

347-B-4

Pennell Ave.

3 lot Subdivision

Diversified Prop.

2002-0212

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

2002-0212  
Application I. D. Number  
  
09/26/2002  
Application Date  
  
3 Lot Subdivision  
Project Name/Description

**Diversified Properties**  
Applicant  
**PO Box 10127, Portland, ME 04104**  
Applicant's Mailing Address

**Pennell Ave, Portland, Maine**  
Address of Proposed Site  
**347 B004001**  
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  Other (specify) \_\_\_\_\_

Proposed Building square Feet or # of Units \_\_\_\_\_ Acreage of Site \_\_\_\_\_ **R3**  
Zoning

**Check Review Required:**

Site Plan (major/minor)  Subdivision # of lots 3  PAD Review  14-403 Streets Review  
 Flood Hazard  Shoreland  Historic Preservation  DEP Local Certification  
 Zoning Conditional Use (ZBA/PB)  Zoning Variance  Other \_\_\_\_\_

Fees Paid: Site Plan \$500.00 Subdivision \_\_\_\_\_ Engineer Review \$300.00 Date 12/04/2002

**DRC Approval Status:**

Reviewer Sebago Technic

Approved  Approved w/Conditions See Attached  Denied

Approval Date 10/22/2002 Approval Expiration 10/22/2003 Extension to \_\_\_\_\_  Additional Sheets Attached

Condition Compliance Sebago Technic 12/20/2002  
signature date

**Performance Guarantee**  Required\*  Not Required

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

<input checked="" type="checkbox"/> Performance Guarantee Accepted	<u>11/26/2002</u> date	<u>\$2,100.00</u> amount	<u>09/30/2003</u> 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	_____ date	<input type="checkbox"/> Conditions (See Attached)	_____ 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  
Planning Copy**

2002-0212  
Application I. D. Number

09/26/2002  
Application Date

3 Lot Subdivision  
Project Name/Description

**Diversified Properties**

Applicant \_\_\_\_\_  
PO Box 10127, Portland, ME 04104  
Applicant's Mailing Address

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

Pennell Ave, Portland, Maine  
Address of Proposed Site  
347 B004001  
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) \_\_\_\_\_

Proposed Building square Feet or # of Units \_\_\_\_\_      Acreage of Site \_\_\_\_\_      R3  
Zoning

**Check Review Required:**

Site Plan (major/minor)       Subdivision # of lots 3       PAD Review       14-403 Streets Review  
 Flood Hazard       Shoreland       Historic Preservation       DEP Local Certification  
 Zoning Conditional Use (ZBA/PB)       Zoning Variance       Other \_\_\_\_\_

Fees Paid:    Site Plan \$500.00    Subdivision \_\_\_\_\_    Engineer Review \$300.00    Date 12/04/2002

**Planning Approval Status:**

Reviewer Kandi Talbot

Approved       Approved w/Conditions See Attached       Denied

Approval Date 10/22/2002      Approval Expiration 10/22/2003      Extension to \_\_\_\_\_       Additional Sheets Attached

OK to Issue Building Permit      Kandi Talbot      12/20/2002  
signature      date

**Performance Guarantee**       Required\*       Not Required

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

<input checked="" type="checkbox"/> Performance Guarantee Accepted	<u>11/26/2002</u> date	<u>\$2,100.00</u> amount	<u>09/30/2003</u> 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	_____ date	<input type="checkbox"/> Conditions (See Attached)	_____ 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**

2002-0212

Application I. D. Number

09/26/2002

Application Date

3 Lot Subdivision

Project Name/Description

**Diversified Properties**

Applicant

PO Box 10127, Portland, ME 04104

Applicant's Mailing Address

Consultant/Agent

Applicant Ph: (207) 773-4988      Agent Fax:

Applicant or Agent Daytime Telephone, Fax

Pennell Ave, Portland, Maine

Address of Proposed Site

347 B004001

Assessor's Reference: Chart-Block-Lot

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**Approval Conditions of Planning**

- 1 That the language for the 20 ft. Drainage easement over Lot 2 and 3 for the benefit of Lot 1, and over Lot 3 for the benefit of Lot 2, be reviewed and approved by Corporation Counsel.
- 2 That the applicant revise the plans to reflect the Development Review Coordinator's memo dated October 22, 2002 regarding approval by Public Works to connect into the 18" storm drain and BMP details.
- 3 That the applicant revise the subdivision plat by deleting the last two (2) sentences from Note 4 on the plat. The applicant shall also submit an escrow account to the City in the amount determined by the City and the Developer to cover drainage and landscaping improvements prior to release of the plat.

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**Approval Conditions of DRC**

- 1 See Planning's conditions
-



**Department of Planning and Urban Development  
SUBDIVISION/SITE DEVELOPMENT**

**COST ESTIMATE OF IMPROVEMENTS TO BE COVERED BY PERFORMANCE GUARANTEE**

Date: Oct. 24, 2002

Name of Project: PENNELL AVENUE SUBDIVISION

Address/Location: \_\_\_\_\_

Developer: DIVERSIFIED PROPERTIES, INC. / CONSTRUCTION AGGREGATE

Form of Performance Guarantee: FSCROW

Type of Development: Subdivision  Site Plan (Major/Minor) \_\_\_\_\_

**TO BE FILLED OUT BY THE APPLICANT:**

Item	PUBLIC			PRIVATE		
	Quantity	Unit Cost	Subtotal	Quantity	Unit Cost	Subtotal
<b>1. STREET/SIDEWALK</b>						
Road	_____	_____	_____	_____	_____	_____
Granite Curbing	_____	_____	_____	_____	_____	_____
Sidewalks	_____	_____	_____	_____	_____	_____
Esplanades	_____	_____	_____	_____	_____	_____
Monuments	_____	_____	_____	_____	_____	_____
Street Lighting	_____	_____	_____	_____	_____	_____
Street Opening Repairs	_____	_____	_____	_____	_____	_____
Other	_____	_____	_____	_____	_____	_____
<b>2. EARTH WORK</b>						
Cut	_____	_____	_____	_____	_____	_____
Fill	_____	_____	_____	_____	_____	_____
<b>3. SANITARY SEWER</b>						
Manholes	_____	_____	_____	_____	_____	_____
Piping	_____	_____	_____	_____	_____	_____
Connections	_____	_____	_____	_____	_____	_____
Main Line Piping	_____	_____	_____	_____	_____	_____
House Sewer Service Piping	_____	_____	_____	_____	_____	_____
Pump Stations	_____	_____	_____	_____	_____	_____
Other	_____	_____	_____	_____	_____	_____
<b>4. WATER MAINS</b>						
_____	_____	_____	_____	_____	_____	_____
<b>5. STORM DRAINAGE</b>						
Manholes	_____	_____	_____	_____	_____	_____
Catchbasins	_____	_____	_____	_____	_____	_____
Piping	_____	_____	_____	_____	_____	_____
Detention Basin	_____	_____	_____	_____	_____	_____
Stormwater Quality Units	_____	_____	_____	_____	_____	_____
Other <u>TYPE F</u>	_____	_____	_____	_____	_____	_____
<u>CATCH BASIN</u>	_____	_____	_____	_____	_____	_____
<u>w/ PIPING + CONNECTION.</u>	_____	_____	_____	<u>1</u>	<u>1200</u>	<u>1200</u>

6. SITE LIGHTING	_____	_____	_____	_____	_____	_____
7. EROSION CONTROL						
Silt Fence	_____	_____	_____	_____	_____	_____
Check Dams	_____	_____	_____	_____	_____	_____
Ripe Inlet/Outlet Protection	_____	_____	_____	_____	_____	_____
Level Lip Spreader	_____	_____	_____	_____	_____	_____
Slope Stabilization	_____	_____	_____	_____	_____	_____
Geotextile	_____	_____	_____	_____	_____	_____
Hay Bale Barriers	_____	_____	_____	_____	_____	_____
Catch Basin Inlet Protection	_____	_____	_____	_____	_____	_____
8. RECREATION AND OPEN SPACE AMENITIES	_____	_____	_____	_____	_____	_____
9. LANDSCAPING (Attach breakdown of plant materials, quantities, and unit costs) <i>2 STREET TREES</i>	_____	_____	_____	<u>2</u>	<u>250</u>	<u>250</u>
10. MISCELLANEOUS GRADING/SWALE	_____	_____	_____	_____	_____	<u>400</u>
TOTAL:	_____	_____	_____	_____	<u>2100</u>	_____
GRAND TOTAL:	_____	_____	_____	_____	<u>2100</u>	_____

*OK  
11/4/02  
J.R.*

**INSPECTION FEE (to be filled out by the City)**

	<u>PUBLIC</u>	<u>PRIVATE</u>	<u>TOTAL</u>
A: 2.0% of totals:	<u>0</u>	<u>300.00</u>	<u>300.00</u>
or			
B: Alternative Assessment:	_____	_____	_____
Assessed by:	<u>J.R.</u>	<u>J.R.</u>	<u>J.R.</u>
	(name)	(name)	

STREET EXCAVATION AND/OR  
SEWER CONNECTION PERMIT

**CITY OF PORTLAND, MAINE**  
DEPARTMENT OF PUBLIC WORKS

PERMIT NO. P004084

THIS PERMIT EXPIRES THIRTY DAYS FROM DATE OF ISSUE

DATE: 10/22/2002

PERMISSION IS HEREBY GIVEN TO Diversified Properties

NAME

ADDRESS

TO OPEN 131 - 131 Pennell Ave

Street/Avenue

FOR THE PURPOSE OF Connect to existing storm drain.

SAID WORK SHALL BE PROPERLY DONE ACCORDING TO The Excavation Ordinance, Chapter 25 of the Municipal Code, "STREETS, SIDEWALKS AND OTHER PUBLIC PLACES." and abide by all provisions of Chapter 6, Plumbing Code and Chapter 24, Sewer Use Ordinance, of the Municipal Codes of the City of Portland, Maine. I HAVE READ AND UNDERSTOOD MY RESPONSIBILITIES AS A LICENSED EXCAVATOR AS DESCRIBED IN THE STREET EXCAVATOR ORDINANCE, SECTION 25, ARTICLE VII OF THE MUNICIPAL CODE.

THE WORK IS BEING DONE BY:

CONTRACTOR: Diversified Properties, .

NAME

ADDRESS

PLUMBER:

NAME

ADDRESS

OWNER:

NAME

ADDRESS

NOTES:

DIG SAFE:

STREET EXCAVATION PERMIT	\$142.00
SEWER CONNECTION PERMIT	\$ 25.00*
COMBINATION PERMIT	\$167.00

*William J. Bray*  
 William J. Bray  
 Director of Public Works

This permit does not create in the applicant any permission for him to enter or use the land of another property owner, either temporarily or permanently, for the purpose of connection with the City sewer line. Questions concerning such permission should be referred to Applicant's attorney.

Qty	Description	Rate per Unit	Charge	Paid	Due
1.000	Sewer permit	\$50.00 Each	\$50.00	\$50.00	\$0.00
<b>Totals:</b>			<b>\$50.00</b>	<b>\$50.00</b>	<b>\$0.00</b>

*RD c h # 4783*

\*CHARGE INCLUDES INSPECTION AND CONNECTION FEE

Nov 04 02 04:16P

p. 2

EASEMENT DEED

DEED made this 12<sup>th</sup> day of November, 2002, by and between DIVERSIFIED PROPERTIES, INC., a Maine Corporation with a principal place of business in the City of Portland, County of Cumberland and State of Maine and CONSTRUCTION AGGREGATE, INC., a Maine corporation with a principal place of business in the Town of North Yarmouth, County of Cumberland and State of Maine (hereinafter referred to as "DPI/CAI"), C.G.B. PROPERTIES, LLC, a Maine Limited Liability Company with a principal place of business in the City of Portland, County of Cumberland and State of Maine (hereinafter referred to as "CGB"), and SANDRA D. WYSOWSKI and PHILLIP T. WYSOWSKI, of 123 Pennell Avenue, in the City of Portland, County of Cumberland and State of Maine (hereinafter referred to as "Wysowskis").

