

--1-D-009001

35-35 Barclay Ave, Portland, ME

Barclay Avenue Lot Divisino

Diversified properties INC

P. O Box 10127 Portland, ME 04104

EXHIBIT B

Quitclaim Deed from  
Diversified Properties, Inc.  
to the City of Portland

Doc# 25862 Bk:22566 Pg: 245

**Deed Description of Proposed Turnaround Easement  
Barclay Avenue  
Portland, Maine**

A certain easement lying on the southwesterly side of Barclay Avenue, in the City of Portland, County of Cumberland, State of Maine, bounded and described as follows:

Beginning on the southwesterly sideline of said Barclay Avenue and the northerly corner of Lot 217 as shown on a Plan of Harris Farms dated June 5, 1919 and recorded in the Cumberland County Registry of Deeds in Plan Book 14, Page 19. Thence:

- 1) S 29° 16' 00" E by said Barclay Avenue a distance of Fifteen and 00/100 (15.00) feet to a point.
- 2) S 60° 44' 00" W a distance of Thirty and 00/100 (30.00) feet to a point.
- 3) N 29° 16' 00" W a distance of Thirty and 00/100 (30.00) feet to a point.
- 4) N 60° 44' 00" E a distance of Thirty and 00/100 (30.00) feet to a point on the southwesterly sideline of said Barclay Avenue.
- 5) S 29° 16' 00" E by said Barclay Avenue a distance of Fifteen and 00/100 (15.00) feet to the point of beginning.

The above described parcel contains 900 square feet and lies over portions of Lot 217 and Lot 218 as shown on said plan.

Bearings are referenced to Magnetic North 1919.

Reference is herein made to a Standard Boundary Survey made for Diversified Properties by Titcomb Associates dated May 5, 2001.

**From:** "Jim Wolf" <jmw1@maine.rr.com>  
**To:** "'Barbara Barhydt'" <BAB@portlandmaine.gov>  
**Date:** 1/25/2007 1:18:29 PM  
**Subject:** Barclay Avenue Lot Division

Barbara

An application and 9 packages for the Barclay Avenue lot division are being delivered to you this afternoon. While filling out the application it was brought to my attention that a neighborhood meeting was not required as we are not creating 5 lots. If you agree, do you feel this is an instance where going directly to Public Hearing makes sense? 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

**CC:** "'Penny Littell'" <PL@portlandmaine.gov>

Application ID Number: 2007-0018

Distribution:

Add Review

Current Status: Not Applicable Reviewer: Cptn Greg Cass Approval Date: 03/07/2007

Department: Fire Expiration Date: 03/07/2008 Extension Date:

OK to Issue Permit Name:  Date:  Date 2:

Comments

Create Date: 01/25/2007 By: jmy Update Date: 03/07/2007 By: cassg



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

2007-0018  
Application I. D. Number  
  
1/25/2007  
Application Date  
  
Barclay Avenue Lot Division  
Project Name/Description

Diversified Properties Inc  
Applicant  
Po Box 10127, Portland , ME 04104  
Applicant's Mailing Address

35 - 35 Barclay Ave , Portland, Maine  
Address of Proposed Site  
339 D009001  
Assessor's Reference: Chart-Block-Lot

Consultant/Agent  
Applicant Ph: (207) 773-4988 Agent Fax:  
Applicant or Agent Daytime Telephone, Fax

Proposed Development (check all that apply):  New Building  Building Addition  Change Of Use  Residential  Office  Retail  
 Manufacturing  Warehouse/Distribution  Parking Lot  Apt 0  Condo 0  Other (specify) Lot Division

Proposed Building square Feet or # of Units 7,488 Acreage of Site 7,488 Zoning R3

**Check Review Required:**

- Site Plan (major/minor)  Zoning Conditional - PB  Subdivision # of lots 1
- Amendment to Plan - Board Review  Zoning Conditional - ZBA  Shoreland  Historic Preservation  DEP Local Certification
- Amendment to Plan - Staff Review  Zoning Variance  Flood Hazard  Site Location
- After the Fact - Major  Stormwater  Traffic Movement  Other \_\_\_\_\_
- After the Fact - Minor  PAD Review  14-403 Streets Review

Fees Paid: Site Plan \$525.00 Subdivision \_\_\_\_\_ Engineer Review \_\_\_\_\_ Date 1/25/2007

**Planning Approval Status:**

Reviewer Shukria Wiar

- Approved  Approved w/Conditions See Attached  Denied

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

OK to Issue Building Permit \_\_\_\_\_ signature \_\_\_\_\_ date \_\_\_\_\_

Performance Guarantee  Required\*  Not Required

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

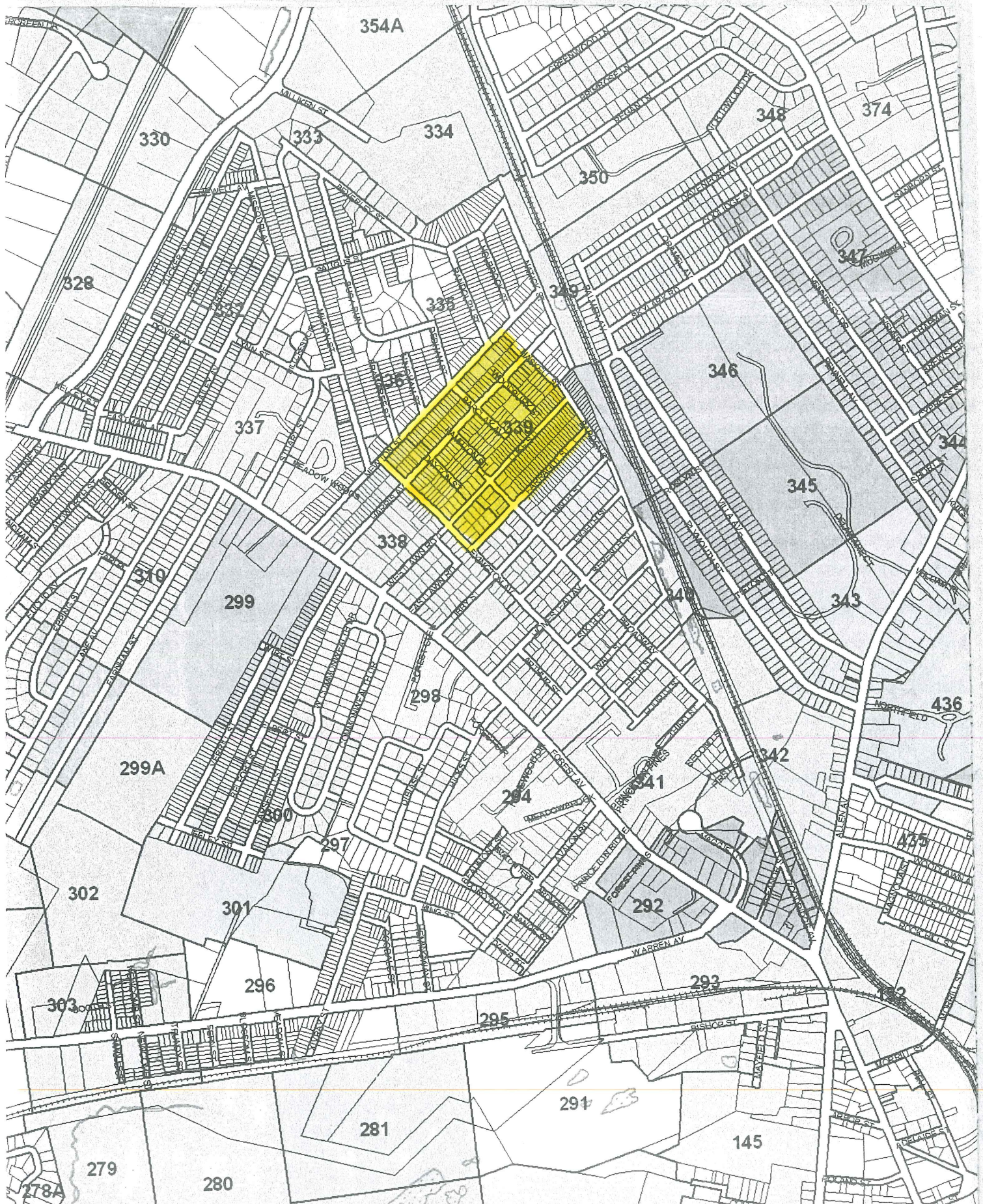
- Performance Guarantee Accepted \_\_\_\_\_ date \_\_\_\_\_ amount \_\_\_\_\_ expiration date
- Inspection Fee Paid \_\_\_\_\_ date \_\_\_\_\_ amount \_\_\_\_\_
- Building Permit Issue \_\_\_\_\_ date \_\_\_\_\_
- Performance Guarantee Reduced \_\_\_\_\_ date \_\_\_\_\_ remaining balance \_\_\_\_\_ signature \_\_\_\_\_
- Temporary Certificate of Occupancy \_\_\_\_\_ date \_\_\_\_\_  Conditions (See Attached) \_\_\_\_\_ expiration date
- Final Inspection \_\_\_\_\_ date \_\_\_\_\_ signature \_\_\_\_\_
- Certificate Of Occupancy \_\_\_\_\_ date \_\_\_\_\_
- Performance Guarantee Released \_\_\_\_\_ date \_\_\_\_\_ signature \_\_\_\_\_
- Defect Guarantee Submitted \_\_\_\_\_ submitted date \_\_\_\_\_ amount \_\_\_\_\_ expiration date
- Defect Guarantee Released \_\_\_\_\_ date \_\_\_\_\_ signature \_\_\_\_\_



#2007-0018

35 Barclay Ave.

Subd. - notice sent 500'





# Diversified Properties, Inc.

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

January 25, 2007

Barbara Barhydt  
Planning Department  
Portland City Hall  
389 Congress Street  
Portland, ME 04101

RE: Barclay Avenue Land Division

Dear Barbara:

Enclosed please find an application and supporting information for an after the fact land division on Barclay Avenue. Diversified Properties, Inc. has retained Gorrill Palmer Consulting Engineers and Titcomb Associates to prepare plans for review and approval by the City Planning Department and Planning Board. The land division took place in 2003. The applicant and corporation counsel differ in opinion if a subdivision has occurred. In order to bring closure to the issue Diversified and corporation counsel agreed to bring this issue to the Board. (Parcel B shown on the attached plan). Prior to its division Parcel A & B were under the common ownership of Maggie Lane Development. At the time Bono Inc. Profit Sharing Trust owned Parcel C.

## Total Land Area/Site Description

The site is located on Barclay Avenue and consists of a 7,488 square foot vacant piece of land. See Parcel B on Plan.

## Zoning

The project site is zoned R-3 (residential Zone).

## Proposed Use/Status of Pending Application

On August 14, 2006 an application was made to construct one 24' x 32' cape style single family home on the lot. This application is waiting for approval from the Board for any lot division issues.

Barbara Barhydt  
January 25, 2007  
Page 2

#### Access

Access to the lot is via Barclay Avenue. Barclay Avenue was formerly accepted by the City of Portland in 2005.

#### Utilities

In 2003, water, sewer and storm drain services were installed to the lot as part of Barclay Avenue's road construction. Power, cable and phone are located on the corner of the site.

#### Existing/Proposed Easements

The site is encumbered by a CMP easement and a turnaround easement. No other easements are proposed.

#### Solid Waste Disposal

The City of Portland provides curb side pick up on Barclay Avenue.

#### Drainage/Topography Issues

No problematic drainage issues exist. The lot is relatively flat and drainage is shown on the proposed building permit application.

#### Applicant

Information has been provided, which indicates that the applicant is a corporation in good standing with the State of Maine.

#### Wetlands

There are no wetlands on the site. Survey information has been completed by Titcomb Associates of Falmouth, Maine.


Barbara Barhydt  
January 25, 2007  
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Performance Guarantee/Time Period For Completion

Being a division of land only is being proposed with no infracture required; we question the need for a performance guarantee. If a performance guarantee is required one will be provided. We anticipate the project being completed upon the recording of the signed subdivision plan. See letter from TD Banknorth.

I look forward to working with staff to complete this land division.

