

**Ann Machado - Fwd: Re: "Lot#2, Morningstar Lane, 04103" curb cuts**

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**From:** David Margolis-Pineo  
**To:** Ann Machado; Barbara Barhydt; Jeremiah Bartlett; Marge Schmuckal; To...  
**Date:** 8/29/2013 7:41 AM  
**Subject:** Fwd: Re: "Lot#2, Morningstar Lane, 04103" curb cuts

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This is Mike Bobinsky's reply to the lot owner's lawyer.

Thanks to all for your support.

>>> Michael Bobinsky 8/29/2013 7:36 AM >>>  
Good morning David. My apologies for my delay in providing a formal written response to the applicant.

Unfortunately I will not be supporting the request for a second driveway cut for this property. The property is located in a R-2 residential zone, and our standards prohibit 2nd driveway option. I very recently denied a second driveway curb cut permit application on a residential unit on the Eastern Prom which is also in a residential zone and inconsistent with our Technical Design Standards. I do recognize that Mr. Witt appeared recently before the ZBA and received approval for an accessory apartment unit, which is permitted as a conditional use in this zone. However, there is no business use approved at this property at this time, (Mr. Witt's memo dated 8-5-13 notes that he is seeking approval of the curb cut prior to undergoing Level 1 Site Plan Review, also this is not an approved site for multi-family which could allow for a second curb cut with 10 or more parking spaces.) I am not interpreting that the proposed single family home with an accessory unit is in same classification as multi-family. Given available on street parking for special events and with the ability to design the site for additional parking without need for two curb cuts, I am not able to support this request.

I do acknowledge the letter from Bill Bray and appreciate the additional background information he provides regarding the traffic safety, sightline implications with adding a second driveway access.

I will be following up with a formal written response to Mr. Witt.

Michael J. Bobinsky  
Director of Public Services  
City of Portland  
55 Portland Street  
Portland, Maine 04101  
(207) 874-8801 >>> "David A. Lourie" <[david@lourielaw.com](mailto:david@lourielaw.com)> 8/12/2013 8:28 AM >>>  
I understand that you have Mr. Witt's request for 2nd curb cut. The topography of lot with reused structure appears to require 2nd parking area. Please call me if you have any questions.

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This message was sent from the Law Offices of David A. Lourie, 97 India Street, Portland ME 04101, and 189 Spurwink Avenue, Cape Elizabeth, ME 04107, (207)799-4922/cell phone (207)749-3642/Fax (207)221-1688.

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