

# DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK CITY OF PORTLAND

BU  ION

**PERMIT**

Permit Number 00313 **PERMIT ISSUED**

Please Read Application And Notes, if Any, Attached

This is to certify that VANCE JOHN A AND JOAN  
has permission to Change of use from Vacant Land Parking spaces Tow Lo MAY 28 2010

AT 355 WARREN AVE 303 C012001 City of Portland

provided that the person or persons, firm or corporation accepting this permit shall comply with all of the provisions of the Statutes of Maine and of the Ordinances of the City of Portland regulating the construction, maintenance and use of buildings and structures, and of the application on file in this department.

Apply to Public Works for street line and grade if nature of work requires such information.

Notification of inspection must be given and written permission procured before this building or part thereof is lath or other closed-in. 2 HOUSING NOTICE IS REQUIRED.

A certificate of occupancy must be procured by owner before this building or part thereof is occupied.

**OTHER REQUIRED APPROVALS**

Fire Dept. Capt. R. Smith  
Health Dept. \_\_\_\_\_  
Appeal Board \_\_\_\_\_  
Other \_\_\_\_\_  
Department Name

Director - Building & Inspection Services

**PENALTY FOR REMOVING THIS CARD**

**City of Portland, Maine - Building or Use Permit Application**

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

Permit No: 10-0513	Issue Date:	CBL: 303 C012001
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Location of Construction: 355 WARREN AVE	Owner Name: VANCE JOHN A AND JOAN A	Owner Address: 393 WARREN AVE	Phone:
Business Name:	Contractor Name:	Contractor Address:	Phone:
Lessee/Buyer's Name	Phone:	Permit Type: Change of Use - Commercial	Zone: B-4

Past Use: Vacant Land/ Parking 70 spaces	Proposed Use: Tow Lot - Change of use from Vacant Land/ Parking 70 spaces to Tow Lot <i>MAXIMUM of 70 CARS</i>	Permit Fee: \$270.00	Cost of Work: \$24,500.00	CEO District: 5
		FIRE DEPT: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <i>See Conditions</i>	INSPECTION: Use Group: <i>Parking Lot</i> Type:	

Proposed Project Description: Change of use from Vacant Land/ Parking 70 spaces to Tow Lot <i>MAXIMUM of 70 CARS</i>	Signature: <i>(Signature)</i>	Signature: <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: Idobson	Date Applied For: 05/13/2010	<b>Zoning Approval</b>	
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- 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..

<b>Special Zone or Reviews</b> <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>2007-0130</i> Maj <input type="checkbox"/> Minor <input checked="" type="checkbox"/> MM Date: <i>ok with conditions 5/17/10</i>	<b>Zoning Appeal</b> <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: _____	<b>Historic Preservation</b> <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: _____
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**PERMIT ISSUED**  
MAY 28 2010

City of Portland

**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

## BUILDING PERMIT INSPECTION PROCEDURES

Please call 874-8703 or 874-8693 (ONLY)

or email: [buildinginspections@portlandmaine.gov](mailto:buildinginspections@portlandmaine.gov)

With the issuance of this permit, the owner, builder or their designee is required to provide adequate notice to the City of Portland Inspection Services for the following inspections. Appointments must be requested 48 to 72 hours in advance of the required inspection. The inspection date will need to be confirmed by this office.

- Please read the conditions of approval that is attached to this permit!! Contact this office if you have any questions.
- Permits expire in 6 months, if the project is not started or ceases for 6 months.
- If the inspection requirements are not followed as stated below additional fees may be incurred due to the issuance of a "Stop Work Order" and subsequent release to continue with construction.

  X   Final/Certificate of Occupancy: Prior to any occupancy of the structure or use.

NOTE: There is a \$75.00 fee per inspection at this point.

The project cannot move to the next phase prior to the required inspection and approval to continue, REGARDLESS OF THE NOTICE OR CIRCUMSTANCES.

**IF THE PERMIT REQUIRES A CERTIFICATE OF OCCUPANCY, IT MUST BE PAID FOR AND ISSUED TO THE OWNER OR DESIGNEE BEFORE THE SPACE MAY BE OCCUPIED.**

PERMIT ISSUED

MAY 28 2010

City of Portland

**CITY OF PORTLAND**  
**DEPARTMENT OF PLANNING & URBAN DEVELOPMENT**

389 Congress Street  
 Portland, Maine 04101

**INVOICE FOR PERMIT FEES**

<b>Application No:</b> 10-0513	<b>Applicant:</b> VANCE JOHN A AND JOAN A
<b>Project Name:</b> Change of use from Vacant Land/ f	<b>Location:</b> 355 WARREN AVE
<b>CBL:</b> 303 C012001	<b>Development Type:</b>
<b>Invoice Date:</b> 05/13/2010	

<b>Previous Balance</b>	-	<b>Payment Received</b>	+	<b>Current Fees</b>	-	<b>Current Payment</b>	=	<b>Total Due</b>	<b>Payment Due Date</b>
\$0.00		\$0.00		\$345.00		\$270.00		\$75.00	On Receipt

**First Billing**

**Previous Balance** **\$0.00**

<b>Fee Description</b>	<b>Qty</b>	<b>Fee/Deposit Charge</b>
Certificate of Occupancy	1	\$75.00
Change of Use First \$1000	1	\$30.00
Change of Use Add'l \$1000	1	\$240.00
		<u>\$345.00</u>

**PERMIT ISSUED**

**MAY 28 2010**

**City of Portland**

<b>Total Current Fees:</b>	+ \$345.00
<b>Total Current Payments:</b>	- \$270.00
<b>Amount Due Now:</b>	<u>\$75.00</u>

Detach and remit with payment

**Bill to:** VANCE JOHN A AND JOAN A  
 393 WARREN AVE  
 PORTLAND, ME 04103

CBL 303 C012001  
**Application No:** 10-0513  
**Invoice Date:** 05/13/2010  
**Invoice No:** 37293  
**Total Amt Due:** \$75.00  
**Payment Amount:**

Make checks payable to the *City of Portland*, ATTN: Inspections, 3rd Floor, 389 Congress Street, Portland, ME 04101.



# General Building Permit Application

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: <b>355 WARREN AVE</b>		
Total Square Footage of Proposed Structure/Area <b>44,800</b>	Square Footage of Lot <b>13,117 INSIDE FENCE</b>	Number of Stories <b>0</b>
Tax Assessor's Chart, Block & Lot Chart# <b>303</b> Block# <b>C</b> Lot# <b>12</b>	Applicant *must be owner, Lessee or Buyer* Name <b>JOHN B VANCE</b> Address <b>355 WARREN AVE</b> City, State & Zip <b>PORTLAND ME 04103</b>	Telephone: <b>207 797 2891</b>
Lessee/DBA (If Applicable)	Owner (if different from Applicant) Name <b>SAME</b> Address _____ Zip _____	Cost Of Work: \$ <b>24,500</b> C of O Fee: \$ <b>265.</b> Total Fee: \$ <b>265.</b>
Current legal description If vacant, what is proposed? Proposed Special Use Is property part of a project? Project description	<b>This needs AN Certificate of Occupancy</b> <b>Nothing changed</b>	<b>Parking</b> <b>70</b> Number of Residential Units <b>LOT</b> please name _____
Contractor's name Address: _____ City, State & Zip _____ Who should we contact Mailing address: _____	Telephone: <b>797 2891</b> <b>Vance</b> Telephone: <b>797 6631</b> <b>PORTLAND ME 04103</b>	

Please submit all the information outlined on the applicable Checklist. Failure to do so will result in the automatic denial of your permit.

In order to be sure the City fully understands the full scope of the project, the Planning and Development Department may request additional information prior to the issuance of a permit. For further information or to download copies of this form and other applications visit the Inspections Division on-line at [www.portlandmaine.gov](http://www.portlandmaine.gov), or stop by the Inspections Division office, room 315 City Hall or call 874-8703.

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.

**RECEIVED**

MAI 13 2010  
Dept. of Building Inspections  
City of Portland, Maine

Signature: John Vance Date: 5-12-10

This is not a permit; you may not commence ANY work until the permit is issued

**City of Portland, Maine - Building or Use Permit**

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

<b>Permit No:</b> 10-0513	<b>Date Applied For:</b> 05/13/2010	<b>CBL:</b> 303 C012001
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<b>Location of Construction:</b> 355 WARREN AVE	<b>Owner Name:</b> VANCE JOHN A AND JOAN A	<b>Owner Address:</b> 393 WARREN AVE	<b>Phone:</b>
<b>Business Name:</b>	<b>Contractor Name:</b>	<b>Contractor Address:</b>	<b>Phone:</b>
<b>Lessee/Buyer's Name</b>	<b>Phone:</b>	<b>Permit Type:</b> Change of Use - Commercial	

<b>Proposed Use:</b> Tow Lot - Change of use from Vacant Land/ Parking for a maximum of 70 spaces for Tow Lot	<b>Proposed Project Description:</b> Change of use from Vacant Land/ for a maximum of 70 spaces for Tow Lot
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<b>Dept:</b> Zoning	<b>Status:</b> Approved with Conditions	<b>Reviewer:</b> Marge Schmuckal	<b>Approval Date:</b> 05/13/2010
<b>Note:</b>			<b>Ok to Issue:</b> <input checked="" type="checkbox"/>
<ol style="list-style-type: none"> <li>1) This property is being approved as a Tow Lot for a maximum of 70 cars with the issuance of this permit and the subsequent issuance of a Certificate of Occupancy. Any change of use shall require a change of use permit for review and approvals PRIOR to its change.</li> <li>2) Separate permits shall be required for any new signage.</li> <li>3) This permit is being approved on the basis of plans submitted which are required to match Planning's approved site plan. Any deviations shall require a separate approval before starting that work. Currently no structures are located on this tow lot</li> </ol>			
<b>Dept:</b> Building	<b>Status:</b> Approved with Conditions	<b>Reviewer:</b> Tammy Munson	<b>Approval Date:</b> 05/28/2010
<b>Note:</b>			<b>Ok to Issue:</b> <input checked="" type="checkbox"/>
<ol style="list-style-type: none"> <li>1) This is a use permit only. It does not authorize any construction of any structures.</li> <li>2) Application approval based upon information provided by applicant. Any deviation from approved plans requires separate review and approval prior to work.</li> </ol>			
<b>Dept:</b> Fire	<b>Status:</b> Approved with Conditions	<b>Reviewer:</b> Capt Keith Gautreau	<b>Approval Date:</b> 05/19/2010
<b>Note:</b>			<b>Ok to Issue:</b> <input checked="" type="checkbox"/>
<ol style="list-style-type: none"> <li>1) This permit is for change of use only, any construction shall require additional permits. The occupancy shall meet NFPA 101 code requirements upon inspection.</li> </ol>			

<b>Comments:</b> 5/13/2010-mes: WAIT FOR PLANNING SIGN OFF BEFORE ISSUING PERMIT 5/13/2010-mes: REMEMBER TO CHARGE FOR THE CERTIFICATE OF OCCUPANCY PRIOR TO ISSUING PERMIT (NEVER CHARGED)
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**PERMIT ISSUED****MAY 28 2010**

City of Portland



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

**Cc:** Barbara Barhydt

**From:** Jean Fraser

**Date:** March 3, 2010

3/3/10

Additional information submitted for the following project:

**Application ID #:** 2007-0138

**Project Name:** Tow Lot; John Vance

**Project Address:** 355 Warren Ave

B-4

80% MAX impervious Surface  
 lot area = 41,455 # total  
 66.5% given

As this is the final review of a few details, I would be grateful for final comments by next week if possible ie March 10<sup>th</sup>.

I believe these plans address the last few details that were of concern to reviewers, as identified in the attached e-mail from Jim Fisher.

**I also attach the draft APPROVAL LETTER in the hopes that we can issue an approval in the near future- please let me know if you feel any additional conditions are warranted:**

Possible issues for conditions:

1. Prohibition on backing out onto Warren Ave as included in the approval for the project opposite;
2. Noting of Bill Clarks comments that the survey does not match the original subdivision and the "block" is shorter;
3. Something about the house not approved as part of this site plan;
4. Something about the fence along Saville being outside the property of John Vance and that an easement needs to be agreed with the City since the fence is technically within the ROW;
5. Reference to the catchbasin in Saville;
6. Confirmation that this is a moratorium street and the date when that moratorium ends.

Thanks  
 Jean

MAR - 3 2010

**Jean Fraser - Vance (Warren Avenue)**

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**From:** "Jim Fisher" <jim.fisher@northeastcivilsolutions.com>  
**To:** "Jean Fraser" <JF@portlandmaine.gov>  
**Date:** 2/24/2010 2:42 PM  
**Subject:** Vance (Warren Avenue)

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Good Afternoon Jean

The Vance project plan sets are being mailed to you today (three full sized plan sets; three 11x17 sets). I believe all revisions have been completed according to your requests (staff comments). As a note, I spoke with Dave Pineo who said that the location of a catch basin off site is not required for this plan since it is not in the project area (feel free to check with Dave about this).

