



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
17 STATE HOUSE STATION  
AUGUSTA, ME 04333

DEPARTMENT ORDER  
IN THE MATTER OF

ARCHIE GIOBBI  
Portland, Cumberland County  
HOUSE LOT DEVELOPMENT  
L-25665-TC-A-N (approval)

- ) NATURAL RESOURCES PROTECTION ACT
- ) FRESHWATER WETLAND ALTERATION
- ) WATER QUALITY CERTIFICATION
- ) FINDINGS OF FACT AND ORDER

Project Description: The applicant proposes to alter 10,200 square feet of wet meadow wetlands for the development of three residential lots. The applicant proposes to develop the three lots as shown on a plan titled, "NRPA Plan View Figure 2," prepared by Licht Environmental Design, LLC, and dated, by revision, May 18, 2012. The applicant has avoided and minimized wetland impacts by locating the building lots on upland areas to the extent practicable, minimizing lawn areas to provide less than 10 feet of rear yard, and maintaining existing drainage patterns. In addition, the applicant modified the original proposal by relocating the residential structure on one of the lots, resulting in a reduction in wetland impacts. According to the Department's Geographic Information System (GIS), there are no mapped significant wildlife habitats associated with the project site. The proposed project is located between Humboldt Street and Van Vechten Street in the City of Portland.

Permit for:	<input checked="" type="checkbox"/> Tier 1
DEP Decision:	<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied (see attached letter)
CORPS Action:	<input checked="" type="checkbox"/> The Corps has been notified of your application. The following are subject to Federal screening: (1) projects with previously authorized or unauthorized work, in combination with a Tier 1 permit for a single and complete project, which total more than 15,000 square feet of altered area; (2) projects with multiple state permits and/or state exemptions which apply to a single and complete project that total more than 15,000 square feet of altered area; and (3) projects that may impact a vernal pool, as determined by the State of Maine or the Corps. If your activity is listed above, <i>Corps approval is required for your project.</i> For information regarding the status of your application contact the Corps' Maine Project Office at 623-8367.

Standard Conditions:

- 1) If construction or operation of the activity is not begun within four (4) years from the date signed, this permit shall lapse and the applicant shall reapply to the Department for a new permit. This permit is transferable only with prior approval from the Department. If the activity is associated with a larger project, starting any aspect of that project constitutes start of construction.
- 2) The project shall be completed according to the plans in the application. Any change in the project plans must be reviewed and approved by the Department.
- 3) Properly installed erosion control measures shall be installed prior to beginning the project, and all disturbed soil should be stabilized immediately upon project completion.



L-25665-TC-A-N

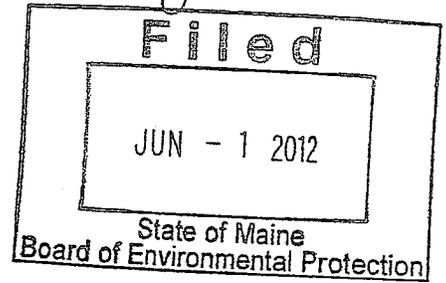
- 4) A copy of this approval will be sent to the City of Portland. Department approval of your activity does not supersede or substitute the need for any necessary local approvals.

THIS APPROVAL DOES NOT CONSTITUTE OR SUBSTITUTE FOR ANY OTHER REQUIRED STATE, FEDERAL OR LOCAL APPROVALS NOR DOES IT VERIFY COMPLIANCE WITH ANY APPLICABLE SHORELAND ZONING ORDINANCES.

DONE AND DATED IN AUGUSTA, MAINE, THIS 31<sup>st</sup> DAY OF May, 2012.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Michael Kuhn for  
Patricia W. Ahp, Commissioner



PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES...

