

PERMIT ISSUED

City of Portland, Maine - Building or Use Permit Application

389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

Permit No: 02-0202	Issue Date: MAY 21	CBL: 347 B003
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Location of Construction: PENNELL AVE	Owner Name: BRACKETT, DWIGHT	Owner Address: 84 COUNTRY LANE	Phone: 772-8629
Business Name:	Contractor Name: Dwight Brackett	Contractor Address: 84 Country Lane Portland	Phone: 2077728629
Lessee/Buyer's Name	Phone:	Permit Type: Single Family	Zone: R-3

Past Use: VACANT LOT	Proposed Use: SINGLE FAMILY SITE PLAN 2002-0065	Permit Fee: \$728.00	Cost of Work: \$90,000.00	CEO District: 0
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Proposed Project Description: NEW 24' x 40' SINGLE FAMILY W/GARAGE, 8' x 12' deck	FIRE DEPT: <input type="checkbox"/> Approved <input type="checkbox"/> Denied	INSPECTION: Use Group: R-3 Type: 5B 5/21/02
	Signature:	Signature:

PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.)		
Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied	Signature:	Date:

Permit Taken By: gad	Date Applied For: 03/08/2002	Zoning Approval	
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- This permit application does not preclude the Applicant(s) from meeting applicable State and Federal Rules.
- Building permits do not include plumbing, septic or electrical work.
- Building permits are void if work is not started within six (6) months of the date of issuance. False information may invalidate a building permit and stop all work..

Return to...
[Signature]

Special Zone or Review <input type="checkbox"/> Shoreland <input type="checkbox"/> Wetland <input type="checkbox"/> Flood Zone <input type="checkbox"/> Subdivision <input checked="" type="checkbox"/> Site Plan Maj <input type="checkbox"/> Minor <input type="checkbox"/> MM	Zoning Appeal <input type="checkbox"/> Variance <input type="checkbox"/> Miscellaneous <input type="checkbox"/> Conditional Use <input type="checkbox"/> Interpretation <input type="checkbox"/> Approved <input type="checkbox"/> Denied	Historic Preservation <input checked="" type="checkbox"/> Not in District or Landmark <input type="checkbox"/> Does Not Require Review <input type="checkbox"/> Requires Review <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied
Date: <i>dl with conditions 5/17/02</i>	Date:	Date:

CERTIFICATION

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

SIGNATURE OF APPLICANT	ADDRESS	DATE	PHONE
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RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE	DATE	PHONE
---	------	-------

Corporation Counsel
Gary C. Wood



CITY OF PORTLAND

Associate Counsel
Charles A. Lane
Elizabeth L. Boynton
Donna M. Karsificas
Penny Littell

January 31, 2002

VIA FACSIMILE

Terry N. Snow, Esquire
Terry N. Snow, PA
PO Box 275
Cumberland Center ME 04021-0275

Dear Terry:

Your clients are proposing to submit building permit applications for two house lots situated on the easterly side of Pennell Ave. The lots at issue are those identified on the original subdivision of this property as lots 89, 90, 92 and 93. These lots are owned (in some corporate configuration) by your clients. Lot 91 currently is owned by an unrelated individual, although, as I understand it, your clients have a purchase and sale agreement/or an option to buy the parcel.

In order to create buildable lots (lots with no less than 75 feet of frontage), your client has conveyed 30 feet of lot 90 to the abutting lot 89, leaving a 15 foot parcel remaining. In addition, it is your intention to divide original parcel 90, retaining 30 feet with parcel 91, (to create a lot with 75 feet of frontage), the remaining 15 feet to be separated out. It is expected that your clients will eventually purchase original lot 91 and add to it the two outstanding 15 foot sections of property to create an additional lot with 75 feet of frontage.

While the City carefully examines such conveyances for subdivision issues, it appears in this case, given the lack of ownership of original lot 91, no subdivision has occurred by the transfer of property to an abuttor.

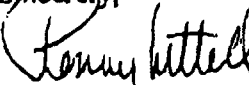
It is understood, however, that Diversified Properties, in conjunction with the submission of the two building permit applications referenced herein, has agreed to and will be submitting a detailed drainage and erosion control plan, lot grading plans, and a draft of the easement and turnaround (On these plans, street lights and fire hydrants should be identified.) applicable to the area so that the City may comprehensively evaluate this area

as it would a subdivision. As you know, this area is very wet and has caused the city many drainage problems in the past. We hope to approve the submitted permit applications with the confidence that they otherwise meet the requirements expected of a "subdivision." In this way the City is protected and your clients can confidently sell the lots with the assurance of a high quality project.

