

Sniper Todd R.

True Street Subdivision

41-41 True St, Portland, Maine

424-A-005001

**CITY OF PORTLAND, MAINE
DEVELOPMENT REVIEW APPLICATION
PLANNING DEPARTMENT PROCESSING FORM**

Planning Copy

2005-0274 Application I. D. Number

12/23/2005 Application Date

True Street Subdivision Project Name/Description

41 - 41 True St, Portland, Maine

Address of Proposed Site

424 A005001

Assessor's Reference: Chart-Block-Lot

Proposed Development (check all that apply): New Building Building Addition Change Of Use Residential Office Retail Manufacturing Warehouse/Distribution Parking Lot Other (specify) _____

Proposed Building square Feet or # of Units _____

Acraege of Site _____

Zoning **RS**

Check Review Required:

Site Plan Subdivision # of lots **8** PAD Review 14-403 Streets Review

Flood Hazard Shoreland Historic Preservation

Zoning Conditional Use (ZBA/PB) Zoning Variance

Fees Paid: Site Pla \$1,200.00 Subdivision Engineer Review Date 12/28/2005

Planning Approval Status:

Approved Approved w/Conditions See Attached Denied

Approval Date _____ Approval Expiration _____ Extension to _____ Additional Sheets Attached

OK to Issue Building Permit

Performance Guarantee Required* Not Required

* No building permit may be issued until a performance guarantee has been submitted as indicated below

Performance Guarantee Accepted

Inspection Fee Paid

Building Permit Issue

Performance Guarantee Reduced

Temporary Certificate of Occupancy

Final Inspection

Certificate Of Occupancy

Performance Guarantee Released

Defect Guarantee Submitted

Defect Guarantee Released

_____ date

_____ amount

_____ expiration date

_____ date

_____ amount

_____ expiration date

_____ date

_____ remaining balance Conditions (See Attached)

_____ signature

_____ date

_____ signature

_____ expiration date

_____ date

_____ signature

_____ expiration date

_____ date

_____ signature

24' driveway not necessary

Should plan w/ single lane road to length
inquiries requested - ① finances
② rural feel

Request site visit
Group of homeowners go don't wish to
finance details until principles agreed.
Approach

formally True St Neighborhood
to make this application
read was opening
current turnaround snipers drive
hopeful to dedicate 50' ROW.
ex. however a constraint
not a planned subdivision.

True Street
D Beets
Aerial photo -
- outlined history
- significant trees
- history of services
cross other properties

3.28.06

PB Workshop

Note: EL has
informed applicant
that PM will not
adopt the road as proposed.
3.29.06
EL confirmed
to dt:

Gu.

what is new - subdiv and/or SPL and just subdivs

Zoning - no new rules but text re orientation may cause flexibility

Waters: width

curbs

sidewalks

Tue St.

? Clean the sidewalk - understood city was going to do.

D.B. - applicants willing to do rain gardens

- wetland fishing season major permit (under \$3500 ft)

- to drainage - this not all could be

captured + treated but better

than now

- captured location of trees

- all new water + sewer in st. (abandon septic)

add hydrant

- long driveway have turning

Station - work of info; error access for back lots;

KP - ? is of Eric L. - ? might be better if private

- PC doesn't meet RS PLD issues

- do we req. driveway to be paved

JT - Ocean Ave drive - scope to close

57 - what happens to ex lane - will be "lost" and needed.

Public Comments do heard

Gretna Brown 677 Ocean Ave

12 yrs living there; land of near / rural quality
concerned re ~~impact~~ wetlands -
concern re drainage + wetland impacts
wants to be sure that what's built is what's appraised.

Class

5A - show performance can be achieved
AS ans - Perf. given in reg'd before subd. plat
is released; also Regt guarantee
+ basis of inspections
+ st submitted to city for acceptance
as long as in accordance w/ stds
as appraised

5S - req. EL to comment on width +
nature of hammerhead / outside sac

- EL - recently in. std. from 24' to 28'

- want hammerhead to be "R"

+ typically have easement w/ would
not incl. for footage

- outside better for partitions

Left
hammerhead
provisions

DS is pleased at present but not trash collection

asked about equipment used - plow w/ wings + grader
garbage trucks and also need to go down
? DS? re maintain
EL prefer he in to occurring of pass

Problem / concern re wetland + impact; man. question
w/ concern re back lots + sidewalk creek

turn - finish design re sidewalk

KB - problem w/ing h' lead to get auto driver
don't recommend because snow storage

keep station quo.
big impact on wetlands + towers
(couldn't bear end of his comment)

JT - interesting; looks like lot of huddles;
what scope to resolve those? - emergency
agrees not better now.

boxed: Location? of site walk - it knows area

but perimeter - it falls still significant
that formal project runs counter to goals
univer requests will take time / \$ to sort

DS - less concerned about wetlands

- keep re street

- currently worse than as this improves but not
ideal

D3 not aware - is machine - a little concerned
re democracy pouring Elston not seen
not taken a view - openminded

S0 - alot of 's + work to be done
- homeowners will need to accept costs
- not keen to make prog

K15 - would more wetlands be impacted if road widened
and is already assumed for
no sa' width is more aesthetic
D3 - this is a compromise

JT - could no clear view; range of views
Parad willing to water
willing to do site visit
difficult to any board visit but
wid'd members will go

Amenda Kent "applicant"
them for over 20 yrs.

back lot could have had drive + built.
springs to planning 3+ yrs; done alot of work
willing to pay for upgrading + peak
improved services; (not cost them even if
wetlands - are evident + are problem + also
status

tries to solve those
brought stages on board to address other issues
K13 - willing to compromise;

Jeff Tarling
City Arborist

Thanks,

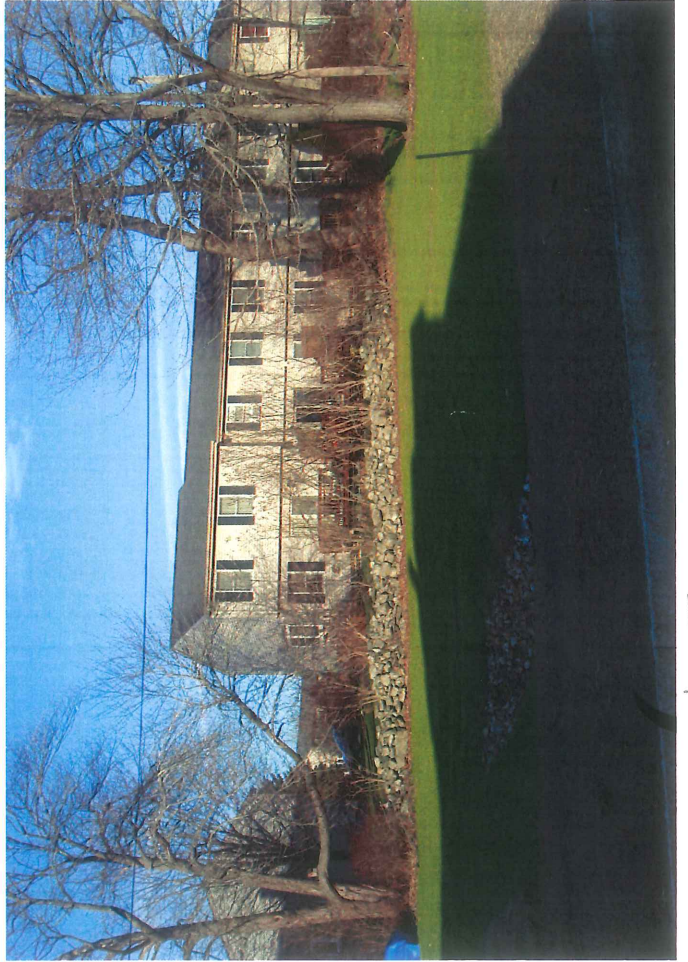
The revised landscape plan for True Street is improved and contains the information / recommendations mentioned at our previous review.

Hi Shukria -

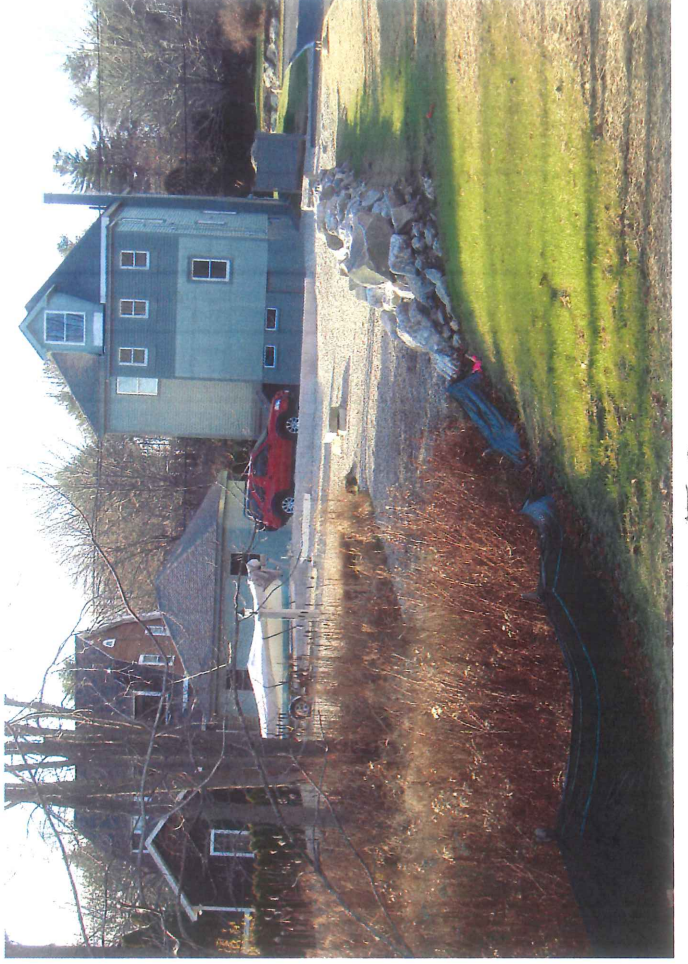
From: Jeff Tarling
To: Shukria War
Date: 7/22/2008 4:55:34 PM
Subject: Re: True Street

True Street Subdivision
12.01.09

Lot 8
←



LOT 2



Lot 8

If this fax is incomplete, please contact us at 775-4711 or FAX 207-775-2607

of pages to follow: _____

Multiple horizontal lines for writing notes.

NOTES:

DATE: 12/14/09

FAX#: 756-8258

FROM: Amanda Kout

TO: Shukria Waara

FAX

Portland Dine Around Club

PORTLAND
DINE
AROUND
CLUB™



December 10, 2009

TO: Portland Planning Office

RE: Lot 8 True Street Project

This is to inform you of our intentions on Lot 8 in the True Street Project.

We fully intend to preserve the wetlands on our property per the plan. We have recently placed gravel not directly on the wetlands to encourage flow toward the pond & wetlands. Next Spring we will loam over it completely.

We plan to replace the Arborvitae on the Ocean Ave. side of our property and continue the Arborvitae row around the corner of Ocean and True. We would like to plant two Dawn Redwoods along the True Street side of our property instead of one redwood and one maple per the plan.

Thank you-



Stacy Dean & Royce Gould
681 Ocean Ave.
Portland, Maine 04103

November 30, 2009

To Whom It May Concern:

We would request that the proposed buffer trees not be planted at the back of the Sniper lot until a house is built on that property.

We enjoy the view we currently have without any extra tree coverage.

Thank you-

James B. Chase
Catherine Chase

James & Catherine Chase
30 Grafton Street
Portland, Maine 04103

From: Nicholas & Amanda Kent <appleyard@maine.rr.com>
To: Shukria Wiar <SHUKRIAW@portlandmaine.gov>
Date: 12/1/2009 3:35:31 PM
Subject: Re: True Street Project

Shukria-

Attached is a PDF of the landscape plan with additional information about what trees we saved and what we proposed.

The street tree requirement has been met on lots 1, 2, 3, 4, 5, 6, 7 with existing trees. The plan proposed new street trees on lots 4 and 7 which will need to be installed if the existing trees are removed when the lots are developed.

We propose planting two Dawn Redwoods on lot 8 next spring to meet the street tree requirements. We will also plant a maple tree as a replacement on lot 2 for one that had to be removed.

We are requesting for the buffer trees on lot 2 & lot 7 not be planted until the lots are developed. There are already trees acting as buffer that have not been removed and the lot 7 abutter requests these not be planted until lot is developed. I am faxing to you the letter they are mailing to you.

Hope this helps-

Thanks-

Amanda Kent

From: Nicholas & Amanda Kent <appleyard@maine.rr.com>
To: Shukria Wiar <SHUKRIAW@portlandmaine.gov>, Barbara Barhydt <BAB@portlandmaine.gov>
Date: 11/11/2009 4:17:58 PM
Subject: True Street Project

Shukria-

I am writing to you per our conversation of last week.

I am pleased to report that the True Street project is about to be completed. Sebago Technics will be coming out to place the pins, monuments and create the as-built plans shortly.

We do have a question about the landscape plan and when the trees need to be planted.

We have two types of plantings. 1) Street trees and 2) Buffer trees. We were able to save even more trees than the original plan requested, in order to maintain the feel of the neighborhood.

There are no plans for developing any of the new lots at present. It is our understanding from Phil that the street trees do not need to be planted on the new lots until they are actually developed. We would like to request that the buffer trees on lot #2 and Lot #7 also not be planted until those lots are developed.

It seems counter productive to take down existing trees in order to put up new trees as buffer from a house that may never be built. We have no problem with planting these trees when the lots are developed, just like the street trees are to be planted.

The neighbors, Mr. & Mrs. Chase of 30 Grafton Street, that back up to Lot #7 have also requested that the new tree buffer be postponed, until a house plan is approved and construction begins on their abutting lot. Once a house is built on that lot they would accept the buffer in accordance with the plan.

Is there a way to make it a contingency of the new lots' development, that the landscape plan for those new lots be followed at that time? We intend to complete the road approval process this fall and do not want anything getting in the way of moving forward.

Thank you for your time & consideration.

Amanda Kent
272-0621

CC:

Phillip DiPierro <PD@portlandmaine.gov>, Robert McSorley

<rmcsorley@sebagotechncs.com>, Todd Sniper <tsniper@teleflexmedical.com>

From: Nicholas & Amanda Kent <appleyard@maine.rr.com>
To: Shukria Wiar <SHUKRIAW@portlandmaine.gov>, Phillip DiPierro <PD@portlandmaine.gov>, <js@portlandmaine.gov>
Date: 11/17/2009 6:08:13 PM
Subject: Re: True Street Project

Hi Shukria-

After talking it over with Phil, he suggested I give you an update for each of the lots.

Lot 1 is the existing home at 693 Ocean - this lot has two existing street trees on Ocean. No new trees were in the plan.

Lot 2 had two existing maple trees- One of these had to be taken down near the culvert, but we were able to save another maple on the driveway side of the lot. If this lot is ever developed this tree will need to be taken down and replaced on the left side of the lot. The buffer trees at the back of the lot we have requested to be planted if and when this lot is ever developed. We have 2 existing trees right on the lot line that would have to be taken down before putting any new trees on that back lot line.

Lot 3 is an existing home which has 4 maple trees on the street as existing street trees. No new trees were in the plan.

Lot 4 has a number of mature trees that have not been taken down and will not be removed until this lot is developed. When it is developed (2-3 years from now) we will place two new street trees, but until that time the existing trees will serve.

Lot 5 is an existing home with 2 mature ash trees as street trees. No new trees were in the plan.

Lot 6 also has Ash trees and a copsis of evergreens that reach into lot 7. None of these have been removed and meet the street tree requirements. No new trees were in the plan.

Lot 7 is another lot that we were able to save 2 copsis of trees, mainly maples, where street trees were to be placed. Until this lot is developed there is no intent to remove any of the existing trees that have been saved, so no new street trees need to be placed. The adjacent neighbor on the back of this lot has requested the buffer trees not be planted until the lot is developed and in need of buffering.

Lot 8 is an existing home with a line of conifer arborvitae on Ocean. The home owner has requested to bring the arborvitae around the corner onto the True street side instead of the maple in the plan. The existing home is too close for a maple which will shade the home and create access for squirrels into the house. Instead he would like to plant two dawn redwoods instead of just one, as was in the plan, along True Street to meet the street tree requirements. We have not been able to get dawn redwoods this late in the season. We have them on order from Skillins and would request that these be allowed to be planted next spring.

From: Nicholas & Amanda Kent <apleyard@maine.rr.com>
To: Shukria Wiar <SHUKRIAW@portlandmaine.gov>, Phillip DiPierro <PD@portlandmaine.gov>, <jsi@portlandmaine.gov>
Date: Tuesday, November 17, 2009 6:08:13 PM
Subject: Re: True Street Project

Hi Shukria-

After talking it over with Phil, he suggested I give you an update for each of the lots.

Lot 1 is the existing home at 693 Ocean - this lot has two existing street trees on Ocean. No new trees were in the plan.

Lot 2 had two existing maple trees- One of these had to be taken down near the culvert, but we were able to save another maple on the driveway side of the lot. If this lot is ever developed this tree will need to be taken down and replaced on the left side of the lot. The buffer trees at the back of the lot we have requested to be planted if and when this lot is ever developed. We have 2 existing trees right on the lot line that would have to be taken down before putting any new trees on that back lot line.

Lot 3 is an existing home which has 4 maple trees on the street as existing street trees. No new trees were in the plan.

Lot 4 has a number of mature trees that have not been taken down and will not be removed until this lot is developed. When it is developed (2-3 years from now) we will place two new street trees, but until that time the existing trees will serve.

Lot 5 is an existing home with 2 mature ash trees as street trees. No new trees were in the plan.

Lot 6 also has Ash trees and a cove of evergreens that reach into lot 7. None of these have been removed and meet the street tree requirements. No new trees were in the plan.