LVL25665AN/ATS74607



## NOTICE OF SIDEWALK WAIVER AS PART OF SUBDIVISION APPROVAL

On June 26, 2012, the **City of Portland Planning Board** considered and approved a proposal to create a 4 lot subdivision along Humboldt Street and Van Vechten Street, Portland, Cumberland County, Maine, in the vicinity of 74 Huntington Avenue, Portland, Maine, on property owned by **Archie S. Giobbi and Matilida M. Giobbi**, and being more particularly described in a deed recorded in the Cumberland County Registry of Deeds in Book 29269, Page 288. The Planning Board reviewed the proposal for conformance with the standards of the City of Portland Subdivision Ordinance. Among other things, the Planning Board voted to approve the following Sidewalk Waiver:

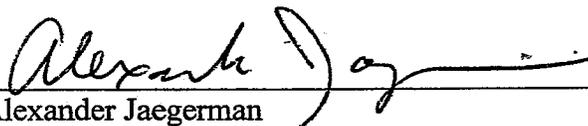
### Sidewalk Waivers

1. The Planning Board voted 6-0 (Lewis absent) that two of the following criteria do apply (namely 3 and 6), and therefore waives the requirement for a sidewalk along the Humboldt Street and Huntington Avenue frontages [note: the sidewalk along the Van Vechten Street frontage was previously waived under a Street Extension Approval dated June 12, 2011 Project ID 10-7970001]:

- 1) There is no reasonable expectation for pedestrian usage coming from, going to and traversing the site.
- 2) There is no sidewalk in existence or expected within 1000 feet and the construction of sidewalks does not contribute to the development of a pedestrian oriented infrastructure.
- 3) A safe alternative-walking route is reasonably available, for example, by way of a sidewalk on the other side of the street.
- 4) The reconstruction of the street is specifically identified in the first or second year of the current capital improvement program.
- 5) The street has been constructed or reconstructed without sidewalks within the last 24 months.
- 6) Strict adherence to the sidewalk requirement would result in the loss of significant site features related to landscaping or topography that are deemed to be of a greater public value.

This certificate is being recorded pursuant to 30-A M.R.S.A. § 4406, but in advance of the recording of the subdivision plat in order to ensure that a public record is made and recorded within 90 days from the granting of the waiver or variance from such subdivision standard. The fact of the granting of the within sidewalk waiver will also appear on the subdivision plat, when recorded.

Dated this 9<sup>th</sup> day of August, 2012.

  
 Alexander Jaegerman  
 City of Portland Planning Division Director



Doc#: 43857 Bk:29827 Pg: 274

Inspections Division  
Date: 11/13/13

STATE OF MAINE  
COUNTY OF CUMBERLAND, ss.

August 9, 2012

Then personally appeared the above named Alexander Jaegerman and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of the said Portland Planning Board.

Before me,

*Theresa L. Bourdon*

Printed Name: Theresa L. Bourdon

Notary Public/Maine Attorney at Law

My Commission Expires: 10/26/14

SEAL

Received  
Recorded Register of Deeds  
Aug 10, 2012 09:56:05A  
Cumberland County  
Pamela E. Lovley



Temporary Construction/Grading Easement  
Caiazzo to Giobbi

We, Henry A. Caiazzo and William I. Caiazzo, of 34 Files Road Gorham, Maine 04038, (the "Grantors") for valuable consideration, the receipt of which is hereby acknowledged, hereby grant to Archie S. Giobbi and Matilda M. Giobbi, (the "Grantee") with a mailing address of 1184 Washington Avenue Portland Maine 04103, the following described easement over the land of the Grantors located on Van Vechten and Humboldt Streets in the City of Portland, County of Cumberland and State of Maine as described and shown as " Proposed Sale to Caiazzo 2002.40 Sq. Ft., and Proposed Sale to Caiazzo 1302.08 Sq. Ft. on a plan titled "Proposed Subdivision Plan of the Humboldt Project, Humboldt, Huntington and Van Vechten Streets Portland, Maine for Archie Giobbi dated June 19, 2012 said plan prepared by Robert T. Greenlaw, PLS of 134 Portland Avenue Old Orchard Beach, Maine. Said plan approved by the City of Portland Planning Board on June 26, 2012 and to be recorded in the Cumberland County Registry of Deeds (the "Registry").

Said Easement for the benefit of the adjoining land of the Grantee as shown on the above mentioned plan and described in a deed recorded in the Registry in Deed Book 29269, Page 288.

