



Jeff Levine, AICP, Director  
Planning & Urban Development Department

Ann Machado  
Zoning Administrator

### CITY OF PORTLAND ZONING BOARD OF APPEALS Conditional Use Appeal Application

**Applicant Information:**

**Subject Property Information:**

NAME

DAVID DIPIETRO

BUSINESS NAME

BUSINESS ADDRESS

221 VIRGINIA ST

BUSINESS TELEPHONE & E-MAIL

PORTLAND ME

APPLICANT'S RIGHT/TITLE/INTEREST

OWNER

CURRENT ZONING DESIGNATION

R2-R3

EXISTING USE OF THE PROPERTY:

EMPTY LOT

PROPERTY ADDRESS

6-12 LAMBERT ST

CHART/BLOCK/LOT (CBL)

384-A-006

PROPERTY OWNER (If Different)

A-A DAVID DIPIETRO

ADDRESS (If Different)

PHONE # AND E-MAIL

7979531 FDIPIETRO1@AOR.COM

CONDITIONAL USE AUTHORIZED BY RECEIVED

SECTION 14-862A5

RECEIVED

JAN 31 2017

MAY 03 2016

Dept. of Building Inspections  
City of Portland Maine

Dept. of Building Inspections  
City of Portland Maine

TYPE OF CONDITIONAL USE PROPOSED:

SINGLE FAMILY HOME & APARTMENT

STANDARDS: Upon a showing that a proposed use is a conditional use under this article, a conditional use permit shall be granted unless the Board determines that:

1. The volume and type of vehicle traffic to be generated, hours of operation, expanse of pavement, and the number of parking spaces required are not substantially greater than would normally occur at surrounding uses or other allowable uses in the same zone; and
2. The proposed use will not create unsanitary or harmful conditions by reason of noise, glare, dust, sewage disposal, emissions to the air, odor, lighting, or litter; and
3. The design and operation of the proposed use, including but not limited to landscaping, screening, signs, loading deliveries, trash or waste generation, arrangement of structures, and materials storage will not have a substantially greater effect/impact on surrounding properties than those associated with surrounding uses of other allowable uses in the zone.

NOTE: If site plan approval is required, attach preliminary or final site plan.

The undersigned hereby makes application for a conditional use permit as described above, and certifies that the information herein is true and correct to the best of his OR her knowledge and belief.

SIGNATURE OF APPLICANT

3-21-16

DATE

David DiPietro

221 Virginia Street Portland, Me 04103  
831-7914 797-9531

## 6 Lambert Street

I David DiPietro would like to address the ZBA.

My late mother left her home and an extra lot beside it to me in hopes that it might stay in the family.

I have had it surveyed and engineered so I can have a new home put on it with a small apartment, because I will be having one of my sons come to live with us in the future. This would make it a perfect situation for us.

There are no adverse conditions with this proposal or impact safety, health, welfare of the public or the surrounding area of the zones in which it sits.

1. This is a single family swelling and there is no increase in vehicle traffic other than a normal single family home. There is no more paving than any single family driveway. All parking is in the garage or in the rear of the home. All uses are allowable in the zones that the house abuts.
2. The proposed use will not create unsanitary or harmful conditions by reason of noise, glare, dust, sewage disposal, emissions to air quality, odor, lighting, or litter and other contaminations.
3. The design and operation of the proposed use including landscaping, screening, deliveries, trash on waste, and other storage sheds and storage area will not have any impact on surrounding properties other than those surrounding uses of other allowable uses in both zones.

Thank you

---

David DiPietro

David Dipietro

221 Virginia Street Portland, Me 04103  
831-7914 797-9531

## 6 Lambert Street

City of Portland  
Code of Ordinances  
Sec. 14-88

#2 'A' The accessory unit does not exceed the allowable 30% of the gross floor area of the principle building and has more than 400 square feet gross floor area, and does not have any floor to ceiling height above the average adjoin ground level. There is no attic space included.

'B' There is no outside stairway to the principal building or accessory unit.

'C' There are no exterior alterations to the building design and is compatible with the architectural design to maintain the single-family appearance.

'D' There is more than the minimum (6500) sq ft of land per as required. Refer to plot plan.

'G' No area is reduced in size.

'H' All parking will be provided as required in division 20 of this article. Refer to site plan.

'I' This project is subject to article V and any of the additional standards.

