

Department of Planning & Development
Lee D. Urban, Director



CITY OF PORTLAND

Division Directors
Mark B. Adelson
Housing & Neighborhood Services

Alexander Q. Jaegerman, AICP
Planning

John N. Lufkin
Economic Development

February 4, 2004

Mr. Scott Cohen
PO Box 9715-804
Portland, ME 04104

RE: Fill Permit Application, 202 Pheasant Hill Drive
(#2004-0012) (CBL 410A025)

Dear Mr. Cohen,

On February 4, 2004, the Portland Planning Authority granted approval for a fill permit at #202 Pheasant Hill Drive with the following conditions:

1. *Prior to soil disturbance, erosion control measures shall be installed using best management practices.*
2. *Stone Check dams shall be installed as needed to address runoff from the filled area.*
3. *As previously stated, the proposed topography will blend into the existing high point contours in the fill area that range from 160 feet to 170 feet (above sea level).*

The approval is based on the submitted site plan. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.

Please note the following provisions and requirements for all site plan approvals:

1. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. A one year extension may be granted by this department if requested by the applicant in writing prior to the expiration date of the site plan.

If there are any questions, please contact the Planning Staff.

Sincerely,

Alexander Jaegerman
Planning Division Director

O:\Plan\Drc\pheasanthillfillapproval.doc

Jay Reynolds - Re: Pheasant Hill - Fill permit complaint

From: Sarah Hopkins
To: Barbara Barhydt
Date: Wed, Jul 28, 2004 12:30 PM
Subject: Re: Pheasant Hill - Fill permit complaint

I'll give him a call.

>>> Barbara Barhydt 07/28/2004 8:49:56 AM >>>
Hi Sarah:

Michael Nappi came in first thing this morning. He lives at 176 Pheasant Hill Drive and his number is 831-2671. According to Mr. Nappi, his neighbor, Scott Cole, got a fill permit last December. Runoff from the piles of fill clogged Mr. Nappi's catch basin and drainage system and filled his flower bed. Mr. Nappi cleaned all this up. Now Mr. Cole is filling again and there are no silt fences installed. He said that Mr. Cole is also putting a road through a different lot. He would like to know if Mr. Cole has permission to do what he is doing? Rick and I thought you would be the person to field this one. Thanks.

Barbara

CC: Jay Reynolds

From: Jay Reynolds
To: "scohen@parcomergedmedia.com"@Portland.gwgwia
Subject: Re: Application for Fill Permit 202 Pheasant Hill Drive Portland CBL#410A025 ID#2004-0012

>>> "Scott Cohen" <scohen@parcomergedmedia.com> 02/02/2004 9:40:07 PM >>>
Dear Jay,

I have received your letter dated January 28, 2004.

In response to #1, #2, #3, #4 - On Friday, January 30, 2004, I dropped by 4 copies of a "to scale" topographic map detailing a silt fence, limit of fill area, and proposed access roads. I highlighted the silt fence and limit of fill areas using a yellow marker. The topographic map clearly delineates the neighboring properties closest to the proposed fill area. The map I supplied to you on Friday is superior in content to the site plan from 2001 because it shows the existing topography in great detail.

In further response to #2 the proposed topography will blend into the existing high point contours in the fill area that range from 160 feet to 170 feet (above sea level.)

In response to point #5 - The accessway is across lot#23 which I own. Currently the area is frozen (due to the extent of the winter) and will support the weight of dump trucks for the fill process. The loam on lot 23 is very thin due to the great extent of ledge on the property. My plan is to level and reseed the area after the fill is complete. A copy of the deed for lot 23 is on file with the city, and if needed I can supply you with the identical paperwork. There are no curbs on this section of the street, so no curb cuts will be required. The current plan is to enter the fill area across lot #23, empty the trucks on lot #25, and exit the fill area down lot #24 on the existing driveway. I own lots #23, 24, and 25.

I was able to find a picture of the Pheasant Hill subdivision with 1M of resolution per pixel. I have marked up the photograph to represent the approximate boundaries of lots #23,24,25 and to approximate the areas to filled/accessed. This additional information was not specifically requested nor required but supplied to help clarify the fill limits and areas --- in general. (File: M25654_03016 - COLORIZED.jpg (214 KB))

Also, I marked up an electronic scan with similar but not identical information as the copies submitted on Friday January 30th. File: 202 Pheasant Hill DriveDEST2234-lores.jpg (272 KB).

Finally, Doug Reynolds at Gorrill-Palmer is available to help address site locations if necessary.

I appreciate your timely response and handling of this matter.

Sincerely,

Scott

P.S. My travel plans for this week have been re-arranged. I will be in town through Saturday the 7th --- I will be traveling after February 10th for most of the remainder of the month.

Improving the Availability of <http://www.parcowireless.com/>
Information

Scott Cohen
Chief Executive Officer Parco Wireless
509 Forest Ave
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Fill Permit Application

If you or the property owner owes real estate or personal property taxes or user charges on any property within the City, payment arrangements must be made before permits of any kind are accepted.

| | | | |
|---|--|---|--|
| Location/Address of Fill Area: <i>202 Pheasant Hill DR.</i> | | | |
| Total Cubic Yardage of Proposed Fill <i>up to 12,000 cy.</i> | | Square Footage of Lot <i>400,000 K +</i> | |
| Tax Assessor's Chart, Block & Lot Chart# <i>410</i> Block# <i>A</i> Lot# <i>25</i> | | Owner: <i>Scott Cohen</i> | Telephone: <i>207-409-8358</i> |
| Lessee/Buyer's Name (If Applicable) | Applicant name, address & telephone: <i>PO BOX 9715-804 PORTLAND ME 04104</i> | | 500cy-less \$50.00 500cy-more \$100.00 Fee: \$ <i>100.00</i> |

I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Code Official's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

| | |
|--|------------------------|
| Signature of applicant: <i>SACohen</i> | Date: <i>1/28/2004</i> |
|--|------------------------|

This is not a permit. You may not commence ANY work until the permit is issued.