The issuance of any certificate of occupancy permits will be conditioned upon the completion of Pennell Ave., with final pavement, unless the Ordinance is otherwise amended.

Thank you for your patience while the City worked through the many issues this project raised.

Sincerely,


Penny Littell

PL:hs

Cc: Mark Adelson

Alex Jaegerman

Sarah Hopkins

Jay Reynolds

Michael Nugent

Marge Schimuckal

O:\OFFICE\PENNY\LIT&S\2002\Snow013102.doc

Applicant: Dwight Brackett

Date: 4/16/02

Address: 13 Pennell Ave

C-B-L: 347-B-003

CHECK-LIST AGAINST ZONING ORDINANCE

02-0202

Date - New

Zone Location - R-3

Interior or corner lot -

Proposed Use/Work - New Single Family Dwelling 24'x40' w/garage and 8'x12' deck

Sewage Disposal - City

Lot Street Frontage - 50' req - 75' shown

Front Yard - 25' req - 37' scaled

Rear Yard - 25' req - 27' scaled

Side Yard - (2 story) 14' req - 15' & 17.67' shown scaled

Projections - Rear 8'x12' deck - rt side 2'x2' chimney - Front entry

Width of Lot - 75' req - 75' scaled

Height - 35' max - 22.5' scaled to ridge

Lot Area - 6,500# - 7,500# shown

Lot Coverage/Impervious Surface - 25% of 1875#

Area per Family - 6,500#

Off-street Parking - 2 req - 2 shown in garage in drive

Loading Bays - N/A

Site Plan - minor/minor

Shoreland Zoning/Stream Protection - - N/A

Flood Plains - Panel 2 Zone 1

24' x 40' =	960#
8' x 12' =	96
2' x 2' =	4
4 x 6 =	24
<hr/>	
	1084#

2002-0065

02-0202

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.

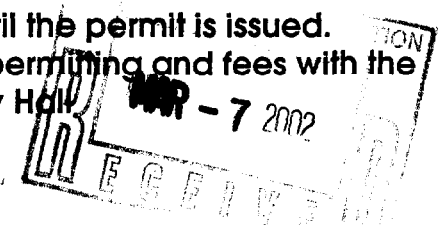
Location/Address of Construction: <u>LOT#3 PENWELL AVENUE</u>		
Total Square Footage of Proposed Structure <u>960</u>	Square Footage of Lot <u>7,500</u>	
Tax Assessor's Chart, Block & Lot Chart# <u>347</u> Block# <u>R</u> Lot# <u>003</u>	Owner: <u>DWIGHT BRACKETT</u>	Telephone: <u>772-8629</u>
Lessee/Buyer's Name (if Applicable)	Applicant name, address & telephone: <u>DWIGHT BRACKETT</u> <u>84 COUNTRY LANE</u> <u>PORTLAND ME 04103</u>	Cost Of Work: \$ <u>90,000</u> Bidg. <u>626.00</u> Fee: \$ <u>SITE 300.00</u>
Current use: <u>SINGLE FAMILY RESIDENCE</u>	<u>Copy 75.00</u>	
If the location is currently vacant, what was prior use: _____	<u>Total 1,001.00</u>	
Approximately how long has it been vacant: _____		
Proposed use: <u>SINGLE FAMILY</u>		
Project description: <u>24' x 40' Split Foyer w/ garage</u>		
Contractor's name, address & telephone: <u>DWIGHT BRACKETT</u> <u>84 COUNTRY LANE</u> <u>PORTLAND ME 04103</u>		
Who should we contact when the permit is ready: Mailing address: <u>DWIGHT BRACKETT 772-8629</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>772-8629</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: <u>Dwight Brackett</u>	Date: <u>3/15/02</u>
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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



DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK CITY OF PORTLAND

Please Read Application And Notes, If Any, Attached

DEPARTMENT OF BUILDING INSPECTION

PERMIT

Permit Number: 020202

This is to certify that BRACKETT, DWIGHT/Dwight Brackett
has permission to NEW 24' x 40' SINGLE FAMILY W/GARAGE, 12' deck
AT ¹²³ PENNELL AVE 347 B003

provided that the person or persons, firm or corporation accepting this permit shall comply with all of the provisions of the Statutes of Maine and of the ordinances of the City of Portland regulating the construction, maintenance and use of buildings and structures, and of the application on file in this department.

