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**MEMORANDUM**

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**To:** FILE

**From:** Philip DiPierro

**Subject:** Application ID: 2013-042

**Date:** 3/13/2013

*300 Allen Ave*

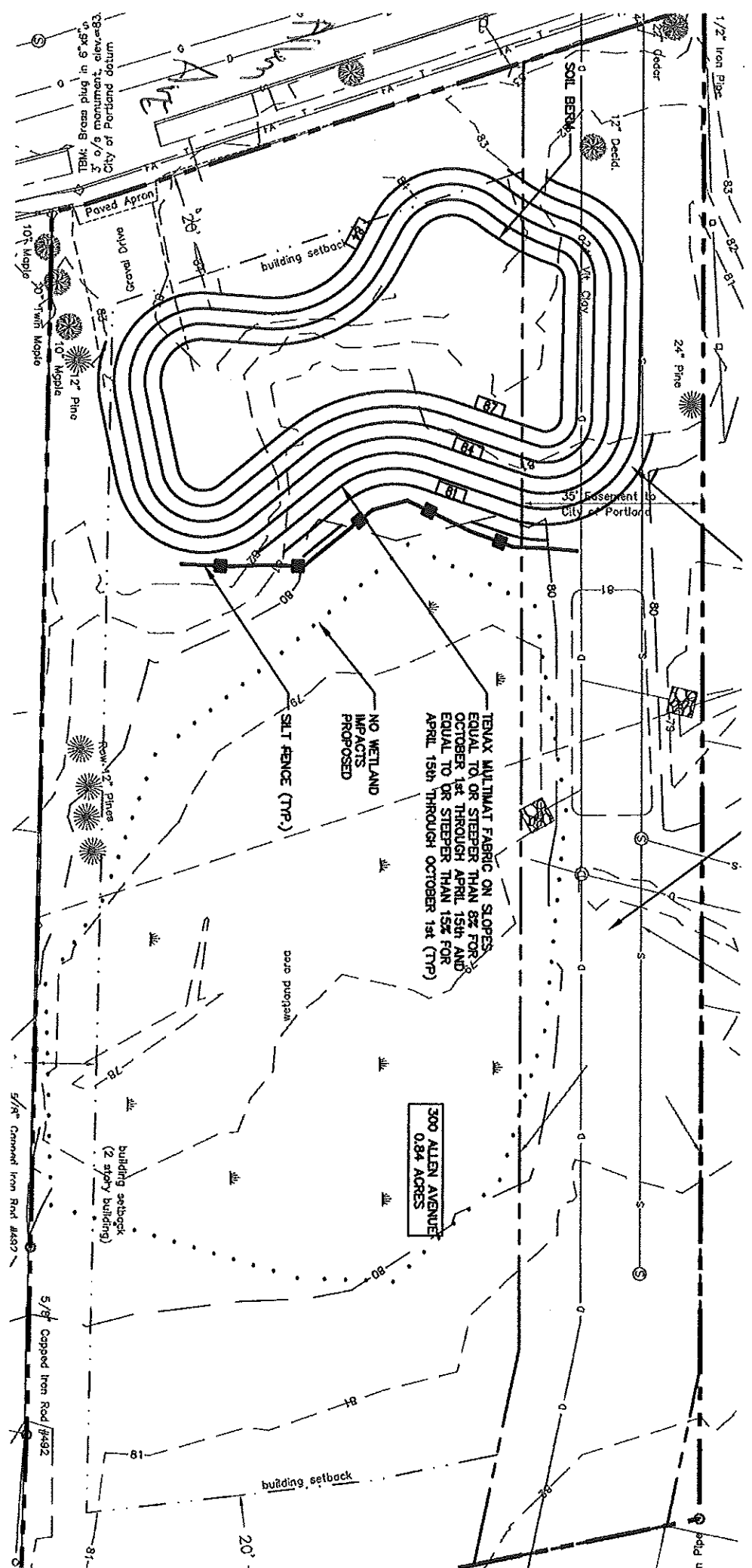
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**Comments Submitted by: Marge Schmuckal/Zoning on 3/13/2013**

The proposed berm would be meeting the underlying zone of R-P. As of this time, there is no established use for the property.

Separate permits and approvals shall be required for any proposed use of the vacant land on this property.