FILL PERMIT SUBMISSION

- Your submission must include 4 copies of the site plan on 11" x 17" paper or greater.
- A site plan shall include: The shape and dimension of the lot, area and limits of the proposed fill area, and the distance from the actual property lines. **Any site plan not drawn to scale will not be accepted.**
- The following items are guidelines to help applicant(s) prepare a site plan for approval of land areas being filled. It is the applicant's responsibility to locate and assess all impacts as a result of the proposed filling and to acquire all applicable permits outside of the City of Portland review. Site plans shall contain the information suggested in the following guidelines:
 1. Fill elevations shall match and conform in height with the elevation of an existing road shoulder, an existing driveway or land abutting your property line. Embankments and sloped areas created by fill construction shall not exceed a 3:1 side slope or 33% grade. Areas steeper than 3:1 shall be stabilized using stone riprap, erosion control blankets, or an engineered retaining structure or system.
 2. The filled area shall be graded such as to provide positive gravity drainage from a roadside, driveway, and buildings to a ditch line, culvert, wetlands, or a common drainage system located within or adjacent to the applicant's lot.
 3. Fill shall not be placed near, within, or block the flow path of an existing drainage course. Any filling or

alteration of a wetland, shoreland, or floodplain must be reviewed as a site plan application and may require additional permitting from the Maine Department of Environmental Protection. A Site plan application includes, but is not limited to, the submission of a stamped boundary survey, a stamped professional engineered plan, stormwater management calculations, channel sizing, and associated details.

4. Siltation fence shall be installed and maintained at all times. The siltation fence shall be located along the entire downstream limits of the filled area or around the perimeter of the filled area to protect the disturbed area from siltation and possible erosion. Installation shall be initially reviewed by the Development Review Coordinator (DRC) prior to filling and must be in accordance with the Best Management Practices for Construction Erosion and Sediment Control. Silt fence may not be removed until the lawn area or disturbed area is 80% re-vegetated or is approved by the DRC.
5. The applicant shall disclose the amount, a description of type, and the origin of the proposed fill material. Fill material shall consist of non-contaminated soils free of large debris. Only under special exceptions shall sources of inert construction debris (asphalt, concrete, brick, mortar, ceramics, etc.) be utilized for fill. Special exceptions for fill material shall be reviewed by the Development Review Coordinator prior to actual placement for approval.
6. The fill material shall not remain exposed without a temporary erosion and sedimentation control or seeding application for more than 14 days. Temporary erosion control such as hay mulching must also occur on stock piled material if the time of exposure is to be greater than 14 days.
7. The filled area must be covered with 3-4" layer of loam material, free of clay, stone, roots, or wood debris. Loamed areas shall be seeded within 7 days following final grading or be covered with hay mulch until the area is ready for final seeding. If the area fails to grow grass within 14 days, the area shall be re-seeded.
8. The applicant shall complete all construction, grading, and seeding activities by September 1, or a date agreed to by the Development Review Coordinator. Failure to complete will require the applicant to apply for a permit extension.
9. The Development Review Coordinator reserves the right to require additional lot grading or other drainage improvements as necessary due to field conditions. Also, a stamped boundary survey may be required depending on the location of fill areas.

Please take notice that these are only guidelines and that the review of each application is different and is dependent on field conditions and topography. Conditions or requirements requested may exceed these guidelines in certain circumstances.

ABSOLUTELY NO SITE WORK MAY BE DONE UNTIL THE PERMIT HAS BEEN ISSUED.
THIS INCLUDES THE FOLLOWING:

BLASTING
HAULING IN FILL TO THE SITE

TREE CLEARING
ANY TYPE OF GRADING OR EARTHWORK

FILL PERMITS ARE VALID FOR ONE (1) YEAR FROM THE APPROVAL DATE. A ONE YEAR EXTENSION MAY BE GRANTED BY THIS DEPARTMENT IF REQUESTED BY THE APPLICANT IN WRITING PRIOR TO THE EXPIRATION DATE OF THE FILL PERMIT.

Department of Planning & Development
Lee D. Urban, Director



CITY OF PORTLAND

Division Directors
Mark B. Adelson
Housing & Neighborhood Services

Alexander Q. Jaegerman, AICP
Planning

John N. Lufkin
Economic Development

January 28, 2004

Mr. Scott Cohen
PO Box 9715-804
Portland, ME 04104

Dear Mr. Cohen:

RE: Application for Fill Permit, 202 Pheasant Hill Drive
(CBL#410A025) (ID#2004-0012)

Thank you for your submittal regarding the proposal to place approximately 17,000 Cubic Yards of fill at 202 Pheasant Hill Drive.

Please provide to the City a site plan, which should include, but not be limited to, the following:

1. Drawing must be to scale.
2. Existing/Proposed topography.
3. Boundary lines.
4. Erosion Control Measures
5. As shown on your sketch, the access way traverses 2 properties before reaching the fill area.
 - a. Is this access way existing or proposed?
 - b. Also, proof of access rights to cross the property(s) will need to be provided.
 - c. Will there be any curb cuts required?

As I recall, approximately 2 years ago, a site plan was generated for this lot to build a single-family dwelling. This plan included existing topography, and would be a good base map to use for your fill permit application.

Sincerely,

Jay Reynolds
Development Review Coordinator

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- 1 -

cc: Lee Urban, Planning and Development Director
Alexander Jaegerman, Planning Division Director
Sarah Hopkins, Development Review Services Manager