Lot 7 is another lot that we were able to save 2 coves of trees, mainly maples, where street trees were to be placed. Until this lot is developed there is no intent to remove any of the existing trees that have been saved, so no new street trees need to be placed. The adjacent neighbor on the back of this lot has requested the buffer trees not be planted until the lot is developed and in need of buffering.

Lot 8 is an existing home with a line of conifer arborvitae on Ocean. The home owner has requested to bring the arborvitae around the corner onto the True street side instead of the maple in the plan. The existing home is too close for a maple which will shade the home and create access for squirrels into the house. Instead he would like to plant two dawn redwoods instead of just one, as was in the plan, along True Street to meet the street tree requirements. We have not been able to get dawn redwoods this late in the season. We have them on order from Skillins and would request that these be allowed to be planted next spring.

I hope this helps with any confusion.

Thanks-

Amanda Kent

On Nov 13, 2009, at 3:15 PM, Shukria Wiar wrote:

> Hello Amanda,

> There are a couple of questions that I have before we can make any

> kind

> of determination. First you mentioned that there are existing trees
> that have been saved, please show where in the approved site plan that
> trees have been saved. We will need to review this information.

> Are you referring to the street trees and buffer trees only on lot 2

> and lot 7? There are street trees and buffer trees beside the two

> lots;

> are you posing to have the trees installed on the other lots? Just

> for

> you information, two street trees is a requirement of the subdivision

> ordinance.

> Please forward the requested information for review.

> Thank you.

> Shukria

>>>> Nicholas & Amanda Kent <appleyard@maine.rr.com> 11/11 4:18 PM >>>>

> Shukria-

> I am writing to you per our conversation of last week.

> I am pleased to report that the True Street project is about to be

> completed. Sebago Technics will be coming out to place the pins,

> monuments and create the as-built plans shortly.

> We do have a question about the landscape plan and when the trees

> need to be planted.

> We have two types of plantings. 1) Street trees and 2) Buffer trees.

> We were able to save even more trees than the original plan

> requested, in order to maintain the feel of the neighborhood.

> There are no plans for developing any of the new lots at present. It

> is our understanding from Phil that the street trees do not need to

> be planted on the new lots until they are actually developed. We

> would like to request that the buffer trees on lot #2 and Lot #7 also

> not be planted until those lots are developed.

>
 > It seems counter productive to take down existing trees in order to
 > put up new trees as buffer from a house that may never be built. We
 > have no problem with planting these trees when the lots are
 > developed, just like the street trees are to be planted.
 >
 > The neighbors, Mr. & Mrs. Chase of 30 Grafton Street, that back up to
 > Lot #7 have also requested that the new tree buffer be postponed,
 > until a house plan is approved and construction begins on their
 > abutting lot. Once a house is built on that lot they would accept the
 > buffer in accordance with the plan.
 >
 > Is there a way to make it a contingency of the new lots' development,
 > that the landscape plan for those new lots be followed at that time?
 >
 > We intend to complete the road approval process this fall and do not
 > want anything getting in the way of moving forward.
 >
 > Thank you for your time & consideration.
 >
 > Amanda Kent
 > 272-0621

CC: Barbara Barhydt <BAB@portlandmaine.gov>

From: Shukria Wiar
To: Barbara Barhydt
Date: Friday, November 13, 2009 10:06:32 AM
Subject: Re: Fwd: True Street Project

I got a doctor's appointment in about 30 minutes but will be back in about an hour and can meet then. I can try to catch up with up later.

>>> Barbara Barhydt 11/13 10:04 AM >>>
Yes. I could meet in about 30 minutes or so.

>>> Shukria Wiar Friday, November 13, 2009 10:03 AM >>>
Could we talk about this, she just called this morning....thanks

>>> Nicholas & Amanda Kent <appleyard@maine.rr.com> 11/11 4:18 PM >>>
Shukria-

I am writing to you per our conversation of last week.

I am pleased to report that the True Street project is about to be completed. Sebago Technics will be coming out to place the pins, monuments and create the as-built plans shortly.

We do have a question about the landscape plan and when the trees need to be planted.

We have two types of plantings. 1) Street trees and 2) Buffer trees. We were able to save even more trees than the original plan requested, in order to maintain the feel of the neighborhood.

There are no plans for developing any of the new lots at present. It is our understanding from Phil that the street trees do not need to be planted on the new lots until they are actually developed. We would like to request that the buffer trees on lot #2 and Lot #7 also not be planted until those lots are developed.

It seems counter productive to take down existing trees in order to put up new trees as buffer from a house that may never be built. We have no problem with planting these trees when the lots are developed, just like the street trees are to be planted.

The neighbors, Mr. & Mrs. Chase of 30 Grafton Street, that back up to Lot #7 have also requested that the new tree buffer be postponed, until a house plan is approved and construction begins on their abutting lot. Once a house is built on that lot they would accept the buffer in accordance with the plan.

Is there a way to make it a contingency of the new lots' development, that the landscape plan for those new lots be followed at that time?

We intend to complete the road approval process this fall and do not want anything getting in the way of moving forward.

Thank you for your time & consideration.

Amanda Kent
272-0621

- 4 - 935

TO: Gary Tallant

From: David S. North

RE: TETA / Planning Permit

I've found copies of the (3) Permits

that have been granted to date, I hope

with these approved that you will be

able to process our pending permit from

your office.

Thank you

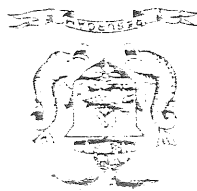
David S. North

Jack Chairman

766-5513 - Tel

777-5163 - Fax

Joseph E. Gray Jr.
Director



CITY OF PORTLAND

November 16, 1998

David Norton

Wateman Marine Corporation

RR #5, 2357-A

Brunswick, ME 04011

RE: Trefethen Pier Improvements

Dear Mr. Norton:

On November 6, 1998 the Portland Planning Authority granted minor site plan approval for pier improvements located at Trefethen Avenue, Peaks Island.

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.

2. A performance guarantee in a form acceptable to the City of Portland and an inspection fee equal to 1.7% of the performance guarantee will have to be posted before beginning any site construction or issuance of a building permit.

3. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.

4. Prior to construction, a preconstruction meeting shall be held at the project site with the contractor, development review coordinator, Public Works representative and owner to review the construction schedule and critical aspects of the site work. At that time, the site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the preconstruction meeting.

OP:PLANDREVREWTRFEETHAPPRVLTR.WPD

CITY OF PORTLAND, MAINE
DEVELOPMENT REVIEW APPLICATION
PLANNING DEPARTMENT PROCESSING FORM

Trethen Evergreen Improvemen

Applicant

Trethen Ave, Peaks, ME 04108

Trethen Landing
Project Name/Description

Waterman Marine/Peter Spencer
Consultant/Agent

Trethen Ave, Peaks Island

725-8136

090-L-006

Address of Proposed Site

Applicant or Agent Daytime Telephone, Fax

Assessor's Reference: Chart-Block-Lot

Proposed Development (check all that apply):
 Office Retail Manufacturing Warehouse/Distribution Parking Lot Other (specify) Dock Replacement
 Residential Change Of Use

Proposed Building square Feet or # of Units

Acreage of Site

Zoning

Check Review Required:

Site Plan (major/minor) Subdivision # of lots PAD Review 14-403 Streets Review

Flood Hazard Shoreland Historic Preservation DEP Local Certification

Zoning Conditional Use (ZBA/PB) Zoning Variance

Fees Paid: Site Plan \$400.00 Subdivisio Engineer Review Date 9/17/98

Planning Approval Status:

Reviewer Kandice Talbot

Approved

Approved w/Conditions

Denied

See Attached

Approval Date 11/6/98 Approval Expiration 11/6/99 Extension to 11/6/98

Additional Sheets Attached

OK to Issue Building Permit

Kandice Talbot

11/6/98

Performance Guarantee Required* Not Required

* No building permit may be issued until a performance guarantee has been submitted as indicated below

Performance Guarantee Accepted

Inspection Fee Paid

Building Permit Issue

Performance Guarantee Reduced

Temporary Certificate of Occupancy

Final Inspection

Certificate Of Occupancy

Performance Guarantee Released

Defect Guarantee Submitted

Defect Guarantee Released

date

amount

expiration date

date

amount

date

date

Conditions (See Attached)

signature

date

signature

submitted date

amount

expiration date

date

signature

19980122 I. D. Number

CITY OF PORTLAND, MAINE DEVELOPMENT REVIEW APPLICATION PLANNING DEPARTMENT PROCESSING FORM

9/17/98 Application Date

Trefethen Landing Project Name/Description

Trefethen Ave, Peaks Island

Address of Proposed Site 090-L-006

Assessor's Reference: Chart-Block-Lot

Proposed Development (check all that apply): New Building Building Addition Change Of Use Residential Other (specify) Dock Replacement

Proposed Building square Feet or # of Units

Age of Site Zoning

Check Review Required: Site Plan Subdivision # of lots

Flood Hazard Shoreland Historic Preservation

Zoning Conditional Zoning Variance

Use (ZBA/PB) Fees Paid: Site Plan \$400.00 Subdivision

Engineer Review Date: 9/17/98

Trefethen Evergreen Improvemen

Applicant Trefethen Ave, Peaks, ME 04108

Applicant's Mailing Address Waterman Marine/Peter Spencer

Consultant/Agent 725-8123

Applicant or Agent Daytime Telephone, Fax 725-8136

Proposed Development (check all that apply): Office Retail Manufacturing Warehouse/Distribution Parking Lot Other (specify) Dock Replacement

Proposed Building square Feet or # of Units

Age of Site Zoning

Check Review Required: Site Plan Subdivision # of lots

Flood Hazard Shoreland Historic Preservation

Zoning Conditional Zoning Variance

Use (ZBA/PB) Fees Paid: Site Plan \$400.00 Subdivision

Engineer Review Date: 9/17/98

DRC Approval Status:

Approved Approved w/Conditions Denied

see attache

Approval Date 11/6/98 Approval Expiration 11/6/99 Extension to

Condition Compliance Jim Wendel signature 11/6/98

Additional Sheets Attached

Performance Guarantee Required* Not Required

* No building permit may be issued until a performance guarantee has been submitted as indicated below

Performance Guarantee Accepted Inspection Fee Paid Building Permit

Performance Guarantee Reduced Temporary Certificate Of Occupancy

Final Inspection Certificate Of Occupancy

Performance Guarantee Released Defect Guarantee Submitted

Defect Guarantee Released

date

date

date

date

date

date

date

date

date

submitted date

date

amount

amount

amount

amount

remaining balance

signature

signature

signature

signature

amount

signature

expiration date

signature

signature

signature

signature

signature

signature

signature

signature

expiration date



DEPARTMENT OF THE ARMY
 NEW ENGLAND DISTRICT CORPS OF ENGINEERS
 696 VIRGINIA ROAD
 CONCORD, MASSACHUSETTS 01742-2761

REPORT TO
 ATTENTION OF
 DEPARTMENT OF THE ARMY PROGRAMMATIC GENERAL PERMIT
 STATE OF MAINE, SUMMARY OF SCRFPMG AND STATUS

CORPS PERMIT # 199802570
 CORPS PGP ID# 58-426
 STATE ID# PBR

PETER SPENCER
 TREPETHEN EVERGREEN
 IMPROVEMENT ASSOCIATION
 RR5, BOX 2957A
 BRUNSWICK, MAINE 04011

DESCRIPTION OF WORK AS ON ATTACHED STATE APPLICATION:

Repair and upgrade an existing communal pier, ramp and float system in Diamond Pass, off Peaks Island in Portland, Maine. Improvements will include the repair of the existing pier and timber pile, extending it 30' to the northwest with a 30' x 4' pile and timber section, and reconfiguring the existing floats. A 10' x 31' dinghy float will be located off the northeast side of the new pier extension and will be accessed by a 32' x 32' ramp. Off the end of the extension, another 32' x 32' ramp will access a 12' x 32' base float, a 10' x 31' sailing float attached perpendicular to the west, and a 12' x 34' line of floats attached perpendicular to the east.

[STATE ACTIONS: PENDING (X), ISSUED (), DENIED ()] DATE 9/22/98

LEVEL OF STATE REVIEW: PERMIT BY RULE: X, TIER 1: _____, TIER 2: _____, TIER 3: _____ (LURC)

II. EXCLUSIONS: APPLIES N/A

ST. JOHN/ST. CROIX	()	(X)	Navigation	()	(X)
HISTORIC PROPERTIES	()	(X)	New/Extended Boating Rac	()	(X)
NAT. 1 BIRCH/FOREST/PAWK SERV.	()	(X)	N.A./Canadian Waters	()	(X)
THREAT/ENDANGERED SPECIES	()	(X)	Projects requiring EIS	()	(X)
CORPS NAVIGATION PROJECT	()	(X)		()	(X)

UTM GRID COORDINATES N: 4856600.0 E: 409800.0 UTM GRID: PORTLAND EAST, ME

III. FEDERAL ACTIONS:

DATE STATE FILE REVIEWED: 9/24/98 (PGP JP MEETING)

LEVEL OF CORPS REVIEW: CATEGORY 1: _____ CATEGORY 2: X

AUTHORITY: SEC 10 X, 404, 10/404, 103

FEDERAL RESOURCE AGENCY OBJECTIONS: EPA NO, USFWS NO, NMFS NO

We have determined that your project as proposed and as shown on the plans submitted to the Corps is eligible under the State of Maine Programmatic General Permit. Accordingly, other than possibly performing a compliance inspection (condition 22 of the permit) at some later date, we do not plan to take any further action on this project.

Please note that all work is subject to the conditions contained in the general permit and any additional special conditions listed on any attached sheets. No work may be started unless and until all other required local, State and Federal licenses and permits have been obtained. ADDITION SPECIAL CONDITIONS ATTACHED YES NO (CIRCLE)

If you have any questions on this matter, please contact Shawn Mahoney or Rod Howe of my staff at 207-623-8267 at our Manchester, Maine Project Office.

JAY L. CLEMENT
 SENIOR PROJECT MANAGER
 MAINE PROJECT OFFICE

DAVID H. KILROY, P.E./C.P.G.
 CHIEF, PERMITS & ENFORCEMENT SECTION
 REGULATORY BRANCH

DATE 10/1/98

COPY

BOARD OF HARBOR COMMISSIONERS HARBOR OF PORTLAND PERMIT

98-10

TO BE POSTED IN A CONSPICUOUS PLACE AT THE CONSTRUCTION SITE

To Trethen Evergreen Improvement Association
P.O. Box 87, Trethen Avenue, Peaks Island, ME 04108
The undersigned, Board of Harbor Commissioners for the Harbor of Portland, has carefully considered your application,
dated the 3rd day of September 1998, for a permit authorizing
the replacement of
existing pilings, the extension of the existing catwalk by 30', the
construction of a new 32' x 32' ramp, and the replacement of existing floats
with three new 12' x 32' floats at their club on Peaks Island
Having given public notice of this pending application, as required by law, and therein designated Thursday,
the 8th day of October 1998, 5 o'clock in the afternoon prevailing time, as the time when they
would meet at South Portland City Council Chambers to examine this issue and hear all interested parties, and
having met at the time and place mentioned and examined the location of this proposed
replacement and construction

and having heard all interested parties, the Board of Harbor Commissioners for the Harbor of Portland hereby issues this
permit which authorizes you to proceed under all applicable local and federal regulations hereinafter stated, and to
maintain within the limits mentioned, namely: NONE

In addition, the construction project described above must be surrounded by a containment boom unless the
Board of Harbor Commissioners for the Harbor of Portland has waived this requirement, in writing, either as part of the
above-listed conditions, or in a separate statement.

This permit is a limited authorization which contains a stated set of conditions with which the permit holder
must comply. If a contractor performs the work for you, both you and the contractor are responsible for assuring that the
work is done in conformance with the conditions and limitations of this authorization. Please be sure that the person who
will be performing the work has read and understands these conditions.
Performing any work not specifically authorized by this permit, or that fails to comply with its conditions, may
subject you to the enforcement provisions of Harbor Commission regulations. If any change in plans or construction
methods is found necessary, please contact the Harbor Commission immediately to discuss modifications to your
authorization. Any change must be approved by the Harbor Commission before it is undertaken.
Nothing in this permit shall be construed to justify or authorize any invasion to the private rights of others.
Moreover, nothing in this permit shall limit or modify the authority of the Board of Harbor Commissioners for the
Harbor of Portland within its applicable statute. Attested copies will be submitted to the U.S. Army Corps of Engineers,
the Department of Environmental Protection, the City of Portland, and the City of South Portland.

In Witness Whereof, the members of the Board of Harbor Commissioners for the Harbor of Portland hereunto
set their hands and affix their corporate seal on this 8th day of October 1998.

The work authorized by this permit must be completed on or
before the 8th day of October 1999.

Board of Harbor Commissioners for the Harbor of Portland



7/98

DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP)
PERMIT BY RULE NOTIFICATION FORM
(For use with DEP Regulation, Chapter 305)

PLEASE TYPE OR PRINT IN BLACK INK ONLY (3 COPIES, PLEASE BEAR DOWN)

Name of Applicant: Peter P Grenier
Mailing Address: R2# 5, Box 2357A, Brunswick, ME
State: ME, ZIP Code: 04011, Daytime Telephone No: 207-725-8133

Name of Wetland, Water Body or Stream: Gage Bay, Portland Harbor Area
Detailed Directions to Site: Local Road North East Shore (Route 235)
Description of Project: Repair existing 18' fixed pier, extend pier 30'

Town/City: Brunswick, Map #: G2A Lot#: 2, 15, County: Cumberland
CHECK ONE: This project does not involve work below mean low water

I am filing notice of my intent to carry out work which meets the requirements for Permit By Rule (PBR) under DEP Regulation, Chapter 305. I have a copy of PBR Sections checked below. I have read and will comply with all of the standards.