WHEREAS, DPI and CAI are the owners of a certain lot or parcel of land situated on the easterly side of Pennell Avenue in Portland, Maine shown as Lot 2 on a plan entitled "Minor Subdivision Plan Made for Diversified Properties and Construction Aggregate, Inc." dated June 30, 2001, prepared by Titcomb Associates, to be recorded at the Cumberland County Registry of Deeds (hereinafter referred to as "plan"). For DPI's source of title, reference is made to a deed recorded at said Registry of Deeds in Book ~~18348~~, Page 236. For CAI's source of title, reference is made to deeds recorded at said Registry of Deeds in Book 17629, Page 157 and Book 17634, Page 64; and

WHEREAS, CGB is the owner of a certain lot or parcel of land situated on the easterly side of Pennell Avenue in Portland, Maine shown as Lot 3 on a plan entitled "Minor Subdivision Plan Made for Diversified Properties and Construction Aggregate, Inc." dated June 30, 2001, prepared by Titcomb Associates, to be recorded at the Cumberland County Registry of Deeds (hereinafter referred to as "plan"). For CGB's source of title, reference is made to a deed recorded at said Registry of Deeds in Book ~~18348~~, Page 228; and

WHEREAS, Wysowskis are the owners of a certain lot or parcel of land situated on the easterly side of Pennell Avenue in Portland, Maine shown as Lot 1 on a plan entitled "Minor Subdivision Plan Made for Diversified Properties and Construction Aggregate, Inc." dated June 30, 2001, prepared by Titcomb Associates, to be recorded at the Cumberland County Registry of Deeds (hereinafter referred to as "plan"). For Wysowskis' source of title, reference is made to a deed recorded at said Registry of Deeds in Book 17960, Page 264; and

WHEREAS, the parties desire to establish a twenty (20) foot drainage easement benefiting and burdening said lots as hereinafter set forth.

NOW THEREFORE, for One Dollar (\$1.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties take the following action:

1. DPI/CAI hereby grant to Wysowskis a drainage easement across the easterly portion of Lot 2 as shown on said plan and further described in Exhibit A annexed hereto and made a part hereof ("easement area").

2. CGB hereby grants to Wysowskis and DPI/CAI a drainage easement across that portion of the easterly portion of Lot 3 as shown on said plan to and connecting with the storm sewer easement shown on said plan and referenced in the easement area.

3. Wysowskis hereby acknowledge receipt of said easement for the benefit of Lot 1 as shown on said plan and further described in the easement area.

This Easement Deed includes the right of the parties herein, their respective heirs, devisees, successors and assigns to construct and perpetually maintain through, under and across said easement area conduits or pipelines with all necessary fixtures and appurtenances for conveying water and to lay, relay, repair, maintain and remove said stormwater pipe or pipes upon or under said strips, with all necessary fixtures and appurtenances, together with the right at all times to make connections with said conduits or pipelines to land adjoining said drainage easements by means of pipes or other services; to trim, cut down and remove trees, bushes, and other vegetation of all kinds, to remove debris and deposits of any kind and to alter and regrade the contours of said drainage easements to such extent as in the sole judgment of the lot owner whose lot has been disturbed for said purposes, is necessary or appropriate for any of the above purposes; and to enter upon said drainage easements at any and all times for any of the foregoing purposes, reserving to the respective parties, their heirs, devisees, successors and assigns the use and enjoyment of said strips and for such purposes only as will not unreasonably interfere with the perpetual use thereof by the respective parties, their heirs, devisees, successors and assigns for the purpose above mentioned, provided that no building or any kind of permanent structure, including, but not limited to, walls and fences, shall be erected on said strip by the respective parties, their heirs, devisees, successors or assigns; that no hedges, bushes or trees shall be planted in said drainage easements by the respective parties, their heirs, devisees, successors or assigns; and that the respective parties, their heirs, devisees, successors or assigns shall not remove earth from said drainage easements without the written permission of the lot owner whose lot is being affected for said purpose, their heirs, devisees, successors or assigns.

The provisions described herein shall be deemed covenants running with the land, burdening and benefiting the respective premises, and this easement with the covenants therein shall be binding on the respective heirs, devisees, successors and assigns of the parties herein.

Nov 04 02 04:16p

P. 4

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed on the day and year first above written.

DIVERSIFIED PROPERTIES, INC.

Joyce M. Yates

By: [Signature]  
Its President

CONSTRUCTION AGGREGATE, INC.

Joanna E. Grobet

By: Benjamin C. Shover  
Its President

C.G.B. PROPERTIES, LLC

Joyce M. Yates

By: [Signature]  
Its Member

\_\_\_\_\_

[Signature]  
Sandra D. Wysowski

\_\_\_\_\_

[Signature]  
Phillip T. Wysowski

Received  
Recorded Register of Deeds  
Nov 13, 2002 09:56:07A  
Cumberland County  
John B. O'Brien

NOVEMBER 12, 2002

STATE OF MAINE  
CUMBERLAND, SS.

Then personally appeared the above-named JAMES M. WOLF  
PRESIDENT of DIVERSIFIED PROPERTIES INC. 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 corporation.

Before me,

Joyce M. Yates  
Attorney at Law/Notary Public

JOYCE M. YATES

NOTARY PUBLIC, MAINE

MY COMMISSION EXPIRES SEPTEMBER

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

**Diversified Properties, Inc.**

# Fax

To: KANDI TALBOT From: JIM WOLF  
Fax: 756-8258 Pages: 5  
Phone: \_\_\_\_\_ Date: 10/29/02  
Re: EASEMENT DEED CC: \_\_\_\_\_

- Urgent     For Review     Please Comment     Please Reply     Please Recycle

• Comments:

EASEMENT DEED

DEED made this \_\_\_\_\_ day of \_\_\_\_\_, 2002, by and between DIVERSIFIED PROPERTIES, INC., a Maine Corporation with a principal place of business in the City of Portland, County of Cumberland and State of Maine and CONSTRUCTION AGGREGATE, INC., a Maine corporation with a principal place of business in the Town of North Yarmouth, County of Cumberland and State of Maine (hereinafter referred to as "DPI/CAI"), C.G.B. PROPERTIES, LLC, a Maine Limited Liability Company with a principal place of business in the City of Portland, County of Cumberland and State of Maine (hereinafter referred to as "CBG"), and SANDRA D. WYSOWSKI and PHILLIP T. WYSOWSKI, of 123 Pennell Avenue, in the City of Portland, County of Cumberland and State of Maine (hereinafter referred to as "Wysowskis").

WHEREAS, DPI and CAI are the owners of a certain lot or parcel of land situated on the easterly side of Pennell Avenue in Portland, Maine shown as Lot 2 on a plan entitled "Minor Subdivision Plan Made for Diversified Properties and Construction Aggregate, Inc." dated June 30, 2001, prepared by Titcomb Associates, to be recorded at the Cumberland County Registry of Deeds (hereinafter referred to as "plan"). For DPI's source of title, reference is made to a deed recorded at said Registry of Deeds in Book \_\_\_\_\_, Page \_\_\_\_\_. For CAI's source of title, reference is made to deeds recorded at said Registry of Deeds in Book 17629, Page 157 and Book 17634, Page 64; and

WHEREAS, CGB is the owner of a certain lot or parcel of land situated on the easterly side of Pennell Avenue in Portland, Maine shown as Lot 3 on a plan entitled "Minor Subdivision Plan Made for Diversified Properties and Construction Aggregate, Inc." dated June 30, 2001, prepared by Titcomb Associates, to be recorded at the Cumberland County Registry of Deeds (hereinafter referred to as "plan"). For CGB's source of title, reference is made to a deed recorded at said Registry of Deeds in Book \_\_\_\_\_, Page \_\_\_\_; and

WHEREAS, Wysowskis are the owners of a certain lot or parcel of land situated on the easterly side of Pennell Avenue in Portland, Maine shown as Lot 1 on a plan entitled "Minor Subdivision Plan Made for Diversified Properties and Construction Aggregate, Inc." dated June 30, 2001, prepared by Titcomb Associates, to be recorded at the Cumberland County Registry of Deeds (hereinafter referred to as "plan"). For Wysowskis' source of title, reference is made to a deed recorded at said Registry of Deeds in Book 17960, Page 264; and

WHEREAS, the parties desire to establish a twenty (20) foot drainage easement benefiting and burdening said lots as hereinafter set forth.

NOW THEREFORE, for One Dollar (\$1.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties take the following action:



1. DPI/CAI hereby grant to Wysowskis a drainage easement across the easterly portion of Lot 2 as shown on said plan and further described in Exhibit A annexed hereto and made a part hereof ("easement area").
2. CGB hereby grants to Wysowskis and DPI/CAI a drainage easement across that portion of the easterly portion of Lot 3 as shown on said plan to and connecting with the storm sewer easement shown on said plan and referenced in the easement area.
3. Wysowskis hereby acknowledge receipt of said easement for the benefit of Lot 1 as shown on said plan and further described in the easement area.

This Easement Deed includes the right of the parties herein, their respective heirs, devisees, successors and assigns to construct and perpetually maintain through, under and across said easement area conduits or pipelines with all necessary fixtures and appurtenances for conveying water and to lay, relay, repair, maintain and remove said stormwater pipe or pipes upon or under said strips, with all necessary fixtures and appurtenances, together with the right at all times to make connections with said conduits or pipelines to land adjoining said drainage easements by means of pipes or other services; to trim, cut down and remove trees, bushes, and other vegetation of all kinds, to remove debris and deposits of any kind and to alter and regrade the contours of said drainage easements to such extent as in the sole judgment of the lot owner whose lot has been disturbed for said purposes, is necessary or appropriate for any of the above purposes; and to enter upon said drainage easements at any and all times for any of the foregoing purposes, reserving to the respective parties, their heirs, devisees, successors and assigns the use and enjoyment of said strips and for such purposes only as will in no way interfere temporarily or otherwise with the perpetual use thereof by the respective parties, their heirs, devisees, successors and assigns for the purpose above mentioned, provided that no building or any kind of permanent structure, including, but not limited to, walls and fences, shall be erected on said strip by the respective parties, their heirs, devisees, successors or assigns; that no hedges, bushes or trees shall be planted in said drainage easements by the respective parties, their heirs, devisees, successors or assigns; and that the respective parties, their heirs, devisees, successors or assigns shall not remove earth from said drainage easements without the written permission of the lot owner whose lot is being affected for said purpose, their heirs, devisees, successors or assigns.

The provisions described herein shall be deemed covenants running with the land, burdening and benefiting the respective premises, and this easement with the covenants therein shall be binding on the respective heirs, devisees, successors and assigns of the parties herein.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed on the day and year first above written.

DIVERSIFIED PROPERTIES, INC.

\_\_\_\_\_  
By: \_\_\_\_\_  
Its

CONSTRUCTION AGGREGATE, INC.

\_\_\_\_\_  
By: \_\_\_\_\_  
Its President

C.G.B. PROPERTIES, LLC

\_\_\_\_\_  
By: \_\_\_\_\_  
Its Member

\_\_\_\_\_  
Sandra D. Wysowski

\_\_\_\_\_  
Phillip T. Wysowski

STATE OF MAINE  
CUMBERLAND, SS.

, 2002

Then personally appeared the above-named \_\_\_\_\_  
of \_\_\_\_\_ 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 corporation.

Before me,

\_\_\_\_\_  
Attorney at Law/Notary Public

EXHIBIT A

**Drainage Easement  
Lot 2 and 3  
Pennell Avenue  
Portland, Maine**

A certain easement lying easterly of but not adjacent to Pennell Avenue, in the City of Portland, County of Cumberland, State of Maine, bounded and described as follows:

Beginning at a 5/8" capped iron rod at the northeasterly corner of Lot 1 as shown on a Minor Subdivision Plan made for Diversified Properties and Construction Aggregate, Inc. by Titcomb Associates dated June 30, 2001 and the westerly sideline of land now or formerly of Raymond A. Nilsen and Joyce M. Nilsen as described in a deed recorded in the Cumberland County Registry of Deeds in Book 2712, Page 312. Thence:

- 1) S 71° 31' 00" W by said Lot 1 a distance of Twenty and 00/100 (20.00) feet to a point.
- 2) N 17° 51' 00" W a distance of Eighty and 00/100 (80.00) feet to a point and the southerly side of a Storm Sewer Easement as described in a deed recorded in said Registry in Book 2650, Page 308.
- 3) N 71° 31' 00" E by said easement a distance of Twenty and 00/100 (20.00) feet to a point and land now of formerly of David A. Wike, Ann-Marie Fasulo and Kimberly Holmes as described in a deed recorded in said Registry in Book 12994, Page 91.
- 4) S 17° 15' 00" E by said Wike et al, and said land of Nilsen a distance of Eighty and 00/100 (80.00) feet to the point of beginning.