"I" there are no additions or alterations.

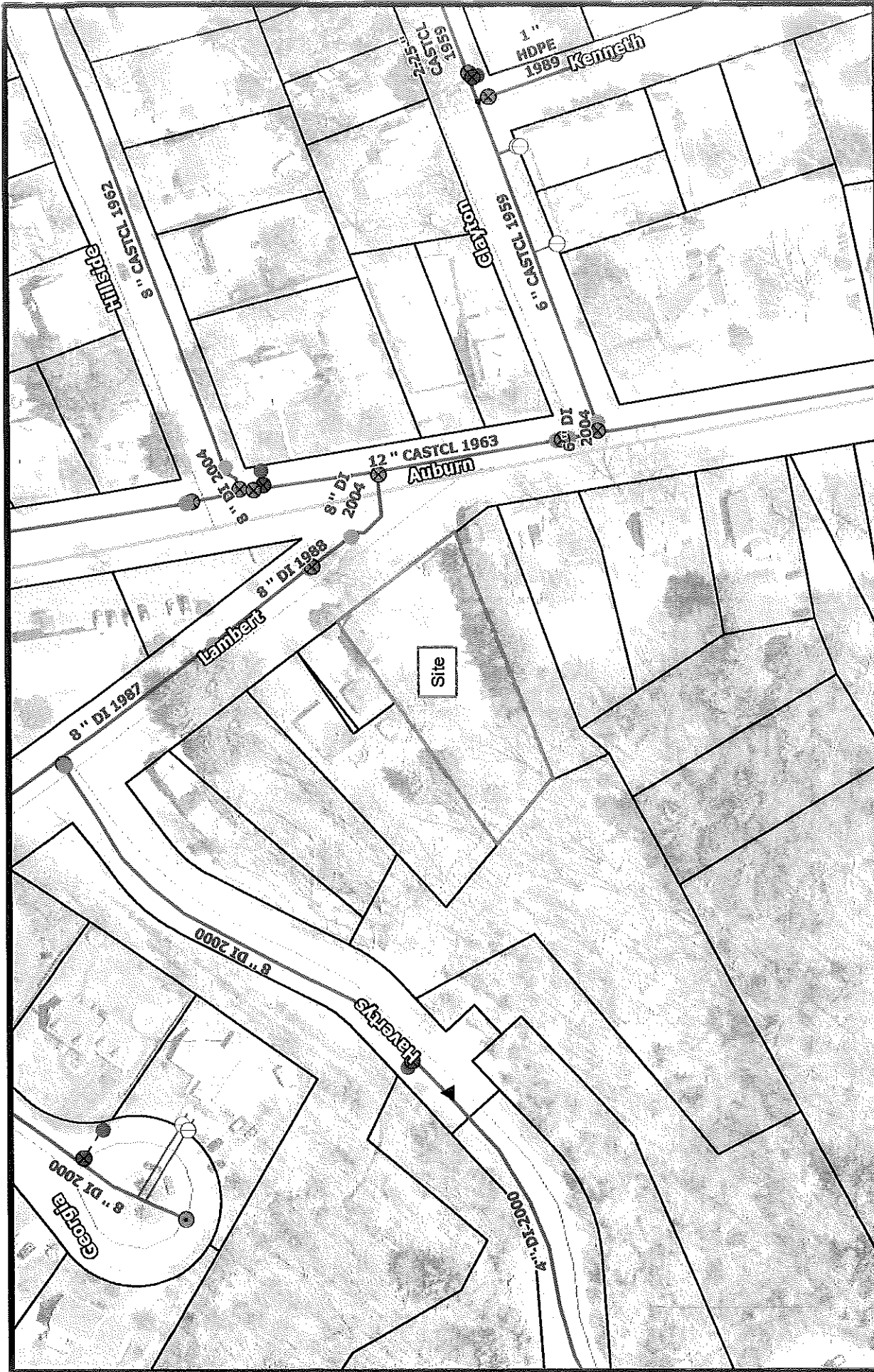
"II" there are no vehicles in site from the street or adjacent properties refer to site plan.

'J' The accessory unit or the principal unit will be occupied by the owner.

