

Inspection Services
P. Samuel Hoffses
Chief



Planning and Urban Development
Joseph E. Gray Jr.
Director

CITY OF PORTLAND

December 12, 1996

Mr. Rod Berube
295 Forest Ave.
Portland, Maine 04103

RE: 168 Curtis Rd.

Dear Sir,

Your application to construct a 22' x 36' foundation been reviewed and a permit is herewith issued subject to the following requirements. This permit does not excuse the applicant from meeting applicable State and Federal laws.

*→ to move Amato's old office onto this foundation
cor Allen & Washington*

NO CERTIFICATE OF OCCUPANCY WILL BE ISSUED UNTIL ALL REQUIREMENTS OF THIS LETTER ARE MET.

Site Plan Review Requirements

Building Inspection : Separate permits shall be required for any future decks/and or garages.2. All required of the attached memo. from Katherine Staples, city engineer shall be adhered to as outlined before an occupancy permit is issued. (memo. dated 12/10/96) 3. All permits from Public Works to move the existing bldg. to the new site shall be procured prior to moving the building.

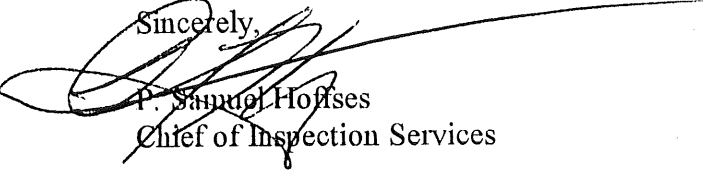
M. Schmuckal

Development Review Coordinator : Approved with conditions . (see attached) J. Wendel

Building and Fire Code Requirements

1. Please read and implement items 1,2,13, 18 of the attached Building Permit Report.

Sincerely,


P. Samuel Hoffses
Chief of Inspection Services

cc: M. Schmuckal , J. Wendel

"plan to renovate it, blend it into the neighborhood"

CITY OF PORTLAND
PUBLIC WORKS DEPARTMENT
ENGINEERING SECTION

MEMORANDUM

TO: Marge Schmuckal, Inspections
FROM: Katherine A. Staples, PE, City Engineer *KAS*
SUBJECT: Request to Build Within a City Sewer Right of Way
DATE: December 10, 1996

*-168 Curtis Rd
389-G-24*

*TODD
Merkle*

Rod Berube contacted this office on Friday, November 15, 1996 in the course of researching two parcels of land upon which he was interested in building a house. One of these parcels is Lot 4 of the St. Angelo Subdivision, between 134 and 174 Curtis Rd. Lot 4 has a 30' sewer easement running through the middle of the lot. It is the City of Portland's policy not to allow encroachments on any of its easements. As the sewer easement runs through the middle of the lot, it appears(at best) difficult to construct a home on the lot. Consequently, Mr. Berube explained an idea that he had for building a house on said Lot 4. The attached photocopy depicts this idea, and shows a house foundation built up against the easterly side of the sewer right of way.

The southwest corner of the house's foundation would be built up to the edge of the sewer right of way but not over the line. The result would be a truncated foundation corner on the back of the house. Mr. Berube would then like to frame up the house so that the truncated back corner was squared off like any other home; this means that the house's framing would extend out beyond the foundation and encroach on the sewer right of way from above but not touch the ground. My staff and I explained to him the reasoning behind the need for a 30' sewer easement and that any encroachments made on City easements are done solely at the abutter's risk and liability. After some additional discussion my staff and I proposed to Mr. Berube that if the City of Portland could be certain beyond a reasonable doubt that the proposed building would be built in such a way as not to interfere with the City's use of the sewer easement, then perhaps we could allow his building of the proposed home and its subsequent encroachment on our sewer right of way. In order to assure the City of Portland of this, Mr. Berube needs to have a foundation laid out by a land surveyor and verify the actual location of the existing sewer within the right of way. The Engineering Section feels that the only way to insure that the proposed building does not adversely encroach on the sewer easement is for Mr. Berube to do the following:

1. He must hire someone to verify the actual location of the sewer as it currently exists. This may involve excavation of the ground in and around the proposed

encroachment to confirm the sewer's actual location, as it may vary from the locations shown on paper plans.

2. Once the sewer pipe is exposed it should be located by a licensed land surveyor. The land surveyor will then endeavor to locate the sewer right of way and stake out the location of the proposed foundation, per an agreed upon location. These stakes are to be used in locating and constructing the proposed foundation.
3. A plan showing the location for the foundation and its relationship (i.e. distances and elevation differences) to the existing sewer pipes and sewer right of way should then be submitted to the City for review before construction begins. Both Mr. Berube and the City of Portland should sign an agreement outlining the contents of these 5 steps.
4. After the foundation has been completed, a land surveyor must verify the location of the foundation as it was built and report his finding to the City of Portland as well as Mr. Berube; preferably through an amendment to the plan mentioned in Step 3. This will allow the City to make sure that the foundation is properly placed on the parcel of land before Mr. Berube begins building the house on the foundation.
5. Finally, once the house is completed a final boundary plan will need to be completed for recording in the City's Engineering Archives and the Cumberland County Registry of Deeds. This final plan should be a stamped boundary plan prepared by a licensed land surveyor. The plan should contain:
 - a statement and/or certain language which holds the City harmless from damage to the encroaching portions of the house during the course of the City's use of the sewer easement
 - the plan should have room for the signatures of Mr. Berube and a responsible City official as an acknowledgment of the conditions set forth on the plan.
 - and the plan should be a boundary survey of the whole lot depicting the improvements by Mr. Berube, the location of the City's sewer easement, and a prominent note describing what can and cannot be placed within a City sewer right of way. This will help to put any future owners on notice that they are not build permanent structures (e.g. fences, sheds, pools, etc.) upon the sewer right of way.