- Sec (2) Soil Disturbance
Sec (3) Inland Piping
Sec (4) Replacement of Structures
Sec (5) Movement of Rocks or Vegetation
Sec (6) Outlet Pipes
Sec (7) Riprap
Sec (8) Utility Crossing
Sec (9) Stream Crossing
Sec (10) State Transportation Facilities
Sec (11) Restoration of Natural Areas
Sec (12) Fish & Wild. Creation/Enhance
Sec (13) Piers & Piling
Sec (14) Public Boat Harbors
Sec (15) Select Sand Dune Projects
Sec (16) Transfers/Permit Extension
Sec (17) Maintenance Dredging

I authorize staff of the Department of Environmental Protection, Inland Fisheries & Wildlife, and Marine Resources to access the project site for the purpose of determining compliance with the rules. I also understand that this permit is not valid until approved by the Department or 14 days after receipt by the Department, whichever is less.

I have attached all of the following required submittals. NOTIFICATION FORMS CANNOT BE ACCEPTED WITHOUT THE NECESSARY ATTACHMENTS.
Attach a check for \$50 (non-refundable) made payable to: "Treasurer, State of Maine".
Attach a U.S.G.S. topo map or Maine Atlas & Gazetteer map with the project site clearly marked.
Attach photographs showing existing site conditions (unless not required under standards).

Signature of Applicant: [Signature]
Date: 07/22/98

OFFICE USE ONLY
Form #, Date, Date Recd, Date Del, State, Station, Photos

AUGUSTA DEP STATE HOUSE STATION 17 AUGUSTA ME 04333-0017 (207)287-2111
PORTLAND DEP 312 CANCO ROAD PORTLAND, ME 04103 (207)822-6900
BANGOR DEP 108 HOGAN ROAD BANGOR, ME 04401 (207)841-4570
PRESQUE ISLE DEP 1235 CENTRAL DRIVE PRESQUE ISLE, ME 04763 (207)764-0477

Keep the permit copy as a record of permit. Send the form with attachments via certified mail to the Maine Dept. of Environmental Protection at the appropriate regional office listed below. The DEP will send a copy to the Town Clerk as evidence of the DEP's receipt of notification. No further authorization by DEP will be issued after receipt of notice. Permits are valid for two years. Work carried out in violation of any standard is subject to enforcement action.

CITY OF PORTLAND, MAINE
 DEVELOPMENT REVIEW APPLICATION
 PLANNING DEPARTMENT PROCESSING FORM

Trefethen Evergreen Improvemen
 Applicant
 Trefethen Ave, Peaks, ME 04108
 Applicant's Mailing Address
 Waterman Marine/Peter Spencer
 Consultant/Agent
 725-8-123
 725-8-136
 Applicant or Agent Daytime Telephone, Fax
 Assessor's Reference: Chart-Block-Lot
 090-L-006
 Address of Proposed Site
 Trefethen Ave, Peaks Island
 Project Name/Description
 Trefethen Landing
 Application Date
 9/17/98
 Proposed Development (check all that apply):
 Office Retail Manufacturing
 Warehouse/Distribution Parking Lot Other (specify) Dock Replacement
 Residential Change Of Use
 Proposed Building square Feet or # of Units
 Acreage of Site
 Zoning

Check Review Required:

Site Plan
 Subdivision
 # of lots
 Flood Hazard
 Zoning Conditional Use (ZBA/PB)
 Zoning Variance
 Shoreland
 Historic Preservation
 DEP Local Certification
 Other
 Fees Paid: Site Plan \$400.00 Subdivision
 Engineer Review Date: 9/17/98

Planning Approval Status:

Approved
 Approved w/Conditions See Attached
 Denied
 Reviewer
 Approval Date
 Approval Expiration
 Extension to Additional Sheets Attached
 signature
 date

Performance Guarantee Required* Not Required
 * No building permit may be issued until a performance guarantee has been submitted as indicated below

<input type="checkbox"/> Performance Guarantee Accepted	date	amount	expiration date
<input type="checkbox"/> Inspection Fee Paid	date	amount	expiration date
<input type="checkbox"/> Building Permit Issued	date	amount	signature
<input type="checkbox"/> Performance Guarantee Reduced	date	remaining balance	signature
<input type="checkbox"/> Temporary Certificate of Occupancy	date	Conditions (See Attached) <input type="checkbox"/>	signature
<input type="checkbox"/> Final Inspection	date	signature	signature
<input type="checkbox"/> Certificate Of Occupancy	date	signature	signature
<input type="checkbox"/> Performance Guarantee Released	date	signature	signature
<input type="checkbox"/> Defect Guarantee Submitted	date	signature	signature
<input type="checkbox"/> Defect Guarantee Released	date	signature	signature

19980122 I. D. Number

CITY OF PORTLAND, MAINE
DEVELOPMENT REVIEW APPLICATION
PLANNING DEPARTMENT PROCESSING FORM

Trethen Evergreen Improvem
Applicant
Trethen Ave, Peaks, ME 04108
Applicant's Mailing Address
Waterman Marine/Peter Spencer
Consultant/Agent
725-8-123
725-8-136
Applicant or Agent Daytime Telephone, Fax
Address of Proposed Site
090-L-006
Assessor's Reference: Chart-Block-Lot

Proposed Development (check all that apply):
 Office Retail Manufacturing Warehouse/Distribution Parking Lot Other (specify) Dock Replacement
 Residential Change Of Use Building Addition New Building Building Building Addition Change Of Use Residential Dock Replacement

Proposed Building square Feet or # of Units _____
Acreage of Site _____
Zoning _____
Check Review Required:
 Site Plan
 Subdivision
 Subdivision # of lots
 Flood Hazard
 Zoning Conditional Use (ZBA/PB)
 Zoning Variance
 Historic Preservation
 DEP Local Certification
 Other

Fees Paid: Site Plan \$400.00 Subdivision _____
Engineer Review _____
Date: 9/17/98
Check Review Required:
 Site Plan
 Subdivision
 Subdivision # of lots
 Flood Hazard
 Zoning Conditional Use (ZBA/PB)
 Zoning Variance
 Historic Preservation
 DEP Local Certification
 Other

DRC Approval Status:
 Approved
 Approved w/Conditions see attached
 Denied
Reviewer _____

Approval Date _____
Approval Expiration _____
Extension to _____
Additional Sheets Attached

Performance Guarantee Required* Not Required
* No building permit may be issued until a performance guarantee has been submitted as indicated below

Performance Guarantee Accepted
Inspection Fee Paid
Building Permit
Performance Guarantee Reduced
Temporary Certificate Of Occupancy
Final Inspection
Certificate Of Occupancy
Performance Guarantee Released
Defect Guarantee Submitted
Defect Guarantee Released

date _____
amount _____
signature _____
date _____
amount _____
signature _____
date _____
amount _____
signature _____

date _____
amount _____
signature _____
date _____
amount _____
signature _____
date _____
amount _____
signature _____

date _____
amount _____
signature _____
date _____
amount _____
signature _____
date _____
amount _____
signature _____

date _____
amount _____
signature _____
date _____
amount _____
signature _____
date _____
amount _____
signature _____

date _____
amount _____
signature _____
date _____
amount _____
signature _____
date _____
amount _____
signature _____

The whole system with the exception of the pier itself appears to have reached a state where some of the components either require substantial repair or have reached the end of their useful life. Specifically most of the floats require attention or should be retired. The 10' x 31' floats appear to be repairable but will have to be examined when on shore this fall. Their condition and useful life remaining will depend upon the status of their hardware fastenings. For the time being they have been secured by the addition of two concrete mooring blocks secured with chain and rope. The 8' x 20' floats are not repairable and should be retired. The dingy float appears to be in very poor condition and has likely reached the end of its useful life. The fastenings appear to have failed and the foam holders do not appear to have any integrity. The ramp has lost some of its strength and appears to be repairable with some structural assistance and the replacement of the handrail. The pilings (3 sets of two) have all been subject to considerable stresses as a result of the system configuration, with the middle set being worn to the extreme. The other two sets of pilings appear to have some integrity but should be examined under water to determine the degree of useful timber remaining. The pier appears to be in good condition with the handrail requiring attention in several places. As you are aware the deck should be raised 16" to 24" to keep it out of storm tides and storm surge. Before any estimate of the cost for this work can be done we

Analysis and Observations

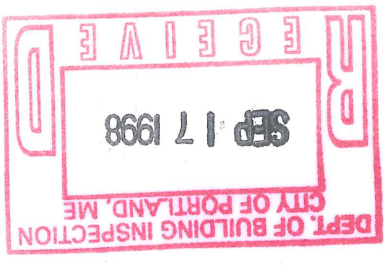
I write to you in response to your Association's request for an analysis of your current dock system and suggestions for future improvement. The following is a summary of our findings and recommendations:

Dear David,

TEIA Pier & Float Systems

Mr. David Norton
TEIA Peaks Island
Maine.

20 August, 1998





recommend that you retain the services of a diver to examine the condition of the piling. In the event that their condition has deteriorated significantly we would suggest that they be replaced.

Recommendations

A repair and replacement program should be initiated to permit the Association to budget the repairs and capital cost of new floats and associated infrastructure work to meet the foreseeable requirements of the Association and system usage. We would normally suggest that improvements commence with work from the shore outward. Depending upon your needs and budget availability, the prosecution of all of the improvements we will suggest will likely involve substantial cash outlays. Work on repairs to the pier need not be attended to first but would result in a more orderly construction program.

Proposal

Please review the attached sketch in conjunction with this section of the report.

1. Raise pier deck and extend 30' seaward.
2. Drive new piling to support new configuration (+- 14).
3. Repair existing ramp
4. Repair existing floats - 10' x 31'
5. Construct ~~new~~ new floats - 12' x 32' ^{float (3)}
6. Construct a new ramp - 32' x 32'
7. Install new moorings with required chain & hardware (3)

Most of the work outlined can be done off-season to cause minimal disruption to system usage. Please provide me with your comments and observations after you have had the opportunity to review this report. I trust you will find this helpful.

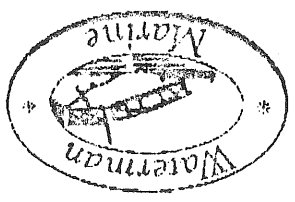
Yours truly

Peter F. Spencer

21 August, 1998
David Norton
TEIA, Peaks Island
Me.

TEIA Pier & Dock System Improvements

Custom Docks, Ramps & Float Systems



Dear David,
Proposal for Dock System costs:

- Ramp: 32' x 32" old fashioned handrail, heavy duty custom steel pivots on both pier & float \$3,870.
- Floats: 12' x 32', fully foamed for stability, height at deck to match existing 10' x 31' floats, wooden bollards & cleats, D-channel boat bumper on exposed sides, heavy shoes for sitting on ledge or beach during winter storage @ \$3400 per, x 3 \$28,300.
- Pilings: Southern yellow pine, 8" minimum tip diameter, treated, .80 CCA, driven to refusal (6' minimum) @ approx \$850 per x 14 (more depending upon underwater survey) \$11,900.
- Moorings: 2250 lb. high strength concrete with appropriate galvanized hardware, 1/2" chain & nylon rope to secure to floats @ \$1,700 x 3 \$5,100.
- Misc: Design, engineering, transportation, set-up, clean up \$2,950.
- Total, new construction costs \$52,120.

Other: Pier extension 30'; cost will not be determinable until an underwater survey of the condition of the piling supports of the existing pier have been concluded \$9500

Ramp repair (existing); time & materials. See report for details

Float repairs (2 x 10' x 30'); time & materials. See report for details

Raising the pier deck; lime & materials; to include either stairs or inclined deck section to meet existing club

veranda
Est \$70,000 or
Total \$30,000 or

Phase I: Pilings/Ramps/Rail/Board Wk. To be completed Fall 1998

Notes: All structural wood except pilings is 0.4 lb. CCA pressure treated southern yellow pine; all decking and handrails are western red cedar. All hardware is not dipped galvanized or equivalent in strength and longevity.

Terms of payment: for new construction, 50% at time of contracting, 30% upon completion of construction of components, balance upon installation & completion.

The figures for costs as quoted are valid for 60 days from the date

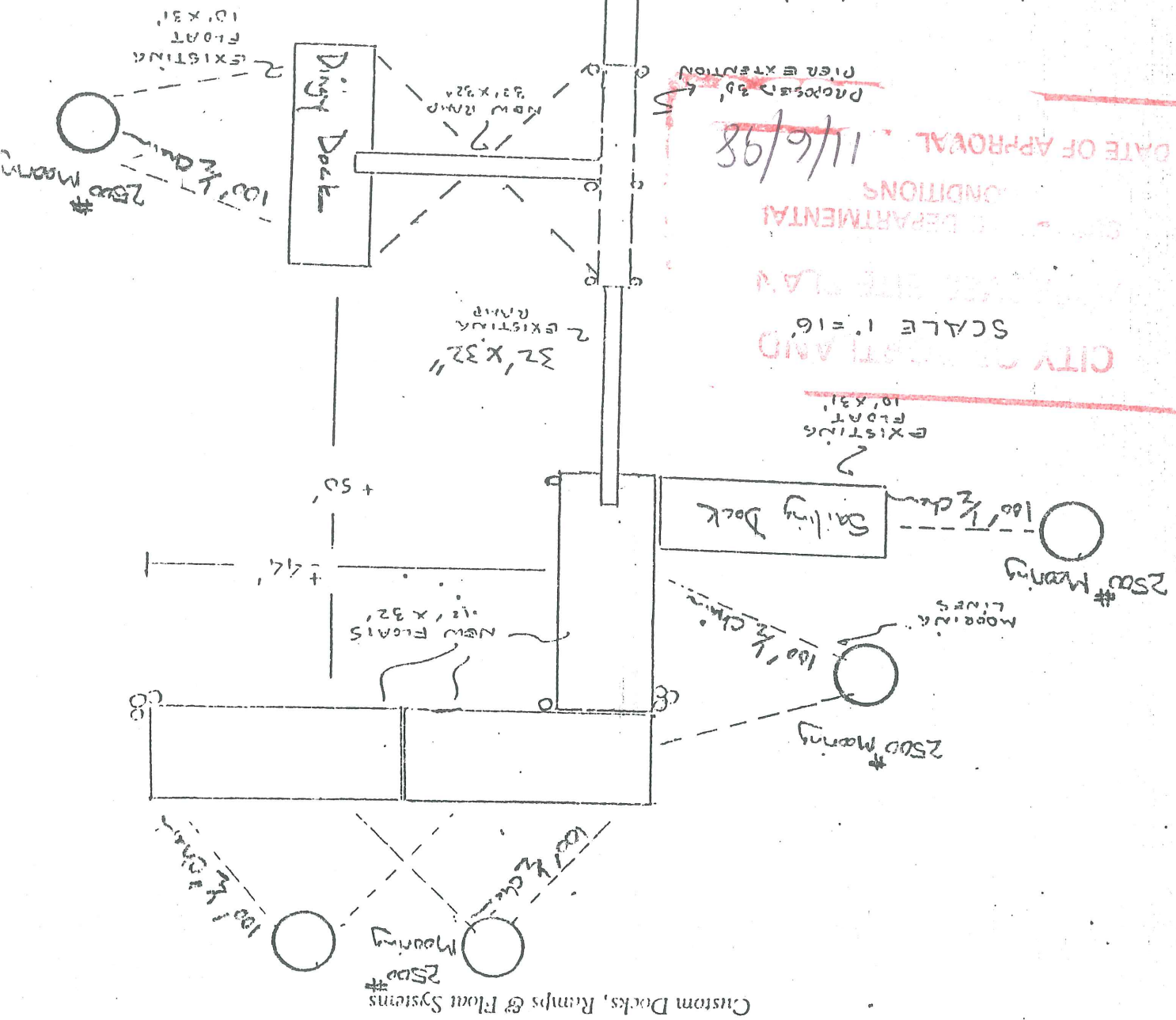
WATERMAN MARINE CORPORATION

Mailing Address: RR #5, 2357-A • Brunswick, ME 04011 • Street Address: Dingley Island Road, Hayswell, ME (207) 725-8123 / Fax: (207) 725-8136

