



PORTLAND MAINE

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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).
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.

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**

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: 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 "tow 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 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.
- 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.

Please contact our office if you have any questions.
DRG
203939.19

2008-11-13 355 Warren Avenue MEMO.doc

ATTACHMENT 2



CONCEPTS • SUPPLY • DESIGN • CONSTRUCTION
Northeast Civil Solutions
INCORPORATED
1000 W. Main Street, Suite 200
Scarborough, ME 04107

November 3, 2008

133 U.S. Route 1
Scarborough
Maine 04107

Maine DOT-Division 6
PO Box 1940
Portland, ME 04104-1940

tel
207.883.1000
800.882.2227

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

fax
207.883.1001

RE: City Tow Lot (John Vance), Warren Avenue: Curb Cut Width and Granite Curbing

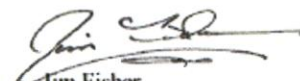
Dear Jean:

Pursuant to the City of Portland's request and the meeting we had with your staff and Mr. Vance on September 29, 2008, Mr. Vance understands that the entryway to the tow lot will be a maximum of 30 feet wide and centered on the existing gate location facing Warren Avenue.

The City/DOT will install granite curbing along Warren Avenue in conjunction with reconstruction of the roadway and subgrade infrastructure within the right-of-way. The 30'-wide curb cut will have tip down granite ends on both sides of the curb cut. The 30'-wide entrance to the Tow Lot will be paved from the edge of the traveled way of Warren Avenue to the edge of the right-of-way/front property line at the expense of the City/DOT. The remaining distance to the front of the Tow Lot gate will be paved and will be at Mr. Vance's expense. The uniform width of this pavement from Warren Avenue to the gate will be 30 feet. Any additional improvements within the right-of-way (i.e. sidewalk construction and subsequent maintenance thereof) will be the responsibility of the City and/or DOT).

If you have any questions or comments, please feel free to contact us. The Site Plan set will reflect all other details relative to your comment letter and to the information we got from your staff at the September 29 meeting.

Sincerely,
Northeast Civil Solutions, Inc.



Jim Fisher
President

Cc: John Vance

G:\29081& 4\Correspondence\Fraser & DOT curb cuts 11-3-08

ATTACHMENT 3



PORTLAND MAINE

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

Planning Division
Alexander Jaegerman, Director

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 MDOT, 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).

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 MDOT dated November 3, 2008 (copy attached).

O:\PLAN\Dev Rev\Warren Avenue - 355 (John Vance Tow Lot)\Correspondence\2009\Review Letter 355 Warren Ave
2009\11.20.09.doc
200 Congress Street • Portland, Maine 04101-3509 • Ph (207) 874-8721 or 874-8719 • Fx 756-8258 • TTY 874-8936

2.

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 Tow 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 Tow Lot application to include changes that have arisen as a result of the need to integrate with the MDOT improvement works along the Tow 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.

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 Errico, 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:**