↑
same
Signed
by
1/7/97
Surveyor

In closing I believe that the City could accommodate Mr. Berube's needs while protecting the City's interests by following the steps outlined above. Please let me know if you have any questions regarding this issue.

KAS/jag

pc: Bruce A. Bell, Operations Manager
Jay Dipaolo, Waste Water and Drainage Section
Jon Giles, Assoc. Engineer

INTEROFFICE MEMORANDUM

To: Joseph Gray, Jr. Dir. of Planning & Urban Development
CC: P. Samuel Hoffses, Chief of Inspection Services
From: Marge Schmuckal *MJS*
Date: December 17, 1996
Subject: 168 Curtis Road

168 Curtis Road is meeting all of their zoning setbacks and other requirements. They do not need any variances. The only different and special consideration is thru the Public Works Department. Kathryn Staples, the City's engineer, has allowed, with a lot of surveying conditions, that small corner (maybe 20 sq. ft) of the left rear portion of the building to overhang a small portion of the City's right-of-way. The foundation is not on the City's right-of-way. Remember that zoning setbacks are measured from lot lines not from easements or right-of-ways.

The other section of the zoning ordinance that you asked as to whether it is related to this property is Section 14-438. It does not relate to this property, nor was it used in order to approve this permit. That section refers to rear and side yard setbacks that can be reduced to 2 foot from those lines if it can be shown that the adjacent, abutting property will not develop their property within their zoning setbacks. It requires an affidavit from the abutting property owner stating that the area in question will never be developed. It goes on to state that reduced setbacks will not be permitted when the area proposed for such setbacks abuts either city or state owned property. This still does not relate to the property in question because there is an easement thru the property, and again, all required setbacks are being met. No variance reduction has been given.

FROM THE DESK OF...

MARGE SCHMUCKAL
ASSISTANT CHIEF OF CODES/ ZONING ADMINIST.
CITY OF PORTLAND, MAINE
389 CONGRESS STREET - CITY HALL, ROOM 315
PORTLAND, MAINE 04101

(207) 874-8300 EXT. 8695
Fax: 874-8716

my copy

Presumpscot River Place II
Portland, Me 04103
December 22, 1996

Mr. P. Samuel Hoffses
Chief of Code Enforcement
City of Portland, Me

Received
12/23/96

RE: 168 Curtis Rd

Dear Mr. Hoffses:

We are writing to express our concerns regarding Building Permit No. 961214 issued to Mr. Rod Berube for construction at 168 Curtis Rd. (ref. 368 - G - 24). The Building Permit pertains to the construction of a new foundation on this property with the intent of moving the former Amato's office building, presently located at the corner of Washington and Allen Ave.'s, to this site and locating it on the new foundation.

We wish to take exception to the issuance of this Permit for the following reasons:

- Precedence not to allow encroachment into the existing City of Portland sewer easement.
- Lack of an approved plan for relocating the building and the required permit from Public Works
- Lack of a site plan showing all necessary utility connections.
- Failure to address regrading of the lot and its effect on drainage for this lot and those of the abutting landowners.
- Development Review Application based on a new residential building, not on a relocated structure.
- Proposed residence is out of character with this area and will not blend in with the rest of the houses in the neighborhood.

As we are sure you are aware, an existing 30' wide City of Portland sewer easement essentially bisects this property running from the southeast corner of the lot to the northwest corner. Additionally, for an R-2 Residence zoning, the City of Portland requires minimum setbacks on both the front and rear of this lot of 25' and minimum setbacks on the sides of 16' although we understand the Code does allow this to be reduced to 12' on one side if the opposite side setback is increased to 20' under certain conditions. Based on the above constraints, and the size of the proposed foundation, that being, 36' - 1" by 22' - 5", the foundation can not be constructed without encroachment into the City's easement of more than 4'. Further, the above foundation dimensions do not take into consideration the additional width that the wall footing adds to a foundation. The foundation wall footing proposed for this house is twenty inches (20") wide with a ten inch (10") wall which means that the foundation dimensions are an additional eight inches (8") wider in both directions than the Building Permit application indicates. Normally this is not a problem except when you are trying to build right on a property line or easement. This footing projection will therefore make the encroachment even greater.