The above described parcel contains 1,600 square feet. Bearings are referenced to magnetic north 1921.

Meaning and intending to describe a portion of Lot 2 and a portion of Lot 3 as shown on the said Minor Subdivision Plan.

# CITY OF PORTLAND, MAINE

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## PLANNING BOARD

Jaimey Caron, Chair  
Deborah Krichels, Vice Chair  
Mark Malone  
Orlando E. Delogu  
Sarah Luck  
Kevin Beal  
Lee Lowry III

October 23, 2002

Mr. Jim Wolf  
Diversified Properties  
P.O. Box 10127  
Portland, ME 04104

RE: Pennell Avenue 3-lot single family subdivision  
ID #2002-0212, CBL #347-B-004

Dear Mr. Wolf:

On October 22, 2002 the Portland Planning Board voted 6-0 (Luck absent) on the following motions regarding the Pennell Avenue 3-lot single family subdivision:

1. That the plan was in conformance with the Subdivision Review Ordinance of the City Land Use Code with the following conditions:
  - i. That the language for the 20 ft. drainage easement over Lot 2 and 3 for the benefit of Lot 1, and over lot 3 for the benefit of lot 2, be reviewed and approved by Corporation Counsel.
  - ii. That the applicant revise the plans to reflect the Development Review Coordinator's memo dated October 22, 2002 regarding approval by Public Works to connect into the 18" storm drain and BMP details.
  - iii. That the applicant revise the subdivision plat by deleting the last two (2) sentences from Note 4 on the plat. The applicant shall also submit an escrow account to the City in the amount determined by the City and the Developer to cover drainage and landscaping improvements prior to release of the plat.

The Planning Board also voted 4-2 (Caron, Beal opposed, Luck absent) to waive sidewalks along the frontage of the 3-lot subdivision on Pennell Avenue.

The approval is based on the submitted plan and the findings related to site plan review standards as contained in Planning Board #61-02, which is attached.

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

cc: Lee D. Urban, Planning and Development Department Director  
Alexander Jaegerman, Planning Division Director  
Sarah Hopkins, Development Review Program Manager  
✓Kandice Talbot, Planner  
Jay Reynolds, Development Review Coordinator  
Marge Schmuckal, Zoning Administrator  
Jodine Adams, Inspections  
Larry Ash, Traffic Engineer  
Tony Lombardo, Project Engineer  
Eric Labelle, City Engineer  
Jeff Tarling, City Arborist  
Penny Littell, Associate Corporation Counsel  
Lt. Gaylen McDougall, Fire Prevention  
Don Hall, Appraiser, Assessor's Office  
Approval Letter File  
Correspondence File

# CITY OF PORTLAND, MAINE

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## PLANNING BOARD

Jaimey Caron, Chair  
Deborah Krichels, Vice Chair  
Mark Malone  
Orlando E. Delogu  
Sarah Luck  
Kevin Beal  
Lee Lowry III

October 23, 2002

Mr. Jim Wolf  
Diversified Properties  
P.O. Box 10127  
Portland, ME 04104

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Don Hall, Appraiser, Assessor's Office  
Approval Letter File  
Correspondence File

**PERFORMANCE GUARANTEE  
with the City of Portland**

Developer's Tax Identification Number: 01-0476397

Developer's Name and Mailing Address: DIVERSIFIED PROPERTIES INC/CONSTRUCTION  
AGGREGATE INC  
P.O. BOX 10127, PORTLAND, ME 04104

City Account Number: <sup>1</sup> \_\_\_\_\_

Treasurer's Report of Receipts Number: <sup>1</sup> \_\_\_\_\_

Project Job Number: <sup>1</sup> \_\_\_\_\_  
(from Site Plan Application form)

Application of DIVERSIFIED PROPERTIES/CONSTRUCTION <sup>AGGREGATE</sup> [applicant] for  
PENWELL AVE. SUBDIVISION [insert street/project name] at  
\_\_\_\_\_ [address], Portland, Maine.

The City of Portland (hereinafter the "City") will hold the sum of \$ 1,800 [amount of performance guarantee] on behalf of DIVERSIFIED PROPERTIES/CONSTRUCTION <sup>AGGREGATE</sup> [applicant] in a non-interest bearing account established with the City. This account shall represent the estimated cost of installing SITE IMPROVEMENTS [insert: subdivision and/or site improvements (as applicable)] as depicted on the subdivision/site plan, approved on \_\_\_\_\_ [date] as required under Portland Code of Ordinances Chapter 14 §§499, 499.5, 525 and Chapter 25 §§46 through 65. It is intended to satisfy the Applicant's obligation, under Portland Code of Ordinances Chapter 14 §§501, 502 and 525, to post a performance guarantee for the above referenced development.

The City, through its Director of Planning and Urban Development and in his sole discretion, may draw against this Escrow Account in the event that:

1. the Developer has failed to satisfactorily complete by SEPT. 15, 2004 [date: within two years] the work on the improvements contained within the APPROVAL DATED [insert: subdivision and/or site improvements (as applicable)] approval, dated OCTOBER 2002 [insert date]; or



2. the Developer has failed to deliver to the City a deed containing the metes and bounds description of any streets, easements or other improvements required to be deeded to the City; or
3. the Developer has failed to post the ten percent (10%) Defect Guarantee required by Portland Code of Ordinances Chapter 14 §§501 and 525; or
4. the Developer has failed to notify the City for inspections in conjunction with the installation of improvements noted in paragraph one.

The Director of Planning and Urban Development may draw on this guarantee, at his option, either thirty days prior to the expiration date contained herein, or s/he may draw against this escrow for a period not to exceed ninety (90) days after the expiration of this commitment; provided that the Applicant will give the City written notice, by certified mail (restricted delivery to Duane Kline, Director of Finance, City of Portland, 389 Congress Street, Room 110, Portland, Maine) of the expiration of this escrow within sixty (60) days prior thereto. Otherwise, drafts may be submitted by the City of Portland no later than ninety (90) days following such notice, whenever given. Provided, however, that the City shall notify the Applicant of its intention to call on the guarantee and to retain the monies posted as guarantee. The City shall provide the Applicant thirty (30) days from the date of such notice in which to complete the noted improvements.

After all underground work has been completed and inspected to the satisfaction of the Department of Public Works and Planning, including but not limited to sanitary sewers, storm drains, catch basins, manholes, electrical conduits, and other required improvements constructed chiefly below grade, the City of Portland Director of Planning and Urban Development or its Director of Finance as provided in Chapter 14 §501 of the Portland Code of Ordinances, may authorize the City to reduce the available amount of the escrowed money by a specified amount.

This Escrow will automatically expire upon the earlier of:

1. the written notification from Portland's Director of Planning and Urban Development that said work contained within the PENWELL AVENUE SUBDIVISION [~~insert: subdivision and/ or site improvements as applicable~~] approval and as required by Portland Code of Ordinances Chapter 14 §§499, 499.5, 525 and Chapter 25 §46 through 65 has been completed in accordance with the City of Portland's specifications; or
2. the expiration date of \_\_\_\_\_ [date may not fall between October 30 and April 15] or any automatically extended date as specified herein..

Seen and Agreed to: [Applicant]

By: \_\_\_\_\_

Reviewed pursuant to Portland Code of Ordinances, Chapter 14 §§501, 525:

By: \_\_\_\_\_  
Director of Planning and Urban Development

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

By: \_\_\_\_\_  
Director of Finance

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

By: \_\_\_\_\_  
Corporation Counsel

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

**Attach Letter of Approval and Estimated Cost of Improvements to this form.**

---

Distribution

1. This information will be completed by Planning Staff.
2. The account number can be obtained by calling Paul Colpitts, ext. 8665.
3. The Agreement will be executed with one original and one copy.
4. The original and copy, each signed by the Developer, will be delivered to the Finance Office, together with a copy of the Report of Receipts form.
5. The Director of Finance will sign the copies, retain the original for their files and deliver the other signed copy to the Planning Office.
6. The Planning Office will keep one copy for their files and the original signed copy will be mailed to the Developer.



**CITY OF PORTLAND**

18 October 2002

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

**RE: The Capacity to Handle Wastewater Flows, from a  
Three Lot Subdivision, at 125, 131, 137 Pennell Avenue.**

Dear Mr. Wolf:

The existing eight-inch diameter polyvinyl chloride (PVC) sanitary sewer pipe located in Pennell Avenue has adequate capacity to **transport**, while The Portland Water District sewage treatment facilities, located off Marginal Way, have adequate capacity to **treat** the total anticipated wastewater flows of **810 GPD**, from the proposed project

<b>Anticipated Wastewater Flows from the Proposed Subdivision</b>	
Proposed Three Bed Room House @ #125 Pennell Ave. (Lot 1)	= 270 GPD
Proposed Three Bed Room House @ #131 Pennell Ave. (Lot 2)	= 270 GPD
Proposed Three Bed Room House @ #137 Pennell Ave. (Lot 3)	= 270 GPD
<b>Total Proposed Increase in Wastewater Flows for this Project</b>	<b>= 810 GPD</b>

The City combined sewer overflow (C.S.O.) abatement consent agreement, with the U.S.E.P.A. and The Maine D.E.P., requires C.S.O. abatement, as well as Stormwater mitigation, from all projects, in order to offset any increase in sanitary flows.

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

FJB

- cc: ✓ Alexander Q. Jaegerman, Acting Co-Director, Department of Planning, and Urban Development, City of Portland  
 Kandice Talbot, Planner, Department of Planning, and Urban Development, City of Portland  
 Eric Labelle, P.E., City Engineer, City of Portland  
 Bradley A. Roland, P.E., Environmental Projects Engineer, City of Portland  
 Anthony W. Lombardo, P.E., Project Engineer, City of Portland  
 Stephen K. Harris, Assistant Engineer, City of Portland  
 Todd Merkle, Field Inspections Coordinator, City of Portland  
 Desk file

DIVERSIFIED PROPERTIES, INC.

P.O. BOX 10127

PORTLAND, ME 04104

TEL. (207) 773-4988

FAX (207) 773-6875

October 23, 2002

Kandice Talbot  
Planning Department  
City of Portland  
389 Congress Street  
Portland, ME 04101

RE: Pennell Avenue Subdivision

Dear Kandi:

Thank you for your review and presentation of our subdivision proposal. The time and effort you spent is sincerely appreciated.

My understanding is the following information/documents/plans are required to move this project forward:

1. Private Drainage Easement including easement to cross lot 3.
2. Construction Detail Sheet
3. Recording Plat revising responsibility for Lot 2 drainage improvements.
4. Construction Cost Estimate, Escrow Agreement and Inspection Fee.

Please confirm the above is a complete list as I wish to provide you with a complete package as soon as possible.

Once again, thank you for your help.

Very truly yours,



James M. Wolf

JMW/jmy

Email = [jmw1@maine.rr.com](mailto:jmw1@maine.rr.com)

**V. MOTIONS FOR THE BOARD TO CONSIDER – REVISED 10/22/02**

On the basis of plans and material submitted by the applicant and on the basis of information contained in Planning Report #61-02 relevant to the standards Subdivision Review, the Planning Board finds:

- a. Extraordinary conditions do/do not exist (if yes, please specify those conditions);  
  
or
- b. Undue hardship will/will not result (if yes, please specify the hardship).

The Board further finds that the granting of the waiver will/will not create potentially hazardous vehicle and pedestrian conflict or that it will/will not nullify the intent and purpose of the land development plan and the City ordinances.

As a result, the Board does/does not grant the request for a waiver of the granite curb and sidewalk requirements.

The Planning Board also finds:

- i. That the proposed development is/is not in conformance with the Subdivision Ordinance of the Land Use Code

Potential Condition of Approval:

- 1. that the language for the 20 ft. drainage easement over Lot 2 to benefit Lot 1 be reviewed and approved by Corporation Counsel.
- 2. that the applicant revise the plans to reflect the Development Review Coordinator's memo dated October 22, 2002 regarding approval by Public Works to connect into the 18" storm drain and BMP details.



