

Listed below are key characters (in bold) for searching within this file.

Hold down the control key and select the “f” key. Enter either a key character from the list below or document name and select enter for a list of documents containing the search word you entered.

APL – all documents behind this target sheet pertain to the original application submitted by the Applicant.

REVIEW – all documents behind this target sheet pertain to those documents submitted to and from staff as part of the project review.

PBM1 – all documents behind this target sheet are any Planning Board memos with attachments that went to the Board.

PBR1 - all documents behind this target sheet are any Planning Board reports with attachments that went to the Board.

CC1 - all documents behind this target sheet are any City Council memos/reports that went to the City Council.

DRC1 - all documents behind this target sheet are those pertaining to the post review of the project by the Development Review Coordinator.

MISC1 - all documents behind this target sheet are those that may not be included in any of the categories above.

APL

DRAFT

April 12, 2007

Jim Wolf
Diversified Properties, Inc.
PO Box 10127
Portland, ME 04104

WDE LLC

RE: ^{*Subdivision*} ~~Site Plan Review:~~ ~~35 Barclay Avenue~~ *Castine Avenue*
SIX ~~Three (3) Lots Subdivision~~
Application # ~~2007-0018; CBL 339 D009001~~

Dear Mr. Wolf,

*See what
I wrote for
the Village*

I am writing to follow up on the Planning Board Workshop held on April 10th, 2007 and clarify the current status of the Subdivision Review and issues that need to be addressed prior to the project being considered at a Planning Board Hearing.

1. Please submit an "Existing Conditions" Plan as previously requested so that the Planning Board can distinguish between existing and proposed aspects of the project. Please include existing trees, grading, wetlands, pavements, structures, hydrants, utilities, catch basins and easements for all three lots.
2. Please submit a revised Subdivision Recording Plat that shows the outline of the Subdivision as well as the three lots within it. The Plat should address the items listed in the City Ordinance Section 14-496 (copy attached) and:
 - a. Omit the curb cut onto Barclay Avenue for Lot 3 (B) as this will not be approved as part of the Subdivision. (see 6 below)
 - b. Show Hampton Street on all plans and its status.
 - c. Show the locations of proposed street trees in locations within 8-10 feet of the frontage property line and clarified in the legend. Show separately any existing trees to be preserved.
 - d. Show a sidewalk on the frontage of all three lots on Barclay Avenue, annotated to indicate that a waiver has been requested for the sidewalk (see 4 below).
 - e. Please ensure that all plans have legends and are consistent in their references to lots, boundaries, easements etc
3. Please submit a revised Overall Grading Plan which addresses the Ordinance 14-496 (a) 15 and accurately shows the existing (as built) grading contours on Lots 1 and 2 and the proposed contours for all three lots. The Planning Board requested that this

should show your proposals to address drainage issues on all three lots, and address the concerns raised by Ms. Bedard regarding #39 Barclay Avenue (Lot 1/Parcel C). Also please show or describe how the drainage (as proposed) from these three lots will not impact the abutting properties.

4. Any previous waiver regarding the sidewalks was considered within a 14-403 application and not within a Subdivision Review. Please submit a formal written waiver request from the Subdivision requirement that is set out in the Ordinance (copy attached for information).
5. The City will not approve a driveway off of the turnaround. The one you mentioned at Ruby Lane was temporary.
6. The curb cut and associated driveway proposed for Lot 3 (Parcel B) should be removed from all the Subdivision proposal plans as they will not be approved for a Moratorium Street (see comments from Public Works, item 5b and 5c of the Workshop Memo).
7. Please note that a Single Family House Site Plan Review application will need to be submitted once the Subdivision is approved and recorded. That Review will consider in detail whether the proposed drainage is consistent with the overall subdivision drainage plan, and consider the details of the driveway, house location and size etc. The question of any additional curb cut can be resolved at that stage. These details do not need to be finalized for the Subdivision Review although we need information to determine that it is feasible to build a house on the site and meet the zoning, parking and access requirements.
8. Please address the comments included in the Workshop Memorandum from the Engineering Reviewer (Dan Goyette, dated April 5, 2007; copy attached). There may be some additional detailed comments after a review of the plans submitted April 5th, 2008 is completed and I will forward these when received.
9. Please submit the sewer capacity letter.

Please submit the information and revised proposals at your earliest convenience and note that a Hearing will not be scheduled until these are received. The Hearing will normally be held at least 3 weeks after all the requested information and revisions are received in order to allow time for a final review.

If you have any questions please do not hesitate to call me on (207) 874 8728 or at jf@portlandmaine.gov.

Sincerely,

Jean Fraser
Planner

cc Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Manager
Penny Littell, Corporate Counsel

Michael Farmer, Public Works
Captain Greg Cass, Fire Prevention
Marge Schmuckal, Zoning Administrator

April 18, 2007

~~Jim With~~
~~W & C LLC~~
~~P.O. Box 10~~

- Attach - Pl Bd memo
- incorporate comments
- ~~Address the comments sub~~
- ~~Address the Planning Board's~~
- At the Planning Board workshop, the ~~Board~~ question was raised as to

• ~~In~~ Based upon a review of you ~~re-making~~ the deed for the property and looking at ^{the Tax} Assessor's records, it appears that the full extent of your holdings may not be shown on the plans. Please clarify the ~~full extent~~ your ~~holdings~~. ~~If a portion is~~ of ~~the full~~ property is The recording ~~list~~ should accurately reflect the complete holding and the proposed splits/lot divisions

- Portland's Subdivision Ordinance
14-499 - Required Improvements -
b) On all streets, side streets and alleys, a suitable hard surface ~~promoted pavement~~ shall be installed meeting the requirements set

forth in article III of chapter 25.

- 1998
- a) - sidewalks and curb shall be constructed as required in section 14-498.
 - b) adag -

The Planning Board requested that you address bringing Boulder Street up to city standards as a ~~comprisable~~ part of this subdivision review.

- Write

- ~~the~~ the workshop you stated your intention to see the existing home and proposed lot once the house is renovated. You asserted that

is would not ^{constitute a} ~~trigger~~ subdivision.

~~to AS while the city staff recall discussing this proposal you~~ AS you undergo subdivision review, review, the city advises against transferring

is ~~embodied~~ ^{any} property until the review process + performance guarantee + inspection fees are in place. ~~It~~ The proposed sale may constitute a subdivision under the states definition. Secondly, the Planning Board may seek ~~of~~ ^{modifications to} ~~plan~~ ^{subdivis} ~~to~~ ^{plan} which could impact the configuration of that lot.

Resolve the proposed curb cut for lot
#4. ~~It cannot access~~ Access
~~to this lot cannot be from front~~
~~Access~~ A separation of feet
must be retained between a driveway
→ intersection along an arterial.

list all comments

February 16, 2007

Ms. Barbara Barhydt, Development Review Services Manager
Department of Planning and Development
Portland City Hall
389 Congress Street
Portland, ME 04101-2503

Subject: Subdivision Plan Submission
Castine Avenue, Portland, Maine

Dear Barbara,

Enclosed please find a complete subdivision application and supporting information for Castine Avenue in Portland, Maine. W&C LLC, has retained Gorrill-Palmer Consulting Engineers, Inc. to prepare plans and permit application for the proposed subdivision located at the corner of Castine Avenue and Forest Avenue. The project site is located on Portland's Assessor's Map 309, on the Blocks and Lots listed below:

Block	D	D	D	E	D	E	E	E	E
Lots	009	011	005	022	007	006	018	020	026

The cumulative site area is approximately (1.58) acres of land. Lot one currently is a developed residential lot, surrounded by undeveloped land. A list of abutters for the project is available in Attachment 4. The site has the ability to be served with public water, sewer and electricity. Based on the size of the development, the project meets the definition of a major development. Work is planed to start in the spring of 2007 and be completed in the fall of 2007.

This application package describes the applicant's plans to develop the above-referenced parcel. We look forward to discussing this project with you during your review.

- Attachment 1: Subdivision Plan Review Application
- Attachment 2: Location Map
- Attachment 3: Title, Right & Interest
- Attachment 4: Abutters List
- Attachment 5: Financial Letter
- Attachment 6: Ability to Serve
- Attachment 7: FEMA Flood Map
- Attachment 8: Soils Map
- Full and reduced plan sets.

*Ms. Barbara Barhydt
February 16, 2007
Page 2 of 4*

Site Description

The project site contains an existing house with the remainder being undeveloped wooded area. The total existing nonvegetated surfaces associated with the house lots is approximately 0.06 acres. The site is bordered by Castine Avenue to the Northwest, Forest Avenue to the Northeast and unimproved Brandon Street to the Southeast.

Proposed Use

This project will include the creation of 6 Lots. Lot 1 is currently a developed residential lot which has been previously conveyed to separate ownership prior to submission of this package. Lot 6 will not be developed until Brandon Street is improved to city standard. Lots 2, 3, 4, and 5 are being designed to accommodate a 32'x24' cape style house. A 20' easement is proposed to the northeast of Lot 2 to allow for water and sewer services for Lot 1. There is also a 20' easement to the rear of Lot 4 to allow for water and sewer services to connect to Castine Avenue.

Zoning

The location of the site is in zoning district R-3. Residential homes are permitted use within this zone, space and bulk requirements for this zone are provided on the plans.

Financial

A letter of financial capacity from TD Banknorth has been included which indicates the applicant's ability to undertake this project is also included in Attachment 5.

Lot Development

Proposed grading plans for potential lot development of lots 2, 3, 4 & 5 are included with this package. At this time, each lot has been designed to accommodate the 32' x 24' cape with the setbacks. These grading plans could be included for building permits on these lots. Final individual layouts and grades will be the responsibility of the future lot owners.

Utilities

Lots will be served water from Portland Maine Water District and City sewer via connections from Castine Avenue. Although Lots 4 and 5 front Forest Avenue, in an effort to maintain the large tree growth along Forest Avenue, sewer and water services are proposed to be connected to Castine Avenue. Lot 5 services will require an easement over Lot 4. By not connecting to existing utilities within Forest Avenue, this will eliminate the need to open the pavement within the roadway, causing significant disturbance to this major roadway. Central Maine Power will also serve the sites, via over head lines. Ability to serve letters have been included in Attachment 6.

*Ms. Barbara Barhydt
February 16, 2007
Page 3 of 4*

Flood Plain Mapping

Included in this package is a FEMA insurance rate map showing the property to not be in any Flood Zone. The FEMA map is included in Attachment 7.

Soils

Soils types for the site were determined using the Cumberland County Medium intensity soils map. The soil found on the site appears to be Elmwood fine sandy loam. A map showing the existing soil conditions has been included in Attachment 8.

Stormwater

The project site consist of a flat area, the proposed development will slightly increase the onsite runoff. The existing site contains 0.06 acres of nonvegetated coverage. Should the project be built as the design shows there would be a net increase of 0.15 acres of nonvegetated coverage. Using the SCS TR-20 method and the 2 year storm this results in a net stormwater runoff increase of 0.2 cfs. Due to the minimal increase a stormwater report is not anticipated.

Erosion Control

An Erosion and Sedimentation plan has been prepared in accordance with the Maine Erosion and Sedimentation Control BMP's. A copy of this plan has been shown on the Erosion Control Detail sheet in the plan set. We do not anticipate that the project will require a Maine Construction General Permit or SWPPP because the disturbed area for the subdivision will be less than 1 acre.

Waste Disposal

Solid waste disposal will be carried out through city trash collection.

Wetlands

Wetlands are located along the Southwest side of Lot 2 and run through the center of Lot 6. Grading has been proposed so to not disturb the existing wetlands. Wetlands were located by Sweet Associates of Falmouth Maine. Currently a permit for wetland impacts is not required, as there will be no wetland impacts.

*Ms. Barbara Barhydt
February 16, 2007
Page 4 of 4*

Conclusion

As, proposed, the development will provide additional residential opportunities within the city. Gorrill-Palmer Consulting Engineers, Inc. and the applicant look forward to discussing this project with the Planning Department. Please contact us with any questions.

Sincerely,

Gorrill-Palmer Consulting Engineers, Inc.



Alton M. Palmer, PE
Senior Vice President

Copy: Jim Wolf, W&C LLC

AMP/jlg/JN1721/ U:\1721\Applications\Portland Site Specific.doc



City of Portland Site Plan Application

If you or the property owner owes real estate taxes, personal property taxes or user charges on any property within the City, payment arrangements must be made before permit applications can be received by the Inspections Division.

Address of Proposed Development: Castine Avenue Portland Maine		Zone: R-3
Existing Building Size: N/A Existing Acreage of Site: N/A		Proposed Building Size: N/A Proposed Acreage of Site: N/A
Tax Assessor's Chart, Block & Lot: Chart# 309 Block# D,D,D,E,D,E,E,E,E Lot# 009,011,005,022,007,006,018,020,026	Property owner's mailing address: W & C LLC PO Box 10127 Portland, ME 04104	Telephone #: (207) 773-4988
Consultant/Agent, mailing address, phone # & contact person: Alton Palmer Gorrill-Palmer Consulting Engineers, Inc PO Box 1237 Gray Maine, 04039 (207) 657-6910	Applicant's name, mailing address, telephone, Fax, Pager: Same as Owner Contact: James wolf	Project name: Castine Ave Portland Maine

Fee For Service Deposit (all applications) (\$200.00)

Proposed Development (check all that apply)

New Building Building Addition Change of Use Residential Office Retail

Manufacturing Warehouse/Distribution Parking lot

Subdivision (\$500.00) + amount of lots 6 (\$25.00 per lot) \$ 150 + major site plan fee if applicable

Site Location of Development (\$3,000.00)
(except for residential projects which shall be \$200.00 per lot _____)

Traffic Movement (\$1,000.00) Storm water Quality (\$250.00)

Section 14-403 Review (\$400.00 + \$25.00 per lot)

Other _____

Major Development (more than 10,000 sq. ft.)

Under 50,000 sq. ft. (\$500.00)

50,000 - 100,000 sq. ft. (\$1,000.00)

Parking Lots over 100 spaces (\$1,000.00)

100,000 - 200,000 sq. ft. (\$2,000.00)

200,000 - 300,000 sq. ft. (\$3,000.00)

Over 300,000 sq. ft. (\$5,000.00)

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

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)

RECEIVED

FEB 16 2007

City of Portland
Planning Division

~ Please see next page ~

Who billing will be sent to: (Company, Contact Person, Address, Phone #)

Jim Wolf W & C LLC.
P.O. Box 10127
449 Forest Ave
Portland Maine 04104

Submittals shall include (9) 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 11 x 17 plans

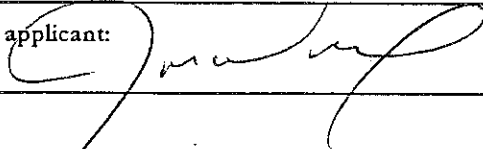
Amendment to Plans: Amendment applications should include 6 separate packets of the above (a, b, & c)

ALL PLANS MUST BE FOLDED NEATLY AND IN PACKET FORM

Section 14-522 of the Zoning Ordinance outlines the process which is available on our web site: 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.

Signature of applicant:



Date:

2-7-07

This application is for site review ONLY; a building Permit application and associated fees will be required prior to construction.



City of Portland, Maine Site Plan Checklist

Castine Avenue Portland Maine

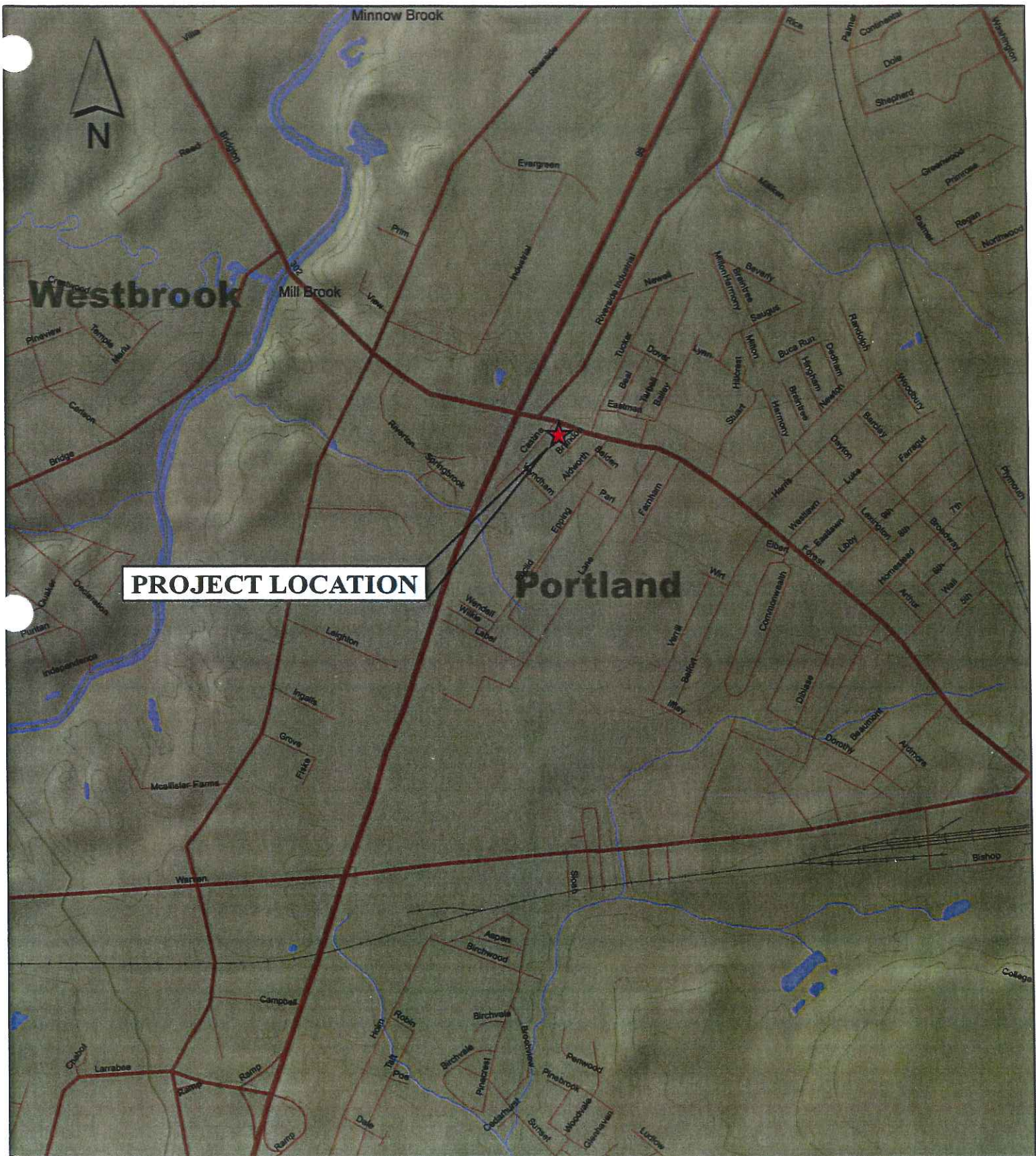
**Project Name, Address of Project
Number**

Application

Submitted () & Date (b,c)	Item	Required Information	Section 14-525
X	(1)	Standard boundary survey (stamped by a registered surveyor, at a scale of not less than 1 inch to 100 feet and including:	1
X	(2)	Name and address of applicant and name of proposed development	a
X	(3)	Scale and north points	b
X	(4)	Boundaries of the site	c
X	(5)	Total land area of site	d
X	(6)	Topography - existing and proposed (2 feet intervals or less)	e
X	(7)	Plans based on the boundary survey including:	2
X	(8)	Existing soil conditions	a
X	(9)	Location of water courses, marshes, rock outcroppings and wooded areas	b
X	(10)	Location, ground floor area and grade elevations of building and other structures existing and proposed, elevation drawings of exterior facades, and materials to be used	c
X	(11)	Approx location of buildings or other structures on parcels abutting the site	d
N/A	(12)	Location of on-site waste receptacles	e
X	(13)	Public utilities	e
X	(14)	Water and sewer mains	e
X	(15)	Culverts, drains, existing and proposed, showing size and directions of flows	e
X	(16)	Location and dimensions, and ownership of easements, public or private rights-of-way, both existing and proposed	f
X	(17)	Location and dimensions of on-site pedestrian and vehicular access ways	g
X	(18)	Parking areas	g
N/A	(19)	Loading facilities	g
X	(20)	Design of ingress and egress of vehicles to and from the site onto public streets	g
N/A	(21)	Curb and sidewalks	g
N/A	(22)	Landscape plan showing:	h
X	(23)]Location of existing proposed vegetation	h
N/A	(24)	Type of vegetation	h
X	(25)	Quantity of plantings	h
X	(26)	Size of proposed landscaping	h
N/A	(27)	Existing areas to be preserved	h
N/A	(28)	Preservation measures to be employed	h
N/A	(29)	Details of planting and preservation specifications	h
N/A	(30)	Location and dimensions of all fencing and screening	i
N/A	(31)	Location and intensity of outdoor lighting system	j
X	(32)	Location of fire hydrants, existing and proposed	k
X	(33)	Written statement	c
X	(34)	Description of proposed uses to be located on site	1
X	(35)	Quantity and type of residential, if any	1
X	(36)	Total land area of the site	b2
X	(37)	Total floor area and ground coverage of each proposed building and structure	b2
X	(38)	General summary of existing and proposed easements or other burdens	c3
X	(39)	Method of handling solid waste disposal	4
X	(40)	Applicant's evaluation of availability of off-site public facilities, including sewer, water and streets	5
X	(41)	Description of any problems of drainage or topography, or a representation that there are none	6
X	(42)	An estimate of the time period required for completion of the development	7
X	(43)	A list of all state and federal regulatory approvals to which the development may be subject to	8

Location Map

Figure No. **1**



PROJECT LOCATION

CASTINE AVENUE HOUSE LOTS, PORTLAND, MAINE

GP Gorrill-Palmer Consulting Engineers, Inc.

PO Box 1237
15 Shaker Road
Gray, ME 04039

Traffic and Civil Engineering Services 207-657-6910

Fax: 207-657-6912
mailto:cox@gorrillpalmer.com
www.gorrillpalmer.com



JN: 1721
DATE: JAN 2007
FILE: 1721_LOCMAP.MXD
SOURCE: MAINE GIS WEBSITE

QUITCLAIM DEED WITH COVENANT
Statutory Short Form

KNOW ALL PERSONS BY THESE PRESENTS, That Andrea Diane Knight of Hampton Falls, New Hampshire, for consideration paid, grant to W & C, LLC, whose mailing address is P.O. Box 10127, Portland, Cumberland County and State of Maine, with Quitclaim Covenants, a certain lot or parcel of land, with any buildings thereon, situated on or near Castine Avenue and Forest Avenue, Portland, County of Cumberland and State of Maine, as more fully described as follows:

Certain lots or parcels of land, with the buildings thereon, bounded and described as follows: Being certain lots numbered 111-130, 134-138 as shown on Plan of Lots at Deering Terrace, which Plan was made by Ernest W. Branch, C.E., dated April 20, 1913, and recorded in said Registry of Deeds in Plan Book 12, Page 6 (the "Plan"). Each of said lots measures 30 feet in width by 90 feet in depth, and contains, according to said Plan, 2700 square feet, more or less.

Together with all the right, title and interest in 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 streets and ways.

Together with the fee insofar as the Grantors have the right so to convey the same, 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 the said owners to make any customary use of said streets and ways.

Meaning and intending to convey a portion of the premises conveyed to the Grantor by deed recorded in Book 15342, Page 310.

By acceptance of this deed, the Grantee, its successors and assigns agree to a restriction on all of the above property precluding any of the above referenced property being used for multifamily housing. This restriction is not intended to prevent a home from having an in-law apartment built in a manner as in-law apartments are defined by Portland municipal codes.

Grantee, its successors and assigns, further agree to a restriction on lot 125 through 131 requiring Grantee, its successors and assigns to preserve as many trees as possible on said lots. The restriction is as follows:

Prior to development Grantee agrees to use its best efforts to obtain approval from the City of Portland to construct two single family homes on the Forest Avenue property that are accessed by Castine Avenue. Notwithstanding the results of these efforts the Grantee agrees to use best efforts to preserve as many of the trees as possible on the land while at the same time being able to construct single family homes on the property. After development takes place no trees over 4 inches shall be removed unless it is dead, dying or diseased, causing a hazard to either the public or the homes on the property, or to place a garage, accessory structure or play area of reasonable size.

MAINE REAL ESTATE TAX PAID

Grantee further agrees to the restriction that in the event Grantee donates any of the property to the City of Portland that the donation will be made in "loving memory of George F. Knight and Clare B. Knight."

Excepting from the above described property the following parcel:

Beginning at a point on the southeasterly sideline of Castine Avenue; said point being located S 59° 02' 58" W a distance of One Hundred Twelve and 25/100 (112.25) feet from the intersection of the southeasterly sideline of Castine Avenue and the southwesterly sideline of Forest Avenue; said point also being located at the northerly corner of Lot 131 as shown on a plan entitled "Deering Terrace owned by J.W. Wilbur Co. Inc." made by Ernest W. Branch dated April 20, 1915 and recorded in Plan Book 12, Page 6 and at the northerly corner of land now or formerly of Gary S. Bedrosian, Trustee of the Gary S. Bedrosian Revocable Trust U/T/A and Andrea D. Knight, Trustee of the Andrea D. Knight Revocable Trust U/T/A as described in a deed recorded in the Cumberland County Registry of Deeds in Book 23492, Page 76. Thence:

- 1) S 57° 58' 00" E by said land of Bedrosian and Knight and by said Lot 131 a distance of One Hundred One and 02/100 (101.02) feet to a point at the easterly corner of said Lot 131.
- 2) S 59° 02' 58" W by said land of Bedrosian and Knight and by said Lot 131 a distance of Sixty-Two and 28/100 (62.28) feet to a point.
- 3) S 30° 57' 02" E a distance of Ten and 00/100 (10.00) feet to a point.
- 4) N 59° 02' 58" E a distance of Sixty-Five and 00/100 (65.00) feet to a point.
- 5) N 30° 57' 02" W a distance of One Hundred and 00/100 (100.00) feet to a point on the southeasterly sideline of Castine Avenue.
- 6) S 59° 02' 58" W by said Castine Avenue a distance of Forty-Eight and 61/100 (48.61) feet to the point of beginning.

Said parcel contains 2,960 square feet (0.07 acres) and being a portion of land now or formerly of Andrea Dianne Knight as described in a deed recorded in the Cumberland County Registry of Deeds in Book 15342, Page 310.

Said excepted parcel also being comprised of a portion of Lots 122, 123, 124, 128, 129, and 130 as shown on said Plan.

Bearings are referenced to Magnetic North 2004.

Reference is made to a plan entitled, "Plan of Boundary Survey Forest Ave., Castine Ave. and Brandon St. made for W&C LLC," by Titcomb Associates dated September 14, 2006 recorded in Plan Book 200 Page 645

Witness my hand and seal this 19 day of October, 2006.

Witness:

[Signature]

Andrea Diane Knight
Andrea Diane Knight

STATE OF MAINE
COUNTY OF CUMBERLAND ss.

October 19, 2006

Personally appeared the above-named Andrea Diane Knight and acknowledged the foregoing instrument to be her free act and deed.

Before me,

[Signature]
Notary Public/Attorney at Law
Print: JAMES T. BARNES

Received
Recorded Register of Deeds
Oct 20, 2006 12:02:47P
Cumberland County
John B. O'Brien

QUITCLAIM DEED WITH COVENANT
Statutory Short Form

KNOW ALL PERSONS BY THESE PRESENTS, That Andrea Diane Knight of Hampton Falls, New Hampshire, for consideration paid, grants to Andrea D. Knight, Trustee of the Andrea D. Knight Revocable Trust U/T/A dated 11/22/05 and Gary S. Bedrosian, Trustee for the Gary S. Bedrosian Revocable Trust U/T/A dated 11/22/05, with Quitclaim Covenants, a certain lot or parcel of land, with any buildings thereon, situated on or near Castine Avenue, Portland, County of Cumberland and State of Maine, as more fully described as follows:

Beginning at a point on the southeasterly sideline of Castine Avenue; said point being located S 59° 02' 58" W a distance of One Hundred Twelve and 25/100 (112.25) feet from the intersection of the southeasterly sideline of Castine Avenue and the southwesterly sideline of Forest Avenue; said point also being located at the northerly corner of Lot 131 as shown on a plan entitled "Deering Terrace owned by J.W. Wilbur Co. Inc." made by Ernest W. Branch dated April 20, 1915 and recorded in Plan Book 12, Page 6 and at the northerly corner of land now or formerly of Gary S. Bedrosian, Trustee of the Gary S. Bedrosian Revocable Trust U/T/A and Andrea D. Knight, Trustee of the Andrea D. Knight Revocable Trust U/T/A as described in a deed recorded in the Cumberland County Registry of Deeds in Book 23492, Page 76. Thence:

- 1) S 57° 58' 00" E by said land of Bedrosian and Knight and by said Lot 131 a distance of One Hundred One and 02/100 (101.02) feet to a point at the easterly corner of said Lot 131.
- 2) S 59° 02' 58" W by said land of Bedrosian and Knight and by said Lot 131 a distance of Sixty-Two and 28/100 (62.28) feet to a point.
- 3) S 30° 57' 02" E a distance of Ten and 00/100 (10.00) feet to a point.
- 4) N 59° 02' 58" E a distance of Sixty-Five and 00/100 (65.00) feet to a point.
- 5) N 30° 57' 02" W a distance of One Hundred and 00/100 (100.00) feet to a point on the southeasterly sideline of Castine Avenue.
- 6) S 59° 02' 58" W by said Castine Avenue a distance of Forty-Eight and 61/100 (48.61) feet to the point of beginning.

Said parcel contains 2,960 square feet (0.07 acres) and being a portion of land now or formerly of Andrea Diane Knight as described in a deed recorded in the Cumberland County Registry of Deeds in Book 15342, Page 310.

Said parcel also being comprised of a portion of Lots 122, 123, 124, 128, 129, and 130 as shown on said Plan.

Bearings are referenced to Magnetic North 2004.

This is a conveyance to an abutter.

Reference is made to a plan entitled, "Plan of Boundary Survey Forest Ave., Castine Ave. and Brandon St. made for W&C LLC," by Titcomb Associates dated September 14, 2006 recorded in Plan Book 206 Page 645

Witness my hand and seal this 19 day of October, 2006.

Witness:

[Signature]

Andrea Diane Knight
Andrea Diane Knight

STATE OF MAINE
COUNTY OF CUMBERLAND ss.

October 19, 2006

Personally appeared the above-named Andrea Diane Knight and acknowledged the foregoing instrument to be her free act and deed.

Before me,

[Signature]
Notary Public/Attorney at Law
JAMES B. BARRIS

Received
Recorded Register of Deeds
Oct 20, 2006 12:07:55P
Cumberland County
John B O'Brien

Castine Avenue City of Portland, Maine							
Tax Map/Block/Lot	First Name	Last Name	Company	Address	City/Town	State	Zip Code
MAP 309 BLOCK E LOT 015	CYNTHIA L	MCALLISTER		PO BOX 874	SABATTUS	ME	04280
MAP 309 BLOCK D LOT 013	LIBAN	AYANLE		35 CASTINE AVE	PORTLAND	ME	04103
MAP 309 BLOCK D LOT 001	ALAN C	EGER		7 CASTINE AVE	PORTLAND	ME	04103
MAP 309 BLOCK E LOT 007	GARY	BEDROSIAN	TRUSTEES	30 ALEXIS LN	HAMPTON FALLS	NH	03844
MAP 309 BLOCK E LOT 008	ANDREA D.	KNIGHT		30 ALEXIS LN	HAMPTON FALLS	NH	03844
MAP 309 BLOCK E LOT 010	ANDREA D.	KNIGHT		30 ALEXIS LN	HAMPTON FALLS	NH	03844
MAP 309 BLOCK E LOT 0012	ANDREA D.	KNIGHT		19 WYNDHAM ST	PORTLAND	ME	04103
MAP 309 BLOCK E LOT 036	FERN A	OATES		11 WYNDHAM ST	PORTLAND	ME	04103
MAP 309 BLOCK F LOT 038	REGINA	CHAISSON		42 CHELSEY AV	PORTLAND	ME	04103
MAP 309 BLOCK F LOT 001			KINCAID D WILMOT HEIRS	1749 FOREST AVE	PORTLAND	ME	04103
MAP 309 BLOCK A LOT 014	RAYMOND R	AMERGIAN					
MAP 309 BLOCK A LOT 018	SEAN	MEEHAN					
MAP 309 BLOCK A LOT 018	PATRICA	FINNEMORE		1757 FOREST AVE	PORTLAND	ME	04103
MAP 309 BLOCK A LOT 010	WARREN D.	LYDON		47 SUNSET RD	FALMOUTH	ME	04105
MAP 309 BLOCK A LOT 008	KURT A.	AQUIRES		HIGHLAND LAKE			
MAP 309 BLOCK F LOT 008	ANDREA E.	JTS		21 ALD WORTH ST	PORTLAND	ME	04103
MAP 309 BLOCK F LOT 007	DONALD E.	WEST		15 ALD WORTH ST	PORTLAND	ME	04103
MAP 309 BLOCK F LOT 010	LINDA C	JTS		30 ALEXIS LN	HAMPTON FALLS	NH	03844
MAP 309 BLOCK F LOT 017	ANDREA D.	KNIGHT					
MAP 309 BLOCK F LOT 012	CHARLES	BABINEAU		29 ALD WORTH ST	PORTLAND	ME	04103
MAP 309 BLOCK F LOT 014	TARA	KOSMA JTS					
MAP 309 BLOCK F LOT 015	ANDREA D.	KNIGHT		30 ALEXIS LN	HAMPTON FALLS	NH	03844
MAP 309 BLOCK F LOT 017	ANDREA D.	KNIGHT		30 ALEXIS LN	HAMPTON FALLS	NH	03844
MAP 309 BLOCK E LOT 026	ANDREA D.	KNIGHT					
MAP 309 BLOCK F LOT 018	SANDRA	ALVAREZ					
MAP 309 BLOCK F LOT 018	GARI	PISCOPO		83 PARROTT ST	SOUTH PORTLAND	ME	04106
MAP 309 BLOCK F LOT 020	MICHAEL R.			55 AL WORTH ST	PORTLAND	ME	04103
MAP 309 BLOCK F LOT 020	BAHIZET	NASR		27 CASTINE AVE	PORTLAND	ME	04103
MAP 309 BLOCK D LOT 009	RITA	O'BRIAN	WID WMIL VET				
MAP 309 BLOCK D LOT 011	NICHOLAS P	NAPOLITANO		31 CASTINE AVE	PORTLAND	ME	04103
MAP 309 BLOCK D LOT 005	AMANDA						
MAP 309 BLOCK D LOT 005	BRENDA L	JORDAN		15 CASTINE AVE	PORTLAND	ME	04103
MAP 309 BLOCK E LOT 022	LANINA M	DALRYMPLE		30 ALEXIS LN	HAMPTON FALLS	NH	03844
MAP 309 BLOCK D LOT 007	ANDREA D.	KNIGHT					
MAP 309 BLOCK D LOT 007	DONNA M	STANHOPE		21 CASTINE AV	PORTLAND	ME	04103
MAP 309 BLOCK E LOT 006	JAMES S		W & C LLC	PO BOX 10127	PORTLAND	ME	04104
MAP 309 BLOCK E LOT 018			W & C LLC	PO BOX 10127	PORTLAND	ME	04104
MAP 309 BLOCK E LOT 020			GORRILL-PALMER CONSULTING				
			ENGINEERS INC	15 SHAKER ROAD	GRAY	ME	04039
			TITCOMB ASSOCIATES, INC.	133 GRAY ROAD	FALMOUTH	ME	04105
			W & C LLC	PO BOX 10127	PORTLAND	ME	04104



Banknorth

TD Banknorth, N.A.
One Portland Square
P.O. Box 9540
Portland, ME 04112-9540
T: 207 761-8500
Toll Free: 800 462-3666
TDBanknorth.com

January 22, 2007

City of Portland
Planning Department
389 Congress Street, 4th Floor
Portland, Maine 04101

RE: W&C, LLC -- Castine Avenue lot subdivision

To Whom It May Concern:

James Wolf, owner of W&C, LLC is a long standing customer of the Bank. In our opinion, W&C, LLC has the financial capacity to complete the proposed 4 lot subdivision at Castine Avenue in Portland, Maine.

Should you have any further questions, I can be reached at 756-6842

Sincerely,

Kimberly Donnelly
Vice President, Commercial Lending

CITY OF PORTLAND WASTEWATER CAPACITY APPLICATION

COPY

Department of Public Works,
55 Portland Street,
Portland, Maine 04101-2991



Mr. Frank J. Branzel,
Senior Engineering Technician,
Phone #: (207) 874-8832,
Fax #: (207) 874-8852,
E-mail: fjb@portlandmaine.gov

Date: 12-24-07

1. Please, Submit Utility, Site, and Locus Plans.

Site Address: Castine Avenue / Forest Avenue
(Regarding addressing, please contact Jessica Hanscom, either at 874-8818, or at JGH@portlandmaine.gov)

Proposed Use: 4 Single Family - 2 BA Home

Previous Use: VACANT LAND

Existing Sanitary Flows: NA GPD

Existing Process Flows: NA GPD

Description and location of City sewer, at proposed building sewer lateral connection:
SEE ATTACHED PLAN

Chart Block Lot Number: _____

Site Category	Commercial	_____
	Industrial (complete part 4 below)	_____
	Governmental	_____
	Residential	_____
	Other (specify)	_____

Clearly, indicate the proposed connection, on the submitted plans.

2. Please, Submit Domestic Wastewater Design Flow Calculations.

Estimated Domestic Wastewater Flow Generated: 4 @ 180 per EDU = 720 GPD

Peaking Factor/ Peak Times: _____

Specify the source of design guidelines: (i.e. "Handbook of Subsurface Wastewater Disposal in Maine," "Plumbers and Pipe Fitters Calculation Manual," Portland Water District Records, Other (specify))

Note: Please submit calculations showing the derivation of your design flows, either on the following page, in the space provided, or attached, as a separate sheet.

3. Please, Submit Contact Information.

Owner/Developer Name: JAMES WOLF W+C LLC

Owner/Developer Address: P.O. Box 10127 Portland ME 04104

Phone: 773-4988 Fax: 773-6875 E-mail: JMW1@Maine.RR.COM

Engineering Consultant Name: ALLEN PALMER CORRIE PALMER ENGINEERING

Engineering Consultant Address: P.O. Box 1287 Gorham ME 04039

Phone: 657-6910 Fax: 657-6912 E-mail: APalmer@CorriePalmer.com

City Planner's Name: _____ Phone: _____

Note: Consultants and Developers should allow +/- 15 days, for capacity status, prior to Planning Board Review.

4. Please, Submit Industrial Process Wastewater Flow Calculations

Estimated Industrial Process Wastewater Flows Generated: _____ GPD

Do you currently hold Federal or State discharge permits? Yes ___ No ___

Is the process wastewater termed categorical under CFR 40? Yes ___ No ___

OSHA Standard Industrial Code (SIC): _____

(<http://www.osha.gov/oshstats/sicser.html>)

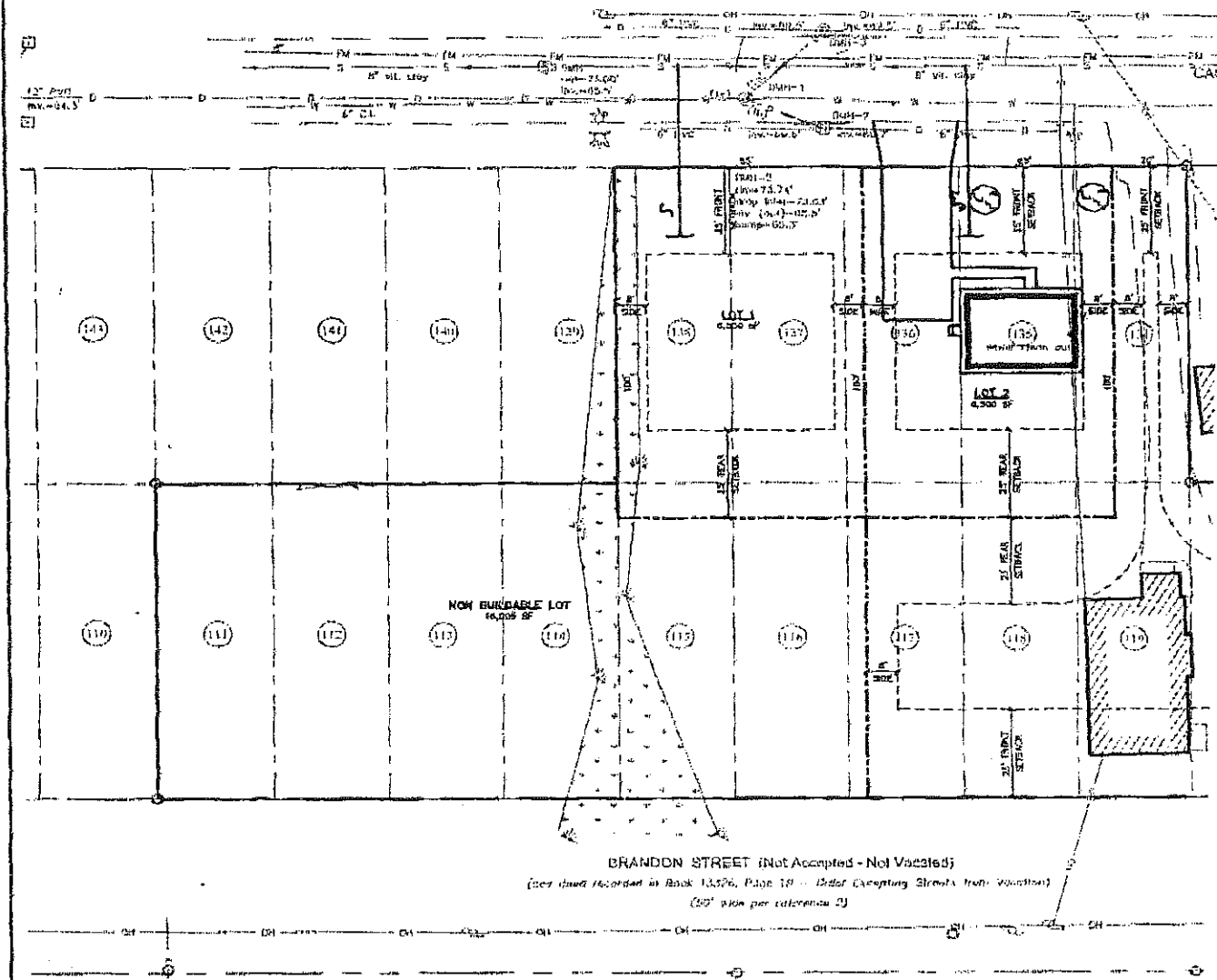
Peaking Factor/Peak Process Times: _____

Note: On the submitted plans, please show the locations, where the building's sanitary, and process water sewer laterals, exit the facility, where they enter the city's sewer, the location of any control manholes, wet wells, or other access points, and the locations of any filters, strainers, or grease traps.

Notes, Comments, or Calculations:

(1a) 12" PVC - Inv - 42.2'
 (1b) 12" PVC - Inv - 42.4'
 Pipe 061
 (1c) 12" PVC - Inv - 42.5'

0.000 - 5
 0.000 - 23.118
 Inv. (10) - 48.1
 Crp. Invert - 2.0'



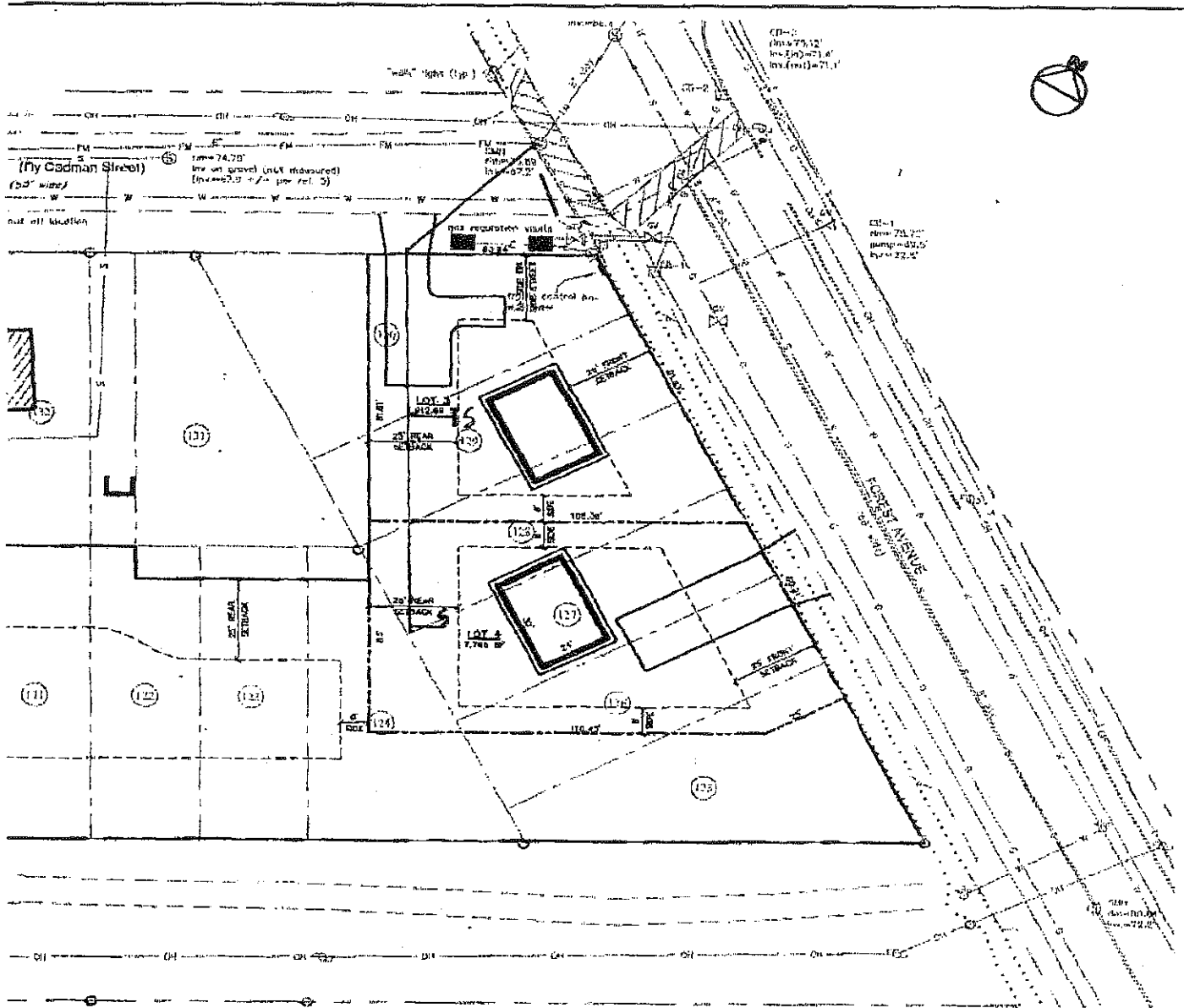
BRANDON STREET (Not Accepted - Not Vastled)

(See plan recorded in Book 13,576, Page 18 - Order Excepting Streets from Vastled)
(20' wide per reference 2)

Rev.	Date	Revision

Issued For	Date	By

Design: AMP Title: GC Scale: 1/4" = 1'-0"
 Checked: AMP Scale: 1'-0" Job No.: 1221
 File Name: 721-10-ALL.dwg
 This plan shall not be modified without written permission from Corril-Palmer Consulting Engineers, Inc. (CPCE). Any alterations authorized by others, shall be at the user's sole risk and without liability to CPCE.

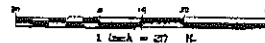


SPACE AND BULK REQUIREMENTS - R-3 ZONE

MINIMUM LOT SIZE:	8,500 S.F.
MINIMUM FRONTAGE:	50 FT.
MINIMUM SETBACKS:	
FRONT YARD:	25 FT.
REAR YARD:	25 FT.
SIDE YARD*	
1 STORY:	8 FT.
1 1/2 STORY:	8 FT.
2 STORY:	14 FT.
2 1/2 STORY:	16 FT.
MINIMUM LOT WIDTH:	
OTHER USES:	65 FT.

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

THE SIDE YARDS SHOWN ON THE FOLLOWING FIGURES ARE BASED UPON A (1) ONE STORY STRUCTURE AND MAY BE INCREASED OR DECREASED DEPENDING UPON THE NUMBER OF STORIES.



Bill-Palmer Consulting Engineers, Inc.
 and Civil Engineering Services
 207-857-8410
 FAX: 207-857-8912
 E-mail: mail@billpalmer.com

Drawing Name: **Concept Lot Layout 1**
 Project: **CASTINE AVENUE, PORTLAND, MAINE**
 Client: **W&C LLC**
 Client Address

Drawing No. **#**



Portland Water District

FROM SEBAGO LAKE TO CASCO BAY

January 31, 2007

Mr. James Wolfe
P.O. Box 10127
Portland, Maine 04104

Re: Castine Ave, Portland

Dear Sir:

The Portland Water District has an 8" water main in Castine Ave., Portland, near the proposed site. A test on a nearby hydrant produced the following results: static pressure 75 psi; pito pressure 44 psi; with a flow of 1113 gpm. With these results in mind, the District feels we have sufficient capacity available to serve this proposed project and meet all normal fire protection and domestic water service demands. **Please notify your plumber of these results so that they can design your system to best fit the available pressure.**

With certification by the developer that all required permits have been received, we look forward to serving this project.

Sincerely,

PORTLAND WATER DISTRICT

David W. Coffin, PLS
Engineering Supervisor
(207) 774-5961 ext. 3041
dcoffin@pwd.org



Legend	
ZONE	
A	
AE	
AH	
AO	
D	
UNDES	
VE	
X	
X500	

CASTINE AVENUE HOUSE LOTS, PORTLAND, MAINE

GP Gorrill-Palmer Consulting Engineers, Inc.

Traffic and Civil Engineering Services 207-657-6910
 PO Box 1237 15 Shaker Road Gray, ME 04039
 Fax: 207-657-6912
 mailbox@gorrillpalmer.com
 www.gorrillpalmer.com



JN: 1721
 DATE: JAN 2007
 FILE: 1721_FIRMMAP.MXD
 SOURCE: MAINE GIS WEBSITE



Gorrill-Palmer Consulting Engineers, Inc.

Traffic and Civil Engineering Services

PO Box 1237
15 Shaker Rd.
Gray, ME 04039

207-657-6910
FAX: 207-657-6912
E-Mail: mailbox@gorrillpalmer.com

May 17, 2007

Greg Cass, Captain
380 Congress Street
Portland Maine 04101

Subject: Castine Ave
Portland-Maine
Fire Chief Review

Dear Mr. Cass,

Gorrill-Palmer Consulting Engineers, Inc. (GPCEI) has been retained to prepare site plans and permit documents for the proposed Castine Ave Subdivision. The project is located off Forest Ave and Castine Ave, in the City of Portland.

The following information has been requested on the Fire Department Checklist has been restated below followed by the information requested and is also found on the attached plan.

Comment 1- Name, Address, telephone number of applicant.

Response 1 - Diversified Properties, Inc., PO Box 10127 Portland, ME 04104,
(207) - 773-4988.

Comment 2- Name, address, telephone number of architect/engineer.

Response 2 - Gorrill-Palmer Consulting Engineers Inc., 15 Shaker Road Gray, Maine
04039 (207) 657-5910

Comment 3- Proposed uses of any structures [NFPA and IBC classification]

Response 3 - The proposed use is single family housing, IBC classification R-3.

Comment 4- Square footage of all structures [total and per story]

Response 4 - The approximate size of the structures is 32' x 24' .

Comment 5- Elevation of all structures

Response 5 - The approximate finish floor elevation of the structures is 81.5.

Comment 6- Proposed fire protection of all structures

Response 6 - There is no proposed internal fire protection for the structures.

Comment 7- Hydrant Locations

Response 7 - There are hydrants located on the opposite side of the intersection of Forest Ave and Brandon Street. There is also a hydrant located on Castine Ave as shown on the attached plans

Comment 8- Water main[s] size and location

Response 8 - There is a 6" water main that is located on Castine Ave, this service connects to the main that is located in Forest Ave as shown on the attached plans.

Comment 9- Access to any fire department connections

Response 9 - N/A

Comment 10- Access to all structures [min. 2 sides]

Response 10 - All structures allow for access along 2 sides.

Comment 11- A code summary shall be included referencing NFPA and all fire department Technical standards.

Response 11 - N/A

Comment 12- Elevators shall be sized to fit an 81" x 23" stretcher and two personnel

Response 12 - N/A

Closure

Gorrill-Palmer Consulting Engineers, Inc. looks forward to your review of these comments and revised plans. Please contact this office with any additional question.

Sincerely,

~~Gorrill-Palmer Consulting Engineers, Inc.~~



Douglas E. Reynolds
Senior Engineer

Copy: Jim Wolf

Barbara Barhydt

QUITCLAIM DEED WITH COVENANT
Statutory Short Form

KNOW ALL PERSONS BY THESE PRESENTS, That **Andrea Diane Knight** of Hampton Falls, New Hampshire, for consideration paid, grants to **Andrea D. Knight, Trustee of the Andrea D. Knight Revocable Trust U/T/A dated 11/22/05** and **Gary S. Bedrosian, Trustee for the Gary S. Bedrosian Revocable Trust U/T/A dated 11/22/05**, with Quitclaim Covenants, a certain lot or parcel of land, with any buildings thereon, situated on or near Castine Avenue, Portland, County of Cumberland and State of Maine, as more fully described as follows:

Beginning at a point on the southeasterly sideline of Castine Avenue; said point being located S 59° 02' 58" W a distance of One Hundred Twelve and 25/100 (112.25) feet from the intersection of the southeasterly sideline of Castine Avenue and the southwesterly sideline of Forest Avenue; said point also being located at the northerly corner of Lot 131 as shown on a plan entitled "Deering Terrace owned by J.W. Wilbur Co. Inc." made by Ernest W. Branch dated April 20, 1915 and recorded in Plan Book 12, Page 6 and at the northerly corner of land now or formerly of Gary S. Bedrosian, Trustee of the Gary S. Bedrosian Revocable Trust U/T/A and Andrea D. Knight, Trustee of the Andrea D. Knight Revocable Trust U/T/A as described in a deed recorded in the Cumberland County Registry of Deeds in Book 23492, Page 76. Thence:

- 1) S 57° 58' 00" E by said land of Bedrosian and Knight and by said Lot 131 a distance of One Hundred One and 02/100 (101.02) feet to a point at the easterly corner of said Lot 131.
- 2) S 59° 02' 58" W by said land of Bedrosian and Knight and by said Lot 131 a distance of Sixty-Two and 28/100 (62.28) feet to a point.
- 3) S 30° 57' 02" E a distance of Ten and 00/100 (10.00) feet to a point.
- 4) N 59° 02' 58" E a distance of Sixty-Five and 00/100 (65.00) feet to a point.
- 5) N 30° 57' 02" W a distance of One Hundred and 00/100 (100.00) feet to a point on the southeasterly sideline of Castine Avenue.
- 6) S 59° 02' 58" W by said Castine Avenue a distance of Forty-Eight and 61/100 (48.61) feet to the point of beginning.

Said parcel contains 2,960 square feet (0.07 acres) and being a portion of land now or formerly of Andrea Diane Knight as described in a deed recorded in the Cumberland County Registry of Deeds in Book 15342, Page 310.

Said parcel also being comprised of a portion of Lots 122, 123, 124, 128, 129, and 130 as shown on said Plan.

Bearings are referenced to Magnetic North 2004.

This is a conveyance to an abutter.

Reference is made to a plan entitled, "Plan of Boundary Survey Forest Ave., Castine Ave. and Brandon St. made for W&C LLC," by Titcomb Associates dated September 14, 2006 recorded in Plan Book 206 Page 645

Witness my hand and seal this 19 day of October, 2006.

Witness:

James B. Barus

Andrea Diane Knight
Andrea Diane Knight

STATE OF MAINE
COUNTY OF CUMBERLAND ss.

October 19, 2006

Personally appeared the above-named Andrea Diane Knight and acknowledged the foregoing instrument to be her free act and deed.

Before me,

James B. Barus
Notary Public/Attorney at Law
JAMES B. BARUS

Received
Recorded Register of Deeds
Oct 20, 2006 12:07:55P
Cumberland County
John B O'Brien

Grantee further agrees to the restriction that in the event Grantee donates any of the property to the City of Portland that the donation will be made in "loving memory of George F. Knight and Clare B. Knight."

Excepting from the above described property the following parcel:

Beginning at a point on the southeasterly sideline of Castine Avenue; said point being located S 59° 02' 58" W a distance of One Hundred Twelve and 25/100 (112.25) feet from the intersection of the southeasterly sideline of Castine Avenue and the southwesterly sideline of Forest Avenue; said point also being located at the northerly corner of Lot 131 as shown on a plan entitled "Deering Terrace owned by J.W. Wilbur Co. Inc." made by Ernest W. Branch dated April 20, 1915 and recorded in Plan Book 12, Page 6 and at the northerly corner of land now or formerly of Gary S. Bedrosian, Trustee of the Gary S. Bedrosian Revocable Trust U/T/A and Andrea D. Knight, Trustee of the Andrea D. Knight Revocable Trust U/T/A as described in a deed recorded in the Cumberland County Registry of Deeds in Book 23492, Page 76. Thence:

- 1) S 57° 58' 00" E by said land of Bedrosian and Knight and by said Lot 131 a distance of One Hundred One and 02/100 (101.02) feet to a point at the easterly corner of said Lot 131.
- 2) S 59° 02' 58" W by said land of Bedrosian and Knight and by said Lot 131 a distance of Sixty-Two and 28/100 (62.28) feet to a point.
- 3) S 30° 57' 02" E a distance of Ten and 00/100 (10.00) feet to a point.
- 4) N 59° 02' 58" E a distance of Sixty-Five and 00/100 (65.00) feet to a point.
- 5) N 30° 57' 02" W a distance of One Hundred and 00/100 (100.00) feet to a point on the southeasterly sideline of Castine Avenue.
- 6) S 59° 02' 58" W by said Castine Avenue a distance of Forty-Eight and 61/100 (48.61) feet to the point of beginning.

Said parcel contains 2,960 square feet (0.07 acres) and being a portion of land now or formerly of Andrea Dianne Knight as described in a deed recorded in the Cumberland County Registry of Deeds in Book 15342, Page 310.

Said excepted parcel also being comprised of a portion of Lots 122, 123, 124, 128, 129, and 130 as shown on said Plan.

Bearings are referenced to Magnetic North 2004.

Reference is made to a plan entitled, "Plan of Boundary Survey Forest Ave., Castine Ave. and Brandon St. made for W&C LLC," by Titcomb Associates dated September 14, 2006 recorded in Plan Book 200 Page 045

Witness my hand and seal this 19 day of October, 2006.

Witness:

James B. Barus

Andrea Diane Knight
Andrea Diane Knight

STATE OF MAINE
COUNTY OF CUMBERLAND ss.

October 19, 2006

Personally appeared the above-named Andrea Diane Knight and acknowledged the foregoing instrument to be her free act and deed.

Before me,

James B. Barus
Notary Public/Attorney at Law
Print: JAMES B. BARUS

Received
Recorded Register of Deeds
Oct 20:2006 12:08:47F
Cumberland County
John B O'Brien

Rcvd 6/27/06

STATUTORY WARRANTY DEED

W & C LLC, a Maine Limited Liability Company with a principal place of business in the City of Portland, County of Cumberland and State of Maine,

For Consideration Paid, GRANT with WARRANTY COVENANTS TO:

WD INVESTMENTS, INC., a Maine corporation with a mailing address of P.O. Box 10127, Portland, Maine 04104

A certain lot or parcel of land situated on the northwesterly side of Brandon Street in the City of Portland, County of Cumberland and State of Maine, said lot being bounded and described as follows:

BEGINNING at a point at the easterly corner of land now or formerly of Stanley R. Portas and Cynthia L. Portas as described in a deed recorded in the Cumberland County Registry of Deeds in Book 3144, Page 648. Thence: (1) S 41° 25' 32" W by said land of Portas a distance of One Hundred Twenty and 00/100 (120.00) feet to a point at the northerly corner of Fern A. Oates as described in a deed recorded in said Registry in Book 12550, Page 129; (2) S 48° 34' 28" E by said land of Oates a distance of Ninety and 00/100 (90.00) feet to a point on the westerly sideline of Brandon Street as shown on a plan entitled "Deering Terrace owned by J.W. Wilbur Co. Inc.," dated April 20, 1915 and recorded in said Registry in Plan Book 12, Page 6; (3) N 41° 25' 32" E by said Brandon Street a distance of One Hundred Eighty-Five and 00/100 (185.00) feet to a point at the southerly corner of a parcel of land now or formerly of WD Investments, Inc. as described in a deed recorded in the Cumberland County Registry of Deeds in Book 25107, Page 185; (4) N 48° 34' 27" W by said land of WD Investments a distance of Ninety and 00/100 (90.00) feet to a point at remaining land of W & C LLC as described in a deed recorded in said Registry in Book 24448, Page 43; (5) S 41° 25' 32" W by said remaining land a distance of Sixty-Five and 00/100 (65.00) feet to the point of beginning.

Said parcel contains 16,650 square feet (0.38) acres.

The above described parcel benefits from a ten (10) foot wide drainage easement

described as follows:

A certain easement situated southeasterly of Castine Avenue in the City of Portland, County of Cumberland and State of Maine, said easement being more particularly described as follows:

BEGINNING at a point on the southeasterly sideline of Castine Avenue at the northerly corner of land now or formerly of Stanley R. Portas and Cynthia Portas as described in a deed recorded in the Cumberland County Registry of Deeds in Book 3144, Page 648. Thence: (1) S 48° 34' 28" E by said land of Portas a distance of Ninety and 00/100 (90.00) feet to a point at the easterly corner of said land of Portas; (2) N 41° 25' 32" E through land now or formerly of W & C LLC as described in a deed recorded in the Cumberland County Registry of Deeds in Book 24484, Page 43 a distance of Ten and 00/100 (10.00) feet to a point; (3) N 48° 34' 28" W through said land of W & C LLC a distance of Ninety and 00/100 (90.00) feet to a point on the southeasterly sideline of Castine Avenue; (4) S 41° 25' 32" W by said Castine Avenue a distance of Ten and 00/100 (10.00) feet to the point of beginning.

Said easement contains 900 square feet (0.03 acres).

Bearings are referenced to Grid North based on the Maine State Plane Coordinate System NAD83 (1996).

Reference is made to a plan entitled "Plan of Boundary Survey made for W & C LLC" by Titcomb Associates dated September 14, 2006 and recorded in the Cumberland County Registry of Deeds in Plan Book 206, Page 645. The basis of bearings of the last referenced plan is based on Magnetic North 2004.

Being a portion of premises conveyed to the Grantor herein by deed of Andrea Diane Knight dated October 19, 2006 and recorded at the Cumberland County Registry of Deeds in Book 24484, Page 43.

This conveyance, being the transfer of an interest in land to the owner of land abutting that land (Book 25107, Page 185), is made further subject, however, to the restriction that the above-described real estate shall not be transferred within five (5) years of the date of this conveyance to another person or entity without all of the merged land, within the meaning of 30-A M.R.S.A. §4401.4.D-6. By acceptance of this deed, the Grantee covenants and agrees with Grantor that the Grantee will not transfer less than the entire merged parcel within the period of five (5) years commencing on the date of

this conveyance. In the event that the Grantee is found to have breached this covenant, the Grantee, without limiting Grantor's remedy, shall be liable for the Grantor's damages and reasonable attorneys' fees expended in connection with enforcement of this covenant. The provisions of this paragraph shall run with the land and bind the successors and assigns of the Grantee and shall be enforceable by the Grantor, its successors and assigns.

It is a further condition of this conveyance that notwithstanding the prior paragraph on merger, the merged parcels can never be unmerged or divided in any way without the recorded written approval of the City of Portland.

IN WITNESS WHEREOF, the said W & C LLC has caused this instrument to be signed and sealed by James M. Wolf, its Member thereunto duly authorized this _____ day of _____, 2007.

W & C LLC

By: _____
Its Member

STATE OF MAINE
CUMBERLAND, SS. _____, 2007

Then personally appeared the above-named James M. Wolf, Member of W & C LLC as aforesaid and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said limited liability company.

Before me,

Attorney at Law/Notary Public
Print Name: _____
My Commission Expires: _____



Gorrill-Palmer Consulting Engineers, Inc.

Traffic and Civil Engineering Services

PO Box 1237
15 Shaker Rd.
Gray, ME 04039

207-657-6910
FAX: 207-657-6912
E-Mail: mailbox@gorrillpalmer.com

February 16, 2007

Ms. Barbara Barhydt, Development Review Services Manager
Department of Planning and Development
Portland City Hall
389 Congress Street
Portland, ME 04101-2503

Subject: Subdivision Plan Submission
Castine Avenue, Portland, Maine

Dear Barbara,

Enclosed please find a complete subdivision application and supporting information for Castine Avenue in Portland, Maine. W&C LLC, has retained Gorrill-Palmer Consulting Engineers, Inc. to prepare plans and permit application for the proposed subdivision located at the corner of Castine Avenue and Forest Avenue. The project site is located on Portland's Assessor's Map 309, on the Blocks and Lots listed below:

Table with 10 columns: Block, D, D, D, E, D, E, E, E, E. Row 1: 009, 011, 005, 022, 007, 006, 018, 020, 026.

The cumulative site area is approximately (1.58) acres of land. Lot one currently is a developed residential lot, surrounded by undeveloped land. A list of abutters for the project is available in Attachment 4. The site has the ability to be served with public water, sewer and electricity. Based on the size of the development, the project meets the definition of a major development. Work is planed to start in the spring of 2007 and be completed in the fall of 2007.

This application package describes the applicant's plans to develop the above-referenced parcel. We look forward to discussing this project with you during your review.

- Attachment 1: Subdivision Plan Review Application
Attachment 2: Location Map
Attachment 3: Title, Right & Interest
Attachment 4: Abutters List
Attachment 5: Financial Letter
Attachment 6: Ability to Serve
Attachment 7: FEMA Flood Map
Attachment 8: Soils Map
Full and reduced plan sets.

*Ms. Barbara Barhydt
February 16, 2007
Page 2 of 4*

Site Description

The project site contains an existing house with the remainder being undeveloped wooded area. The total existing nonvegetated surfaces associated with the house lots is approximately 0.06 acres. The site is bordered by Castine Avenue to the Northwest, Forest Avenue to the Northeast and unimproved Brandon Street to the Southeast.

Proposed Use

This project will include the creation of 6 Lots. Lot 1 is currently a developed residential lot which has been previously conveyed to separate ownership prior to submission of this package. Lot 6 will not be developed until Brandon Street is improved to city standard. Lots 2, 3, 4, and 5 are being designed to accommodate a 32'x24' cape style house. A 20' easement is proposed to the northeast of Lot 2 to allow for water and sewer services for Lot 1. There is also a 20' easement to the rear of Lot 4 to allow for water and sewer services to connect to Castine Avenue.

Zoning

The location of the site is in zoning district R-3. Residential homes are permitted use within this zone, space and bulk requirements for this zone are provided on the plans.

Financial

A letter of financial capacity from TD Banknorth has been included which indicates the applicant's ability to undertake this project is also included in Attachment 5.

Lot Development

Proposed grading plans for potential lot development of lots 2, 3, 4 & 5 are included with this package. At this time, each lot has been designed to accommodate the 32' x 24' cape with the setbacks. These grading plans could be included for building permits on these lots. Final individual layouts and grades will be the responsibility of the future lot owners.

Utilities

Lots will be served water from Portland Maine Water District and City sewer via connections from Castine Avenue. Although Lots 4 and 5 front Forest Avenue, in an effort to maintain the large tree growth along Forest Avenue, sewer and water services are proposed to be connected to Castine Avenue. Lot 5 services will require an easement over Lot 4. By not connecting to existing utilities within Forest Avenue, this will eliminate the need to open the pavement within the roadway, causing significant disturbance to this major roadway. Central Maine Power will also serve the sites, via over head lines. Ability to serve letters have been included in Attachment 6.

Ms. Barbara Barhydt
February 16, 2007
Page 3 of 4

Flood Plain Mapping

Included in this package is a FEMA insurance rate map showing the property to not be in any Flood Zone. The FEMA map is included in Attachment 7.

Soils

Soils types for the site were determined using the Cumberland County Medium intensity soils map. The soil found on the site appears to be Elmwood fine sandy loam. A map showing the existing soil conditions has been included in Attachment 8.

Stormwater

The project site consist of a flat area, the proposed development will slightly increase the onsite runoff. The existing site contains 0.06 acres of nonvegetated coverage. Should the project be built as the design shows there would be a net increase of 0.15 acres of nonvegetated coverage. Using the SCS TR-20 method and the 2 year storm this results in a net stormwater runoff increase of 0.2 cfs. Due to the minimal increase a stormwater report is not anticipated.

Erosion Control

An Erosion and Sedimentation plan has been prepared in accordance with the Maine Erosion and Sedimentation Control BMP's. A copy of this plan has been shown on the Erosion Control Detail sheet in the plan set. We do not anticipate that the project will require a Maine Construction General Permit or SWPPP because the disturbed area for the subdivision will be less than 1 acre.

Waste Disposal

Solid waste disposal will be carried out through city trash collection.

Wetlands

Wetlands are located along the Southwest side of Lot 2 and run through the center of Lot 6. Grading has been proposed so to not disturb the existing wetlands. Wetlands were located by Sweet Associates of Falmouth Maine. Currently a permit for wetland impacts is not required, as there will be no wetland impacts.

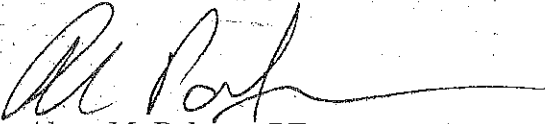
Ms. Barbara Barhydt
February 16, 2007
Page 4 of 4

Conclusion

As proposed, the development will provide additional residential opportunities within the city. Gorrill-Palmer Consulting Engineers, Inc. and the applicant look forward to discussing this project with the Planning Department. Please contact us with any questions.

Sincerely,

Gorrill-Palmer Consulting Engineers, Inc.



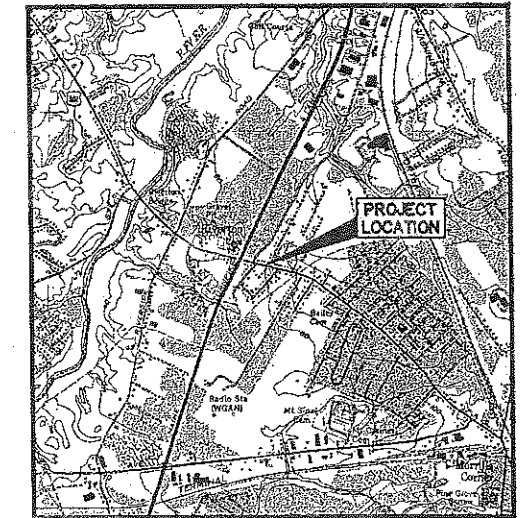
Alton M. Palmer, PE
Senior Vice President

Copy: Jim Wolf, W&C LLC

CASTINE AVENUE PORTLAND, MAINE

PREPARED BY:

GP Gorrill-Palmer Consulting Engineers, Inc.
Traffic and Civil Engineering Services
PO Box 1237 207-657-6910
15 Shaker Road Gray, ME 04039 FAX: 207-657-6912
E-Mail: mailbox@gorrillpalmer.com



LOCATION MAP
N.T.S.

LEGEND

EXISTING:	DESCRIPTION:	PROPOSED:
○	IRON PIPE	
□	MONUMENT	■
---	SEWALL CO., AERIAL SURVEY CONTOUR	
---100---	TITCOMB ASSOCIATES, GROUND SURVEY CONTOUR	
---	PROPOSED CONTOUR	---100---
.....	WETLAND LIMIT	
---	EDGE OF PAVEMENT	---
---	CULVERT	---
▨	BUILDINGS	▨
▨	RIPRAP	▨
○	UTILITY POLE	
---	RIGHT OF WAY	---
---	SILT FENCE	---
---	CENTER LINE	---
X 226.4	SPOT GRADE	100.31
---	PROPERTY LINE	---
---	TREELINE	---
N/F	NOW OR FORMERLY	
□	CATCH BASIN	■ CB1
⊙	SEWER MANHOLE	● SMH1
⊙	DRAIN MANHOLE	● DMH1
⊗	WATER VALVE	⊗
⊙	CAPPED IRON ROD SET PLS #1273	
Lot #	SUBDIVISION LOT NUMBER	
▨	DRAINAGE EASEMENT	
▨	ANTICIPATED PERMITTED WETLAND FILLS	

GENERAL NOTES

GENERAL NOTES

1. TOPOGRAPHIC DATA AND EXISTING CONDITIONS ARE BASED UPON A GROUND SURVEY CONDUCTED BY TITCOMB ASSOCIATES FOR THE DEVELOPERS IN 2008. WETLANDS HAVE BEEN DELINEATED BY SWEET ASSOCIATES.
2. BOUNDARY SURVEY WAS PREPARED BY TITCOMB ASSOCIATES FOR THE DEVELOPERS IN 2008.
3. THE CONTRACTOR SHALL PROVIDE, ERECT AND MAINTAIN ALL NECESSARY BARRICADES, LIGHTS, WARNING SIGNS AND OTHER DEVICES TO SAFEGUARD TRAFFIC PROPERLY WHILE WORK IS IN PROGRESS.
4. THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR THE ELEVATION OF THE EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND WHERE POSSIBLE MEASUREMENTS TAKEN IN THE FIELD. THIS INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE APPROPRIATE UTILITY COMPANY AND DIG SAFE AT LEAST 72 HOURS PRIOR TO ANY EXCAVATION TO REQUEST EXACT FIELD LOCATION OF UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.
5. MAINTENANCE OF EROSION CONTROL MEASURES IS OF PARAMOUNT IMPORTANCE TO THE OWNER AND THE CONTRACTOR IS RESPONSIBLE FOR COMPLYING WITH ALL EROSION CONTROL MEASURES SHOWN ON THE PLANS. ADDITIONAL EROSION CONTROL MEASURES SHALL BE INSTALLED IF DEEMED NECESSARY BY ON-SITE INSPECTIONS OF THE OWNER OR THEIR REPRESENTATIVES AT NO ADDITIONAL COST TO THE OWNER.
6. ALL MATERIAL SCHEDULES SHOWN ON THE PLANS ARE FOR GENERAL INFORMATION ONLY. THE CONTRACTOR SHALL PREPARE HIS OWN MATERIAL SCHEDULES BASED UPON HIS PLAN REVIEW. ALL SCHEDULES SHALL BE VERIFIED IN THE FIELD BY THE CONTRACTOR PRIOR TO ORDERING MATERIALS OR PERFORMING WORK.
7. ALL MATERIALS AND CONSTRUCTION METHODS SHALL CONFORM TO MAINE DEPARTMENT OF TRANSPORTATION SPECIFICATIONS AND CITY OF PORTLAND TECHNICAL AND DESIGN STANDARDS AND GUIDELINES.

PERMITTING NOTES

1. THIS PROJECT IS SUBJECT TO THE TERMS AND CONDITIONS OF A SUBDIVISION APPROVAL FROM THE CITY OF PORTLAND WHICH WILL BE MADE A PART OF THE CONTRACT BID DOCUMENTS. THE CONSTRUCTION WILL BE GOVERNED BY THE CITY OF PORTLAND ZONING AND SUBDIVISION ORDINANCES WHICH ARE AVAILABLE FOR VIEWING AT THE OFFICE OF THE ENGINEER OR THE MUNICIPAL OFFICE.
2. THE CONTRACTOR SHALL REVIEW THE ABOVE REFERENCED PERMITS PRIOR TO SUBMITTING A BID FOR THIS PROJECT, AND INCLUDE COSTS AS NECESSARY TO COMPLY WITH THE CONDITIONS OF THESE PERMITS.

LAYOUT NOTES

1. ALL DIMENSIONING, UNLESS NOTED OTHERWISE, IS TO THE FACE OF CURB.
2. OFFSETS TO CATCH BASINS AND MANHOLES ARE TO THE CENTER OF THE FRAME.
3. PIPE LENGTH EQUALS THE CENTER TO CENTER DISTANCES BETWEEN CATCH BASINS AND/OR MANHOLES MINUS ONE-HALF OF THE DIAMETER OF EACH CATCH BASIN OR MANHOLE.
4. PROPERTY LINE AND R.O.W. MONUMENTS SHALL NOT BE DISTURBED BY CONSTRUCTION. IF DISTURBED, THEY SHALL BE RESET TO THEIR ORIGINAL LOCATIONS AT THE CONTRACTOR'S EXPENSE, BY A MAINE REGISTERED LAND SURVEYOR.
5. PROPOSED RIGHT OF WAY MONUMENTS AND PROPERTY LINE PINS SHALL BE INSTALLED UNDER THE DIRECTION OF A MAINE REGISTERED LAND SURVEYOR.

UTILITY NOTES

1. TEST PITS AT ALL UTILITY CROSSINGS SHALL BE COMPLETED TWO WEEKS IN ADVANCE OF THE START OF CONSTRUCTION OR ORDERING OF MATERIALS. TEST PIT INFORMATION SHALL BE PROMPTLY PROVIDED TO ENGINEER FOR REVIEW.
2. ALL UTILITY MATERIAL AND INSTALLATION METHODS SHALL CONFORM TO PORTLAND WATER DISTRICT STANDARDS. DISINFECTION OF WATER LINES SHALL CONFORM TO AWWA STANDARDS C851, LATEST REVISION.
3. ALL SEWER MATERIALS SHALL CONFORM TO THE REQUIREMENTS OF THE CITY OF PORTLAND TECHNICAL AND DESIGN STANDARDS AND GUIDELINES.
4. ELECTRIC SERVICE SHALL BE COORDINATED WITH CENTRAL MAINE POWER.

GRADING AND DRAINAGE NOTES

1. TOPSOIL STRIPPED IN AREAS OF CONSTRUCTION THAT IS SUITABLE FOR REUSE AS LOAM SHALL BE STOCKPILED ON SITE AT A LOCATION TO BE DESIGNATED BY THE OWNER. UNSUITABLE SOIL SHALL BE SEPARATED, REMOVED AND DISPOSED OF AT AN APPROVED DISPOSAL LOCATION OFF SITE.
2. THE CONTRACTOR SHALL ANTICIPATE THAT GROUNDWATER WILL BE ENCOUNTERED DURING CONSTRUCTION AND SHALL INCLUDE SUFFICIENT COSTS WITHIN THEIR BID TO PROVIDE DEWATERING AS NECESSARY. NO SEPARATE PAYMENT SHALL BE MADE TO THE CONTRACTOR FOR DEWATERING.

EROSION CONTROL NOTES

1. LAND DISTURBING ACTIVITIES SHALL BE ACCOMPLISHED IN A MANNER AND SEQUENCE THAT CAUSES THE LEAST PRACTICAL DISTURBANCE OF THE SITE.
2. PRIOR TO BEGINNING ANY CLEARING/LAND DISTURBING ACTIVITIES, THE CONTRACTOR SHALL INSTALL THE PERIMETER SILT FENCES.
3. ALL GROUND AREAS DISTURBED FOR CONSTRUCTION WILL BE GRADED, LOAMED AND SEEDED AS SOON AS POSSIBLE. PERMANENT SEED MIXTURE SHALL CONFORM TO THE SEEDING PLAN CONTAINED ON SHEET 7 OF THE PLAN SET.
4. SILT FENCES SHALL BE INSPECTED, REPAIRED AND CLEANED AS NOTED IN THE EROSION CONTROL REPORT.
5. THE CONTRACTOR SHALL REPAIR AND ADD STONE TO THE LOT CONSTRUCTION ENTRANCE AS IT BECOMES SATURATED WITH MUD TO ENSURE THAT IT WORKS AS PLANNED DURING CONSTRUCTION.
6. LOT EROSION CONTROL NOTE IS CONTAINED ON THE DRAWINGS OF THIS PLAN SET.
7. THE CONTRACTOR IS CAUTIONED THAT FAILURE TO COMPLY WITH THE SEQUENCE OF CONSTRUCTION, EROSION/SEDIMENT CONTROL PLAN, AND OTHER PERMIT REQUIREMENTS BASED UPON ANY THIRD PARTY REVIEW (i.e. MDEP) MAY RESULT IN MONETARY PENALTIES. THE CONTRACTOR SHALL BE ASSESSED ALL SUCH PENALTIES AT NO COST TO THE OWNER OR PERMITTEE.
8. ALL NON-PAVED AREAS DISTURBED DURING CONSTRUCTION SHALL BE LOAMED AND SEEDED, UNLESS OTHERWISE DIRECTED BY THE OWNER.
9. ALL DISTURBED AREAS ARE TO RECEIVE A MINIMUM OF 6" OF TOPSOIL PRIOR TO PERMANENT SEEDING.

UTILITIES

WATER:

PORTLAND WATER DISTRICT
225 DOUGLASS STREET
PORTLAND, MAINE 04102
(207) 761-8300

SEWER:

PORTLAND PUBLIC WORKS DEPT.
55 PORTLAND STREET
PORTLAND, MAINE 04101
(207) 874-8871

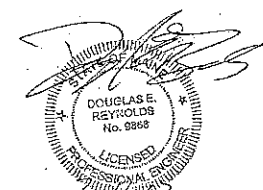
ELECTRIC:

CENTRAL MAINE POWER
162 CANCO ROAD
PORTLAND, MAINE 04103
(207) 826-2869

CALL BEFORE YOU DIG 1-800-344-7233

INDEX

- 1 COVER SHEET, GENERAL NOTES, & LEGEND
- 2 SUBDIVISION PLAN BY TITCOMB ASSOCIATES
- 3 LOT LAYOUT PLAN
- 4 LOT UTILITY PLAN
- 5 LOT GRADING, DRAINAGE AND EROSION CONTROL PLAN
- 6 MISCELLANEOUS DETAILS
- 7 EROSION & SEDIMENTATION CONTROL DETAILS & NOTES



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

Rev.	Date	Revision

Issued For	Date	By
SUBDIVISION REVIEW	02/16/07	DER

Design: JLG	Draft: LMC	Date: 1/07
Checked: AMP	Scale: 1"=20'	Job No: 1721
File Name: 1721-cover.dwg		
This plan shall not be modified without written permission from Gorrill-Palmer Consulting Engineers, Inc. (GPCE). Any alterations, authorized or otherwise, shall be at the user's sole risk and without liability to GPCE.		

GP Gorrill-Palmer Consulting Engineers, Inc.
Traffic and Civil Engineering Services
PO Box 1237 207-657-6910
15 Shaker Road Gray, ME 04039 FAX: 207-657-6912
E-Mail: mailbox@gorrillpalmer.com

Drawing Name:	Cover Sheet, General Notes & Legend
Project:	CASTINE AVENUE, PORTLAND, MAINE
Client:	W&C, LLC PO Box 10127, 449 Forest Avenue, Portland, ME 04104

Drawing No.	1
-------------	---

LEGEND

- Edge of pavement
- Edge of road
- City (green, unless noted)
- Priority Line
- Proposed lot line
- Proposed lot size
- Proposed
- WPA line
- Overhead wire
- Same date
- Underground line
- Underground Electric
- Sewer line
- Fire main (dashed)
- Underground telephone
- Double line
- Clear width
- Existing building
- Yielded

Iron pit found

- Capped 5/8" rebar set
- Rebar found
- Cast in place
- Water table
- Drain manhole
- Fire hydrant
- City well
- Day
- Open pit
- Rebar set
- One valve
- Two valves
- Three valves
- Four valves
- Five valves
- Six valves
- Seven valves
- Eight valves
- Nine valves
- Ten valves
- Eleven valves
- Twelve valves

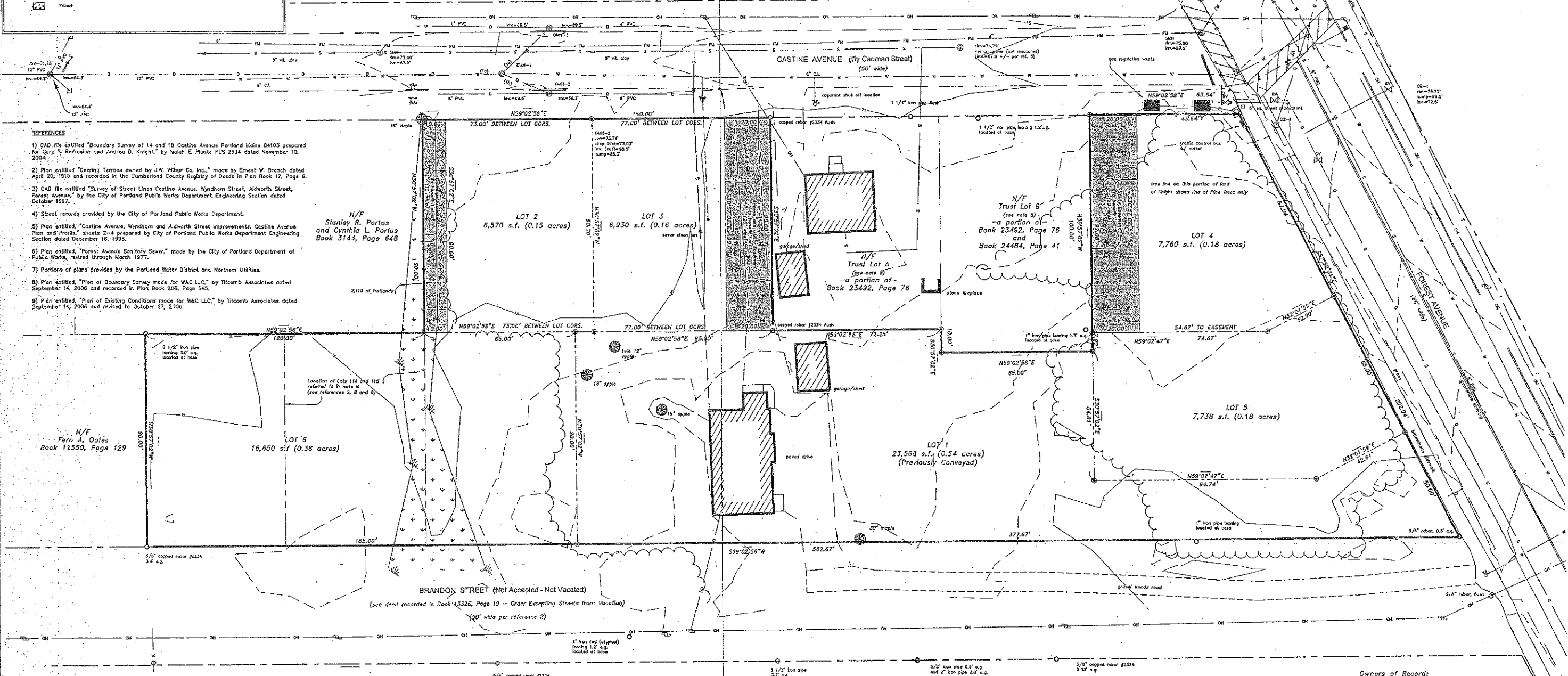
Approved by the City of Portland Planning Board

Dated _____

DWN-1
 12" PVC
 (4) 12" PVC - Inv=67.3'
 (16) 12" PVC - Inv=67.4'
 Pipe set
 (16) 12" PVC - Inv=67.4'

DWN-3
 12" PVC
 Inv=73.63'
 Inv. (cut)=68.1'
 stop block 72.89'

- REFERENCES**
- CAD file entitled "Boundary Survey of 14 and 18 Castine Avenue Portland Maine 04103 prepared for Gary S. Bedrosian and Andrea D. Knight," by Joseph E. Plante PLS 2334 dated November 10, 2004.
 - Plan entitled "Dwelling Tenement owned by J.W. Wilbur Co. Inc., made by Ernest W. Branch dated April 20, 1915 and recorded in the Cumberland County Registry of Deeds in Plan Book 12, Page 8.
 - CAD file entitled "Survey of Street Lines Castine Avenue, Wyndham Street, Aldworth Street, Forest Avenue," by the City of Portland Public Works Department Engineering Section dated October 1987.
 - Street records provided by the City of Portland Public Works Department.
 - Plan entitled, "Castine Avenue, Wyndham and Aldworth Street Improvements, Castine Avenue Plan and Profile," sheets 2-4 prepared by City of Portland Public Works Department Engineering Section dated December 16, 1996.
 - Plan entitled, "Forest Avenue Easitory Sewer," made by the City of Portland Department of Public Works, revised through March 1977.
 - Portions of plans provided by the Portland Water District and Northern Utilities.
 - Plan entitled, "Plan of Boundary Survey made for W&C LLC," by Titcomb Associates dated September 14, 2006 and recorded in Plan Book 206, Page 645.
 - Plan entitled, "Plan of Existing Conditions made for W&C LLC," by Titcomb Associates dated September 14, 2006 and revised to October 27, 2006.



- NOTES**
- Bearings are referenced to Magnetic North 2004 based on reference 1.
 - Deed Book and Plan Book references are to the Cumberland County Registry of Deeds unless otherwise noted.
 - Easements are referenced to MDO 29 based on differential leveling to Maine Department of Transportation Control Point "PC-302-0" and Vertical Shift using the NGS website.
 - Building footprints are based on reference 1 and building corner locations by Titcomb Associates.
 - Location of underground utilities shown on this plan are approximate, based on field location of observable features and information supplied by others and should be field verified by DIGSAFE and/or the appropriate utility prior to any excavation or design.
 - Lots 114 and 115 as shown on reference 2 (new part of proposed lot 6) may be subject to rights of others to maintain surface drainage via a trench as described in a deed from the J.W. Wilbur Company to Uziel E. Eaton recorded in Book 980, Page 121.
 - Wetlands were mapped by Sweet Associates, Gray Road, Falmouth, Maine.
 - Trust Lots A and B as shown on this plan are to be held in trust by Gary S. Bedrosian, Trustee of the Gary S. Bedrosian Revocable Trust U/T/A and Andrea D. Knight, Trustee of the Andrea D. Knight Revocable Trust U/T/A.
 - Fee interest in Brandon Street not determined to date.

- NOTES (cont.)**
- Subdivision at the time of approval is defined as "Subdivision shall mean the division of a lot, tract or parcel of land into three (3) or more lots, including lots of forty (40) acres or more, within any five-year period whether accomplished by sale, lease, development, building or otherwise and as further defined in 30-A M.R.S.A. Section 14-401. The term subdivision shall also include the division of a new structure or structures on a tract of parcel of land into three (3) or more dwelling units within a five-year period and the division of an existing structure or structures previously used for commercial or industrial use into three (3) or more dwelling units within a five-year period. The area included in the expansion of an existing structure is deemed to be a new structure for the purposes of this paragraph. A dwelling unit shall include any part of a structure which, through sale or lease, is intended for human habitation, including single-family housing, condominiums, time-share units and apartments."
 - This plan is sheet 2 of a plan set of sheets 1-10 entitled "Castine Avenue."
 - Development of the parcels proposed as part of this plan shall be in accordance with Chapter 14, Land Use, of the Code of Ordinances of the City of Portland, Supplement 6, Dated January 1989 or as amended from time to time. Excepts of the dimensional requirements are presented below.

NOTES (cont.)

Minimum Lot Size	6,500 S.F.
Minimum Frontage	50 Ft
Minimum Setbacks:	
Front Yard	25 Ft
Rear Yard	25 Ft
Side Yard -	
1 Story	8 Ft
1 1/2 Stories	8 Ft
2 Stories	14 Ft
2 1/2 Stories	18 Ft
Side Yard - on Side Streets	20 Ft
Minimum Lot Width	N/A
Multiplex	65 Ft
Other Uses	

*The Width of One (1) side yard may be reduced one (1) foot for every foot that the other side yard is correspondingly increased, but no side yard shall be less than eight (8) feet in width. Said reduction does not require an amended recording plan.

- Each lot shall require the submission of a site review plan prior to the issuance of a building permit and shall be subject to review pursuant to Article V of Chapter 14 of the Portland City Code.
- A minimum of two street trees per lot shall be conserved or planted meeting the City of Portland Arboricultural Specification and Standard of Practice and Landscape Design Guidelines. Developer may contract for the placement of landscaping, but shall remain ultimately liable to the City of Portland for financial obligation for compliance with City ordinances and approvals. Such financial obligation shall be neither transferable nor voidable by the developer.

- NOTES (cont.)**
- Any changes/alterations to this plan require the approval of the City of Portland.
 - All utility service stubs to the lots shall be installed 5' into the lot by the developer of the subdivision at the developer's expense. Any and all extensions of utility stubs from their installed terminus shall be at the responsibility and expense of the lot owner.
 - Lot 6 shall be retained by the developer. Development plans for this lot have yet to be determined. Lot 6 can not be built upon until Brandon Street is improved to City Standards.
- GRAPHIC SCALE**
- (IN FEET)
 1 inch = 20 ft

STATE OF MAINE
 WILLIAM L. ACHESON
 2271
 PROFESSIONAL LAND SURVEYOR

This survey conforms to the current standards of the Maine State Board of Licensure for Land Surveyors except as noted:

1) Pins not set as of plan date.

William L. Acheson
 William L. Acheson PLS 2271

Owners of Record:
 W&C, LLC
 Book 24484, Page 45

Project Area = 69,216 s.f. (1.59 acres)

PLAN OF PROPOSED SUBDIVISION
 Forest Ave., Castine Ave. and Brandon St. Portland, Maine

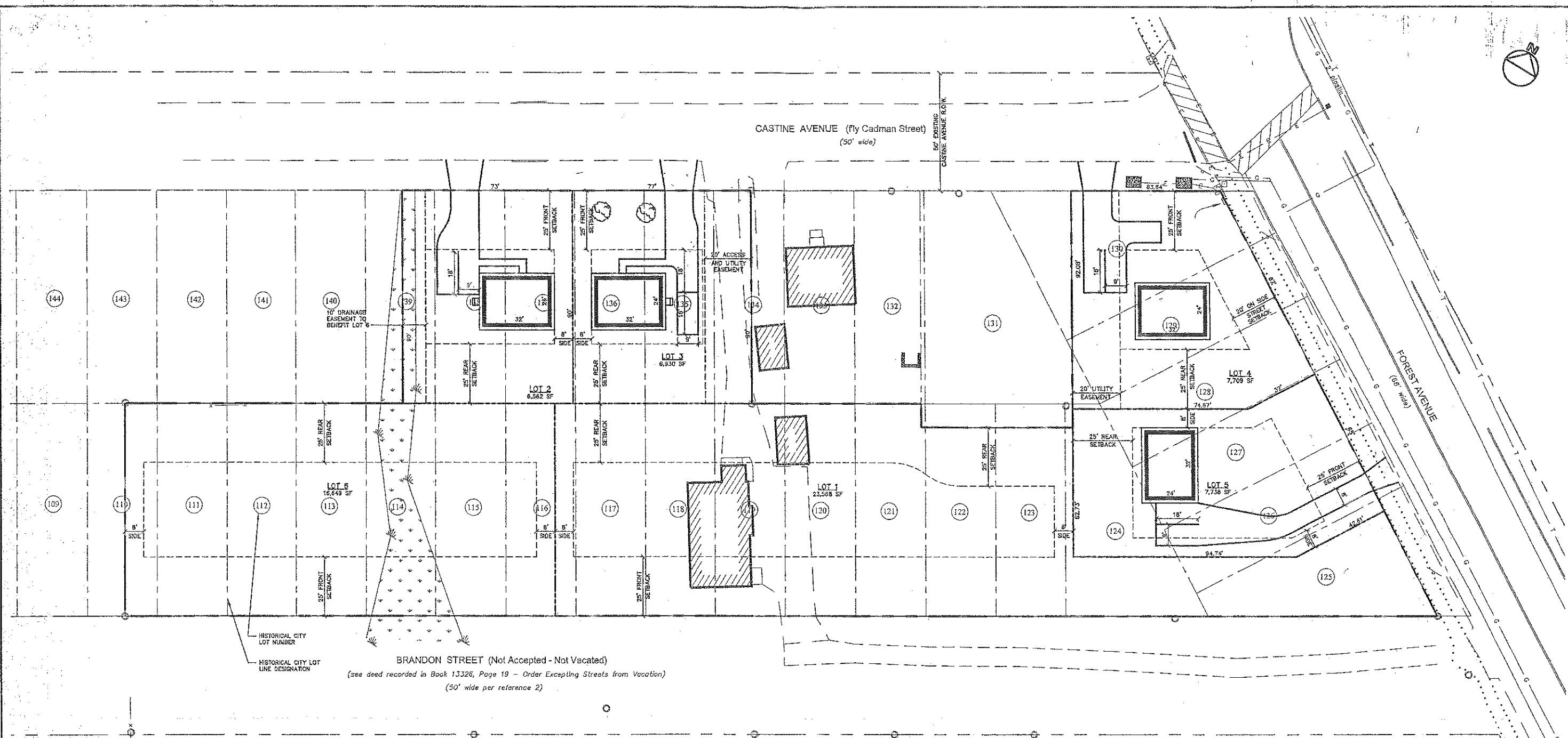
MADE FOR
 W&C LLC

P.O. Box 10127 Portland, Maine

JOB# 206059 DATE: 02/15/07 SCALE: 1"=20'

BOOK# 807
 DWG# Subdiv
 FILE# 8143

Titcomb Associates
 133 Gray Road
 Falmouth, Maine 04105 (207) 797-9159



BRANDON STREET (Not Accepted - Not Vacated)
 (see deed recorded in Book 13326, Page 19 - Order Excepting Streets from Vacation)
 (50' wide per reference 2)

SPACE AND BULK REQUIREMENTS - R-3 ZONE

MINIMUM LOT SIZE:	6,500 S.F.
MINIMUM FRONTAGE:	50 FT.
MINIMUM SETBACKS:	
FRONT YARD	25 FT.
REAR YARD	25 FT.
SIDE YARD*	
1 STORY	8 FT.
1 1/2 STORY	8 FT.
2 STORY	14 FT.
2 1/2 STORY	15 FT.
MINIMUM LOT WIDTH:	
OTHER USES:	65 FT.

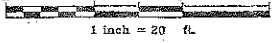
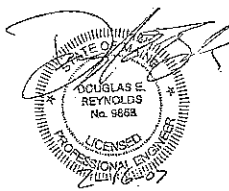
* THE WIDTH OF ONE (1) SIDE YARD MAY BE REDUCED ONE (1) FOOT FOR EVERY FOOT THAT THE OTHER SIDE YARD IS CORRESPONDINGLY INCREASED, BUT NO SIDE YARD SHALL BE LESS THAN EIGHT (8) FEET IN WIDTH.

THE SIDE YARDS SHOWN ON THE FOLLOWING FIGURES ARE BASED UPON A (1) ONE STORY STRUCTURE AND MAY BE INCREASED OR DECREASED DEPENDING UPON THE NUMBER OF STORIES.

NOTES:

- LOT 6 CAN NOT BE BUILT UPON UNTIL BRANDON STREET IS IMPROVED TO CITY STANDARDS.
- LOT 4 SETBACKS SHOWN ASSUME HOUSE FACES CASTINE AVENUE. IF HOUSE FACES FOREST AVENUE SETBACKS SHALL BE REVISED ACCORDINGLY.
- AFTER DEVELOPMENT TAKES PLACE NO TREE OVER 4" SHALL BE REMOVED UNLESS IT IS DEAD, DYING, OR DISEASED, CAUSING A HAZARD TO EITHER THE PUBLIC OR THE HOMES ON THE PROPERTY OR TO PLACE A GARAGE, ACCESSORY STRUCTURE, OR PLAY AREA OF REASONABLE AREA.
- EACH UNIT SHALL BE PROVIDED WITH AT LEAST TWO (2) TREES MEETING THE CITY'S ARBORICULTURE SPECIFICATIONS AND WHICH ARE CLEARLY VISIBLE FROM THE STREET LINE AND ARE LOCATED SO AS TO USUALLY WHEN THE NARROW DIMENSION OR PROPORTION OF THE UNIT.

NOTE:
 LOT LAYOUT AND GRADING CONFIGURATIONS SHOWN ON THIS PLAN DO NOT REPRESENT THE INTENDED FINAL DEVELOPMENT OF THE LOT FOR BUILDING PERMIT.



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

Rev.	Date	Revision

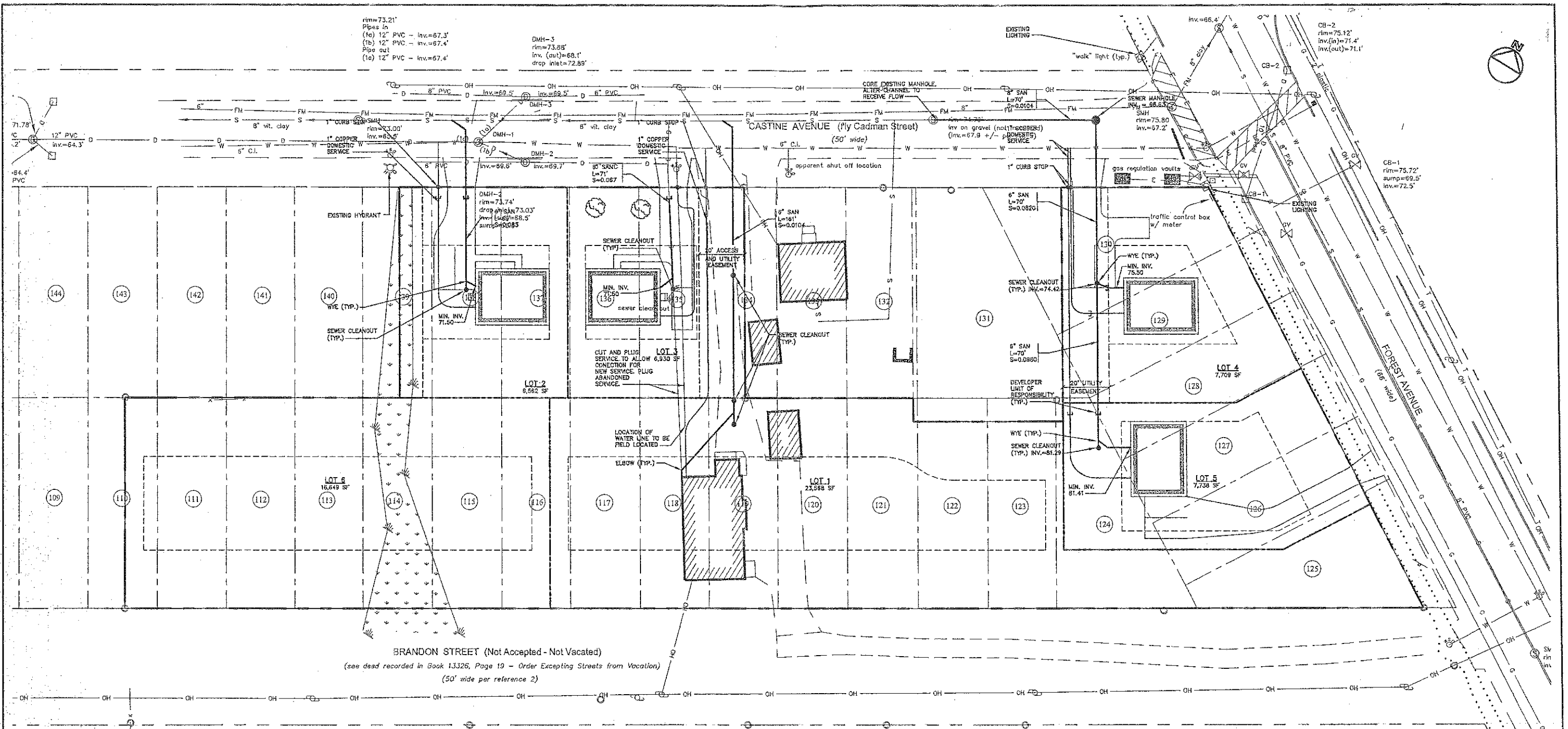
Subdivision Review	Date	By

Design: JLG Draft: LMC Date: 1/07
 Checked: AMP Scale: 1"=20' Job No.: 1721
 File Name: 1721-phse.dwg
 This plan shall not be modified without written permission from Gorrill-Palmer Consulting Engineers, Inc. (GPCEI). Any alterations, authorized or otherwise, shall be at the user's sole risk and without liability to GPCEI.

GP Gorrill-Palmer Consulting Engineers, Inc.
 Traffic and Civil Engineering Services
 PO Box 1237 207-657-8910
 15 Shaker Road FAX: 207-657-8912
 Gray, ME 04039 E-Mail: mailbox@gorrillpalmer.com

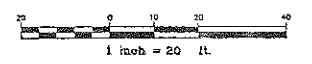
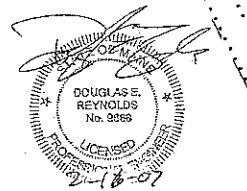
Drawing Name:	Lot Layout Plan
Project:	CASTINE AVENUE, PORTLAND, MAINE
Client:	W&C, LLC PO Box 10127, 449 Forest Avenue, Portland, ME 04104

Drawing No.
3



NOTES:

1. ELECTRICAL SERVICE SHALL BE COORDINATED WITH CENTRAL MAINE POWER.
2. SEWER AND WATER SERVICES RELOCATIONS FOR LOT 1 SHALL BE INSTALLED BY THE DEVELOPER. CONNECTION TO THE HOUSE SHALL BE THE DEVELOPER'S RESPONSIBILITY.
3. SEWER AND WATER SERVICES FOR LOT 2 SHALL BE INSTALLED BY THE DEVELOPER 5' INTO THE PROPERTY. CONNECTION TO THE HOUSE WILL BE THE RESPONSIBILITY OF THE LOT OWNER.
4. SEWER SERVICES FOR LOT 3 SHALL BE DISCONTINUED 5' INTO THE PROPERTY. WATER SERVICES FOR LOT 3 SHALL BE DISCONTINUED AT THE NEW CURB STOP. LOCATION OF EXISTING SERVICES SHALL BE MARKED FOR FUTURE USE. CONNECTION TO THE HOUSE SHALL BE THE RESPONSIBILITY OF THE LOT OWNER.
5. SEWER AND WATER SERVICES FOR LOT 4 SHALL BE INSTALLED BY THE DEVELOPER AS SHOWN ON THE LOT UTILITY PLAN. CONNECTION TO THE HOUSE SHALL BE THE LOT OWNERS RESPONSIBILITY.
6. SEWER AND WATER SERVICES FOR LOT 5 SHALL BE INSTALLED BY THE DEVELOPER 5' INTO THE PROPERTY. CONNECTION TO THE HOUSE SHALL BE THE RESPONSIBILITY OF THE LOT OWNER.



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

Rev.	Date	Revision

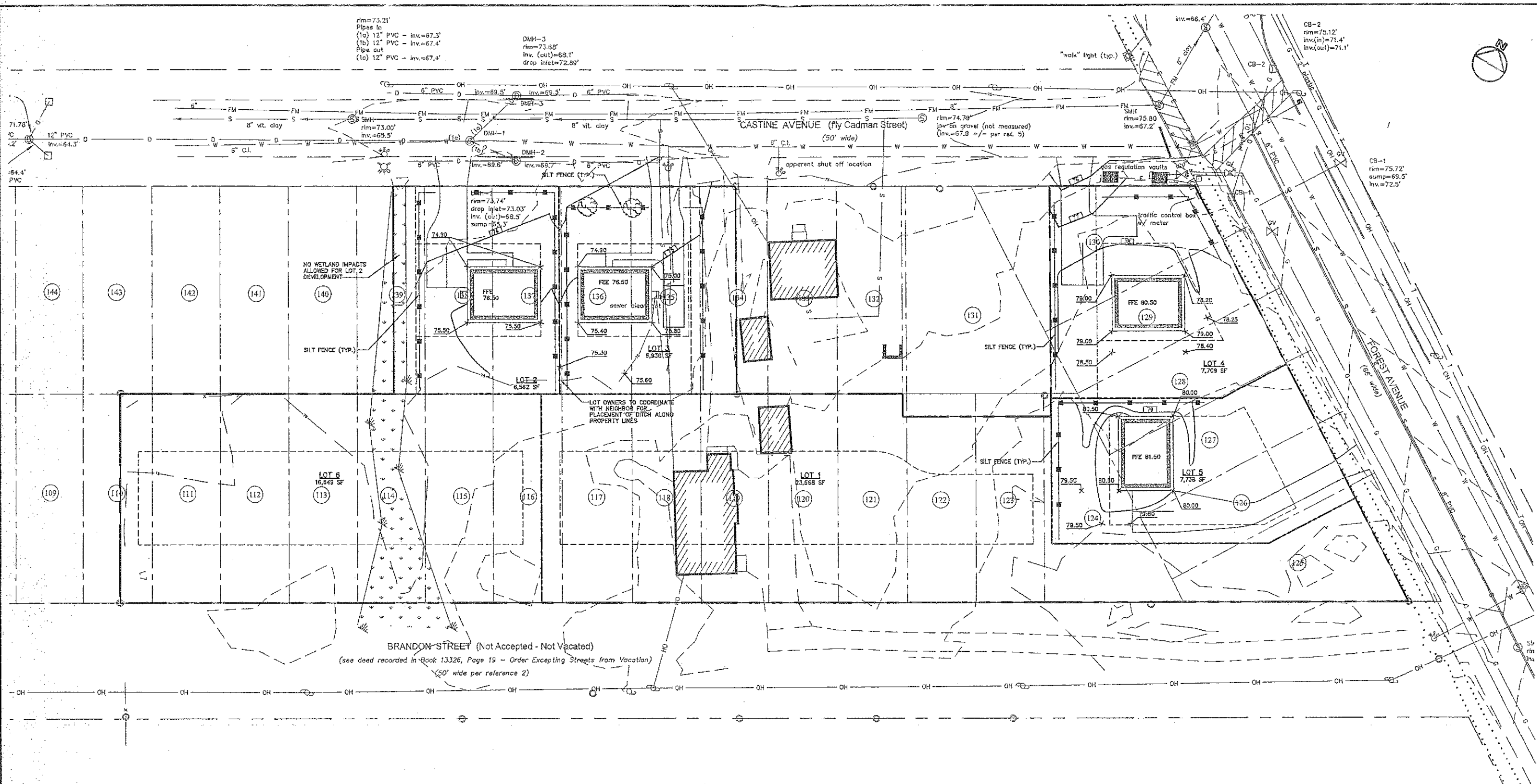
Subdivision Review	Date	By

Design: JLG Draft: LWC Date: 1/07
 Checked: ANP Scale: 1"=20' Job No.: 1721
 File Name: 1721-gpss.dwg
 This plan shall not be modified without written permission from Gorrill-Palmer Consulting Engineers, Inc. (GPCEI). Any alterations, authorized or otherwise, shall be at the user's sole risk and without liability to GPCEI.

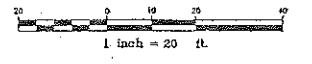
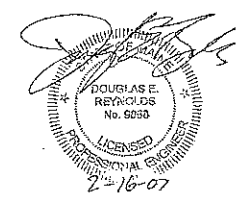
GP Gorrill-Palmer Consulting Engineers, Inc.
 Traffic and Civil Engineering Services
 PQ Box 1237 207-657-8910
 15 Shaker Road FAX: 207-657-8912
 Gray, ME 04039 E-Mail: mailbox@gorrillpalmer.com

Drawing Name:	Lot Utility Plan
Project:	CASTINE AVENUE, PORTLAND, MAINE
Client:	W&C, LLC PO Box 10127, 449 Forest Avenue, Portland, ME 04104

Drawing No.
4



- NOTES:**
1. ALL FOUNDATION DRAINS SHALL BE SUMP PUMP. DISCHARGE PIPES SHALL BE 25' AWAY FROM HOME ONTO A STABILIZED SURFACE.
 2. EXISTING TREES ALONG FOREST AVENUE WITHIN LOTS 4 AND 5 SHALL BE MAINTAINED TO THE GREATEST EXTENT PRACTICABLE.



