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Director of Planning and Urban Development
Penny St. Louis Littell

November 7, 2008

Carol Niziolek, President
Fallbrook Condominium Association
22 Merry Meeting Drive
Portland, ME 04103

RE: 406 Ray Street – Variance to the Minimum Lot Size Requirements
CBL: 400-D-019
Permit # 2008-6004

Dear Carol,

I am in receipt of the letter from the Fallbrook Condominium Association, which was sent to the Division of Environmental Health, regarding opposition to the “variance request made by John Jordan for a Building Lot on Ray Street in Portland.” Just to be clear, this variance request is solely for the private septic system installation, not the building of a residence on this property. The following criteria substantiate the Variance to the Minimum Lot Size Requirements pursuant to provisions of 12 MSRA Section 4807 et. Seq. made by the City of Portland, acting as the Local Authority Having Jurisdiction:

1. The Maine Subsurface Waste Water Disposal Rules, 144 CMR 241 § 1000.1.1 allows the Local Plumbing Inspector to approve a lot of less than the size required in § 4807-A (20,000 sq ft), providing that the lot in question:
 - a. Has a current Application for Subsurface Waste Disposal (HHE-200) form
 - b. Can meet the provisions of a “First Time” subsurface wastewater disposal system, requiring no variances, and
 - c. The system is not an engineered disposal system.
2. The City of Portland Zoning Map in this area does not reference any mapped shoreland or stream protection areas on this or adjacent lots.
3. Currently the proposed plans meet the zoning provisions of the City of Portland Land Use Code for the development of a Single Family Home. The application is pending approval for the site plan and building code reviews.

In summary, the City of Portland Code Enforcement Office acting as the Authority Having Jurisdiction has approved the HHE-200 application and Minimum Lot Size Variance as allowed by State and Municipal codes. The permit will be released when all related pending reviews have been approved.

Please feel free to contact me at 874-8715.

Sincerely,

Jeanie Bourke
Code Enforcement Officer/Plan Reviewer