We have added notes to the plans regarding:

Impervious / pervious surface area calculations as note 7 on sheet 3 of 5, and the locations of the pervious surface areas noted on the actual plan (sheet 3 of 5).

Excavation for the drainage would require a street opening permit (though this should not apply because MDOT stubbed the site to the edge of the ROW), note 8 on sheet 3 of 5.

Casco Trap is shown on the Catch Basin detail sheet (p. 5 of 5).

Maintenance Plan note is stated on sheet 5 of 5.

Areas to be loamed and seeded, and the location of plantings, are shown on the plans (see the planting schedule on sheet 5 of 5 for the types of plantings).

A juniper tree has been added immediately to the east of the 30-wide driveway into the tow lot in order to narrow the 40' wide curb cut down to the more reasonable 30' (shown on sheet 3 of 5).

If you have any other comments, please let me know. Thanks. JIM

Jim Fisher, President  
Northeast Civil Solutions, Inc.  
Telephone: 207-883-1000  
Fax: 207-883-1001  
E-Mail:  
[jim.fisher@northeastcivilsolutions.com](mailto:jim.fisher@northeastcivilsolutions.com)  
or [jfncs@maine.rr.com](mailto:jfncs@maine.rr.com)



**DRAFT**

March XX, 2010

John Vance  
383 Warren Avenue  
Portland ME 04103

Jim Fisher, President  
Northeast Civil Solutions, Inc  
153 US Route 1  
Scarborough, ME 04074

**RE: 355 Warren Avenue (Tow Lot)  
Minor Site Plan (maximum of 70 vehicles to be stored)  
Application ID # 2007-0138**

Dear Mr. Vance and Mr. Fisher,

On March XX, 2010, the Portland Planning Authority approved a minor site plan for a storage lot for up to 70 towed or impounded vehicles at 355 Warren Avenue, as submitted by John Vance and shown on the approved plan prepared by Northeast Civil Solutions and dated (*Rev #s and dates, hopefully as received 2.25.10*) with the following conditions:

- i. That the applicant shall implement this Site Plan approval (and any subsequent Building Permits) in a diligent manner so that the project is fully implemented in accordance with the approved/permitted plans prior to June 15, 2010. Failure to complete the aforementioned actions will result in the withholding of any further "towing/wrecker service licenses" for the tow lot at 355 Warren Avenue and enforcement action; and
- ii. *[ANY OTHERS???*]

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:

[Standard requirements to be included]

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## MEMORANDUM

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**To:** FILE

**From:** Marge Schmuckal

**Dept:** Zoning

**Subject:** Application ID: 2007-0138

**Date:** 3/22/2010

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The new plans received on March 3, 2010 give the impervious surface ratio of 66.5% with a plan showing where pervious and landscaped areas are located on the plans. The maximum impervious surface area is 80% so the applicant is meeting this requirement. I am signing off on the Zoning requirements with conditions. 1) A change of use building permit is now required to officially grant this use. 2) Separate permits are required for any new signage.

Marge Schmuckal  
Zoning Administrator

**Marge Schmuckal - 355 Warren Ave- John Vance :)**

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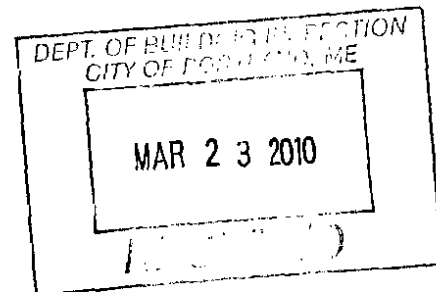
**From:** Marge Schmuckal  
**To:** Jean Fraser; Philip DiPierro  
**Date:** 5/13/2010 1:27 PM  
**Subject:** 355 Warren Ave- John Vance :)

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I received a permit for the use of the lot. - Is it ok to issue the permit once we are finished with reviews?  
Marge

**Planning & Urban Development Department**  
Penny St. Louis Littleff, Director

**Planning Division**  
Alexander Jaegerman, Director



March 22, 2010

John Vance  
383 Warren Avenue  
Portland ME 04103

Jim Fisher, President  
Northeast Civil Solutions, Inc  
153 US Route 1  
Scarborough, ME 04074

**RE: 355 Warren Avenue (Tow Lot)**  
**Minor Site Plan (maximum of 70 vehicles to be stored)**  
**Application ID # 2007-0138**

Dear Mr. Vance and Mr. Fisher,

On March 22, 2010, the Portland Planning Authority approved a minor site plan for a storage lot for up to 70 towed or impounded vehicles at 355 Warren Avenue, as submitted by John Vance and shown on the approved plan prepared by Northeast Civil Solutions and dated (Site Plan and Construction Details Rev 5 2.23.2010) with the following conditions:

**Conditions of Approval**

- i. That the applicant shall implement this Site Plan approval (and any associated Building Permits) in a diligent manner so that the project is fully implemented in accordance with the approved/permitted plans prior to June 15, 2010. Failure to complete the aforementioned actions will result in the withholding of any further "towing/wrecker service licenses" for the tow lot at 355 Warren Avenue and enforcement action; and
- ii. That this Site Plan approval does not relate to the 2 family house at 345 Warren Avenue (front part of 353 Warren Avenue which has been included in the boundary of this Tow Lot Site Plan) which was issued Building Permit #09-1005 on 9.22.2009 for demolition of the side extension and front porch, and replacement of the front porch.

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:**

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 Chapter 14 of the Portland City Code.

2. A Change of Use Building Permit is required for this site and is administered by the Inspections Division. Separate permits are required for any new signage.
3. The above approvals do not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
4. 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.
5. 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 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.
6. 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.
7. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
8. 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.
9. The applicant shall comply with the following requirements regarding the approved stormwater management system:

**Certification** – Contracts must specify that "all work is to comply with the conditions of the Stormwater Permit." Work done by a contractor or subcontractor pursuant to this approval may not begin before the contractor and any subcontractors have been shown a copy of this approval with the conditions by the developer, and the owner and each contractor and subcontractor has certified, on a form provided by the Development Review Coordinator, that the approval and conditions have been received and read, and that the work will be carried out in accordance with the approval and conditions. Completed certification forms must be forwarded to the Department of Planning and Urban Development and the Department of Public Services Department prior to the issuance of a Building Permit.

- i. **Maintenance** – The components of the approved stormwater management system must be adequately maintained to ensure that the system operates as designed, and approved
- ii. **Recertification requirement** – The permittee shall submit annual inspection reports to the Stormwater Program Coordinator in Portland's Department of Public Services. The inspections must be conducted by a qualified third-party inspector who certifies that all components of the stormwater management system are functioning as intended or if not, what actions must be performed to restore the system to functionality. Annual

inspection reports are due by April 30 and shall be submitted on a form provided by the Department of Public Services. The stormwater inspection shall certify the following:

- (a) All areas of the project site have been inspected for areas of erosion, and appropriate steps have been taken to permanently stabilize these areas.
  - (b) All aspects of the stormwater control system have been inspected for damage, wear, and malfunction, and appropriate steps have been taken to repair or replace the facilities according to the approved stormwater management plan.
  - (c) The erosion and stormwater maintenance plan for the site is being implemented as written, or modifications to the plan have been submitted to and approved by the department, and the maintenance log is being maintained.
10. 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.) Please note that that Warren Avenue is a moratorium street until October 26, 2014 and there are likely to be additional costs and fees associated with any work in the street prior to that date.
11. 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 the release of the performance guarantee. Please schedule any property closing with these requirements in mind.

If there are any questions, please contact Jean Fraser at 874- 8728.

Sincerely,

  
Alexander Jaegerman  
Planning Division Director

Attachment: 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  
Jean Fraser, Planner  
Philip DiPierro, Development Review Coordinator  
Margo Schmuckel, Zoning Administrator  
Inspections Division Director  
Gayle Quertin, Inspections Division  
Lisa Danforth, Inspections Division  
Lannie Dobson, Inspections Division  
Keith Gauthreau, Fire

Michael Bobinsky, Public Services Director  
Kathi Earley, Public Services  
Bill Clark, Public Services  
David Margolis-Pineo, Deputy City Engineer  
Greg Vining, Public Services  
John Low, Public Services  
Jane Ward, Public Services  
Jeff Tarling, City Arborist  
Tom Errico, Traffic Engineering Reviewer  
Dan Goyette, Woodard & Curran  
Assessor's Office  
Approval Letter File

Hard Copy: Project File

Comments  
Submitted

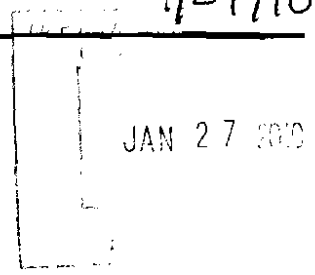


**To:** All reviewers: Marge Schmuckal; Dan Goyette; David Margolis-Pineo; Tom Errico; Keith Gautreau; Jeff Tarling  
**Cc:** Barbara Barhydt and Alex Jaegerman  
**From:** Jean Fraser  
**Date:** January 27, 2010

1/27/10

Additional information submitted for the following project:

**Application ID #:** 2007-0138  
**Project Name:** Tow Lot; John Vance  
**Project Address:** 355 Warren Ave



**This is a review of the completed Boundary Survey and minor revisions so final comments appreciated asap and if possible by Feb 3, 2010.**

This is a summary of the review comments that these plans should be addressing:

- **Curb Cut and Access:** The drive leading to the tow lot should be a maximum of 30 feet wide to comply with the City's Technical Standards;
- **Landscaping and Screening:** Lilacs along the western boundary (Saville Street) welcomed and the 5 proposed trees along the front of the tow lot fence acceptable, but the plans need to specify the size and species of the planting; area between fencing and ROW outside of drive access to be loamed and seeded. (Note: when review started in 2008 repairs to fencing were requested; some have already been done and none shown on plans)
- **Surfacing:** The proposed retention of the gravel surface within the tow lot area is acceptable subject to the storm water proposals and treatment meeting current standards. The area between the MDOT apron and the tow lot gates should be paved by the applicant to a width no greater than 30 feet and shown on the plans.
- **Fire Hydrant:** Reviewers requested a fire hydrant in the vicinity at the time of the application but since then the developer on the opposite side of the street has installed one that I understand serves the tow lot.
- **Need to meet Engineering comments which were: (Dan Goyette, Nov 2008):**
  - The applicant should confirm that the survey for the project coincides with approved City standards. The applicant states that this requirement has been waived but we are not aware of any such agreement.  
[There was no agreement and review letters requested a complete and stamped boundary survey]. If there is not an agreement, the survey needs to be tied to the vertical datum of NGVD 1929. Also, the project needs to be tied to the Maine State Plane Coordinate System (2-zone projection), West Zone using the NAD 1983 (HARN) Datum and the U.S. Survey Foot as the unit of measure. This should be indicated on the survey.
  - Erosion Control Measures have not provided.
  - The manhole detail shows only RCP while the plans show ADS N12 pipe. ADS N12 pipe is not allowed within the City Right-of-Way.  
[Note: Jim Fisher has advised me that the MDOT have already installed the pipe].



City of Portland  
GIS



**DISCLAIMER** : This is a product of the City of Portland MIS Department. The data depicted here have been developed with cooperation from other federal, state and local agencies. The City of Portland expressly disclaims responsibility for damages or liability that may arise from the use of this map

Copyright 2007  
City of Portland  
389 Congress St.  
Portland, Maine  
04101



11/5/08

*Thank you for  
signed off on this  
already.*

*All require interviews  
info*



**To:** All reviewers: Marge Schmuckal; Dan Goyette; PS (David Margolis-Pineo/Jim Carmody); Tom Errico; Greg Cass; Jeff Tarling

**From:** Jean Fraser

**Date:** November 5, 2008

---

Additional information submitted for the following project:

**Application ID #:** 2007-0138

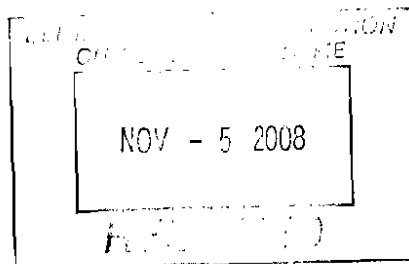
**Project Name:** Tow Lot; John Vance

**Project Address:** 355 Warren Ave

**Preliminary Comments needed by:** asap but by Nov 12

**Written Comments needed by:** Nov 19, 2008

1. Set of revised plans to address our review letter of Sept 15, 2008;
2. Stormwater info (to Dan and David only)
3. Copy of Mr Vance's agreement to apron width being reduced to 30 feet assuming done by MDOT (to David, Jim, and Tom only)





# PORTLAND MAINE

*Strengthening a Remarkable City, Building a Community for Life* • [www.portlandmaine.gov](http://www.portlandmaine.gov)

**Planning and Urban Development**  
Penny St. Louis Littell, Director

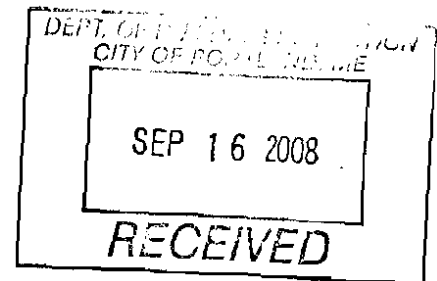
**Planning Division**  
Alexander Jaegerman, Director

September 15, 2008

*[as sent]*

Jim Fisher, President  
Northeast Civil Solutions, Inc  
153 US Route 1  
Scarborough, ME 04074

**RE: Vance project, 355 Warren Avenue (Tow Lot)**  
**Minor Site Plan (maximum of 70 vehicles to be stored)**  
**Application ID # 2007-0138**



Dear Mr. Fisher,

I refer to the letter and attached plans submitted on July 11, 2008.