Marge Schmuckal  
Zoning Administrator



# 2013-642

NO WETLAND  
IMPACTS  
PROPOSED

TENAX MULTIMAT FABRIC ON SLOPES  
EQUAL TO OR STEEPER THAN 8% FOR  
OCTOBER 1st THROUGH APRIL 15th AND  
EQUAL TO OR STEEPER THAN 15% FOR  
APRIL 15th THROUGH OCTOBER 1st (TTP)

300 ALLEN AVENUE  
0.84 ACRES

BM: Brass plug in 3\"/>

10' Maple  
20' 1/2" Maple  
10' Maple  
12' Pine

12' Pine  
12' Pine  
12' Pine

5/8\"/>

5/8\"/>

20'

1/2\"/>

24' Pine

35' Easement to  
City of Portland

building setback

SILT FENCE (TTP)

grassed area

building setback  
(2 story building)

Gravel Drive

Paved Apron

building setback

SOIL BERM

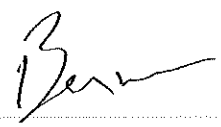
12' Decid.

12' Decid.

10' Maple

**Marge Schmuckal - Re: 300 Allen Ave. - Revised Site Plan**

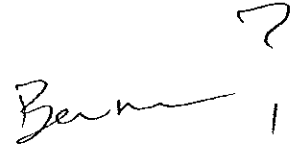
**From:** Philip DiPierro  
**To:** Schmuckal, Marge  
**Date:** 3/28/2013 12:02 PM  
**Subject:** Re: 300 Allen Ave. - Revised Site Plan



Hi Marge, I found the following definition on page 34 in the Land Use Ordinance. Are you saying this does not apply to this project? The only reason I ask is because if this gets approved, one of the neighbors may appeal the decision. I read in the application that the owner wants to stockpile the material on the site "so that it can ultimately be incorporated into a future construction project."

I apologize if I'm making this too much of an issue.....

"Stockpiling. Any placement or creation of piles or loads of soil, loam, sand, gravel, rock or other mineral deposits upon a site for the purpose of storage, warehousing or reserving for future use. Stockpiles shall be considered structures for purposes of dimensional requirements under the Land Use Code."



NO APPLICATION *me*  
*plan*

Thanks.

Phil

>>> Marge Schmuckal 3/28/2013 11:51 AM >>>

Thank you Phil,  
There are no setbacks under zoning for the berm. It is ok from a zoning standpoint.  
Marge

>>> Philip DiPierro 3/28/2013 11:48 AM >>>

Hi Marge, the applicant submitted a revised plan for this project based on reviewer comments. Can you please take another look at it to make sure it still meets zoning. I'm concerned about how close the berm is to property lines and whether or not it meets setbacks. The revised plan is in e-plan.

Thanks.

Phil

## **Marge Schmuckal - 300 Allen Ave**

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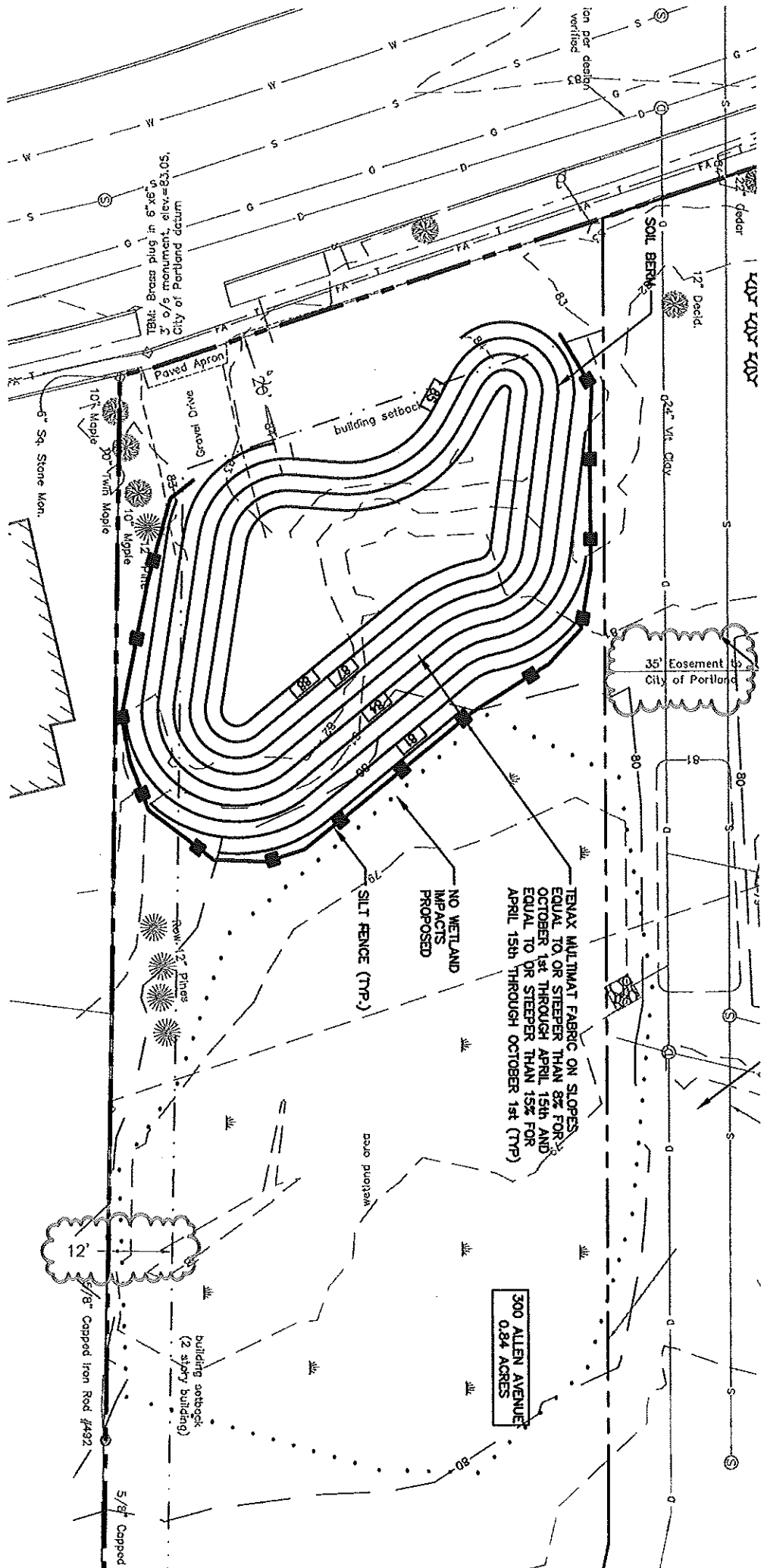
**From:** Marge Schmuckal  
**To:** Philip DiPierro  
**Date:** 4/11/2013 4:59 PM  
**Subject:** 300 Allen Ave

