a large lot owned by John Vance. On the Newcomb street side of that lot is a large garage-like structure that is partly vacant but houses several small businesses, such as a carpentry business and a security firm (down on the Warren Avenue end). On the Saville Street side of the Vance lot, immediately south of the applicant's property line, there are a number of tractor trailer unit bodies without wheels, apparently used for storage. Southerly of those structures is a small brick house that currently is empty. Across Saville Street from the brick house is another single-family house.

The applicant proposes to locate a dumpster outside of the proposed garage. He did not show it on the plan because he was unsure where the city would prefer it be located. He is willing to locate it in whatever location is preferred by the city, and to enclose it per the code.

No off-site public sewer or water facilities are accessible to this site. In addition, the two streets that it abuts – Newcomb and Saville Streets – are unaccepted by the city. Due to the fact that this site already has been developed, and that site plan review approval was granted in 1994 to a former owner in order to construct the existing garage, Zoning Administrator Marge Schmuckal has ruled that it is not necessary for the applicant to build Newcomb Street up to city standards, per Code §14-403. See attached letter to applicant's counsel from Marge Schmuckal dated May 22, 2001, attached hereto and marked as **Exhibit I**.

Exhibit D shows existing and proposed directions of water flow, along with a proposed drainage system. The Stormwater Analysis concludes the site has no unusual or problematic topographical features. It is essentially a small, flat lot. The applicant proposes to gutter the new building to direct runoff to the rear of the building where a detention swale to be constructed would provide sufficient stoppage to attenuate peak runoff to a level less than existing conditions.

The site is not subject to any easements or rights-of-way of record or other burdens.

As can be seen on **Exhibit B**, two driveways are proposed, one with ingress and egress onto Newcomb Street and the other with ingress and egress onto Saville Street. There are no particular pedestrian accessways. The applicant proposes to park cars in two areas – to the west of the proposed garage, where existing parking has been located, and also in an area at the southeasterly corner of the lot. The spaces are not shown as striped because the area will not be paved and striped. There is adequate space in the designated area for a total of eight cars. The nature of the applicant's business is that in almost all cases, he repairs and returns vehicles to their owners the same day as they are dropped off at his garage. He therefore anticipates that cars will be parked on the site overnight only on rare occasions.

There are no loading facilities associated with the applicant's business. As noted above, ingress and egress will be to and from both Newcomb and Saville Streets. There are no curbs or sidewalks (and, in fact, only rudimentary pavement) on those streets.

The landscaping plan is shown on **Exhibit B**. It will essentially retain the existing trees on the site, add some gravel and grass in areas that are currently bare earth due to the existing use of the site. The applicant does not propose any extensive landscaping, screening or buffering given the site's location, but is willing to follow recommendations of staff in this regard.

The lighting plan is simple – one light outside the door of the building, as shown on a hand-drawn sketch depicting the electrical plan that is attached hereto and marked as **Exhibit J**. Specifications for the light is as follows: 175 watt mercury vapor dusk-to-dawn security lamps, 7,000 lumens at the source, shielded to prevent glare at the house on the site. See specifications, attached hereto, marked as **Exhibit K**.

There are no fire hydrants on Newcomb or Saville Streets. The nearest one is on Warren Avenue. The applicant intends to maintain on site a fire extinguisher adequate for use in an automotive garage.

PROPOSED USES ON THE SITE:

The site currently is developed with a residential structure measuring 693 square feet plus a deck on its easterly side measuring approximately 8 x 15 feet, a storage shed and a 733 square foot structure currently used as a commercial garage.

No change is proposed to the existing residential structure except that the sump-pump drainage that is currently channeled directly onto the ground via a pipe coming out of a cellar window will be channeled into a dry well to be constructed at the rear of the house.

The shed is not useful to the applicant and is proposed for demolition.

The existing garage is of extremely poor construction, and is sited at an awkward angle to the driveway that leads from Newcomb Street to the site. The applicant proposes to demolish the existing garage along with the shed and remove all of the associated debris from the site. He proposes to construct a 1,500 square foot (30' x 50') garage having three bays and a small office area. The new building is sited square to the property line in order to be more easily accessed from the driveway.

The proposed structure is a prefabricated insulated wood structure on a concrete slab. It will have a gabled roof. The building height will be 22 feet. Three 10' x 12' overhead doors will front the bays and a standard door on the easterly end of the front of the building will open into the office area. Heat will be a waste-oil fueled hot-air furnace.