This proposal is being reviewed as a minor site plan for a proposed tow lot of 13,000 sq ft plus access drive for the storage of up to 70 cars. The tow lot has been termed "proposed" because our records indicate that no previous site plan approval was granted for the recent (our records suggest 2003) improvement works and the use as a tow lot is not grandfathered nor legal. The towing licenses related to the use of this lot for the storage of towed vehicles have previously been renewed by the City based on the guidance provided by the Public Safety Committee in 2005/2006 and the requested site plan application which is currently under review.

City reviewers have the following preliminary comments on the site plan application; these confirm previous telephone conversations with yourself and Mr Vance. There may be further comments or requests for additional information after the review of further submitted information or revisions.

1. **Boundary Survey:** I would like to correct the first paragraph of your July 11, 2008 letter. In a conversation on June 13, 2008 you indicated that substantial additional survey work would be required to investigate historic monumentation issues and provide a certified (stamped) Boundary Survey. Both you and Mr Vance suggested that the additional survey work and the level of accuracy it would achieve were not warranted for the small scale of this project. During that discussion I did not state that a certified Boundary Survey would not be required as part of the site plan review; I suggested that I would need to ask for advice on this question and that in the meantime the Existing Conditions Plan could be revised to include Boundary Survey information so that reviewers would have information on which to undertake a preliminary review.

I note the submitted Existing Conditions Plan (July 2008) includes the information normally included in the Boundary Survey and is signed by a registered Surveyor but not stamped.

The City's requirements are set out in the Ordinance:

**14-525 b Contents.**

*Any final or proposed site plan for a major or minor development shall include:*

- (1) A standard boundary survey prepared by a registered land surveyor at a scale of not less than one (1) inch to one hundred (100) feet and shall set forth: ....*

I have sought advice and understand that the City has generally interpreted "standard" to mean a certified (stamped) Boundary Survey.

The requirement for a stamped survey was included in the letter to Mr Vance on April 19 2006 that outlined the request for a site plan application to be submitted: the text included ".... 2. Submit a detailed site plan application to the City's Planning Division that includes, at a minimum, (a) proof of right title and interest in the property, such as a deed; (b) a boundary survey, stamped by a professional surveyor; and (c) a site plan, stamped by a professional engineer, that addresses fencing, landscaping, lighting and stormwater treatment."

We appreciate that the proposals involve minimal development but we note that some are outside of Mr Vance' property and some (drainage and landscaping) would relate to features in the ROW. Please submit a certified Boundary Survey that meets the first comment contained in the attached Engineering Review Memo (see below).

2. **Stormwater Management:** As requested in my letters of April 18 and June 5, 2008 and requested in the attached Engineering Review Comments dated July 31, 2008, please submit a Storm Water Management Plan that includes an analysis that demonstrates that the proposed drainage system is capable of handling the proposed drainage amounts and patterns. The existing graveled surface has been in place a few years and was installed without site plan approval and therefore the existing condition is not necessarily acceptable. I confirm that storm water treatment is required for this site and would need to meet current City and MDEP requirements.
3. **Curb Cut and Access:** The drive leading to the tow lot should be a maximum of 30 feet wide to comply with the City's Technical Standards that are applied to all site plan applications. We understand that a 42 foot wide curb cut and access has been designed for this location as part of the MDOT improvements. The proposed 42 wide curb cut is excessive and the City would like this to be reduced to 30 feet to comply with the City's standards, to be arranged between the City and the MDOT at no additional cost to Mr Vance. Please submit a plan showing the proposals for the entire tow lot project area (which you have confirmed includes the area between the tow lot and the Warren Avenue ROW).
4. **Landscaping and Screening:** We welcome the planting of lilacs along the western boundary (Saville Street) although they appear to be within the paper street (as is the existing fence; see below). We continue to request some screen planting (eg evergreens) along the Warren Avenue frontage and do not agree that this will undermine security of the site since the vehicles are parked so far to the rear of the site. Some of the screen planting could be nearer to Warren Avenue at the edge of the new sidewalk and/or along the new access drive.

5. **Repair of Fencing:** We do not agree that the existing fencing is in a "very viable condition" as evidenced by the attached photograph and request that the fencing be repaired to a good condition. The fencing along Saville Street does not appear to be on your property and there may be a question as to whether it should be relocated.
6. **Hydrant:** the Fire Department requires a fire hydrant in the near vicinity of this project, on either side of Warren Avenue. They have suggested that you and the applicant for 380 Warren Avenue (approved addition to the warehouse at the rear; applicant is Delta Realty Co Inc, 120 Exchange Street, Portland ME 04101) could join together in this provision.
7. **Surfacing:** The proposed retention of the gravel surface within the tow lot area is acceptable subject to the storm water proposals and treatment meeting current standards. The area between the MDOT apron and the tow lot gates should be paved by the applicant to a width no greater than 30 feet and shown on the plans.
8. **Sidewalks and Curbing:** Sidewalks and curbing along the frontage of this site are required under the City's Ordinance (Section 25-96 as modified by Section 14-506 (b)) as previously noted in discussions with Mr Vance and in my letter of June 5, 2008. In view of the small scale of the proposed development we will not request the applicant to contribute to the City's part of the costs of the MDOT imminent improvement scheme, which is anticipated to include an access apron plus curbing and sidewalk along the site's frontage.

Please let me know if you have any questions and/or would like a meeting to clarify any of the above issues; I can be contacted at 874 8728 or by email at [jf@portlandmaine.gov](mailto:jf@portlandmaine.gov).

Sincerely,

*[signed]*

Jean Fraser  
Planner

**Attachments:**

1. Woodard & Curran comments dated July 31, 2008
2. Photograph of existing fencing

**Cc electronic copies**

Penny St. Louis Littell, Director, Planning and Urban Development  
Alexander Jaegerman, Director, Planning Division  
Barbara Barhydt, Development Review Services Manager  
Jim Carmody, Transportation Engineer  
Tom Errico, Traffic Reviewing Engineer  
Dan Goyette, Engineering Review Engineer  
David Margolis-Pineo, Deputy City Engineer  
Marge Schmuckal, Zoning Administrator  
Captain Greg Cass, Fire Prevention  
Legal Department  
Licensing Department

**COMMITMENT & INTEGRITY  
DRIVE RESULTS**

41 Hutchins Drive  
Portland, Maine 04102  
www.woodardcurran.com

T 800 426 4262  
T 207 774 2112  
F 207.774.6635

**MEMORANDUM**



TO: Jean Fraser  
FROM: Dan Goyette, PE  
DATE: July 31, 2008  
RE: 355 Warren Avenue

---

Woodard & Curran has reviewed the Application for Site Plan Review for 355 Warren Avenue in Portland. Stormwater drainage improvements are proposed in the "low yard" including two new catch basins, a new drain manhole and 158 feet of storm drain. The project includes associated grading.

Documents Reviewed

- Application and attachments for Site Plan Review for 355 Warren Avenue, prepared by Northeast Civil Solutions on behalf of John Vance, dated July 11, 2008.
- Engineering plan sheets, for 355 Warren Avenue, prepared by Northeast Civil Solutions, on behalf of John Vance, dated July 11, 2008.

Comments

- The applicant should confirm that the survey for the project coincides with approved City standards. The applicant states that this requirement has been waived but we are not aware of any such agreement. If there is not an agreement, the survey needs to be tied to the vertical datum of NGVD 1929. Also, the project needs to be tied to the Maine State Plane Coordinate System (2-zone projection), West Zone using the NAD 1983 (HARN) Datum and the U.S. Survey Foot as the unit of measure. This should be indicated on the survey.
- The catch basin detail should call out a Casco Traps and a detail for the Casco Traps should be provided.
- A Stormwater Management Plan has not been provided. Based on the available parking spaces, stormwater treatment will be required.
- Erosion Control Measures have not provided.
- Provide 12" of crushed stone over storm drain pipe.
- The manhole detail shows only RCP while the plans show ADS N12 pipe. ADS N12 pipe is not allowed within the City Right-of-Way.
- The narrative lists 355 Warren Avenue but the plan cover page lists 38 Warren Avenue as the location for the project.

Please contact our office if you have any questions.

DRG  
203939

**Attachment 2**



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

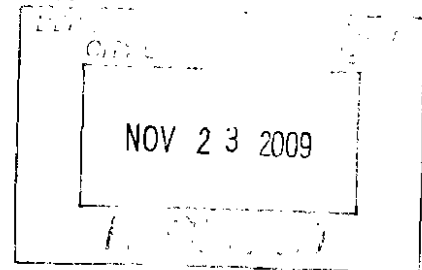
**Planning Division**  
Alexander Jaegerman, Director

November 20, 2009

John Vance  
383 Warren Avenue  
Portland ME 04103

Jim Fisher, President  
Northeast Civil Solutions, Inc  
153 US Route 1  
Scarborough, ME 04074

RE: **355 Warren Avenue (Tow Lot)**  
**Minor Site Plan (maximum of 70 vehicles to be stored)**  
**Application ID # 2007-0138**



Dear Mr. Vance and Mr. Fisher,

As of November, 2008 you were progressing this application and at that time we anticipated being able to issue a Site Plan approval once we had received the completed standard boundary survey, erosion control and revised engineering details, and confirmation of the size and species of the proposed planting. Since then we have not received any further submissions, despite a follow up letter which requested these be submitted in early October, 2009.

While we appreciate that the MDOT contract in Warren Avenue has complicated the Site Plan Review process, it is now three years since you were formally requested to bring the Site Plan for your tow lot into compliance, and over two years since the Site Plan application was submitted. The City, in good faith, has continued to issue tow licenses to users of your tow lot during this time on the basis that you would pursue your Site Plan application and promptly implement any approval that was issued.

We would like to bring this matter to a close, and therefore request that you submit the documents outlined below on or before **December 31, 2009**. We also request that you implement the Site Plan approval (and any subsequent Building Permits) in a diligent manner so that the project is fully implemented in accordance with the approved/permitted plans prior to **June 15, 2010**. Failure to complete the aforementioned actions will result in the withholding of any further "towing/wrecker service licenses" for the tow lot at 355 Warren Avenue and enforcement action.

The following information must be submitted on or before December 31, 2009:

1. As confirmed in previous letters and at the 9/29/2008 meeting with Mr Jaegerman, a complete, up-to date and stamped standard boundary survey. Please note that given

the passage of time and the intervening site alterations (e.g. demolition and other work to 353 (aka 345) Warren Ave within the site, documented in Attachment 2, and the MDOT improvements in the ROW) an updated survey (i.e. as of November, 2009) is now required. The survey must specifically address the comments in the 11/13/2008 Memo from Woodard & Curran (Attachment 1) and clarify the current ownership of the lot to the rear of the tow lot (303-C-1-3 and 303-C-14-16) as our records indicate that this may be owned by another party.

2. The site plan needs to be revised to address the detailed engineering review comments regarding erosion control and pipe details (Attachment 1).
3. The site plan needs to specify the size and type of planting. Jeff Tarling, City Arborist would be willing to advise on this (he can be contacted on 874 8462 or [JST@portlandmaine.gov](mailto:JST@portlandmaine.gov)).
4. The site plan needs to be revised to be consistent with the updated boundary survey and include the recent alterations to the fencing, 353 Warren Avenue, and the ROW (the latter should be as in the letter to MDOT of 11/03/2008 in Attachment 2).

If you have any questions, please contact Jean Fraser at 874 8728 or by email at [jf@portlandmaine.gov](mailto:jf@portlandmaine.gov).