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Hi Phil,

I reviewed the most recent e-plan from 3/25/13. I did not see any written explanation of what was being proposed. A berm seems to be different from just stockpiling. So I would want to view the paperwork that was submitted. There is no definition of a berm in the Ordinance. A berm is different from stockpiling I am thinking. Does the paperwork that was submitted give a time frame for when this berm or stockpile might be used for future development, or is it all open ended? Also, why was the original berm changed to the current location nearer to a property line? Couldn't it be just as easily moved 12 feet over like before?

Any way you can provide just a little more information would be helpful. Sorry for the delay.  
Marge



TBM: Brass plug in 6"x8" in  
 3" o/s monument, elev.=83.05,  
 City of Portland datum

TENAX MULTIMAT FABRIC ON SLOPES  
 EQUAL TO OR STEEPER THAN 8% FOR  
 OCTOBER 1st THROUGH APRIL 15th AND  
 EQUAL TO OR STEEPER THAN 15% FOR  
 APRIL 15th THROUGH OCTOBER 1st (TYP)

NO WETLAND  
 IMPACTS  
 PROPOSED

SILT FENCE (TYP)

**300 ALLEN AVENUE**  
 0.84 ACRES

Data D 3/25/13

**Marge Schmuckal - Re: 300 Allen Ave. - Berm Project**

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**From:** Marge Schmuckal  
**To:** Philip DiPierro  
**Date:** 5/3/2013 10:51 AM  
**Subject:** Re: 300 Allen Ave. - Berm Project

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Hi Phil,  
Yes, the revision of the placement of the berm confirms my zoning approval.  
Thank You,  
Marge

>>> Philip DiPierro 5/3/2013 10:38 AM >>>

Hi Marge, I just uploaded in e-plan the most recent revised plan for this project, and also attached it this message. It looks like the berm has been moved out of the setbacks, and the drainage course is preserved.