We understand that the City's Engineer, Ms. Katherine A. Staples, P.E., has reviewed the Building Permit Application. We also understand that, according to Ms Staples, it is the City's policy not to allow encroachments on any of its easements. However, Ms. Staples did give a conditional approval to the construction of the foundation with certain conditions. Among the conditions was that the foundation be truncated along the easement but she did not require that the house be similarly truncated. As previously stated, it is the policy of the City of Portland not to allow encroachments on any of its easements and precedence has been set for this very easement to not allow even the structure to overhang. The garage of the house on Lot 7 of Presumpscot River Place belonging to Wilfred W. and Nancy J. Gagnon was required by the City of Portland to be truncated at its time of construction because it would otherwise be over the easement. This is extremely significant because Lot 7 is directly behind the lot on which Mr. Berube proposes to build. Based on this, it seems inappropriate to allow Mr. Berube to construct a house extending over the very same easement. Further, since the City, in essence, granted a variance to Mr. Berube to allow this, we feel it was not appropriate to do so without advising the abutting landowners of this variance and without allowing their comments.

Ms. Staples also required that Mr. Berube verify the actual location of the existing sewer as it currently exists since it may vary from the locations shown on the plans. Mr. Berube was requested to excavate to find the existing sewers and to have a Registered Land Surveyor locate the sewer and the right of way. He was further requested to have the land surveyor stake out the location of the proposed foundation in its agreed upon location. Ms. Staples asked Mr. Berube to submit a plan to the City for review showing the proposed location of the foundation and it's relationship to the existing sewer (i.e. distances and elevation differences) before construction begins. Because Mr. Berube has not located the sewer lines, staked out the proposed foundation nor submitted the requested plan, the protection of the City's interests is in question and we feel the City should not have issued a Building Permit.

Conditional Permit

The issue of moving the building was only addressed to the extent that it was noted that a permit was required to be obtained from Public Works prior to moving the building. This does not even touch upon the logistics of such a large endeavor which we feel should be addressed before the foundation is even started. It seems illogical to allow the foundation to be constructed until all the issues concerning the move have been addressed adequately. If the foundation were constructed only to find out later that the building move is unfeasible or not cost-effective, then the issue of the safety of an open foundation would have to be addressed. This neighborhood has a number of children under the age of 8 and their safety would be at risk.

Then They'd HAVE to secure the Foundation

The most logical route for moving this building is out Allen Ave., left onto Summit Street and the right onto Curtis Rd. Because the building is 2½ stories high, all the electric, telephone and cable lines will need to be raised in order to move the building to its proposed location. This will require significant coordination between the mover, CMP, NYNEX and Time - Warner Cable. All this will take a considerable amount of time and will affect traffic on these streets. The thought of moving a 22 foot wide building down any of those streets carrying traffic including school buses and potentially emergency vehicles as well as the

Done AT night time

daily commuter traffic is inconceivable. This would also require coordination with the Portland Police, Fire and School Departments as well as any neighboring communities that may use Allen Ave. for their ambulances, etc. Signs would also be needed to give commuters advance warning of traffic delays. Additionally, once the building gets past Abby Lane, Curtis Road will be effectively blocked and no vehicles will be able to get on or out while the house is in the road. This is the only access route for approximately 35 homes and a school bus route.

The height of the building would also have an impact on the trees along this route that overhang the road. It is entirely conceivable that the mover would have to trim trees in order to move the house, particularly on the upper end of Curtis Road. Many of these trees are quite large and majestic and it would be unacceptable to the residents along the route to have their beauty destroyed by trimming to make way for the mover of a building. We also believe that a permit would be required from the City Arborist prior to cutting any of the trees on the City's property.

The City of Portland also requires that Mr. Berube show all utility connections including water, sanitary sewer, storm drain, electricity, cable and telephone, on his site plan as indicated on the Site Plan Review (Addendum) Conditions of Approval, Item #5. The current plan does not include any of this information. The Building Permit should not have been issued until all information required had been provided.

It was supplied to DRC - i.e. accepted his Approval

The Building Permit application does not adequately address the issue of regrading of the site necessary in order to construct the foundation and its impact on the adjacent landowners with respect to drainage concerns. As indicated on the plan submitted with the Building Permit application, the finish floor of the basement is proposed to be at El. 104" - 4" whereas the proposed grade in the northwest corner of the foundation is at approximately 105' - 6". The top of the basement walls are at approximately El. 111' per the submitted plan. The proposed foundation walls are to be 8' high on the 10" wall footing. This means that the bottom of footing is at El. 102' - 2". In order to get below frost, which is at 4 feet below grade, the foundation must be below El 101' - 6" here or the existing grade must be raised more than proposed thereby creating drainage questions.

DRC

Because of its affects on the abutting landowners, we feel it is appropriate to have the revised plans reviewed prior to the issuance of the Building Permit and not after construction has started.

