

Department of Planning & Development
Lee D. Urban, Director



CITY OF PORTLAND

333-E-28

Division Directors
Mark B. Adelson
Housing & Neighborhood Services

Alexander Q. Jaegerman, AICP
Planning

John N. Lufkin
Economic Development

May 16, 2002

Mr. James Wolf
Diversified Properties
PO Box 10127
Portland, Maine 04104

Subject: Milton Street Subdivision Swale

333
CBL/EQ28 and G1

Dear Mr. Wolf:

Thank you for meeting on site at the Milton Street Subdivision to look over the swale. As I had mentioned, Todd Merkle and myself were previously at the swale to verify the grading and catch basin elevations. The purpose for this was to determine the reason why the swale was not functioning to its fullest capability.

It was found that the swale has not been constructed in accordance with the subdivision plan. In particular, the contours/elevations in the grading of the swale vary from the site plan. Also, the Catch Basin/Field Drain rim elevation has not been set to the proposed elevation. This occurs behind all the lots on the Westerly side of Milton Street. The drainage appears to be functioning behind lots #167 and #168 to a certain degree. The drainage behind lots #169, #170, and #171, however, is not working very well.

At this time, the City requests that the swale be installed per plan to insure proper drainage. The field inlet rim also must be mortared to the structure at the correct elevation, and a grated cover still needs to be placed. If you wish to pursue any changes from the site plan, you must apply to the City for an amendment to your site plan.

Please respond to this letter at your earliest convenience. Your progress in completing the road is going very well, and the City would like to resolve this item in conjunction with the completion of the roadway improvements.

Please contact me if you have any questions.
Thank You.

Sincerely,


Jay Reynolds
Development Review Coordinator

O:\DRC\miltonswale1.doc

- 1 -

cc: Alexander Jaegerman, Planning Division Director
Sarah Hopkins, Development Review Services Manager
Richard Knowland, Senior Planner
Todd Merkle, Public Works
Penny Littell, Corporation Counsel
✓ Inspections Department
file

Diversified Properties, Inc.

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

COPY

July 17, 2002

Jay Reynolds
Development Review Coordinator
City of Portland
389 Congress Street
Portland, ME 04101

333-E-28

RE: Milton Street Swale

Dear Jay:

Enclosed please find copies of correspondence relating to the Milton Street Swale. Please notice that these began in June 2000.

Construction and preservation of the swale, built as a Private Drainage Easement, was a critical concern to all parties involved in this project. The City and Diversified Properties took measures early in the project to assure its completion. Ultimately, the City required the complete swale be installed and draining prior to any certificates of occupancy being issued for any house on that side of the street. This condition was required by Mike Nugent. Furthermore, Gordon Smith, DRC of Portland in 2000, assured me that any disturbance to the completed swale and reconstruction required would be the house builder's responsibility. Based upon the requirement of Mike Nugent and the assurance given by Gordon Smith the swale was constructed. Enclosed please find correspondence from Mr. Nugent, confirming the above paragraph content, dated June 28, 2000. I have highlighted the following:

1. Area I Inspectors – No certificates of occupancy until Public Works/DRC are ok.
2. The summary of my conversation with Gordon Smith regarding repair of the swale after construction is approved.

The six lots on the swale side of Milton Street were each built on and given certificates of occupancy by Mike Nugent's inspection department. (Regrettably I do not have the dates of issuance). However, I believe several were issued in the fall of 2000. Given Mike's attention to detail, the occupancy permits would not have been given unless the swales construction had been approved by Portland.

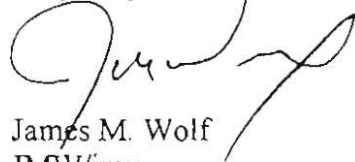
Jay Reynolds
July 17, 2002
Page 2

Based upon the documents provided, Diversified Properties does not believe it is responsible for reconstructing the swale. The documentation provided clearly demonstrates the City approved its construction and should now be looking to the house builders for any needed repairs.