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

Rev.	Date	Revision

SUBDIVISION REVIEW	02/16/07	DER
Issued For	Date	By

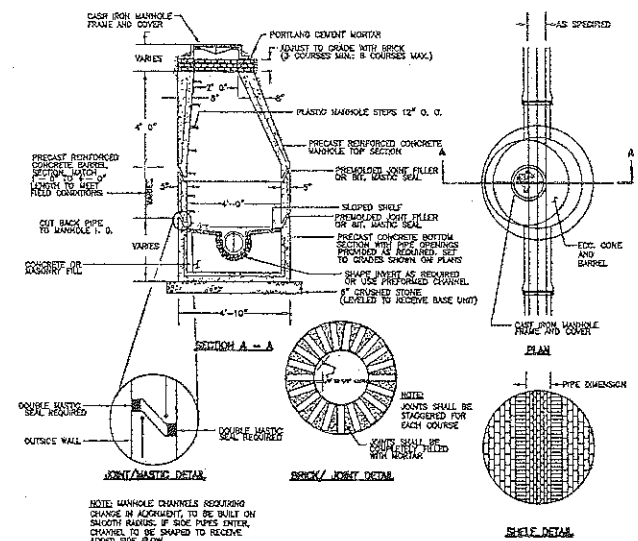
Design: JLG	Draft: UAC	Date: 1/07
Checked: ASP	Scale: 1"=20'	Job No: 1721
File Name: 1721-pbase.dwg		
This plan shall not be modified without written permission from Gorrill-Palmer Consulting Engineers, Inc. (GPCEI). Any alterations, authorized or otherwise, shall be at the user's sole risk and without liability to GPCEI.		

GP Gorrill-Palmer Consulting Engineers, Inc.
 Traffic and Civil Engineering Services
 PO Box 1237 207-657-6910
 15 Shaker Road FAX: 207-657-6912
 Gray, ME 04039 E-Mail: mailbox@gorrillpalmer.com

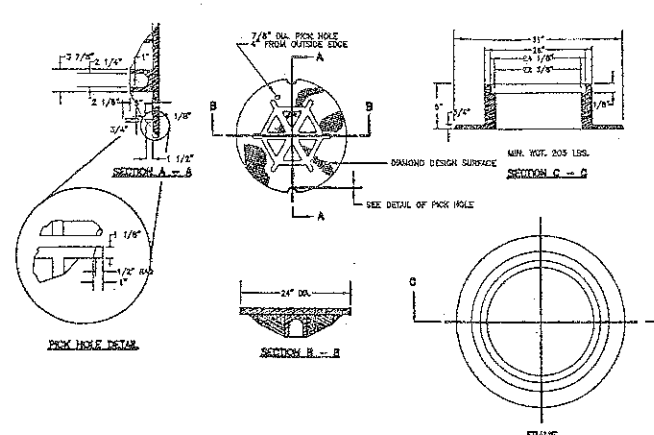
Drawing Name:	Lot Grading, Drainage & Erosion Control Plan
Project:	CASTINE AVENUE, PORTLAND, MAINE
Client:	W&C, LLC PO Box 10127, 449 Forest Avenue, Portland, ME 04104

Drawing No.
5

- GENERAL NOTES**
1. ULTIMATE STRENGTH OF 4000 P.S.I. PER 32 INCH AT THE END OF 28 DAYS, UNLESS OTHERWISE NOTED.
 2. ASTM SPEC. C-478-87
 3. C-32-83, GRADE III AND SA.
 4. APPLIED TO THE EXTERIOR SURFACE IF CONSTRUCTION OF BRICK MASONRY THE SMOOTH MORTAR SURFACE SHALL BE PLASTERED WITH A SMOOTH MORTAR FINISH 3/8" THICK. AFTER THE MORTAR HAS SET, THE SURFACE SHALL BE INTERLOCKED AS REQUIRED BY SUPPLEMENTAL SPECIFICATIONS SECTION 604. CASTINGS SHALL CONFORM TO ASTM SPECIFICATION AAS-CLASS 33.
 5. ALL PARTS OF CASTINGS EXCEPT FINISHED SURFACE, SHALL RECEIVE A COAT OF OIL OR PITCH VARNISH OR ASPHALTUM PAINT WHICH SHALL BE SMOOTH AND THICK BUT NOT BRITTLE. MANHOLES MAY BE CONSTRUCTED OF MASONRY, PRECAST.
 6. REINFORCED CONCRETE OR CAST IN PLACE.
 7. ALL PRECAST MANHOLES AND CATCH BASINS SHALL BE IDENTIFIED BY STATION AND SETBACK, PAINTED ON THE SIDE OF THE STRUCTURE BY THE MANUFACTURER.
 8. STORM AND SEWER MANHOLES SHALL HAVE SOLID COVERS WITH ONE DRILLED HOLE. EXISTING MANHOLE AND CATCH BASIN FRAMES AND COVERS SHALL BE SALVAGED BY THE CONTRACTOR AND REMAIN THE PROPERTY OF THE CITY OF PORTLAND.

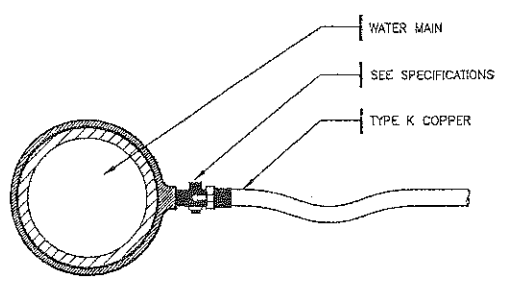


PRECAST CONCRETE MANHOLE TYPE "A"
N.T.S.



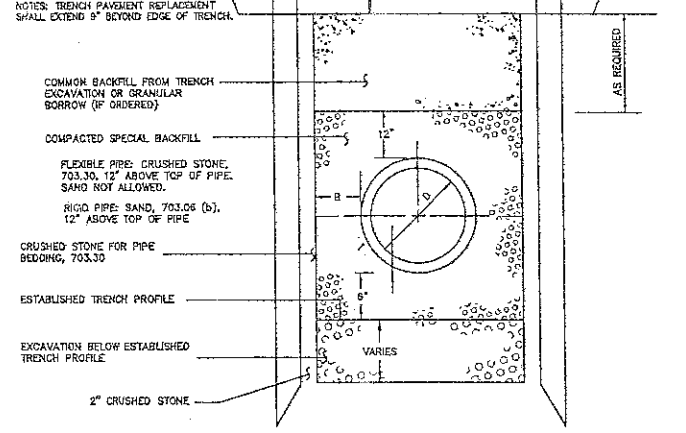
TYPE "A" MANHOLE COVER AND FRAME
N.T.S.

NOTE: SERVICE CONNECTIONS (DIRECT TAPS AND SERVICE CLAMPS) WILL BE INSTALLED SO THAT THE OUTLET IS AT AN ANGLE OF NOT MORE THAN 45° ABOVE THE HORIZONTAL. ALWAYS PUT A BEND OR "GOOSENECK" IN THE SERVICE LINE PRIOR TO CONNECTING TO PROVIDE FLEXIBILITY AND "GIVE" TO COUNTERACT THE EFFECTS OF A LOAD DUE TO SETTLEMENT OR EXPANSION AND/OR CONTRACTION.

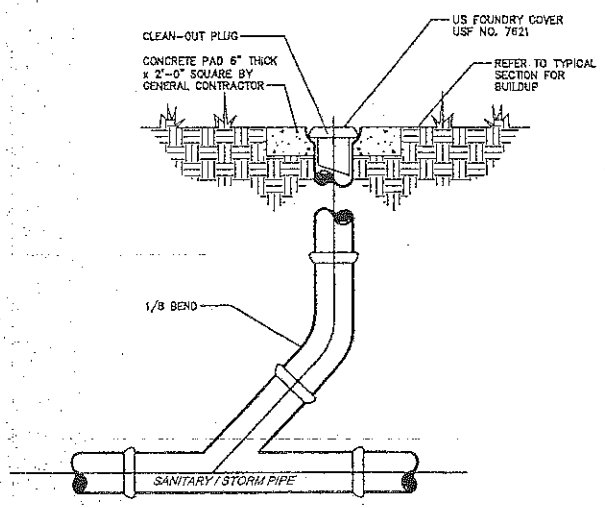


ANY WORK RELATING TO WATER PIPING OR DETAILS SHALL BE IN ACCORDANCE WITH THE PORTLAND WATER DISTRICT SPECIFICATIONS
WATER SERVICE
(1 1/2" AND 2 1/2" C.C. OR IRON PIPE THREAD)
N.T.S.

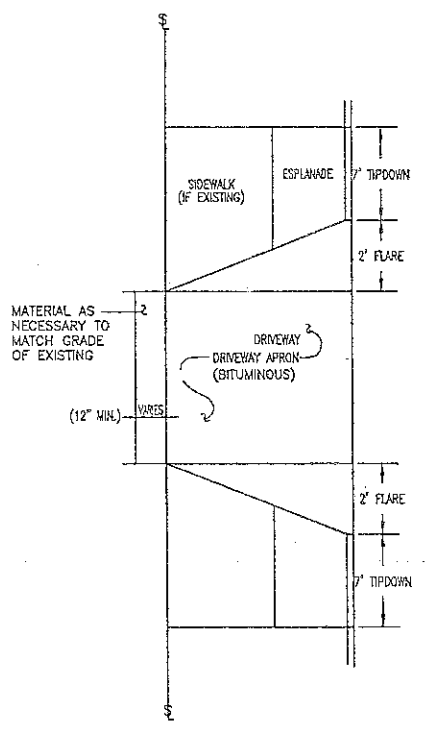
PIPE DIAMETER	DIMENSION
D	B
12"	0'-10"
15"	0'-8 1/4"
18"	0'-6 1/2"



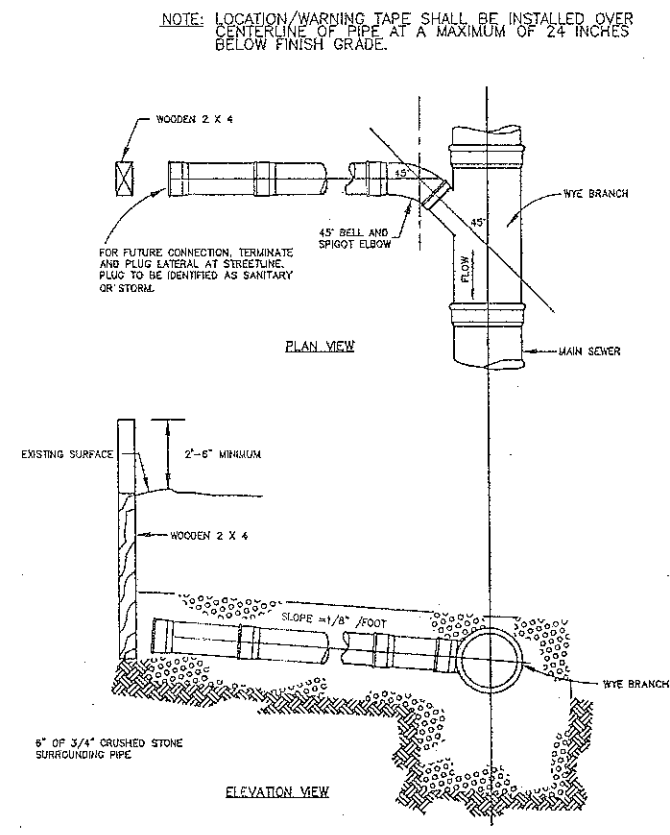
TYPICAL PIPE INSTALLATION DETAIL
N.T.S.



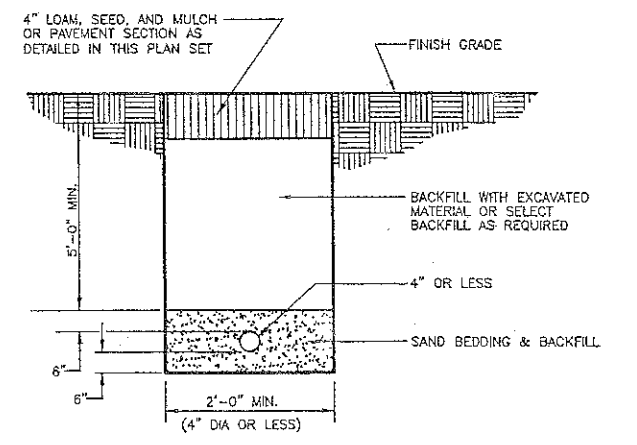
CLEANOUT
NOT TO SCALE



DRIVEWAY CONSTRUCTION
N.T.S.

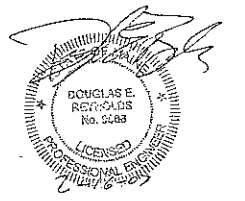


TYPICAL HOUSE LATERAL WYE CONNECTION DETAIL
N.T.S.



WATER SERVICE TRENCH SECTION

ANY WORK RELATING TO WATER PIPING OR DETAILS SHALL BE IN ACCORDANCE WITH THE PORTLAND WATER DISTRICT SPECIFICATIONS



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

Rev.	Date	Revision

SUBDIVISION REVIEW	Date	By
	02/16/07	DER

Design: JLG	Draft: LMC	Date: 1/07
Checked: AMP	Scales: 1"=20'	Job No.: 1721
File Name: 1721-detailed.dwg		

GP Gorrill-Palmer Consulting Engineers, Inc.
 PO Box 1237 Traffic and Civil Engineering Services 207-657-8910
 15 Shaker Road Gray, ME 04039 FAX: 207-657-6912
 E-Mail: mail@gorrillpalmer.com

Drawing Name:	Miscellaneous Details
Project:	CASTINE AVENUE, PORTLAND, MAINE
Client:	W&C, LLC PO Box 10127, 449 Forest Avenue, Portland, ME 04104

Drawing No.
6

EROSION CONTROL MEASURES AND SITE STABILIZATION

THE PRIMARY EMPHASIS OF THE EROSION/SEDIMENTATION CONTROL PLAN TO BE IMPLEMENTED FOR THE INFRASTRUCTURE CONSTRUCTION IS AS FOLLOWS:

- DEVELOPMENT OF A CAREFUL CONSTRUCTION SEQUENCE
- RAPID REVEGETATION OF DENUDED AREAS TO MINIMIZE THE PERIOD OF SOIL EXPOSURE
- RAPID STABILIZATION OF DRAINAGE PATHS TO AVOID RILL AND GULLY EROSION
- THE USE OF ON-SITE MEASURES TO CAPTURE SEDIMENT (HAY BALES/SILT FENCE, ETC.)

THE FOLLOWING TEMPORARY AND PERMANENT EROSION AND SEDIMENT CONTROL DEVICES WILL BE IMPLEMENTED AS PART OF THE SITE DEVELOPMENT. THESE DEVICES SHALL BE INSTALLED AS INDICATED ON THE PLANS OR AS DESCRIBED WITHIN THIS REPORT. FOR FURTHER REFERENCE, SEE THE MAJOR EROSION AND SEDIMENT CONTROL HANDBOOK FOR CONSTRUCTION BEST MANAGEMENT PRACTICES.

A. TEMPORARY EROSION CONTROL MEASURES

THE FOLLOWING MEASURES ARE PLANNED AS TEMPORARY EROSION/SEDIMENTATION CONTROL MEASURES DURING CONSTRUCTION:

1. A CRUSHED STONE-STABILIZED CONSTRUCTION ENTRANCE SHALL BE PLACED AT THE PROPOSED CASTINE AVENUE.
2. SILTATION FENCE BE INSTALLED DOWNSTREAM OF ANY DISTURBED AREAS TO TRAP RUNOFF BORNE SEDIMENTS UNTIL THE ROADWAY SIDE-SLOPES ARE REVEGETATED. THE SILT FENCE SHALL BE INSTALLED PER THE DETAILS PROVIDED IN THIS PACKAGE AND INSPECTED IMMEDIATELY AFTER EACH RAINFALL AND AT LEAST DAILY DURING PROLONGED RAINFALL. REPAIRS SHALL BE MADE IF THERE ARE ANY SIGNS OF EROSION OR SEDIMENTATION BELOW THE FENCE. IF THERE ARE SIGNS OF UNDERCUTTING AT THE CENTER OR THE EDGES, OR IMPOUNDING OF LARGE VOLUMES OF WATER BEHIND FENCE, THE BARRIER SHALL BE REPLACED WITH A STONE CHECK DAM.
3. STRAW OR HAY MULCH INCLUDING HYDROSEEDING IS INTENDED TO PROVIDE COVER FOR DENUDED OR SEEDED AREAS UNTIL REVEGETATION IS ESTABLISHED. MULCH PLACED BETWEEN APRIL 15TH AND OCTOBER 15TH ON SLOPES OF LESS THAN 15 PERCENT SHALL BE ANCHORED BY APPLYING WATER; MULCH PLACED ON SLOPES OF EQUAL TO OR STEEPER THAN 15 PERCENT SHALL BE COVERED BY A FABRIC NETTING AND ANCHORED WITH STAPLES IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATION. MULCH PLACED BETWEEN OCTOBER 15TH AND APRIL 15TH ON SLOPES EQUAL TO OR STEEPER THAN 8 PERCENT SHALL BE COVERED WITH A FABRIC NETTING AND ANCHORED WITH STAPLES IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS. SLOPES STEEPER THAN 3:1, WHICH ARE TO BE REVEGETATED, SHALL RECEIVE CURLEX BLANKETS BY AMERICAN ENVELOPER OR EQUAL. MULCH APPLICATION RATES ARE PROVIDED IN ATTACHMENT A OF THIS SECTION. MULCH SHALL NOT BE PLACED OVER SNOW.
4. TEMPORARY STOCKPILES OF STUMPS, GRUBBINGS, OR COMMON EXCAVATION WILL BE PROTECTED AS FOLLOWS:
 - A) TEMPORARY STOCKPILES SHALL NOT BE LOCATED WITHIN 50 FEET OF ANY WETLANDS, WHICH WILL NOT BE DISTURBED AND ANY SLOPES WHICH EXCEED 15%.
 - B) STOCKPILES SHALL BE STABILIZED WITHIN 7 DAYS BY EITHER TEMPORARILY SEEDING THE STOCKPILE BY A HYDROSEED METHOD CONTAINING AN EMULSIFIED MULCH TACKIFIER OR BY COVERING THE STOCKPILE WITH MULCH.
 - C) STOCKPILES SHALL BE SURROUNDED BY SILT FENCE AT THE TIME OF FORMATION.
5. ALL DENUDED AREAS THAT ARE WITHIN 50 FEET OF AN UNDISTURBED WETLAND, WHICH HAVE BEEN ROUGH GRADED, AND ARE NOT LOCATED WITHIN A ROADWAY SUBBASE AREA, SHALL RECEIVE MULCH OR EROSION CONTROL MESH FABRIC WITHIN 7 DAYS OF INITIAL DISTURBANCE OF SOIL. ALL AREAS WITHIN 50 FEET OF AN UNDISTURBED WETLAND SHALL BE MULCHED PRIOR TO ANY PREDICTED RAIN EVENT REGARDLESS OF THE 7-DAY WINDOW. IN OTHER AREAS, THE TIME PERIOD MAY BE EXTENDED TO 14 DAYS.
6. FOR WORK WHICH IS CONDUCTED BETWEEN OCTOBER 15 AND APRIL 15 OF ANY CALENDAR YEAR, ALL DENUDED AREAS WILL BE COVERED WITH HAY MULCH, APPLIED AT THREE TIMES THE NORMAL APPLICATION RATE AND ANCHORED WITH FABRIC NETTING. THE TIME PERIOD FOR APPLYING MULCH AS NOTED IN PARAGRAPH 3 ABOVE, SHALL BE LIMITED TO 7 DAYS FOR ALL AREAS.
7. CASTINE AVE SHALL BE SWEEPED TO CONTROL MUD AND DUST AS NECESSARY.
8. DURING GRUBBING OPERATIONS STONE CHECK DAMS WILL BE INSTALLED AT ANY EVIDENT CONCENTRATED FLOW DISCHARGE POINTS.
9. SILT FENCING WITH A MINIMUM STAKE SPACING OF 8 FEET SHOULD BE USED, UNLESS THE FENCE IS SUPPORTED BY WIRE FENCE REINFORCEMENT OF MINIMUM 14 GAUGE AND WITH A MAXIMUM MESH SPACING OF 6 INCHES, IN WHICH CASE STAKES MAY BE SPACED A MAXIMUM OF 10 FEET APART. THE BOTTOM OF THE FENCE SHOULD BE ANCHORED.
10. WOOD WASTE COMPOST/BARK BERMS MAY BE USED IN LIEU OF SILTATION FENCING, BUT NOT IN WETLAND AREAS. BERMS SHALL BE REMOVED AND SPREAD INTO A LAYER NOT TO EXCEED 3" THICK ONCE UPSTREAM AREAS ARE COMPLETED AND A 75% CATCH OF VEGETATION IS ATTAINED.
11. WATER AND/OR CALCIUM CHLORIDE SHALL BE FURNISHED AND APPLIED IN ACCORDANCE WITH MDT SPECIFICATIONS - SECTION 637 - DUST CONTROL.
12. LOAM AND SEED IS INTENDED TO SERVE AS THE PRIMARY PERMANENT REVEGETATIVE MEASURE FOR ALL DENUDED AREAS NOT PROVIDED WITH OTHER EROSION CONTROL MEASURES, SUCH AS RIPRAP. APPLICATION RATES ARE PROVIDED IN ATTACHMENT A OF THIS SECTION. SEEDING SHALL NOT OCCUR OVER SNOW.

B. PERMANENT EROSION CONTROL MEASURES

THE FOLLOWING PERMANENT EROSION CONTROL MEASURES HAVE BEEN DESIGNED AS PART OF THE EROSION/SEDIMENTATION CONTROL PLAN:

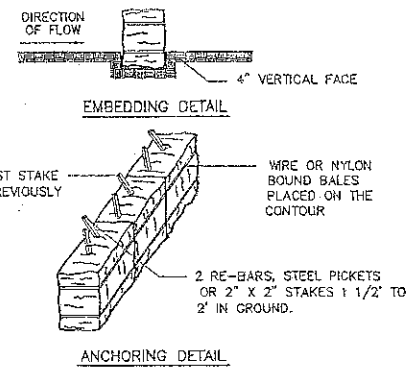
1. ALL AREAS DISTURBED DURING CONSTRUCTION, BUT NOT SUBJECT TO OTHER RESTORATION (PAVING, RIPRAP, ETC.) WILL BE LOAMED, LIMED, FERTILIZED, MULCHED, AND SEEDED. FABRIC NETTING, ANCHORED WITH STAPLES, SHALL BE PLACED OVER THE MULCH IN AREAS AS NOTED IN PARAGRAPH 5 OF TEMPORARY EROSION CONTROL MEASURES. ALL AREAS WITHIN 50 FEET OF AN UNDISTURBED WETLAND SHALL BE MULCHED PRIOR TO ANY PREDICTED RAIN EVENT REGARDLESS OF THE 7-DAY WINDOW. NATIVE TOPSOIL SHALL BE STOCKPILED AND REUSED FOR FINAL RESTORATION WHEN IT IS OF SUFFICIENT QUALITY.

LOTS
THE FOLLOWING CONSTRUCTION SEQUENCE SHALL BE REQUIRED FOR LOT CONSTRUCTION TO INSURE THE EFFECTIVENESS OF THE EROSION AND SEDIMENTATION CONTROL MEASURES ARE OPTIMIZED:

NOTE: FOR ALL GRADING ACTIVITIES, THE CONTRACTOR SHALL EXERCISE EXTREME CAUTION NOT TO OVEREXPOSE THE LOT BY LIMITING THE DISTURBED AREA.

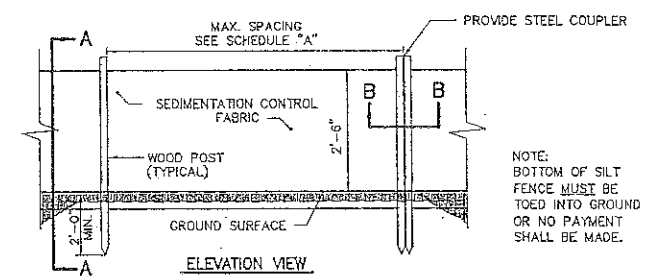
1. INSTALL STABILIZED CONSTRUCTION ENTRANCES AT THE LOT DRIVEWAY.
2. CLEAR AREA NECESSARY FOR HOUSE CONSTRUCTION.
3. INSTALL PERIMETER SILTATION FENCE AND/OR WOOD WASTE BERMS PRIOR TO GRUBBING RESPECTIVE AREAS.
4. DURING GRUBBING OPERATIONS, INSTALL STONE CHECK DAMS AT ANY EVIDENT CONCENTRATED FLOW DISCHARGE POINTS.
5. COMMENCE EARTHWORK FOR FOUNDATION AREA.
6. COMMENCE BUILDING CONSTRUCTION.
7. COMMENCE INSTALLATION OF UNDERGROUND UTILITIES.
8. COMPLETE REMAINING EARTHWORK OPERATIONS.
9. INSTALL GRAVELS FOR DRIVEWAY.
10. INSTALL PAVEMENT FOR DRIVEWAY.
11. LOAM, LIME, FERTILIZE, SEED AND MULCH DISTURBED AREAS.
12. ONCE THE SITE IS STABILIZED AND A 90% CATCH OF VEGETATION HAS BEEN OBTAINED, REMOVE ALL TEMPORARY EROSION CONTROL MEASURES.
13. TOUCH UP LOAM AND SEED.

NOTE: ALL DENUDED AREAS NOT SUBJECT TO FINAL PAVING OR GRAVEL SHALL BE REVEGETATED.

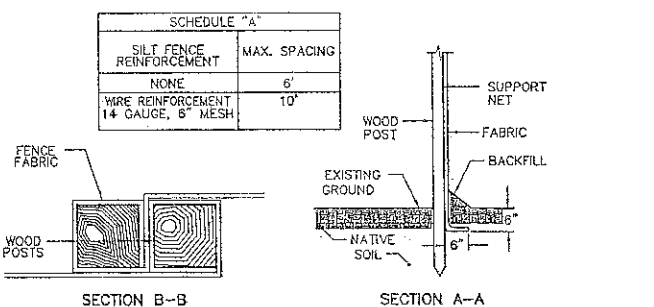


- CONSTRUCTION SPECIFICATIONS**
1. Bales shall be placed in a row with ends tightly abutting the adjacent bales.
 2. Each bale shall be embedded in the soil a minimum of 4".
 3. Bales shall be securely anchored in place by stakes or re-bars driven through the bales. The first stake in each bale was angled toward previously laid bale to force bales together.
 4. Inspection will be frequent and repair or replacement shall be made promptly as needed.
 5. Bales shall be removed when they have served their usefulness so as not to block or impede storm flow or drainage.

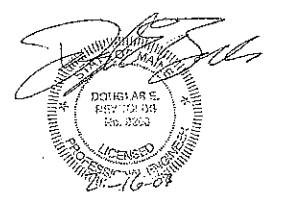
STRAW OR HAY BALE BARRIER
N.T.S.



NOTE: BOTTOM OF SILT FENCE MUST BE TOED INTO GROUND OR NO PAYMENT SHALL BE MADE.



SILTATION FENCE DETAIL
N.T.S.



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

Rev.	Date	Revision

SUBMISSION REVIEW	Date	By
	02/16/07	DER
Issued For		

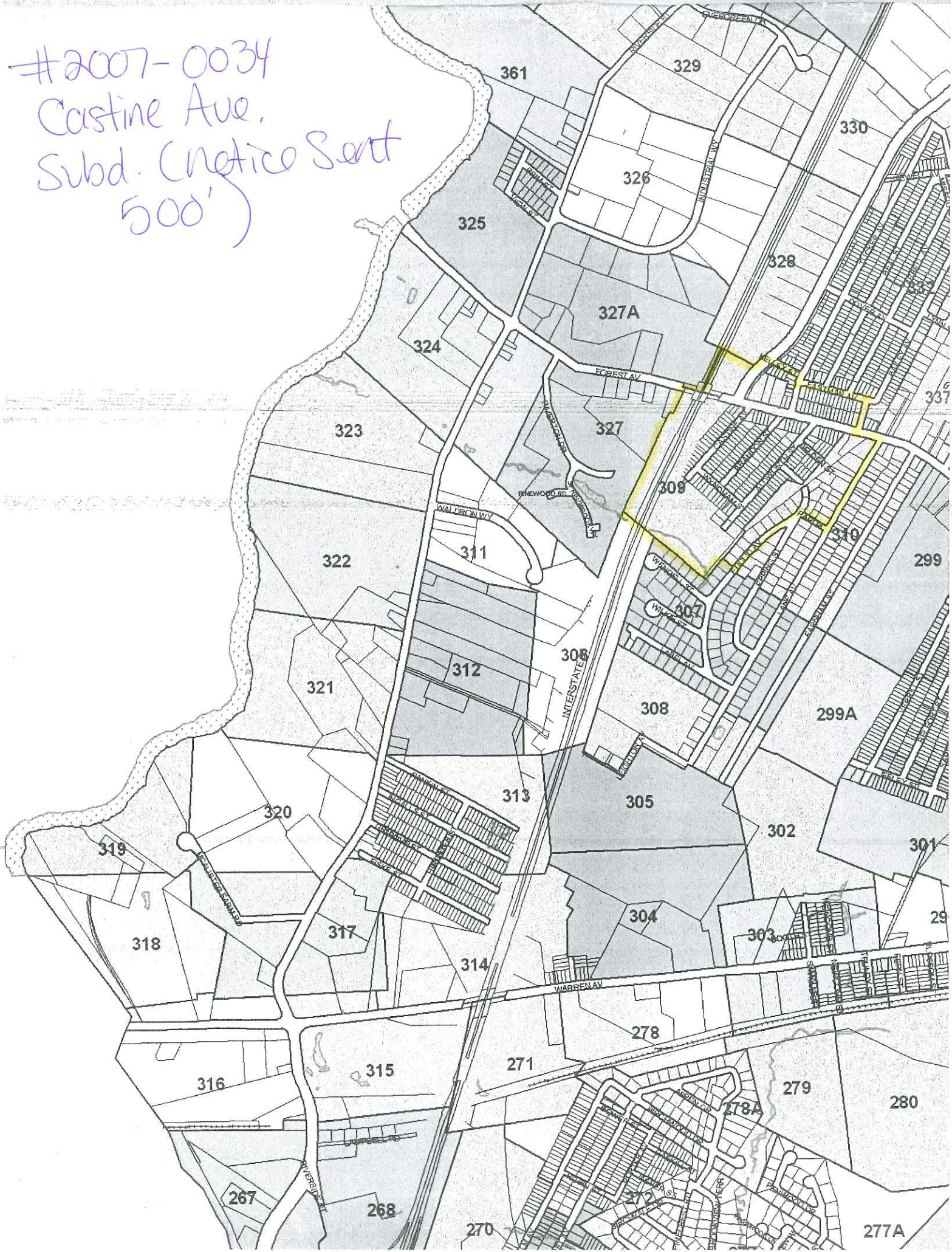
Design: JLB	Drawn: LJC	Date: 1/07
Checked: AMP	Scale: 1"=20'	Job No.: 1721
File Name: 1721-deta05.dwg		
This plan shall not be modified without written permission from Gorrill-Palmer Consulting Engineers, Inc. (GPCEI). Any alterations, authorized or otherwise, shall be at the user's sole risk and without liability to GPCEI.		

GP Gorrill-Palmer Consulting Engineers, Inc.
 PO Box 1237 Traffic and Civil Engineering Services 207-657-6910
 15 Shaker Road FAX: 207-657-6912
 Gray, ME 04039 E-Mail: mailbox@gorrillpalmer.com

Drawing Name:	Erosion & Sedimentation Control Details
Project:	CASTINE AVENUE, PORTLAND, MAINE
Client:	W&C, LLC PO Box 10127, 449 Forest Avenue, Portland, ME 04104

Drawing No. 7

#2007-0034
Castine Ave.
Subd. (Notice Sent
500')



W&C, LLC
c/o DIVERSIFIED PROPERTIES, INC.
P.O. BOX 10127
PORTLAND, ME 04104

June 8, 2007

Dear Neighbor:

Please join us for neighborhood meeting to discuss our plans for a subdivision proposal located at Castine Avenue.

Meeting Location: Keeley the Katerer
Meeting Date: June 18, 2007
Meeting Time: 5:15pm.

The City code requires that property owners within 500 feet of the proposed development and residents on an "interested parties list" be invited to participate in a neighborhood meeting. A sign-in sheet will be circulated and minutes of the meeting will be taken. Both the sign-in sheet and minutes will be submitted to the Planning Board.

If you have any questions, please call Jim Wolf at 773-4988, ext. 24 or by email at jmwl@maine.rr.com.

Sincerely,

W&C LLC
James M. Wolf, Member.

Note:

Under Section 14-32© of the City Code of Ordinances, an applicant for a major development, subdivision of over five lots/units, or zone change is required to hold a neighborhood meeting at least seven days prior to the Planning Board public hearing on the proposal.

W&C, LLC
c/o DIVERSIFIED PROPERTIES, INC.
P.O. BOX 10127
PORTLAND, ME 04104

June 8, 2007

Dear Neighbor:

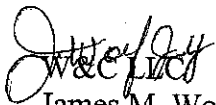
Please join us for neighborhood meeting to discuss our plans for a subdivision proposal located at Castine Avenue.

Meeting Location: Keeley the Katerer
Meeting Date: June 18, 2007
Meeting Time: 5:15pm.

The City code requires that property owners within 500 feet of the proposed development and residents on an "interested parties list" be invited to participate in a neighborhood meeting. A sign-in sheet will be circulated and minutes of the meeting will be taken. Both the sign-in sheet and minutes will be submitted to the Planning Board.

If you have any questions, please call Jim Wolf at 773-4988, ext. 24 or by email at jmw1@maine.rr.com.

Sincerely,



James M. Wolf, Member.

Note:

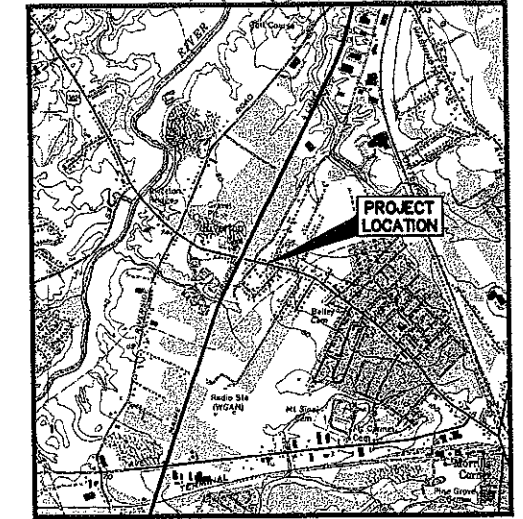
Under Section 14-3D of the City Code of Ordinances, an applicant for a major development, subdivision of over five lots/units, or zone change is required to hold a neighborhood meeting at least seven days prior to the Planning Board public hearing on the proposal.

CASTINE AVENUE PORTLAND, MAINE

PREPARED BY:

GP Gorrill-Palmer Consulting Engineers, Inc.
 PO Box 1237 15 Shaker Road Gray, ME 04039
 Traffic and Civil Engineering Services
 207-657-6910 FAX: 207-657-6912
 E-Mail: mailbox@gorrillpalmer.com

Attachment 2



LEGEND

EXISTING:	DESCRIPTION:	PROPOSED:
○	IRON PIPE	
□	MONUMENT	■
---	SEWALL CO., AERIAL SURVEY CONTOUR	
---100---	TITCOMB ASSOCIATES, GROUND SURVEY CONTOUR	
---	PROPOSED CONTOUR	[100]
.....	WETLAND LIMIT	
---	EDGE OF PAVEMENT	---
▭	CULVERT	---
▨	BUILDINGS	▭
▩	RIPRAP	▩
○	UTILITY POLE	
---	RIGHT OF WAY	---
---	SILT FENCE	---
---	CENTER LINE	---
X 226.4	SPOT GRADE	100.31
---	PROPERTY LINE	---
---	TREELINE	---
N/F	NOW OR FORMERLY	
□	CATCH BASIN	■ CB1
⊙	SEWER MANHOLE	● SMH1
⊙	DRAIN MANHOLE	● DMH1
⊗	WATER VALVE	⊗
⊙	CAPPED IRON ROD SET PLS #1273	
Lot #	SUBDIVISION LOT NUMBER	
▨	DRAINAGE EASEMENT	
▩	ANTICIPATED PERMITTED WETLAND FILLS	

GENERAL NOTES

- GENERAL NOTES**
- TOPOGRAPHIC DATA AND EXISTING CONDITIONS ARE BASED UPON A GROUND SURVEY CONDUCTED BY TITCOMB ASSOCIATES FOR THE DEVELOPERS IN 2006. WETLANDS HAVE BEEN DELINEATED BY SWEET ASSOCIATES.
 - BOUNDARY SURVEY WAS PREPARED BY TITCOMB ASSOCIATES FOR THE DEVELOPERS IN 2006.
 - THE CONTRACTOR SHALL PROVIDE, ERECT AND MAINTAIN ALL NECESSARY BARRICADES, LIGHTS, WARNING SIGNS AND OTHER DEVICES TO SAFEGUARD TRAFFIC PROPERLY WHILE WORK IS IN PROGRESS.
 - THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR THE ELEVATION OF THE EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND WHERE POSSIBLE MEASUREMENTS TAKEN IN THE FIELD. THIS INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE APPROPRIATE UTILITY COMPANY AND DIG SAFE AT LEAST 72 HOURS PRIOR TO ANY EXCAVATION TO REQUEST EXACT FIELD LOCATION OF UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.
 - MAINTENANCE OF EROSION CONTROL MEASURES IS OF PARAMOUNT IMPORTANCE TO THE OWNER AND THE CONTRACTOR IS RESPONSIBLE FOR COMPLYING WITH ALL EROSION CONTROL MEASURES SHOWN ON THE PLANS. ADDITIONAL EROSION CONTROL MEASURES SHALL BE INSTALLED IF DEEMED NECESSARY BY ON-SITE INSPECTIONS OF THE OWNER OR THEIR REPRESENTATIVES AT NO ADDITIONAL COST TO THE OWNER.
 - ALL MATERIAL SCHEDULES SHOWN ON THE PLANS ARE FOR GENERAL INFORMATION ONLY. THE CONTRACTOR SHALL PREPARE HIS OWN MATERIAL SCHEDULES BASED UPON HIS PLAN REVIEW. ALL SCHEDULES SHALL BE VERIFIED IN THE FIELD BY THE CONTRACTOR PRIOR TO ORDERING MATERIALS OR PERFORMING WORK.
 - ALL MATERIALS AND CONSTRUCTION METHODS SHALL CONFORM TO MAINE DEPARTMENT OF TRANSPORTATION SPECIFICATIONS AND CITY OF PORTLAND TECHNICAL AND DESIGN STANDARDS AND GUIDELINES.

PERMITTING NOTES

- THIS PROJECT IS SUBJECT TO THE TERMS AND CONDITIONS OF A SUBDIVISION APPROVAL FROM THE CITY OF PORTLAND WHICH WILL BE MADE A PART OF THE CONTRACT BID DOCUMENTS. THE CONSTRUCTION WILL BE GOVERNED BY THE CITY OF PORTLAND ZONING AND SUBDIVISION ORDINANCES WHICH ARE AVAILABLE FOR VIEWING AT THE OFFICE OF THE ENGINEER OR THE MUNICIPAL OFFICE.
- THE CONTRACTOR SHALL REVIEW THE ABOVE REFERENCED PERMITS PRIOR TO SUBMITTING A BID FOR THIS PROJECT, AND INCLUDE COSTS AS NECESSARY TO COMPLY WITH THE CONDITIONS OF THESE PERMITS.

LAYOUT NOTES

- ALL DIMENSIONING, UNLESS NOTED OTHERWISE, IS TO THE FACE OF CURB.
- OFFSETS TO CATCH BASINS AND MANHOLES ARE TO THE CENTER OF THE FRAME.
- PIPE LENGTH EQUALS THE CENTER TO CENTER DISTANCES BETWEEN CATCH BASINS AND/OR MANHOLES MINUS ONE-HALF THE DIAMETER OF EACH CATCH BASIN OR MANHOLE.
- PROPERTY LINE AND R.O.W. MONUMENTS SHALL NOT BE DISTURBED BY CONSTRUCTION. IF DISTURBED, THEY SHALL BE RESET TO THEIR ORIGINAL LOCATIONS AT THE CONTRACTOR'S EXPENSE, BY A MAINE REGISTERED LAND SURVEYOR.
- PROPOSED RIGHT OF WAY MONUMENTS AND PROPERTY LINE PINS SHALL BE INSTALLED UNDER THE DIRECTION OF A MAINE REGISTERED LAND SURVEYOR.

UTILITY NOTES

- TEST PITS AT ALL UTILITY CROSSINGS SHALL BE COMPLETED TWO WEEKS IN ADVANCE OF THE START OF CONSTRUCTION OR ORDERING OF MATERIALS. TEST PIT INFORMATION SHALL BE PROMPTLY PROVIDED TO ENGINEER FOR REVIEW.
- ALL UTILITY MATERIAL AND INSTALLATION METHODS SHALL CONFORM TO PORTLAND WATER DISTRICT STANDARDS. DISINFECTION OF WATER LINES SHALL CONFORM TO AWWA STANDARDS C651, LATEST REVISION.
- ALL SEWER MATERIALS SHALL CONFORM TO THE REQUIREMENTS OF THE CITY OF PORTLAND TECHNICAL AND DESIGN STANDARDS AND GUIDELINES.
- ELECTRIC SERVICE SHALL BE COORDINATED WITH CENTRAL MAINE POWER.

GRADING AND DRAINAGE NOTES

- TOPSOIL STRIPPED IN AREAS OF CONSTRUCTION THAT IS SUITABLE FOR REUSE AS LOAM SHALL BE STOCKPILED ON SITE AT A LOCATION TO BE DESIGNATED BY THE OWNER. UNSUITABLE SOIL SHALL BE SEPARATED, REMOVED AND DISPOSED OF AT AN APPROVED DISPOSAL LOCATION OFF SITE.
- THE CONTRACTOR SHALL ANTICIPATE THAT GROUNDWATER WILL BE ENCOUNTERED DURING CONSTRUCTION AND SHALL INCLUDE SUFFICIENT COSTS WITHIN THEIR BID TO PROVIDE DEWATERING AS NECESSARY. NO SEPARATE PAYMENT SHALL BE MADE TO THE CONTRACTOR FOR DEWATERING.

EROSION CONTROL NOTES

- LAND DISTURBING ACTIVITIES SHALL BE ACCOMPLISHED IN A MANNER AND SEQUENCE THAT CAUSES THE LEAST PRACTICAL DISTURBANCE OF THE SITE.
- PRIOR TO BEGINNING ANY CLEARING/LAND DISTURBING ACTIVITIES, THE CONTRACTOR SHALL INSTALL THE PERIMETER SILT FENCES.
- ALL GROUND AREAS DISTURBED FOR CONSTRUCTION WILL BE GRADED, LOAMED AND SEEDED AS SOON AS POSSIBLE. PERMANENT SEED MIXTURE SHALL CONFORM TO THE SEEDING PLAN CONTAINED ON SHEET 7 OF THE PLAN SET.
- SILT FENCES SHALL BE INSPECTED, REPAIRED AND CLEANED AS NOTED IN THE EROSION CONTROL REPORT.
- THE CONTRACTOR SHALL REPAIR AND ADD STONE TO THE LOT CONSTRUCTION ENTRANCE AS IT BECOMES SATURATED WITH MUD TO ENSURE THAT IT WORKS AS PLANNED DURING CONSTRUCTION.
- LOT EROSION CONTROL NOTE IS CONTAINED ON THE DRAWINGS OF THIS PLAN SET.
- THE CONTRACTOR IS CAUTIONED THAT FAILURE TO COMPLY WITH THE SEQUENCE OF CONSTRUCTION, EROSION/SEDIMENT CONTROL PLAN, AND OTHER PERMIT REQUIREMENTS BASED UPON ANY THIRD PARTY REVIEW (i.e. MDEP) MAY RESULT IN MONETARY PENALTIES. THE CONTRACTOR SHALL BE ASSESSED ALL SUCH PENALTIES AT NO COST TO THE OWNER OR PERMITTEE.
- ALL NON-PAVED AREAS DISTURBED DURING CONSTRUCTION SHALL BE LOAMED AND SEEDED, UNLESS OTHERWISE DIRECTED BY THE OWNER.
- ALL DISTURBED AREAS ARE TO RECEIVE A MINIMUM OF 6" OF TOPSOIL PRIOR TO PERMANENT SEEDING.

UTILITIES

WATER:

PORTLAND WATER DISTRICT
 225 DOUGLASS STREET
 PORTLAND, MAINE 04102
 (207) 761-8300

SEWER:

PORTLAND PUBLIC WORKS DEPT.
 55 PORTLAND STREET
 PORTLAND, MAINE 04101
 (207) 874-8871

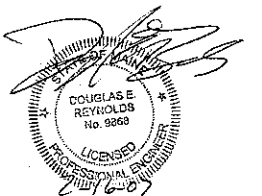
ELECTRIC:

CENTRAL MAINE POWER
 162 CANCO ROAD
 PORTLAND, MAINE 04103
 (207) 826-2869

CALL BEFORE YOU DIG 1-800-344-7233

INDEX

- COVER SHEET, GENERAL NOTES, & LEGEND
- SUBDIVISION PLAN BY TITCOMB ASSOCIATES
- LOT LAYOUT PLAN
- LOT UTILITY PLAN
- LOT GRADING, DRAINAGE AND EROSION CONTROL PLAN
- MISCELLANEOUS DETAILS
- EROSION & SEDIMENTATION CONTROL DETAILS & NOTES



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

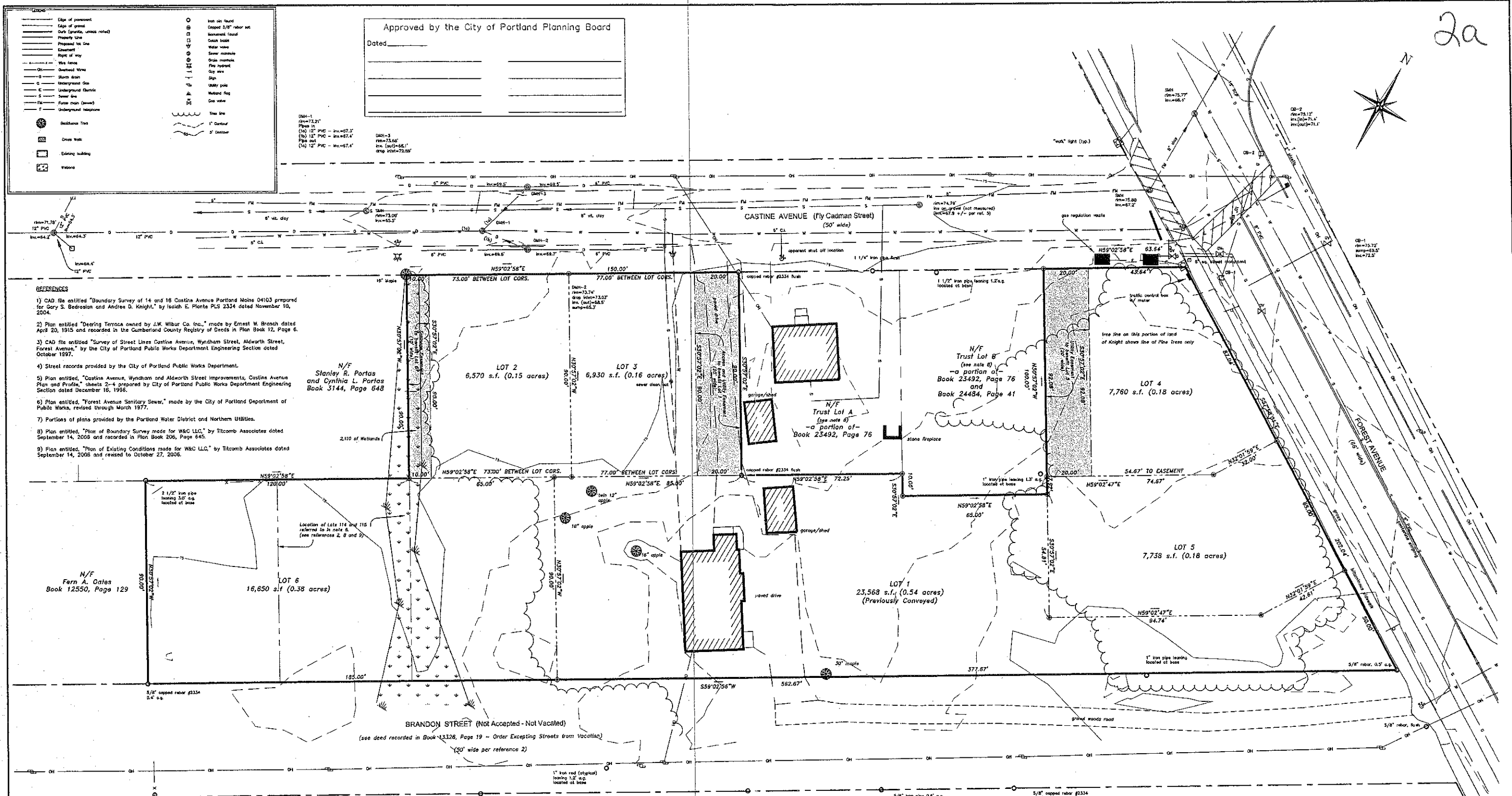
Rev.	Date	Revision

Design: JLG	Draft: LMC	Date: 1/07
Checked: AMP	Scale: 1"=20'	Job No.: 1721
File Name: 1721-cover.dwg		
This plan shall not be modified without written permission from Gorrill-Palmer Consulting Engineers, Inc.(GPCE). Any alterations, authorized or otherwise, shall be at the user's sole risk and without liability to GPCEI.		

GP Gorrill-Palmer Consulting Engineers, Inc.
 Traffic and Civil Engineering Services
 PO Box 1237 15 Shaker Road Gray, ME 04039
 207-657-6910 FAX: 207-657-6912
 E-Mail: mailbox@gorrillpalmer.com

Drawing Name:	Cover Sheet, General Notes & Legend
Project:	CASTINE AVENUE, PORTLAND, MAINE
Client:	W&C, LLC PO Box 10127, 449 Forest Avenue, Portland, ME 04104

Drawing No.	1
-------------	---



Approved by the City of Portland Planning Board
 Dated _____

- REFERENCES**
- 1) CAD file entitled "Boundary Survey of 14 and 16 Castine Avenue Portland Maine 04103 prepared for Gary S. Bedrosian and Andrea D. Knight," by Isidore E. Plante PLS 2334 dated November 10, 2004.
 - 2) Plan entitled "Deering Terrace owned by J.W. Wilbur Co. Inc.," made by Ernest W. Branch dated April 20, 1915 and recorded in the Cumberland County Registry of Deeds in Plan Book 12, Page 6.
 - 3) CAD file entitled "Survey of Street Lines Castine Avenue, Wyndham Street, Aldworth Street, Forest Avenue," by the City of Portland Public Works Department Engineering Section dated October 1997.
 - 4) Street records provided by the City of Portland Public Works Department.
 - 5) Plan entitled, "Castine Avenue, Wyndham and Aldworth Street improvements, Castine Avenue Plan and Profile," sheets 2-4 prepared by City of Portland Public Works Department Engineering Section dated December 16, 1995.
 - 6) Plan entitled, "Forest Avenue Sanitary Sewer," made by the City of Portland Department of Public Works, revised through March 1977.
 - 7) Portions of plans provided by the Portland Water District and Northern Utilities.
 - 8) Plan entitled, "Plan of Boundary Survey made for W&C LLC," by Titcomb Associates dated September 14, 2008 and recorded in Plan Book 206, Page 645.
 - 9) Plan entitled, "Plan of Existing Conditions made for W&C LLC," by Titcomb Associates dated September 14, 2008 and revised to October 27, 2008.

- NOTES**
1. Bearings are referenced to Magnetic North 2004 based on reference 1.
 2. Deed Book and Plan Book references are to the Cumberland County Registry of Deeds unless otherwise noted.
 3. Elevations are referenced to NVD 29 based on differential leveling to Maine Department of Transportation Control Point "RF0-302-C" and Vertical SMM using the NOS exhibit.
 4. Building footprints are based on reference 1 and building corner locations by Titcomb Associates.
 5. Location of underground utilities shown on this plan are approximate, based on field location of observable features and information supplied by others and should be field verified by DDISAFE and/or the appropriate utility prior to any excavation or design.
 6. Lots 114 and 115 as shown on reference 2 (now part of proposed Lot 6) may be subject to rights of others to maintain surface drainage via a trench as described in a deed from the J.W. Wilbur Company to Lizzie E. Eaton recorded in Book 980, Page 121.
 7. Wetlands were mapped by Sweet Associates, Gray Road, Falmouth, Maine.
 8. Trust Lots A and B as shown on this plan are to be held in trust by Gary S. Bedrosian, Trustee of the Gary S. Bedrosian Revocable Trust U/T/A and Andrea D. Knight, Trustee of the Andrea D. Knight Revocable Trust U/T/A.
 9. Fee interest in Brandon Street not determined to date.

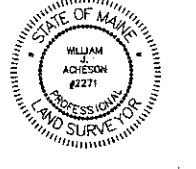
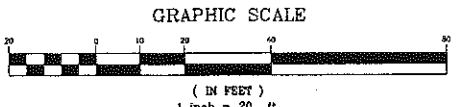
- NOTES (cont.)**
10. Subdivision at the time of approval is defined as "Subdivision shall mean the division of a lot, tract or parcel of land into three (3) or more lots, including lots of forty (40) acres or more, within any five-year period whether accomplished by sale, lease, development, buildings or otherwise and as further defined in 30-A, M.R.S.A. Section 14-40L. The term subdivision shall also include the division of a new structure or structures on a tract of parcel of land into three (3) or more dwelling units within a five-year period and the division of an existing structure or structures previously used for commercial or industrial use into three (3) or more dwelling units within a five-year period. The area included in the expansion of an existing structure is deemed to be a new structure for the purpose of this paragraph. A dwelling unit shall include any part of a structure which, through sale or lease, is intended for human habitation, including single-family housing, condominiums, time-share units and apartments."
 11. This plan is sheet 2 of a plan set of sheets 1-10 entitled "Castine Avenue."
 12. Development of the parcels proposed as part of this plan shall be in accordance with Chapter 14, Land Use, of the Code of Ordinances of the City of Portland, Supplement 5, Dated January 1999 or as amended from time to time. Excerpts of the dimensional requirements are presented below.

NOTES (cont.)

Minimum Lot Size	6,500 S.F.
Minimum Frontage	50 Ft.
Minimum Sideyards	25 Ft.
Front Yard	25 Ft.
Rear Yard	25 Ft.
Side Yard *	8 Ft.
1 Story	8 Ft.
1 1/2 Stories	14 Ft.
2 Stories	16 Ft.
2 1/2 Stories	20 Ft.
Side Yard * on Side Streets	N/A
Minimum Lot Width	Multiple
Other Uses	85 Ft.

*The width of one (1) side yard may be reduced one (1) foot for every foot that the other side yard is correspondingly increased, but no side yard shall be less than eight (8) feet in width. Said reduction does not require an amended recording plat.

- NOTES (cont.)**
13. Each lot shall require the submission of a site review plan prior to the issuance of a building permit and shall be subject to review pursuant to Article V of Chapter 14 of the Portland City Code.
 14. A minimum of two street trees per lot shall be conserved or planted meeting the City of Portland Arboricultural Specification and Standard of Practice and Landscape Design Guidelines. Developer may contract for the placement of landscaping, but shall remain ultimately liable to the City of Portland for financial obligation for compliance with City ordinances and approvals. Such financial obligation shall be neither transferable nor waivable by the developer.
 15. Any changes/alterations to this plan require the approval of the City of Portland.
 16. All utility service stubs to the lots shall be installed 5' into the lot by the developer of the subdivision at the developer's expense. Any and all extensions of utility stubs from their installed terminus shall be at the responsibility and expense of the lot owner.
 17. Lot 5 shall be retained by the developer. Development plans for this lot have yet to be determined. Lot 6 can not be built upon until Brandon Street is improved to City Standards.



This survey conforms to the current standards of the Maine State Board of Licensure for Land Surveyors except as noted.

1) Pins not set as of plan date.

William A. Johnson
 William A. Johnson
 PLS 2271

Owners of Record:
 W&C, LLC
 Book 24484, Page 43
 Project Area = 69,216 s.f. (1.59 acres)

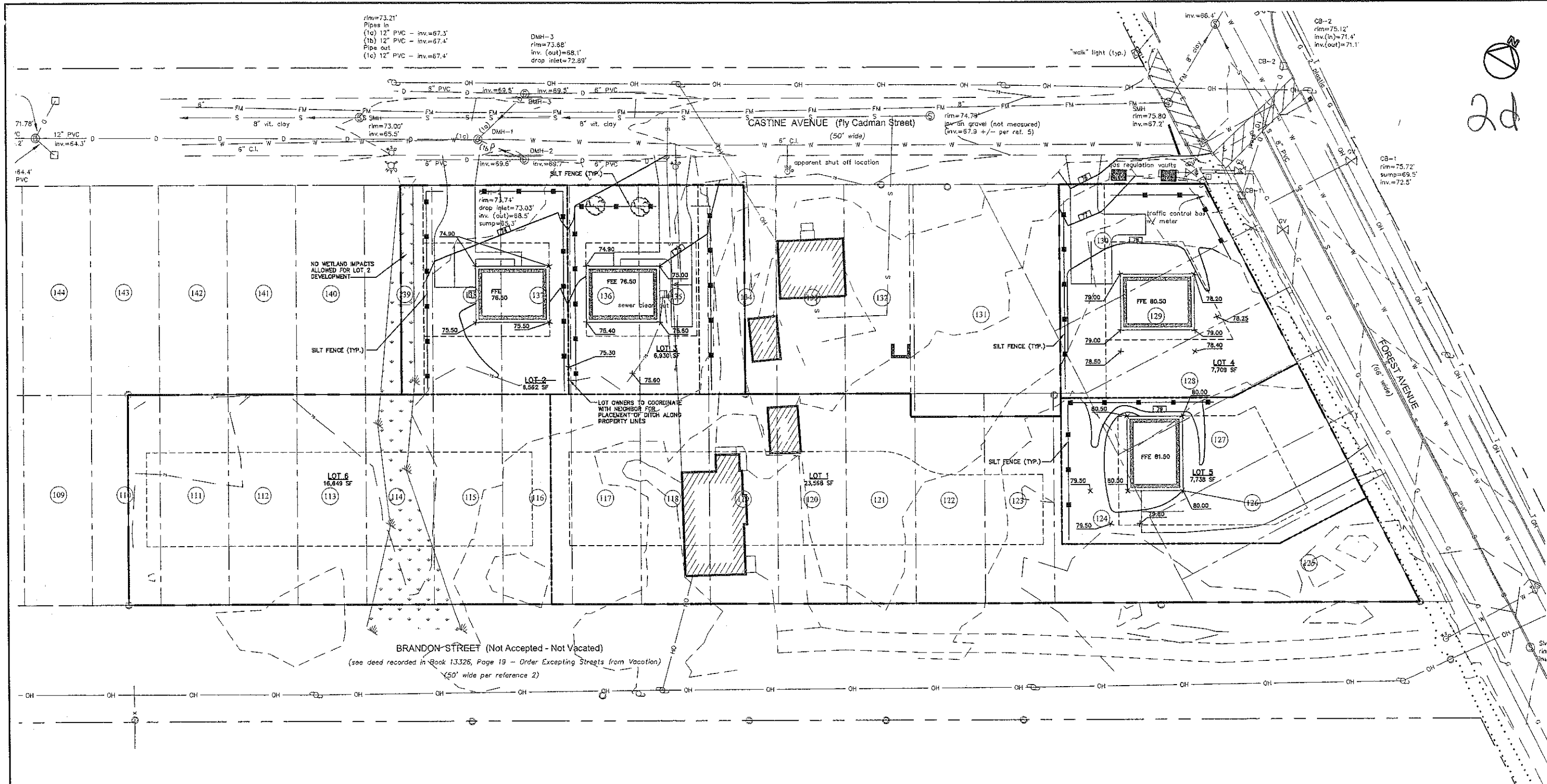
PLAN OF PROPOSED SUBDIVISION
 Forest Ave., Castine Ave. and Brandon St. Portland, Maine

MADE FOR
W&C LLC

P.O. Box 10127 Portland, Maine

JOB# 206069	DATE: 02/16/07	SCALE: 1"=20'
BOOK# 807		
DWG# Subdiv		
FILE# 9143		

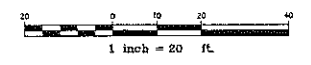
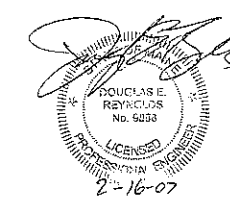
Titcomb Associates
 133 Gray Road
 Falmouth, Maine 04105 (207) 797-9199



2d

NOTES:

1. ALL FOUNDATION DRAINS SHALL BE SUMP PUMP. DISCHARGE PIPES SHALL BE 25' AWAY FROM HOME ONTO A STABILIZED SURFACE.
2. EXISTING TREES ALONG FOREST AVENUE WITHIN LOTS 4 AND 5 SHALL BE MAINTAINED TO THE GREATEST EXTENT PRACTICABLE.



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

Rev.	Date	Revision

SUBDIVISION REVIEW	Date	By
	02/16/07	DER

Design: JLG Draft: LMC Date: 1/07
 Checked: AMP Scale: 1"=20' Job No.: 1721
 File Name: 1721-pbase.dwg
 This plan shall not be modified without written permission from Gorrill-Palmer Consulting Engineers, Inc. (GPCEI). Any alterations, authorized or otherwise, shall be at the user's sole risk and without liability to GPCEI.

GP Gorrill-Palmer Consulting Engineers, Inc.
 PO Box 1237 Traffic and Civil Engineering Services 207-657-6910
 15 Shaker Road Gray, ME 04039 FAX: 207-657-6912
 E-Mail: mailbox@gorrillpalmer.com

Drawing Name:	Lot Grading, Drainage & Erosion Control Plan
Project:	CASTINE AVENUE, PORTLAND, MAINE
Client:	W&C, LLC PO Box 10127, 449 Forest Avenue, Portland, ME 04104

Drawing No.
5

EROSION CONTROL MEASURES AND SITE STABILIZATION

THE PRIMARY EMPHASIS OF THE EROSION/SEDIMENTATION CONTROL PLAN TO BE IMPLEMENTED FOR THE INFRASTRUCTURE CONSTRUCTION IS AS FOLLOWS:

- DEVELOPMENT OF A CAREFUL CONSTRUCTION SEQUENCE.
- RAPID REVEGETATION OF DENUDED AREAS TO MINIMIZE THE PERIOD OF SOIL EXPOSURE.
- RAPID STABILIZATION OF DRAINAGE PATHS TO AVOID RILL AND GULLY EROSION.
- THE USE OF ON-SITE MEASURES TO CAPTURE SEDIMENT (HAY BALES/SILT FENCE, ETC.)

THE FOLLOWING TEMPORARY AND PERMANENT EROSION AND SEDIMENT CONTROL DEVICES WILL BE IMPLEMENTED AS PART OF THE SITE DEVELOPMENT. THESE DEVICES SHALL BE INSTALLED AS INDICATED ON THE PLANS OR AS DESCRIBED WITHIN THIS REPORT. FOR FURTHER REFERENCE, SEE THE MAINE EROSION AND SEDIMENT CONTROL HANDBOOK FOR CONSTRUCTION: BEST MANAGEMENT PRACTICES.

A. TEMPORARY EROSION CONTROL MEASURES

THE FOLLOWING MEASURES ARE PLANNED AS TEMPORARY EROSION/SEDIMENTATION CONTROL MEASURES DURING CONSTRUCTION:

1. A CRUSHED STONE-STABILIZED CONSTRUCTION ENTRANCE SHALL BE PLACED AT THE PROPOSED CASTINE AVENUE.
2. SILTATION FENCE BE INSTALLED DOWNSTREAM OF ANY DISTURBED AREAS TO TRAP RUNOFF BORNE SEDIMENTS UNTIL THE ROADWAY SIDE-SLOPES ARE REVEGETATED. THE SILT FENCE SHALL BE INSTALLED PER THE DETAILS PROVIDED IN THIS PACKAGE AND INSPECTED IMMEDIATELY AFTER EACH RAINFALL AND AT LEAST DAILY DURING PROLONGED RAINFALL. REPAIRS SHALL BE MADE IF THERE ARE ANY SIGNS OF EROSION OR SEDIMENTATION BELOW THE FENCE. IF THERE ARE SIGNS OF UNDERCUTTING AT THE CENTER OR THE EDGES, OR IMPROUNDING OF LARGE VOLUMES OF WATER BEHIND FENCE, THE BARRIER SHALL BE REPLACED WITH A STONE CHECK DAM.
3. STRAW OR HAY MULCH INCLUDING HYDROSEEDING IS INTENDED TO PROVIDE COVER FOR DENUDED OR SEEDED AREAS UNTIL REVEGETATION IS ESTABLISHED. MULCH PLACED BETWEEN APRIL 15TH AND OCTOBER 1ST ON SLOPES OF LESS THAN 15 PERCENT SHALL BE ANCHORED BY APPLYING WATER; MULCH PLACED ON SLOPES OF EQUAL TO OR STEEPER THAN 15 PERCENT SHALL BE COVERED BY A FABRIC NETTING AND ANCHORED WITH STAPLES IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATION. MULCH PLACED BETWEEN OCTOBER 1ST AND APRIL 15TH ON SLOPES EQUAL TO OR STEEPER THAN 8 PERCENT SHALL BE COVERED WITH A FABRIC NETTING AND ANCHORED WITH STAPLES IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS. SLOPES STEEPER THAN 3:1, WHICH ARE TO BE REVEGETATED, SHALL RECEIVE CURLEX BLANKETS BY AMERICAN EXCELSEOR OR EQUAL. MULCH APPLICATION RATES ARE PROVIDED IN ATTACHMENT A OF THIS SECTION. MULCH SHALL NOT BE PLACED OVER SNOW.
4. TEMPORARY STOCKPILES OF STUMPS, GRUBBINGS, OR COMMON EXCAVATION WILL BE PROTECTED AS FOLLOWS:
 - A) TEMPORARY STOCKPILES SHALL NOT BE LOCATED WITHIN 50 FEET OF ANY WETLANDS, WHICH WILL NOT BE DISTURBED AND ANY SLOPES WHICH EXCEED 15%.
 - B) STOCKPILES SHALL BE STABILIZED WITHIN 7 DAYS BY EITHER TEMPORARILY SEEDING THE STOCKPILE BY A HYDROSEED METHOD CONTAINING AN EMULSIFIED MULCH TACKIFIER OR BY COVERING THE STOCKPILE WITH MULCH.
 - C) STOCKPILES SHALL BE SURROUNDED BY SILT FENCE AT THE TIME OF FORMATION.
5. ALL DENUDED AREAS THAT ARE WITHIN 50 FEET OF AN UNDISTURBED WETLAND, WHICH HAVE BEEN ROUGH GRADED, AND ARE NOT LOCATED WITHIN A ROADWAY SUBBASE AREA, SHALL RECEIVE MULCH OR EROSION CONTROL MESH FABRIC WITHIN 7 DAYS OF INITIAL DISTURBANCE OF SOIL. ALL AREAS WITHIN 50 FEET OF AN UNDISTURBED WETLAND SHALL BE MULCHED PRIOR TO ANY PREDICTED RAIN EVENT REGARDLESS OF THE 7-DAY WINDOW. IN OTHER AREAS, THE TIME PERIOD MAY BE EXTENDED TO 14 DAYS.
6. FOR WORK WHICH IS CONDUCTED BETWEEN OCTOBER 15 AND APRIL 15 OF ANY CALENDAR YEAR, ALL DENUDED AREAS WILL BE COVERED WITH HAY MULCH, APPLIED AT TWICE THE NORMAL APPLICATION RATE AND ANCHORED WITH FABRIC NETTING. THE TIME PERIOD FOR APPLYING MULCH AS NOTED IN PARAGRAPH 3 ABOVE, SHALL BE LIMITED TO 7 DAYS FOR ALL AREAS.
7. CASTINE AVE SHALL BE SWEEPED TO CONTROL MUD AND DUST AS NECESSARY.
8. DURING GRUBBING OPERATIONS STONE CHECK DAMS WILL BE INSTALLED AT ANY EVIDENT CONCENTRATED FLOW DISCHARGE POINTS.
9. SILT FENCING WITH A MINIMUM STAKE SPACING OF 8 FEET SHOULD BE USED, UNLESS THE FENCE IS SUPPORTED BY WIRE FENCE REINFORCEMENT OF MINIMUM 14 GAUGE AND WITH A MAXIMUM MESH SPACING OF 6 INCHES, IN WHICH CASE STAKES MAY BE SPACED A MAXIMUM OF 10 FEET APART. THE BOTTOM OF THE FENCE SHOULD BE ANCHORED.
10. WOOD WASTE COMPOST/BARK BERMS MAY BE USED IN LIEU OF SILTATION FENCING, BUT NOT IN WETLAND AREAS. BERMS SHALL BE REMOVED AND SPREAD INTO A LAYER NOT TO EXCEED 3" THICK ONCE UPSTREAM AREAS ARE COMPLETED AND A 75% CATCH OF VEGETATION IS ATTAINED.
11. WATER AND/OR CALCIUM CHLORIDE SHALL BE FURNISHED AND APPLIED IN ACCORDANCE WITH MDOT SPECIFICATIONS - SECTION 637 -- DUST CONTROL.
12. LOAM AND SEED IS INTENDED TO SERVE, AS THE PRIMARY PERMANENT REVEGETATIVE MEASURE FOR ALL DENUDED AREAS NOT PROVIDED WITH OTHER EROSION CONTROL MEASURES, SUCH AS RIPRAP. APPLICATION RATES ARE PROVIDED IN ATTACHMENT A OF THIS SECTION. SEEDING SHALL NOT OCCUR OVER SNOW.

B. PERMANENT EROSION CONTROL MEASURES

THE FOLLOWING PERMANENT EROSION CONTROL MEASURES HAVE BEEN DESIGNED AS PART OF THE EROSION/SEDIMENTATION CONTROL PLAN:

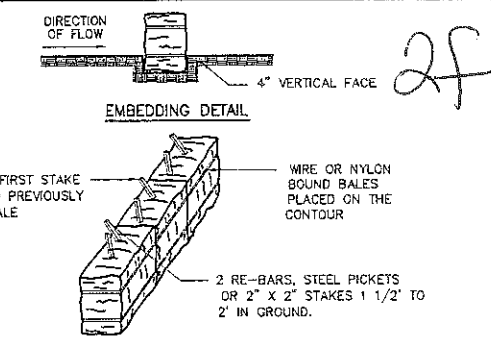
1. ALL AREAS DISTURBED DURING CONSTRUCTION, BUT NOT SUBJECT TO OTHER RESTORATION (PAVING, RIPRAP, ETC.) WILL BE LOAMED, LIMED, FERTILIZED, MULCHED, AND SEED. FABRIC NETTING, ANCHORED WITH STAPLES, SHALL BE PLACED OVER THE MULCH IN AREAS AS NOTED IN PARAGRAPH 5 OF TEMPORARY EROSION CONTROL MEASURES. ALL AREAS WITHIN 50 FEET OF AN UNDISTURBED WETLAND SHALL BE MULCHED PRIOR TO ANY PREDICTED RAIN EVENT REGARDLESS OF THE 7-DAY WINDOW. NATIVE TOPSOIL SHALL BE STOCKPILED AND REUSED FOR FINAL RESTORATION WHEN IT IS OF SUFFICIENT QUALITY.

LOTS
THE FOLLOWING CONSTRUCTION SEQUENCE SHALL BE REQUIRED FOR LOT CONSTRUCTION TO INSURE THE EFFECTIVENESS OF THE EROSION AND SEDIMENTATION CONTROL MEASURES ARE OPTIMIZED:

NOTE: FOR ALL GRADING ACTIVITIES, THE CONTRACTOR SHALL EXERCISE EXTREME CAUTION NOT TO OVEREXPOSE THE LOT BY LIMITING THE DISTURBED AREA.

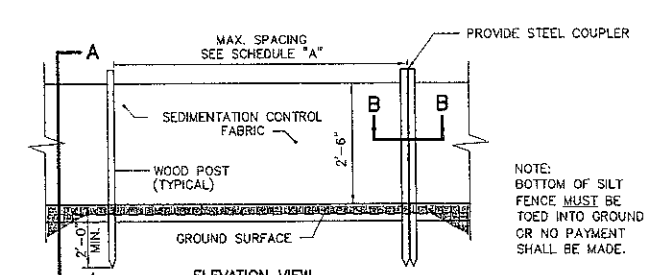
1. INSTALL STABILIZED CONSTRUCTION ENTRANCES AT THE LOT DRIVEWAY.
2. CLEAR AREA NECESSARY FOR HOUSE CONSTRUCTION.
3. INSTALL PERIMETER SILTATION FENCE AND/OR WOOD WASTE BERMS PRIOR TO GRUBBING RESPECTIVE AREAS.
4. DURING GRUBBING OPERATIONS, INSTALL STONE CHECK DAMS AT ANY EVIDENT CONCENTRATED FLOW DISCHARGE POINTS.
5. COMMENCE EARTHWORK FOR FOUNDATION AREA.
6. COMMENCE BUILDING CONSTRUCTION.
7. COMMENCE INSTALLATION OF UNDERGROUND UTILITIES.
8. COMPLETE REMAINING EARTHWORK OPERATIONS.
9. INSTALL GRAVELS FOR DRIVEWAY.
10. INSTALL PAVEMENT FOR DRIVEWAY.
11. LOAM, LIME, FERTILIZE, SEED AND MULCH DISTURBED AREAS.
12. ONCE THE SITE IS STABILIZED AND A 90% CATCH OF VEGETATION HAS BEEN OBTAINED, REMOVE ALL TEMPORARY EROSION CONTROL MEASURES.
13. TOUCH UP LOAM AND SEED.

NOTE: ALL DENUDED AREAS NOT SUBJECT TO FINAL PAVING OR GRAVEL SHALL BE REVEGETATED.



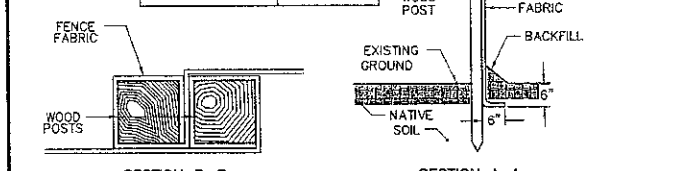
- CONSTRUCTION SPECIFICATIONS**
1. Bales shall be placed in a row with ends tightly abutting the adjacent bales.
 2. Each bale shall be embedded in the soil a minimum of 4".
 3. Bales shall be securely anchored in place by stakes or re-bars driven through the bales. The first stake in each bale was angled toward previously laid bale to force bales together.
 4. Inspection will be frequent and repair or replacement shall be made promptly as needed.
 5. Bales shall be removed when they have served their usefulness so as not to block or impede storm flow or drainage.

STRAW OR HAY BALE BARRIER
N.T.S.

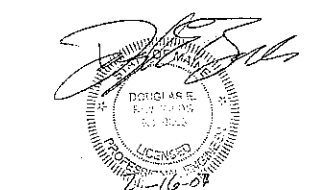


SCHEDULE "A"

SILT FENCE REINFORCEMENT	MAX. SPACING
NONE	6'
WIRE REINFORCEMENT 14 GAUGE, 6" MESH	10'



SILTATION FENCE DETAIL
N.T.S.



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

Rev.	Date	Revision

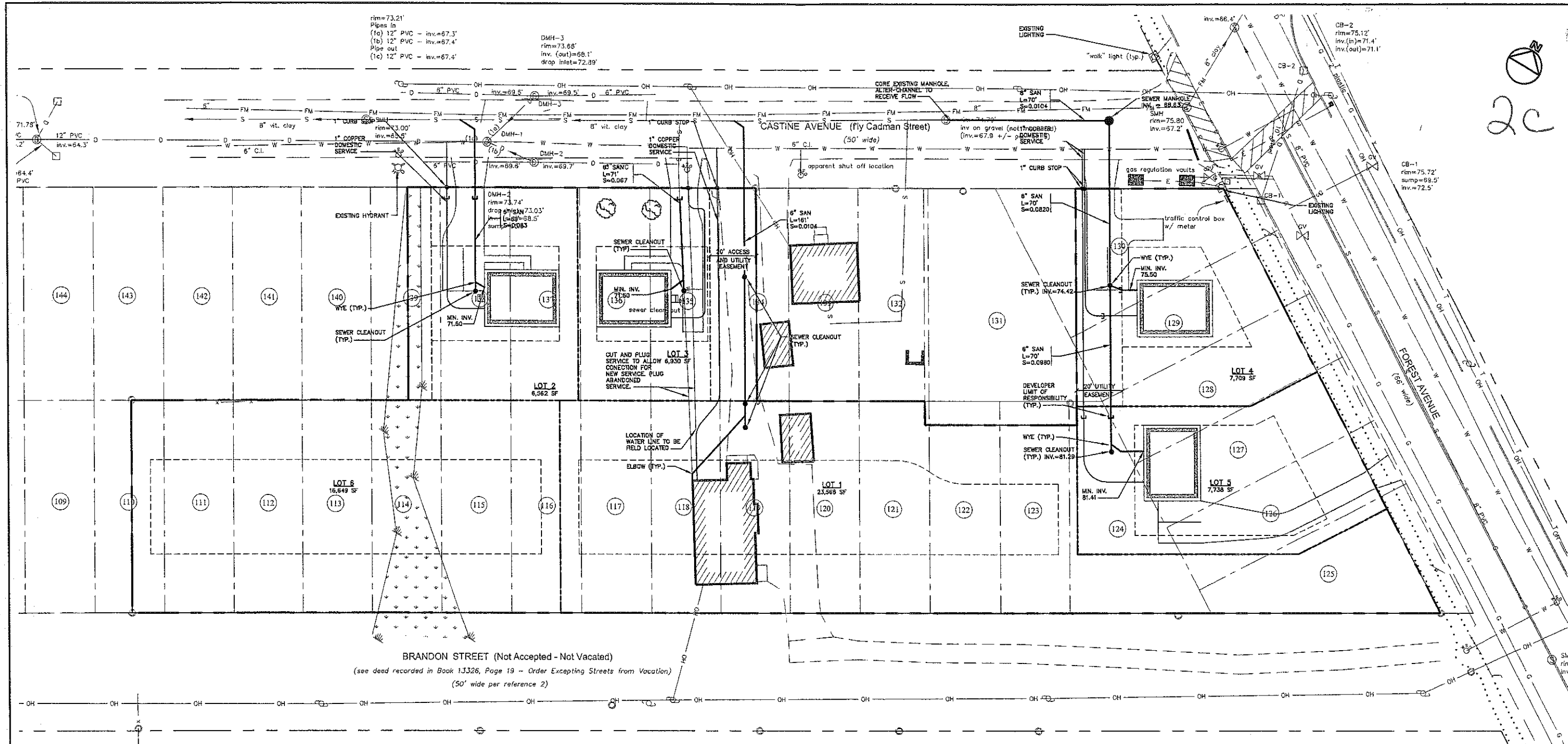
Subdivision	Review	Date	By

Design	Draft	Date
JLG	LMC	1/07
Checked: AMP	Scale: 1"=20'	Job No.: 1721
File Name: 1721-dst01a.dwg		

GP Gorrill-Palmer Consulting Engineers, Inc.
 PO Box 1237 Traffic and Civil Engineering Services 207-857-6910
 15 Shaker Road FAX: 207-857-6912
 Gray, ME 04039 E-Mail: mailbox@gorrillpalmer.com

Drawing Name: **Erosion & Sedimentation Control Details**
 Project: **CASTINE AVENUE, PORTLAND, MAINE**
 Client: **W&C, LLC**
 PO Box 10127, 449 Forest Avenue, Portland, ME 04104

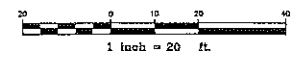
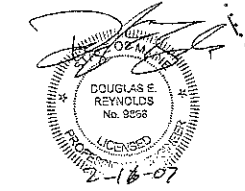
Drawing No. **7**



2c

NOTES:

1. ELECTRICAL SERVICE SHALL BE COORDINATED WITH CENTRAL MAINE POWER.
2. SEWER AND WATER SERVICES RELOCATIONS FOR LOT 1 SHALL BE INSTALLED BY THE DEVELOPER. CONNECTION TO THE HOUSE SHALL BE THE DEVELOPERS RESPONSIBILITY.
3. SEWER AND WATER SERVICES FOR LOT 2 SHALL BE INSTALLED BY THE DEVELOPER 5' INTO THE PROPERTY. CONNECTION TO THE HOUSE WILL BE THE RESPONSIBILITY OF THE LOT OWNER.
4. SEWER SERVICES FOR LOT 3 SHALL BE DISCONTINUED 5' INTO THE PROPERTY. WATER SERVICES FOR LOT 3 SHALL BE DISCONTINUED AT THE NEW CURB STOP. LOCATION OF EXISTING SERVICES SHALL BE MARKED FOR FUTURE USE. CONNECTION TO THE HOUSE SHALL BE THE RESPONSIBILITY OF THE LOT OWNER.
5. SEWER AND WATER SERVICES FOR LOT 4 SHALL BE INSTALLED BY THE DEVELOPER AS SHOWN ON THE LOT UTILITY PLAN. CONNECTION TO THE HOUSE SHALL BE THE LOT OWNERS RESPONSIBILITY.
6. SEWER AND WATER SERVICES FOR LOT 5 SHALL BE INSTALLED BY THE DEVELOPER 5' INTO THE PROPERTY. CONNECTION TO THE HOUSE SHALL BE THE RESPONSIBILITY OF THE LOT OWNER.



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

Rev.	Date	Revision

SUBDIVISION REVIEW	Date	By
	02/16/07	DER

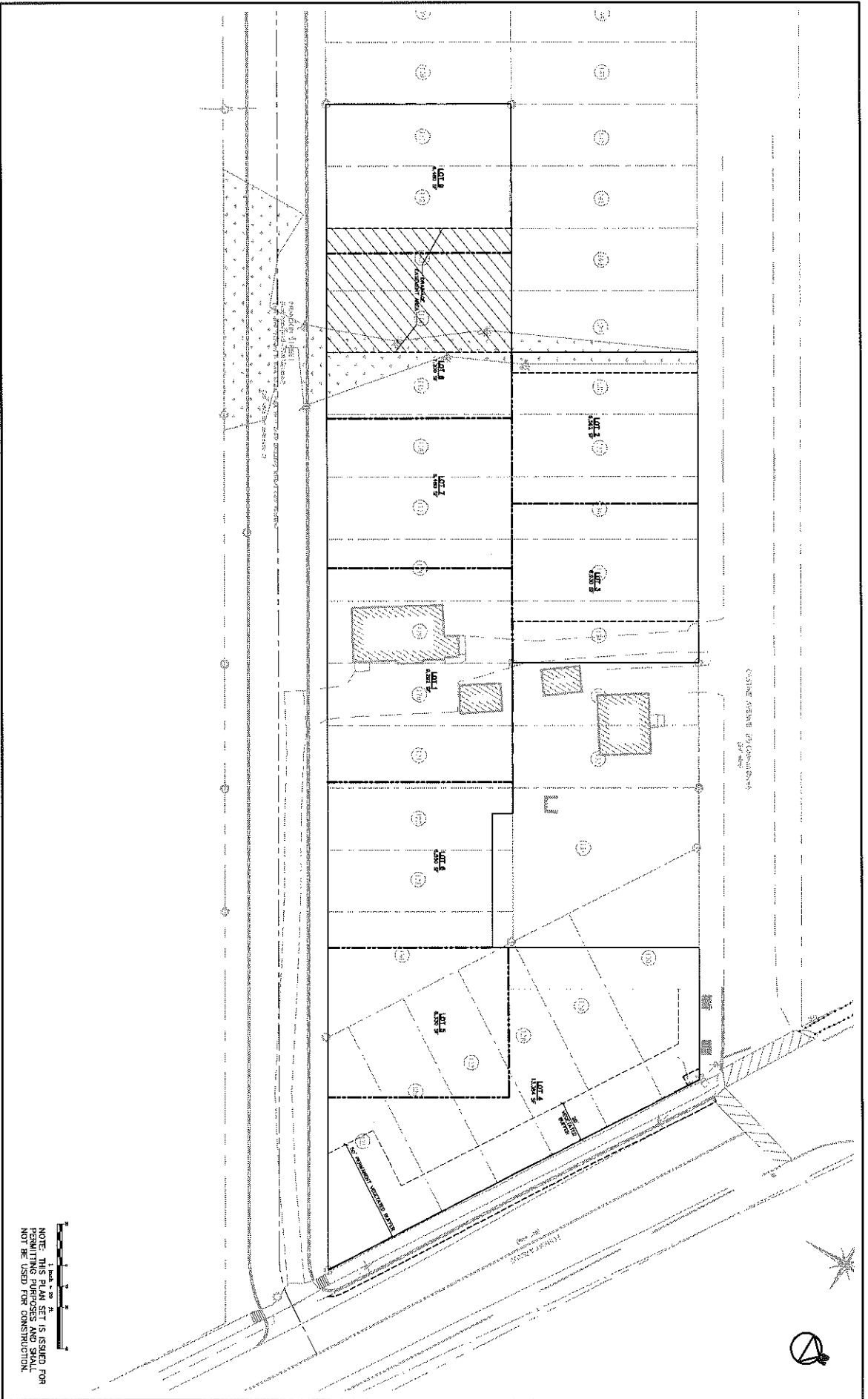
Design: JLG Draft: LMC Date: 1/07
Checked: AMP Scale: 1"=20' Job No.: 1721
File Name: 1721-phases.dwg

This plan shall not be modified without written permission from Gorrill-Palmer Consulting Engineers, Inc.(GPCEI). Any alterations, authorized or otherwise, shall be at the user's sole risk and without liability to GPCEI.

GP Gorrill-Palmer Consulting Engineers, Inc.
Traffic and Civil Engineering Services
PO Box 1237 207-657-6910
15 Shaker Road FAX: 207-657-6912
Gray, ME 04039 E-Mail: mailbox@gorrillpalmer.com

Drawing Name:	Lot Utility Plan
Project:	CASTINE AVENUE, PORTLAND, MAINE
Client:	W&C, LLC PO Box 10127, 449 Forest Avenue, Portland, ME 04104

Drawing No.
4



1 inch = 20 feet
 NOTE: THIS PLAN SET IS ISSUED FOR
 ROUTING PURPOSES AND SHALL
 NOT BE USED FOR CONSTRUCTION

Rev.	Date	Revision

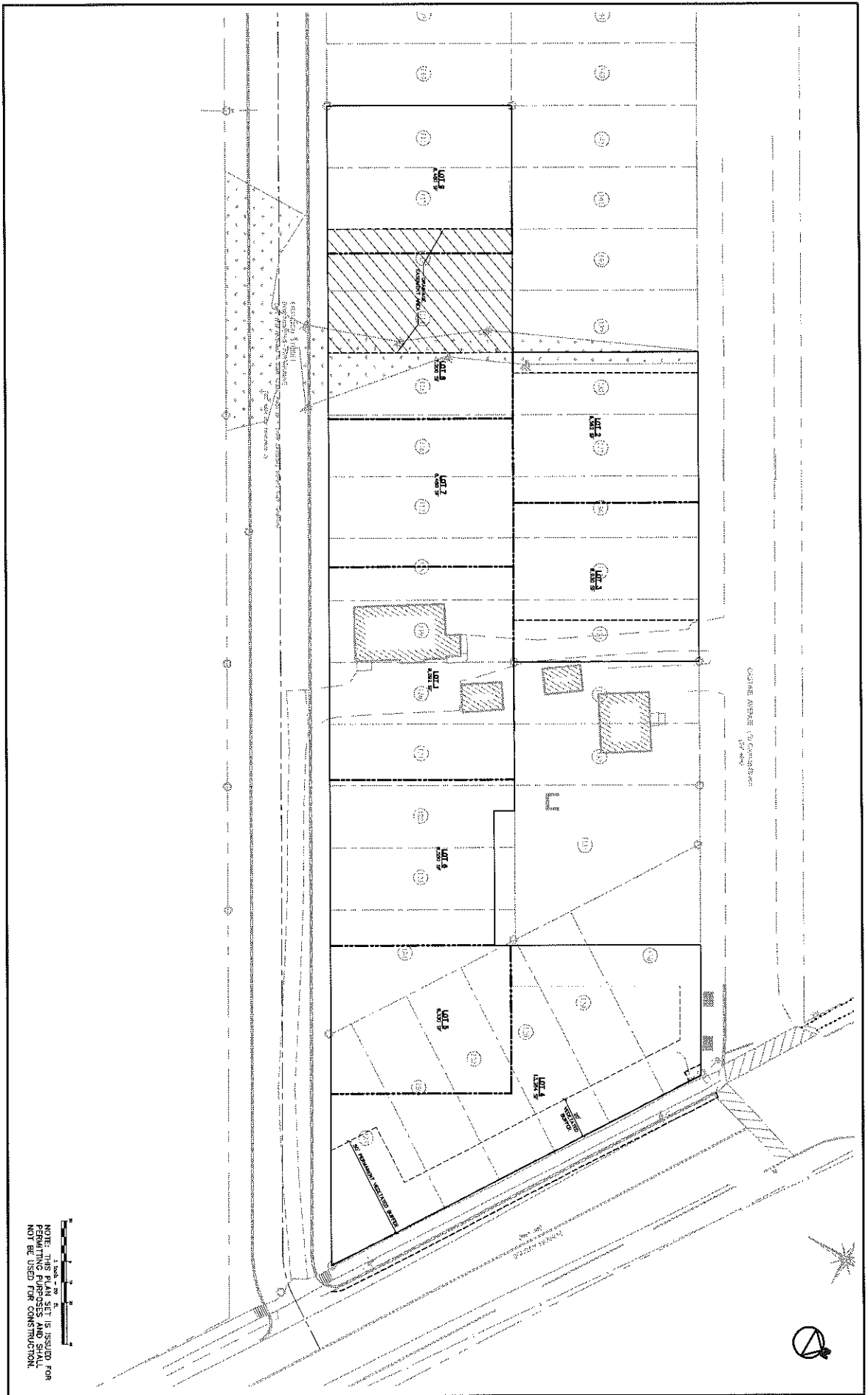
CITY ENGINEER	DATE	BY

PROJECT NO. 1317
 SHEET NO. 1 OF 2
 PREPARED BY: GORRILL-PALMER CONSULTING ENGINEERS, INC.
 CHECKED BY: GORRILL-PALMER CONSULTING ENGINEERS, INC.
 DATE: 07/27/11
 FOR THE CITY OF PORTLAND, MAINE

GP
 Gorrell-Palmer Consulting Engineers, Inc.
 207 East 1317 Portland Ave
 15 S. State Road
 04103
 E-Mail: info@gorrellpalmer.com

PROJECT NO. 1317
 SHEET NO. 1 OF 2
 CONCEPTUAL LOT LAYOUT PLAN - BRONSON STREET
 CASTINE AVENUE, PORTLAND, MAINE
 W&C, LLC
 PO Box 10127, 449 Evans Avenue, Portland, ME 04104

Drawing No. **A**



Rev.	Date	Revision

PREPARED BY: [Name] CHECKED BY: [Name] DATE: [Date]	ISSUED FOR: [Name] DATE: [Date]
---	------------------------------------

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

GP Gorrell-Palmer Consulting Engineers, Inc.
 200 S. 17th Street, Suite 200
 Portland, ME 04103
 Phone: 603-763-1100 Fax: 603-763-1101
 Email: info@gorrellpalmer.com

W&C, LLC
 448 E. Exchange Avenue, Portland, ME 04103
 Phone: 603-763-1100 Fax: 603-763-1101
 Email: info@wac-llc.com

Drawing No. **A**

Molly Casto
Planner
City of Portland
389 Congress St.
Portland, Me 04104

RE: Brandon Street Waiver

Dear Molly:

W&C, LLC formally requests a waiver not to construct Brandon Street. We submit that our plan meets the City ordinance and a waiver is allowed as extraordinary conditions exist and undue hardship would result from strict compliance with the regulation. By granting a waiver the board will not be nullifying the intent and purpose of the Comprehensive Plan but in fact be supporting its purpose to a larger degree.

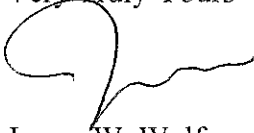
In support of our waiver request we offer the following;

- It is financially not feasible to build Brandon Street and have a successful project.
- We will be disturbing 5,347 SF of the wetlands if Brandon Street is constructed. Our proposed plan does not disturb any wetlands.
- The development of Brandon Street will ruin the integrity and economic value of the neighborhood and the home located on lot 1.
- If our project is not developed as proposed we will not be creating housing where public infrastructure exists, thus We will not be creating 4 new homes for middle income households.
- Brandon Street's construction is not acceptable to the existing neighborhood.
- The development of Brandon Street is not economically feasible, not orderly development and not good for the general area surrounding the development. This directly contradicts 14-491 which explains the authority and purpose of subdivision.
- The development of Brandon Street contradicts the intent of Green Spaces, BlueEdges by causing the removal of vegetation along Brandon. It also contradicts housing, sustaining Portland's future by requiring infrastructure that causes a larger than necessary impact on environmentally sensitive area
- Double frontage lots, 2 non conforming lots and 1 conforming lot would be created on property owned by others. It is not orderly development to create this type of patchwork.
- Lot 1 as proposed is a legal lot. Street connectivity is not being eliminated. It is being delayed until such time as economically feasible, orderly developed and sound plan for the City and neighborhood is possible.

Attached please find land and use code & comprehensive plan reference that support our request.

Please Contact me if you have further questions.

Very Truly Yours

A handwritten signature in black ink, appearing to read 'James W. Wolf'. The signature is fluid and cursive, with a large initial 'J' and a long, sweeping tail.

James W. Wolf
Diversified Properties, Inc.

Castine Avenue Notes

I. Section 14-403-Street Access

- This section states “no building shall be erected on a lot, except on the islands in Casco Bay, which does not abut a street meeting the minimum requirement for street improvements set forth in this section. For purposes of this section, street shall be as defined in section 14-47.
- This section applies to what requirements exist for the issuance of a building permit for erection of a building. No buildings are being erected on lot 1 and no building permits are being applied for. Furthermore, there is a deed restriction requiring any division of the lot come before the city for review and approval.

Land Use Code

ARTICLE IV Subdivisions

Section 14-491 Authority and Purpose

“The purpose of this article is to provide for the harmonious and economic development of the city; for the orderly subdivision of land and for its orderly development; for the orderly development of the general area surrounding such subdivision ..”

- It is the contention of the Developer that requiring Brandon Street to be built is not economical and not orderly development as only one side of the street is being addressed and current development is not good for the general surrounding the development.

Section 14-494 Guidance to Subdivider

- The purpose of the preapplication procedure is to afford the subdivider an opportunity to avail himself of the advice and assistance of the planning board, and to consult early and informally with board staff before preparation of the subdivision plot...insure the development ...with mutal benefits for the subdivider and the city.
- The applicant took advantage of discussions with staff prior to any

division of the property was proposed and worked with staff to create what the applicant felt was a development plan with mutual benefits to the applicant and the developer. This process included the development of a scenic no cut easement, lots avoiding double frontage, etc.

Section 14-497 General Requirements

(a) Review criteria. When reviewing any subdivision for approval, the planning board shall consider, among others, the following review criteria and before granting approval shall determine that the proposed subdivision:

(8) Will not have undue adverse effect on the scenic or natural beauty of the area. The applicant worked with staff to preserve a large portion of the pine grove located along Forest Avenue. In addition, lot 1 has deed restriction prohibiting the further division of lot 1 at any time in the future. This was done to preserve the integrity of the neighborhood.

review based

(9) Is in conformance with the Land development Plan. The land use plan has many sections. It does in fact mirror the technical and design Standards in section 14-498 in regard to street connectivity; however, there are many other components that are also recommended. With regard to street connectivity both under 14-403 and the subdivision code if at any time a building permit is requested on lot 1 Brandon Street would require construction. We will discuss the comprehensive plan below.

Section 14-498 Technical & design Standards

- Discusses street network, connection as noted above and to which we agree if building permits are requested along Brandon Street.
- G (4) states that blocks with lots having double street frontage on streets shall be avoided. If Brandon Street is built with its current land ownership on both sides of the road the following will occur:

1. Our parcel will be divided into several house lots and the tree preservation being done on our current plan at the corner of Brandon and Forest Avenue will be eliminated.
2. One buildable lot will be created across the street. This lot would be owned by the Knight family who were aware we would not propose to build Brandon Street and desired for as many trees along Forest Avenue be preserved.

not according to subdivision

3. Two nonconforming lots with inadequate width or area will be created.
4. Five lots with double frontage will be created.

As discussed earlier the comprehensive plan has many sections and reports.

Housing: Sustaining Portland Future begins on Page 21. This section creates policies. Two of said policies are”

- Maximize development where public infrastructure and amenities, such as schools, parks, public/alternative transportation, sewer lines and roads exist or may be expanded at minimal cost.
- Locate and design housing to reduce impacts on environmentally sensitive areas.

The applicants proposed design meets these guidelines.

Handwritten notes:
This is a...
...
...

Housing Initiative

II. 8 Encourage and support private market rate development:

There is a critical need for market rate housing that serves middle & higher income households. Eliminating barriers and supporting market rate projects through the approval process will assist in expanding the market rate housing stock.

- This project is for the development of 4 market rate starter homes for middle income families. By requiring the construction of Brandon Street a barrier will be created making the project unfeasible.

V. Portland Neighborhood Economic Development Study

Goal: To encourage and promote affordable, decent housing opportunities for all Maine citizens.

- Page 45 states the objective is to encourage new housing development in proximity to neighborhood assets such as open space, schools community services and public transportation.
- Pages 46 states to ensure the integrity and economic value of Portland neighborhoods.

Page 49 of the Comprehensive Plan leads us to the study known as Green Spaces, Blue Edges. This study gives specific recommendations for the city and this parcel specifically.

- Cooperation with Portland Trails is encouraged. Tom Jewell of Portland Trails was involved in our purchase of the property and was consulted early in the process.
- The report made specific recommendations for neighborhoods: page 28 & 29 related to the Riverton area. The report identified our site under other recommendations:

Work with property owners to protect the stand of pine and hemlock trees at the New England Telephone facility (Davis Farm Road) and the stand of pine along Forest Avenue near Castine Street.

Staff and the applicant have worked together to meet this goal.

Cost Estimate
 Brandon Street
 750 feet

Site Prep

Clear trees		15,000
Grub right of way & dispose of stumps		14,400
Mobilization		1,000
Toilet	3 mths @100	300
Construction Entrance	2@1,500	3,000
Silt Fence	1490 @3	4470
Sawcut Pavement		1500
Test Pit	2@400	800

Sewer Construction

750'-8"	Main @ 62 /ft	46,000
Manholes	3@ 2,975	8,925
210 6" sewer services	@ 45	9,450
Core existing Manholes (2)		1,300
6 wye connections	@125 ea.	750
Air test, Etc.		750

Storm Drain

1 field structure with 75' pipe		3,860
750 of 12" @48/ft		36,000
6 insterttee's @150		750
180 LF of 6"PVC services @ 29		5,220
3 manholes @2,900		8,700
6 Catch Basin		17,100
1410 underdrain @18		25,380
2 Core Manholes		1,300

Water

1 8x8 tapping sleeves installed		4,000
730 LF 8 ductle @ 45		32,850
1 air release valve		500
1 blow off		1,200

Water cont.

1 hydrant	3,512
6 inch services @ 850	5,100
Test	800
Water District Fee's	4,500
Curb box 2 @ 25	500
Traffic Control -FA	360
Traffic Control Wyndham	180

Utility

5 service drop/lot – 2,500w/underground connecting	12,000
5 CMP Fee/lot	6,000
5 Black Town & Country Poles @ 2,650	13,250
5 Street Crossings for poles w/drops 1,500	7,500

Paving – 700 yds

Machine 3.5 inch @ 80/ton x 465	37,200
Walk 2" - 1400x4	11,280
Drives 3"	5,625
Butt Joint 35X36X25	3,500

Road Work

Common Excavation- 1,356 cy@7	9,492
Common Fill – 1575 @11.50	18,112
Subbase gravel – 18"-1240 @ 18	22,320
Base Gravel – 3 – 258 @22	5,676
Fine Grade 2317 @ 1.35	3,127
6 compaction tests (S. W. Cole) @95	570
Road Center Line & Structures Layout	2000
Fine grade drives	508

Sidewalk Work (4 ft. Wide)

Common Excavation	4,200
1320 LF Sidewalks 201 cu yds @ 27.50	5,527.50
Fine Grade 535 sy @3	1,755

Driveway Aprons- 120 sq yds

Excavation	1,320
50 cu yds base @ 30.50/yd	1,500
120 sq. yds @ 5.00	600

Granite and monuments

4 monuments @ 750	3,000
1206 Straight @ 30	36,180
12 Tips downs @310 ea	3,720

Loam, Seed & Mulch

150 yds screened loam @ 26	3,900
Fire grade 650+ drives LF – seed+ Mulch @3.50 sq.yd	2,275

Site Improvement

2 stop signs @ 125	250
12 trees @ 350 installed	4,200

Misc.

• Traffic guarding @ forest Avenue	1,120
• City Inspection fee	9,000
• Engineered Drawings	15,000
• Water District fee	5,500
• LOC Fee	4,500
• DEP permit application	1,500
• Survey during construction + as built	3,500

Total Cost 529,291.50

This estimate does not include a contingency for ledge, unforeseen changes during construction, bank costs, etc.

Doug Reynolds

From: BStrattard@NiSource.com
Sent: Friday, July 27, 2007 9:36 AM
To: jmw1@maine.rr.com
Cc: Doug Reynolds; MPC@portlandmaine.gov
Subject: Re: Castine Avenue

Jim,
As we discussed Monday, Northern Utilities doesn't have a problem with a side walk running over top of the vaults as we have ample depth over our gas main and sensing lines in this area. The proposed area between the vaults and the road we do object to for a number of reasons. By removing 28 inches of cover over the main it would allow frost under the road side of the vaults which leads to uneven movement of the vaults and piping which in turn leads to unnecessary stress on the piping. It would also more importantly leave inadequate cover over the main and sensing lines with the retaining wall that you mentioned seating partially if not fully on the main and sensing lines. I will be available for further meetings if necessary until August 3rd but will be on vacation after that until the middle of August.

Bruce Strattard
Supervisor, Gas Supply
Maine Division
(207) 797-8002 Ext 6257
bstrattard@nisource.com

"Jim Wolf"
<jmw1@maine.rr.com> To: Bruce
Strattard/BSG/Enterprise@NiSource
> cc: "'Doug Reynolds'"
<DReynolds@gorrillpalmer.com>, "'Molly Casto'"
<MPC@portlandmaine.gov>
07/24/2007 10:49 Subject: Castine Avenue
AM

Bruce

Thank you for meeting with myself, Molly and Doug yesterday to review possible locations for a sidewalk in the vicinity of the existing gas vaults on Castine Avenue.

My understanding from our meeting is that due to the depth of the pipe running between the street and the vaults it is not possible to locate a sidewalk in that area due to the depth of the pipe and its required cover.

It is, however, from the standpoint of Northern Utilities, acceptable to place the walk running between the vaults as the depth of the pipe in that area would allow for proper cover. It is also our understanding that NU feels proper cover to be in and around 36 inches.

Please confirm for me that we left with the proper understanding as to NU position.

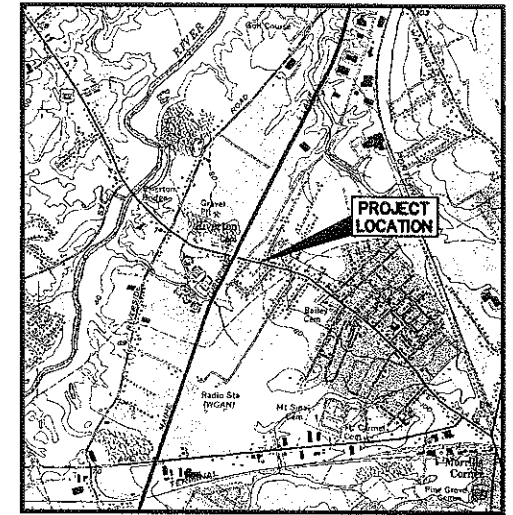
James M. Wolf
Diversified Properties, Inc.

CASTINE AVENUE PORTLAND, MAINE

PREPARED BY:



Gorrill-Palmer Consulting Engineers, Inc.
Traffic and Civil Engineering Services
PO Box 1237
15 Shaker Road
Gray, ME 04039
207-657-6910
FAX: 207-657-6912
E-Mail: mailbox@gorrillpalmer.com



LOCATION MAP
N.T.S.

LEGEND

EXISTING:	DESCRIPTION:	PROPOSED:
○	IRON PIPE	
■	MONUMENT	■
---	SEWALL CO., AERIAL SURVEY CONTOUR	
---	TITCOMB ASSOCIATES, GROUND SURVEY CONTOUR	
---	PROPOSED CONTOUR	[100]
.....	WETLAND LIMIT	
---	EDGE OF PAVEMENT	---
▭	CULVERT	---
▨	BUILDINGS	▭
▨	RIPRAP	▨
○	UTILITY POLE	
---	RIGHT OF WAY	---
---	SILT FENCE	---
---	CENTER LINE	---
X 226.4	SPOT GRADE	100.31
---	PROPERTY LINE	---
---	TREELINE	---
N/F	NOW OR FORMERLY	
□	CATCH BASIN	■ CB1
⊙	SEWER MANHOLE	● SMH1
⊙	DRAIN MANHOLE	● DMH1
wv	WATER VALVE	✕
⊙	CAPPED IRON ROD SET PLS #1273	
Lot #	SUBDIVISION LOT NUMBER	
▨	DRAINAGE EASEMENT	
▨	ANTICIPATED PERMITTED WETLAND FILLS	

GENERAL NOTES

GENERAL NOTES

- TOPOGRAPHIC DATA AND EXISTING CONDITIONS ARE BASED UPON A GROUND SURVEY CONDUCTED BY TITCOMB ASSOCIATES FOR THE DEVELOPERS IN 2006. WETLANDS HAVE BEEN DELINEATED BY SWEET ASSOCIATES.
- BOUNDARY SURVEY WAS PREPARED BY TITCOMB ASSOCIATES FOR THE DEVELOPERS IN 2006.
- THE CONTRACTOR SHALL PROVIDE, ERECT AND MAINTAIN ALL NECESSARY BARRICADES, LIGHTS, WARNING SIGNS AND OTHER DEVICES TO SAFEGUARD TRAFFIC PROPERLY WHILE WORK IS IN PROGRESS.
- THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR THE ELEVATION OF THE EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND WHERE POSSIBLE MEASUREMENTS TAKEN IN THE FIELD. THIS INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE APPROPRIATE UTILITY COMPANY AND DIG SAFE AT LEAST 72 HOURS PRIOR TO ANY EXCAVATION TO REQUEST EXACT FIELD LOCATION OF UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.
- MAINTENANCE OF EROSION CONTROL MEASURES IS OF PARAMOUNT IMPORTANCE TO THE OWNER AND THE CONTRACTOR IS RESPONSIBLE FOR COMPLYING WITH ALL EROSION CONTROL MEASURES SHOWN ON THE PLANS. ADDITIONAL EROSION CONTROL MEASURES SHALL BE INSTALLED IF DEEMED NECESSARY BY ON-SITE INSPECTIONS OF THE OWNER OR THEIR REPRESENTATIVES AT NO ADDITIONAL COST TO THE OWNER.
- ALL MATERIAL SCHEDULES SHOWN ON THE PLANS ARE FOR GENERAL INFORMATION ONLY. THE CONTRACTOR SHALL PREPARE HIS OWN MATERIAL SCHEDULES BASED UPON HIS PLAN REVIEW. ALL SCHEDULES SHALL BE VERIFIED IN THE FIELD BY THE CONTRACTOR PRIOR TO ORDERING MATERIALS OR PERFORMING WORK.
- ALL MATERIALS AND CONSTRUCTION METHODS SHALL CONFORM TO MAINE DEPARTMENT OF TRANSPORTATION SPECIFICATIONS AND CITY OF PORTLAND TECHNICAL AND DESIGN STANDARDS AND GUIDELINES.

PERMITTING NOTES

- THIS PROJECT IS SUBJECT TO THE TERMS AND CONDITIONS OF A SUBDIVISION APPROVAL FROM THE CITY OF PORTLAND WHICH WILL BE MADE A PART OF THE CONTRACT BID DOCUMENTS. THE CONSTRUCTION WILL BE GOVERNED BY THE CITY OF PORTLAND ZONING AND SUBDIVISION ORDINANCES WHICH ARE AVAILABLE FOR VIEWING AT THE OFFICE OF THE ENGINEER OR THE MUNICIPAL OFFICE.
- THE CONTRACTOR SHALL REVIEW THE ABOVE REFERENCED PERMITS PRIOR TO SUBMITTING A BID FOR THIS PROJECT, AND INCLUDE COSTS AS NECESSARY TO COMPLY WITH THE CONDITIONS OF THESE PERMITS.

LAYOUT NOTES

- ALL DIMENSIONING, UNLESS NOTED OTHERWISE, IS TO THE FACE OF CURB.
- OFFSETS TO CATCH BASINS AND MANHOLES ARE TO THE CENTER OF THE FRAME.
- PIPE LENGTH EQUALS THE CENTER TO CENTER DISTANCES BETWEEN CATCH BASINS AND/OR MANHOLES MINUS ONE-HALF OF THE DIAMETER OF EACH CATCH BASIN OR MANHOLE.
- PROPERTY LINE AND R.O.W. MONUMENTS SHALL NOT BE DISTURBED BY CONSTRUCTION. IF DISTURBED, THEY SHALL BE RESET TO THEIR ORIGINAL LOCATIONS AT THE CONTRACTOR'S EXPENSE, BY A MAINE REGISTERED LAND SURVEYOR.
- PROPOSED RIGHT OF WAY MONUMENTS AND PROPERTY LINE PINS SHALL BE INSTALLED UNDER THE DIRECTION OF A MAINE REGISTERED LAND SURVEYOR.

UTILITY NOTES

- TEST PITS AT ALL UTILITY CROSSINGS SHALL BE COMPLETED TWO WEEKS IN ADVANCE OF THE START OF CONSTRUCTION OR ORDERING OF MATERIALS. TEST PIT INFORMATION SHALL BE PROMPTLY PROVIDED TO ENGINEER FOR REVIEW.
- ALL UTILITY MATERIAL AND INSTALLATION METHODS SHALL CONFORM TO PORTLAND WATER DISTRICT STANDARDS. DISINFECTION OF WATER LINES SHALL CONFORM TO AWWA STANDARDS C651, LATEST REVISION.
- ALL SEWER MATERIALS SHALL CONFORM TO THE REQUIREMENTS OF THE CITY OF PORTLAND TECHNICAL AND DESIGN STANDARDS AND GUIDELINES.
- ELECTRIC SERVICE SHALL BE COORDINATED WITH CENTRAL MAINE POWER.