02P212

**TO:** Kandi Talbot – Planner  
**FROM:** Jim Seymour – Development Review Coordinator, Sebago Technics, Inc.  
**RE:** 3-Lot Subdivision – Pennell Avenue, Portland  
**DATE:** October 22, 2002

---

Sebago Technics has reviewed responses dated October 21, 2002 to our comments dated October 18, 2002 and a plan submittal from Gorrill-Palmer Consulting Engineers Inc. on behalf of Diversified Properties Inc. entitled “Grading & Drainage Plan, Lots 1, 2, & 3” for the proposed 3-lot subdivision on Pennell Avenue dated October 21, 2002. The following comments are submitted in outline format:

1. **Stormwater Management**

This project will result in additional runoff into the storm drain system, as there is no detention design noted. Approval to connect into the 18” Storm Drain will have to be granted by Portland Public Works and appropriate approvals obtained prior to any work being done. We recommend that this information be made a condition of approval.

2. **Road Access/Circulation**

No comment.

3. **Grading/Erosion Control**

Applicant has satisfactorily addressed our comments & concerns.

4. **Utility Installation/Location**

Applicant has satisfactorily addressed our comments & concerns. Applicant will need approval from Public Works Department in order to make proposed connection to existing 18” storm drain. We recommend that this information be made a condition of approval.

5. **General**

Applicant has satisfactorily addressed our comments & concerns.

**6. Details**

No detail sheets have been submitted. BMP details should be provided to ensure that erosion control measures shown on plan are installed in accordance with “Maine Erosion And Sediment Control Handbook For Construction: Best Management Practices”. We recommend that this information be made a condition of approval.

Please contact our office with any questions.

TS:ts/??

STREET EXCAVATION AND/OR SEWER CONNECTION PERMIT

CITY OF PORTLAND, MAINE DEPARTMENT OF PUBLIC WORKS

PERMIT NO. P004084

THIS PERMIT EXPIRES THIRTY DAYS FROM DATE OF ISSUE

DATE: 10/22/2002

PERMISSION IS HEREBY GIVEN TO Diversified Properties

TO OPEN 131 - 131 Pennell Ave Street/Avenue

FOR THE PURPOSE OF Connect to existing storm drain. SAID WORK SHALL BE PROPERLY DONE ACCORDING TO The Excavation Ordinance, Chapter 25 of the Municipal Code, "STREETS, SIDEWALKS AND OTHER PUBLIC PLACES." and abide by all provisions of Chapter 6, Plumbing Code and Chapter 24, Sewer Use Ordinance, of the Municipal Codes of the City of Portland, Maine. I HAVE READ AND UNDERSTOOD MY RESPONSIBILITIES AS A LICENSED EXCAVATOR AS DESCRIBED IN THE STREET EXCAVATOR ORDINANCE, SECTION 25, ARTICLE VII OF THE MUNICIPAL CODE.

THE WORK IS BEING DONE BY:

CONTRACTOR: Diversified Properties, NAME ADDRESS

PLUMBER: NAME ADDRESS

OWNER: NAME ADDRESS

NOTES:

DIG SAFE:

STREET EXCAVATION PERMIT \$142.00 SEWER CONNECTION PERMIT \$ 25.00\* COMBINATION PERMIT \$167.00

William J. Bray Director of Public Works

This permit does not create in the applicant any permission for him to enter or use the land of another property owner, either temporarily or permanently, for the purpose of connection with the City sewer line. Questions concerning such permission should be referred to Applicant's attorney.

Table with 7 columns: Qty, Description, Rate, per, Unit, Charge, Paid, Due. Totals: \$50.00, \$50.00, \$0.00

Handwritten note: RV ch # 4783

\*CHARGE INCLUDES INSPECTION AND CONNECTION FEE

White copy - Permittee's • Yellow copy - Billing • Pink copy - File



**PLANNING BOARD REPORT #61-02**

**PENNELL AVENUE SUBDIVISION  
SUBDIVISION REVIEW  
DIVERSIFIED PROPERTIES, APPLICANT**

Submitted to:  
Portland Planning Board  
Portland, Maine

October 22, 2002

Submitted by:  
Kandice Talbot, Planner

## **I. INTRODUCTION**

Diversified Properties is requesting review of a 3-lot single-family subdivision located on Pennell Avenue. The total site is zoned R-3 and is 22,500 sq. ft. in size. Each lot will consist of 7,500 sq. ft.

This review is an after the fact review and most of the subdivision has been completed at this time. Because of the reconfiguration of lot lines, it was determined by the Planning Board that this development required subdivision review. At this time, the street has been constructed and accepted by the City. Lots 1 and 3 have also been developed with single-family homes.

158 notices were sent to area residents. A legal ad appeared in the October 14th and 15th editions of the Portland Press Herald. A neighborhood meeting is not required for subdivisions that consist of less than 5 lots.

## **II. SUMMARY OF FINDINGS**

Zone:	R-3
Subdivision Area:	22,500 sq. ft.
Parcel Sizes:	7,500 sq. ft.
Adjacent Uses:	Residential

## **III. STAFF REVIEW**

The proposal has been reviewed for compliance with the Subdivision Ordinance of the Land Use Code.

## **IV. SUBDIVISION REVIEW**

### **1. Water and Air Pollution**

The development will not result in undue water or air pollution.

### **2/3. Water**

It appears that the development has sufficient water available for reasonably foreseeable needs and will not cause an unreasonable burden on the existing water supply. An 8" water line in Pennell Avenue was extended to provide water service to the lots. A capacity letter from the Portland Water District is included as Attachment 4G.

### **4. Soil Erosion**

The applicant has included a sedimentation and erosion control plan with the proposed development.

5. Traffic

The applicant has extended Pennell Avenue the entire frontage of the lots. The recently constructed length of Pennell Avenue is 24 ft. wide. The road construction included the extension of all utility lines. A 5 ft. bituminous sidewalk has been constructed on the westerly side of Pennell Avenue as required by Public Works. A hammerhead turnaround for snowplows has been built between Lots 2 and 3.

The applicant was required by Public Works to construct a sidewalk on the westerly side of Pennell Avenue. Chapter 25 of the City Ordinance states that all development shall provide sidewalk along the property frontage. The applicant is requesting a waiver of sidewalk on the easterly side of Pennell Avenue. Public Works is recommending a waiver on the easterly side of Pennell Avenue, because the applicant has constructed sidewalk on the opposite side of the road and there is no sidewalk existing on the easterly side. The new portion of Pennell Avenue was recently accepted by the City Council.

6. Sanitary/Stormwater

**Sanitary**

The applicant has installed a sewer line in Pennell Avenue to connect with the existing sewer line. The Sewer Division has stated that they do not foresee any sewer capacity issues in this area. The City as part of its ongoing CSO work recently separated the Pennell Avenue sewer.

**Stormwater**

The applicant is proposing that the front portion of each lot will drain toward Pennell Avenue. The rear portion of each lot will drain to the rear of the property and will be directed to an easement between Lots 2 and 3, where a 12" storm drain is proposed.

The Development Review Coordinator has reviewed the plans and has concerns regarding Lot 2 grading, erosion control and details. The DRC's memo is included as Attachment 2. The applicant has revised the plans, however the DRC has not been able to review the plans at this time. A potential condition of approval is:

- that the applicant revise the plans to reflect the Development Review Coordinator's memo dated October 9, 2002 regarding lot grading, erosion control and details.

7. Solid Waste Disposal

Curbside pickup is proposed.

8. Scenic Beauty

This development will not cause an undue adverse effect on the scenic or natural beauty of the area aesthetics, historic sites, significant wildlife habitat or rare and irreplaceable natural area.

9. Comprehensive Plan

This development meets the requirements of the City of Portland Comprehensive Plan.

10. Financial Capability

The applicant has provided a letter of financial capability. This is included as Attachment 4F.

11. Groundwater

The development as proposed will not adversely affect the quality or quantity of groundwater.

12. Flood Hazard/Shoreline

The site is not located in the flood hazard or shoreland zones.

**V. MOTIONS FOR THE BOARD TO CONSIDER**

On the basis of plans and material submitted by the applicant and on the basis of information contained in Planning Report #61-02 relevant to the standards Subdivision Review, the Planning Board finds:

- a. Extraordinary conditions do/do not exist (if yes, please specify those conditions); or
- b. Undue hardship will/will not result (if yes, please specify the hardship).

The Board further finds that the granting of the waiver will/will not create potentially hazardous vehicle and pedestrian conflict or that it will/will not nullify the intent and purpose of the land development plan and the City ordinances.

As a result, the Board does/does not grant the request for a waiver of the granite curb and sidewalk requirements.

The Planning Board also finds:

- i. That the proposed development is/is not in conformance with the Subdivision Ordinance of the Land Use Code

Potential Condition of Approval:

1. that the applicant revise the plans to reflect the Development Review Coordinator's memo dated October 9, 2002 regarding lot grading, erosion control and details.

Attachments:

1. Applicant's Submittal dated September 25, 2002
2. DRC's Memo dated October 9, 2002
3. Staff Letter to Applicant dated October 9, 2002
4. Applicant's Submittal dated October 16, 2002
5. Public Works' Memo dated October 18, 2002
6. Plans

# Diversified Properties, Inc.

Att. 1

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

September 25, 2002

Jamie Caron  
Planning Board Chairman  
City of Portland  
389 Congress Street  
Portland, ME 04101

RE: Pennell Avenue 3-lot Subdivision.

Dear Chairman Caron and Members of the Portland Planning Board:

Diversified Properties, Inc. and Construction Aggregate, Inc. seek Board approval for a 3-lot subdivision on Pennell Avenue.

Pennell Avenue is an accepted City street located off Allen Avenue. The street, including that portion fronting our property, was reconstructed in 2001/2002 by Portland and the applicant (final 125 ft. the applicants' portion). Utilities for the 3 lots being reviewed were installed during this road construction.

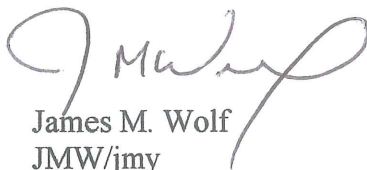
The land being subdivided is shown as 5 45x100 lots on the original plan of Pennell Avenue dated 1921 titled the Holmsteads. We ask your approval to reconfigure the lots to create 3 lots, which meet the frontage and lot size requirements of the current City Code.

Unique to this project is the existence of new homes built in 2002 located on lots 1 and 3. Site plans submitted with the applications anticipated drainage for all lots.

Lot 2 is vacant land, a portion acquired in 2001; the remainder (lot 91) acquired June 2002. Title issues, resolved by a court action, delayed purchase for 9 months. The acquisition of lot 91 created lot 2 on our plan.

We thank you for reviewing this project.

Very truly yours,



James M. Wolf  
JMW/jmy  
Email = [jmw1@maine.rr.com](mailto:jmw1@maine.rr.com)

1A

PENNELL AVENUE  
3-LOT SUBDIVISION

I. INTRODUCTION

Diversified Properties, Inc./Construction Aggregate, Inc., request approval for a 3-lot subdivision on Pennell Avenue.

II. BACKGROUND

Zoning: R-3  
Number of lots: Reconfiguration of 5 lots into 3 buildable lots.  
Land area: 22,500 square feet  
Lot sizes: 7,500 square feet  
Use: Single family homes

III. PENNELL AVENUE

Road Ownership: City Street accepted August 5, 2002.  
Road Construction: Built in 2001/2002 by City as part of CIP and by applicant.  
Lot Frontage: All lots front on the accepted street.  
Utilities: All lots are serviced by water, sewer and storm services located on the lots.

IV. SUBDIVISION

1. Water and Air  
There are no known adverse water or air impacts associated with the subdivision.
2. Water.  
The Portland Water District has sufficient capacity to serve the project. Each lot has a water service on site. See as-built plan.
3. Soil Erosion.  
Erosion control measures are shown on the approved site plans for lots 1 & 3 and the proposed site plan for lot 2. A building window with required elevations of a home is shown for lot 2.
4. Traffic.  
The lots are located at the end of Pennell Avenue, which runs from Allen Avenue. Additional access from Washington Avenue is available thru Cypress Street. Both Pennell and Cypress were rebuilt in 2001/2002 as part of the City CIP.