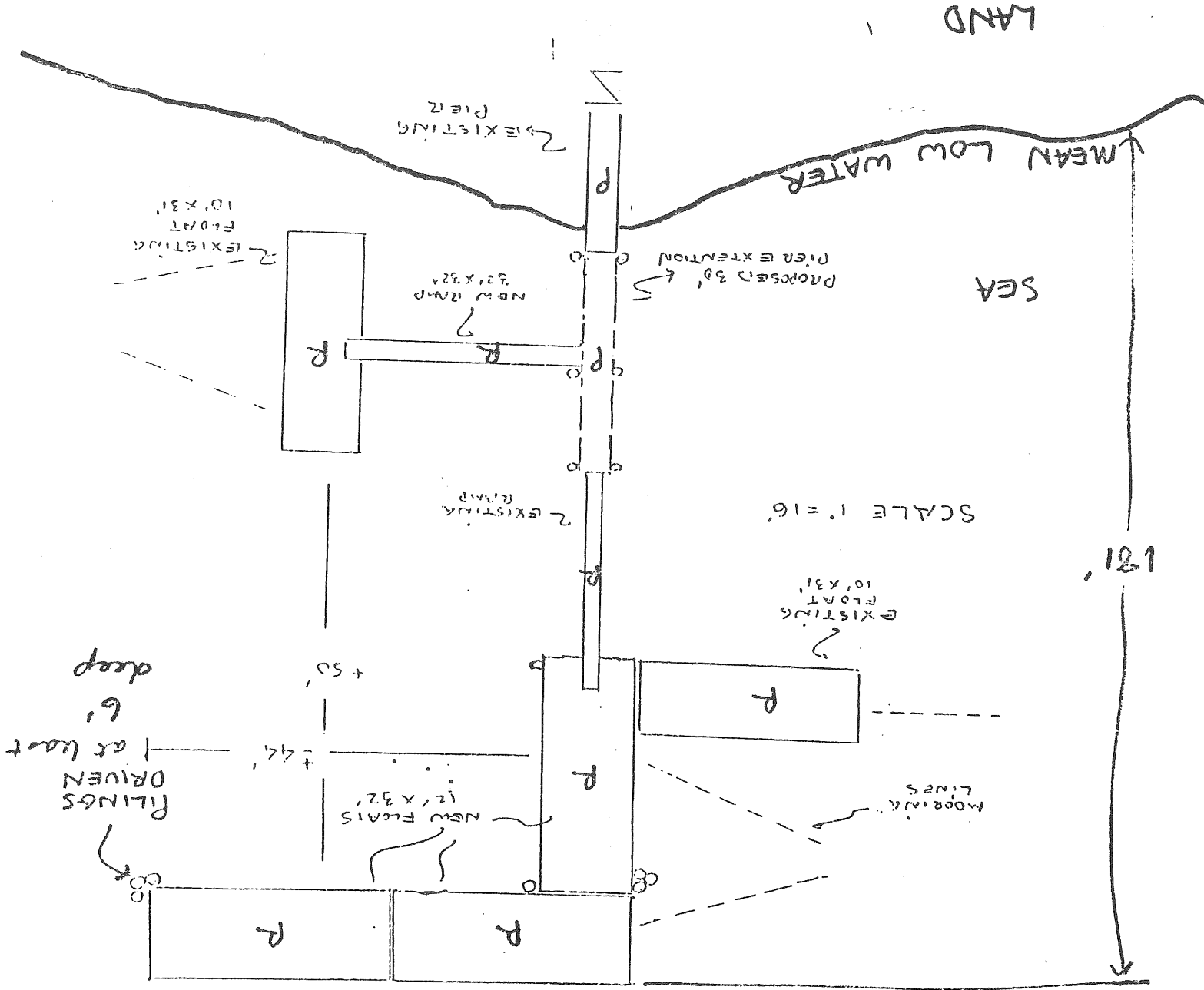
NOTE: Total length of Caisson with additional 30' will now be 105'; Total Caisson Deck are will extend 181' from the front of the Club House

CITY OF BRUNSWICK AND DEPARTMENT OF PUBLIC WORKS
APPROVED SITE PLAN
SCALE 1" = 16'
CONDITIONS
DATE OF APPROVAL: 11/6/98
PROPOSED 30' PIER EXTENSION

EXISTING/Retail Docking/Railing Level with Deck Attached to The front of the Club House