Apply to Public Works for street line and grade if nature of work requires such information.

Notification of inspection must be given and written permission procured before this building or part thereof is occupied or closed-in.
24 HOUR NOTICE IS REQUIRED.

A certificate of occupancy must be procured by owner before this building or part thereof is occupied.

OTHER REQUIRED APPROVALS

Fire Dept. _____
Health Dept. _____
Appeal Board _____
Other _____
Department Name _____

[Signature]
Director - Building & Inspection Services
5/24/02

PENALTY FOR REMOVING THIS CARD

Application ID: **2-0202**

Department: **Zoning**

Action: **Approved with Conditions**

Applicant: **Marge Schmuckal**

Address: **123 Pennell Avenue**

Application Date: **05/17/2002**

Review Date: **03/11/2002**

Off-Street Parking Name: **Marge Schmuckal** Date: **05/17/2002** File #:

This permit is being approved on the basis of plans submitted. Any deviations shall require a separate approval before starting that work.

Separate permits shall be required for future decks, sheds, pools, and/or garages.

This street is considered to be a 14-403 street and shall be brought up to City Standards from the end of the closest pavement to the farther end of this property PRIOR to a temporary or permanent occupancy permit. It is understood from Todd Merkell of the Public Works Dept. that the final coat of pavement has been put on Pennell Street at this time. If there is any change in this understanding, this property will be held responsible to meet the requirements of section 14-403 (street standards).

The development of this one lot does not constitute a subdivision. Any further development on this street may trigger the requirements for subdivision review. Those lots shall be reviewed separately.

Created Date: **03/11/2002** By: **gg** Update Date: **05/17/2002** By: **mes**

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

2002-0065
Application I. D. Number
03/08/2002
Application Date
PENNELL AVE
Project Name/Description

Dwight Brackett
Applicant

84 Country Lane, Portland, ME 04103
Applicant's Mailing Address

Dwight Brackett
Consultant/Agent

Applicant Ph: (207) 772-0543 Agent Fax:
Applicant or Agent Daytime Telephone, Fax

Pennell Ave, Portland, Maine
Address of Proposed Site
347 B003
Assessor's Reference: Chart-Block-Lot

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

960SQ FT **7,500SF**
Proposed Building square Feet or # of Units Acreage of Site Zoning

Check Review Required:

- | | | | |
|---|--|--|--|
| <input checked="" type="checkbox"/> Site Plan (major/minor) | <input type="checkbox"/> Subdivision # of lots _____ | <input type="checkbox"/> PAD Review | <input type="checkbox"/> 14-403 Streets Review |
| <input type="checkbox"/> Flood Hazard | <input type="checkbox"/> Shoreland | <input type="checkbox"/> Historic Preservation | <input type="checkbox"/> DEP Local Certification |
| <input type="checkbox"/> Zoning Conditional Use (ZBA/PB) | <input type="checkbox"/> Zoning Variance | <input type="checkbox"/> Other _____ | |

Fees Paid: Site Plan **\$50.00** Subdivision _____ Engineer Review **\$250.00** Date **03/08/2002**

DRC Approval Status:

- Approved **See Attached** Denied
- Condition Compliance **Jay Reynolds** **04/10/2002**
signature date

Revised Grading Plans Attached

Additional Sheets Attached

Performance Guarantee Required* Not Required

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

<input type="checkbox"/> Performance Guarantee Accepted	_____	_____	_____
	date	amount	expiration date
<input type="checkbox"/> Inspection Fee Paid	_____	_____	
	date	amount	
<input type="checkbox"/> Building Permit Issue	_____		
	date		
<input type="checkbox"/> Performance Guarantee Reduced	_____	_____	_____
	date	remaining balance	signature
<input type="checkbox"/> Temporary Certificate of Occupancy	_____	<input type="checkbox"/> Conditions (See Attached)	_____
	date		expiration date
<input type="checkbox"/> Final Inspection	_____	_____	
	date	signature	
<input type="checkbox"/> Certificate Of Occupancy	_____		
	date		
<input type="checkbox"/> Performance Guarantee Released	_____	_____	
	date	signature	
<input type="checkbox"/> Defect Guarantee Submitted	_____	_____	_____
	submitted date	amount	expiration date
<input type="checkbox"/> Defect Guarantee Released	_____	_____	
	date	signature	