GRADING AND DRAINAGE NOTES

- TOPSOIL STRIPPED IN AREAS OF CONSTRUCTION THAT IS SUITABLE FOR REUSE AS LOAM SHALL BE STOCKPILED ON SITE AT A LOCATION TO BE DESIGNATED BY THE OWNER. UNSUITABLE SOIL SHALL BE SEPARATED, REMOVED AND DISPOSED OF AT AN APPROVED DISPOSAL LOCATION OFF SITE.
- THE CONTRACTOR SHALL ANTICIPATE THAT GROUNDWATER WILL BE ENCOUNTERED DURING CONSTRUCTION AND SHALL INCLUDE SUFFICIENT COSTS WITHIN THEIR BID TO PROVIDE DEWATERING AS NECESSARY. NO SEPARATE PAYMENT SHALL BE MADE TO THE CONTRACTOR FOR DEWATERING.

EROSION CONTROL NOTES

- LAND DISTURBING ACTIVITIES SHALL BE ACCOMPLISHED IN A MANNER AND SEQUENCE THAT CAUSES THE LEAST PRACTICAL DISTURBANCE OF THE SITE.
- PRIOR TO BEGINNING ANY CLEARING/LAND DISTURBING ACTIVITIES, THE CONTRACTOR SHALL INSTALL THE PERIMETER SILT FENCES.
- ALL GROUND AREAS DISTURBED FOR CONSTRUCTION WILL BE GRADED, LOAMED AND SEED AS SOON AS POSSIBLE. PERMANENT SEED MIXTURE SHALL CONFORM TO THE SEEDING PLAN CONTAINED ON SHEET 7 OF THE PLAN SET.
- SILT FENCES SHALL BE INSPECTED, REPAIRED AND CLEANED AS NOTED IN THE EROSION CONTROL REPORT.
- THE CONTRACTOR SHALL REPAIR AND ADD STONE TO THE LOT CONSTRUCTION ENTRANCE AS IT BECOMES SATURATED WITH MUD TO ENSURE THAT IT WORKS AS PLANNED DURING CONSTRUCTION.
- LOT EROSION CONTROL NOTE IS CONTAINED ON THE DRAWINGS OF THIS PLAN SET.
- THE CONTRACTOR IS CAUTIONED THAT FAILURE TO COMPLY WITH THE SEQUENCE OF CONSTRUCTION, EROSION/SEDIMENT CONTROL PLAN, AND OTHER PERMIT REQUIREMENTS BASED UPON ANY THIRD PARTY REVIEW (ie MDEP) MAY RESULT IN MONETARY PENALTIES. THE CONTRACTOR SHALL BE ASSESSED ALL SUCH PENALTIES AT NO COST TO THE OWNER OR PERMITTEE.
- ALL NON-PAVED AREAS DISTURBED DURING CONSTRUCTION SHALL BE LOAMED AND SEED, UNLESS OTHERWISE DIRECTED BY THE OWNER.
- ALL DISTURBED AREAS ARE TO RECEIVE A MINIMUM OF 6" OF TOPSOIL PRIOR TO PERMANENT SEEDING.

UTILITIES

WATER:

PORTLAND WATER DISTRICT
225 DOUGLASS STREET
PORTLAND, MAINE 04102
(207) 761-8300

SEWER:

PORTLAND PUBLIC WORKS DEPT.
55 PORTLAND STREET
PORTLAND, MAINE 04101
(207) 874-8871

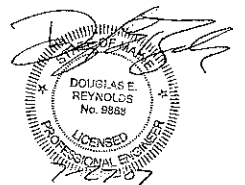
ELECTRIC:

CENTRAL MAINE POWER
162 CANCO ROAD
PORTLAND, MAINE 04103
(207) 826-2869

CALL BEFORE YOU DIG 1-800-344-7233

INDEX

- COVER SHEET, GENERAL NOTES, & LEGEND
- SUBDIVISION PLAN BY TITCOMB ASSOCIATES
- LOT LAYOUT PLAN
- LOT UTILITY PLAN
- LOT GRADING, DRAINAGE AND EROSION CONTROL PLAN
- MISCELLANEOUS DETAILS
- EROSION & SEDIMENTATION CONTROL DETAILS & NOTES



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

Rev.	Date	Revision

Issued For	Date	By
PLANNING BOARD COMMENTS	07/27/07	DER
CITY COMMENTS	06/05/07	DER
SUBDIVISION REVIEW	02/16/07	DER

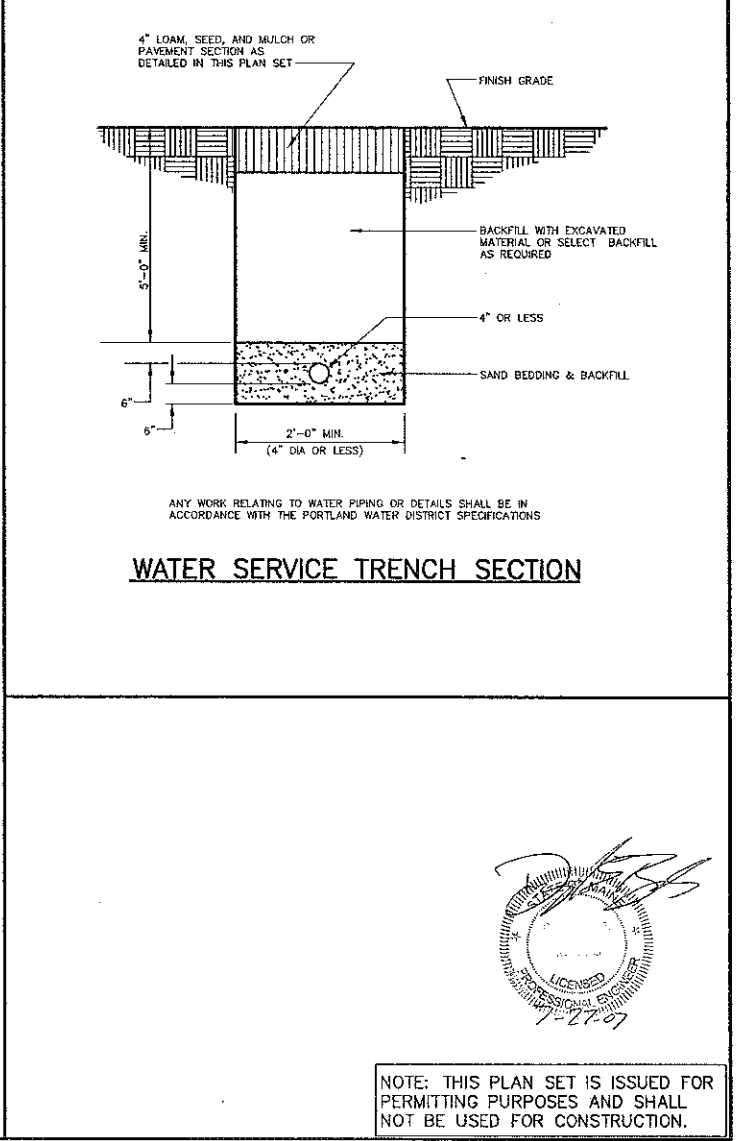
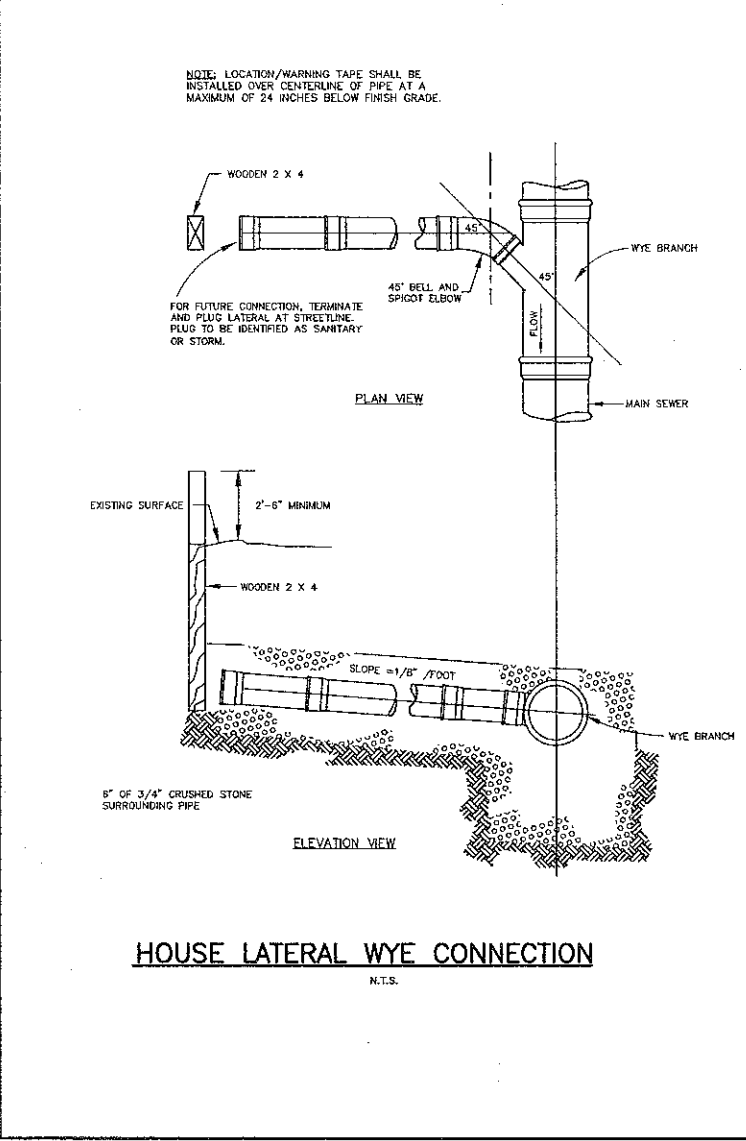
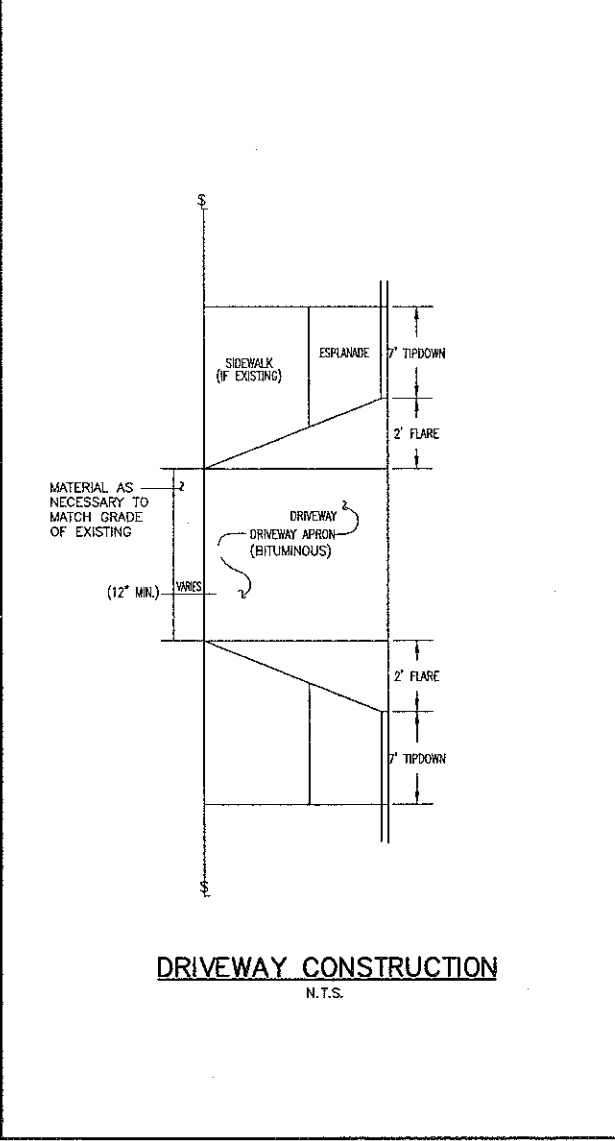
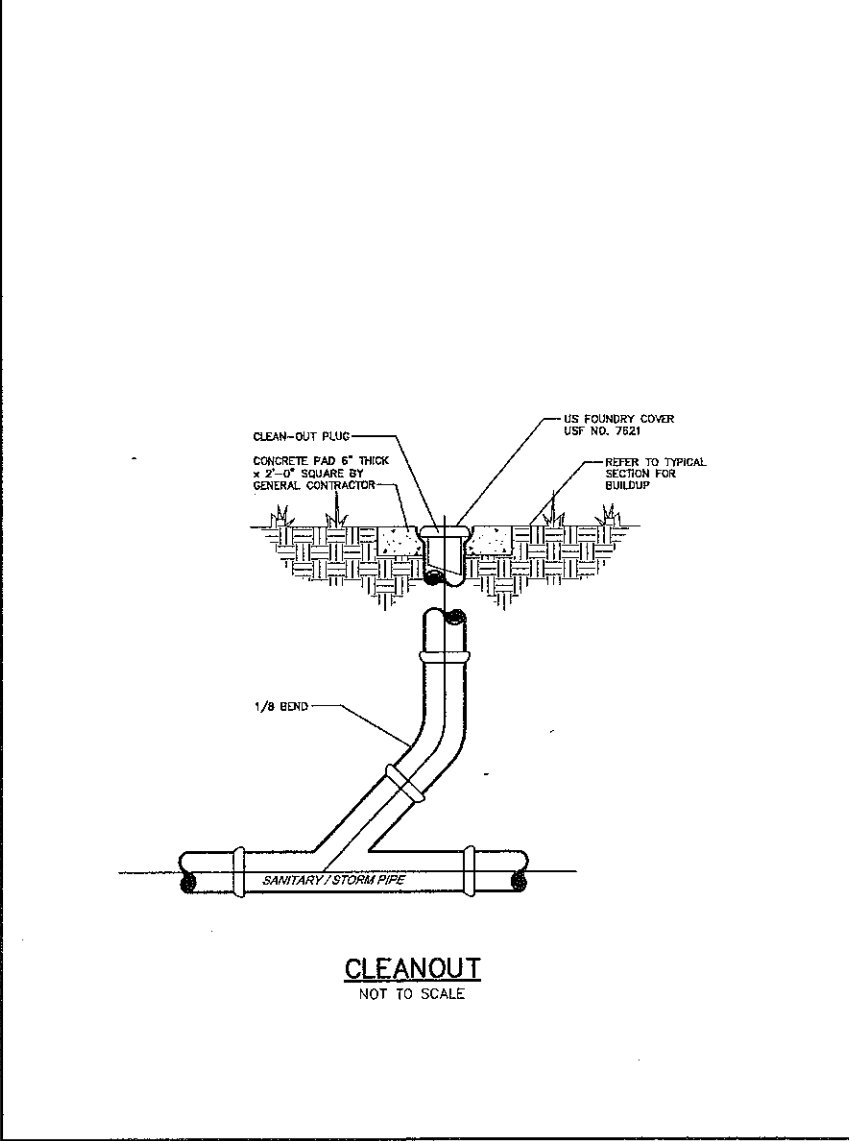
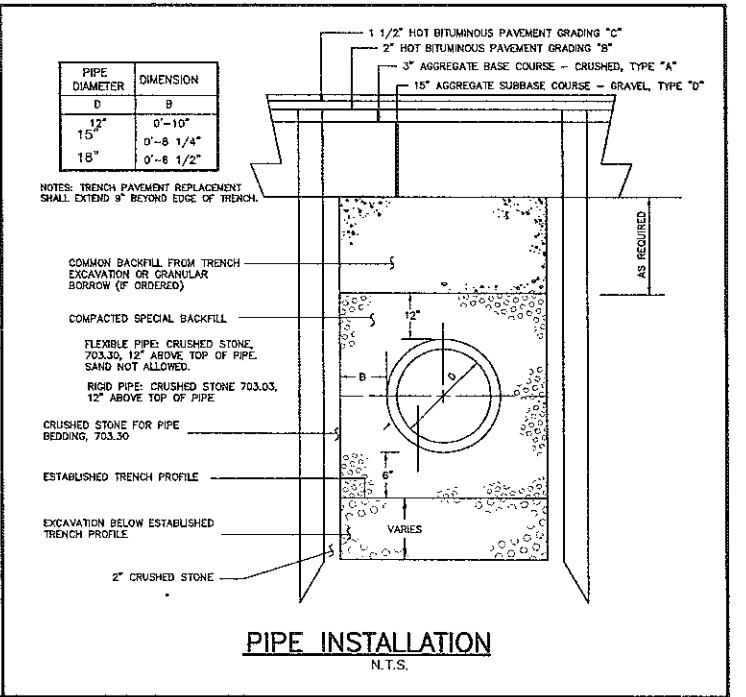
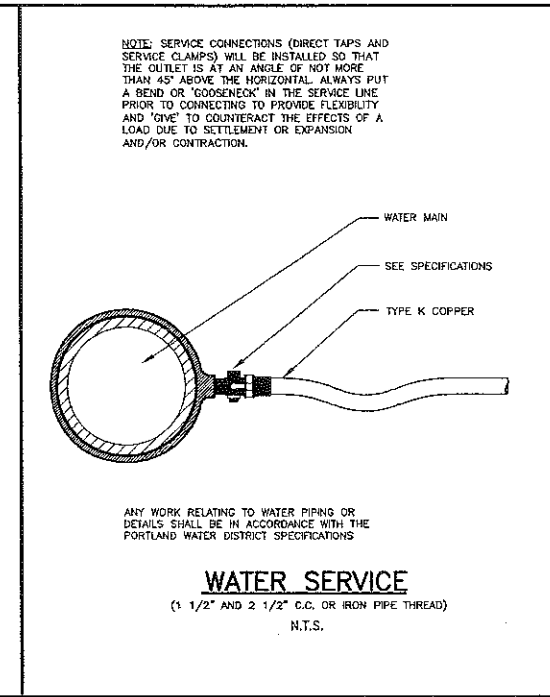
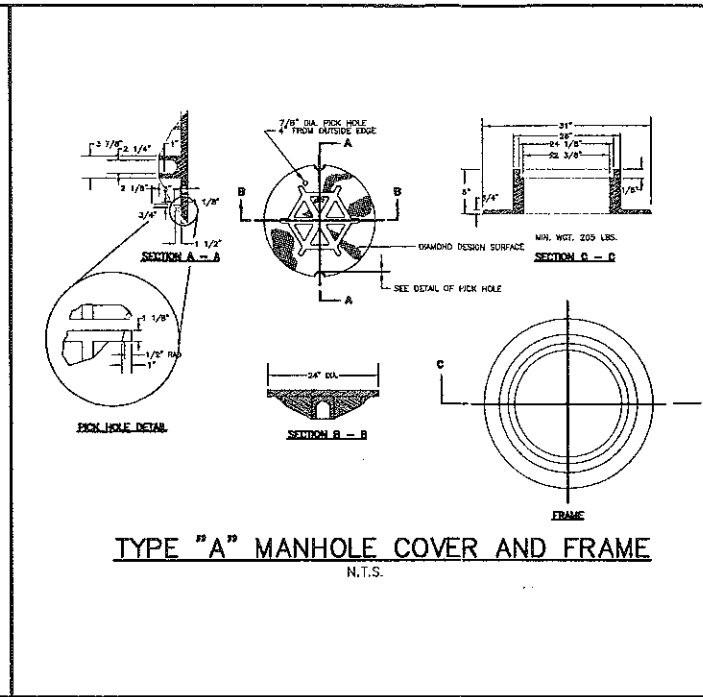
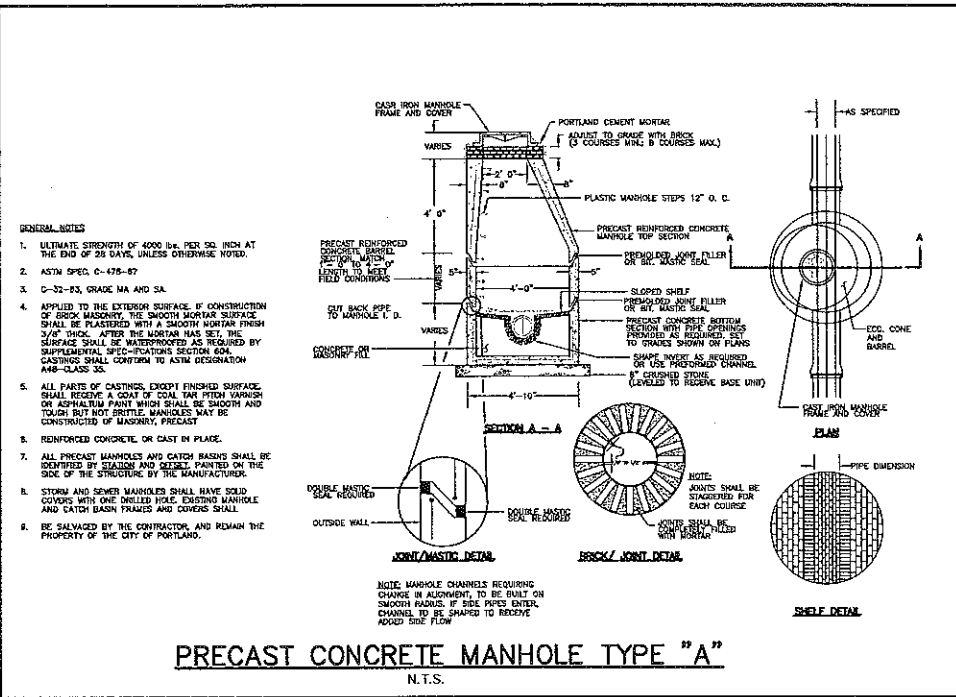
Design:	Draft:	Date:
JLG	LMC	1/07
Checked:	Scale:	Job No.:
AMP	1"=20'	1721
File Name: 1721-cover.dwg		

This plan shall not be modified without written permission from Gorrill-Palmer Consulting Engineers, Inc.(GPCEI). Any alterations, authorized or otherwise, shall be at the user's sole risk and without liability to GPCEI.

Gp Gorrill-Palmer Consulting Engineers, Inc.
Traffic and Civil Engineering Services
PO Box 1237
15 Shaker Road
Gray, ME 04039
207-657-6910
FAX: 207-657-6912
E-Mail: mailbox@gorrillpalmer.com

Drawing Name:	Cover Sheet, General Notes & Legend
Project:	CASTINE AVENUE, PORTLAND, MAINE
Client:	W&C, LLC PO Box 10127, 449 Forest Avenue, Portland, ME 04104

Drawing No.	1
-------------	---



Rev.	Date	Revision

CITY COMMENTS	Date	By
	05/05/07	DER
	02/16/07	DER

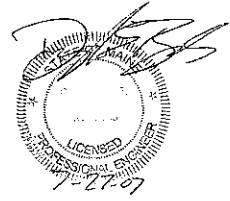
Design:	Draft:	Date:
JLG	LMC	1/07
Checked: AMP	Scale: 1"=20'	Job No.: 1721
File Name: 1721-details.dwg		

This plan shall not be modified without written permission from Gorrill-Palmer Consulting Engineers, Inc. (GPCEI). Any alterations, authorized or otherwise, shall be at the user's sole risk and without liability to GPCEI.

GP Gorrill-Palmer Consulting Engineers, Inc.
 PO Box 1237 Traffic and Civil Engineering Services 207-657-6910
 15 Shaker Road Gray, ME 04039 FAX: 207-657-6912
 E-Mail: mailbox@gorrillpalmer.com

Drawing Name:	Miscellaneous Details
Project:	CASTINE AVENUE, PORTLAND, MAINE
Client:	W&C, LLC PO Box 10127, 449 Forest Avenue, Portland, ME 04104

Drawing No.
6



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

EROSION CONTROL MEASURES AND SITE STABILIZATION

THE PRIMARY EMPHASIS OF THE EROSION/SEDIMENTATION CONTROL PLAN TO BE IMPLEMENTED FOR THE INFRASTRUCTURE CONSTRUCTION IS AS FOLLOWS:

- DEVELOPMENT OF A CAREFUL CONSTRUCTION SEQUENCE.
- RAPID REVEGETATION OF DENUDED AREAS TO MINIMIZE THE PERIOD OF SOIL EXPOSURE.
- RAPID STABILIZATION OF DRAINAGE PATHS TO AVOID RILL AND GULLY EROSION.
- THE USE OF ON-SITE MEASURES TO CAPTURE SEDIMENT (MAY BALES/SILT FENCE, ETC.)

THE FOLLOWING TEMPORARY AND PERMANENT EROSION AND SEDIMENT CONTROL DEVICES WILL BE IMPLEMENTED AS PART OF THE SITE DEVELOPMENT. THESE DEVICES SHALL BE INSTALLED AS INDICATED ON THE PLANS OR AS DESCRIBED WITHIN THIS REPORT. FOR FURTHER REFERENCE, SEE THE MAJOR EROSION AND SEDIMENT CONTROL HANDBOOK FOR CONSTRUCTION: BEST MANAGEMENT PRACTICES.

A. TEMPORARY EROSION CONTROL MEASURES

THE FOLLOWING MEASURES ARE PLANNED AS TEMPORARY EROSION/SEDIMENTATION CONTROL MEASURES DURING CONSTRUCTION:

1. A CRUSHED STONE-STABILIZED CONSTRUCTION ENTRANCE SHALL BE PLACED AT THE PROPOSED CASTINE AVENUE.
2. SILTATION FENCE BE INSTALLED DOWNSTREAM OF ANY DISTURBED AREAS TO TRAP RUNOFF BORNE SEDIMENTS UNTIL THE ROADWAY SIDE-SLOPES ARE REVEGETATED. THE SILT FENCE SHALL BE INSTALLED PER THE DETAILS PROVIDED IN THIS PACKAGE AND INSPECTED IMMEDIATELY AFTER EACH RAINFALL AND AT LEAST DAILY DURING PROLONGED RAINFALL. REPAIRS SHALL BE MADE IF THERE ARE ANY SIGNS OF EROSION OR SEDIMENTATION BELOW THE FENCE. IF THERE ARE SIGNS OF UNDERCUTTING AT THE CENTER OR THE EDGES, OR IMPOUNDING OF LARGE VOLUMES OF WATER BEHIND FENCE, THE BARRIER SHALL BE REPLACED WITH A STONE CHECK DAM.
3. STRAW OR HAY MULCH INCLUDING HYDROSEEDING IS INTENDED TO PROVIDE COVER FOR DENUDED OR SEEDED AREAS UNTIL REVEGETATION IS ESTABLISHED. MULCH PLACED BETWEEN APRIL 15TH AND OCTOBER 1ST ON SLOPES OF LESS THAN 15 PERCENT SHALL BE ANCHORED BY APPLYING WATER; MULCH PLACED ON SLOPES OF EQUAL TO OR STEEPER THAN 15 PERCENT SHALL BE COVERED BY A FABRIC NETTING AND ANCHORED WITH STAPLES IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATION. MULCH PLACED BETWEEN OCTOBER 1ST AND APRIL 15TH ON SLOPES EQUAL TO OR STEEPER THAN 8 PERCENT SHALL BE COVERED WITH A FABRIC NETTING AND ANCHORED WITH STAPLES IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS. SLOPES STEEPER THAN 3:1, WHICH ARE TO BE REVEGETATED, SHALL RECEIVE CURLEX BLANKETS BY AMERICAN EXCELISOR OR EQUAL. MULCH APPLICATION RATES ARE PROVIDED IN ATTACHMENT A OF THIS SECTION. MULCH SHALL NOT BE PLACED OVER SNOW.
4. TEMPORARY STOCKPILES OF STUMPS, GRUBBINGS, OR COMMON EXCAVATION WILL BE PROTECTED AS FOLLOWS:
 - A) TEMPORARY STOCKPILES SHALL NOT BE LOCATED WITHIN 50 FEET OF ANY WETLANDS, WHICH WILL NOT BE DISTURBED AND ANY SLOPES WHICH EXCEED 15%.
 - B) STOCKPILES SHALL BE STABILIZED WITHIN 7 DAYS BY EITHER TEMPORARILY SEEDING THE STOCKPILE BY A HYDROSEED METHOD CONTAINING AN EMULSIFIED MULCH TACKIFIER OR BY COVERING THE STOCKPILE WITH MULCH.
 - C) STOCKPILES SHALL BE SURROUNDED BY SILT FENCE AT THE TIME OF FORMATION.
5. ALL DENUDED AREAS THAT ARE WITHIN 50 FEET OF AN UNDISTURBED WETLAND, WHICH HAVE BEEN ROUGH GRADED, AND ARE NOT LOCATED WITHIN A ROADWAY SUBBASE AREA, SHALL RECEIVE MULCH OR EROSION CONTROL MESH FABRIC WITHIN 7 DAYS OF INITIAL DISTURBANCE OF SOIL. ALL AREAS WITHIN 50 FEET OF AN UNDISTURBED WETLAND SHALL BE MULCHED PRIOR TO ANY PREDICTED RAIN EVENT REGARDLESS OF THE 7-DAY WINDOW. IN OTHER AREAS, THE TIME PERIOD MAY BE EXTENDED TO 14 DAYS.
6. FOR WORK, WHICH IS CONDUCTED BETWEEN OCTOBER 15 AND APRIL 15 OF ANY CALENDAR YEAR, ALL DENUDED AREAS WILL BE COVERED WITH HAY MULCH, APPLIED AT TWICE THE NORMAL APPLICATION RATE AND ANCHORED WITH FABRIC NETTING. THE TIME PERIOD FOR APPLYING MULCH AS NOTED IN PARAGRAPH 3 ABOVE, SHALL BE LIMITED TO 7 DAYS FOR ALL AREAS.
7. CASTINE AVE SHALL BE SWEEPED TO CONTROL MUD AND DUST AS NECESSARY.
8. DURING GRUBBING OPERATIONS STONE CHECK DAMS WILL BE INSTALLED AT ANY EVIDENT CONCENTRATED FLOW DISCHARGE POINTS.
9. SILT FENCING WITH A MINIMUM STAKE SPACING OF 6 FEET SHOULD BE USED, UNLESS THE FENCE IS SUPPORTED BY WIRE FENCE REINFORCEMENT OF MINIMUM 14 GAUGE AND WITH A MAXIMUM MESH SPACING OF 6 INCHES, IN WHICH CASE STAKES MAY BE SPACED A MAXIMUM OF 10 FEET APART. THE BOTTOM OF THE FENCE SHOULD BE ANCHORED.
10. WOOD WASTE COMPOST/BARK BERMS MAY BE USED IN LIEU OF SILTATION FENCING, BUT NOT IN WETLAND AREAS. BERMS SHALL BE REMOVED AND SPREAD INTO A LAYER NOT TO EXCEED 3" THICK ONCE UPSTREAM AREAS ARE COMPLETED AND A 70% CATCH OF VEGETATION IS ATTAINED.
11. WATER AND/OR CALCIUM CHLORIDE SHALL BE FURNISHED AND APPLIED IN ACCORDANCE WITH MDOT SPECIFICATIONS - SECTION 637 - DUST CONTROL.
12. LOAM AND SEED IS INTENDED TO SERVE, AS THE PRIMARY PERMANENT REVEGETATIVE MEASURE FOR ALL DENUDED AREAS NOT PROVIDED WITH OTHER EROSION CONTROL MEASURES, SUCH AS RIPRAP. APPLICATION RATES ARE PROVIDED IN ATTACHMENT A OF THIS SECTION. SEEDING SHALL NOT OCCUR OVER SNOW.

B. PERMANENT EROSION CONTROL MEASURES

THE FOLLOWING PERMANENT EROSION CONTROL MEASURES HAVE BEEN DESIGNED AS PART OF THE EROSION/SEDIMENTATION CONTROL PLAN:

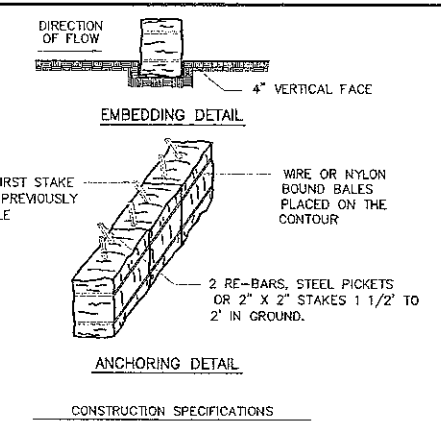
1. ALL AREAS DISTURBED DURING CONSTRUCTION, BUT NOT SUBJECT TO OTHER RESTORATION (PAVING, RIPRAP, ETC.) WILL BE LOAMED, LIMED, FERTILIZED, MULCHED, AND SEEDED. FABRIC NETTING, ANCHORED WITH STAPLES, SHALL BE PLACED OVER THE MULCH IN AREAS AS NOTED IN PARAGRAPH 5 OF TEMPORARY EROSION CONTROL MEASURES. ALL AREAS WITHIN 50 FEET OF AN UNDISTURBED WETLAND SHALL BE MULCHED PRIOR TO ANY PREDICTED RAIN EVENT REGARDLESS OF THE 7-DAY WINDOW. NATIVE TOPSOIL SHALL BE STOCKPILED AND REUSED FOR FINAL RESTORATION WHEN IT IS OF SUFFICIENT QUALITY.

LOTS
THE FOLLOWING CONSTRUCTION SEQUENCE SHALL BE REQUIRED FOR LOT CONSTRUCTION TO INSURE THE EFFECTIVENESS OF THE EROSION AND SEDIMENTATION CONTROL MEASURES ARE OPTIMIZED:

NOTE: FOR ALL GRADING ACTIVITIES, THE CONTRACTOR SHALL EXERCISE EXTREME CAUTION NOT TO OVEREXPOSE THE LOT BY LIMITING THE DISTURBED AREA.

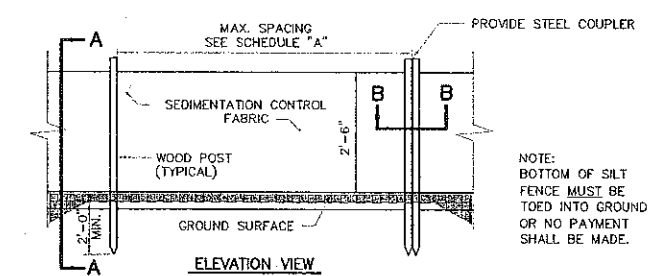
1. INSTALL STABILIZED CONSTRUCTION ENTRANCES AT THE LOT DRIVEWAY.
2. CLEAR AREA NECESSARY FOR HOUSE CONSTRUCTION.
3. INSTALL PERIMETER SILTATION FENCE AND/OR WOOD WASTE BERMS PRIOR TO GRUBBING RESPECTIVE AREAS.
4. DURING GRUBBING OPERATIONS, INSTALL STONE CHECK DAMS AT ANY EVIDENT CONCENTRATED FLOW DISCHARGE POINTS.
5. COMMENCE EARTHWORK FOR FOUNDATION AREA.
6. COMMENCE BUILDING CONSTRUCTION.
7. COMMENCE INSTALLATION OF UNDERGROUND UTILITIES.
8. COMPLETE REMAINING EARTHWORK OPERATIONS.
9. INSTALL GRAVELS FOR DRIVEWAY.
10. INSTALL PAVEMENT FOR DRIVEWAY.
11. LOAM, LIME, FERTILIZE, SEED AND MULCH DISTURBED AREAS.
12. ONCE THE SITE IS STABILIZED AND A 90% CATCH OF VEGETATION HAS BEEN OBTAINED, REMOVE ALL TEMPORARY EROSION CONTROL MEASURES.
13. TOUCH UP LOAM AND SEED.

NOTE: ALL DENUDED AREAS NOT SUBJECT TO FINAL PAVING OR GRAVEL SHALL BE REVEGETATED.

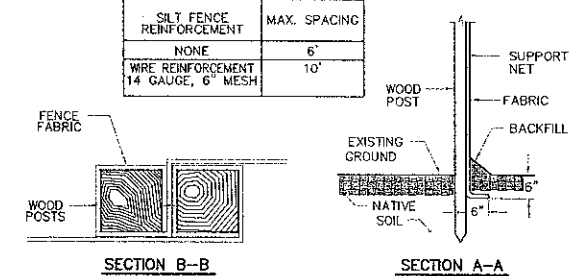


1. Bales shall be placed in a row with ends tightly abutting the adjacent bales.
2. Each bale shall be embedded in the soil a minimum of 4".
3. Bales shall be securely anchored in place by stakes or re-bars driven through the bales. The first stake in each bale was angled toward previously laid bale to force bales together.
4. Inspection will be frequent and repair or replacement shall be made promptly as needed.
5. Bales shall be removed when they have served their usefulness so as not to block or impede storm flow or drainage.

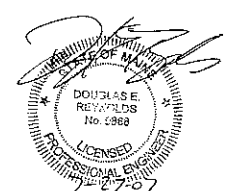
STRAW OR HAY BALE BARRIER
N.T.S.



SCHEDULE "A"	
SILT FENCE REINFORCEMENT	MAX. SPACING
NONE	6'
WIRE REINFORCEMENT 14 GAUGE, 6" MESH	10'



SILTATION FENCE DETAIL
N.T.S.



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

Rev.	Date	Revision

CITY COMMENTS	Date	By
	06/05/07	DER
SUBMISSION REVIEW	02/16/07	DER
Issued For		

Design: JLG	Draft: LMC	Date: 1/07
Checked: AMP	Scale: 1"=20'	Job No.: 1721
File Name: 1721-details.dwg		
This plan shall not be modified without written permission from Gorrill-Palmer Consulting Engineers, Inc. (GPCEI). Any alterations, authorized or otherwise, shall be at the user's sole risk and without liability to GPCEI.		

GP Gorrill-Palmer Consulting Engineers, Inc.
Traffic and Civil Engineering Services
PO Box 1237 207-657-6910
15 Shaker Road FAX: 207-657-6912
Gray, ME 04039 E-Mail: mailbox@gorrillpalmer.com

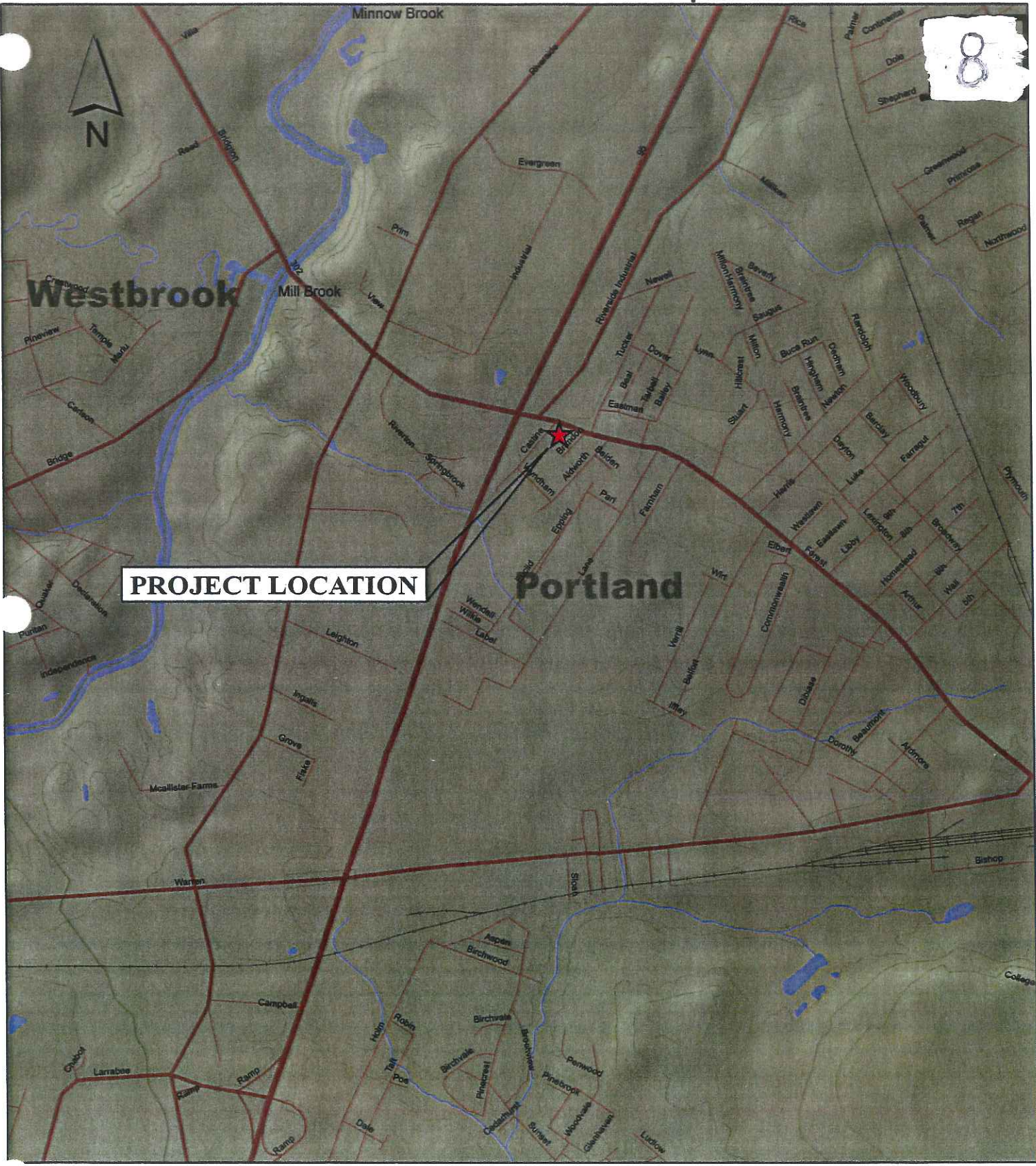
Drawing Name:	Erosion & Sedimentation Control Details
Project:	CASTINE AVENUE, PORTLAND, MAINE
Client:	W&C, LLC PO Box 10127, 449 Forest Avenue, Portland, ME 04104

Drawing No.	7
-------------	---

Location Map

Attachment 8

Figure No. 1



PROJECT LOCATION

CASTINE AVENUE HOUSE LOTS, PORTLAND, MAINE

GP Gorrill-Palmer Consulting Engineers, Inc.

Traffic and Civil Engineering Services 207-657-6910
PO Box 1237 15 Shaker Road Gray, ME 04039
Fax: 207-657-6912
mailto:mailbox@gorrillpalmer.com
www.gorrillpalmer.com



JN: 1721
DATE: JAN 2007
FILE: 1721_LOCMAP.MXD
SOURCE: MAINE GIS WEBSITE

REVIEW

Diversified Properties, Inc.

*P.O. Box 10127, Portland, ME 04104
Tel 207-773-4988 • Fax 207-773-6875*

November 7, 2006

Barbara Barhydt
Senior Planner
City of Portland
Planning Department
389 Congress Street
Portland, Maine 04101

RE: Land at Forest Avenue and Castine Avenue

Dear Barbara:

As discussed on Friday, Enclosed please find two plans showing the property we purchased from Andrea Knight as well as deeds.

One plan is the actual survey of the property which has been recorded at the Registry of Deeds. The second plan is a draft showing potential buildings with parking and setbacks. I have also labeled the one lot line division being made.

Please contact me with any questions you may have. I look forward to hearing from you.

Very Truly Yours,



James M. Wolf
Diversified Properties
Jmwl@maine.rr.com
Enclosures

From: "Jim Wolf" <jmw1@maine.rr.com>
To: "Barbara Barhydt" <BAB@portlandmaine.gov>
Date: 11/9/2006 9:58:49 AM
Subject: Castine Avenue

Barbara

Thank you for bringing me up to speed on how the city is viewing our plan.

As I pointed out the existing home is being left with over 100 feet of frontage on Forest Avenue, therefore, the street frontage we discussed does exist.

May we sit down with whomever the powers to be are to discuss the city's interpretation. I believe in a short period of time we can find some common ground.

I look forward to hearing from you.

Jim

James Wolf

Diversified Properties, Inc.

Post Office Box 10127

Portland, Maine 04104

1-207-773-4988

1-207-773-6875 fax

From: Frank Brancely
To: Wolf, James.
Date: 1/29/2007 4:29:55 PM
Subject: Castine Avenue Subdivision

Jim,

F.Y.I.

Frank

P.S. Check with Jessica on the Castine & Forest Avenues addresses, please.

Frank Brancely,
Senior Engineering Technician,
Department of Public Works,
55 Portland Street,
Portland, Maine 04101-2991
(207) 874-8832 (phone),
(207) 874-8852 (fax),
<fjb@portlandmaine.gov>

CC: Farmer, Michael; Harris, Stephen; Roland, Bradley

Post-it* Fax Note	7671	Date	4/5/07	# of pages	Six
To	Barbara Barhydt	From	Frank Brancely		
Co./Dept.	Planning	Co.	Engng.		
Phone #	874-8699	Phone #	874-8832		
Fax #	756-8258	Fax #	874-8852		

Hello Jim,

Received both your "rough options" fax, as well as a hard copy of the wastewater capacity application, with attached drawing still showing discharge from lots 3 and 4 into the Forest Avenue manhole that receives the Farnham Pump Station forced flows (sic)!

At first blush, the option, wherein you propose to extend the existing Castine Avenue gravity sanitary sewer sixty feet towards Forest Avenue, thence ninety degrees one hundred and fifteen feet to lot 4 is interesting.

Sec. 24-41 states: "*A separate and independent building sewer shall be provided for every new building, and a separate connection shall be made for each building sewer.*" Your Castine Avenue option fails to address adequately both counts, i.e. (1) separate and independent, as well as (2) separate connection. **Examine your mark-up.** The two lots are neither separate and independent, for the last seventy-five, or so feet, before discharging into the proposed extension manhole, nor do they appear to make separate connections to the proposed Castine Avenue gravity sanitary sewer extension.

Sec. 24-36 states: "*The owner . . . is hereby required at his expense to connect the building drainage system in the most direct manner possible with the proper public sewer . . .*" **Do the math.** Your proposed extension, of the Castine Avenue gravity sanitary sewer, scales out in the neighborhood of sixty feet, plus another seventy feet, as the crow flies, to the lot 3 building footprint, a total of one hundred and thirty feet! Discharging to the Forest Avenue Sewer scales out in the neighborhood of fifty-five feet. Which is the most direct: one hundred and thirty feet, or fifty-five feet? As for lot 4, sixty feet of sewer extension, plus one hundred and twenty feet, as the crow flies, exceeds the seventy-six feet, to connect lot 4 to Forest Avenue by one hundred and four feet!

Sec. 24-45 (3) states: "*The building sewer shall be connected to the public sewer at the point designated by the public works authority.*" Direct the building laterals, from lots 3 and 4, out to the Forest Avenue Sewer.

Thank you for this opportunity to review Chapter 24: Sewers (City Ordinances). See attachment.

Frank

(b) The closing and filling of the private wastewater disposal system and the connection to the public sewer system shall be inspected by the public works authority. The fee for such inspection shall be a minimum of ten dollars (\$10.00) per septic tank plus ten dollars (\$10.00) per hour for all inspection time exceeding one (1) hour. The permit for the connection to the public sewer is the same as those required under sections 24-39 and 24-42.

(c) No such work may be approved unless notice is given to the public works authority sufficient to permit the inspector to be present at the filling of the private wastewater disposal system and the connection to the public sewer. No new sewer construction or sewer repair or reconstruction may be approved if backfilled and/or covered prior to inspection. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the health authority.
(Ord. No. 263-96, 5-20-96)

Sec. 24-39. Public sewer connection; permit; fee.

No person shall uncover, make any connections with or openings into, alter or disturb either any public sewer or appurtenance thereof or any private sewer or appurtenance thereof without first obtaining a written permit from the public works authority or the Portland Water District, if required. The fee for such permit shall be fifty dollars (\$50.00).
(Ord. No. 263-96, 5-20-96; Ord. No. 261-01/02, 5-20-02)

Sec. 24-40. Costs.

All costs and expense incidental to the installation, connection and maintenance of the building sewer shall be borne by the owner.
(Ord. No. 263-96, 5-20-96)

Sec. 24-41. Separate connections required.

A separate and independent building sewer shall be provided for every new building, and a separate connection shall be made for each building sewer. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the public works authority, to meet all requirements of this article.
(Ord. No. 263-96, 5-20-96)

exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four-hour concentration or flow rate during normal operation or which may adversely affect the POTW.

Storm drain or storm sewer shall mean a sewer for conveying rainwater, groundwater, subsurface water, condensate, cooling water or other similar discharge but which excludes wastewater and polluted industrial wastes.

Total suspended solids (TSS) shall mean the total suspended matter that floats on the surface of, or is suspended in water, wastewater, or other liquids, and which is removable by laboratory filtration.

Wastewater shall mean a combination of the liquid and the water-carried wastes from residences, commercial buildings, institutions and industrial establishments, together with such ground, surface and stormwaters as may be present.

Watercourse shall mean a channel in which a flow of water occurs, either continuously or intermittently on a natural basis. (Ord. No. 263-96, 5-20-96)

Cross reference(a)--Definitions and rules of construction generally, § 1-2.

Sec. 24-35. Sanitary facilities required.

Every building intended for human habitation, occupancy, employment, recreation or other purposes, situated within the city shall be provided with suitable and sufficient sanitary facilities for the use of the occupants thereof, which facilities in character, number and method of installation shall comply with all health laws of the state, ordinances of the city, and rules and regulations of the state bureau of health so far as the same are compatible and not inconsistent. (Ord. No. 263-96, 5-20-96)

Sec. 24-36. Connection to public sewer required.

The owner of any building used for human habitation, occupancy, employment, recreation or other purposes, situated within the city and abutting on any street, alley or right-of-way in which there is located a public sanitary, combined or interceptor sewer, is hereby required at his expense to connect the building drainage system in the most direct manner possible with

building drain shall be lifted by a means subject to the approval of the public works authority and discharged to the building sewer. (Ord. No. 263-96, 5-20-96)

Sec. 24-44. Public sewer connection limitations.

(a) No person shall make connection of sanitary conveniences such as toilets, washrooms, urinals, sinks, showers, drinking fountains, kitchens or laundry rooms, nor discharge or cause to be discharged any waste or wastewater to a building's stormwater system or building storm drain which in turn is connected directly or indirectly to a public storm drain.

(b) No person shall make connection of roof downspouts, foundation drains, sump pump, areaway drains or other sources of surface runoff or groundwater, nor discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(c) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the public works authority. Industrial cooling water or unpolluted process waters may be discharged, on approval of the public works authority, to a storm sewer, combined sewer or a natural outlet. (Ord. No. 263-96, 5-20-96)

Sec. 24-45. Connections to public sewer.

The connection of the building sewer into the public sewer shall be constructed in the following manner:

(a) The public works authority shall be notified in advance of the time when the connection is to be made. Such notice must be sufficient to permit the public works authority to inspect the building sewer during construction and to be present when the connection is made to the public sewer.

(b) In the case of new construction, wastewater systems and stormwater drainage systems shall be kept separated from their connections to the proper city sewers.

- (c) The building sewer shall be connected to the public sewer at the point designated by the public works authority.
- (d) No building sewer connection constructed pursuant to this section can be approved if such sewer is backfilled and/or covered prior to inspection. No connection to the public sewer constructed pursuant to this section can be approved if such connection is made other than in the presence of an inspector from the public works authority or the Portland Water District, as required. No such unapproved or unapprovable building sewer in the city may be used, and if the building served by such building sewer is occupied, the owner of such building will be held to be in violation of this section, with each day in which the violation continues deemed to be a separate violation.

(Ord. No. 263-96, 5-20-96)

Sec. 24-46. Sewer excavations.

(a) All excavations under this article within the public way shall be in accordance with article VII of chapter 25 of this Code.

(b) All excavations for sewer installation shall be made and maintained in compliance with the provisions of the construction safety rules and regulations of the state, applicable to excavation work.

(Ord. No. 263-96, 5-20-96)

Sec. 24-47. Prohibited wastes.

(a) No person shall discharge or cause to be discharged any waters or wastes prohibited by rule; or:

- (1) Any noxious or malodorous gas or substance capable of creating a public nuisance.

(b) The public works authority may, if deemed necessary in his judgment, impose the following limitations on discharges of the following described waters or wastes to any public sewer or any part thereof:

- (1) Any aluminum exceeding a concentration of 500 milligrams per liter;
- (2) Any iron exceeding a concentration of 10 milligrams per

From: Barbara Barhydt
To: Wolf, Jim
Date: 3/26/2007 9:30:56 AM
Subject: RE: call yesterday

Hi Jim: I understand Ruby Lane is ready for acceptance and that the traffic study will be completed by Tom. Before I authorize a reduction, I would like to know the status of the fence that you were to pay for and installed behind 52 Ruby Lane. Where does that stand and could you provide evidence that this matter is resolved? Thank you. BarbaraBarbara Barhydt

Development Review Services Manager

Planning Division

389 Congress Street 4th Floor

Portland, ME 04101

(207) 874-8699

Fax: (207) 756-8256

bab@portlandmaine.gov

>>> "Jim Wolf" <jmw1@maine.rr.com> 03/15 9:26 AM >>>

Hi BarbaraWith regard to the traffic study it was agreed between Tom Gorrill and Jim that it would be completed when the weather permitted. Tom is doing the study and assured Jim it would be completed. We have been told on several occasions that this would not hold up acceptance. Please note this is a less than 500 dollar study which is being completed to keep the city's records current. In addition, our guarantee is in excess of 100,000 dollars. Regarding Beverly is there anything we can do to move things along? Thank you Jim

From: Barbara Barhydt [mailto:BAB@portlandmaine.gov]

Sent: Thursday, March 15, 2007 8:29 AM

To: jmw1@maine.rr.com

Cc: Alex Jaegerman

Subject: call yesterday

Hi Jim:

Penny and I were talking about Ruby Lane yesterday. I know you agreed to conduct a traffic study per Jim Carmody's specifications. What is the status of that condition. I will discuss this with Penny and Phil and get back to you regarding a reduction.

I distributed the Beverly Street plans to the various departments and I am waiting for comments. I have not assigned a planner to this yet. Shukria Wiar is the planner on your two other projects.

Thank you.

Barbara

Barbara Barhydt

Development Review Services Manager

Planning Division

389 Congress Street 4th Floor

Portland, ME 04101

(207) 874-8699

Fax: (207) 756-8256

bab@portlandmaine.gov

CC: Jaegerman , Alex; Littell , Penny

From: Barbara Barhydt
To: Aylward, Stephen
Date: 4/10/2007 10:26:23 AM
Subject: Re: Brief Workshop Question

Hi Steve:

I will ask our administrative staff to send the materials. It will go out in either today or tomorrow's mail.

Thank you.

Barbara

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

>>> "Stephen Aylward" <saylward@gvpt.umd.edu> 04/10 10:20 AM >>>

Thank you so much, Barbara-- this answers my question beautifully!

Also, if you can send the smaller drawings, that would be great.

My address is:

Steve Aylward
46 Newton Street
Portland 04103

Again, my thanks--

Sincerely,
--Steve

>>> "Barbara Barhydt" <BAB@portlandmaine.gov> 04/10/07 9:21 AM >>>

Good morning Steve:

The full set of plans are in our office and you are welcome to review them. Mr. Wolf did submit some smaller scale drawings, which I can have the secretary copy and send to you in the mail. I will need your address, if that is what you would like to do.

You may submit written comments to the Planning Board through a letter or e-mail. This is a workshop before the Planning Board. The Planning Board will determine whether a second workshop is warranted or whether the item may proceed to a public hearing. Before a public hearing is scheduled the developer is required to have a neighborhood meeting. Public comment or written comment may be submitted at each meeting.

Hope this answers your question.

Barbara

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

>>> "Stephen Aylward" <saylward@gvpt.umd.edu> 04/10 9:12 AM >>>

Dear Barbara--

I'm not able to go to this afternoon's workshop on Jim Wolf's proposed development along Forest Avenue near Riverside Industrial Parkway. Is there any other way for me and others to review the proposal and have input?

Thank you--

Sincerely,

--Steve Aylward

Memorandum
Department of Planning and Development
Planning Division



To: Jim Wolf, W & C, LLC , Castine Avenue Subdivision
From: Barbara Barhydt, Development Review Services Manager
Date: April 19, 2007
Re: Castine Avenue Subdivision , Application #2007-0034

This memo is a follow-up to the Planning Board workshop held on April 10, 2007. The Planning Board memo and the staff memos are attached and these memorandums identify the questions, issues and additional materials needed for the next submission. In addition to the items listed in the attached materials, you will want to address the points raised by the Planning Board which include:

1. At the workshop, Barbara Barhydt, noted that the applicant will need to clarify the full extent of properties held by the applicant. According to the Tax Assessor's chart, block and lot number, it appears that the subdivision plan incorporates property not held by the applicant. The recording plat should accurately reflect the complete holdings and the proposed lot divisions. Please provide a stamped survey.
2. The configurations of some of the lots are atypical ("gerrymandered") and it was recommended that the subdivision be reconfigured to a more traditional grid pattern;
3. Brandon Street is an unaccepted Street and no improvements are proposed at this time. The Board raises the question as to whether this street must be constructed to City Standards to meet the Comprehensive Plan goals for interconnected streets. The applicant should address improvements to Brandon Street in the next submission;
4. Marge Schmuckal, Zoning Administrator, notes that Lot #5 does not meet the lot width requirements of the R-3 zone. Dan Goyette notes that the proposed access for this lot does not meet the separation requirements between a driveway and intersection along an arterial. The applicant must clarify the configuration and access for Lot #5 in the next submission; and
5. At the workshop, Mr. Wolf also noted that the house on Lot #1 is being renovated and will be sold once it is complete. Should this division be followed by the proposed additional lot divisions, this lot is then brought back in under subdivision review. The staff recommends that any sale be postponed and contingent upon final approval of the subdivision. The review of such subdivision may require adjustments to the lot

configuration, site improvements and regarding subject to a comprehensive stormwater management plan for the subdivision.

This is not necessarily a comprehensive list. Staff encourages you to listen to the tape of the workshop, in order to be sure you have covered all points raised by the Planning Board in your next submission. Please let us know and we can have the tape ready for your review. If you have any more questions, please contact me.

Cc: Alexander Jaegerman, Director, Planning Division
Penny Littell, Associate Corporation Counsel
Alton Palmer, Gorrill-Palmer Consulting Engineers, Inc.
File

Attachment:
Planning Board Memorandum, dated April 6, 2007, Castine Avenue Six Lot Subdivision

From: James Wolf <wolf5750@comcast.net>
To: Barbara Barhydt <BAB@portlandmaine.gov>
Date: 4/19/2007 12:41:40 PM
Subject: Castine and Barclay

Barbara

We would like to prepare for a neighborhood meeting on Castine and the Public Hearing for both.

I believe on Barclay we have submitted the plans required and we are making changes to those for Castine. Gorrill Palmer will be contacting you to meet with you and Public Works regarding Castine and the curb/sidewalk issue.

Do you know when we can be placed on a Public Hearing agenda? We wish to shoot for submission of our materials to make the next available meeting.

I look forward to hearing from you.

Jim

--

James M Wolf

CC: Doug Reynolds <DReynolds@gorrillpalmer.com>

From: "Jim Wolf" <jmwl@maine.rr.com>
To: <MPC@Portlandmaine.gov>
Date: 5/30/2007 3:37:59 PM
Subject: FW: northern utilities

Molly

The contact at Northern Utilities is Bruce(I did not catch his last name). His cell phone is 252-0001. I believe he'd be more than willing to meeting us at the site.

Jim

James Wolf

Diversified Properties, Inc.

Post Office Box 10127

Portland, Maine 04104

1-207-773-4988

1-207-773-6875 fax

From: "Jim Wolf" <jmw1@maine.rr.com>
To: "'Molly Casto'" <MPC@portlandmaine.gov>
Date: 5/31/2007 11:40:19 AM
Subject: RE: Castine Avenue

Thanks Molly

I understand the confusion. Once the plans are ready I will get them to you and we can discuss them.

Jim

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

From: Molly Casto [mailto:MPC@portlandmaine.gov]
Sent: Thursday, May 31, 2007 9:47 AM
To: jmw1@maine.rr.com
Subject: Re: Castine Avenue

Jim-

I'm not clear from your email how a 6-lot subdivision, with the combining of two lots into one (lot 6 and lot 1) becomes a 4-lot subdivision. It sounds as though it would still be 5 lots. It's impossible for me to interpret the subdivision, however, until I see your revised plans. I'm glad to hear that you will be conducting a neighborhood meeting, regardless, however. It is a good method of improving communication between you and neighbors of the proposed development.

I'll look forward to receiving your revised plans-

Best Wishes,
Molly Casto



June 5, 2007

Ms. Molly Casto
Portland Planning Department
Portland City Hall
389 Congress Street
Portland, ME 04101-2503

Re: Castine Avenue Six Lot Subdivision
Application #2007-0034
CBL; Map 309 Block D, lot 5,7,9,11 and Block E, lots 6,18,20,22, and 26

Dear Barbara,

This letter provides a response to miscellaneous comments from City Staff. For ease of review, each comment has been repeated below followed by our response.

Comments in memorandum from Dan Goyette dated March 21, 2007

Comment 1 - The financial capacity letter located in Attachment 5 refers to a 4 lot subdivision; the subdivision is actually 6 lots.

Response 1 – The financial capacity letter has been revised to convey that there are 5 lots. This letter is included with this package.

Comment 2 - The driveway from lot 3 needs to be a minimum of 20 feet from the driveway from lot 1.

Response 2 – The conceptual driveway for lot 3 has been revised to be shared with lot 1. The driveway and easement currently exists. It is further noted that the layout plans depicted on the Subdivision Plans may not be the final lot configurations. Lot development will require submission of a Minor/Minor application to the City of Portland. A copy of the deed from W&C LLC to WD Investments showing the access easement over lot 3 is attached.

Comment 3 - The pipe installation detail indicates the rigid pipe can have 12" of sand above it, it should indicate that it has 12" of crushed stone.

Response 3 - The detail has been revised to show 12" of crushed stone as requested.

Comment 4 - Granite curbing and sidewalk should be installed along both Castine and Forest Avenue.

Response 4 – The applicant has had extensive discussions with Planning Staff relative to the need for sidewalks and curbing along the frontage of the project. To meet the requirements of a waiver

Ms. Molly Casto

June 5, 2007

Page 2 of 6

the project must meet two or more of the waiver requirements. We offer the following as supporting information for a waiver request for sidewalks and curbing for the project.

Forest Avenue

Sidewalks – Sidewalks currently exist along Forest Avenue, therefore a waiver request is not required.

Curbing – Forest Avenue Waiver Request

1. *The cost to construct the curbing is in excess of 5% of the overall project.*
 - A. Curbing along Forest Avenue will exceed 5% of the cost of all improvements by 20% or more. It is estimated that the cost of all utilities, landscaping, etc. will be approximately \$40,000 not including curb and sidewalk along Castine Avenue; curbing along Forest Avenue is estimated at \$13,000, excluding traffic control.
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.*
 - A. The DOT has informed the developer and City of its intention to rework this section of Forest Avenue. Shawn Smith at DOT has reviewed said plans and has advised that no work shall be completed along Forest Avenue that has the potential to be disturbed during the DOT reconstruction project. At present, DOT is looking to widen this portion of Forest Avenue. A copy of his email is attached to this letter.
3. *Runoff from the development site or within the street does not require curbing for stormwater management.*
 - A. Curbing is not required for stormwater management. Runoff from the development will not be directed toward Forest Avenue and therefore will not effect stormwater management along Forest Avenue.

Castine Avenue

Sidewalks

1. *There is no reasonable expectation for pedestrian usage coming from, going to and traversing the site.*
 - A. Castine Avenue from Forest Avenue to the end of lot 2 is 350+/- feet. There is no other sidewalk on this street. A 150 foot gap would exist between lots 3 and 4 as the house lot within this area is not part of the proposed subdivision. In addition, due to the existing gas vaults located on Castine Avenue, adjacent to Lot 4, no sidewalk can be built between Forest Avenue and the first 65 feet along

Castine Avenue. The existing gas vaults were permitted by the city and the covers of the vaults cannot be lowered. Installation of a sidewalk in this area would require the lowering the gas vaults to maintain acceptable grades for installation of the driveway. As a result, if the sidewalks were built in front of only Lots 2 and 3, there is no reasonable expectation that new walks would be used.

2. *There is no sidewalk in existence or expected within 1000 feet and the construction of the sidewalks does not contribute to the development of a pedestrian oriented infrastructure.*

Due to the lack of any existing sidewalks on Castine Avenue and the limitations caused by the existing gas vaults, placing walks in front of lots 2 and 3 would not contribute to the development of a pedestrian oriented infrastructure within the city.

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.*
 - A. In addition to the constraints caused by the gas vaults, installing a sidewalk from the intersection of Forest and Castine Avenue running down Castine along Lot 4, more than 10 trees will be required to be removed. These trees hold significant public value as demonstrated by preservation easements required by the City Arborist along both Forest and Castine Avenues.

Castine Avenue- Curbing

1. *The cost to construct the curbing is in excess of 5% of the overall project.*
 - A. The cost to install curbing in front of lots 2-4 exceeds 5 percent of the overall project.
4. *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.*
 - A. As mentioned previously strict adherence to the curb requirement would adversely impact the tree scape at the Forest/Castine intersection. Any work in that area would result in the loss of tree scape.
5. *Runoff from the development site or within the street does not require curbing for stormwater management.*
 - A. Runoff from the development site would not change and would not require curbing for additional stormwater management.

Comment 5 - The driveway from lot 5 should be connected to Brandon Street. The driveway does not meet setback requirements on Forest Avenue

Ms. Molly Casto

June 5, 2007

Page 4 of 6

Response 5 - The driveway for Lot 5 has been relocated through an access easement over lot 4 and will not required connection to Brandon Street. This change is a result of Board discussion at our workshop meeting.

Comment 6 - An easement should be provided on Lot 4 that would encompass the traffic control box and light.

Response 6 - An easement has been shown on the plan that encompasses the traffic control box. Details of the exact easement will be coordinated with the MaineDOT based upon their final designs of the improvements to Route 302 in this area.

Comment 7 - The sewage pipe from Lot 5 can not share the pipe with Lot 4 with out the installation of a manhole on Lot 5

Response 7 - A manhole has been proposed on Lot 5 to allow both lots to share the same pipe.

Comment 8 - The sewer pipe from Lot 4 should wye into the sewer extension on Castine Avenue. It should not discharge into the new sewer manhole

Response 8 - The sewer pipe from Lot 4 has been revised as requested

Comment in memorandum from Jeff Tarling dated April 3, 2007

Comment 1 - Knowing the background of the existing pine grove located on Forest Avenue at the proposed project site. I would recommend that greater measures and effort be applied to protect these trees. Factors include past landowners intend to save trees as possible, the Riverton Neighborhood interest in protecting this pine grove and its value to the Forest Avenue streetscape. Protection measures should include: defining the building envelopes and placing tree cutting restrictions as done on other projects near the Fore River Sanctuary. Creating project design orienting driveways, building envelopes (perhaps along Forest Avenue) and also act as buffer to the project. The landscape plan should re-evaluate 'tree save' areas protecting groves of trees vs. individual trees. I would be willing to meet with the applicant in the field to review.

Response 1 - The applicant has met with Mr. Tarling to discuss the existing stand of trees. Mr. Tarling has requested that a minimum of 20' of the existing stand remain as a permanent buffer along Forest Avenue., along with a buffer along Castine Ave 10' to the proposed driveway. He has further requested that, if possible trees be maintained between the buildings on Lot 4 and 5. If existing trees cannot be maintained, then additional trees should be planted. A buffer and planting note have been added to the plan. At a subsequent meeting with Mr. Tarling, he requested and the applicant has agreed and placed a note on the plan that any tree removed within the preservation area shall be replaced with 2, 5-6 foot white pines. He also requested that the preservation areas not be disturbed with lawn areas and that a construction fence be placed between the building areas on lots 4 and 5 and the preservation area and that the preservation area on lot one have a depth of 50 feet along Forest Avenue, to preserve the existing buffer.

Ms. Molly Casto
June 5, 2007
Page 5 of 6

Comments in memorandum from Michael Farmer dated April 5, 2007

Comment 1 - What City of Portland monumentation was used to establish the lines of Castine Street? Bill Scott did a survey in 1998 and set the monument at Castine and Forest Ave. The plan is in dwr 950/5A. Did the applicant's surveyor use the building ties as show on Bill's plan? A plan by another surveyor referenced in Plan Ref 1.

Response 1 – The plan use City monumentation.

Comment 2 - State plane coordinates were not used; they should be

Response 2 – The plan has been revised using state plane coordinates.

Comment 3 - An official City Benchmark should be used for the elevation benchmark

Response 3 – The City Benchmark has been used for this project.

Comments in memorandum from Marge Schmuckal dated April 5, 2007

Comment 1- This subdivision is located within an R-3 zone. All six lots are meeting the minimum lot size, minimum street frontage and setbacks. However lot 5 in not meeting the minimum required lot width of 65'. It is just under 63' in width where the building is placed. The definition of lot width is: "the distance parallel to the front of the building measured between side lot lines through the part of the principal building where the lot is narrowest"

Response 1 - The lot width has been revised to meet the minimum lot width of 65'. The deed from lot 5 to lot 1 will be submitted under separate cover.

Comment 2 - Before lot 6 is developed further, 14-403 requires Brandon Street to be brought up to City standards.

Response 2 - Lot 6 is proposed to be eliminated and is shown as part of lot 1. A proposed deed will be submitted under separate cover.

Additional comments in planner's report from Department of Planning and Development, Planning Division dated April 10, 2007

Comment 1- The Board May want to consider a Clearer demarcation of the plan of where no grading or soil disturbance may occur and include supporting language in the easement. The Planning staff and Dan Goyette, consulting DRC, recommend that a storm water management plan address that drainage for the site be submitted for review.

Response 1 – A note has been added to lot 2, which requires the applicant to mark the limit of wetlands prior to start of construction. Based upon a conversation with Mr. Goyette, reviewing the extents of the drainage system on Castine Street, the proposed project would not have a significant effect on the existing drainage system in the area. Therefore, no additional drainage plans would be necessary.

Ms. Molly Casto
June 5, 2007
Page 6 of 6

Comment 2 – Two parking spaces per lot are required and the spaces must be 9 by 19 feet. The spaces shown on the lot layout plan sheet 3 are 9 by 18 feet.

Response 2 - The parking spaces have been revised to show 9 by 19 feet spaces.

Comment 3 – Clarification is needed as to whether the electrical service to this subdivision is underground, Capacity letters from other utility companies that are intended to serve the project should be submitted.

Response 3 - An email from Central Maine Power has been attached to this package, which indicates they have the ability to serve the project. The applicant will coordinate with CMP prior to construction as to whether the services to each lot are underground or overhead. A letter from the Portland Water District was submitted previously. Enclosed is our sewer capacity letter.

Comment 4 – Provide details for Fire apparatus turn –around.

Response 4 – It is not anticipated that a turn-around will be required on the existing Castine Street.

Comment 5 – Hydrant information needed for Brandon Street.

Response 5 - The hydrant in the proximity of Brandon Street has been shown on the Utility plan.

Comment 6 – The Fire department checklist was not submitted.

Response 6 – The Fire Department checklist has been submitted in letter form to the Captain Cass.

Comment 7 – The text of the proposed easements must be submitted for review.

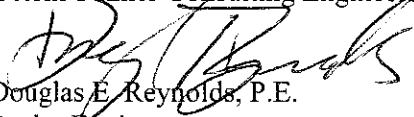
Response 7 - The text of the proposed easements will be submitted for review. The current deed for lot 1 showing ownership, the existing access easement and restrictive covenants are attached.

Closure

Gorrill-Palmer Consulting Engineers, Inc. looks forward to your review of these comments and revised plans. Please contact this office with any additional question.

Sincerely,

Gorrill-Palmer Consulting Engineers, Inc.


Douglas E. Reynolds, P.E.
Senior Engineer

Cc: Jim Wolf



TD Banknorth, N.A.
One Portland Square
P.O. Box 9540
Portland, ME 04112-9540
T: 207 761-8500 F: 207 761-8660
Toll Free: 800 462-3666
TDBanknorth.com

January 22, 2007

City of Portland
Planning Department
389 Congress Street, 4th Floor
Portland, Maine 04101

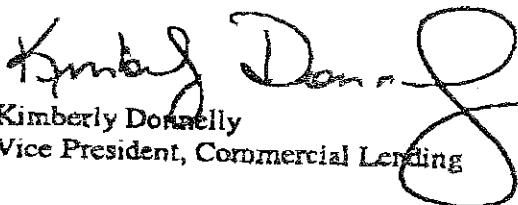
RE: W&C, LLC – Castine Avenue lot subdivision

To Whom It May Concern:

James Wolf, owner of W&C, LLC is a long standing customer of the Bank. In our opinion, W&C, LLC has the financial capacity to complete the proposed 5-6 lot subdivision at Castine Avenue in Portland, Maine.

Should you have any further questions, I can be reached at 756-6842

Sincerely,


Kimberly Donnelly
Vice President, Commercial Lending



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

Public Works Department
Michael J. Bobinsky, Director

10 May 2007

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

MAY 10 2007
[Handwritten signature]

RE: The Capacity to Handle Wastewater Flows, from the Proposed "Castine Avenue Subdivision," at 22+/-, 26+/- Castine Avenue, and 1756+/-, 1760+/- Forest Avenue.

Dear Mr. Wolf,

The existing twelve-inch diameter, polyvinyl chloride (P.V.C.) sewer pipe, located in Castine Avenue, has adequate capacity to **transport**, while The Portland Water District sewage treatment facilities, located off Marginal Way, have adequate capacity to **treat** the total anticipated wastewater flows of **780 GPD**, from the proposed four-house subdivision.

Anticipated Wastewater Flows from this Subdivision:
Four Proposed Two Bedroom Houses @ 180 GPD/House = 780 GPD

The City combined sewer overflow (C.S.O.) abatement consent agreement (with the U.S.E.P.A., and with the Maine D.E.P.) requires C.S.O. abatement, as well as storm water mitigation, in order to offset any increase in sanitary flows, from all projects. If the City can be of further assistance, please call 874-8832.

Sincerely,
CITY OF PORTLAND
Frank Brancely
Frank J Brancely, B.A., M.A.
Senior Engineering Technician

FJB

- cc: Alexander Q. Jaegerman, Director, Planning Division, Department of Planning, and Urban Development, City of Portland
Barbara Barhydt, Development Review Services Manager, Department of Planning, and Urban Development, City of Portland
Michael Farmer, P.E., Project Engineer, City of Portland
Bradley A. Roland, P.E., Environmental Projects Engineer, City of Portland
Stephen K. Harris, Assistant Engineer, City of Portland
Jane Ward, Administrative Assistant, City of Portland

KNOW ALL MEN BY THESE PRESENTS

THAT W&C LLC, a Maine Limited Liability Company with a principal place of business in the City of Portland, County of Cumberland and State of Maine, in consideration of One Dollar and other valuable considerations paid by WD Investments, Inc., a Maine corporation with a principal place of business in the City of Portland, County of Cumberland and State of Maine, the receipt whereof it does remise, release, bargain, sell and convey, and forever quitclaim unto the said WD Investments, Inc., all its right, title and interest in

The following described real property situated in the City of Portland, County of Cumberland and State of Maine, being property described in Exhibit A and annexed hereto and made a part hereof.

Meaning and intending to describe a portion of the property now shown on a plan entitle "Plan of Boundary Survey made for W&C LLC" as described in a deed recorded in said Cumberland County Registry of Deeds in Book 24484, Page 43.

To have and to hold the same, together with all privileges and appurtenances thereunto belonging, to said City of Portland, its successors and assigns forever.

IN WITNESS WHEREOF, the said W&C LLC has caused this instrument to be signed and sealed by James M. Wolf, its Member, thereunto duly authorized this 3rd day of January, 2007.

W&C LLC

Patricia G. Walker
NOTARY PUBLIC

James M. Wolf
James M. Wolf, Its Member

STATE OF MAINE
CUMBERLAND, SS

1-3-07

Then personally appeared the above-named James M. Wolf, Member of W&C LLC as aforesaid and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said W&C LLC.

SE

Before me,

Patricia G. Walker
Notary Public

PATRICIA G. WALKER
NOTARY PUBLIC, MAINE
MY COMMISSION EXPIRES JANUARY 31, 2013

Exhibit A

Deed Description prepared for W&C LLC
Lot 1 - Castine Avenue Subdivision
Portland, Maine

A certain lot or parcel of land situated in the City of Portland, County of Cumberland, State of Maine. Said lot being bounded and described as follows:

Beginning at a 5/8" rebar found at the intersection of the southwesterly sideline of Forest Avenue with the northwesterly sideline of Brandon Street as shown on a plan entitled "Plan of Boundary Survey made for W&C LLC" by Titcomb Associates dated September 14, 2006 and recorded in the Cumberland County Registry of Deeds in Plan Book 206, Page 645. Thence:

- 1) S 59° 02' 56" W by said Brandon Street a distance of Three Hundred Seventy-Seven and 67/100 (367.67) feet to a point at remaining land of W&C LLC as described in a deed recorded in the Cumberland County Registry of Deeds in Book 24484, Page 43.
- 2) N 30° 57' 02" W by said remaining land a distance of Ninety and 00/100 (90.00) feet to a point.
- 3) N 59° 02' 58" E by said remaining of W&C LLC a distance of Eighty-Five and 00/100 (85.00) feet to a 5/8" reinforcing rod with identification cap number 2334 found at the southerly corner of "Trust Lot A" as shown on said plan.
- 4) N 59° 02' 58" E by said "Trust Lot A" a distance of Seventy-Two and 25/100 (72.25) feet to a point on the southwesterly sideline of "Trust Lot B" as shown on said plan.
- 5) S 30° 57' 02" E by said "Trust Lot B" a distance of Ten and 00/100 (10.00) feet to a point.
- 6) N 59° 02' 58" E by said "Trust Lot B" a distance of Sixty-Five and 00/100 (65.00) feet to the southeast corner of said "Trust Lot B."
- 7) S 30° 57' 02" E by said remaining land of W&C LLC a distance of Fifty-Four and 81/100 (54.81) feet to a point.
- 8) N 59° 02' 47" E by said remaining land of W&C LLC a distance of Ninety Four and 74/100

(94.74) feet to a point.

9) N 32° 01' 59" E by said remaining land of W&C LLC a distance of Forty-Two and 61/100 (42.61) feet to a point on the southwesterly sideline of Forest Avenue.

10) S 57° 58' 01" E by said Forest Avenue a distance of Fifty and 00/100 (50.00) feet to the point of beginning.

Said parcel contains 23,568 square feet (0.54 acres) and being a portion of land now or formerly of W&C LLC as described in a deed recorded in said Registry in Book 24484, Page 43.

Exhibit A Continued

Also, a certain utility and access easement situated on the southeasterly sideline of Castine Street in the City of Portland, County of Cumberland, State of Main; said easement being bounded and described as follows:

Beginning at a 5/8" reinforcing rod with identification cap number 2334 found on the southeasterly sideline of Castine Avenue at the westerly corner of "Trust Lot A" as shown on a plan entitled "Plan of Boundary Survey made for W&C LLC" by Titcomb Associates dated September 14, 2006 and recorded in the Cumberland County Registry of Deeds in Plan Book 206, Page 645. Thence:

- 1) S 30° 57' 02" E by said "Trust Lot A" a distance of Ninety and 00/100 (90.00) feet to a 5/8" reinforcing rod found with identification cap number 2334 found at the easterly corner of said "Trust Lot A".
- 2) S 59° 02' 58" W through remaining land now or formerly of W&C LLC as described in a deed recorded in said Registry in Book 24484, Page 43 a distance of Twenty and 00/100 (20.00) feet to a point.
- 3) N 30° 57' 02" W through said land of W&C LLC a distance of Ninety and 00/100 (90.00) feet to a point on the southeasterly sideline of Castine Avenue.
- 4) N 59° 02' 58" E by said Castine Avenue a distance of Twenty and 00/100 (20.00) feet to the point of beginning.

Bearings are referenced to Magnetic North 2004.

Said easement contains 1800 square feet (0.04 acres) and being a portion of land now or formerly of W&C LLC as described in a deed recorded in said Registry in Book 24484, Page 43; said parcel also being a portion of Lot 134 as shown on a plan entitled "Deering Terrace owned by J.W. Wilbur Co. Inc." made by Ernest Branch dated April 20, 1915 and recorded in Plan Book 12, Page 6.

Received
Recorded Register of Deeds
May 16, 2007 11:10:20A
Cumberland County
Pamela E. Lovley

From: "Jim Wolf" <jmwl@maine.rr.com>
To: "'Molly Casto'" <MPC@portlandmaine.gov>
Date: 6/25/2007 9:47:10 AM
Subject: RE: Castine Ave PB report

Thank you. Mike and Doug have spoken and come to an agreement. Once I receive Doug's email of the agreement I will forward it along. It appears all that remains is Brandon street. Maybe we can eliminate that by Penny speaking with Terry Snow.

If easier I can send someone to City Hall to pick up the report?

Thank you.

Jim

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

From: Molly Casto [mailto:MPC@portlandmaine.gov]
Sent: Monday, June 25, 2007 9:18 AM
To: jmwl@maine.rr.com
Subject: Castine Ave PB report

Hi Jim

I sent you the report on Friday but it appears not to have gone through. I think it may be too big since it keeps bouncing back.

I have attached a text file to this email simply to get the body of the document to you ASAP so you can review it before tomorrow. Unfortunately, it won't have the photos and the formatting. I'll get in touch with IT this morning and try to figure out how to get you the complete version.

I have also emailed MIke Farmer asking him to get in touch with Doug. I will follow up with a phonecall.

Thanks and let me know if you get this document.
Molly

Molly Casto
Planner
City of Portland
207-874-8901
MPC@portlandmaine.gov

From: "Jim Wolf" <jmwl@maine.rr.com>
To: "'Molly Casto'" <MPC@portlandmaine.gov>
Date: 6/25/2007 9:54:33 AM
Subject: FW: 1721 Castine Ave

Molly

Here is Doug's email regarding curb and sidewalks. It appears we have an agreement. Also, your prior email made it through and I am just now reading the report.

Jim

From: Doug Reynolds [mailto:DReynolds@gorrillpalmer.com]
Sent: Monday, June 25, 2007 9:53 AM
To: jmwl@maine.rr.com
Subject: 1721 Castine Ave

Jim,

I spoke with Mike Farmer at Portland Public Works.

We discussed curbing and sidewalk on Forest and Castine.

We offered \$5000 to the City in lieu constructing the curbing on Forest Ave, which he agreed would be acceptable.

At the gas vaults on Castine, he indicated that he would suggest a condition be that curb and sidewalk be installed subsequent to the gas company lowering the vaults. If the vaults cannot be lowered then the sidewalk would not be installed.

Let me know if you have any questions

Doug Reynolds

Gorrill-Palmer Consulting Engineers, Inc.

15 Shaker Road

PO Box 1237

Gray, ME 04039

(207) 657-6910

(207) 657-6912 (Fax)

The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the material from any computer.

From: "Jim Wolf" <jmwl@maine.rr.com>
To: "'Molly Casto'" <MPC@portlandmaine.gov>
Date: 7/2/2007 10:49:05 AM
Subject: RE: Castine

Molly

What would be the proper way to amend our subdivision application. Because lot 1 and now 6 are not part of our subdivision any longer, how do we go about amending the application for a 4 lot subdivision?

Thank you.

Jim

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

From: Molly Casto [mailto:MPC@portlandmaine.gov]
Sent: Monday, July 02, 2007 9:06 AM
To: jmwl@maine.rr.com
Cc: Barbara Barhydt
Subject: Re: Castine

Hi Jim-

Attached is a recent memorandum from Mike Farmer regarding the curb/sidewalk for the Castine project. While I realize he spoke to Doug about the possibility of you paying \$5000 into a fund instead of installing the curbing along Forest Avenue, it appears that the Public Works Department has taken a different position on the matter and recommends that the curbing be installed. I just wanted to be sure that you had a copy of this on file.

I'll talk to Mike to see if he is able to meet out on site to discuss the remaining curbing/sidewalk issues along Castine Ave.

Best Wishes,
Molly

Molly Casto
Planner
City of Portland
207-874-8901
MPC@portlandmaine.gov

From: Barbara Barhydt
To: Casto, Molly; Wolf, Jim
Date: 7/6/2007 1:11:56 PM
Subject: RE: Castine-4 or 5 lots?

Hello Jim:

We will go forward with the workshop. I do think there are some differences between the two project. However, I was hoping the Planning Board and staff would have an opportunity to review your position in writing prior to the meeting in order that we could have a productive discussion at the workshop. We will wait for Penny and Terry to discuss the points next week

See you on Tuesday.

Barbara

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

>>> "Jim Wolf" <jmw1@maine.rr.com> 07/06 12:24 PM >>>
Barbara

The intent of the tabling I thought was to get Terry, Penny and staff on the same page when going in front of the board. To date I believe Terry and Penny are in agreement that Brandon Street does not have to be built and should not be part of the discussion.

I have listened to the tape on the Bailey Avenue issue. Two important points that distinguishes the two projects are: we worked with staff prior to carving out lot 1 and are following the direction of staff and neighborhood input by combining lot 1 with 6. Clearly our division was not done with the intent of circumventing the subdivision code. Second, we did not use any pork chop lot configurations to create a new building lot and avoid road construction.

I realize you desired a memo and truly wish penny had been here this week to discuss the situation with Penny, however, vacation schedules do hamper the process.

Please feel free to contact me.

Jim

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

From: Barbara Barhydt [<mailto:BAR@portlandmaine.gov>]
Sent: Friday, July 06, 2007 10:55 AM
To: jmw1@maine.rr.com; Molly Casto

Cc: Alex Jaegerman; Penny Littell
Subject: RE: Castine-4 or 5 lots?

Good morning:

I understand your desire to speak with Penny, but I thought the intent of tabling to a workshop was to give the Planning Board an opportunity to consider your position and the City's regulations. I do not know how much progress can be made if they do not have your position in writing prior to the meeting.

I strongly recommend that you submit your arguments by noon today. It is reasonable to state that you hope to seek clarification on certain points with Penny when she returns from vacation.

Thank you.

Barbara

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

>>> "Jim Wolf" <jmwl@maine.rr.com> 07/06 10:49 AM >>>
Molly

Terry feels its best for he and Penny to speak prior to submitting any memos. We have been unable to locate any information in the code/comprehensive plan which requires the construction of Brandon Street or that lot 1 be part of a subdivision proposal.

I look forward to the two of them communicating.

Jim

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

From: Molly Casto [<mailto:MPC@portlandmaine.gov>]
Sent: Friday, July 06, 2007 10:40 AM
To: jmwl@maine.rr.com
Cc: Alex Jaegerman; Barbara Barhydt; Penny Littell
Subject: RE: Castine-4 or 5 lots?

Jim-

As I mentioned, Penny is out of the office until Monday so she will not be able to speak to Terry before then. It sounds as though your argument remains consistent. If this is the case, I encourage you

to
submit a memo ahead of time so the Planning Board can review your
argument in advance of the meeting rather than hearing it for the
first
time on Tuesday.

If you and Terry feel strongly, however, that you want to wait and try
to catch Penny prior to Tuesday, please do your best to get your memo
to
me prior to the meeting start so I can place copies at each seat prior
to the start of the meeting.

Thanks-
Molly

Molly Casto
Planner
City of Portland
207-874-8901
MPC@portlandmaine.gov

CC: Jaegerman , Alex; Littell , Penny



Strengthening a Remarkable City. Building a Community for Life

www.portlandmaine.gov

Planning and Development Department
Lee D. Urban, Director

Planning Division
Alexander Jaegerman, Director

July 12, 2007

Jim Wolfe
W&C LLC
P.O. Box 10127
Portland, Maine 04104

RE: Castine Avenue Subdivision
Application #2007-0034
CBL; Map 309, Block D, lots 5, 7, 9, 11 and Block E, lots 6, 18, 20, 22, and 26

Dear Jim:

I am writing to follow up on the July 10th Planning Board Workshop for the subdivision proposed at the corners of Castine Ave, Forest Ave and Brandon St. The following items must be revised and/or submitted prior to the Public Hearing. These items are also outlined in the workshop memorandum that was submitted to the Planning Board. Please let me know if you would like me to provide you with an additional copy of that memo.

Plan revisions:

1. The revised plans must show Brandon Street built to City standards, including all required curbing, sidewalk and utilities in compliance with the provisions of the City of Portland Technical Standards (I have attached the Portland Street Design Standards for your reference).

Provisions of the City Code require you to build the street only along the frontage of Lot 1. It is at your discretion whether you propose to the Planning Board to build the street with an adequate turnaround or build it through to Wyndham Street. The Board did, however, refer to the notion of street connectivity as written in the Comprehensive Plan which would favor building Brandon Street through to Wyndham. The Board would make a determination regarding your proposal at the Public Hearing.

2. The lot line for lot 6 should be removed from the recording plat.

3. All notes referring to lot 6 should be corrected on the site plans and recording plat to refer to the correct lot #'s now that there is no longer a lot 6.

4. The note on the plans and recording plat should be modified to state that:

Access to Lots #4 and #5 shall not be from Forest Avenue.

5. The private utility easement on lot 4 should be revised so it extends onto lot 5 and includes the terminal manhole on the private sewer. A note should be included on the recording plat stating that

The private sewer for lots 4 and 5 shall be owned in common. The owners of lots 4 and 5 shall be jointly responsible for owning and maintaining the private sewer.

6. The note stating:

Lot 4 setbacks shown assume house faces Castine Avenue. If house faces Forest Avenue setbacks shall be revised accordingly.

should be removed from the recording plat and replaced with a note stating:

Lots #4 and #5 shall not have direct driveway access to Forest Avenue.

7. The details of the exact easement for the traffic control box at the corner of Castine and Forest Avenue should be coordinated with the City, not MDOT, and the easement shall be granted to the City of Portland. The note on the plans stating:

Extent of easement for traffic control box to be determined on coordination of MDOT improvement plans.

Should be revised to state:

Extent of easement for traffic control box to be determined in coordination with the City of Portland

8. Note 17 on the plans should be modified to state:

In the event that a tree within the vegetated buffers, as delineated on the plans, cannot be preserved the developer must get prior approval from the City Arborist determining that it cannot be preserved and may be removed and replaced with two 5' to 6' tall white pines prior to the removal of any trees.

9. The note and corresponding arrow on the plans stating:

“Construction fence is to be provided during house construction to protect existing trees”

should be modified to encompass both the stand of trees between the proposed houses on lots 4 and 5 and all trees within the delineated permanent vegetated buffers. The note should, instead, state:

Construction fence is to be provided during house construction to protect existing trees between lots 4 and 5 and all trees within the delineated permanent vegetated buffers. Prior to construction, the City Arborist must approve the location and placement of construction fencing on site.

Regarding additional submittals:

1. A written easement should be drafted which delineates the proposed permanent vegetated buffers.
2. If a waiver is desired, a written request for a waiver for the building of Brandon Street must be submitted addressing the criteria listed in section 14-506 of the Land Use Ordinance. This portion of the ordinance is summarized as follows: (and is also noted in the Planning Board memo dated July 10, 2007).

If the Board finds that “extraordinary conditions” exist or that “undue hardship” may result from strict compliance with these regulations,” the Board, in these instances, may “vary the regulations provided that such variation will not have the effect of nullifying

the intent and purpose of the land development plan [Comprehensive Plan] and the regulations of this article.”

Corporation Counsel will be providing a legal definition of “undue hardship” as requested by the Planning Board.

3. As requested by the Planning Board, please submit a written detail of how many additional lots could be added to the site if Brandon Street were to be built to City Standards.

The Castine Avenue Subdivision is tentatively scheduled for the August 14th Public Hearing. You are not required by the Planning Board to hold a second neighborhood meeting for this proposal but may do so at your own discretion. Please submit plan revisions no later than **Friday July 27th** so there will be adequate time for staff review prior to the Public Hearing. If you have any questions, please do not hesitate to contact me at 874-8901 or by email at mpc@portlandmaine.gov.

Sincerely,



Molly Casto
Planner

CC: Barbara Barhydt, Development Review Services Coordinator

From: <BStrattard@NiSource.com>
To: <jmwl@maine.rr.com>
Date: 7/27/2007 9:35:17 AM
Subject: Re: Castine Avenue

Jim,

As we discussed Monday, Northern Utilities doesn't have a problem with a side walk running over top of the vaults as we have ample depth over our gas main and sensing lines in this area. The proposed area between the vaults and the road we do object to for a number of reasons. By removing 28 inches of cover over the main it would allow frost under the road side of the vaults which leads to uneven movement of the vaults and piping which in turn leads to unnecessary stress on the piping. It would also more importantly leave inadequate cover over the main and sensing lines with the retaining wall that you mentioned seating partially if not fully on the main and sensing lines. I will be available for further meetings if necessary until August 3rd but will be on vacation after that until the middle of August.

Bruce Strattard
Supervisor, Gas Supply
Maine Division
(207) 797-8002 Ext 6257
bstrattard@nisource.com

"Jim Wolf"

<jmwl@maine.rr.com To: Bruce
Strattard/BSG/Enterprise@NiSource
> cc: "'Doug Reynolds'"
<DReynolds@gorrillpalmer.com>, "'Molly Casto'"
<MPC@portlandmaine.gov>

07/24/2007 10:49 Subject: Castine Avenue

AM

Bruce

Thank you for meeting with myself, Molly and Doug yesterday to review possible locations for a sidewalk in the vicinity of the existing gas

vaults on Castine Avenue.

My understanding from our meeting is that due to the depth of the pipe running between the street and the vaults it is not possible to locate a sidewalk in that area due to the depth of the pipe and its required cover. It is, however, from the standpoint of Northern Utilities, acceptable to place the walk running between the vaults as the depth of the pipe in that area would allow for proper cover. It is also our understanding that NU feels proper cover to be in and around 36 inches.

Please confirm for me that we left with the proper understanding as to NU position.

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

Scanned by IBM Email Security Management Services powered by MessageLabs.
For more information please visit <http://www.ers.ibm.com>

Scanned by IBM Email Security Management Services powered by MessageLabs. For
more information please visit <http://www.ers.ibm.com>

CC: <DReynolds@gorrillpalmer.com>, <MPC@portlandmaine.gov>



July 27, 2007

PO Box 1237
15 Shaker Rd.
Gray, ME 04039

207-657-6910
FAX: 207-657-6912
E-Mail: mailbox@gorrillpalmer.com

Ms. Molly Casto
Portland Planning Department
Portland City Hall
389 Congress Street
Portland, ME 04101-2503

Re: Castine Avenue Six Lot Subdivision
Application #2007-0034
CBL; Map 309 Block D, lot 5,7,9,11 and Block E, lots 6,18,20,22, and 26

Dear Molly,

This letter provides a response to miscellaneous comments from City Staff. For ease of review, each comment has been repeated below followed by our response.

Comments in memorandum from Molly Casto dated July 12, 2007

Plan revision comments:

Comment 1- The revised plans must show Brandon Street built to City standards, including all required curbing, sidewalk and utilities in compliance with the provisions of the City of Portland Technical Standards (I have attached the Portland Street Design Standards for your reference).

Provisions of the City Code require you to build the street only along the frontage of Lot 1. It is at your discretion whether you propose to the Planning Board to build the street with an adequate turnaround or build it through to Wyndham Street. The Board did, however, refer to the notion of street connectivity as written in the Comprehensive Plan which would favor building Brandon Street through to Wyndham. The Board would make a determination regarding your proposal at the Public Hearing.

Response 1- The potential edge of pavement has been shown on the layout plan. As the applicant is requesting a waiver of the requirement to construct Brandon Street, the complete design has not been completed.

Comment 2 - The lot line for lot 6 should be removed from the recording plat.

Response 2- The lot line shown for Lot 6 has been removed.

Comment 3- All notes referring to lot 6 should be corrected on the site plans and recording plat to refer to the correct lot #'s now that there is no longer a lot 6.

Response 3- All notes referring to lot 6 have been corrected.

Ms. Molly Casto
July 27, 2007
Page 2 of 4

Comment 4- *The note on the plans and recording plat should be modified to state that:*

Access to Lots #4 and #5 shall not be from Forest Avenue.

Response 4- The note has been corrected as requested.

Comment 5- *The private utility easement on lot 4 should be revised so it extends onto lot 5 and includes the terminal manhole on the private sewer. A note should be included on the recording plat stating that*

The private sewer for lots 4 and 5 shall be owned in common. The owners of lots 4 and 5 shall be jointly responsible for owning and maintaining the private sewer.

Response 5- The note has been corrected as requested

Comment 6- *The note stating:*

Lot 4 setbacks shown assume house faces Castine Avenue. If house faces Forest Avenue setbacks shall be revised accordingly.

Should be removed from the recording plat and replaced with a note stating:

Lots #4 and #5 shall not have direct driveway access to Forest Avenue.

Response 6- The note has been revised to match comment 4 above.

Comment 7- *The details of the exact easement for the traffic control box at the corner of Castine and Forest Avenue should be coordinated with the City, not MDOT, and the easement shall be granted to the City of Portland. The note on the plans stating:*

Extent of easement for traffic control box to be determined on coordination of MDOT improvement plans.

Should be revised to state:

Extent of easement for traffic control box to be determined in coordination with the City of Portland

Response 7- The note has been revised as requested.

Comment 8- *Note 17 on the plans should be modified to state:*

In the event that a tree within the vegetated buffers, as delineated on the plans, cannot be preserved the developer must get prior approval from the City Arborist determining that it cannot be preserved and may be removed and replaced with two 5' to 6' tall white pines prior to the removal of any trees.

Ms. Molly Casto
July 27, 2007
Page 3 of 4

Response 8- The note has been corrected as requested.

Comment 9 - *The note and corresponding arrow on the plans stating:*

“Construction fence is to be provided during house construction to protect existing trees”

Should be modified to encompass both the stand of trees between the proposed houses on lots 4 and 5 and all trees within the delineated permanent vegetated buffers. The note should, instead, state:

Construction fence is to be provided during house construction to protect existing trees between lots 4 and 5 and all trees within the delineated permanent vegetated buffers. Prior to construction, the City Arborist must approve the location and placement of construction fencing on site.

Response 9- The note has been corrected as requested.

Regarding addition submittals

Comment 1- *A written easement should be drafted which delineates the proposed permanent vegetated buffers.*

Response 1- The applicant is of the opinion that the permanent vegetated buffer would be a restrictive covenant, which would be submitted for review as a condition of approval. The applicant has asked staff for additional direction and will provide the easement if required.

Comment 2 - *If a waiver is desired, a written request for a waiver for the building of Brandon Street must be submitted addressing the criteria listed in section 14-506 of the Land Use Ordinance. This portion of the ordinance is summarized as follows: (and is also noted in the Planning Board memo dated July 10, 2007).*

If the Board finds that “extraordinary conditions” exist or that “undue hardship may results from strict compliance with these regulations,” the Board, in these instances, may “vary the regulations provided that such variation will not have the effect of nullifying the intent and purpose of the land development plan [Comprehensive Plan] and the regulations of this article.”

Corporation Counsel will be providing a legal definition of “undue hardship” as requested by the Planning Board.

Response 2- A separate document has been included with this package, which provides documentation in support of the waiver for construction of Brandon Street, as well as a construction cost estimate for Brandon Street. The estimate supports a construction estimate of 757 dollars per foot of constructed roadway excluding contingencies, etc. The applicant has not yet received a copy of Corporate Councils definitions of “undue hardship” and has not addressed it specifically.

Comment 3- *As requested by the Planning Board, please submit a written detail of how many additional lots could be added to the site if Brandon Street were to be built to City Standards.*

Ms. Molly Casto
July 27, 2007
Page 4 of 4

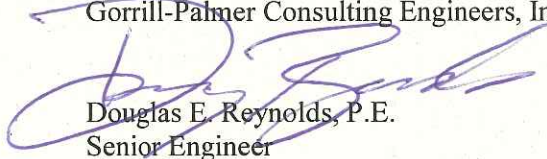
Response 3- An addition plan has been attached as requested. If constructed there is the possibility of 4 additional lots if the Department of Environmental Protection grants a permit to fill one of the lots.

Please note, that previously the applicant had requested waivers of sidewalk and curbing along portions of the project frontage. At this time, the applicant wishes to inform Staff that the waivers are no longer requested with the exception of the sidewalk along the Castine frontage of Lot 4. Curbing will be constructed in this area. Currently the applicant is requesting a waiver of the sidewalk requirement in this area, based upon additional meetings with City Staff and Northern Utilities. Based upon the location of the existing gas vaults, installation of a sidewalk in this area is not constructable without the relocation of the vaults. An email is attached to this package from the Northern Utilities supporting this. It is the applicant's understanding that this view is supported by Staff.

Closure

Gorrill-Palmer Consulting Engineers, Inc. looks forward to your review of these comments and revised plans. Please contact this office with any additional question.

Sincerely,
Gorrill-Palmer Consulting Engineers, Inc.



Douglas E. Reynolds, P.E.
Senior Engineer

Cc: Jim Wolf
Terry Snow

DER/der/JN 1721/Casto7-12-07



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

Planning and Development Department
Lee D. Urban, Director

Planning Division
Alexander Jaegerman, Director

August 14, 2007

Jim Wolfe
W&C LLC
P.O. Box 10127
Portland, Maine 04104

RE: Castine Avenue Subdivision
Application #2007-0034
CBL; Map 309, Block D, lots 5, 7, 9, 11 and Block E, lots 6,18, 20, 22, and 26

Dear Jim:

I am writing to follow up on the revised plans you submitted on July 27, 2007 for the subdivision proposed at the corners of Castine Ave, Forest Ave and Brandon St. Public Works has submitted the following comments.

The following items should be revised prior to the Public Hearing.

1. Public Works has reviewed your request for a waiver of sidewalk along lot 4 on Castine Avenue. They are of the opinion that it that it might be possible to narrow Castine Street in this area to allow a sidewalk to be built on the side of, but not adjacent to, the gas utility vaults. Since street parking is not permitted that close to an intersection, they support that the road could be narrowed to accommodate a sidewalk. Jim Carmody, Traffic Engineer, visited the site again and submitted the following comments:
 - *The street width is 25 feet, and there is 6 feet from the vault to the edge of pavement. If we make the pavement 24 feet wide (our minimum), then there is 7 feet from curb to the face of vault. The vault is about 18-24 inches from top of the proposed sidewalk. If you place 1 to 1 slope from the top of vault to top of sidewalk, it should leave a minimum 4-5 feet for a sidewalk.*

In addition, Mike Farmer, Project Manager for Public Works, has reviewed the plans and submitted the following comments:

I recently discussed the Castine Street gas vaults with a representative of Northern Utilities who indicated it might be possible for them to lower the vaults slightly by cutting down the vault sidewalls to remove, perhaps 3 to 5 inches.

Based on these comments, Public Works does not support the request for a waiver at this time. You may pursue your request for a waiver, however, at the Planning Board Public Hearing. Regardless of whether or not you choose to pursue a waiver, the sidewalk should be shown on the revised plans. Please submit revised plans showing a sidewalk along lot 4 on Castine Avenue, as described above.

2. Mike Farmer had the following comments pertaining to Sheet 4 of the revised plans:

- *There seem to be some errors on sheet 4 with respect to the proposed sewer elevations on Lots 4 and 5. For example, on lot 5, the sewer elevation is at or above the proposed finished grade elevation near the house.*
- *On lot 2, is it possible to run the sewer lateral out the front of the house to the sewer main, eliminating the pipe elbows and the outside cleanout shown on sheet 4? With gravity sewer systems, straight pipes are generally preferred to pipes one with angles.*
- *I recommend eliminating the proposed outside sewer cleanout on lot 4. I recommend connecting the common sewer for lots 4 and 5 directly to the manhole on the sewer main in the street.*

Please revise sheet 4 to reflect the above comments prior to the Public Hearing.

3. Public works has requested a drainage maintenance agreement for the City of Portland for the drainage easement over lot 2 for the benefit of lot 1. Please submit draft language for review.

In addition, Planning staff has the following review comments.

4. Please include a note on sheet 5 of the final plans clarifying that no disturbance of wetlands may occur within the 10' wide drainage easement through lot 2.
5. Please submit a draft restrictive covenant for the permanent vegetated buffers as identified on the plans for review. This, along with all easements identified on the plans, shall be reviewed and approved by the City prior to approval of the recording plat.

The Castine Avenue Subdivision is tentatively scheduled for the September 11, 2007 Public Hearing. Please submit plan revisions no later than **Friday August 24th** so there will be adequate time for staff review of any changes prior to the Public Hearing. If you have any questions, please do not hesitate to contact me at 874-8901 or by email at mpc@portlandmaine.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Molly Casto', written in a cursive style.

Molly Casto
Planner

CC: Barbara Barhydt, Development Review Services Coordinator

From: Barbara Barhydt
To: Casto, Molly
Date: 8/17/2007 10:30:18 AM
Subject: Re: Castine sidewalk

Hi Molly:

I think such a condition is reasonable. Let's try this wording below. We may want to run the conditions by Penny next week. Thanks.

Barbara

If the location of existing Northern Utilities gas lines prevents the installation of sidewalk along the boundary of lot 4, as proposed on the approved subdivision and site plans, the developer shall submit an alternative sidewalk design for review and approval by the Department of Public Works and the Planning Authority, prior to the issuance of a Certificate of Occupancy.

>>> Molly Casto 08/17 9:18 AM >>>

Hi Barbara-

I asked Jim to revise the Castine plans, showing a sidewalk along the gas vaults based on comments submitted by Mike F. and Jim C. Doug Reynolds (Jim's engineer) has been able to fit the sidewalk in but only if the gas lines buried alongside the vaults are deep enough. N.U. has been unwilling to provide engineered plans of their infrastructure in the area.

I haven't seen the revised plans yet but I recall that the pipes need to be somewhere around 24" for this to work. It's likely that they are at 3' but we can never be sure.

Jim asked if he could include a note on the plans stating that if the PB requires a sidewalk but the gas lines are found to be too shallow, that they can work with Public Works to modify the location and design or waive the requirement. He is trying to avoid having to go back before the Planning Board to amend the plans (which I can understand). If this is feasible, is there a certain wording which is appropriate?

I'll suggest-

If the location of existing Northern Utilities gas lines prevents the installation of sidewalk along the boundary of lot 4, as proposed on the approved site plans, the developer shall work with City of Portland Department of Public Works to develop an alternative. Any alternative must be approved by the Planning Division.

thanks-
Molly

From: Molly Casto
To: Barbara Barhydt
Date: 8/17/2007 11:25:15 AM
Subject: Fwd: RE: castine sidewalk note

Let's talk

Barbara-
Sorry to continue to bother you with this... I think he has a good point, though (see below). Any thoughts on modifications? I haven't found any similar examples to work off of in the files.
Molly

>>> "Jim Wolf" <jmw1@maine.rr.com> 8/17/2007 11:15:20 AM >>>
Molly

The problem with that clause is:

1. A certificate of occupancy may be requested prior to any of the sidewalks or curbs being completed as one has 2 years to complete infrastructure.
2. What if there is not an alternative that is acceptable.

Any thoughts?

Jim

-----Original Message-----
From: Molly Casto [<mailto:MPC@portlandmaine.gov>]
Sent: Friday, August 17, 2007 10:35 AM
To: jmw1@maine.rr.com
Subject: castine sidewalk note

You may add the following note to the plans:

If the location of existing Northern Utilities gas lines prevents the installation of sidewalk along the boundary of lot 4, as proposed on the approved subdivision and site plans, the developer shall submit an alternative sidewalk design for review and approval by the Department of Public Works and the Planning Authority, prior to the issuance of a Certificate of Occupancy.

I assume, however, that you will still pursue the waiver or is that off the table?

Molly

Molly Casto, Planner
Portland Planning Division
389 Congress Street
Portland, Maine 04101-3509
207-874-8901
MPC@portlandmaine.gov

*discuss w/
Penny - condit.
of approval
re: if location
of gas lines is
too shallow
to install
sidewalks*

From: "Jim Wolf" <jmw1@maine.rr.com>
To: "'Molly Casto'" <MPC@portlandmaine.gov>
Date: 8/17/2007 11:10:32 AM
Subject: RE: castine sidewalk note

Molly

The problem with that clause is:

1. A certificate of occupancy may be requested prior to any of the sidewalks or curbs being completed as one has 2 years to complete infrastructure.

2. What if there is not an alternative that is acceptable.

Any thoughts?

Jim

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

From: Molly Casto [mailto:MPC@portlandmaine.gov]
Sent: Friday, August 17, 2007 10:35 AM
To: jmw1@maine.rr.com
Subject: castine sidewalk note

You may add the following note to the plans:

If the location of existing Northern Utilities gas lines prevents the installation of sidewalk along the boundary of lot 4, as proposed on the approved subdivision and site plans, the developer shall submit an alternative sidewalk design for review and approval by the Department of Public Works and the Planning Authority, prior to the issuance of a Certificate of Occupancy.

I assume, however, that you will still pursue the waiver or is that off the table?

Molly

Molly Casto, Planner
Portland Planning Division
389 Congress Street
Portland, Maine 04101-3509
207-874-8901
MPC@portlandmaine.gov

From: Barbara Barhydt
To: Casto, Molly
Date: 8/17/2007 10:30:18 AM
Subject: Re: Castine sidewalk

Hi Molly:

I think such a condition is reasonable. Let's try this wording below. We may want to run the conditions by Penny next week. Thanks.

Barbara

If the location of existing Northern Utilities gas lines prevents the installation of sidewalk along the boundary of lot 4, as proposed on the approved subdivision and site plans, the developer shall submit an alternative sidewalk design for review and approval by the Department of Public Works and the Planning Authority, prior to the issuance of a Certificate of Occupancy.

>>> Molly Casto 08/17 9:18 AM >>>

Hi Barbara-

I asked Jim to revise the Castine plans, showing a sidewalk along the gas vaults based on comments submitted by Mike F. and Jim C. Doug Reynolds (Jim's engineer) has been able to fit the sidewalk in but only if the gas lines buried alongside the vaults are deep enough. N.U. has been unwilling to provide engineered plans of their infrastructure in the area.

I haven't seen the revised plans yet but I recall that the pipes need to somewhere around 24" for this to work. It's likely that they are at 3' but we can never be sure.

Jim asked if he could include a note on the plans stating that if the PB requires a sidewalk but the gas lines are found to be too shallow, that they can work with Public Works to modify the location and design or waive the requirement. He is trying to avoid having to go back before the Planning Board to amend the plans (which I can understand). If this is feasible, is there a certain wording which is appropriate?

I'll suggest-

If the location of existing Northern Utilities gas lines prevents the installation of sidewalk along the boundary of lot 4, as proposed on the approved site plans, the developer shall work with City of Portland Department of Public Works to develop an alternative. Any alternative must be approved by the Planning Division.

thanks-
Molly

From: Molly Casto
To: Jim Wolf
Date: Thu, Nov 1, 2007 8:46 AM
Subject: response to your inquirey about Castine

Hello Jim:

Again, I apologize for the delay in getting back to you. I wanted to touch base with Public Works along with others in the Planning Department to answer your questions.

As you know, you are always welcome to submit a revised application. Public Works made it clear, however, that they would not support a waiver of curb and sidewalk along the frontage of what had been lots 2 and 3. Further, they noted that you would still be required to install curb and sidewalk along the frontage of what was lots 4 and 5 because it is still part of the subdivision, regardless of who it is sold to.

Alex, Barbara and I met on the question of Brandon Street. It is hard to accurately predict whether the Board would consider waiving the building of Brandon Street if you were to sell to the Land Bank. It would be a great thing to do, and we have no doubt that they would look at it favorably. A number of Board members in favor of building the street, however, cited an interest in creating the opportunity for additional housing in the neighborhood. The connection between preserving the trees on lots 4 and 5 and allowing extra development potential along Brandon is unclear. More importantly, the Board is required to review the request in terms of the undue hardship/extraordinary circumstances criteria. Regardless of revised plans for lots 4 and 5, these criteria would still have to be met.

Hopefully that provides a preliminary response to your questions. Feel free to be in touch if you want to discuss this further.

-Molly

Molly Casto, Planner
Portland Planning Division
389 Congress Street
Portland, Maine 04101-3509
207-874-8901
MPC@portlandmaine.gov

MEMORANDUM

To: FILE

From: Marge Schmuckal

Dept: Zoning

Subject: Application ID: 2007-0034

Date: 4/5/2007

This subdivision is located within an R-3 zone. All six lots are meeting the minimum lot size, minimum street frontage and setbacks. However, lot #5 is not meeting the minimum required lot width of 65'. It is just under 63' in width where the building is placed. The definition of lot width is: "The distance prallel to the front of the building measured between side lot lines through that part of the principal building where the lot is narrowest".