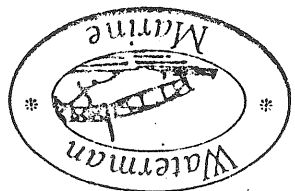


Custom Docks, Ramps & Float Systems



P = permanent structures
 R = removed

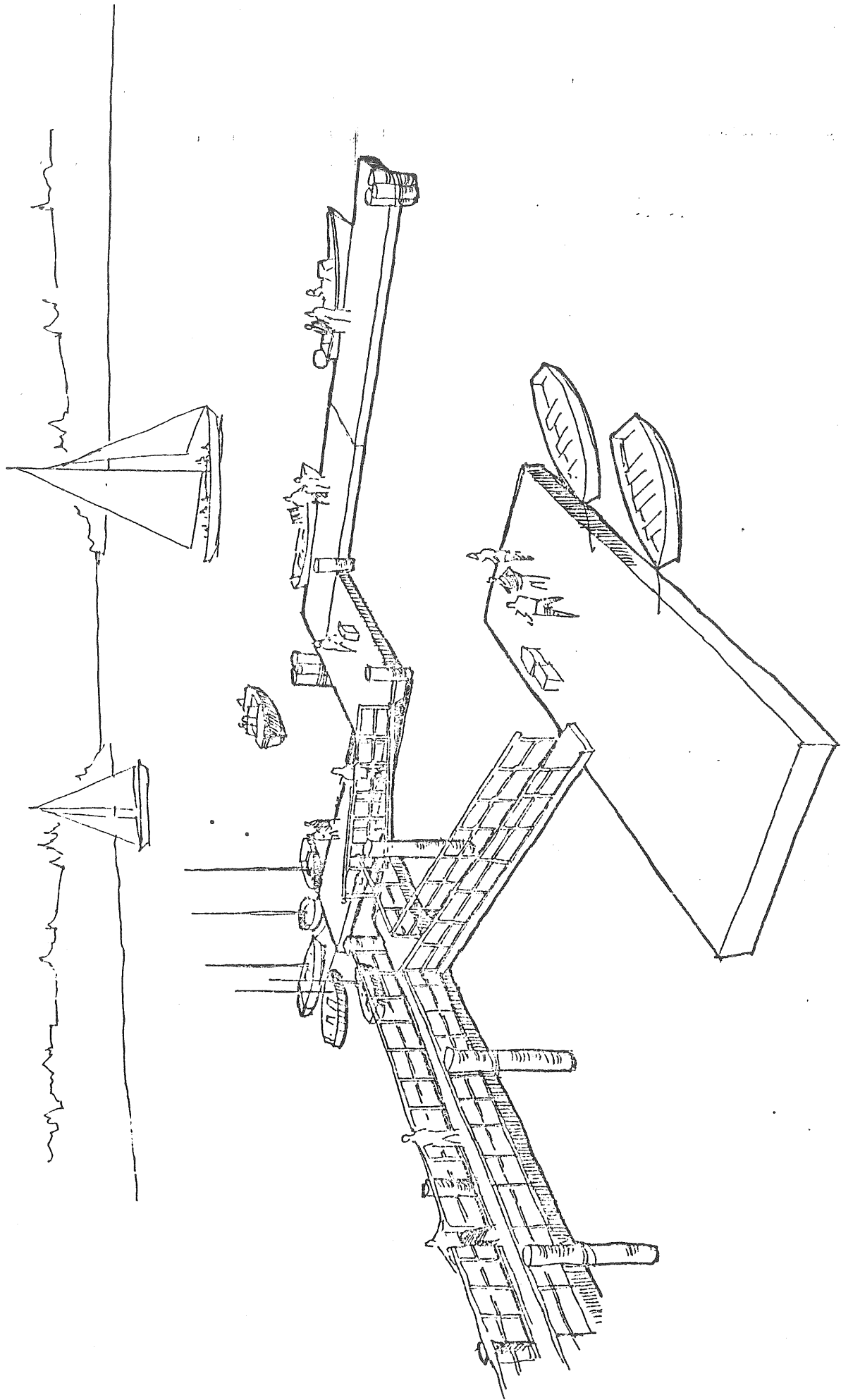
Custom Docks, Ramps & Float Systems



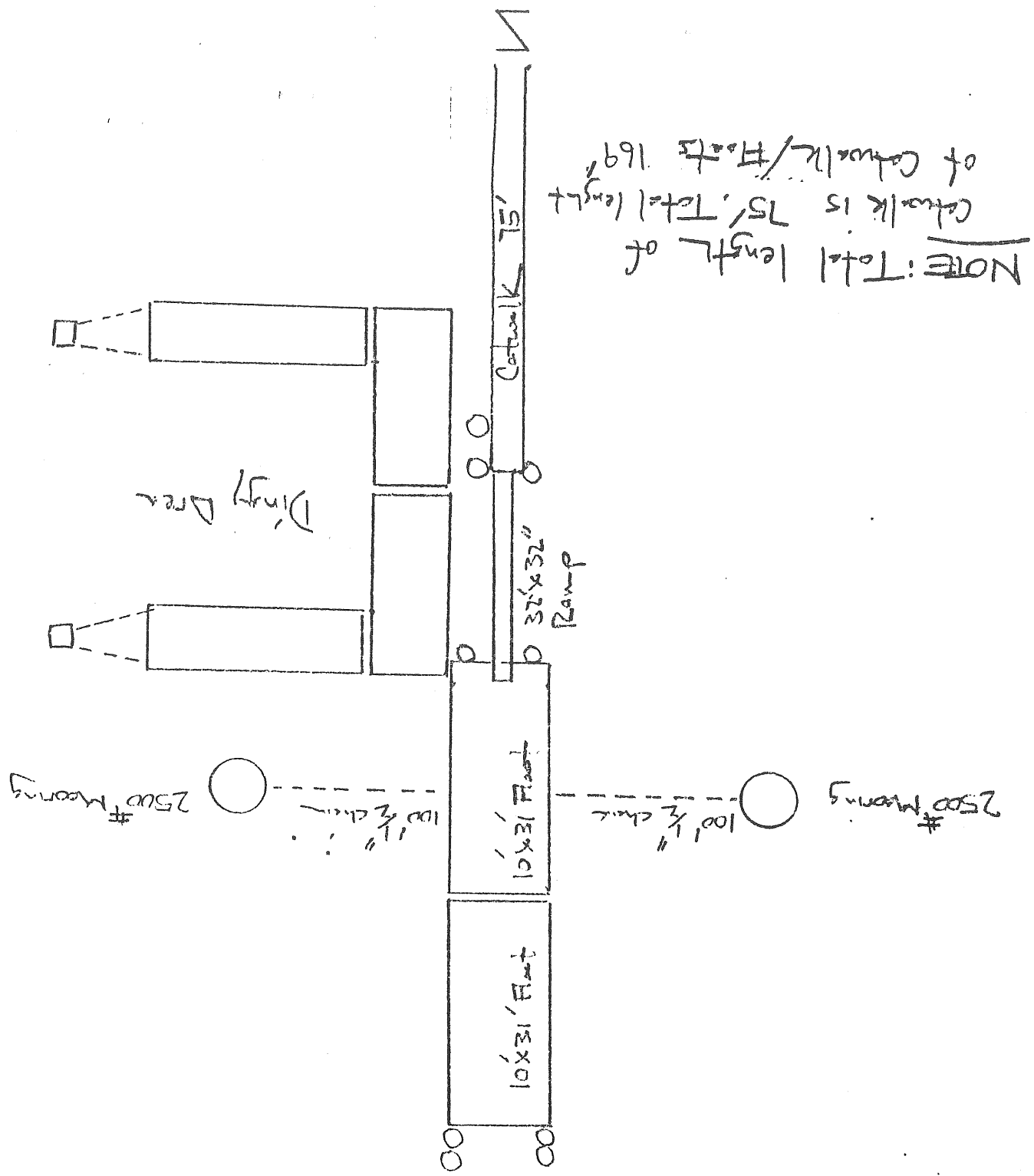
TEMA/ Proposed Custom/Dock

Proposed T.E.I.A. Dock Facility

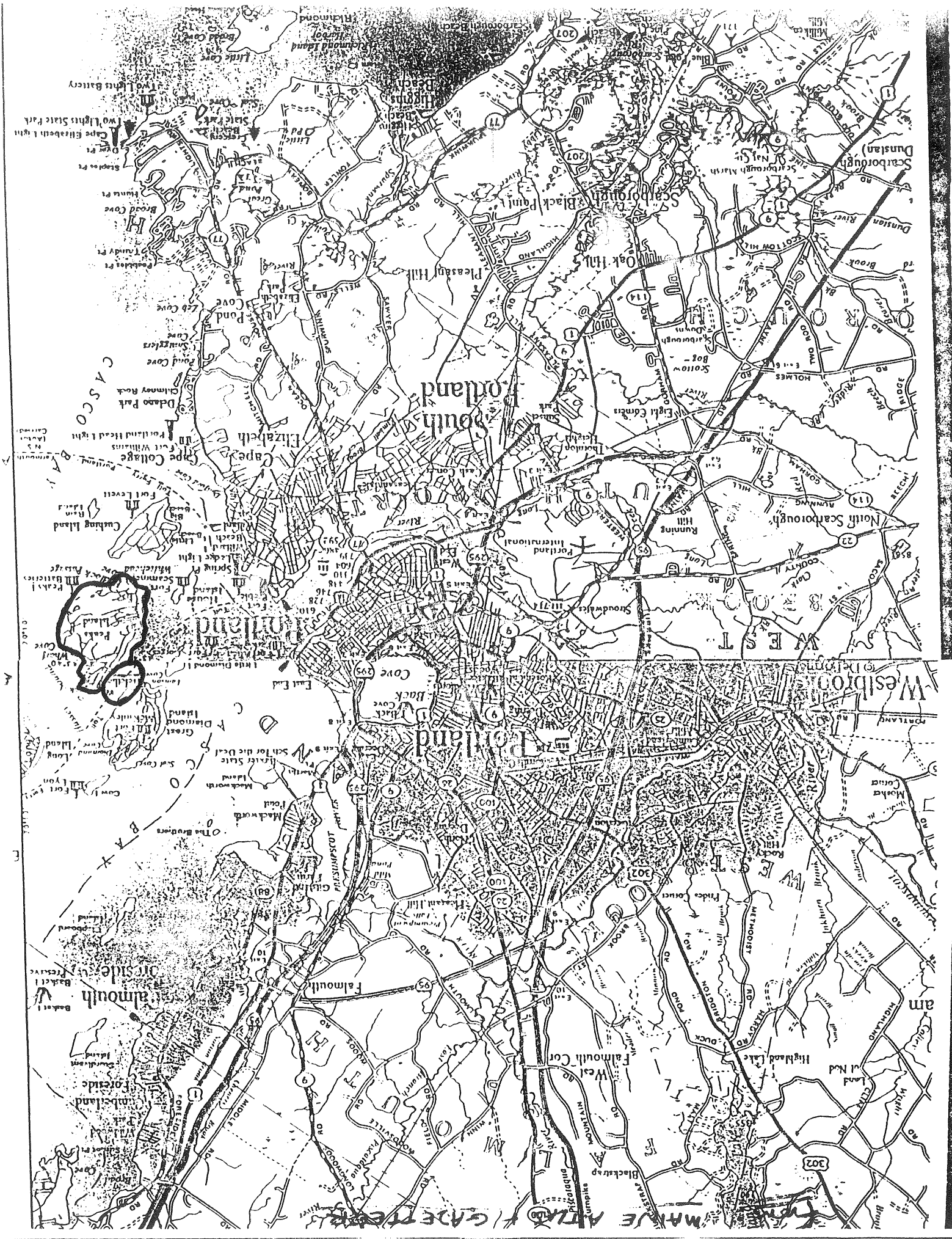
Waterman Marine: Architect/Builder

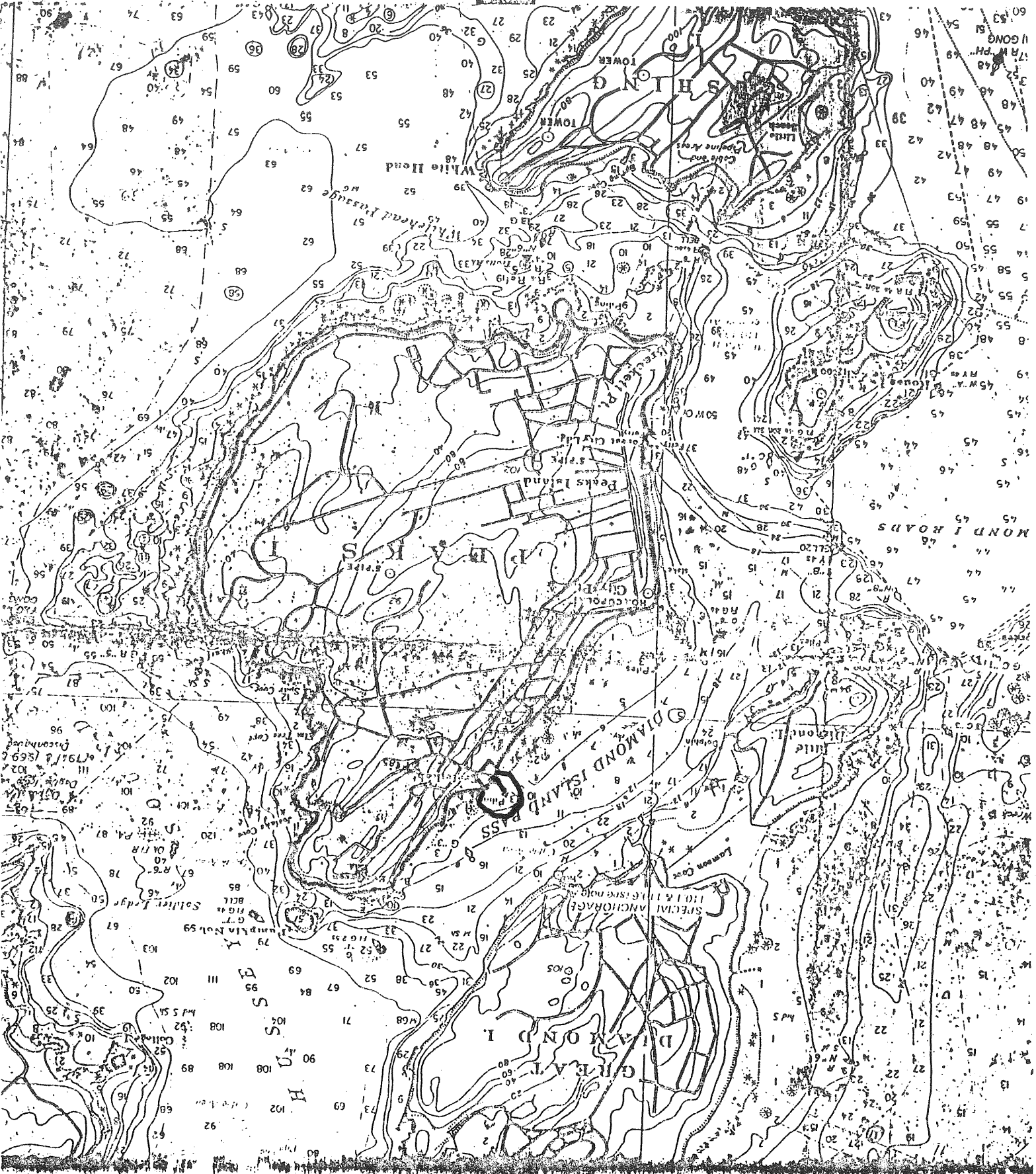


TEA/Exit, Catwalk/Door



9/4/98

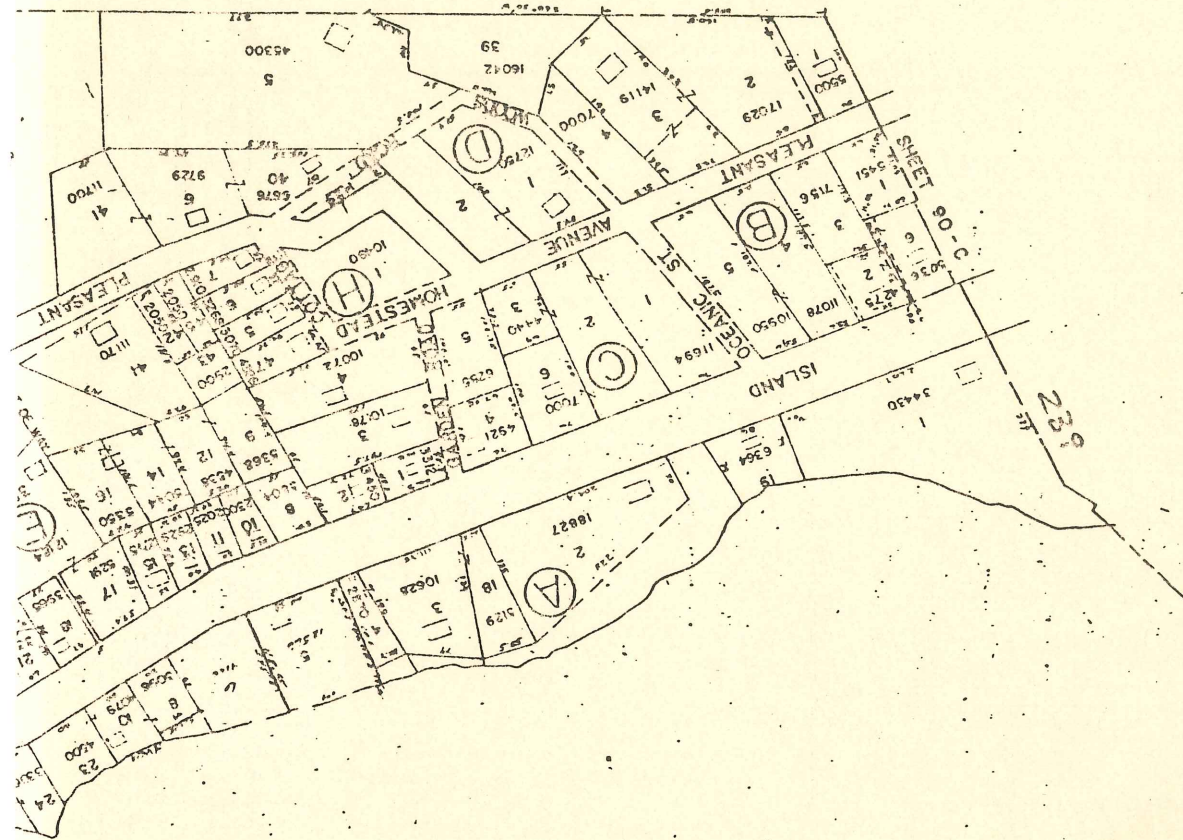




From: Nautical Chart

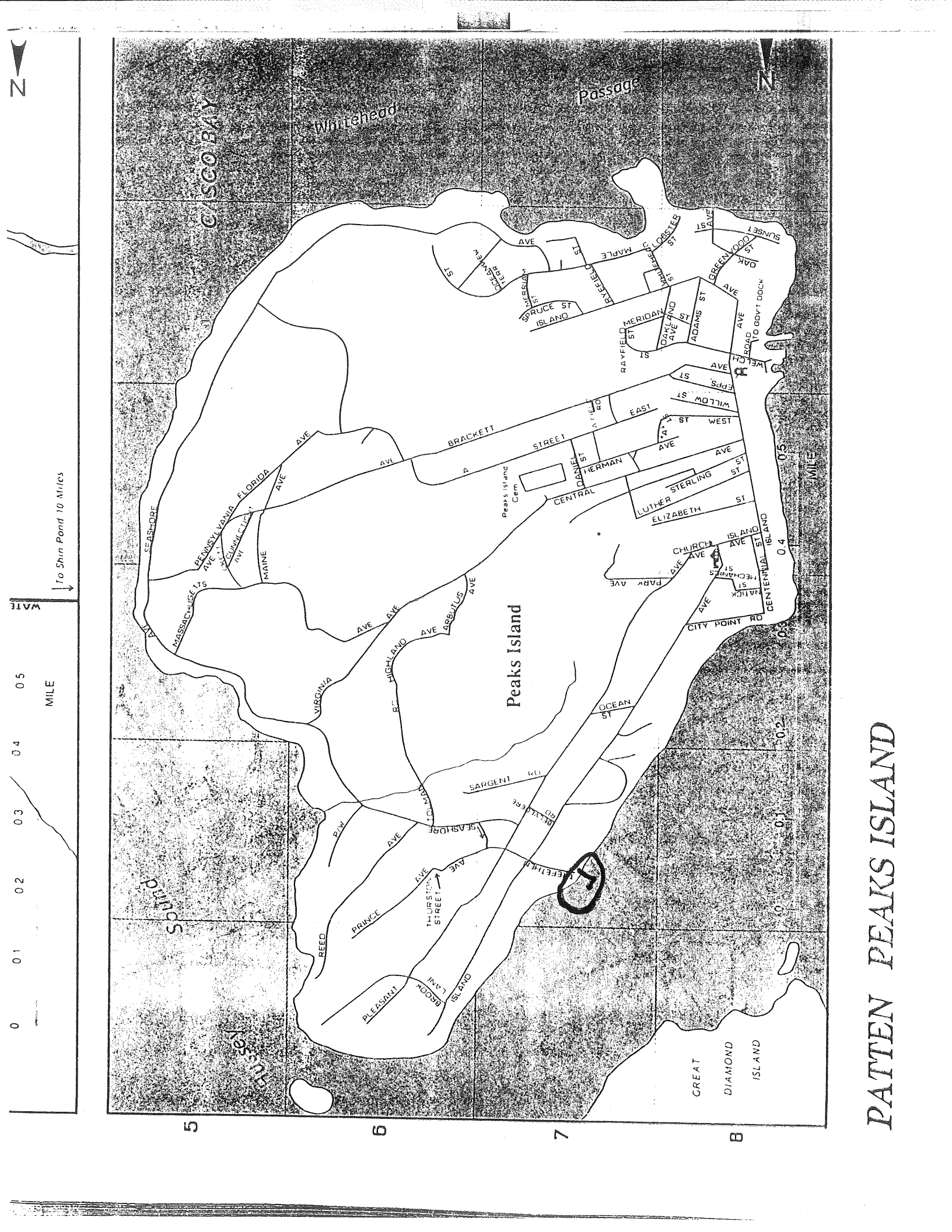
PEAKS ISLAND
N^o 90





Peaks Island

No 92



PATTEN PEAKS ISLAND

The whole system with the exception of the pier itself appears to have reached a state where some of the components either require substantial repair or have reached the end of their useful life. Specifically most of the floats require attention or should be retired. The 10' x 31' floats appear to be repairable but will have to be examined when on shore this fall. Their condition and useful life remaining will depend upon the status of their hardware fastenings. For the time being they have been secured by the addition of two concrete mooring blocks secured with chain and rope. The 8' x 20' floats are not repairable and should be retired. The dingy float appears to be in very poor condition and has likely reached the end of its useful life. The fastenings appear to have failed and the foam holders do not appear to have any integrity. The ramp has lost some of its strength and appears to be repairable with some structural assistance and the replacement of the handrail. The pilings (3 sets of two) have all been subject to considerable stresses as a result of the system configuration, with the middle set being worn to the extreme. The other two sets of pilings appear to have some integrity but should be examined under water to determine the degree of useful timber remaining. The pier appears to be in good condition with the handrail requiring attention in several places. As you are aware the deck should be raised 16" to 24" to keep it out of storm tides and storm surge. Before any estimate of the cost for this work can be done we

Analysis and Observations

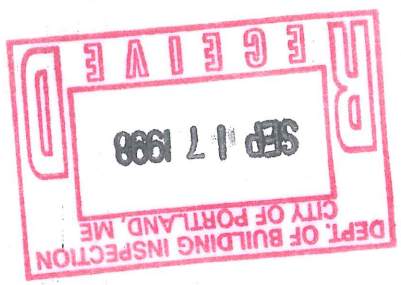
I write to you in response to your Association's request for an analysis of your current dock system and suggestions for future improvement. The following is a summary of our findings and recommendations:

Dear David,

TEIA Pier & Float Systems

Mr. David Norton
TEIA Peaks Island
Maine.

20 August 1998





recommend that you retain the services of a diver to examine the condition of the piling. In the event that their condition has deteriorated significantly we would suggest that they be replaced.

Recommendations

A repair and replacement program should be initiated to permit the Association to budget the repairs and capital cost of new floats and associated infrastructure work to meet the foreseeable requirements of the Association and system usage. We would normally suggest that improvements commence with work from the shore outward. Depending upon your needs and budget availability, the prosecution of all of the improvements we will suggest will likely involve substantial cash outlays. Work on repairs to the pier need not be attended to first but would result in a more orderly construction program.

Proposal

- 1. Raise pier deck and extend 30' seaward.
- 2. Drive new piling to support new configuration (+- 14).
- 3. Repair existing ramp
- 4. Repair existing floats - 10' x 31'
- 5. Construct ~~new~~ new floats - 12' x 32'
- 6. Construct a new ramp - 32' x 32'
- 7. Install new moorings with required chain & hardware (3)

Please review the attached sketch in conjunction with this section of the report. Most of the work outlined can be done off-season to cause minimal disruption to system usage. Please provide me with your comments and observations after you have had the opportunity to review this report. I trust you will find this helpful.

Yours truly

Peter F. Spencer

21 August, 1998
David Norton
TEIA, Peaks Island
Me.

TEIA Pier & Dock System Improvements

Custom Docks, Ramps & Float Systems



Dear David,
Proposal for Dock System costs:

- Ramp: 32' x 32" old fashioned handrail, heavy duty custom steel pivots on both pier & float \$3,870.
- Floats: 12' x 32', fully foamed for stability, height at deck to match existing 10' x 31' floats, wooden bollards & cleats, D-channel boat bumper on exposed sides, heavy shoes for sitting on ledge or beach during winter storage @ \$9400 per, x 3 \$28,300.
- Pilings: Southern yellow pine, 8" minimum tip diameter, treated, .80 CCA, driven to refusal (6' minimum) @ approx \$850 per x 14 (more depending upon underwater survey) \$11,900.
- Moorings: 2250 lb. high strength concrete with appropriate galvanized hardware, 1/2" chain & nylon rope to secure to floats @ \$1,700 x 3 \$5,100.
- Misc: Design, engineering, transportation, set-up, clean up \$2,950.
- Total, new construction costs \$52,120.

Other: Pier extension 30'; cost will not be determinable until an underwater survey of the condition of the piling supports of the existing pier have been concluded. See report for details \$9500.

Ramp repair (existing); time & materials. See report for details

Float repairs (2 x 10' x 30'); time & materials. See report for details

Raising the pier deck; time & materials; to include either stairs or inclined deck section to meet existing club veranda \$10,000 - 10,000 or \$70,000 or

To be completed Fall 1998

Phase I: Pilings/Raising Pier/Extend Pier: \$30,000 or To be completed

Notes: All structural wood except pilings is 0.4 lb. CCA pressure treated southern yellow pine; all decking and handrails are western red cedar. All hardware is hot dipped galvanized or equivalent in strength and longevity.

Terms of payment: for new construction, 50% at time of contracting, 30% upon completion of construction of components, balance upon installation & completion.

The figures for costs as quoted are valid for 60 days from the date

WATERMAN MARINE CORPORATION

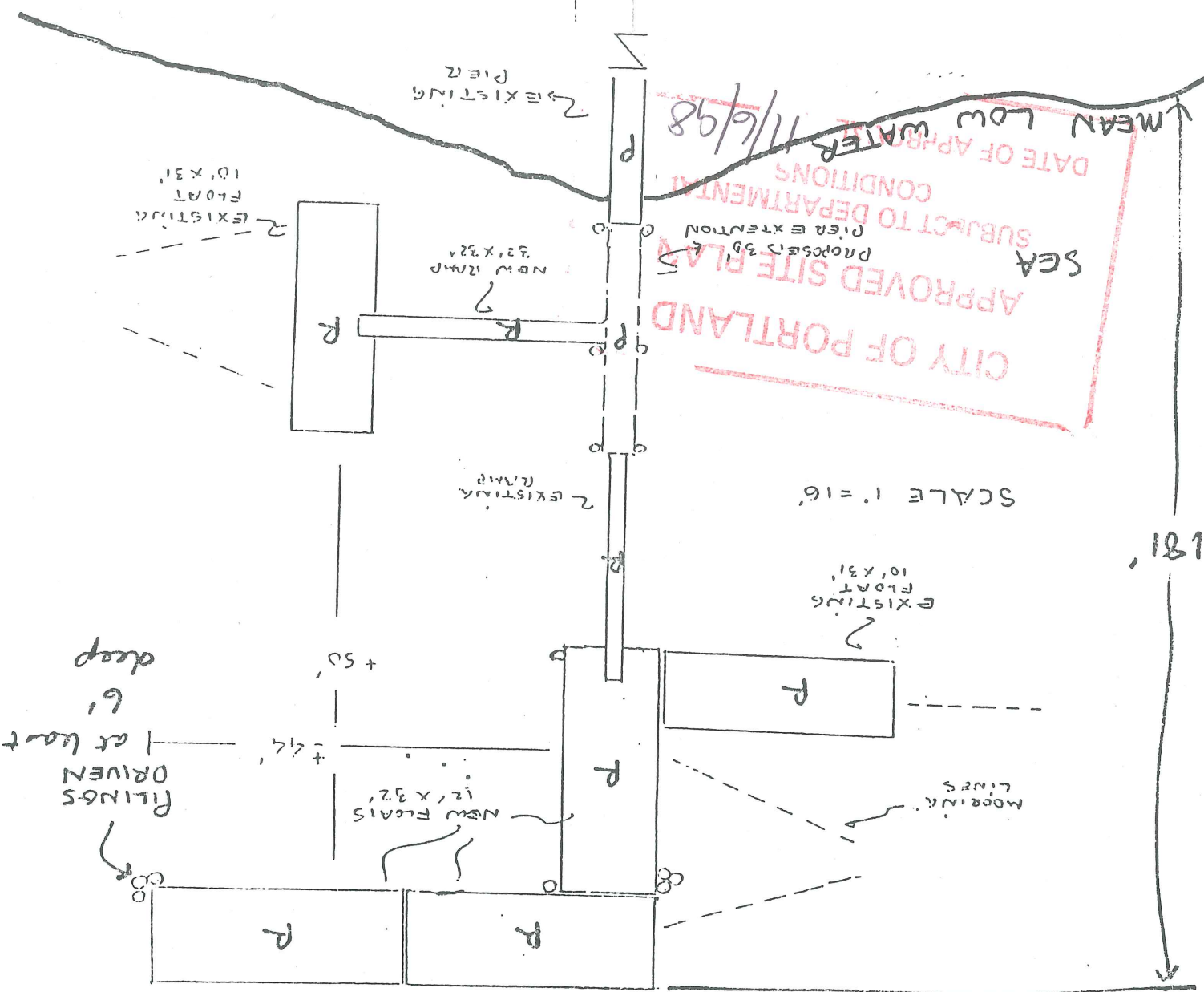
Mailing Address: RR #5, 2357-A • Brunswick, ME 04011 Street Address: Dingley Island Road, Hayswell, ME (207) 725-8123 / Fax: (207) 725-8136

LAND

CITY OF PORTLAND
 APPROVED SITE PLAN
 PROPOSED 30' PIER EXTENSION
 SUBJECT TO DEPARTMENTAL CONDITIONS
 DATE OF APPROVAL 11/6/98
 MEAN LOW WATER

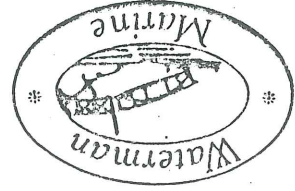
SCALE 1" = 16'

181'