Very Truly Yours,



James M. Wolf  
Diversified Properties  
[Jmw1@maine.rr.com](mailto:Jmw1@maine.rr.com)  
Enclosures



# 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: <b>35 Barclay Avenue</b>		Zone: <b>R-3</b>	
Existing Building Size: _____ sq. ft.	Proposed Building Size: _____ sq. ft.		
Existing Acreage of Site: <b>7,488</b> sq. ft.	Proposed Acreage of Site: <b>7,488</b> sq. ft.		
Tax Assessor's Chart, Block & Lot:		Property owner's mailing address:	Telephone #:
Chart# <b>339</b>	Block# <b>D</b>	Lot# <b>9</b>	<b>773-4988</b>
Diversified Properties, Inc. P.O. Box 10127 Portland MA, ME 04104			
Consultant/Agent, mailing address, phone # & contact person:		Applicant's name, mailing address, telephone #/Fax#/Pager#:	Project name:
<b>James Wolf</b> SAME information as applicant		Diversified Properties, Inc. 773-4988 773-6875 FAX	<b>Barclay Avenue</b> <b>Lot Division</b>

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 1 (\$25.00 per lot) \$ \_\_\_\_\_ + 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 #)

PAT Walker  
c/o Diversified Properties, Inc.  
P.O. Box 10127  
Portland, ME. 04104  
773-4988 ext. 5

Submittals shall include (9) separate folded packets of the following:

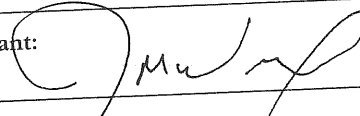
- copy of application
- cover letter stating the nature of the project
- site plan containing the information found in the attached sample plans checklist
- 1 set of 11 x 17 plans

Amendment to Plans: **Amendment applications should include 9 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](http://portlandmaine.gov)

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

Signature of applicant: 	Date: 1-24-07
---	---------------

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

WARRANTY DEED

MAGGIE LANE DEVELOPMENT, LLC, a Maine Limited Liability company with a principal place of business in Portland, in the County of Cumberland and State of Maine

For Consideration Paid, GRANT with WARRANTY COVENANTS TO:

DIVERSIFIED PROPERTIES, INC., a Maine corporation with a principal place of business in Portland, County of Cumberland and State of Maine

A certain lot or parcel of land situated on the westerly side of Barclay Avenue in the City of Portland, County of Cumberland and State of Maine, and being Parcel B described on a plan entitled "Standard Boundary Survey made for Diversified Properties" dated May 15, 2001 prepared by Titcomb Associates and recorded at the Cumberland County Registry of Deeds in Plan Book 203, Page 325, containing 7,488 square feet/.17 acres.

Being a portion of the premises conveyed to the Grantor herein by deed of Adelaide M. Curran dated November 20, 2001 and recorded at the Cumberland County Registry of Deeds in Book 17008, Page 32.

Together with and subject to the rights in common with others in and to Barclay Avenue.

EXCEPTING AND RESERVING to the Grantor, its successors and assigns, all right, title and interest in and to the fee interest in "Barclay Avenue", so-called, as shown on the plan. The purpose of this reservation is to preserve the Grantor's right in and to such ways pursuant to 23 M.R.S.A. §3031 (4) and 33 M.R.S.A. §460 et seq. together with the right to convey said fee interest to the City of Portland.

The conveyance is subject to a thirty (30) foot by fifteen (15) foot turnaround easement situated on the northerly corner of the lot herein conveyed described in an easement deed from the Grantor herein to the City of Portland to be recorded at said Registry of Deeds.

This conveyance is mad SUBJECT to the current real estate taxes to the City of Portland subject to proration at the closing, which Grantee herein by its acceptance of this deed hereby assumes and agrees to pay.

MAINE REAL ESTATE TAX PAID



IN WITNESS WHEREOF, the said MAGGIE LANE DEVELOPMENT, LLC has caused this instrument to be signed and sealed by James M. Wolf, its authorized member thereunto duly authorized this 11<sup>th</sup> day of December 2003.

MAGGIE LANE DEVELOPMENT, LLC

Joyce M. Yates

By: [Signature]  
Its Authorized Member

STATE OF MAINE  
CUMBERLAND, SS.

Dec. 11, 2003

Then personally appeared the above-named JAMES M. WOLF, Authorized Member of MAGGIE LANE DEVELOPMENT, 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,

Joyce M. Yates  
Notary Public

SEAL

JOYCE M. YATES  
NOTARY PUBLIC, MAINE  
MY COMMISSION EXPIRES SEPTEMBER 16, 2010

Received  
Recorded Register of Deeds  
Dec 17, 2003 09:43:31A  
Cumberland County  
John B. O'Brien



**CITY OF PORTLAND, MAINE**  
Department of Building Inspections

8.14 2006

Received from Diversified Prop.

Location of Work 35 Barclay-

Cost of Construction \$ \_\_\_\_\_

Permit Fee \$ 1475

Building (I1) \_\_\_\_\_ Plumbing (I5) \_\_\_\_\_ Electrical (I2) \_\_\_\_\_ Site Plan (U2) \_\_\_\_\_

Other \_\_\_\_\_

CBL: 339-D-9

Check #: 7382-

Total Collected \$ 1475

DEPT. OF BUILDING INSPECTION  
CITY OF PORTLAND, ME  
1100 Build  
300 sq. ft  
75 sq. ft  
1475

**THIS IS NOT A PERMIT**

No work is to be started until PERMIT CARD is actually posted upon the premises. Acceptance of fee is no guarantee that permit will be granted. PRESERVE THIS RECEIPT. In case permit cannot be granted the amount of the fee will be refunded upon return of the receipt less \$10.00 or 10% whichever is greater.

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

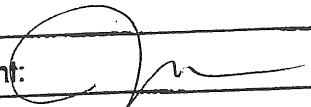
# All Purpose Building Permit Application

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

Location/Address of Construction: <u>BARCLAY AVE., PORTLAND Parcel 339/D/9</u>		
Total Square Footage of Proposed Structure: <u>7128</u>	Square Footage of Lot: <u>7488 S.F.</u>	
Tax Assessor's Chart, Block & Lot Chart# <u>339</u> Block# <u>D</u> Lot# <u>9</u>	Owner: <u>DIVERSIFIED PROPERT.</u>	Telephone: <u>207-723-4988</u>
Lessee/Buyer's Name (If Applicable): _____	Applicant name, address & telephone: <u>DIVERSIFIED PROPERTIES</u> <u>P.O. BOX 10127, PORTLAND, ME</u> <u>TEL. 207-723-4988</u>	Cost Of Work: \$ <u>108,000</u> Fee: \$ _____
Current use: <u>VACANT LAND</u>		
If the location is currently vacant, what was prior use: _____ <u>35 Barclay Ave</u>		
Approximately how long has it been vacant: <u>ALWAYS</u>		
Proposed use: _____ Project description: _____		
Contractor's name, address & telephone: _____		
Who should we contact when the permit is ready: <u>JIM WOLF.</u>		
Mailing address: <u>DIVERSIFIED PROPERTIES INC.</u> <u>P.O. BOX 10127</u> <u>PORTLAND, ME 04104</u>		
We will contact you by phone when the permit is ready. You must come in and pick up the permit and review the requirements before starting any work, with a Plan Reviewer. A stop work order will be issued and a \$100.00 fee if any work starts before the permit is picked up. PHONE: <u>207-723-4988</u>		

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

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

Signature of applicant: 	Date: <u>8-9-06</u>
---	---------------------

This is NOT a permit, you may not commence ANY work until the permit is issued. If you are in a Historic District you may be subject to additional permitting and fees with the Planning Department on the 4th floor of City Hall

Order 220-04/05  
Passed 9-04-25-05  
JILL C. DUSON (MAYOR)(A/L)  
PETER O'DONNELL (A/L)  
JAMES F. CLOUTIER(A/L)  
NICHOLAS M. MAVODONES (A/L)

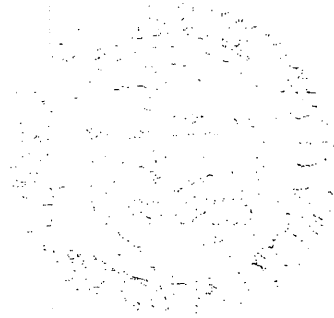
**CITY OF PORTLAND**  
IN THE CITY COUNCIL

WILLIAM R. GORHAM (1)  
KAREN A. GERAGHTY (2)  
DONNA J. CARR (3)  
CHERYL A. LEEMAN (4)  
JAMES I. COHEN (5)

**ORDER ACCEPTING BARCLAY AVE  
AS A CITY WAY**

**ORDERED,** that pursuant to 23 M.R.S.A. §3025, the City hereby accepts Barclay Ave (see Exhibit A) as a city way and further accepts the Deeds for said road and the fee title conveyed therein according to the Deeds and descriptions attached to this Order as Exhibit A.

A TRUE COPY  
ATTEST: Linda C. Cohen  
Linda C. Cohen, CMC, City Clerk  
Portland, Maine  
DATE 4/26/05



SEAL

## 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: 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.

THE SIDE YARDS SHOWN ON THE FOLLOWING FIGURES ARE BASED UPON A 2 STORY STRUCTURE AND MAY BE INCREASED OR DECREASED DEPENDING UPON THE NUMBER OF STORIES.

Design:	JML	Date:	1/07
Draft:	CMF	Job No.:	374
Checked:	AMP	Scale:	NTS
File Name: 374-SP.DWG			

**GP** Gorrill-Palmer Consulting Engineers, Inc.  
*Traffic and Civil Engineering Services*  
PO Box 1237, 26 Main Street  
Gray, ME 04039  
207-657-6910

Drawing Name:  
**Space & Bulk Requirements**  
Project:  
**BARCLAY AVENUE, PORTLAND**

Figure No.

**1**



**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, 4<sup>th</sup> Floor  
Portland, Maine 04101

RE: Diversified Properties, Inc. – Barclay Avenue lot division

To Whom It May Concern:

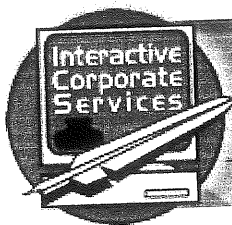
James Wolf, owner of Diversified Properties, Inc. is a long standing customer of the Bank. In our opinion, Diversified Properties, Inc. has the financial capacity to complete the proposed lot division at Barclay Avenue in Portland, Maine.

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

Sincerely,

A handwritten signature in black ink that reads 'Kimberly Donnelly'. The signature is written in a cursive, flowing style.

Kimberly Donnelly  
Vice President, Commercial Lending



# MAINE

Department of the Secretary of State  
Bureau of Corporations, Elections and Commissions

Corporate Name Search

## Information Summary

Subscriber activity report

This record contains information from the CEC database and is accurate as of: Tue Jan 23 2007 11:03:31. Please print or save for your records.

Legal Name	Charter Number	Filing Type	Status
DIVERSIFIED PROPERTIES, INC.	19921430 D	BUSINESS CORPORATION	GOOD STANDING

Filing Date	Expiration Date	Jurisdiction
02/21/1992	N/A	MAINE

Other Names (A=Assumed ; F=Former)

NONE

### Clerk/Registered Agent

TERRY N. SNOW  
294 MAIN ST., PO BOX 275  
CUMBERLAND, ME 04021

Obtain a Certified Copy of this record for an additional \$5.00 fee

[Back to previous screen](#)

[New Search](#)

Click on a link to obtain additional information.

# Diversified Properties, Inc.

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

January 25, 2007

Barbara Barhydt  
Planning Department  
Portland City Hall  
389 Congress Street  
Portland, ME 04101

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Barbara Barhydt  
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Barbara Barhydt  
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I look forward to working with staff to complete this land division.

Very Truly Yours,



James M. Wolf  
Diversified Properties  
[Jmw1@maine.rr.com](mailto:Jmw1@maine.rr.com)  
Enclosures



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Existing Acreage of Site: <b>7,488</b> sq. ft.		Proposed Acreage of Site: <b>7,488</b> sq. ft.		
Tax Assessor's Chart, Block & Lot:		Property owner's mailing address:		Telephone #:
Chart# <b>339</b>	Block# <b>D</b>	Lot# <b>9</b>	<b>Diversified Properties, Inc.</b>	
			<b>P.O. Box 10127</b>	
			<b>Portland Maine 04104</b>	
Consultant/Agent, mailing address, phone # & contact person:			Applicant's name, mailing address, telephone #/Fax#/Pager#:	
<b>JAMES WOLF</b>			<b>Diversified Properties, Inc.</b>	
<b>Same information as applicant</b>			<b>773-4988</b>	
			<b>773-6875 FAX</b>	
			Project name:	
			<b>Barclay Avenue</b>	
			<b>Lot Division</b>	

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 **1** (\$25.00 per lot) \$ \_\_\_\_\_ + 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 #)

PAT Walker  
c/o Diversified Properties, Inc.  
P.O. Box 10127  
Portland, ME. 04104  
773-4988 ext. 5

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

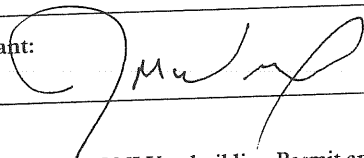
Amendment to Plans: **Amendment applications should include 9 separate packets of the above (a, b, & c)**

**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](http://portlandmaine.gov)

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

Signature of applicant:



Date:

1-24-07

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



**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, 4<sup>th</sup> Floor  
Portland, Maine 04101

RE: Diversified Properties, Inc. – Barclay Avenue lot division

To Whom It May Concern:

James Wolf, owner of Diversified Properties, Inc. is a long standing customer of the Bank. In our opinion, Diversified Properties, Inc. has the financial capacity to complete the proposed lot division at Barclay Avenue in Portland, Maine.