1B

5. Sanitary Waste and Storm water.  
Each lot will be connected to the City's sewer and storm water system.  
Service stubs exist on each lot. See as-built plan.
6. Scenic, natural Beauty.  
Two trees will be planted or conserved in the front yard of each lot.
7. Comprehensive Plan.  
The lots are located in the R-3 zone and meet or exceed the minimum lot size requirements. Homes valued between \$135,000 ad \$165,000 will be constructed on the lots.
8. Financial & Technical Capacity.  
The development does not require improvements requiring involvement of a financial institution. Upon approval the applicant will be required to record the approved plan at the Cumberland County Registry of Deeds.
9. Groundwater.  
The subdivision will not adversely affect groundwater resources. Existing public water, sewer and storm water services will be utilized.
10. Current Land Use.  
Lot 1: Existing Home built 2002.  
Lot 2: Vacant Land  
Lot 3: Single family home under construction.
11. Survey.  
Prepared by Titcomb Associates.
12. Engineering.  
Prepared by Gorrill-Palmer Engineers
13. Legal Contact  
Terry. N. Snow, Esq.

In summary, the applicants ask the Planning Board to approve the proposed 3-lot subdivision finding it in conformance with the subdivision standards of the Land Use Code.



AH.2



02P212

**TO:** Kandi Talbot – Planner  
**FROM:** Jim Seymour – Development Review Coordinator, Sebago Technics, Inc.  
**RE:** 3-Lot Subdivision – Pennell Avenue, Portland  
**DATE:** October 9, 2002

---

Sebago Technics made a site visit on October 8, 2002 and has reviewed the Site Plan Package and supporting documentation for the proposed 3-lot subdivision on proposed Pennell Avenue from Diversified Properties, Inc. dated September 25, 2002. Two of the lots have homes constructed on them and one of these is currently occupied. The following comments are submitted in outline format:

**1. Stormwater Management**

A. The two outer lots are already built out and one appears to be occupied. The center lot has been grubbed and remains disturbed with soil exposed and pockets of standing water. The center lot will have to be graded so that runoff drains to north along rear property line.

**2. Road Access/Circulation**

A. Pennell Avenue has been extended and driveways and turn out constructed as shown on drawing #1.

**3. Grading/Erosion Control**

A. The plans submitted do not include any BMP measures. They were not noted during our field visit.  
B. Plan sheet S3 includes a driveway section detail from the edge of street to the property line. Driveway runoff should not directly enter the street, but rather be directed through the adjacent lawn areas first.

**4. Utility Installation/Location**

A. Sewer, water, gas, telephone and cable currently serve the two outer lots. Utility stubs have been installed to property line of center lot and staked.  
B. Ability to serve letters are required from Public Works and Portland Water District to serve the project. No letters were included with application.

- C. Subdivision plan submitted does not indicate an easement for the pump station installed on lot 2. 2A

5. **General**

- A. No comment.

6. **Details**

- A. No detail sheets were included with the application submittal.

Please contact our office with any questions.

TS:ts/??

Department of Planning & Development  
Lee D. Urban, Director



**CITY OF PORTLAND**

Att. 3

Division Directors  
Mark B. Adelson  
Housing & Neighborhood Services

Alexander Q. Jaegerman, AICP  
Planning

John N. Lufkin  
Economic Development

October 9, 2002

Mr. Jim Wolf  
Diversified Properties  
P.O. Box 10127  
Portland, ME 04104

RE: Pennell Avenue 3-lot single family subdivision  
ID #2002-0212, CBL #347-B-004

Dear Jim:

After review of the submittal of the 3-lot subdivision proposed on Pennell Avenue, the following comments have been generated.

1. A recording plat must be submitted with a signature block located on it. The lots should be numbered.
2. Notes to be added to plan:
  - a. Subdivision at the time of approval is defined as "Subdivision shall mean the division of a lot, tract or parcel of land into three (3) or more lots, including lots of forty (40) acres or more, within any five-year period whether accomplished by sale, lease, development, buildings or otherwise and as further defined in 30-A M.R.S.A. Section 14-401. The term subdivision shall also include the division of a new structure or structures on a tract or parcel of land into three (3) or more dwelling units within a five-year period and the division of an existing structure or structures previously used for commercial or industrial use into three (3) or more dwelling units within a five-year period. The area included in the expansion of an existing structure is deemed to be a new structure for the purpose of this paragraph. A dwelling unit shall include any part of a structure which, through sale or lease, is intended for human habitation, including single-family and multi-family housing, condominiums, time-share units and apartments."
  - b. A minimum of two trees per unit shall be conserved or planted in the front yard of the units meeting the City of Portland's Arboricultural Specification and Standard of Practice and Landscape Design Guidelines. Development may contract for the placement of landscaping, but shall remain ultimately liable to the City of Portland for financial obligation for compliance with City ordinances and approvals. Such financial obligation shall be neither transferable nor waivable by the developer.

3A

- c. The entire site shall be developed and or maintained as depicted on the plan. Approval of the Planning Authority or Planning Board shall be required for any alterations to or any deviations from the approved plan, including, without limitation, topography, drainage, landscaping, retention of wooded or lawn areas, access size, location, and surfacing of parking areas, and location and size of buildings.
  - d. Each lot shall require the submission of a minor site plan for review and approval prior to the issuance of a building permit and shall be subject to review pursuant to Article V (Site Plan) of Chapter 14 of the Portland City Code. All lots shall be graded and constructed to generally conform to the lot-grading plan shown on Sheet \_\_\_\_\_. Any changes, which significantly deviate from the intended lot-grading plan, may only be approved by the Portland Planning Authority.
3. Has this portion of Pennell Street been accepted by the City Council? If not, a note must be added to the subdivision plan stating that no City services shall be provided to the lots until the street has been accepted by the City of Portland.
  4. Utility capacity letters must be submitted to show that there is adequate capacity.
  5. Please submit right, title and interest for the proposed lots.
  6. A letter of financial capability must be submitted by the applicant.
  7. The Review Engineer's comments are included with this letter, and shall be addressed by the applicant.

If you have any questions, please do not hesitate to contact me at 874-8901.

Sincerely,



Kandice Talbot  
Planner

AH. 4

DIVERSIFIED PROPERTIES, INC.  
P.O. BOX 10127  
PORTLAND, ME 04104  
TEL. (207) 773-4988  
FAX (207) 773-6875

October 16, 2002

MEMO

TO: Kandi Talbot

FROM: Jim Wolf

RE: 3-lot Subdivision – Pennell Avenue

Enclosed please find information pertaining to our proposed subdivision on Pennell Avenue.

1. Grading & Drainage Plan in response to October 9, 2002 letter from Jim Seymour.
2. Recording plan incorporating those comments in your letter dated October 9, 2002.
3. Copy of as built street plan showing existing utility stubs.
4. Letter from Peoples Bank.
5. Letter from Portland Water District.
6. Letter from Central Maine Power.
7. Minutes from August 5, 2002 City Council meeting confirming street acceptance.
8. Deed showing right, title and interest of Diversified Properties and Construction Aggregate.

I look forward to hearing from you after your review.

Thank you for your cooperation.



**IN COUNCIL REGULAR MEETING AUG. 5, 2002 VOL. 119 PAGE 6**

4A

**ROLL CALL:** Mayor Geraghty called the meeting to order at 7:39 P.M. Councilor Leeman was absent. Councilor Smith arrived after the Consent Calendar.

Motion was made by Councilor O'Donnell and seconded by Councilor Duson to recess the City Council meeting and convene a special meeting of the Corporators of the Downtown Portland Corporation. Passage 7-0, 7:40 P.M.

**SPECIAL MEETING OF THE CORPORATOR OF THE DOWNTOWN PORTLAND CORPORATION – SPONSORED BY KAREN A. GERAGHTY, MAYOR.**

Order 13-02/03 Order Appointing Directors to the Downtown Portland Corporation - Sponsored by the Appointments Committee, Councilor Jill C. Duson, Chair.

Name	Expiration
John Sommer	9/30/05
Rebecca Salman	9/30/05

Motion was made by Councilor Hibbard and seconded by Councilor Mavodones for passage. Passage 7-0.

Motion was made by Councilor O'Donnell and seconded by Councilor Cloutier to adjourn the special meeting and reconvene the City Council meeting. Passage 7-0, 7:42 P.M.

**APPROVAL OF MINUTES OF PREVIOUS MEETING:**

Motion was made by Councilor Cloutier and seconded by Councilor O'Donnell to accept the minutes of the 7/15/02 meeting. Passage 7-0.

**PROCLAMATIONS:**

Proc 1-02/03 Proclamation Honoring John Flynn - Sponsored by Karen A. Geraghty, Mayor and Councilor Peter E. O'Donnell. Postponed on 7/15/02

**CONSENT ITEMS:**

Order 14-02/03 Order Accepting Pennell Avenue (Extension) as a City Way - Sponsored by Joseph E. Gray, Jr., City Manager.

Order 15-02/03 Order Authorizing Contract with First Merchants Bancard Services, Inc. - Sponsored by Joseph E. Gray, Jr., City Manager.

**IN COUNCIL REGULAR MEETING AUG. 5, 2002 VOL. 119 PAGE 7**

Order 16-02/03 Order Authorizing Finance Director to Accept Donations for Restoration of City Clerk Records - Sponsored by Linda C. Cohen, City Clerk.



Central Maine Power  
162 Canco Road, Portland, Maine 04103

4B  
1-800-750-4000

September 25, 2001

Diversified Properties Inc.  
P.O. Box 10127  
Portland, ME 04104

RE: Work Order #: 041-00170      Account #: 441-1683000-001

Dear Sirs:

Thank you for contacting Central Maine Power Company (CMP) to initiate electric service construction for your new business at Pennell Avenue in Portland. The purpose of this letter is to inform you of what CMP needs from you to start construction and what CMP will do. Please:

1. review the following information.
2. return one signed copy of this Agreement with your advanced payment in the enclosed envelope to your local service center (returning these documents with a regular bill payment will delay your service)
3. return any other required documents (such as easement deed, etc.)

A self-addressed postage paid envelope is enclosed for your convenience. These documents and payments must be returned to the local service center before construction can begin.

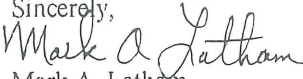
You are responsible to pay for any costs incurred to connect your electric service to CMP's existing power line. The cost to serve your property is identified on the attached Agreement. This payment includes any tax imposed on CMP related to these costs. This payment shall not be refunded except as provided through the Development Incentive Payment (DIP) which is explained in this letter. This price is valid for ninety (90) days from the date of this letter, after which CMP may recalculate the costs.

The construction costs for your service are based upon designed costs of the extension in accordance with Section 7 of CMP's Terms & Conditions (T&Cs) and as outlined in 'GETTING CONNECTED, A Guidebook for Customers Installing New Electric Service', which you received after your initial contact with CMP about this service.

The term of this Agreement is for five years from the energized date, which will be noted on the last page of this document when the service is complete. A DIP will be issued to you by CMP as customers are connected to the power line extension you paid CMP to construct. Other customers taking service from the line you paid for shall reimburse CMP for such payments. The DIP will be equal to \$1.00 per foot of the line used in common by you and the new customer, but any such payment shall not be less than \$500.

CMP will construct, own and maintain the line extension to serve your premises, including any overhead service drop, meter and transformer, as necessary. This line extension will be part of CMP's distribution system. In the event the property served under this Agreement is sold or otherwise conveyed, all rights and obligations of this Agreement shall stay with the property. Please note that if you rent or lease this property and you want to continue to receive DIPs, you must make special arrangements with your local service center.

If you have any further questions, please contact me at 1-800-565-0121 Ext. 8-210-5102.

Sincerely,  
  
Mark A. Latham  
Service Administrator

mal/rhm

40

## QUITCLAIM DEED WITH COVENANT

CONSTRUCTION AGGREGATE, INC., a Maine corporation with a principal place of business in North Yarmouth, in the County of Cumberland and State of Maine, whose mailing address is P.O. Box 307, Cumberland, Maine 04021

For Consideration Paid, GRANT with QUITCLAIM COVENANT to:

DIVERSIFIED PROPERTIES, INC., a Maine corporation with a principal place of business in Portland, in the County of Cumberland and State of Maine, whose mailing address is P.O. Box 10127, Portland, Maine 04104

A one-half (1/2) undivided interest in a certain parcel of land, with any improvements thereon, located at Pennell Avenue, in the City of Portland, County of Cumberland and State of Maine, and more particularly described as lot 91 as shown on a plan of "The Holmsteads" made by E.C. Jordan & Co, dated September, 1921, and recorded in the Cumberland County Registry of Deeds in Plan Book 14, Page 70.