Thank you

---

David DiPietro



- Legend**
- Air Valve
  - Blow Off
  - By Pass
  - Distribution
  - Transmission
  - Connection
  - Attribute Change
  - Reducer
  - Hydrant
  - Hydrant Control
  - Meter Pits
  - Combined Service
  - Domestic Service
  - Fire Service
  - Private Hydrants
  - Manhole
  - CSO
  - Gravity
  - Force

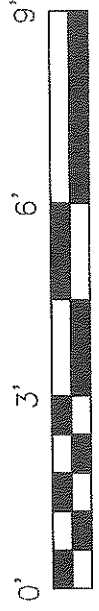
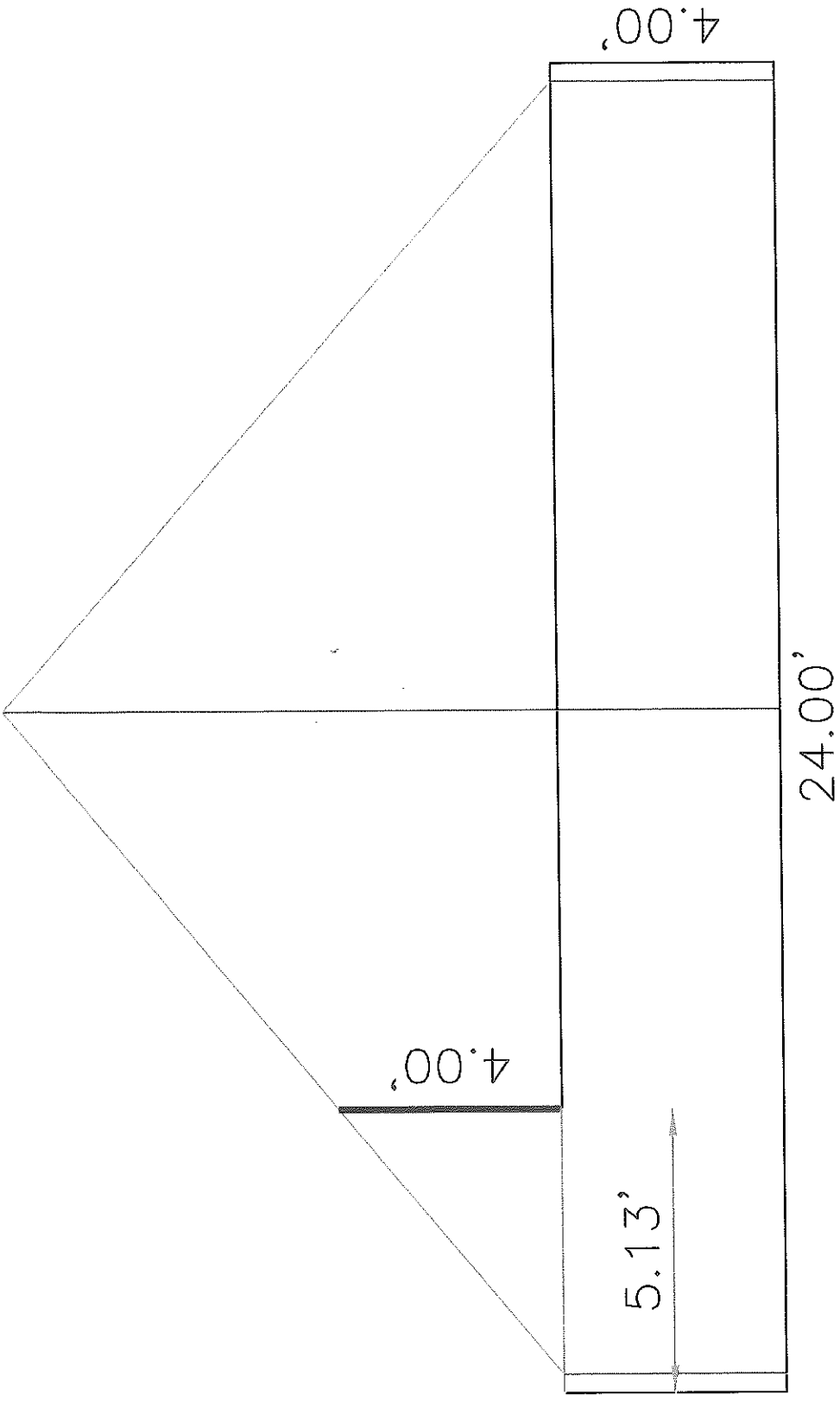