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

Sincerely,

Kimberly Donnelly  
Vice President, Commercial Lending

## 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:	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.

THE SIDE YARDS SHOWN ON THE FOLLOWING FIGURES ARE BASED UPON A 2 STORY STRUCTURE AND MAY BE INCREASED OR DECREASED DEPENDING UPON THE NUMBER OF STORIES.

Design:	JML	Date:	1/07
Draft:	CMF	Job No.:	374
Checked:	AMP	Scale:	NTS
File Name:	374-SP.DWG		

 **Gorrill-Palmer Consulting Engineers, Inc.**  
*Traffic and Civil Engineering Services*  
PO Box 1237, 26 Main Street  
Gray, ME 04039  
207-657-6910

Drawing Name:  
**Space & Bulk Requirements**  
Project:  
**BARCLAY AVENUE, PORTLAND**

Figure No.

**1**

Order 220-04/05  
Passed 9-0 4-25-05  
JILL C. DUSON (MAYOR)(A/L)  
PETER O'DONNELL (A/L)  
JAMES F. CLOUTIER(A/L)  
NICHOLAS M. MAVODONES (A/L)

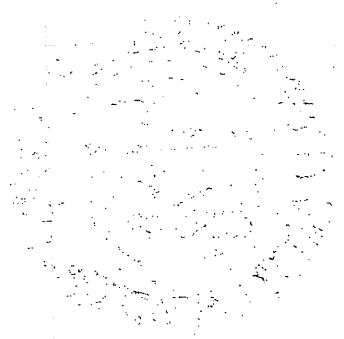
**CITY OF PORTLAND**  
**IN THE CITY COUNCIL**

WILLIAM R. GORHAM (1)  
KAREN A. GERAGHTY (2)  
DONNA J. CARR (3)  
CHERYL A. LEE MAN (4)  
JAMES I. COHEN (5)

**ORDER ACCEPTING BARCLAY AVE**  
**AS A CITY WAY**

**ORDERED,** that pursuant to 23 M.R.S.A. §3025, the City hereby accepts Barclay Ave (see Exhibit A) as a city way and further accepts the Deeds for said road and the fee title conveyed therein according to the Deeds and descriptions attached to this Order as Exhibit A.

A TRUE COPY  
ATTEST: Linda C. Cohen  
Linda C. Cohen, CMC, City Clerk  
Portland, Maine  
DATE 4/26/05



SEAL



**CITY OF PORTLAND, MAINE**  
Department of Building Inspections

8.14 2006

Received from Diversified Prop.

Location of Work 35 Barclay

Cost of Construction \$ 1100 Build

Permit Fee \$ 1475

Building (I1)  Plumbing (I5)  Electrical (I2)  Site Plan (U2)

Other \_\_\_\_\_

CBL: 339-D-9

Check #: 7382-

Total Collected \$ 1475

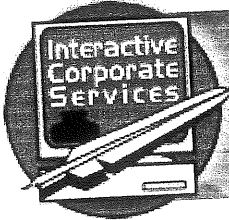
DEPT. OF BUILDING INSPECTION  
CITY OF PORTLAND, ME  
1100 Build  
300 site  
75 ego  
1475

**THIS IS NOT A PERMIT**

No work is to be started until PERMIT CARD is actually posted upon the premises. Acceptance of fee is no guarantee that permit will be granted. PRESERVE THIS RECEIPT. In case permit cannot be granted the amount of the fee will be refunded upon return of the receipt less \$10.00 or 10% whichever is greater.

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





Corporate Name Search

## Information Summary

Subscriber activity report

This record contains information from the CEC database and is accurate as of: Tue Jan 23 2007 11:03:31. Please print or save for your records.

Legal Name	Charter Number	Filing Type	Status
DIVERSIFIED PROPERTIES, INC.	19921430 D	BUSINESS CORPORATION	GOOD STANDING

Filing Date	Expiration Date	Jurisdiction
02/21/1992	N/A	MAINE

**Other Names**

(A=Assumed ; F=Former)

NONE

### Clerk/Registered Agent

TERRY N. SNOW  
294 MAIN ST., PO BOX 275  
CUMBERLAND, ME 04021

Obtain a Certified Copy of this record for an additional \$5.00 fee

[Back to previous screen](#)

[New Search](#)

**Click on a link to obtain additional information.**

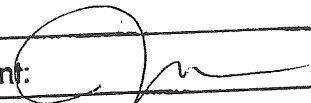
# All Purpose Building Permit Application

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

Location/Address of Construction: <u>BARCLAY AVE., PORTLAND PARCEL 339/D/9</u>		
Total Square Footage of Proposed Structure <u>7128</u>	Square Footage of Lot <u>7488 S.F.</u>	
Tax Assessor's Chart, Block & Lot Chart# <u>339</u> Block# <u>D</u> Lot# <u>9</u>	Owner: <u>DIVERSIFIED PROPERT.</u>	Telephone: <u>207-773-4988</u>
Lessee/Buyer's Name (If Applicable) _____	Applicant name, address & telephone: <u>DIVERSIFIED PROPERTIES</u> <u>P.O. BOX 10127, PORTLAND, ME</u> <u>TEL. 207-773-4988</u>	Cost Of Work: \$ <u>108,000</u> Fee: \$ _____
Current use: <u>VACANT LAND</u>		
If the location is currently vacant, what was prior use: _____ <u>35 Barclay Ave</u>		
Approximately how long has it been vacant: <u>ALWAYS</u>		
Proposed use: _____		
Project description: _____		
Contractor's name, address & telephone: _____		
Who should we contact when the permit is ready: <u>TIM WOLF.</u>		
Mailing address: <u>DIVERSIFIED PROPERTIES INC.</u> <u>P.O. BOX 10127</u> <u>PORTLAND, ME 04104</u>		
We will contact you by phone when the permit is ready. You must come in and pick up the permit and review the requirements before starting any work, with a Plan Reviewer. A stop work order will be issued and a \$100.00 fee if any work starts before the permit is picked up. PHONE: <u>207-773-4988</u>		

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

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

Signature of applicant: 	Date: <u>8-9-06</u>
---	---------------------

This is NOT a permit, you may not commence ANY work until the permit is issued. If you are in a Historic District you may be subject to additional permitting and fees with the Planning Department on the 4<sup>th</sup> floor of City Hall



# PORTLAND, MAINE

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

**Planning and Development Department**  
Lee D. Urban, Director

**Planning Division**  
Alexander Jaegerman, Director

March 16, 2007

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

**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:

1. The applicant shall provide a narrative with a chronology of the lot divisions to date.
2. The subdivision ordinance contains review standards and required improvements in your narrative. The Planning Office recommends that you address how your application meets the subdivision regulations and standards.
3. Identify the current zoning information for the subdivision and identify the lot sizes for the original parcel and the proposed lots.

4. The Planning Department requests that the plans show all three parcels on each plan sheet, as the proposal is being reviewed as a three-lot subdivision, and ensure that there is consistency of information between the plans.
5. The following plan set needs to be submitted:
  - a. Existing conditions of the site (show the one lot that will be divided)
  - b. Proposed site plan with landscaping (show the two tree requirement on each lot)
  - c. Utility plan
  - d. Grading and Stormwater Drainage plans
  - e. Details/ Civil details
6. Remove the building envelope on the proposed.
7. The subdivision ordinance includes required improvements (Section 14-499), such as two street trees per lot and curbs and sidewalks. The plan should address those requirements and if you are seeking a waiver from the sidewalk and curb standards (criteria for curb and sidewalk criteria attached) this request must be in writing.
8. Please submit water and sewer capacity letters.
9. Are these lots in a flood-prone area?

Zoning Department comments:

The given subdivision plan does not reflect basic zoning information. This 3-lot subdivision is located within an R-3 zone. The only lot size given is the newly created front lot of 7,488 sq. feet. There is nothing to reflect the size of the remaining developed lot. All three-lot sizes should be given. The new lot meets the R-3 Zone requirements as depicted. The older lots meet the R-3 Zone requirements as depicted. Also the plan reviewed did not have the plans numbered to clearly show the lots involved.

As a note, Hampton Street is not being shown on the plans. Applicant should show all abutting property owners and streets on a subdivision plan.

Department of Public Works comments:

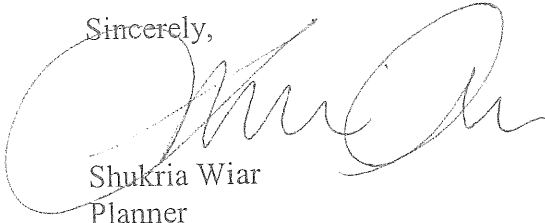
The new lot is located on a section of Barclay Street that was recently paved. Therefore, Barclay Street is classified as a 5-year Moratorium Street. This means that the street opening fee for constructing the curb cut for the new driveway will be based on repaving the full width of Barclay Street for a distance that extends 20 feet beyond the construction area in both directions along Barclay Street. As such, the street opening fee may appear expensive to the developer. In any case, we want the project developer to understand the implications of the 5-year Moratorium Street classification with respect to the street opening fee that the City will charge for the proposed project.

Fire Department comments:

Please show the nearest fire hydrant.

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](mailto:shukriaw@portlandmaine.gov).

Sincerely,



Shukria Wiar  
Planner

cc Alexander Jaegerman, Planning Division Director  
Barbara Barhydt, Development Review Manager  
Penny Littel, Corporate Counsel  
Michael Farmer, Public Works  
Captain Greg Cass, Fire Prevention  
Marge Schmuckal, Zoning Administrator

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

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

**Sec.14 -506 (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.

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

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



# PORTLAND MAINE

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MAR 16 REC'D

Planning and Development Department  
Lee D. Urban, Director

Planning Division  
Alexander Jaegerman, Director

March 16, 2007

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

*Subdivision*

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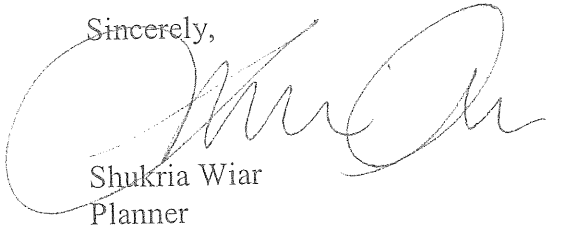
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Shukria Wiar  
Planner

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WARRANTY DEED

MAGGIE LANE DEVELOPMENT, LLC, a Maine Limited Liability company with a principal place of business in Portland, in the County of Cumberland and State of Maine

For Consideration Paid, GRANT with WARRANTY COVENANTS TO:

DIVERSIFIED PROPERTIES, INC., a Maine corporation with a principal place of business in Portland, County of Cumberland and State of Maine

A certain lot or parcel of land situated on the westerly side of Barclay Avenue in the City of Portland, County of Cumberland and State of Maine, and being Parcel B described on a plan entitled "Standard Boundary Survey made for Diversified Properties" dated May 15, 2001 prepared by Titcomb Associates and recorded at the Cumberland County Registry of Deeds in Plan Book 203, Page 325, containing 7,488 square feet/.17 acres.

Being a portion of the premises conveyed to the Grantor herein by deed of Adelaide M. Curran dated November 20, 2001 and recorded at the Cumberland County Registry of Deeds in Book 17008, Page 32.

Together with and subject to the rights in common with others in and to Barclay Avenue.

EXCEPTING AND RESERVING to the Grantor, its successors and assigns, all right, title and interest in and to the fee interest in "Barclay Avenue", so-called, as shown on the plan. The purpose of this reservation is to preserve the Grantor's right in and to such ways pursuant to 23 M.R.S.A. §3031 (4) and 33 M.R.S.A. §460 et seq. together with the right to convey said fee interest to the City of Portland.

The conveyance is subject to a thirty (30) foot by fifteen (15) foot turnaround easement situated on the northerly corner of the lot herein conveyed described in an easement deed from the Grantor herein to the City of Portland to be recorded at said Registry of Deeds.