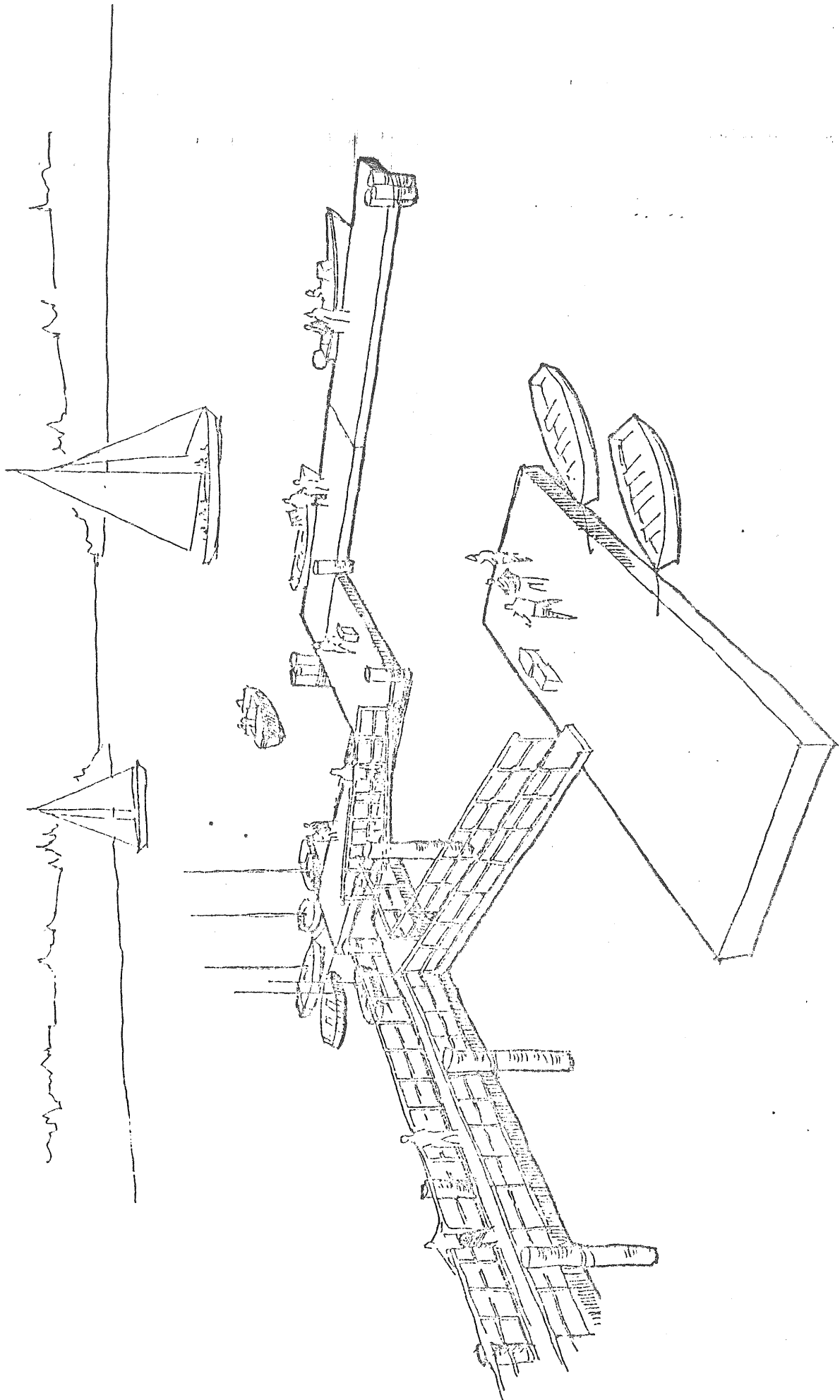
6' deep
 FILINGS
 DRIVEN
 at least

P = permanent structures
 R = removed
 Custom Docks, Ramps & Float Systems



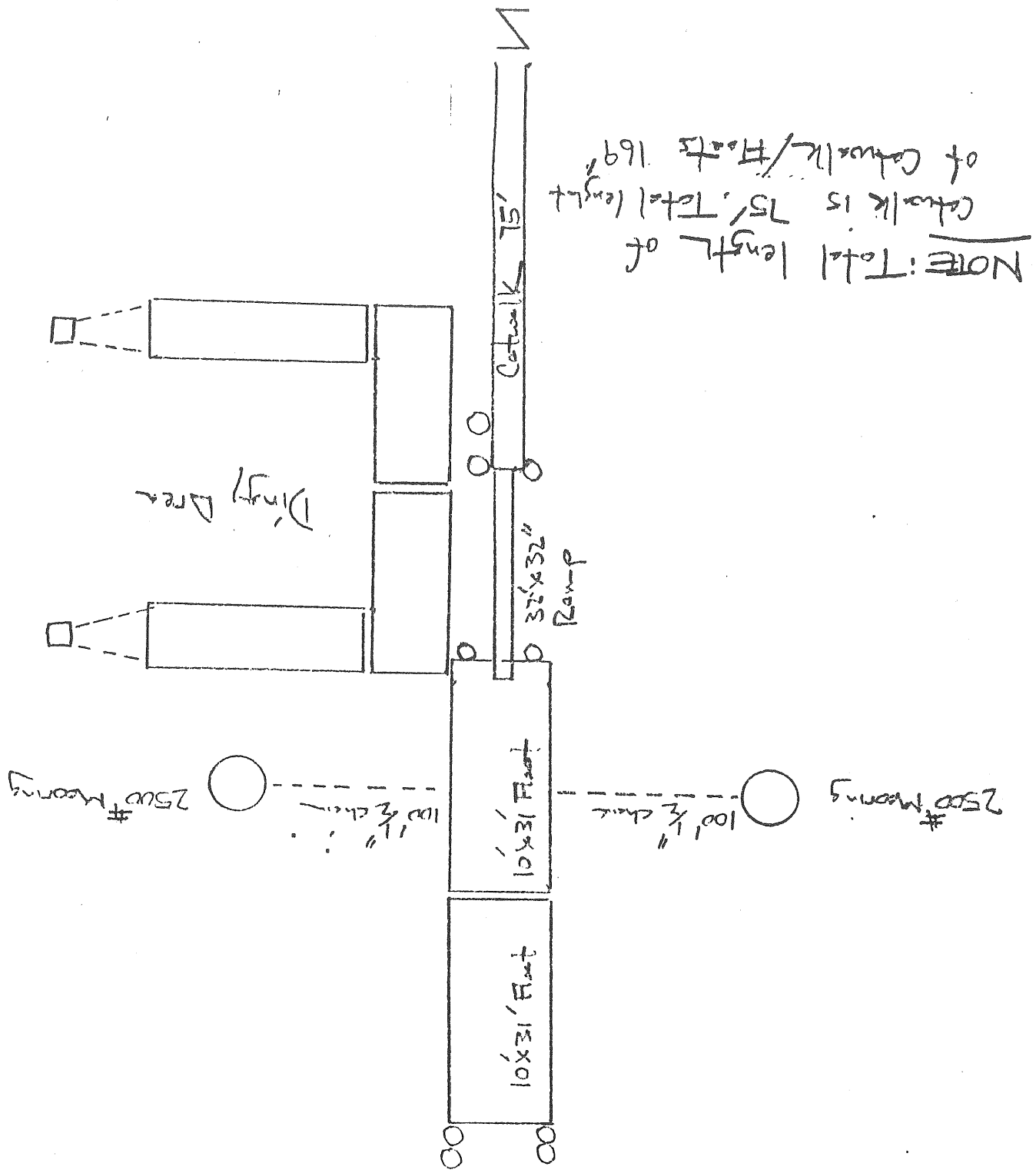
FINAL Proposed Custom/Dock

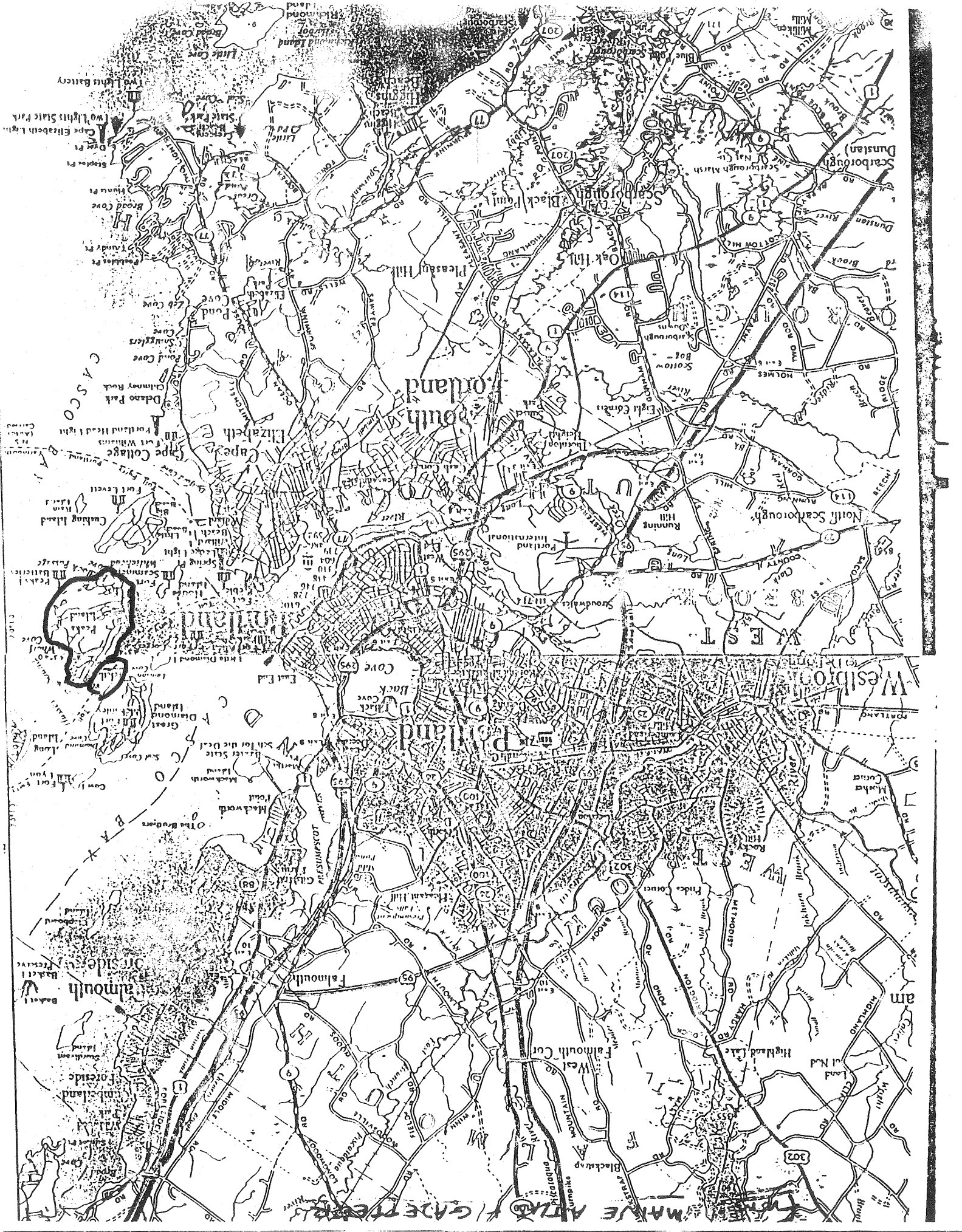
Proposed T.E.I.A. Dock Facility
Waterman Marine: Architect/Builder



TRAIL/EXIT, Calk/Dock

9/4/98





South Portland

West Portland

East Portland

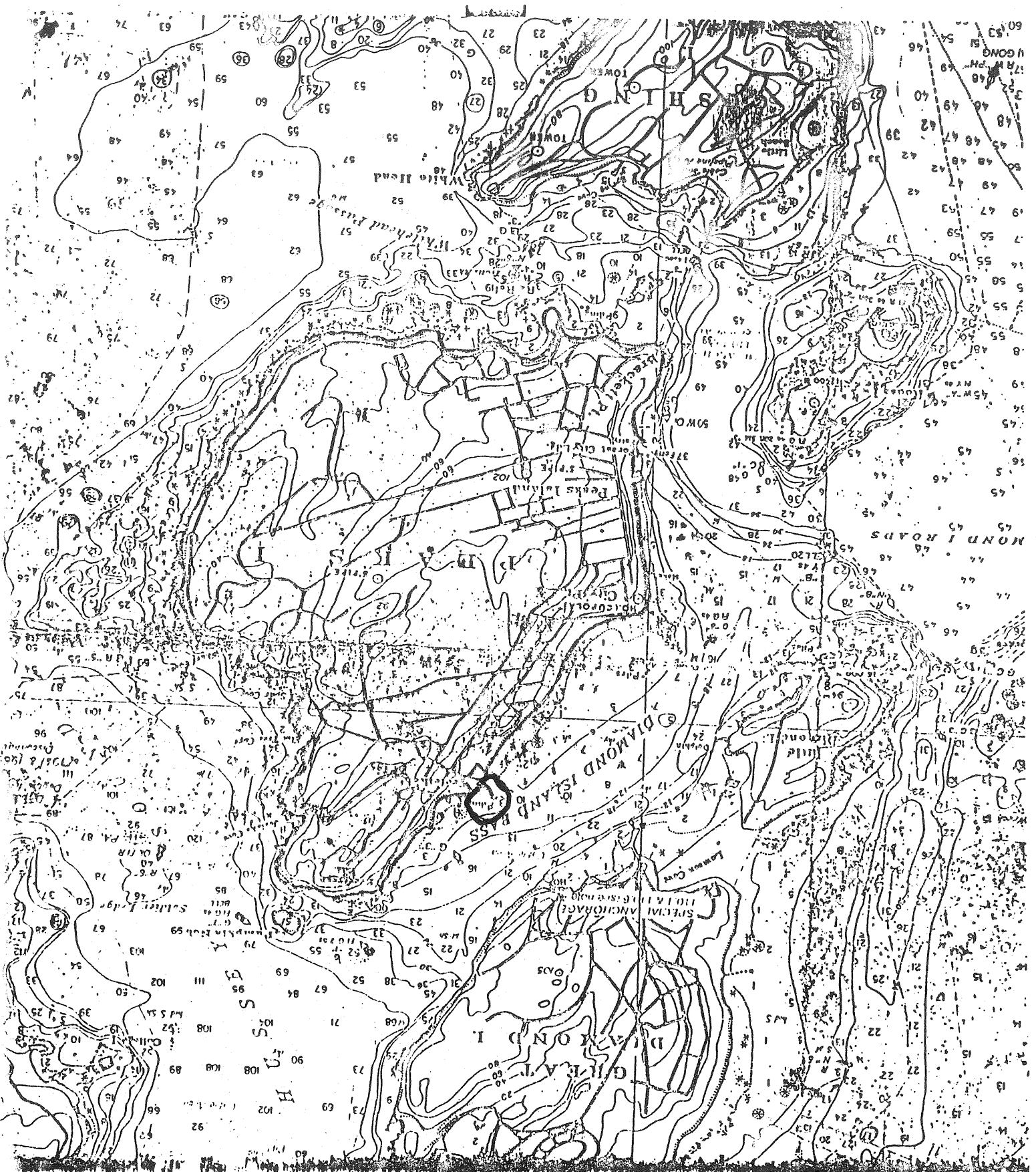
MAINE STATE GAZETTEER

CASCO

WEST

Westport

am

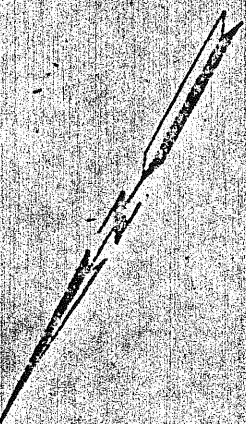
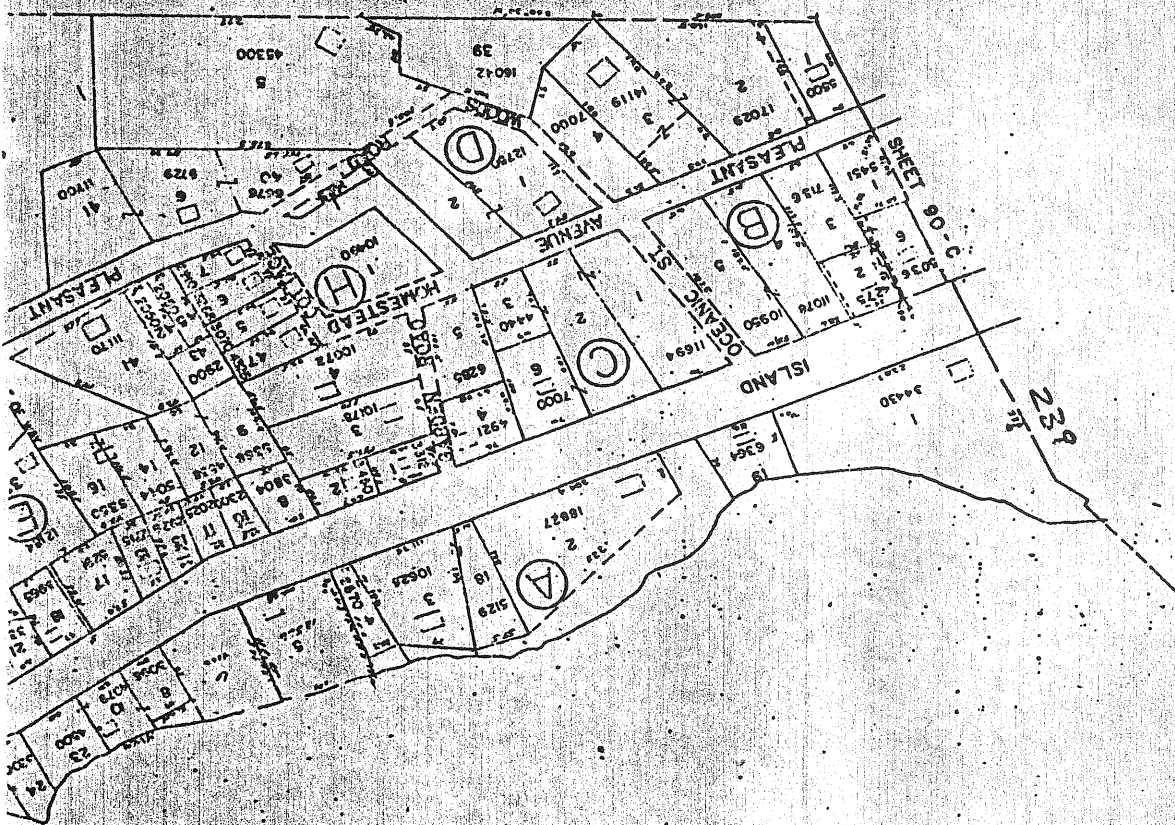