Before lot #6 is developed further, 14-403 requires Brandon Street to be brought up to City standards.

Marge Schmuckal
Zoning Administrator

MEMORANDUM



TO: Barbara Barhydt
FROM: Dan Goyette
DATE: March 21, 2007
RE: Castine Subdivision

Woodard & Curran has performed a review of the subdivision application for the Castine Avenue Subdivision Project.

Documents Reviewed

- Subdivision Plan Application for Castine Avenue, dated February 16, 2007 by Alton Palmer, Gorrill-Palmer Consulting Engineers, Inc.

Comments

- The financial capacity letter located in Attachment 5 refers to a 4 lot subdivision. The subdivision is actually 6 lots.
- The driveway from Lot 3 needs to be a minimum of 20 feet from the driveway from Lot 1.
- The pipe installation detail indicates that rigid pipe can have 12" of sand above it, it should indicate that it has 12" of crushed stone.
- Granite curbing and sidewalk should be installed along both Castine and Forest Avenue.
- The driveway from lot 5 should connect to Brandon Street. The driveway does not meet setback requirements on Forest Avenue.
- An easement should be provided on Lot 4 that would encompass the traffic control box and light.
- The sewage pipe from Lot 5 can not share the pipe with Lot 4 without the installation of a manhole on Lot 5.
- The sewer pipe from Lot 4 should wye into the sewer extension on Castine Avenue. It should not discharge into the new sewer manhole.

DRG
203943.13

AH5

From: Jeff Tarling
To: Barbara Barhydt
Date: 4/3/2007 5:33:08 PM
Subject: Castine Subdivision Trees

Hi Barbara -

Proposed Castine Sub-division landscape plan.

Knowing the background of the existing pine grove located on Forest Avenue at the proposed project site, I would recommend that greater measures and effort be applied to protect these trees. Factors include past landowners intent to save trees as possible, the Riverton Neighborhood interests in protecting this pine grove and its value to the Forest Avenue streetscape. Protection measures should include: defining the building envelopes and placing tree cutting restrictions as done on other projects near the Fore River Sanctuary.

Creative project design orienting driveways, building envelopes (perhaps building 'gable ends' towards Forest Avenue), and grading could save trees along Forest Avenue and also act as a buffer to the project. The landscape plan should re-evaluate 'tree save' areas protecting groves of trees vs individual trees. I would be willing to meet with the applicant in the field to review.

Thanks,

Jeff Tarling
City Arborist

AH 6

MEMORANDUM

To: FILE

From: Cptn Greg Cass

Dept: Fire

Subject: Application ID: 2007-0034

Date:

Provide details for Fire apperatus turn around
Hydrant information needed for Brandon St.
Fire dept. Checklist not submitted



PORTLAND FIRE DEPARTMENT SITE REVIEW FIRE DEPARTMENT CHECKLIST

A separate drawing[s] shall be provided to the Portland Fire Department for all site plan reviews.

1. Name, address, telephone number of applicant.
2. Name address, telephone number of architect
3. Proposed uses of any structures [NFPA and IBC classification]
4. Square footage of all structures [total and per story]
5. Elevation of all structures
6. Proposed fire protection of all structures
7. Hydrant locations
8. Water main[s] size and location
9. Access to any fire department connections
10. Access to all structures [min. 2 sides]
11. A code summary shall be included referencing NFPA 1 and all fire department. Technical standards.
12. Elevators shall be sized to fit an 81" x 23" stretcher and two personnel.

Some structures may require Fire flows using annex H of NFPA 1

AH.8

**CITY OF PORTLAND
DEPARTMENT OF PUBLIC WORKS
Engineering Division**

M E M O

TO: Barbara Barhydt
FROM: Michael Farmer, Project Engineer
DATE: April 5, 2007
RE: Castine Street project

William Clark, a professional land surveyor in the Engineering Division, reviewed the subdivision plan dated 2/15/2007 for the Castine Street project on behalf of the DPW. His comments are as follows.

1. What City of Portland monumentation was used to establish the lines of Castine Street? Bill Scott did a survey in 1998 and set the monument at Castine and Forest Ave. The plan is in dwr 950/5A. Did the applicant's surveyor use the building ties as shown on Bill's plan? A plan by another surveyor is referenced in Plan Ref 1.
2. State Plane Coordinates were not used; they should be.
3. An official City benchmark should be used for the elevation benchmark. See note 3.

Phone conversation notes: Jim Wolfe 3/30/07

- Wolfe wants waiver to install curb along Forest Avenue because DOT has plan to “do” that length of Forest Avenue.
- Traffic light encroaches on his property. He just put an easement around it
- Wants to proceed to Public Hearing. Not another workshop
- Will be combining lot 1 and lot 6 into 1 lot with an easement across lot 3
- Does not want to improve Castine. Thinks Northern Utilities gas vault gets in the way of putting in a sidewalk.
- Jeff Tarling designated a “no cut zone” which should be on revised plans
- Jeff and I both think that there is a way for him to put in a sidewalk on Castine around the vault.
- Jim Wolfe will call me with the name of the NU guy he met. Plan to meet out on site with Jeff, NU guy and Jim to discuss the issue. Jim will call me with the guy’s name.
- Will deliver plans by Tuesday 6/5 for distribution on 6/6 at development review meeting.

From: Jeff Tarling
To: James Wolf
Date: 5/23/2007 8:14:22 AM
Subject: Re: Castine

CASTINE

Jim -

The intent to protect / save trees on the project is noted, however, the Planner assigned to the project or a representative from the Planning staff would be the one to do the official reply as they weigh in on all considerations vs just the trees & landscape portion. This would likely apply to the Castine Street section involving curb & sidewalk / tree protection.

Thanks,

Jeff Tarling

James Wolf" <jmw1@maine.rr.com> 5/22/2007 8:18:22 PM >>>

Hi JeffAny news? Our plan is getting ready to be submitted in final form. We are placing a 20 foot no cut easement along Forest Avenue to Castine and than a 10 foot easement for the first 20 or so feet along Castine. Doing so on Castine makes it virtually impossible to install curb and walks, thus we need a little direction. In addition, we are putting a preservation note affecting between lots 4 and 5 that either four trees need to be planted or preserved. Can you confirm this is what we discussed and is acceptable to you. Thank you for your input. Jim

From: James Wolf [mailto:jmw1@maine.rr.com]

Sent: Thursday, May 17, 2007 9:36 PM

To: 'Jeff Tarling'

Subject: RE:

Hi JeffAny news about the Ruby Lane trees or what is being asked for at Castine and Forest? We are preparing to submit our final plans on Castine and would appreciate any input we can get. Jim

From: Jeff Tarling [mailto:JST@portlandmaine.gov]

Sent: Thursday, May 10, 2007 7:12 AM

To: jmw1@maine.rr.com

Subject: RE:

Jim -

Let me check, also Planning did hear from someone at Ruby Lane about missing trees. It would be helpful to review...

Thanks,

Jeff

No virus found in this incoming message.

Checked by AVG Free Edition.

Version: 7.5.467 / Virus Database: 269.6.6/795 - Release Date: 5/9/2007 3:07 PM

No virus found in this outgoing message.

Checked by AVG Free Edition.

Version: 7.5.467 / Virus Database: 269.7.1/807 - Release Date: 5/16/2007 6:05 PM

No virus found in this outgoing message.

Costline

met w/ Jeff & N. Utilities to figure out sidewalk
by natural gas cabinet to prevent tree cutting

→ arrange when we rev. new plans

**CITY OF PORTLAND
DEPARTMENT OF PUBLIC WORKS
Engineering Division**

M E M O

TO: Barbara Barhydt
FROM: Michael Farmer, Project Engineer
DATE: April 5, 2007
RE: Castine Street project

William Clark, a professional land surveyor in the Engineering Division, reviewed the subdivision plan dated 2/15/2007 for the Castine Street project on behalf of the DPW. His comments are as follows.

1. What City of Portland monumentation was used to establish the lines of Castine Street? Bill Scott did a survey in 1998 and set the monument at Castine and Forest Ave. The plan is in dwr 950/5A. Did the applicant's surveyor use the building ties as shown on Bill's plan? A plan by another surveyor is referenced in Plan Ref 1.
2. State Plane Coordinates were not used; they should be.
3. An official City benchmark should be used for the elevation benchmark. See note 3.

From: Barbara Barhydt
To: Goyette, Dan; Schmuckal, Marge
Date: 3/21/2007 5:12:46 PM
Subject: Re: Castine Avenue

Good question. I think this is a Marge question. As I look at the plan, the driveway access would be over an easement from Brandon, but I think the house would still need to face Forest Avenue for frontage. The lot does not have frontage on Brandon and it would need street frontage. Marge, please weigh in on this.

Thanks.

Barbara

>>> "Dan Goyette" <DGoyette@woodardcurran.com> 03/21 4:24 PM >>>

Barbara,

I was preparing my memo for Castine Subdivision and I noticed that if we require lot 5 to exit onto Brandon Street do the setbacks change in orientation so that the front yard is now Brandon Street. If so I am not sure that a house can be built. Let me know what you think.

Daniel Goyette, PE

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

CC: Carmody, James; Farmer, Michael; Littell, Penny

10 May 2007

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

RE: The Capacity to Handle Wastewater Flows, from the Proposed "Castine Avenue Subdivision," at 22+/-, 26+/- Castine Avenue, and 1756+/-, 1760+/- Forest Avenue.

Dear Mr. Wolf,

The existing twelve-inch diameter, polyvinyl chloride (P.V.C.) sewer pipe, located in Castine Avenue, has adequate capacity to **transport**, while The Portland Water District sewage treatment facilities, located off Marginal Way, have adequate capacity to **treat** the total anticipated wastewater flows of **780 GPD**, from the proposed four-house subdivision.

Anticipated Wastewater Flows from this Subdivision:

Four Proposed Two Bedroom Houses @ 180 GPD/House = 780 GPD

The City combined sewer overflow (C.S.O.) abatement consent agreement (with the U.S.E.P.A., and with the Maine D.E.P.) requires C.S.O. abatement, as well as storm water mitigation, in order to offset any increase in sanitary flows, from all projects. If the City can be of further assistance, please call 874-8832.

Sincerely,
CITY OF PORTLAND

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

FJB

cc: Alexander Q. Jaegerman, Director, Planning Division, Department of Planning, and Urban Development, City of Portland
Barbara Barhydt, Development Review Services Manager, Department of Planning, and Urban Development, City of Portland
Michael Farmer, P.E., Project Engineer, City of Portland
Bradley A. Roland, P.E., Environmental Projects Engineer, City of Portland
Stephen K. Harris, Assistant Engineer, City of Portland
Jane Ward, Administrative Assistant, City of Portland

MEMORANDUM



TO: Barbara Barhydt
FROM: Dan Goyette
DATE: March 21, 2007
RE: Castine Subdivision

Woodard & Curran has performed a review of the subdivision application for the Castine Avenue Subdivision Project.

Documents Reviewed

- Subdivision Plan Application for Castine Avenue, dated February 16, 2007 by Alton Palmer, Gorrill-Palmer Consulting Engineers, Inc.

Comments

- The financial capacity letter located in Attachment 5 refers to a 4 lot subdivision. The subdivision is actually 6 lots.
- The driveway from Lot 3 needs to be a minimum of 20 feet from the driveway from Lot 1.
- The pipe installation detail indicates that rigid pipe can have 12" of sand above it, it should indicate that it has 12" of crushed stone.
- Granite curbing and sidewalk should be installed along both Castine and Forest Avenue.
- The driveway from lot 5 should connect to Brandon Street. The driveway does not meet setback requirements on Forest Avenue.
- An easement should be provided on Lot 4 that would encompass the traffic control box and light.
- The sewage pipe from Lot 5 can not share the pipe with Lot 4 without the installation of a manhole on Lot 5.
- The sewer pipe from Lot 4 should wye into the sewer extension on Castine Avenue. It should not discharge into the new sewer manhole.

DRG
203943.13

From: Frank Brancely
To: Farmer, Michael
Date: 4/10/2007 2:46:27 PM
Subject: Castine Avenue Subdivision

Good Afternoon Mike,

I received a plan from Douglas Reynolds yesterday 4/9/07. I have examined it. The plan still depicts building sewer service, for those buildings facing Forest Avenue (lots 4 & 5, on this plan submittal) as exiting the rear of these proposed houses, and running parallel to the Forest Avenue Sewer, before discharging into a proposed extension of the Castine gravity sewer. **This is unacceptable.**

This is unacceptable, for the same reasons that I stated on 1/29/2007, in an attachment to an e-mail, that I send to you. To wit:

Section 24-41 (of the Code of Ordinances, City of Portland) states: "A separate and independent building sewer shall be provided for every new building, and a separate connection shall be made for each building sewer." The "discharge to Castine Avenue option" fails to adequately address both counts. That is, (1) separate and independent building sewer shall be provided for every new building, as well as (2) a separate connection shall be made for each building sewer. The two building sewer laterals are neither separate and independent, for the last sixty-three, or so feet, as scaled, before discharging into the proposed Castine Avenue Sewer Extension manhole, nor do they appear to make separate connections to the proposed Castine Avenue gravity sanitary sewer extension.

Section 24-36 states: "The owner . . . is hereby required at his expense to connect the building drainage system in the most direct manner possible with the proper public sewer. . ." The proposed extension, of the Castine Avenue gravity sanitary sewer, scales out in the neighborhood of sixty feet, plus another sixty-three, or so, feet, to the lot 4 building sewer lateral connection, a total of one hundred and twenty-three, or so, feet. Discharging to the Forest Avenue Sewer scales out in the neighborhood of fifty, or so, feet. One hundred and twenty-three feet, or fifty feet? Which is most direct? As for lot 5, sixty feet of Castine Avenue Sewer extension, plus one hundred and twenty-three feet, exceeds the eighty-two feet, to connect lot 5, to Forest Avenue, by one hundred and one feet!

Section 24-45 (3) states: "The building sewer shall be connected to the public sewer at the point designated by the public works authority." **The building sewer laterals, from lots 4 & 5, shall be connected to the Forest Avenue Sewer.**

Moreover, Section 24-41 further states: "Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the public works authority, to meet all requirements of this article."

Submit a videotape of the existing building sewer lateral, from the house on Brandon Street, that is proposed to be intercepted, reused, and receiving the proposed building sewer lateral, from lot 3.

Frank Brancely,
Senior Engineering Technician,
Department of Public Works,
55 Portland Street,
Portland, Maine 04101-2991
(207) 874-8832 (phone),
(207) 874-8852 (fax),
<fjb@portlandmaine.gov>

CC: Barhydt, Barbara; Goyette, Dan; Harris, Stephen; Peterson,
David; Roland, Bradley; Wolf, James

From: "Dan Goyette" <DGoyette@woodardcurran.com>
To: "Michael Farmer" <Mfarmer.city-gov.port-gov@portlandmaine.gov>
Date: 4/10/2007 4:00:31 PM
Subject: RE: Castine Avenue Subdivision

I wish this email hadn't been sent to everyone. There are other issues at stake. I am not sure if you had a chance to speak to Frank about some of the changes we requested. We will need to discuss this tomorrow.

Dan

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

From: Frank Brancely [mailto:FJB@portlandmaine.gov]
Sent: Tuesday, April 10, 2007 2:46 PM
To: Michael Farmer
Cc: wolf5750@comcast.net; Barbara Barhydt; Bradley Roland; David Peterson; Stephen Harris; Dan Goyette
Subject: Castine Avenue Subdivision

Good Afternoon Mike,

I received a plan from Douglas Reynolds yesterday 4/9/07. I have examined it. The plan still depicts building sewer service, for those buildings facing Forest Avenue (lots 4 & 5, on this plan submittal) as exiting the rear of these proposed houses, and running parallel to the Forest Avenue Sewer, before discharging into a proposed extension of the Castine gravity sewer. This is unacceptable.

This is unacceptable, for the same reasons that I stated on 1/29/2007, in an attachment to an e-mail, that I send to you. To wit:

Section 24-41 (of the Code of Ordinances, City of Portland) states: "A separate and independent building sewer shall be provided for every new building, and a separate connection shall be made for each building sewer." The "discharge to Castine Avenue option" fails to adequately address both counts. That is, (1) separate and independent building sewer shall be provided for every new building, as well as (2) a separate connection shall be made for each building sewer. The two building sewer laterals are neither separate and independent, for the last sixty-three, or so feet, as scaled, before discharging into the proposed Castine Avenue Sewer Extension manhole, nor do they appear to make separate connections to the proposed Castine Avenue gravity sanitary sewer extension.

Section 24-36 states: "The owner . . . is hereby required at his expense to connect the building drainage system in the most direct manner possible with the proper public sewer. . ." The proposed extension, of the Castine Avenue gravity sanitary sewer, scales out in the neighborhood of sixty feet, plus another sixty-three, or so, feet, to the lot 4 building sewer lateral connection, a total of of one hundred and twenty-three, or so, feet. Discharging to the Forest Avenue Sewer scales out in the neighborhood of fifty, or so, feet. One hundred and

**CITY OF PORTLAND
DEPARTMENT OF PUBLIC WORKS
Engineering Division**

M E M O

TO: Molly Casto
FROM: Michael Farmer, Project Engineer
DATE: June 14, 2007
RE: Castine St. Subdivision

I am submitting the following comments on behalf of DPW, based on the plans revised through June 5, 2007 and the letter from Gorrill-Palmer Consulting Engineers dated June 5, 2007.

1. The applicant is proposing to build a private sewer to serve both lots 4 and 5. We approve of this concept. We have no objections to connecting this private sewer directly to the proposed new manhole in Castine Street and eliminating the proposed cleanout on lot 4.
2. We are requesting that the private utility easement on lot 4 be extended onto lot 5 so that the easement area includes the terminal manhole on the private sewer. We are requesting that the private sewer be owned in common and that the owners of lots 4 and 5 be jointly responsible for owning and maintaining the private sewer. The legal mechanism for spelling out this ownership and maintenance arrangement can be anything that the applicant, Corporation Council's office and Planning Board can agree upon. In any case, we recommend that the recording plat state that any sewer built in the utility easement shall be privately owned and maintained by the owners of lots 4 and 5. We also recommend that the Lot Utility Plan sheet state that the sewer shown on lots 4 and 5 shall be privately owned and maintained by the owners of lots 4 and 5.
3. I do not agree with the applicant's analysis of the conditions necessary for waiving the requirement to build sidewalks. For example, the Gorrill-Palmer letter implies that constructing a sidewalk along Castine Avenue would result in the loss of more than 10 trees, which would represent the loss of a significant site feature. When I looked at this area, I looked at the trees in the right of way and I came to almost the exact opposite opinion. My reaction was that there were perhaps two trees of any significance in the Castine Street r. o. w. by lot 4, and that these two trees were below average specimens that could be sacrificed. In addition, some of the trees in this area will probably be cut down anyway for the driveway. The GP letter states that a sidewalk in front of lots 2 and 3 would not contribute to the development of a pedestrian oriented infrastructure. I disagree. I think a sidewalk definitely qualifies as being infrastructure and pedestrian oriented. The ordinance does not require that all sections of sidewalk be part of a continuous loop or network the day they are completed and available for use, only that they contribute to a pedestrian oriented infrastructure.
4. The GP letter implies that no sidewalk can be build along Castine Street by lot 4 because of two gas utility vaults. I agree with Gorrill-Palmer's conclusion that the vaults preclude building a suitable sidewalk with the typical esplanade because the vaults were installed too

high; but, I am not ready to agree that no sidewalk can be built. I think there are two alternative possibilities that should be considered before concluding that a sidewalk cannot be built. One alternative would involve rebuilding the vaults at a lower elevation that could accommodate a sidewalk with an esplanade. This alternative has the disadvantages that it would cost a considerable amount of money and the gas utility company may not be receptive to this change. The other alternative would be to build the sidewalk next to the curb and along side of the vaults. This alternative might not require lowering the vaults.

5. If the applicant is required to construct granite curbing on Castine Street, the curb location should be specified on the plan and it should be 14 feet off of the center of the right of way.

From: Michael Farmer
To: Casto, Molly
Date: 6/25/2007 10:02:13 AM
Subject: Castine St. project

I spoke to Doug Reynolds by phone a few minutes ago. He said Jim Wolf would like to offer the City \$5,000 in lieu of constructing new granite curb along Forest Ave. He said that the distance of curbing is 200 and the figure of \$5,000 is based on an estimated price of \$25.00 per foot. Doug Reynolds said that Jim Wolf would propose to give thge money to the City and that the City could use the money as part of its Forest Ave. project or the City could build the curb on its own if the Forest Ave project does not move forward.

Michael Farmer, Project Engineer
Dept. of Public Works
55 Portland Street
Portland, ME 04101
phone: 207-874-8845
fax: 207-874-8852

From: Katherine Earley
To: Molly Casto
Date: 6/21/2007 2:41:13 PM
Subject: Castine Ave proposed development / FHWA Forest Ave. reconstruction (PIN#13107)

Hi Molly:

To follow-up our recent conversation, here are the facts as I know them regarding the FHWA / MDOT project to reconstruct Forest Ave. between Riverside St. and Riverside Industrial Parkway.

As of May 17, 2007 the PACTS Policy Committee was required to reduce it's 2008/2009 Transportation funding program by about \$4 million in light of financial constraints identified by MDOT. One of the projects that was affected is this Forest Ave. reconstruction. In fact, all \$1.3 million that was to be funded for construction of this project was eliminated from the 08/09 PACTS plan.

While I understand that the previously funded preliminary engineering (PIN #13107) will continue to support ongoing design and (perhaps) ROW acquisition work, there will not be any construction funding until at least 2010/2011. And - that is not guaranteed as the project will once again have to go through a competitive process regionally.

Kathi

CC: Gretel Varney; James Carmody; Michael Bobinsky; Michael Farmer;
shawn.smith@maine.gov

From: "Doug Reynolds" <DReynolds@gorrillpalmer.com>
To: <MPC@portlandmaine.gov>
Date: 6/25/2007 8:03:48 AM
Subject: FW: 1721 Proposed Residential Development Castine Ave Letter of Ability to Serve

Molly,

The letter below is from CMP, as requested.

From: Jamie Garland
Sent: Thursday, April 19, 2007 8:03 AM
To: Doug Reynolds
Subject: FW: 1721 Proposed Residential Development Castine Ave Letter of Ability to Serve

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

From: Cough, Jamie [mailto:James.Cough@cmpco.com]
Sent: Thursday, April 19, 2007 7:20 AM
To: Jamie Garland
Cc: Bryant Jr, Thomas D.
Subject: RE: 1721 Proposed Residential Development Castine Ave Letter of Ability to Serve

Jamie:

RE: Ability to Serve Letter for Proposed Residential Development on the corner of Forest Avenue and Castine Avenue in Portland, ME

CMP has the ability to serve your proposed six lot subdivision located on the corner of Forest Avenue and Castine Avenue in Portland, in accordance with our CMP Handbook (web address below). Your CMP contact for establishing electrical service at this site will be the Portland Service Center Coordinator, who can be reached via 1-800-750-4000. If you have any questions on the process, or need help in completion of the documents, please feel free to contact the Portland Service Center Coordinator.

This process can take several months, depending upon several factors including transformer delivery, return of completed paperwork, and other jobs in the system that may be ahead of yours.

For your convenience, here is a link to the CMP Website which contains our Handbook with details on most service requirements:

<http://www.cmpco.com/services/pubs/handbook/handbook.pdf>
<<http://www.cmpco.com/services/pubs/handbook/handbook.pdf>>

Regards,

Jamie

Jamie Cough

Energy Services Advisor

Central Maine Power Company

162 Canco Road

Portland, ME 04103

207-842-2367 office

207-458-0382 cell

207-626-4082 fax

From: Jamie Garland [mailto:jgarland@gorrillpalmer.com]
Sent: Thursday, April 12, 2007 4:30 PM
To: Cough, Jamie
Cc: Doug Reynolds
Subject: 1721 Proposed Residential Development Castine Ave Letter of Ability to Serve

Gorrill-Palmer Consulting Engineers, Inc. and W&C LLC, are interested in receiving information relative to Central Maine Power Company's capabilities and capacity to serve the proposed residential development. If necessary we would be available to meet on-site to discuss any layout issues or concerns you may have.

Please contact me if you have any questions or need additional information relative to this matter.

Thank you,

Jamie L. Garland

Design Engineer
Gorrill-Palmer Consulting Engineers, Inc.
jgarland@gorrillpalmer.com
(207) 657-6910

(207) 657-6912 - FAX

The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the material from any computer.

CC: <jmw1@maine.rr.com>

From: Michael Farmer
To: Casto, Molly
Date: 8/6/2007 12:01:48 PM
Subject: Re: Castine construction cost estimate

Molly:

I think you are referring to the estimate to construct 750' of Brandon Street, which runs from Forest Ave. to Wyndham St. I do not have a problem with the estimate submitted by Gorrill-Palmer.

Michael Farmer, Project Engineer
Dept. of Public Works
55 Portland Street
Portland, ME 04101
phone: 207-874-8845
fax: 207-874-8852

>>> Molly Casto 08/03 9:41 AM >>>

Hi Mike-

I think Barbara passed out the revised Castine plans last week while I was out of the office. In particular, could you take a glance at the construction cost estimate and let me know if it looks acceptable?

Thank you-
Molly

Molly Casto, Planner
Portland Planning Division
389 Congress Street
Portland, Maine 04101-3509
207-874-8901
MPC@portlandmaine.gov

From: Jeff Tarling
To: Molly Casto
Date: 7/18/2007 4:24:03 PM
Subject: Castine Street Project

Molly -

I reviewed the impact of the build-out of Brandon to 'City-standards' on the existing trees & vegetation on the proposed Castine Street project and feel that the impact or loss of tree would be significant. Several large White Pine trees along with a number of Red Maples would be removed opening a large gap in the existing vegetation line. These existing trees along with understory plants and ground cover would be saved if Brandon Street was left in its current state. The vegetation saved would serve as a buffer to the adjacent residential area on Aldworth Street. Secondary benefits would include reduced disturbance of soils and preserve existing habitat areas. This small patch of woodlands is part of the mosaic of neighborhood open space. Visually, impact along Forest Avenue would be more open if the road is improved.

Jeff Tarling

2. There is a deed restriction on multi-housing on these parcels. Please put a note to this effect on the subdivision plan.
3. The deed states that best efforts should be taken so the parcels on Forest Ave have accesses from Castine Avenue. This is to save the pine trees on Forest Avenue.
4. According to the deed, the applicant does not own Lot 110 and 139 and Lot 134 (which is owed by the applicant) had the abutter's garage on it. Please address this in a narrative.

ask margin
Setback of garage

Comments in regard to the Subdivision Plan:

1. Applicant shall submit an existing condition plan. *- Subdivision plan? / recording*
2. Show street trees on the parcel. If some of the parcels cannot accommodate the trees then a contribution can be given to the City's Tree Fund. *- Show location of trees*
3. According to the City's Technical and Design Standards, Section III (2)(B (b)), "driveways shall be located on the lot in a manner to provide a minimum twenty (20) foot spacing between existing or proposed driveways." Therefore the driveways for Lot 1, Lot 2 and Lot 3 will need to be revised. *- 2 drawings*
4. All utilities shall be underground *(Show utilities / ask for at 11/11/10)*
5. What is the proposed stormwater management plan. *- recommend - stormwater drainage new*
6. Parking- each house is required to have a two-car parking that is 9'x19'.
7. Please explain note # 6 on the subdivision plan. Where on the plan is the trench located that is referred to in this note. *(etc)*

Miscellaneous comments:

1. There needs to be a note put on Lot 2 and Lot 6 that there should be no impact to the wetlands during construction. Measures should be taken so the owners do not impact them after construction. *- wetland impact*
2. Financial letter Banknorth states a four-lot subdivision; this is a six-lot subdivision. Please address this. *-*
3. Submit a sewer capacity letter *-*
4. Who owns lot 139? *(- since - already it)*
5. The 20' access and utility easement for Lot 1 should not be used for access since there is an access coming in from Brandon Street. *(- access from Brandon Street)*

6. Is the 20' access and utility easement currently paved? Why?

Zoning Department comments:

It is noted that Brandon Street must be constructed for one of the lots. Some initial information not given.

Fire Department comments:

1. Provide details for Fire apparatus turn around
2. Hydrant information needed for Brandon St.
3. Fire dept. Checklist not submitted

Please submit the information at your earliest convenience. If you have any questions please do not hesitate to call me on (207) 756-8083 or at shukriaw@portlandmaine.gov.

Sincerely,

Shukria Wiar
Planner

cc Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Manager
Penny Littel, Corporate Counsel
Captain Greg Cass, Fire Prevention
Marge Schmuckal, Zoning Administrator

2. There is a deed restriction on multi-housing on these parcels. Please put a note to this effect on the subdivision plan.
3. The deed states that best efforts should be taken so the parcels on Forest Ave have accesses from Castine Avenue. This is to save the pine trees on Forest Avenue.
4. According to the deed, the applicant does not own Lot 110 and 139 and Lot 134 (which is owed by the applicant) had the abutter's garage on it. Please address this in a narrative.

Comments in regard to the Subdivision Plan:

1. Applicant shall submit an existing condition plan
2. Show street trees on the parcel. If some of the parcels cannot accommodate the trees then a contribution can be given to the City's Tree Fund.
3. According to the City's Technical and Design Standards, Section III (2)(B (b)), "driveways shall be located on the lot in a manner to provide a minimum twenty (20) foot spacing between existing or proposed driveways." Therefore the driveways for Lot 1, Lot 2 and Lot 3 will need to be revised.
4. All utilities shall be underground
5. What is the proposed stormwater management plan.
6. Parking- each house is required to have a two-car parking that is 9'x19'.
7. Please explain note # 6 on the subdivision plan. Where on the plan is the trench located that is referred to in this note.

Miscellaneous comments:

1. There needs to be a note put on Lot 2 and Lot 6 that there should be no impact to the wetlands during construction. Measures should be taken so the owners do not impact them after construction.
2. Financial letter Banknorth states a four-lot subdivision; this is a six-lot subdivision. Please address this.
3. Submit a sewer capacity letter
4. Who owns lot 139?
5. The 20' access and utility easement for Lot 1 should not be used for access since there is an access coming in from Brandon Street.

- Proposed Lot layout plan sheet #3
- Proposed Subdivision
- label / garage
- curb & sidewalk
- alter castline?
- record of plot
- check subdivision check list

March 16, 2007

Jim Wolf
 Diversified Properties, Inc.
 PO Box 10127
 Portland, ME 04104

- Down
- stormwater
 - drainage
 - silt fence

**RE: Site Plan Review: 35 Barclay Avenue
 Three (3) Lots Subdivision
 Application # 2007-0018; CBL 339 D009001**

Dear Mr. Wolf,

I refer to the Site Plan Review Application for a proposed three-lot subdivision that is located in the vicinity of 35 Barclay Avenue, as submitted on January 25, 2007.

Below are the preliminary review comments from various City departments and additional comments are pending. As I receive those comments, I will forward them to you. Following are additional items that need to be submitted or addressed for review:

Comments in regard the Deed:

1. There is a restriction on tree cutting in the deed. It states that before any proposed construction that applicant "use best efforts to preserve as many of the trees as possible on the land while at the same time being able to construct single homes on the property." As for after development the deed states that "no trees over 4" shall be removed unless it is dead, dying or diseased, causing a hazard to either the public or the homes on the property, or to place a garage, accessory structure or play area of reasonable size."

- recommend
 - tree plan - clear
- JWB

Barbara's notes - Cashline

- Barclay - Woodard + Curran -
- LH - Turn-around - keep - yes -
- lists the subdivision

Public hearing

Cashline Ave

Boarden St -

recomm.
on these
issues -

Tech
Standards

following grid -

- go around - configuration of
lots -
- lot #5

Lee echo -

- unaccepted St

- frontage - dedicated +

lot 5th - clarification

- Access + utility - /

Jim Way

- conceptual building -
- driveway on other side

Doug Reynolds - Lowell Palmer -

1. Lot width - 865 feet -
take from either side

2. move sid driveway

3. technical standards

4. Sewer - tech.

5. F Comfortable - coordinating
w/ d.n

6. Mike Foner - survey - address

7. revising note for lot 6 -

8. curbing & sidewalk

- workshop & p.h. -

- where curbing & sidewalk

end up being -

~~9. flexible -~~

Bill Hall -

- sta' driveway to Brandon -

- what improvements have to
be made -

- improve brandon st a lot

David - Pine trees

Significant natural vegetation

- defined - condition -
- establishes - no cut - no trim zone -
- address w/ staff

Kerr

- lots in subdivision - along Grand St -
- have to build Grand -
- No intention -
- " 14-403
- hold on to property -
- save for green space
- part of subdivision -
- renovating use -
- hot #1 - sell -

Aldworth St -

- Holding on to hot 6 - my house
- abuts a paper st - Epping -
- how long would he hold -
- what happens - issues
- Open space - dedicated as an
- open space - not to be improved

- Access to lot #1 — driveway down Brandon St — driveway — access to lot #1 — improved to end of property line —
- Lot 5 — driveway to Forest Ave — W&LHC —
 - Prior to devel.
 - approval — accessed by Castone Ave —
 - make developer fr. Castone
- Public Safety — accessing onto Forest is dangerous —

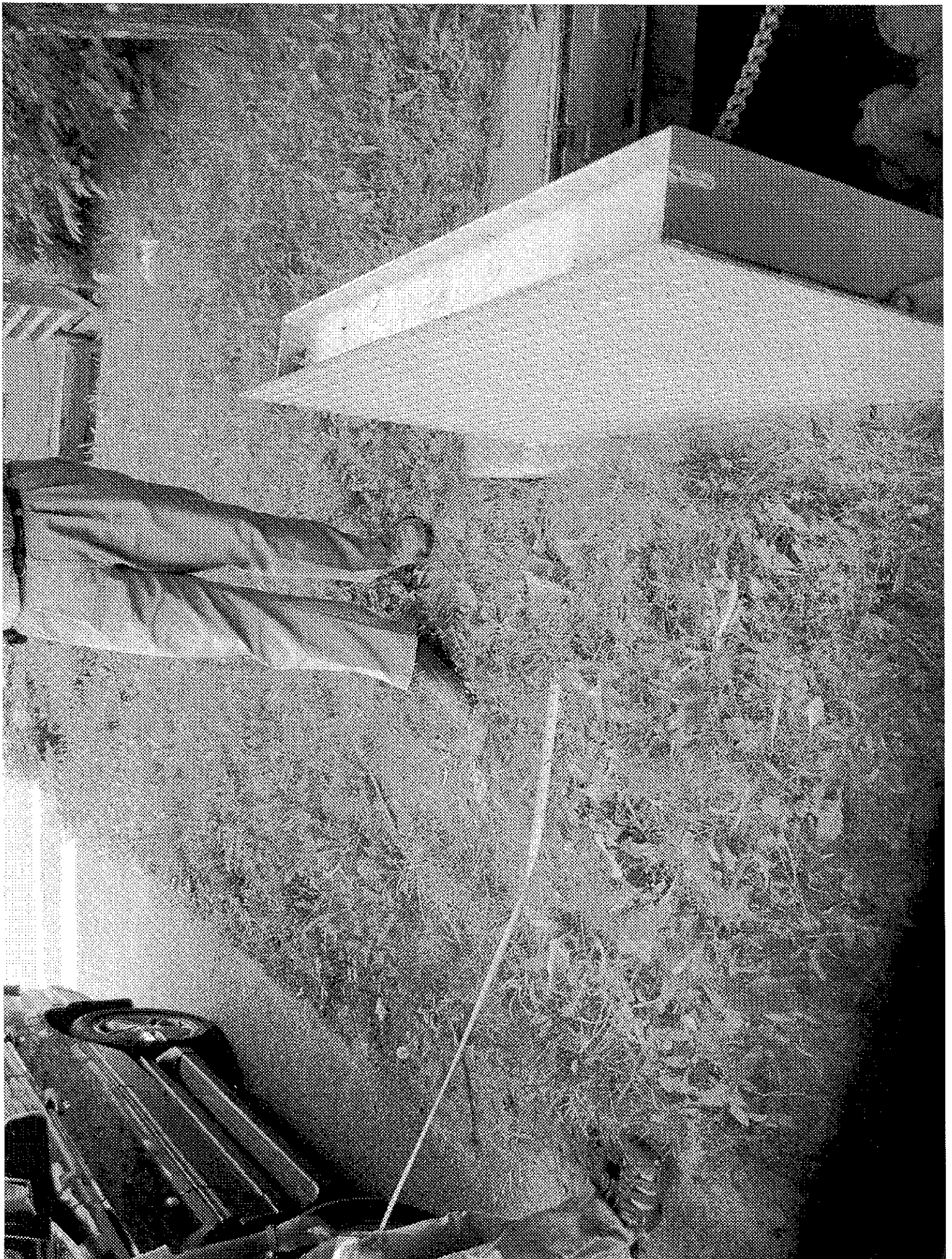
Knight Family — owned — now multiple lots — individual lots — could be estate — new owner — can't be considered separate lots —

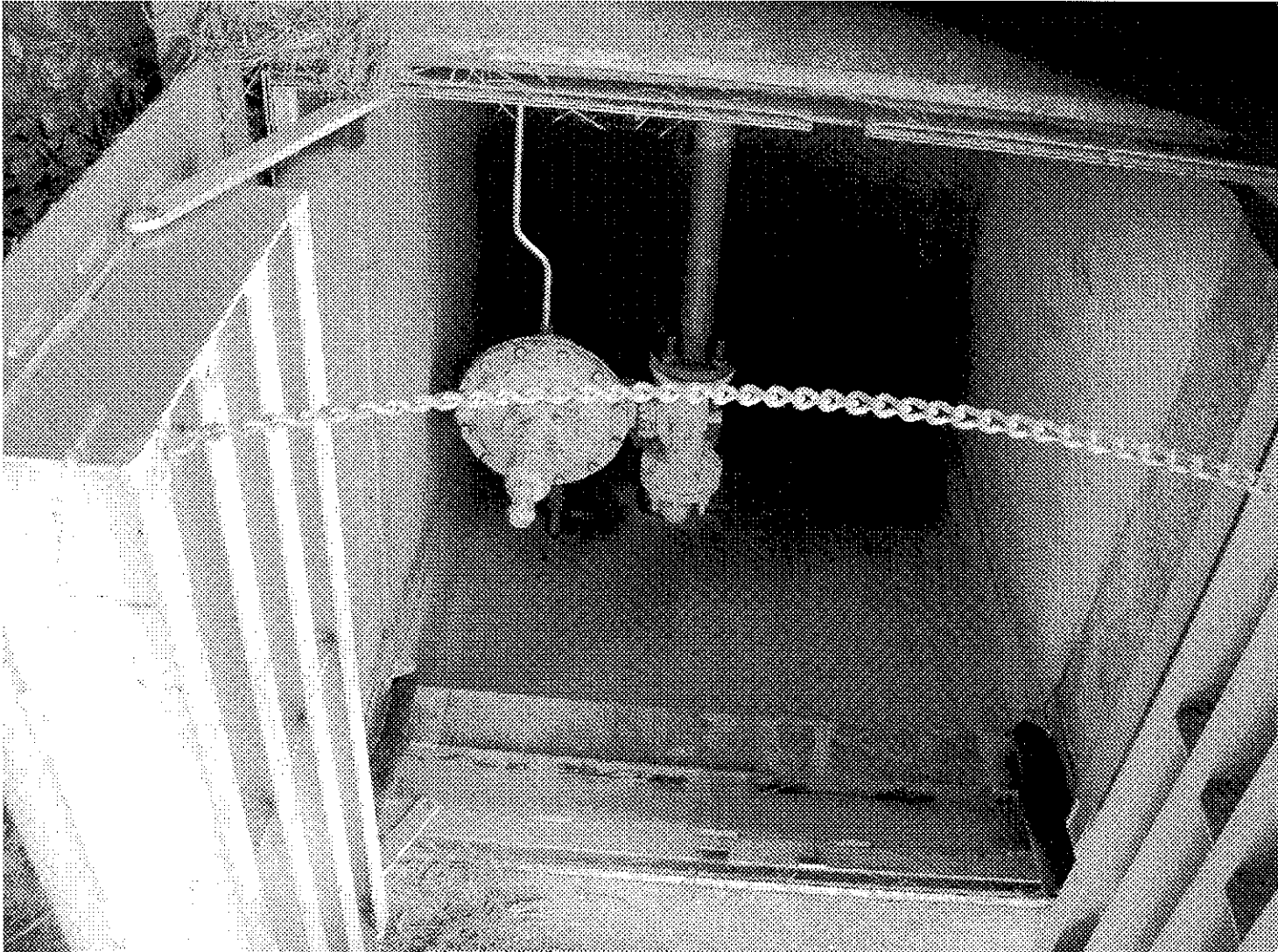
Another workshop — req.

- KB
- Avoid grandfathered lots
 - view subdivision to be approved
 - Street — next to lots — build st

Construction

- KB - subdivision - needs to be reconfigured
- want to move forward
- close -
- move to Q. 6.





Attachment 7

**CITY OF PORTLAND
DEPARTMENT OF PUBLIC WORKS
Engineering Division**

M E M O

TO: Molly Casto
FROM: Michael Farmer, Project Engineer
DATE: June 14, 2007
RE: Castine St. Subdivision

I am submitting the following comments on behalf of DPW, based on the plans revised through June 5, 2007 and the letter from Gorrill-Palmer Consulting Engineers dated June 5, 2007.

1. The applicant is proposing to build a private sewer to serve both lots 4 and 5. We approve of this concept. We have no objections to connecting this private sewer directly to the proposed new manhole in Castine Street and eliminating the proposed cleanout on lot 4.
2. We are requesting that the private utility easement on lot 4 be extended onto lot 5 so that the easement area includes the terminal manhole on the private sewer. We are requesting that the private sewer be owned in common and that the owners of lots 4 and 5 be jointly responsible for owning and maintaining the private sewer. The legal mechanism for spelling out this ownership and maintenance arrangement can be anything that the applicant, Corporation Council's office and Planning Board can agree upon. In any case, we recommend that the recording plat state that any sewer built in the utility easement shall be privately owned and maintained by the owners of lots 4 and 5. We also recommend that the Lot Utility Plan sheet state that the sewer shown on lots 4 and 5 shall be privately owned and maintained by the owners of lots 4 and 5.
3. I do not agree with the applicant's analysis of the conditions necessary for waiving the requirement to build sidewalks. For example, the Gorrill-Palmer letter implies that constructing a sidewalk along Castine Avenue would result in the loss of more than 10 trees, which would represent the loss of a significant site feature. When I looked at this area, I looked at the trees in the right of way and I came to almost the exact opposite opinion. My reaction was that there were perhaps two trees of any significance in the Castine Street r. o. w. by lot 4, and that these two trees were below average specimens that could be sacrificed. In addition, some of the trees in this area will probably be cut down anyway for the driveway. The GP letter states that a sidewalk in front of lots 2 and 3 would not contribute to the development of a pedestrian oriented infrastructure. I disagree. I think a sidewalk definitely qualifies as being infrastructure and pedestrian oriented. The ordinance does not require that all sections of sidewalk be part of a continuous loop or network the day they are completed and available for use, only that they contribute to a pedestrian oriented infrastructure.
4. The GP letter implies that no sidewalk can be build along Castine Street by lot 4 because of two gas utility vaults. I agree with Gorrill-Palmer's conclusion that the vaults preclude building a suitable sidewalk with the typical esplanade because the vaults were installed too

high; but, I am not ready to agree that no sidewalk can be built. I think there are two alternative possibilities that should be considered before concluding that a sidewalk cannot be built. One alternative would involve rebuilding the vaults at a lower elevation that could accommodate a sidewalk with an esplanade. This alternative has the disadvantages that it would cost a considerable amount of money and the gas utility company may not be receptive to this change. The other alternative would be to build the sidewalk next to the curb and along side of the vaults. This alternative might not require lowering the vaults.

5. If the applicant is required to construct granite curbing on Castine Street, the curb location should be specified on the plan and it should be 14 feet off of the center of the right of way.

Attachment 16

**CITY OF PORTLAND
DEPARTMENT OF PUBLIC WORKS
Engineering Division**

M E M O

TO: Molly Casto
FROM: Michael Farmer, Project Engineer
DATE: June 27, 2007
RE: Castine St. Subdivision

DPW staff discussed the Castine Street project yesterday at our weekly development project review meeting. In particular, we discussed the proposal by the developer to pay the City \$5,000 in lieu of constructing granite curbing along the Forest Avenue frontage of the project. It has been suggested that the City should accept this monetary contribution and use it to pay for new curb construction in Forest Avenue as part of a future roadway improvement project being developed by MDOT.

The City recently learned that the MDOT Forest Avenue Improvement project is not currently on the list of projects that will likely be funded and built in the foreseeable future. Based on this and other considerations, the DPW strongly recommends that the developer be required to build the new granite curbing along Forest Avenue, and that the developer not be allowed to make a monetary contribution in lieu of building the new curb.

- trees (old Pines) - front lots. Want to preserve trees.
 - Question s - pine on 1/2 lots? May not be listed correctly
 - side improvements? → new crosswalk & curbs on one side of Forest & contribution to improvements

- From Workshop

Memorandum
 Department of Planning and Development
 Planning Division



* PB raised questions on infrastructure & connectivity

To: Chair Patterson and Members of the Portland Planning Board
 From: Barbara Barhydt on behalf of Shukria Wiar
 Date: Prepared on: April 6, 2007
 Prepared for: April 10, 2007 Planning Board Workshop
 Re: Castine Avenue Six Lot Subdivision
 Application #2007-0034
 CBL; Map 309, Block D, lots 5, 7, 9, 11 and Block E, lots 6, 18, 20, 22, and 26

INTRODUCTION

W & C LLC is requesting subdivision review for a six-lot subdivision off Castine Avenue, Forest Avenue and Brandon Street. The site consists of approximately 1.58 acres. Castine and Forest Avenues are City accepted streets. Brandon is a dedicated and unimproved street. Lot #1 is proposed to include an existing house, which is located along Brandon Street. This proposed lot has street frontage on both Brandon Street and Forest Avenue. The five proposed lots range in size from 6,570 square feet to 23,568 square feet.

The contact person for W & C LLC is James Wolf and the consultant is Alton Palmer, Gorrill-Palmer Consulting Engineers. The applicant's submission is included as Attachment 1 and the plan set is included as Attachment 2. This memorandum includes staff review comments and requests for additional information, which have been compiled for this memo. The applicant has not had an opportunity to respond to these points prior to this workshop.

SUMMARY OF FINDINGS

- may change from 6-5 lots
 SW will not require right-of-way

Zoning: R-3
 Number of Lots: 6
 Lot Sizes and frontage: Lot 1: 23,568 sq. ft., includes existing home, frontage on Brandon Street and Forest Avenue
 Lot 2: 6,562 sq. ft., frontage on Castine Avenue
 Lot 3: 6,930 sq. ft., frontage on Castine Avenue
 Lot 4: 7,709 sq. ft., frontage on Castine and Forest Avenues
 Lot 5, 7,738 sq. ft., frontage on Forest Avenue
 Lot 6, 16,649 sq. ft. frontage on Brandon Street
 Parcel Size: 1.58 acres

Proposal: Six single family home lots
Easements: The applicant shows the following proposed easements on subdivision plan: a) a 20 foot utility easement along westerly boundary of lot 4; b) a 20 foot access and utility easement over lot 3; and c) a 10 foot wide drainage easement over lot 2.

PROPOSED DEVELOPMENT

W & C LLC is proposing a six-lot subdivision that is located off Castine Avenue, Forest Avenue and Brandon Street. Castine and Forest Avenue are City accepted streets and Brandon Street is a dedicated, but it is an unimproved and unaccepted street. The 1.58 acre site has a stand of large pine trees along Forest Avenue. The property includes an existing single family home that faces Brandon Street and has two driveways providing access to both Brandon Street and Castine Avenue. The property was acquired from Andrea Diane Knight in October 2006. There are two lots along Castine Avenue that are noted as Trust Lots A and B, which are held in trust by Gary S. Bedrosian and Andrea D. Knight. A second existing home and garage are located on these properties, which are not part of the proposed subdivision.

The proposed subdivision creates six lots. Lot#1 is the largest lot with 23,568 square feet and fifty (50) feet of frontage along Forest Avenue and 377.67 feet along Brandon Street. The existing home is located within Lot #1 and a twenty (20) foot utility and access easement is proposed over Lot #3 to serve existing connections to Castine Avenue. The other proposed lots are summarized as follows:

- Lot #2 is proposed with 6,570 square feet and 73 ft of frontage along Castine Avenue. A 10 foot wide drainage easement is proposed along the westerly property boundary.
- Lot #3 has 6,930 square feet with 77 ft of frontage along Castine Avenue. A 20 foot wide access and utility easement is proposed to serve lot #1 is shown along the easterly property boundary.
- Lot #4 is a corner lot, which is proposed with 7,760 square feet and 63.64 ft of frontage along Castine Avenue and 87.04 feet along Forest Avenue. A 20-foot utility easement is proposed along the westerly boundary to serve lot # 5.
- Lot #5 has 7,738 square feet with 65 feet of frontage along Forest Avenue.
- Lot#6 has 16,650 square feet with 185 feet along Brandon Street. Brandon Street is not an accepted city street. Note #17 on the subdivision plan states:

Lot 6 shall be retained by the developer. Development plans for this lot have yet to be determined. Lot 6 can not be built upon until Brandon Street is improved to City Standards.

RIGHT TITLE AND INTEREST

The applicant has submitted a copy of the Quitclaim Deed with Covenant (Attachment 1). The deed includes the following restrictions:

- a. The property may not be used for multi-family housing. The restriction is not intended to prevent a home from having an in-law apartment built in a manner as in-law apartments are defined by Portland municipal codes;

- b. On lots 125 through 131 from Plan of Lots at Deering Terrace (the lots near Forest Avenue) the grantee, successors and assigns are to preserve as many trees as possible on said lots. The restriction is as follows:

Prior to development Grantee agrees to use its best efforts to obtain approval from the City of Portland to construct two single family homes on the Forest Avenue property that are accessed by Castine Avenue. Notwithstanding the results of these efforts the Grantee agrees to use best efforts to preserve as many of the trees as possible on the land while at the same time being able to construct single family homes on the property. After development takes place no trees over 4 inches shall be removed unless it is dead, dying or diseased, causing a hazard to either the public or the homes on the property, or to place a garage, accessory structure or play areas of reasonable size.

preserve trees

- c. In the event that the Grantee donates any of the property to the City of Portland that the donation will be made in "loving memory of George F. Knight and Clare B. Knight."

ZONING

The site is within the Residential R-3 zone. Marge Schmuckal, Zoning Administrator, has reviewed the plans and her memorandum is included as Attachment 3. She notes that the lots meet the minimum lot size, street frontage and setbacks of the zone. However, Lot 5 has insufficient lot width. Marge also notes that Brandon Street must be improved to City standards in order for Lot 6 to be built upon. The proposed subdivision plan contains note #17, which states that Lot 6 shall be retained by the developer and it can not be built upon until Brandon Street is improved to City Standards. The staff recommends that the following wording be included within Lot #6 for clarity and included within note #17:

lot 5 - insufficient width

Lot 6 may not be built upon until such time as Brandon Street is built to city standards for the entire length of the Lot 6 street frontage.

lot 6 - not until Brandon St

SUBDIVISION REVIEW ISSUES

A. Water Capacity

The applicant has submitted a letter from the Portland Water District indicating that there is sufficient capacity to serve the lots from the water main in Castine Avenue and normal fire protection needs of the site.

B. Sanitary Sewer/Soils

The applicant has requested a sewer capacity letter from the Department of Public Works. The applicant shall submit the sewer capacity letter. Dan Goyette, Consulting DRC, notes in his memorandum of March 21, 2007 (Attachment 4) the following points:

1. The sewage pipe from Lot 5 cannot share the pipe with Lot 4 without the installation of a manhole on Lot 5.
2. The sewer pipe from Lot 4 should wye into the sewer extension on Castine Avenue. It should not discharge into the new sewer manhole.

C. Soil Erosion/Capacity to hold water and Storm water Management

There is a wetland shown on proposed lot 6 and on a portion of lot 2. The lot grading plan (sheet 5) notes that there will be no wetland impacts allowed for the development of Lot 2 and a silt fence is shown roughly 5 feet from the edge of the wetland. On the proposed subdivision plan there is a proposed 10 foot wide drainage easement to benefit Lot 6, however the terms of this easement have not been defined. The Board may want to consider a clearer demarcation on the plan of where no grading or soil disturbance may occur and include supporting language in the easement. The Planning Staff and Dan Goyette, consulting DRC, recommend that a storm water management plan the addresses that drainage for the site be submitted for review.

lot 2 -
clearer
demarcation
define
easement
submit
stormwater
plan

D. Traffic

Access to lots 1, 2, 3 and 4 are from Castine Avenue. The proposed access and utility easement for Lot 1 crosses the easterly edge of 3 and it is adjacent to the proposed driveway for Lot 3. Lot 5 is proposed with access from Forest Avenue. Streetscape improvements are planned for Forest Avenue between Hicks Street and the Riverside Industrial Parkway, which include crosswalks and traffic medians at designated locations. Following are the comments from Dan Goyette, Consulting DRC, (Attachment 4) regarding curb cuts and driveway separations:

1. The driveway from Lot 3 needs to be a minimum of 20 feet from the driveway for Lot 1.
2. Granite curbing and sidewalk should be installed along both Castine and Forest Avenue.
3. The driveway from Lot 5 should connect to Brandon Street. The driveway does not meet setback requirements on Forest Avenue. [Planning note: An earlier version of the subdivision plan showed the access for this lot from Castine Avenue over Lot 4. This access arrangement is referred to in the Deed Restrictions.]
4. An easement should be provided on Lot 4 that would encompass the traffic control box and light.

Jim Carmody, City Transportation Engineer, is developing a streetscape plan for Forest Avenue. The improvements include crosswalks and center medians for the portion of Forest Avenue between Hicks Street and Riverside Industrial Parkway. The Forest Avenue crosswalk at Castine Avenue, as shown on the applicant's plan, may be scheduled for realignment or improvements. Mr. Carmody will determine if any improvements are needed at that intersection.

Two parking spaces per lot are required and the spaces must be 9 by 19 feet. The spaces shown on the lot layout plan sheet 3 are 9 by 18 feet.

E. Solid Waste Disposal

The applicant indicates that the City will provide the solid waste services for these homes.

F. Utilities

The subdivision ordinance requires that all utilities be underground. Clarification is needed as to whether the electrical service to this subdivision is underground. Capacity letters from other utility companies that are intended to serve the project should be submitted. Dan Goyette,

Consulting DRC, notes in his review (Attachment 4) that the pipe installation detail for the rigid pipe must be revised to indicate that the pipe will be covered with twelve inches of crushed stone.

G. Scenic Beauty

There is a stand of pine trees along Forest Avenue. As noted above, the deed covenant seeks to preserve as many trees as possible on the lot. The provisions of the deed are noted above. Janice Carpenter, a resident in Riverton, spoke with Barbara Barhydt about the trees. Janice recalls the City inventorying the trees at some point in the past. The staff has not located an inventory although Jeff Tarling thinks it might have been assessed for Green Space/Blue Edges. The planning staff reviewed the list of priority properties developed by the City's Land Bank Commission and this site does not appear on the Land Bank Commission's priority list for the Riverton neighborhood. Jeff Tarling, City Arborist recommends that the applicant prepare a tree preservation plan. His memo is included as Attachment 5 and his recommendation is as follows:

*tree
preservation
plan*

Knowing the background of the existing pine grove located on Forest Avenue at the proposed project site, I would recommend that greater measures and effort be applied to protect these trees. Factors include past landowners intent to save trees as possible, the Riverton Neighborhood interests in protecting this pine grove and its value to the Forest Avenue streetscape. Protection measures should include: defining the building envelopes and placing tree cutting restrictions as done on other projects near the Fore River Sanctuary. Creative project design orienting driveways, building envelopes (perhaps building 'gable ends' towards Forest Avenue), and grading could save trees along Forest Avenue and also act as a buffer to the project. The landscape plan should re-evaluate 'tree save' areas protecting groves of trees vs. individual trees. I would be willing to meet with the applicant in the field to review.

H. Financial Capability

The applicant has submitted a letter from Bank North dated 1.22.2007, which is included in Attachment 1. The letter is for a subdivision for four lots and this proposal is for six. An updated letter of financial capacity is required.

I. Flood Hazard/Shoreland/Wetlands

The applicant has noted on the plans a wetland that crosses Lots 2 and 6, which were mapped by Sweet Associates, Gray Road, Falmouth. The site is not located within a shoreland zone or flood hazard zone.

J. Fire Safety

Captain Cass reviewed the plans and is requesting the following information:

1. Provide details for Fire apparatus turn-around;
2. Hydrant information needed for Brandon Street;
3. The Fire Department Checklist was not submitted.

The fire department review is included as Attachment 6 and the Fire Department Checklist is included as Attachment 7.

K. Easements

The subdivision plan shows three proposed easements. The proposed easements include the following:

1. A ten foot wide drainage easement over Lot 2 to benefit Lot 6;
2. A twenty foot access and utility easement over Lot 3 to benefit Lot 1; and
3. A twenty foot utility easement to benefit lot 5.

The text of the proposed easements must be submitted for review.

The planning staff notes that the grading plan stipulates there will be no filling of the wetland on Lot 2, but it is unclear whether any disturbance of a wetland may occur within the 10 foot wide drainage easement. The easement for access and utilities on Lot 3 to benefit Lot 1 encompasses an existing driveway and utility lines, but there is insufficient space between this driveway and the one proposed for Lot 3. The utility easement over Lot 4 to benefit Lot 5 is consistent with the deed; however one of the deed restrictions states that both utilities and access for lot 5 would be from Castine Avenue. As noted above, Lot 5 is proposed with access to Forest Avenue, which does not meet City standards and is too close to the Brandon and Forest intersection. As an alternative, Dan Goyette suggests that access for this lot be from Brandon Street.

*lot 5 -
access to
Forest too close
to Brandon/F
intersection*

L. Recording Plat

William Clark, professional land surveyor with Public Works, reviewed the plat for the Castine Avenue Subdivision. Michael Farmer has submitted his comments in a memo dated April 5, 2007, which is included as Attachment 8. A revised plan is required that provides more information regarding monumentation, uses the State Plan Coordinates and uses the official City benchmark for the elevation benchmark.

NEXT STEPS

1. Address any additional information requested by the Planning Board
2. Provide the updated information requested in this memorandum.
3. Address technical issues raised in this Planning Board memorandum and the comments received from Marge Schmuckal, Dan Goyette, Jeff Tarling, Captain Cass and Michael Farmer.
4. Hold a Neighborhood Meeting

Attachments:

1. Castine Subdivision Application
 - a. Cover Letter
 - b. Application
 - c. Project Location Map
 - d. Property Deed
 - e. List of Property Abutters
 - f. Letter of Financial Capability
 - g. Wastewater Capacity Application
 - h. Portland Water District Capacity Letter
 - i. FEMA Map
 - j. Soils Map

2. Castine Subdivision Plan Set
 - a. Subdivision Plan
 - b. Layout Plan
 - c. Utility Plan
 - d. Grading, Drainage and Erosion Control Plan
 - e. Details Plan
 - f. Erosion and Sedimentation Control Details Plan

3. Marge Schmuckal, memo, 4/5/07
4. Dan Goyette memo, March 21, 2007
5. Jeff Farling, memo, April 3, 2007
6. Captain Cass, memo, undated
7. Fire Department Checklist
8. Michael Farmer, memo, April 5, 2007

Subdivision Plan Application

**Castine Avenue
Portland, Maine**

Prepared for:

**W&C LLC
P.O. Box 10127
Portland, Maine 04104**

February 2007

Prepared by:



Gorrill-Palmer Consulting Engineers, Inc.

Traffic and Civil Engineering Services

PO Box 1237
15 Shaker Road
Gray, ME 04039

(207) 657-6910
Fax: (207) 657-6912
E-mail: mailbox@gorrillpalmer.com



Gorrill-Palmer Consulting Engineers, Inc.

Traffic and Civil Engineering Services

PO Box 1237
15 Shaker Rd.
Gray, ME 04039

207-657-6910
FAX: 207-657-6912
E-Mail: mailbox@gorrillpalmer.com

February 16, 2007

Ms. Barbara Barhydt, Development Review Services Manager
Department of Planning and Development
Portland City Hall
389 Congress Street
Portland, ME 04101-2503

Subject: Subdivision Plan Submission
Castine Avenue, Portland, Maine

Dear Barbara,

Enclosed please find a complete subdivision application and supporting information for Castine Avenue in Portland, Maine. W&C LLC, has retained Gorrill-Palmer Consulting Engineers, Inc. to prepare plans and permit application for the proposed subdivision located at the corner of Castine Avenue and Forest Avenue. The project site is located on Portland's Assessor's Map 309, on the Blocks and Lots listed below:

Block	D	D	D	E	D	E	E	E	E
Lots	009	011	005	022	007	006	018	020	026

The cumulative site area is approximately (1.58) acres of land. Lot one currently is a developed residential lot, surrounded by undeveloped land. A list of abutters for the project is available in Attachment 4. The site has the ability to be served with public water, sewer and electricity. Based on the size of the development, the project meets the definition of a major development. Work is planed to start in the spring of 2007 and be completed in the fall of 2007.

This application package describes the applicant's plans to develop the above-referenced parcel. We look forward to discussing this project with you during your review.

- Attachment 1: Subdivision Plan Review Application
- Attachment 2: Location Map
- Attachment 3: Title, Right & Interest
- Attachment 4: Abutters List
- Attachment 5: Financial Letter
- Attachment 6: Ability to Serve
- Attachment 7: FEMA Flood Map
- Attachment 8: Soils Map
- Full and reduced plan sets.

1a

Ms. Barbara Barhydt
February 16, 2007
Page 2 of 4

1a.1

Site Description

The project site contains an existing house with the remainder being undeveloped wooded area. The total existing nonvegetated surfaces associated with the house lots is approximately 0.06 acres. The site is bordered by Castine Avenue to the Northwest, Forest Avenue to the Northeast and unimproved Brandon Street to the Southeast.

Proposed Use

This project will include the creation of 6 Lots. Lot 1 is currently a developed residential lot which has been previously conveyed to separate ownership prior to submission of this package. Lot 6 will not be developed until Brandon Street is improved to city standard. Lots 2, 3, 4, and 5 are being designed to accommodate a 32'x24' cape style house. A 20' easement is proposed to the northeast of Lot 2 to allow for water and sewer services for Lot 1. There is also a 20' easement to the rear of Lot 4 to allow for water and sewer services to connect to Castine Avenue.

Zoning

The location of the site is in zoning district R-3. Residential homes are permitted use within this zone, space and bulk requirements for this zone are provided on the plans.

Financial

A letter of financial capacity from TD Banknorth has been included which indicates the applicant's ability to undertake this project is also included in Attachment 5.

Lot Development

Proposed grading plans for potential lot development of lots 2, 3, 4 & 5 are included with this package. At this time, each lot has been designed to accommodate the 32' x 24' cape with the setbacks. These grading plans could be included for building permits on these lots. Final individual layouts and grades will be the responsibility of the future lot owners.

Utilities

Lots will be served water from Portland Maine Water District and City sewer via connections from Castine Avenue. Although Lots 4 and 5 front Forest Avenue, in an effort to maintain the large tree growth along Forest Avenue, sewer and water services are proposed to be connected to Castine Avenue. Lot 5 services will require an easement over Lot 4. By not connecting to existing utilities within Forest Avenue, this will eliminate the need to open the pavement within the roadway, causing significant disturbance to this major roadway. Central Maine Power will also serve the sites, via over head lines. Ability to serve letters have been included in Attachment 6.

Ms. Barbara Barhydt
February 16, 2007
Page 3 of 4

1a.2

Flood Plain Mapping

Included in this package is a FEMA insurance rate map showing the property to not be in any Flood Zone. The FEMA map is included in Attachment 7.

Soils

Soils types for the site were determined using the Cumberland County Medium intensity soils map. The soil found on the site appears to be Elmwood fine sandy loam. A map showing the existing soil conditions has been included in Attachment 8.

Stormwater

The project site consist of a flat area, the proposed development will slightly increase the onsite runoff. The existing site contains 0.06 acres of nonvegetated coverage. Should the project be built as the design shows there would be a net increase of 0.15 acres of nonvegetated coverage. Using the SCS TR-20 method and the 2 year storm this results in a net stormwater runoff increase of 0.2 cfs. Due to the minimal increase a stormwater report is not anticipated.

Erosion Control

An Erosion and Sedimentation plan has been prepared in accordance with the Maine Erosion and Sedimentation Control BMP's. A copy of this plan has been shown on the Erosion Control Detail sheet in the plan set. We do not anticipate that the project will require a Maine Construction General Permit or SWPPP because the disturbed area for the subdivision will be less than 1 acre.

Waste Disposal

Solid waste disposal will be carried out through city trash collection.

Wetlands

Wetlands are located along the Southwest side of Lot 2 and run through the center of Lot 6. Grading has been proposed so to not disturb the existing wetlands. Wetlands were located by Sweet Associates of Falmouth Maine. Currently a permit for wetland impacts is not required, as there will be no wetland impacts.

Ms. Barbara Barhydt
February 16, 2007
Page 4 of 4

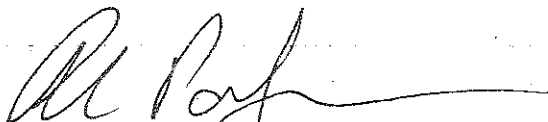
1a.3

Conclusion

As proposed, the development will provide additional residential opportunities within the city. Gorrill-Palmer Consulting Engineers, Inc. and the applicant look forward to discussing this project with the Planning Department. Please contact us with any questions.

Sincerely,

Gorrill-Palmer Consulting Engineers, Inc.



Alton M. Palmer, PE
Senior Vice President

Copy: Jim Wolf, W&C LLC

AMP/jlg/JN1721/ U:\1721\Applications\Portland Site Specific.doc



16

City of Portland Site Plan Application

If you or the property owner owes real estate taxes, personal property taxes or user charges on any property within the City, payment arrangements must be made before permit applications can be received by the Inspections Division.

Address of Proposed Development: Castine Avenue Portland Maine		Zone: R-3
Existing Building Size: N/A Existing Acreage of Site: N/A		Proposed Building Size: N/A Proposed Acreage of Site: N/A
Tax Assessor's Chart, Block & Lot: Chart# 309 Block# D,D,D,E,D,E,E,E,E Lot# 009,011,005,022,007,006,018,020,026	Property owner's mailing address: W & C LLC PO Box 10127 Portland, ME 04104	Telephone #: (207) 773-4988
Consultant/Agent, mailing address, phone # & contact person: Alton Palmer Gorrill-Palmer Consulting Engineers, Inc PO Box 1237 Gray Maine, 04039 (207) 657-6910	Applicant's name, mailing address, telephone, Fax, Pager: Same as Owner Contact: James wolf	Project name: Castine Ave Portland Maine

Fee For Service Deposit (all applications) (\$200.00)

Proposed Development (check all that apply)

New Building Building Addition Change of Use Residential Office Retail

Manufacturing Warehouse/Distribution Parking lot

Subdivision (\$500.00) + amount of lots 6 (\$25.00 per lot) \$ 150 + major site plan fee if applicable

Site Location of Development (\$3,000.00)
(except for residential projects which shall be \$200.00 per lot _____)

Traffic Movement (\$1,000.00) Storm water Quality (\$250.00)

Section 14-403 Review (\$400.00 + \$25.00 per lot)

Other _____

Major Development (more than 10,000 sq. ft.)

Under 50,000 sq. ft. (\$500.00)

50,000 - 100,000 sq. ft. (\$1,000.00)

Parking Lots over 100 spaces (\$1,000.00)

100,000 - 200,000 sq. ft. (\$2,000.00)

200,000 - 300,000 sq. ft. (\$3,000.00)

Over 300,000 sq. ft. (\$5,000.00)

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

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)

~ Please see next page ~

1b.1

Who billing will be sent to: (Company, Contact Person, Address, Phone #)

Jim Wolf W & C LLC.
P.O. Box 10127
449 Forest Ave
Portland Maine 04104

Submittals shall include (9) separate folded packets of the following:

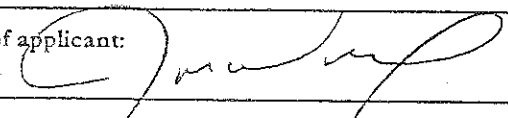
- a. copy of application
- b. cover letter stating the nature of the project
- c. site plan containing the information found in the attached sample plans checklist
- d. 1 set of 11 x 17 plans

Amendment to Plans: Amendment applications should include 6 separate packets of the above (a, b, & c)

ALL PLANS MUST BE FOLDED NEATLY AND IN PACKET FORM

Section 14-522 of the Zoning Ordinance outlines the process which is available on our web site: 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.

Signature of applicant: 	Date: 2-7-07
---	--------------

This application is for site review ONLY; a building Permit application and associated fees will be required prior to construction.



City of Portland, Maine Site Plan Checklist

1b.2

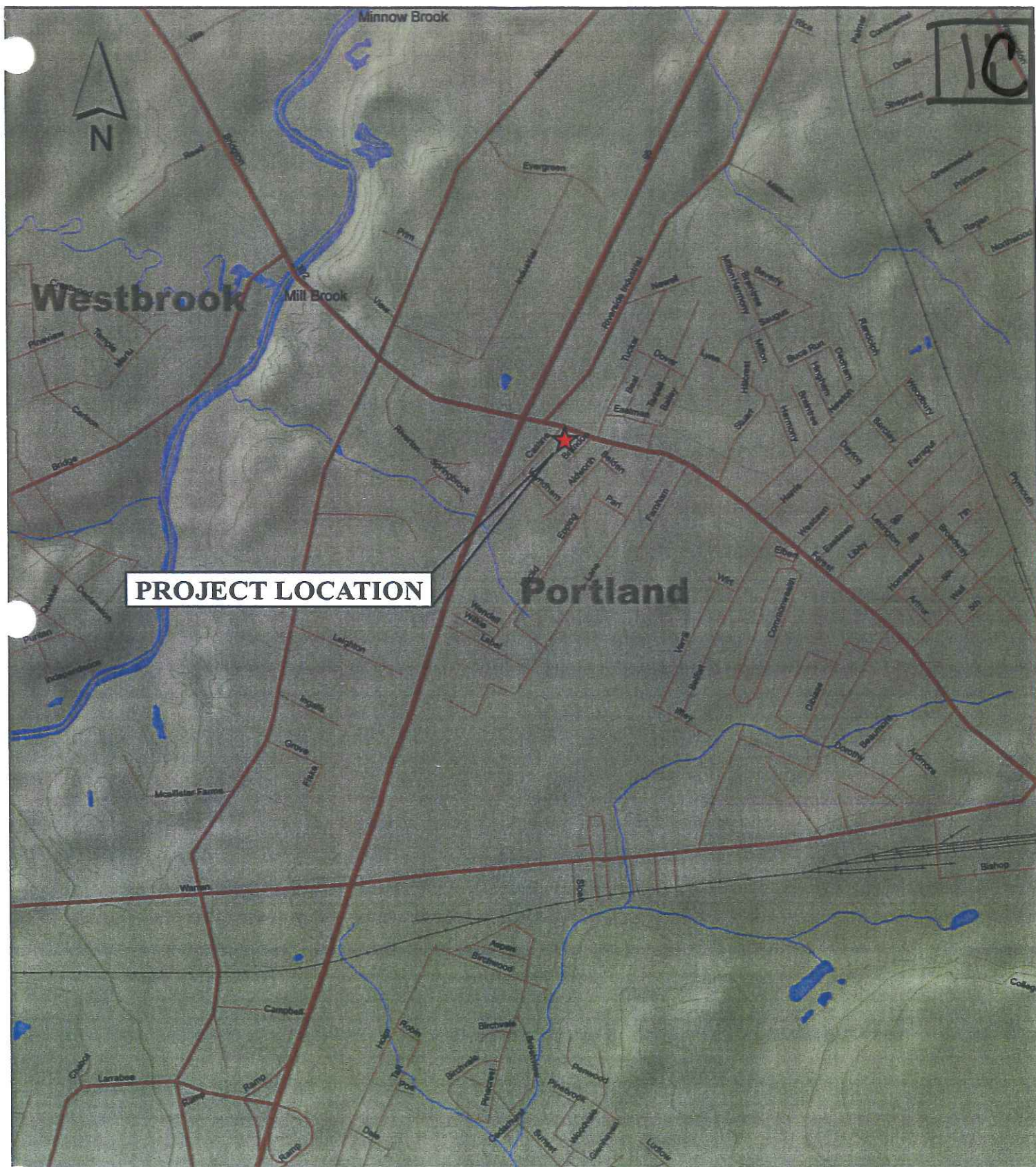
Castine Avenue Portland Maine
Project Name, Address of Project
Number

Application

Submitted () & Date (b,c)	Item	Required Information	Section 14-525
X	(1)	Standard boundary survey (stamped by a registered surveyor, at a scale of not less than 1 inch to 100 feet and including:	1
X	(2)	Name and address of applicant and name of proposed development	a
X	(3)	Scale and north points	b
X	(4)	Boundaries of the site	c
X	(5)	Total land area of site	d
X	(6)	Topography - existing and proposed (2 feet intervals or less)	e
X	(7)	Plans based on the boundary survey including:	2
X	(8)	Existing soil conditions	a
X	(9)	Location of water courses, marshes, rock outcroppings and wooded areas	b
X	(10)	Location, ground floor area and grade elevations of building and other structures existing and proposed, elevation drawings of exterior facades, and materials to be used	c
X	(11)	Approx location of buildings or other structures on parcels abutting the site	d
N/A	(12)	Location of on-site waste receptacles	e
X	(13)	Public utilities	e
X	(14)	Water and sewer mains	e
X	(15)	Culverts, drains, existing and proposed, showing size and directions of flows	e
X	(16)	Location and dimensions, and ownership of easements, public or private rights-of-way, both existing and proposed	f
X	(17)	Location and dimensions of on-site pedestrian and vehicular access ways	g
X	(18)	Parking areas	g
N/A	(19)	Loading facilities	g
X	(20)	Design of ingress and egress of vehicles to and from the site onto public streets	g
N/A	(21)	Curb and sidewalks	g
N/A	(22)	Landscape plan showing:	h
X	(23)	Location of existing proposed vegetation	h
N/A	(24)	Type of vegetation	h
X	(25)	Quantity of plantings	h
X	(26)	Size of proposed landscaping	h
N/A	(27)	Existing areas to be preserved	h
N/A	(28)	Preservation measures to be employed	h
N/A	(29)	Details of planting and preservation specifications	h
N/A	(30)	Location and dimensions of all fencing and screening	i
N/A	(31)	Location and intensity of outdoor lighting system	j
X	(32)	Location of fire hydrants, existing and proposed	k
X	(33)	Written statement	c
X	(34)	Description of proposed uses to be located on site	l
X	(35)	Quantity and type of residential, if any	l
X	(36)	Total land area of the site	b2
X	(37)	Total floor area and ground coverage of each proposed building and structure	b2
X	(38)	General summary of existing and proposed easements or other burdens	c3
X	(39)	Method of handling solid waste disposal	4
X	(40)	Applicant's evaluation of availability of off-site public facilities, including sewer, water and streets	5
X	(41)	Description of any problems of drainage or topography, or a representation that there are none	6
X	(42)	An estimate of the time period required for completion of the development	7
X	(43)	A list of all state and federal regulatory approvals to which the development may be subject to	8

Location Map

Figure No. 1



CASTINE AVENUE HOUSE LOTS, PORTLAND, MAINE

GP Gorrill-Palmer Consulting Engineers, Inc.

Traffic and Civil Engineering Services 207-657-6910
PO Box 1237 Fax: 207-657-6912
15 Shaker Road mailbox@gorrillpalmer.com
Gray, ME 04039 www.gorrillpalmer.com



JN: 1721
DATE: JAN 2007
FILE: 1721_LOCMAP.MXD
SOURCE: MAINE GIS WEBSITE

ld

QUITCLAIM DEED WITH COVENANT
Statutory Short Form

KNOW ALL PERSONS BY THESE PRESENTS, That Andrea Diane Knight of Hampton Falls, New Hampshire, for consideration paid, grant to W & C, LLC, whose mailing address is P.O. Box 10127, Portland, Cumberland County and State of Maine, with Quitclaim Covenants, a certain lot or parcel of land, with any buildings thereon, situated on or near Castine Avenue and Forest Avenue, Portland, County of Cumberland and State of Maine, as more fully described as follows:

Certain lots or parcels of land, with the buildings thereon, bounded and described as follows: Being certain lots numbered 111-130, 134-138 as shown on Plan of Lots at Deering Terrace, which Plan was made by Ernest W. Branch, C.E., dated April 20, 1918, and recorded in said Registry of Deeds in Plan Book 12, Page 6 (the "Plan"). Each of said lots measures 30 feet in width by 90 feet in depth, and contains, according to said Plan, 2700 square feet more or less.

Together with all the right, title and interest in 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 streets and ways.

Together with the fee insofar as the Grantors have the right so to convey the same, 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 the said owners to make any customary use of said streets and ways.

Meaning and intending to convey a portion of the premises conveyed to the Grantor by deed recorded in Book 1534Z, Page 310.

By acceptance of this deed, the Grantee, its successors and assigns agree to a restriction on all of the above property precluding any of the above referenced property being used for multifamily housing. This restriction is not intended to prevent a home from having an in-law apartment built in a manner as in-law apartments are defined by Portland municipal codes.

Grantee, its successors and assigns, further agree to a restriction on lot 125 through 131 requiring Grantee, its successors and assigns to preserve as many trees as possible on said lots. The restriction is as follows:

Prior to development Grantee agrees to use its best efforts to obtain approval from the City of Portland to construct two single family homes on the Forest Avenue property that are accessed by Castine Avenue. Notwithstanding the results of these efforts the Grantee agrees to use best efforts to preserve as many of the trees as possible on the land while at the same time being able to construct single family homes on the property. After development takes place no trees over 4 inches shall be removed unless it is dead, dying or diseased, causing a hazard to either the public or the homes on the property, or to place a garage, accessory structure or play area of reasonable size.

MAINE REAL ESTATE TAX PAID

1d.1

Grantee further agrees to the restriction that in the event Grantee donates any of the property to the City of Portland that the donation will be made in "loving memory of George F. Knight and Clare B. Knight."

Excepting from the above described property the following parcel:

Beginning at a point on the southeasterly sideline of Castine Avenue; said point being located S 59° 02' 58" W a distance of One Hundred Twelve and 25/100 (112.25) feet from the intersection of the southeasterly sideline of Castine Avenue and the southwesterly sideline of Forest Avenue; said point also being located at the northerly corner of Lot 131 as shown on a plan entitled "Deeding Terrace owned by J.W. Wilbur Co. Inc." made by Ernest W. Branch dated April 20, 1915 and recorded in Plan Book 12, Page 6 and at the northerly corner of land now or formerly of Gary S. Bedrosian, Trustee of the Gary S. Bedrosian Revocable Trust U/T/A and Andrea D. Knight, Trustee of the Andrea D. Knight Revocable Trust U/T/A as described in a deed recorded in the Cumberland County Registry of Deeds in Book 23492, Page 76. Thence:

- 1) S 57° 58' 00" E by said land of Bedrosian and Knight and by said Lot 131 a distance of One Hundred One and 02/100 (101.02) feet to a point at the easterly corner of said Lot 131.
- 2) S 59° 02' 58" W by said land of Bedrosian and Knight and by said Lot 131 a distance of Sixty-Two and 28/100 (62.28) feet to a point.
- 3) S 30° 57' 02" E a distance of Ten and 00/100 (10.00) feet to a point.
- 4) N 59° 02' 58" E a distance of Sixty-Five and 00/100 (65.00) feet to a point.
- 5) N 30° 57' 02" W a distance of One Hundred and 00/100 (100.00) feet to a point on the southeasterly sideline of Castine Avenue.
- 6) S 59° 02' 58" W by said Castine Avenue a distance of Forty-Eight and 61/100 (48.61) feet to the point of beginning.

Said parcel contains 2,960 square feet (0.07 acres) and being a portion of land now or formerly of Andrea Dianne Knight as described in a deed recorded in the Cumberland County Registry of Deeds in Book 15342, Page 310.

Said excepted parcel also being comprised of a portion of Lots 122, 123, 124, 128, 129, and 130 as shown on said Plan.

Bearings are referenced to Magnetic North 2004.

Reference is made to a plan entitled, "Plan of Boundary Survey Forest Ave., Castine Ave. and Brandon St. made for W&C L.L.C." by Titcomb Associates dated September 14, 2006 recorded in Plan Book 200 Page 645

1d.2

Witness my hand and seal this 19 day of October, 2006.

Witness:

[Signature]

Andrea Diane Knight
Andrea Diane Knight

STATE OF MAINE
COUNTY OF CUMBERLAND ss.

October 19, 2006

Personally appeared the above-named Andrea Diane Knight and acknowledged the foregoing instrument to be her free act and deed.

Before me,

[Signature]
Notary Public/Attorney at Law
Print: JAMES T. BAPUS

Received
Recorded Registrar of Deeds
Oct 29, 2006 12:08:47P
Cumberland County
John B. O'Brien

1d.3

QUITCLAIM DEED WITH COVENANT
Statutory Short Form

KNOW ALL PERSONS BY THESE PRESENTS, That Andrea Diane Knight of Hampton Falls, New Hampshire, for consideration paid, grants to Andrea D. Knight, Trustee of the Andrea D. Knight Revocable Trust U/T/A dated 11/22/05 and Gary S. Bedrosian, Trustee for the Gary S. Bedrosian Revocable Trust U/T/A dated 11/22/05, with Quitclaim Covenants, a certain lot or parcel of land, with any buildings thereon, situated on or near Castine Avenue, Portland, County of Cumberland and State of Maine, as more fully described as follows:

Beginning at a point on the southeasterly sideline of Castine Avenue; said point being located S 59° 02' 58" W a distance of One Hundred Twelve and 25/100 (112.25) feet from the intersection of the southeasterly sideline of Castine Avenue and the southwesterly sideline of Forest Avenue; said point also being located at the northerly corner of Lot 131 as shown on a plan entitled "Deering Terrace owned by J.W. Wilbur Co. Inc." made by Ernest W. Branch dated April 20, 1915 and recorded in Plan Book 12, Page 6 and at the northerly corner of land now or formerly of Gary S. Bedrosian, Trustee of the Gary S. Bedrosian Revocable Trust U/T/A and Andrea D. Knight, Trustee of the Andrea D. Knight Revocable Trust U/T/A as described in a deed recorded in the Cumberland County Registry of Deeds in Book 23492, Page 76. Thence:

- 1) S 57° 58' 00" E by said land of Bedrosian and Knight and by said Lot 131 a distance of One Hundred One and 02/100 (101.02) feet to a point at the easterly corner of said Lot 131.
- 2) S 59° 02' 58" W by said land of Bedrosian and Knight and by said Lot 131 a distance of Sixty-Two and 28/100 (62.28) feet to a point.
- 3) S 30° 57' 02" E a distance of Ten and 00/100 (10.00) feet to a point.
- 4) N 59° 02' 58" E a distance of Sixty-Five and 00/100 (65.00) feet to a point.
- 5) N 30° 57' 02" W a distance of One Hundred and 00/100 (100.00) feet to a point on the southeasterly sideline of Castine Avenue.
- 6) S 59° 02' 58" W by said Castine Avenue a distance of Forty-Eight and 61/100 (48.61) feet to the point of beginning.

Said parcel contains 2,960 square feet (0.07 acres) and being a portion of land now or formerly of Andrea Diane Knight as described in a deed recorded in the Cumberland County Registry of Deeds in Book 15342, Page 310.

Said parcel also being comprised of a portion of Lots 122, 123, 124, 128, 129, and 130 as shown on said Plan.

Bearings are referenced to Magnetic North 2004.

This is a conveyance to an abutter.

10.4

Reference is made to a plan entitled, "Plan of Boundary Survey Forest Ave., Castine Ave. and Brandon St. made for W&C LLC," by Titcomb Associates dated September 14, 2006 recorded in Plan Book 206 Page 645

Witness my hand and seal this 19 day of October, 2006.

Witness:

James B. Barus

Andrea Diane Knight
Andrea Diane Knight

STATE OF MAINE
COUNTY OF CUMBERLAND ss.

October 19, 2006

Personally appeared the above-named Andrea Diane Knight and acknowledged the foregoing instrument to be her free act and deed.

Before me,

James B. Barus
Notary Public/Attorney at Law
JAMES B. BARUS

Received
Recorded Register of Deeds
Oct 20, 2006 12:07:53P
Cumberland County
John E O'Brien

Castline Avenue City of Portland, Maine						
Tax Map/Block/Lot	First Name	Last Name	Company	Address	City/Town	State/Zip Code
MAP 309 BLOCK E LOT 015	CYNTHIAL	MCALLISTER		PO BOX 874	SABATTUS	ME 04280
MAP 309 BLOCK D LOT 013	LIBAN	AYANLE		35 CASTINE AVE	PORTLAND	ME 04103
MAP 309 BLOCK D LOT 001	ALAN C JANE E	EGER		7 CASTINE AVE	PORTLAND	ME 04103
MAP 309 BLOCK E LOT 007	GARY	BEDROSIAN	TRUSTEES	30 ALEXIS LN	HAMPTON FALLS	NH 03844
MAP 309 BLOCK E LOT 008	ANDREA D.	KNIGHT		30 ALEXIS LN	HAMPTON FALLS	NH 03844
MAP 309 BLOCK E LOT 010	ANDREA D.	KNIGHT		30 ALEXIS LN	HAMPTON FALLS	NH 03844
MAP 309 BLOCK E LOT 036	ANDREA D.	KNIGHT		19 WYNDHAM ST	PORTLAND	ME 04103
MAP 309 BLOCK F LOT 039	FERN A	OATES		11 WYNDHAM ST	PORTLAND	ME 04103
MAP 309 BLOCK F LOT 001	REGINA	CHAISSON		42 CHELSEY AV	PORTLAND	ME 04103
MAP 309 BLOCK A LOT 014	RAYMOND R	AMERIGIAN	KINCAID D WILMOT HEIRS	1749 FOREST AVE	PORTLAND	ME 04103
MAP 309 BLOCK A LOT 018	SEAN PATRICA	MEEHAN FINNEMORE		1757 FOREST AVE	PORTLAND	ME 04103
MAP 309 BLOCK A LOT 010	WARREN D.	LYDON		47 SUNSET RD	FALMOUTH	ME 04105
MAP 309 BLOCK F LOT 008	KURT A. ANDREA E.	AQUIRES JTS		HIGHLAND LAKE	FALMOUTH	ME 04105
MAP 309 BLOCK F LOT 007	DONALD E.	WEST		21 ALD WORTH ST	PORTLAND	ME 04103
MAP 309 BLOCK F LOT 010	LINDA C	JTS		15 ALD WORTH ST	PORTLAND	ME 04103
MAP 309 BLOCK F LOT 012	CHARLES TARA	BABINEAU KOSMA JTS		30 ALEXIS LN	HAMPTON FALLS	NH 03844
MAP 309 BLOCK F LOT 014	ANDREA D.	KNIGHT		29 ALD WORTH ST	PORTLAND	ME 04103
MAP 309 BLOCK F LOT 015	ANDREA D.	KNIGHT		30 ALEXIS LN	HAMPTON FALLS	NH 03844
MAP 309 BLOCK F LOT 017	ANDREA D.	KNIGHT		30 ALEXIS LN	HAMPTON FALLS	NH 03844
MAP 309 BLOCK E LOT 026	SANDRA GARI	ALVAREZ PISCOPO		83 PARROTT ST	SOUTH PORTLAND	ME 04106
MAP 309 BLOCK F LOT 018	MICHAEL R.	PISCOPO		55 AL WORTH ST	PORTLAND	ME 04103
MAP 309 BLOCK F LOT 020	BAHIZET	MASR		27 CASTINE AVE	PORTLAND	ME 04103
MAP 309 BLOCK D LOT 009	RIITA	O'BRIAN	WID WWII VET		PORTLAND	ME 04103
MAP 309 BLOCK D LOT 011	NICHOLAS P AMANDA	NAPOLITANO		31 CASTINE AVE	PORTLAND	ME 04103
MAP 309 BLOCK D LOT 005	BRENDA L LAINNA M	JORDAN DALRYMPLE		15 CASTINE AVE	PORTLAND	ME 04103
MAP 309 BLOCK E LOT 022	ANDREA D.	KNIGHT		30 ALEXIS LN	HAMPTON FALLS	NH 03844
MAP 309 BLOCK D LOT 007	DONNA M JAMES S	STANHOPE		21 CASTINE AV	PORTLAND	ME 04103
MAP 309 BLOCK E LOT 006			W & C LLC	PO BOX 10127	PORTLAND	ME 04104
MAP 309 BLOCK E LOT 018			W & C LLC	PO BOX 10127	PORTLAND	ME 04104
MAP 309 BLOCK E LOT 020			GORRILL-PALMER CONSULTING ENGINEERS INC	15 SHAKER ROAD	GRAY	ME 04039
			TITCOMB ASSOCIATES, INC.	133 GRAY ROAD	FALMOUTH	ME 04105
			W & C LLC	PO BOX 10127	PORTLAND	ME 04104

1e



Banknorth

TD Banknorth, N.A.
One Portland Square
P.O. Box 9540
Portland, ME 04112-9540
T: 207 761-8500
Toll Free: 800 462-3666
TDBanknorth.com

17

January 22, 2007

City of Portland
Planning Department
389 Congress Street, 4th Floor
Portland, Maine 04101

RE: W&C, LLC -- Castine Avenue lot subdivision

To Whom It May Concern:

James Wolf, owner of W&C, LLC is a long standing customer of the Bank. In our opinion, W&C, LLC has the financial capacity to complete the proposed 4 lot subdivision at Castine Avenue in Portland, Maine.

Should you have any further questions, I can be reached at 756-6842

Sincerely,

Kimberly Donnelly
Vice President, Commercial Lending

CITY OF PORTLAND WASTEWATER CAPACITY APPLICATION

COPIES 19

Department of Public Works,
55 Portland Street,
Portland, Maine 04101-2991



Mr. Frank J. Braxel,
Senior Engineering Technician,
Phone #: (207) 874-8832,
Fax #: (207) 874-8852,
E-mail: fjb@portlandmaine.gov

Date: 12-24-07

1. Please, Submit Utility, Site, and Locus Plans.

Site Address: Castine Avenue / Forest Avenue
(Regarding addressing, please contact Jessica Hanscom, either at 874-8818, or at JGH@portlandmaine.gov)
 Chart Block Lot Number: _____
 Proposed Use: 4 Single Family - 2 Bd Home
 Previous Use: VACANT LAND
 Existing Sanitary Flows: NA GPD
 Existing Process Flows: NA GPD
 Description and location of City sewer, at proposed building sewer lateral connection:
SEE ATTACHED PLAN

Site Category	Commercial	_____
	Industrial (complete part 4 below)	_____
	Governmental	_____
	Residential	<input checked="" type="checkbox"/>
	Other (specify)	_____

Clearly, indicate the proposed connection, on the submitted plans.

2. Please, Submit Domestic Wastewater Design Flow Calculations.

Estimated Domestic Wastewater Flow Generated: 4 @ 180 per EDU = 720 GPD
 Peaking Factor/ Peak Times: _____
 Specify the source of design guidelines: (i.e. "Handbook of Subsurface Wastewater Disposal in Maine," "Plumbers and Pipe Fitters Calculation Manual," Portland Water District Records, Other (specify) _____)

Note: Please submit calculations showing the derivation of your design flows, either on the following page, in the space provided, or attached, as a separate sheet.

3. Please, Submit Contact Information.

Owner/Developer Name: JAMES WOLF W+C LLC
 Owner/Developer Address: P.O. Box 10127 Portland ME 04104
 Phone: 773-4988 Fax: 773-6875 E-mail: JMW1@Maine.RR.com
 Engineering Consultant Name: Alisa Palmer Gorrell Palmer Engineering
 Engineering Consultant Address: P.O. Box 1287 Gorham ME 04039
 Phone: 657-6910 Fax: 657-6912 E-mail: APalmer@GorrellPalmer.com
 City Planner's Name: _____ Phone: _____

Note: Consultants and Developers should allow +/- 15 days, for capacity status, prior to Planning Board Review.

4. Please, Submit Industrial Process Wastewater Flow Calculations

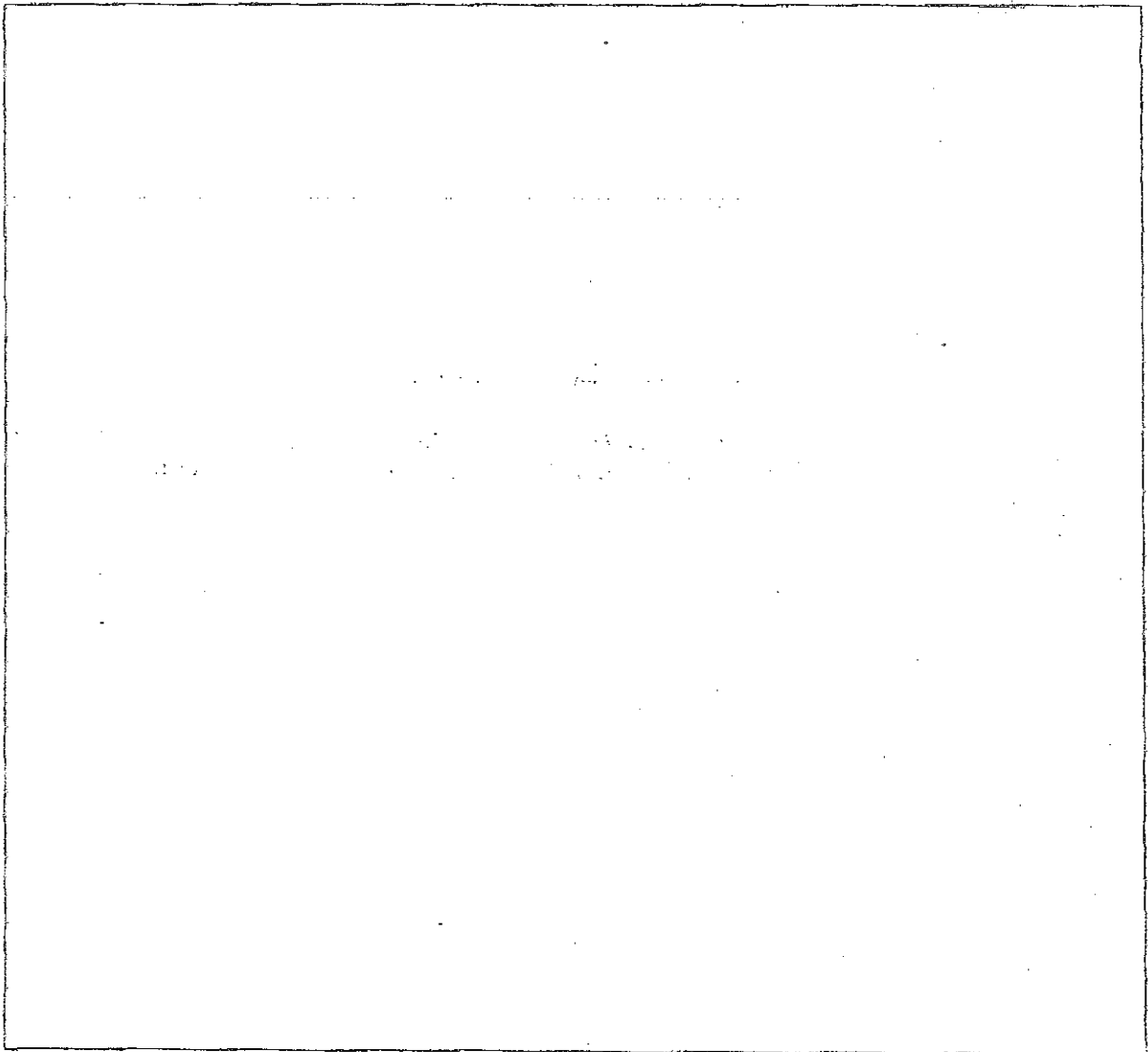
Estimated Industrial Process Wastewater Flows Generated: _____ GPD
Do you currently hold Federal or State discharge permits? Yes ___ No ___
Is the process wastewater termed categorical under CFR 40? Yes ___ No ___

OSHA Standard Industrial Code (SIC): _____
(<http://www.osha.gov/oshstats/sieser.html>)

Peaking Factor/Peak Process Times: _____

Note: On the submitted plans, please show the locations, where the building's sanitary, and process water sewer laterals, exit the facility, where they enter the city's sewer, the location of any control manholes, wet wells, or other access points, and the locations of any filters, strainers, or grease traps.

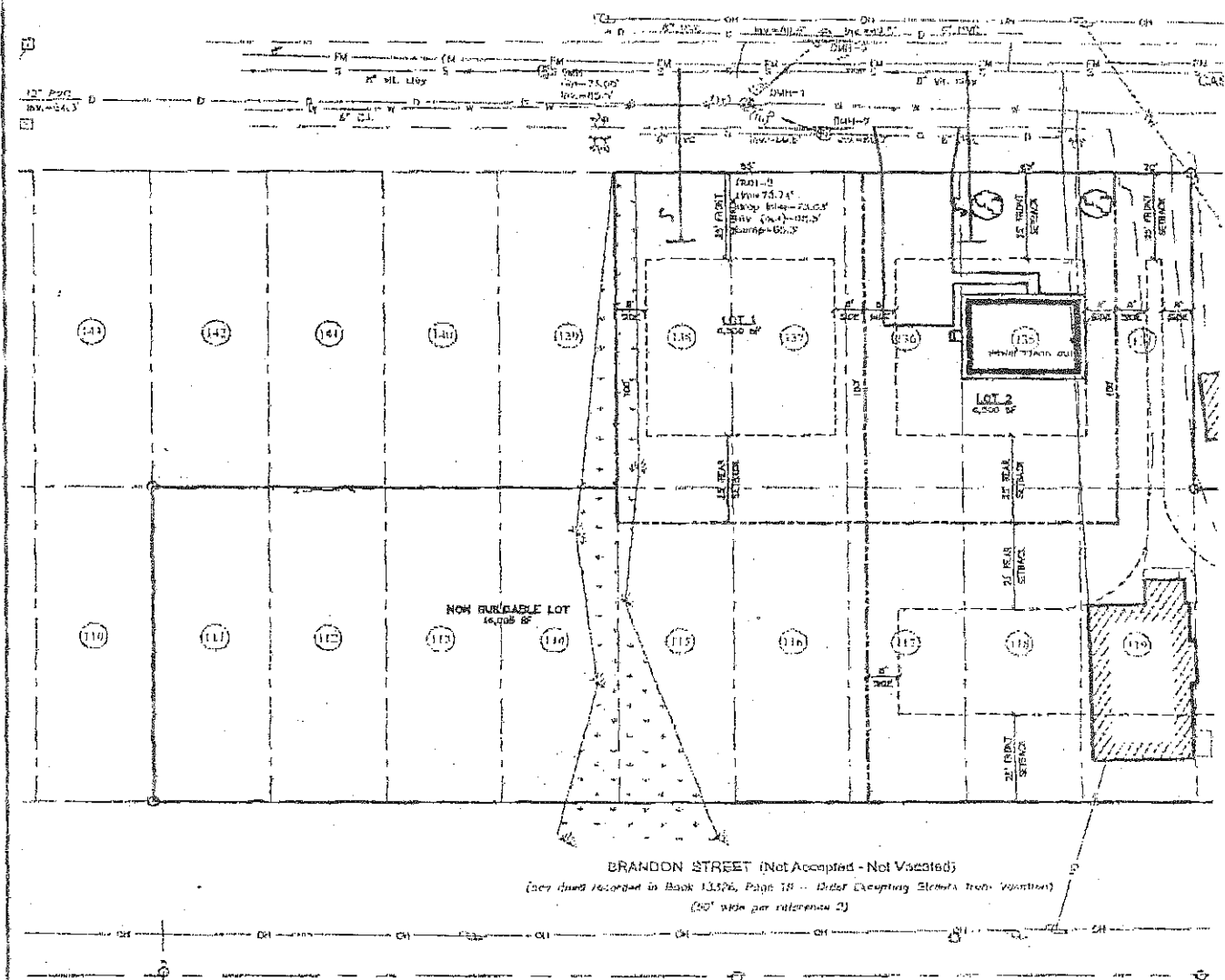
Notes, Comments, or Calculations:



19.1

192

elev=73.21'
 Pinned to
 (1a) 12" PVC - elev=63.5'
 (1b) 12" PVC - elev=67.8'
 Pipe Out
 (1c) 12" PVC - elev=62.4'
 elev=73.18'
 elev. (1a) = 62.1'
 elev. (1c) = 72.8'



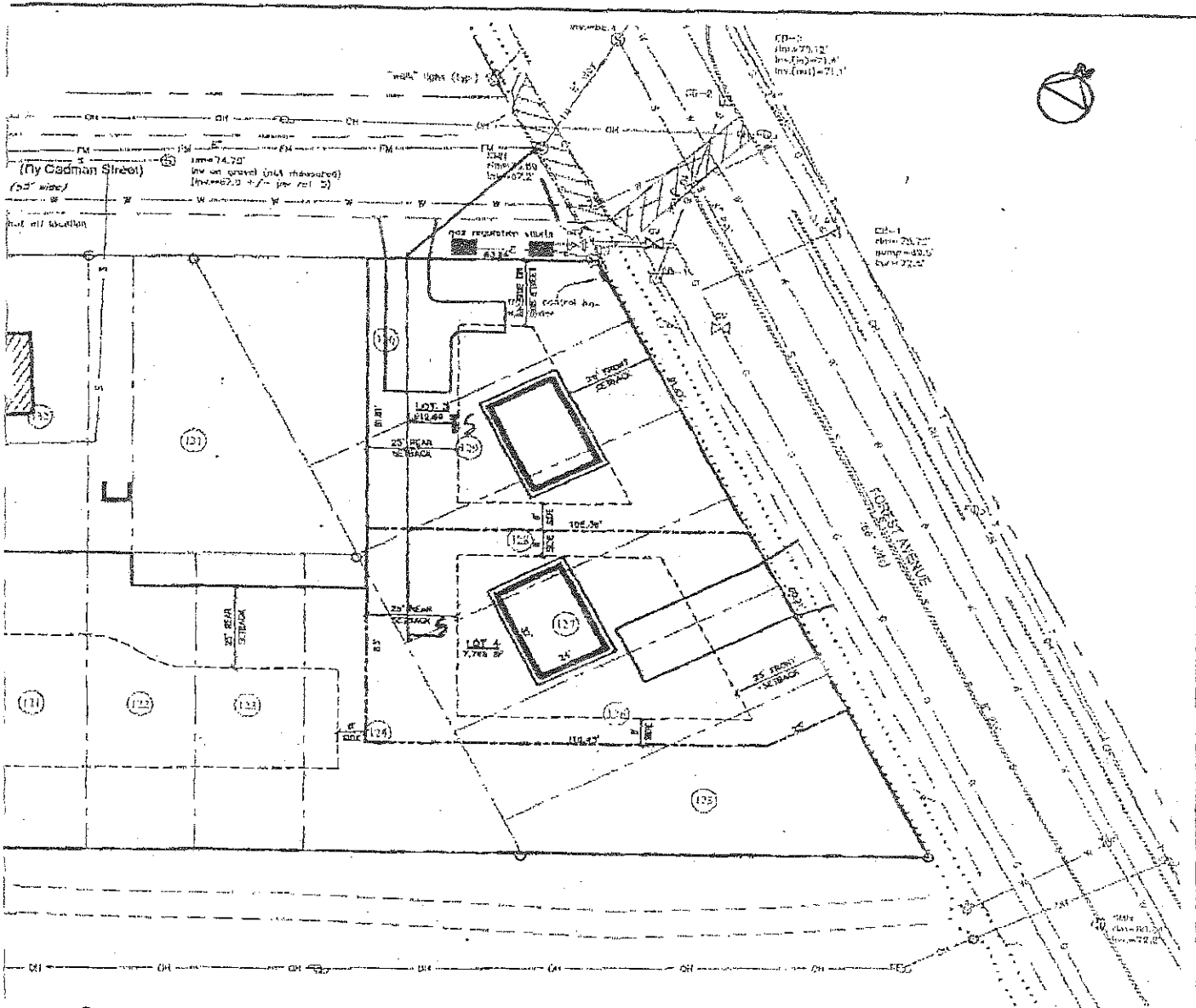
Rev.	Date	Revision

Issued For	Date	By

Design: ASP Title: 50 Scale: 1/8" = 1'-0"
 Checked: ASP Date: 11-20 (see ref 192)
 File Name: 1721-20-ALL.dwg
 This plan shall not be modified without written permission from Carrill-Palmer Consulting Engineers, Inc. (CPCEI). Any alterations, authorized or otherwise, shall be at the user's sole risk and without liability to CPCEI.

1
 2
 3
 4
 5
 6
 7
 8
 9
 10
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25
 26
 27
 28
 29
 30
 31
 32
 33
 34
 35
 36
 37
 38
 39
 40
 41
 42
 43
 44
 45
 46
 47
 48
 49
 50

19.3

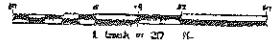


SPACE AND BULK REQUIREMENTS - R-3 ZONE

MINIMUM LOT SIZE:	6,500 S.F.
MINIMUM FRONTAGE:	50 FT.
MINIMUM SETBACKS:	
FRONT YARD	25 FT.
REAR YARD	25 FT.
SIDE YARD*	
1 STORY	5 FT.
1 1/2 STORY	8 FT.
2 STORY	14 FT.
2 1/2 STORY	18 FT.
MINIMUM LOT WIDTH:	
OTHER USES:	65 FT.

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

THE SIDE YARDS SHOWN ON THE FOLLOWING FIGURES ARE BASED UPON A (1) ONE STORY STRUCTURE AND MAY BE INCREASED OR DECREASED DEPENDING UPON THE NUMBER OF STORIES.



Hill-Palmer Consulting Engineers, Inc.
 Mechanical and Civil Engineering Services
 207-857-8010
 207-857-8412
 E-mail: mailbox@hillpalmer.com

Drawing Name: **Concept Lot Layout 1**
 Project: **CASTINE AVENUE, PORTLAND, MAINE**
 Client: **W&C LLC**
 Client Address:

Drawing No. **#**



Portland Water District
FROM SEBAGO LAKE TO CASCO BAY

lh

January 31, 2007

Mr. James Wolfe
P.O. Box 10127
Portland, Maine 04104

Re: Castine Ave, Portland

Dear Sir:

The Portland Water District has an 8" water main in Castine Ave., Portland, near the proposed site. A test on a nearby hydrant produced the following results: static pressure 75 psi; pito pressure 44 psi; with a flow of 1113 gpm. With these results in mind, the District feels we have sufficient capacity available to serve this proposed project and meet all normal fire protection and domestic water service demands. Please notify your plumber of these results so that they can design your system to best fit the available pressure.

With certification by the developer that all required permits have been received, we look forward to serving this project.

Sincerely,

PORTLAND WATER DISTRICT

David W. Coffin

David W. Coffin, PLS
Engineering Supervisor
(207) 774-5961 ext. 3041
dcoffin@pwd.org



Legend	
ZONE	
A	
AE	
AH	
AO	
D	
UNDES	
VE	
X	
X500	

CASTINE AVENUE HOUSE LOTS, PORTLAND, MAINE

GP Gorrill-Palmer Consulting Engineers, Inc.

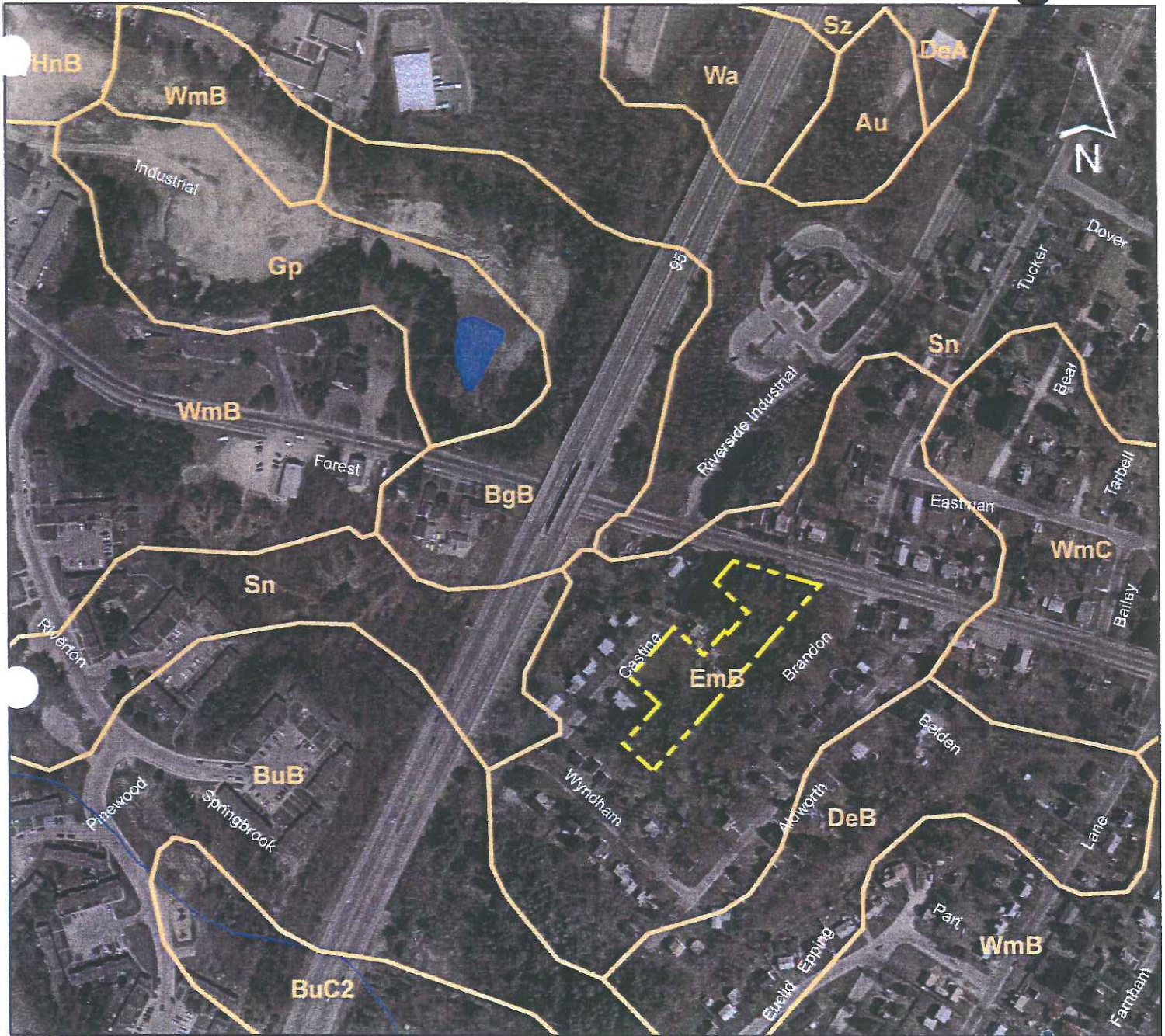
Traffic and Civil Engineering Services 207-657-6910
 PO Box 1237 15 Shaker Road Gray, ME 04039
 Fax: 207-657-6912
 mailbox@gorrillpalmer.com
 www.gorrillpalmer.com



IN: 1721
 DATE: JAN 2007
 FILE: 1721 FIRMMAP.MXD
 SOURCE: MAINE GIS WEBSITE

Soils Map

Figure No. 2



Legend

Symbol, Description, Hydrologic Type

- | | |
|--|--|
| Au, AU GRES LOAMY SAND, C | Gp, GRAVEL PITS, A |
| BgB, BELGRADE VERY FINE SANDY LOAM, 0 TO 8 PERCENT SLOPES, C | HnB, HINCKLEY-SUFFIELD COMPLEX, 3 TO 8 PERCENT SLOPES, A |
| BuB, BUXTON SILT LOAM, 3 TO 8 PERCENT SLOPES, D | Sn, SCANTIC SILT LOAM, D |
| BuC2, BUXTON SILT LOAM, 8 TO 15 PERCENT SLOPES, ERODED, C | Sz, SWANTON FINE SANDY LOAM, C/D |
| DeA, DEERFIELD LOAMY SAND, 0 TO 3 PERCENT SLOPES, B | Wa, WALPOLE FINE SANDY LOAM, C |
| DeB, DEERFIELD LOAMY SAND, 3 TO 8 PERCENT SLOPES, B | WmB, WINDSOR LOAMY SAND, 0 TO 8 PERCENT SLOPES, A |
| EmB, ELMWOOD FINE SANDY LOAM, 0 TO 8 PERCENT SLOPES, C | WmC, WINDSOR LOAMY SAND, 8 TO 15 PERCENT SLOPES, A |

CASTINE AVENUE HOUSE LOTS, PORTLAND, MAINE

GP Gorrill-Palmer Consulting Engineers, Inc.