This conveyance is mad SUBJECT to the current real estate taxes to the City of Portland subject to proration at the closing, which Grantee herein by its acceptance of this deed hereby assumes and agrees to pay.

MAINE REAL ESTATE TAX PAID

IN WITNESS WHEREOF, the said MAGGIE LANE DEVELOPMENT, LLC has caused this instrument to be signed and sealed by James M. Wolf, its authorized member thereunto duly authorized this 11<sup>th</sup> day of December 2003.

MAGGIE LANE DEVELOPMENT, LLC

Joyce M. Yates

By: [Signature]  
Its Authorized Member

STATE OF MAINE  
CUMBERLAND, SS.

Dec. 11, 2003

Then personally appeared the above-named JAMES M. WOLF, Authorized Member of MAGGIE LANE DEVELOPMENT, 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,

Joyce M. Yates  
Notary Public

SEAL

JOYCE M. YATES  
NOTARY PUBLIC, MAINE  
MY COMMISSION EXPIRES SEPTEMBER 16, 2010

Received  
Recorded Register of Deeds  
Dec 17, 2003 09:43:31A  
Cumberland County  
John B. O'Brien

**LETTER OF  
 TRANSMITTAL**

PO Box 1237  
 15 Shaker Road  
 Gray, ME 04039

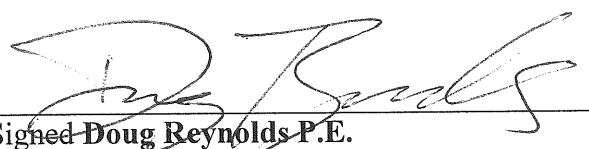
(207) 657-6910  
 Fax: (207) 657-6912  
 E-mail: mailbox@gorrillpalmer.com

To: **Ms. Jean Fraser**  
**Planning & Development Department**  
**389 Congress Street**  
**Portland, ME 04101**

Via: **Hand Delivery**  
 RE: **Barclay Avenue, Portland**  
 Date: **5-30-07**  
 Project No: **374**

For your use <input checked="" type="checkbox"/>		As requested <input checked="" type="checkbox"/>		For Review and comment <input type="checkbox"/>	
Shop Drawings <input type="checkbox"/>		Prints <input type="checkbox"/>	Plans <input type="checkbox"/>	Specifications <input type="checkbox"/>	Copy of letter <input type="checkbox"/>
Other <input type="checkbox"/>					
Copies	Date	Number	Description w/Review		
3	5-30-07		Overall Grading Plan		
1	5-30-07		Overall Grading Plan 11x17		

Remarks:



Copy To: **Jim Wolf**      **1 Copy of Plan**      Signed **Doug Reynolds P.E.**

1 given DG 5/30/07  
 1 given PW 5/30/07

# MEMO

**To:** Jean Fraser **From:** Jim Wolf  
**Fax:** **Pages:** 9  
**Phone:** **Date:** November 15, 2007  
**Re:** Barclay Avenue **CC:**

Urgent  For Review  Please Comment  Please Reply  Please Recycle

● **Comments:**

Attached please find 7 paper copies and one mylar of the Barclay Avenue plan that was recorded in the Cumberland county registry of deeds. Please contact me if additional information is required.

1 copy → Bill Clark, PWS (w/mylar)  
1 copy → Inspectors  
1 copy → Planning DRC (Phil DiPierro)  
1 copy → Assessors  
2 copies → Planning file  
1 copy → owner of 31 Barclay Ave (where 4<sup>th</sup> unit added)  
JF.



**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Kami Bedard  
 c/o Pierce Atwood  
 One Monument Sq  
 Portland, ME 04101

2. Article Number

(Transfer from service label)

7002 0460 0001 2304 0933

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X *James Thompson*

- Agent
- Addressee

B. Received by (Printed Name)

*James Thompson*

C. Date of Delivery

- D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type

- Certified Mail
- Registered
- Insured Mail
- Express Mail
- Return Receipt for Merchandise
- C.O.D.

4. Restricted Delivery? (Extra Fee)

- Yes

file re Barclay Ave

(in pdf attached to e-mail of 11/26/07)  
*PL*

Penny Littell confirmed this satisfies Cond. 2.

**From:** "Jim Wolf" <jmw1@maine.rr.com>  
**To:** ""Penny Littell" <PL@portlandmaine.gov>, ""Barbara Barhydt" <BAB@portlandmaine.gov>, ""Jean Fraser" <JF@portlandmaine.gov>  
**Date:** 11/26/2007 10:32:50 AM  
**Subject:** Kami Bedard Deed

---

To All

Attached is a copy of the green card that went with the deed to Kami Bedard.  
If you need additional information please contact me.

Jim

original que courier

1:05 11.14.07



# PORTLAND MAINE

Planning Division  
Jean Fraser, Planner

11.14.07.

Jimi -

- 1) Make a mylar copy of this BEFORE getting it registered
- 2) when getting the original registered, write on the mylar copy all the registration details (date, page # etc)
- 3) Submit <sup>to city</sup> 2 mylar copy (w/ details of reg. on it) + 7 paper copies of this mylar copy

Call if any questions  
Jean (on behalf of Barbara.)

**CITY OF PORTLAND, MAINE**  
**PLANNING BOARD**

---

Michael J. Patterson, Chair  
Janice E. Tevanfan, Vice Chair  
Thatcher Freund  
Bill Hall  
Lee Lowry III  
Shalom Odokara  
David Silk

November 9th, 2007

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

Re: **Barclay Avenue Three Lot Subdivision, amended to add fourth unit**  
**Vicinity 35 Barclay Avenue**  
**Application #2007-0018 (amended)**  
**CBL#: 339 D009001**

Dear Mr. Wolf,

On October 23, 2007 the Portland Planning Board voted 6-0 (Lowry absent) to approve the amended subdivision plat for the previously approved (June 12, 2007) three-lot subdivision in the vicinity of 35 Barclay Avenue, subject to the following conditions:

1. At the time of development of Lot #3, the proposed drainage swale on Lot #3 shall be constructed as shown on the plan titled Lot #3 Grading and Drainage Plan, Barclay Avenue Portland, prepared by Gorrill-Palmer Consulting Engineers, Inc. and last revised 10/04/07; and
2. That a drainage easement in a form satisfactory to Corporation Counsel's office shall be granted from Lot #3 to Lot #1; such easement shall be delivered within 30 days of the recording of the plat.

The approval is based on plans and materials submitted by the applicant and on the basis of information contained in Planning Report # 46-07 (attached) relevant to standards for subdivision, evidence presented at the public hearing, and other findings.

It is noted that Lots #1 and #2 of this subdivision are already sold off and developed. The amended plat approves the addition of an accessory dwelling on Lot #2. Lot #3 was the subject of a single family house site plan application #2006-0149 (35 Barclay Avenue) submitted August 14, 2006. This application was placed on hold in September 2006 pending resolution of the subdivision issues. Prior to any issuance of any building permit and to any construction on Lot #3, the single family site plan application needs to be reactivated, updated, and revised to accord with the subdivision plat/grading plans/conditions, and submitted for review and approval.


Please note the following provisions and requirements for all subdivision approvals:

1. Mylar copies of the construction drawing for the subdivision must be submitted to the Public Works Department prior to the release of the plat. Where submission drawings are available in electronic form, the applicant shall submit any available electronic Autocad files (\*.dwg), release 14 or greater, with seven (7) sets of the final plans.

2. The subdivision approval is valid for three (3) years. A performance guarantee of \$2,200 and an inspection fee payment of 2.0% of the guarantee amount must be paid prior to the recording of the subdivision plat.
3. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
4. The above approvals do not constitute approval of building plans, which are subject to a Building Permit and must be reviewed and approved by Portland's Inspection Division.
5. Prior to construction, a pre-construction meeting shall be held at the project site with the contractor, development review coordinator, Public Work's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
6. If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please note that Barclay Avenue is subject to a street moratorium so if any work or disturbance (ie the curb cut for the driveway) takes place prior to October 22, 2009 a street opening fee (presently estimated to be in the vicinity of \$12,000) will be payable. Please contact Carol Merritt at Portland Public Works Department, 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)
7. The Development Review Coordinator must be notified five (5) working days prior to date required for final site inspection. The Development Review Coordinator can be reached at the Planning Department at 874-8632. Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as all site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If there are any questions regarding the Board's actions, please contact Jean Fraser at 874-8728.

Sincerely,



Michael J. Patterson, Chair  
Portland Planning Board

Attached: Lot #3 Grading and Drainage Plan, Gorrill-Palmer Rev 10/4/2007  
Planning Board Report #46-07

Electronic circulation:

cc:

Lee D. Urban, Planning & Development Department Director  
Alexander Jaegerman, Planning Division Director  
Barbara Barhydt, Development Review Services Manager  
Jean Fraser, Planner  
Phillip DiPierro, Development Review Coordinator  
Marge Schmuckal, Zoning Administrator  
Jeanie Bourke, Inspections Division  
Michael Bobinsky, Public Works Director  
Katherine Earley, Public Works

Bill Clark, Public Works  
Jim Carmody, Transportation Manager  
Michael Farmer, Public Works  
Leslie Kaynor, Public Works  
Jeff Tarling, City Arborist  
Captain Greg Cass, Fire Prevention  
Assessor's Office  
Approval Letter File

DATE	DESCRIPTION
1/27/2011	DESIGN PLAN
1/28/2011	REVISION

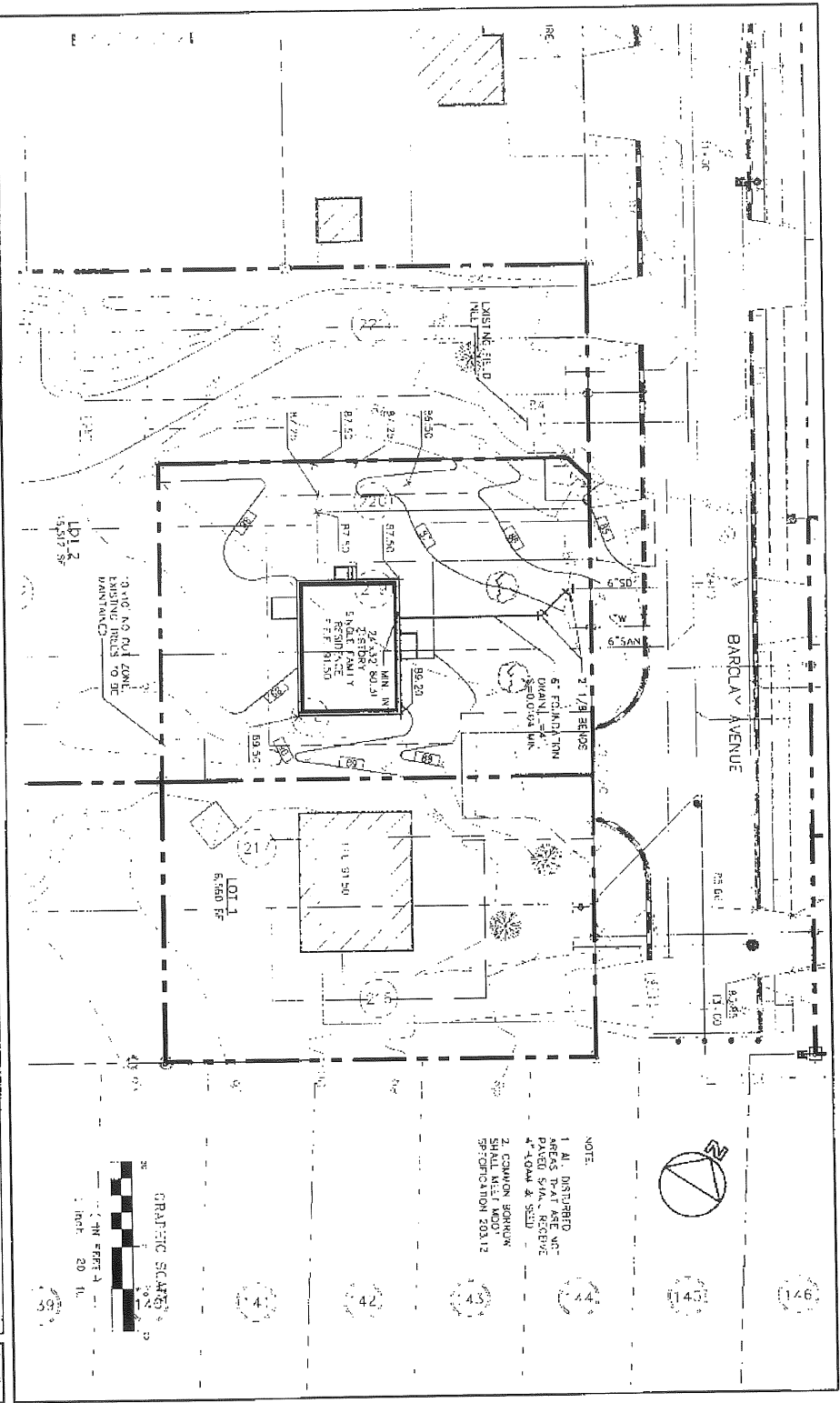
DATE	DESCRIPTION
1/27/2011	DESIGN PLAN
1/28/2011	REVISION

**GP** Gerrit-Palmer Consulting Engineers, Inc.  
Traffic and Civil Engineering Services

700 N.W. 15TH ST.  
SUITE 200  
PORTLAND, OR 97209  
TEL: 503.281.1111  
WWW.GPENGINEERS.COM

PROJECT NAME  
**Lot 3 Grading & Drainage Plan**  
**BARCLAY AVENUE, PORTLAND**

3



Barclay Ave Sub Div. - PB Hearneg  
Oct 23, 2007.