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

2002-0065

Application I. D. Number

03/08/2002

Application Date

PENNELL AVE

Project Name/Description

Dwight Brackett

Applicant

84 Country Lane, Portland, ME 04103

Applicant's Mailing Address

Dwight Brackett

Consultant/Agent

Applicant Ph: (207) 772-0543 Agent Fax:

Applicant or Agent Daytime Telephone, Fax

Pennell Ave, Portland, Maine

Address of Proposed Site

347 B003

Assessor's Reference: Chart-Block-Lot

Approval Conditions of DRC

- 1 All damage to sidewalk, curb, street, or public utilities shall be repaired to City of Portland standards prior to issuance of a Certificate of Occupancy.
- 2 Two (2) City of Portland approved species and size trees must be planted on your street frontage prior to issuance of a Certificate of Occupancy.
- 3 Your new street address is now #123 PENNELL AVE., the number must be displayed on the street frontage of your house prior to issuance of a Certificate of Occupancy.
- 4 The Development Review Coordinator (874-8632) must be notified five (5) working days prior to date required for final site inspection. 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.
- 5 A sewer permit is required for you project. Please contact Carol Merritt at 874-8300, ext . 8822. The Wastewater and Drainage section of Public Works must be notified five (5) working days prior to sewer connection to schedule an inspector for your site.
- 6 A street opening permit(s) is required for your site. Please contact Carol Merritt ay 874-8300, ext. 8822. (Only excavators licensed by the City of Portland are eligible.)
- 7 As-built record information for sewer and stormwater service connections must be submitted to Public Works Engineering Section (55 Portland Street) and approved prior to issuance of a Certificate of Occupancy.
- 8 The site contractor shall establish finish grades at the foundation, bulkhead and basement windows to be in conformance with the first floor elevation (FFE) and sill elevation (SE) set by the building contractor to provide for positive drainage away from entire footprint of building.
- 9 The Development Review Coordinator reserves the right to require additional lot grading or other drainage improvements as necessary due to field conditions.

P O Box 10127
Portland, ME 04104
Tel (207) 773-4988
FAX (207) 773-6875

Diversified Properties, Inc.

Fax

To: MARGE SCHMUCKAL From: Jim WOLF

Fax: 874-8949 Pages: 4

Phone: _____ Date: 4/18/02

Re: PENNELL AVE. CC: JAY REYNOLDS, PENNY LITTELL,
MIKE NUGENT, MARK ADELSON

Urgent For Review Please Comment Please Reply Please Recycle

• Comments:

James Wolf

From: "James Wolf" <jmw1@maine.rr.com>
To: "Marge Schmuckel" <MES@ci.portland.me.us>
Cc: "Mike Nugent" <MJN@ci.portland.me.us>; "Penny Littel" <PL@ci.portland.me.us>; "Jay Reynolds" <JAYJR@ci.portland.me.us>; "Mark Adelson" <MBA@ci.portland.me.us>; "Terry N. Snow" <TNSnowlaw@aol.com>
Sent: Thursday, April 18, 2002 10:18 AM
Subject: 127 Pennell Avenue

BY FAX AND EMAIL

Dear Marge

Thank you for a copy of your letter to Dwight Brackett.

With respect to the subdivision issue that you raise I wish to remind you that on January 31, 2002 Penny Littell issued an opinion letter to Terry Snow regarding this exact issue. After a lengthy review it was determined that no subdivision has occurred.

I will provide you with a copy of Penny's letter by fax. I would ask that you please confirm with me that you are satisfied a subdivision issue does not exist so I can pass it along to Mr. Brackett.

I look forward to your response.

Sincerely

Jim Wolf

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

4/18/02

W 11x17

SPACE AND BULK REQUIREMENTS - R-3 ZONE

MINIMUM LOT SIZE: 6,500 S.F.

MINIMUM FRONTAGE: 50 FT.