The City of Portland Development Review Application was submitted as if the building were a new residential structure and not one that was being relocated. In Ms. Staple's review, she discussed the construction as if it were to be built on site and not an existing building to be moved to this site. The Development Review Application did not address the change of use issue either. At its present location, the building, although originally a residence, is an office building in a B-1 zone. Mr. Berube proposes to move this building and make it an R-2 zone dwelling. According to the BOCA 1996 Building Code, Section 3405.0, Change of Occupancy, the Code Official shall certify that such structure

If it is not a change of use AT THIS SITE - IT IS A NEW ORIGINAL USE - Can an older Bldg

meets the intent of the provisions of law governing building construction for the proposed occupancy, and that such change of occupancy does not result in any greater hazard to the public health, safety or welfare. With regards to moving the building, Mr. Berube is moving the structure within the same jurisdiction and therefore is required by the BOCA 1996 Building Code, Section 3407.8, Moved Structures, to comply with the provisions of the code for new structures. This would include plumbing and electrical upgrades to the current codes, adding smoke detectors, as well as removing any hazardous materials. The existing building is quite old and although it has been modernized somewhat, we believe it probably contains lead-based paints and lead solder in the plumbing. We also suspect that it has asbestos somewhere within the building, be it in the floor tiles, the roof shingles and/or the heating system. For the safety of all the children in our neighborhood, these materials must all be removed from this building and the structure certified to be free of all hazardous materials by a licensed industrial hygienist before it is moved from its present location.

→ Kevin Carroll was prior to permit issuance

states on local
→ No Law requires this

The Building Permit Application listed the cost of the work to be \$19,000 which we consider to significantly underestimated. Included with the application was a quote for the foundation and the basement slab of \$5,221.00. This quote does not appear to include the excavation costs. Nor does it include the cost of moving the house to the site. It is hard to imagine that the hole can be dug, the house can be moved to the site, all the necessary code upgrade work can be done, all the lead, asbestos and other hazardous materials removed from the house and the house interior reconstructed for the remaining \$13,189.00. Anyone who has had a basement refinished or a garage built knows that this can easily exceed \$10,000.

our est. is not on moving costs - there is a sep. permit thru public works req. for that

The Development Review Application reviewed by Mr. Jim Wendel on Nov. 25, 1996 included a list of 15 conditions that will be enforced on Mr. Berube's site plan. These included a copy of the Sewer Permit being submitted to the Development Review Coordinator, and a Street Opening Permit. We also understand that Section 25-135 does not allow Street Opening Permits to be issued between Nov. 15 and April 15. Therefore, Mr. Berube will not be allowed to change the location of his driveway from the north end of his lot to the south end as proposed on the site plan until next April. He may further have difficulty making his utility tie-ins unless they are presently terminated on his property.

Marge Schmuckal performed a second review of the Application on Dec. 10, 1996 providing further conditions. Among the conditions put forth by Ms. Schmuckal was that Mr. Berube obtain a permit to move the existing building from the Public Works Dept. prior to moving the building. It would seem more appropriate to require Mr. Berube to have the Permit in hand prior to issuing the Building Permit and not after.

→ This is my Zoning review which is normal

→ nothing requires this

As previously stated, the existing building is a very old structure. We feel it would be out of place in the location proposed by Mr. Berube and would be more appropriate relocated to a neighborhood where it would blend in with the other houses. Because Lot 4 is so impacted by easements and setbacks, the house cannot be positioned on the lot in the orientation that it is presently in. What this means is that the front of the house will be facing a side of the lot and a side of the house will be facing the street making for a very awkward

<u>NAME</u>	<u>SIGNATURE</u>	<u>ADDRESS</u>
1. <u>Paul Gillis</u>	<u>Paul Gillis</u>	<u>7 Whaleboat Road Portland, ME</u>
2. <u>Carol Gillis</u>	<u>Carol Gillis</u>	<u>7 Whaleboat Rd. Portland, ME</u>
3. <u>Jennifer T. Mull</u>	<u>Jennifer T. Mull</u>	<u>174 Curtis Rd Portland, ME</u>
4. <u>Charles W. Mull</u>	<u>Charles W. Mull</u>	<u>174 Curtis Rd PORTO, ME</u>
5. <u>John C. Burton</u>	<u>John C. Burton</u>	<u>158 Curtis Rd Portland Me.</u>
6. <u>Sarah A. Burton</u>	<u>Sarah A. Burton</u>	<u>158 Curtis Rd Portland Me</u>
7. <u>Howard Strang</u>	<u>Howard Strang</u>	<u>1103 CURTIS RD, PORTLAND, ME</u>
8. <u>Katherine S. Strang</u>	<u>Katherine S. Strang</u>	<u>1103 Curtis Rd. Port., ME</u>
9. <u>Linda A. Morris</u>	<u>Linda A. Morris</u>	<u>10 Overseer Rd. Port. ME</u>
10. <u>Christine R. Foley</u>	<u>Christine R. Foley</u>	<u>189 Curtis Rd. PORT ME.</u>
11. <u>Kevin B. Foley</u>	<u>Kevin B. Foley</u>	<u>189 Curtis Rd Portland, Me</u>
12. <u>Robert Reno Jr</u>	<u>Robert Reno Jr</u>	<u>45 Overseer Rd, Portland Me</u>
13. <u>Ross Weber</u>	<u>Ross Weber</u>	<u>51 Overseer Rd. Portland, Me</u>
14. <u>Barbara Peisner</u>	<u>Barbara Peisner</u>	<u>26 Overseer Rd. Portland ME</u>
15. <u>Michael Peisner</u> <u>MICHAEL PEISNER</u>	<u>Michael Peisner</u>	<u>26 OVERSEER RD, PORTLAND</u>
16. <u>William M. Woods</u>	<u>William M. Woods</u>	<u>19 Whitehead Cir Portland</u>
17. <u>Lynn Woods</u>	<u>Lynn Woods</u>	<u>19 Whitehead Cir. Pk</u>
18. <u>David P. Laetsch</u>	<u>David P. Laetsch</u>	<u>24 Whitehead Circle Pk</u>
19. <u>Barbara L. Laetsch</u>	<u>Barbara L. Laetsch</u>	<u>24 Whitehead Circle Pk.</u>
20. <u>Steve D. Amet</u>	<u>Steve D. Amet</u>	<u>20 Whitehead Circle</u>