PO Box 1237 Traffic and Civil Engineering Services 207-657-6910
 15 Shaker Road Fax: 207-657-6912
 Gray, ME 04039 mailbox@gorrillpalmer.com
 www.gorrillpalmer.com



JN: 1721
 DATE: JAN 2007
 FILE: 1721_SOILSMAP.MXD
 SOURCE: MAINE GIS WEBSITE

CASTINE AVENUE PORTLAND, MAINE

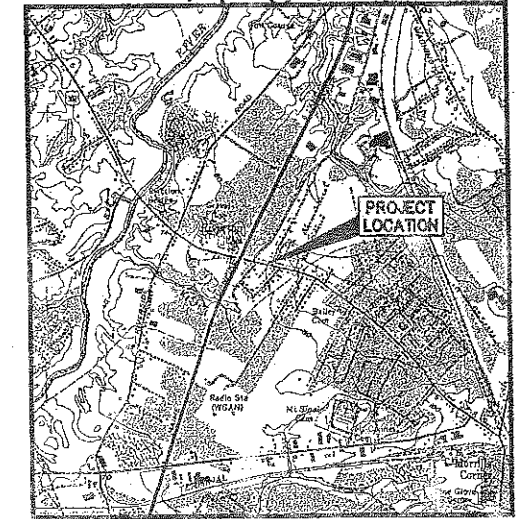
PREPARED BY:



Gorrill-Palmer Consulting Engineers, Inc.

PO Box 1237 15 Shaker Road Gray, ME 04039
Traffic and Civil Engineering Services
207-657-8910
FAX 207-657-8912
E-Mail: mailbox@gorrillpalmer.com

Attachment 2



LOCATION MAP
N.T.S.

LEGEND

EXISTING:	DESCRIPTION:	PROPOSED:
○	IRON PIPE	
□	MONUMENT	■
---	SEWALL CO., AERIAL SURVEY CONTOUR	
---100---	TITCOMB ASSOCIATES, GROUND SURVEY CONTOUR	
---	PROPOSED CONTOUR	100
.....	WETLAND LIMIT	
---	EDGE OF PAVEMENT	---
---	CULVERT	---
▨	BUILDINGS	▨
▨	RIPRAP	▨
○	UTILITY POLE	
---	RIGHT OF WAY	---
---	SILT FENCE	---
---	CENTER LINE	---
X 225.4	SPOT GRADE	100.31
---	PROPERTY LINE	---
---	TREELINE	---
N/F	NOW OR FORMERLY	
□	CATCH BASIN	■ CB1
⊙	SEWER MANHOLE	● SMH1
⊙	DRAIN MANHOLE	● DMH1
W	WATER VALVE	✕
⊙	CAPPED IRON ROD SET PLS #1273	
Lot #	SUBDIVISION LOT NUMBER	
▨	DRAINAGE EASEMENT	
▨	ANTICIPATED PERMITTED WETLAND FILLS	

GENERAL NOTES

GENERAL NOTES

- TOPOGRAPHIC DATA AND EXISTING CONDITIONS ARE BASED UPON A GROUND SURVEY CONDUCTED BY TITCOMB ASSOCIATES FOR THE DEVELOPERS IN 2006. WETLANDS HAVE BEEN DELINEATED BY SWEET ASSOCIATES.
- BOUNDARY SURVEY WAS PREPARED BY TITCOMB ASSOCIATES FOR THE DEVELOPERS IN 2006.
- THE CONTRACTOR SHALL PROVIDE, ERECT AND MAINTAIN ALL NECESSARY BARRICADES, LIGHTS, WARNING SIGNS AND OTHER DEVICES TO SAFEGUARD TRAFFIC PROPERLY WHILE WORK IS IN PROGRESS.
- THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR THE ELEVATION OF THE EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND WHERE POSSIBLE MEASUREMENTS TAKEN IN THE FIELD. THIS INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE APPROPRIATE UTILITY COMPANY AND BE SAFE AT LEAST 72 HOURS PRIOR TO ANY EXCAVATION TO REQUEST EXACT FIELD LOCATION OF UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.
- MAINTENANCE OF EROSION CONTROL MEASURES IS OF PARAMOUNT IMPORTANCE TO THE OWNER AND THE CONTRACTOR IS RESPONSIBLE FOR COMPLYING WITH ALL EROSION CONTROL MEASURES SHOWN ON THE PLANS. ADDITIONAL EROSION CONTROL MEASURES SHALL BE INSTALLED IF DEEMED NECESSARY BY ON-SITE INSPECTIONS OF THE OWNER OR THEIR REPRESENTATIVES AT NO ADDITIONAL COST TO THE OWNER.
- ALL MATERIAL SCHEDULES SHOWN ON THE PLANS ARE FOR GENERAL INFORMATION ONLY. THE CONTRACTOR SHALL PREPARE HIS OWN MATERIAL SCHEDULES BASED UPON HIS PLAN REVIEW. ALL SCHEDULES SHALL BE VERIFIED IN THE FIELD BY THE CONTRACTOR PRIOR TO ORDERING MATERIALS OR PERFORMING WORK.
- ALL MATERIALS AND CONSTRUCTION METHODS SHALL CONFORM TO MAINE DEPARTMENT OF TRANSPORTATION SPECIFICATIONS AND CITY OF PORTLAND TECHNICAL AND DESIGN STANDARDS AND GUIDELINES.

PERMITTING NOTES

- THIS PROJECT IS SUBJECT TO THE TERMS AND CONDITIONS OF A SUBDIVISION APPROVAL FROM THE CITY OF PORTLAND WHICH WILL BE MADE A PART OF THE CONTRACT BID DOCUMENTS. THE CONSTRUCTION WILL BE GOVERNED BY THE CITY OF PORTLAND ZONING AND SUBDIVISION ORDINANCES WHICH ARE AVAILABLE FOR VIEWING AT THE OFFICE OF THE ENGINEER OR THE MUNICIPAL OFFICE.
- THE CONTRACTOR SHALL REVIEW THE ABOVE REFERENCED PERMITS PRIOR TO SUBMITTING A BID FOR THIS PROJECT, AND INCLUDE COSTS AS NECESSARY TO COMPLY WITH THE CONDITIONS OF THESE PERMITS.

LAYOUT NOTES

- ALL DIMENSIONING, UNLESS NOTED OTHERWISE, IS TO THE FACE OF CURB.
- OFFSETS TO CATCH BASINS AND MANHOLES ARE TO THE CENTER OF THE FRAME.
- PIPE LENGTH EQUALS THE CENTER TO CENTER DISTANCES BETWEEN CATCH BASINS AND/OR MANHOLES MINUS ONE-HALF OF THE DIAMETER OF EACH CATCH BASIN OR MANHOLE.
- PROPERTY LINE AND R.O.W. MONUMENTS SHALL NOT BE DISTURBED BY CONSTRUCTION. IF DISTURBED, THEY SHALL BE RESET TO THEIR ORIGINAL LOCATIONS AT THE CONTRACTOR'S EXPENSE, BY A MAINE REGISTERED LAND SURVEYOR.
- PROPOSED RIGHT OF WAY MONUMENTS AND PROPERTY LINE PINS SHALL BE INSTALLED UNDER THE DIRECTION OF A MAINE REGISTERED LAND SURVEYOR.

UTILITY NOTES

- TEST PITS AT ALL UTILITY CROSSINGS SHALL BE COMPLETED TWO WEEKS IN ADVANCE OF THE START OF CONSTRUCTION OR ORDERING OF MATERIALS. TEST PIT INFORMATION SHALL BE PROMPTLY PROVIDED TO ENGINEER FOR REVIEW.
- ALL UTILITY MATERIAL AND INSTALLATION METHODS SHALL CONFORM TO PORTLAND WATER DISTRICT STANDARDS. DISINFECTION OF WATER LINES SHALL CONFORM TO AWWA STANDARDS C651, LATEST REVISION.
- ALL SEWER MATERIALS SHALL CONFORM TO THE REQUIREMENTS OF THE CITY OF PORTLAND TECHNICAL AND DESIGN STANDARDS AND GUIDELINES.
- ELECTRIC SERVICE SHALL BE COORDINATED WITH CENTRAL MAINE POWER.

GRADING AND DRAINAGE NOTES

- TOPSOIL STRIPPED IN AREAS OF CONSTRUCTION THAT IS SUITABLE FOR REUSE AS LOAM SHALL BE STOCKPILED ON SITE AT A LOCATION TO BE DESIGNATED BY THE OWNER. UNSUITABLE SOIL SHALL BE SEPARATED, REMOVED AND DISPOSED OF AT AN APPROVED DISPOSAL LOCATION OFF SITE.
- THE CONTRACTOR SHALL ANTICIPATE THAT GROUNDWATER WILL BE ENCOUNTERED DURING CONSTRUCTION AND SHALL INCLUDE SUFFICIENT COSTS WITHIN THEIR BID TO PROVIDE DEWATERING AS NECESSARY. NO SEPARATE PAYMENT SHALL BE MADE TO THE CONTRACTOR FOR DEWATERING.

EROSION CONTROL NOTES

- LAND DISTURBING ACTIVITIES SHALL BE ACCOMPLISHED IN A MANNER AND SEQUENCE THAT CAUSES THE LEAST PRACTICAL DISTURBANCE OF THE SITE.
- PRIOR TO BEGINNING ANY CLEARING/LAND DISTURBING ACTIVITIES, THE CONTRACTOR SHALL INSTALL THE PERIMETER SILT FENCES.
- ALL GROUND AREAS DISTURBED FOR CONSTRUCTION WILL BE GRADED, LOAMED AND SEED AS SOON AS POSSIBLE. PERMANENT SEED MIXTURE SHALL CONFORM TO THE SEEDING PLAN CONTAINED ON SHEET 7 OF THE PLAN SET.
- SILT FENCES SHALL BE INSPECTED, REPAIRED AND CLEANED AS NOTED IN THE EROSION CONTROL REPORT.
- THE CONTRACTOR SHALL REPAIR AND ADD STONE TO THE LOT CONSTRUCTION ENTRANCE AS IT BECOMES SATURATED WITH MUD TO ENSURE THAT IT WORKS AS PLANNED DURING CONSTRUCTION.
- LOT EROSION CONTROL NOTE IS CONTAINED ON THE DRAWINGS OF THIS PLAN SET.
- THE CONTRACTOR IS CAUTIONED THAT FAILURE TO COMPLY WITH THE SEQUENCE OF CONSTRUCTION, EROSION/SEDIMENT CONTROL PLAN, AND OTHER PERMIT REQUIREMENTS BASED UPON ANY THIRD PARTY REVIEW (to MDEP) MAY RESULT IN MONETARY PENALTIES. THE CONTRACTOR SHALL BE ASSESSED ALL SUCH PENALTIES AT NO COST TO THE OWNER OR PERMITTEE.
- ALL NON-PAVED AREAS DISTURBED DURING CONSTRUCTION SHALL BE LOAMED AND SEED, UNLESS OTHERWISE DIRECTED BY THE OWNER.
- ALL DISTURBED AREAS ARE TO RECEIVE A MINIMUM OF 6" OF TOPSOIL PRIOR TO PERMANENT SEEDING.

UTILITIES

WATER:

PORTLAND WATER DISTRICT
225 DOUGLASS STREET
PORTLAND, MAINE 04102
(207) 761-8300

SEWER:

PORTLAND PUBLIC WORKS DEPT.
55 PORTLAND STREET
PORTLAND, MAINE 04101
(207) 874-8871

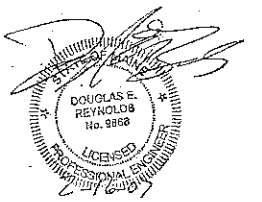
ELECTRIC:

CENTRAL MAINE POWER
162 CANCO ROAD
PORTLAND, MAINE 04103
(207) 826-2869

CALL BEFORE YOU DIG 1-800-344-7233

INDEX

- COVER SHEET, GENERAL NOTES, & LEGEND
- SUBDIVISION PLAN BY TITCOMB ASSOCIATES
- LOT LAYOUT PLAN
- LOT UTILITY PLAN
- LOT GRADING, DRAINAGE AND EROSION CONTROL PLAN
- MISCELLANEOUS DETAILS
- EROSION & SEDIMENTATION CONTROL DETAILS & NOTES



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

Rev.	Date	Revision

Subdivision Review	Date	By

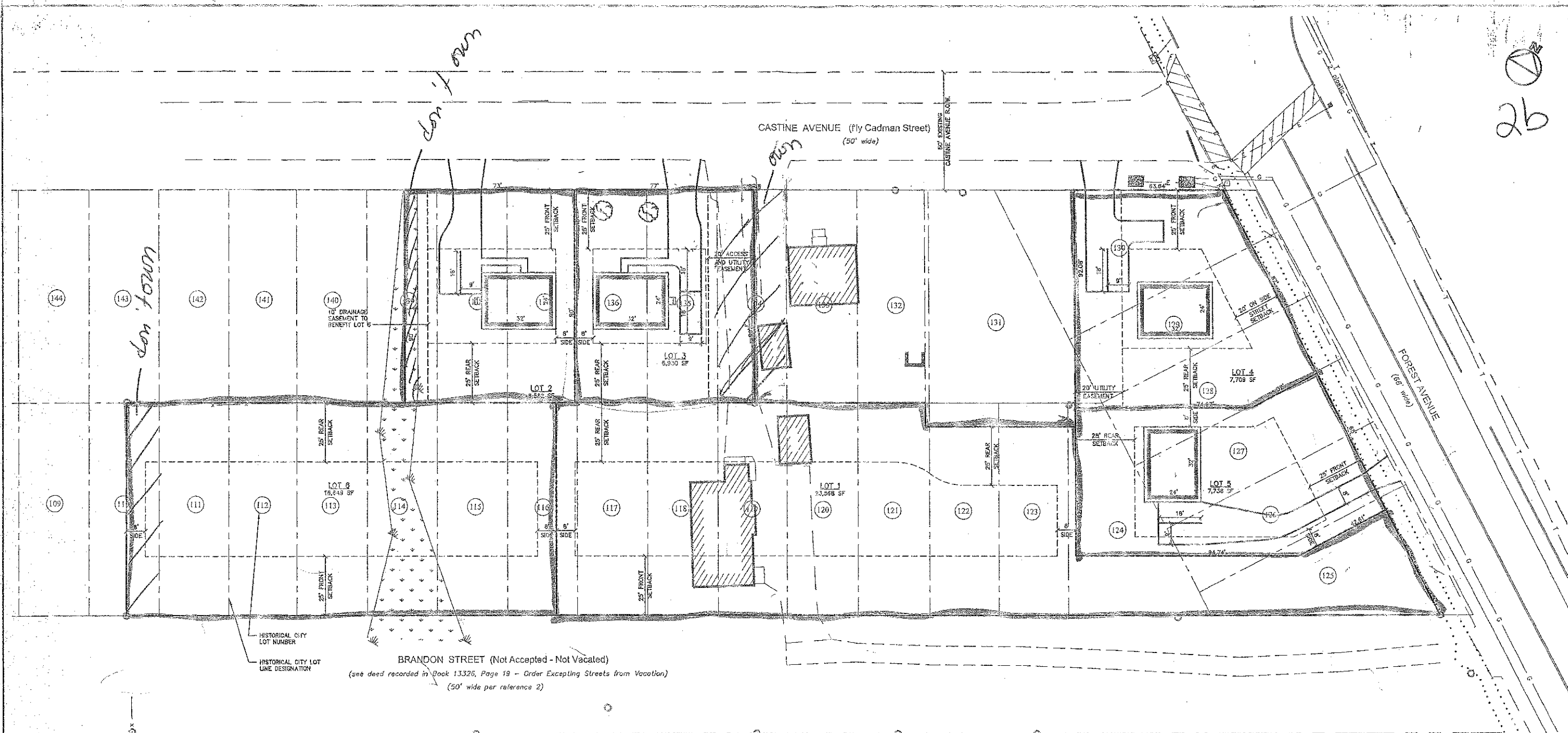
Design: JLG	Draft: LMC	Date: 1/07
Checked: AMP	Scale: 1"=20'	Job No.: 1721
File Name: 1721-cover.dwg		
This plan shall not be modified without written permission from Gorrill-Palmer Consulting Engineers, Inc.(GPCEI). Any alterations, authorized or otherwise, shall be at the user's sole risk and without liability to GPCEI.		

GP Gorrill-Palmer Consulting Engineers, Inc.
Traffic and Civil Engineering Services
PO Box 1237 15 Shaker Road Gray, ME 04039
207-657-8910
FAX 207-657-8912
E-Mail: mailbox@gorrillpalmer.com

Drawing Name:	Cover Sheet, General Notes & Legend
Project:	CASTINE AVENUE, PORTLAND, MAINE
Client:	W&C, LLC PO Box 10127, 449 Forest Avenue, Portland, ME 04104

Drawing No.	1
-------------	---

26



SPACE AND BULK REQUIREMENTS -- R-3 ZONE

MINIMUM LOT SIZE:	6,500 SF.
MINIMUM FRONTAGE:	50 FT.
MINIMUM SETBACKS:	
FRONT YARD	25 FT.
REAR YARD	25 FT.
SIDE YARD*	
1 STORY	8 FT.
1 1/2 STORY	8 FT.
2 STORY	14 FT.
2 1/2 STORY	16 FT.
MINIMUM LOT WIDTH:	
OTHER USES:	65 FT.

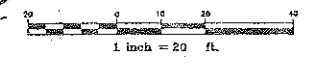
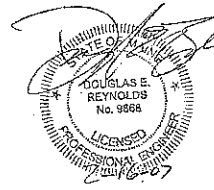
* THE WIDTH OF ONE (1) SIDE YARD MAY BE REDUCED ONE (1) FOOT FOR EVERY FOOT THAT THE OTHER SIDE YARD IS CORRESPONDINGLY INCREASED, BUT NO SIDE YARD SHALL BE LESS THAN EIGHT (8) FEET IN WIDTH.

THE SIDE YARDS SHOWN ON THE FOLLOWING FIGURES ARE BASED UPON A (1) ONE STORY STRUCTURE AND MAY BE INCREASED OR DECREASED DEPENDING UPON THE NUMBER OF STORIES.

NOTES:

1. LOT 6 CAN NOT BE BUILT UPON UNTIL BRANDON STREET IS IMPROVED TO CITY STANDARDS.
2. LOT 4 SETBACKS SHOWN ASSUME HOUSE FACES CASTINE AVENUE. IF HOUSE FACES FOREST AVENUE SETBACKS SHALL BE REVISED ACCORDINGLY.
3. AFTER DEVELOPMENT TAKES PLACE NO TREE OVER 4" SHALL BE REMOVED UNLESS IT IS DEAD, DYING, OR DISEASED, CAUSING A HAZARD TO EITHER THE PUBLIC OR THE HOMES ON THE PROPERTY OR TO PLACE A GARAGE, ACCESSORY STRUCTURE, OR PLAY AREA, OF REASONABLE AREA.
4. EACH UNIT SHALL BE PROVIDED WITH AT LEAST TWO (2) TREES MEETING THE CITY'S ARBORICULTURE SPECIFICATIONS AND WHICH ARE CLEARLY VISIBLE FROM THE STREET LINE AND ARE LOCATED SO AS TO USUALLY WIDEN THE NARROW DIMENSION OR PROPORTION OF THE UNIT.

NOTE: LOT LAYOUT AND GRADING CONFIGURATIONS SHOWN ON THIS PLAN DO NOT REPRESENT THE INTENDED FINAL DEVELOPMENT OF THE LOT FOR BUILDING PERMIT.



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

Rev.	Date	Revision

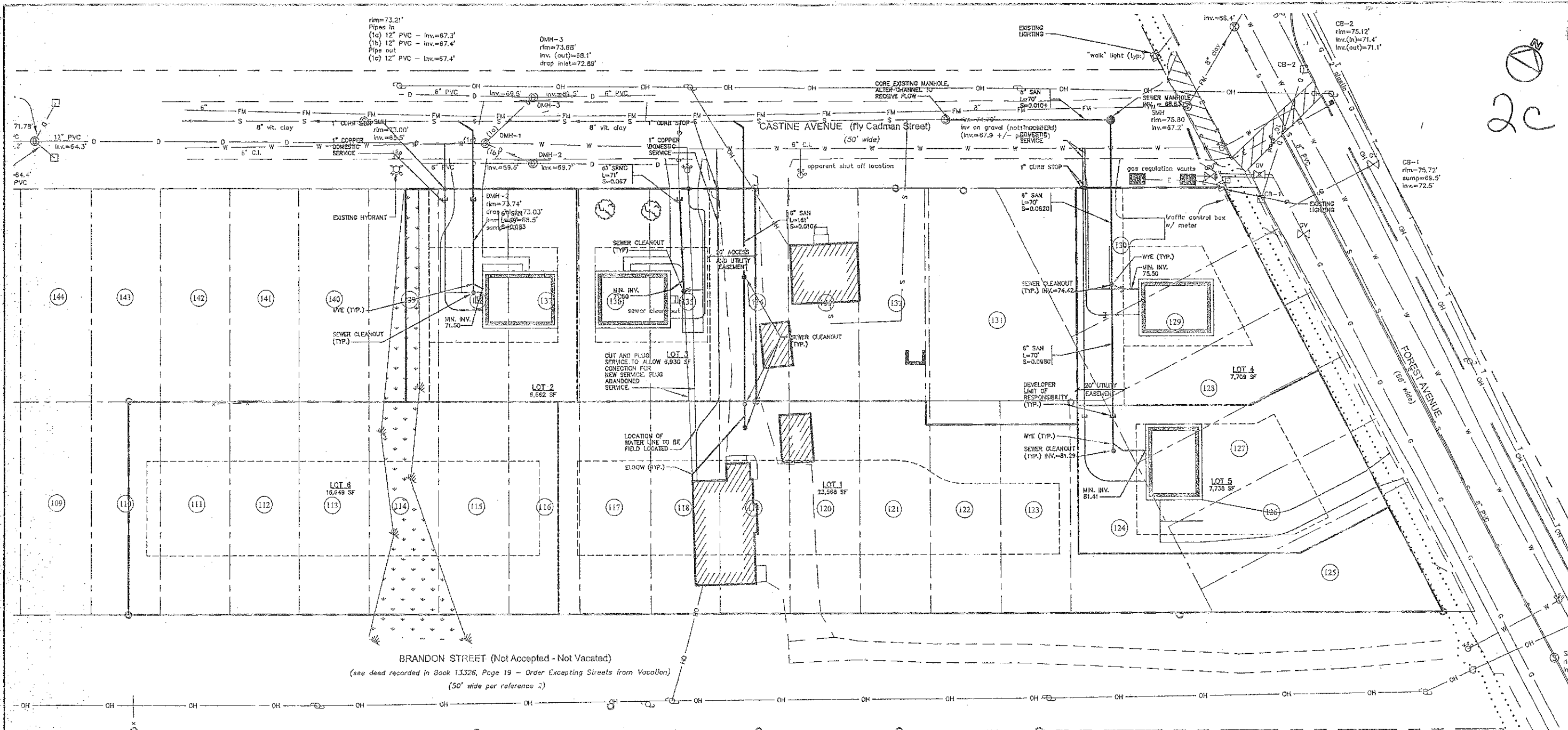
Submittal	Date	By
SUBMISSION REVIEW	02/16/07	DER
ISSUED FOR		

Design: JLG Draft: LMC Date: 1/07
 Checked: AMP Scale: 1"=20' Job No.: 1721
 File Name: 1721-phase.dwg
 This plan shall not be modified without written permission from Gorrill-Palmer Consulting Engineers, Inc.(GPCEI). Any alterations, authorized or otherwise, shall be at the user's sole risk and without liability to GPCEI.

GP Gorrill-Palmer Consulting Engineers, Inc.
 Traffic and Civil Engineering Services
 PO Box 1237 207-857-6910
 15 Shaker Road FAX: 207-857-6912
 Gray, ME 04039 E-Mail: mail@gorrillpalmer.com

Drawing Name:	Lot Layout Plan
Project:	CASTINE AVENUE, PORTLAND, MAINE
Client:	W&C, LLC PO Box 10127, 449 Forest Avenue, Portland, ME 04104

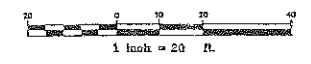
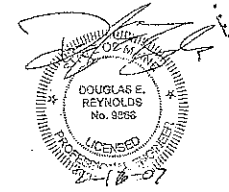
Drawing No.
3



2c

NOTES:

1. ELECTRICAL SERVICE SHALL BE COORDINATED WITH CENTRAL MAINE POWER.
2. SEWER AND WATER SERVICES RELOCATIONS FOR LOT 1 SHALL BE INSTALLED BY THE DEVELOPER. CONNECTION TO THE HOUSE SHALL BE THE DEVELOPER'S RESPONSIBILITY.
3. SEWER AND WATER SERVICES FOR LOT 2 SHALL BE INSTALLED BY THE DEVELOPER 5' INTO THE PROPERTY. CONNECTION TO THE HOUSE WILL BE THE RESPONSIBILITY OF THE LOT OWNER.
4. SEWER SERVICES FOR LOT 3 SHALL BE DISCONTINUED 5' INTO THE PROPERTY. WATER SERVICES FOR LOT 3 SHALL BE DISCONTINUED AT THE NEW CURB STOP. LOCATION OF EXISTING SERVICES SHALL BE MARKED FOR FUTURE USE. CONNECTION TO THE HOUSE SHALL BE THE RESPONSIBILITY OF THE LOT OWNER.
5. SEWER AND WATER SERVICES FOR LOT 4 SHALL BE INSTALLED BY THE DEVELOPER AS SHOWN ON THE LOT UTILITY PLAN. CONNECTION TO THE HOUSE SHALL BE THE LOT OWNERS RESPONSIBILITY.
6. SEWER AND WATER SERVICES FOR LOT 5 SHALL BE INSTALLED BY THE DEVELOPER 5' INTO THE PROPERTY. CONNECTION TO THE HOUSE SHALL BE THE RESPONSIBILITY OF THE LOT OWNER.



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

Rev.	Date	Revision

Subdivision	Review	Date	By

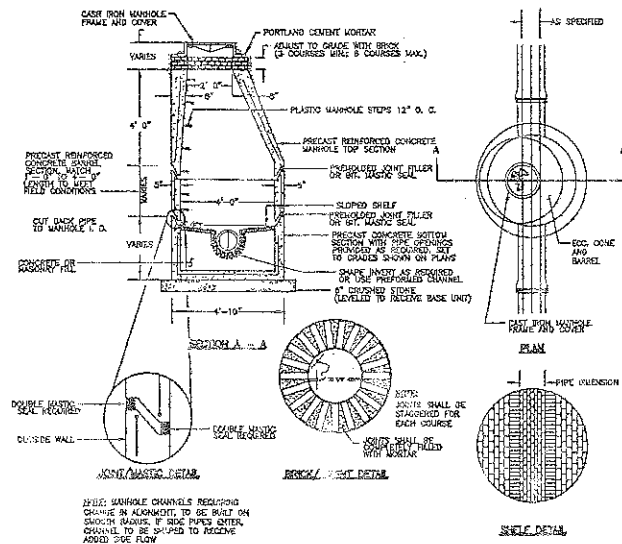
Design: JLC Draft: LMC Date: 1/07
 Checked: AMP Scale: 1"=20' Job No.: 1721
 File Name: 1721-pbase.dwg
 This plan shall not be modified without written permission from Gorrill-Palmer Consulting Engineers, Inc. (GPCEI). Any alterations, authorized or otherwise, shall be at the user's sole risk and without liability to GPCEI.

GP Gorrill-Palmer Consulting Engineers, Inc.
 Traffic and Civil Engineering Services
 PO Box 1237 15 Shaker Road Gray, ME 04039
 207-657-6910 207-657-5912
 E-Mail: mailbox@gorrillpalmer.com

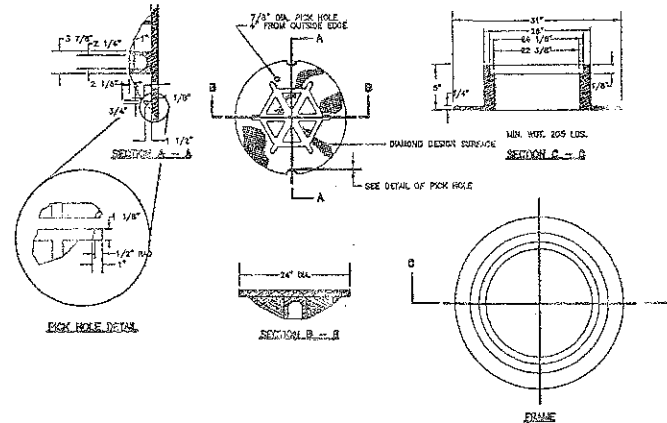
Drawing Name:	Lot Utility Plan
Project:	CASTINE AVENUE, PORTLAND, MAINE
Client:	W&C, LLC PO Box 10127, 449 Forest Avenue, Portland, ME 04104

Drawing No.
4

- GENERAL NOTES**
1. ULTIMATE STRENGTH OF 4000 PSI PER 90 MIN AT THE END OF 28 DAYS UNLESS OTHERWISE NOTED.
 2. ASTM SPEC. C-475-87
 3. C-10-83 GRADE MA AND SA.
 4. APPLIED TO THE EXTERIOR SURFACE IF CONSTRUCTION OF SPOKE MANHOLE. THE SMOOTH EXTERIOR SURFACE SHALL BE FINISHED WITH A SMOOTH HORSE FINISH 7/8" THICK. AFTER THE WORK HAS SET, THE SURFACE SHALL BE PAINTED AS REQUIRED BY SUPPLEMENTAL SPECIFICATIONS SECTION 04. CASTING SHALL CONFORM TO ASTM SPECIFICATION A44-CLASS 33.
 5. ALL PARTS OF CASINGS EXCEPT FINISHED SURFACE SHALL RECEIVE A COAT OF 100% TACK PATCH OR ASPHALTUM PATCH WHICH SHALL BE SMOOTH AND TOUGH BUT NOT BRITTLE. MANHOLES MAY BE CONSTRUCTED OF MASONRY, PRECAST, REINFORCED CONCRETE, OR CAST IN PLACE.
 6. ALL PRECAST MANHOLES AND CATCH BASINS SHALL BE IDENTIFIED BY STAIN AND DEEPLY PAINTED ON THE BACK OF THE STRUCTURE BY THE MANUFACTURER.
 7. ST-104 AND SPOKE MANHOLES SHALL HAVE SOLID COVERS WITH ONE DRILLED HOLE. EXISTING MANHOLE AND CATCH BASIN FRAMES AND COVERS SHALL BE REPAIRED BY THE CONTRACTOR AND FINISH THE PROPERTY OF THE CITY OF PORTLAND.

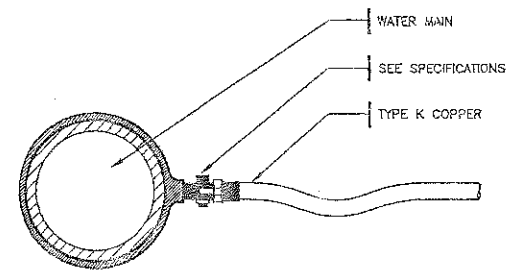


PRECAST CONCRETE MANHOLE TYPE "A"
N.T.S.



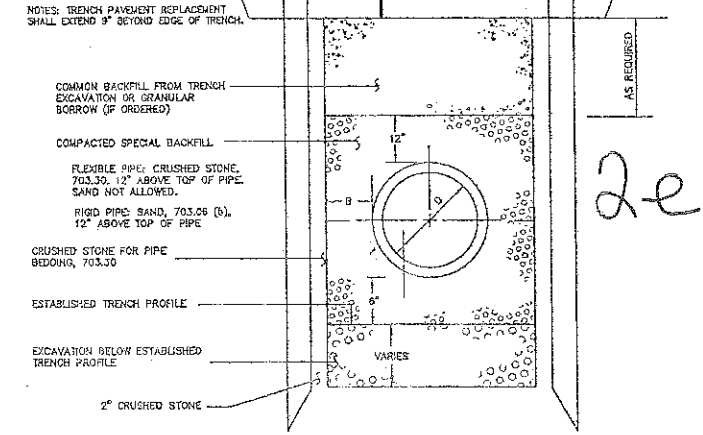
TYPE "A" MANHOLE COVER AND FRAME
N.T.S.

NOTE: SERVICE CONNECTIONS (DIRECT TAPS AND SERVICE CLAMPS) WILL BE INSTALLED SO THAT THE OUTLET IS AT AN ANGLE OF NOT MORE THAN 45° ABOVE THE HORIZONTAL. ALWAYS PUT A BEND OR "GOOSENECK" IN THE SERVICE LINE PRIOR TO CONNECTING TO PROVIDE FLEXIBILITY AND "GIVE" TO COUNTERACT THE EFFECTS OF A LOAD DUE TO SETTLEMENT OR EXPANSION AND/OR CONTRACTION.

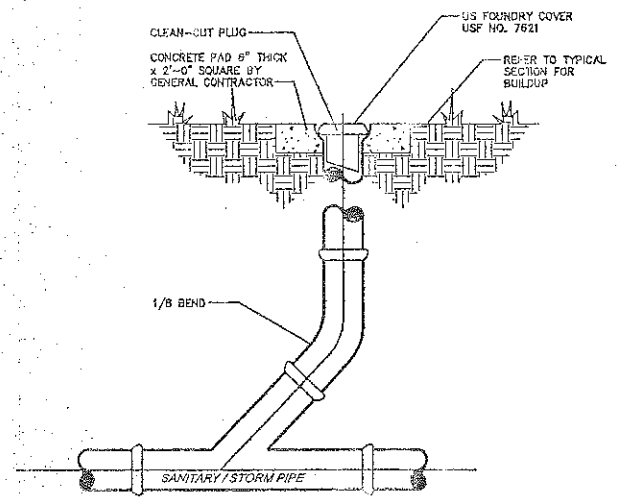


ANY WORK RELATING TO WATER PIPING OR DETAILS SHALL BE IN ACCORDANCE WITH THE PORTLAND WATER DISTRICT SPECIFICATIONS
WATER SERVICE
(1 1/2" AND 2 1/2" C.I. OR IRON PIPE THREAD)
N.T.S.

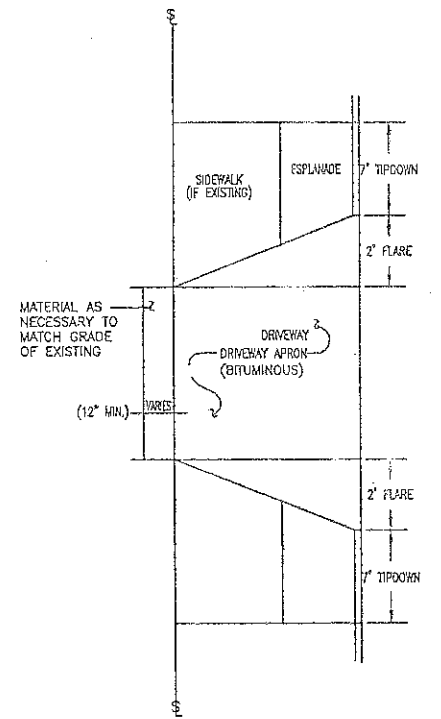
PIPE DIAMETER	D	B
12"	0'-10"	
15"	0'-8 1/4"	
18"	0'-6 1/2"	



TYPICAL PIPE INSTALLATION DETAIL
N.T.S.

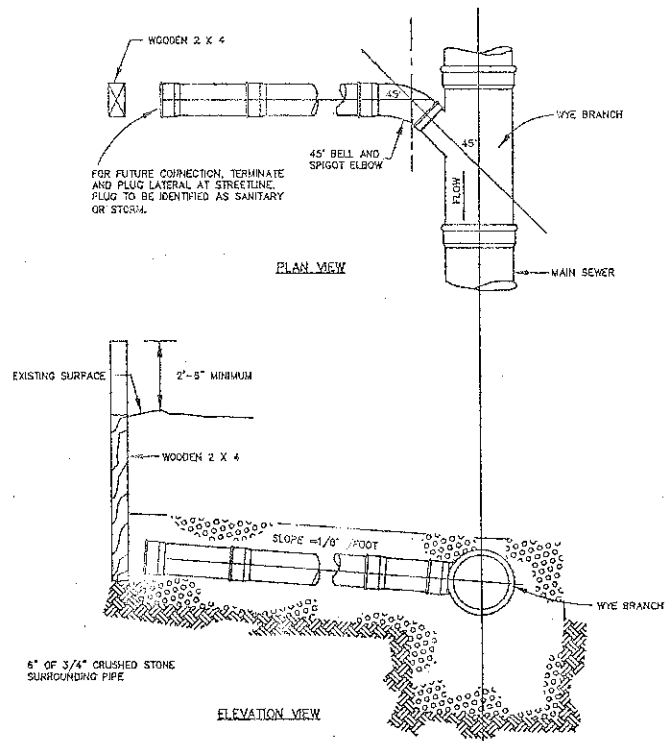


CLEANOUT
NOT TO SCALE

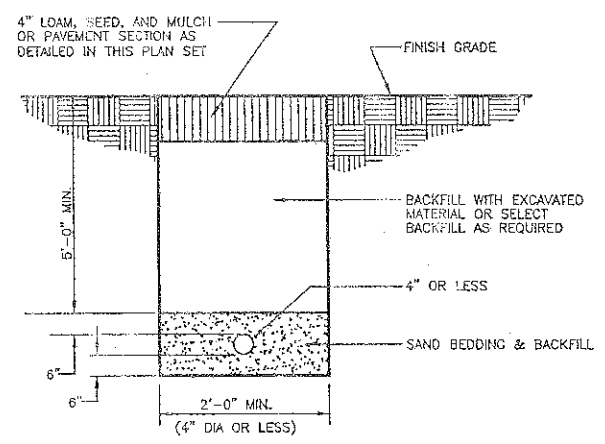


DRIVEWAY CONSTRUCTION
N.T.S.

NOTE: LOCATION WARNING TAPE SHALL BE INSTALLED OVER CENTERLINE OF PIPE AT A MAXIMUM OF 24" INCHES BELOW FINISH GRADE.

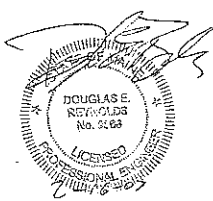


TYPICAL HOUSE LATERAL WYE CONNECTION DETAIL
N.T.S.



WATER SERVICE TRENCH SECTION

ANY WORK RELATING TO WATER PIPING OR DETAILS SHALL BE IN ACCORDANCE WITH THE PORTLAND WATER DISTRICT SPECIFICATIONS



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

Rev.	Date	Revision

SUBDIVISION REVIEW	Date	By
	02/16/07	DER

Design: JLG	Draft: LMC	Date: 1/07
Checked: AMP	Scale: 1"=20'	Job No: 1721
File Name: 1721-details.dwg		
This plan shall not be modified without written permission from Gorrill-Palmer Consulting Engineers, Inc.(GPCEI). Any alterations, authorized or otherwise, shall be at the user's sole risk and without liability to GPCEI.		

GP Gorrill-Palmer Consulting Engineers, Inc.
Traffic and Civil Engineering Services
PO Box 1237 207-657-8910
15 Shaker Road FAX: 207-657-8912
Gray, ME 04033 E-Mail: mail@box@gorrillpalmer.com

Drawing Name:	Miscellaneous Details
Project:	CASTINE AVENUE, PORTLAND, MAINE
Client:	W&C, LLC PO Box 10127, 449 Forest Avenue, Portland, ME 04104

Drawing No. **6**

EROSION CONTROL MEASURES AND SITE STABILIZATION

THE PRIMARY EMPHASIS OF THE EROSION/SEDIMENTATION CONTROL PLAN TO BE IMPLEMENTED FOR THE INFRASTRUCTURE CONSTRUCTION IS AS FOLLOWS:

- DEVELOPMENT OF A CAREFUL CONSTRUCTION SEQUENCE.
- RAPID REVEGETATION OF DENUDED AREAS TO MINIMIZE THE PERIOD OF SOIL EXPOSURE.
- RAPID STABILIZATION OF DRAINAGE PATHS TO AVOID RILL AND GULLY EROSION.
- THE USE OF ON-SITE MEASURES TO CAPTURE SEDIMENT (MAY BALS/SILT FENCE, ETC.)

THE FOLLOWING TEMPORARY AND PERMANENT EROSION AND SEDIMENT CONTROL DEVICES WILL BE IMPLEMENTED AS PART OF THE SITE DEVELOPMENT. THESE DEVICES SHALL BE INSTALLED AS INDICATED ON THE PLANS OR AS DESCRIBED WITHIN THIS REPORT. FOR FURTHER REFERENCE, SEE THE MAJOR EROSION AND SEDIMENT CONTROL HANDBOOK FOR CONSTRUCTION BEST MANAGEMENT PRACTICES.

A. TEMPORARY EROSION CONTROL MEASURES

THE FOLLOWING MEASURES ARE PLANNED AS TEMPORARY EROSION/SEDIMENTATION CONTROL MEASURES DURING CONSTRUCTION:

1. A CRUSHED STONE-STABILIZED CONSTRUCTION ENTRANCE SHALL BE PLACED AT THE PROPOSED CASTINE AVENUE.
2. SILTATION FENCE BE INSTALLED DOWNSTREAM OF ANY DISTURBED AREAS TO TRAP RUNOFF BORNE SEDIMENTS UNTIL THE ROADWAY SIDE-SLOPES ARE REVEGETATED. THE SILT FENCE SHALL BE INSTALLED PER THE DETAILS PROVIDED IN THIS PACKAGE AND INSPECTED IMMEDIATELY AFTER EACH RAINFALL AND AT LEAST DAILY DURING PROLONGED RAINFALL. REPAIRS SHALL BE MADE IF THERE ARE ANY SIGNS OF EROSION OR SEDIMENTATION BELOW THE FENCE. IF THERE ARE SIGNS OF UNDERCUTTING AT THE CENTER OR THE EDGES, OR IMPOUNDING OF LARGE VOLUMES OF WATER BEHIND FENCE, THE BARRIER SHALL BE REPLACED WITH A STONE CHECK DAM.
3. STRAW OR HAY MULCH INCLUDING HYDROSEEDING IS INTENDED TO PROVIDE COVER FOR DENUDED OR SEEDED AREAS UNTIL REVEGETATION IS ESTABLISHED. MULCH PLACED BETWEEN APRIL 15TH AND OCTOBER 15TH ON SLOPES OF LESS THAN 15 PERCENT SHALL BE ANCHORED BY APPLYING WATER. MULCH PLACED ON SLOPES OF EQUAL TO OR STEEPER THAN 15 PERCENT SHALL BE COVERED BY A FABRIC NETTING AND ANCHORED WITH STAPLES IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATION. MULCH PLACED BETWEEN OCTOBER 15TH AND APRIL 15TH ON SLOPES EQUAL TO OR STEEPER THAN 8 PERCENT SHALL BE COVERED WITH A FABRIC NETTING AND ANCHORED WITH STAPLES IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS. SLOPES STEEPER THAN 8:1, WHICH ARE TO BE REVEGETATED, SHALL RECEIVE CURLEX BLENDERS BY AMERICAN EXCELOR OR EQUAL. MULCH APPLICATION RATES ARE PROVIDED IN ATTACHMENT A OF THIS SECTION. MULCH SHALL NOT BE PLACED OVER SNOW.
4. TEMPORARY STOCKPILES OF STUMPS, GRUBBINGS, OR COMMON EXCAVATION WILL BE PROTECTED AS FOLLOWS:
 - A) TEMPORARY STOCKPILES SHALL NOT BE LOCATED WITHIN 50 FEET OF ANY WETLANDS, WHICH WILL NOT BE DISTURBED AND ANY SLOPES WHICH EXCEED 15%.
 - B) STOCKPILES SHALL BE STABILIZED WITHIN 7 DAYS BY EITHER TEMPORARILY SEEDING THE STOCKPILE BY A HYDROSEED METHOD CONTAINING AN ENHANCED MULCH TACKIFIER OR BY COVERING THE STOCKPILE WITH MULCH.
 - C) STOCKPILES SHALL BE SURROUNDED BY SILT FENCE AT THE TIME OF FORMATION.
5. ALL DENUDED AREAS THAT ARE WITHIN 50 FEET OF AN UNDISTURBED WETLAND, WHICH HAVE BEEN ROUGH GRADED, AND ARE NOT LOCATED WITHIN A ROADWAY SUBBASE AREA, SHALL RECEIVE MULCH OR EROSION CONTROL MESH FABRIC WITHIN 7 DAYS OF INITIAL DISTURBANCE OF SOIL. ALL AREAS WITHIN 50 FEET OF AN UNDISTURBED WETLAND SHALL BE MULCHED PRIOR TO ANY PREDICTED RAIN EVENT REGARDLESS OF THE 7-DAY WINDOW. IN OTHER AREAS, THE TIME PERIOD MAY BE EXTENDED TO 14 DAYS.
6. FOR WORK WHICH IS CONDUCTED BETWEEN OCTOBER 15 AND APRIL 15 OF ANY CALENDAR YEAR, ALL DENUDED AREAS WILL BE COVERED WITH HAY MULCH, APPLIED AT TWICE THE NORMAL APPLICATION RATE AND ANCHORED WITH FABRIC NETTING. THE TIME PERIOD FOR APPLYING MULCH AS NOTED IN PARAGRAPH 3 ABOVE, SHALL BE LIMITED TO 7 DAYS FOR ALL AREAS.
7. CASTINE AVE SHALL BE SWEEPED TO CONTROL MUD AND DUST AS NECESSARY.
8. DURING GRUBBING OPERATIONS STONE CHECK DAMS WILL BE INSTALLED AT ANY EVIDENT CONCENTRATED FLOW DISCHARGE POINTS.
9. SILT FENCING WITH A MINIMUM STAKE SPACING OF 6 FEET SHOULD BE USED, UNLESS THE FENCE IS SUPPORTED BY WIRE FENCE REINFORCEMENT OF MINIMUM 14 GAUGE AND WITH A MAXIMUM MESH SPACING OF 6 INCHES, IN WHICH CASE STAKES MAY BE SPACED A MAXIMUM OF 10 FEET APART. THE BOTTOM OF THE FENCE SHOULD BE ANCHORED.
10. WOOD WASTE COMPOST/BARK BERMS MAY BE USED IN LIEU OF SILTATION FENCING, BUT NOT IN WETLAND AREAS. BERMS SHALL BE REMOVED AND SPREAD INTO A LAYER NOT TO EXCEED 3" THICK UPSTREAM AREAS ARE COMPLETED AND A 75% CATCH OF VEGETATION IS ATTAINED.
11. WATER AND/OR CALCIUM CHLORIDE SHALL BE FURNISHED AND APPLIED IN ACCORDANCE WITH MDOT SPECIFICATIONS - SECTION 637 - DUST CONTROL.
12. LOAM AND SEED IS INTENDED TO SERVE AS THE PRIMARY PERMANENT REVEGETATIVE MEASURE FOR ALL DENUDED AREAS NOT PROVIDED WITH OTHER EROSION CONTROL MEASURES, SUCH AS RIPRAP. APPLICATION RATES ARE PROVIDED IN ATTACHMENT A OF THIS SECTION. SEEDING SHALL NOT OCCUR OVER SNOW.

B. PERMANENT EROSION CONTROL MEASURES

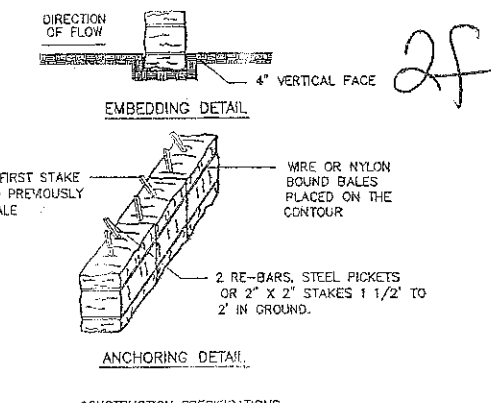
THE FOLLOWING PERMANENT EROSION CONTROL MEASURES HAVE BEEN DESIGNED AS PART OF THE EROSION/SEDIMENTATION CONTROL PLAN:

1. ALL AREAS DISTURBED DURING CONSTRUCTION, BUT NOT SUBJECT TO OTHER RESTORATION (PAVING, RIPRAP, ETC.) WILL BE LOAMED, LIMED, FERTILIZED, MULCHED, AND SEEDED. FABRIC NETTING, ANCHORED WITH STAPLES SHALL BE PLACED OVER THE MULCH IN AREAS AS NOTED IN PARAGRAPH 5 OF TEMPORARY EROSION CONTROL MEASURES. ALL AREAS WITHIN 50 FEET OF AN UNDISTURBED WETLAND SHALL BE MULCHED PRIOR TO ANY PREDICTED RAIN EVENT REGARDLESS OF THE 7-DAY WINDOW. NATIVE TOPSOIL SHALL BE STOCKPILED AND REUSED FOR FINAL RESTORATION WHEN IT IS OF SUFFICIENT QUALITY.

LOTS
THE FOLLOWING CONSTRUCTION SEQUENCE SHALL BE REQUIRED FOR LOT CONSTRUCTION TO INSURE THE EFFECTIVENESS OF THE EROSION AND SEDIMENTATION CONTROL MEASURES ARE OPTIMIZED:

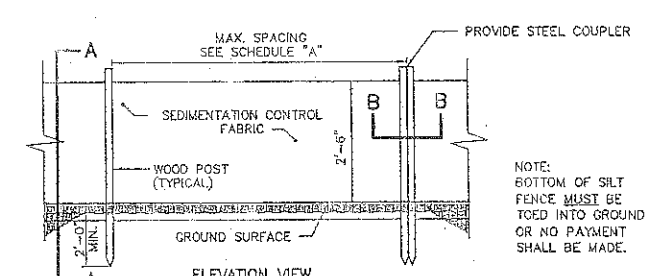
NOTE: FOR ALL GRADING ACTIVITIES, THE CONTRACTOR SHALL EXERCISE EXTREME CAUTION NOT TO OVEREXPOSE THE LOT BY LIMITING THE DISTURBED AREA.

1. INSTALL STABILIZED CONSTRUCTION ENTRANCES AT THE LOT DRIVEWAY.
 2. CLEAR AREA NECESSARY FOR HOUSE CONSTRUCTION.
 3. INSTALL PERIMETER SILTATION FENCE AND/OR WOOD WASTE BERMS PRIOR TO GRUBBING RESPECTIVE AREAS.
 4. DURING GRUBBING OPERATIONS, INSTALL STONE CHECK DAMS AT ANY EVIDENT CONCENTRATED FLOW DISCHARGE POINTS.
 5. COMMENCE EARTHWORK FOR FOUNDATION AREA.
 6. COMMENCE BUILDING CONSTRUCTION.
 7. COMMENCE INSTALLATION OF UNDERGROUND UTILITIES.
 8. COMPLETE REMAINING EARTHWORK OPERATIONS.
 9. INSTALL GRAVELS FOR DRIVEWAY.
 10. INSTALL PAVEMENT FOR DRIVEWAY.
 11. LOAM, LIME, FERTILIZE, SEED AND MULCH DISTURBED AREAS.
 12. ONCE THE SITE IS STABILIZED AND A 80% CATCH OF VEGETATION HAS BEEN OBTAINED, REMOVE ALL TEMPORARY EROSION CONTROL MEASURES.
 13. TOUCH UP LOAM AND SEED.
- NOTE: ALL DENUDED AREAS NOT SUBJECT TO FINAL PAVING OR GRAVEL SHALL BE REVEGETATED.



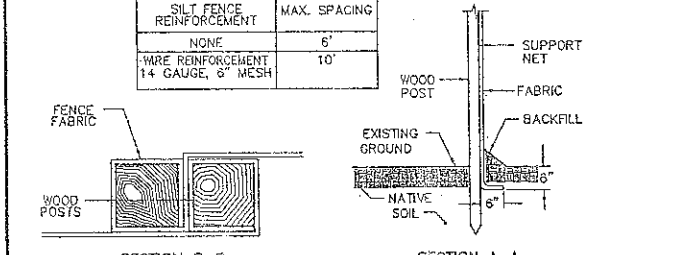
- CONSTRUCTION SPECIFICATIONS**
1. Bales shall be placed in a row with ends tightly abutting the adjacent bales.
 2. Each bale shall be embedded in the soil a minimum of 4".
 3. Bales shall be securely anchored in place by stakes or re-bars driven through the bales. The first stake in each bale was angled toward previously laid bale to force bales together.
 4. Inspection will be frequent and repair or replacement shall be made promptly as needed.
 5. Bales shall be removed when they have served their usefulness so as not to block or impede storm flow or drainage.

STRAW OR HAY BALE BARRIER
N.T.S.

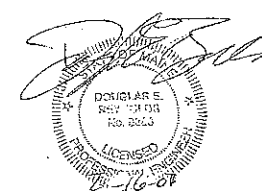


SCHEDULE "A"

SILT FENCE REINFORCEMENT	MAX. SPACING
NONE	6'
WIRE REINFORCEMENT 14 GAUGE, 6" MESH	10'



SILTATION FENCE DETAIL
N.T.S.



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

Design: JLG	Draft: LMC	Date: 1/07
Checked: AMP	Scale: 1"=20'	Job No: 1721
File Name: 1721-details.dwg		
SUBMISSION REVIEW		
Issued For:	Date: 02/16/07	By: DER

GP Gorrill-Palmer Consulting Engineers, Inc.
Traffic and Civil Engineering Services
PO Box 1237 Gray, ME 04039
207-657-8910
FAX: 207-657-6912
E-Mail: mailbox@gorrillpalmer.com

Drawing Name: **Erosion & Sedimentation Control Details**
Project: **CASTINE AVENUE, PORTLAND, MAINE**
Client: **W&C, LLC**
PO Box 10127, 449 Forest Avenue, Portland, ME 04104

Drawing No. **7**

AH 3

MEMORANDUM

To: FILE

From: Marge Schmuckal

Dept: Zoning

Subject: Application ID: 2007-0034

Date: 4/5/2007

This subdivision is located within an R-3 zone. All six lots are meeting the minimum lot size, minimum street frontage and setbacks. However, lot #5 is not meeting the minimum required lot width of 65'. It is just under 63' in width where the building is placed. The definition of lot width is: "The distance parallel to the front of the building measured between side lot lines through that part of the principal building where the lot is narrowest".

Before lot #6 is developed further, 14-403 requires Brandon Street to be brought up to City standards.

Marge Schmuckal
Zoning Administrator

MEMORANDUM



TO: Barbara Barhydt
FROM: Dan Goyette
DATE: March 21, 2007
RE: Castine Subdivision

Woodard & Curran has performed a review of the subdivision application for the Castine Avenue Subdivision Project.

Documents Reviewed

- Subdivision Plan Application for Castine Avenue, dated February 16, 2007 by Alton Palmer, Gorrill-Palmer Consulting Engineers, Inc.

Comments

- The financial capacity letter located in Attachment 5 refers to a 4 lot subdivision. The subdivision is actually 6 lots.
- The driveway from Lot 3 needs to be a minimum of 20 feet from the driveway from Lot 1.
- The pipe installation detail indicates that rigid pipe can have 12" of sand above it, it should indicate that it has 12" of crushed stone.
- Granite curbing and sidewalk should be installed along both Castine and Forest Avenue.
- The driveway from lot 5 should connect to Brandon Street. The driveway does not meet setback requirements on Forest Avenue.
- An easement should be provided on Lot 4 that would encompass the traffic control box and light.
- The sewage pipe from Lot 5 can not share the pipe with Lot 4 without the installation of a manhole on Lot 5.
- The sewer pipe from Lot 4 should wye into the sewer extension on Castine Avenue. It should not discharge into the new sewer manhole.

DRG
203943.13

Memorandum



To: Chair Patterson and Members of the Portland Planning Board
From: Penny Littell, Associate Corporation Counsel
Date: June 26, 2007
Re: Castine Avenue Subdivision

I have been in discussion with the attorney working on the above-captioned subdivision. Please be advised that this matter should be tabled and that the applicant has consented to the same. The matter will be set for a workshop on July 10th, followed by a public hearing on July 24th.

- Tabled 6/26 pending
disc. of Brandon St
PLANNING BOARD REPORT # 26-07
• Workshop 7/10 ?

**CASTINE AVENUE SUBDIVISION
CORNER OF CASTINE, FOREST AND BRANDON STREETS
SITE PLAN AND SUBDIVISION REVIEW**

W & C LLC, APPLICANT

Submitted to:
Portland Planning Board
Portland, Maine

Submitted by:
Molly Casto, Planner

Prepared On: June 18, 2007
Meeting Date: June 26, 2007

I. INTRODUCTION

W& C LLC has requested a subdivision review and approval for a five-lot subdivision off of Castine Avenue, Forest Avenue and Brandon Street. The site consists of approximately 1.58 acres with five proposed lots ranging in size from 6,570 square feet to 40,008 square feet. Castine Avenue and Forest Avenue are City accepted streets. Brandon Street is a dedicated but unimproved street that has neither been accepted nor vacated by the City of Portland. Proposed lot 1 and lot 5 have frontage along Forest Avenue. Proposed lots 2, 3, and 4 have street frontage along Castine Avenue. Lot 1 is proposed to contain an existing single family home. A second existing home and garage shown on the plans are located on a separate property under separate ownership and are not part of the proposed subdivision.

The contact person for W & C LLC is James Wolf. Representatives for the applicant include Alton Palmer, Gorrill-Palmer Consulting Engineers.

The applicant's submission is included as Attachment 1 and the revised plan set is included as Attachment 2.

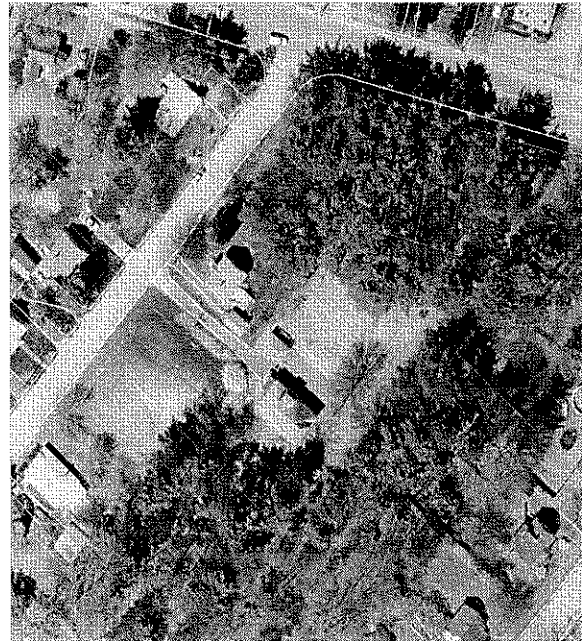
123 notices were sent to area residents. A notice also appeared in the *Portland Press Herald*. The applicant held a neighborhood meeting on June 18, 2007, as required by the City Code of Ordinances (see Attachment 3).

II. FINDINGS OF FACTS

Land area:	69,216 sq. ft. (1.589 acres)
Zone:	R-3
Number of Proposed Lots:	5
Lot sizes and Frontage:	Lot 1: 40,008 sq. ft., includes existing house with frontage on both Brandon Street and Forest Avenue. Lot 2: 6,570 sq. ft., frontage on Castine Avenue Lot 3: 6,930 sq. ft., frontage on Castine Avenue Lot 4: 7,760 sq. ft., frontage on Castine and Forest Avenues Lot 5: 7,738 sq. ft., frontage on Forest Avenue
Proposed Use:	5 single-family house lots
Proposed Easements:	The applicant shows the following proposed easements on submitted subdivision plan: a) a 20 foot utility easement to benefit lot 5 along the westerly boundary of lot 4; b) a 10 foot wide drainage easement to benefit lot 1 along the westerly boundary of lot 2.
Existing Easement:	A 20 foot access and utility easement to benefit lot 1 along the easterly boundary of lot 3 (See attached deed description in Sect VI of this report and <u>Attachment 1</u>).

III. PROPOSED DEVELOPMENT

W & C LLC is proposing a five-lot subdivision that is located off Castine Avenue, Forest Avenue and Brandon Street. Castine and Forest Avenue are City accepted streets and Brandon Street is a dedicated, but unimproved and unaccepted street. The 1.59-acre site includes a stand of mature white pine trees along Forest Avenue. The site also includes an existing single family home that faces Brandon Street and has two driveways providing access to both Brandon Street and Castine Avenue. The property was acquired from Andrea Diane Knight in October 2006. There are two lots along Castine Avenue that are noted as Trust Lots A and B, which are held in trust by Gary S. Bedrosian and Andrea D. Knight. A second existing home and garage are located on these properties, which are not part of the proposed subdivision.



Location of proposed subdivision (see Attachment 7)

Lot#1 is the largest of the five proposed lots at 40,008 square feet, with 50.01 feet of frontage along Forest Avenue and 747.67 feet of frontage along Brandon Street. An existing home is located within Lot #1 and a twenty (20) foot utility and access easement currently exists and runs over Lot #3 to serve existing connections to Castine Avenue (see deed description- Attachment 1). The other proposed lots are summarized as follows:

- **Lot #2** is proposed with 6,570 sq. ft. and 73 ft. of frontage along Castine Avenue. A 10 ft. wide drainage easement is proposed along the westerly property boundary.
- **Lot #3** is proposed with 6,930 sq. ft. and 77 ft. of frontage along Castine Avenue. A 20 ft. wide access and utility easement is proposed to serve lot #1 is shown along the easterly property boundary.
- **Lot #4**, a corner lot, is proposed with 7,760 sq. ft. and 63.64 ft. of frontage along Castine Avenue and 87.04 ft. along Forest Avenue. A 20-ft. utility easement is proposed along the westerly boundary to serve lot # 5.
- **Lot #5** is proposed with 7,948 sq. ft. and 65 ft. of frontage along Forest Avenue and 747.67 ft. along Brandon Street.

IV. SITE FEATURES

Distinguishing features of the site include:

- Brandon Street access- unaccepted city street

- Existing mature pine grove located along Forest Avenue
- 2 existing Northern Utilities, Inc gas vaults located at the corner of Castine and Forest Avenues.

V. UPDATES SINCE THE APRIL 10, 2007 WORKSHOP

There have been a number of revisions to the site plan and written submittals since the Planning Board's workshop. These changes are summarized below:

- The number of lots in the proposed subdivision has been reduced from 6 to 5 lots. Lot 1 and lot 6 from the original subdivision plan have been merged into a single lot with frontage along Forest Avenue and Brandon Street, eliminating lot 6.
- The applicant has added permanent vegetated buffers to lot 4 and lot 5 along Forest Avenue (20 ft. wide) and along the first 43.64 ft. lot 4 along Castine Avenue (10'wide) as a protective measure to preserve existing mature white pine trees.
- The applicant has included a note on the revised plans that, in the event that a tree within the vegetated buffers, as delineated on the plans, is lost during construction, it will be replaced with two 5' to 6' tall white pines.
- The applicant has requested waivers for the construction of curbing along Forest Avenue and the construction of sidewalk and curbing along Castine Avenue.
- The conceptual driveway for lot 3 has been revised, and is now proposed as a shared driveway with lot 1.
- The driveway for lot 5 has been relocated through an access easement over lot 4.
- A manhole has been proposed on lot 5 to allow both lot 4 and lot 5 to share the same sewage pipe.
- The proposed sewage pipe from lot 4 has been revised, as requested by Public Works, to wye into the sewer extension on Castine Avenue.
- The width of lot 5 has been revised from a lot width of 63 ft. to 65 ft. to comply with zoning requirements.
- A note has been added to lot 2, requiring that the applicant mark the limit of wetlands prior to the start of construction.
- The dimensions of the parking spaces depicted on lot layout plan sheet 3 have been revised from 9 ft. by 18 ft. to 9 ft. by 19 ft. as required by Portland City Ordinances.

VI. RIGHT TITLE AND INTEREST

The applicant has submitted a copy of the Quitclaim Deed with Covenant (see Attachment 4). The deed includes the following restrictions:

- A. The property may not be used for multi-family housing. The restriction is not intended to prevent a home from having an in-law apartment built in a manner as in-law apartments are defined by Portland municipal codes;
- B. On lots 125 through 131 from Plan of Lots at Deering Terrace (the lots near Forest Avenue) the grantee, successors and assigns are to preserve as many trees as possible on said lots. The restriction is as follows:

Prior to development Grantee agrees to use its best efforts to obtain approval from the City of Portland to construct two single family homes on the Forest Avenue property that are accessed by Castine Avenue. Notwithstanding the results of these efforts the Grantee agrees to use best efforts to preserve as many of the trees as possible on the land while at the same time being able to construct single-family homes on the property. After development takes place no trees over 4 inches shall be removed unless it is dead, dying or diseased, causing a hazard to either the public or the homes on the property, or to place a garage, accessory structure or play areas of reasonable size.

- C. In the event that the Grantee donates any of the property to the City of Portland that the donation will be made in "loving memory of George F. Knight and Clare B. Knight."

VII. ZONING

The site is within the Residential R-3 zone. Marge Schmuckal, Zoning Administrator, has reviewed the plans and her memorandum is included as Attachment 5. This subdivision has been changed from 6 to 5 lots with the two previous lots off of Brandon Street (old lots 1 & 6) being combined into one lot. The lot line for lot 6 is still on the revised plans and should be removed from the final plat.

The 5 lots are meeting R-3 zone requirements. She notes that the lots meet the minimum lot size, street frontage and setbacks of the zone. The applicant has revised the width of lot 5 on the revised site plans in order to meet zoning requirements. She notes that, if the applicant ever wants to split and build upon lot 1, Brandon Street will have to be improved to City standards at that time. Under existing laws and regulations, any lot divisions to Lot 1 within 5 years shall require an amended subdivision plan to be reviewed and approved by the Planning Board. If a split of Lot 1 occurs after five years, Section 14-403 would require improvements meeting City Street Standards to be constructed along Brandon Street.

The staff recommends that the following wording be included as a note on the final plat:

Lot 1 may not be further subdivided and built upon until such time any proposed divisions and street improvements meet all of the applicable codes and regulations of Portland's City Code.

Separate single family site plans shall be required for the individual lot developments. The revised plans show a drainage easement on lot #2 to lot #6. There is no lot #6 now, so this note should be revised to state Lot #1.

There is currently note on the plans (drawing 3), referring to lot 4, which states:

Lot 4 setbacks shown assume house faces Castine Avenue. If house faces Forest Avenue setbacks shall be revised accordingly.

This note should be removed from the final recording plat prior to approval. The applicant is not able to revise setbacks in order to access lot 4 from Forest Avenue since any potential driveway from Forest Avenue would impact the permanent vegetated buffer along Forest Avenue that as delineated on the revised plans. In addition, a driveway to Forest Avenue for Lot #4 was proposed in an earlier draft and Public Works determined there was insufficient separation between the driveway and the Brandon Street intersection. The Planning Staff recommends that this note be removed and replaced with a note on the final plat that states:

Lots #4 and #5 shall not have direct driveway access to Forest Avenue.

VIII. STAFF REVIEW

The subdivision plan has been reviewed by the Planning staff for compliance with the applicable review standards of the City of Portland subdivision ordinance:

A. Water Capacity

The applicant has submitted a letter from the Portland Water District indicating that there is sufficient capacity to serve the lots from the water main in Castine Avenue and normal fire protection needs of the site (see Attachment 8).

B. Sanitary Sewer/Soils

The applicant has submitted a sewer capacity letter from the Department of Public Works. Dan Goyette, Consulting DRC, noted in his memorandum of March 21, 2007 the following points:

- III. The sewage pipe from Lot 5 cannot share the pipe with Lot 4 without the installation of a manhole on Lot 5.
- IV. The sewer pipe from Lot 4 should wye into the sewer extension on Castine Avenue. It should not discharge into the new sewer manhole.

The plan revisions submitted by the applicant include a proposed manhole on lot 5 to allow both lot 4 and lot 5 to share the same pipe. The sewer pipe from lot 4 has been revised to wye into the sewer extension on Castine Avenue. These revisions have been reviewed and

approved by Michael Farmer, Project Manager for the Department of Public Works (see Attachment 6). Mike Farmer's comments include the following:

- *The applicant is proposing to build a private sewer to serve both lots 4 and 5. We approve of this concept. We have no objections to connecting this private sewer directly to the proposed new manhole in Castine Street and eliminating the proposed cleanout on lot 4.*
- *We are requesting that the private utility easement on lot 4 be extended onto lot 5 so that the easement area includes the terminal manhole on the private sewer. We are requesting that the private sewer be owned in common and that the owners of lots 4 and 5 be jointly responsible for owning and maintaining the private sewer. The legal mechanism for spelling out this ownership and maintenance arrangement can be anything that the applicant, Corporation Council's office and Planning Board can agree upon. In any case, we recommend that the recording plat state that any sewer built in the utility easement shall be privately owned and maintained by the owners of lots 4 and 5. We also recommend that the Lot Utility Plan sheet state that the sewer shown on lots 4 and 5 shall be privately owned and maintained by the owners of lots 4 and 5.*

C. Soil Erosion/Capacity to hold water and Storm water Management

There is a wetland shown on proposed lot 1 and on a portion of lot 2. The lot grading plan (drawing no. 5) notes that there will be no wetland impacts allowed for the development of Lot 2 and a silt fence is shown roughly 5 feet from the edge of the wetland. A note has been added to lot 2 on the revised plans requiring the applicant to mark the limit of wetlands prior to the start of construction.

On the proposed subdivision plan there is a proposed 10-foot wide drainage easement to benefit Lot 1, however the terms of this easement have not been defined. The applicant has not yet submitted the deed language to the City for review, so the Planning Staff is recommending a condition of approval stating that all easements will be submitted for review and approval by the City prior to the release of the recording plat.

The applicant met with Dan Goyette, Consulting Engineer to review the extent of the drainage system on Castine Street. It was determined that the proposed project would not have a significant effect on the existing drainage system in the area. However, he also notes that curbing to channel stormwater to existing collection points would eliminate potential erosion of the road shoulders, which are currently unprotected. Dan Goyette has submitted an updated memorandum, dated June 18, 2007 in reference to the revised plans (see Attachment 14). He offers the following comments concerning the installation of granite curbing as it pertains to stormwater management on the site:

Curbing along both Forest Avenue and Castine Avenue would aid the existing stormwater collection system. Currently on Castine Avenue a number of catch basins exist. The basins have a granite inlet curbstone directly behind them, which helps channel stormwater into the basin. Additional curbing along the street would help channel stormwater to these collection points while eliminating the potential shoulder erosion that could take place, as the shoulders are currently unprotected.

D. Traffic

1. Access

Proposed access to lots 1, 2, 3 and 4 is from Castine Avenue. The proposed access and utility easement for lot 1 crosses the easterly edge of lot 3 and is adjacent to the proposed shared access for lots 1 and 3. Lot 5 is proposed with shared access with lot 4 from Castine Avenue. The applicant has addressed traffic related issues that were raised during staff review of the initial plans and during the April 10, 2007 Planning Board workshop. The applicant proposes a conceptual shared driveway for lot 1 and lot 3 along a pre-existing easement submitted to the Cumberland County Register of Deeds on May 16, 2007 (see Attachment 1- Deed Description. Exhibit A). The driveway from Lot 5 has been relocated through an access easement from Castine Avenue over lot 4.

The revised plans have been modified to show 9 ft. x 19 ft. parking spaces as required by City ordinances.

Jim Carmody is developing a streetscape plan for Forest Avenue. The improvements include crosswalks and center medians for the portion of Forest Avenue between Hicks Street and Riverside Industrial Parkway. The Forest Avenue crosswalk at Castine Avenue, as shown on the applicant's plan, may be scheduled for realignment or improvements. The City has requested an easement for the existing light. The applicant has identified a proposed easement on the revised plans and proposed that the details of the exact easement be coordinated with MOT based upon their final design for the improvements to Route 302 in this area. Penny Littel, Corporation Counsel has reviewed this proposal and would prefer that details of the proposed easement be coordinated with the City and that the easement be granted to the City of Portland.

2. Request for Waiver of Curbs and Sidewalk

The applicant is requesting the following waivers to be granted by the Planning Board:

1. The installation of granite curbing along 202.05 ft of Forest Avenue abutting the project site.
2. The installation of bituminous sidewalk and granite curbing along 43.64 ft. of the southeasterly side of Castine Avenue, near the intersection of Forest Avenue.
3. The installation of bituminous sidewalk and granite curbing along 150.00 ft of the southeasterly side of Castine Avenue along proposed lots 2 and 3.

Section 14-506 of the zoning ordinance pertaining to waivers from curb and sidewalk installation states the following:

Sec.14 -506 (b) 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 vary 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 available, for example, by way of a sidewalk on the other side of the street.
4. The reconstruction of the street is specifically identified in the first or second year of the current Capital Improvement Program.
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 street is scheduled for major reconstruction as a component of the Capital Improvement Program.
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.

Please see the attached letter from Gorrill-Palmer Consulting Engineers, Inc where they have presented an argument as to how the applicant may meet the requirements for waivers (Attachment 11). The points raised by Gorrill-Palmer Consulting Engineers, Inc are summarized as follows:

Forest Avenue- Curbing

1. Curbing along Forest Avenue will exceed 5% of the cost of all improvements.
2. The Maine DOT intends to improve this section of Forest Avenue. The portion of Forest Avenue has the potential to be impacted during the reconstruction project.
3. Curbing along Forest Avenue is not required for stormwater management.

Castine Avenue- Sidewalks

1. A 150-foot gap without sidewalk would exist between Lots 3 and 4 as the house lot within that area is not part of the proposed subdivision. In addition, the existing gas vaults along Castine Avenue near the intersection of Forest Avenue prevent sidewalks from being built along this portion of the Avenue. Therefore, if sidewalks were built along the remaining portion in front of lots 2 and 3, there would be no reasonable expectation that they would be used.
2. Due to the lack of existing sidewalks on Castine and limitations caused by the existing gas vaults, sidewalks in front of lots 2 and 3 would not contribute to the development of a pedestrian-oriented infrastructure.
3. Installing a sidewalk from the intersection of Forest and Castine Avenue running down Castine along lot 3 would require that over ten trees be removed within the existing preservation easement.

Castine Avenue- Curbing

1. The cost to install curbing exceeds 5% of the overall project cost.
2. Adherence to the curb requirement would adversely affect the permanent vegetated buffer at the Forest/Castine Avenue intersection.
3. Runoff from the development site would not change and would not require curbing for additional stormwater management.

Mike Farmer, Project Manager for the Department of Public Works, reviewed the applicant’s request and submitted a memorandum on June 14th stating the following (see Attachment 6):

- *I do not agree with the applicant’s analysis of the conditions necessary for waiving the requirement to build sidewalks. For example, the Gorrill-Palmer letter implies that constructing a sidewalk along Castine Avenue would result in the loss of more than 10 trees, which would represent the loss of a significant site feature. When I looked at this area, I looked at the trees in the right of way and I came to almost the exact opposite opinion. My reaction was that there were perhaps two trees of any significance in the Castine Street r. o. w. by lot 4, and that these two trees were below average specimens that could be sacrificed. In addition, some of the trees in this area will probably be cut down anyway for the driveway. The GP letter states that a sidewalk in front of lots 2 and 3 would not contribute to the development of a pedestrian oriented infrastructure. I disagree. I think a sidewalk definitely qualifies as being infrastructure and pedestrian oriented. The ordinance does not require that all sections of sidewalk be part of a continuous loop or network the day they are*

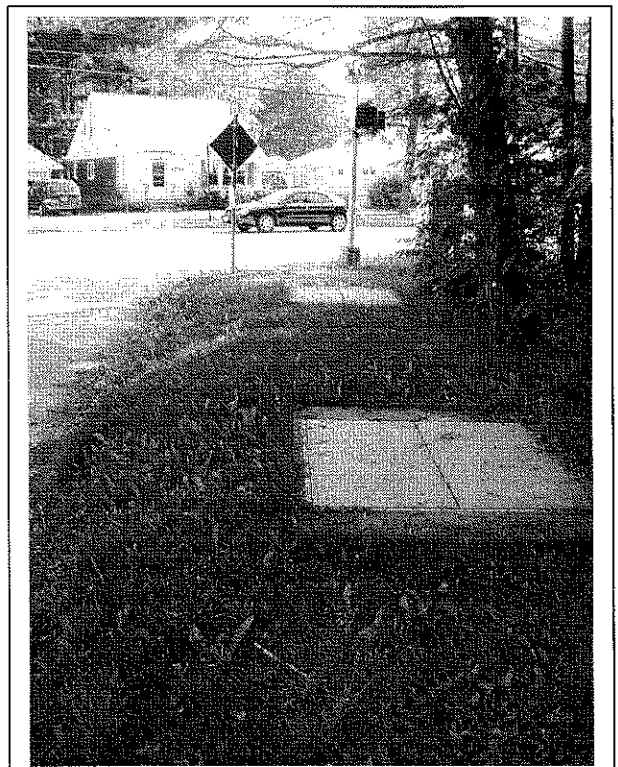


Image 2- Location of Northern Utilities gas vaults, Castine Avenue.

completed and available for use, only that they contribute to a pedestrian oriented infrastructure.

There are two Northern Utilities, Inc gas vaults located on the southeasterly side of Castine Avenue at the corner of Forest Avenue (see revised site plans- Attachment 2). Molly Casto, Planner and Jeff Tarling, Parks and Recreation met with the applicant and Bruce Strattard of Northern Utilities, Inc on site. At this meeting, Mr. Strattard stated that it would be acceptable to install sidewalks either directly over (at grade with the vault doors), or on either side of the gas vaults. He also approved of the installation of granite curbing. Mike Farmer has visited the site to examine the vaults from an engineering perspective. His comments are as follows (see Attachment 6):

- *The GP letter implies that no sidewalk can be build along Castine Street by lot 4 because of two gas utility vaults. I agree with Gorrill-Palmer's conclusion that the vaults preclude building a suitable sidewalk with the typical esplanade because the vaults were installed too high; but, I am not ready to agree that no sidewalk can be built. I think there are two alternative possibilities that should be considered before concluding that a sidewalk cannot be built. One alternative would involve rebuilding the vaults at a lower elevation that could accommodate a sidewalk with an esplanade. This alternative has the disadvantages that it would cost a considerable amount of money and the gas utility company may not be receptive to this change. The other alternative would be to build the sidewalk next to the curb and along side of the vaults. This alternative might not require lowering the vaults.*

Due to costs and the degree of engineering required to construct the sidewalk over the vaults with an acceptable grade change to the curb cut for the proposed access and utility easement along lot 4, Public Works has advised that the applicant construct a sidewalk alongside the two vaults, directly adjacent to Castine Avenue. This strategy would also mitigate any threat to the roots of trees within the 10 ft. wide permanent vegetated buffer adjacent to the gas vaults on Castine.

The applicant has submitted an email from Shawn Smith of the Maine Department of Transportation (MDOT) concerning a future MDOT Capital Improvement Project (CIP) in the vicinity of the corner of Castine and Forest Avenues. Jim Carmody, City Transportation Engineer, followed up with Mr. Smith concerning the location and extent of these improvements. Shawn Smith's email response (see Attachment 12) and analysis by Jim Carmody, Traffic Engineer are summarized as follows:

- The portion of the project adjacent to the proposed subdivision will most likely be not full reconstruction, but will likely include minimal widening and resetting of some curb to accommodate the final profile and improved radii.
- It is unlikely that any proposed CIP would affect the stretch of Forest Avenue abutting the project significantly enough to warrant a waiver for the installation of granite curbing.
- Any potential modifications to Forest Avenue would be unlikely to occur within the next 3-4 years or to extend further than approx. 10 feet along the 202.05 feet of the applicant's Forest Avenue frontage. The applicant is seeking a waiver from curbing requirements for the full length of the Forest Avenue frontage. (see Kathy Earley's memorandum regarding the MDOT improvements- Attachment 13).

In conclusion, the City staff has reviewed the applicant's requests for waivers from the installation of sidewalks and curb and the staff finds, based on the comments presented above, that the applicant's request does meet the criteria for a waiver of the sidewalk. The request for a waiver of curbing does meet the condition that the cost exceeds 5% of the total project cost, but does not appear to meet a minimum two of the waiver criteria as outlined in section 14-506(b) (excerpt above).

3. Wavier from building Brandon Street to City Standards-

The applicant does not propose to improve Brandon Street as a component of the subdivision plan and improvements to the street are not shown on the plan. Please note that neighborhood residents have reviewed the plans over the course of the Board's review and the status of Brandon Street was clearly a matter of interest (see Neighborhood Meeting notes, Attachment 3. At the Planning Board workshop, members asked whether Brandon Street must be improved under the City's subdivision ordinance. The Planning Staff has reviewed the various City regulations that may apply to the development of Brandon Street and following is the staff analysis.

Brandon Street is a platted and unaccepted City Street. The Land Use Code includes Section 14-403, which requires an unimproved streets to be built to City standards prior to the issuance of a building permit when a proposed lot abut said street. The provisions of Section 14-403 are as follows:

DIVISION 24. USE REGULATIONS AND EXCEPTIONS

Sec. 14-403. Street access.

(b) *Minimum requirements for street improvements on unimproved and improved but unpaved streets.* For a lot abutting any portion of a street which is unimproved or improved but not permanently paved, that portion which abuts the lot, and any like portion between such portion and the nearest permanently paved street or portion which is the principal access to such lot, shall be improved, including sewers, storm drains, pavements, curbs and, if located on a designated school walking route, sidewalks, in accordance with the minimum technical standards promulgated by the public works authority pursuant to section 14-498(a) of article IV of this chapter. Where the nearest permanently paved street does not have granite curbing, the public works authority may waive the requirement of curbing under this section, if it determines that an acceptable alternative drainage plan will be provided. Prior to the issuance of a building permit for erection of a building on a lot abutting any portion of a street which is unimproved or improved but not permanently paved, the following shall occur: (1) A plan of the street improvements required by this section shall be submitted to the public works authority; and (2) upon determination by the public works authority that the plan meets the street improvement requirements established by this subsection, a performance guarantee and inspection fee for said improvements shall be submitted to the city as set forth in section 14-501. Also as set forth in section 14-501, a one-year defect bond shall be tendered to the city prior to release of the performance guarantee required hereby. The provisions of this subsection (b) shall not apply to the erection of any single-family dwelling on any lot where the owner of the lot establishes that he or she was the owner of that same lot on November 19, 1984, and at all times thereafter, and states his or her intention under oath to make the structure his or her personal residence.

The Planning Board has relied on this provision of the Land Use Ordinance in the past to evaluate whether or not a street abutting a proposed subdivision should be improved. In addition to this provision, there are additional pertinent provisions within the Subdivision Ordinance, which should be considered by the Planning Board when reviewing this and other similar proposals:

ARTICLE IV. SUBDIVISIONS*

Sec. 14-497. General requirements.

- (a) *Review criteria.* When reviewing any subdivision for approval, the Planning Board shall consider, among others, the following review criteria and before granting approval shall determine that the proposed subdivision:
- (9) Is in conformance with the land development plan or its successor;

The land development plan, in this instance, refers to the Portland Comprehensive Plan. The Portland Comprehensive Plan directly addresses issues pertaining to neighborhood connectivity and maximum mobility in transportation systems as they pertain to quality of life of the Portland community. The pertinent sections of the Comprehensive Plan state the following:

III. A TIME OF CHANGE: PORTLAND TRANSPORTATION PLAN - July 1993

Transportation Plan Guiding Principle

Provide maximum mobility in a transportation system, which encompasses all modes, balances competing objectives, and promotes the economic vitality and quality of life of the Portland community.

➤ **Land Use and Transportation Link**

Link the transportation plan with land use planning policies in the City and region to guide decision-making for development and infrastructure investment.

➤ **Structured System**

Achieve a transportation system appropriately structured and designed to safely and effectively move goods and people.

- Create a neighborhood street system characterized by a network of interconnected streets, which minimizes through-traffic in residential neighborhoods.
- Appropriately scale and design streets and highways and other transportation infrastructure to serve local traffic, destination traffic and through-traffic.

Transportation Policies

- Promote the interconnection of neighborhood streets and pathways, so that there are multiple paths of travel to get to destinations within and between neighborhoods by foot and bicycle, as well as auto.

The Subdivision Ordinance continues, in Sec. 14-498, with Technical and Design Standards, which include the following excerpted provisions:

ARTICLE IV. SUBDIVISIONS*

Sec. 14-498. Technical and design standards.

(b) *Street plan:*

- (1) All streets shall be platted along contour elevations which result in minimum grades and greatest visibility whenever practicable, with consideration given for anticipated use of the land.
- (2) The proposed street layout shall be coordinated with the street system of the surrounding areas. All streets must provide for the continuation or appropriate projection of streets in surrounding areas and provide means of ingress and egress for surrounding acreage tracts. When connecting streets within residential neighborhoods, new streets shall contribute to a neighborhood street system characterized by a network of interconnected streets, which minimizes through-traffic in residential neighborhoods. The layout of subdivision lots, streets, and pedestrian ways shall promote multiple paths of travel to get to destinations within and between neighborhoods by foot and bicycle, as well as auto.

Brandon Street is a dedicated street. Its layout does connect into the existing street system and it is located between Forest Avenue and Wyndham Street. While Brandon Street appears to meet these standards, it is unclear whether Sec. 14-498 (b) pertains solely to new streets proposed for a subdivision or if these provisions also encompass existing paper streets.

The Subdivision Ordinance lists Required Improvements for all subdivisions under Section 14-499, which states the following:

Prior to the release of the approved recording plat the subdivider shall file a guarantee as hereinafter provided, and prior to release of such guarantee the subdivider shall have completed all improvements as follows:

- (a) All streets shall be graded in conformity with the requirements set out in section 14-498 and in accordance with article III of chapter 25.
- (b) On all streets, side streets, and alleys, a suitable hard surfaced permanent pavement shall be installed meeting the requirements set forth in article III of chapter 25.
- (c) Water, gas and sanitary sewer mains and storm drains shall be constructed prior to the installation of paving with all mains being extended from all lots having sufficient stub outs to avoid subsequent breaking of pavement.
- (d) Sidewalks and curbs shall be constructed as required in section 14-498.

As with Section 14-198 referenced above, it is unclear whether the term “all streets” in section 14-499 refers to new proposed streets in a subdivision plan or if it also includes existing but unimproved streets that abut the subdivision. Again, this will need to be determined in order to accurately assess the project and its relationship to Brandon Street.

It is clear from Section 14-506 of the Land Use Ordinance that the Planning Board has the authority to grant a waiver for a portion of or all of the requirements set forth in Section 14-498 and 14-499 if the Board finds that extraordinary conditions exist or that “undue

hardship may result from strict compliance with these regulations.” The Board, in these instances, may “vary the regulations provided that such variation will not have the effect of nullifying the intent and purpose of the land development plan [Comprehensive Plan] and the regulations of this article.”

The term “undue hardship” is not defined in the City Code of Ordinances, therefore Planning staff has been unable to determine at this point whether or not the applicant meets the criteria for a waiver permitting him to postpone the improvement of Brandon Street. The analysis of the City Ordinance and Comprehensive Plan was prepared by Planning Staff and has not yet been reviewed by Penny Littell, Corporation Counsel. Penny will be available to advise the Board at the public hearing.

The applicant, met with Barbara Barhydt, Development Review Services Manager and Molly Casto, Planner to discuss the possibility of building Brandon Street on Friday, June 22, 2007. The applicant will be preparing his argument in accordance with Section 14-506 of the Land Use Code and will be presenting it to the Board at the Public Hearing on June 26, 2007. The applicant and Planning staff are in agreement that, should the Planning Board require that Brandon Street be constructed to City Standards, that the Board may want to consider tabling the project in order for the developer to modify the plans and hold a second neighborhood meeting to inform the community of proposed changes.

E. Solid Waste Disposal

The applicant indicates that the City will provide the solid waste services for these homes.

F. Utilities

The subdivision ordinance requires that all utilities be underground. The applicant has submitted an email from Central Maine Power (CMP) that indicates that they have the ability to serve the project. The applicant will coordinate with CMP prior to construction as to whether the services to each lot will be underground or overhead.

The applicant has submitted capacity letters from Portland Water District and from the City of Portland indicating that adequate water and sewer capacity exist to service the project (See Attachments 8 and 9). The applicant has revised the pipe installation detail in the revised plans to show 12” of crushed stone above it as requested by Dan Goyette, Consulting Engineer in his memorandum dated March 21, 2007.

G. Scenic Beauty

There is a stand of white pine trees along Forest Avenue. As noted in section VI of this report, the deed covenant seeks to preserve as many trees as possible on the lot. Janice Carpenter, a resident in Riverton, spoke with Barbara Barhydt concerning the trees. Janice recalls the City inventorying the trees at some point in the past. The staff has not located an inventory although Jeff Tarling thinks it might have been assessed for Green Space/Blue Edges. The planning staff reviewed the list of priority properties developed by the City’s Land Bank Commission and this site does not appear on the Land Bank Commission’s priority list for the Riverton neighborhood. Jeff Tarling, City Arborist recommends that the

applicant prepare a tree preservation plan. His memorandum, dated April 3, 2007 was included as an attachment in the memorandum to the Planning Board, dated April 6, 2007. This memorandum is included (see Attachment 10) and is as follows:

Knowing the background of the existing pine grove located on Forest Avenue at the proposed project site, I would recommend that greater measures and effort be applied to protect these trees. Factors include past landowners intent to save trees as possible, the Riverton Neighborhood interests in protecting this pine grove and its value to the Forest Avenue streetscape. Protection measures should include: defining the building envelopes and placing tree-cutting restrictions as done on other projects near the Fore River Sanctuary. Creative project design orienting driveways, building envelopes (perhaps building 'gable ends' towards Forest Avenue), and grading could save trees along Forest Avenue and also act as a buffer to the project. The landscape plan should re-evaluate 'tree save' areas protecting groves of trees vs. individual trees. I would be willing to meet with the applicant in the field to review.



Image 3- Location of proposed "no-cut zone" along Forest Avenue

The applicant has since met with Jeff Tarling and Molly Casto on site to discuss the existing stand of trees. Based on this conversation and the memorandum copied above, the applicant has agreed to a 20' permanent vegetated buffer along Forest Avenue and a 10' wide one along the front portion of Castine Avenue between the intersection of Forest Avenue and the proposed shared driveway for lots 4 and 5. A 50' wide permanent vegetated buffer has been designated along the Forest Avenue frontage of lot 1 between the edge of lot 3 and Brandon Street. The revised plans note in Note 17 that any trees within these designated areas that are lost during construction will be replaced by two 5'-6' white pines. City staff has met with the applicant regarding this note and requested that it be modified to state:

In the event that a tree within the vegetated buffers, as delineated on the plans, cannot be preserved, the developer must get approval from the City Arborist to and remove and replace the trees with two 5' to 6' tall white pines prior to the removal of any trees.

The note on the plans stating that "Construction fence is to be provided during house construction to protect existing trees" has an arrow referring it to the stand of white pines located between lots 4 and 5. This note should refer to this stand of trees and to all trees within the delineated permanent vegetated buffers.

The City requests a written easement be which delineates the proposed permanent vegetated buffers and that they are monumented.

In addition, the applicant also agreed, based on this meeting, to take measures to preserve an existing stand of white pines located between the proposed houses on lot 4 and lot 5. These trees are marked on the revised site plans. A note is contained in the plans that, in the event

that they cannot be preserved, 4 additional 5'-6' tall white pines will be planted to replace them. Construction fence will be installed during construction to protect the existing trees.

The applicant has included a note on the site plans (note 14) stating:

A minimum of two street trees per lot shall be planted or conserved meeting the City of Portland Arboricultural Specification and Standard of Practice and Landscape Design Guidelines. The Developer may contract for the placement of landscaping, but shall remain ultimately liable to the City of Portland for financial obligation for compliance with City ordinances and approvals. Such financial obligation shall be neither transferable nor waivable by the developer.

H. Financial Capability

The applicant has submitted an updated letter from Bank North dated January 22, 2007, which is included in Attachment 1. The letter states that the applicant has the financial capacity to complete a five to six lot subdivision.

I. Flood Hazard/Shoreland/Wetlands

The applicant has identified 2,110 sq. ft of wetland on the plans that crosses Lots 1 and 2, mapped by Sweet Associates, Gray Road, Falmouth. The site is not located within a shoreland zone or a flood hazard zone. A note has been added to lot 2 on sheet 5 of the revised site plans requiring the applicant to mark the limit of wetlands prior to the start of construction. No wetland impacts are permitted for lot 2 development. This is also noted on sheet 5 of the revised plans.

J. Fire Safety

Captain Cass has reviewed the revised submittals and has approved the plans with no conditions.

K. Easements

The subdivision plan shows three proposed easements. The proposed easements include the following:

1. A ten-foot wide drainage easement over Lot 2 to benefit Lot 1;
2. A twenty-foot access and utility easement over Lot 3 to benefit Lot 1;
and
3. A twenty-foot access and utility easement over lot 4 to benefit lot 5.

The current deed for lot 1 includes a legal description of the existing access and utility easement over lot 3 (see Attachment 1). The text of the remaining two proposed easements must be submitted for review prior to final approval.

The planning staff notes that the grading plan stipulates there will be no filling of the wetland on Lot 2, but it is unclear whether any disturbance of a wetland may occur within the 10-foot wide drainage easement. The easement for access and utilities on Lot 3 to

benefit Lot 1 encompasses an existing driveway and utility lines, but there is insufficient space between this driveway and the one proposed for Lot 3. The utility easement over Lot 4 to benefit Lot 5 is consistent with the deed; however one of the deed restrictions states that both utilities and access for lot 5 would be from Castine Avenue. As noted above, Lot 5 is proposed with access to Forest Avenue, which does not meet City standards and is too close to the Brandon and Forest intersection. As an alternative, Dan Goyette suggests that access for this lot be from Brandon Street.

The planning staff notes that the grading plan stipulates there will be no impacts the wetland on Lot 2, but it is unclear whether any disturbance of a wetland may occur within the 10-foot wide drainage easement. Measures to mitigate impacts to wetlands within the 10 ft. wide easement should be noted on the final plans.

L. Recording Plat

The revised plans submitted by the applicant address issues raised by the Department of Public Works pertaining to the use of State Plan Coordinates and the official City benchmark for the elevation benchmark.

M. Consistency with the Portland Comprehensive Plan

The proposals to subdivide this area are consistent with the City's Comprehensive Plan.

In terms of the unaccepted and unimproved Brandon Street abutting the proposed subdivision, it appears that a built Brandon Street would contribute to the guiding principles of the Comprehensive plan (see Section D of this report- Traffic). At this time, however, the existing scale of the built neighborhood streets surrounding the project appears to adequately serve local traffic.

MOTIONS FOR THE BOARD TO CONSIDER

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report 26-07 relevant to the City of Portland Subdivision Ordinance and other regulations, and the testimony presented at the Planning Board Hearing:

Sidewalk Waivers

- The Planning Board determines that the applicant **meets / does not meet** two or more of the following conditions set forth in Section 14-506 (b) of the Subdivision Ordinance copied below and **waives / does not waive** the requirement for a sidewalk along the southeasterly side of Castine Avenue along the lot lines of lot 4 and lots 2 and 3.
 - *There is no reasonable expectation for pedestrian usage coming from, going to and traversing the site.*
 - *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.*

- *A safe alternative-walking route is reasonably available, for example, by way of a sidewalk on the other side of the street.*
- *The reconstruction of the street is specifically identified in the first or second year of the current capital improvement program.*
- *The street has been constructed or reconstructed without sidewalks within the last 24 months.*
- *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 Waivers

- The Planning Board determines that the applicant **meets / does not meet** two or more of the following conditions set forth in Section 14-506 (b) of the Subdivision Ordinance copied below and **waives / does not waive** the requirement for curbing along the southeasterly side of Castine Avenue along the lot lines of lot 4 and lots 2 and 3.
- The Planning Board determines that the applicant **meets / does not meet** two or more of the following conditions set forth in Section 14-506 (b) of the Subdivision Ordinance copied below and **waives / does not waive** the requirement for curbing along the portion of Forest Avenue abutting the project area, along the lot lines of lots 4 and 5.
 - *The cost to construct the curbing, including any applicable street opening fees, is in excess of 5% of the overall project cost.*
 - *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.*
 - *The street has been rehabilitated without curbing in the last 60 months.*
 - *Strict adherence to the curb requirement would result in the loss of significant site features related landscaping or topography that are deemed to be of a greater public value.*
 - *Runoff from the development site or within the street does not require curbing for stormwater management.*

Street Improvement Waiver

- The Planning Board **finds / does not find** that extraordinary conditions exist and/or undue hardship exists may result from strict compliance with these

namely ~~lots 4 & 5~~
regulations and therefore waives/does not waive the requirement for Brandon Street to be constructed to City Standards.

Subdivision

- On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report #26-07, relevant to the Subdivision Ordinance and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan is/ is not in conformance with the subdivision standards of the Land Use Code, subject to the following conditions of approval:

- I. The lot line for lot 6 shall be removed from the final plat.
- II. The following wording shall be included as a note on the final plat:

Lot 1 may not be further subdivided and built upon until such time as Brandon Street is accepted and constructed to city standards.

- III. All notes referring to Lot 6 shall be corrected on the final site plans and recording plat to refer to the correct lot #'s.
- IV. The note on the plans and recording plat shall be modified to state that access to Lots #4 and #5 shall not be from Forest Avenue.
- V. A legal mechanism must be developed and a note must be included on the final recording plat stating that...sewer lots 4 and 5.
- VI. All easements shall be reviewed and approved by the City prior to issuance of subdivision approval.

- VII. The note stating:

Lot 4 setbacks shown assume house faces Castine Avenue. If house faces Forest Avenue setbacks shall be revised accordingly.

shall be removed from the final recording plat prior to approval.

- VIII. The details of the exact easement for the light at the corner of Castine and Forest Avenue shall be coordinated with the City and the easement shall be granted to the City of Portland.

- IX. The revised plans note in Note 17 shall be modified to state:

In the event that a tree within the vegetated buffers, as delineated on the plans, cannot be preserved, the developer must get prior approval from the City Arborist to determine that it cannot be preserved and may be removed and replaced with two 5' to 6' tall white pines prior to the removal of any trees.

- X. The note and arrow on the plans stating, “construction fence is to be provided during house construction to protect existing trees” shall be modified to this stand of trees and to all trees within the delineated permanent vegetated buffers. The plans shall contain a note that construction fencing be installed around all trees within the delineated permanent vegetated buffers during construction to protect existing trees. Prior to construction, the City Arborist must approve the location of the construction fencing on site.
- XI. A written easement shall be drafted and approved which delineates the proposed permanent vegetated buffers and these buffers shall be monumented.
- XII. Measures to mitigate impacts to wetlands within the 10 ft. wide easement over lot 2 shall be noted on the final plans.
- XIII. The applicant shall provide the City with a revised final recording plat incorporating all of the conditions of approval adopted at the public hearing.

ATTACHMENTS:

1. Subdivision Application
2. Revised Plan Submittals
3. Documentation of June 18, 2007 Neighborhood Meeting
4. Quitclaim Deed with Covenant
5. Memorandum from Marge Schmuckal, Zoning Administrator
6. Memorandum from Mike Farmer, Public Works
7. Site Location map (provided by City Staff)
8. Portland Water District Water Capacity Letter
9. City of Portland Sewer Capacity Letter
10. Memorandum from Jeff Tarling, Parks and Recreation
11. Letter from Gorrill Palmer re: Plan Revisions
12. Email correspondence between Shawn Smith, Maine Department of Transportation (MDOT), Jim Wolfe, Applicant and Jim Carmody, City of Portland Traffic Engineer
13. Email from Katherine Earley, Public Works
14. Memorandum from Dan Goyette,

**Memorandum
Department of Planning and Development
Planning Division**



To: Chair Patterson and Members of the Portland Planning Board

From: Molly Casto, Planner

Date: ~~July 10, 2007~~ 9/11/07

Re: **Castine Avenue Five Lot Subdivision, Corner of Castine, Forest and Brandon Street**

Attached is an email submitted to the City of Portland on September 11, 2007 commenting on the proposed Castine 5-lot Subdivision. Specifically, the letter expresses concern over the proposed building of Brandon Street to City standards. Please include this item in your review of the submitted public comment pertaining to this proposal.

From: "Martha Bradley" <mbradley@maine.rr.com>
To: <mpc@portlandmaine.gov>
Date: 9/11/2007 11:55:06 AM
Subject: Castine Street Project

With respect to developing Brandon Street as part of the proposed subdivision, our position is that the city should not issue a waiver to the developer. As a taxpayer, we cannot support the city providing any financial assistance whatsoever to develop this area which will severely diminish the quality of our neighborhood by increasing the level of activity and traffic on an infrastructure that is already inadequate. As it stands today, Wyndham, Castine and Aldworth streets cannot support resident parking. Given the very narrow streets and the number of cars parked on the streets, there are many instances when a fire truck could not pass between parked cars on these three streets.

We strongly encourage the Planning Board to table this development.

William T. Bradley II and Martha G. Bradley
24 Wyndham Street

**Memorandum
Department of Planning and Development
Planning Division**



To: Chair Patterson and Members of the Portland Planning Board

From: Molly Casto, Planner

Date: Prepared on: July 2, 2007
Prepared for: July 10, 2007 Planning Board Workshop

Re: **Castine Avenue Five Lot Subdivision**
Application #2007-0034
CBL; Map 309, Block D, lots 5, 7, 9, 11 and Block E, lots 6,18, 20, 22, and 26

I. INTRODUCTION

City Planning staff and W&C LLC have requested a second workshop to review the applicant's proposal for a five-lot subdivision off of Castine Avenue, Forest Avenue and Brandon Street. The site consists of approximately 1.58 acres with five proposed lots ranging in size from 6,570 square feet to 40,008 square feet. Castine Avenue and Forest Avenue are City accepted streets. Brandon Street is a dedicated but unimproved street that has neither been accepted nor vacated by the City of Portland. Proposed lot 1 and lot 5 have frontage along Forest Avenue. Proposed lots 2, 3, and 4 have street frontage along Castine Avenue. Lot 1 contains an existing single family home. A second existing home and garage shown on the plans are located on a separate property under separate ownership and are not part of the proposed subdivision.

The contact person for W & C LLC is James Wolf. Representatives for the applicant include Gorrill-Palmer Consulting Engineers.

The applicant's submission is included as Attachment 1 and the revised plan set is included as Attachment 2.

123 notices were sent to area residents. A notice also appeared in the *Portland Press Herald*. The applicant held a neighborhood meeting on June 18, 2007, as required by the City Code of Ordinances (see Attachment 3).

II. FINDINGS OF FACTS

Land area: 69,216 sq. ft. (1.589 acres)
Zone: R-3
Number of Proposed Lots: 5
Lot sizes and Frontage: **Lot 1:** 40,008 sq. ft., includes existing house with frontage on both Brandon Street and Forest Avenue.

Lot 2: 6,570 sq. ft., frontage on Castine Avenue
Lot 3: 6,930 sq. ft., frontage on Castine Avenue
Lot 4: 7,760 sq. ft., frontage on Castine and Forest Avenues
Lot 5: 7,738 sq. ft., frontage on Forest Avenue

Proposed Use: 5 single-family house lots
Proposed Easements: A 20 foot utility easement: To benefit lot 5 along the westerly boundary of lot 4
A 10 foot wide drainage easement: To benefit lot 1 along the westerly boundary of lot 2.
Existing Easement: A 20 foot access and utility easement: To benefit lot 1 along the easterly boundary of lot 3 (See attached deed description in Sect VI of this report and Attachment 1).

III. PROPOSED DEVELOPMENT

W & C LLC is proposing a five-lot subdivision that is located off Castine Avenue, Forest Avenue and Brandon Street. Castine and Forest Avenue are City accepted streets and Brandon Street is a dedicated, but unimproved and unaccepted street. The 1.59-acre site includes a stand of mature white pine trees along Forest Avenue. The site also includes an existing single family home that faces Brandon Street and has two driveways providing access to both Brandon Street and Castine Avenue. The property was acquired from Andrea Diane Knight in October 2006. There are two lots along Castine Avenue that are noted as Trust Lots A and B, which are held in trust by Gary S. Bedrosian and Andrea D. Knight. A second existing home and garage are located on these properties, which are not part of the proposed subdivision.



Location of proposed subdivision (see Attachment 7)

Lot#1 is the largest of the five proposed lots at 40,008 square feet, with 50.01 feet of frontage along Forest Avenue and 747.67 feet of frontage along Brandon Street. An existing home is located within Lot #1 and a twenty (20) foot utility and access easement currently exists and runs over Lot #3 to serve existing connections to Castine Avenue (see deed description- Attachment 1). The other proposed lots are summarized as follows:

- **Lot #2** is proposed with 6,570 sq. ft. and 73 ft. of frontage along Castine Avenue. A 10 ft. wide drainage easement is proposed along the westerly property boundary.
- **Lot #3** is proposed with 6,930 sq. ft. and 77 ft. of frontage along Castine Avenue. A 20 ft. wide access and utility easement is proposed to serve lot #1 is shown along the easterly property boundary.

- **Lot #4**, a corner lot, is proposed with 7,760 sq. ft. and 63.64 ft. of frontage along Castine Avenue and 87.04 ft. along Forest Avenue. A 20-ft. utility easement is proposed along the westerly boundary to serve lot # 5.
- **Lot #5** is proposed with 7,948 sq. ft. and 65 ft. of frontage along Forest Avenue and 747.67 ft. along Brandon Street.

IV. SITE FEATURES

Distinguishing features of the site include:

- Brandon Street access- unaccepted city street
- Existing mature pine grove located along Forest Avenue
- 2 existing Northern Utilities, Inc gas vaults located at the corner of Castine and Forest Avenues.

V. UPDATES SINCE THE APRIL 10, 2007 WORKSHOP

There have been a number of revisions to the site plan and written submittals since the first workshop. These changes are summarized below:

- The number of lots in the proposed subdivision has been reduced from 6 to 5 lots. Lot 1 and lot 6 from the original subdivision plan have been merged into a single lot with frontage along Forest Avenue and Brandon Street, eliminating lot 6.
- The applicant has added permanent vegetated buffers to lot 4 and lot 5 along Forest Avenue (20 ft. wide) and along the first 43.64 ft. lot 4 along Castine Avenue (10'wide) as a protective measure to preserve existing mature white pine trees.
- The applicant has included a note on the revised plans that, in the event that a tree within the vegetated buffers, as delineated on the plans, is lost during construction, it will be replaced with two 5'to 6' tall white pines.
- The applicant has requested waivers for the construction of curbing along Forest Avenue and the construction of sidewalk and curbing along Castine Avenue.
- The conceptual driveway for lot 3 has been revised, and is now proposed as a shared driveway with lot 1.
- The driveway for lot 5 has been relocated through an access easement over lot 4.
- A manhole has been proposed on lot 5 to allow both lot 4 and lot 5 to share the same sewage pipe.
- The proposed sewage pipe from lot 4 has been revised, as requested by Public Works, to wye into the sewer extension on Castine Avenue.
- The width of lot 5 has been revised from a lot width of 63 ft. to 65 ft. to comply with zoning requirements.

- A note has been added to lot 2, requiring that the applicant mark the limit of wetlands prior to the start of construction.
- The dimensions of the parking spaces depicted on lot layout plan sheet 3 have been revised from 9 ft. by 18 ft. to 9 ft. by 19 ft. as required by Portland City Ordinances.

VI. RIGHT TITLE AND INTEREST

The applicant has submitted a copy of the Quitclaim Deed with Covenant (see Attachment 4). The deed includes the following restrictions:

- A. *The property may not be used for multi-family housing. The restriction is not intended to prevent a home from having an in-law apartment built in a manner as in-law apartments are defined by Portland municipal codes;*
- B. *On lots 125 through 131 from Plan of Lots at Deering Terrace (the lots near Forest Avenue) the grantee, successors and assigns are to preserve as many trees as possible on said lots. The restriction is as follows:*

Prior to development Grantee agrees to use its best efforts to obtain approval from the City of Portland to construct two single family homes on the Forest Avenue property that are accessed by Castine Avenue. Notwithstanding the results of these efforts the Grantee agrees to use best efforts to preserve as many of the trees as possible on the land while at the same time being able to construct single-family homes on the property. After development takes place no trees over 4 inches shall be removed unless it is dead, dying or diseased, causing a hazard to either the public or the homes on the property, or to place a garage, accessory structure or play areas of reasonable size.

- C. *In the event that the Grantee donates any of the property to the City of Portland that the donation will be made in "loving memory of George F. Knight and Clare B. Knight."*

The applicant has also submitted a statutory warranty deed granting the parcel identified as lot 6 on previous versions of the plans to WD Investments, thereby combining lot 1 and lot 6 into a revised lot 1 on the updated plans (see Attachment 5). This deed has not yet been recorded at the Cumberland County Registry of Deed and has not yet been reviewed by Corporation Counsel.

VII. ZONING

The site is within the Residential R-3 zone. Marge Schmuckal, Zoning Administrator, has reviewed the plans and her memorandum is included as Attachment 5. This subdivision has been changed from 6 to 5 lots with the two previous lots off of Brandon Street (old lots 1 & 6) being combined into one lot. The lot line for lot 6 is still on the revised plans and should be removed from the final plat.

The 5 lots are meeting R-3 zone requirements. She notes that the lots meet the minimum lot size, street frontage and setbacks of the zone. The applicant has revised the width of lot 5 on the revised site plans in order to meet zoning requirements. She notes that, if the applicant ever wants to split and build upon lot 1, Brandon Street will have to be improved to City standards at that time. Under existing laws and regulations, any lot divisions to Lot 1 within 5 years shall require an amended subdivision plan to be reviewed and approved by the Planning Board. If a

split of Lot 1 occurs after five years, Section 14-403 would require improvements meeting City Street Standards to be constructed along Brandon Street.

The staff recommends that the following wording be included as a note on the final plat:

Lot 1 may not be further subdivided and built upon until such time any proposed divisions and street improvements meet all of the applicable codes and regulations of Portland's City Code.

Separate single family site plans shall be required for the individual lot developments. The revised plans show a drainage easement on lot #2 to lot #6. There is no lot #6 now, so this note should be revised to state Lot #1.

There is currently note on the plans (drawing 3), referring to lot 4, which states:

Lot 4 setbacks shown assume house faces Castine Avenue. If house faces Forest Avenue setbacks shall be revised accordingly.

This note should be removed from the final recording plat prior to approval. The applicant is not able to revise setbacks in order to access lot 4 from Forest Avenue since any potential driveway from Forest Avenue would impact the permanent vegetated buffer along Forest Avenue that as delineated on the revised plans. In addition, a driveway to Forest Avenue for Lot #4 was proposed in an earlier draft and Public Works determined there was insufficient separation between the driveway and the Brandon Street intersection. The Planning Staff recommends that this note be removed and replaced with a note on the final plat that states:

Lots #4 and #5 shall not have direct driveway access to Forest Avenue.