Grantors hereby conveys to Grantee the right to enter, travel and grade a portion of the above described land of the Grantors with equipment and materials as part of the construction project to occur on the Grantee's adjoining land. Upon completion of the project, the area affected shall be graded, loamed and seeded. Grantee shall water and maintain the affected area until the replacement grass cover is established. This easement shall expire 24 (twenty-four) months from the beginning of construction and grading with the exception of the maintenance obligations of the Grantee.

Grantee shall enter upon and exercise it's rights under this agreement at the Grantee's sole risk and hereby releases the Grantors from and indemnifies, defends and holds harmless the Grantors from any loses, costs, claims, expenses and liabilities suffered by the Grantors on account of any injury to persons or damage to equipment or property during the course of the construction project.

Grantee shall keep the Property free of mechanics liens arising from any work on the Grantees project and shall hold the Grantors harmless should any lien arise.

IN WITNESS WHEREOF, Henry A. Caiazzo and William I. Caiazzo, has hereunto set there hand this \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
William I. Caiazzo

\_\_\_\_\_  
Witness  
State of Maine  
County of Cumberland

\_\_\_\_\_  
Henry A. Caiazzo

\_\_\_\_\_, 2012

Then personally appeared the above named, Henry A. Caiazzo and William I. Caizzo, and acknowledged the foregoing instrument to be their free act and deed.

Before me,

\_\_\_\_\_

Attorney-at-Law / Notary Public

RAIN GARDENS: LOTS 1 & 2



Inspections Division  
Date: 11/13/13

Easement Deed  
Humboldt Street  
15'x15' Easement

KNOW ALL PERSONS BY THESE PRESENTS, that Matilda M. Giobbi and Archie S. Giobbi (the Grantors), with a mailing address of 1184 Washington Avenue, Portland, Maine, in consideration of One Dollar (\$1.00) and other valuable consideration paid by \_\_\_\_\_, does hereby grant and release to the said \_\_\_\_\_ a storm water easement as described in Exhibit A attached hereto and incorporated herein by reference.

Said easement for the purpose of and conveying the right to perpetually maintain through, under and across said easement area an access way with all necessary fixtures and appurtenances for installing and maintaining to perpetually maintain through, under, and across said property conduits or pipelines with all necessary fixtures and appurtenances for conveying storm water, to lay, relay, repair, maintain, clean and remove said storm water pipe or pipes upon or under said easement area, with all necessary fixtures and appurtenances, together with the right at all times to make connections with said conduits or pipelines to land adjoining said sewer and drainage easement by means of pipes or other services; to trim, cut down and remove trees, bushes, and other vegetation of all kinds, to remove debris and deposits of any kind and to alter and regrade the contours of said easement to such extent as in the sole judgment of the Grantee is necessary or appropriate for any of the above purposes; and to enter upon said easement at any and all times for any of the foregoing purposes, reserving to the Grantor and their successors and assigns the use and enjoyment of said strips and for such purposes only as will in no way interfere temporarily or otherwise with the perpetual use thereof by the Grantee, its successors and assigns for the purpose above mentioned, provided that no building or any kind of permanent structure, including, but not limited to, walls and fences, shall be erected on said strip by the Grantors, their successors or assigns; and that the Grantors, their successors and assigns shall not remove earth from said easement without the written permission of the Grantee, its successors and assigns.

Said easement is also subject to an Inspection and Maintenance Plan for Storm water Management Facilities incorporated herein and made part of this conveyance.

This easement and the structures therein shall be developed/constructed with storm water management Best Management Practices as detailed on the accompanying plans entitled "Lot Development Plan, Humboldt project " prepared by Licht Environmental Design, LLC; plan sheet C-100 revision 3 dated



06-19-2012 and "Details", sheet C-101 revision 2, dated 05-23-2012. Best Management Practices to include:

- a. Roof line drip edges
- b. Individual lot rain gardens (bio-cells)

Also, it shall be known that the City of Portland does not own the storm water conduits, fixtures or pipelines associated with this project and is not responsible for their repair and/or maintenance.