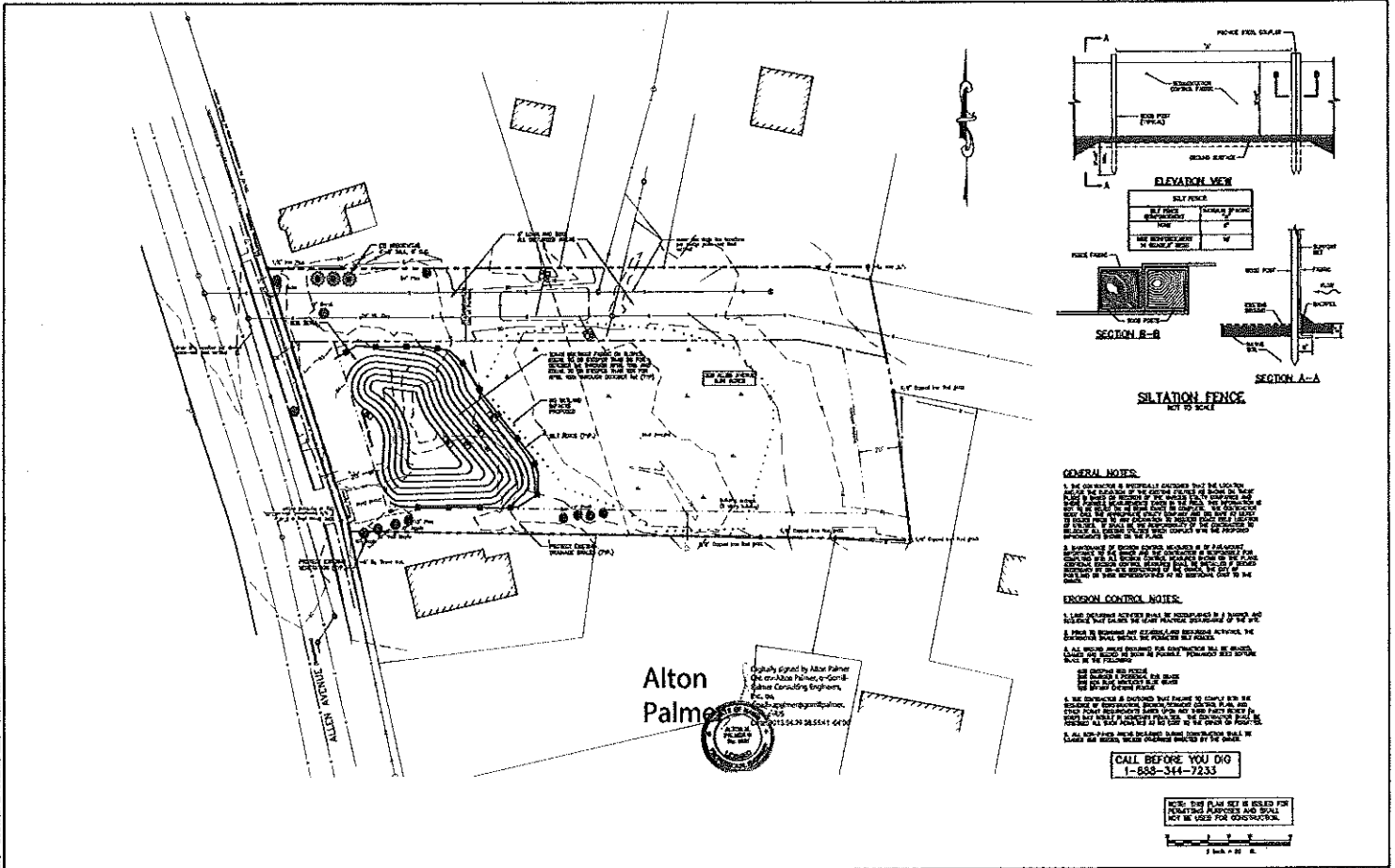
Could you please take a look at it and let me know if it meets your concerns?

Thanks.

Phil

Re positioned Barn

5/3/13

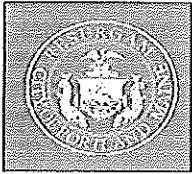


PER: _____ DATE: _____		CHECKED BY: _____ DATE: _____		DESIGNED BY: _____ DATE: _____		DRAWN BY: _____ DATE: _____	
REVISIONS PER CITY COMMENTS: _____				SCALE: _____			
SCALE: _____				PROJECT: _____			
ISSUED FOR: _____				SHEET NO. _____ OF _____			

**GP** Gorrill-Palmer Consulting Engineers, Inc.  
 1000 11th Street, Westport, ME 04092  
 207-852-8800 FAX: 207-852-8803  
 1000 11th Street, Westport, ME 04092 E-MAIL: info@gp-engineers.com

Project Name: **Grading Plan**  
 Project: **300 Allen Avenue**  
 Location: **Portland, ME**  
 Client: **Bob Adam**  
 Address: **848 East Bridge Street, Westbrook, ME 04092**

Drawing No. **C101**



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**Planning & Urban Development Department**  
Jeff Levine, AICP, Director

**Planning Division**  
Alexander Jaegerman, FAICP, Director

May 20, 2013

Bob Adam  
159 Lincoln Street, #10  
Westbrook, Maine 04092

Gorrill Palmer Consulting Engineers, Inc.  
P.O. Box 1237  
Gray, Maine 04039

Project Name: **Berm Construction and Grading Project**  
Project ID: 2013-042  
Address: 300 Allen Avenue  
CBL: 344 E 006001  
Applicant: Al Palmer  
Planner: Philip DiPierro