Notes:

Inspector: \_\_\_\_\_ (Please Return to Thomas Whitney)  
 Date Inspected: \_\_\_\_\_ GPS \_\_\_\_\_ Redlined \_\_\_\_\_

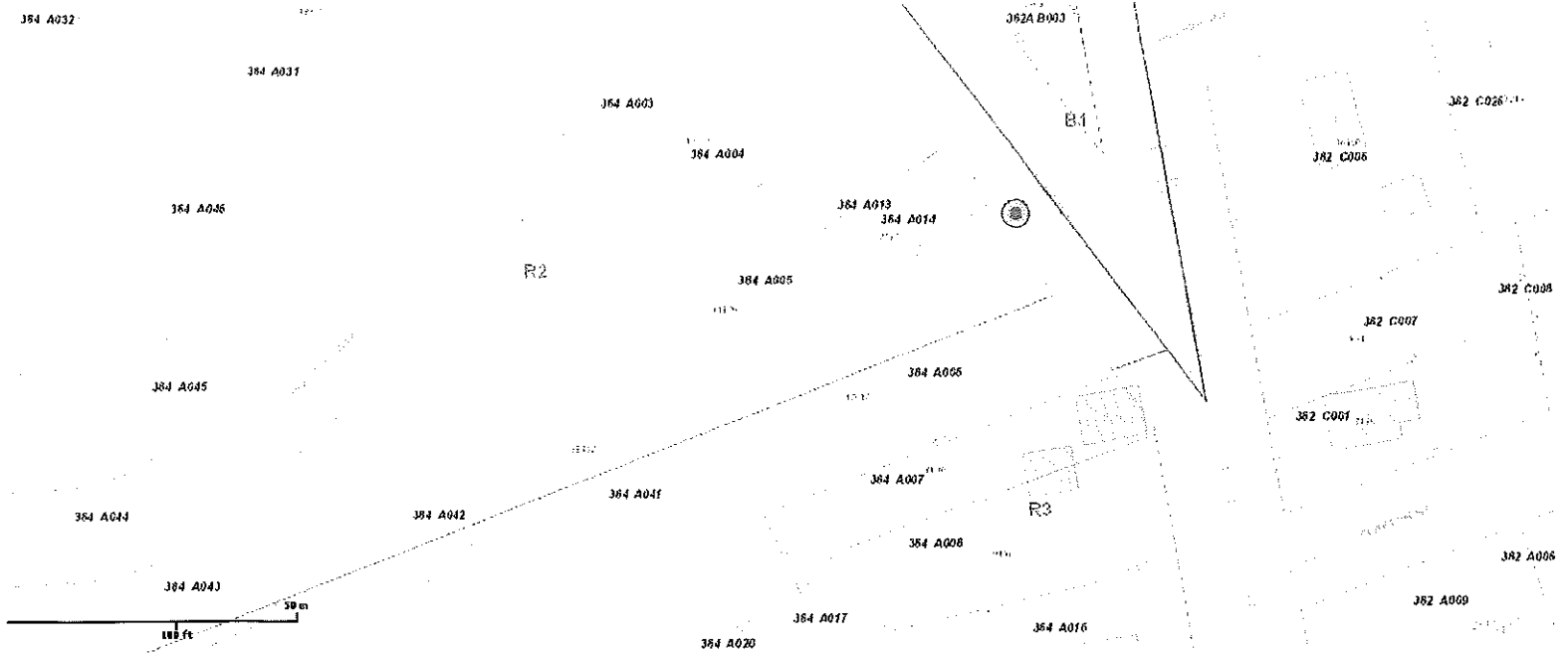
**6 Lambert Street**  
**Portland**  
**PORTLAND WATER DISTRICT**  
 225 Douglass Street  
 Portland, ME 04104

Disclaimer: This map is suitable for preliminary study and analysis and is based on PWD record information. PWD is not liable for any damages whatsoever resulting from inaccurate data or from errors made in the location and marking of its infrastructure.



1" = 3'

# Aerial Map



Copyright 2011 Esri. All rights reserved. Wed Feb 5 2014 11:27:32 AM.