From: Nautical Chart

PEAKS ISLAND

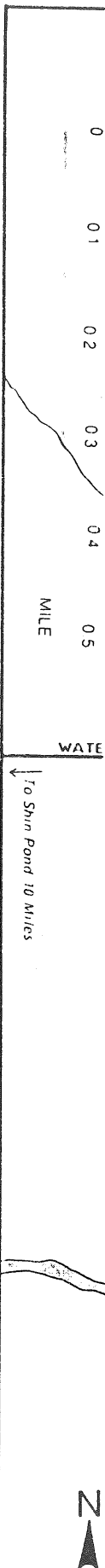
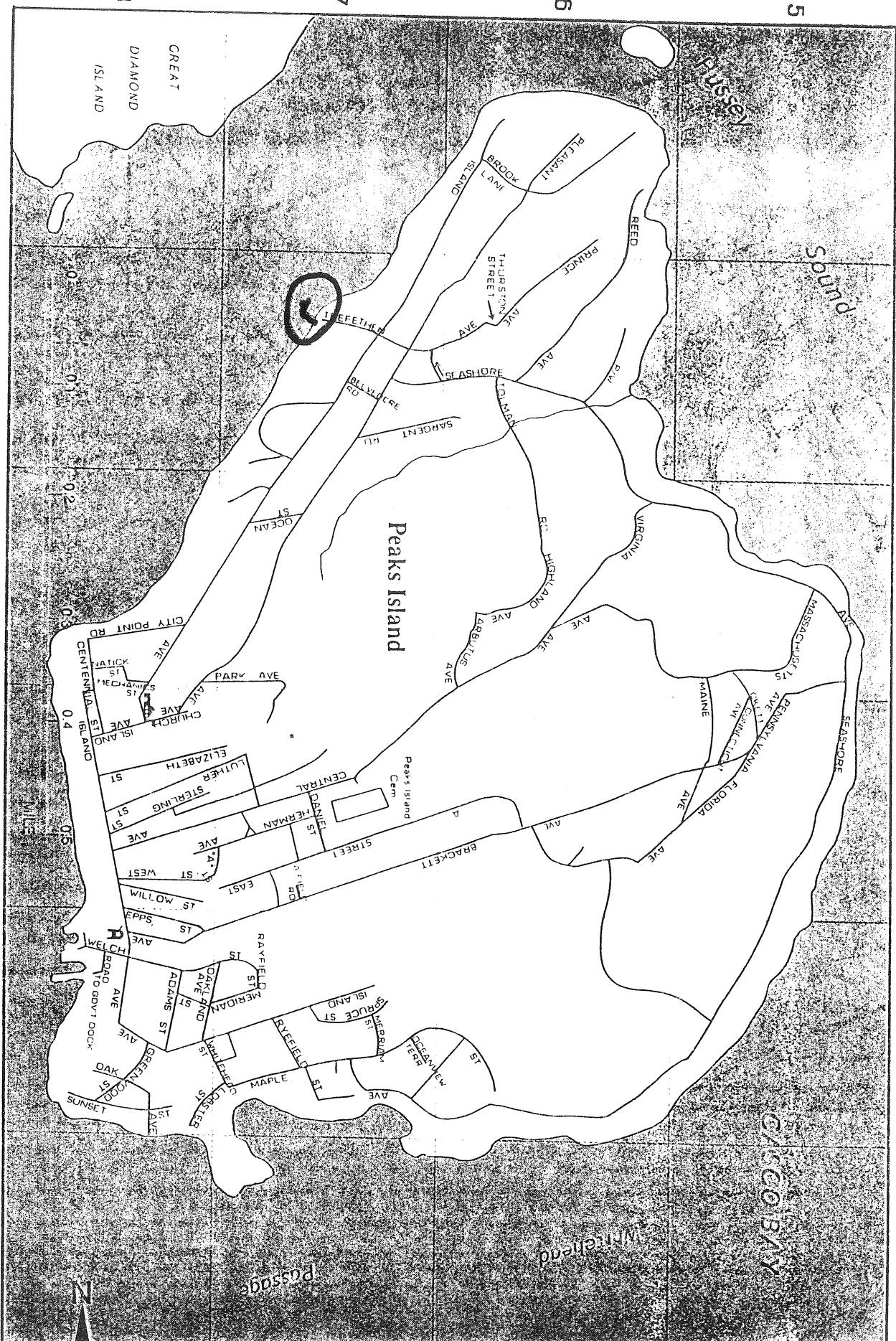
Nº 90





No. 92
PEAKS ISLAND

PATMEN PEAKS ISLAND



The whole system with the exception of the pier itself appears to have reached a state where some of the components either require substantial repair or have reached the end of their useful life. Specifically most of the floats require attention or should be retired. The 10' x 31' floats appear to be repairable but will have to be examined when on shore this fall. Their condition and useful life remaining will depend upon the status of their hardware fastenings. For the time being they have been secured by the addition of two concrete mooring blocks secured with chain and rope. The 8' x 20' floats are not repairable and should be retired. The dingy float appears to be in very poor condition and has likely reached the end of its useful life. The fastenings appear to have failed and the foam holders do not appear to have any integrity. The ramp has lost some of its strength and appears to be repairable with some structural assistance and the replacement of the handrail. The pilings (3 sets of two) have all been subject to considerable stresses as a result of the system configuration, with the middle set being worn to the extreme. The other two sets of pilings appear to have some integrity but should be examined under water to determine the degree of useful timber remaining. The pier appears to be in good condition with the handrail requiring attention in several places. As you are aware the deck should be raised 16" to 24" to keep it out of storm tides and storm surge. Before any estimate of the cost for this work can be done we

Analysis and Observations

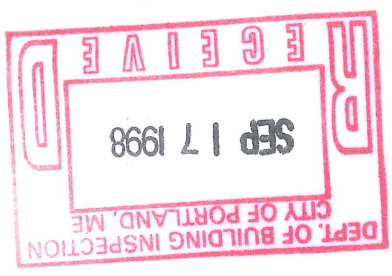
I write to you in response to your Association's request for an analysis of your current dock system and suggestions for future improvement. The following is a summary of our findings and recommendations:

Dear David,

TEIA Pier & Float Systems

Mr. David Norton
TEIA, Peaks Island
Maine.

20 August, 1998





recommend that you retain the services of a diver to examine the condition of the pilings. In the event that their condition has deteriorated significantly we would suggest that they be replaced.

Recommendations

A repair and replacement program should be initiated to permit the Association to budget the repairs and capital cost of new floats and associated infrastructure work to meet the foreseeable requirements of the Association and system usage. We would normally suggest that improvements commence with work from the shore outward. Depending upon your needs and budget availability the prosecution of all of the improvements we will suggest will likely involve substantial cash outlays. Work on repairs to the pier need not be attended to first but would result in a more orderly construction program.

Proposal

Please review the attached sketch in conjunction with this section of the report. 1. Raise pier deck and extend 30' seaward.

2. Drive new pilings to support new configuration (+- 14).
3. Repair existing ramp
4. Repair existing floats - 10' x 31'
5. Construct ~~new~~ ^{three (3)} new floats - 12' x 32'
6. Construct a new ramp - 32' x 32'
7. Install new moorings with required chain & hardware (3)

Most of the work outlined can be done off-season to cause minimal disruption to system usage. Please provide me with your comments and observations after you have had the opportunity to review this report. I trust you will find this helpful.

Yours truly,

Peter F. Spencer

21 August, 1998
David Norton
TEIA, Peaks Island
Me.

TEIA Pier & Dock System Improvements

Custom Docks, Ramps & Float Systems



Dear David,
Proposal for Dock System costs:

- Ramp: 32' x 32" old fashioned handrail, heavy duty custom steel pivots on both pier & float \$3,870.
- Floats: 12' x 32', fully foamed for stability, height at deck to match existing 10' x 31' floats, wooden bollards & cleats, D-channel boat bumper on exposed sides, heavy shoes for sitting on ledge or beach during winter storage @ \$9400 per, x 3 \$28,300.
- Pilings: Southern yellow pine, 8" minimum tip diameter, treated. .80 CCA, driven to refusal (5' minimum) @ approx \$850 per x 14 (more depending upon underwater survey) \$11,900.
- Moorings: 2250 lb. high strength concrete with appropriate galvanized hardware, 1/2" chain & nylon rope to secure to floats @ \$1,700 x 3 \$5,100.
- Misc: Design, engineering, transportation, set-up, clean up \$2,950.
- Total, new construction costs \$52,120.

Other: Pier extension 30'; cost will not be determinable until an underwater survey of the condition of the piling supports of the existing pier have been concluded \$8500

Ramp repair (existing); time & materials. See report for details

Float repairs (2 x 10' x 30'); time & materials. See report for details

Raising the pier deck; time & materials; to include either stairs or inclined deck section to meet existing club

Veranda

Est \$70,000 or
Fall 1998 or
To be completed

Phase I: Pilings/Raising Pier/Extend Pier: \$30,000 or

Notes: All structural wood except pilings is 0.4 lb. CCA pressure treated southern yellow pine; all decking and handrails are western red cedar. All hardware is hot dipped galvanized or equivalent in strength and longevity.

Terms of payment: for new construction, 50% at time of contracting, 30% upon completion of construction of components, balance upon installation & completion.

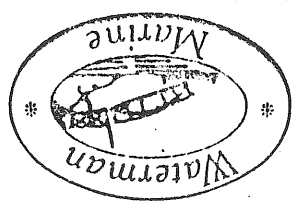
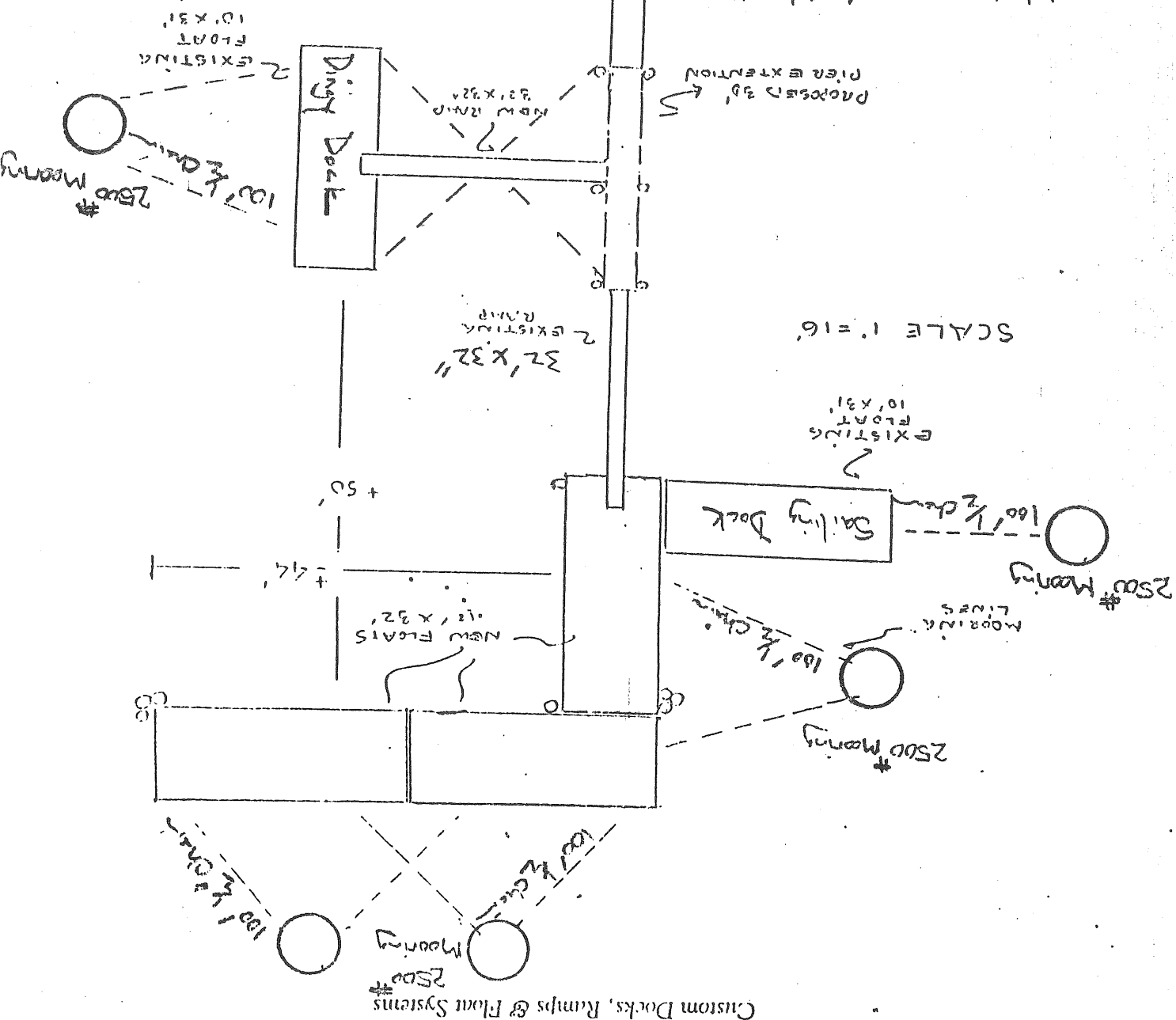
The figures for costs as quoted are valid for 60 days from the date

WATERMAN MARINE CORPORATION

Mailing Address: RR #5, 2357-A • Brunswick, ME 04011 • Street Address: Dingley Island Road, Hayswell, ME (207) 725-8123 / Fax: (207) 725-8136

NOTE: Total length of Catwalk with additional 30' will now be 103'; Total Catwalk Deck area will extend 181' from the front of the Club House

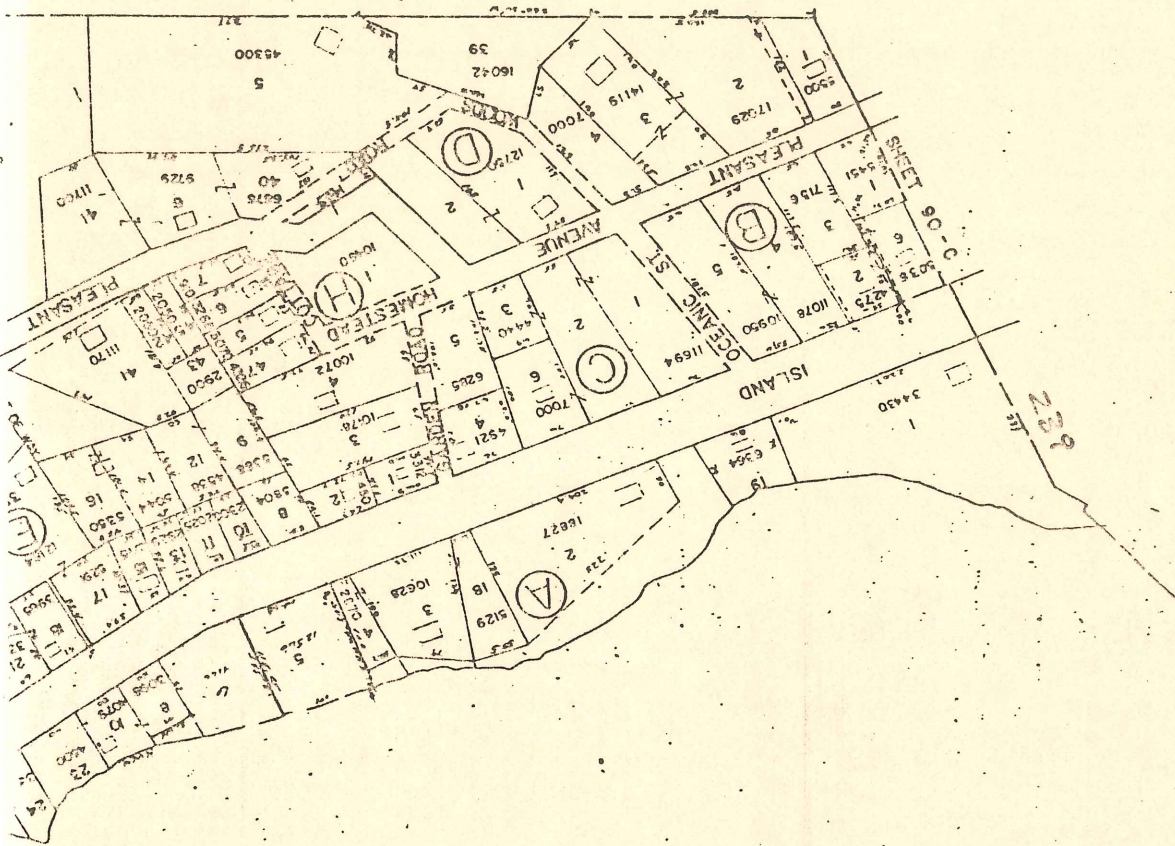
EXISTING Pier 2
 Level with Deck Attached to the front of the Club House
 → EXISTING/Retail Decking/Railing