If additional documentation is needed confirming our compliance to Mr. Nugent's email, I suggest we review the file for lot 167 Milton. If not mistaken, I believe the City DRC required the homebuilder repair the swale and core the drainage structure we installed prior to receiving an occupancy permit. Note the DRC's requests altered our approved plans.

Thank you for your patience while I searched for the enclosed documentation. I believe the City and Diversified Properties are both fortunate this issue was addressed at the start of development.

Very truly yours,



James M. Wolf
JMW/jmy

Email = jmw1@maine.rr.com

cc. Lee Urban, Director of Planning and Development

Mike Nugent, Inspections Service Manager

Todd Merkle, Field Inspections Coordinator

Alex Jaegerman, Chief Planner

Penny Littell, Corporate Counsel

Sarah Hopkins, Development Review Service Manager

James Wolf

From: James Wolf <buca@maine.rr.com>
To: Mike Nugent <MJN@ci.portland.me.us>
Sent: Thursday, June 29, 2000 7:52 AM,
Subject: Re: Fw: Maggie Lane and Milton Street *-Public Works*

Mike

Thank you for the heads up. I spoke with Gordon Smith last night and we discussed the swale. Our concern is how the swale will be preserved during house construction. Gordon assured me that any disturbance during house construction would be repaired by the house builders.

Thank you again.

Jim wolf

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

From: Mike Nugent <MJN@ci.portland.me.us>
To: <NLK@ci.portland.me.us>; <buca@maine.rr.com>
Cc: <AXR@ci.portland.me.us>; <JMB@ci.portland.me.us>;
<MJN@ci.portland.me.us>; <SKW@ci.portland.me.us>; <Todd@ci.portland.me.us>;
<srbushey@maine.rr.com>
Sent: Wednesday, June 28, 2000 3:36 PM
Subject: Re: Fw: Maggie Lane and Milton Street

AREA 1 inspectors--NO Certificates of Occupancy until Public Works/DRC are ok
>>> Nancy Knauber 06/28 2:44 PM >>>

The swale behind the lots on Milton St. needs to be installed and draining into the intended field inlets before a C.O. for any house on that side of the street will be issued. We will expect the swale to have a catch of grass as soon as reasonable after it is dug. Certainly it should before winter.

To reply to your earlier question Ed Parker and I inspected Maggie Lane in March; while there he took several photos of the site.

>>> "James Wolf" <buca@maine.rr.com> 06/27 12:38 PM >>>
Nancy

Please get back to me with answers to my questions.

With respect to Maggie Lane it is important to conform when and who inspected the site in March. We do not want people to think we were trying to avoid completing the project properly.

With respect to Milton Street we need to know who to speak to regarding the swale.

Thank you for your help.

Jim

James M. Wolf
Diversified Properties, Inc.
1-207-773-4988
----- Original Message -----
From: James Wolf
To: nik@ci.portland.me.us
Sent: Friday, June 23, 2000 7:32 AM
Subject: Maggie Lane and Milton Street

Nancy

A short time ago I emailed and asked when and who inspected Maggie Lane in March. Please send over this information. We only want planning etc. to know we were following through with the plan.

Ben intends to be at Milton Street next week and have the road black topped in 3 weeks. He will then move out and let the houses construction be completed. Who should I talk to about the drainage on the 6 lot side. We want to do the swale once thus who's decision is it as to when that should take place?

Thank you for the help.

James M. Wolf
Diversified Properties, Inc.
1-207-773-4988

James Wolf

From: "James Wolf" <buca@maine.rr.com>
To: "Jay Reynolds" <JAYJR@ci.portland.me.us>
Sent: Monday, June 04, 2001 10:48 AM
Subject: Re: MEMO'S GOING OUT

I forgot to mention that I saw Ben Friday night and he said the swale had been completed

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

From: "Jay Reynolds" <JAYJR@ci.portland.me.us>
To: <buca@maine.rr.com>
Sent: Friday, June 01, 2001 10:52 AM
Subject: Re: MEMO'S GOING OUT

not me!!
It was deluca hoffman, i'd say.....

