

Zoning Division
Marge Schmuckal
Zoning Administrator

Department of Urban Development
Joseph E. Gray, Jr.
Director



CITY OF PORTLAND

April 11, 2001

Robert L. Adam
286 Falmouth Road
Falmouth, ME 04105

RE: End of Curtis Road, rear of Alice - 389-G-003, 390-A-001, 392-A-001, 393-F-001 -
R-2 residential Zone

Dear Mr. Adam,

I am in receipt of your permit to place 10,000 cubic yards of fill, as temporary storage, on your property at the end of Curtis Road.

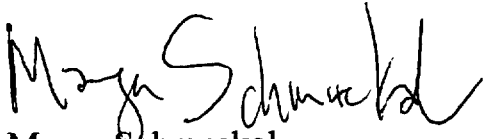
I have determined that this is not an allowable use under the R-2 zone in which this property is located. Your permit is being **denied** because it can not meet the current zoning ordinance.

I will explain my decision further. 10,000 cubic yards of fill is an enormous amount of fill. It would take approximately 333 dumpster truck loads (conservatively using 30 cubic yards each) to place 10,000 cubic yards of fill on this site. That is an immense amount of truck traffic through a single family residential neighborhood. That quantity of fill is similar in nature to a fill storage area on an industrial site. It is a use in itself. Fill storage areas are not allowed in the R-2 zone in which this property is located. Please note that the Zoning Board of Appeals does not have the authority by ordinance to grant an industrial use within a residential zone (section 14-473).

You claim that this is temporary storage for a future development, Presumpscot River Place. The proposed subdivision plan has not been approved by the Planning Board. I do realize that the Planning Board has had several meetings concerning this development. However, it is my understanding that presently, you are not actively before the Planning Board for consideration. There is no guarantee that the Planning Board will approve this proposal. Therefore, I seriously question the "temporary" status of this massive amount of fill. If this fill is placed on site and the subdivision plan is abandoned or denied by the City, this fill would certainly become permanent.

You have the right to appeal my decision (section 14-472). If you wish to exercise your rights to an appeal, you would have 30 days from the date of this letter in which to apply. Please contact my office for all the necessary paperwork in which to apply for an appeal.

Very truly yours,

A handwritten signature in black ink, appearing to read "Marge Schmuckal". The signature is written in a cursive, flowing style.

Marge Schmuckal
Zoning Administrator

CC: Sarah Hopkins, Planning
Rick Knowland, Senior Planner
Jay Reynolds, DRC
Penny Littell, Corporation Counsel
Mike Nugent, Housing and Neighborhood Services
File