NAME	SIGNATURE	ADDRESS
21. <u>Therese B. Damato</u>	<u>Therese B. Damato</u>	<u>20 Whitehead Circle</u>
22. <u>Nancy M. Mattis</u>	<u>Nancy M. Mattis</u>	<u>11 Whitehead Circle</u>
23. <u>MICHAEL J. MATTIS</u>	<u>Michael J. Mattis</u>	<u>11 WHITEHEAD CIR.</u>
24. <u>Denise Connick</u>	<u>Denise Connick</u>	<u>22 Whaleboat Rd</u>
25. <u>Paul Jones</u>	<u>Paul Jones</u>	<u>15 Whitehead Rd.</u>
26. <u>Valerie Jones</u>	<u>Valerie Jones</u>	<u>16 Whaleboat Rd.</u>
27. <u>RAY JONES</u>	<u>Ray Jones</u>	<u>16 Whaleboat Rd</u>
28. <u>Steve Morris</u>	<u>Steve Morris</u>	<u>10 OVERT ROAD</u>
29. <u>NANCY CAGNON</u>	<u>Nancy Cagon</u>	<u>61 Clapboard Rd</u>
30. <u>Engene G. Ardito</u>	<u>Engene G. Ardito</u>	<u>17 Overset Rd</u>
31. <u>Barbara W. Ardito</u>	<u>Barbara W. Ardito</u>	<u>17 Overset Rd,</u>
32. <u>TIMOTHY L. LAYTON</u>	<u>Timothy L. Layton</u>	<u>11 OVERT RD.</u>
33. <u>Roberta A. Layton</u>	<u>Roberta A. Layton</u>	<u>11 Overset Road</u>
34. <u>Sheryl A. Simmons</u>	<u>Sheryl A. Simmons</u>	<u>5 Overset Road</u>
35. <u>Deane J. Simmons</u>	<u>Deane J. Simmons</u>	<u>5 Overset Road</u>
36. _____	_____	_____
37. _____	_____	_____
38. _____	_____	_____
39. _____	_____	_____
40. _____	_____	_____

From: Robert B Ganley
To: SPH
Date: 12/23/96 1:17pm
Subject: House being moved

168 Curtis Rd

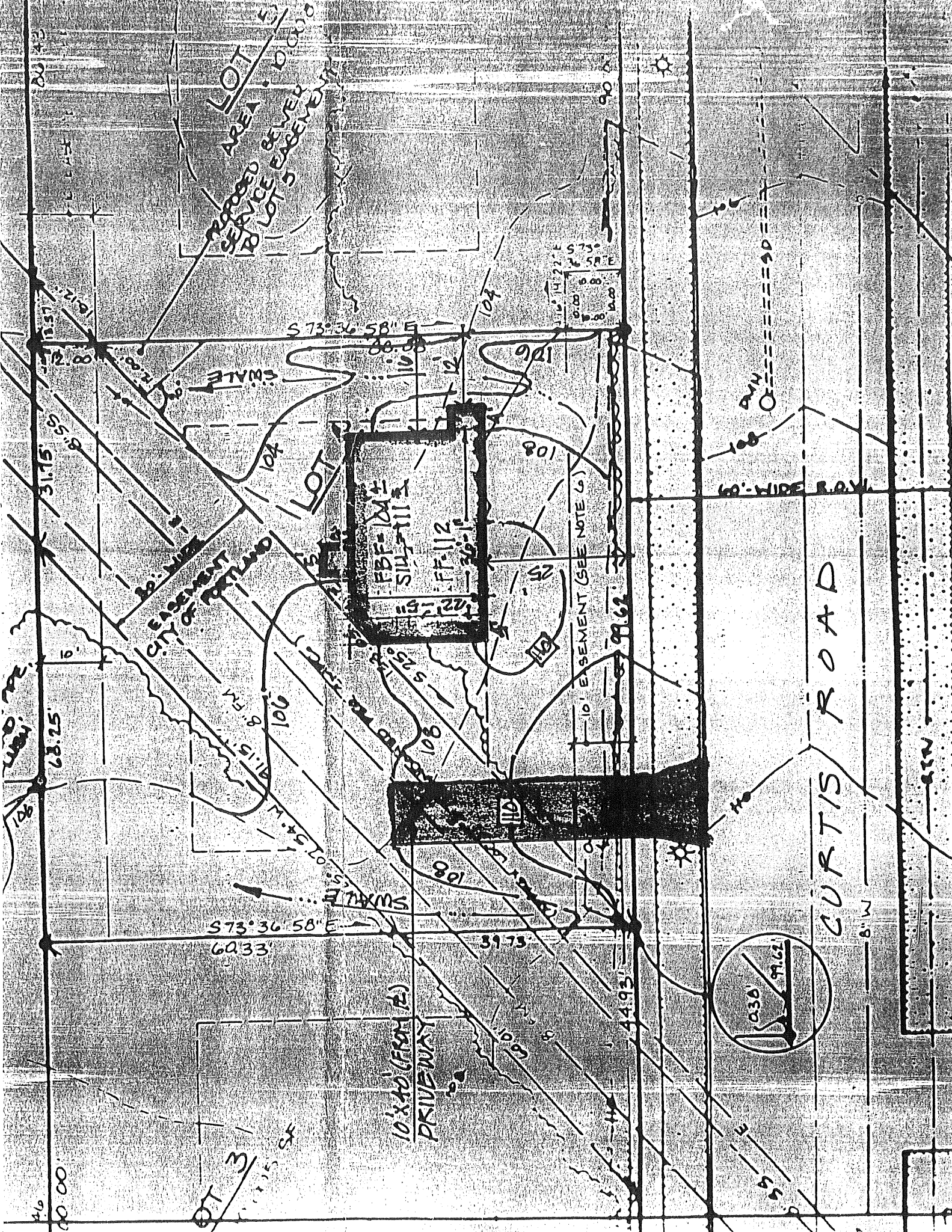
Please update me on this. I've been told there are covenants out there (Presumscott Place) which require garages.
Do you know anything about this.