Sincerely,



Alex Jaegerman  
Planning Division Director

*Attachments:*

1. Woodard & Curran 11.13.2008 comments (previously circulated)
2. Your 11.3.2008 letter to MDOT (based on agreement with Planning Division)
3. Text of staff letter of 9.21.2009 confirming that work to 345 Warren Avenue required site plan approval
4. Before and after photos of 353 Warren Avenue

*Cc electronic copies*

Alexander Jaegerman, Director, Planning Division  
Barbara Barhydt, Development Review Services Manager  
Jean Fraser, Planner  
Tom Errico, Traffic Reviewing Engineer  
David Margolis-Pineo, Deputy City Engineer  
Mike Farmer, Project Engineer, Dept. Public Services  
Marge Schmuckal, Zoning Administrator  
Jeff Tarling, City Arborist  
Legal Department  
Licensing Department



# ATTACHMENT 1

**COMMITMENT & INTEGRITY**  
**DRIVE RESULTS**

47 Hushon Drive  
Portland, Maine 04102  
www.woodardcurran.com

T 904.464.357  
T 207.774.2112  
F 207.774.4435



## MEMORANDUM

TO: Jean Fraser  
FROM: Dan Goyette, PE  
DATE: November 13, 2008  
RE: 355 Warren Avenue

Woodard & Curran has reviewed the Application for Site Plan Review for 355 Warren Avenue in Portland. Stormwater drainage improvements are proposed in the "low yard" including two new catch basins, a new drain manhole and 158 feet of storm drain. The project includes associated grading.

### Documents Reviewed

- Stormwater Summary Letter for 355 Warren Avenue, prepared by Northeast Civil Solutions on behalf of John Vance, dated November 4, 2008.
- Engineering plan sheets, for 355 Warren Avenue, prepared by Northeast Civil Solutions, on behalf of John Vance, dated November 4, 2008.

### Comments

- The applicant should confirm that the survey for the project complies with approved City standards. The applicant states that this requirement has been waived but we are not aware of any such agreement. If there is not an agreement, the survey needs to be tied to the vertical datum of NGVD 1929. Also, the project needs to be tied to the Maine State Plane Coordinate System (2-zone projection) West Zone using the NAD 1983 (HARN) Datum and the U.S. Survey Foot as the unit of measure. This should be indicated on the survey.
- Erosion Control Measures have not provided.
- The manhole detail shows only RCP while the plans show ADS #12 pipe. ADS #12 pipe is not allowed within the City Right-of-Way.

Please contact our office if you have any questions.

DRG  
20090919

20091113 355 Warren Avenue MEMO.doc



## ATTACHMENT 3



Planning & Urban Development Department  
 111 State Street, Portland, ME 04101

Planning Division  
 111 State Street, Portland, ME 04101

September 21, 2009

Jim Fisher, President  
 Northeast Civil Solutions, Inc  
 153 US Route 1  
 Scarborough, ME 04074

RE: **Vance project, 355 Warren Avenue (Tow Lot)**  
**Minor Site Plan (maximum of 70 vehicles to be stored)**  
**Application ID # 2007-0138**

Dear Mr. Fisher,

I understand that Mr Vance has indicated, in discussions with MDOE, that he is awaiting a Planning Division decision on the Tow Lot application. Therefore I am writing to clarify the status of this application.

Our records show that the last submission regarding the Tow Lot application was November 2008 and that staff gave engineering and landscape comments at that time which required further revisions to some of the submitted plans. No further submissions have been received since then and City staff has not progressed the review.

The staff comments on the Plans dated 11.4.2008 were sent to you in December 2008 and are summarized below

- 1 Please address the attached engineering review comments dated November 13, 2008. A complete boundary survey is necessary as no waiver has been granted regarding the survey. Please see our letter dated September 15, 2008, which was confirmed at the meeting with Mr Jaegerman on September 29, 2008;
- 2 The plans need to specify the size and species of the planting: Jeff Tarling, City Arborist would be willing to advise on this (he can be contacted on 874 8462 or [JST@portlandmaine.gov](mailto:JST@portlandmaine.gov)).

Also at that time we agreed that the curb cut would be 30 feet wide and centered on the existing access to the tow lot, with the area between the ROW and the tow lot improved with plantings by Mr Vance, as set out in your letter to the MDOE dated November 3, 2008 (copy attached).

*O:\PLAN-Dev Rev Warren Avenue - 355 (John Vance Tow Lot) Correspondence 2009 Review Letter 355 Warren Ave  
 11.20.09.doc*

Mike Farmer of the City's Public Services Department (the City's liaison engineer with the MDOT improvement contract on Warren Avenue) has recently inquired as to whether the residential building at the front of the tow lot site was included in the tow lot application. I have confirmed to him that the Low Lot Site Plan application did not include proposals for this building. Removal of the addition and re-cladding of the exposed wall would require Site Plan approval.

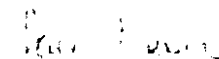
Mr Vance may amend the Low Lot application to include changes that have arisen as a result of the need to integrate with the MDOT improvement works along the Low Lot frontage (such as the demolition of the building addition and re-cladding). I understand the MDOT are seeking an early resolution of all issues in this area as they will be completing their work in the near future; therefore I suggest that you submit the (final) revised plans by October 6, 2009, including any amendments now under consideration, so that staff may expedite this last stage of the Site Plan Review of Mr Vance's application

Please ensure that these revised plans:

1. Satisfactorily address the 2008 review comments;
2. Reflect the agreed proposals relating to the ROW;
3. Address the question of the condition of the existing fencing, as mentioned in our letter of September 15, 2008 (see attached photograph), the improvements to the enclosure should be integrated with the final planting and sidewalk proposals; and
4. (Optional) Add in any amendment(s) that relate to the MDOT project that are located along the tow lot frontage within the site boundary eg demolition of the building addition and re-cladding.

If you have any questions, please contact me at 874 8728 or by email at [jf@portlandmaine.gov](mailto:jf@portlandmaine.gov).

Sincerely,



Jean Fraser  
Planner

*Attachments*

1. Woodard & Curran comments dated November 13, 2008 (as forwarded on 11.21.2008)
2. Your letter to MDOT dated November 3, 2009
3. Photograph of existing fencing

*Cc: electronic copies*

Alexander Jaegerman, Director, Planning Division  
Barbara Barhydt, Development Review Services Manager  
Tom Ferrico, Traffic Reviewing Engineer  
David Margolis-Pineo, Deputy City Engineer  
Mike Farmer, Project Engineer, Dept. Public Services  
Marge Schmuckal, Zoning Administrator  
Legal Department  
Licensing Department  
John Vance, 383 Warren Avenue, Portland ME 04103 (applicant)

*O:\PLAN\Dev Rev Warren Avenue - 355 (John Vance Tow Lot) Correspondence 2009 Review Letter 355 Warren Ave 9.21.2009.doc*

**ATTACHMENT 4**

[Note: the house near Warren Avenue was included in the site of the tow lot in the Site Plan application; it is known as 353 Warren Ave. in the City's Assessors system and as 345 Warren Ave. in the GIS system.- it was the subject of a building permit issued on September 22 2009]

**353 Warren Avenue in April 2008:****353 Warren Avenue in November 2009:**

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

**Zoning Copy**

**2007-0138**

Application I. D. Number

**8/8/2007**

Application Date

**Tow Yard**

Project Name/Description

**Vance John A And Joan A**

Applicant

**383 Warren Avenue, Portland, ME 04103**

Applicant's Mailing Address

*7/16/08*

Consultant/Agent

**Applicant Ph: (207) 797-2891**

**Agent Fax:**

Applicant or Agent Daytime Telephone, Fax

**355 - 355 Warren Ave, Portland, Maine**

Address of Proposed Site

**303 C012001**

Assessor's Reference: Chart-Block-Lot

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

Manufacturing  Warehouse/Distribution  Parking Lot  Apt 0  Condo 0  Other (specify) **Existing structure/"tow yard"**

Proposed Building square Feet or # of Units 12,140

Acreage of Site

**B4**

Zoning

**Check Review Required:**

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

Fees Paid: Site Plan \$400.00 Subdivision \_\_\_\_\_ Engineer Review \_\_\_\_\_ Date 8/14/2007

**Zoning Approval Status:**

Reviewer *Marge S.*  Denied

- Approved  Approved w/Conditions See Attached

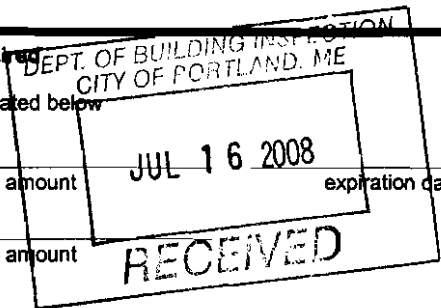
Approval Date \_\_\_\_\_ Approval Expiration \_\_\_\_\_ Extension to \_\_\_\_\_  Additional Sheets Attached

Condition Compliance \_\_\_\_\_ signature \_\_\_\_\_ date \_\_\_\_\_

**Performance Guarantee**  Required\*  Not Required

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

- Performance Guarantee Accepted \_\_\_\_\_ date \_\_\_\_\_ amount \_\_\_\_\_ expiration date \_\_\_\_\_
- Inspection Fee Paid \_\_\_\_\_ date \_\_\_\_\_ amount \_\_\_\_\_
- Building Permit Issue \_\_\_\_\_ 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 \_\_\_\_\_
- Defect Guarantee Released \_\_\_\_\_ date \_\_\_\_\_ signature \_\_\_\_\_





# Site Plan Application

Department of Planning and Development  
Portland Planning Board

<b>Address of Proposed Development:</b> 355 Warren Avenue		<b>Zone:</b> B-4
<b>Project Name:</b> John Vance "Tow Yard" Project		
<b>Existing Building Size:</b> N/A sq. ft.	<b>Proposed Building Size:</b> N/A sq. ft.	
<b>Existing Acreage of Site:</b> 13,117 sq. ft. Fenced-in Tow Yard	<b>Proposed Acreage of Site:</b> 12,140± sq. ft. Fenced-in Tow Yard	
<b>Tax Assessor's Chart, Block &amp; Lot:</b>  Chart# 303 Block # C Lot# p/o 4-13 & 17-26	<b>Property Owners Mailing address:</b> John Vance 383 Warren Avenue Portland, ME 04103	<b>Telephone #:</b> 797-2891  <b>Cell Phone #:</b>
<b>Consultant/Agent Contact Name and mailing address, Telephone # and Cell Phone # :</b> NCS, Inc. Attn: John Ransom 153 US Route 1 Scarborough, ME 04074	<b>Applicant's Name/Mailing Address:</b> John Vance 383 Warren Avenue Portland, ME 04103	<b>Telephone #:</b> 797-2891  <b>Cell Phone #:</b>
<b>Fee For Service Deposit (all applications)</b> <input checked="" type="checkbox"/> (\$200.00)		
<b>Proposed Development (check all that apply)</b> <input type="checkbox"/> New Building <input type="checkbox"/> Building Addition <input type="checkbox"/> Change of Use <input type="checkbox"/> Residential <input type="checkbox"/> Office <input type="checkbox"/> Retail <input type="checkbox"/> Manufacturing <input type="checkbox"/> Warehouse/Distribution <input type="checkbox"/> Parking lot <input type="checkbox"/> Subdivision (\$500.00) + amount of lots _____ (\$25.00 per lot) \$ _____ + major site plan fee if applicable <input type="checkbox"/> Site Location of Development (\$3,000.00) (except for residential projects which shall be \$200.00 per lot _____ ) <input type="checkbox"/> Traffic Movement (\$1,000.00) <input type="checkbox"/> Storm water Quality (\$250.00) <input type="checkbox"/> Section 14-403 Review (\$400.00 + \$25.00 per lot) <input checked="" type="checkbox"/> Other Existing structure and "tow yard"		
<b>Major Development (more than 10,000 sq. ft.)</b> <input type="checkbox"/> Under 50,000 sq. ft. (\$500.00) <input type="checkbox"/> 50,000 - 100,000 sq. ft. (\$1,000.00) <input type="checkbox"/> Parking Lots over 100 spaces (\$1,000.00) <input type="checkbox"/> 100,000 - 200,000 sq. ft. (\$2,000.00) <input type="checkbox"/> 200,000 - 300,000 sq. ft. (\$3,000.00) <input type="checkbox"/> Over 300,000 sq. ft. (\$5,000.00) <input type="checkbox"/> After-the-fact Review (\$1,000.00 + applicable application fee)		
		<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: auto;">         DEPT. OF PLANNING AND DEVELOPMENT          CITY OF PORTLAND  <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: auto;">           JUL 16 2003            REC         </div> </div>
		~ Please see next page ~

**Minor Site Plan Review**

Less than 10,000 sq. ft. (\$400.00) \*

After-the-fact Review (\$1,000.00 + applicable application fee)

**Plan Amendments**

Planning Staff Review (\$250.00)

Planning Board Review (\$500.00)

\* Pursuant to a conversation with and direction from Jean Fraser (Planner, City of Portland) on 8/9/07, this project is considered a minor site plan review if fewer than 70 vehicles are parked or stored in the "tow yard" at any given time. Pursuant to a conversation with John Vance (property owner) on 8/10/07, he agreed that no more than 70 vehicles

**Who billing will be sent to:**

John Vance  
383 Warren Avenue  
Portland, ME 04103

will ever be stored in the tow yard at any given time.