RECEIVED

MAY 21 2013

Dept. of Building Inspections  
City of Portland Maine

Dear Mr. Adam and Mr. Palmer:

On May 20, 2013, the Planning Authority approved with conditions a Level I: Site Alteration site plan for the Berm Construction and Grading project at 300 Allen Avenue that includes the creation of a berm containing approximately 700 cubic yards of common borrow material, site grading, and re-vegetation of disturbed areas. The decision is based upon the application received February 12, 2013 as submitted by Bob Adam, and prepared by Gorrill Palmer Consulting Engineers, Inc., and plans dated February 6, 2013, and revised on March 21, 2013, received on May 1, 2013. The proposal was reviewed for conformance with the standards of Portland's site plan ordinance.

#### **SITE PLAN REVIEW**

The Planning Authority found the plan is in conformance with the Site Plan Standards of the Land Use Code subject to the following condition(s) of approval:

1. The berm and landscaping will be maintained on a regular basis in a manner consistent with standard accepted landscape practices that promote healthy vegetative growth; in addition the applicant agrees to keep the site clean, and clear of trash and other types of debris.

The approval is based on the submitted site plan. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.

City Hall, 389 Congress Street . Portland, ME 04101-3509 . Ph (207) 874-8719 . Fx 756-8258 . TTY 874-8936

O:\PLAN\DRG\Projects\Allen Ave 300 - Peter's Const. Staging Area\Approval Letter with Letterhead - Jeff and Alex J 5-8-13.doc



## STANDARD CONDITIONS OF APPROVAL

Please note the following standard conditions of approval and requirements for all approved site plans:

1. **Develop Site According to Plan** The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.
2. **Separate Building Permits Are Required** This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
3. **Site Plan Expiration** The site plan approval will be deemed to have expired unless work has commenced within one (1) year of the approval or within a time period up to three (3) years from the approval date as agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the one (1) year expiration date.
4. **Performance Guarantee and Inspection Fees** A performance guarantee covering the site improvements, inspection fee payment of 2.0% of the guarantee amount and seven (7) final sets of plans must be submitted to and approved by the Planning Division and Public Services Department prior to the release of a building permit, street opening permit or certificate of occupancy for site plans. If you need to make any modifications to the approved plans, you must submit a revised site plan application for staff review and approval.
5. **Defect Guarantee** A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
6. **Preconstruction Meeting** Prior to the release of a building permit or site construction, a pre-construction meeting shall be held at the project site. This meeting will be held with the contractor, Development Review Coordinator, Public Service's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the Development Review Coordinator will confirm that the contractor is working from the approved site plan. 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.
7. **Department of Public Services Permits** If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

The Development Review Coordinator must be notified five (5) working days prior to the date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874-8632. 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.

City Hall, 389 Congress Street . Portland, ME 04101-3509 . Ph (207) 874-8719 . Fx 756-8258 . TTY 874-8936

If there are any questions, please contact Philip DiPierro at (207) 874-8632.

Sincerely,



Alexander Jaegerman  
Planning Division Director

**Attachments:**

1. Performance Guarantee Packet

**cc:** Jeff Levine, AICP, Director of Planning and Urban Development  
Alexander Jaegerman, Planning Division Director  
Barbara Barhydt, Development Review Services Manager  
Philip DiPierro, Planner/Development Review Coordinator, Planning  
Marge Schmuckal, Zoning Administrator, Inspections Division  
Tammy Munson, Inspection Division Director  
Lanette Dobson, Administration, Inspections Division  
Gayle Guertin, Administration, Inspections Division  
Michael Bobinsky, Public Services Director  
Katherine Earley, Engineering Services Manager, Public Services  
Bill Clark, Project Engineer, Public Services  
David Margolis-Pineo, Deputy City Engineer, Public Services  
Doug Roncarati, Stormwater Coordinator, Public Services  
Greg Vining, Associate Engineer, Public Services  
Michelle Sweeney, Associate Engineer  
John Low, Associate Engineer, Public Services  
Rhonda Zazzara, Field Inspection Coordinator, Public Services  
Mike Farmer, Project Engineer, Public Services  
Jane Ward, Administration, Public Services  
Jeff Tarling, City Arborist, Public Services  
Jeremiah Bartlett, Public Services  
Captain Chris Pirone, Fire Department  
Thomas Errico, P.E., TY Lin Associates  
David Senus, P.E., Woodard and Curran  
Rick Blackburn, Assessor's Department  
Approval Letter File