From: Sam Hoffses
To: RBG
Subject: House being moved -Reply

On December 12, 1996 we issued a building permit to Mr. Rod Berube to move the the old Amato's office building (converted dwelling unit) to 168 Curtis Rd.. This permit went through all the regular permit process,which included Public Works because of the city's easement on the proposed building site.

After a very close review of this application and with many requirements this permit was granted. No covenants was shown on the permit application or mention to us.

Covenants historical are a civil action taken by the organization which establisht them, not action taken by the city.



LOT 104
SERVICED BELIEVED
TO BE EASEMENT

EASEMENT
CITY OF PORTLAND

EBF-104 ±
S14-111 ±
FF-112
39-11

10 x 40 (FRONT)
DRIVEWAY

CURTIS ROAD

0.36
97.62

60-WIDE R.O.W.

8-W

10' EASEMENT (SEE NOTE 6)

S73°36'58" E
60.33'

39.75'

44.93'

31.15'

68.25'

100.00'

S73°36'58" E
88.00'

S16°14'22" E
8.00'
8.00'
8.00'
8.00'

104

101

108

108

108

108

LOT 3

SE

OWN

OWN

OWN

Inspection Services
P. Samuel Hoffses
Chief



Planning and Urban Development
Joseph E. Gray Jr.
Director

CITY OF PORTLAND

December 26, 1996

Mr. Rod Berube
295 Forest Ave.
Portland ME 04101

re: 168 Curtis Rd. (389-G-024)

Dear Mr. Berube:

On December 26, 1996, a Stop Work Order was placed on the above-referred property because work was started without the pre-construction requirements set forth on your building permit.

No work is to be done on this site until all requirements are met. If you should have any questions on this matter, please call this office.

Sincerely,

Kevin Carroll, Code Enforcement Officer #7

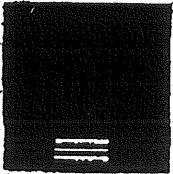
cc: P Samuel Hoffses, Chief of Inspection Services
Marge Schmuckal, Zoning Administrator

lec

From: Marge Schmuckal
To: aqj *Alex*
Subject: approved site plans - building windows

Alex,
12/30/96

I need a memo from you that states that the building windows which are shown on subdivision plans are not necessarily binding as long as the current land use ordinance is met. To explain further: This is in regards to 168 Curtis Road. I am anticipating an appeal thru Chris Naigle, atty, for the neighborhood, challenging my allowance for a setback. The original subdivision plan showed a building window of a two story building (14' on the side). Although this permit was for a two story building, a portion of it extends closer to the side line on one side. As the Land Use regs say, for every foot reduced on one side, it shall be added on to the other side, but shall not be reduced more than 12 foot. This reduction was allowed in this case. However, it is being challenged to the Board of Appeals because it extends over the building envelope shown on the approved subdivision plan. So I need something from you explaining why those envelope lines are on the plans and how binding they are. If you have any more questions on this, give me a call x8695.



DeLUCA HOFFMAN ASSOCIATES, INC.
CONSULTING ENGINEERS

778 MAIN STREET
SUITE 8
SOUTH PORTLAND, MAINE 04106
TEL 207 775 1121
FAX 207 879 0896

- ROADWAY DESIGN
- ENVIRONMENTAL ENGINEERING
- TRAFFIC STUDIES AND MANAGEMENT
- PERMITTING
- AIRPORT ENGINEERING
- SITE PLANNING
- CONSTRUCTION ADMINISTRATION

MEMORANDUM

TO: Code Enforcement

FROM: Jim Wendel, Development Review Coordinator

DATE: January 2, 1997

RE: Site Plan Amendment
168 Curtis Road

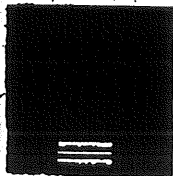
On December 31, 1996 I reviewed the amended site plan for 168 Curtis Road. From a drainage point of view the reduction of the right side yard dimension to 12' will not negatively impact drainage on site or on the abutting lot. There is sufficient side yard space to properly construct the swale.