Submittals shall include (7) separate folded packets of the following:

- a. copy of application
- b. cover letter stating the nature of the project
- c. site plan containing the information found in the attached sample plans checklist
- d. 1 set of 11x17 plans

Section 14-522 of the Zoning Ordinance outlines the process which is available on our web site: [portlandmaine.gov](http://portlandmaine.gov)

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

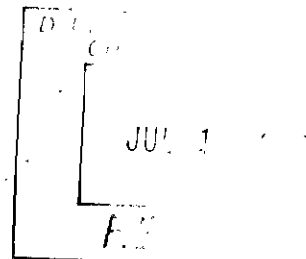
**This application is for site review only; a Building Permit application and associated fees will be required prior to construction.**

Signature of Applicant:

*John B Vance*

Date:

8 - 08 - 07







*Northeast Civil Solutions*  
INCORPORATED

183 U.S. Route 1  
Scarborough  
Maine 04107-1

July 11, 2008

Jean Fraser, Planner  
City of Portland  
389 Congress Street, Room 308  
Portland, ME 04101

**RE: Vance Project; 355 Warren Avenue**

tel  
207.883.1000

800.882.2227

fax  
207.883.1001

Dear Jean:

Pursuant to your letter dated June 5, 2008 and our conversations regarding the site, on behalf of John Vance we are pleased to submit seven copies of the plan set, and one 11x17 set of plans, that provide the site details you have requested. Additionally, the information in this narrative addresses many of the issues raised in your letter. We are assuming that the plan of the work to be done on Warren Avenue and within its right-of-way in the area adjacent to Mr. Vance's property, which you have dated April, 2008 and received from Jim Carmody, are correct. As you and I had discussed, we will not need to perform an actual certified Boundary Survey of Mr. Vance's property, relying instead on an existing conditions plan that is the result of survey monumentation found throughout the area. NCS makes no representation as to the specific accuracy of the monumentation found, nor of the actual boundary lines as shown, though the evidence we found and held appears to coincide with the current property deed description and supports the location of the boundaries as shown on the plan set.

1. John Vance owns several properties in the area of the Tow Lot. The lot itself is shown on the attached plan set and is identified as the area within the fence; said fence extends from Saville Street easterly to the westerly side of the one-story industrial building as shown, and from the northerly parameter opposite the northerly right-of-way line of Booth Street (vacated) southerly toward Warren Avenue. A gravel access area leading to the Tow Lot gate from Warren Avenue is also part of the project area. Neither the Tow Lot itself nor the access area contain any structures other than the security fence.

2. We previously submitted the application with an Existing Conditions plan. Attached please find a revised Existing Conditions plan with the information you had requested. As we had discussed, we have not completed a full boundary survey because of the cost relative to the gain. Given that Mr. Vance owns all the land between Saville and Newcomb Streets (as shown on the plan), and having found survey monumentation that corroborates the approximate boundaries as we have shown them on the plan, we do not believe, on behalf of Mr. Vance, that a full certified boundary survey would show enough additional information to justify its cost.

As a note, the "curb cut" into the Tow Lot is reflected on the plan: it extends from the westerly edge of Saville Street easterly to a point approximately 12 feet westerly of the existing dwelling at the corner of Warren Avenue and Newcomb Street. Surface conditions are gravel, as noted, for the access way and the Tow Lot itself. The fence around the Tow is chain link, and is partially screened on the Warren Avenue side by existing vegetation (see attached photos).

3. Mr. Vance would agree to selectively planting lilac or similar bushes (generic detail included) along the street side of the lot, though in the interest of security he believes it unwise and unpractical to screen the Tow Lot from view. Bearing in mind that many of the vehicles towed

into the lot (as the result of action requested by the City of Portland) are not necessarily locked and may carry valuable possessions of the vehicles' owners, it is a significant deterrent to would-be thieves or vandals to have Tow Lot generally open to view by Mr. Vance and/or by police. It is also a significant deterrent to simply have passing motorists be able to see into the lot, yet the gate and yard itself is far enough back from Warren Avenue that it does not present itself as an eyesore to the commercial neighborhood of which it is a part.

4. The existing chain link fence is in very viable condition and should remain intact as is. No resurfacing of the accessory or Tow Lot is planned or viewed as necessary. When drainage construction within the Tow Lot is commenced, in conjunction with the Warren Avenue improvement plan, a two foot paved apron around each catch basin will be constructed. Any silts or TSS entering the catch basins will be trapped at the bottom of the catchment system and will be cleaned out by Mr. Vance or other owners on an annual basis or as needed. The City of Portland may inspect the catch basins as it deems appropriate.

5. Current stormwater drainage from the area of the Tow lot already flows to the existing public stormwater catchment system in Warren Avenue, and always has. No additional impervious service area is proposed to be added in conjunction with this project. A formal stormwater analysis is therefore not warranted given that nothing is changing, and given no change, a treatment unit would not be required.

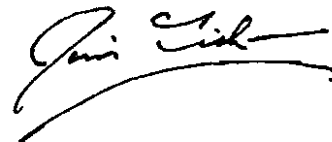
6. The proposed access drive and paved apron into the Tow lot as shown on the April 2008 DOT plan lies almost entirely within the public right-of-way, as do the curb cuts, curbing, sidewalk, and esplanade. Given that Mr. Vance is not requesting these changes, any associated construction costs within the right-of-way would be the responsibility of the City of Portland and/or the DOT.

7. The Tow lot and its access drive do not contain any physical structures other than a perimeter fence. The name and address of the property owner, John Vance, is on the Existing Conditions plant set. His telephone number is 1-207-797-2891. The nearest hydrant location is shown on the plan. No water or sewer connections go to the lots or are proposed.

8. An overhead cobra light on a utility pole on Saville Street (opposite Booth street) at the approximate mid point of the fence on the westerly side of the Tow Lot serves to light the property. No additional lighting is proposed.

If you have any questions or comments, please feel free to contact Mr. Vance or Northeast Civil Solutions, Inc. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Fisher", with a long horizontal flourish underneath.

Jim Fisher  
Northeast Civil Solutions, Inc.



*Northeast Civil Solutions*  
INCORPORATED

153 U.S. Route 1  
Scarborough  
Maine 04074

July 31, 2007

Jean Fraser, Planner  
City of Portland  
Planning & Development Dept.  
389 Congress Street, Rm. 308  
Portland, Maine 04101

tel  
207.883.1000  
800.882.2227

Re: Vance Project, 355 Warren Avenue

fax  
207.883.1001

Dear Jean:

Pursuant to our conversation last week when you asked us to submit, on behalf of John Vance, the site plan information we have on this project, attached please find a plan set, current deeds, and checks (\$700 total). This information should allow you to "log in" as having been received some of the work that we have completed for Mr. Vance in conjunction with the city's requirements.

We are now in a holding pattern while waiting for the DOT to send us a viable plan of their intentions for that area, at which time we will revise our plans accordingly and submit final information at a later date (with Mr. Vance's approval for us to do so). We cannot at this point certify our plans as completed, knowing that there are imminent changes due by the DOT to the front of the site (adjacent to Warren Avenue).

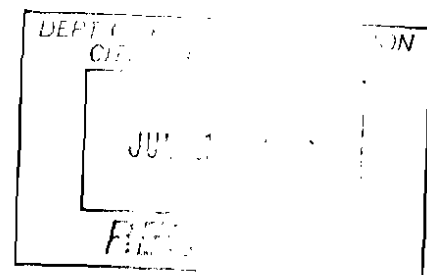
Please note that Mr. Vance has taken the steps to have NCS work with him to address the situation, but collectively we are somewhat stymied until we receive a revised and corrected DOT plan. Hopefully this information will at least allow an extension of Mr. Vance's permit with the city regarding his "tow yard", pursuant to our receiving the updated information we require.

If you have any questions, please contact us. Thank you.

Sincerely,  
Northeast Civil Solutions, Inc.

  
Jim Fisher  
President

Cc: John Vance



State of Maine,  
Cumberland,

September 15, 1965.

Personally appeared the above named

Ernest E. Knight

and acknowledged the above instrument to be his free act and deed.

Before me,

SEP 23 1965

REGISTRY OF DEEDS, CUMBERLAND COUNTY, MAINE  
Received at 10 H 21 M W. and recorded in  
BOOK 2922 PAGE 548

*J. William [Signature]*  
Justice of the Peace  
*Notary Public*  
Register

### Know all Men by these Presents,

Portland  
City of

to

Vance

&

- Q C

That The City of Portland, a body politic and corporate, and located at Portland, in the County of Cumberland and State of Maine, in consideration of one dollar and other valuable considerations paid by John B. and Joan A. Vance

of Portland, in the County of Cumberland and State of Maine, the receipt whereof it does hereby acknowledge, does hereby renounce, bargain, sell and convey, and forever quit-claim unto the said

John B. and Joan A. Vance, their

Heirs and Assigns forever, all its right, title and interest in and to the following described real estate situated in Portland in the County of Cumberland and State of Maine and more particularly described as, viz:

"Land Newcomb St., lots 17 to 21, Rec. Plan Warren Avenue Terrace, Assessor's Plan 303-C-17 to 21, Area 10,500 sq. ft."

351

Meaning and intending to convey the same land ~~and~~ ~~with~~ ~~the~~ ~~same~~ ~~land~~ ~~and~~ ~~with~~ ~~the~~ ~~same~~ ~~land~~ which the said grantor acquired by tax deed dated February 26, 1954.

The deed above referred to is recorded in the Cumberland County Registry of Deeds in Book 2340 Page 399.

This property was assessed to Carlo DePetro

and was sold February 1, 1954 for the non-payment of the 1953 tax. It was again sold for the non-payment of same tax.

At each tax sale the City of Portland was the Purchaser.

Said premises are hereby conveyed subject to taxes thereon for the year 1965, and said grantee assumes and agrees to pay said taxes as part of the consideration for this conveyance.

To have and to hold the same, together with all the privileges and appurtenances thereunto belonging to the said

John B. and Joan A. Vance, their

Heirs and Assigns, forever.

In Witness Whereof, the said City of Portland has caused this instrument to be executed and its corporate seal affixed by John B. Honario, George E. Anderson, Director of Finance, thereunto duly authorized, this THIRD day of AUGUST A. D. 1965.

Signed, Sealed and Witnessed in presence of

Certaldo Edmonson

City of Portland  
By John B. Honario  
Director of Finance



State of Maine

Cumberland,

} ss.

AUGUST 3, 1965.

John B. Honario

Then personally appeared the above named George E. Anderson

and acknowledged the foregoing instrument to be his free act and deed in his said capacity, and the free act and deed of said City of Portland.

Before me,

*John R. Palma*  
Justice of the Peace.  
Notary Public.

SEP 23 1965  
REGISTRY OF DEEDS, CUMBERLAND COUNTY, MAINE  
Received at 1 15 PM, and recorded in  
BOOK 2922 PAGE 550 *James R. Taylor* Register

### Know all Men by these Presents,

Portland  
City of  
  
to  
  
Vance  
&  
  
Q C

That The City of Portland, a body politic and corporate, and located at Portland, in the County of Cumberland and State of Maine, in consideration of one dollar and other valuable considerations paid by John B. and Joan A. Vance

of Portland, in the County of Cumberland and State of Maine, the receipt whereof it does hereby acknowledge, does hereby renounce, bargain, sell and convey, and forever quit-claim unto the said

John A. and Joan A. Vance, their

Heirs and Assigns forever, all its right, title and interest in and to the following described real estate situated in Portland in the County of Cumberland and State of Maine and more particularly described as, viz:

"Real estate Portland, Me., Assessor's Plans on file in Assessor's Office City Hall, Plan 303-C-12-13, Warren Avenue, Nos. 357-361 and Seville Street, Area 5,600 sq. ft."

Meaning and intending to convey the same <sup>real estate</sup> ~~tax and~~ ~~considering~~  
which the said grantor acquired by tax deed dated February 28, 1958.

The deed above referred to is recorded in the Cumberland  
County Registry of Deeds in Book 2568 Page 437.