In witness whereof, the said grantors Matilda M. Giobbi and Archie S. Giobbi have hereunto caused this instrument to be signed this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Matilda M. Giobbi

\_\_\_\_\_  
Witness  
STATE OF MAINE  
CUMBERLAND, §

\_\_\_\_\_  
Archie S. Giobbi  
\_\_\_\_\_, 2012

Personally appeared the above-named Matilda M. Giobbi and Archie S. Giobbi acknowledged the foregoing instrument to their free act and deed.

Before Me,

\_\_\_\_\_  
Notary Public/Attorney

L.S

\_\_\_\_\_  
Printed Name



**Exhibit A  
15'x15' foot  
Easement**

A certain Easement over a portion of premises now or formerly of Matilda M. Giobbi and Archie S. Giobbi (the Grantors) located on the westerly sideline of Humboldt Street, in the City of Portland, County of Cumberland and State of Maine, being more particularly described as follows:

Beginning at a 5/8-inch steel rebar capped with a plastic cap inscribed with BH2M PLS #2109, said rebar found on the westerly sideline of Humboldt Street at the common lot corner of Lots # 1 and #2 as shown on a plan titled "Subdivision Plan of the Humboldt Project prepared for Archie Giobbi by Robert T. Greenlaw PLS of 134 Portland Ave Old Orchard Beach, Maine" said plan dated June 12, 2012 and approved by the City of Portland Planning Board on June 26, 2012, said plan to be recorded in the Cumberland County Registry of Deeds;

Thence, by and along the aforementioned westerly sideline of Humboldt Street, North 33°-44'-12" West, a distance of 7.5 feet;

Thence, turning through the aforementioned Lot #2, South 56°-12'-06" West, a distance of 15.00 feet;

Thence, turning through said Lot #2 and Lot #1, South 33°-44'-12" East, a distance of 15.00 feet;

Thence, turning through Lot #1, North 56°-12'-06" East, a distance of 15.00 feet to the westerly sideline of Humboldt Street;

Thence, by and along the westerly sideline of Humboldt Street, North 33°-44'-12" West, a distance of 7.5 feet to the Point of Beginning.

The above described easement is comprised of 225 square feet of area.

Bearings area based upon the Maine State Grid West Zone.

The above description is based upon a plan titled "Subdivision Plan of the Humboldt Project prepared for Archie Giobbi by Robert T. Greenlaw PLS of 134 Portland Ave Old Orchard Beach, Maine" said plan dated June 12, 2012 and approved by the City of Portland Planning Board on June 26, 2012, said plan to be recorded in the Cumberland County Registry of Deeds;

Meaning to convey and hereby conveying an easement over a portion of the premises conveyed to Archie S. Giobbi and Matilda M. Giobbi by virtue of a deed recorded in the Cumberland County Registry of Deeds in Deed Book 29269, Page 288.



## Easement Deed

### Easement over Lots 1, 2 and 3

KNOW ALL PERSONS BY THESE PRESENTS, that Matilda M. Giobbi and Archie S. Giobbi (the Grantors), with a mailing address of 1184 Washington Avenue, Portland, Maine, in consideration of One Dollar (\$1.00) and other valuable consideration paid by \_\_\_\_\_

a storm water easement as described in Exhibit A attached hereto and incorporated herein by reference.

Said easement for the purpose of and conveying the right to perpetually maintain through, under and across said easement area an access way with all necessary fixtures and appurtenances for installing and maintaining to perpetually maintain through, under, and across said property conduits or pipelines with all necessary fixtures and appurtenances for conveying storm water, to lay, relay, repair, maintain, clean and remove said storm water pipe or pipes upon or under said easement area, with all necessary fixtures and appurtenances, together with the right at all times to make connections with said conduits or pipelines to land adjoining said sewer and drainage easement by means of pipes or other services; to trim, cut down and remove trees, bushes, and other vegetation of all kinds, to remove debris and deposits of any kind and to alter and regrade the contours of said easement to such extent as in the sole judgment of the Grantee is necessary or appropriate for any of the above purposes; and to enter upon said easement at any and all times for any of the foregoing purposes, reserving to the Grantor and their successors and assigns the use and enjoyment of said strips and for such purposes only as will in no way interfere temporarily or otherwise with the perpetual use thereof by the Grantee, its successors and assigns for the purpose above mentioned, provided that no building or any kind of permanent structure, including, but not limited to, walls and fences, shall be erected on said strip by the Grantors, their successors or assigns; and that the Grantors, their successors and assigns shall not remove earth from said easement without the written permission of the Grantee, its successors and assigns.