James G. Mancini, S.E., a Maine licensed site evaluator, conducted an on-site investigation of the potential for subsurface wastewater disposal and concluded that the

site cannot support any sort of subsurface system. A copy of a letter from Mr. Mancini and the notes of his findings are attached hereto, marked as **Exhibit L**. Consequently, the applicant proposes to install a self-contained toilet, either a composting or gas-burning model. Copies of specifications for such toilets are attached hereto, marked as **Exhibit M**. The applicant proposes to use waterless hand cleanser. There is an exterior water spigot on the side of the existing house, and the applicant proposes to use that spigot for a water source on the limited number of occasions that he needs water in the course of his business, such as when an automobile radiator needs to be filled.

The applicant estimates it will take three months to demolish the existing garage and complete construction of the new garage and site improvements as shown on the site plan.

No state or federal regulatory approvals are required.

This project is to be financed by the applicant with his own funds. A copy of his bank account summary as of May 4, 2001 is attached hereto, marked as **Exhibit N**, along with bids and price quotes for the necessary site work, purchase and installation of the building and electrical work, marked as **Exhibit O**.

COMPLIANCE WITH ZONING REQUIREMENTS:

The site is located in the B-4 Zone. Code §14-229-11(14) says that facilities for the maintenance and repair of automobiles are a permitted use provided that all repairs are performed in a fully-enclosed structure. The applicant will perform all repairs inside the proposed three-bay garage, which will be fully equipped with lifts.

The plan meets all of the dimensional requirements set out in §14-229.13. Lot size is 13,373 square feet (10,000 square feet is required), it has street frontage of 89.59 square feet (60 feet is required), it is set back more than 60 feet from the front of the lot (20 feet is required), more than 25 feet from the rear line (20 feet is required), eleven feet from the sideline on the north and 53.8 feet from the sideline on the south (10 feet is required.) The lot is 89.59 feet wide at the front and 101.45 feet wide at the rear, (60 feet is the lot width minimum) and the building will be 22 feet high (65 feet is the maximum). The calculations showing acceptable impervious surface and maximum floor area ratios are set forth in **Exhibit D**.

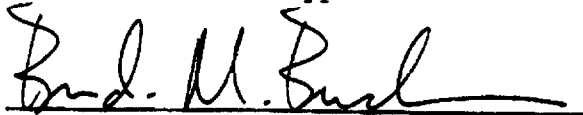
As for the other requirements set forth in §14-229.14, the landscaping is in keeping with the surrounding area, and the zoning administrator has agreed that no curbs or sidewalks need be constructed (See **Exhibit I**). Division 20 of the Code, which sets forth the requirements for off-street parking, does not set a minimum number of parking spaces for an automotive garage (or any business with less than 3,000 square feet of floor area) in the B-4 zone. The business does not require a loading area. The applicant is aware that he must obtain a permit before erecting a sign for his business and that the size, type and location of the sign will be governed by the provisions of Division 22 of the Code. There will be no exterior storage of materials. Overnight parking of vehicles on the site will

occur rarely. No junk vehicles will be maintained on the site. Trash, waste and debris will be disposed of in the dumpster or by recycling, as appropriate. The site is not located in a shoreland or flood plain zone.

Finally, the applicant does not anticipate any problems with the external effects regulated by §14-229.15. All work will be done within an enclosed structure. The operation will not violate noise level standards, it will not be the source of vibration or heat. The single exterior light will be shielded to prevent glare from reaching the existing house on the site. The business to be operated by the applicant does not involve radiation, or emit fumes or smoke.

Dated this fourteenth day of June, 2001.

By: 
John H. Bennett, Applicant



Brenda M. Buchanan
Attorney for Applicant
Warren, Currier & Buchanan
57 Exchange Street
Portland, Maine 04101
Tel. 772-1262

SCALE

1 cm = 1 foot

FLOOR PLAN

← 50' →

WORK AREA

STORAGE

BATH

OFFICE

10'

10'

10'

10'

30' →



CITY OF PORTLAND, MAINE

Department of Building Inspection

7/3

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Received from John Bennett a fee

of two hundred sixty four ^{xx}/₁₀₀ Dollars \$ 264.⁰⁰

for permit to Demo - 1 - 1 permit App.
Rebuild - 1 - permit App.

at 3 Newcomb St Est. Cost \$ —

CBL # 303-C-001

CK # 522

Inspector of buildings

Per Ch H

THIS IS NOT A PERMIT

No work is to be started until PERMIT CARD is actually posted upon the premises. Acceptance of fee is no guarantee that permit will be granted. PRESERVE THIS RECEIPT. In case permit cannot be granted the amount of the fee will be refunded upon return of the receipt less \$5.00 or 10% whichever is greater.

WHITE - Applicant's Copy
YELLOW - Office Copy
PINK - Auditors Copy

- Jim Keely

Keely Const.

937 Washington

8-20