This property was assessed to Catherine Sangillo  
and was sold February 3, 1958 for the non-payment of  
the 1957 tax. ~~It was again sold~~  
~~for the nonpayment of the tax~~

At each tax sale the City of Portland was the Purchaser.

Said premises are hereby conveyed subject to taxes thereon  
for the year 1965, and said grantee assumes and agrees to pay said  
taxes as part of the consideration for this conveyance.

To have and in hold the same, together with all the privi-  
leges and appurtenances thereunto belonging to the said

John E. and Joan A. Vance, their

Heirs and Assigns, forever.

In Witness Whereof, the said City of Portland has caused  
this instrument to be executed and its corporate seal affixed by  
John E. Menario,  
~~George M. Anderson~~, Director of Finance, thereunto duly authorized,  
this THIRD day of AUGUST A. D. 1965.

Signed, Sealed and Delivered  
in presence of

*Vertude S. O'Brien*

City of Portland

By *John E. Menario*  
Director of Finance



State of Maine, }  
Cumberland, } ss.

AUGUST 3, 1965

Then personally appeared the above named ~~George M. Anderson~~  
John E. Menario

354

and acknowledged the foregoing instrument to be his free act and deed in his said capacity, and the free act and deed of said City of Portland.

Before me,

*John R. Palma*  
Justice of the Peace.  
Notary Public.

SEP 23 1965

REGISTRY OF DEEDS, CUMBERLAND COUNTY, MAINE

Received at 1 H 5 *PM*, and recorded in

BOOK 2922 PAGE 552 *Samuel R. Lyman* Register

### Know all Men by these Presents, That

We, William E. Cleaves, Jr. and Myrtle E. Cleaves, both of South Portland, in the County of Cumberland and State of Maine,

Cleaves  
Jr &

to

Federal  
Ln & Bldg  
Assn

Mort

(hereinafter referred to as Grantor), in consideration of  
-----Ten Thousand----- (\$10,000)----- Dollars,

paid by FEDERAL LOAN AND BUILDING ASSOCIATION, a corporation organized and existing under the laws of the State of Maine and having its principal place of business at Portland in the County of Cumberland and State of Maine, (hereinafter referred to as Grantee), the receipt whereof the Grantor does hereby acknowledge, does hereby give, grant, bargain, sell and convey unto the said Grantee, its successors and assigns forever, the following described real estate:-

A certain lot or parcel of land, with the buildings thereon, situated on the southeasterly corner of Willard Street and Simonton Street, in said City of South Portland, at Willard Village, bounded and described as follows:

Beginning at a monument set at the corner formed by the southeasterly side line of Willard Street with the southwesterly side line of Simonton Street, said Simonton Street being formerly known as Stevens Road; thence southeasterly by said Simonton Street ninety (90) feet to a bolt; thence southwesterly at a right angle with said Street fifty-nine and four hundredths (59.04) feet to a bolt; thence northwesterly parallel with said Simonton Street seventy-eight and ninety-six hundredths (78.96) feet to said southeasterly line of Willard Street; thence northeasterly by said Willard Street sixty (60) feet to said corner and point of beginning.

Being the same premises conveyed to us by Linwood C. Bubier by deed dated August 24, 1953 and recorded in Cumberland County Registry of Deeds in Book 2143, Page 418.

JAN 29 1971  
Full payment and satisfaction of this mortgage  
hereby acknowledged and the same is hereby  
cancelled and discharged.

FEDERAL LOAN & BUILDING ASSOCIATION

*William E. Cleaves, Jr.*  
*Myrtle E. Cleaves*



386

Know all Men by these Presents, That

We, Harold A. Doughty and Agnes Doughty, both of Cape Elizabeth, in the County of Cumberland and State of Maine,

in consideration of one dollar and other valuable consideration

paid by John B. Vance and Joan A. Vance, of Portland, in the said County of Cumberland,

the receipt whereof we do hereby acknowledge, do hereby give, grant, bargain, sell and convey unto the said John B. Vance and Joan A. Vance, as joint tenants and not as tenants in common, their Heirs and Assigns forever,

A certain lot or parcel of land, with the buildings thereon, situated on the northerly side of Warren Avenue, in the said City of Portland, and bounded and described as follows: Being Lots numbered 22, 23, 24, 25 and 26 on a plan of lots at Warren Avenue Terrace, made by Ernest W. Branch, C. E., dated April 1911, and recorded in Cumberland County Registry of Deeds in Plan Book 12, Page 2. Said lots taken together measure Seventy (70) feet on said Warren Avenue, One Hundred Seventy (170) feet on the westerly side of Newcomb Street and One Hundred Seventy (170) feet on lots numbered 27, 29, 30, and 31 on said plan. Said lots taken together, according to said plan, contain Eleven Thousand Nine Hundred (11,900) square feet. Together with the fee of all the streets and ways shown on said plan, in common with the owners of the other lots shown on said plan and subject to the right of all said lot owners to make any customary use of said street and ways.

Being the same premises conveyed to us by Natalia Amergian by deed dated July 23, 1952, and recorded in Cumberland County Registry of Deeds, in Book 2094, Page 203.

To Have and to Hold the abovegranted and bargained premises, with all the privileges and appurtenances thereof, to the said

John B. Vance and Joan A. Vance, as joint tenants, and not as tenants in common, their heirs and assigns, their heirs and assigns, that we are lawfully seized in fee of the premises; that they are free of all incumbrances that we have a good right to sell and convey the same to the said Grantee to hold as aforesaid; and that we and our heirs and assigns shall and will warrant and defend the same to the said Grantee, their heirs and assigns forever, against the lawful claims and demands of all persons.

In Witness Whereof, We, the said Harold A. Doughty and Agnes Doughty being husband and wife,

joining in this deed as Grantor, and relinquishing and conveying our rights by descent and all other rights in the above described premises, have hereunto set our hands and seals this 16th day of February in the year of our Lord one thousand nine hundred and sixty-five.

Signed, Sealed and Delivered in presence of

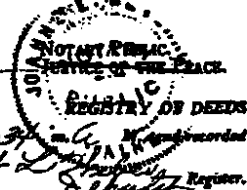
James C. [Signature]

Harold A. Doughty Agnes Doughty

State of Maine, Cumberland, ss. February 16, 1965. Personally appeared the above named Harold A. Doughty and Agnes Doughty

and acknowledged the foregoing instrument to be their free act and deed.

Before me, James C. [Signature]



STATE OF MAINE, CUMBERLAND COUNTY, SS.

Recorded FEB 17 1965 in BOOK 2880 PAGE 386



14415

**Know all Men by these Presents,**

That The City of Portland, a body politic and corporate, and located at Portland, in the County of Cumberland and State of Maine, in consideration of one dollar and other valuable considerations paid by John B. Vance,

of Portland, in the County of Cumberland and State of Maine, the receipt whereof it does hereby acknowledge, does hereby make, release, bargain, sell and convey, and forever quit-claim unto the said John B. Vance, his

Heirs and Assigns forever, all its right, title and interest in and to the following described real estate situated in Portland in the County of Cumberland and State of Maine and more particularly described as, viz:

Newcomb St. & Saville St., Assessors Plan 303-G-10 to 12-18-19-20



138

In Witness Whereof, the said City of Portland has caused this instrument to be executed and its corporate seal affixed by John G. DePalma Director of Finance, thereunto duly authorized, this Twenty first day of June A. D. 19 73 .

Signed, Sealed and Delivered in presence of

City of Portland

Susan R. Fitzpatrick

By John G. DePalma  
Director of Finance.

State of Maine, }  
Cumberland, } ss.

June 21, 19 73 .

Then personally appeared the above named John G. DePalma and acknowledged the foregoing instrument to be his free act and deed in his said capacity, and the free act and deed of said City of Portland.

Before me,

Joseph D. [Signature]  
Justice of the Peace  
Notary Public  
MAINE  
DEPT. OF REVENUE  
TREASURER

JUN 25 1973  
REGISTRY OF DEEDS CUMBERLAND COUNTY, MAINE  
Received at 11:29 AM, and recorded in

BOOK 3418 PAGE 136 Margaret [Signature] Deputy Register

Comments Submitted

Applicant: John & Joan Vance

Date: 8/7/08

Address: 355 Warren Ave

C-B-L: 303-C-012<sup>13</sup> = 5600<sup>sq</sup>

CHECK-LIST AGAINST ZONING ORDINANCE

Date - Existing Dev. lot

Zone Location - B-4

303-C-11 to 11 = 16800<sup>sq</sup>  
303-C-17 to 26 = 22400<sup>sq</sup>  
303-C-143 = 13,373<sup>sq</sup>  
14-16

Interior of corner lot - Saville & Newcomb

Proposed Use/Work - Tow yard - ~~use permit~~ <sup>70 cards</sup> 300' away from residential zone

Sewage Disposal - City

Lot Street Frontage - 60' min

Front Yard - 20' for A Structure - NO Structure proposed

Rear Yard - 20' for A Structure - " " "

Side Yard - 10' for A Structure - " " "

Projections - 1 story

Width of Lot - 60' min

Height - 65' max NO Structure proposed

Lot Area - 10,000<sup>sq</sup> - ~~56,250<sup>sq</sup>~~ per assessors

? Lot Coverage Impervious Surface - 80% max

Area per Family - N/A

Off-street Parking - N/A

Loading Bays - N/A

Site Plan - #2007-0138

Shoreland Zoning/ Stream Protection - N/A

Flood Plains - Panel 6 - 2 max

F.A.R - NO Structure proposed  
NO pavement setback req

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**MEMORANDUM**

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**To:** FILE

**From:** Marge Schmuckal

**Dept:** Zoning

**Subject:** Application ID: 2007-0138

**Date:** 8/7/2008

---

This tow lot is located within a B-4 zone. All of the requirements are being met except for confirming the impervious surface requirements. I saw nothing in the submittal that shows that the 80% maximum impervious surface requirements are being met. The applicant should submit that information for a completed zoning sign off.

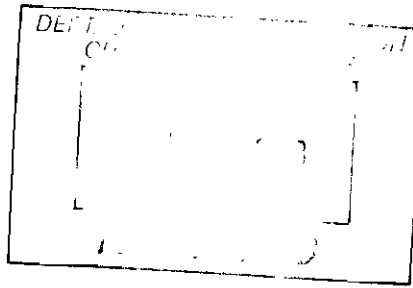
Separate permits shall be required for any signage.

Marge Schmuckal  
Zoning Administrator

**From:** Marge Schmuckal  
**To:** Jean Fraser  
**Date:** 8/7/2008 11:47:02 AM  
**Subject:** 355 Warren Ave - Tow Lot

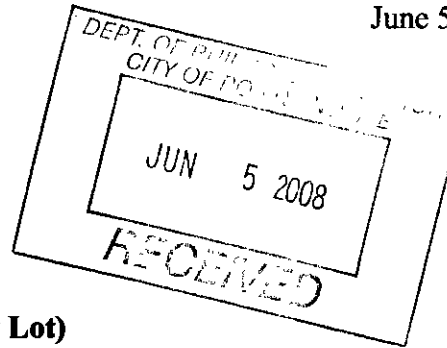
Jean,  
I put site plan comments in UI - I need their info on maximum lot coverage.  
Marge

AS SENT



June 5, 2008

Jim Fisher, President  
Northeast Civil Solutions, Inc  
153 US Route 1  
Scarborough, ME 04074



RE: **Vance project, 355 Warren Avenue (Tow Lot)**  
**Minor Site Plan (maximum of 70 vehicles to be stored)**  
**Application ID # 2007-0138**

Dear Mr. Fisher,

I refer to the cover letter and application submitted last year on behalf of Mr. Vance for the tow lot at the above address and to my letter of April 18, 2008 requesting further details of the proposals so that the Site Plan review could continue. You confirmed to me on May 15, 2008 that Mr Vance had authorized you to prepare additional plans in response to my letter, but to date I have not received any further information or plans. Please submit this further information by June 20, 2008.

For the record I set out the timetable on this application to date:

1. December, 2006: City required a Site Plan application for this site; this was an extension to the original deadline of October 31, 2006, as this site was affected by a zoning text amendment;
2. December 2006 through April, 2007: I had discussions with Mr Vance, his attorney and several engineers who said they were acting on behalf of Mr Vance; in these discussions I set out the site plan requirements in relation to the proposed tow lot (see list attached);
3. August 8, 2007: You submitted a Site Plan application on behalf of Mr Vance; some information was missing due to uncertainty over the MDOTs' proposals and timetable for improvements to Warren Avenue adjacent to the proposed tow lot; therefore the review of the application was placed "on hold";
4. Early 2008: The MDOT proposals became clear and I wrote to you on April 18, 2008 requesting further information so that the review of the application could proceed.