Front to Back



Existing Driveway



Back to Front



Underground Utilities





KNOW ALL MEN BY THESE PRESENTS,

THAT **DAVID D. DIPIETRO** of 221 Virginia Street in Portland, Maine, grant to **DAVID D. DIPIETRO** with Warranty Covenants, for one dollar and other consideration paid, all of his interests in and to the following described real estate situated in the City of Portland, Cumberland County, State of Maine, bounded and described as follows:

A certain lot or parcel of land with the buildings thereon, situated at 12 Lambert Street in the City of Portland, County of Cumberland and State of Maine, on the westerly side of Lambert Street, and being a portion of lot numbered two (2) as shown in division of the estate of Levi Cobb recorded in the Cumberland County Registry of Deeds in Book 348, Page 31, bound and described as set forth in Exhibit A hereto.

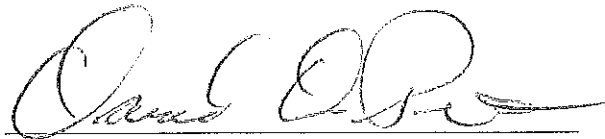
Meaning and intending to convey a portion of the same premises conveyed through the Deed of Distribution of the Personal Representative Under the Will of Maude V. DiPietro dated October 19, 2013 which deed is recorded in the Cumberland County Registry of Deeds in Book 31148, page 316.

**TO HAVE AND HOLD** the above granted premises unto the said and its assigns forever.

**IN WITNESS WHEREOF**, the said David D. DiPietro has hereunto set his hand and seal this \_\_\_\_ day of March, 2016.

Signed, Sealed and Delivered  
in the presence of

\_\_\_\_\_



David D. DiPietro

STATE OF MAINE  
CUMBERLAND, ss.

March \_\_\_\_\_, 2016

Then personally appeared the above-named David D. DiPietro and acknowledged the foregoing instrument to be his free acts and deeds.

Signed and sworn to before me this \_\_\_\_\_ day of December, 2015.

Before me,

\_\_\_\_\_  
Notary Public

Name: \_\_\_\_\_

\_\_\_\_\_  
PRINTED NAME

## Exhibit A

A certain lot or parcel of land situated on the southwesterly side of and adjacent to Lambert Street, in the City of Portland, County of Cumberland, and State of Maine as shown on the Site Plan of DiPeitro Property, for David DiPietro, by Sebago Technics, Inc. (project number 16115) last dated April 28, 2016, and being more particularly bounded and described as follows:

Beginning on the southwesterly sideline of Lambert Street at a 5/8-inch rebar to be set being N 36°-57'-31" W along the southwesterly sideline of Lambert Street, a distance of 50.00 feet from the northerly corner of land of Constance Stimson as described in deed book 31728, page 63;

Thence N 36°-57'-31" W along the southwesterly sideline of Lambert Street, a distance of 97.56 feet to land now or formerly of Stephen and Cynthia Dorsey, as described in deed book 6670 page 273;

Thence S 53°-33'-00" W along land of Dorsey, a distance of 75.00 feet to a 5/8-inch rebar to be set;

Thence S 36°-57'-31" E along land of Dorsey, a distance of 35.00 feet to a 5/8-inch rebar to be set;

Thence S 55°-50'-23" W along land of Dorsey, a distance of 132.02 feet to land now or formerly of Stephen and Janet Lee as described in deed book 15730 page 78;

Thence S 50°-27'-31" E along land of Lee, a distance of 68.64 feet of Stimson;

Thence N 68°-32'-29" E along land of Stimson, a distance of 35.38 feet to a 5/8-inch rebar to be set at the other land of this grantor (6 Lambert Street);

Thence N 37°-19'-44" W along other land of this grantor (6 Lambert Street), a distance of 70.69 feet to a 5/8-inch rebar to be set;

Thence N 55°-50'-23" E along other land of this grantor (6 Lambert Street), a distance of 83.06 feet to a 5/8-inch rebar to be set;

Thence S 37°-19'-44" E along other land of this grantor (6 Lambert Street), a distance of 46.26 feet;

Thence N 66°-37'-15" E along other land of this grantor (6 Lambert Street), a distance of 47.30 feet to a 5/8-inch rebar to be set;

Thence N 58°-37'-46" E along other land of this grantor (6 Lambert Street), a distance of 28.10 feet to a 5/8-inch rebar to be set at the Point of Beginning.