VIII. STAFF REVIEW

Planning staff has reviewed the subdivision plan for compliance with the following applicable review standards of the City of Portland Subdivision Ordinance:

A. Water Capacity

The applicant has submitted a letter from the Portland Water District indicating that there is sufficient capacity to serve the lots from the water main in Castine Avenue and normal fire protection needs of the site (see Attachment 8).

B. Sanitary Sewer/Soils

The applicant has submitted a sewer capacity letter from the Department of Public Works. Dan Goyette, Consulting DRC, noted in his memorandum of March 21, 2007 the following points:

- III. The sewage pipe from Lot 5 cannot share the pipe with Lot 4 without the installation of a manhole on Lot 5.
- IV. The sewer pipe from Lot 4 should wye into the sewer extension on Castine Avenue. It should not discharge into the new sewer manhole.

The plan revisions submitted by the applicant include a proposed manhole on lot 5 to allow both lot 4 and lot 5 to share the same pipe. The sewer pipe from lot 4 has been revised to wye into the sewer extension on Castine Avenue. These revisions have been reviewed and approved by Michael Farmer, Project Manager for the Department of Public Works (see Attachment 6). Mike Farmer's comments include the following:

- *The applicant is proposing to build a private sewer to serve both lots 4 and 5. We approve of this concept. We have no objections to connecting this private sewer directly to the proposed new manhole in Castine Street and eliminating the proposed cleanout on lot 4.*
- *We are requesting that the private utility easement on lot 4 be extended onto lot 5 so that the easement area includes the terminal manhole on the private sewer. We are requesting that the private sewer be owned in common and that the owners of lots 4 and 5 be jointly responsible for owning and maintaining the private sewer. The legal mechanism for spelling out this ownership and maintenance arrangement can be anything that the applicant, Corporation Council's office and Planning Board can agree upon. In any case, we recommend that the recording plat state that any sewer built in the utility easement shall be privately owned and maintained by the owners of lots 4 and 5. We also recommend that the Lot Utility Plan sheet state that the sewer shown on lots 4 and 5 shall be privately owned and maintained by the owners of lots 4 and 5.*

C. Soil Erosion/Capacity to hold water and Storm water Management

There is a wetland shown on proposed lot 1 and on a portion of lot 2. The lot grading plan (drawing no. 5) notes that there will be no wetland impacts allowed for the development of Lot 2 and a silt fence is shown roughly 5 feet from the edge of the wetland. A note has been added to lot 2 on the revised plans requiring the applicant to mark the limit of wetlands prior to the start of construction.

On the proposed subdivision plan there is a proposed 10-foot wide drainage easement to benefit Lot 1, however the terms of this easement have not been defined. The applicant has not yet submitted the deed language to the City for review, so the Planning Staff is recommending a condition of approval stating that all easements will be submitted for review and approval by the City prior to the release of the recording plat.

The applicant met with Dan Goyette, Consulting Engineer to review the extent of the drainage system on Castine Street. It was determined that the proposed project would not have a significant effect on the existing drainage system in the area. However, he also notes that curbing to channel stormwater to existing collection points would eliminate potential erosion of the road shoulders, which are currently unprotected. Dan Goyette has submitted an updated memorandum, dated June 18, 2007 in reference to the revised plans (see [Attachment 14](#)). He offers the following comments concerning the installation of granite curbing as it pertains to stormwater management on the site:

Curbing along both Forest Avenue and Castine Avenue would aid the existing stormwater collection system. Currently on Castine Avenue a number of catch basins exist. The basins have a granite inlet curbstone directly behind them, which helps channel stormwater into the basin. Additional curbing along the street would help channel stormwater to these collection points while eliminating the potential shoulder erosion that could take place, as the shoulders are currently unprotected.

D. Traffic

1. Access

Proposed access to lots 1, 2, 3 and 4 is from Castine Avenue. The proposed access and utility easement for lot 1 crosses the easterly edge of lot 3 and is adjacent to the proposed shared access for lots 1 and 3. Lot 5 is proposed with shared access with lot 4 from Castine Avenue.

The applicant has addressed traffic related issues that were raised during staff review of the initial plans and during the April 10, 2007 Planning Board workshop. The applicant proposes a conceptual shared driveway for lot 1 and lot 3 along a pre-existing easement submitted to the Cumberland County Register of Deeds on May 16, 2007 (see Attachment 1- Deed Description, Exhibit A). The driveway from Lot 5 has been relocated through an access easement from Castine Avenue over lot 4.

The revised plans have been modified to show 9 ft. x 19 ft. parking spaces as required by City ordinances.

Jim Carmody is developing a streetscape plan for Forest Avenue. The improvements include crosswalks and center medians for the portion of Forest Avenue between Hicks Street and Riverside Industrial Parkway. The Forest Avenue crosswalk at Castine Avenue, as shown on the applicant's plan, may be scheduled for realignment or improvements. The City has requested an easement for the existing light. The applicant has identified a proposed easement on the revised plans and proposed that the details of the exact easement be coordinated with MOT based upon their final design for the improvements to Route 302 in this area. Penny Littel, Corporation Counsel has reviewed this proposal and would prefer that details of the proposed easement be coordinated with the City and that the easement be granted to the City of Portland.

2. Request for Waiver of Curbs and Sidewalk

The applicant is requesting the following waivers to be granted by the Planning Board:

1. The installation of granite curbing along 202.05 ft of Forest Avenue abutting the project site.
2. The installation of bituminous sidewalk and granite curbing along 43.64 ft. of the southeasterly side of Castine Avenue, near the intersection of Forest Avenue.
3. The installation of bituminous sidewalk and granite curbing along 150.00 ft of the southeasterly side of Castine Avenue along proposed lots 2 and 3.

Section 14-506 of the zoning ordinance pertaining to waivers from curb and sidewalk installation states the following:

Sec.14 –506 (b) 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 vary 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 available, for example, by way of a sidewalk on the other side of the street.
4. The reconstruction of the street is specifically identified in the first or second year of the current Capital Improvement Program.
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 street is scheduled for major reconstruction as a component of the Capital Improvement Program.
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.

Please see the attached letter from Gorrill-Palmer Consulting Engineers, Inc where they have presented an argument as to how the applicant may meet the requirements for waivers (Attachment 11). The points raised by Gorrill-Palmer Consulting Engineers, Inc are summarized as follows:

Forest Avenue- Curbing

1. Curbing along Forest Avenue will exceed 5% of the cost of all improvements.
2. The Maine DOT intends to improve this section of Forest Avenue. The portion of Forest Avenue has the potential to be impacted during the reconstruction project.
3. Curbing along Forest Avenue is not required for stormwater management.

Castine Avenue- Sidewalks

1. A 150-foot gap without sidewalk would exist between Lots 3 and 4 as the house lot within that area is not part of the proposed subdivision. In addition, the existing gas vaults along Castine Avenue near the intersection of Forest Avenue prevent sidewalks from being built along this portion of the Avenue. Therefore, if sidewalks were built along the remaining portion in front of lots 2 and 3, there would be no reasonable expectation that they would be used.
2. Due to the lack of existing sidewalks on Castine and limitations caused by the existing gas vaults, sidewalks in front of lots 2 and 3 would not contribute to the development of a pedestrian-oriented infrastructure.
3. Installing a sidewalk from the intersection of Forest and Castine Avenue running down Castine along lot 3 would require that over ten trees be removed within the existing preservation easement.

Castine Avenue- Curbing

1. The cost to install curbing exceeds 5% of the overall project cost.

2. Adherence to the curb requirement would adversely affect the permanent vegetated buffer at the Forest/Castine Avenue intersection.
3. Runoff from the development site would not change and would not require curbing for additional stormwater management.

Mike Farmer, Project Manager for the Department of Public Works, reviewed the applicant's request and submitted a memorandum on June 14th stating the following (see Attachment 6):

- *I do not agree with the applicant's analysis of the conditions necessary for waiving the requirement to build sidewalks. For example, the Gorrill-Palmer letter implies that constructing a sidewalk along Castine Avenue would result in the loss of more than 10 trees, which would represent the loss of a significant site feature. When I looked at this area, I looked at the trees in the right of way and I came to almost the exact opposite opinion. My reaction was that there were perhaps two trees of any significance in the Castine Street r. o. w. by lot 4, and that these two trees were below average specimens that could be sacrificed. In addition, some of the trees in this area will probably be cut down anyway for the driveway. The GP letter states that a sidewalk in front of lots 2 and 3 would not contribute to the development of a pedestrian oriented infrastructure. I disagree. I think a sidewalk definitely qualifies as being infrastructure and pedestrian oriented. The ordinance does not require that all sections of sidewalk be part of a continuous loop or network the day they are completed and available for use, only that they contribute to a pedestrian oriented infrastructure.*

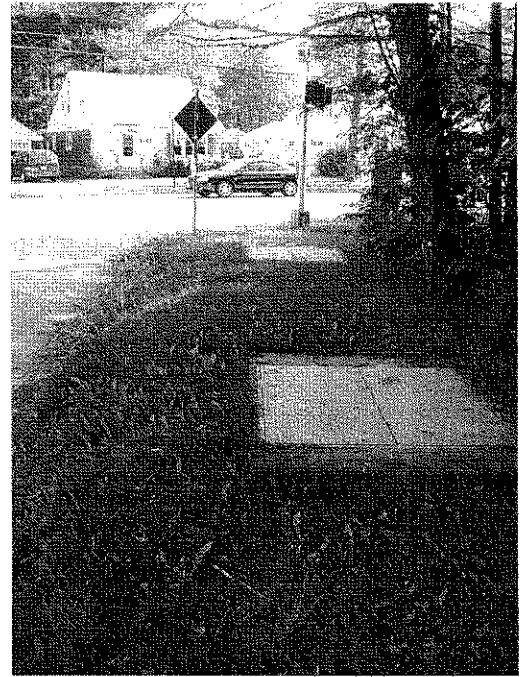


Image 2- Location of Northern Utilities gas vaults, Castine Avenue.

There are two Northern Utilities, Inc gas vaults located on the southeasterly side of Castine Avenue at the corner of Forest Avenue (see revised site plans- Attachment 2). Molly Casto, Planner and Jeff Tarling, Parks and Recreation met with the applicant and Bruce Strattard of Northern Utilities, Inc on site. At this meeting, Mr. Strattard stated that it would be acceptable to install sidewalks either directly over (at grade with the vault doors), or on either side of the gas vaults. He also approved of the installation of granite curbing. Mike Farmer has visited the site to examine the vaults from an engineering perspective. His comments are as follows (see Attachment 6):

- *The GP letter implies that no sidewalk can be build along Castine Street by lot 4 because of two gas utility vaults. I agree with Gorrill-Palmer's conclusion that the vaults preclude building a suitable sidewalk with the typical esplanade because the vaults were installed too high; but, I am not ready to agree that no sidewalk can be built. I think there are two alternative possibilities that should be considered before concluding that a sidewalk cannot be built. One alternative would involve rebuilding the vaults at a lower elevation that could accommodate a sidewalk with an esplanade. This alternative has the disadvantages that it would cost a considerable amount of money and the gas utility*

company may not be receptive to this change. The other alternative would be to build the sidewalk next to the curb and along side of the vaults. This alternative might not require lowering the vaults.

Due to costs and the degree of engineering required to construct the sidewalk over the vaults with an acceptable grade change to the curb cut for the proposed access and utility easement along lot 4, Public Works has advised that the applicant construct a sidewalk alongside the two vaults, directly adjacent to Castine Avenue. This strategy would also mitigate any threat to the roots of trees within the 10 ft. wide permanent vegetated buffer adjacent to the gas vaults on Castine.

The applicant has submitted an email from Shawn Smith of the Maine Department of Transportation (MDOT) concerning a future MDOT Capital Improvement Project (CIP) in the vicinity of the corner of Castine and Forest Avenues. Jim Carmody, City Transportation Engineer, followed up with Mr. Smith concerning the location and extent of these improvements. Shawn Smith's email response (see Attachment 12) and analysis by Jim Carmody, Traffic Engineer are summarized as follows:

- The portion of the project adjacent to the proposed subdivision will most likely be not full reconstruction, but will likely include minimal widening and resetting of some curb to accommodate the final profile and improved radii.
- It is unlikely that any proposed CIP would affect the stretch of Forest Avenue abutting the project significantly enough to warrant a waiver for the installation of granite curbing.
- Any potential modifications to Forest Avenue would be unlikely to occur within the next 3-4 years or to extend further than approx. 10 feet along the 202.05 feet of the applicant's Forest Avenue frontage. The applicant is seeking a waiver from curbing requirements for the full length of the Forest Avenue frontage. (See Kathy Earley's memorandum regarding the MDOT improvements- Attachment 13).

In conclusion, the City staff has reviewed the applicant's requests for waivers from the installation of sidewalks and curb and the staff finds, based on the comments presented above, that the applicant's request does meet the criteria for a waiver of the sidewalk. The request for a waiver of curbing does meet the condition that the cost exceeds 5% of the total project cost, but does not appear to meet a minimum two of the waiver criteria as outlined in section 14-506(b) (excerpt above).

The applicant offered to pay the City \$5,000 in lieu of constructing granite curbing along the Forest Avenue frontage of the project area. The applicant suggested that the City should accept this financial contribution and put it towards installation of curbing along Forest Avenue as part of the future MDOT Capital Improvement Project described above. The Public Works Department met to discuss this proposal and strongly recommends, based on the uncertain timeline of the proposed MDOT improvements, that the developer be required to build the new granite curbing along the Forest Avenue frontage of the project area rather than make a monetary contribution to the City (see memo from Mike Farmer- Attachment 16).

3. Wavier from building Brandon Street to City Standards-

The applicant does not propose to improve Brandon Street as a component of the subdivision plan and improvements to the street are not shown on the plan. Please note that neighborhood residents have reviewed the plans over the course of the Board's review and the status of Brandon Street was clearly a matter of interest (see Neighborhood Meeting notes, Attachment 3). At the Planning Board workshop, members asked whether Brandon Street must be improved under the City's subdivision ordinance. The Planning Staff has reviewed the various City regulations that may apply to the development of Brandon Street and following is the staff analysis.

Brandon Street is a platted and unaccepted City Street. The Land Use Code includes Section 14-403, which requires an unimproved streets to be built to City standards prior to the issuance of a building permit when a proposed lot abut said street. The provisions of Section 14-403 are as follows:

In addition to this provision, there are additional pertinent provisions within the Subdivision

DIVISION 24. USE REGULATIONS AND EXCEPTIONS

Sec. 14-403. Street access.

(b) *Minimum requirements for street improvements on unimproved and improved but unpaved streets.* For a lot abutting any portion of a street which is unimproved or improved but not permanently paved, that portion which abuts the lot, and any like portion between such portion and the nearest permanently paved street or portion which is the principal access to such lot, shall be improved, including sewers, storm drains, pavements, curbs and, if located on a designated school walking route, sidewalks, in accordance with the minimum technical standards promulgated by the public works authority pursuant to section 14-498(a) of article IV of this chapter. Where the nearest permanently paved street does not have granite curbing, the public works authority may waive the requirement of curbing under this section, if it determines that an acceptable alternative drainage plan will be provided. Prior to the issuance of a building permit for erection of a building on a lot abutting any portion of a street which is unimproved or improved but not permanently paved, the following shall occur: (1) A plan of the street improvements required by this section shall be submitted to the public works authority; and (2) upon determination by the public works authority that the plan meets the street improvement requirements established by this subsection, a performance guarantee and inspection fee for said improvements shall be submitted to the city as set forth in section 14-501. Also as set forth in section 14-501, a one-year defect bond shall be tendered to the city prior to release of the performance guarantee required hereby. The provisions of this subsection (b) shall not apply to the erection of any single-family dwelling on any lot where the owner of the lot establishes that he or she was the owner of that same lot on November 19, 1984, and at all times thereafter, and states his or her intention under oath to make the structure his or her personal residence.

Ordinance, which should be considered by the Planning Board when reviewing this and other similar proposals:

ARTICLE IV. SUBDIVISIONS*

Sec. 14-497. General requirements.

(a) *Review criteria.* When reviewing any subdivision for approval, the Planning Board shall consider, among others, the following review criteria and before granting approval shall determine that the proposed subdivision:

(9) Is in conformance with the land development plan or its successor;

The land development plan, in this instance, refers to the Portland Comprehensive Plan. The Portland Comprehensive Plan directly addresses issues pertaining to neighborhood connectivity and maximum mobility in transportation systems as they pertain to quality of life of the Portland community. The pertinent sections of the Comprehensive Plan state the following:

III. A TIME OF CHANGE: PORTLAND TRANSPORTATION PLAN - July 1993

Transportation Plan Guiding Principle

Provide maximum mobility in a transportation system, which encompasses all modes, balances competing objectives, and promotes the economic vitality and quality of life of the Portland community.

➤ **Land Use and Transportation Link**

Link the transportation plan with land use planning policies in the City and region to guide decision-making for development and infrastructure investment.

➤ **Structured System**

Achieve a transportation system appropriately structured and designed to safely and effectively move goods and people.

- Create a neighborhood street system characterized by a network of interconnected streets, which minimizes through-traffic in residential neighborhoods.
- Appropriately scale and design streets and highways and other transportation infrastructure to serve local traffic, destination traffic and through-traffic.

Transportation Policies

- Promote the interconnection of neighborhood streets and pathways, so that there are multiple paths of travel to get to destinations within and between neighborhoods by foot and bicycle, as well as auto.

The Subdivision Ordinance continues, in Sec. 14-498, with Technical and Design Standards, which include the following excerpted provisions:

ARTICLE IV. SUBDIVISIONS*

Sec. 14-498. Technical and design standards.

(b) Street plan:

- (1) All streets shall be platted along contour elevations which result in minimum grades and greatest visibility whenever practicable, with consideration given for anticipated use of the land.
- (2) The proposed street layout shall be coordinated with the street system of the surrounding areas. All streets must provide for the continuation or appropriate projection of streets in surrounding areas and provide means of ingress and egress for surrounding acreage tracts. When connecting streets within residential neighborhoods, new streets shall contribute to a neighborhood street system characterized by a network of interconnected streets, which minimizes through-traffic in residential neighborhoods. The layout of subdivision lots, streets, and pedestrian ways shall promote multiple paths of travel to get to destinations within and between neighborhoods by foot and bicycle, as well as auto.

Brandon Street is a dedicated street. Its layout does connect into the existing street system and it is located between Forest Avenue and Wyndham Street. While Brandon Street appears to meet these standards, it is unclear whether Sec. 14-498 (b) pertains solely to new streets proposed for a subdivision or if these provisions also encompass existing paper streets.

The Subdivision Ordinance lists Required Improvements for all subdivisions under Section 14-499, which states the following:

Prior to the release of the approved recording plat the subdivider shall file a guarantee as hereinafter provided, and prior to release of such guarantee the subdivider shall have completed all improvements as follows:

- (a) All streets shall be graded in conformity with the requirements set out in section 14-498 and in accordance with article III of chapter 25.
- (b) On all streets, side streets, and alleys, a suitable hard surfaced permanent pavement shall be installed meeting the requirements set forth in article III of chapter 25.
- (c) Water, gas and sanitary sewer mains and storm drains shall be constructed prior to the installation of paving with all mains being extended from all lots having sufficient stub outs to avoid subsequent breaking of pavement.
- (d) Sidewalks and curbs shall be constructed as required in section 14-498.

As with Section 14-198 referenced above, it is unclear whether the term "all streets" in section 14-499 refers to new proposed streets in a subdivision plan or if it also includes existing but unimproved streets that abut the subdivision. Again, this will need to be determined in order to accurately assess the project and its relationship to Brandon Street.

It is clear from Section 14-506 of the Land Use Ordinance that the Planning Board has the authority to grant a waiver for a portion of or all of the requirements set forth in Section 14-498 and 14-499 if the Board finds that extraordinary conditions exist or that "undue hardship may result from strict compliance with these regulations." The Board, in these instances, may "vary the regulations provided that such variation will not have the effect of nullifying the intent and purpose of the land development plan [Comprehensive Plan] and the regulations of this article."

The term "undue hardship" is not defined in the City Code of Ordinances, therefore Planning staff has been unable to determine at this point whether or not the applicant meets the criteria for a waiver permitting him to postpone the improvement of Brandon Street. The analysis of the City Ordinance and Comprehensive Plan was prepared by Planning Staff and has not yet been reviewed by Penny Littell, Corporation Counsel. Penny will be available to advise the Board at the public hearing.

The applicant, met with Barbara Barhydt, Development Review Services Manager and Molly Casto, Planner to discuss the possibility of building Brandon Street on Friday, June 22, 2007. The applicant will be preparing his argument in accordance with Section 14-506 of the Land Use Code and will be presenting it to the Board at the Public Hearing on June 26, 2007. The applicant and Planning staff are in agreement that, should the Planning Board require that Brandon Street be constructed to City Standards, that the Board may want to consider tabling the project in order for the developer to modify the plans and hold a second neighborhood meeting to inform the community of proposed changes.

E. Solid Waste Disposal

The applicant indicates that the City will provide the solid waste services for these homes.

F. Utilities

The subdivision ordinance requires that all utilities be underground. The applicant has submitted an email from Central Maine Power (CMP) that indicates that they have the ability to serve the project. The applicant will coordinate with CMP prior to construction as to whether the services to each lot will be underground or overhead.

The applicant has submitted capacity letters from Portland Water District and from the City of Portland indicating that adequate water and sewer capacity exist to service the project (See Attachments 8 and 9). The applicant has revised the pipe installation detail in the revised plans to show 12" of crushed stone above it as requested by Dan Goyette, Consulting Engineer in his memorandum dated March 21, 2007.

G. Scenic Beauty

There is a stand of white pine trees along Forest Avenue. As noted in section VI of this report, the deed covenant seeks to preserve as many trees as possible on the lot. Janice Carpenter, a resident in Riverton, spoke with Barbara Barhydt concerning the trees. Janice recalls the City inventorying the trees at some point in the past. The staff has not located an inventory although Jeff Tarling thinks it might have been assessed for Green Space/Blue Edges. The planning staff reviewed the list of priority properties developed by the City's Land Bank Commission and this site does not appear on the Land Bank Commission's priority list for the Riverton neighborhood. Jeff Tarling, City Arborist recommends that the applicant prepare a tree preservation plan. His memorandum, dated April 3, 2007 was included as an attachment in the memorandum to the Planning Board, dated April 6, 2007. This memorandum is included (see Attachment 10) and is as follows:



Image 3- Location of proposed "no-cut zone" along Forest Avenue

Knowing the background of the existing pine grove located on Forest Avenue at the proposed project site, I would recommend that greater measures and effort be applied to protect these trees. Factors include past landowners intent to save trees as possible, the Riverton Neighborhood interests in protecting this pine grove and its value to the Forest Avenue streetscape. Protection measures should include: defining the building envelopes and placing tree-cutting restrictions as done on other projects near the Fore River Sanctuary. Creative project design orienting driveways, building envelopes (perhaps building 'gable ends' towards Forest Avenue), and grading could save trees along Forest Avenue and also act as a buffer to the project. The landscape plan should re-evaluate 'tree save' areas protecting groves of trees vs. individual trees. I would be willing to meet with the applicant in the field to review.

The applicant has since met with Jeff Tarling and Molly Casto on site to discuss the existing stand of trees. Based on this conversation and the memorandum copied above, the applicant has agreed to a 20' permanent vegetated buffer along Forest Avenue and a 10' wide one along the front portion of Castine Avenue between the intersection of Forest Avenue and the proposed shared driveway for lots 4 and 5. A 50' wide permanent vegetated buffer has been designated

along the Forest Avenue frontage of lot 1 between the edge of lot 3 and Brandon Street. The revised plans note in Note 17 that any trees within these designated areas that are lost during construction will be replaced by two 5'-6' white pines. City staff has met with the applicant regarding this note and requested that it be modified to state:

In the event that a tree within the vegetated buffers, as delineated on the plans, cannot be preserved, the developer must get approval from the City Arborist to and remove and replace the trees with two 5' to 6' tall white pines prior to the removal of any trees.

The note on the plans stating that "Construction fence is to be provided during house construction to protect existing trees" has an arrow referring it to the stand of white pines located between lots 4 and 5. This note should refer to this stand of trees and to all trees within the delineated permanent vegetated buffers.

The City requests a written easement be which delineates the proposed permanent vegetated buffers and that they are monumented.

In addition, the applicant also agreed, based on this meeting, to take measures to preserve an existing stand of white pines located between the proposed houses on lot 4 and lot 5. These trees are marked on the revised site plans. A note is contained in the plans that, in the event that they cannot be preserved, 4 additional 5'-6' tall white pines will be planted to replace them. Construction fence will be installed during construction to protect the existing trees.

The applicant has included a note on the site plans (note 14) stating:

A minimum of two street trees per lot shall be planted or conserved meeting the City of Portland Arboricultural Specification and Standard of Practice and Landscape Design Guidelines. The Developer may contract for the placement of landscaping, but shall remain ultimately liable to the City of Portland for financial obligation for compliance with City ordinances and approvals. Such financial obligation shall be neither transferable nor waivable by the developer.

H. Financial Capability

The applicant has submitted an updated letter from Bank North dated January 22, 2007, which is included in Attachment 1. The letter states that the applicant has the financial capacity to complete a five to six lot subdivision.

I. Flood Hazard/Shoreland/Wetlands

The applicant has identified 2,110 sq. ft of wetland on the plans that crosses Lots 1 and 2, mapped by Sweet Associates, Gray Road, Falmouth. The site is not located within a shoreland zone or a flood hazard zone. A note has been added to lot 2 on sheet 5 of the revised site plans requiring the applicant to mark the limit of wetlands prior to the start of construction. No wetland impacts are permitted for lot 2 development. This is also noted on sheet 5 of the revised plans.

J. Fire Safety

Captain Cass has reviewed the revised submittals and has approved the plans with no conditions.

K. Easements

The subdivision plan shows three proposed easements. The proposed easements include the following:

1. A ten-foot wide drainage easement over Lot 2 to benefit Lot 1;
2. A twenty-foot access and utility easement over Lot 3 to benefit Lot 1; and
3. A twenty-foot access and utility easement over lot 4 to benefit lot 5.

The current deed for lot 1 includes a legal description of the existing access and utility easement over lot 3 (see Attachment 1). The text of the remaining two proposed easements must be submitted for review prior to final approval.

The planning staff notes that the grading plan stipulates there will be no filling of the wetland on Lot 2, but it is unclear whether any disturbance of a wetland may occur within the 10-foot wide drainage easement. The easement for access and utilities on Lot 3 to benefit Lot 1 encompasses an existing driveway and utility lines, but there is insufficient space between this driveway and the one proposed for Lot 3. The utility easement over Lot 4 to benefit Lot 5 is consistent with the deed; however one of the deed restrictions states that both utilities and access for lot 5 would be from Castine Avenue. As noted above, Lot 5 is proposed with access to Forest Avenue, which does not meet City standards and is too close to the Brandon and Forest intersection. As an alternative, Dan Goyette suggests that access for this lot be from Brandon Street.

The planning staff notes that the grading plan stipulates there will be no impacts the wetland on Lot 2, but it is unclear whether any disturbance of a wetland may occur within the 10-foot wide drainage easement. Measures to mitigate impacts to wetlands within the 10 ft. wide easement should be noted on the final plans.

L. Recording Plat

The revised plans submitted by the applicant address issues raised by the Department of Public Works pertaining to the use of State Plan Coordinates and the official City benchmark for the elevation benchmark.

M. Consistency with the Portland Comprehensive Plan

The proposals to subdivide this area are consistent with the goals outlined in the City of Portland Comprehensive Plan.

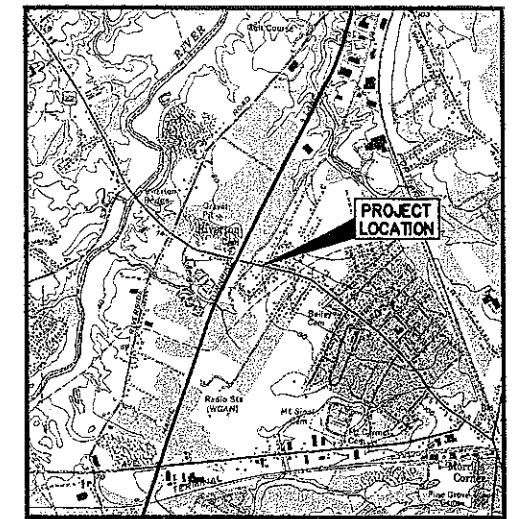
In terms of the unaccepted and unimproved Brandon Street abutting the proposed subdivision, it appears that a built Brandon Street would contribute to the guiding principles of the Comprehensive plan (see Section D of this report- Traffic). At this time, however, the existing scale of the built neighborhood streets surrounding the project area appear to effectively serve local traffic.

Att. 2

CASTINE AVENUE PORTLAND, MAINE

PREPARED BY:

GP Gorrill-Palmer Consulting Engineers, Inc.
 Traffic and Civil Engineering Services
 PO Box 1237 207-657-6910
 15 Shaker Road FAX: 207-657-6912
 Gray, ME 04039 E-Mail: mailbox@gorrillpalmer.com



LOCATION MAP
N.T.S.

LEGEND

EXISTING:	DESCRIPTION:	PROPOSED:
○	IRON PIPE	
□	MONUMENT	■
---	SEWALL CO., AERIAL SURVEY CONTOUR	
---100---	TITCOMB ASSOCIATES, GROUND SURVEY CONTOUR	
	PROPOSED CONTOUR	[100]
.....	WETLAND LIMIT	
---	EDGE OF PAVEMENT	---
▭	CULVERT	---
▨	BUILDINGS	▭
▨	RIPRAP	▨
○	UTILITY POLE	
---	RIGHT OF WAY	---
---	SILT FENCE	---
---	CENTER LINE	---
X 226.4	SPOT GRADE	100.31
---	PROPERTY LINE	---
	TREELINE	~~~~~
N/F	NOW OR FORMERLY	
□	CATCH BASIN	■ CB1
⊙	SEWER MANHOLE	● SMH1
⊙	DRAIN MANHOLE	● DMH1
⊗	WATER VALVE	⊗
⊙	CAPPED IRON ROD SET PLS #1273	
Lot #	SUBDIVISION LOT NUMBER	
▨	DRAINAGE EASEMENT	
▨	ANTICIPATED PERMITTED WETLAND FILLS	

GENERAL NOTES

- GENERAL NOTES**
- TOPOGRAPHIC DATA AND EXISTING CONDITIONS ARE BASED UPON A GROUND SURVEY CONDUCTED BY TITCOMB ASSOCIATES FOR THE DEVELOPERS IN 2006. WETLANDS HAVE BEEN DELINEATED BY SWEET ASSOCIATES.
 - BOUNDARY SURVEY WAS PREPARED BY TITCOMB ASSOCIATES FOR THE DEVELOPERS IN 2006.
 - THE CONTRACTOR SHALL PROVIDE, ERECT AND MAINTAIN ALL NECESSARY BARRICADES, LIGHTS, WARNING SIGNS AND OTHER DEVICES TO SAFEGUARD TRAFFIC PROPERLY WHILE WORK IS IN PROGRESS.
 - THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR THE ELEVATION OF THE EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND WHERE POSSIBLE MEASUREMENTS TAKEN IN THE FIELD. THIS INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE APPROPRIATE UTILITY COMPANY AND DIG SAFE AT LEAST 72 HOURS PRIOR TO ANY EXCAVATION TO REQUEST EXACT FIELD LOCATION OF UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.
 - MAINTENANCE OF EROSION CONTROL MEASURES IS OF PARAMOUNT IMPORTANCE TO THE OWNER AND THE CONTRACTOR IS RESPONSIBLE FOR COMPLYING WITH ALL EROSION CONTROL MEASURES SHOWN ON THE PLANS. ADDITIONAL EROSION CONTROL MEASURES SHALL BE INSTALLED IF DEEMED NECESSARY BY ON-SITE INSPECTIONS OF THE OWNER OR THEIR REPRESENTATIVES AT NO ADDITIONAL COST TO THE OWNER.
 - ALL MATERIAL SCHEDULES SHOWN ON THE PLANS ARE FOR GENERAL INFORMATION ONLY. THE CONTRACTOR SHALL PREPARE HIS OWN MATERIAL SCHEDULES BASED UPON HIS PLAN REVIEW. ALL SCHEDULES SHALL BE VERIFIED IN THE FIELD BY THE CONTRACTOR PRIOR TO ORDERING MATERIALS OR PERFORMING WORK.
 - ALL MATERIALS AND CONSTRUCTION METHODS SHALL CONFORM TO MAINE DEPARTMENT OF TRANSPORTATION SPECIFICATIONS AND CITY OF PORTLAND TECHNICAL AND DESIGN STANDARDS AND GUIDELINES.

PERMITTING NOTES

- THIS PROJECT IS SUBJECT TO THE TERMS AND CONDITIONS OF A SUBDIVISION APPROVAL FROM THE CITY OF PORTLAND WHICH WILL BE MADE A PART OF THE CONTRACT BID DOCUMENTS. THE CONSTRUCTION WILL BE GOVERNED BY THE CITY OF PORTLAND ZONING AND SUBDIVISION ORDINANCES WHICH ARE AVAILABLE FOR VIEWING AT THE OFFICE OF THE ENGINEER OR THE MUNICIPAL OFFICE.
- THE CONTRACTOR SHALL REVIEW THE ABOVE REFERENCED PERMITS PRIOR TO SUBMITTING A BID FOR THIS PROJECT, AND INCLUDE COSTS AS NECESSARY TO COMPLY WITH THE CONDITIONS OF THESE PERMITS.

LAYOUT NOTES

- ALL DIMENSIONING, UNLESS NOTED OTHERWISE, IS TO THE FACE OF CURB.
- OFFSETS TO CATCH BASINS AND MANHOLES ARE TO THE CENTER OF THE FRAME.
- PIPE LENGTH EQUALS THE CENTER TO CENTER DISTANCES BETWEEN CATCH BASINS AND/OR MANHOLES MINUS ONE-HALF THE DIAMETER OF EACH CATCH BASIN OR MANHOLE.
- PROPERTY LINE AND R.O.W. MONUMENTS SHALL NOT BE DISTURBED BY CONSTRUCTION. IF DISTURBED, THEY SHALL BE RESET TO THEIR ORIGINAL LOCATIONS AT THE CONTRACTOR'S EXPENSE, BY A MAINE REGISTERED LAND SURVEYOR.
- PROPOSED RIGHT OF WAY MONUMENTS AND PROPERTY LINE PINS SHALL BE INSTALLED UNDER THE DIRECTION OF A MAINE REGISTERED LAND SURVEYOR.

UTILITY NOTES

- TEST PITS AT ALL UTILITY CROSSINGS SHALL BE COMPLETED TWO WEEKS IN ADVANCE OF THE START OF CONSTRUCTION OR ORDERING OF MATERIALS. TEST PIT INFORMATION SHALL BE PROMPTLY PROVIDED TO ENGINEER FOR REVIEW.
- ALL UTILITY MATERIAL AND INSTALLATION METHODS SHALL CONFORM TO PORTLAND WATER DISTRICT STANDARDS. DISINFECTION OF WATER LINES SHALL CONFORM TO AWWA STANDARDS C651, LATEST REVISION.
- ALL SEWER MATERIALS SHALL CONFORM TO THE REQUIREMENTS OF THE CITY OF PORTLAND TECHNICAL AND DESIGN STANDARDS AND GUIDELINES.
- ELECTRIC SERVICE SHALL BE COORDINATED WITH CENTRAL MAINE POWER.

GRADING AND DRAINAGE NOTES

- TOPSOIL STRIPPED IN AREAS OF CONSTRUCTION THAT IS SUITABLE FOR REUSE AS LOAM SHALL BE STOCKPILED ON SITE AT A LOCATION TO BE DESIGNATED BY THE OWNER. UNSUITABLE SOIL SHALL BE SEPARATED, REMOVED AND DISPOSED OF AT AN APPROVED DISPOSAL LOCATION OFF SITE.
- THE CONTRACTOR SHALL ANTICIPATE THAT GROUNDWATER WILL BE ENCOUNTERED DURING CONSTRUCTION AND SHALL INCLUDE SUFFICIENT COSTS WITHIN THEIR BID TO PROVIDE DEWATERING AS NECESSARY. NO SEPARATE PAYMENT SHALL BE MADE TO THE CONTRACTOR FOR DEWATERING.

EROSION CONTROL NOTES

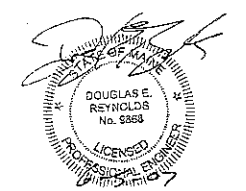
- LAND DISTURBING ACTIVITIES SHALL BE ACCOMPLISHED IN A MANNER AND SEQUENCE THAT CAUSES THE LEAST PRACTICAL DISTURBANCE OF THE SITE.
- PRIOR TO BEGINNING ANY CLEARING/LAND DISTURBING ACTIVITIES, THE CONTRACTOR SHALL INSTALL THE PERIMETER SILT FENCES.
- ALL GROUND AREAS DISTURBED FOR CONSTRUCTION WILL BE GRADED, LOAMED AND SEEDING AS SOON AS POSSIBLE. PERMANENT SEED MIXTURE SHALL CONFORM TO THE SEEDING PLAN CONTAINED ON SHEET 7 OF THE PLAN SET.
- SILT FENCES SHALL BE INSPECTED, REPAIRED AND CLEANED AS NOTED IN THE EROSION CONTROL REPORT.
- THE CONTRACTOR SHALL REPAIR AND ADD STONE TO THE LOT CONSTRUCTION ENTRANCE AS IT BECOMES SATURATED WITH MUD TO ENSURE THAT IT WORKS AS PLANNED DURING CONSTRUCTION.
- LOT EROSION CONTROL NOTE IS CONTAINED ON THE DRAWINGS OF THIS PLAN SET.
- THE CONTRACTOR IS CAUTIONED THAT FAILURE TO COMPLY WITH THE SEQUENCE OF CONSTRUCTION, EROSION/SEDIMENT CONTROL PLAN, AND OTHER PERMIT REQUIREMENTS BASED UPON ANY THIRD PARTY REVIEW (to MDEP) MAY RESULT IN MONETARY PENALTIES. THE CONTRACTOR SHALL BE ASSESSED ALL SUCH PENALTIES AT NO COST TO THE OWNER OR PERMITTEE.
- ALL NON-PAVED AREAS DISTURBED DURING CONSTRUCTION SHALL BE LOAMED AND SEEDING, UNLESS OTHERWISE DIRECTED BY THE OWNER.
- ALL DISTURBED AREAS ARE TO RECEIVE A MINIMUM OF 6" OF TOPSOIL PRIOR TO PERMANENT SEEDING.

UTILITIES

- WATER:**
 PORTLAND WATER DISTRICT
 225 DOUGLASS STREET
 PORTLAND, MAINE 04102
 (207) 761-8300
- SEWER:**
 PORTLAND PUBLIC WORKS DEPT.
 55 PORTLAND STREET
 PORTLAND, MAINE 04101
 (207) 874-8871
- ELECTRIC:**
 CENTRAL MAINE POWER
 162 CANCO ROAD
 PORTLAND, MAINE 04103
 (207) 826-2869
- CALL BEFORE YOU DIG 1-800-344-7233

INDEX

- COVER SHEET, GENERAL NOTES, & LEGEND
- SUBDIVISION PLAN BY TITCOMB ASSOCIATES
- LOT LAYOUT PLAN
- LOT UTILITY PLAN
- LOT GRADING, DRAINAGE AND EROSION CONTROL PLAN
- MISCELLANEOUS DETAILS
- EROSION & SEDIMENTATION CONTROL DETAILS & NOTES



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

Rev.	Date	Revision

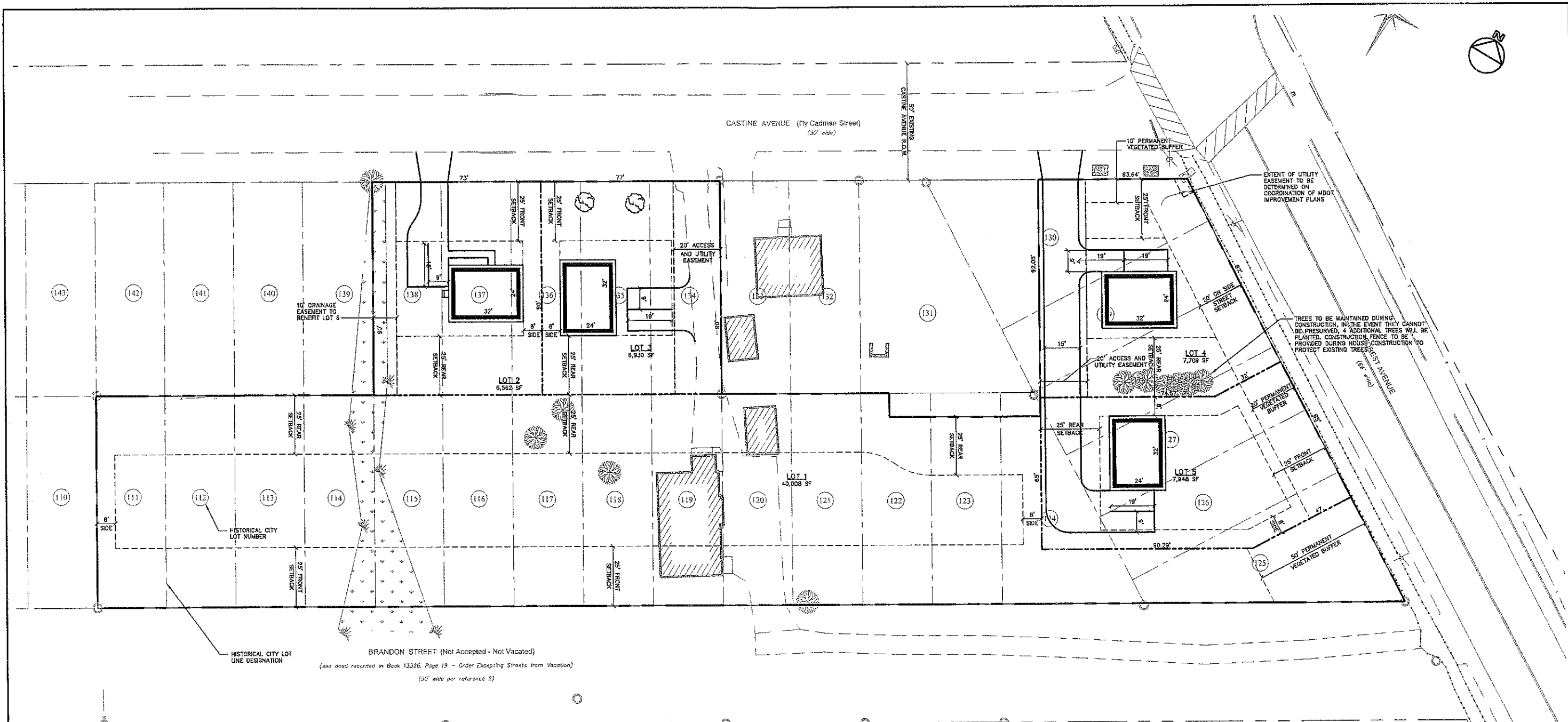
CITY COMMENTS	Date	By
SUBDIVISION REVIEW	02/16/07	DER
Issued For		

Design: JLG	Draft: LMC	Date: 1/07
Checked: AMP	Scale: 1"=20'	Job No: 1721
File Name: 1721-cover.dwg		
This plan shall not be modified without written permission from Gorrill-Palmer Consulting Engineers, Inc.(GPCE). Any alterations, authorized or otherwise, shall be at the user's sole risk and without liability to GPCEI.		

GP Gorrill-Palmer Consulting Engineers, Inc.
 Traffic and Civil Engineering Services
 PO Box 1237 207-657-6910
 15 Shaker Road FAX: 207-657-6912
 Gray, ME 04039 E-Mail: mailbox@gorrillpalmer.com

Drawing Name:	Cover Sheet, General Notes & Legend
Project:	CASTINE AVENUE, PORTLAND, MAINE
Client:	W&C, LLC PO Box 10127, 449 Forest Avenue, Portland, ME 04104

Drawing No.	1
-------------	---



NOTE:
LOT LAYOUT AND GRADING CONFIGURATIONS SHOWN ON THIS PLAN DO NOT REPRESENT THE INTENDED FINAL DEVELOPMENT OF THE LOT FOR BUILDING PERMIT.

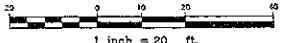
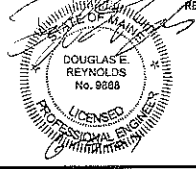
SPACE AND BULK REQUIREMENTS - R-3 ZONE

MINIMUM LOT SIZE:	6,500 S.F.
MINIMUM FRONTAGE:	50 FT.
MINIMUM SETBACKS:	
FRONT YARD	25 FT.
REAR YARD	25 FT.
SIDE YARD*	8 FT.
1 STORY	8 FT.
1 1/2 STORY	14 FT.
2 STORY	16 FT.
2 1/2 STORY	16 FT.
MINIMUM LOT WIDTH:	
OTHER USES:	65 FT.

* THE WIDTH OF ONE (1) SIDE YARD MAY BE REDUCED ONE (1) FOOT FOR EVERY FOOT THAT THE OTHER SIDE YARD IS CORRESPONDINGLY INCREASED, BUT NO SIDE YARD SHALL BE LESS THAN EIGHT (8) FEET IN WIDTH.
THE SIDE YARDS SHOWN ON THE FOLLOWING FIGURES ARE BASED UPON A (1) ONE STORY STRUCTURE AND MAY BE INCREASED OR DECREASED DEPENDING UPON THE NUMBER OF STORIES.

NOTES:

- LOT 4 SETBACKS SHOWN ASSUME HOUSE FACES CASTINE AVENUE. IF HOUSE FACES FOREST AVENUE SETBACKS SHALL BE REVISED ACCORDINGLY.
- AFTER DEVELOPMENT TAKES PLACE NO TREE OVER 4" SHALL BE REMOVED UNLESS IT IS DEAD, DYING, OR DISEASED, CAUSING A HAZARD TO EITHER THE PUBLIC OR THE HOMES ON THE PROPERTY OR TO PLACE A GARAGE, ACCESSORY STRUCTURE, OR PLAY AREA OF REASONABLE AREA.
- EACH UNIT SHALL BE PROVIDED WITH AT LEAST TWO (2) TREES MEETING THE CITY'S ARBORICULTURE SPECIFICATIONS AND WHICH ARE CLEARLY VISIBLE FROM THE STREET LINE AND ARE LOCATED SO AS TO VISUALLY WIDEN THE NARROW DIMENSION OR PROPORTION OF THE UNIT.
- ALL EFFORTS WILL BE MADE TO PRESERVE PINE TREES BETWEEN HOUSES IN LOTS 4 AND 5. IN THE EVENT THESE TREES CAN NOT BE PRESERVED, 2 ADDITIONAL PINE TREES WILL BE PLANTED.
- TREES REMOVED WITHIN PRESERVATION AREA SHALL BE REPLACED BY TWO 5"-6" WHITE PINES.



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

Rev.	Date	Revision

CITY COMMENTS	Date	By
SUBMISSION REVIEW	02/18/07	DER
Issued For	Date	By

Design: JLG	Draft: LMC	Date: 1/07
Checked: AMP	Scale: 1"=20'	Job No.: 1721
File Name: 1721-phase.dwg		
This plan shall not be modified without written permission from Gorrill-Palmer Consulting Engineers, Inc.(GPCE). Any alterations, authorized or otherwise, shall be at the user's sole risk and without liability to GPCEI.		

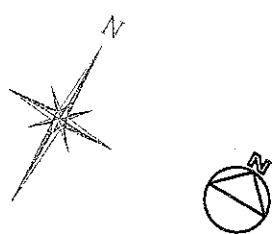
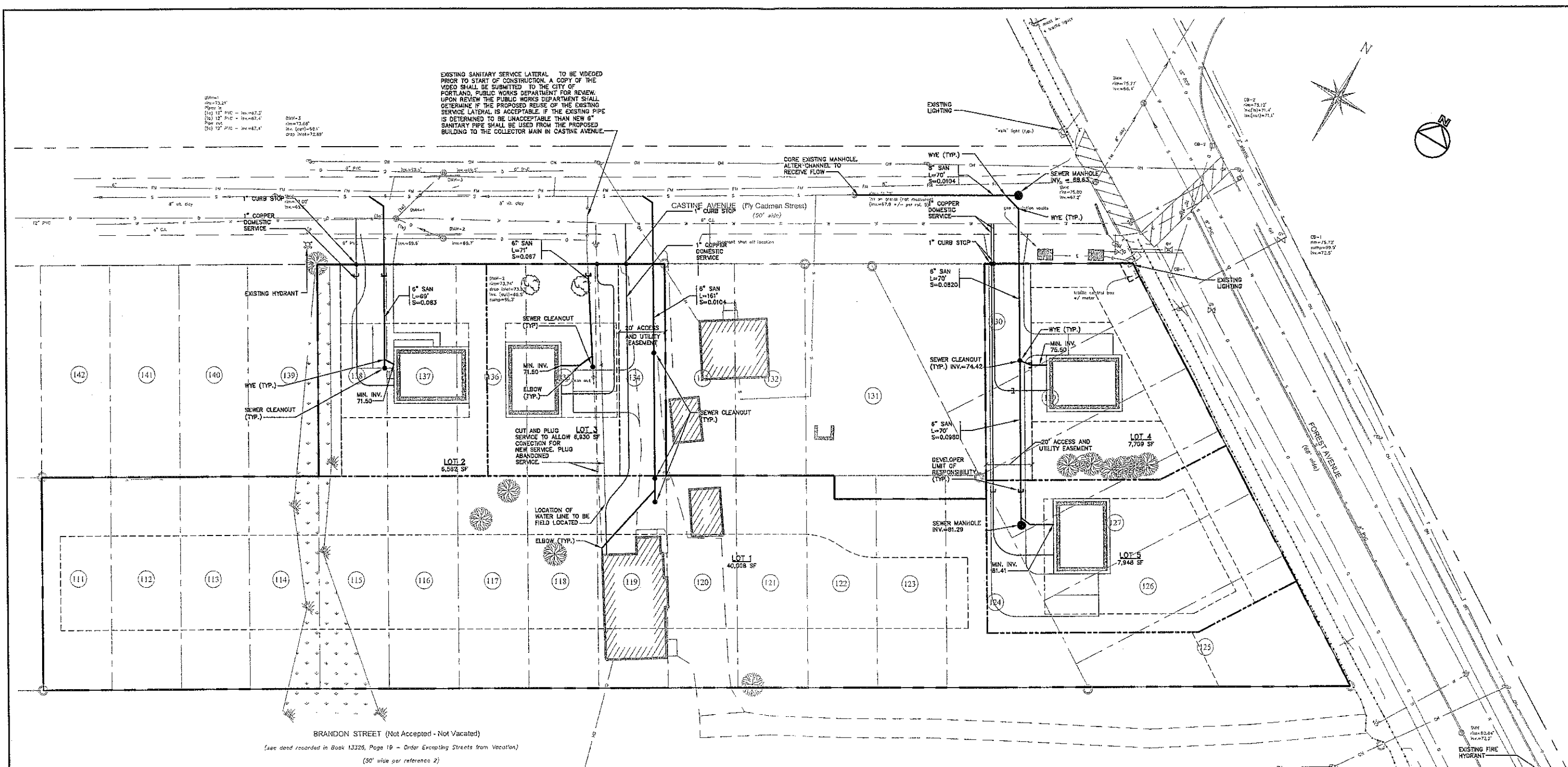
GP Gorrill-Palmer Consulting Engineers, Inc.
 Traffic and Civil Engineering Services
 PO Box 1237 Gray, ME 04039
 207-657-6910
 FAX: 207-657-6912
 E-Mail: mail@box.gorrillpalmer.com

Drawing Name:	Lot Layout Plan
Project:	CASTINE AVENUE, PORTLAND, MAINE
Client:	W&C, LLC PO Box 10127, 449 Forest Avenue, Portland, ME 04104

Drawing No.
3

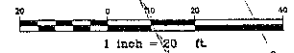
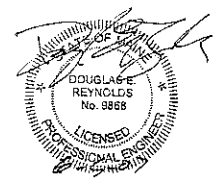
0.0111 = 73.21'
 0.0112 = 73.21'
 0.0113 = 73.21'
 0.0114 = 73.21'
 0.0115 = 73.21'
 0.0116 = 73.21'
 0.0117 = 73.21'
 0.0118 = 73.21'
 0.0119 = 73.21'
 0.0120 = 73.21'
 0.0121 = 73.21'
 0.0122 = 73.21'
 0.0123 = 73.21'
 0.0124 = 73.21'
 0.0125 = 73.21'
 0.0126 = 73.21'
 0.0127 = 73.21'
 0.0128 = 73.21'
 0.0129 = 73.21'
 0.0130 = 73.21'
 0.0131 = 73.21'
 0.0132 = 73.21'
 0.0133 = 73.21'
 0.0134 = 73.21'
 0.0135 = 73.21'
 0.0136 = 73.21'
 0.0137 = 73.21'
 0.0138 = 73.21'
 0.0139 = 73.21'
 0.0140 = 73.21'
 0.0141 = 73.21'
 0.0142 = 73.21'

EXISTING SANITARY SERVICE LATERAL TO BE VIDEOED PRIOR TO START OF CONSTRUCTION. A COPY OF THE VIDEO SHALL BE SUBMITTED TO THE CITY OF PORTLAND, PUBLIC WORKS DEPARTMENT FOR REVIEW. UPON REVIEW THE PUBLIC WORKS DEPARTMENT SHALL DETERMINE IF THE PROPOSED REUSE OF THE EXISTING SERVICE LATERAL IS ACCEPTABLE. IF THE EXISTING PIPE IS DETERMINED TO BE UNACCEPTABLE THAN NEW 6" SANITARY PIPE SHALL BE USED FROM THE PROPOSED BUILDING TO THE COLLECTOR MAIN IN CASTINE AVENUE.



NOTES:

1. ELECTRICAL SERVICE SHALL BE COORDINATED WITH CENTRAL MAINE POWER.
2. SEWER AND WATER SERVICES RELOCATIONS FOR LOT 1 SHALL BE INSTALLED BY THE DEVELOPER. CONNECTION TO THE HOUSE SHALL BE THE DEVELOPERS RESPONSIBILITY.
3. SEWER AND WATER SERVICES FOR LOT 2 SHALL BE INSTALLED BY THE DEVELOPER 5' INTO THE PROPERTY. CONNECTION TO THE HOUSE WILL BE THE RESPONSIBILITY OF THE LOT OWNER.
4. SEWER SERVICES FOR LOT 3 SHALL BE DISCONTINUED 5' INTO THE PROPERTY. WATER SERVICES FOR LOT 3 SHALL BE DISCONTINUED AT THE NEW CURB STOP. LOCATION OF EXISTING SERVICES SHALL BE MARKED FOR FUTURE USE. CONNECTION TO THE HOUSE SHALL BE THE RESPONSIBILITY OF THE LOT OWNER.
5. SEWER AND WATER SERVICES FOR LOT 4 SHALL BE INSTALLED BY THE DEVELOPER AS SHOWN ON THE LOT UTILITY PLAN. CONNECTION TO THE HOUSE SHALL BE THE LOT OWNERS RESPONSIBILITY.
6. SEWER AND WATER SERVICES FOR LOT 5 SHALL BE INSTALLED BY THE DEVELOPER 5' INTO THE PROPERTY. CONNECTION TO THE HOUSE SHALL BE THE RESPONSIBILITY OF THE LOT OWNER.



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

Rev.	Date	Revision

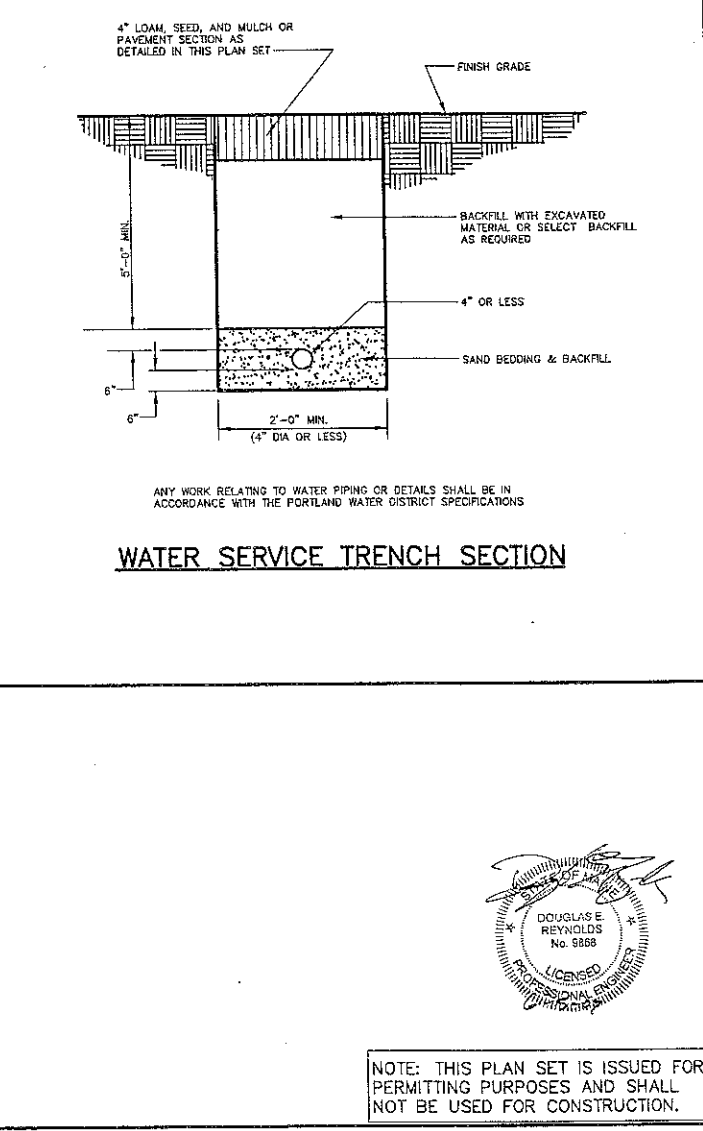
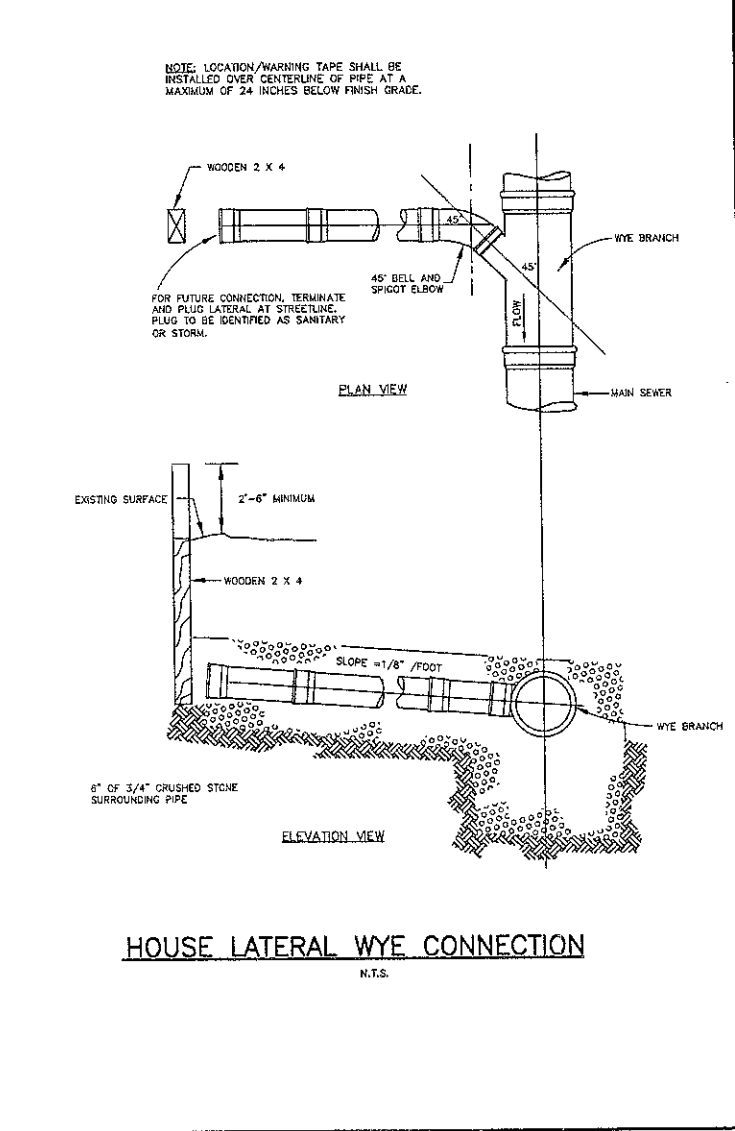
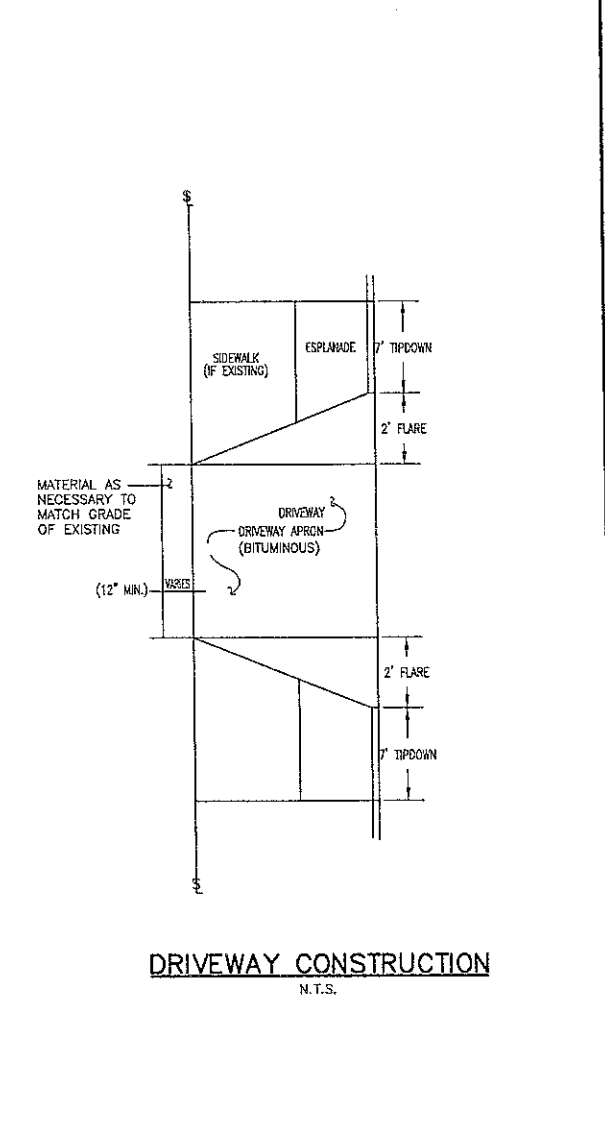
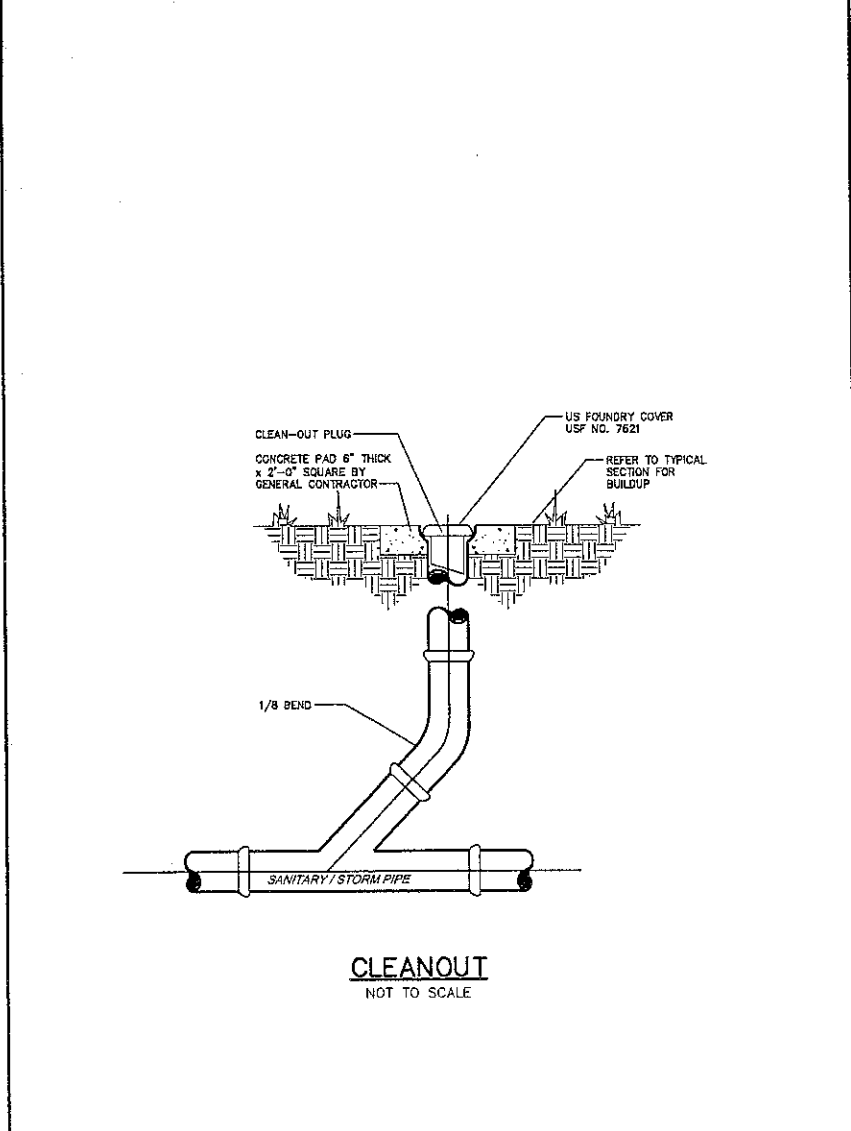
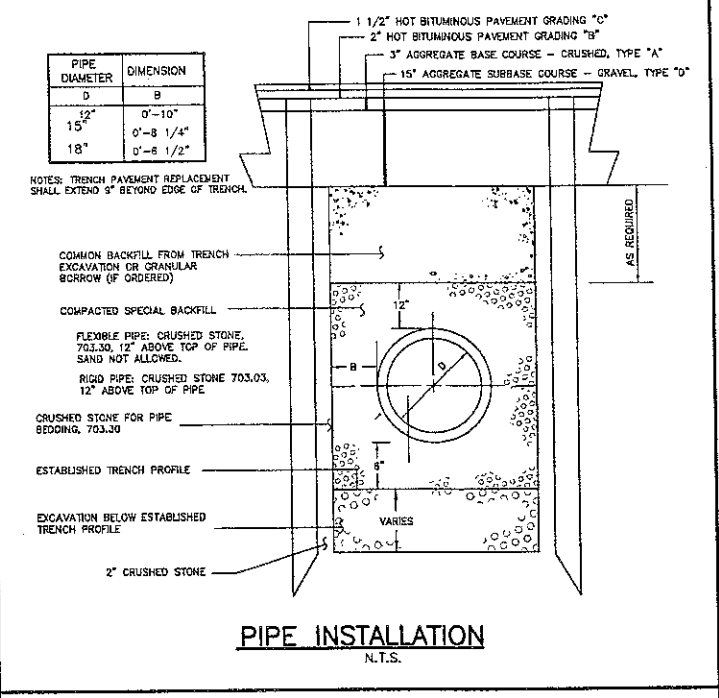
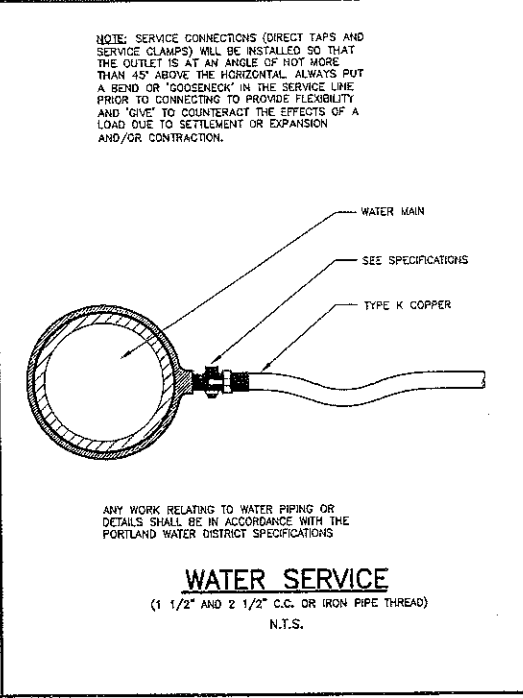
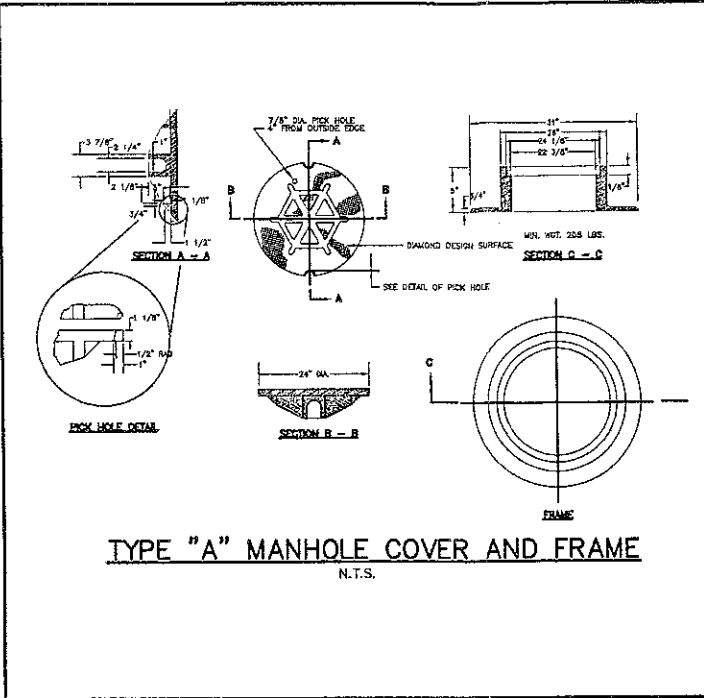
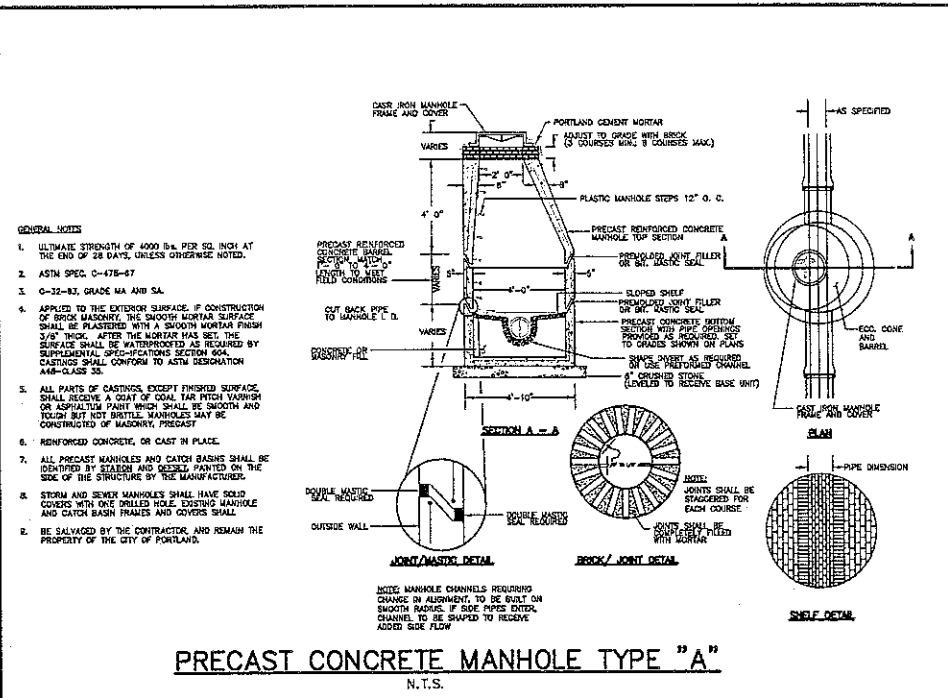
CITY COMMENTS	Date	By
SUBDIVISION REVIEW	05/05/07	DER
Issued For	02/16/07	DER

Design: JLG Draft: LMC Date: 1/07
 Checked: AMP Scale: 1"=20' Job No.: 1721
 File Name: 1721-ubase.dwg
 This plan shall not be modified without written permission from Gorrill-Palmer Consulting Engineers, Inc.(GPCEI). Any alterations, authorized or otherwise, shall be at the user's sole risk and without liability to GPCEI.

GP Gorrill-Palmer Consulting Engineers, Inc.
 Traffic and Civil Engineering Services
 PO Box 1237 207-657-6910
 15 Shaker Road FAX: 207-657-6912
 Gray, ME 04039 E-Mail: mailbox@gorrillpalmer.com

Drawing Name:	Lot Utility Plan
Project:	CASTINE AVENUE, PORTLAND, MAINE
Client:	W&C, LLC PO Box 10127, 449 Forest Avenue, Portland, ME 04104

Drawing No. **4**



Rev.	Date	Revision
-	-	-

CITY COMMENTS	Date	By
SUBDIVISION REVIEW	06/05/07	DER
Issued For	02/16/07	DER

Design: JLG	Draft: LMC	Date: 1/07
Checked: AMP <td>Scale: 1"=20'</td> <td>Job No: 1721</td>	Scale: 1"=20'	Job No: 1721
File Name: 1721-details.dwg		
This plan shall not be modified without written permission from Gorrill-Palmer Consulting Engineers, Inc.(GPCEI). Any alterations, authorized or otherwise, shall be at the user's sole risk and without liability to GPCEI.		

GP Gorrill-Palmer Consulting Engineers, Inc.
 Traffic and Civil Engineering Services
 PO Box 1237 Gray, ME 04039
 207-657-6910
 FAX: 207-657-6912
 E-Mail: mailbox@gorrillpalmer.com

Drawing Name:	Miscellaneous Details
Project:	CASTINE AVENUE, PORTLAND, MAINE
Client:	W&C, LLC PO Box 10127, 449 Forest Avenue, Portland, ME 04104

Drawing No. **6**

EROSION CONTROL MEASURES AND SITE STABILIZATION

THE PRIMARY EMPHASIS OF THE EROSION/SEDIMENTATION CONTROL PLAN TO BE IMPLEMENTED FOR THE INFRASTRUCTURE CONSTRUCTION IS AS FOLLOWS:

- DEVELOPMENT OF A CAREFUL CONSTRUCTION SEQUENCE
- RAPID REVEGETATION OF DENUDEED AREAS TO MINIMIZE THE PERIOD OF SOIL EXPOSURE
- RAPID STABILIZATION OF DRAINAGE PATHS TO AVOID RILL AND GULLY EROSION.
- THE USE OF ON-SITE MEASURES TO CAPTURE SEDIMENT (HAY BALES/SILT FENCE, ETC.)

THE FOLLOWING TEMPORARY AND PERMANENT EROSION AND SEDIMENT CONTROL DEVICES WILL BE IMPLEMENTED AS PART OF THE SITE DEVELOPMENT. THESE DEVICES SHALL BE INSTALLED AS INDICATED ON THE PLANS OR AS DESCRIBED WITHIN THIS REPORT. FOR FURTHER REFERENCE, SEE THE MAINE EROSION AND SEDIMENT CONTROL HANDBOOK FOR CONSTRUCTION BEST MANAGEMENT PRACTICES.

A. TEMPORARY EROSION CONTROL MEASURES

THE FOLLOWING MEASURES ARE PLANNED AS TEMPORARY EROSION/SEDIMENTATION CONTROL MEASURES DURING CONSTRUCTION:

1. A CRUSHED STONE-STABILIZED CONSTRUCTION ENTRANCE SHALL BE PLACED AT THE PROPOSED CASTINE AVENUE.
2. SILTATION FENCE BE INSTALLED DOWNSTREAM OF ANY DISTURBED AREAS TO TRAP RUNOFF BORNE SEDIMENTS UNTIL THE ROADWAY SIDE-SLOPES ARE REVEGETATED. THE SILT FENCE SHALL BE INSTALLED PER THE DETAILS PROVIDED IN THIS PACKAGE AND INSPECTED IMMEDIATELY AFTER EACH RAINFALL AND AT LEAST DAILY DURING PROLONGED RAINFALL. REPAIRS SHALL BE MADE IF THERE ARE ANY SIGNS OF EROSION OR SEDIMENTATION BELOW THE FENCE. IF THERE ARE SIGNS OF UNDERCUTTING AT THE CENTER OR THE EDGES, OR IMPOUNDING OF LARGE VOLUMES OF WATER BEHIND FENCE, THE BARRIER SHALL BE REPLACED WITH A STONE CHECK DAM.
3. STRAW OR HAY MULCH INCLUDING HYDROSEEDING IS INTENDED TO PROVIDE COVER FOR DENUDEED OR SEEDED AREAS UNTIL REVEGETATION IS ESTABLISHED. MULCH PLACED BETWEEN APRIL 15TH AND OCTOBER 1ST ON SLOPES OF LESS THAN 15 PERCENT SHALL BE ANCHORED BY APPLYING WATER. MULCH PLACED ON SLOPES OF EQUAL TO OR STEEPER THAN 15 PERCENT SHALL BE COVERED BY A FABRIC NETTING AND ANCHORED WITH STAPLES IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATION. MULCH PLACED BETWEEN OCTOBER 1ST AND APRIL 15TH ON SLOPES EQUAL TO OR STEEPER THAN 8 PERCENT SHALL BE COVERED WITH A FABRIC NETTING AND ANCHORED WITH STAPLES IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATION. SLOPES STEEPER THAN 3:1, WHICH ARE TO BE REVEGETATED, SHALL RECEIVE CURLEX BLANKETS BY AMERICAN EXCELSIOR OR EQUAL. MULCH APPLICATION RATES ARE PROVIDED IN ATTACHMENT A OF THIS SECTION. MULCH SHALL NOT BE PLACED OVER SNOW.
4. TEMPORARY STOCKPILES OF STUMPS, GRUBBINGS, OR COMMON EXCAVATION WILL BE PROTECTED AS FOLLOWS:
 - A) TEMPORARY STOCKPILES SHALL NOT BE LOCATED WITHIN 50 FEET OF ANY WETLANDS, WHICH WILL NOT BE DISTURBED AND ANY SLOPES WHICH EXCEED 15%.
 - B) STOCKPILES SHALL BE STABILIZED WITHIN 7 DAYS BY EITHER TEMPORARILY SEEDING THE STOCKPILE BY A HYDROSEED METHOD CONTAINING AN EMULSIFIED MULCH TACKIFIER OR BY COVERING THE STOCKPILE WITH MULCH.
 - C) STOCKPILES SHALL BE SURROUNDED BY SILT FENCE AT THE TIME OF FORMATION.
5. ALL DENUDEED AREAS THAT ARE WITHIN 50 FEET OF AN UNDISTURBED WETLAND, WHICH HAVE BEEN ROUGH GRADED, AND ARE NOT LOCATED WITHIN A ROADWAY SUBBASE AREA, SHALL RECEIVE MULCH OR EROSION CONTROL MESH FABRIC WITHIN 7 DAYS OF INITIAL DISTURBANCE OF SOIL. ALL AREAS WITHIN 50 FEET OF AN UNDISTURBED WETLAND SHALL BE MULCHED PRIOR TO ANY PREDICTED RAIN EVENT REGARDLESS OF THE 7-DAY WINDOW. IN OTHER AREAS, THE TIME PERIOD MAY BE EXTENDED TO 14 DAYS.
6. FOR WORK WHICH IS CONDUCTED BETWEEN OCTOBER 15 AND APRIL 15 OF ANY CALENDAR YEAR, ALL DENUDEED AREAS WILL BE COVERED WITH HAY MULCH, APPLIED AT TWICE THE NORMAL APPLICATION RATE AND ANCHORED WITH FABRIC NETTING. THE TIME PERIOD FOR APPLYING MULCH AS NOTED IN PARAGRAPH 3 ABOVE, SHALL BE LIMITED TO 7 DAYS FOR ALL AREAS.
7. CASTINE AVE SHALL BE SHEPT TO CONTROL MUD AND DUST AS NECESSARY.
8. DURING GRUBBING OPERATIONS STONE CHECK DAMS WILL BE INSTALLED AT ANY EVIDENT CONCENTRATED FLOW DISCHARGE POINTS.
9. SILT FENCING WITH A MINIMUM STAKE SPACING OF 6 FEET SHOULD BE USED, UNLESS THE FENCE IS SUPPORTED BY WIRE FENCE REINFORCEMENT OF MINIMUM 14 GAUGE AND WITH A MAXIMUM MESH SPACING OF 6 INCHES, IN WHICH CASE STAKES MAY BE SPACED A MAXIMUM OF 10 FEET APART. THE BOTTOM OF THE FENCE SHOULD BE ANCHORED.
10. WOOD WASTE COMPOST/BARK BERMS MAY BE USED IN LIEU OF SILTATION FENCING, BUT NOT IN WETLAND AREAS. BERMS SHALL BE REMOVED AND SPREAD INTO A LAYER NOT TO EXCEED 3" THICK ONCE UPSTREAM AREAS ARE COMPLETED AND A 75% CATCH OF VEGETATION IS ATTAINED.
11. WATER AND/OR CALCIUM CHLORIDE SHALL BE FURNISHED AND APPLIED IN ACCORDANCE WITH MDOT SPECIFICATIONS - SECTION 637 - DUST CONTROL.
12. LOAM AND SEED IS INTENDED TO SERVE AS THE PRIMARY PERMANENT REVEGETATIVE MEASURE FOR ALL DENUDEED AREAS NOT PROVIDED WITH OTHER EROSION CONTROL MEASURES, SUCH AS RIPRAP. APPLICATION RATES ARE PROVIDED IN ATTACHMENT A OF THIS SECTION. SEEDING SHALL NOT OCCUR OVER SNOW.

B. PERMANENT EROSION CONTROL MEASURES

THE FOLLOWING PERMANENT EROSION CONTROL MEASURES HAVE BEEN DESIGNED AS PART OF THE EROSION/SEDIMENTATION CONTROL PLAN:

1. ALL AREAS DISTURBED DURING CONSTRUCTION, BUT NOT SUBJECT TO OTHER RESTORATION (PAVING, RIPRAP, ETC.) WILL BE LOAMED, LIMED, FERTILIZED, MULCHED, AND SEEDED. FABRIC NETTING, ANCHORED WITH STAPLES, SHALL BE PLACED OVER THE MULCH IN AREAS AS NOTED IN PARAGRAPH 5 OF TEMPORARY EROSION CONTROL MEASURES. ALL AREAS WITHIN 50 FEET OF AN UNDISTURBED WETLAND SHALL BE MULCHED PRIOR TO ANY PREDICTED RAIN EVENT REGARDLESS OF THE 7-DAY WINDOW. NATIVE TOPSOIL SHALL BE STOCKPILED AND REUSED FOR FINAL RESTORATION WHEN IT IS OF SUFFICIENT QUALITY.

LOTS
THE FOLLOWING CONSTRUCTION SEQUENCE SHALL BE REQUIRED FOR LOT CONSTRUCTION TO INSURE THE EFFECTIVENESS OF THE EROSION AND SEDIMENTATION CONTROL MEASURES ARE OPTIMIZED:

NOTE: FOR ALL GRADING ACTIVITIES, THE CONTRACTOR SHALL EXERCISE EXTREME CAUTION NOT TO OVEREXPOSE THE LOT BY LIMITING THE DISTURBED AREA.

1. INSTALL STABILIZED CONSTRUCTION ENTRANCES AT THE LOT DRIVEWAY.
2. CLEAR AREA NECESSARY FOR HOUSE CONSTRUCTION.
3. INSTALL PERIMETER SILTATION FENCE AND/OR WOOD WASTE BERMS PRIOR TO GRUBBING RESPECTIVE AREAS.
4. DURING GRUBBING OPERATIONS, INSTALL STONE CHECK DAMS AT ANY EVIDENT CONCENTRATED FLOW DISCHARGE POINTS.
5. COMMENCE EARTHWORK FOR FOUNDATION AREA.
6. COMMENCE BUILDING CONSTRUCTION.
7. COMMENCE INSTALLATION OF UNDERGROUND UTILITIES.
8. COMPLETE REMAINING EARTHWORK OPERATIONS.
9. INSTALL GRAVELS FOR DRIVEWAY.
10. INSTALL PAVEMENT FOR DRIVEWAY.
11. LOAM, LIME, FERTILIZE, SEED AND MULCH DISTURBED AREAS.
12. ONCE THE SITE IS STABILIZED AND A 90% CATCH OF VEGETATION HAS BEEN OBTAINED, REMOVE ALL TEMPORARY EROSION CONTROL MEASURES.
13. TOUCH UP LOAM AND SEED.

NOTE: ALL DENUDEED AREAS NOT SUBJECT TO FINAL PAVING OR GRAVEL SHALL BE REVEGETATED.

Rev.	Date	Revision

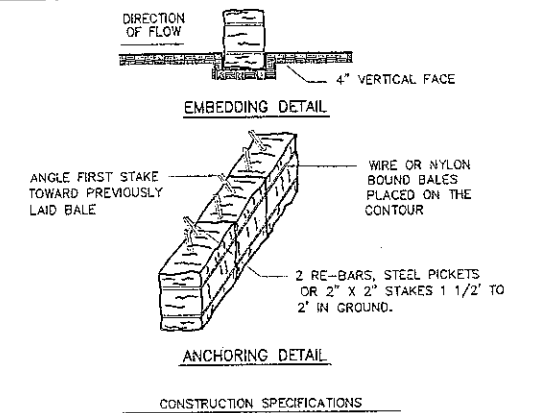
CITY COMMENTS	Date	By
SUBDIVISION REVIEW	06/05/07	DER
Issued For	02/16/07	DER

Design: JLG	Draft: LMC	Date: 1/07
Checked: AMP	Scale: 1"=20'	Job No.: 1721
File Name: 1721-details.dwg		
This plan shall not be modified without written permission from Gorrill-Palmer Consulting Engineers, Inc.(GPCE). Any alterations, authorized or otherwise, shall be at the user's sole risk and without liability to GPCEI.		

GP Gorrill-Palmer Consulting Engineers, Inc.
 Traffic and Civil Engineering Services
 PO Box 1237 Gray, ME 04039
 207-857-6910
 FAX: 207-857-6912
 E-Mail: mailbox@gorrillpalmer.com

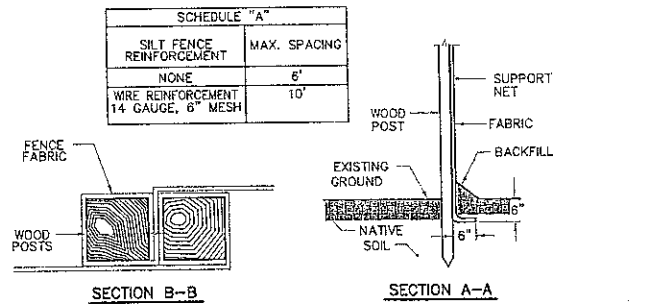
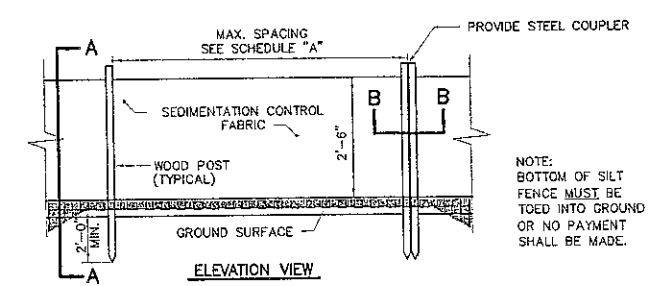
Drawing Name: **Erosion & Sedimentation Control Details**
 Project: **CASTINE AVENUE, PORTLAND, MAINE**
 Client: **W&C, LLC**
 PO Box 10127, 449 Forest Avenue, Portland, ME 04104

Drawing No. **7**

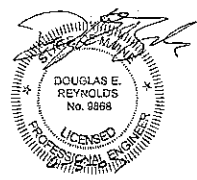


- CONSTRUCTION SPECIFICATIONS**
1. Bales shall be placed in a row with ends tightly abutting the adjacent bales.
 2. Each bale shall be embedded in the soil a minimum of 4".
 3. Bales shall be securely anchored in place by stakes or re-bars driven through the bales. The first stake in each bale was angled toward previously laid bale to force bales together.
 4. Inspection will be frequent and repair or replacement shall be made promptly as needed.
 5. Bales shall be removed when they have served their usefulness so as not to block or impede storm flow or drainage.

STRAW OR HAY BALE BARRIER
N.T.S.



SILTATION FENCE DETAIL
N.T.S.



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

Memorandum
Department of Planning and Development
Planning Division



To: Chair Patterson and Members of the Portland Planning Board

From: Molly Casto, Planner

Date: Prepared on: September 20, 2007
Prepared for: September 25, 2007

Re: **Castine Avenue Five Lot Subdivision, Corner of Castine, Forest and Brandon Street.**
Request for Reconsideration of Motion to Deny Street Improvement Waiver

At the September 11, 2007 Public Hearing, the Planning Board voted unanimously to table this item to the September 25, 2007 Hearing at 7:30pm. The Applicant, W&C, LLC has sent a memorandum (Attachment 1) to the Planning Board dated September 19, 2007 to request a reconsideration of the Board's denial of a street improvement waiver, waiving the requirement that the applicant construct Brandon Street to City Standards.

The W&C, LLC letter has been sent pursuant to the "Rules of the Planning Board" ARTICLE VII DELIBERATIONS, VOTING, DECISIONS Section 6 which states:

"When a vote is completed it shall be in order for any member who voted in the majority, in the negative in a tie vote, or otherwise on the prevailing side, to move for reconsideration thereof at the same or at the next regular meeting but not afterwards; and when the motion for reconsideration is decided, that vote shall not be reconsidered. No motion to reconsider a vote completed at a previous meeting shall be in order for consideration at the next regular meeting unless an item to that effect is contained on the agenda for such regular meeting or unless four (4) members consent to such reconsideration."

In order for the request for reconsideration to be considered, one of the four members who voted in the majority to deny the street improvement waiver at the September 11, 2007 Public Hearing must make a motion to reconsider. If the request is granted, Planning staff recommends that this item be scheduled to a future Public Hearing.

Attachments:

1. W&C, LLC letter dated September 19, 2007

ATTACHMENT 1

Law Office of Terry N. Snow, P.A.
294 Main Street, P.O. Box 275
Cumberland, Maine 04021-0275

Terry N. Snow, Esq.
Alan E. Wolf, Esq.
Karen JM Mitchell, Esq.
S & W Associates

Telephone: (207) 829-6363
Facsimile: (207) 829-4481
E-Mail: tsnowlaw@maine.rr.com

September 19, 2007

City of Portland Planning Board

Dear Chairman Patterson, Co-chair Tervanian and members of the Portland Planning Board:

W&C, LLC respectfully requests that you, the Portland Planning Board, reconsider its decision to not waive construction of Brandon Street as part of our proposed 5 lot subdivision. We request the opportunity to present you with that information necessary to waive the requirement that Brandon Street be constructed as part of our proposal.

We agree that the Portland Land Use Code and Comprehensive Plan encourages the connectivity and maximization of mobility in transportation systems as they pertain to the quality of life in the Portland community, the interconnectivity of neighborhoods and that the layout of streets should promote multiple paths of travel to get to destinations. However, we submit that city code and comprehensive plan has multiple requirements that are ignored if the preceding is looked at in a bubble and we ask that you consider the following when reconsidering your votes.

Conflict with Authority and Purpose of the Code

Article IV. Subdivisions 14-491 "Authority and Purpose" states that "The purpose of this article is to provide for the harmonious and economic development of the city; for orderly subdivision of land and its orderly development." In a memo to the Planning Board from the Planning Staff dated October 29, 2002 the topic of 14-403 streets is discussed. In summary, the memo states "The Planning Division's intent is to review the multi lot developments as subdivisions. Given the potential for negative impacts, a comprehensive review of the grading drainage and lot configuration is necessary." Brandon Street is a 14-403 Street and, if built, will in fact have negative impacts, will not have a comprehensive review for grading and drainage due to ownership issues and will have a poor lot configuration.

If Brandon Street is constructed, neither the city standards nor its goals will be met because:

- Section 14-498G (4) states lots having double frontage on streets shall be avoided. 3 such lots will be created along with 2 non-conforming lots due to size and easements and 1 non-buildable lot due to wetlands. (See Attachment 1)

- Section X I of the Technical Design Standards states that development should be designed to minimize wetland impacts. Our proposal alters no wetlands while building Brandon Street will cause an impact on 5,300 square feet of wetlands.
- A road system will be created which does not meet Section 1 Street Design, Alignment and Grade Standards paragraph 2.H. of the technical design standards for street separation.
- An undesirable intersection at Forest Avenue, Brandon Street and Tucker Avenue will be created.
- Both grading and drainage cannot be reviewed and potentially not be constructed properly as the subdivider does not own the majority of the land abutting Brandon Street.
- Section 14-497a (8) states a project shall not have an undue adverse effect on the scenic and natural beauty of the area. Jeff Tarling, City Arborist has confirmed that the construction of Brandon Street will in fact have such an undue adverse effect.

In summary, if Brandon Street were proposed to the Planning Board, as a new development with the challenges faced, the board would have no alternative but to deny the project based upon the 6 requirements noted above that cannot be met.

Conflict with the preapplication purposes

Section 14-494 "Guidance to Subdivider" states that the purpose of the preapplication process is to afford advice and assistance from staff and the Planning Board to insure a development with mutual benefits for the subdivider and the city.

The construction of Brandon Street would benefit the city in the creation of building lots however it does not benefit the city or the subdivider for the following reasons:

- No lots would be developed as the applicant is unable to build the project due to economics.
- Traffic issues as discussed previously
- Creation of undesirable lot configurations a discussed previously
- Wetland disturbance as discussed previously
- Negative economic impact to the developer causing the loss of hundreds of thousands of dollars. See Attachment 2.
- Have undue adverse effect on the scenic or natural beauty of the area as discussed previously.

Neighborhood meeting

Section 14-32(C) of the city ordinance requires an applicant to hold a neighborhood meeting to discuss the proposed project. The purpose of the meeting is to improve communication between development applicants and the neighbors. This meeting was held and

both the applicant and neighbors concurred that Brandon Street should not and would not be proposed for construction. Both parties felt the streets construction would:

- Have a negative impact on the integrity of the neighborhood
- Cause the loss of significant vegetation thus causing noise pollution from the nearby highway.
- Cause traffic issues at Forest Avenue as well as headlights into existing homes
- Hurt the economic value of their properties

It is unusual for a subdividor and neighborhood to be in agreement while at the same time the Planning Board vote contrary to the efforts of both parties.

Conflict with the City's Comprehensive Plan

The Comprehensive Plan for the city also has several sections that do not support the requirement that Brandon Street be built as part of our subdivision.

“Housing: Sustaining Portland's Future” begins on page 21 of the report. In this section of the report policies are created offering guidance for the creation of housing. Two such policies are:

- Maximize development where public infrastructure and amenities, such as schools, parks, public/alternative transportation, sewer lines and roads exist or may be expanded at minimal cost.
- Locate and design housing to reduce impacts on environmentally sensitive areas.

The proposed 5 lot subdivision utilizes the existing utilities at Castine Street and Forest Avenue and has been designed to reduce impacts to environmentally sensitive areas. Requiring Brandon Street to be constructed does not meet these two criteria.

“Housing Initiative Section II. 8. Encourage and Support Private Market Rate Development” states there is a critical need for market rate housing. The section goes on to state that eliminating barriers and supporting market rate projects through the approval process will expand the stock of housing. We feel, for the following reasons, the requirement to construct Brandon Street to gain the four buildings lots we proposed is not consistent with this section of the comprehensive plan:

- This developer cannot afford to build Brandon Street, thus any new housing will be eliminated.
- By ensuring lot 1 not be divided at any time without city approval, the developer has preserved potential house lots along Brandon Street until a time it is economically feasible to construct the road and city standards can be met.

This same report, on pages 45 and 46, continues to stress the importance of:

- Encouraging and promoting affordable decent housing
and

- Insuring the integrity and economic value of Portland's neighborhoods

The comprehensive Plan encompasses the report on Green Spaces, Blue Edges. This study gives specific recommendations for this parcel of property. It states "Work with property owners to protect the stand of pines and hemlock trees at the New England Telephone facility (Davis Farm Road) and the stand of pine along Forest Avenue and Castine". The city staff and developer worked together to accomplish this specific city goal by:

- Applicant and city arborist agreed to a no cut area along Castine, Forest and Brandon Streets
- Applicant agreed to replanting when necessary
- No drives or utilities are located along Forest Avenue causing an expense to the developer but preserving the pines

In order to address board member Shalom Odokara's specific concerns, please note that there is a mechanism in the code for lot owners on a paper street to have the road constructed. Section 25-47 of the city code directs owners of land abutting a paper street how the street can be constructed while sharing expenses with other owners. See Attachment 3.

Addressing the Planning Board's concerns re: variance

Section 14-506 does allow for modifications to the strict compliance with the land use code to be granted if "extraordinary conditions exist or that undue hardship may result from strict compliance with these regulations", so that "justice may be done and the public interest secured". The City has provided its definition of undue hardship by generally discussing the definition in other contexts. For instance the definition for undue hardship in a zoning situation is that the following four prongs must be met:

- The land in question cannot yield a reasonable return unless a variance is granted
- The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood
- The granting of a variance will not alter the essential character of the locality, AND
- The hardship is not the result of action taken by the applicant or a prior owner.

It seems apparent that the four prongs can be met, factually. Prong 1: The cost of construction of Brandon Street significantly outweighs any resulting return from the subdivision. Prong 2: The reasons for not constructing Brandon Street are unique to that street and are not indicative of the neighborhood in general. Prong 3 can be met in the negative, not granting the variance will alter the character of the locality by disturbing wetlands and removing vegetation. Prong 4: This hardship is only the result of the original street layout, presumably done by the City planners prior to the development of that area of Forest Avenue. It can be argued that the layout would have been significantly different had the City planners seen the conditions which exist today.

In considering the layman's definition of "extraordinary conditions" the following should be considered:

- only one lot will currently benefit from the construction of an entire road
- The construction of Brandon Street will disturb 5,347 square feet of wetlands
- The construction of Brandon Street will presumably create a traffic issue as a new road intersection will be constructed on Forest Avenue
- The construction of Brandon Street will result in significant vegetation being removed
- The construction of Brandon Street will result in double frontage on five lots which is "to be avoided" pursuant to Section 14-498 (g)(4)
- The tree preservation on the corner of Brandon Street and Forest Avenue will be eliminated thus altering the scenic and natural beauty of the area and contraverting the "green spaces" intent
- Two nonconforming lots will be created by their division by the road

The Planning Board has further stated that even if "extraordinary conditions" exist or that "undue hardship" will result from compliance with their regulations, the variance must not have the effect of nullifying the intent and purpose of the land development plan. These intents and purposes are laid out in section 14-491 et seq. and have been fully discussed above.

The cost of construction of Brandon Street far outweighs the expected return on this plan. Requiring the construction of Brandon Street will result in an abandonment of the plan, due to lack of the financial ability of the applicant to build. This directly controverts the housing initiative. Granting the variance and approval of the plan as submitted will better and more directly serve the dictates of Portland's housing initiative.

In summary, although the code does encourage street connectivity the same code also requires a significant number of conditions that should be reviewed, all of which mandate that Brandon Street not be constructed. By requiring the construction of Brandon Street all of those sections of the code are being ignored.

Very Truly Yours,

Terry N. Snow, Esq.

Enclosures

ATTACHMENT 2

If Brandon Street is constructed W&C would create 4-5 building lots from its parcel of property depending upon wetland permitting and design:

$$4 \text{ lots @ } \$75,000 = \$300,000$$

$$5 \text{ lots @ } \$75,000 = \$375,000$$

The estimated cost of the road (not including contingencies, ledge etc.) is \$530,000.

<u>4 lots</u>	<u>5 lots</u>
\$300,000 gain	\$375,000 gain
- <u>\$530,000 cost</u>	- <u>\$530,000 cost</u>
= \$230,000 loss	= \$155,000 loss

ATTACHMENT 3

City of Portland
Code of Ordinances
Sec. 25-47

Streets, Sidewalks and Other Public Places
Chapter 25
Rev.9-20-07 25-9

Sec. 25-47. Acceptance of streets and ways dedicated for public travel prior to July 7, 1948.
A street or way dedicated for public travel prior to July 7, 1948, shall be laid out and accepted as a public street or way by the city only upon the following conditions:

- (a) *Minimum width.* Such street or way shall have a minimum width of fifty (50) feet unless the owners of property adjoining the street or way shall convey to the city sufficient land to lay out a fifty (50) foot street; provided, however, that the public works authority may permit a lesser width when a fifty (50) foot street is impracticable. Provided further that any such street or way located on any of the islands in Casco Bay, which is not considered to be a collector street in the opinion of the public works authority and the planning board, may have a minimum width of thirty-two (32) feet.
- (b) *Recorded plan.* A plan of the street or way shall have been recorded in the county registry of deeds prior to July 7, 1948.
- (c) *Petition by abutters.* A majority of the abutters upon the street or way shall in writing, on a form to be prescribed by the public works authority, petition the city council to improve the street by grading, curbing, gravelling, macadamizing, paving, or in any other way making a permanent street of the same, or any part thereof; and in said petition shall waive any damages resulting from the laying out and acceptance of said street or way, or any necessary changes in the grade thereof; and shall agree to pay their just proportion of one-third of the cost thereof. For purposes of this article, a majority of the abutters shall mean those abutters who own more than fifty (50) percent of the frontage, both in front-feet and in assessed value.
- (d) *Assessment of costs.* When the street or way shall have been laid out and accepted as a public street or way, and such improvements have been made, one-third of the cost thereof shall be assessed on the property adjacent to and bounded on the street or way in the manner, and with the same right of appeal, provided in 23 M.R.S.A §§ 3601--3605.

(Code 1968, § 707.2)

PBR1

**CASTINE AVENUE SUBDIVISION
CORNER OF CASTINE, FOREST AND BRANDON STREETS
SITE PLAN AND SUBDIVISION REVIEW**

W & C LLC, APPLICANT

Submitted to:
Portland Planning Board
Portland, Maine

Submitted by:
Molly Casto, Planner
September 7, 2007

Meeting Date: September 11, 2007

I. INTRODUCTION

W& C LLC has requested subdivision review and approval for a five-lot subdivision off of Castine Avenue, Forest Avenue and Brandon Street. The site consists of approximately 1.58 acres with five proposed lots ranging in size from 6,570 square feet to 40,008 square feet. Castine Avenue and Forest Avenue are City accepted streets. Brandon Street is a dedicated but unimproved street that has neither been accepted nor vacated by the City of Portland. Proposed lots 1 and 5 have frontage along Forest Avenue. Proposed lots 2, 3, and 4 have street frontage along Castine Avenue. Proposed lot 1 contains an existing single family home. A second existing home and garage are shown on the plans but are located on a separate property under separate ownership. These are not included as part of the proposed subdivision.

The contact person for W & C LLC is James Wolf. Representatives for the applicant include Gorrill-Palmer Consulting Engineers, Sweet Associates and Titcomb Associates.

The applicant's submissions are included as Attachment 1 and the revised plan set is included as Attachment 20.

123 notices were sent to area residents. A notice also appeared in the *Portland Press Herald*. The applicant held a neighborhood meeting on June 18, 2007, as required by the City Code of Ordinances (see Attachment 1-h), in preparation for a tentative June 26, 2007 Public Hearing. This item was tabled prior to the hearing at the request of the applicant and was instead presented to the Planning Board as a second workshop on July 11, 2007.

II. FINDINGS OF FACTS

Land area:	69,216 sq. ft. (1.589 acres)
Zone:	R-3 Residential
Number of Proposed Lots:	5
Lot sizes and Frontage:	Lot 1: 40,008 sq. ft. includes existing house with frontage on both Brandon Street and Forest Avenue. Lot 2: 6,570 sq. ft., frontage on Castine Avenue Lot 3: 6,930 sq. ft., frontage on Castine Avenue Lot 4: 7,760 sq. ft., frontage on Castine and Forest Avenues Lot 5: 7,738 sq. ft., frontage on Forest Avenue
Existing Use:	Undeveloped field and forest, with one existing single family house.
Proposed Use:	5 single-family house lots
Proposed Easements:	The applicant shows the following proposed easements on submitted subdivision plan: a) a 20 foot utility easement to benefit lot 5 along the westerly boundary of lot 4; b) a 10 foot wide drainage easement to benefit lot 1 along the westerly boundary of lot 2.
Existing Easement:	A 20-foot access and utility easement to benefit lot 1 along the easterly boundary of lot 3 (See attached deed description - <u>Attachment 1-d-i</u>).

III. PROPOSED DEVELOPMENT

W & C LLC is proposing a five-lot subdivision in the vicinity of Castine Avenue, Forest Avenue and Brandon Street. Initial versions of the proposal called for six lots, however the applicant revised this in subsequent revisions. The applicant has removed all mention of lot 6 from the revised plans, as requested by Planning staff. Castine and Forest Avenue are City accepted streets and Brandon Street is a dedicated, but unimproved and unaccepted street. The 1.59-acre site includes a stand of mature white pine trees along Forest Avenue. The site also includes an existing single family home that faces Brandon Street and has two driveways providing access both from Brandon Street and from Castine Avenue. The applicant acquired the property from Andrea Diane Knight in October, 2006. There are two lots along Castine Avenue identified on the plans as Trust Lots A and B, which are held in trust by Gary S. Bedrosian and Andrea D. Knight. A second existing home and garage are located on these properties, which are not part of the proposed subdivision.

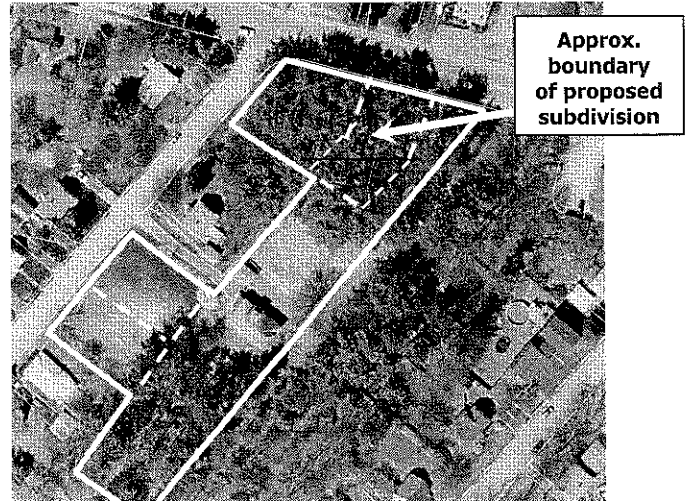


Image 1- Location of proposed subdivision

Lot 1 is the largest of the five proposed lots at 40,008 square feet, with 50.01 feet of frontage along Forest Avenue and 747.67 feet of frontage along Brandon Street. An existing home is located within Lot 1 and a twenty (20) foot utility and access easement currently runs from Lot 1, over Lot 3 to serve existing connections to Castine Avenue (see deed description- Attachment 1-d-i). The 4 other proposed lots are summarized as follows:

- **Lot 2** is proposed with 6,570 sq. ft. and 73 ft. of frontage along Castine Avenue. A 10 ft. wide drainage easement is proposed along the westerly property boundary.
- **Lot 3** is proposed with 6,930 sq. ft. and 77 ft. of frontage along Castine Avenue. A 20 ft. wide access and utility easement, proposed to serve lot 1 is shown along the easterly property boundary.
- **Lot 4**, a corner lot, is proposed with 7,760 sq. ft. and 63.64 ft. of frontage along Castine Avenue and 87.04 ft. along Forest Avenue. A 20 ft. utility easement is proposed along the westerly boundary to serve lot 5.
- **Lot 5** is proposed with 7,948 sq. ft. and 65 ft. of frontage along Forest Avenue.

IV. SITE FEATURES

Distinguishing features of the site include the following:

- Brandon Street access- unaccepted city street
- Existing mature pine grove located along Forest Avenue
- 2 existing Northern Utilities, Inc gas vaults located in the City right of way at the corner of Castine and Forest Avenues.

V. RIGHT TITLE AND INTEREST

The applicant has submitted a copy of the Quitclaim Deed with Covenant (see Attachment 1-d-iv). The deed includes the following restrictions:

- A. *The property may not be used for multi-family housing. The restriction is not intended to prevent a home from having an in-law apartment built in a manner as in-law apartments are defined by Portland municipal codes;*
- B. *On lots 125 through 131 from Plan of Lots at Deering Terrace (the lots near Forest Avenue) the grantee, successors and assigns are to preserve as many trees as possible on said lots. The restriction is as follows:*

Prior to development Grantee agrees to use its best efforts to obtain approval from the City of Portland to construct two single family homes on the Forest Avenue property that are accessed by Castine Avenue. Notwithstanding the results of these efforts the Grantee agrees to use best efforts to preserve as many of the trees as possible on the land while at the same time being able to construct single-family homes on the property. After development takes place no trees over 4 inches shall be removed unless it is dead, dying or diseased, causing a hazard to either the public or the homes on the property, or to place a garage, accessory structure or play areas of reasonable size.

- C. *In the event that the Grantee donates any of the property to the City of Portland that the donation will be made in "loving memory of George F. Knight and Clare B. Knight."*

VI. ZONING

The site is within the Residential R-3 zone. Marge Schmuckal, Zoning Administrator, has reviewed the plans and her memorandums are included as Attachments 7 and 8. This subdivision was revised from 6 to 5 lots with the two lots initially proposed off of Brandon Street (old lots 1 & 6) combined into one.

All 5 lots meet R-3 zone requirements. Marge notes that the lots all meet the minimum lot size, street frontage and setbacks of the zone. She notes that, in order to comply with zoning regulations, if the applicant ever desires to split and build upon lot 1, Brandon Street will have to be improved to City standards. Under existing laws and regulations, any lot divisions to Lot 1 within 5 years shall require an amended subdivision plan to be reviewed and approved by the Planning Board. If a split of Lot 1 occurs after five years, Section 14-403 would require improvements meeting City Street Standards to be constructed along Brandon Street. Separate single-family site plans shall be required for the individual lots prior to development. The applicant is not able to revise setbacks in order to access lot 4 from Forest Avenue since any potential driveway from Forest Avenue would impact the permanent vegetated buffer along Forest Avenue that as delineated on the revised plans. In addition, a driveway to Forest Avenue for Lot #4 was proposed in an earlier draft and Public Works determined there was insufficient separation between the driveway and the Brandon Street intersection. To address this, a note has been added to the revised plans stating:

Lots #4 and #5 shall not have direct driveway access to Forest Avenue.

VII. SUBDIVISION REVIEW

The subdivision plan has been reviewed by the Planning staff for compliance with the applicable review standards of the City of Portland subdivision ordinance:

A. Water Capacity

The applicant has submitted a letter from the Portland Water District indicating that there is sufficient capacity to serve the lots from the water main in Castine Avenue and typical fire protection needs of the site (see Attachment 1-i).

B. Sanitary Sewer/Soils

The applicant has submitted a sewer capacity letter from the Department of Public Works (see Attachment 1-j).

The sewer inverts on sheet 4 have been revised. The sewer location on lot 2 has been revised. The sewer cleanout has been deleted for lots 4 and 5 and the sewer now connects to the manhole in the street.

The private utility easement on lot 4 has been extended onto lot 5 so that the easement area includes the terminal manhole on the private sewer. The owners of lots 4 and 5 will be jointly responsible for owning and maintaining the private sewer (see note 18 on revised plans-Attachment 20). A note has been included on the recording plat stating:

The private sewer for lots 4 and 5 shall be owned in common. The owners of lots 4 and 5 shall be jointly responsible for owning and maintaining the private sewer.