Questions: Review of new notes  
Ms Bedard's requests

Public

Ms Bedard - -post review still needed  
- concerned at poss. costs  
- deadline for execution of  
this easement.

Discussion re easement - Jim Wolf  
requested wording to guide note

A dr. easement  
shall be granted from lot # 3 to lot # 1  
Such easement shall be delivered  
w/in 30 days of reg. of the Plat.

Unan. w/ County absent



file  
copy  
as circ. PBA  
Oct 23, 2007.

**From:** "Kami Bedard" <kbedard@PierceAtwood.com>  
**To:** <JF@portlandmaine.gov>  
**Date:** 10/23/2007 3:22:53 PM  
**Subject:** Comments for 10/23/2007

Here are my comments on the proposed Plan #46-07 for Barclay Avenue.

I have read the report and would like to offer two comments.

1. I would like to accept the easement from the developer allowing drainage from Lot 1 onto Lot 3 should need be and also the right for me to access over the swale on Lot 3 for possible regrading with a machine or otherwise, but I would also like the opportunity to read, review, and provide comments on the easement language. I would also like to ensure that the easement is without provision for any potential costs to me, maintenance or otherwise. Finally, I would like to request that the developer be given a deadline for executing this easement.

2. I would like to request that there still be a post-development review of the swale on Lot 3 to ensure that it doesn't worsen or otherwise affect drainage on Lot 1. I don't see that this is currently written in the conditions for approval.

I'll be at the meeting tonight.

Thank you,  
Kami

**CC:** "Kami Bedard" <kbedard@PierceAtwood.com>



**From:** "Kami Bedard" <kbedard@PierceAtwood.com>  
**To:** <JF@portlandmaine.gov>  
**Date:** 10/23/2007 3:22:53 PM  
**Subject:** Comments for 10/23/2007

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2. I would like to request that there still be a post-development review of the swale on Lot 3 to ensure that it doesn't worsen or otherwise affect drainage on Lot 1. I don't see that this is currently written in the conditions for approval.

I'll be at the meeting tonight.

Thank you,  
Kami

**CC:** "Kami Bedard" <kbedard@PierceAtwood.com>

June 12, 2007

Kami Bedard  
Homeowner: 39 Barclay Ave  
Portland, Me 04103  
(207) 791-1142

City of Portland Planning Board:

My name is Kami Bedard and I am the current owner of the house at 39 Barclay Avenue.

I would like to submit my comments for the 6/12 Planning Board Meeting on the subdivision review for **35 Barclay Avenue**.

1. I have had recent discussions (on 6/8/2007) with Jim Wolf and his Engineer, Doug Reynolds, regarding the grading and drainage issues and the swale/ditch line that already exists on my property at 39 Barclay Avenue. As you are likely aware, there has been a significant amount of back and forth on these issues. The City Engineer, Dan Goyette, has commented that there is a high spot on my lot that "prohibits runoff from the rear of Lot 1 and potentially Lot 3 from enter the ditch line and flowing out to the street" (5/29/2007 memo).

Based on this recommendation, I do still have some concerns about possible drainage issues and wet areas that I may experience as a direct result of the new structure to be built at 35 Barclay Avenue. I would like to note that since I moved into the house at 39 Barclay in 2003, I have had water issues on that side of my lot on a regular basis. For example, after heavy rains, it takes a considerable amount of time for the water to flow out to the street. In addition, after a recent spring storm, I noticed that – due to the extra moisture in the earth – the concrete blocks on one side of my shed have sunk into the ground. For these reasons, I can only surmise that the situation will not be improved by the addition of another house next door.

I realize that Mr. Wolf is making a good faith effort to ensure that we take the right steps to ensure proper water flow for all lots involved, but, for the reasons cited above, I would like the Planning Board to consider putting a condition on the approval that any future drainage issues on my lot must be remedied by the developer. I would also like to request that an after the fact assessment be done by the developer to order to review this issue. Also, should I have any issues during or post-development, I would like the developer to be required to work with me on this and resolve any concerns that I might have.

2. There is one tree to the right rear of my lot (just behind my shed) that I would like to be saved. It is inside my property line, but may have some branches that hang onto the

undeveloped lot. Because I would like to ensure that this flowering tree be saved, I would like the Board to consider adding this in writing to the approval.

**In summary, I am asking for two conditions on the approval of this development.**

1) A condition that requires the developer to remedy any possible future drainage/water issues on the right-hand side of my lot abutting the site to be developed. In addition, I would also like to make certain that the builder/developer is required to correspond with me regarding any changes he/she plans to make to the existing ditch line.

2) A condition that the builder/developer be required to save the tree that I have mentioned above.

**Staff Presentation: Barclay Avenue 3 Lot SubDivision Oct 23, 2007**

1. This after the fact 3 lot subdivision was considered and approved on June 12, 2007 and the approval is Attachment 1. One of the issues discussed at that Hearing was how the undeveloped lot #3 would integrate into the drainage pattern already in place for the 2 developed lots.
2. At the Hearing the owner of Lot #1, Ms Bedard, raised concerns regarding the impact of the development of Lot #3 on her drainage and on the tree at the rear of her lot. Several of the conditions were added to address these concerns.
3. The applicant, staff and Ms Bedard have had discussions (see Attachment 2) over the issue of the easement needed for a common drainage swale; some of the issues have been resolved or addressed but Ms Bedard does not wish to grant an easement and the Plat has not been registered.
4. Lot #2 awaits the registered Plat so that the fourth unit (approved by Zoning Board of Appeals) can be added and she can proceed.
5. This report outlines an approach that addresses the original Subdivision conditions as well as the need to add in the fourth unit so that the amended Subdivision Plat can be registered. The Board is recommended to approve an amended Subdivision Plat with three new notes and a different easement, subject to one suggested condition ( listed on page 3 and 4).

6. **To summarize:**

**Note 13:** relates to adding in the 4<sup>th</sup> unit

**Note 14:** addresses the condition requested by the owner of Lot #1 to protect the tree

**Note 15:** varies the previous condition that required payment of the street opening fee of \$12,300 **prior** to registration of the Subdivision Plat; the remainder of the Performance Guarantee would be paid prior to recording the subdivision Plat as confirmed in the e-mail from the applicant in Attachment 3.

**Revised easement on Plat:** As an easement from Lot #1 to facilitate a common drainage swale does not appear imminent, that an easement from Lot #3 to lot #1 is substituted which still provides the opportunity, should it be needed, for the grading and drainage in this area to be coordinated if desired by the owner of Lot #1.

**Suggested Condition:** The suggested condition seeks to ensure that the drainage swale, as shown on the submitted and approved grading plan, is constructed when development takes place. If this condition is approved it will need to be added to the Plat prior to registration.

7. A table summarizing how these changes relate to the original Subdivision conditions is included for information on page 6 of the Report.

**From:** "Kami Bedard" <kbedard@PierceAtwood.com>  
**To:** "Jean Fraser" <JF@portlandmaine.gov>  
**Date:** 10/23/2007 3:06:45 PM  
**Subject:** RE: FW: Comments for Barclay Ave. - For 10/23/2007

Please withdraw this email.  
I'll send another separate note prior to 5:00 PM.

Kami

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

From: Jean Fraser [mailto:JF@portlandmaine.gov]  
Sent: Tuesday, October 23, 2007 2:28 PM  
To: Kami Bedard  
Cc: Barbara Barhydt; Penny Littell  
Subject: RE: FW: Comments for Barclay Ave. - For 10/23/2007

Hello Kami,

I have just got into the office after a morning meeting and I understand that neither Penny nor Barbara have had the opportunity to get back to you.

At this stage the Board will need to hear the the arguments re the issues and take a decision as staff have made their recommendation and it is in the Report; staff will not be making any other recomendations.

You may argue for what you see as in your benefit.

Staff have based their recommendations on your letter of June 12th, 2007 to the Planning Board and the subsequent discussion at the June 12th 2007 Planning Board Hearing.

In that letter you described some drainage existing problems on your lot and the Board favored a common swale in order to address those problems (that common swale being on both lots and needing you to agree an easement). The Board and staff considered that this was to your benefit but I understand that you have been advised otherwise as you do not wish to agree an easement for the common swale to be constructed partly on your lot.

So staff suggest that to meet the spirit of the Board's concern (which was to address your letter) is for the swale to be constructed entirely on Lot #3.

Staff believe this has benefits to you:

Firstly, that their drainage does not go on your lot. The proposed condition ensures that the swale on Lot #3 is implemented when and if its developed so that you are not affected by the drainage from any new development.

Secondly, that this swale could take some drainage from your lot IF you need it to solve your drainage problems. The easement that he is

granting you would also allow you access over the swale on Lot #3 that would help you overcome drainage problems on your site IF NEEDED (for example, Dan Goyette identified a "bump" on your lot that impeded your drainage and you may wish to have a machine regrade that area; the machine might need to go onto Lot #3 to deal with that; the revised grading might need some regrading on Lot #3 to work effectively etc)

If you do not see any benefit and make that case then I imagine the Board would not support the staff suggestion of adding it.

Since the developer of Lot #3 is not doing a common drainage swale (due to the absence of an easement from you) the condition that relates to a common drainage swale is no longer is relevant (ie I believe that additional language was to ensure that what was on your land was OK with you- but its not on your land now).

I will be introducing this item to the Planning Board, with Barbara and Penny adding in.

I will circulate your e-mail to all the Planning Board Members unless I hear from you by 5pm- before then you can withdraw this e-mail and send a substitute comment. Or you could just withdraw this e-mail.

You can make comments at the Hearing no matter what you decide re written comments.

Jean (Fraser)  
Planner  
874 8728

>>> "Kami Bedard" <kbedard@PierceAtwood.com> 10/22/2007 5:44:42 PM >>>  
Penny:

I picked up the Planning Board packet today and have a few questions in advance of tomorrow's meeting (10/23/07).

I'm unclear as to why specifically I need an easement from the developer. In an email that Mr. Wolf wrote to me (dated 10/11), he suggested that I should obtain an easement from Diversified for my "protection". If the grading on my Lot 1 is draining onto Lot 3, that is news to me and it is also not something that I directly caused. I have done nothing to the land/area by the drainage swale area side of my property.

If I do indeed need one (and you are suggesting that I get one because it will actually benefit me), than I want to have the easement granted to me for my benefit before Mr. Wolf's plan gets final approval. A condition should be in place that he grant the easement to me without consideration, costs, etc.

I would like to also be clear on how the proposed drainage swale will "benefit" me. And, if staff is suggesting that it be a "joint drainage

swale", what does this mean and how does it differ than if it were what you were before calling a "common drainage swale"?

Finally, if you are intending to remove condition viii, but keep its overall intent, I would still like there to be language in the conditions relating to the fact that a post-development review should be done. This seems to have been removed.

I look forward to hearing back from you.  
Thank you,  
Kami

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

From: Jean Fraser [mailto:JF@portlandmaine.gov]  
Sent: Friday, October 19, 2007 3:30 PM  
To: Kami Bedard  
Cc: Barbara Barhydt; Penny Littell  
Subject: Re: FW: Comments for Barclay Ave. - 10/9/2007

Hello Kami,

Barbara Barhydt, Penny Littell and Jim Wolf have been in discussion and have agreed some new notes on the Subdivision Plat that take account of your concerns and the previous conditions.

I suggest the best thing to do would be for you to get a hard copy of the PB Hearing Report on Monday morning - as that has all the submitted and final plans - and contact Barbara or Penny if you have any questions.