I repeat below the information that was requested so that a review of the site plan proposal can go forward:



1. Please clarify the boundary of the site subject of the proposals- I understand the site encompasses the tow lot and the area between the tow lot and Warren Avenue and not including the buildings surrounding the tow lot.
2. The application should include a Boundary Survey and an Existing Conditions Plan; these should include the items listed in the City's Ordinance Section 14-525 (ie include abutting owners and describe existing access/curb cut, fencing and surface conditions).
3. Please include in the Landscaping Plan the location, size and species of all existing and proposed planting; my previous notes to Mr Vance clarified that screen planting (eg evergreens) along the Warren Avenue frontage and enhanced screening planting (eg lilacs) along the side of the site were required.
4. Please clarify the other aspects of the proposals including re-surfacing and repairs/replacement to the fencing. If the existing surface is proposed to remain, please describe its current construction and condition.
5. Please submit a storm water analysis (including capacity letter re sewers) that confirms that the proposed drainage system is capable of handling the proposed drainage amounts and patterns. A storm water treatment unit may be required for this site and further discussions may be necessary on this question.
6. Please show on the site plan the proposed access drives(s), curbing, curb cuts, sidewalks and esplanade and indicate who will be responsible for constructing these elements of the project.
7. Please complete the Fire Department Checklist (previously forwarded) as relevant and identify the location of the nearest fire hydrant.
8. Please clarify what lighting is proposed for this site.
9. Please note that 7 copies of scaled plan set and one 11x17 set of the plans should be submitted along with 7 copies of all other documentation which forms part of the application (see instructions on second page of the application form). A copy of the Site Plan checklist was previously forwarded for information.

Please also note that the City will be requesting a contribution to the MDOT scheme in lieu of the curb and sidewalk that would be required under the City's Ordinance (Section 25-96 as modified by Section 14-506 (b) - copy attached). The calculation of the contribution would be determined by the extent of sidewalk and curbing required along the frontage of this site.

If you have any questions, please contact me on 874 8728 or on [jf@portlandmaine.gov](mailto:jf@portlandmaine.gov).

Sincerely,

[SIGNED]  
Jean Fraser  
Planner

Cc: Mr John Vance, 383 Warren Avenue, Portland, ME 04103  
Barbara Barhydt, Development Review Services Manager; Jim Carmody, Transportation Eng.; Mike Farmer, Project Eng.; Marge Schmuckal, Zoning Administrator; Jim Adolf, Legal Dept. Greg Cass, Fire Prevention

## Site Plan Requirements for Tow Lot

[as outlined by Jean Fraser in late 2006 and early 2007 in discussions with Mr Vance, his attorney and several engineers who stated they were acting for Mr Vance]

1. **Surfacing (including driveway) as per a parking lot (requirements described in City Ordinance 14-340 (b) and (c)) with associated drainage;**
2. **Replace/renew/repair fencing;**
3. **Screen planting along Warren Avenue eg high evergreen trees/plants;**
4. **Enhanced screening along Saville Street eg lilacs**
5. **Retain existing trees/vegetation;**
6. **Drainage (stormwater treatment system likely to be required);**
7. **Install sidewalk and curbing if not existing (see below).**

## Sidewalk and Curb Requirements

### **Sec. 25-96. Required for nonresidential, two-family or multi-family development; exceptions.**

Where a nonresidential, or a two-family or multi-family development requiring site plan approval abuts any accepted street and a sidewalk with granite curbing satisfactory to the public works authority has not already been provided, a sidewalk constructed of bituminous concrete, portland cement concrete, brick or other paving material and granite curbing shall be provided along the entire street frontage of the lot. If either a sidewalk or curbing, but not both, shall exist at such location which is satisfactory to the public works authority, only a sidewalk or curbing, as the case may be, shall be provided. In either case, such sidewalk and curbing shall be constructed in accordance with the specifications and to the satisfaction of the public works authority at no cost to the city. In conjunction with major site plan review, the planning board, or with minor site plan review, the planning authority, may waive or modify the requirements contained herein upon a like finding and on the same terms and conditions as set forth in section 14-506(b) of this code.

### **Sec. 14-506. Modifications.**

(b) Where the Planning Board or planning authority finds that, for each of the requirements listed below, two or more of the conditions exist with respect to compliance with the requirements set forth in sections 14-498 and 14-499 pertaining to the provision and construction of curbs and/or sidewalks, it may waive, in whole or in part, the regulations so that substantial justice may be done and the public interest secured:

*Sidewalks-*

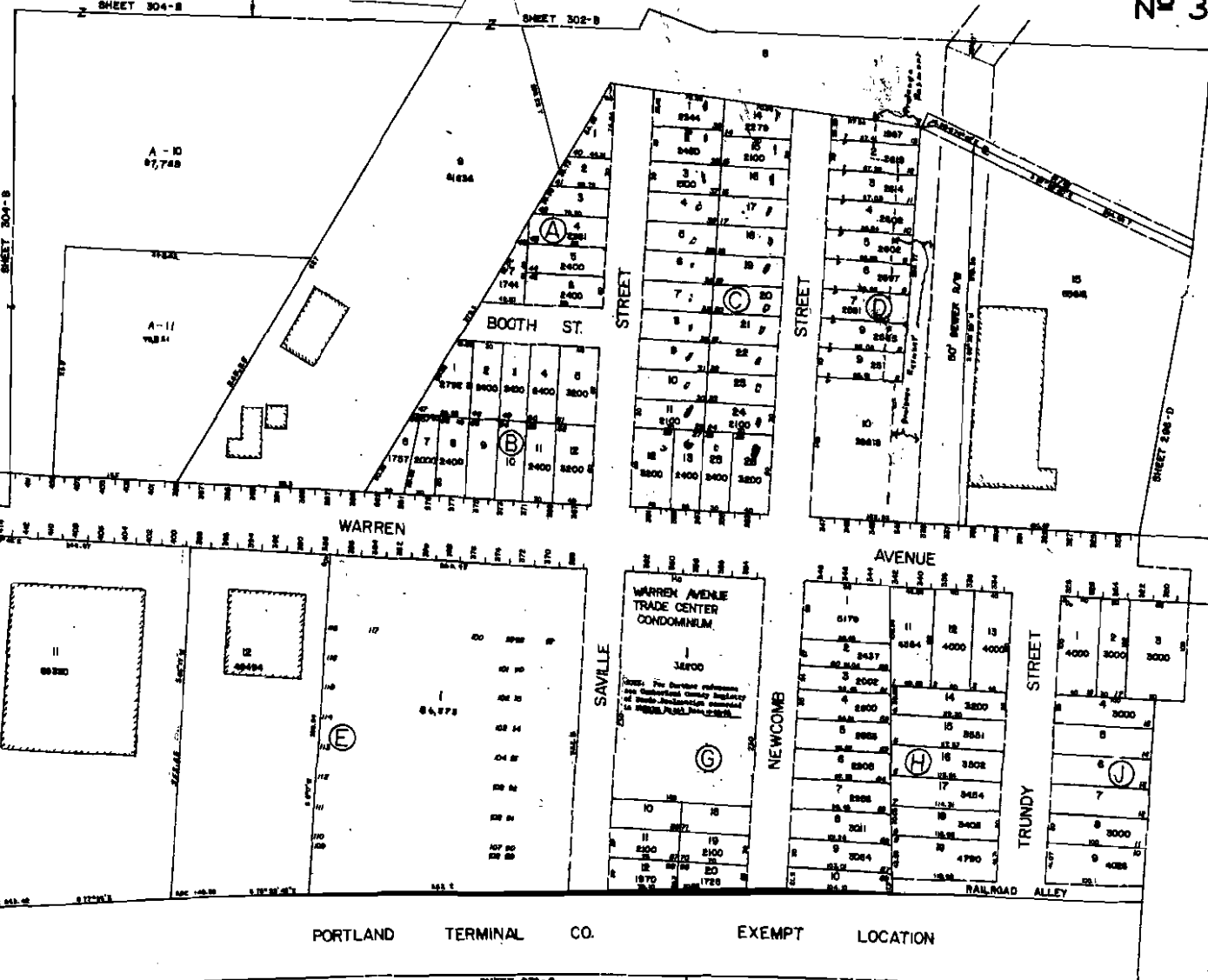
1. There is no reasonable expectation for pedestrian usage coming from, going to and traversing the site.
2. There is no sidewalk in existence or expected within 1000 feet and the construction of sidewalks does not contribute to the development of a pedestrian oriented infrastructure.
3. A safe alternative-walking route is reasonably and safely available, for example, by way of a sidewalk on the other side of the street that is lightly traveled.
4. The reconstruction of the street is specifically identified and approved in the first or second year of the current Capital Improvement Program or has been funded through an earlier CIP or through other sources.
5. The street has been constructed or reconstructed without sidewalks within the last 24 months.
6. Strict adherence to the sidewalk requirement would result in the loss of significant site features related to landscaping or topography that are deemed to be of a greater public value.

*Curbing-*

1. The cost to construct the curbing, including any applicable street opening fees, is in excess of 5% of the overall project cost.
2. The reconstruction of the street is specifically identified and approved in the first or second year of the current Capital Improvement Program or has been funded through an earlier CIP or through other sources.
3. The street has been rehabilitated without curbing in the last 60 months.
4. Strict adherence to the curb requirement would result in the loss of significant site features related to landscaping or topography that are deemed to be of a greater public value.
5. Runoff from the development site or within the street does not require curbing for stormwater management.

In no event shall the waiver have the effect of creating potentially hazardous vehicle and pedestrian conflict or nullifying the intent and purpose and policies of the land development plan relating to transportation and pedestrian infrastructure and the regulations of this article.

At its discretion, the planning authority may refer any petition for a waiver from the curb and sidewalk requirement to the Planning Board for decision.

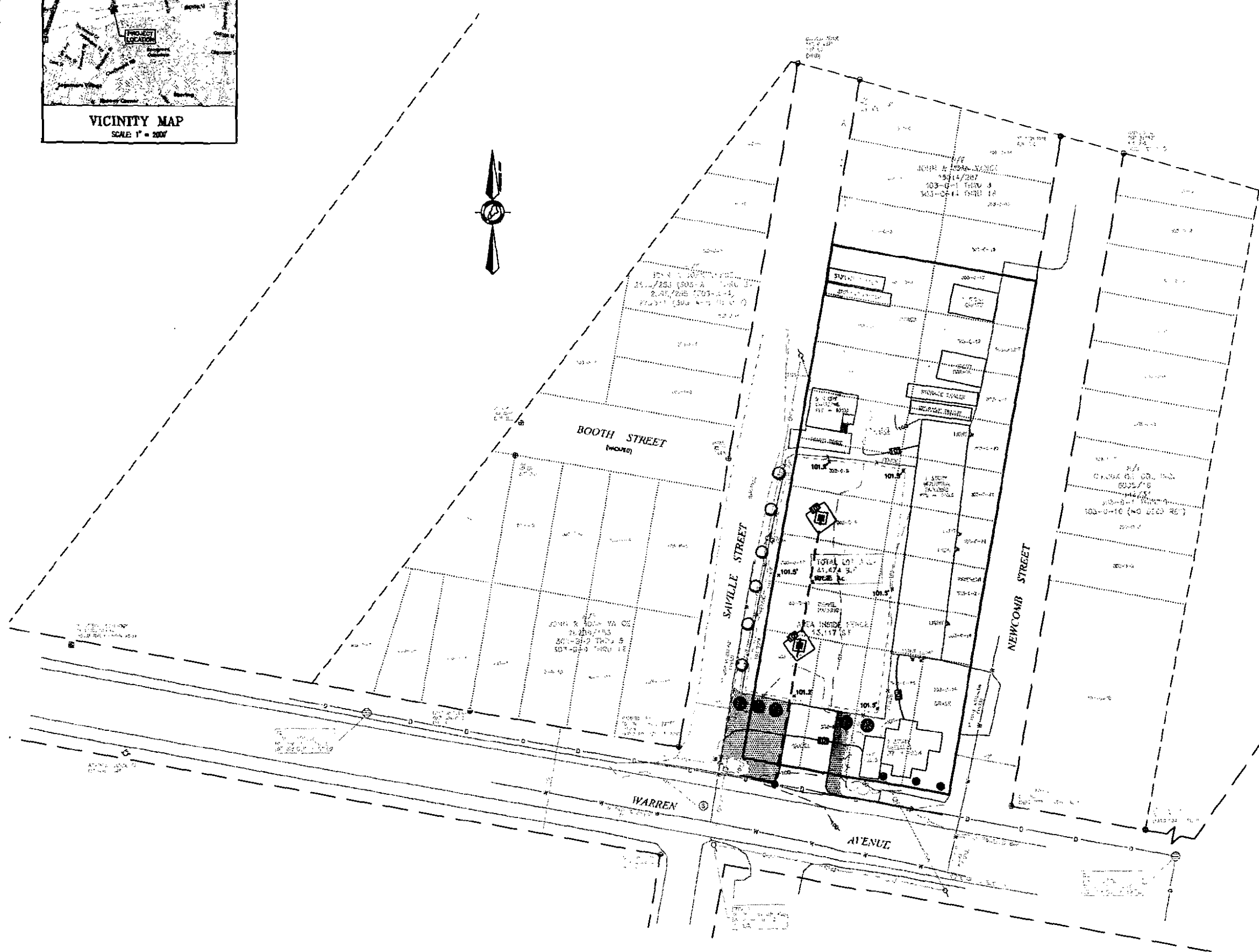
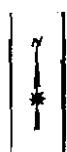
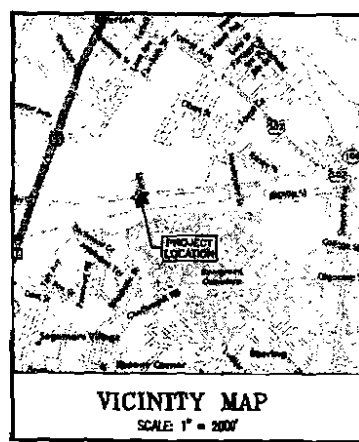