These revisions have been reviewed and approved by Michael Farmer, Project Manager for the Department of Public Works (see Attachment 12). Mike Farmer's comments include the following:

The applicant is proposing to build a private sewer to serve both lots 4 and 5. We approve of this concept. We have no objections to connecting this private sewer directly to the proposed new manhole in Castine Street and eliminating the proposed cleanout on lot 4.

C. Soil Erosion/Capacity to hold water and Storm water Management

There are wetlands identified on lot 1 and on a portion of lot 2. There are also wetlands identified within the Brandon Street right of way. The applicant submitted a map of delineated wetlands created by Sweet and Associates on July 17th, 2007 (see Attachment 19). The lot grading plan (drawing no. 5) notes that there will be no wetland impacts allowed for the development of Lot 2 and a silt fence is shown roughly 5 feet from the edge of the wetland. A note has been added to lot 2 on the revised plans requiring the applicant to mark the limit of wetlands prior to the start of construction.

On the proposed subdivision plan there is a proposed 10-foot wide drainage easement to benefit Lot 1. The applicant has submitted a draft drainage maintenance agreement (Attachment 1-d-iii) with the City of Portland. Staff has reviewed and approves of this agreement.

A note has been added to Sheet 5 of the revised plans stating:

No wetland impacts allowed for Lot 2 development

The applicant met with Dan Goyette, Consulting Engineer to review the extent of the drainage system on Castine Street. It was determined that the proposed project would not have a significant impact on the existing drainage system. However, he also notes that curbing to channel stormwater to existing collection points would eliminate potential erosion of the road shoulders, which are currently unprotected. The applicant included granite curbing on the revised plans, dated July 27, 2007, per Dan Goyette's comments.

D. Traffic

1. Access

Proposed access to all lots is from Castine Avenue. As previously stated, the existing house on lot 1 has two driveways, allowing access both from Castine Avenue and from Brandon Street (see "gravel woods road" along Brandon Street on submitted plans – Attachment 20). The applicant proposes a conceptual shared driveway for lot 1 and lot 3 along a pre-existing easement submitted to the Cumberland County Register of Deeds on May 16, 2007 (see Attachment 1-d-i, Deed Description, Exhibit A). The applicant proposes a shared driveway for access to Lots 4 and 5 from Castine Avenue. The plans have been revised as requested to include the required amount of 9 ft. x 19 ft. parking spaces as required by City ordinances.

2. City improvement project (CIP) in the vicinity of the proposed subdivision

Jim Carmody, City Traffic Engineer is currently developing a streetscape plan for Forest Avenue. The improvements include crosswalks and center medians for the portion of Forest Avenue between Hicks Street and Riverside Industrial Parkway. The Forest Avenue crosswalk at Castine Avenue identified on the plans may be scheduled for realignment or improvements as part of this streetscape plan. The City has requested an easement for the existing pedestrian signal. The applicant had initially identified a proposed easement on the revised plans and proposed that the details of that easement be coordinated with MDOT. At the City's recommendation, the applicant has revised the plans to specify that details of the proposed easement be coordinated with the City and that the easement be granted to the City of Portland.

The note on the submitted plans has been revised to state:

Extent of easement for traffic control box to be determined in coordination with the City of Portland

3. Castine Avenue and Forest Avenues

In the initial application, the applicant submitted written requests for waivers from curb and sidewalk improvements required for Castine and Forest Avenues to be considered by the Planning Board (see Attachment 4). The applicant has withdrawn their request for waivers for the following items:

- The construction of curbing along Forest Avenue
- The construction of curbing adjacent to lot 4 along Castine Avenue
- The construction of sidewalk adjacent to lot 4 along Castine Avenue
- The construction of curbing and sidewalk along lots 2 and 3 along Castine Avenue.

The applicant worked with Planning staff, Public Works staff and representatives from Northern Utilities to engineer sidewalks along the boundary of lot 4 on Castine Avenue. Initially, there had been concern that the location of two existing Northern Utilities gas vaults would preclude the construction of sidewalks in this area. The applicant, under the guidance of City Transportation Engineers, was able to engineer sidewalks by narrowing a portion of the street by 4 ft and by eliminating an esplanade. This was the only way in which the sidewalk could be engineered at the grades required by City Technical Standards. During a site visit, Northern Utilities alerted the applicant and City staff of gas lines running parallel to the vaults along the Castine Avenue-side. The depth of these lines is uncertain. Based on this, Planning staff recommends the following condition of approval:

If the location of existing Northern Utilities gas lines prevents the installation of sidewalk along the boundary of lot 4, as proposed on the approved subdivision and site plans, the developer shall submit an alternative sidewalk design for review and approval by the Department of Public Works and the Planning Authority, prior to the issuance of a Building Permit for any approved lot. If no other feasible option exists, the applicant shall submit a financial contribution equal to the cost of installing the sidewalk to be used for pedestrian improvements in the vicinity.

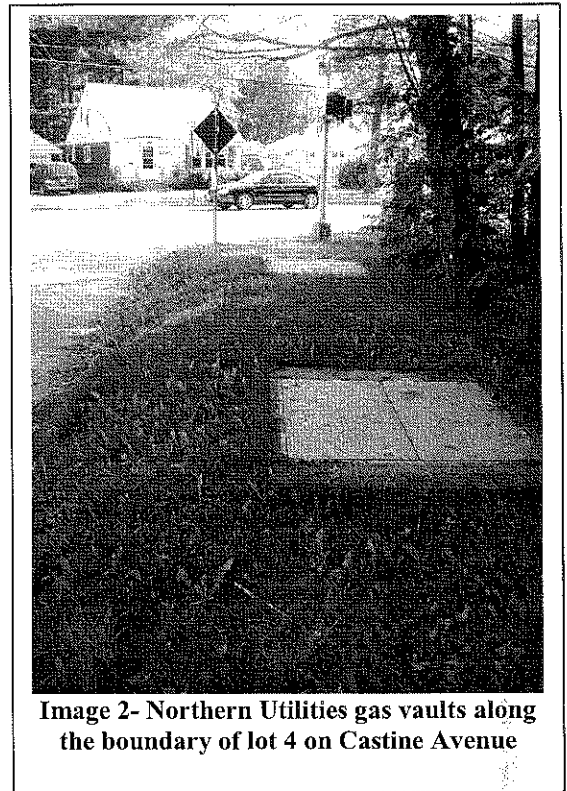


Image 2- Northern Utilities gas vaults along the boundary of lot 4 on Castine Avenue

4. Brandon Street:

a. Required Improvements

Brandon Street is a dedicated, unimproved and unaccepted street, which is located between Forest Avenue and Wyndham Street. The subdivision proposed by W & C LLC shows only Lot #1 fronting on Brandon Street. Lot #1 has 40,008 square feet of lot area with 50 feet of frontage on Forest Avenue and 747.67 feet of frontage along Brandon Street. The applicant has not proposed constructing Brandon Street to city standards. The Planning Board asked whether Brandon Street must be improved to City standards under the City's codes and regulations. At the July 10, 2007 workshop, staff presented a review of various City regulations that may pertain to the development of Brandon Street (excerpt from July 10, 2007 memo included as Attachment 17). At this meeting the Planning Board determined that they do have the authority to require the construction of Brandon Street as a component of subdivision approval based on the following provisions in the City Code of Ordinances:

- **DIVISION 24. USE REGULATIONS AND EXCEPTIONS**
Sec. 14-403. Street access.

(b) Minimum requirements for street improvements on unimproved and improved but unpaved streets.

- **ARTICLE IV. SUBDIVISIONS***
 - Sec. 14-498. Technical and design standards.**
 - (b) Street plan (1) (2)**
 - Sec. 14-499. Required improvements. (a) (b)**

At the July 10, 2007 workshop, the Planning Board asked staff to produce a “side by side analysis of the “pros and cons of constructing Brandon Street to City Standards”. This analysis (see Attachment 17) has been presented in the form of a comparative table and includes the complete text of both the relevant sections of the City Code along with pertinent sections of the Comprehensive Plan and City staff analysis conducted during the development review process.

Section 14-506 of the Land Use Ordinance states that the Planning Board has the authority to grant a waiver for a portion of or all of the requirements set forth in Section 14-498 and 14-499 if the Board finds that extraordinary conditions exist or that “undue hardship may results from strict compliance with these regulations.” The Board, in these instances, may “vary the regulations provided that such variation will not have the effect of nullifying the intent and purpose of the land development plan and the regulations of this article.”

The term “undue hardship” is not defined in the City Land Use Code. At the July 10, 2007 Workshop, the Planning Board asked Corporation Counsel to provide guidance on the meaning of the term and the manner in which the Board should apply this term in the context of waivers from the subdivision requirements set forth in Section 14-498 and 14-499. Penny Littell, Associate Corporation Counsel has provided a memo to this effect (see Attachment 16). Penny determined that “undue hardship” does not have a common law definition and the courts conduct “undue hardship” analysis on a case-by-case basis. She offered that Planning Board analysis could:

“...Evaluate such things as the lay of the land, the ability or inability of the applicant to meet the standard (and the reasons therefore), the detriment (or lack thereof) to the City if the standard is not met, the relative importance of meeting the standard from a policy perspective, the relative cost of meeting the standard vis-à-vis the overall project, whether the property continues to have value if the waiver is denied, whether another project would succeed without a waiver, whether the hardship is or is not the result of action taken by the applicant or a prior owner, etc...”

b. Request for a Waiver

At the July workshop, the Planning Board asked the applicant to submit revised plans to show a constructed Brandon Street. As requested, the applicant has submitted revised plans Attachment 20, which show a constructed Brandon Street for schematic purposes only. A note has been added to the revised plans stating:

Brandon Street shown for schematic purposes. A waiver for Brandon Street construction has been requested.

The applicant claims that Section 14-403 does not apply since no new construction is being proposed on Lot 1 and that the existing house satisfies the requirements of this section with its 50 feet of frontage along Forest Avenue, regardless of the fact that access to the lot is from Castine Avenue.

W & C LLC is seeking a waiver from constructing Brandon Street under the provisions of Section 14-506. As part of the request for a waiver, the applicant has submitted a cost estimate for the construction of Brandon Street, with an estimated total cost of \$529,291.50 (see Attachment 5). Public Works reviewed the submitted cost estimate and determined that it is a reasonable approximation of projected cost.

The cost estimate is for construction from the intersection of Forest Avenue, through to Wyndham Street. If the Planning Board requires the construction of Brandon Street to City Standards, staff recommends as a condition of approval that the final plans be revised to show Brandon Street constructed to City standards and show the entire length of Brandon Street through to Wyndham Street. Currently, the revised plans show Brandon Street for schematic purposes only and do not include all the requirements listed in the street design standards of the City of Portland Technical and Design Standards. Also, the plans do not show the complete length of the proposed Brandon Street through to Wyndham Street; rather, the street terminates at the end of the plan sheet with a note stating:

“To be constructed to Wyndham Street”

If the planning Board requires the construction of Brandon Street, the applicant must submit revised plans showing Brandon Street and including all requirements listed in the street design standards of the City of Portland Technical and Design Standards.

The applicant states that they meet the criteria for a waiver as defined in Section 14-506 under both undue hardship and extraordinary conditions on the following grounds (see Attachment 4):

Undue Hardship

1. The cost of construction of Brandon Street significantly outweighs any resulting return from the subdivision.
2. The reasons for not constructing Brandon Street are unique to that street and are not indicative of the neighborhood in general.
3. Not granting the variance will alter the character of the locality by disturbing wetland and removing vegetation.
4. This hardship is only the result of the original street layout, presumably done by the City planners prior to the development of that area of Forest Avenue. It can be argued that the layout would have been significantly different had the City planners seen the conditions that exist today.

Extraordinary Conditions

1. Only one lot will currently benefit from the construction of an entire road
2. The construction of Brandon Street will disturb 5,347 sf of wetlands
3. The construction of Brandon Street will presumably create a traffic issue as a new road intersection will be constructed on Forest Avenue.
4. The construction of Brandon Street will result in significant vegetation being removed.

*Janice asked
to walk thru
these:*

5. The construction of Brandon Street will result in double frontage on five lots which is “to be avoided” pursuant to section 14-498 (g) (4).
6. The tree preservation on the corner of Brandon Street and Forest Avenue will be eliminated thus altering the scenic and natural beauty of the area and contravening the “green spaces” intent.
7. Two nonconforming lots will be created by their division by the road.

At the July 10th 2007 Planning Board workshop, the Board asked that the applicant submit a schematic plan in order to assess how many lots could feasibly be laid out on the property if Brandon Street were to be built to City standards. According to the applicant, it would be feasible to add three to four additional 6,300-7,200 sq. ft lots, creating eight to nine lots in total. Marge Schmuckal, Zoning Administrator, reviewed the plans and agreed that five to six lots total could feasibly be created off of Brandon Street if it were built to City standards (see her memorandum- Attachment 8). Contrary to the applicants claim that the tree preservation at the corner of Brandon Street and Forest Avenue would be eliminated, this schematic plan preserves the permanent vegetated buffers of the existing proposal. This alternative increases the amount of possible development along Brandon Street. Because it takes further advantage of opportunities for infill development, this schematic would be consistent with goals outlined in the Portland Comprehensive Plan.

For example, Policy One of the housing component of the Comprehensive Plan seeks to “ensure that an adequate supply of housing is available to meet the needs, preferences and financial capabilities of all Portland households, now and into the future”. It identifies “the development of higher density subdivisions with smaller lots and a variety of housing types” as one of multiple strategies to address this policy. The plan stresses infill development and advocates for the development of “starter homes” which would be characteristic of both the size of the proposed lots in the alternative schematic and existing development in the neighborhood. The quantity and configuration of development proposed in the alternative schematic would create better use of a newly constructed neighborhood street rather than a single lot containing one single-family home.

The staff has not taken a position on a waiver for the construction of Brandon Street as a component of the existing subdivision proposal. If the Planning Board requires that Brandon Street be constructed to City Standards, the staff recommends that the subdivision plan be tabled to allow the applicant an opportunity to submit engineered plans for Brandon Street and any further lots on this street. The staff would favor the scheme presented in the conceptual alternative lot layout plan submitted by the applicant (see Drawing A- Attachment 20) over the existing proposal.

At the July 10th workshop, the Planning Board requested that Jeff Tarling, City Arborist review the proposed construction of Brandon Street in terms of the existing vegetation and natural features of the site. Jeff determined that constructing Brandon Street would result in significant loss of mature trees. Jeff’s comments are addressed in further detail in section G- *Scenic Beauty* of this document. In an effort to lessen the impact that a built Brandon Street might have on the mature white pines and red maples in the right of way the Planning Board could consider reducing the required width of pavement to 24’, allowing street parking on one side only and/or waiving the requirement of an esplanade. This would preserve a number of the mature pine and maples along the proposed right of way. A narrower street would be consistent with the scale of the existing neighborhood,

as, based on observed traffic patterns, a built Brandon Street would principally serve the local residential community.

E. Solid Waste Disposal

The applicant indicates that the City will provide the solid waste services for these homes. The email states:

F. Utilities

The subdivision ordinance requires that all utilities be underground. The applicant has submitted an email from Central Maine Power (CMP) that indicates that they have the ability to serve the project.

The applicant has submitted capacity letters from Portland Water District and from the City of Portland indicating that adequate water and sewer capacity exist to service the project (See Attachments 1-i and 1-j). The applicant has revised the pipe installation detail in the revised plans to show 12" of crushed stone above it as requested by Dan Goyette, Consulting Engineer in a previous memorandum dated March 21, 2007.

Each lot shall require the submission to the City of a site plan application and will therefore undergo additional individual review of all utilities at that time.

G. Scenic Beauty

There is a stand of white pine trees along Forest Avenue. As noted in section VI of this report, the deed covenant seeks to preserve as many trees as possible on the lot. Janice Carpenter, a resident in Riverton, spoke with Barbara Barhydt concerning the trees. Janice recalls the City inventorying the trees at some point in the past. The staff has not located an inventory, although Jeff Tarling thinks it might have been assessed for Green Space/Blue Edges. Planning staff reviewed the list of priority properties developed by the City's Land Bank Commission and this site does not appear on the Commission's priority list for the Riverton neighborhood. Jeff Tarling, City Arborist recommended at the time that the applicant prepare a tree preservation plan. His memorandum, dated April 3, 2007 was included as an attachment in the memorandum to the Planning Board, dated April 6, 2007. This memorandum is included (see Attachment 9) and is as follows:



Image 3- Location of proposed "no-cut zone" along Forest Avenue

Knowing the background of the existing pine grove located on Forest Avenue at the proposed project site, I would recommend that greater measures and effort be applied to protect these trees. Factors include past landowners intent to save trees as possible, the Riverton Neighborhood interests in protecting this pine grove and its value to the Forest Avenue streetscape. Protection measures should include: defining the building envelopes and placing tree-cutting restrictions as done on other projects near the Fore River Sanctuary. Creative project design orienting driveways, building envelopes

(perhaps building 'gable ends' towards Forest Avenue), and grading could save trees along Forest Avenue and also act as a buffer to the project. The landscape plan should re-evaluate 'tree save' areas protecting groves of trees vs. individual trees. I would be willing to meet with the applicant in the field to review.

The applicant met with Jeff Tarling and Molly Casto on site to further discuss the pines. The applicant has agreed to a 20' permanent vegetated buffer along Forest Avenue and a 10' wide one along the front portion of Castine Avenue between the intersection of Forest Avenue and the proposed shared driveway for lots 4 and 5. A 50' wide permanent vegetated buffer has been designated along the Forest Avenue frontage of lot 1 between the edge of lot 3 and Brandon Street

The applicant has also agreed to take measures to preserve an existing stand of white pines located between the proposed houses on lot 4 and lot 5 along with trees in the permanent vegetated buffers. A note has been included on the plans, stating:

Trees to be maintained during construction. In the event that they cannot be preserved, 4 additional trees will be planted. Construction fence to be provided during house construction to protect existing trees between lots 4 and 5 and all trees within the delineated permanent vegetated buffers. Prior to construction, the City Arborist must approve the location and placement of construction fencing on site.

Note 17 on the plans has been modified to state:

In the event that a tree within the vegetated buffers, as delineated on the plans, cannot be preserved the developer must get prior approval from the City Arborist determining that it cannot be preserved and may be removed and replaced with two 5' to 6' tall white pines prior to the removal of any trees.

The note and corresponding arrow on the plans has been revised, as requested by Planning staff. The note now states:

Construction fence is to be provided during house construction to protect existing trees between lots 4 and 5 and all trees within the delineated permanent vegetated buffers. Prior to construction, the City Arborist must approve the location and placement of construction fencing on site.

Planning staff suggests that the applicant include tree preservation language in the deeds for lots 4 and 5 to be reviewed and approved by Corporation Counsel as a condition of approval.

Jeff Tarling visited the site after the July 10, workshop to evaluate the impact that a built-out Brandon Street would have on the existing vegetation. Jeff submitted the following comments (see [Attachment 10](#)):

I reviewed the impact of the build-out of Brandon to 'City-standards' on the existing trees & vegetation on the proposed Castine Street project and feel that the impact or loss of tree would be significant. Several large White Pine trees along with a number of Red Maples would be removed opening a large gap in the existing vegetation line. These existing trees along with understory plants and ground cover would be saved if Brandon Street was left in its current state. The vegetation saved would serve as a buffer to the adjacent residential area on Aldworth Street. Secondary benefits would include reduced

disturbance of soils and preserve existing habitat areas. This small patch of woodlands is part of the mosaic of neighborhood open space.

As previously discussed, in an effort to lessen the impact that a built Brandon Street might have on the mature trees, the Planning Board could consider reducing the required width of pavement to 24', allowing street parking on one side only and/or waiving the requirement of an esplanade. This would preserve a number of the mature species along the proposed right of way. A narrower street would be consistent with the scale of the existing neighborhood, based on observed traffic patterns, a built Brandon Street would principally serve the local residential community.

H. Financial Capability

The applicant has submitted an updated letter from Bank North dated January 22, 2007, which is included in Attachment 1-c. The letter states that the applicant has the financial capacity to complete a five to six lot subdivision.

I. Flood Hazard/Shoreland/Wetlands

The applicant has identified 2,525 sq. ft of wetland on within the proposed subdivision and 3,749 sq. ft of wetland within the 50' right of way that is Brandon Street. The wetland within the subdivision crosses Lots 1 and 2. The site is not located within a shoreland zone or a flood hazard zone. A note has been added to lot 2 on sheet 5 of the revised site plans requiring the applicant to mark the limit of wetlands prior to the start of construction. No wetland impacts are permitted during development within any part of lot 2. This has been stipulated in writing on sheet 5 of the revised plans (Attachment 20).

J. Fire Safety

Captain Cass has reviewed the revised submittals and will require hydrant information for Brandon Street, should the Planning Board require that the street be built. Captain Cass has approved the remainder of the subdivision proposal with no conditions.

K. Easements

The subdivision identify three proposed easements:

1. A ten-foot wide drainage easement over Lot 2 to benefit Lot 1;

Planning staff notes that the grading plan stipulates there will be no filling of the wetland on Lot 2, but it is unclear whether any disturbance of a wetland may occur within the 10-foot wide drainage easement. Staff recommends a condition of approval stipulating that the note on the existing plan be modified to clarify that no disturbance of wetlands may occur within the 10' wide drainage easement through lot 2.

2. A twenty-foot access and utility easement over Lot 3 to benefit Lot 1;

The easement for access and utilities on Lot 3 to also benefit Lot 1 encompasses an existing driveway and utility lines. The current deed for lot 1 includes a legal description of the existing access and utility easement over lot 3 (see Attachment 1-d-i).

3. A twenty-foot access and utility easement over lot 4 to benefit lot 5.

The utility easement over Lot 4 to benefit Lot 5 was reviewed by City staff and is consistent with the draft deed submitted by the applicant to the City.

L. Recording Plat

The revised plans submitted by the applicant adequately address issues previously raised by the Department of Public Works pertaining to the use of State Plan Coordinates and the official City benchmark for the elevation benchmark.

M. Consistency with the Portland Comprehensive Plan

The proposal to subdivide this area is consistent with the City's Comprehensive Plan. The proposed subdivision addresses the City's housing policies of providing an adequate supply of diverse housing opportunities. It specifically offers opportunities for single family infill development near services and major transportation corridors. The preservation of the pine trees is consistent with the findings of Green Spaces/Blue Edges and the City goals for sustainable development. Improving Brandon Street complies with City transportation policies to create and interconnected street system, but this objective can be balanced with policies to preserve natural conditions.

VIII. MOTIONS FOR THE BOARD TO CONSIDER

WAIVERS

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in Planning Board Report 34-07 relevant to Section 14-506 of Portland's Land Use Code, Portland's Technical and Design Standards and other regulations, and testimony presented at the Planning Board Hearing:

Street Improvement Waiver

- motion - seconded.

The Planning Board finds **does not find** that extraordinary conditions, namely, disturbance of wetlands exist and/or undue hardship, namely, _____ may result from strict compliance with these regulations and therefore waives **does not waive** the requirement for Brandon Street to be constructed to City Standards.

*- exc. traffic cond.
- removal of veg*

POTENTIAL TABLING MOTION

If the waiver is not approved by the Planning Board, the subdivision should be tabled to allow the applicant an opportunity to submit engineered plans for Brandon Street and any further lots on this street. The applicant might otherwise choose to withdraw his application.

SUBDIVISION

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in Planning Board Report 34-07 relevant to the Subdivision Ordinance and other regulations, and the testimony presented at the Planning Board Hearing, the Planning Board finds that the plan **is/ is not** in conformance with the subdivision standards of the land use code, subject to the following conditions of approval:

POTENTIAL CONDITIONS OF APPROVAL

1. A note shall be added to the plat and a statement shall be included in the deeds to lots 4 and 5 that the sewer lines serving these two lots are private and shall forever be maintained, repaired or replaced by the lot owners at their expense.

2. If the location of existing Northern Utilities gas lines prevents the installation of sidewalk along the boundary of lot 4, as proposed on the approved subdivision and site plans, the developer shall submit an alternative sidewalk design for review and approval by the Department of Public Works and the Planning Authority, prior to the issuance of a Building Permit for any approved lot. If no other feasible option exists, the applicant shall submit a financial contribution equal to the cost of installing the sidewalk to be used for pedestrian improvements in the vicinity.

3. An easement for the light at the corner of Castine and Forest Avenue shall be granted to the City of Portland after review and approval by Corporation Counsel.

ATTACHMENTS:

1. Subdivision Application
 - a. City of Portland Site Plan Application
 - b. Subdivision Plan Application - February, 2007
 - c. Evidence of Financial Capacity
 - d. Evidence of Right, Title or Interest
 - i. Deed for lot 1
 - ii. Draft Statutory Warranty Deed granting former lot 6 land area to lot 1
 - iii. Draft deed description for drainage easement along lot 2
 - iv. Quitclaim Deed with Covenant
 - e. List of abutters, submitted by applicant
 - f. FEMA Map submitted by Gorrill-Palmer
 - g. Soils Map submitted by Gorrill-Palmer
 - h. Documentation of Neighborhood Meeting - June 18, 2007
 - i. Portland Water District Water Capacity Letter
 - j. City of Portland Sewer Capacity Letter
2. Letter from Gorrill Palmer re: Plans and Plan Revisions- July 27, 2007
3. Letter from Gorrill Palmer re: Plans and Plan Revisions – August 21, 2007
4. Written waiver request from applicant’s legal counsel, Terry Snow, P.A. re: Brandon Street
5. Construction cost estimate for Brandon Street
6. Memorandum from Captain Greg Cass, Portland Fire Department
7. Memorandum from Marge Schmuckal, Zoning Administrator - June 20, 2007
8. Memorandum from Marge Schmuckal, Zoning Administrator - July 14, 2007
9. Memorandum from Jeff Tarling, Parks and Recreation – April 3, 2007
10. Memorandum from Jeff Tarling, Parks and Recreation – July 18, 2007
11. Memorandum from Dan Goyette, Consulting Engineer- June 18, 2007
12. Memorandum from Mike Farmer regarding sidewalk on Castine and proposed sewer – August 11, 2007
13. Memorandum from Mike Farmer, Public Works re: Forest Avenue Curbing- September 5, 2007
14. Email correspondence between Shawn Smith, Maine Department of Transportation (MDOT); Jim Wolfe, Applicant; Dough Reynolds, Gorrill Palmer; and Jim Carmody, City of Portland Traffic Engineer
15. Email from Katherine Earley, Public Works

16. Memorandum from Penny Littell, Associate Corporation Counsel re: the legal definition of the term “undue hardship”.
17. Memorandum to the Planning Board containing excerpts from July 10th 2007 Planning Board Memorandum and Comparative table developed by City staff evaluating the construction of Brandon Street to City standards.
18. Site Location map provided by City staff
19. Map of delineated wetland – Sweet Associates.
20. Revised Plans
21. Public Comment



City of Portland Site Plan Application

If you or the property owner owes real estate taxes, personal property taxes or user charges on any property within the City, payment arrangements must be made before permit applications can be received by the Inspections Division.

Address of Proposed Development: Castine Avenue Portland Maine		Zone: R-3
Existing Building Size: N/A Existing Acreage of Site: N/A		Proposed Building Size: N/A Proposed Acreage of Site: N/A
Tax Assessor's Chart, Block & Lot: Chart# 309 Block# D,D,D,E,D,E,E,E,E Lot# 009,011,005,022,007,006,018,020,026	Property owner's mailing address: W & C LLC PO Box 10127 Portland, ME 04104	Telephone #: (207) 773-4988
Consultant/Agent, mailing address, phone # & contact person: Alton Palmer Gorrill-Palmer Consulting Engineers, Inc PO Box 1237 Gray Maine, 04039 (207) 657-6910	Applicant's name, mailing address, telephone, Fax, Pager: Same as Owner Contact: James wolf	Project name: Castine Ave Portland Maine

Fee For Service Deposit (all applications) (\$200.00)

Proposed Development (check all that apply)

- New Building Building Addition Change of Use Residential Office Retail
 Manufacturing Warehouse/Distribution Parking lot
 Subdivision (\$500.00) + amount of lots 6 (\$25.00 per lot) \$ 150 + major site plan fee if applicable
 Site Location of Development (\$3,000.00)
 (except for residential projects which shall be \$200.00 per lot _____)
 Traffic Movement (\$1,000.00) Storm water Quality (\$250.00)
 Section 14-403 Review (\$400.00 + \$25.00 per lot)
 Other _____

Major Development (more than 10,000 sq. ft.)

- Under 50,000 sq. ft. (\$500.00)
 50,000 - 100,000 sq. ft. (\$1,000.00)
 Parking Lots over 100 spaces (\$1,000.00)
 100,000 - 200,000 sq. ft. (\$2,000.00)
 200,000 - 300,000 sq. ft. (\$3,000.00)
 Over 300,000 sq. ft. (\$5,000.00)
 After-the-fact Review (\$1,000.00 + applicable application fee)

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)

~ Please see next page ~

Who billing will be sent to: (Company, Contact Person, Address, Phone #)

Jim Wolf W & C LLC.
P.O. Box 10127
449 Forest Ave
Portland Maine 04104

Submittals shall include (9) 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 11 x 17 plans

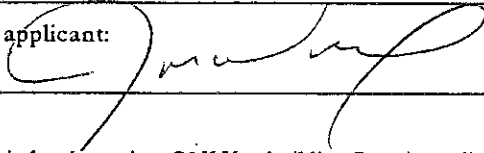
Amendment to Plans: Amendment applications should include 6 separate packets of the above (a, b, & c)

ALL PLANS MUST BE FOLDED NEATLY AND IN PACKET FORM

Section 14-522 of the Zoning Ordinance outlines the process which is available on our web site: 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.

Signature of applicant:



Date:

2-7-07

This application is for site review ONLY; a building Permit application and associated fees will be required prior to construction.



City of Portland, Maine Site Plan Checklist

Castine Avenue Portland Maine

**Project Name, Address of Project
Number**

Application

Submitted () & Date (b,c)	Item	Required Information	Section 14-525
<u> X </u>	(1)	Standard boundary survey (stamped by a registered surveyor, at a scale of not less than 1 inch to 100 feet and including:	1
<u> X </u>	(2)	Name and address of applicant and name of proposed development	a
<u> X </u>	(3)	Scale and north points	b
<u> X </u>	(4)	Boundaries of the site	c
<u> X </u>	(5)	Total land area of site	d
<u> X </u>	(6)	Topography - existing and proposed (2 feet intervals or less)	e
<u> X </u>	(7)	Plans based on the boundary survey including:	2
<u> X </u>	(8)	Existing soil conditions	a
<u> X </u>	(9)	Location of water courses, marshes, rock outcroppings and wooded areas	b
<u> X </u>	(10)	Location, ground floor area and grade elevations of building and other structures existing and proposed, elevation drawings of exterior facades, and materials to be used	c
<u> X </u>	(11)	Approx location of buildings or other structures on parcels abutting the site	d
<u> N/A </u>	(12)	Location of on-site waste receptacles	e
<u> X </u>	(13)	Public utilities	e
<u> X </u>	(14)	Water and sewer mains	e
<u> X </u>	(15)	Culverts, drains, existing and proposed, showing size and directions of flows	e
<u> X </u>	(16)	Location and dimensions, and ownership of easements, public or private rights-of-way, both existing and proposed	f
<u> X </u>	(17)	Location and dimensions of on-site pedestrian and vehicular access ways	g
<u> X </u>	(18)	Parking areas	g
<u> N/A </u>	(19)	Loading facilities	g
<u> X </u>	(20)	Design of ingress and egress of vehicles to and from the site onto public streets	g
<u> N/A </u>	(21)	Curb and sidewalks	g
<u> N/A </u>	(22)	Landscape plan showing:	h
<u> X </u>	(23)]Location of existing proposed vegetation	h
<u> N/A </u>	(24)	Type of vegetation	h
<u> X </u>	(25)	Quantity of plantings	h
<u> X </u>	(26)	Size of proposed landscaping	h
<u> N/A </u>	(27)	Existing areas to be preserved	h
<u> N/A </u>	(28)	Preservation measures to be employed	h
<u> N/A </u>	(29)	Details of planting and preservation specifications	h
<u> N/A </u>	(30)	Location and dimensions of all fencing and screening	i
<u> N/A </u>	(31)	Location and intensity of outdoor lighting system	j
<u> X </u>	(32)	Location of fire hydrants, existing and proposed	k
<u> X </u>	(33)	Written statement	c
<u> X </u>	(34)	Description of proposed uses to be located on site	l
<u> X </u>	(35)	Quantity and type of residential, if any	l
<u> X </u>	(36)	Total land area of the site	b2
<u> X </u>	(37)	Total floor area and ground coverage of each proposed building and structure	b2
<u> X </u>	(38)	General summary of existing and proposed easements or other burdens	c3
<u> X </u>	(39)	Method of handling solid waste disposal	4
<u> X </u>	(40)	Applicant's evaluation of availability of off-site public facilities, including sewer, water and streets	5
<u> X </u>	(41)	Description of any problems of drainage or topography, or a representation that there are none	6
<u> X </u>	(42)	An estimate of the time period required for completion of the development	7
<u> X </u>	(43)	A list of all state and federal regulatory approvals to which the development may be subject to	8

Subdivision Plan Application
Castine Avenue
Portland, Maine

Prepared for:

W&C LLC
P.O. Box 10127
Portland, Maine 04104

February 2007

Prepared by:



Gorrill-Palmer Consulting Engineers, Inc.

Traffic and Civil Engineering Services

*PO Box 1237
15 Shaker Road
Gray, ME 04039*

*(207) 657-6910
Fax : (207) 657-6912
E-mail: mailbox@gorrillpalmer.com*



February 16, 2007

Ms. Barbara Barhydt, Development Review Services Manager
Department of Planning and Development
Portland City Hall
389 Congress Street
Portland, ME 04101-2503

Subject: Subdivision Plan Submission
Castine Avenue, Portland, Maine

Dear Barbara,

Enclosed please find a complete subdivision application and supporting information for Castine Avenue in Portland, Maine. W&C LLC, has retained Gorrill-Palmer Consulting Engineers, Inc. to prepare plans and permit application for the proposed subdivision located at the corner of Castine Avenue and Forest Avenue. The project site is located on Portland's Assessor's Map 309, on the Blocks and Lots listed below:

Block	D	D	D	E	D	E	E	E	E
Lots	009	011	005	022	007	006	018	020	026

The cumulative site area is approximately (1.58) acres of land. Lot one currently is a developed residential lot, surrounded by undeveloped land. A list of abutters for the project is available in Attachment 4. The site has the ability to be served with public water, sewer and electricity. Based on the size of the development, the project meets the definition of a major development. Work is planed to start in the spring of 2007 and be completed in the fall of 2007.

This application package describes the applicant's plans to develop the above-referenced parcel. We look forward to discussing this project with you during your review.

- Attachment 1: Subdivision Plan Review Application
- Attachment 2: Location Map
- Attachment 3: Title, Right & Interest
- Attachment 4: Abutters List
- Attachment 5: Financial Letter
- Attachment 6: Ability to Serve
- Attachment 7: FEMA Flood Map
- Attachment 8: Soils Map
- Full and reduced plan sets.

*Ms. Barbara Barhydt
February 16, 2007
Page 2 of 4*

Site Description

The project site contains an existing house with the remainder being undeveloped wooded area. The total existing nonvegetated surfaces associated with the house lots is approximately 0.06 acres. The site is bordered by Castine Avenue to the Northwest, Forest Avenue to the Northeast and unimproved Brandon Street to the Southeast.

Proposed Use

This project will include the creation of 6 Lots. Lot 1 is currently a developed residential lot which has been previously conveyed to separate ownership prior to submission of this package. Lot 6 will not be developed until Brandon Street is improved to city standard. Lots 2, 3, 4, and 5 are being designed to accommodate a 32'x24' cape style house. A 20' easement is proposed to the northeast of Lot 2 to allow for water and sewer services for Lot 1. There is also a 20' easement to the rear of Lot 4 to allow for water and sewer services to connect to Castine Avenue.

Zoning

The location of the site is in zoning district R-3. Residential homes are permitted use within this zone, space and bulk requirements for this zone are provided on the plans.

Financial

A letter of financial capacity from TD Banknorth has been included which indicates the applicant's ability to undertake this project is also included in Attachment 5.

Lot Development

Proposed grading plans for potential lot development of lots 2, 3, 4 & 5 are included with this package. At this time, each lot has been designed to accommodate the 32' x 24' cape with the setbacks. These grading plans could be included for building permits on these lots. Final individual layouts and grades will be the responsibility of the future lot owners.

Utilities

Lots will be served water from Portland Maine Water District and City sewer via connections from Castine Avenue. Although Lots 4 and 5 front Forest Avenue, in an effort to maintain the large tree growth along Forest Avenue, sewer and water services are proposed to be connected to Castine Avenue. Lot 5 services will require an easement over Lot 4. By not connecting to existing utilities within Forest Avenue, this will eliminate the need to open the pavement within the roadway, causing significant disturbance to this major roadway. Central Maine Power will also serve the sites, via over head lines. Ability to serve letters have been included in Attachment 6.

*Ms. Barbara Barhydt
February 16, 2007
Page 3 of 4*

Flood Plain Mapping

Included in this package is a FEMA insurance rate map showing the property to not be in any Flood Zone. The FEMA map is included in Attachment 7.

Soils

Soils types for the site were determined using the Cumberland County Medium intensity soils map. The soil found on the site appears to be Elmwood fine sandy loam. A map showing the existing soil conditions has been included in Attachment 8.

Stormwater

The project site consist of a flat area, the proposed development will slightly increase the onsite runoff. The existing site contains 0.06 acres of nonvegetated coverage. Should the project be built as the design shows there would be a net increase of 0.15 acres of nonvegetated coverage. Using the SCS TR-20 method and the 2 year storm this results in a net stormwater runoff increase of 0.2 cfs. Due to the minimal increase a stormwater report is not anticipated.

Erosion Control

An Erosion and Sedimentation plan has been prepared in accordance with the Maine Erosion and Sedimentation Control BMP's. A copy of this plan has been shown on the Erosion Control Detail sheet in the plan set. We do not anticipate that the project will require a Maine Construction General Permit or SWPPP because the disturbed area for the subdivision will be less than 1 acre.

Waste Disposal

Solid waste disposal will be carried out through city trash collection.

Wetlands

Wetlands are located along the Southwest side of Lot 2 and run through the center of Lot 6. Grading has been proposed so to not disturb the existing wetlands. Wetlands were located by Sweet Associates of Falmouth Maine. Currently a permit for wetland impacts is not required, as there will be no wetland impacts.

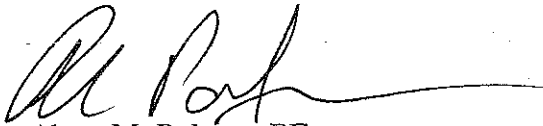
*Ms. Barbara Barhydt
February 16, 2007
Page 4 of 4*

Conclusion

As proposed, the development will provide additional residential opportunities within the city. Gorrill-Palmer Consulting Engineers, Inc. and the applicant look forward to discussing this project with the Planning Department. Please contact us with any questions.

Sincerely,

Gorrill-Palmer Consulting Engineers, Inc.

A handwritten signature in black ink, appearing to read 'Alton M. Palmer', with a long horizontal flourish extending to the right.

Alton M. Palmer, PE
Senior Vice President

Copy: Jim Wolf, W&C LLC



Banknorth

Attachment 1-C

TD Banknorth, N.A.
One Portland Square
P.O. Box 9540
Portland, ME 04112-9540
T: 207 761-8500 F: 207 761-8660
Toll Free: 800 462-3666
TDBanknorth.com

January 22, 2007

City of Portland
Planning Department
389 Congress Street, 4th Floor
Portland, Maine 04101

RE: W&C, LLC - Castine Avenue lot subdivision

To Whom It May Concern:

James Wolf, owner of W&C, LLC is a long standing customer of the Bank. In our opinion, W&C, LLC has the financial capacity to complete the proposed 5-6 lot subdivision at Castine Avenue in Portland, Maine.

Should you have any further questions, I can be reached at 756-6842

Sincerely,


Kimberly Donnelly
Vice President, Commercial Lending

KNOW ALL MEN BY THESE PRESENTS

THAT W&C LLC, a Maine Limited Liability Company with a principal place of business in the City of Portland, County of Cumberland and State of Maine, in consideration of One Dollar and other valuable considerations paid by WD Investments, Inc., a Maine corporation with a principal place of business in the City of Portland, County of Cumberland and State of Maine, the receipt whereof it does remise, release, bargain, sell and convey, and forever quitclaim unto the said WD Investments, Inc., all its right, title and interest in

The following described real property situated in the City of Portland, County of Cumberland and State of Maine, being property described in Exhibit A and annexed hereto and made a part hereof.

Meaning and intending to describe a portion of the property now shown on a plan entitle "Plan of Boundary Survey made for W&C LLC" as described in a deed recorded in said Cumberland County Registry of Deeds in Book 24484, Page 43.

To have and to hold the same, together with all privileges and appurtenances thereunto belonging, to said City of Portland, its successors and assigns forever.

IN WITNESS WHEREOF, the said W&C LLC has caused this instrument to be signed and sealed by James M. Wolf, its Member, thereunto duly authorized this 3rd day of January, 2007.

W&C LLC

Patricia D. Walker
WITNES

James M. Wolf
James M. Wolf, Its Member

1-3-07

STATE OF MAINE
CUMBERLAND, SS

Then personally appeared the above-named James M. Wolf, Member of W&C LLC as aforesaid and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said W&C LLC.

Before me,

Patricia D. Walker
Notary Public

PATRICIA G. WALKER
NOTARY PUBLIC, MAINE
MY COMMISSION EXPIRES JANUARY 31, 2013

SE

(94.74) feet to a point.

9) N 32° 01' 59" E by said remaining land of W&C LLC a distance of Forty-Two and 61/100 (42.61) feet to a point on the southwesterly sideline of Forest Avenue.

10) S 57° 58' 01" E by said Forest Avenue a distance of Fifty and 00/100 (50.00) feet to the point of beginning.

Said parcel contains 23, 568 square feet (0.54 acres) and being a portion of land now or formerly of W&C LLC as described in a deed recorded in said Registry in Book 24484, Page 43.

Exhibit A Continued

Also, a certain utility and access easement situated on the southeasterly sideline of Castine Street in the City of Portland, County of Cumberland, State of Maine; said easement being bounded and described as follows:

Beginning at a 5/8" reinforcing rod with identification cap number 2334 found on the southeasterly sideline of Castine Avenue at the westerly corner of "Trust Lot A" as shown on a plan entitled "Plan of Boundary Survey made for W&C LLC" by Titcomb Associates dated September 14, 2006 and recorded in the Cumberland County Registry of Deeds in Plan Book 206, Page 645. Thence:

- 1) S 30° 57' 02" E by said "Trust Lot A" a distance of Ninety and 00/100 (90.00) feet to a 5/8" reinforcing rod found with identification cap number 2334 found at the easterly corner of said "Trust Lot A".
- 2) S 59° 02' 58" W through remaining land now or formerly of W&C LLC as described in a deed recorded in said Registry in Book 24484, Page 43 a distance of Twenty and 00/100 (20.00) feet to a point.
- 3) N 30° 57' 02" W through said land of W&C LLC a distance of Ninety and 00/100 (90.00) feet to a point on the southeasterly sideline of Castine Avenue.
- 4) N 59° 02' 58" E by said Castine Avenue a distance of Twenty and 00/100 (20.00) feet to the point of beginning.

Bearings are referenced to Magnetic North 2004.

Said easement contains 1800 square feet (0.04 acres) and being a portion of land now or formerly of W&C LLC as described in a deed recorded in said Registry in Book 24484, Page 43; said parcel also being a portion of Lot 134 as shown on a plan entitled "Deering Terrace owned by J.W. Wilbur Co. Inc." made by Ernest Branch dated April 20, 1915 and recorded in Plan Book 12, Page 6.

Received
Recorded Register of Deeds
May 16, 2007 11:10:20A
Cumberland County
Pamela E. Lovley

STATUTORY WARRANTY DEED

W & C LLC, a Maine Limited Liability Company with a principal place of business in the City of Portland, County of Cumberland and State of Maine,

For Consideration Paid, GRANT with WARRANTY COVENANTS TO:

WD INVESTMENTS, INC., a Maine corporation with a mailing address of P.O. Box 10127, Portland, Maine 04104

A certain lot or parcel of land situated on the northwesterly side of Brandon Street in the City of Portland, County of Cumberland and State of Maine, said lot being bounded and described as follows:

BEGINNING at a point at the easterly corner of land now or formerly of Stanley R. Portas and Cynthia L. Portas as described in a deed recorded in the Cumberland County Registry of Deeds in Book 3144, Page 648. Thence: (1) S 41° 25' 32" W by said land of Portas a distance of One Hundred Twenty and 00/100 (120.00) feet to a point at the northerly corner of Fern A. Oates as described in a deed recorded in said Registry in Book 12550, Page 129; (2) S 48° 34' 28" E by said land of Oates a distance of Ninety and 00/100 (90.00) feet to a point on the westerly sideline of Brandon Street as shown on a plan entitled "Deering Terrace owned by J.W. Wilbur Co. Inc.," dated April 20, 1915 and recorded in said Registry in Plan Book 12, Page 6; (3) N 41° 25' 32" E by said Brandon Street a distance of One Hundred Eighty-Five and 00/100 (185.00) feet to a point at the southerly corner of a parcel of land now or formerly of WD Investments, Inc. as described in a deed recorded in the Cumberland County Registry of Deeds in Book 25107, Page 185; (4) N 48° 34' 27" W by said land of WD Investments a distance of Ninety and 00/100 (90.00) feet to a point at remaining land of W & C LLC as described in a deed recorded in said Registry in Book 24448, Page 43; (5) S 41° 25' 32" W by said remaining land a distance of Sixty-Five and 00/100 (65.00) feet to the point of beginning.

Said parcel contains 16,650 square feet (0.38) acres.

The above described parcel benefits from a ten (10) foot wide drainage easement

described as follows:

A certain easement situated southeasterly of Castine Avenue in the City of Portland, County of Cumberland and State of Maine, said easement being more particularly described as follows:

BEGINNING at a point on the southeasterly sideline of Castine Avenue at the northerly corner of land now or formerly of Stanley R. Portas and Cynthia Portas as described in a deed recorded in the Cumberland County Registry of Deeds in Book 3144, Page 648. Thence: (1) S 48° 34' 28" E by said land of Portas a distance of Ninety and 00/100 (90.00) feet to a point at the easterly corner of said land of Portas; (2) N 41° 25' 32" E through land now or formerly of W & C LLC as described in a deed recorded in the Cumberland County Registry of Deeds in Book 24484, Page 43 a distance of Ten and 00/100 (10.00) feet to a point; (3) N 48° 34' 28" W through said land of W & C LLC a distance of Ninety and 00/100 (90.00) feet to a point on the southeasterly sideline of Castine Avenue; (4) S 41° 25' 32" W by said Castine Avenue a distance of Ten and 00/100 (10.00) feet to the point of beginning.

Said easement contains 900 square feet (0.03 acres).

Bearings are referenced to Grid North based on the Maine State Plane Coordinate System NAD83 (1996).

Reference is made to a plan entitled "Plan of Boundary Survey made for W & C LLC" by Titcomb Associates dated September 14, 2006 and recorded in the Cumberland County Registry of Deeds in Plan Book 206, Page 645. The basis of bearings of the last referenced plan is based on Magnetic North 2004.

Being a portion of premises conveyed to the Grantor herein by deed of Andrea Diane Knight dated October 19, 2006 and recorded at the Cumberland County Registry of Deeds in Book 24484, Page 43.

This conveyance, being the transfer of an interest in land to the owner of land abutting that land (Book 25107, Page 185), is made further subject, however, to the restriction that the above-described real estate shall not be transferred within five (5) years of the date of this conveyance to another person or entity without all of the merged land, within the meaning of 30-A M.R.S.A. §4401.4.D-6. By acceptance of this deed, the Grantee covenants and agrees with Grantor that the Grantee will not transfer less than the entire merged parcel within the period of five (5) years commencing on the date of

this conveyance. In the event that the Grantee is found to have breached this covenant, the Grantee, without limiting Grantor's remedy, shall be liable for the Grantor's damages and reasonable attorneys' fees expended in connection with enforcement of this covenant. The provisions of this paragraph shall run with the land and bind the successors and assigns of the Grantee and shall be enforceable by the Grantor, its successors and assigns.

It is a further condition of this conveyance that notwithstanding the prior paragraph on merger, the merged parcels can never be unmerged or divided in any way without the recorded written approval of the City of Portland.

IN WITNESS WHEREOF, the said W & C LLC has caused this instrument to be signed and sealed by James M. Wolf, its Member thereunto duly authorized this _____ day of _____, 2007.

W & C LLC

By: _____
Its Member

STATE OF MAINE
CUMBERLAND, SS. _____, 2007

Then personally appeared the above-named James M. Wolf, Member of W & C LLC as aforesaid and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said limited liability company.

Before me,

Attorney at Law/Notary Public
Print Name: _____
My Commission Expires: _____

DRAINAGE EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that W&C LLC , a Maine Limited Liability Company, of Portland, Cumberland County, State of Maine, for consideration paid, grants to the CITY OF PORTLAND, a municipal corporation organized under the laws of the State of Maine, whose mailing address is 389 Congress Street, Portland, Maine, 04101, its successors and assigns forever, the right to enter upon a certain lot or parcel of land situated off of Castine Ave. in Portland, Cumberland County, State of Maine, bounded and described as follows:

Parcel 1: A certain lot or parcel of land shown as "Drainage Easement" area extending across lot 2, as such "Drainage Easement" area and the lot is depicted on a plan entitled "Plan of Proposed 15, 2007, revised through July 25, 2007, prepared by Titcomb Associates, which Plan is recorded in the Cumberland County Registry of Deeds in Plan Book _____, Page _____ (hereinafter referred to as the "Plan")

The easement conveyed shall include the right, but not obligation, of the Grantee to construct and perpetually maintain through, under, across and upon said parcels pipes, ditches or the like, for conveying drainage water, and to lay, relay, repair, alter, enlarge, maintain and remove said drainage systems upon or under said parcels with all necessary fixtures and appurtenances to trim, cut down and remove bushes and trees growing on said parcels, to remove grass and crops growing on said parcels and to excavate or fill said parcels, all to such extent as in the judgment of the grantee herein is necessary for any of the above purposes; and to enter upon said parcel at any and all times for any of the foregoing purposes.

Reserving to the Grantor herein, its successors and assigns, the use and enjoyment of said parcels for such purposes as will in no way interfere with the safe and proper use thereof by the Grantee for the purposes above mentioned, provided that no building or any kind of permanent structure, including fences, shall be erected on said parcels by the Grantor, its successors and assigns.

The rights herein conveyed shall be exercised so as to minimize the interference with the use by the Grantor of the premises owned by the Grantor, whether then owned by the Grantor or others.

DATED this ____ day of _____ 2007.

W&C LLC

By: _____
James M. Wolf
Its duly authorized Member

STATE OF MAINE
CUMBERLAND, ss

_____, 2007

Personally appeared before me the above named James M. Wolf, Authorized Member of W&C LLC and acknowledged the foregoing to be his free act and deed in said capacity and the free act and deed of said Limited Liability Company

Before me,

Notary Public/Attorney at Law

QUITCLAIM DEED WITH COVENANT
Statutory Short Form

KNOW ALL PERSONS BY THESE PRESENTS, That Andrea Diane Knight of Hampton Falls, New Hampshire, for consideration paid, grant to W & C, LLC, whose mailing address is P.O. Box 10127, Portland, Cumberland County and State of Maine, with Quitclaim Covenants, a certain lot or parcel of land, with any buildings thereon, situated on or near Castine Avenue and Forest Avenue, Portland, County of Cumberland and State of Maine, as more fully described as follows:

Certain lots or parcels of land, with the buildings thereon, bounded and described as follows: Being certain lots numbered 111-130, 134-138 as shown on Plan of Lots at Deering Terrace, which Plan was made by Ernest W. Branch, C.E., dated April 20, 1915, and recorded in said Registry of Deeds in Plan Book 12, Page 6 (the "Plan"). Each of said lots measures 30 feet in width by 90 feet in depth, and contains, according to said Plan, 2700 square feet, more or less.

Together with all the right, title and interest in 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 streets and ways.

Together with the fee insofar as the Grantors have the right so to convey the same, 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 the said owners to make any customary use of said streets and ways.

Meaning and intending to convey a portion of the premises conveyed to the Grantor by deed recorded in Book 15342, Page 310.

By acceptance of this deed, the Grantee, its successors and assigns agree to a restriction on all of the above property precluding any of the above referenced property being used for multifamily housing. This restriction is not intended to prevent a home from having an in-law apartment built in a manner as in-law apartments are defined by Portland municipal codes.

Grantee, its successors and assigns, further agree to a restriction on lot 125 through 131 requiring Grantee, its successors and assigns to preserve as many trees as possible on said lots. The restriction is as follows:

Prior to development Grantee agrees to use its best efforts to obtain approval from the City of Portland to construct two single family homes on the Forest Avenue property that are accessed by Castine Avenue. Notwithstanding the results of these efforts the Grantee agrees to use best efforts to preserve as many of the trees as possible on the land while at the same time being able to construct single family homes on the property. After development takes place no trees over 4 inches shall be removed unless it is dead, dying or diseased, causing a hazard to either the public or the homes on the property, or to place a garage, accessory structure or play area of reasonable size.

MAINE REAL ESTATE TAX PAID

Grantee further agrees to the restriction that in the event Grantee donates any of the property to the City of Portland that the donation will be made in "loving memory of George F. Knight and Clare B. Knight."

Excepting from the above described property the following parcel:

Beginning at a point on the southeasterly sideline of Castine Avenue; said point being located S 59° 02' 58" W a distance of One Hundred Twelve and 25/100 (112.25) feet from the intersection of the southeasterly sideline of Castine Avenue and the southwesterly sideline of Forest Avenue; said point also being located at the northerly corner of Lot 131 as shown on a plan entitled "Deering Terrace owned by J.W. Wilbur Co. Inc." made by Ernest W. Branch dated April 20, 1915 and recorded in Plan Book 12, Page 6 and at the northerly corner of land now or formerly of Gary S. Bedrosian, Trustee of the Gary S. Bedrosian Revocable Trust U/T/A and Andrea D. Knight, Trustee of the Andrea D. Knight Revocable Trust U/T/A as described in a deed recorded in the Cumberland County Registry of Deeds in Book 23492, Page 76. Thence:

- 1) S 57° 58' 00" E by said land of Bedrosian and Knight and by said Lot 131 a distance of One Hundred One and 02/100 (101.02) feet to a point at the easterly corner of said Lot 131.
- 2) S 59° 02' 58" W by said land of Bedrosian and Knight and by said Lot 131 a distance of Sixty-Two and 28/100 (62.28) feet to a point.
- 3) S 30° 57' 02" E a distance of Ten and 00/100 (10.00) feet to a point.
- 4) N 59° 02' 58" E a distance of Sixty-Five and 00/100 (65.00) feet to a point.
- 5) N 30° 57' 02" W a distance of One Hundred and 00/100 (100.00) feet to a point on the southeasterly sideline of Castine Avenue.
- 6) S 59° 02' 58" W by said Castine Avenue a distance of Forty-Eight and 61/100 (48.61) feet to the point of beginning.

Said parcel contains 2,960 square feet (0.07 acres) and being a portion of land now or formerly of Andrea Dianne Knight as described in a deed recorded in the Cumberland County Registry of Deeds in Book 15342, Page 310.

Said excepted parcel also being comprised of a portion of Lots 122, 123, 124, 128, 129, and 130 as shown on said Plan.

Bearings are referenced to Magnetic North 2004.

Reference is made to a plan entitled, "Plan of Boundary Survey Forest Ave., Castine Ave. and Brandon St. made for W&C LLC," by Titcomb Associates dated September 14, 2006 recorded in Plan Book 200 Page 045

Witness my hand and seal this 19 day of October, 2006.

Witness:

[Signature]

Andrea Diane Knight
Andrea Diane Knight

STATE OF MAINE
COUNTY OF CUMBERLAND ss.

October 19, 2006

Personally appeared the above-named Andrea Diane Knight and acknowledged the foregoing instrument to be her free act and deed.

Before me,

[Signature]
Notary Public/Attorney at Law
Print: JAMES T. BARRIS

Received
Recorded Register of Deeds
Oct 20 2006 12:08:47P
Cumberland County
John B O'Brien

QUITCLAIM DEED WITH COVENANT
Statutory Short Form

KNOW ALL PERSONS BY THESE PRESENTS, That Andrea Diane Knight of Hampton Falls, New Hampshire, for consideration paid, grants to Andrea D. Knight, Trustee of the Andrea D. Knight Revocable Trust U/T/A dated 11/22/05 and Gary S. Bedrosian, Trustee for the Gary S. Bedrosian Revocable Trust U/T/A dated 11/22/05, with Quitclaim Covenants, a certain lot or parcel of land, with any buildings thereon, situated on or near Castine Avenue, Portland, County of Cumberland and State of Maine, as more fully described as follows:

Beginning at a point on the southeasterly sideline of Castine Avenue; said point being located S 59° 02' 58" W a distance of One Hundred Twelve and 25/100 (112.25) feet from the intersection of the southeasterly sideline of Castine Avenue and the southwesterly sideline of Forest Avenue; said point also being located at the northerly corner of Lot 131 as shown on a plan entitled "Deering Terrace owned by J.W. Wilbur Co. Inc." made by Ernest W. Branch dated April 20, 1915 and recorded in Plan Book 12, Page 6 and at the northerly corner of land now or formerly of Gary S. Bedrosian, Trustee of the Gary S. Bedrosian Revocable Trust U/T/A and Andrea D. Knight, Trustee of the Andrea D. Knight Revocable Trust U/T/A as described in a deed recorded in the Cumberland County Registry of Deeds in Book 23492, Page 76. Thence:

- 1) S 57° 58' 00" E by said land of Bedrosian and Knight and by said Lot 131 a distance of One Hundred One and 02/100 (101.02) feet to a point at the easterly corner of said Lot 131.
- 2) S 59° 02' 58" W by said land of Bedrosian and Knight and by said Lot 131 a distance of Sixty-Two and 28/100 (62.28) feet to a point.
- 3) S 30° 57' 02" E a distance of Ten and 00/100 (10.00) feet to a point.
- 4) N 59° 02' 58" E a distance of Sixty-Five and 00/100 (65.00) feet to a point.
- 5) N 30° 57' 02" W a distance of One Hundred and 00/100 (100.00) feet to a point on the southeasterly sideline of Castine Avenue.
- 6) S 59° 02' 58" W by said Castine Avenue a distance of Forty-Eight and 61/100 (48.61) feet to the point of beginning.

Said parcel contains 2,960 square feet (0.07 acres) and being a portion of land now or formerly of Andrea Diane Knight as described in a deed recorded in the Cumberland County Registry of Deeds in Book 15342, Page 310.

Said parcel also being comprised of a portion of Lots 122, 123, 124, 128, 129, and 130 as shown on said Plan.

Bearings are referenced to Magnetic North 2004.

This is a conveyance to an abutter.

Reference is made to a plan entitled, "Plan of Boundary Survey Forest Ave., Castine Ave. and Brandon St. made for W&C LLC," by Titcomb Associates dated September 14, 2006 recorded in Plan Book 206 Page 645

Witness my hand and seal this 19 day of October, 2006.

Witness:

James B. Davis

Andrea Diane Knight
Andrea Diane Knight

STATE OF MAINE
COUNTY OF CUMBERLAND ss.

October 19, 2006

Personally appeared the above-named Andrea Diane Knight and acknowledged the foregoing instrument to be her free act and deed.

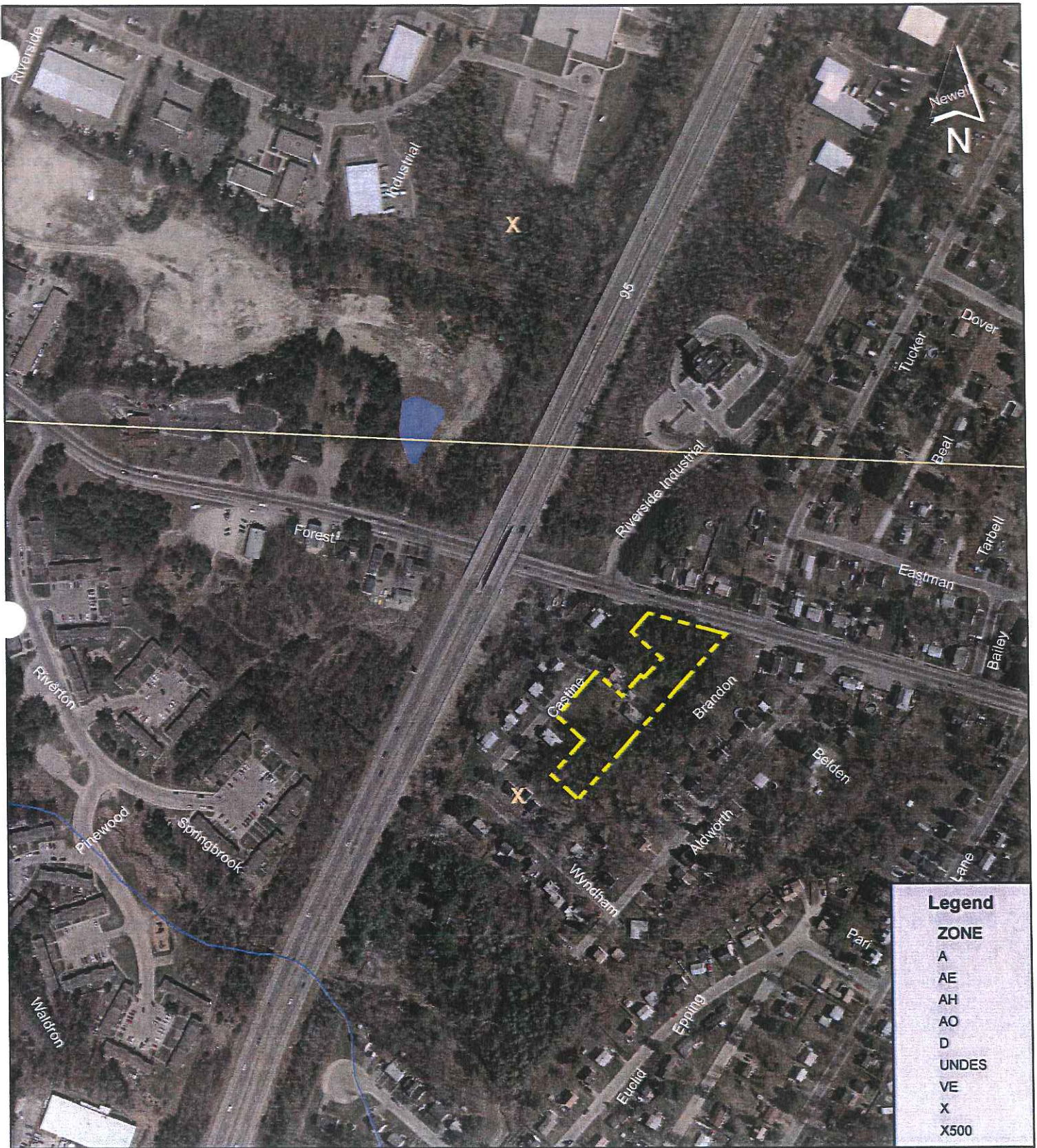
Before me,

James B. Davis
Notary Public/Attorney at Law
JAMES B. DAVIS

Received
Recorded Register of Deeds
Oct 20, 2006 12:07:55P
Cumberland County
John B O'Brien

FEMA Map

Attachment 1-f



CASTINE AVENUE HOUSE LOTS, PORTLAND, MAINE

GP Gorrill-Palmer Consulting Engineers, Inc.

PO Box 1237
15 Shaker Road
Gray, ME 04039

Traffic and Civil Engineering Services 207-657-6910

Fax: 207-657-6912

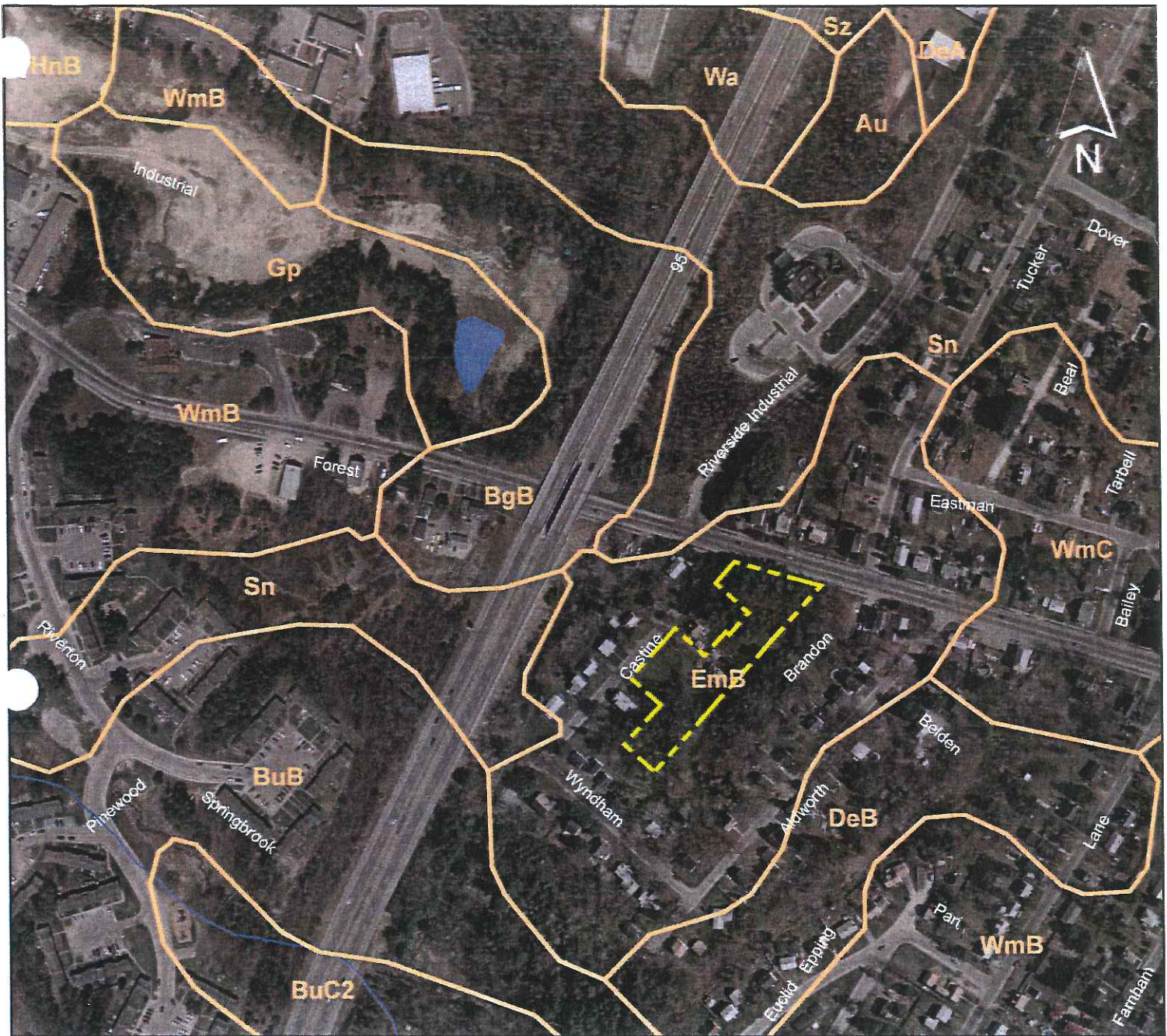
mailto:mailbox@gorrillpalmer.com

www.gorrillpalmer.com



JN: 1721
DATE: JAN 2007
FILE: 1721_FIRMMAP.MXD
SOURCE: MAINE GIS WEBSITE

Soils Map



Legend

Symbol, Description, Hydrologic Type

- | | |
|--|--|
| Au, AU GRES LOAMY SAND, C | Gp, GRAVEL PITS, A |
| BgB, BELGRADE VERY FINE SANDY LOAM, 0 TO 8 PERCENT SLOPES, C | HnB, HINCKLEY-SUFFIELD COMPLEX, 3 TO 8 PERCENT SLOPES, A |
| BuB, BUXTON SILT LOAM, 3 TO 8 PERCENT SLOPES, D | Sn, SCANTIC SILT LOAM, D |
| BuC2, BUXTON SILT LOAM, 8 TO 15 PERCENT SLOPES, ERODED, C | Sz, SWANTON FINE SANDY LOAM, C/D |
| DeA, DEERFIELD LOAMY SAND, 0 TO 3 PERCENT SLOPES, B | Wa, WALPOLE FINE SANDY LOAM, C |
| DeB, DEERFIELD LOAMY SAND, 3 TO 8 PERCENT SLOPES, B | WmB, WINDSOR LOAMY SAND, 0 TO 8 PERCENT SLOPES, A |
| EmB, ELMWOOD FINE SANDY LOAM, 0 TO 8 PERCENT SLOPES, C | WmC, WINDSOR LOAMY SAND, 8 TO 15 PERCENT SLOPES, A |

CASTINE AVENUE HOUSE LOTS, PORTLAND, MAINE

GP Gorrill-Palmer Consulting Engineers, Inc.

Traffic and Civil Engineering Services 207-657-6910
 PO Box 1237 15 Shaker Road Fax: 207-657-6912
 Gray, ME 04039 mailbox@gorrillpalmer.com
 www.gorrillpalmer.com



JN: 1721
 DATE: JAN 2007
 FILE: 1721_SOILSMAP.MXD
 SOURCE: MAINE GIS WEBSITE

Attachment I-H

W&C, LLC
c/o DIVERSIFIED PROPERTIES, INC.
P.O. BOX 10127
PORTLAND, ME 04104

June 8, 2007

Dear Neighbor:

Please join us for neighborhood meeting to discuss our plans for a subdivision proposal located at Castine Avenue.

Meeting Location: Keeley the Katerer
Meeting Date: June 18, 2007
Meeting Time: 5:15pm.

The City code requires that property owners within 500 feet of the proposed development and residents on an "interested parties list" be invited to participate in a neighborhood meeting. A sign-in sheet will be circulated and minutes of the meeting will be taken. Both the sign-in sheet and minutes will be submitted to the Planning Board.

If you have any questions, please call Jim Wolf at 773-4988, ext. 24 or by email at jmwl@maine.rr.com.

Sincerely,

W&C LLC
James M. Wolf, Member.

Note:

Under Section 14-32© of the City Code of Ordinances, an applicant for a major development, subdivision of over five lots/units, or zone change is required to hold a neighborhood meeting at least seven days prior to the Planning Board public hearing on the proposal.

6-18-07

Castine Ave Public Meeting

Parties Present

9 public

Jim Wolf

Doug Reynolds

Jamie Garland

5:15 – Doug Reynolds opens, presents the project and explains to what level the project is at and what steps have been taken to achieve that level. Doug notes that the pines along Forest Ave shall be preserved.

Questions asked

Jim Stanhope - Doug Inquires about the drainage easement Doug explains the easement and location of easement. Also asked what size houses and if they will be duplexes. Doug responds that they will not be duplexes and that they will be started capes.

Abutter- Jim inquires about the number of lots to be developed Jim responds that there shall be 4-5 lots.

Abutter – Doug inquires to the development of Brandon Street. Doug responds informing her that no development can take place with out improvements to Brandon Street.

Jim Stanhope – Jim ask about selling of lots out of lot #1. Jim explains that the project would need to go to a planning board review. Doug follows up to explain that restrictions have been set in place. Jim follows that Brandon Street would need to be improved before any development could take place.

Jim asks if there are any more questions public says there are no more questions.

Jim informs Public to call if further information is needed

5:25 - Closure

Meeting Location: Keeley the Katerer

Meeting Date: June 18, 2007

Meeting Time: 5:15pm.

Neighborhood meeting to discuss our plans for a subdivision proposal located at Castine Avenue.

NAME	ADDRESS	TELEPHONE NUMBER
Regina Chaisson	11 Wynchman St. Rte	878-2332
Wayne & Debra Watson	57 Castine Ave. Pth	797-0911
James Spink	21 Castine Ave.	797-8042
FERN DATES	19 WYNDHAM ST.	878-0352
REBECCA COLLINS	REGINA ST THE BAY 476 BARNER AVE	553-7340
Geo O'Brien	27 Castine Ave	797-3111



Portland Water District

FROM SEBAGO LAKE TO CASCO BAY

January 31, 2007

Mr. James Wolfe
P.O. Box 10127
Portland, Maine 04104

Re: Castine Ave, Portland

Dear Sir:

The Portland Water District has an 8" water main in Castine Ave., Portland, near the proposed site. A test on a nearby hydrant produced the following results: static pressure 75 psi; pito pressure 44 psi; with a flow of 1113 gpm. With these results in mind, the District feels we have sufficient capacity available to serve this proposed project and meet all normal fire protection and domestic water service demands. **Please notify your plumber of these results so that they can design your system to best fit the available pressure.**

With certification by the developer that all required permits have been received, we look forward to serving this project.

Sincerely,

PORTLAND WATER DISTRICT

David W Coffin

David W. Coffin, PLS
Engineering Supervisor
(207) 774-5961 ext. 3041
dcoffin@pwd.org



PORTLAND MAINE

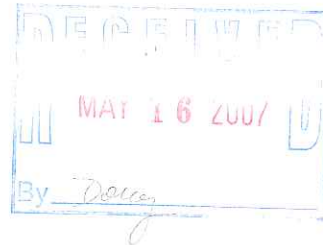
Attachment 1-3

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

Public Works Department
Michael J. Bobinsky, Director

10 May 2007

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



RE: The Capacity to Handle Wastewater Flows, from the Proposed "Castine Avenue Subdivision," at 22+/-, 26+/- Castine Avenue, and 1756+/-, 1760+/- Forest Avenue.

Dear Mr. Wolf,

The existing twelve-inch diameter, polyvinyl chloride (P.V.C.) sewer pipe, located in Castine Avenue, has adequate capacity to **transport**, while The Portland Water District sewage treatment facilities, located off Marginal Way, have adequate capacity to **treat** the total anticipated wastewater flows of **780 GPD**, from the proposed four-house subdivision.

Anticipated Wastewater Flows from this Subdivision:
Four Proposed Two Bedroom Houses @ 180 GPD/House = 780 GPD

The City combined sewer overflow (C.S.O.) abatement consent agreement (with the U.S.E.P.A., and with the Maine D.E.P.) requires C.S.O. abatement, as well as storm water mitigation, in order to offset any increase in sanitary flows, from all projects. If the City can be of further assistance, please call 874-8832.

Sincerely,
CITY OF PORTLAND

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

FJB

cc: Alexander Q. Jaegerman, Director, Planning Division, Department of Planning, and Urban Development, City of Portland
Barbara Barhydt, Development Review Services Manager, Department of Planning, and Urban Development, City of Portland
Michael Farmer, P.E., Project Engineer, City of Portland
Bradley A. Roland, P.E., Environmental Projects Engineer, City of Portland
Stephen K. Harris, Assistant Engineer, City of Portland
Jane Ward, Administrative Assistant, City of Portland



Gorrill-Palmer Consulting Engineers, Inc.

PO Box 1237
15 Shaker Rd.
Gray, ME 04039

Traffic and Civil Engineering Services

July 27, 2007

207-657-6910
FAX: 207-657-6912
E-Mail: mailbox@gorrillpalmer.com

Ms. Molly Casto
Portland Planning Department
Portland City Hall
389 Congress Street
Portland, ME 04101-2503

Re: Castine Avenue Six Lot Subdivision
Application #2007-0034
CBL; Map 309 Block D, lot 5,7,9,11 and Block E, lots 6,18,20,22, and 26

Dear Molly,

This letter provides a response to miscellaneous comments from City Staff. For ease of review, each comment has been repeated below followed by our response.

Comments in memorandum from Molly Casto dated July 12, 2007

Plan revision comments:

Comment 1- The revised plans must show Brandon Street built to City standards, including all required curbing, sidewalk and utilities in compliance with the provisions of the City of Portland Technical Standards (I have attached the Portland Street Design Standards for your reference).

Provisions of the City Code require you to build the street only along the frontage of Lot 1. It is at your discretion whether you propose to the Planning Board to build the street with an adequate turnaround or build it through to Wyndham Street. The Board did, however, refer to the notion of street connectivity as written in the Comprehensive Plan which would favor building Brandon Street through to Wyndham. The Board would make a determination regarding your proposal at the Public Hearing.

✓ **Response 1-** The potential edge of pavement has been shown on the layout plan. As the applicant is requesting a waiver of the requirement to construct Brandon Street, the complete design has not been completed.

Comment 2 - The lot line for lot 6 should be removed from the recording plat.

Response 2- The lot line shown for Lot 6 has been removed.

✓ *Comment 3- All notes referring to lot 6 should be corrected on the site plans and recording plat to refer to the correct lot #'s now that there is no longer a lot 6.*

Response 3- All notes referring to lot 6 have been corrected.

Ms. Molly Casto
July 27, 2007
Page 2 of 4

✓ **Comment 4-** *The note on the plans and recording plat should be modified to state that:*

Access to Lots #4 and #5 shall not be from Forest Avenue.

Response 4- The note has been corrected as requested.

Comment 5- *The private utility easement on lot 4 should be revised so it extends onto lot 5 and includes the terminal manhole on the private sewer. A note should be included on the recording plat stating that*

✓ *The private sewer for lots 4 and 5 shall be owned in common. The owners of lots 4 and 5 shall be jointly responsible for owning and maintaining the private sewer.*

Response 5- The note has been corrected as requested

Comment 6- *The note stating:*

✓ *Lot 4 setbacks shown assume house faces Castine Avenue. If house faces Forest Avenue setbacks shall be revised accordingly.*

✓ *Should be removed from the recording plat and replaced with a note stating:*

Lots #4 and #5 shall not have direct driveway access to Forest Avenue.

Response 6- The note has been revised to match comment 4 above.

Comment 7- *The details of the exact easement for the traffic control box at the corner of Castine and Forest Avenue should be coordinated with the City, not MDOT, and the easement shall be granted to the City of Portland. The note on the plans stating:*

Extent of easement for traffic control box to be determined on coordination of MDOT improvement plans.

✓ *Should be revised to state:*

Extent of easement for traffic control box to be determined in coordination with the City of Portland

Response 7- The note has been revised as requested.

Comment 8- *Note 17 on the plans should be modified to state:*

✓ *In the event that a tree within the vegetated buffers, as delineated on the plans, cannot be preserved the developer must get prior approval from the City Arborist determining that it cannot be preserved and may be removed and replaced with two 5' to 6' tall white pines prior to the removal of any trees.*

Ms. Molly Casto
July 27, 2007
Page 3 of 4

Response 8- The note has been corrected as requested.

Comment 9 - *The note and corresponding arrow on the plans stating:*

"Construction fence is to be provided during house construction to protect existing trees"

Should be modified to encompass both the stand of trees between the proposed houses on lots 4 and 5 and all trees within the delineated permanent vegetated buffers. The note should, instead, state:

Construction fence is to be provided during house construction to protect existing trees between lots 4 and 5 and all trees within the delineated permanent vegetated buffers. Prior to construction, the City Arborist must approve the location and placement of construction fencing on site.

Response 9- The note has been corrected as requested.

Regarding addition submittals

Comment 1- *A written easement should be drafted which delineates the proposed permanent vegetated buffers.*

Response 1- The applicant is of the opinion that the permanent vegetated buffer would be a restrictive covenant, which would be submitted for review as a condition of approval. The applicant has asked staff for additional direction and will provide the easement if required. *— ask penny*

Comment 2 - *If a waiver is desired, a written request for a waiver for the building of Brandon Street must be submitted addressing the criteria listed in section 14-506 of the Land Use Ordinance. This portion of the ordinance is summarized as follows: (and is also noted in the Planning Board memo dated July 10, 2007).*

If the Board finds that "extraordinary conditions" exist or that "undue hardship may results from strict compliance with these regulations," the Board, in these instances, may "vary the regulations provided that such variation will not have the effect of nullifying the intent and purpose of the land development plan [Comprehensive Plan] and the regulations of this article."

Corporation Counsel will be providing a legal definition of "undue hardship" as requested by the Planning Board.

Response 2- A separate document has been included with this package, which provides documentation in support of the waiver for construction of Brandon Street, as well as a construction cost estimate for Brandon Street. The estimate supports a construction estimate of 757 dollars per foot of constructed roadway excluding contingencies, etc. The applicant has not yet received a copy of Corporate Councils definitions of "undue hardship" and has not addressed it specifically. *— need this from Penny*

Comment 3- *As requested by the Planning Board, please submit a written detail of how many additional lots could be added to the site if Brandon Street were to be built to City Standards.*

Ms. Molly Casto
July 27, 2007
Page 4 of 4

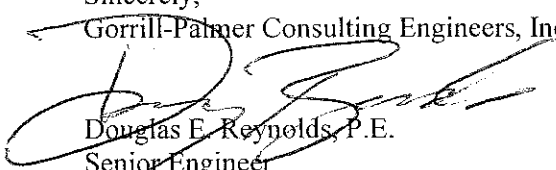
Response 3- An addition plan has been attached as requested. If constructed there is the possibility of 4 additional lots if the Department of Environmental Protection grants a permit to fill one of the lots.

Please note, that previously the applicant had requested waivers of sidewalk and curbing along portions of the project frontage. At this time, the applicant wishes to inform Staff that the waivers are no longer requested with the exception of the sidewalk along the Castine frontage of Lot 4. Curbing will be constructed in this area. Currently the applicant is requesting a waiver of the sidewalk requirement in this area, based upon additional meetings with City Staff and Northern Utilities. Based upon the location of the existing gas vaults, installation of a sidewalk in this area is not constructable without the relocation of the vaults. An email is attached to this package from the Northern Utilities supporting this. It is the applicant's understanding that this view is supported by Staff.

Closure

Gorrill-Palmer Consulting Engineers, Inc. looks forward to your review of these comments and revised plans. Please contact this office with any additional question.

Sincerely,
Gorrill-Palmer Consulting Engineers, Inc.



Douglas E. Reynolds, P.E.
Senior Engineer

Cc: Jim Wolf
Terry Snow



PO Box 1237
15 Shaker Rd.
Gray, ME 04039

207-657-6910
FAX: 207-657-6912
E-Mail: mailbox@gorrillpalmer.com

August 21, 2007

Ms. Molly Casto
Portland Planning Department
Portland City Hall
389 Congress Street
Portland, ME 04101-2503

Re: Castine Avenue Six Lot Subdivision
Application #2007-0034
CBL; Map 309 Block D, lot 5,7,9,11 and Block E, lots 6,18,20,22, and 26

Dear Molly,

This letter provides a response to comments from Staff dated August 14, 2007. For ease of review, each comment has been repeated below followed by our response.

Comments in Review Letter from Public Works

Comment 1- Public Works has reviewed your request for a waiver of sidewalk along lot 4 on Castine Avenue. They are of the opinion that it that it might be possible to narrow Castine Street in this area to allow a sidewalk to be built on the side of, but not adjacent to, the gas utility vaults. Since street parking is not permitted that close to an intersection, they support that the road could be narrowed to accommodate a sidewalk. Jim Carmody, Traffic Engineer, visited the site again and submitted the following comments:

The street width is 25 feet, and there is 6 feet from the vault to the edge of pavement. If we make the pavement 24 feet wide (our minimum), then there is 7 feet from curb to the face of vault. The vault is about 18-24 inches from top of the proposed sidewalk. If you place 1 to 1 slope from the top of vault to top of sidewalk, it should leave a minimum 4-5 feet for a sidewalk.

In addition, Mike Farmer, Project Manager for Public Works, has reviewed the plans and submitted the following comments:

I recently discussed the Castine Street gas vaults with a representative of Northern Utilities who indicated it might be possible for them to lower the vaults slightly by cutting down the vault sidewalls to remove, perhaps 3 to 5 inches.

Response 1 – A four foot wide sidewalk along Lot 4 has been added to the plans. At this time, the applicant would like to withdraw the request for any sidewalk waivers.

Ms. Molly Casto
August 21, 2007
Page 2 of 3

Comment 2 - *Mike Farmer had the following comments pertaining to Sheet 4 of the revised plans:*

- *There seem to be some errors on sheet 4 with respect to the proposed sewer elevations on Lots 4 and 5. For example, on lot 5, the sewer elevation is at or above the proposed finished grade elevation near the house.*
- *On lot 2, is it possible to run the sewer lateral out the front of the house to the sewer main, eliminating the pipe elbows and the outside cleanout shown on sheet 4? With gravity sewer systems, straight pipes are generally preferred to pipes one with angles.*
- *I recommend eliminating the proposed outside sewer cleanout on lot 4. I recommend connecting the common sewer for lots 4 and 5 directly to the manhole on the sewer main in the street.*

Response 2 – The sewer inverts on Sheet 4 have been revised. The sewer location on lot 2 has been revised. The sewer cleanout has been deleted and the sewer connects to the manhole in the street. Revised plans are included with this letter.

Comment 3 - *Public works has requested a drainage maintenance agreement for the City of Portland for the drainage easement over lot 2 for the benefit of lot 1. Please submit draft language for review.*

Response 3 - A draft drainage maintenance agreement is included with this letter.

Comments in Review Letter from Planning

Comment 4 - *Please include a note on sheet 5 of the final plans clarifying that no disturbance of wetlands may occur within the 10' wide drainage easement through lot 2.*

Response 4 – A note has been added to Sheet 5 prohibiting disturbance of the wetland.

Comment 5 - *Please submit a draft restrictive covenant for the permanent vegetated buffers as identified on the plans for review. This, along with all easements identified on the plans, shall be reviewed and approved by the City prior to approval of the recording plat.*

Response 5 - The subdivision plat includes Note 17 which requires a restrictive easement on Lots 1, 4 and 5. Based on subsequent conversations with Staff, it is our understanding that this note will be all that is required at this time.

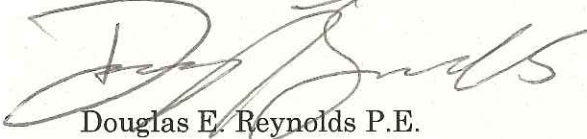
Ms. Molly Casto
August 21, 2007
Page 3 of 3

Closure

Gorrill-Palmer Consulting Engineers, Inc. appreciates the opportunity to respond to these comments and looks forward to your review of our responses. Should you have any questions or require any additional information, please feel free to contact me.

Sincerely,

Gorrill-Palmer Consulting Engineers, Inc.



Douglas E. Reynolds P.E.
Senior Engineer

Enclosure

Copy: Jim Wolf

Law Office of Terry N. Snow, P.A.
294 Main Street, P.O. Box 275
Cumberland, Maine 04021-0275

Terry N. Snow, Esq.
Alan E. Wolf, Esq.
Karen JM Mitchell, Esq.
S & W Associates

Telephone: (207) 829-6363
Facsimile: (207) 829-4481
E-Mail: tsnowlaw@maine.rr.com

Memo to City Planning Board

Section 14-403 of the Portland Land Use Code requires that no new construction can occur unless it abuts a street meeting the minimum requirements for street improvements. There is no requirement that this street abutment be the access to the parcel. The existing home on Lot 1 of the proposed subdivision is not only not new construction, but does satisfy the requirements of this section in that it does abut a street, with 50' frontage on Forest Avenue, even if the proposed access is elsewhere.

Section 14-506 does allow for modifications to the strict compliance with the land use code to be granted if "extraordinary conditions exist or that undue hardship may result from strict compliance with these regulations", so that "justice may be done and the public interest secured". The City has provided its definition of undue hardship by generally discussing the definition in other contexts. For instance the definition for undue hardship in a zoning situation is that the following four prongs must be met:

1. The land in question cannot yield a reasonable return unless a variance is granted
2. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood
3. The granting of a variance will not alter the essential character of the locality,
AND
4. The hardship is not the result of action taken by the applicant or a prior owner.

It seems apparent that the four prongs can be met, factually. Prong 1: The cost of construction of Brandon Street significantly outweighs any resulting return from the subdivision. Prong 2: The reasons for not constructing Brandon Street are unique to that street and are not indicative of the neighborhood in general. Prong 3 can be met in the negative, not granting the variance will alter the character of the locality by disturbing wetlands and removing vegetation. Prong 4: This hardship is only the result of the original street layout, presumably done by the City planners prior to the development of that area of Forest Avenue. It can be argued that the layout would have been significantly different had the City planners seen the conditions which exist today.

In considering the layman's definition of "extraordinary conditions" the following should be considered:

1. only one lot will currently benefit from the construction of an entire road

2. The construction of Brandon Street will disturb 5,347 square feet of wetlands
3. The construction of Brandon Street will presumably create a traffic issue as a new road intersection will be constructed on Forest Avenue
4. The construction of Brandon Street will result in significant vegetation being removed
5. The construction of Brandon Street will result in double frontage on five lots which is "to be avoided" pursuant to Section 14-498 (g)(4)
6. The tree preservation on the corner of Brandon Street and Forest Avenue will be eliminated thus altering the scenic and natural beauty of the area and contraverting the "green spaces" intent
7. Two nonconforming lots will be created by their division by the road

The Planning Board has further stated that even if "extraordinary conditions" exist or that "undue hardship" will result from compliance with their regulations, the variance must not have the effect of nullifying the intent and purpose of the land development plan. These intents and purposes are laid out in section 14-491 et seq.

When evaluating a variance request, the Board may consider the lay of the land, the ability of the applicant to meet the standard, the detriment to the City if the standard is not met, relative cost and property value etc. The granting of the variance will actually enhance and further conform the project to the intent and purpose of the land development plan and the guidelines put forth in Section 14-498. By granting the variance:

1. No double frontage lots will be created
2. No nonconforming lots will be created
3. The scenic and natural beauty of the area will be preserved (see Section 14-187)
4. Green spaces will be preserved

Lastly, the cost of construction of Brandon Street far outweighs the expected return on this plan. The denial of a variance will result in an abandonment of the plan which directly controverts the housing initiative. The stated objectives of Policy #5 of Sustaining Portland's Future are to encourage growth in Portland, to maximize development where public infrastructure and amenities exist, to create new housing to support Portland as an employment center, to locate and design housing to reduce impacts on environmentally sensitive areas. Granting the variance and approval of the plan as submitted will directly serve the dictates of Portland's housing initiative.

Cost Estimate
Brandon Street
750 feet

Site Prep

Clear trees		15,000
Grub right of way & dispose of stumps		14,400
Mobilization		1,000
Toilet	3 mths @100	300
Construction Entrance	2@1,500	3,000
Silt Fence	1490 @3	4470
Sawcut Pavement		1500
Test Pit	2@400	800

Sewer Construction

750'-8"	Main @ 62 /ft	46,000
Manholes	3@ 2,975	8,925
210 6" sewer services	@ 45	9,450
Core existing Manholes (2)		1,300
6 wye connections	@125 ea.	750
Air test, Etc.		750

Storm Drain

1 field structure with 75' pipe		3,860
750 of 12" @48/ft		36,000
6 insterttee's @150		750
180 LF of 6"PVC services @ 29		5,220
3 manholes @2,900		8,700
6 Catch Basin		17,100
1410 underdrain @18		25,380
2 Core Manholes		1,300

Water

1 8x8 tapping sleeves installed		4,000
730 LF 8 ductle @ 45		32,850
1 air release valve		500
1 blow off		1,200

Water cont.

1 hydrant		3,512
6 inch services @ 850		5,100
Test		800
Water District Fee's		4,500
Curb box	2 @ 25	500
Traffic Control -FA		360
Traffic Control Wyndham		180

Utility

5 service drop/lot – 2,500w/underground connecting		12,000
5 CMP Fee/lot		6,000
5 Black Town & Country Poles @ 2,650		13,250
5 Street Crossings for poles w/drops	1,500	7,500

Paving – 700 yds

Machine 3.5 inch @ 80/ton x 465		37,200
Walk 2" - 1400x4		11,280
Drives 3"		5,625
Butt Joint	35X36X25	3,500

Road Work

Common Excavation- 1,356 cy@7		9,492
Common Fill – 1575 @11.50		18,112
Subbase gravel – 18"-1240 @ 18		22,320
Base Gravel – 3 – 258 @22		5,676
Fine Grade 2317 @ 1.35		3,127
6 compaction tests (S. W. Cole) @95		570
Road Center Line & Structures Layout		2000
Fine grade drives		508

Sidewalk Work (4 ft. Wide)

Common Excavation	4,200
1320 LF Sidewalks 201 cu yds @ 27.50	5,527.50
Fine Grade 535 sy @3	1,755

Driveway Aprons- 120 sq yds

Excavation	1,320
50 cu yds base @ 30.50/yd	1,500
120 sq. yds @ 5.00	600

Granite and monuments

4 monuments @ 750	3,000
1206 Straight @ 30	36,180
12 Tips downs @310 ea	3,720

Loam, Seed & Mulch

150 yds screened loam @ 26	3,900
Fire grade 650+ drives LF – seed+ Mulch @3.50 sq.yd	2,275

Site Improvement

2 stop signs @ 125	250
12 trees @ 350 installed	4,200

Misc.

• Traffic guarding @ forest Avenue	1,120
• City Inspection fee	9,000
• Engineered Drawings	15,000
• Water District fee	5,500
• LOC Fee	4,500
• DEP permit application	1,500
• Survey during construction + as built	3,500

Total Cost 529,291.50

This estimate does not include a contingency for ledge, unforeseen changes during construction, bank costs, etc.

MEMORANDUM

Attachment 6

To: FILE

From: Cptn Greg Cass

Dept: Fire

Subject: Application ID: 2007-0034

Date:

Hydrant information needed for Brandon St.

MEMORANDUM

Attachment 7

To: FILE

From: Marge Schmuckal

Dept: Zoning

Subject: Application ID: 2007-0034

Date: 6/20/2007

This subdivision has been changed from 6 to 5 lots with the two previous lots off of Brandon Street (old lots 1 & 6) being combined into one lot. Lot #5 has been revised and is now showing a 65 foot lot width. The 5 lots are meeting R-3 zone requirements. Separate permits shall be required for the individual lot developments. Any changes to Lot #1 within 5 years shall required a revision to this subdivision proposal before the planning board. It is also noted that the revised plan show a drainage easement on lot #2 to lot #6. There is not lot #6 now. This should be revised. Also note #1 states that lot #4 may be changed to face Forest Avenue when it is individually developed. If the planning board has a strong desire to not allow this lot (or lot #5) to exit directly onto Forest Avenue, there should probably be a limiting note on the final subdivision plans.

MEMORANDUM

Attachments 8

To: FILE

From: Marge Schmuckal

Dept: Zoning

Subject: Application ID: 2007-0034

Date: 7/13/2007

Staff requested comments concerning the question of how many potential lots could be created off of Brandon Street.

Definitely five (5) lots can be created. However, I am seeing that there is a potential of 6 lots if the lots are configured into "pork chop" style lots.

Marge Schmuckal
Zoning Administrator

Attachment 9

From: Jeff Tarling
To: Barbara Barhydt
Date: 4/3/2007 5:33:08 PM
Subject: Castine Subdivision Trees

Hi Barbara -

Proposed Castine Sub-division landscape plan.

Knowing the background of the existing pine grove located on Forest Avenue at the proposed project site, I would recommend that greater measures and effort be applied to protect these trees. Factors include past landowners intent to save trees as possible, the Riverton Neighborhood interests in protecting this pine grove and its value to the Forest Avenue streetscape. Protection measures should include: defining the building envelopes and placing tree cutting restrictions as done on other projects near the Fore River Sanctuary.

Creative project design orienting driveways, building envelopes (perhaps building 'gable ends' towards Forest Avenue), and grading could save trees along Forest Avenue and also act as a buffer to the project. The landscape plan should re-evaluate 'tree save' areas protecting groves of trees vs individual trees. I would be willing to meet with the applicant in the field to review.

Thanks,

Jeff Tarling
City Arborist

From: Jeff Tarling
To: Molly Casto
Date: 7/18/2007 4:24:03 PM
Subject: Castine Street Project

Molly -

I reviewed the impact of the build-out of Brandon to 'City-standards' on the existing trees & vegetation on the proposed Castine Street project and feel that the impact or loss of tree would be significant. Several large White Pine trees along with a number of Red Maples would be removed opening a large gap in the existing vegetation line. These existing trees along with understory plants and ground cover would be saved if Brandon Street was left in its current state. The vegetation saved would serve as a buffer to the adjacent residential area on Aldworth Street. Secondary benefits would include reduced disturbance of soils and preserve existing habitat areas. This small patch of woodlands is part of the mosaic of neighborhood open space. Visually, impact along Forest Avenue would be more open if the road is improved.

Jeff Tarling

Attachment II

MEMORANDUM



TO: Molly Casto
FROM: Dan Goyette
DATE: June 18, 2007
RE: Castine Subdivision

Woodard & Curran has performed a review of the subdivision application for the Castine Avenue Subdivision Project.

Documents Reviewed

- Response to Comments letter dated June 5, 2007, prepared by Doug Reynolds, Gorrill-Palmer Consulting Engineers, Inc.
- Subdivision Plan Sheets, 1-7 for Castine Avenue, dated June 5, 2007 by Gorrill-Palmer Consulting Engineers, Inc.

Comments

- Curbing along both Forest Avenue and Castine Avenue would aid the existing stormwater collection system. Currently on Castine Avenue a number of catch basins exist. The basins have a granite inlet curb stone directly behind them which helps channel stormwater into the basin. Additional curbing along the street would help channel stormwater to these collection points while eliminating the potential shoulder erosion that could take place, as the shoulders are currently unprotected.
- The additional issues relating to the installation of curbing and sidewalk which the Applicant discussed in their June 5, 2007 memo have been addressed by Michael Farmer, City of Portland Public Works in a memo dated June 14, 2007.

DRG
203943.13

Attachment 12

**CITY OF PORTLAND
DEPARTMENT OF PUBLIC WORKS
Engineering Division**

M E M O

TO: Molly Casto
FROM: Michael Farmer, Project Engineer
DATE: August 11, 2007
RE: Castine St. Subdivision

I offer the following comments regarding this project.

1. There are two additional pieces of information to report regarding the sidewalk on Castine Street adjacent to lot 4. Jim Carmody suggested that it might be possible to narrow Castine Street in this area to allow a sidewalk to be built on the side of, but not adjacent to, the gas utility vaults. The City might be able to accept a slightly narrower than normal street in this area because no parking is typically allowed so close to a signalized intersection. I recently discussed the Castine Street gas vaults with a representative of Northern Utilities who indicated it might be possible for them to lower the vaults slightly by cutting down the vault sidewalls to remove, perhaps 3 to 5 inches. Thus, this is another possibility that may deserve further consideration.
2. There seem to be some errors on sheet 4 with respect to the proposed sewer elevations on Lots 4 and 5. For example, on lot 5, the sewer elevation is at or above the proposed finished grade elevation near the house.
3. On lot 2, is it possible to run the sewer lateral out the front of the house to the sewer main, eliminating the pipe elbows and the outside cleanout shown on sheet 4? With gravity sewer systems, straight pipes are generally preferred to pipes one with angles.
4. I recommend eliminating the proposed outside sewer cleanout on lot 4. I recommend connecting the common sewer for lots 4 and 5 directly to the manhole on the sewer main in the street.

Attachment 13

**CITY OF PORTLAND
DEPARTMENT OF PUBLIC WORKS
Engineering Division**

M E M O

TO: Molly Casto
FROM: Michael Farmer, Project Engineer
DATE: Sept. 5, 2007
RE: Castine St. Subdivision

I reviewed the Lot Layout Plan and the Utility Plan that were revised on August 21, 2007 for this project. The new sidewalk and curb alignment in Castine Street adjacent to Lot 4 is satisfactory. The changes to the private sewer for lots 4 and 5 are satisfactory.

Doug Reynolds

Attachment 14

From: Smith, Shawn [Shawn.Smith@maine.gov]
Sent: Friday, June 01, 2007 4:34 PM
To: Doug Reynolds
Cc: Jim Wolf; French, Jonathan
Subject: RE: 1721 - Castine Ave/Route 302 Portland

Good afternoon,

We have reviewed the plans that were provided, and at this time we have only a few comments. First, due to the early stage of our (MeDOT) project, we are unable to indicate what type of improvements we will be making to Castine Ave. Just looking at the preliminary data, we may be widening the radii to accommodate a better turning movement. Second, we would hate to have improvements built as part of this proposal that we would potentially have to re-build with our project, so at this time I'd like to recommend that we communicate with each other and the City to ensure that both projects will be able to move forward without causing any re-work or duplication of efforts at the same location.

Please feel free to contact me at any time with questions or comments. Thanks, have a good weekend.
-Shawn

From: Doug Reynolds [mailto:DReynolds@gorrillpalmer.com]
Sent: Monday, May 21, 2007 9:17 AM
To: Smith, Shawn
Cc: Jim Wolf
Subject: FW: 1721 - Castine Ave/Route 302 Portland

Shawn,

Have you had a chance to review the attached plans relative to MDOT's design in this area?

Please call me with any questions

From: Doug Reynolds
Sent: Monday, May 14, 2007 11:19 AM
To: 'Shawn Smith'
Cc: 'Jim Wolf'; Alton Palmer
Subject: 1721 - Castine Ave/Route 302 Portland

Shawn,

It is my understanding that you have been contacted by Jim Wolf, who is proposing a Subdivision at the intersection of Castine Avenue and Route 302 in Portland. He indicated that you would like to review the current layout plan for the project to review their impact on the MDOT plans in this area.

The current plan is attached for your review. Please let me know if you need any additional information.

thanks

Doug Reynolds

Gorrill-Palmer Consulting Engineers, Inc.
15 Shaker Road

6/5/2007

From: "Smith, Shawn" <Shawn.Smith@maine.gov>
To: "James Carmody" <JPC@portlandmaine.gov>
Date: 6/19/2007 1:24:08 PM
Subject: RE: Forest Avenue Reconstruction Project

Hi Jim,

I have spoken to one developer recently regarding this project, and have also have seen a proposed plan from them. We did discuss this intersection on our field walk with the City last fall, and determined that we would need to carry some of the project through the intersection to make the vertical profile work (the roadway is intended to drop at the Turnpike bridge to gain additional clearance), and to make some improvements to the turning movement on all quadrants. Although this portion will most likely be not full reconstruction, but at this time we would anticipate some minimal widening and resetting of some curb to accommodate the final profile and improved radii. This is based on a very quick look at the existing condition plans, and any final determination of what extent of work will involve Castine or Riverside Ind, will be part of the final plan development.

To summarize, we do anticipate some work being completed at this intersection with Castine, but at this point we are too early in the process to determine exact details. I will keep you in the loop as plans get developed.

Please feel free to contact me with any questions.

-Shawn

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

From: James Carmody [mailto:JPC@portlandmaine.gov]
Sent: Monday, June 18, 2007 2:59 PM
To: Smith, Shawn
Cc: Molly Casto
Subject: Forest Avenue Reconstruction Project

Shawn:

I received a question about the limits of the Forest Avenue Reconstruction Project between Riverside Industrial Parkway and Riverside Street. Specifically, at Riverside Industrial Parkway, is the intersection included within the project limits? If so, how much of the roadway on the other side of the intersection is included? Does it include Castine Avenue?

There is a developer proposing new construction on Castine Avenue and it abuts Forest Avenue. The developer has stated that MDOT is going to rebuild the section of roadway on Forest Avenue adjacent to the east side of Castine Avenue. Can you confirm?

Thanks,

James Carmody, P. E.
City Transportation Engineer
City of Portland
207-874-8894
JPC@portlandmaine.gov

From: Katherine Earley
To: Molly Casto
Date: 6/21/2007 2:41:13 PM
Subject: Castine Ave proposed development / FHWA Forest Ave. reconstruction (PIN#13107)

Hi Molly:

To follow-up our recent conversation, here are the facts as I know them regarding the FHWA / MDOT project to reconstruct Forest Ave. between Riverside St. and Riverside Industrial Parkway.

As of May 17, 2007 the PACTS Policy Committee was required to reduce it's 2008/2009 Transportation funding program by about \$4 million in light of financial constraints identified by MDOT. One of the projects that was affected is this Forest Ave. reconstruction. In fact, all \$1.3 million that was to be funded for construction of this project was eliminated from the 08/09 PACTS plan.

While I understand that the previously funded preliminary engineering (PIN #13107) will continue to support ongoing design and (perhaps) ROW acquisition work, there will not be any construction funding until at least 2010/2011. And - that is not guaranteed as the project will once again have to go through a competitive process regionally.

Kathi

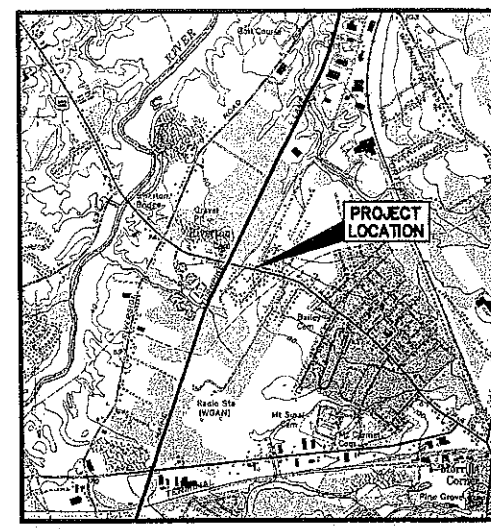
CC: Gretel Varney; James Carmody; Michael Bobinsky; Michael Farmer;
shawn.smith@maine.gov



CASTINE AVENUE PORTLAND, MAINE

PREPARED BY:

GP Gorrill-Palmer Consulting Engineers, Inc.
 PO Box 1237 Traffic and Civil Engineering Services 207-657-6910
 15 Shaker Road Gray, ME 04039 FAX: 207-657-6912
 E-Mail: mailbox@gorrillpalmer.com



LOCATION MAP
N.T.S.

LEGEND

EXISTING:	DESCRIPTION:	PROPOSED:
○	IRON PIPE	
□	MONUMENT	■
---	SEWALL CO., AERIAL SURVEY CONTOUR	
---100---	TITCOMB ASSOCIATES, GROUND SURVEY CONTOUR	
	PROPOSED CONTOUR	100
.....	WETLAND LIMIT	
---	EDGE OF PAVEMENT	---
▭	GULVERT	---
▨	BUILDINGS	▭
▨	RIPRAP	▨
○	UTILITY POLE	
---	RIGHT OF WAY	---
---	SILT FENCE	---
---	CENTER LINE	---
X 226.4	SPOT GRADE	100.31
---	PROPERTY LINE	---
	TREELINE	~~~~~
N/F	NOW OR FORMERLY	
□	CATCH BASIN	■ CB1
⊙	SEWER MANHOLE	● SMH1
⊙	DRAIN MANHOLE	● DMH1
⊗	WATER VALVE	⊗
⊙	CAPPED IRON ROD SET PLS #1273	
Lot #	SUBDIVISION LOT NUMBER	
▭	DRAINAGE EASEMENT	
▨	ANTICIPATED PERMITTED WETLAND FILLS	

GENERAL NOTES

- GENERAL NOTES**
1. TOPOGRAPHIC DATA AND EXISTING CONDITIONS ARE BASED UPON A GROUND SURVEY CONDUCTED BY TITCOMB ASSOCIATES FOR THE DEVELOPERS IN 2006. WETLANDS HAVE BEEN DELINEATED BY SWEET ASSOCIATES.
 2. BOUNDARY SURVEY WAS PREPARED BY TITCOMB ASSOCIATES FOR THE DEVELOPERS IN 2006.
 3. THE CONTRACTOR SHALL PROVIDE, ERECT AND MAINTAIN ALL NECESSARY BARRICADES, LIGHTS, WARNING SIGNS AND OTHER DEVICES TO SAFEGUARD TRAFFIC PROPERLY WHILE WORK IS IN PROGRESS.
 4. THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR THE ELEVATION OF THE EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND WHERE POSSIBLE MEASUREMENTS TAKEN IN THE FIELD. THIS INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE APPROPRIATE UTILITY COMPANY AND DIG SAFE AT LEAST 72 HOURS PRIOR TO ANY EXCAVATION TO REQUEST EXACT FIELD LOCATION OF UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.
 5. MAINTENANCE OF EROSION CONTROL MEASURES IS OF PARAMOUNT IMPORTANCE TO THE OWNER AND THE CONTRACTOR IS RESPONSIBLE FOR COMPLYING WITH ALL EROSION CONTROL MEASURES SHOWN ON THE PLANS. ADDITIONAL EROSION CONTROL MEASURES SHALL BE INSTALLED IF DEEMED NECESSARY BY ON-SITE INSPECTIONS OF THE OWNER OR THEIR REPRESENTATIVES AT NO ADDITIONAL COST TO THE OWNER.
 6. ALL MATERIAL SCHEDULES SHOWN ON THE PLANS ARE FOR GENERAL INFORMATION ONLY. THE CONTRACTOR SHALL PREPARE HIS OWN MATERIAL SCHEDULES BASED UPON HIS PLAN REVIEW. ALL SCHEDULES SHALL BE VERIFIED IN THE FIELD BY THE CONTRACTOR PRIOR TO ORDERING MATERIALS OR PERFORMING WORK.
 7. ALL MATERIALS AND CONSTRUCTION METHODS SHALL CONFORM TO MAINE DEPARTMENT OF TRANSPORTATION SPECIFICATIONS AND CITY OF PORTLAND TECHNICAL AND DESIGN STANDARDS AND GUIDELINES.

UTILITY NOTES

- UTILITY NOTES**
1. TEST FITS AT ALL UTILITY CROSSINGS SHALL BE COMPLETED TWO WEEKS IN ADVANCE OF THE START OF CONSTRUCTION OR ORDERING OF MATERIALS. TEST FIT INFORMATION SHALL BE PROMPTLY PROVIDED TO ENGINEER FOR REVIEW.
 2. ALL UTILITY MATERIAL AND INSTALLATION METHODS SHALL CONFORM TO PORTLAND WATER DISTRICT STANDARDS. DISINFECTION OF WATER LINES SHALL CONFORM TO AWWA STANDARDS C651, LATEST REVISION.
 3. ALL SEWER MATERIALS SHALL CONFORM TO THE REQUIREMENTS OF THE CITY OF PORTLAND TECHNICAL AND DESIGN STANDARDS AND GUIDELINES.
 4. ELECTRIC SERVICE SHALL BE COORDINATED WITH CENTRAL MAINE POWER.

GRADING AND DRAINAGE NOTES

- GRADING AND DRAINAGE NOTES**
1. TOPSOIL STRIPPED IN AREAS OF CONSTRUCTION THAT IS SUITABLE FOR REUSE AS LOAM SHALL BE STOCKPILED ON SITE AT A LOCATION TO BE DESIGNATED BY THE OWNER. UNSUITABLE SOIL SHALL BE SEPARATED, REMOVED AND DISPOSED OF AT AN APPROVED DISPOSAL LOCATION OFF SITE.
 2. THE CONTRACTOR SHALL ANTICIPATE THAT GROUNDWATER WILL BE ENCOUNTERED DURING CONSTRUCTION AND SHALL INCLUDE SUFFICIENT COSTS WITHIN THEIR BID TO PROVIDE DEWATERING AS NECESSARY. NO SEPARATE PAYMENT SHALL BE MADE TO THE CONTRACTOR FOR DEWATERING.

PERMITTING NOTES

- PERMITTING NOTES**
1. THIS PROJECT IS SUBJECT TO THE TERMS AND CONDITIONS OF A SUBDIVISION APPROVAL FROM THE CITY OF PORTLAND WHICH WILL BE MADE A PART OF THE CONTRACT BID DOCUMENTS. THE CONSTRUCTION WILL BE GOVERNED BY THE CITY OF PORTLAND ZONING AND SUBDIVISION ORDINANCES WHICH ARE AVAILABLE FOR VIEWING AT THE OFFICE OF THE ENGINEER OR THE MUNICIPAL OFFICE.
 2. THE CONTRACTOR SHALL REVIEW THE ABOVE REFERENCED PERMITS PRIOR TO SUBMITTING A BID FOR THIS PROJECT, AND INCLUDE COSTS AS NECESSARY TO COMPLY WITH THE CONDITIONS OF THESE PERMITS.