The hard copy is available from the Planning Reception on Monday.

This will be the first item on the Tuesday evening (Oct 23) Planning Board Hearing.

Jean (Fraser)  
Planner  
874 8728

>>> "Kami Bedard" <kbedard@PierceAtwood.com> 10/19/2007 3:09:57 PM >>>

Good Afternoon Jean:

Does the City have the revised plans from Jim Wolf?

Is there anything new for me to review?

Kami

Kami L. Bedard  
Manager of Library Services

Pierce Atwood Law Library  
Pierce Atwood LLP  
207-791-1142 direct

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

From: Barbara Barhydt [mailto:BAB@portlandmaine.gov]  
Sent: Wednesday, October 10, 2007 12:32 PM  
To: jmw1@maine.rr.com; Jean Fraser  
Cc: DReynolds@gorrillpalmer.com; Kami Bedard; Penny Littell  
Subject: RE: Comments for Barclay Ave. - 10/9/2007

Hello:

Just one correction, this item was tabled to October 23, 2007 at 7 p.m.

We will need the revised plans as soon as possible, so that they can be reviewed.

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

>>> Jean Fraser Wednesday, October 10, 2007 11:46 AM >>>

Hello Jim,

Just to confirm the way forward after last night's decision by the Planning Board to table this item.

1. Please liaise direct with Penny Littell regarding the wording of the notes to go on the Plat.
2. The Engineering Reviewer (Dan Goyette) will need to see and approve a current drainage plan (ie re-submitted to him now) that shows drainage from Lot #3 contained within Lot #3.
3. Please submit the final plat (once it contains all the final agreed notes and is retitled) to Penny Littell for her final review and approval and send copies of the final plat to me either by pdf or in an 11X17 hard copy so I can pull together the Planning Board documentation when we get to that stage.



4. Barbara Barhydt will be scheduling this for another Hearing date.

Jean (Fraser)  
Planner  
874 8728

>>> "Jim Wolf" <jmw1@maine.rr.com> 10/9/2007 4:17:35 PM >>>  
To All

In light of the content of Kami Bedard's email to staff I propose that this hearing be tabled until the next available meeting. This should not affect Ms Brindle as she is not seeking an occupancy permit at this time.

If tabled an agreed upon plat and site plan could be prepared. I believe this approach would sit better with the Board than discussing unresolved issues in front of them this evening.

Jim

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

From: Jean Fraser [mailto:JF@portlandmaine.gov]  
Sent: Tuesday, October 09, 2007 3:21 PM  
To: jmw1@maine.rr.com  
Subject: Fwd: Comments for Barclay Ave. - 10/9/2007

For information as requested- just got this. Jean

>>> "Kami Bedard" <kbedard@PierceAtwood.com> 10/9/2007 12:14:35 PM >>>  
For the 10/9 Planning Board Meeting:

Please accept this email as my response to the Planning Board Report #44-07 that I recently received dated October 9, 2007. I have a prior commitment and so will be unable to attend tonight's meeting.

I noticed that in section I., paragraph 5, there is a reference to Lot #1 that should be Lot #2. It states: "This approach allows the Plat to be amended and registered to record the additional unit so that the owner of Lot #1 may progress...".

This reference should be to Ms. Brindle's lot -- Lot #2.

Further, I would like to add that I have decided against signing the proposed drainage easement. I was considering signing the easement when the concept was first discussed back in June, but, after discussing this with my attorney, I have decided that it is not in my best interest to do so for a variety of reasons. Therefore, I would like to request

that  
condition viii be further amended to reflect this change.

While I have not had a chance to speak with the City Engineer directly about this, I would like to find out if the engineer is of the opinion that the developer can appropriately create a drainage area entirely on Lot #3 without creating any adverse conditions to my Lot (Lot #1). I would like there to be a condition in the plan that the developer be responsible for any adverse condition that is created once the drainage area is created and I would also like there to be a post development review of the installation to be done so that the developer can remedy any possible problems or defects revealed by that review.

In the table provided within the report, section iii, the reference to the "New Note on Amended Plat" seems inappropriately worded and I would recommend that it be altered.

As it reads now, it says that the developer shall be responsible for installing the swale and it then states that he has until October 2008 to obtain the easement from me.

I would suggest that the wording be changed to say that the developer should 1st obtain an easement from me (or resubmit plans) and then he shall perform the work.

Or, as an alternative, since I do not intend to sign the easement, it could read more like section iv. -- that is - once the developer has resubmitted the revised grading plan that ensures that the water remains on Lot #3.

Thank you.

Kami

CC: "Kami Bedard" <kbedard@PierceAtwood.com>

**From:** "Kami Bedard" <kbedard@PierceAtwood.com>  
**To:** "Jean Fraser" <JF@portlandmaine.gov>  
**Date:** 10/22/2007 5:45:29 PM  
**Subject:** RE: FW: Comments for Barclay Ave. - For 10/23/2007

Penny:

I picked up the Planning Board packet today and have a few questions in advance of tomorrow's meeting (10/23/07).

I'm unclear as to why specifically I need an easement from the developer. In an email that Mr. Wolf wrote to me (dated 10/11), he suggested that I should obtain an easement from Diversified for my "protection". If the grading on my Lot 1 is draining onto Lot 3, that is news to me and it is also not something that I directly caused. I have done nothing to the land/area by the drainage swale area side of my property.

If I do indeed need one (and you are suggesting that I get one because it will actually benefit me), than I want to have the easement granted to me for my benefit before Mr. Wolf's plan gets final approval. A condition should be in place that he grant the easement to me without consideration, costs, etc.

I would like to also be clear on how the proposed drainage swale will "benefit" me. And, if staff is suggesting that it be a "joint drainage swale", what does this mean and how does it differ than if it were what you were before calling a "common drainage swale"?

Finally, if you are intending to remove condition viii, but keep its overall intent, I would still like there to be language in the conditions relating to the fact that a post-development review should be done. This seems to have been removed.

I look forward to hearing back from you.  
Thank you,  
Kami

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

From: Jean Fraser [mailto:JF@portlandmaine.gov]  
Sent: Friday, October 19, 2007 3:30 PM  
To: Kami Bedard  
Cc: Barbara Barhydt; Penny Littell  
Subject: Re: FW: Comments for Barclay Ave. - 10/9/2007

Hello Kami,

Barbara Barhydt, Penny Littell and Jim Wolf have been in discussion and have agreed some new notes on the Subdivision Plat that take account of your concerns and the previous conditions.

I suggest the best thing to do would be for you to get a hard copy of the PB Hearing Report on Monday morning - as that has all the submitted and final plans - and contact Barbara or Penny if you have any questions.

The hard copy is available from the Planning Reception on Monday.

This will be the first item on the Tuesday evening (Oct 23) Planning Board Hearing.

Jean (Fraser)  
Planner  
874 8728

>>> "Kami Bedard" <kbedard@PierceAtwood.com> 10/19/2007 3:09:57 PM >>>

Good Afternoon Jean:

Does the City have the revised plans from Jim Wolf?

Is there anything new for me to review?

Kami

Kami L. Bedard  
Manager of Library Services  
Pierce Atwood Law Library  
Pierce Atwood LLP  
207-791-1142 direct

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

From: Barbara Barhydt [mailto:BAB@portlandmaine.gov]  
Sent: Wednesday, October 10, 2007 12:32 PM  
To: jmw1@maine.rr.com; Jean Fraser  
Cc: DReynolds@gorillpalmer.com; Kami Bedard; Penny Littell  
Subject: RE: Comments for Barclay Ave. - 10/9/2007

Hello:

Just one correction, this item was tabled to October 23, 2007 at 7 p.m.

We will need the revised plans as soon as possible, so that they can be reviewed.

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

>>> Jean Fraser Wednesday, October 10, 2007 11:46 AM >>>  
Hello Jim,

Just to confirm the way forward after last night's decision by the Planning Board to table this item.

1. Please liaise direct with Penny Littell regarding the wording of the notes to go on the Plat.
2. The Engineering Reviewer (Dan Goyette) will need to see and approve a current drainage plan (ie re-submitted to him now) that shows drainage from Lot #3 contained within Lot #3.
3. Please submit the final plat (once it contains all the final agreed notes and is retitled) to Penny Littell for her final review and approval and send copies of the final plat to me either by pdf or in an 11X17 hard copy so I can pull together the Planning Board documentation when we get to that stage.
4. Barbara Barhydt will be scheduling this for another Hearing date.

Jean (Fraser)  
Planner  
874 8728

>>> "Jim Wolf" <jmw1@maine.rr.com> 10/9/2007 4:17:35 PM >>>  
To All

In light of the content of Kami Bedard's email to staff I propose that this hearing be tabled until the next available meeting. This should not affect Ms Brindle as she is not seeking an occupancy permit at this time.

If tabled an agreed upon plat and site plan could be prepared. I believe this approach would sit better with the Board than discussing unresolved issues in front of them this evening.

Jim

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

From: Jean Fraser [mailto:JF@portlandmaine.gov]  
Sent: Tuesday, October 09, 2007 3:21 PM  
To: jmw1@maine.rr.com  
Subject: Fwd: Comments for Barclay Ave. - 10/9/2007

For information as requested- just got this. Jean

>>> "Kami Bedard" <kbedard@PierceAtwood.com> 10/9/2007 12:14:35 PM >>>  
For the 10/9 Planning Board Meeting:

Please accept this email as my response to the Planning Board Report #44-07 that I recently received dated October 9, 2007.

I have a prior commitment and so will be unable to attend tonight's meeting.

I noticed that in section I., paragraph 5, there is a reference to Lot #1 that should be Lot #2.

It states: "This approach allows the Plat to be amended and registered to record the additional unit so that the owner of Lot #1 may progress...".

This reference should be to Ms. Brindle's lot -- Lot #2.

Further, I would like to add that I have decided against signing the proposed drainage easement. I was considering signing the easement when the concept was first discussed back in June, but, after discussing this with my attorney, I have decided that it is not in my best interest to do so for a variety of reasons. Therefore, I would like to request that condition viii be further amended to reflect this change.

While I have not had a chance to speak with the City Engineer directly about this, I would like to find out if the engineer is of the opinion that the developer can appropriately create a drainage area entirely on Lot #3 without creating any adverse conditions to my Lot (Lot #1). I would like there to be a condition in the plan that the developer be responsible for any adverse condition that is created once the drainage area is created and I would also like there to be a post development review of the installation to be done so that the developer can remedy any possible problems or defects revealed by that review.

In the table provided within the report, section iii, the reference to the "New Note on Amended Plat" seems inappropriately worded and I would recommend that it be altered.

As it reads now, it says that the developer shall be responsible for installing the swale and it then states that he has until October 2008 to obtain the easement from me.

I would suggest that the wording be changed to say that the developer should 1st obtain an easement from me (or resubmit plans) and then he shall perform the work.

Or, as an alternative, since I do not intend to sign the easement, it could read more like section iv. -- that is - once the developer has resubmitted the revised grading plan that ensures that the water remains on Lot #3.

Thank you.

Kami

Kami L. Bedard  
Manager of Library Services  
Pierce Atwood Law Library  
Pierce Atwood LLP  
One Monument Square  
Portland, ME 04101  
207-791-1142 direct  
207-791-1350 fax  
mailto:kbedard@pierceatwood.com  
<http://www.pierceatwood.com>

This email was sent from the law firm Pierce Atwood LLP. It may contain information that is privileged and confidential. If you suspect that you were not intended to receive it, please delete it and notify us as soon as possible. Thank you.