Subject to an access, grading and utility easement being more particularly boundary and described as follows:

Beginning on the southwesterly sideline of Lambert Street at a 5/8-inch rebar to be set being N 36°-57'-31" W along the southwesterly sideline of Lambert Street, a distance of 50.00 feet from the northerly corner of land of Constance Stimson as described in deed book 31728, page 63;

Thence S 58°-37'-46" W along other land of this grantor (6 Lambert Street), a distance of 28.10 feet to a 5/8-inch rebar to be set;

Thence S 66°-37'-15" W along other land of this grantor (6 Lambert Street), a distance of 47.30 feet;

Thence N 37°-19'-44" W along other land of this grantor (6 Lambert Street), a distance of 36.76 feet;

Thence through the herein described lot (12 Lambert Street), on a non-tangential curve to the left having an arc length of 38.80 feet, a radius of 26.00 feet, and a chord of S 80°-04'-43" E 35.30 feet to a point of tangency;

Thence N 57°-10'-18" E through the herein described lot (12 Lambert Street), a distance of 50.18 feet to the southwesterly sideline of Lambert Street;

Thence S 36°-57'-31" E along the southwesterly sideline of Lambert Street, a distance of 21.22 to the Point of Beginning.

Subject to a grading and utility easement being more particularly boundary and described as follows:

Beginning on the southwesterly sideline of Lambert Street being N 36°-57'-31" W along the southwesterly sideline of Lambert Street, a distance of 71.22 feet from the northerly corner of land of Constance Stimson as described in deed book 31728, page 63;

Thence S 57°-10'-18" W through the herein described lot (12 Lambert Street), a distance of 42.08 feet;

Thence N 27°-35'-48" E through the herein described lot (12 Lambert Street), a distance of 46.48 feet to the southwesterly sideline of Lambert Street;

Thence S 36°-57'-31" E along the southwesterly sideline of Lambert Street, a distance of 23.00 to the Point of Beginning.

Subject to a grading and drainage easement being more particularly boundary and described as follows:

Commencing at a point on the southwesterly sideline of Lambert Street at the northerly corner of land of Constance Stimson as described in deed book 31728, page 63;

Thence N 36°-57'-31" W along the southwesterly sideline of Lambert Street, a distance of 71.22 feet;

Thence S 57°-10'-18" E, a distance of 42.08 to the Point of Beginning;

Thence S 57°-10'-18" E, along the northerly sideline of the access, grading and utility easement, a distance of 8.10 feet to a point of curvature

Thence along the northerly sideline of the access, grading and utility easement, on a curve to the right having an arc length of 38.80 feet, a radius of 26.00 feet, and a chord of N 80°-04'-43" W 35.30 feet to the northeasterly sideline of the lot herein described above;

Thence N 37°-19'-44" W along the northeasterly sideline of the 6 Lambert Street Lot, a distance of 9.51 feet to a 5/8-inch rebar to be set;

Thence S 57°-54'-22" E through the herein described lot (12 Lambert Street), a distance of 18.04 feet;

Thence through land of the herein described lot (12 Lambert Street), on a curve to the left having an arc length of 23.80 feet, a radius of 21.00 feet, and a chord of N 89°-37'-58" E 22.54 feet to a point of tangency;

Thence N 57°-10'-18" E through the herein described lot (12 Lambert Street), a distance of 16.91 feet to the northwesterly sideline of the grading and utility easement herein described above;

Thence S 27°-35'-48" W along the northwesterly sideline of the grading and utility easement herein described above, a distance of 10.13 feet to the Point of Beginning.

Subject to a grading easement being more particularly boundary and described as follows:

Commencing at the southwesterly sideline of Lambert Street at the northerly corner of land of Constance Stimson as described in deed book 31728, page 63;

Thence N 36°-57'31" W along the southwesterly sideline of Lambert Street, a distance of 50.00 feet to a 5/8-inch rebar to be set;

Thence S 58°-37'-46" W a distance of 28.10 feet to a 5/8-inch rebar to be set;

Thence S 66°-37'15" W a distance of 47.30 feet;

Thence N 37°-19'-44" W a distance of 46.26 feet to a 5/8-inch rebar to be set at the Point of Beginning;

Thence S 55°-50'-23" W along the herein described lot (12 Lambert Street) a distance of 83.06 feet to a 5/8-inch rebar to be set;

Thence N 34°-09'-37" W through the herein described lot (12 Lambert Street) a distance of 3.08 feet to land now or formerly of Stephen and Cynthia Dorsey, as described in deed book 6670 page 273;

Thence N 55°-50'-23" E along land of Dorsey, a distance of 82.14 feet to a 5/8-inch rebar to be set;

Thence S 50°-40'-38" E through the herein described lot (12 Lambert Street), a distance of 3.21 feet to the Point of Beginning.