Should you have any questions, please call.

James T. Wendel, P.E.

c: Kandi Talbot, Planning Department

JN1350.10168curts



DeLUCA HOFFMAN ASSOCIATES, INC.
CONSULTING ENGINEERS

778 MAIN STREET
SUITE 8
SOUTH PORTLAND, MAINE 04106
TEL 207 773 1121
FAX 207 879 0896

- ROADWAY DESIGN
- ENVIRONMENTAL ENGINEERING
- TRAFFIC STUDIES AND MANAGEMENT
- PERMITTING
- AIRPORT ENGINEERING
- SITE PLANNING
- CONSTRUCTION ADMINISTRATION

MEMORANDUM

TO: Code Enforcement

FROM: Jim Wendel, Development Review Coordinator

DATE: January 2, 1997

RE: Site Plan Amendment
168 Curtis Road

On December 31, 1996 I reviewed the amended site plan for 168 Curtis Road. From a drainage point of view the reduction of the right side yard dimension to 12' will not negatively impact drainage on site or on the abutting lot. There is sufficient side yard space to properly construct the swale.

Should you have any questions, please call.

James T. Wendel, P.E.

c: Kandi Talbot, Planning Department

JN1350.10168curts



APPLICATION FOR AMENDMENT TO PERMIT

Amendment No. 1

Portland, Maine, 12/30/96

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

The undersigned hereby applies for amendment to Permit No. 96/1214 pertaining to the building or structure comprised in the original application in accordance with the Laws of the State of Maine, the Building Code and Zoning Ordinance of the City of Portland, plans and specifications, if any, submitted herewith, and the following specifications:

Location 168 Curtis Rd Within Fire Limits? _____ Dist. No. _____

Owner's name and address Rod Berube 758-0859 ← call for Telephone _____

Lessee's name and address 295 Forest Ave- Ptld ME 04102 Telephone _____

Contractor's name and address SU #110 Telephone _____

Architect _____ Plans filed _____ No. of sheets _____

Proposed use of building 1-fam dwlg No. families _____

Last use _____ No. families _____

Increased cost of work n/a Additional fee \$25

Description of Proposed Work

move the deck & bulkhead - setbacks are unchanged
The entire bldg is also shifted to the right, but no closer than the original setbacks shown

Details of New Work

Is any plumbing involved in this work? _____ Is any electrical work involved in this work? _____

Height average grade to top of plate _____ Height average grade to highest point of roof _____

Size, front _____ depth _____ No. stories _____ solid or filled land? _____ earth or rock? _____

Material of foundation _____ Thickness, top _____ bottom _____ cellar _____

Material of underpinning _____ Height _____ Thickness _____

Kind of roof _____ Rise per foot _____ Roof covering _____

No. of chimneys _____ Material of chimneys _____ of lining _____

Framing lumber — Kind _____ Dressed or full size? _____

Corner posts _____ Sills _____ Girt or ledger board? _____ Size _____

Girders _____ Size _____ Columns under girders _____ Size _____ Max. on centers _____

Studs (outside walls and carrying partitions) 2x4-16" O.C. Bridging in every floor and flat roof span over 8 feet.

Joints and rafters: 1st floor _____, 2nd _____, 3rd _____, roof _____

On centers: 1st floor _____, 2nd _____, 3rd _____, roof _____

Maximum span: 1st floor _____, 2nd _____, 3rd _____, roof _____

Approved: *See memo dated 1/21/97 from Jim Wendel giving approval OK with attached conditions 1/3/97* Signature of Owner _____

LAND USE - ZONING REPORT

ADDRESS: 168 Curtis Road DATE: 1/3/97

REASON FOR PERMIT: relocate side deck & bulkhead and shift entire building to the right AS shown