MINIMUM SETBACKS:

FRONT YARD 25 FT.

REAR YARD 25 FT.

SIDE YARD*

1 STORY 8 FT.

1 1/2 STORY 8 FT.

2 STORY 14 FT.

2 1/2 STORY 16 FT.


MINIMUM LOT WIDTH:

OTHER USES: 75 FT.

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

THE SIDE YARDS SHOWN ON THE FOLLOWING FIGURES ARE BASED UPON A 2 1/2 STORY STRUCTURE AND MAY BE INCREASED OR DECREASED DEPENDING UPON THE NUMBER OF STORIES.

Design: DER	Date: SEPT 2001
Draft: CAH	Job No.: 384.3
Checked: AMP	Scale: NTS
File Name: 384_3-SP.dwg	

	<i>Traffic and Civil Engineering Services</i>
	PO Box 1237, 26 Main Street Gray, ME 04039 207-657-6910

Drawing Name:	Space & Bulk Requirements
Project:	PENNELL AVENUE, PORTLAND

Figure No.	1
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BUILDING PERMIT INSPECTION PROCEDURES

Please call 874-8703 or 874-8693 to schedule your inspections as agreed upon

Permits expire in 6 months, if the project is not started or ceases for 6 months.

The Owner or their designee is required to notify the inspections office for the following inspections and provide adequate notice. Notice must be called in 48-72 hours in advance in order to schedule an inspection:

By initializing at each inspection time, you are agreeing that you understand the inspection procedure and additional fees from a "Stop Work Order" and "Stop Work Order Release" will be incurred if the procedure is not followed as stated below.

Pre-construction Meeting: Must be scheduled with your inspection team upon receipt of this permit. Jay Reynolds, Development Review Coordinator at 874-8632 must also be contacted at this time, before any site work begins on any project other than single family additions or alterations.

Footing/Building Location Inspection: Prior to pouring concrete

Re-Bar Schedule Inspection: Prior to pouring concrete

Foundation Inspection: Prior to placing ANY backfill

Framing/Rough Plumbing/Electrical: Prior to any insulating or drywalling

Final/Certificate of Occupancy: Prior to any occupancy of the structure or use. NOTE: There is a \$75.00 fee per inspection at this point.

Certificate of Occupancy is not required for certain projects. Your inspector can advise you if your project requires a Certificate of Occupancy. All projects DO require a final inspection

If any of the inspections do not occur, the project cannot go on to the next phase, REGARDLESS OF THE NOTICE OR CIRCUMSTANCES.

CERIFICATE OF OCCUPANICES MUST BE ISSUED AND PAID FOR, BEFORE THE SPACE MAY BE OCCUPIED

[Signature]
Signature of applicant/designee

5/21/02
Date

[Signature]
Signature of Inspections Official

5/21/02
Date

CBL: 347-8003 Building Permit #: 020202

P O Box 10127
Portland ME 04104
Tel (207) 773-4988
Fax (207) 773-6875

Diversified Properties, Inc.

Fax

To: MIKE NUGENT From: TIM WOLF
Fax: 874-8949 Pages: 4
Phone: _____ Date: 4/18/07
Memo Forward to Marge Schumaker
RE PENNELL AVE. CC:

- Urgent For Review Please Comment Please Reply Please Recycle

• Comments:

F.Y.O.

James Wolf

From: "James Wolf" <jmw1@maine.rr.com>
To: "Marge Schmuckel" <MES@ci.portland.me.us>
Cc: "Mike Nugent" <MJN@ci.portland.me.us>; "Penny Littell" <PL@ci.portland.me.us>; "Jay Reynolds" <JAYJR@ci.portland.me.us>; "Mark Adelson" <MBA@ci.portland.me.us>; "Terry N. Snow" <TNSnowlaw@aol.com>
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1-207-773-4988
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4/18/02

Corporation Counsel
Gary C. Wood



CITY OF PORTLAND

Associate Counsel
Charles A. Lane
Elizabeth L. Boynton
Donna M. Katsiaticas
Penny Littell

January 31, 2002

VIA FACSIMILE

Terry N. Snow, Esquire
Terry N. Snow, PA
PO Box 275
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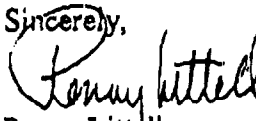
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