Being the same premises conveyed to the Grantor herein by deed of Carolyn F. Doherty dated May 10, 2002 and recorded at the Cumberland County Registry of Deeds in Book 17629, Page 157.

Reference is further made to an Order dated June 14, 2002 and recorded at the Cumberland County Registry of Deeds in Book 17759, Page 344.

Also, a one-half (1/2) undivided interest in a certain lot or parcel of land situated on the easterly sideline of Pennell Avenue in the City of Portland, County of Cumberland and State of Maine, being the northerly one-third (1/3) of Lot No. 90 as shown on Plan entitled "The Holmsteads", dated September 1921, recorded at the Cumberland County Registry of Deeds in Plan Book 14, Page 70, bounded and described as follows:

BEGINNING at a point on the easterly sideline of Pennell Avenue, being the southwesterly corner of Lot 91 on said plan; thence along the northerly sideline of Lot 91 in a northeasterly direction one



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hundred (100) feet to the easterly sideline of the parcel herein conveyed; thence in a southeasterly direction along the easterly sideline of the parcel herein conveyed fifteen (15) feet to a point, said point being at the northerly sideline of land conveyed from Grantor herein to Maggie Lane Development, LLC by deed dated December 19, 2001 and recorded at said Registry of Deeds in Book 17109, Page 296; thence in a southwesterly direction parallel with the first call herein described and maintaining a distance of fifteen (15) feet therefrom along said Maggie Lane Development, LLC land one hundred (100) feet to the easterly sideline of Pennell Avenue; thence in a northwesterly direction along the easterly sideline of Pennell Avenue fifteen (15) feet to the point of beginning.

Also, a one-half (1/2) undivided interest in a certain lot or parcel of land situated on the easterly sideline of Pennell Avenue in the City of Portland, County of Cumberland and State of Maine, being the southerly one-third (1/3) of Lot No. 92 as shown on Plan entitled "The Holmsteads", dated September 1921, recorded at the Cumberland County Registry of Deeds in Plan Book 14, Page 70, bounded and described as follows:

BEGINNING at a point on the easterly sideline of Pennell Avenue, being the northwesterly corner of Lot 91 on said plan; thence along the northerly sideline of Lot 91 in a northeasterly direction one hundred (100) feet to the easterly sideline of the parcel herein conveyed; thence in a northwesterly direction along the easterly sideline of the parcel herein conveyed fifteen (15) feet to a point; thence in a southwesterly direction parallel with the first call herein described and maintaining a distance of fifteen (15) feet therefrom one hundred (100) feet to the easterly sideline of Pennell Avenue; thence in a southeasterly direction along the easterly sideline of Pennell Avenue fifteen (15) feet to the point of beginning.

Being the same premises conveyed to the Grantor herein by deed from Diversified Properties, Inc. dated May 15, 2002 and recorded at the Cumberland County Registry of Deeds in Book 17634, Page 64.

This conveyance is SUBJECT to rights and easements granted to Cumberland County Power & Light Company by instrument dated January 18, 1922 and recorded at the Cumberland County Registry of Deeds in Book 1094, Page 75.

4E

Grantee covenants and agrees the parcels herein transferred have merged pursuant to Title 30-A, M.R.S.A. §4401.4.D-6, and any subsequent transfer shall comply with the provisions of said statute.

IN WITNESS WHEREOF, said CONSTRUCTION AGGREGATE, INC. has caused this instrument to be signed in its corporate name and sealed with its corporate seal by Benjamin C. Grover, its President thereunto duly authorized this 8<sup>th</sup> day of October, 2002.

CONSTRUCTION AGGREGATE, INC.

Joanne Lockett

By: Benjamin C. Grover  
Its President

STATE OF MAINE  
CUMBERLAND, SS.

October 8, 2002

Then personally appeared the above-named Benjamin C. Grover of CONSTRUCTION AGGREGATE, INC. 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 corporation.

Before me,

Marie A. Lausier  
Attorney at Law/Notary Public

MARIE A. LAUSIER, NOTARY PUBLIC  
STATE OF MAINE  
MY COMMISSION EXPIRES  
NOVEMBER 16, 2003

47



October 11, 2002

City of Portland  
Planning Board  
389 Congress Street  
4<sup>th</sup> Floor  
Portland, Maine 04101

**RE: Diversified Properties – Pennell Ave.**

To Whom It May Concern:

Diversified Properties is a long standing customer of the Bank. In our opinion, Diversified Properties has the financial capacity to complete the proposed subdivision on Pennell Ave.

If you have any questions or concerns, please call me at 761-8625.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Thornton". The signature is fluid and cursive, with a long horizontal stroke at the end.

Daniel P. Thornton  
Senior Vice President

4G

October 16, 2002

Jim Wolf  
Diversified Properties  
PO Box  
Portland, Me.

Re: 5 lot Sub-Division; Pennell 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 5 lot sub-division you built at Pennell Avenue in Portland. To supply the 5 lots a 8" water main extension was done and completed on November 21, 2001. At the time the water main was installed each one of the five lots had a 1" copper water service installed to the property line. This should be more than adequate to supply the needs of the average home.

The current data from the nearest hydrant indicates there should be adequate capacity of water to serve the needs of your existing 5 lot sub-division..

Hydrant Location: Pennell Ave. 650' north of Cypress St.  
Hydrant # 1588  
Static pressure = 60 PSI  
Flow = 1074 GPM  
Last Tested = 8/20/93

If the district can be of further assistance in this matter, please let us know.

Sincerely,  
Portland Water District

Jim Pandiscio  
Means Coordinator



# Final Inspection Sheet

Date: December 3, 2001

4H

Requested by: Diversified Properties-Jim Wolf

PROJECT NAME: Pennell Ave.

Location: Portland

- 1. Verify all main line gate valves are to grade, functional and record number of turns on gate valves. (1) *To Grade*
- 2. Verify all hydrant gate valves are to grade, functional and record number of turns on gate valve. (0) *NONE*
- 3. Verify all hydrants are set to grade and function (0) *NONE*
- 4. Verify all service boxes are to grade and rod accessible (5) *To grade*
- 5. Verify Blow off(s) are to grade and function. (1) *To grade*
- 6. Verify all air valves are to grade and function. (0) *NONE*
- 7. Cold water test and obtain static pressure from hydrant for records. (0) *NONE*
- 8. Indicate if main is in service. *yes*

**LIST BELOW ANY DEFICIENCIES FOUND DURING THE FINAL INSPECTION.** 1st final requested

- 1. final passed and water main put into service 12/3/2001
- 2.
- 3.
- 4.
- 5.
- 6.

Portland Water District

inspector: Charlie Grubb

Issue Date December 3, 2001

8" DI water main FC 6622

Pennell Ave.

*Jim Paulsen, PWD  
Final Passed.*

AH.5

**From:** Anthony Lombardo  
**To:** Kandi Talbot  
**Date:** Fri, Oct 18, 2002 2:24 PM  
**Subject:** Re: Pennell Avenue

So that the proposed extension would seamlessly duplicate the layout and design of the City's CIP construction project, adjacent to this development.

>>> Kandi Talbot 10/18 2:20 PM >>>  
Tony,

When Pennell Avenue was built, what was the reason for only constructing sidewalk on the westerly side of the street? Thanks.

Kandi

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

2002-0212  
Application I. D. Number  
  
09/26/2002  
Application Date  
  
3 Lot Subdivision  
Project Name/Description

**Diversified Properties**  
Applicant  
**PO Box 10127, Portland, ME 04104**  
Applicant's Mailing Address

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

**Pennell Ave, Portland, Maine**  
Address of Proposed Site  
**347 B004001**  
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) \_\_\_\_\_

Proposed Building square Feet or # of Units \_\_\_\_\_    Acreage of Site \_\_\_\_\_    **R3**  
Zoning

**Check Review Required:**

- |  |   |  |  |
|--|---|--|--|
| <input checked="" type="checkbox"/> Site Plan<br>(major/minor) | <input checked="" type="checkbox"/> Subdivision<br># of lots <u>3</u> | <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<br>Use (ZBA/PB)    | <input type="checkbox"/> Zoning Variance                              |  | <input type="checkbox"/> Other _____             |

Fees Paid:    Site Plan \$500.00    Subdivision \_\_\_\_\_    Engineer Review \_\_\_\_\_    Date 09/30/2002

**Planning Approval Status:**

Approved     Approved w/Conditions  
See Attached     Denied    Reviewer \_\_\_\_\_

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

<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**  
Department of Building Inspections

Received from Sept. 27 20      
Deming Properties

Location of Work Bennett Ave

Cost of Construction \$                     

Permit Fee \$ 575.00

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

Other subdivision 3 sets

CBL: 347-Boody

Check #: 4650

Total Collected \$ 575

**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 receipt less \$10.00 or 10% whichever is greater.

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



# City of Portland Site Plan Application

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

Address of Construction: <u>PENNELL AVENUE</u>		Zone: <u>P-3</u>
Total Square Footage of Proposed Structure		Square Footage of Lot: <u>22,500</u>
Tax Assessor's Chart, Block & Lot Chart#      Block#      Lot# <u>349</u> <u>B</u> <u>4 thru 8</u>	Property owner, mailing address: <u>DIVERSIFIED PROPERTIES INC.</u> <u>CONSTRUCTION AGGREGATE INC.</u> <u>PO BOX 10127</u> <u>PORTLAND, ME 04104</u>	Telephone: <u>773-4988 DPE</u> <u>829-3373 S.A.</u>
Consultant/Agent, mailing address, phone & contact person <u>JAMES WOLF</u> <u>PO BOX 10127, PORTLAND, ME 04104</u> <u>TEL. 773-4988</u>	Applicant name, mailing address & telephone: <u>OWNERS ABOVE</u>	Project name: <u>PENNELL AVE</u> <u>3 Lot SUBDIVISION</u>
Proposed Development (check all that apply) <input type="checkbox"/> New Building <input type="checkbox"/> Building Addition <input type="checkbox"/> Change of Use <input type="checkbox"/> Residential <input type="checkbox"/> Office <input type="checkbox"/> Retail <input type="checkbox"/> Manufacturing <input type="checkbox"/> Warehouse/Distribution <input type="checkbox"/> Parking lot <input checked="" type="checkbox"/> Subdivision, amount of lots <u>3</u> \$25.00 per lot \$ <u>75</u> <input type="checkbox"/> Site Location of Development \$3,000, except for residential lots which are then \$200 per lot _____ <input type="checkbox"/> Traffic Movement \$1,000 <input type="checkbox"/> Stormwater Quality \$250.00 <input type="checkbox"/> Other _____ <input type="checkbox"/> After the fact review - Major project \$1,500.00 <input type="checkbox"/> After the fact review - Minor project \$1,200.00		
Major Development <input checked="" type="checkbox"/> \$500.00      Minor Development _____ \$400.00 Plan Amendments: <input type="checkbox"/> Board review \$200.00 <input type="checkbox"/> Staff review \$100.00		
Who billing will be sent to: <u>DIVERSIFIED PROPERTIES INC.</u> Mailing address: <u>P.O. BOX 10127</u> State and Zip: <u>PORTLAND, ME 04104</u> Contact person: <u>JIM WOLF</u> Phone: <u>773-4988</u>		

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 check list

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

### ALL PLANS MUST BE FOLDED NEATLY AND IN PACKET FORM

Section 14-522 of the Zoning Ordinance outlines the process, copies are available at the counter at .50 per page (8.5 x 11) you may also visit the web site: [cl.portland.me.us](http://cl.portland.me.us) chapter 14

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>9-26-02</u>
--	----------------------

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



## CITY OF PORTLAND

### To Applicants for Development in Portland:

The City of Portland has instituted the following fees to recover the costs of reviewing development proposals under the Site Plan and Subdivision ordinances: application fee, engineering fee, and inspection fee. Performance and defect guarantees are also required by ordinance to cover all site work proposed.

The **Application Fee** covers general planning and administrative processing costs, and is paid at the time of application for review.

Prior to issuance of a building permit, an **Engineering Review Fee** will be assessed. This fee is assessed by the Planning Office engineer for review of on-site improvements of a civil engineering nature, such as stormwater management as well as the engineering analysis of related improvements within the public right-of-way, such as public streets and utility connections, as assessed by the Department of Public Works. The Engineering Review fee must be paid before a building permit can be issued. The Planning Office will mail an invoice for this fee, usually within a week of approval of a project.