**CC:** "Barbara Barhydt" <BAB.city-gov.port-gov@portlandmaine.gov>, "Penny Littell " <PL.city-gov.port-gov@portlandmaine.gov>

# Diversified Properties, Inc.

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

RECEIVED

APR - 5 2007

April 4, 2007

Shukria Wiar  
Planner  
City of Portland  
389 Congress Street  
Portland, Maine 04101

City of Portland  
Planning Division

RE: Site Plan Review: 35 Barclay Avenue  
Application #2007-0018;CBL 339 D009001

Dear Ms. Wiar:

In response to your letter dated March 16, 2007 I offer the following:

- 1 The applicant shall provide a narrative with a chronology of the lot divisions to date.  
*The land being discussed was originally shown on a plan entitled Plan of Harris Farms dated June 5, 1919 and recorded in Book 14, Page 19.*

*Lot 1 on our plan consists of lots 216 and 217 on the Harris Farm Plan. These lots were purchased by Joseph and Annie Joyce in 1928 and remained in the Joyce family until December 7, 2001 when they were purchased by the Bono, Inc. Profit Sharing Trust. Neither the Joyce family nor Bono Inc. ever owned any abutting land. In 2003, the City of Portland considered this lot a grandfathered building lot and issued a building permit despite the fact it lacked proper lot width. The lot was sold to C.G.B. Properties in 2003 who built a home selling to the current owner, Kami Bedard.*

*Lots 2 and 3 on our plan consist of lots 210-213 and 218-221. These lots were purchased by Timothy and Adelaide Curran as follows:*

- A. lots 212, 213, 218 and 219 were purchased from John Curran in August 1957. John Curran acquired lots 212 and 213 in 1919; lots 213 and 219 were acquired in 1926.*
- B. Lots 210, 211, 220 and 221 were acquired by Portland tax title in 1927 and sold to the Currans in 1959.*



*The property remained in the Curran family until November 20, 2001 when it was purchased by Maggie Lane Development. In November 2003 Maggie Lane Development sold parcel 2 to C.G.B. Properties who built a home selling to the current owner, Stacy Brindle and her former husband. In 2003 lot 3 was transferred to Diversified Properties, Inc., the lot's current owner.*

*For a nonconforming lot such as lot 1 on our plan to enjoy grandfathered state, the Portland ordinance requires it to be "held under separate and distinct ownership from the adjacent lots." In the past we have shown lot 1 to be a grandfathered lot as illustrated by Portland granting a building permit on this lot.*

*It is the developers' contention that one lot division only has been made thus creating lots 2 and 3 shown on our plan. The creation of lot 1 on the plan was completed in 1919 by the original divider. It is this difference of opinion that brings us to the Planning Board. Please see attachment 1 for supporting material.*

2. The subdivision ordinance contains review standards and required improvements in your narrative. The Planning Office recommends that you address how your application meets the subdivision regulations and standards.

*Lot 3, the parcel in question, is currently a vacant parcel of land. During the construction of Barclay Avenue the parcel was improved with water, sewer and storm services. The abutting parcels shown as lots 1 and 2 are developed residential lots.*

3. Identify the current zoning information for the subdivision and identify the lot sizes for the original parcel and the proposed lots.

*The location of the site is in zoning district R-3. Residential homes are a permitted use within this zone; space and bulk requirements for this zone are provided on the recording plan. The original and current lot sizes for parcels 1 thru 3 are:*

	<i>Original</i>	<i>Current</i>
<i>1.</i>	<i>6,560 sf.</i>	<i>6,560 s.f unchanged</i>
<i>2. portion of 24,000 sf.</i>		<i>16,512 sf.</i>
<i>3. portion of 24,000 sf.</i>		<i>7,488 sf.</i>

4. The Planning Department requests that the plans show all three parcels on each plan sheet, as the proposal is being reviewed as a three-lot subdivision, and ensure that there is consistency of information between the plans.

*The lots have been identified on the plans as 1 thru 3.*

5. The following plan set needs to be submitted:
  - a. Existing conditions of the site (show the one lot that will be divided)
  - b. Proposed site plan with landscaping (show the two tree requirement on each lot)
  - c. Utility plan
  - d. Grading and Stormwater Drainage plans
  - e. Details/Civil details.

*Enclosed with this package is a revised recording plan. Added to the plan are lot numbering, lot sizes, FEMA Flood information and an additional note regarding street trees for lot 3 as well as lots 1 and 2. Also enclosed is a revised grading plan. This plan showing existing and proposed grading including the existing field drain on lot 2 that will receive the grading from lots 2 and 3. No utility plan is enclosed as no new utilities are proposed. No detail plan is enclosed as no work with the exception of two street trees on parcel 3 is proposed. Whether a curb cut for lot 3 is necessary or will be utilized is still uncertain.*

6. Remove the building envelope on the proposed.

*The building envelope has been removed from the plan.*

7. The subdivision ordinance includes required improvements (Section 14-499), such as two street trees per lot and curbs and sidewalks. The plan should address those requirements and if you are seeking a waiver from the sidewalk and curb standards (criteria for curb and sidewalk criteria attached) this request must be in writing.

*Barclay Avenue was constructed to City standards including granite curb and sidewalks on one side of the street in 2003/2004 and formally accepted in 2005. When constructed, the City waived sidewalks in front of these lots. This waiver took place because:*

- A. *There was not reasonable expectation for pedestrian usage coming from, going to and traversing the site.*
- B. *An alternative walking route existed by way of a sidewalk on the other side of the street.*
- C. *Strict adherence to the sidewalk requirement would have caused loss of a significant amount of driveway and lawn area to the existing home on the corner of Barclay and Harris Avenues.*

*With regard to curbing the applicant requests a waiver from 5 year street moratorium opening fee. This waiver is requested because*

- A. While the road was under construction the applicant requested and was denied permission to install a curb cut.*
- B. The cost of the permit would be in excess of Ten Thousand dollars (\$10,000.00) and was preventable when the applicant requested permission from Portland and was denied. The only other cost associated with the project is the installation of two street trees and the curb cut itself.*
- C. The curb cut can be completed without having to open the street if the detail curb installation is waived.*

8. Please submit water and sewer capacity letters.

*Enclosed with this package please find confirmation from the Portland Water District that an acceptable service exists. In addition, enclosed is an application for a waste water capacity letter. Please note that all services are stubbed to the property. See attachment 2.*

9. Are these lots in a flood-prone area?

*A note has been added to the subdivision plan stating that lots 1 thru 3 do not lie in a special flood hazard zone.*

Zoning Department comments:

The given subdivision plan does not reflect basic zoning information. This 3-lot subdivision is located within an R-3 Zone. The only lot size given is the newly created front lot of 7,488 sq. feet. There is nothing to reflect the size of the remaining developed lot. All three-lot sizes should be given. The new lot meets the R-3 Zone requirements as depicted. The older lots meet the R-3 Zone requirements as depicted. Also the plan reviewed did not have the plans numbered to clearly show the lots involved.

As a note, Hampton Street is not being shown on the plans. Applicant should show all abutting property owners and streets on a subdivision plan.

*The subdivision plan has been revised to show the lot sizes of all parcels as well as establish numbering.*

Shukira Wiar  
April 4, 2007  
Page 5

Department of Public Works comments:

The new lot is located on a section of Barclay Street that was recently paved. Therefore, Barclay Street is classified as a 5-year Moratorium Street. This means that the street opening fee for constructing the curb cut for the new driveway will be based on repaving the full width of Barclay Street for a distance that extends 20 feet beyond the construction area in both directions along Barclay Street. As such, the street opening fee may appear expensive to the developer. In any case, we want the project developer to understand the implications of the 5-year Moratorium Street classification with respect to the street opening fee that the City will charge for the proposed project.


*If a waiver to the 5-year moratorium fee cannot be obtained as previously requested the developer will either 1. pay the fee, 2. wait for the expiration of the 5-year period or 3. redesign said building permit and access via the built turnaround.*

Fire Department comments:

Please show the nearest fire hydrant.

*The existing hydrant is shown on the subdivision plan at the corner of Barclay and Harris Avenue.*

Very Truly Yours,

  
James M. Wolf  
Diversified Properties  
[Jmw1@maine.rr.com](mailto:Jmw1@maine.rr.com)  
Enclosures

ATTACHMENT 1

0095116

BK17067PG042

**DEED OF SALE BY PERSONAL REPRESENTATIVE**  
(Intestate)  
Maine Statutory Short Form

KNOW ALL MEN BY THESE PRESENTS, THAT I, JOHN F. MARSH of Old Orchard Beach, Maine, duly appointed and acting Successor Personal Representative of the ESTATE OF WALTER J. JOYCE, deceased (intestate), as shown by the probate records of the County of Cumberland, Maine, Docket No.1986-801, by the power conferred by the Probate Code, and every other power, having provided ten (10) day notice to interested parties, for consideration paid, grant to JAMES WOLF, Trustee of *Dono*, Inc. Profit Sharing Trust, w/t/d December 31, 1998, whose mailing address is P.O. Box 10127, Portland, Maine, 04104, the real property in Portland, County of Cumberland, State of Maine, described as follows:

See attached *Exhibit A*.

Witness my hand and seal this 7<sup>th</sup> day of ~~November~~ <sup>December</sup>, 2001.

Signed, Sealed and Delivered  
in presence of

*Charles R. Bean*  
Witness

THE ESTATE OF WALTER J. JOYCE

*John F. Marsh*  
BY: JOHN F. MARSH,  
PERSONAL REPRESENTATIVE

MAINE REAL ESTATE TAX PAID

STATE OF MAINE  
CUMBERLAND, ss.

Then personally appeared the above named JOHN F. MARSH in his said capacity and acknowledged the foregoing instrument to be his free act and deed.

Before me,

*Charles R. Bean*  
Notary Public/Attorney at Law

Charles R. Bean  
Printed Name

Charles R. Bean, P.A.  
Attorney at Law  
P.O. Box 2287

9K17067PG043

EXHIBIT A

Two certain lots or parcels of land situated on the westerly side of Barclay Avenue in Portland, County of Cumberland and State of Maine, being lots numbered 216 and 217 as shown on a Plan of Harris Farms made by E. C. Jordan and Company, C.E., dated June 5, 1919 and recorded in the Cumberland County Registry of Deeds in Plan Book 14, Page 19, together with the fees of land in said Barclay Avenue in front of and adjoining said lots 216 and 217, and extending from the street line to the middle of said avenue. Subject to the rights of other lot owners and the public to the use thereof as a street.

Meaning and intending to convey a portion of the premises conveyed to Walter J. Joyce by virtue of being an heir of law of Joseph Joyce, deceased, and by virtue of a deed from John J. Joyce, et al dated July 31, 1959 and recorded in the Cumberland County Registry of Deeds in Book 2501, Page 85.

RECEIVED  
RECORDED REGISTRY OF DEEDS

2001 DEC 11 PH 1:02

CUMBERLAND COUNTY

CHARLES R. BEAN, P.A.  
Attorney at Law  
P.O. Box 2287  
South Portland, Maine 04106-0287

# Know all Men by these Presents, That

I, ~~Newton~~ W. Harris, of Portland, in the County of Cumberland and State of Maine,

in consideration of one dollar and other valuable considerations,  
Joseph and Annie Joyce of Portland, in said County and State,  
the receipt whereof I do hereby acknowledge, do hereby give, grant, bargain, sell and convey, unto the said

Joseph and Annie Joyce their heirs and assigns forever, two certain lots or parcels of land situated in Portland, one on the westerly side of Hampton Street, and the other on the westerly side of Barclay Avenue, being lots numbered One hundred ninety-eight, one hundred ninety nine, two hundred sixteen and two hundred seventeen (198, 199, 216, 217) as shown on plan of Harris Farms, made by E. C. Jordan & Co., C.E., dated June 5, 1919, and recorded in Cumberland County Registry of Deeds, Plan Book 14, Page 19; containing thirteen thousand one hundred square feet (13,100 sq.ft.) more or less, according to said plan. Together with the fees of land in said Hampton Street and Barclay Avenue in front of and adjoining said lots 198, 199, 216 and 217, and extending from the street line to the middle of said street and avenue subject to the rights of other lot owners and the public to the use thereof as a street.

To Have and to Hold the aforegranted and bargained premises, with all the privileges and appurtenance thereof, to the said Joseph and Annie Joyce, their heirs and assigns, to them and their use and behoof forever. And I do covenant with the said Grantees, their heirs and assigns, that I am lawfully seized in fee of the premises; that they are free of all incumbrances;

that I have good right to sell and convey the same to the said grantees to hold as aforesaid; and that I and my heirs, shall and will warrant and defend the same to the said Grantees, their heirs and assigns forever, against the lawful claims and demands of all persons.

In Witness Whereof, I the said Newton W. Harris relinquishing and conveying my right by descent and all other rights in the above described premises

my hand and seal this ninth day of March have hereunto set one thousand nine hundred and twenty-two. in the year of our Lord  
Signed, Sealed and Delivered in presence of  
Abba Harris  
Newton W. Harris Seal

U.S.I.R  
50 cts.  
N.W.H.  
Mar. 9/22

State of Maine, CUMBERLAND, SS.  
the above named Newton W. Harris  
and acknowledged the above instrument to be his free act and deed.  
Before me, Abba Harris, Justice of the Peace  
Authorized to Administer Oaths and take acknowledgement of deeds.  
Received March 25, 1922, at 10 o'clock 10 m. A. M., and recorded according to the original.