>>> "James Wolf" <buca@maine.rr.com> 06/01 8:47 AM >>>

Ben needs to check, however, he remembers the work being done.....I am sending a letter to Lombardo and to the Glass's.....you will get copies of each.....also sent a letter to Joyce.....do we know who approved the site work for the CO?

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

From: "Jay Reynolds" <JAYJR@ci.portland.me.us>
To: <buca@maine.rr.com>
Sent: Friday, June 01, 2001 8:48 AM
Subject: Re: MEMO'S GOING OUT

please do.
did you hear from ben? did he finish off the swale?
deluca hoffman's still looking for info.

>>> "James Wolf" <buca@maine.rr.com> 06/01 8:25 AM >>>

do you want to be kept in the loop with regard to Glass.....

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

From: "Jay Reynolds" <JAYJR@ci.portland.me.us>
To: <buca@maine.rr.com>
Sent: Wednesday, May 30, 2001 12:46 PM
Subject: MEMO'S GOING OUT

Consider yourself cc'd! these DO pertain to you in some manner.

Jay

James Wolf

From: "James Wolf" <buca@maine.rr.com>
To: "Jay Reynolds" <JAYJR@ci.portland.me.us>
Sent: Tuesday, June 05, 2001 7:35 AM
Subject: Milton Swale

In case you care, I met with the Glass's last night. The problem with the water is quite simple. The builder of the house installed a drain in the swale and changed its direction in an effort to correct the house elevation problem. Unfortunately, the abutter to the right is draining into the swale which has uncovered the pipe causing erosion. We are going to continue to push the builder to get to the site and correct the problem. I believe the Glass's now agree that DPI did not incorrectly install pipe or the swale.

James Wolf
Diversified Properties, Inc
1-207-773-4988
Fax 1-207-773-6875

6/27/02

James Wolf

From: "James Wolf" <buca@maine.rr.com>
To: "Jay Reynolds" <JAYJR@ci.portland.me.us>
Sent: Wednesday, May 30, 2001 12:14 PM
Subject: Re: Re:

anything we can do to help...

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

From: "Jay Reynolds" <JAYJR@ci.portland.me.us>
To: <buca@maine.rr.com>
Sent: Wednesday, May 30, 2001 12:13 PM
Subject: Re: Re:

cuz i'm up to my ears in drainage problems and upset homeowners

>>> "James Wolf" <buca@maine.rr.com> 05/30 11:14 AM >>>

why would the planners look at Woodbury Street.....it is a single family

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

From: "Jay Reynolds" <JAYJR@ci.portland.me.us>
To: <buca@maine.rr.com>
Sent: Wednesday, May 30, 2001 9:05 AM
Subject: Re:

Jim,

1. Maggie lane sweeping all set.
2. received plans for bailey ave., haven't looked at them,
trying to get someone from public works to bailey ave.(they determine the road status, and another memo will follow)
3. Haven't seen the application for woodbury st. (i may not, it may be given to one of the planners).
4. Milton St. - steve bushey is getting all the correspondence on this for me.

Jay

Jay Reynolds
Development Review Coordinator
Department of Planning and Urban Development
City of Portland
207-874-8632
JAYJR@portland.CityHall.org

>>> "James Wolf" <buca@maine.rr.com> 05/29 3:08 PM >>>

Jay

Wanted to touch base and follow up on the following:

- * Are we all set on the sweeping at Maggie Lane? The work was completed Friday.
- * Did you receive the updated plans for Bailey Avenue?
- * Heads up. We have a permit application in for the lot at the end of Woodbury Street that I showed you.
- * Has Steve Bushey contacted you regarding the drainage swale at Milton Street?

Please contact me if there is anything I need to follow up on.

James Wolf

Diversified Properties, Inc

1-207-773-4988

Fax 1-207-773-6875