LAYOUT NOTES

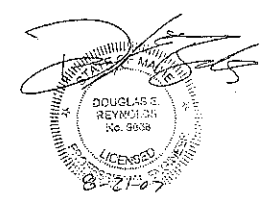
- LAYOUT NOTES**
1. ALL DIMENSIONING, UNLESS NOTED OTHERWISE, IS TO THE FACE OF CURB.
 2. OFFSETS TO CATCH BASINS AND MANHOLES ARE TO THE CENTER OF THE FRAME.
 3. PIPE LENGTH EQUALS THE CENTER TO CENTER DISTANCES BETWEEN CATCH BASINS AND/OR MANHOLES MINUS ONE-HALF OF THE DIAMETER OF EACH CATCH BASIN OR MANHOLE.
 4. PROPERTY LINE AND R.O.W. MONUMENTS SHALL NOT BE DISTURBED BY CONSTRUCTION. IF DISTURBED, THEY SHALL BE RESET TO THEIR ORIGINAL LOCATIONS AT THE CONTRACTOR'S EXPENSE, BY A MAINE REGISTERED LAND SURVEYOR.
 5. PROPOSED RIGHT OF WAY MONUMENTS AND PROPERTY LINE PINS SHALL BE INSTALLED UNDER THE DIRECTION OF A MAINE REGISTERED LAND SURVEYOR.

UTILITIES

- WATER:**
 PORTLAND WATER DISTRICT
 225 DOUGLASS STREET
 PORTLAND, MAINE 04102
 (207) 761-8300
- SEWER:**
 PORTLAND PUBLIC WORKS DEPT.
 55 PORTLAND STREET
 PORTLAND, MAINE 04101
 (207) 874-8871
- ELECTRIC:**
 CENTRAL MAINE POWER
 162 CANCO ROAD
 PORTLAND, MAINE 04103
 (207) 826-2869
- CALL BEFORE YOU DIG 1-800-344-7233

INDEX

- 1 COVER SHEET, GENERAL NOTES, & LEGEND
- 2 SUBDIVISION PLAN BY TITCOMB ASSOCIATES
- 3 LOT LAYOUT PLAN
- 4 LOT UTILITY PLAN
- 5 LOT GRADING, DRAINAGE AND EROSION CONTROL PLAN
- 6 MISCELLANEOUS DETAILS
- 7 EROSION & SEDIMENTATION CONTROL DETAILS & NOTES



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

Rev.	Date	Revision

PLANNING BOARD COMMENTS	Date	By
	07/27/07	DER
CITY COMMENTS	06/05/07	DER
SUBDIVISION REVIEW	02/16/07	DER
Issued For	Date	By

Design: JLG Draft: LMC Date: 1/07
 Checked: AMP Scale: 1"=20' Job No.: 1721
 File Name: 1721-cover.dwg
 This plan shall not be modified without written permission from Gorrill-Palmer Consulting Engineers, Inc. (GPCE). Any alterations, authorized or otherwise, shall be at the user's sole risk and without liability to GPCE.

GP Gorrill-Palmer Consulting Engineers, Inc.
 PO Box 1237 Traffic and Civil Engineering Services 207-657-6910
 15 Shaker Road Gray, ME 04039 FAX: 207-657-6912
 E-Mail: mailbox@gorrillpalmer.com

Drawing Name:	Cover Sheet, General Notes & Legend
Project:	CASTINE AVENUE, PORTLAND, MAINE
Client:	W&C, LLC PO Box 10127, 449 Forest Avenue, Portland, ME 04104

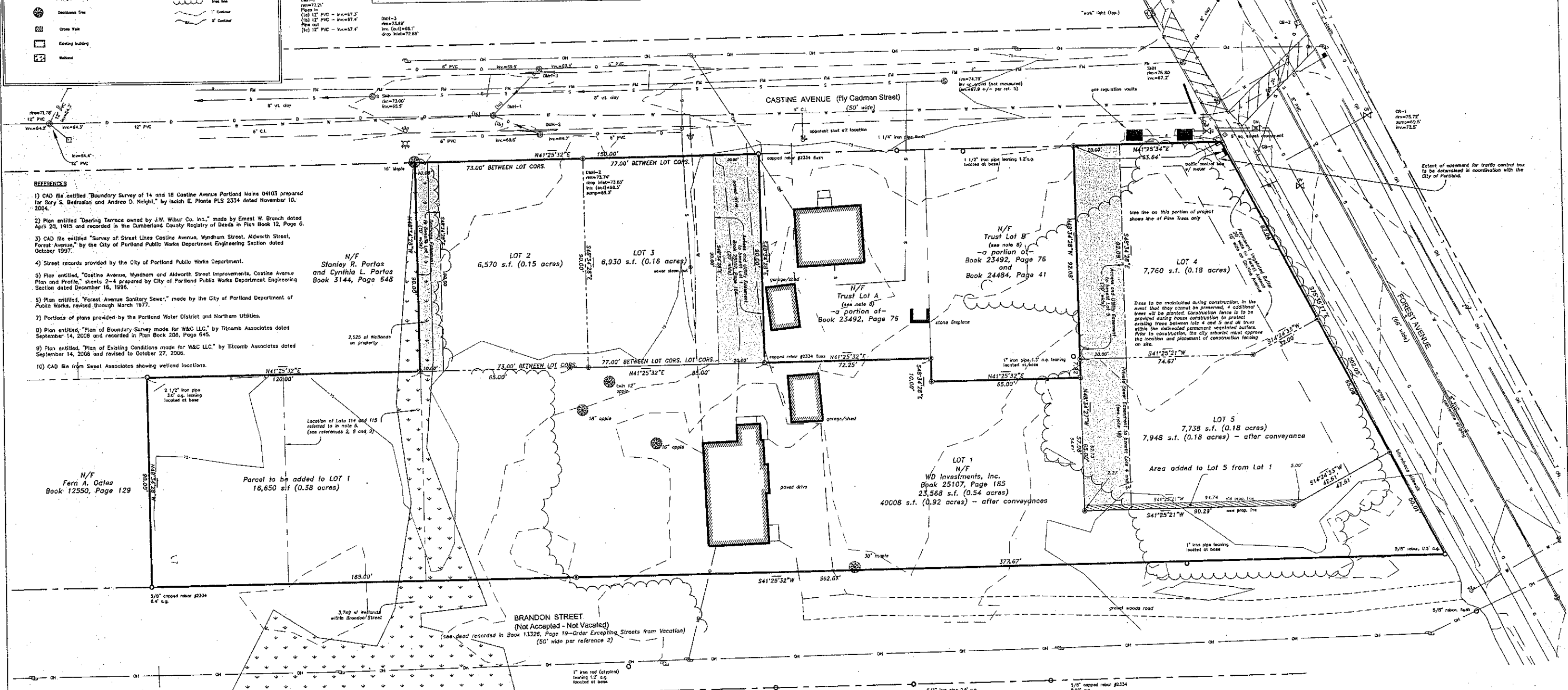
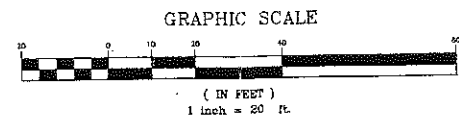
Drawing No.
1

LEGEND

- Edge of pavement
- Edge of grade
- Curb (grade, unless noted)
- Property line
- Proposed lot line
- Government
- Right of way
- Iron pipe
- Cast iron
- Underground Gas
- Underground Electric
- Underground Sewer
- Underground Telephone
- Decision Tree
- Overpass
- Existing building
- Wellhead

Approved by the City of Portland Planning Board

Dated _____



- REFERENCES**
- CAD file entitled "Boundary Survey of 14 and 18 Castine Avenue Portland Maine 04103 prepared for Gary S. Bedrosian and Andrea D. Knight, by Isolah E. Plante PLS 2334 dated November 10, 2004.
 - Plan entitled "Deering Terrace owned by J.W. Wilbur Co. Inc., made by Ernest W. Branch dated April 20, 1915 and recorded in the Cumberland County Registry of Deeds in Plan Book 12, Page 6.
 - CAD file entitled "Survey of Street Lines Castine Avenue, Wyndham Street, Aldworth Street, Forest Avenue," by the City of Portland Public Works Department Engineering Section dated October 1997.
 - Street records provided by the City of Portland Public Works Department.
 - Plan entitled "Castine Avenue, Wyndham and Aldworth Street Improvements, Castine Avenue Plan and Profile," sheets 2-4 prepared by City of Portland Public Works Department Engineering Section dated December 16, 1996.
 - Plan entitled "Forest Avenue Sanitary Sewer," made by the City of Portland Department of Public Works, revised through March 1977.
 - Portions of plans provided by the Portland Water District and Northern Utilities.
 - Plan entitled "Plan of Boundary Survey made for W&C LLC," by Titcomb Associates dated September 14, 2006 and recorded in Plan Book 206, Page 645.
 - Plan entitled "Plan of Existing Conditions made for W&C LLC," by Titcomb Associates dated September 14, 2006 and revised to October 27, 2006.
 - CAD file from Sweet Associates showing wetland locations.

- NOTES**
- Bearings are referenced to Grid North Maine State Plane Coordinate System NAD83(1983) based on Leica 1200 RIK GPS observations holding the NGS Control Point "Prides".
 - Deed Book and Plan Book references are to the Cumberland County Registry of Deeds unless otherwise noted.
 - Elevations are referenced to City of Portland Datum based on differential leveling to BM #4 (P.S. nail on northern side of utility pole "CMP/NET 9" located on the northern side of Aldworth Street near the intersection with Wyndham Street, ELEV=77.31') (Information from City of Portland Public Works Department). Elevation was verified by differential leveling to Maine Department of Transportation Control Point "PFD-302-C" and Vertical Shift using the NGS website.
 - Building footprints are based on reference 1 and building corner locations by Titcomb Associates.
 - Location of underground utilities shown on this plan are approximate, based on field location of observable features and information supplied by utility and should be field verified by GICSAFE and/or the appropriate utility prior to any excavation or design.
 - Lots 114 and 115 as shown on reference 2 may be subject to rights of others to maintain surface drainage via a trench as described in a deed from the J.W. Wilbur Company to Lizzie E. Eaton recorded in Book 980, Page 121.
 - Wetlands were mapped by Sweet Associates, Gray Road, Falmouth, Maine.
 - Trust Lots A and B as shown on this plan are to be held in trust by Gary S. Bedrosian, trustee of the Gary S. Bedrosian Revocable Trust U/T/A and Andrea D. Knight, trustee of the Andrea D. Knight Revocable Trust U/T/A.
 - Fee interest in Brandon Street not determined to date.

- NOTES (cont.)**
- Subdivision at the time of approval is defined as "Subdivision shall mean the division of a lot, tract or parcel of land into three (3) or more lots, including lots of forty (40) acres or more, within any five-year period whether accomplished by sale, lease, development, purchase or otherwise and as further defined in 30-A, M.R.S.A. Section 14-60. The term subdivision shall also include the division of a new structure or structures on a tract of parcel of land into three (3) or more dwelling units within a five-year period and the expansion of an existing structure or structures previously used for commercial or industrial use into three (3) or more dwelling units within a five-year period. The area included in the expansion of an existing structure is deemed to be a new structure for the purpose of this paragraph. A dwelling unit shall include any part of a structure which, through sale or lease, is intended for human habitation, including single-family housing, condominiums, time-share units and apartments."
 - This plan is sheet 2 of a plan set of sheets 1-10 entitled "Castine Avenue."
 - Development of the parcels proposed as part of this plan shall be in accordance with Chapter 14, Land Use, of the Code of Ordinances of the City of Portland, Supplement 5, Dated January 1999 or as amended from time to time. Excerpts of the dimensional requirements are presented below.

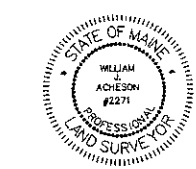
NOTES (cont.)

Minimum Lot Size	6,500 S.F.
Minimum Frontage	50 Ft.
Minimum Setbacks:	
Front Yard	25 Ft.
Rear Yard	25 Ft.
Side Yard *	8 Ft.
1 Story	8 Ft.
1 1/2 Stories	14 Ft.
2 Stories	16 Ft.
2 1/2 Stories	20 Ft.
Side Yard * on Side Streets	N/A
Minimum Lot Width	65 Ft.
Multiplex	
Other Uses	

*The Width of One (1) side yard may be reduced one (1) foot for every foot that the other side yard is correspondingly increased, but no side yard shall be less than eight (8) feet in width. Said reduction does not require an amended recording plat.

- NOTES (cont.)**
- Any changes/alterations to this plan require the approval of the City of Portland.
 - All utility service stubs to the lots shall be installed 5' into the lot by the developer of the subdivision at the developer's expense. Any and all extensions of utility stubs from their installed terminus shall be at the responsibility and expense of the lot owner.
 - In the event that a tree within the vegetated buffers, as delineated on the plans, cannot be preserved the developer must get prior approval from the city arborist determining that it cannot be preserved and may be removed and replaced with two 5' to 6' tall white pines prior to the removal of any trees.
 - The private sewer for lots 4 and 5 shall be owned in common. The owners of lots 4 and 5 shall be jointly responsible for owning and maintaining the private sewer.
 - Access to lots 4 and 5 shall not be from Forest Avenue.
 - Wetland locations within Brandon Street are based on Reference 10 and compass and tape measurements.

NO.	DATE	DESCRIPTION	BY
1	7/25/07	Notes per staff comments, private sewer assessment added, additional mapped wetlands located.	WJA
2	8/6/07	Notes per staff comments.	WJA
3	4/22/07	Prop. Lots 1 and 2 per staff comments.	WJA
4	4/22/07	Deem and Branch Mark, Modified elevations +0.06' per staff comments.	WJA
5	4/18/07	Plotted/Printed project into State Plane Coords. per staff comments.	WJA
6			BF



This survey conforms to the current standards of the Maine State Board of Licensure for Land Surveyors except as noted:

1) Pins not set as of plan date.

William J. Achesson
PLS 2271

Owners of Record:
W&C, LLC
Book 24484, Page 43

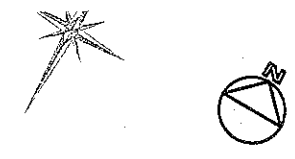
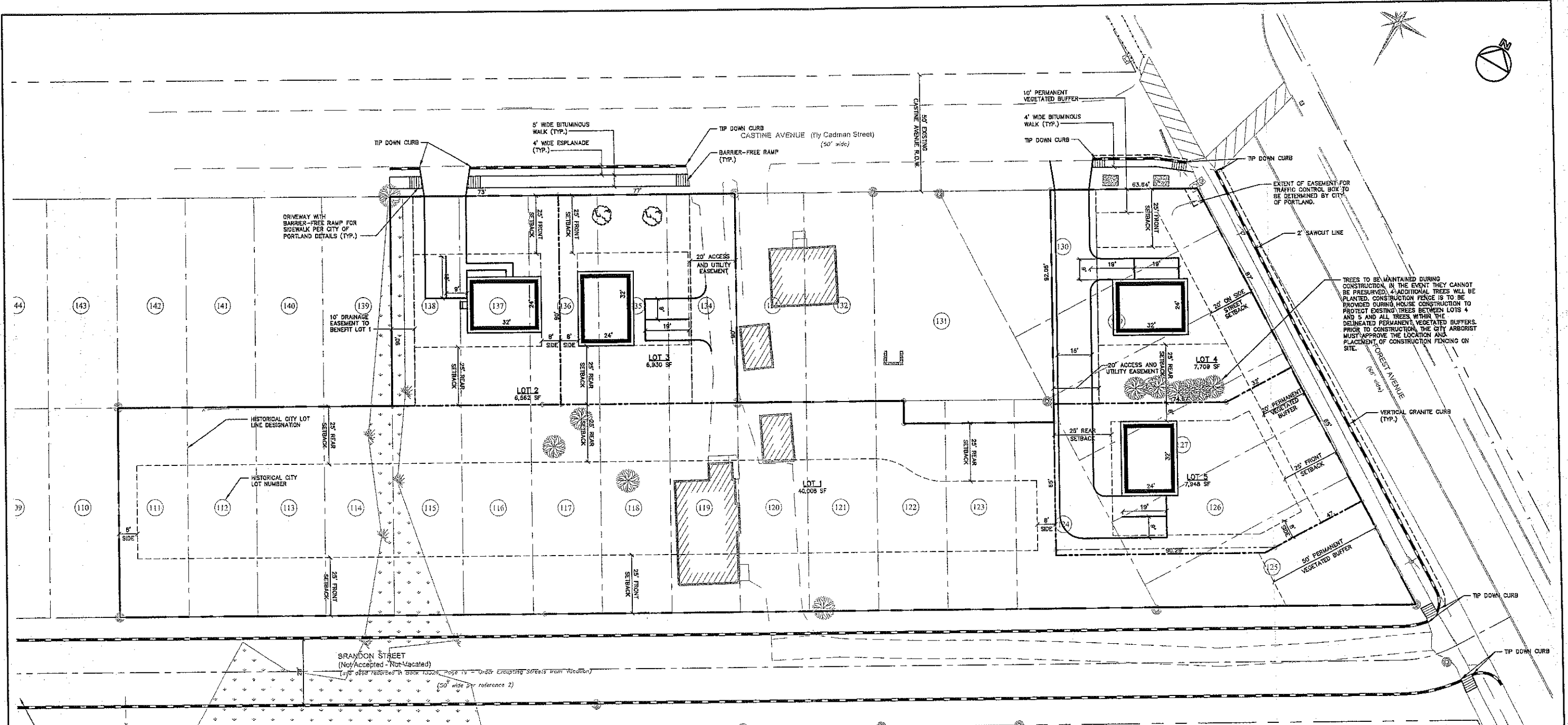
Project Area [Lots 2-5] = 29,208 s.f. (0.67 acres)

PLAN OF PROPOSED SUBDIVISION
Forest Ave., Castine Ave. and Brandon St. Portland, Maine

MADE FOR
W&C LLC

P.O. Box 10127 Portland, Maine
JOB# 206089GCS DATE: 02/16/07 SCALE: 1"=20'
BOOK# 807
DWG# Subdiv R3
FILE# 9143

Titcomb Associates
133 Gray Road
Falmouth, Maine 04105 (207) 797-9199



SPACE AND BULK REQUIREMENTS - R-3 ZONE

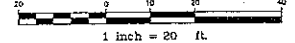
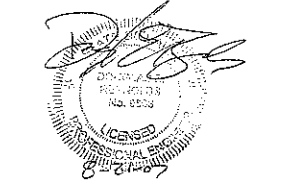
MINIMUM LOT SIZE:	6,500 S.F.
MINIMUM FRONTAGE:	50 FT.
MINIMUM SETBACKS:	
FRONT YARD	25 FT.
REAR YARD	25 FT.
SIDE YARD*	
1 STORY	8 FT.
1 1/2 STORY	8 FT.
2 STORY	14 FT.
2 1/2 STORY	16 FT.
MINIMUM LOT WIDTH:	
OTHER USES:	65 FT.

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

THE SIDE YARDS SHOWN ON THE FOLLOWING FIGURES ARE BASED UPON A (1) ONE STORY STRUCTURE AND MAY BE INCREASED OR DECREASED DEPENDING UPON THE NUMBER OF STORIES.

NOTES:

1. LOTS 4 AND 5 SHALL NOT HAVE DIRECT DRIVEWAY ACCESS TO FOREST AVENUE.
2. AFTER DEVELOPMENT TAKES PLACE NO TREE OVER 4" SHALL BE REMOVED UNLESS IT IS DEAD, DYING, OR DISEASED, CAUSING A HAZARD TO EITHER THE PUBLIC OR THE HOMES ON THE PROPERTY OR TO PLACE A GARAGE, ACCESSORY STRUCTURE, OR PLAY AREA OF REASONABLE AREA.
3. EACH UNIT SHALL BE PROVIDED WITH AT LEAST TWO (2) TREES MEETING THE CITY'S ARBORICULTURE SPECIFICATIONS AND WHICH ARE CLEARLY VISIBLE FROM THE STREET LINE AND ARE LOCATED SO AS TO VISUALLY WIDEN THE NARROW DIMENSION OR PROPORTION OF THE UNIT.
4. ALL EFFORTS WILL BE MADE TO PRESERVE PINE TREES BETWEEN HOUSES IN LOTS 4 AND 5. IN THE EVENT THESE TREES CAN NOT BE PRESERVED, 2 ADDITIONAL PINE TREES WILL BE PLANTED.
5. TREES REMOVED WITHIN PRESERVATION AREA SHALL BE REPLACED BY TWO 5"-8" WHITE PINES.
6. BRANDON STREET SHOWN FOR SCHEMATIC PURPOSES. A WAIVER FOR BRANDON STREET CONSTRUCTION HAS BEEN REQUESTED.



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

NOTE: LOT LAYOUT AND GRADING CONFIGURATIONS SHOWN ON THIS PLAN DO NOT REPRESENT THE INTENDED FINAL DEVELOPMENT OF THE LOT FOR BUILDING PERMIT.

Rev.	Date	Revision

City Comments	Date	By
ADDED CURB, SIDEWALK, & BRANDON STREET	07/27/07	DER
CITY COMMENTS	06/05/07	DER
SUBDIVISION REVIEW	02/16/07	DER
Issued For	Date	By

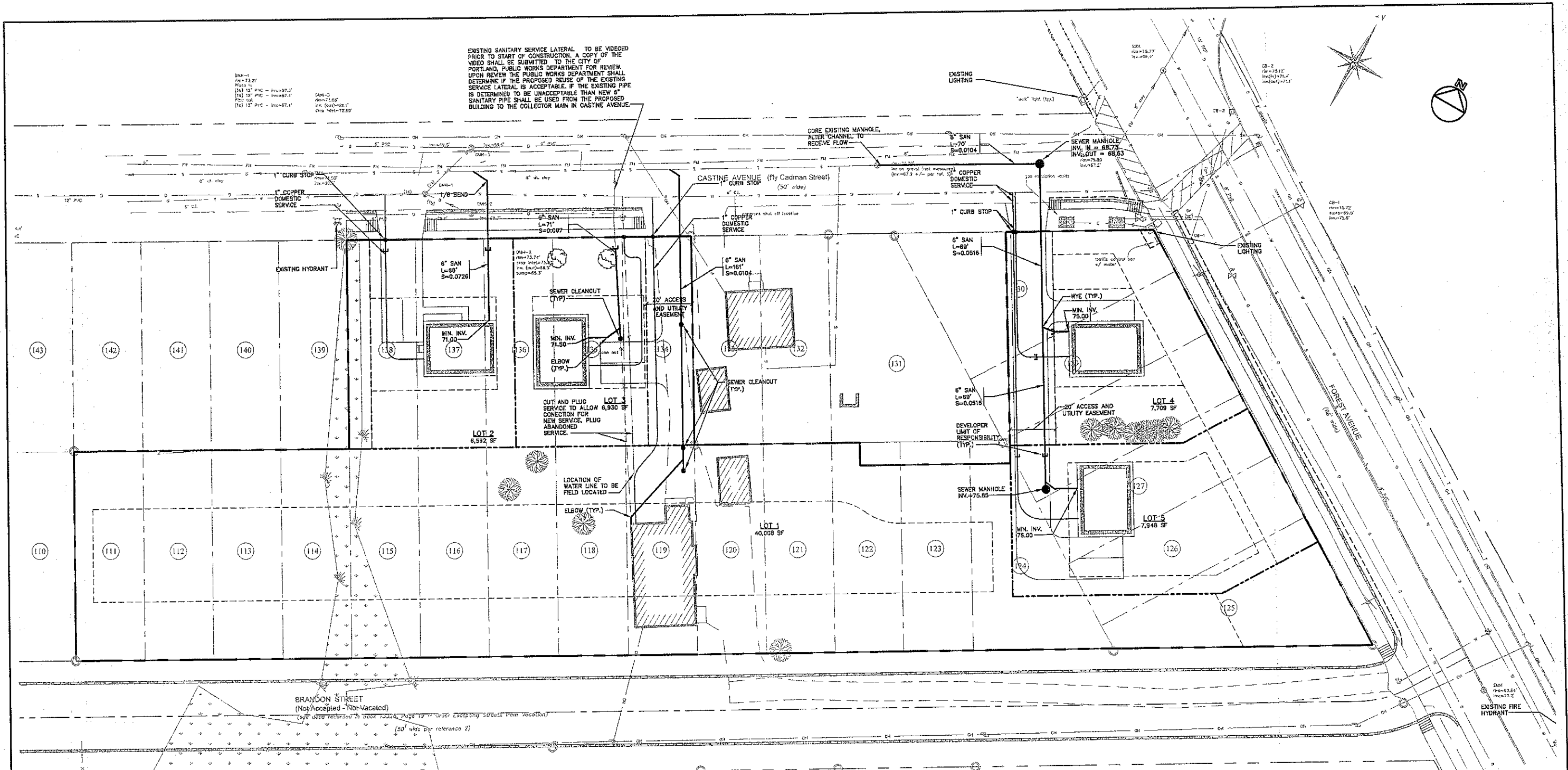
Design: JLG Draft: LMC Date: 1/07
 Checked: AMP Scale: 1"=20' Job No.: 1721
 File Name: 1721-pb3se.dwg

This plan shall not be modified without written permission from Gorrill-Palmer Consulting Engineers, Inc. (GPCEI). Any alterations, authorized or otherwise, shall be at the user's sole risk and without liability to GPCEI.

GP Gorrill-Palmer Consulting Engineers, Inc.
 Traffic and Civil Engineering Services
 PO Box 1237 Gray, ME 04039
 207-857-6910
 FAX: 207-857-6912
 E-Mail: mail@gorrillpalmer.com

Drawing Name: **Lot Layout Plan**
 Project: **CASTINE AVENUE, PORTLAND, MAINE**
 Client: **W&C, LLC**
 PO Box 10127, 449 Forest Avenue, Portland, ME 04104

Drawing No. **3**

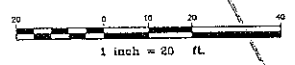
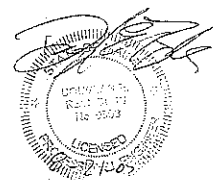


DWM-1
 10m=12.21'
 1/8" = 1'-0"
 (1/8") 12" P/C = Inv.=97.3'
 (1/8") 12" P/C = Inv.=97.4'
 P/C=104
 (1/8") 12" P/C = Inv.=97.4'

EXISTING SANITARY SERVICE LATERAL TO BE VIDEOED PRIOR TO START OF CONSTRUCTION. A COPY OF THE VIDEO SHALL BE SUBMITTED TO THE CITY OF PORTLAND, PUBLIC WORKS DEPARTMENT FOR REVIEW. UPON REVIEW THE PUBLIC WORKS DEPARTMENT SHALL DETERMINE IF THE PROPOSED REUSE OF THE EXISTING SERVICE LATERAL IS ACCEPTABLE. IF THE EXISTING PIPE IS DETERMINED TO BE UNACCEPTABLE THAN NEW 8" SANITARY PIPE SHALL BE USED FROM THE PROPOSED BUILDING TO THE COLLECTOR MAIN IN CASTINE AVENUE.

NOTES:

1. ELECTRICAL SERVICE SHALL BE COORDINATED WITH CENTRAL MAINE POWER.
2. SEWER AND WATER SERVICES RELOCATIONS FOR LOT 1 SHALL BE INSTALLED BY THE DEVELOPER. CONNECTION TO THE HOUSE SHALL BE THE DEVELOPERS RESPONSIBILITY.
3. SEWER AND WATER SERVICES FOR LOT 2 SHALL BE INSTALLED BY THE DEVELOPER 5' INTO THE PROPERTY. CONNECTION TO THE HOUSE WILL BE THE RESPONSIBILITY OF THE LOT OWNER.
4. SEWER SERVICES FOR LOT 3 SHALL BE DISCONTINUED 5' INTO THE PROPERTY. WATER SERVICES FOR LOT 3 SHALL BE DISCONTINUED AT THE NEW CURB STOP. LOCATION OF EXISTING SERVICES SHALL BE MARKED FOR FUTURE USE. CONNECTION TO THE HOUSE SHALL BE THE RESPONSIBILITY OF THE LOT OWNER.
5. SEWER AND WATER SERVICES FOR LOT 4 SHALL BE INSTALLED BY THE DEVELOPER AS SHOWN ON THE LOT UTILITY PLAN. CONNECTION TO THE HOUSE SHALL BE THE LOT OWNERS RESPONSIBILITY.
6. SEWER AND WATER SERVICES FOR LOT 5 SHALL BE INSTALLED BY THE DEVELOPER 5' INTO THE PROPERTY. CONNECTION TO THE HOUSE SHALL BE THE RESPONSIBILITY OF THE LOT OWNER.



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

Rev.	Date	Revision

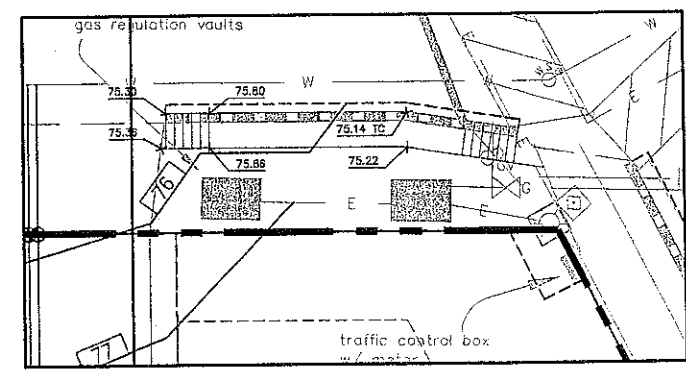
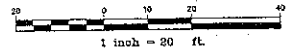
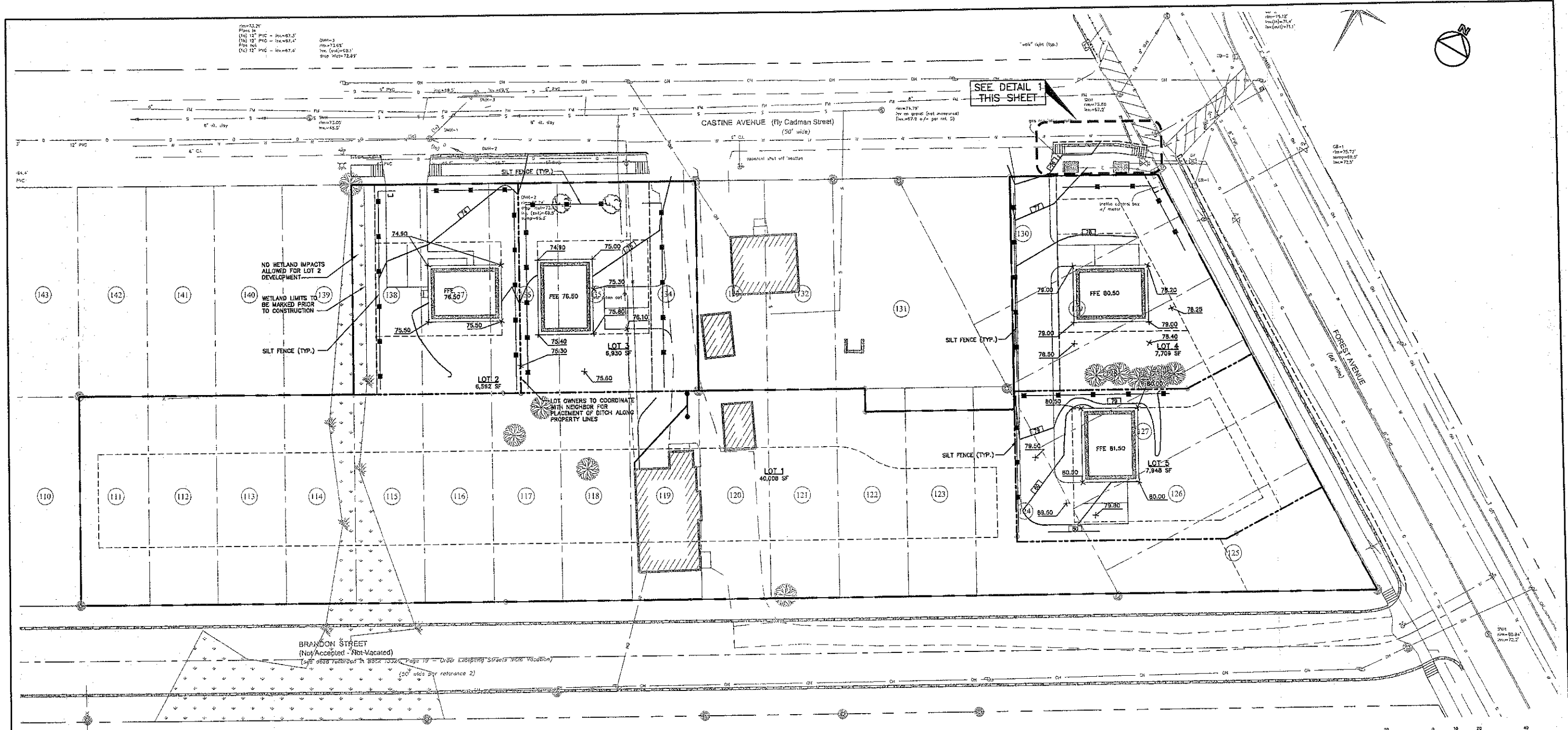
CITY COMMENTS	Date	By
ADDED CURB, SIDEWALK, & BRANDON STREET	08/21/07	DER
CITY COMMENTS	07/27/07	DER
SUBDIVISION REVIEW	06/06/07	DER
ISSUED FOR	02/16/07	DER

Design: JLG Draft: LMC Date: 1/07
 Checked: AMP Scale: 1"=20' Job No.: 1721
 File Name: 1721-rbbase.dwg
 This plan shall not be modified without written permission from Gorrill-Palmer Consulting Engineers, Inc.(GPCEI). Any alterations, authorized or otherwise, shall be at the user's sole risk and without liability to GPCEI.

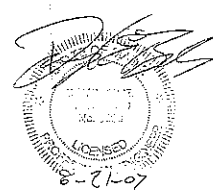
GP Gorrill-Palmer Consulting Engineers, Inc.
 Traffic and Civil Engineering Services
 PO Box 1237 207-657-6910
 15 Shaker Road FAX: 207-657-6912
 Gray, ME 04039 E-Mail: mailbox@gorrillpalmer.com

Drawing Name: **Lot Utility Plan**
 Project: **CASTINE AVENUE, PORTLAND, MAINE**
 Client: **W&C, LLC**
 PO Box 10127, 449 Forest Avenue, Portland, ME 04104

Drawing No.: **4**



- NOTES:**
1. ALL FOUNDATION DRAINS SHALL BE SUMP PUMP. DISCHARGE PIPES SHALL BE 2' AWAY FROM HOME ONTO A STABILIZED SURFACE.
 2. ALL TREES WITHIN THE FOREST AVENUE FRONTAGE OF LOTS 4 AND 5 SHALL BE MAINTAINED UNLESS THEY ARE DEAD, SEE NOTE 3 ON SHEET 3.
 3. NO DISTURBANCE OF WETLANDS MAY OCCUR WITHIN THE 10' WIDE DRAINAGE EASEMENT THROUGH LOT 2.



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

Rev.	Date	Revision

CITY COMMENTS	Date	By
ADDED CURB, SIDEWALK, & BRANDON STREET	08/21/07	DER
CITY COMMENTS	07/27/07	DER
SUBDIVISION REVIEW	06/05/07	DER
ISSUED FOR	02/16/07	DER

Design: JLG	Draft: LMC	Date: 1/07
Checked: AMP	Scale: 1"=20'	Job No.: 1721
File Name: 1721-pbase.dwg		
This plan shall not be modified without written permission from Gorrill-Palmer Consulting Engineers, Inc. (GPCEI). Any alterations, authorized or otherwise, shall be at the user's sole risk and without liability to GPCEI.		

GP Gorrill-Palmer Consulting Engineers, Inc.

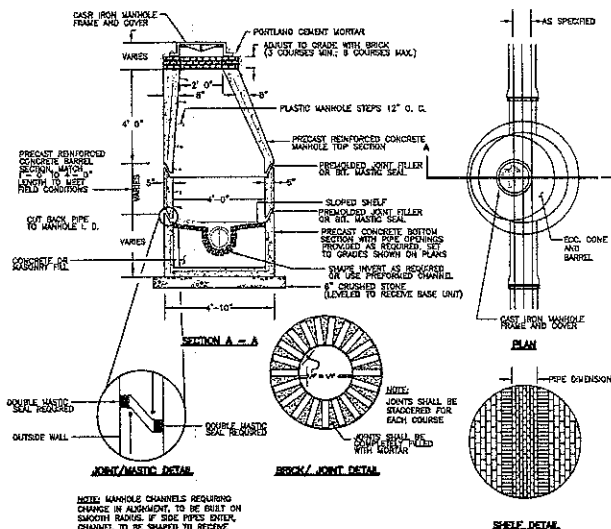
Traffic and Civil Engineering Services

PO Box 1237 207-657-6910
15 Shaker Road FAX: 207-657-6912
Gray, ME 04039 E-Mail: mailbox@gorrillpalmer.com

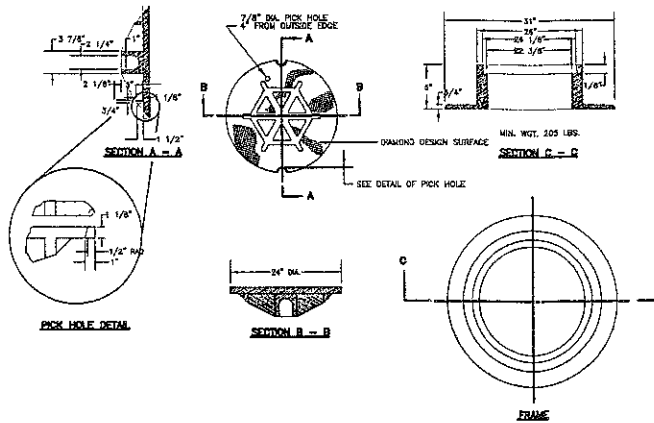
Drawing Name:	Lot Grading, Drainage & Erosion Control Plan
Project:	CASTINE AVENUE, PORTLAND, MAINE
Client:	W&C, LLC PO Box 10127, 449 Forest Avenue, Portland, ME 04104

Drawing No.
5

- GENERAL NOTES**
1. ULTIMATE STRENGTH OF 4000 PSI PER SQ. INCH AT THE END OF 28 DAYS, UNLESS OTHERWISE NOTED.
 2. ASTM SPEC. C-478-87
 3. C-32-83, GRADE MA AND SA.
 4. APPLIED TO THE EXTERIOR SURFACE, IF CONSTRUCTION OF BRICK MASONRY, THE SMOOTH MORTAR SURFACE SHALL BE PLASTERED WITH A SMOOTH MORTAR FINISH 3/8" THICK. AFTER THE MORTAR HAS SET, THE SERVICE SHALL BE WATERPROOFED AS REQUIRED BY SUPPLEMENTAL SPECIFICATIONS SECTION 834. CASTINGS SHALL CONFORM TO ASTM SPECIFICATION A-18-CLASS 33.
 5. ALL PARTS OF CASTINGS, EXCEPT FINISHED SURFACE, SHALL RECEIVE A COAT OF OIL-TAR PITCH VARNISH OR ASPHALTUM PAINT WHICH SHALL BE SMOOTH AND TIGHT BUT NOT BRITTLE. MANHOLES MAY BE CONSTRUCTED OF MASONRY, PRECAST.
 6. REINFORCED CONCRETE, OR CAST IN PLACE.
 7. ALL PRECAST MANHOLES AND CATCH BASINS SHALL BE IDENTIFIED BY STATION AND OFFSET, PAINTED ON THE SIDE OF THE STRUCTURE BY THE MANUFACTURER.
 8. STORM AND SEWER MANHOLES SHALL HAVE SOLID COVERS WITH ONE DRILLED HOLE. EXISTING MANHOLE AND CATCH BASIN FRAMES AND COVERS SHALL BE SALVAGED BY THE CONTRACTOR, AND REMAIN THE PROPERTY OF THE CITY OF PORTLAND.

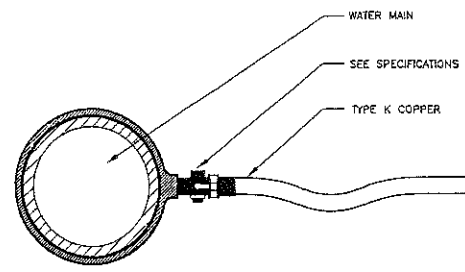


PRECAST CONCRETE MANHOLE TYPE "A"
N.T.S.



TYPE "A" MANHOLE COVER AND FRAME
N.T.S.

NOTE: SERVICE CONNECTIONS (DIRECT TAPS AND SERVICE CLAMPS) WILL BE INSTALLED SO THAT THE OUTLET IS AT AN ANGLE OF NOT MORE THAN 45° ABOVE THE HORIZONTAL. ALWAYS PUT A BEND OR "GOOSENECK" IN THE SERVICE LINE PRIOR TO CONNECTING TO PROVIDE FLEXIBILITY AND "GIVE" TO COUNTERACT THE EFFECTS OF A LOAD DUE TO SETTLEMENT OR EXPANSION AND/OR CONTRACTION.

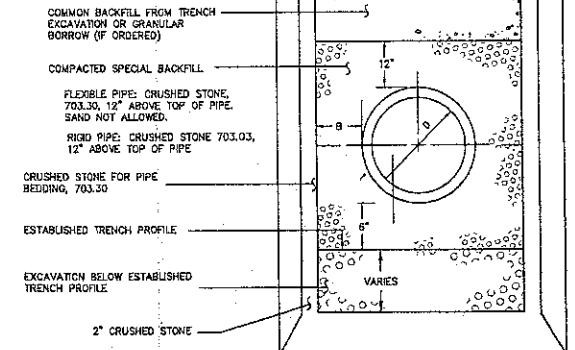


ANY WORK RELATING TO WATER PIPING OR DETAILS SHALL BE IN ACCORDANCE WITH THE PORTLAND WATER DISTRICT SPECIFICATIONS

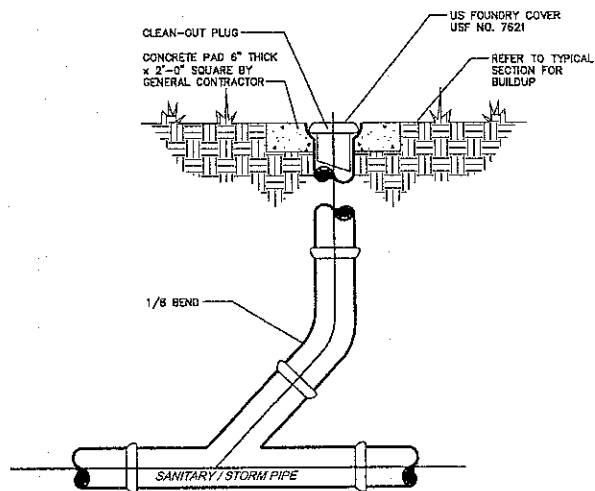
WATER SERVICE
(1 1/2" AND 2 1/2" C.C. OR IRON PIPE THREAD)
N.T.S.

PIPE DIAMETER	D	B
12"	0'-10"	
15"	0'-8 1/4"	
18"	0'-6 1/2"	

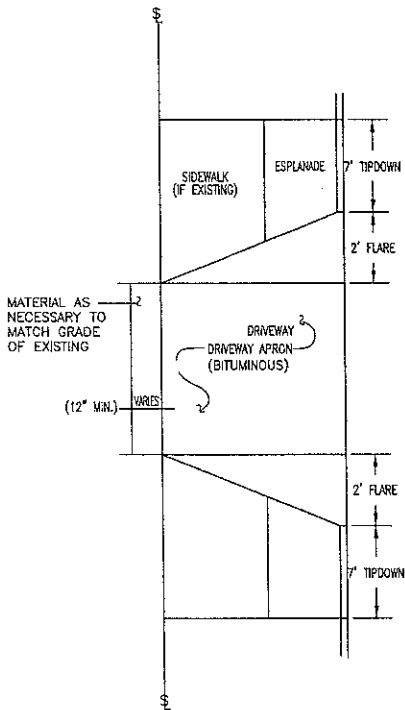
NOTES: TRENCH PAVEMENT REPLACEMENT SHALL EXTEND 3' BEYOND EDGE OF TRENCH.



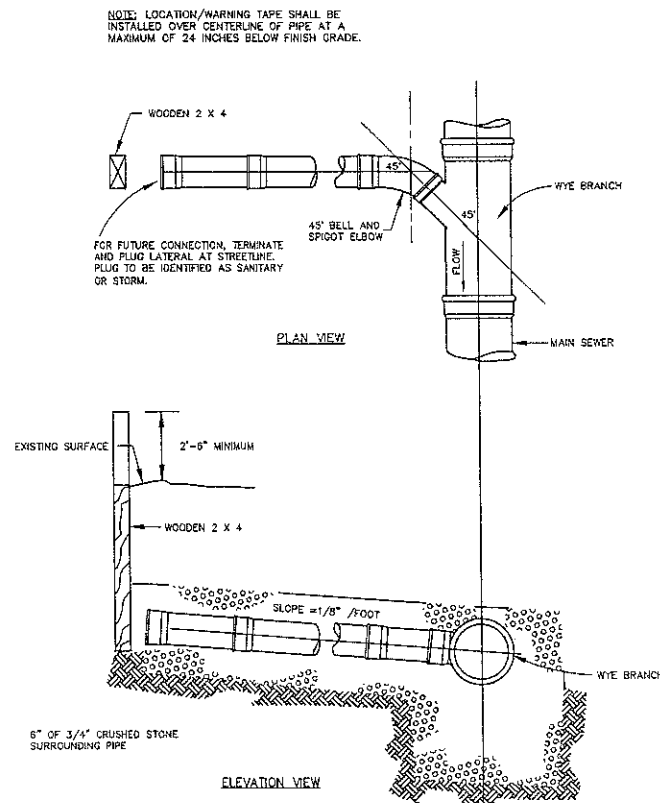
PIPE INSTALLATION
N.T.S.



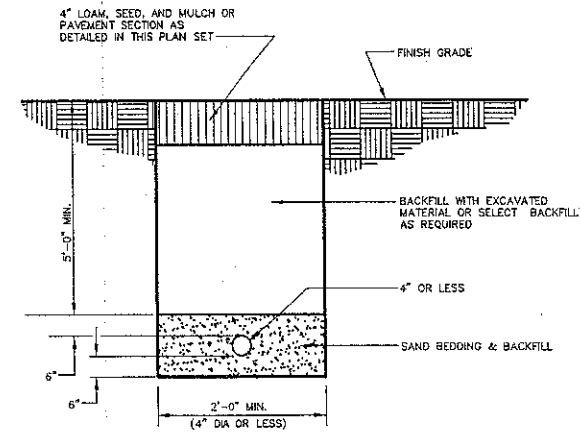
CLEANOUT
NOT TO SCALE



DRIVEWAY CONSTRUCTION
N.T.S.



HOUSE LATERAL WYE CONNECTION
N.T.S.



WATER SERVICE TRENCH SECTION

ANY WORK RELATING TO WATER PIPING OR DETAILS SHALL BE IN ACCORDANCE WITH THE PORTLAND WATER DISTRICT SPECIFICATIONS



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

Rev.	Date	Revision

CITY COMMENTS	Date	By
SUBDIVISION REVIEW	06/06/07	DER
Issued For	02/16/07	DER

Design: JLD Draft: LMC Date: 1/07
 Checked: AMP Scale: 1"=20' Job No: 1721
 File Name: 1721-detailed.dwg
 This plan shall not be modified without written permission from Gorrill-Palmer Consulting Engineers, Inc.(GPCEI). Any alterations, authorized or otherwise, shall be at the user's sole risk and without liability to GPCEI.

GP Gorrill-Palmer Consulting Engineers, Inc.
 Traffic and Civil Engineering Services
 PO Box 1237 207-657-6910
 15 Shaker Road FAX: 207-657-6912
 Gray, ME 04039 E-Mail: mailbox@gorrillpalmer.com

Drawing Name:	Miscellaneous Details
Project:	CASTINE AVENUE, PORTLAND, MAINE
Client:	W&C, LLC PO Box 10127, 449 Forest Avenue, Portland, ME 04104

Drawing No.
6

EROSION CONTROL MEASURES AND SITE STABILIZATION

THE PRIMARY EMPHASIS OF THE EROSION/SEDIMENTATION CONTROL PLAN TO BE IMPLEMENTED FOR THE INFRASTRUCTURE CONSTRUCTION IS AS FOLLOWS:

- DEVELOPMENT OF A CAREFUL CONSTRUCTION SEQUENCE.
- RAPID REVEGETATION OF DENUDED AREAS TO MINIMIZE THE PERIOD OF SOIL EXPOSURE.
- RAPID STABILIZATION OF DRAINAGE PATHS TO AVOID RILL AND GULLY EROSION.
- THE USE OF ON-SITE MEASURES TO CAPTURE SEDIMENT (HAY BALES/SILT FENCE, ETC.)

THE FOLLOWING TEMPORARY AND PERMANENT EROSION AND SEDIMENT CONTROL DEVICES WILL BE IMPLEMENTED AS PART OF THE SITE DEVELOPMENT. THESE DEVICES SHALL BE INSTALLED AS INDICATED ON THE PLANS OR AS DESCRIBED WITHIN THIS REPORT. FOR FURTHER REFERENCE, SEE THE MAINE EROSION AND SEDIMENT CONTROL HANDBOOK FOR CONSTRUCTION BEST MANAGEMENT PRACTICES.

A. TEMPORARY EROSION CONTROL MEASURES

THE FOLLOWING MEASURES ARE PLANNED AS TEMPORARY EROSION/SEDIMENTATION CONTROL MEASURES DURING CONSTRUCTION:

1. A CRUSHED STONE-STABILIZED CONSTRUCTION ENTRANCE SHALL BE PLACED AT THE PROPOSED CASTINE AVENUE.
2. SILTATION FENCE BE INSTALLED DOWNSTREAM OF ANY DISTURBED AREAS TO TRAP RUNOFF BORNE SEDIMENTS UNTIL THE ROADWAY SIDE-SLOPES ARE REVEGETATED. THE SILT FENCE SHALL BE INSTALLED PER THE DETAILS PROVIDED IN THIS PACKAGE AND INSPECTED IMMEDIATELY AFTER EACH RAINFALL, AND AT LEAST DAILY DURING PROLONGED RAINFALL. REPAIRS SHALL BE MADE IF THERE ARE ANY SIGNS OF EROSION OR SEDIMENTATION BELOW THE FENCE. IF THERE ARE SIGNS OF UNDERCUTTING AT THE CENTER OR THE EDGES, OR IMPONDING OF LARGE VOLUMES OF WATER BEHIND FENCE, THE BARRIER SHALL BE REPLACED WITH A STONE CHECK DAM.
3. STRAW OR HAY MULCH INCLUDING HYDROSEEDING IS INTENDED TO PROVIDE COVER FOR DENUDED OR SEEDED AREAS UNTIL REVEGETATION IS ESTABLISHED. MULCH PLACED BETWEEN APRIL 15TH AND OCTOBER 1ST ON SLOPES OF LESS THAN 15 PERCENT SHALL BE ANCHORED BY APPLYING WATER; MULCH PLACED ON SLOPES OF EQUAL TO OR STEEPER THAN 15 PERCENT SHALL BE COVERED BY A FABRIC NETTING AND ANCHORED WITH STAPLES IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATION. MULCH PLACED BETWEEN OCTOBER 1ST AND APRIL 15TH ON SLOPES EQUAL TO OR STEEPER THAN 6 PERCENT SHALL BE COVERED WITH A FABRIC NETTING AND ANCHORED WITH STAPLES IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS. SLOPES STEEPER THAN 3:1, WHICH ARE TO BE REVEGETATED, SHALL RECEIVE GULCH BLANKETS BY AMERICAN EXCELISIOR OR EQUAL. MULCH APPLICATION RATES ARE PROVIDED IN ATTACHMENT A OF THIS SECTION. MULCH SHALL NOT BE PLACED OVER SNOW.
4. TEMPORARY STOCKPILES OF STUMPS, GRUBBINGS, OR COMMON EXCAVATION WILL BE PROTECTED AS FOLLOWS:
 - A) TEMPORARY STOCKPILES SHALL NOT BE LOCATED WITHIN 50 FEET OF ANY WETLANDS, WHICH WILL NOT BE DISTURBED AND ANY SLOPES WHICH EXCEED 15%.
 - B) STOCKPILES SHALL BE STABILIZED WITHIN 7 DAYS BY EITHER TEMPORARILY SEEDING THE STOCKPILE BY A HYDROSEED METHOD CONTAINING AN EMULSIFIED MULCH TACKIFIER OR BY COVERING THE STOCKPILE WITH MULCH.
 - C) STOCKPILES SHALL BE SURROUNDED BY SILT FENCE AT THE TIME OF FORMATION.
5. ALL DENUDED AREAS THAT ARE WITHIN 50 FEET OF AN UNDISTURBED WETLAND, WHICH HAVE BEEN ROUGH GRADED, AND ARE NOT LOCATED WITHIN A ROADWAY SUBBASE AREA, SHALL RECEIVE MULCH OR EROSION CONTROL MESH FABRIC WITHIN 7 DAYS OF INITIAL DISTURBANCE OF SOIL. ALL AREAS WITHIN 50 FEET OF AN UNDISTURBED WETLAND SHALL BE MULCHED PRIOR TO ANY PREDICTED RAIN EVENT REGARDLESS OF THE 7-DAY WINDOW. IN OTHER AREAS, THE TIME PERIOD MAY BE EXTENDED TO 14 DAYS.
6. FOR WORK, WHICH IS CONDUCTED BETWEEN OCTOBER 15 AND APRIL 15 OF ANY CALENDAR YEAR, ALL DENUDED AREAS WILL BE COVERED WITH HAY MULCH, APPLIED AT TWICE THE NORMAL APPLICATION RATE AND ANCHORED WITH FABRIC NETTING. THE TIME PERIOD FOR APPLYING MULCH AS NOTED IN PARAGRAPH 3 ABOVE, SHALL BE LIMITED TO 7 DAYS FOR ALL AREAS.
7. CASTINE AVE SHALL BE SWEEPED TO CONTROL MUD AND DUST AS NECESSARY.
8. DURING GRUBBING OPERATIONS STONE CHECK DAMS WILL BE INSTALLED AT ANY EVIDENT CONCENTRATED FLOW DISCHARGE POINTS.
9. SILT FENCING WITH A MINIMUM STAKE SPACING OF 8 FEET SHOULD BE USED, UNLESS THE FENCE IS SUPPORTED BY WIRE FENCE REINFORCEMENT OF MINIMUM 14 GAUGE AND WITH A MAXIMUM MESH SPACING OF 6 INCHES, IN WHICH CASE STAKES MAY BE SPACED A MAXIMUM OF 10 FEET APART. THE BOTTOM OF THE FENCE SHOULD BE ANCHORED.
10. WOOD WASTE COMPOST/BARK BERMS MAY BE USED IN LIEU OF SILTATION FENCING, BUT NOT IN WETLAND AREAS. BERMS SHALL BE REMOVED AND SPREAD INTO A LAYER NOT TO EXCEED 3" THICK ONCE UPSTREAM AREAS ARE COMPLETED AND A 75% CATCH OF VEGETATION IS ATTAINED.
11. WATER AND/OR CALCIUM CHLORIDE SHALL BE FURNISHED AND APPLIED IN ACCORDANCE WITH MOOT SPECIFICATIONS - SECTION 637 - DUST CONTROL.
12. LOAM AND SEED IS INTENDED TO SERVE, AS THE PRIMARY PERMANENT REVEGETATIVE MEASURE FOR ALL DENUDED AREAS NOT PROVIDED WITH OTHER EROSION CONTROL MEASURES, SUCH AS RIPRAP. APPLICATION RATES ARE PROVIDED IN ATTACHMENT A OF THIS SECTION. SEEDING SHALL NOT OCCUR OVER SNOW.

B. PERMANENT EROSION CONTROL MEASURES

THE FOLLOWING PERMANENT EROSION CONTROL MEASURES HAVE BEEN DESIGNED AS PART OF THE EROSION/SEDIMENTATION CONTROL PLAN:

1. ALL AREAS DISTURBED DURING CONSTRUCTION, BUT NOT SUBJECT TO OTHER RESTORATION (PAVING, RIPRAP, ETC.) WILL BE LOAMED, LIMED, FERTILIZED, MULCHED, AND SEEDED. FABRIC NETTING, ANCHORED WITH STAPLES, SHALL BE PLACED OVER THE MULCH IN AREAS AS NOTED IN PARAGRAPH 5 OF TEMPORARY EROSION CONTROL MEASURES. ALL AREAS WITHIN 50 FEET OF AN UNDISTURBED WETLAND SHALL BE MULCHED PRIOR TO ANY PREDICTED RAIN EVENT REGARDLESS OF THE 7-DAY WINDOW. NATIVE TOPSOIL SHALL BE STOCKPILED AND REUSED FOR FINAL RESTORATION WHEN IT IS OF SUFFICIENT QUALITY.

LOTS
THE FOLLOWING CONSTRUCTION SEQUENCE SHALL BE REQUIRED FOR LOT CONSTRUCTION TO INSURE THE EFFECTIVENESS OF THE EROSION AND SEDIMENTATION CONTROL MEASURES ARE OPTIMIZED:

NOTE: FOR ALL GRADING ACTIVITIES, THE CONTRACTOR SHALL EXERCISE EXTREME CAUTION NOT TO OVEREXPOSE THE LOT BY LIMITING THE DISTURBED AREA.

1. INSTALL STABILIZED CONSTRUCTION ENTRANCES AT THE LOT DRIVEWAY.
2. CLEAR AREA NECESSARY FOR HOUSE CONSTRUCTION.
3. INSTALL PERIMETER SILTATION FENCE AND/OR WOOD WASTE BERMS PRIOR TO GRUBBING RESPECTIVE AREAS.
4. DURING GRUBBING OPERATIONS, INSTALL STONE CHECK DAMS AT ANY EVIDENT CONCENTRATED FLOW DISCHARGE POINTS.
5. COMMENCE EARTHWORK FOR FOUNDATION AREA.
6. COMMENCE BUILDING CONSTRUCTION.
7. COMMENCE INSTALLATION OF UNDERGROUND UTILITIES.
8. COMPLETE REMAINING EARTHWORK OPERATIONS.
9. INSTALL GRAVELS FOR DRIVEWAY.
10. INSTALL PAVEMENT FOR DRIVEWAY.
11. LOAM, LIME, FERTILIZE, SEED AND MULCH DISTURBED AREAS.
12. ONCE THE SITE IS STABILIZED AND A 90% CATCH OF VEGETATION HAS BEEN OBTAINED, REMOVE ALL TEMPORARY EROSION CONTROL MEASURES.
13. TOUCH UP LOAM AND SEED.

NOTE: ALL DENUDED AREAS NOT SUBJECT TO FINAL PAVING OR GRAVEL SHALL BE REVEGETATED.

Rev.	Date	Revision

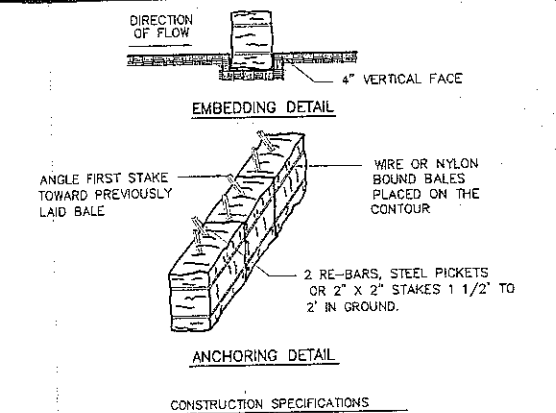
CITY COMMENTS	Date	By
SUBDIVISION REVIEW	02/16/07	DER
ISSUED FOR		

Design:	Draft:	Date:
JLG	LWC	1/07
Checked:	Scale:	Job No.:
AMP	1"=20'	1721
File Name: 1721-details.dwg		
This plan shall not be modified without written permission from Gorrill-Palmer Consulting Engineers, Inc. (GPCEI). Any alterations, authorized or otherwise, shall be at the user's sole risk and without liability to GPCEI.		

GP Gorrill-Palmer Consulting Engineers, Inc.
 Traffic and Civil Engineering Services
 PO Box 1237 207-657-6910
 15 Shaker Road FAX: 207-657-6912
 Gray, ME 04039 E-Mail: mailbox@gorrillpalmer.com

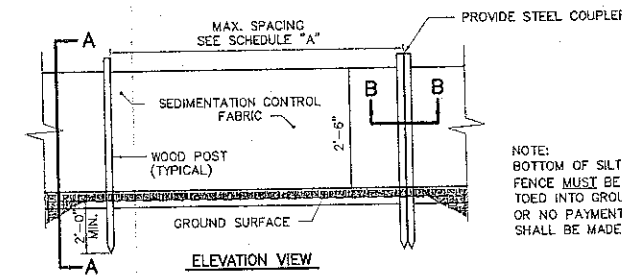
Drawing Name:	Erosion & Sedimentation Control Details
Project:	CASTINE AVENUE, PORTLAND, MAINE
Client:	W&C, LLC PO Box 10127, 449 Forest Avenue, Portland, ME 04104

Drawing No.
7



- CONSTRUCTION SPECIFICATIONS**
1. Bales shall be placed in a row with ends tightly abutting the adjacent bales.
 2. Each bale shall be embedded in the soil a minimum of 4".
 3. Bales shall be securely anchored in place by stakes or re-bars driven through the bales. The first stake in each bale was angled toward previously laid bale to force bales together.
 4. Inspection will be frequent and repair or replacement shall be made promptly as needed.
 5. Bales shall be removed when they have served their usefulness so as not to block or impede storm flow or drainage.

STRAW OR HAY BALE BARRIER
N.T.S.

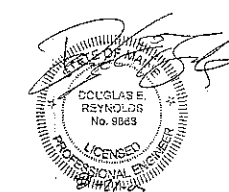


SCHEDULE "A"

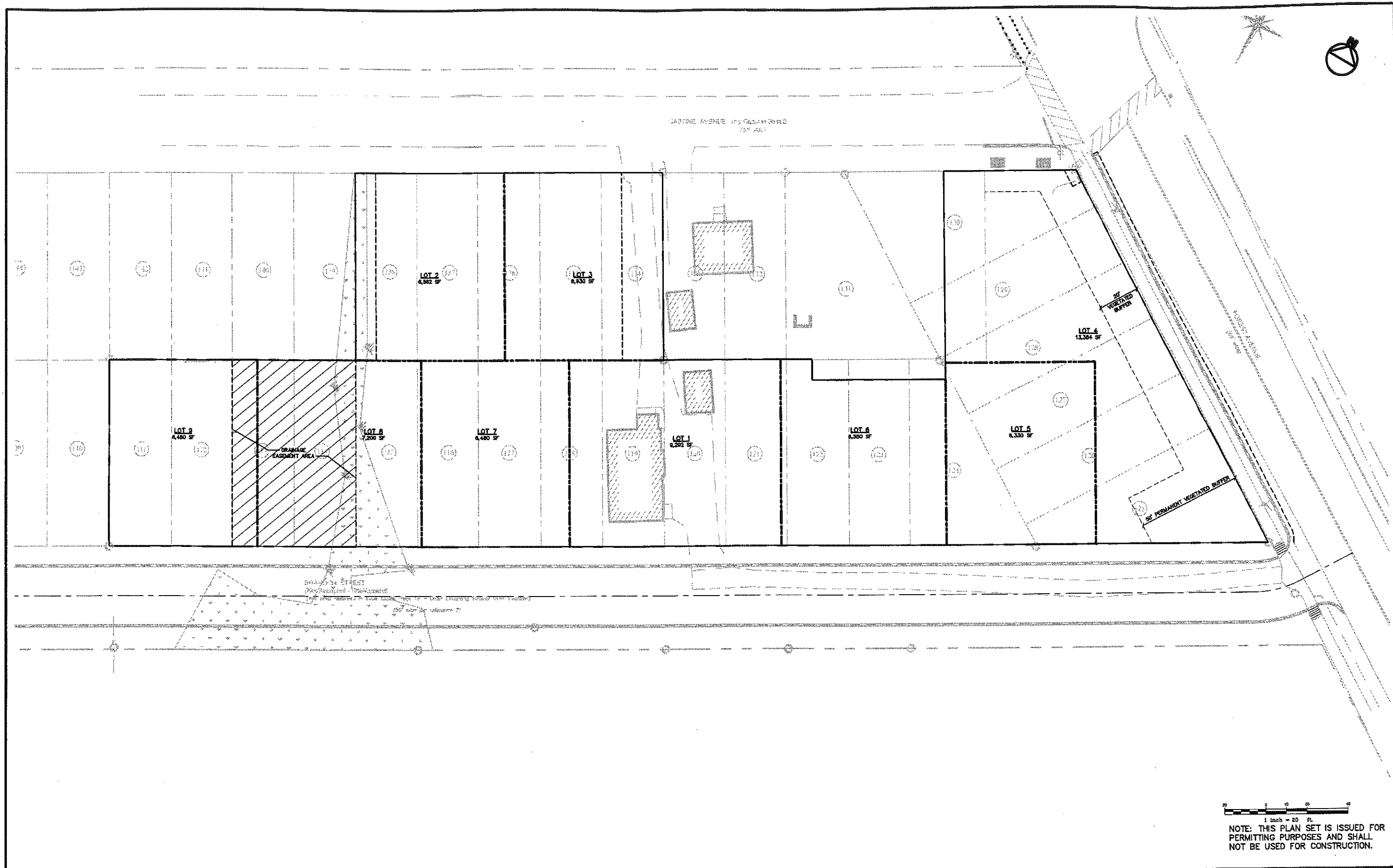
SILT FENCE REINFORCEMENT	MAX. SPACING
NONE	6"
WIRE REINFORCEMENT 14 GAUGE, 6" MESH	10"

SECTION B-B and SECTION A-A details show the fence fabric, wood posts, support net, fabric, backfill, and native soil.

SILTATION FENCE DETAIL
N.T.S.




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



Rev.	Date	Revision

Issued For	Date	By
CITY REVIEW	07/27/07	DER

Design: JLE Draft: CAG Date: 7/07
 Checked: AMP Scale: 1"=20' Job No.: 1721
 File Name: 1721-poss-Brandon.dwg
 This plan shall not be modified without written permission from Gorrill-Palmer Consulting Engineers, Inc.(GPCEI). Any alterations, authorized or otherwise, shall be at the user's sole risk and without liability to GPCEI.


Gorrill-Palmer Consulting Engineers, Inc.
 Traffic and Civil Engineering Services
 PO Box 1237 207-657-6910
 15 Shaker Road FAX: 207-657-6912
 Gray, ME 04039 E-Mail: mailbox@gorrillpalmer.com

Drawing Name: **Conceptual Lot Layout Plan - Brandon Street**
 Project: **CASTINE AVENUE, PORTLAND, MAINE**
 Client: **W&C, LLC**
 PO Box 10127, 449 Forest Avenue, Portland, ME 04104

Drawing No.
A

Fern A. Oates
19 Wyndham Street
Portland, ME 04103
207-878-9352

City of Portland
Planning Division
389 Congress Street, 4th Floor
Portland, ME 04101

RE: Castine Ave. Subdivision / Development of Brandon Street

As an abutting property owner I am adamantly opposed to the development of Brandon Street for several reasons, not the least of which is the impact it will have on my quality of life and the resale potential of my property. Having a stop sign a few feet from my dining room or living room window (literally) is not only very distressing to me, but will not excite potential buyers. The demographic interested in my neighborhood and house size is the first time home buyer, those with lesser incomes and young families looking for a reasonable house for a reasonable price. Living on street corner is not desirable to *any* market.

I also find it fiscally irresponsible of the City to consider spending tax dollars for this tiny street to benefit just a couple potential house lots. This City has much greater needs than to "lessen the burden" of someone who may want to subdivide a less than half an acre parcel of land at some point in the future.

This is a lovely neighborhood with mature trees and loyal residents that have been here for decades. In this day and age, it is near impossible to find the sense of neighborhood that we so enjoy here. Adding more pavement and traffic will go along way toward devastating what we have all enjoyed for many, many years. I think the City has much bigger and better opportunities to grow this City without destroying what makes Portland such a great place to live.

The parcel of land involved is so small and the benefit nil, that I ask that you see this for what it is, a waste of your time and the City's resources.

Respectfully,

Fern A. Oates

From: "Martha Bradley" <mbradley@maine.rr.com>
To: <mpc@portlandmaine.gov>
Date: 9/11/2007 11:55:06 AM
Subject: Castine Street Project

With respect to developing Brandon Street as part of the proposed subdivision, our position is that the city should not issue a waiver to the developer. As a taxpayer, we cannot support the city providing any financial assistance whatsoever to develop this area which will severely diminish the quality of our neighborhood by increasing the level of activity and traffic on an infrastructure that is already inadequate. As it stands today, Wyndham, Castine and Aldworth streets cannot support resident parking. Given the very narrow streets and the number of cars parked on the streets, there are many instances when a fire truck could not pass between parked cars on these three streets.

We strongly encourage the Planning Board to table this development.

William T. Bradley II and Martha G. Bradley
24 Wyndham Street

To: Chair Patterson and Members of the Portland Planning Board
From: P. Littell, Associate Corporation Counsel
Re: Definition of "Undue Hardship"
Date: July 31, 2007

I have been asked to provide some guidance on the meaning of the term "undue hardship" and the manner in which the Board should apply this term in the context of waivers subdivision requirements under 14-506(a)¹.

The Portland Land Use Code does not define "undue hardship," nor is does the term have a common law definition. The application of an "undue hardship" analysis is done by the courts on a case by case basis.

In specific circumstances the Maine legislature has defined the term. For example, the Maine Worker's Compensation Act, 39-A MRSA §218, defines "undue hardship" in situations dealing with reasonable accommodations to be supplied by an employer in returning an injured employee to his former employment. §218 states:

2. Reasonable accommodation required. In order to accommodate the placement of an injured employee as required under this section, the employer must make reasonable accommodations for the physical condition of the employee unless the employer can demonstrate that no reasonable accommodation exists or that the accommodation would impose an undue hardship on the employer. In determining whether undue hardship exists, the board shall consider:

- A. The size of the employer's business;
- B. The number of employees employed by the employer;
- C. The nature of the employer's operations; and
- D. Any other relevant factors.

The Maine legislature also specifically defined the term in the context of a Zoning Board of Appeals review of facts and circumstances of granting variances from zoning requirements. 30-A MRSA §4353(4) states that prior to granting a variance an applicant must establish four criteria:

¹ Except for the requirements set forth in sections 14-498 and 14-499 pertaining to the provision and construction of curbs and sidewalks, the Planning Board if it finds that extraordinary conditions exist or that undue hardship may result from strict compliance with these regulations may vary the regulations so that substantial justice may be done and the public interest secured; provided that such variation will not have the effect of nullifying the intent and purpose of the land development plan and the regulations of this article.

"undue hardship," defined as:

- A. The land in question can not yield a reasonable return unless a variance is granted;
- B. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
- C. The granting of a variance will not alter the essential character of the locality; and
- D. The hardship is not the result of action taken by the applicant or a prior owner.

The Courts have then interpreted individual standards therein (i.e. "failure to yield a "reasonable return" means the "practical loss of all beneficial use of the land." Brooks v. Cumberland Farms, Inc., 1997 ME 203, P14, 703 A.2d 844, 848; and "reasonable return is not the maximum return." Perrin v. Town of Kittery, 591 A.2d 861, 863 (Me. 1991).)

The Planning Board can take guidance from the above standards when evaluating a request for a waiver and the need for the applicant to meet either the "extraordinary circumstances" or "undue hardship" standard. It can evaluate such things as the lay of the land, the ability or inability of the applicant to meet the standard (and the reasons therefore), the detriment (or lack thereof) to the City if the standard is not met, the relative importance of meeting the standard from a policy perspective, the relative cost of meeting the standard vis-à-vis the overall project, whether the property continues to have value if the waiver is denied, whether another project could succeed without a waiver, the hardship is not the result of action taken by the applicant or a prior owner, etc..



**Memorandum
Department of Planning and Development
Planning Division**

To: Chair Patterson and Members of the Portland Planning Board
From: Molly Casto, Planner
Date: September 7, 2007
Re: **Castine Avenue Five Lot Subdivision**
Application #2007-0034
CBL; Map 309, Block D, lots 5, 7, 9, 11 and Block E, lots 6,18, 20, 22, and 26

The following is an excerpt from the July 10th Memorandum to the Planning Board regarding the construction of Brandon Street to City Standards. The excerpt provides a narrative analysis of the various City regulations that may apply to the development of Brandon Street:

Traffic

3. Wavier from building Brandon Street to City Standards-

The applicant does not propose to improve Brandon Street as a component of the subdivision plan and improvements to the street are not shown on the plan. Please note that neighborhood residents have reviewed the plans over the course of the Board's review and the status of Brandon Street was clearly a matter of interest (see Neighborhood Meeting notes, Attachment 3. At the Planning Board workshop, members asked whether Brandon Street must be improved under the City's subdivision ordinance. The Planning Staff has reviewed the various City regulations that may apply to the development of Brandon Street and following is the staff analysis.

Brandon Street is a platted and unaccepted City Street. The Land Use Code includes Section 14-403, which requires an unimproved streets to be built to City standards prior to the issuance of a building permit when a proposed lot abut said street. The provisions of Section 14-403 are as follows:

In addition to this provision, there are additional pertinent provisions within the Subdivision

DIVISION 24. USE REGULATIONS AND EXCEPTIONS

Sec. 14-403. Street access.

(b) *Minimum requirements for street improvements on unimproved and improved but unpaved streets.* For a lot abutting any portion of a street which is unimproved or improved but not permanently paved, that portion which abuts the lot, and any like portion between such portion and the nearest permanently paved street or portion which is the principal access to such lot, shall be improved, including sewers, storm drains, pavements, curbs and, if located on a designated school walking route, sidewalks, in accordance with the minimum technical standards promulgated by the public works authority pursuant to section 14-498(a) of article IV of this chapter. Where the nearest permanently paved street does not have granite curbing, the public works authority may waive the requirement of curbing under this section, if it determines that an acceptable alternative drainage plan will be provided. Prior to the issuance of a building permit for erection of a building on a lot abutting any portion of a street which is unimproved or improved but not permanently paved, the following shall occur: (1) A plan of the street improvements required by this section shall be submitted to the public works authority; and (2) upon determination by the public works authority that the plan meets the street improvement requirements established by this subsection, a performance guarantee and inspection fee for said improvements shall be submitted to the city as set forth in section 14-501. Also as set forth in section 14-501, a one-year defect bond shall be tendered to the city prior to release of the performance guarantee required hereby. The provisions of this subsection (b) shall not apply to the erection of any single-family dwelling on any lot where the owner of the lot establishes that he or she was the owner of that same lot on November 19, 1984, and at all times thereafter, and states his or her intention under oath to make the structure his or her personal residence.

Ordinance, which should be considered by the Planning Board when reviewing this and other similar proposals:

ARTICLE IV. SUBDIVISIONS*

Sec. 14-497. General requirements.

(a) *Review criteria.* When reviewing any subdivision for approval, the Planning Board shall consider, among others, the following review criteria and before granting approval shall determine that the proposed subdivision:

(9) Is in conformance with the land development plan or its successor;

The land development plan, in this instance, refers to the Portland Comprehensive Plan. The Portland Comprehensive Plan directly addresses issues pertaining to neighborhood connectivity and maximum mobility in transportation systems as they pertain to quality of life of the Portland community. The pertinent sections of the Comprehensive Plan state the following:

III. A TIME OF CHANGE: PORTLAND TRANSPORTATION PLAN - July 1993

Transportation Plan Guiding Principle

Provide maximum mobility in a transportation system, which encompasses all modes, balances competing objectives, and promotes the economic vitality and quality of life of the Portland community.

➤ Land Use and Transportation Link

Link the transportation plan with land use planning policies in the City and region to guide decision-making for development and infrastructure investment.

➤ Structured System

Achieve a transportation system appropriately structured and designed to safely and effectively move goods and people.

- Create a neighborhood street system characterized by a network of interconnected streets, which minimizes through-traffic in residential neighborhoods.
- Appropriately scale and design streets and highways and other transportation infrastructure to serve local traffic, destination traffic and through-traffic.

Transportation Policies

- Promote the interconnection of neighborhood streets and pathways, so that there are multiple paths of travel to get to destinations within and between neighborhoods by foot and bicycle, as well as auto.

The Subdivision Ordinance continues, in Sec. 14-498, with Technical and Design Standards, which include the following excerpted provisions:

ARTICLE IV. SUBDIVISIONS*

Sec. 14-498. Technical and design standards.

(b) *Street plan:*

- (1) All streets shall be platted along contour elevations which result in minimum grades and greatest visibility whenever practicable, with consideration given for anticipated use of the land.
- (2) The proposed street layout shall be coordinated with the street system of the surrounding areas. All streets must provide for the continuation or appropriate projection of streets in surrounding areas and provide means of ingress and egress for surrounding acreage tracts. When connecting streets within residential neighborhoods, new streets shall contribute to a neighborhood street system characterized by a network of interconnected streets, which minimizes through-traffic in residential neighborhoods. The layout of subdivision lots, streets, and pedestrian ways shall promote multiple paths of travel to get to destinations within and between neighborhoods by foot and bicycle, as well as auto.

Brandon Street is a dedicated street. Its layout does connect into the existing street system and it is located between Forest Avenue and Wyndham Street. While Brandon Street appears to meet these standards, it is unclear whether Sec. 14-498 (b) pertains solely to new streets proposed for a subdivision or if these provisions also encompass existing paper streets.

The Subdivision Ordinance lists Required Improvements for all subdivisions under Section 14-499, which states the following:

Prior to the release of the approved recording plat the subdivider shall file a guarantee as hereinafter provided, and prior to release of such guarantee the subdivider shall have completed all improvements as follows:

- (a) All streets shall be graded in conformity with the requirements set out in section 14-498 and in accordance with article III of chapter 25.
- (b) On all streets, side streets, and alleys, a suitable hard surfaced permanent pavement shall be installed meeting the requirements set forth in article III of chapter 25.
- (c) Water, gas and sanitary sewer mains and storm drains shall be constructed prior to the installation of paving with all mains being extended from all lots having sufficient stub outs to avoid subsequent breaking of pavement.
- (d) Sidewalks and curbs shall be constructed as required in section 14-498.

As with Section 14-198 referenced above, it is unclear whether the term "all streets" in section 14-499 refers to new proposed streets in a subdivision plan or if it also includes existing but unimproved streets that abut the subdivision. Again, this will need to be determined in order to accurately assess the project and its relationship to Brandon Street.

It is clear from Section 14-506 of the Land Use Ordinance that the Planning Board has the authority to grant a waiver for a portion of or all of the requirements set forth in Section 14-498 and 14-499 if the Board finds that extraordinary conditions exist or that "undue hardship may result from strict compliance with these regulations." The Board, in these instances, may "vary the regulations provided that such variation will not have the effect of nullifying the intent and purpose of the land development plan [Comprehensive Plan] and the regulations of this article."

The term "undue hardship" is not defined in the City Code of Ordinances, therefore Planning staff has been unable to determine at this point whether or not the applicant meets the criteria for a waiver permitting him to postpone the improvement of Brandon Street. The analysis of the City Ordinance and Comprehensive Plan was prepared by Planning Staff and has not yet been reviewed by Penny Littell, Corporation Counsel. Penny will be available to advise the Board at the public hearing.

The applicant, met with Barbara Barhydt, Development Review Services Manager and Molly Casto, Planner to discuss the possibility of building Brandon Street on Friday, June 22, 2007. The applicant will be preparing his argument in accordance with Section 14-506 of the Land Use Code and will be presenting it to the Board at the Public Hearing on June 26, 2007. The applicant and Planning staff are in agreement that, should the Planning Board require that Brandon Street be constructed to City Standards, that the Board may want to consider tabling the project in order for the developer to modify the plans and hold a second neighborhood meeting to inform the community of proposed changes.

	<p align="center">CITY PROVISIONS AND STAFF ANALYSES SUPPORTING THE CONSTRUCTION OF BRANDON STREET</p>	<p align="center">CITY PROVISIONS AND STAFF ANALYSES THAT DO NOT SUPPORT THE CONSTRUCTION OF BRANDON STREET</p>
<p>City of Portland Code of Ordinances</p>	<p>Section 14-403 (b)- Street Access: <i>"For a lot abutting any portion of a street which is unimproved or improved but not permanently paved, that portion which abuts the lot, and any like portion between such portion and the nearest permanently paved street or portion which is the principal access to such lot, shall be improved, including sewers, storm drains, pavements, curbs and, if located on a designated school walking route, sidewalks, in accordance with the minimum technical standards promulgated by the public works authority pursuant to section 14-498(a) of article IV of this chapter."</i> (*This proposal includes a lot abutting an unimproved city street).</p>	<p>Section 14-403 (b)- Street Access: <i>"...Prior to the issuance of a building permit for erection of a building on a lot abutting any portion of a street which is unimproved or improved but not permanently paved, the following shall occur: (1) A plan of the street improvements required by this section shall be submitted to the public works authority; and (2) upon determination by the public works authority that the plan meets the street improvement requirements established by this subsection, a performance guarantee and inspection fee for said improvements shall be submitted to the city as set forth in section 14-501."</i> *(The proposal does not propose to erect a new building on lot 1.If Brandon Street were not constructed at the time of subdivision approval, subsequent construction on lot 1 would trigger street improvements at a later date, deferring the burden to future applicants for single-family homes.)</p>
	<p>ARTICLE IV. SUBDIVISIONS* Sec. 14-497. General requirements. (a) <i>Review criteria.</i> When reviewing any subdivision for approval, the Planning Board shall consider, among others, the following review criteria and before granting approval shall determine that the proposed subdivision: (9) Is in conformance with the land development plan or its successor; (*The Portland Comprehensive Plan directly addresses issues pertaining to neighborhood connectivity and maximum mobility in transportation systems as they pertain to quality of life of the Portland community.)</p>	
	<p>ARTICLE IV. SUBDIVISIONS* Sec. 14-498. Technical and design standards. (1) All streets shall be platted along contour elevations which result in minimum grades and greatest visibility whenever practicable, with consideration given for anticipated use of the land. (2) The proposed street layout shall be coordinated with the street system of the surrounding areas. All streets must provide for the continuation or appropriate projection of streets in surrounding areas and provide means of ingress and egress for surrounding acreage tracts. When connecting streets within residential neighborhoods, new streets shall contribute to a neighborhood street system characterized by a network of interconnected streets, which minimizes through-traffic in residential neighborhoods. The layout of subdivision lots, streets, and pedestrian ways shall promote multiple paths of travel to get to destinations within and between neighborhoods by foot and bicycle, as well as auto.</p>	
	<p>Sec. 14-499. Required improvements: Prior to the release of the approved recording plat the subdivider shall file a guarantee as hereinafter provided, and prior to release of such guarantee the subdivider shall have completed all improvements as follows: (a) All streets shall be graded in conformity with the requirements set out in section 14-498 and in accordance with article III of chapter 25. (b) On all streets, side streets, and alleys, a suitable hard surfaced permanent pavement shall be installed meeting the requirements set forth in article III of chapter 25.</p>	

	CITY PROVISIONS AND STAFF ANALYSES SUPPORTING THE CONSTRUCTION OF BRANDON STREET (CONT.)	CITY PROVISIONS AND STAFF ANALYSES THAT DO NOT SUPPORT THE CONSTRUCTION OF BRANDON STREET (CONT.)
City of Portland Comprehensive Plan	III. A TIME OF CHANGE: PORTLAND TRANSPORTATION PLAN - July 1993: <ul style="list-style-type: none"> • Transportation Plan Guiding Principle • Land Use and Transportation Link • Structured System • Transportation Policies 	
		Comprehensive Plan (State Goal H) GREEN SPACES, BLUE EDGES: AN OPEN SPACE AND RECREATION PLAN FOR THE CITY OF PORTLAND-2001. This study identifies the white pines within the site, located along Forest Avenue, in a list of Portland's "most significant forestry resources" (pp.49). Additional mature white pines extend from this stand, along the Brandon Street right of way. Building Brandon Street would cause significant loss of trees including multiple stands of mature white pines along Brandon Street. (*See attached memo from Jeff Tarling)
	HOUSING: SUSTAINING PORTLAND'S FUTURE POLICY 1: Seeks to "ensure that an adequate supply of housing is available to meet the needs, preferences and financial capabilities of all Portland households, now and into the future". It identifies "the development of higher density subdivisions with smaller lots and a variety of housing types" as one of multiple strategies to address this policy. <ul style="list-style-type: none"> • It identifies "the development of higher density subdivisions with smaller lots and a variety of housing types" as one of multiple strategies to address this policy. POLICY 3: Maintain and enhance the livability of Portland's neighborhoods as the city grows and evolves through careful land use regulation, design and public participation that respects neighborhood integrity. <ul style="list-style-type: none"> • It identifies "work[ing] with neighborhoods to update "Green Spaces/Blue Edges" and "us[ing] asset inventories and agreed upon neighborhood priorities to select potential housing sites as part of a Neighborhood Planning Process" as two of multiple strategies to address this policy. POLICY 5: Portland's Comprehensive Plan encourages a manageable level of growth that will sustain the city as a healthy urban center in which to live and work and to achieve our shared vision for Portland. Portland should encourage sustainable development patterns and opportunities within the city by promoting efficient land use, conservation of natural resources, and easy access to public transportation, services, and public amenities. <ul style="list-style-type: none"> • It identifies "explor[ing] the building of streets to encourage infill housing near existing infrastructure and neighborhood centers" as one of multiple strategies to address this policy. 	
Staff Analysis	Potential to increase the number of lots available for affordable housing.	Potential to increase the cost of this development to the point where affordable housing is no longer economically efficient for the developer.
	Increased intersection frequency along Forest Avenue creates more available routes to disperse traffic.	The separation of streets (residential to collector) should be a minimum of 300 feet according to City Technical Standards. <ul style="list-style-type: none"> • The distance between Brandon Street and Castine Avenue is approx. 200 feet. • The distance between Brandon Street and Aldworth Street is approx 200 feet.
		Filling of 3,749 s.f. of wetland within the Brandon Street right-of way.
		Neighborhood opposition to building of street (see attached public comment- Attachment 21)

***Analysis compiled by Planning Staff**

Memorandum
Department of Planning and Development
Planning Division



To: Chair Patterson and Members of the Portland Planning Board

From: Molly Casto, Planner

Date: Prepared on: September 20, 2007
Prepared for: September 25, 2007

Re: **Castine Avenue Five Lot Subdivision, Corner of Castine, Forest and Brandon Street.**
Request for Reconsideration of Motion to Deny Street Improvement Waiver

At the September 11, 2007 Public Hearing, the Planning Board voted unanimously to table this item to the September 25, 2007 Hearing at 7:30pm. The Applicant, W&C, LLC has sent a memorandum (Attachment 1) to the Planning Board dated September 19, 2007 to request a reconsideration of the Board's denial of a street improvement waiver, waiving the requirement that the applicant construct Brandon Street to City Standards.

The W&C, LLC letter has been sent pursuant to the "Rules of the Planning Board" ARTICLE VII DELIBERATIONS, VOTING, DECISIONS Section 6 which states:

"When a vote is completed it shall be in order for any member who voted in the majority, in the negative in a tie vote, or otherwise on the prevailing side, to move for reconsideration thereof at the same or at the next regular meeting but not afterwards; and when the motion for reconsideration is decided, that vote shall not be reconsidered. No motion to reconsider a vote completed at a previous meeting shall be in order for consideration at the next regular meeting unless an item to that effect is contained on the agenda for such regular meeting or unless four (4) members consent to such reconsideration."

In order for the request for reconsideration to be considered, one of the four members who voted in the majority to deny the street improvement waiver at the September 11, 2007 Public Hearing must make a motion to reconsider. If the request is granted, Planning staff recommends that this item be scheduled to a future Public Hearing.

Attachments:

1. W&C, LLC letter dated September 19, 2007

Law Office of Terry N. Snow, P.A.
294 Main Street, P.O. Box 275
Cumberland, Maine 04021-0275

Terry N. Snow, Esq.
Alan E. Wolf, Esq.
Karen JM Mitchell, Esq.
S & W Associates

Telephone: (207) 829-6363
Facsimile: (207) 829-4481
E-Mail: tsnowlaw@maine.rr.com

September 19, 2007

City of Portland Planning Board

Dear Chairman Patterson, Co-chair Tervanian and members of the Portland Planning Board:

W&C, LLC respectfully requests that you, the Portland Planning Board, reconsider its decision to not waive construction of Brandon Street as part of our proposed 5 lot subdivision. We request the opportunity to present you with that information necessary to waive the requirement that Brandon Street be constructed as part of our proposal.

We agree that the Portland Land Use Code and Comprehensive Plan encourages the connectivity and maximization of mobility in transportation systems as they pertain to the quality of life in the Portland community, the interconnectivity of neighborhoods and that the layout of streets should promote multiple paths of travel to get to destinations. However, we submit that city code and comprehensive plan has multiple requirements that are ignored if the preceding is looked at in a bubble and we ask that you consider the following when reconsidering your votes.

Conflict with Authority and Purpose of the Code

Article IV. Subdivisions 14-491 "Authority and Purpose" states that "The purpose of this article is to provide for the harmonious and economic development of the city; for orderly subdivision of land and its orderly development." In a memo to the Planning Board from the Planning Staff dated October 29, 2002 the topic of 14-403 streets is discussed. In summary, the memo states "The Planning Division's intent is to review the multi lot developments as subdivisions. Given the potential for negative impacts, a comprehensive review of the grading drainage and lot configuration is necessary." Brandon Street is a 14-403 Street and, if built, will in fact have negative impacts, will not have a comprehensive review for grading and drainage due to ownership issues and will have a poor lot configuration.

If Brandon Street is constructed, neither the city standards nor its goals will be met because:

- Section 14-498G (4) states lots having double frontage on streets shall be avoided. 3 such lots will be created along with 2 non-conforming lots due to size and easements and 1 non-buildable lot due to wetlands. (See Attachment 1)

- Section X I of the Technical Design Standards states that development should be designed to minimize wetland impacts. Our proposal alters no wetlands while building Brandon Street will cause an impact on 5,300 square feet of wetlands.
- A road system will be created which does not meet Section 1 Street Design, Alignment and Grade Standards paragraph 2.H. of the technical design standards for street separation.
- An undesirable intersection at Forest Avenue, Brandon Street and Tucker Avenue will be created.
- Both grading and drainage cannot be reviewed and potentially not be constructed properly as the subdivider does not own the majority of the land abutting Brandon Street.
- Section 14-497a (8) states a project shall not have an undue adverse effect on the scenic and natural beauty of the area. Jeff Tarling, City Arborist has confirmed that the construction of Brandon Street will in fact have such an undue adverse effect.

In summary, if Brandon Street were proposed to the Planning Board, as a new development with the challenges faced, the board would have no alternative but to deny the project based upon the 6 requirements noted above that cannot be met.

Conflict with the preapplication purposes

Section 14-494 "Guidance to Subdivider" states that the purpose of the preapplication process is to afford advice and assistance from staff and the Planning Board to insure a development with mutual benefits for the subdivider and the city.

The construction of Brandon Street would benefit the city in the creation of building lots however it does not benefit the city or the subdivider for the following reasons:

- No lots would be developed as the applicant is unable to build the project due to economics.
- Traffic issues as discussed previously
- Creation of undesirable lot configurations a discussed previously
- Wetland disturbance as discussed previously
- Negative economic impact to the developer causing the loss of hundreds of thousands of dollars. See Attachment 2.
- Have undue adverse effect on the scenic or natural beauty of the area as discussed previously.

Neighborhood meeting

Section 14-32(C) of the city ordinance requires an applicant to hold a neighborhood meeting to discuss the proposed project. The purpose of the meeting is to improve communication between development applicants and the neighbors. This meeting was held and

both the applicant and neighbors concurred that Brandon Street should not and would not be proposed for construction. Both parties felt the streets construction would:

- Have a negative impact on the integrity of the neighborhood
- Cause the loss of significant vegetation thus causing noise pollution from the nearby highway.
- Cause traffic issues at Forest Avenue as well as headlights into existing homes
- Hurt the economic value of their properties

It is unusual for a subdividor and neighborhood to be in agreement while at the same time the Planning Board vote contrary to the efforts of both parties.

Conflict with the City's Comprehensive Plan

The Comprehensive Plan for the city also has several sections that do not support the requirement that Brandon Street be built as part of our subdivision.

“Housing: Sustaining Portland's Future” begins on page 21 of the report. In this section of the report policies are created offering guidance for the creation of housing. Two such policies are:

- Maximize development where public infrastructure and amenities, such as schools, parks, public/alternative transportation, sewer lines and roads exist or may be expanded at minimal cost.
- Locate and design housing to reduce impacts on environmentally sensitive areas.

The proposed 5 lot subdivision utilizes the existing utilities at Castine Street and Forest Avenue and has been designed to reduce impacts to environmentally sensitive areas. Requiring Brandon Street to be constructed does not meet these two criteria.

“Housing Initiative Section II. 8. Encourage and Support Private Market Rate Development” states there is a critical need for market rate housing. The section goes on to state that eliminating barriers and supporting market rate projects through the approval process will expand the stock of housing. We feel, for the following reasons, the requirement to construct Brandon Street to gain the four buildings lots we proposed is not consistent with this section of the comprehensive plan:

- This developer cannot afford to build Brandon Street, thus any new housing will be eliminated.
- By ensuring lot 1 not be divided at any time without city approval, the developer has preserved potential house lots along Brandon Street until a time it is economically feasible to construct the road and city standards can be met.

This same report, on pages 45 and 46, continues to stress the importance of:

- Encouraging and promoting affordable decent housing
and

- Insuring the integrity and economic value of Portland's neighborhoods

The comprehensive Plan encompasses the report on Green Spaces, Blue Edges. This study gives specific recommendations for this parcel of property. It states "Work with property owners to protect the stand of pines and hemlock trees at the New England Telephone facility (Davis Farm Road) and the stand of pine along Forest Avenue and Castine". The city staff and developer worked together to accomplish this specific city goal by:

- Applicant and city arborist agreed to a no cut area along Castine, Forest and Brandon Streets
- Applicant agreed to replanting when necessary
- No drives or utilities are located along Forest Avenue causing an expense to the developer but preserving the pines

In order to address board member Shalom Odokara's specific concerns, please note that there is a mechanism in the code for lot owners on a paper street to have the road constructed. Section 25-47 of the city code directs owners of land abutting a paper street how the street can be constructed while sharing expenses with other owners. See Attachment 3.

Addressing the Planning Board's concerns re: variance

Section 14-506 does allow for modifications to the strict compliance with the land use code to be granted if "extraordinary conditions exist or that undue hardship may result from strict compliance with these regulations", so that "justice may be done and the public interest secured". The City has provided its definition of undue hardship by generally discussing the definition in other contexts. For instance the definition for undue hardship in a zoning situation is that the following four prongs must be met:

- The land in question cannot yield a reasonable return unless a variance is granted
- The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood
- The granting of a variance will not alter the essential character of the locality, AND
- The hardship is not the result of action taken by the applicant or a prior owner.

It seems apparent that the four prongs can be met, factually. Prong 1: The cost of construction of Brandon Street significantly outweighs any resulting return from the subdivision. Prong 2: The reasons for not constructing Brandon Street are unique to that street and are not indicative of the neighborhood in general. Prong 3 can be met in the negative, not granting the variance will alter the character of the locality by disturbing wetlands and removing vegetation. Prong 4: This hardship is only the result of the original street layout, presumably done by the City planners prior to the development of that area of Forest Avenue. It can be argued that the layout would have been significantly different had the City planners seen the conditions which exist today.

In considering the layman's definition of "extraordinary conditions" the following should be considered:

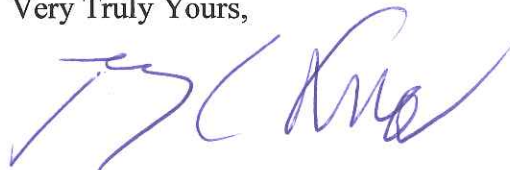
- only one lot will currently benefit from the construction of an entire road
- The construction of Brandon Street will disturb 5,347 square feet of wetlands
- The construction of Brandon Street will presumably create a traffic issue as a new road intersection will be constructed on Forest Avenue
- The construction of Brandon Street will result in significant vegetation being removed
- The construction of Brandon Street will result in double frontage on five lots which is "to be avoided" pursuant to Section 14-498 (g)(4)
- The tree preservation on the corner of Brandon Street and Forest Avenue will be eliminated thus altering the scenic and natural beauty of the area and contraverting the "green spaces" intent
- Two nonconforming lots will be created by their division by the road

The Planning Board has further stated that even if "extraordinary conditions" exist or that "undue hardship" will result from compliance with their regulations, the variance must not have the effect of nullifying the intent and purpose of the land development plan. These intents and purposes are laid out in section 14-491 et seq. and have been fully discussed above.

The cost of construction of Brandon Street far outweighs the expected return on this plan. Requiring the construction of Brandon Street will result in an abandonment of the plan, due to lack of the financial ability of the applicant to build,. This directly controverts the housing initiative. Granting the variance and approval of the plan as submitted will better and more directly serve the dictates of Portland's housing initiative.

In summary, although the code does encourage street connectivity the same code also requires a significant number of conditions that should be reviewed, all of which mandate that Brandon Street not be constucted. By requiring the construction of Brandon Street all of those sections of the code are being ignored.

Very Truly Yours,



Terry N. Snow, Esq.

Enclosures

ATTACHMENT 2

If Brandon Street is constructed W&C would create 4-5 building lots from its parcel of property depending upon wetland permitting and design:

$$4 \text{ lots @ } \$75,000 = \$300,000$$

$$5 \text{ lots @ } \$75,000 = \$375,000$$

The estimated cost of the road (not including contingencies, ledge etc.) is \$530,000.

<u>4 lots</u>	<u>5 lots</u>
\$300,000 gain	\$375,000 gain
<u>- \$530,000 cost</u>	<u>- \$530,000 cost</u>
= \$230,000 loss	= \$155,000 loss

ATTACHMENT 3

City of Portland
Code of Ordinances
Sec. 25-47

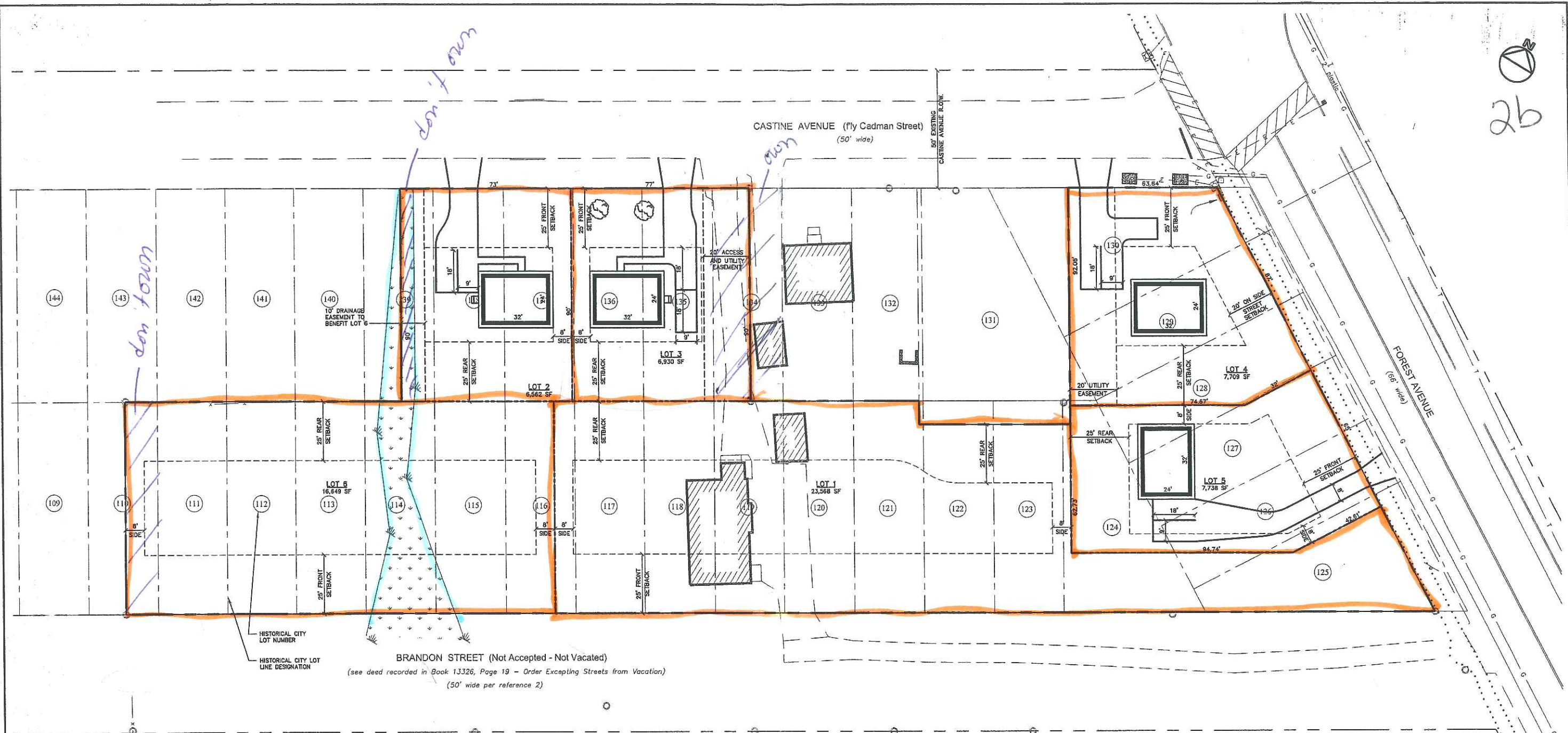
Streets, Sidewalks and Other Public Places
Chapter 25
Rev.9-20-07 25-9

Sec. 25-47. Acceptance of streets and ways dedicated for public travel prior to July 7, 1948.
A street or way dedicated for public travel prior to July 7, 1948, shall be laid out and accepted as a public street or way by the city only upon the following conditions:

- (a) *Minimum width.* Such street or way shall have a minimum width of fifty (50) feet unless the owners of property adjoining the street or way shall convey to the city sufficient land to lay out a fifty (50) foot street; provided, however, that the public works authority may permit a lesser width when a fifty (50) foot street is impracticable. Provided further that any such street or way located on any of the islands in Casco Bay, which is not considered to be a collector street in the opinion of the public works authority and the planning board, may have a minimum width of thirty-two (32) feet.
- (b) *Recorded plan.* A plan of the street or way shall have been recorded in the county registry of deeds prior to July 7, 1948.
- (c) *Petition by abutters.* A majority of the abutters upon the street or way shall in writing, on a form to be prescribed by the public works authority, petition the city council to improve the street by grading, curbing, gravelling, macadamizing, paving, or in any other way making a permanent street of the same, or any part thereof; and in said petition shall waive any damages resulting from the laying out and acceptance of said street or way, or any necessary changes in the grade thereof; and shall agree to pay their just proportion of one-third of the cost thereof. For purposes of this article, a majority of the abutters shall mean those abutters who own more than fifty (50) percent of the frontage, both in front-feet and in assessed value.
- (d) *Assessment of costs.* When the street or way shall have been laid out and accepted as a public street or way, and such improvements have been made, one-third of the cost thereof shall be assessed on the property adjacent to and bounded on the street or way in the manner, and with the same right of appeal, provided in 23 M.R.S.A §§ 3601--3605.

(Code 1968, § 707.2)

26



BRANDON STREET (Not Accepted - Not Vacated)
 (see deed recorded in Book 13326, Page 19 - Order Excepting Streets from Vacation)
 (50' wide per reference 2)

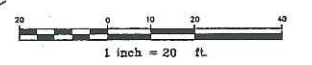
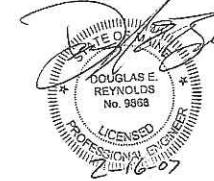
SPACE AND BULK REQUIREMENTS - R-3 ZONE

MINIMUM LOT SIZE:	6,500 S.F.
MINIMUM FRONTAGE:	50 FT.
MINIMUM SETBACKS:	
FRONT YARD	25 FT.
REAR YARD	25 FT.
SIDE YARD*	
1 STORY	8 FT.
1 1/2 STORY	8 FT.
2 STORY	14 FT.
2 1/2 STORY	16 FT.
MINIMUM LOT WIDTH:	
OTHER USES:	65 FT.

* THE WIDTH OF ONE (1) SIDE YARD MAY BE REDUCED ONE (1) FOOT FOR EVERY FOOT THAT THE OTHER SIDE YARD IS CORRESPONDINGLY INCREASED, BUT NO SIDE YARD SHALL BE LESS THAN EIGHT (8) FEET IN WIDTH.
 THE SIDE YARDS SHOWN ON THE FOLLOWING FIGURES ARE BASED UPON A (1) ONE STORY STRUCTURE AND MAY BE INCREASED OR DECREASED DEPENDING UPON THE NUMBER OF STORES.

NOTES:

- LOT 6 CAN NOT BE BUILT UPON UNTIL BRANDON STREET IS IMPROVED TO CITY STANDARDS.
- LOT 4 SETBACKS SHOWN ASSUME HOUSE FACES CASTINE AVENUE. IF HOUSE FACES FOREST AVENUE SETBACKS SHALL BE REVISED ACCORDINGLY.
- AFTER DEVELOPMENT TAKES PLACE NO TREE OVER 4" SHALL BE REMOVED UNLESS IT IS DEAD, DYING OR DISEASED, CAUSING A HAZARD TO EITHER THE PUBLIC OR THE HOMES ON THE PROPERTY OR TO PLACE A GARAGE, ACCESSORY STRUCTURE, OR PLAY AREA OF REASONABLE AREA.
- EACH UNIT SHALL BE PROVIDED WITH AT LEAST TWO (2) TREES MEETING THE CITY'S ARBORICULTURE SPECIFICATIONS AND WHICH ARE CLEARLY VISIBLE FROM THE STREET LINE AND ARE LOCATED SO AS TO VISUALLY WIDEN THE NARROW DIMENSION OR PROPORTION OF THE UNIT.



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

NOTE: LOT LAYOUT AND GRADING CONFIGURATIONS SHOWN ON THIS PLAN DO NOT REPRESENT THE INTENDED FINAL DEVELOPMENT OF THE LOT FOR BUILDING PERMIT.

Rev.	Date	Revision

SUBDIVISION REVIEW	02/16/07	DER
Issued For	Date	By

Design: JLG Draft: LMC Date: 1/07
 Checked: AMP Scale: 1"=20' Job No.: 1721
 File Name: 1721-phase.dwg
 This plan shall not be modified without written permission from Gorrill-Palmer Consulting Engineers, Inc. (GPCEI). Any alterations, authorized or otherwise, shall be at the user's sole risk and without liability to GPCEI.

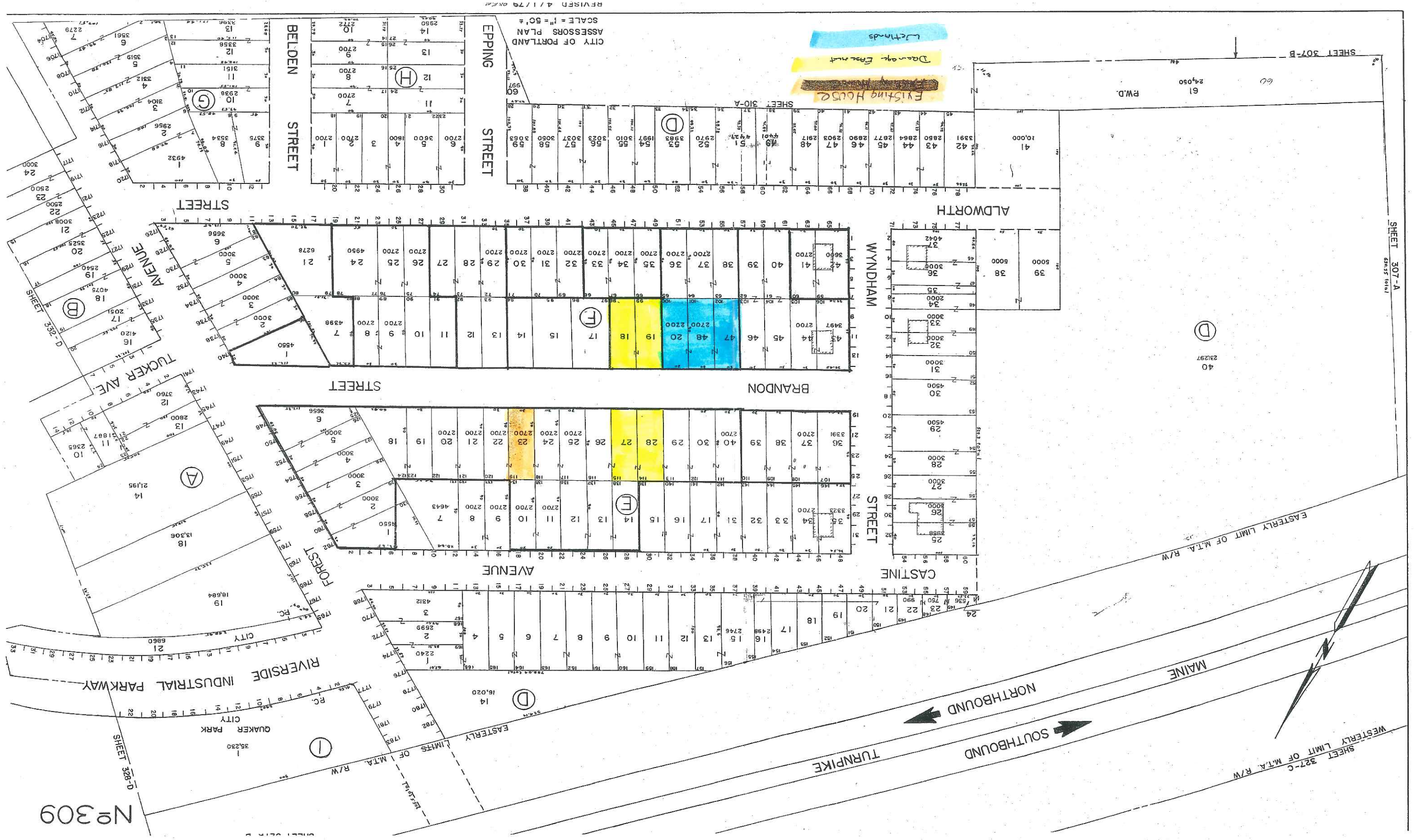
GP Gorrill-Palmer Consulting Engineers, Inc.
 PO Box 1237 Traffic and Civil Engineering Services 207-657-6910
 15 Shaker Road Gray, ME 04039 FAX: 207-657-6912
 E-Mail: mail@gorrillpalmer.com

Drawing Name:	Lot Layout Plan
Project:	CASTINE AVENUE, PORTLAND, MAINE
Client:	W&C, LLC PO Box 10127, 449 Forest Avenue, Portland, ME 04104

Drawing No.
3

№309

Attachment 1



CITY OF PORTLAND
ASSESSOR'S PLAN
SCALE = 1" = 50' #
REVISED 4/1/79 D.R.M.

Existing House
Damage Easement
Wetlands

SHEET 307-A
63x35 total

SHEET 307-B

RIVERSIDE INDUSTRIAL PARKWAY
QUAKER PARK CITY
35,230

TURNPIKE
NORTHBOUND
SOUTHBOUND

SHEET 327-C
WESTERLY LIMIT OF M.T.A. R/W

SHEET 308-D