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STATUTORY WARRANTY DEED

ADELAIDE M. CURRAN, of Portland in the County of Cumberland and State of Maine,

For Consideration Paid, GRANT with WARRANTY COVENANTS TO:

MAGGIE LANE DEVELOPMENT, LLC, a Maine Limited Liability Company with a principal place of business in Portland, in the County of Cumberland and State of Maine, whose mailing address of P.O. Box 10127, Portland, Maine 04104

Certain lots or parcels of land situated in the City of Portland, County of Cumberland and State of Maine and being more particularly described in Exhibit A annexed hereto and made a part hereof.

For grantor's source of title reference is made to two deeds from the City of Portland to grantor herein and Timothy J. Curran as joint tenants, both deeds dated May 26, 1959 and recorded at the Cumberland County Registry of Deeds in Book 2566, Page 318 and in Book 2566, Page 320; and by virtue of a deed from John Curran to grantor herein and the said Timothy J. Curran as joint tenants, dated August 2, 1957 and recorded at said Registry of Deeds in Book 2368, Page 93. The said Timothy J. Curran having died on May 1, 1974, leaving the grantor herein as surviving joint tenant.

This conveyance is made SUBJECT to the current real estate taxes to the City of Portland subject to proration at the closing, which Grantee herein by its acceptance of this deed hereby assumes and agrees to pay.

WITNESS my hand on this 20 day of Nov., 2001.

*Joseph P. Curran PA.*

Adelaide M. Curran, By Joseph P. Curran, Her Attorney-in-Fact

~~Adelaide M. Curran~~

STATE OF MAINE  
CUMBERLAND, SS.

Nov. 20, 2001

Joseph P. Curran, attorney-in-fact on behalf of  
Then personally appeared the above-named ADELAIDE M. CURRAN  
and acknowledged the foregoing instrument to be his free act and deed in said capa

Before me,

*Joseph M. Gaudin*  
Attorney at Law/Notary Public

SEAL

MAINE REAL ESTATE TAX PAID



BK 17008PG033

EXHIBIT A


A certain lot or parcel of land situated in the City of Portland, Cumberland County, Maine, on the easterly side of Hampton Street a being Lots No. 212 and 213 as shown on Plan of Harris Farms made by E. C. Jordan & Co., C.E., dated June 5, 1919, and recorded in the Cumberland County Registry of Deeds, Plan Book 14, Page 19, to which Plan reference may be made for a more particular description. Said lots are each 30 feet in width and 100 feet in depth according to said plan. Together with the fee of land in said Hampton Street in front of and adjoining said lots and extending from the street line to the middle of said street.

Also certain lots or parcels of land situated in said Portland on easterly side of Barclay Avenue, being Lots No. 218 and 219 as shown on plan of Harris Farms, made E.C. Jordan & Co., C.E., dated June 1919, and recorded in the Cumberland County Registry of Deeds, Plan Book 14, Page 19, to which Plan, reference may be made for a more particular description. Together with the fee in front of and adjoining said Lots 218 and 219, and extending from the street line to the middle of said Avenue.

Also certain lots or parcels of land situated in said Portland between Hampton Street and Barclay Avenue being Lots No. 210, 211, 220 and 221, as shown on plan of Harris Farms made by E.C. Jordan & Co., C.E., dated June 5, 1919, and recorded in the Cumberland County Registry of Deeds in Plan Book 14, Page 19.

Together with the fee of land in said Hampton Street and Barclay Avenue in front of and adjoining said Lots No. 210, 211, 220 and 221 and extending from the street line to the middle of said Street and Avenue.

This conveyance is subject to the rights of others in and to that portion of the subject premises lying within the apparent right of way for Barclay Avenue and Hampton Street as set forth in deeds to Adelaide M. Curran, et al, dated August 1957, recorded in Book 2368, Page 93 and dated May 26, 1959, recorded in Book 2368, Pages 318 and 320.

  
Seller's Initials

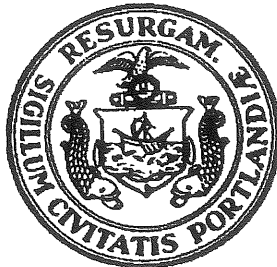
  
Buyer's Initials

RECEIVED  
CUMBERLAND COUNTY REGISTRY OF DEEDS

ATTACHMENT 2

# CITY OF PORTLAND WASTEWATER CAPACITY APPLICATION

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



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

Date: \_\_\_\_\_

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

Site Address: 35 Barclay Avenue

*(Regarding addressing, please contact Jessica Hanscom, either at 874-8818, or at JGH@portlandmaine.gov)*

Proposed Use: Single family building

Previous Use: Vacant land

Existing Sanitary Flows: 0 gpm

Existing Process Flows: 0 gpm

Description and location of City sewer, at proposed building sewer lateral connection:  
The existing sewer and storm are stubbed to the building lot. There is no new connection to the existing sewer line.

Chart Block Lot Number: 339-D-9

Site Category	Commercial	___
	Industrial <i>(complete part 4 below)</i>	___
	Governmental	___
	Residential	<u>X</u>
	Other <i>(specify)</i>	___

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

## 2. Please, Submit Domestic Wastewater Design Flow Calculations.

Estimated Domestic Wastewater Flow Generated: \_\_\_\_\_ 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: Diversified Properties Inc  
Owner/Developer Address: Box 10127, Portland, Maine 04104  
Phone: 773-4988 Fax: 773-6875 E-mail: Jmw1@maine.rr.com  
Engineering Consultant Name: Gorrill Palmer Engineers  
Engineering Consultant Address: Box 1237, Gray, Maine 04039  
Phone: 657-6910 Fax: 657-6912 E-mail: dreynolds@gorrillpalmer.  
City Planner's Name: Shukria Wiar 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: na \_\_\_\_\_ GPD

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

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

OSHA Standard Industrial Code (SIC): na (<http://www.osha.gov/oshstats/sicser.html>)

Peaking Factor/Peak Process Times: na \_\_\_\_\_

**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:

---

This lot is located on the newly constructed Barclay Avenue. The sewer and storm services were brought to this lot at the time of street construction.

Barclay - Public  
Works**James Wolf**

**From:** "James Wolf" <jmw1@maine.rr.com>  
**To:** "Eric Labelle" <EJL@portlandmaine.gov>  
**Cc:** <Todd@portlandmaine.gov>  
**Sent:** Wednesday, October 13, 2004 2:03 PM  
**Subject:** Re: Barclay

Eric

No problem. Although we disagree we the interpretation of staff this is not the time to address the issue. We will be placing curb in front of the lot either later today or tomorrow. Thank you for your help while Todd is away.

Jim

----- Original Message -----  
**From:** "Eric Labelle" <EJL@portlandmaine.gov>  
**To:** <jmw1@maine.rr.com>  
**Cc:** <Todd@portlandmaine.gov>  
**Sent:** Wednesday, October 13, 2004 11:46 AM  
**Subject:** Re: Barclay

Jim,

I talked with Staff today. Since the lot is not part of the subdivision there can not be a curb cut.

Eric

Eric J. Labelle, P.E.  
 City Engineer  
 55 Portland Street  
 Portland, ME 04101  
 (207)874-8850 Office  
 (207)874-8852 Fax

>>> "James Wolf" <jmw1@maine.rr.com> 10/13/2004 10:53:07 AM >>>  
 Dave met with Grover and marked the location. Thank you. Should we go over the other issues?

----- Original Message -----  
**From:** "Eric Labelle" <EJL@portlandmaine.gov>  
**To:** <jmw1@maine.rr.com>  
**Sent:** Wednesday, October 13, 2004 8:08 AM  
**Subject:** Re: Barclay

Yes, as we discussed yesterday, have Ben contact Dave Peterson at our office. 874-8846. He has the report from the last tape made.  
 Eric

10/26/04

>>> "James Wolf" <[jmw1@maine.rr.com](mailto:jmw1@maine.rr.com)> 10/12/2004 8:24:50 AM >>>  
Eric

We need some direction regarding the underdrain repair. Is there someone covering for Todd that we can meet with today.

Thank you.

Jim

James Wolf  
Diversified Properties, Inc.  
P.O. Box 10127  
Portland, Maine 04104  
1-207-773-4988  
Fax 1-207-773-6875

10/26/04

**James Wolf**

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**From:** "Jim Pandiscio" <pandiscio@pwd.org>  
**To:** "James Wolf" <jmw1@maine.rr.com>  
**Sent:** Tuesday, September 23, 2003 1:07 PM  
**Attach:** P-MainEst-BarclayAve-DiversifiedProperties-JimWolf.xls  
**Subject:** RE: Barclay Avenue

Copy of final inspection report attached. Final inspection done by Jeff McGill and Jim Pandiscio of the Portland Water District.

New water main and services have been activated.

Jim Pandiscio/MEANS Coordinator

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

**From:** James Wolf [mailto:jmw1@maine.rr.com]  
**Sent:** Tuesday, September 23, 2003 7:11 AM  
**To:** Jim Pandiscio  
**Subject:** Barclay Avenue

Good Morning

I need to provide the City documentation that the water main has been installed properly and passed its tests. Would you please provide this information. Thank you.

Jim

James Wolf  
Diversified Properties, Inc.  
P.O. Box 10127  
Portland, Maine 04104  
1-207-773-4988  
Fax 1-207-773-6875

9/23/03

Date: 4/2/02

Project: Barclay Ave

FC: 6719

Division: Portland

Contractor: A H Grover

**Water Main & Service Assets:**

	Type:	Asset #	Location:	Size:	Description:
1	Reducer	RD2701665	Barclay Ave	8X4	150' south of Harris Ave
2	BO	BO2701623	Barclay Ave	2	275' south of Harris Ave
3	Main	RD27016650-BO2701623	Barclay Ave	4"	reducer to new 2"blow off
4					
5					
6	Service	SV27104497	Lot 1 Barclay Ave	1"	
7	Service	SV27104498	Lot 2 Barclay Ave	1"	
8	Service	SV27104499	Lot 3 Barclay Ave	1"	
9	Service	SV27104500	Lot 4 Barclay Ave	1"	
10	Service	SV27104501	Lot 5 Barclay Ave	1"	
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Portland Water District  
Preliminary Estimate Worksheet

3/20/02

Div 27

**Project:** Barclay Ave.  
Portland, Me. 04103  
**For:** Diversified Properties  
PO Box 10127  
Portland, Me. 04104

Agree#  
FC#

*Description:* Install 120' more or less of 4"DI water main in Barclay Ave.  
starting at current end of 8" water main and going south east.

#		unit	amount
120	Trench, install & backfill per foot @	10.56	1267.20
120	4" Pipe per foot @	7.31	877.20
1	8"X4" Reducer(s) @	69.72	69.72
1	2" Blow off(s) complete @(Ford or Mueller)	247.29	247.29
1	4" Solid Sleeve(s)	111.26	111.26
2	Labor & equipment per day @	1400.00	2800.00
40	Gravel per cu. yd(s) @	7.00	280.00
0.5	Misc. bracing & hardware @	150.00	75.00
3	4" Field Loc Gaskets@	36.36	109.08
1	Air valve(s) @	140.00	140.00
		sub-total	\$ 5,976.75
	Contingency:	10%	597.68
1	Main application fee @	100.00	100.00
		sub-total	\$ 6,674.43
0	Public fire protection per foot @	2.50	0.00
5	Service application(s) fee @	60.00	300.00
5	1" Service(s) installed M/SL @	500.00	2500.00
5	5/8" Meter(s) installed @	139.00	695.00
		By PWD-Total	\$ 10,169.43
		cost per foot =	55.62025
			+ LEDGE

**Project by contractor:**

#			
0	Public fire protection per foot @	2.50	0.00
1	Planning & engineering @	300.00	300.00
1	Main connection(s) @	424.00	424.00
4	Inspection per day @	300.00	1200.00
5	Service application fee(s) @	25.00	125.00
5	5/8" Meter installation(s) @	139.00	695.00
1	Main application fee @	100.00	100.00
		Total	\$ 2,844.00

Portland Water Section

May 16, 2002

Jim Wolf  
Diversified Properties  
PO Box 10127  
Portland, Me. 04104

Re: Barclay Ave.-Portland

Jim:

This letter is to confirm there should be an adequate supply of clean and healthful water to serve the needs of the proposed sub-division at Barclay Ave. in Portland. Checking District records, I find there is an 8" water main installed part way down Barclay Ave. with an existing hydrant.

The current data from the nearest hydrant indicates there should be adequate capacity of water to serve the needs of your proposed project.

Hydrant Location: Barclay Ave. @Harris Ave.  
Hydrant # 1802  
Static pressure = 67 PSI  
Flow = 1087 GPM  
Last Tested = 8/06/92

Sincerely,  
Portland Water District

Jim Pandiscio  
Means Coordinator