A **Performance Guarantee** letter of credit or escrow account will be required following approval of development plans. This guarantee covers all required improvements within the public right-of-way, plus certain site improvements such as landscaping, paving, and civil engineering. The Planning Office will provide a work sheet for figuring the amount of the performance guarantee, as well as model language for the guarantee instrument.

An **Inspection Fee** must also be submitted to cover inspections to ensure that sites are developed in accordance with the approved plan and adhere to required erosion and sedimentation controls. The inspection fee is 2.0% of the performance guarantee amount, or as assessed by the planning or public works engineer. Minimum inspection fees are \$100 for single and two family homes, and \$300 for all other development, unless no site improvements are proposed. At least four site visits are typical, at the outset of construction when the site is "opened", before pouring foundation, at time of paving, and at completion prior to issuance of a Certificate of Occupancy. Public Works inspects streets and utilities, including pipe-laying and connections. (The contractor must work with inspectors to coordinate timely inspections, and should provide adequate notice before inspections, especially in the case of final inspection.) No building permit will be issued until the performance guarantee, engineering fee and inspection fee are received.

Upon completion of a development project, the performance guarantee is released, and a **Defect Guarantee** in the amount of 10% of the performance guarantee must be provided. The Defect Guarantee will be released after a year, including a full winter season, elapses. Other reimbursements to the City include actual or apportioned costs for advertising and mailed notices.

These costs are a necessary part of the City of Portland land development review program. We strive to make the review process as fair, efficient, and economical as possible for all concerned. Please contact me or the planner assigned to your project for further information and guidance about how to navigate smoothly through this process. We are always interested in feedback as to the quality and responsiveness of the development review services we provide.

Alexander Jaegerman, AICP  
Chief Planner

**CITY OF PORTLAND, MAINE  
SITE PLAN CHECKLIST**

PENWELL AVENUE  
Project Name, Address of Project

I.d. Number

Submitted () & Date	Item	Required Information	Section 14-525 (b,c)
✓	(1)	Standard boundary survey (stamped by a registered surveyor, at a scale of not less than 1 inch to 100 feet and including:	1
	(2)	Name and address of applicant and name of proposed development	a
	(3)	Scale and north points	b
	(4)	Boundaries of the site	c
	(5)	Total land area of site	d
	(6)	Topography - existing and proposed (2 feet intervals or less)	e
	(7)	Plans based on the boundary survey including:	2
	(8)	Existing soil conditions	a
	(9)	Location of water courses, marshes, rock outcroppings and wooded areas	b
	(10)	Location, ground floor area and grade elevations of building and other structures existing and proposed, elevation drawings of exterior facades, and materials to be used	c
	(11)	Approximate location of buildings or other structures on parcels abutting the site	d
	(12)	Location of on-site waste receptacles	e
	(13)	Public utilities	e
	(14)	Water and sewer mains	e
	(15)	Culverts, drains, existing and proposed, showing size and directions of flows	e
	(16)	Location and dimensions, and ownership of easements, public or private rights-of-way, both existing and proposed	f
	(17)	Location and dimensions of on-site pedestrian and vehicular accessways	g
	(18)	Parking areas	g
	(19)	Loading facilities	g
	(20)	Design of ingress and egress of vehicles to and from the site onto public streets	g
	(21)	Curb and sidewalks	g
	(22)	Landscape plan showing:	h
	(23)	Location of existing proposed vegetation	h
	(24)	Type of vegetation	h
	(25)	Quantity of plantings	h
	(26)	Size of proposed landscaping	h
	(27)	Existing areas to be preserved	h
	(28)	Preservation measures to be employed	h
	(29)	Details of planting and preservation specifications	h
	(30)	Location and dimensions of all fencing and screening	i
	(31)	Location and intensity of outdoor lighting system	j
	(32)	Location of fire hydrants, existing and proposed	k
	(33)	Written statement	c
	(34)	Description of proposed uses to be located on site	l
	(35)	Quantity and type of residential, if any	l
	(36)	Total land area of the site	b2
	(37)	Total floor area and ground coverage of each proposed building and structure	b2
	(38)	General summary of existing and proposed easements or other burdens	c3
	(39)	Method of handling solid waste disposal	4

*NOTE ON PLAN  
2 STREET TREES*

_____	(40)	Applicant's evaluation of availability of off-site public facilities, including sewer, water and streets	5
_____	(41)	Description of any problems of drainage or topography, or a representation that there are none	6
_____	(42)	An estimate of the time period required for completion of the development	7
_____	(43)	A list of all state and federal regulatory approvals to which the development may be subject	8
_____	(44)	The status of any pending applications	8
_____	(45)	Anticipated timeframe for obtaining such permits	h8
_____	(46)	A letter of non-jurisdiction	h8
_____	(47)	Evidence of financial and technical capability to undertake and complete the development including a letter from a responsible financial institution stating that it has reviewed the planned development and would seriously consider financing it when approved.	

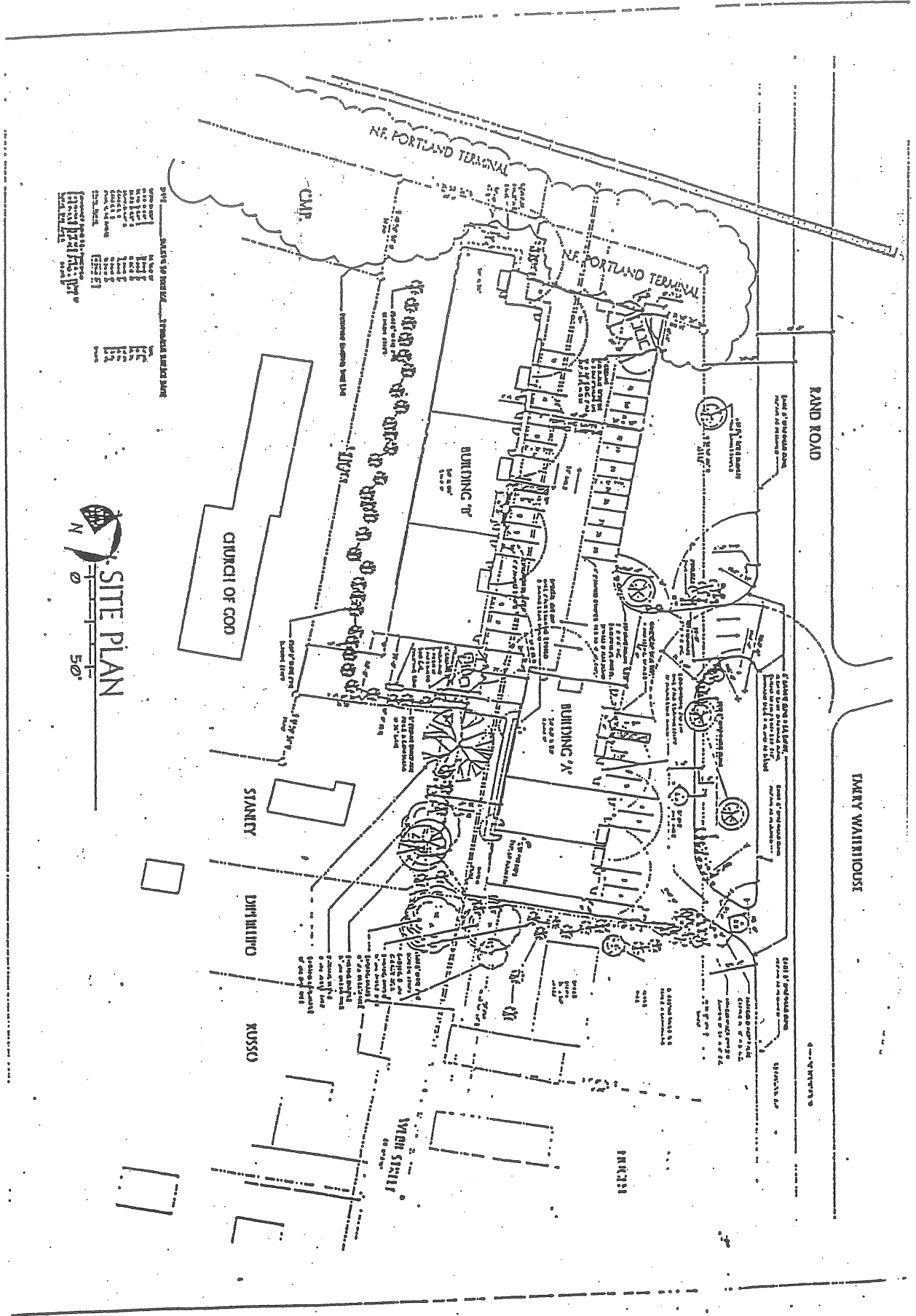
Note: Depending on the size and scope of the proposed development, the Planning Board or Planning Authority may request additional information, including (but not limited to):

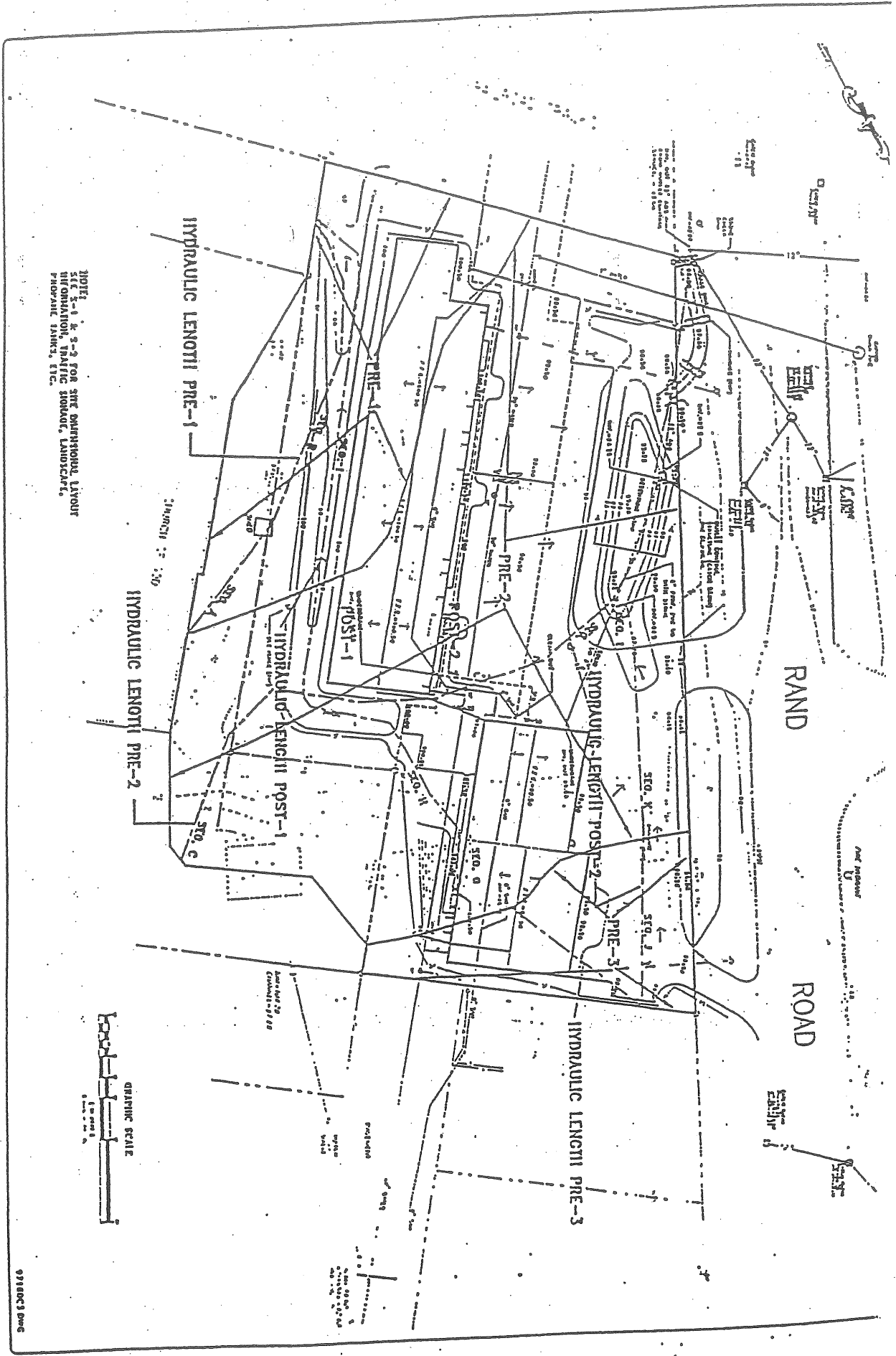
- drainage patterns and facilities;
- erosion and sedimentation controls to be used during construction;
- a parking and/or traffic study;
- a noise study;
- an environmental impact study;
- a sun shadow study;
- a study of particulates and any other noxious emissions; and
- a wind impact analysis.