BUILDING OWNER: Rod Berube C-B-L: _____

PERMIT APPLICANT: owner

APPROVED: with conditions DENIED: _____

#3, #9

CONDITION(S) OF APPROVAL

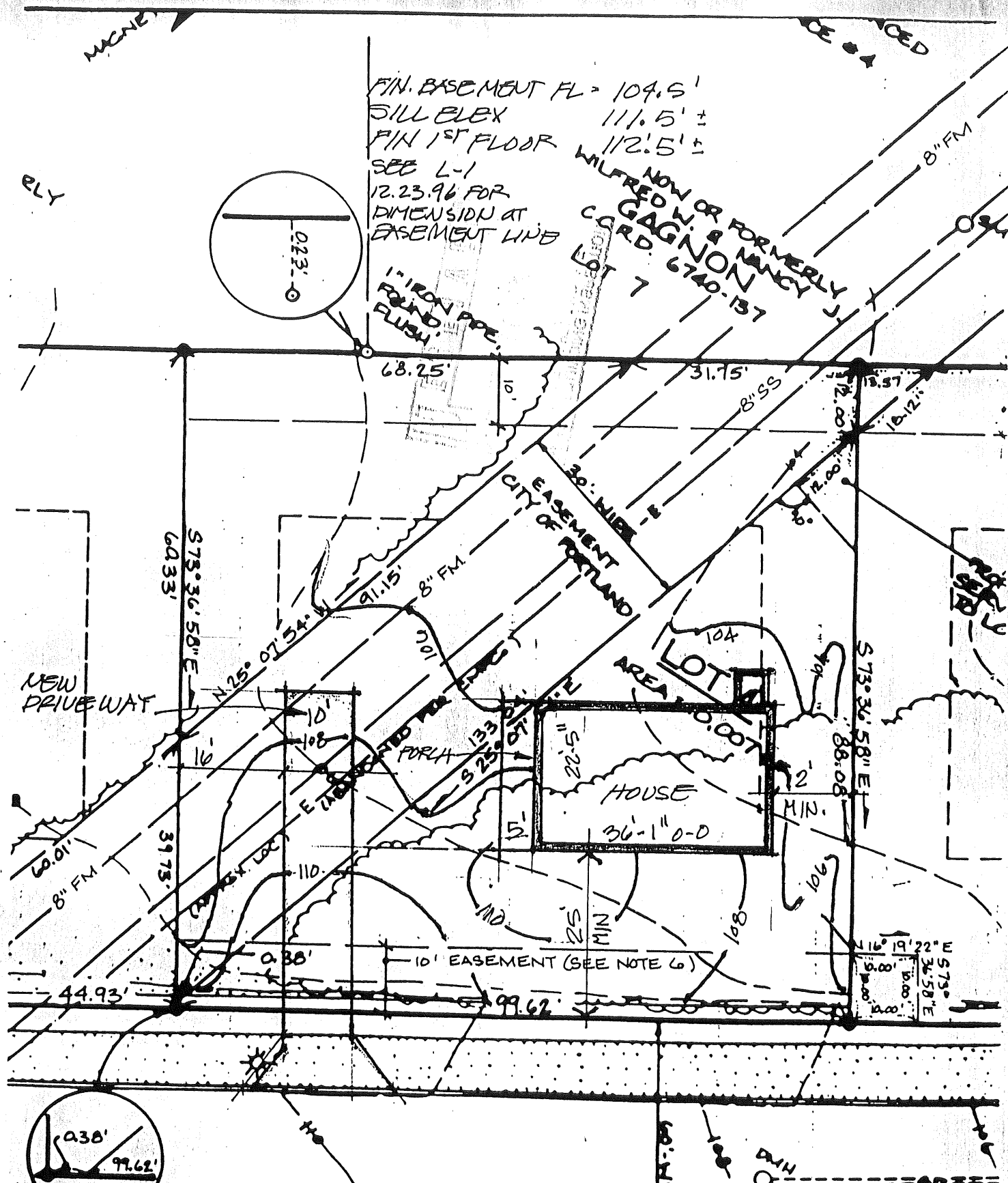
1. During its existence, all aspects of the Home Occupation criteria, Section 14-410, shall be maintained.
2. The footprint of the existing _____ shall not be increased during maintenance reconstruction.
3. All the conditions placed on the original, previously approved, permit issued on 12/12/96 are still in effect for this amendment. permit # 961214
4. Your present structure is legally nonconforming as to rear and side setbacks. If you were to demolish the building on your own volition, you will not be able to maintain these same setbacks. Instead you would need to meet the zoning setbacks set forth in today's ordinances. In order to preserve these legally non-conforming setbacks, you may only rebuild the garage in place and in phases.
5. This property shall remain a single family dwelling. Any change of use shall require a separate permit application for review and approval.
6. Our records indicate that this property has a legal use of _____ units. Any change in this approved use shall require a separate permit application for review and approval.
7. Separate permits shall be required for any signage.
8. Separate permits shall be required for future decks and/or garage.
9. Other requirements of condition please be aware that 12' is the minimum

reduction allowed on the side yard. Foundation

placement will be critical on that side for verification

Marge Schmuckal

Marge Schmuckal, Zoning Administrator,
Asst. Chief of Code Enforcement



FIN. BASEMENT FL = 109.5'
 SILL ELEV 111.5' ±
 FIN 1ST FLOOR 112.5' ±
 SEE L-1
 12.23.96 FOR
 DIMENSIONS AT
 EASEMENT LINES

WILFRED N. & NANCY J.
 GAGNON
 C.O.D. 6740-137
 LOT 7

1" IRON PIPE
 FOUND
 FLUSH

EASEMENT
 CITY OF PORTLAND

LOT 7
 AREA 0.007

HOUSE
 36'-1" 0-0

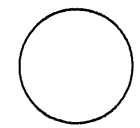
NEW DRIVEWAY

NOTE: SEE SECOND AMENDED RECORDING PLAT 1"=20' 4.13.95



LAND USE CONSULTANTS, INC.

Land Planners * Engineers * Surveyors
 966 Riverside Street Portland, Maine 04103



PREPARED FOR:
 FOD PERUBE

TITLE: SCHEMATIC
 GRADING

SCALE: 1"=20'