PORTLAND TERMINAL CO. EXEMPT LOCATION

SHEET INDEX

1. COVER/INDEX/VICINITY MAP PLAN
2. BOUNDARY SURVEY PLAN
3. SITE PLAN
4. PRE & POST DEVELOPMENT DRAINAGE AREA PLAN
5. CONSTRUCTION DETAILS

# 355 WARREN AVENUE PORTLAND, MAINE



NOV - 5 2008  
RECEIVED

THIS PLAN IS FOR REVIEW  
PURPOSES ONLY AND NOT  
INTENDED FOR CONSTRUCTION

Number	By	Date	Change
2	SMA	11/4/08	REVISED PER CITY COMMENTS
1	SMA	7/11/08	REVISED PER CITY COMMENTS

PROJECT NUMBER: 29960 ACAD FILE: 29960-COVER SCALE: 1" = 30' DATE: JULY 31, 2007

DRAWING STATUS

- OFFICE REVIEW
- CLIENT REVIEW
- PERMIT REVIEW
- BID SET
- CONTRACT DRAWING
- CONSTRUCTION

**H-4-08**

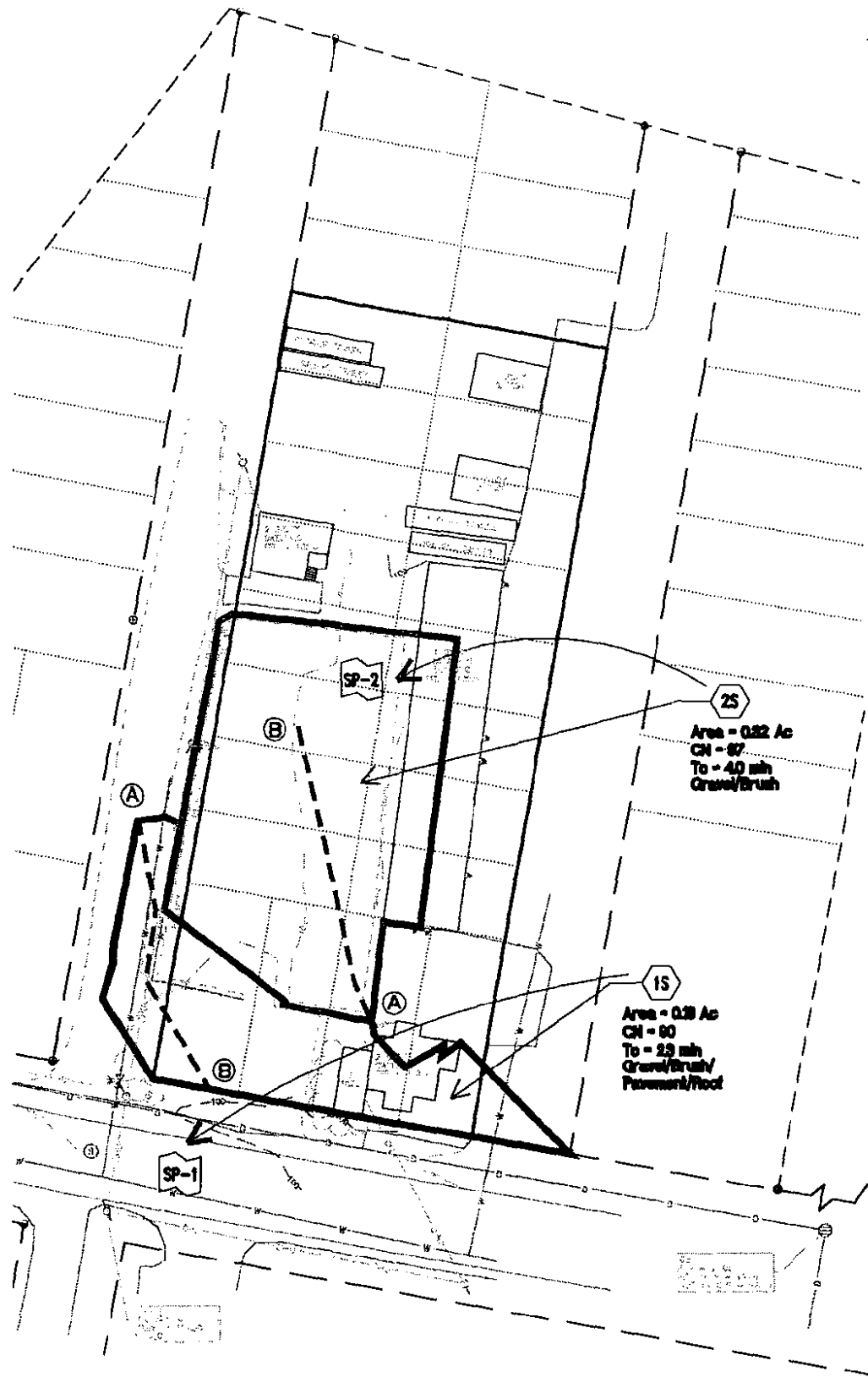
COVER/INDEX/VICINITY MAP PLAN

Project Name and Location:  
**JOHN VANCE**  
355 WARREN AVE, PORTLAND, ME 04103

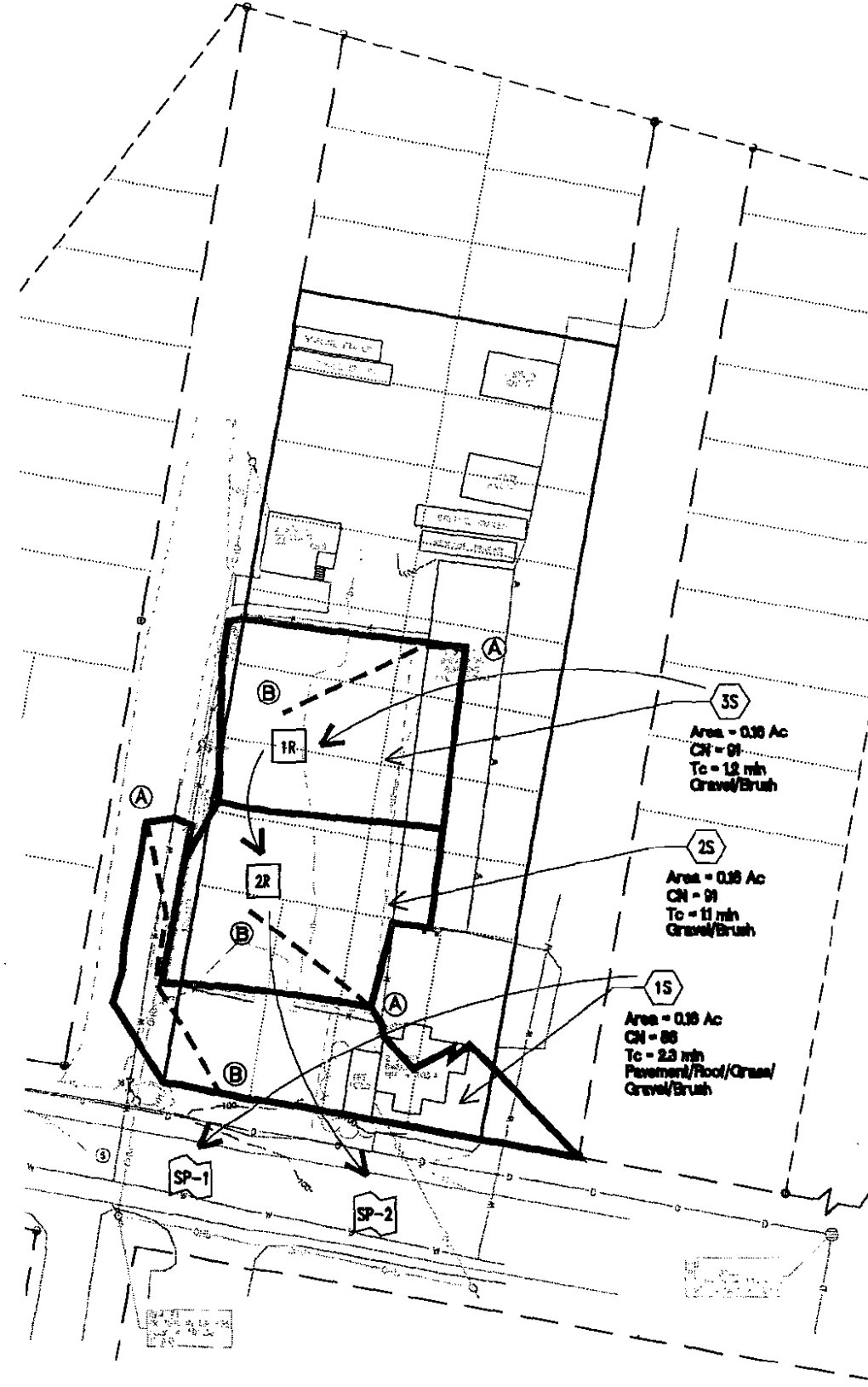
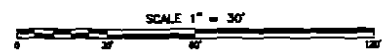
Prepared By:  
**JOHN VANCE**  
363 WARREN AVE, PORTLAND, ME 04103

**STATE OF MAINE**  
Professional Engineer  
No. 12345  
Exp. 12/31/2010

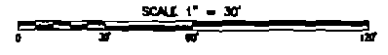
**NCS**  
SURVEYING ENGINEERING LAND PLANNING  
**Northeast Civil Solutions**  
INCORPORATED  
153 US ROUTE 1, SCARBOROUGH, MAINE 04074  
Tel: 207.883.1000 Fax: 207.883.1001  
www.northeastcivilsolutions.com



PRE DEVELOPMENT DRAINAGE AREA



POST DEVELOPMENT DRAINAGE AREA



LEGEND

- STUDY POINT
- SUBCATCHMENT
- REACH
- DRAINAGE SUBCATCHMENT
- TIME OF CONCENTRATION LINE

NOTES

PRE DRAINAGE Tc PATH TABLE

SUBCAT	Tc PATH	FLOW SHEET	LENGTH	SLOPE (FT/FT)
1S	A-B	SHEET	115'	0.0055
2S	A-B	SHEET	150'	0.0025

POST DRAINAGE Tc PATH TABLE

SUBCAT	Tc PATH	FLOW SHEET	LENGTH	SLOPE (FT/FT)
1S	A-B	SHEET	115'	0.0055
2S	A-B	SHEET	80'	0.0100
3S	A-B	SHEET	84'	0.0093

SOILS LEGEND

SYMBOL	SOIL TYPE	HSG
BqB	NICHOLVILLE VERY FINE SANDY LOAM, 0-8% SLOPES	C

DEPT. OF CONSERVATION  
THE SOURCE OF THE SOIL TYPES AND BOUNDARIES IS THE  
SOIL CONSERVATION SERVICE, SOIL SURVEY OF CUMBERLAND  
COUNTY, MAINE.

NOV - 5 2008

THIS PLAN IS FOR REVIEW  
PURPOSES ONLY AND NOT  
INTENDED FOR CONSTRUCTION

Revision	By	Date	Change
2	SMA	11/4/08	REVISED PER CITY COMMENTS
1	SMA	7/11/08	REVISED PER CITY COMMENTS

PROJECT NUMBER: 29968 ACAD FILE: 29968-DRAINAGE SCALE: 1" = 30' DATE: JULY 31, 2007

**PRE & POST DEVELOPMENT DRAINAGE AREA PLAN**

Project Name and Location:  
**JOHN VANCE**  
383 WARREN AVE, PORTLAND, ME 04103

Prepared For:  
**JOHN VANCE**  
383 WARREN AVE, PORTLAND, ME 04103



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