Said easement is also subject to an Inspection and Maintenance Plan for Storm water Management Facilities incorporated herein and made part of this conveyance.

This easement and the structures therein shall be developed/constructed with storm water management Best Management Practices as detailed on the accompanying plans entitled "Lot Development Plan, Humboldt project" prepared by Licht Environmental Design, LLC; plan sheet C-100 revision 3 dated



06-19-2012 and "Details", sheet C-101 revision 2, dated 05-23-2012. Best Management Practices to include:

- a. Roof line drip edges
- b. Individual lot rain gardens (bio-cells)

Also, it shall be known that the City of Portland does not own the storm water conduits, fixtures or pipelines associated with this project and is not responsible for their repair and/or maintenance.

In witness whereof, the said grantors Matilda M. Giobbi and Archie S. Giobbi have hereunto caused this instrument to be signed this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Matilda M. Giobbi

\_\_\_\_\_  
Witness  
STATE OF MAINE  
CUMBERLAND, §

\_\_\_\_\_  
Archie S. Giobbi  
\_\_\_\_\_, 2012

Personally appeared the above-named Matilda M. Giobbi and Archie S. Giobbi acknowledged the foregoing instrument to their free act and deed.

Before Me,

\_\_\_\_\_  
Notary Public/Attorney

L.S

\_\_\_\_\_  
Printed Name



**Exhibit A  
Easement over Lots 1, 2 and 3**

A certain easement over a portion of premises now or formerly of Matilda M. Giobbi and Archie S. Giobbi (the Grantors) located on the westerly sideline of Humboldt Street, in the City of Portland, County of Cumberland and State of Maine, being more particularly described as follows:

Beginning at a 5/8-inch steel rebar capped with a plastic cap inscribed with BH2M PLS #2109, said rebar found at the most northeasterly property corner of land now or formerly of Sheree L. Forrest as described in a deed recorded in the Cumberland County Registry of Deeds (the Registry) and the most southeasterly Lot corner of Lot #3 as shown on a plan titled "Subdivision Plan of the Humboldt Project prepared for Archie Giobbi by Robert T. Greenlaw PLS of 134 Portland Ave Old Orchard Beach, Maine" said plan dated June 12, 2012 and approved by the City of Portland Planning Board on June 26, 2012, said plan to be recorded in the Cumberland County Registry of Deeds;

Thence, by and along the land of the aforementioned land of Forrest, South 33°-44'-12" East, a distance of 52.91 feet to capped rebar found at the land now or formerly of Beverly Harrigan as described in a deed recorded in the Registry in Deed Book 29126, Page 323;

Thence, by and along the land of said Harrigan, North 56°-12'-06" East, a distance of 15.00 feet;

Thence, turning through Lot #1 and Lot #2 as are shown on the aforementioned plan, North 33°-44'-12" West, a distance of 83.00 feet;

Thence, turning through said Lot #2 and Lot #3, South 56°-12'-06" West, a distance of 30.00 feet;

Thence, turning through Lot #3, South 33°-44'-12" East, a distance of 30.00 feet to the aforementioned land now or formerly of Sheree L. Forrest;

Thence, by and along the land of said Forrest, North 56°-12'-06" East, a distance of 15.00 feet to the Point of Beginning.

The above described easement is comprised of 1707.1 square feet of area.

Bearings area based upon the Maine State Grid West Zone.

The above description is based upon a plan titled "Subdivision Plan of the Humboldt Project prepared for Archie Giobbi by Robert T. Greenlaw PLS of 134 Portland Ave Old Orchard Beach, Maine" said plan dated June 12, 2012 and approved by the City of Portland Planning Board on June 26, 2012, said plan to be recorded in the Cumberland County Registry of Deeds.

Meaning to convey and hereby conveying an easement over a portion of the premises conveyed to Archie S. Giobbi and Matilda M. Giobbi by virtue of a deed recorded in the Cumberland County Registry of Deeds in Deed Book 29269, Page 288.