Meaning and intending to describe the proposed house lot (6 Lambert Street) and associated easements as shown on the Site Plan of DiPeitro Property, for David DiPietro, by Sebago Technics, Inc. (project number 16115) last dated April 28, 2016, being approximately 10,001 square feet, being a portion of property conveyed to Steven and David DiPietro in deed book 31148 page 316.

The bearings shown hereon are Grid North, Maine State Plane Coordinate System, West Zone 1802, NAD83.

May 2, 2016

MWE:mwe

KNOW ALL MEN BY THESE PRESENTS,

THAT **DAVID D. DIPIETRO** of 221 Virginia Street in Portland, Maine, grant to **DAVID D. DIPIETRO** with Warranty Covenants, for one dollar and other consideration paid, all of his interests in and to the following described real estate, situated in the City of Portland, Cumberland County, State of Maine, bounded and described as follows:

A certain lot or parcel of land with the buildings thereon, situated at 6 Lambert Street in the City of Portland, County of Cumberland and State of Maine, on the westerly side of Lambert Street, and being a portion of lot numbered two (2) as shown in division of the estate of Levi Cobb recorded in the Cumberland County Registry of Deeds in Book 348, Page 31, bound and described as set forth in Exhibit A hereto.

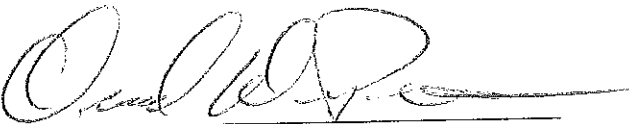
Meaning and intending to convey a portion of the same premises conveyed through the Deed of Distribution of the Personal Representative Under the Will of Maude V. DiPietro dated October 19, 2013 which deed is recorded in the Cumberland County Registry of Deeds in Book 31148, page 316.

**TO HAVE AND HOLD** the above granted premises unto the said and its assigns forever.

**IN WITNESS WHEREOF**, the said David D. DiPietro has hereunto set his hand and seal this \_\_\_ day of March, 2016.

Signed, Sealed and Delivered  
in the presence of

\_\_\_\_\_

  
\_\_\_\_\_  
David D. DiPietro

STATE OF MAINE  
CUMBERLAND, ss.

March \_\_\_\_\_, 2016

Then personally appeared the above-named David D. DiPietro and acknowledged the foregoing instrument to be his free acts and deeds.

Signed and sworn to before me this \_\_\_\_\_ day of December, 2015.

Before me,

\_\_\_\_\_  
Notary Public

Name: \_\_\_\_\_

\_\_\_\_\_  
PRINTED NAME

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Thence S 58°-37'-46" W along remaining land of this grantor (12 Lambert Street), a distance of 28.10 feet to a 5/8-inch rebar to be set;

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Thence S 55°-50'-23" W along remaining land of this grantor (12 Lambert Street), a distance of 83.06 feet to a 5/8-inch rebar to be set;

Thence S 37°-19'-4" E along remaining land of this grantor (12 Lambert Street), a distance of 70.69 feet to a 5/8-inch rebar to be set at land of Stimson;

Thence N 68°-32'-29" E along land of Stimson, a distance of 162.66 feet to the Point of Beginning.

Together with an access, grading and utility easement being more particularly boundary and described as follows:

Beginning on the southwesterly sideline of Lambert Street at a 5/8-inch rebar to be set being N 36°-57'-31" W along the southwesterly sideline of Lambert Street, a distance of 50.00 feet from the northerly corner of land of Constance Stimson as described in deed book 31728, page 63;

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Thence through remaining land of this grantor (12 Lambert Street), on a non-tangential curve to the left having an arc length of 38.80 feet, a radius of 26.00 feet, and a chord of S 80°-04'-43" E 35.30 feet to a point of tangency;

Thence N 57°-10'-18" E through remaining land of this grantor (12 Lambert Street), a distance of 50.18 feet to the southwesterly sideline of Lambert Street;



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May 2, 2016

MWE:mwe