Other comments:

- 1) PROVIDE SITE PLAN FOR HOUSE TO BE BUILT ON LOT... ASK DWIGHT TO PROVIDE ASAP
- 2) TITRUMB UPDATE SURVEY OF 3 LOTS INCLUDING OWNERS. SHOW HYDRANT STREET LIGHT SIGNATURE BLOCK FOR RECORDING PLAT - SILL ELEVATION REQUIRED FOR UNIMPROVED LOTS.
- 3) TAKE PICTURES OF SITE.
- 4) DATE WITH PROOF ROAD ACCEPTED BY COUNCIL. AUG 5<sup>th</sup> ORDER 14-02/03
- 5) LETTER FROM P.W. D.
- 6) LETTER FROM C.M.P.
- 7) SEWER CAPACITY LETTER FROM CITY
- 8) PROVIDE COPIES OF APPROVED SITE PLANS FOR LOTS 1 & 3 + LOT 1 A.O.
- 9) COPIES OF DEEDS OF OWNERSHIP.
- 10) DEED TO D.P.I + C.A. FROM C.A.
- 11) LETTER FROM T.N.S. RE: DPI & C.A.

# Sample Site Review Technical Submissions





Sample Site Review Technical Submissions

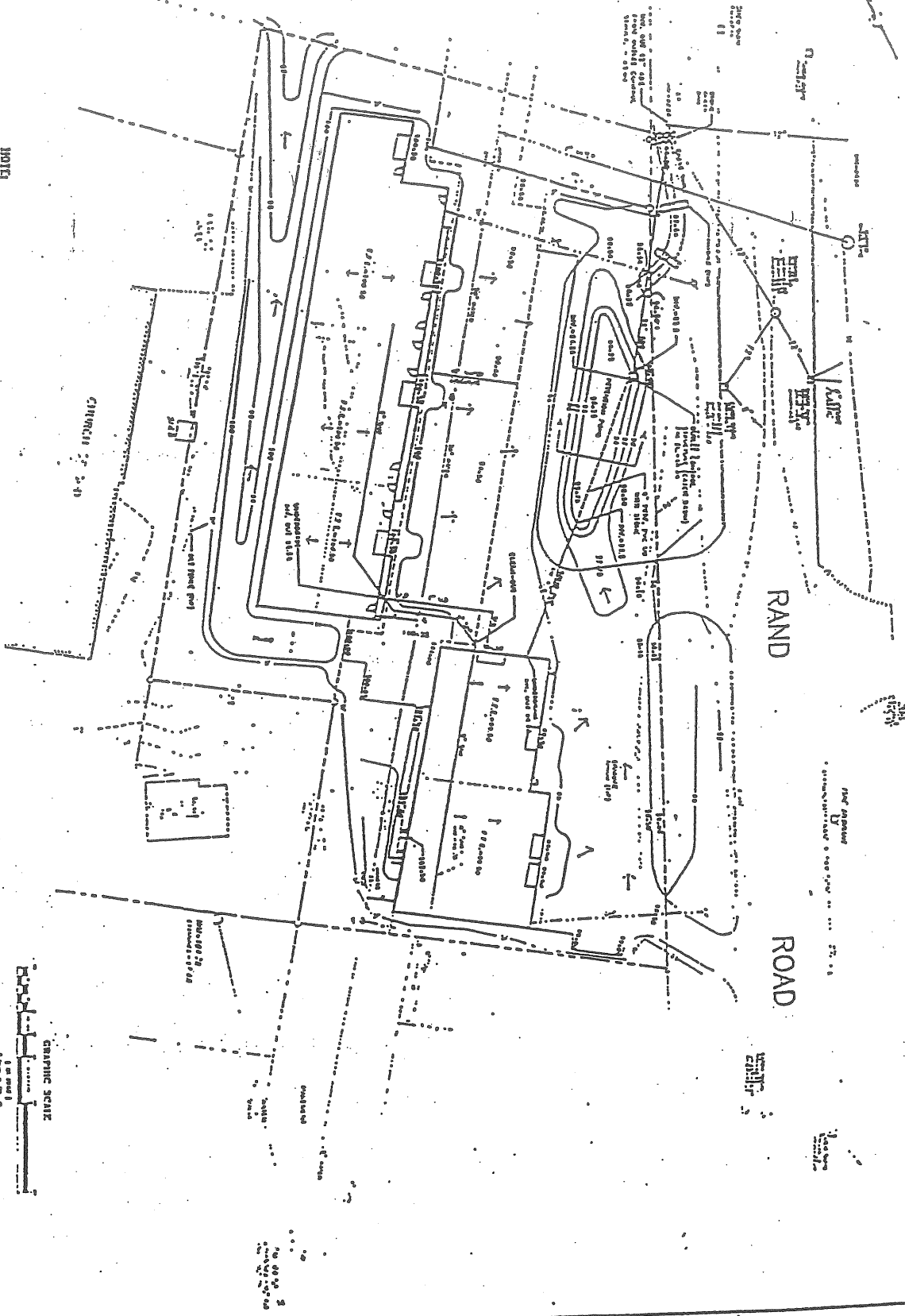


NOTE:  
1-1 & 1-2 FOR SITE DIAGRAMS, LAYOUT  
INFORMATION, TRAFFIC SCHEDULE, LANDSCAPE,  
PROPANE TANKS, ETC.



# Sample Site Review Technical Submissions

210001 Rev 02







**CITY OF PORTLAND**

18 October 2002

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

**RE: The Capacity to Handle Wastewater Flows, from a  
Three Lot Subdivision, at 125, 131, 137 Pennell Avenue.**

Dear Mr. Wolf:

The existing eight-inch diameter polyvinyl chloride (PVC) sanitary sewer pipe located in Pennell Avenue has adequate capacity to **transport**, while The Portland Water District sewage treatment facilities, located off Marginal Way, have adequate capacity to **treat** the total anticipated wastewater flows of **810 GPD**, from the proposed project

**Anticipated Wastewater Flows from the Proposed Subdivision**

Proposed Three Bed Room House @ #125 Pennell Ave. (Lot 1)	= 270 GPD
Proposed Three Bed Room House @ #131 Pennell Ave. (Lot 2)	= 270 GPD
Proposed Three Bed Room House @ #137 Pennell Ave. (Lot 3)	= 270 GPD
<b>Total Proposed Increase in Wastewater Flows for this Project</b>	<b>= 810 GPD</b>

The City combined sewer overflow (C.S.O.) abatement consent agreement, with the U.S.E.P.A. and The Maine D.E.P., requires C.S.O. abatement, as well as Stormwater mitigation, from all projects, in order to offset any increase in sanitary flows.

Sincerely,  
**CITY OF PORTLAND**

*Frank Brancely*  
Frank J Brancely, B.A., and M.A.  
Senior Engineering Technician

FJB

cc: Alexander Q. Jaegerman, Acting Co-Director, Department of Planning, and Urban Development, City of Portland  
✓Kandice Talbot, Planner, Department of Planning, and Urban Development, City of Portland  
Eric Labelle, P.E., City Engineer, City of Portland  
Bradley A. Roland, P.E., Environmental Projects Engineer, City of Portland  
Anthony W. Lombardo, P.E., Project Engineer, City of Portland  
Stephen K. Harris, Assistant Engineer, City of Portland  
Todd Merkle, Field Inspections Coordinator, City of Portland  
Desk file



Gorrill-Palmer Consulting Engineers, Inc.

*Traffic and Civil Engineering Services*

PO Box 1237  
15 Shaker Rd.  
Gray, ME 04039

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

October 21, 2002

Mr. Jim Seymore  
Sebago Technics  
PO Box 1339  
Westbrook, ME 04098

RE: 3-Lot Subdivision  
Pennell Avenue, Portland

Dear Jim:

Gorrill-Palmer Consulting Engineers, Inc. is pleased to respond to the review comments provided to Kandi Talbot we received in an e-mail from you dated October 18, 2002 regarding the above referenced project. For ease of review, each of your comments are repeated below followed by our response.

**Comment 1A – Stormwater Management**

*Comment 1A - This project will result in additional runoff into the storm drain system, as there is no detention design noted. The applicant needs to provide a statement with regards to offsite impacts from any uncontrolled drainage or runoff. Approval to connect into the 18" Storm Drain will have to be granted by Portland Public Works and appropriate approvals obtained prior to any work being done.*

**Response** – The Applicant will provide the applicable approvals requested.

**Comment 2 – Road Access/Circulation**

*No comment.*

**Comment 3 – Grading/Erosion Control**

*Comment 3A - The plans submitted include only silt fence, no other BMP measures are shown. Inlet protection should be noted at appropriate locations. A construction entrance should be utilized to prevent tracking of soils onto Pennell Avenue. No measures were noted during our October 8, 2002 field visit. Site was disturbed and not stabilized at that time.*

Mr. Jim Seymore  
October 21, 2002  
Page 2 of 3

**Response** – A stabilized Construction Entrance has been added to Lot 2 and a stone sediment Barrier has been added to the catch basin to the rear of Lot 2. It is noted that additional erosion control measures for Lots 1 & 3 will not be necessary where as the houses are constructed.

*Comment 3B - Please provide reason for abrupt change in grade (0.8' in 1.5') approximately 53% slope, over drainage easement between Lots 2 & 3.*

**Response** – The spot grades in the area of question have been revised to reduce the slope.

*Comment 3C - The 85-foot contour line crosses the 86-foot contour line and the 85-foot contour splits from one contour line to two on the southern side of Lot 3 dwelling. Also, this 85-foot contour line in the front of Lot 3 becomes an 84-foot contour line in the front of Lot 2.*

**Response** – It is noted that on the prior plan, the existing grades associated with the roadway construction were similar in size and line weights. The plan has been revised to minimize the confusion.

**Comment 4 - Utility Installation/Location**

*Comment 4A - Our office does not recommend the proposed stormdrain inlet connection proposed on the plan at the rear of Lots 2 & 3, as there is no sump provided in the applicants design to keep solids out of the existing 18" stormdrain line.*

**Response** – The inlet has been revised to be a MDOT Type “F” catch basin.

*Comment 4B - Subdivision plan submitted does not indicate an easement for the pump station installed on lot 2. Is pump station a public or private system?*

**Response** - The pump station is located within the public right-of-way, which was constructed as part of the Pennell Avenue Construction. It is a public system on a City accepted street.

**Comment 5 - General**

*Comment 5A - The storm sewer easement between lots 2 & 3 must be labeled on plan.*

**Response** – The stormdrain easement will be labeled on the plan.

Mr. Jim Seymore  
October 21, 2002  
Page 3 of 3

*Comment 5 B -A drainage easement for Lot 1 will need to be created/preserved across the rear of Lot 2.*

**Response** – A 25 foot drainage easement on Lot 2 to benefit Lot 1 has been added to the plan.

Gorrill-Palmer Consulting Engineers, Inc. appreciates the opportunity to respond to these comments and looks forward to your review. Should you have any questions or require any additional information please contact the office.

Sincerely,

Gorrill-Palmer Consulting Engineers, Inc.



Douglas Reynolds, PE  
Project Engineer

Copy: Kandi Talbot  
Mr. Jim Wolf

DER/hh/JN425/Seymoreresponse10-22-02





Gorrill-Palmer Consulting Engineers, Inc.

*Traffic and Civil Engineering Services*

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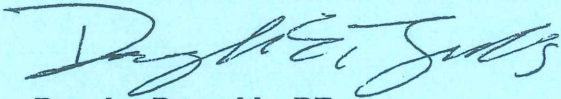
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Douglas Reynolds, PE  
Project Engineer

Copy: Kandi Talbot  
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DER/hh/JN425/Seymoreresponse10-22-02