Custom Docks, Ramps & Float Systems

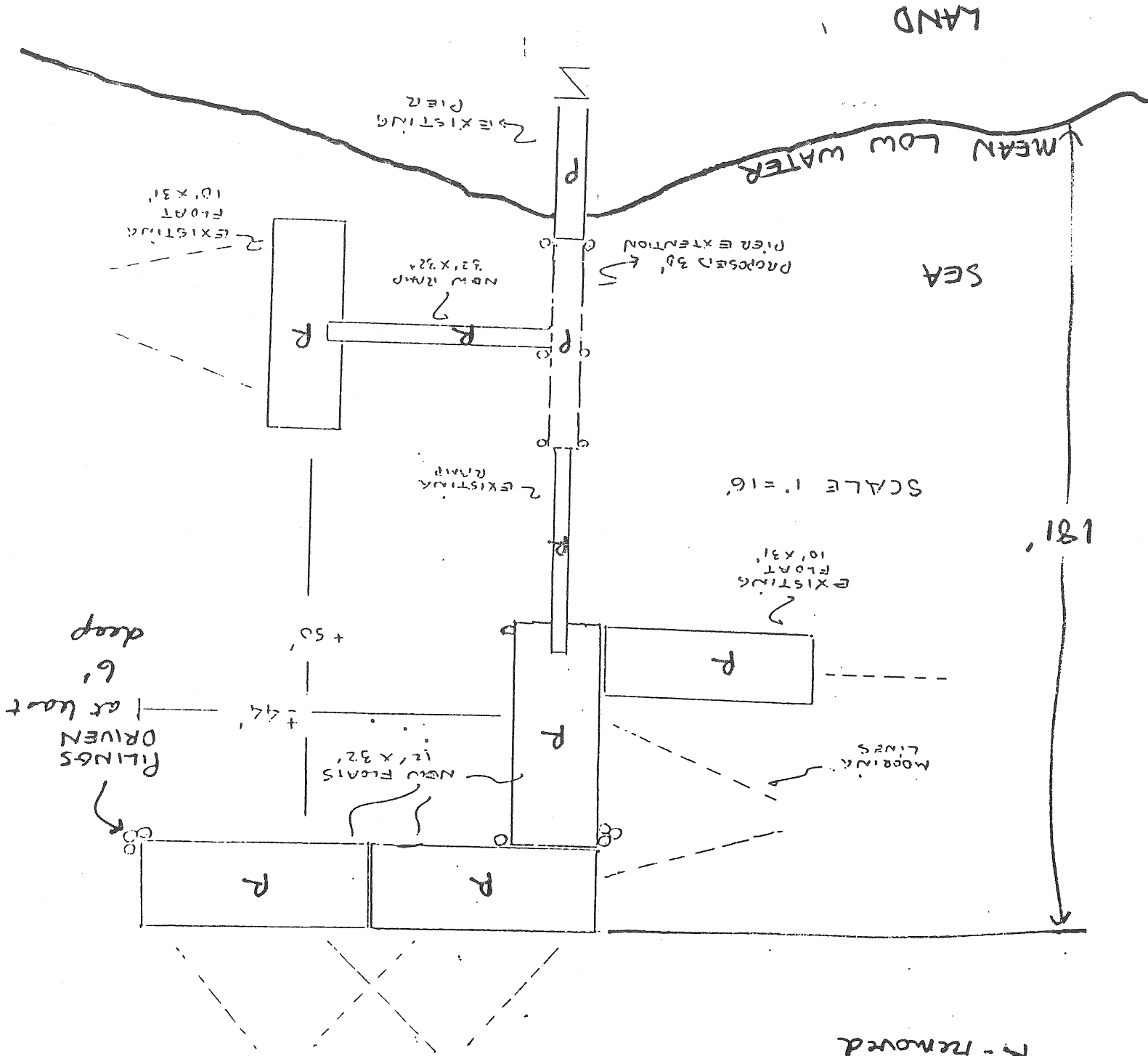
№ 90
PEAKS ISLAND





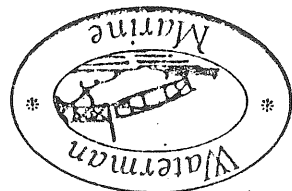
Peaks Island

No 92

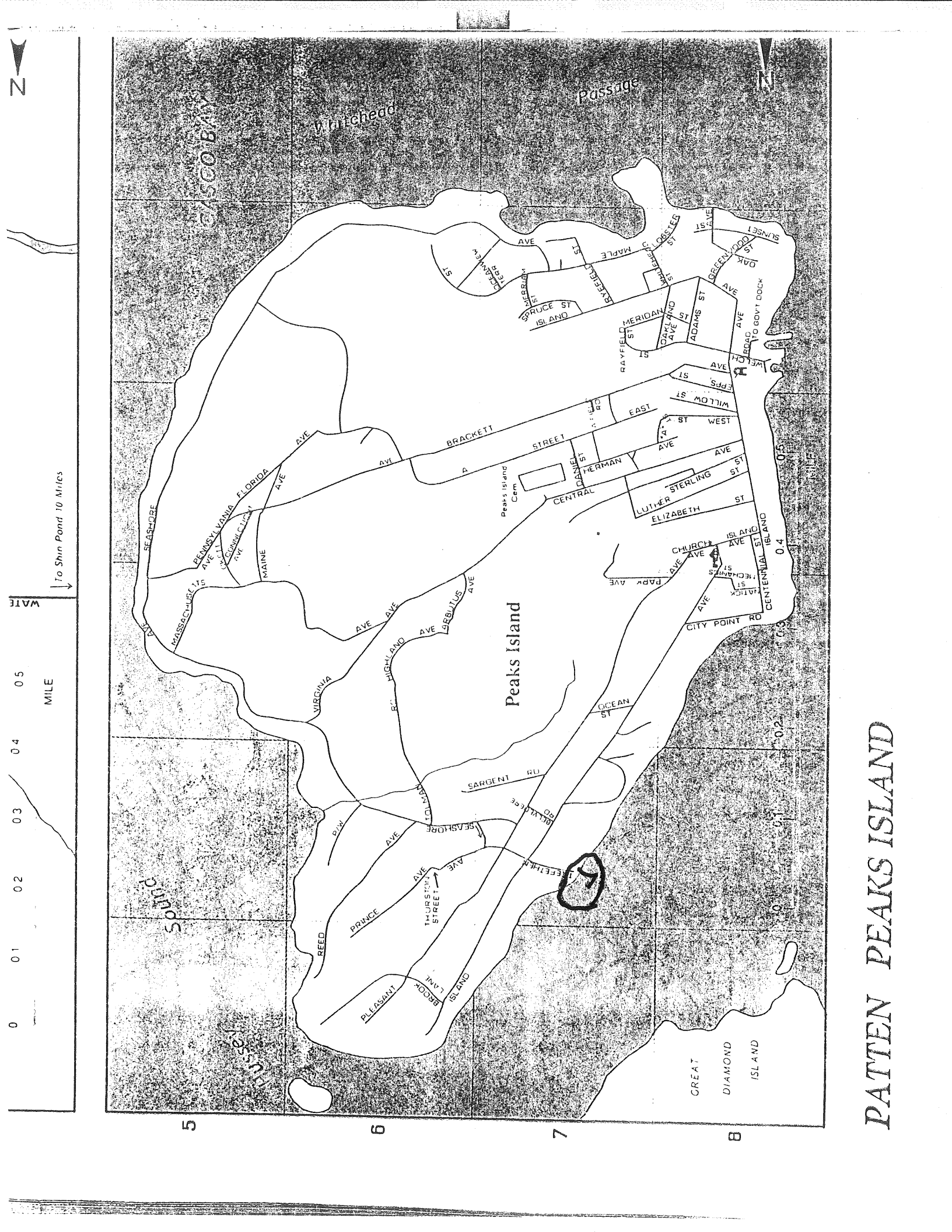


P = permanent structures
 R = removed

Custom Docks, Ramps & Float Systems



TEMA Proposed Catches/Dock



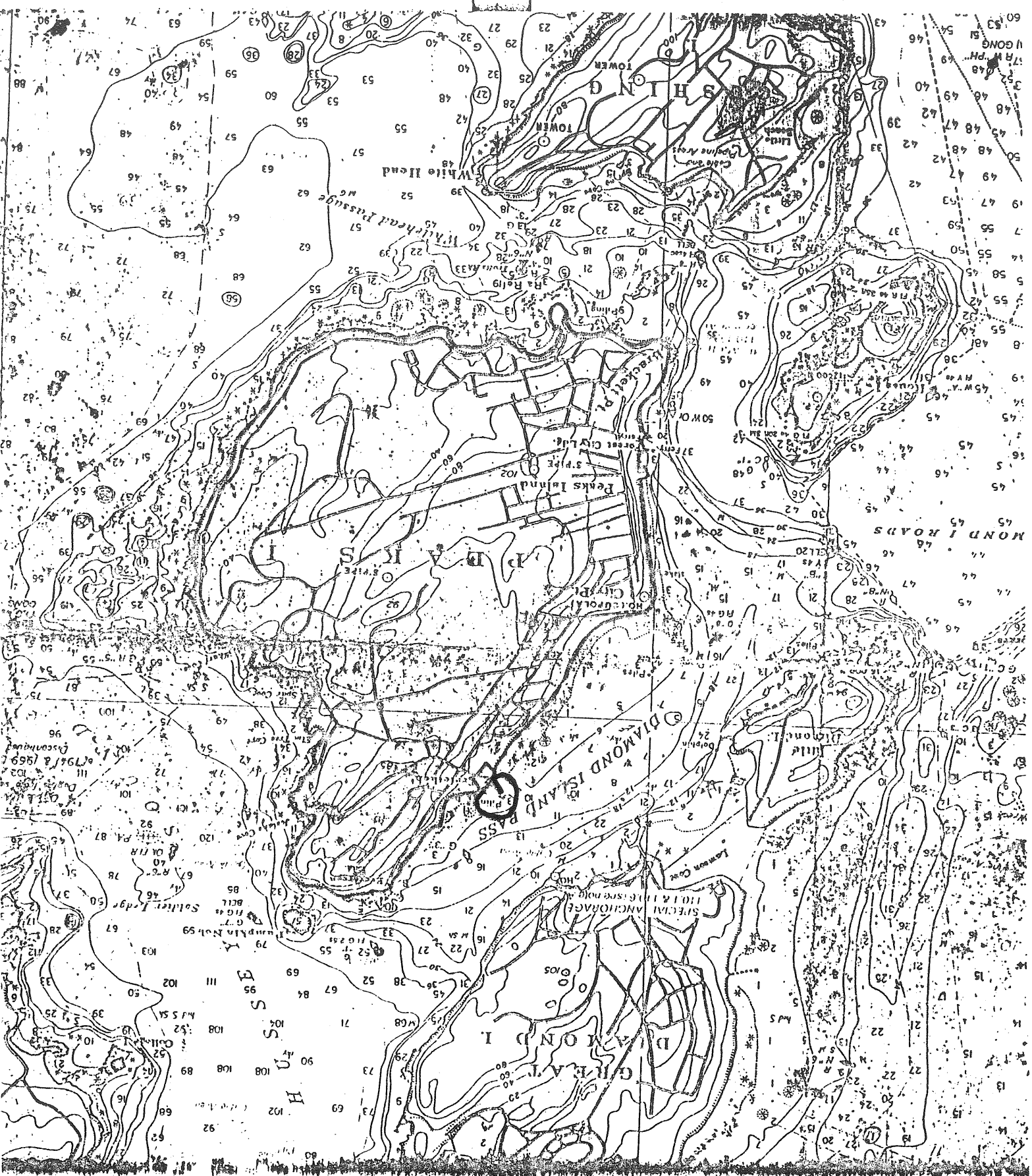
To Shin Pond 10 Miles

WATER

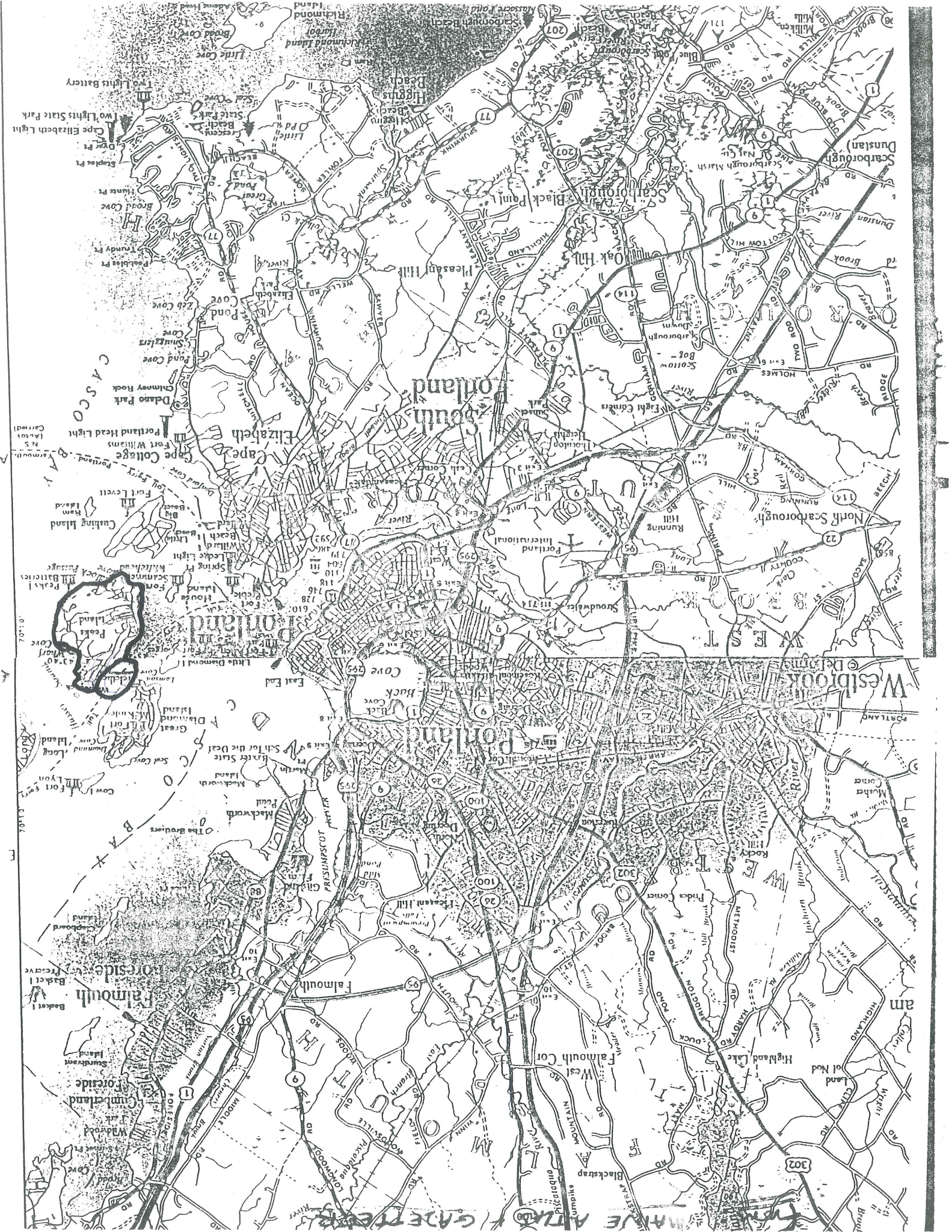
0 0.1 0.2 0.3 0.4 0.5 MILE

5 6 7 8

PATTEN PEAKS ISLAND



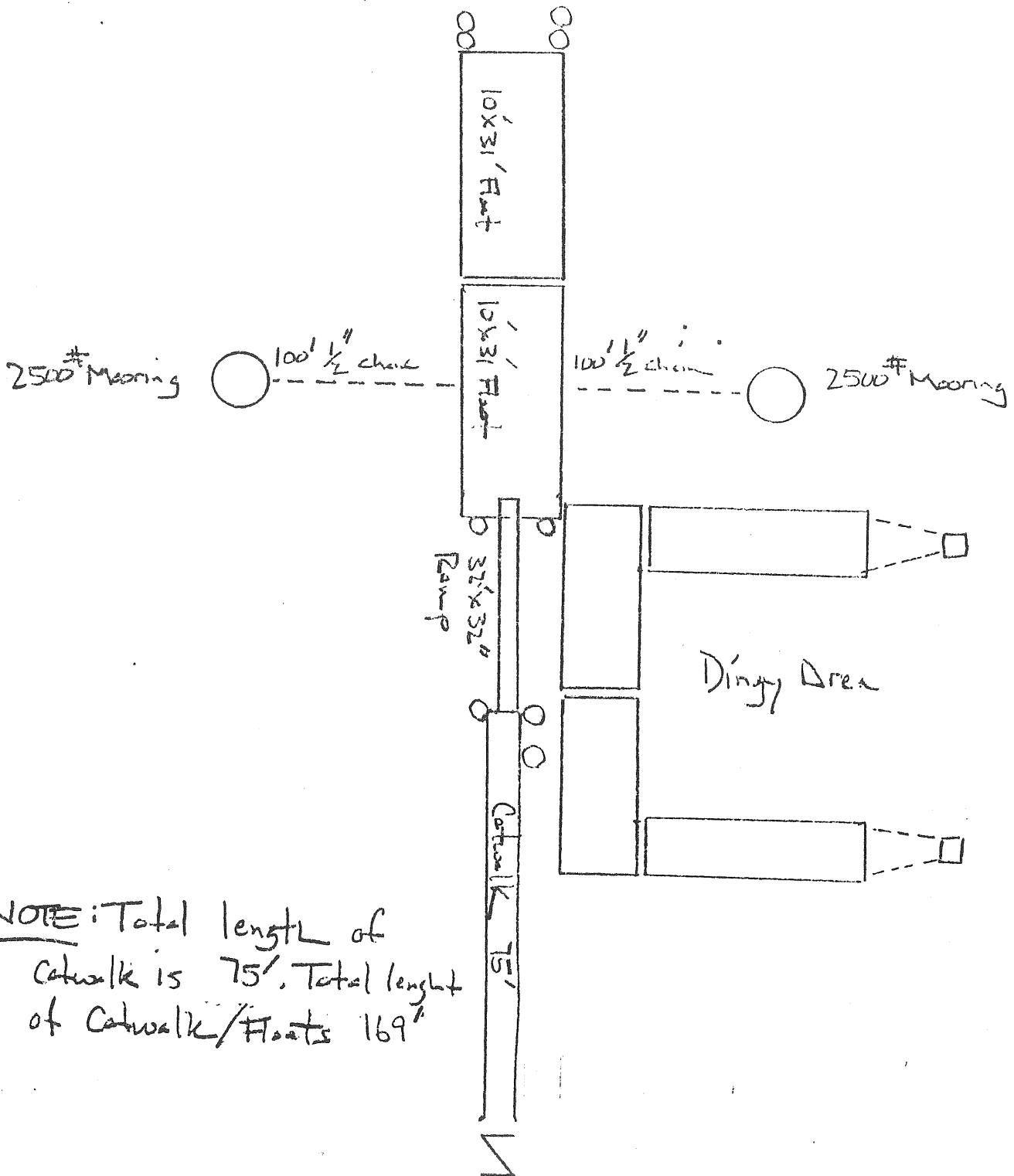
FROM: Nautical Chart



MAINE STATE GAZETTEER

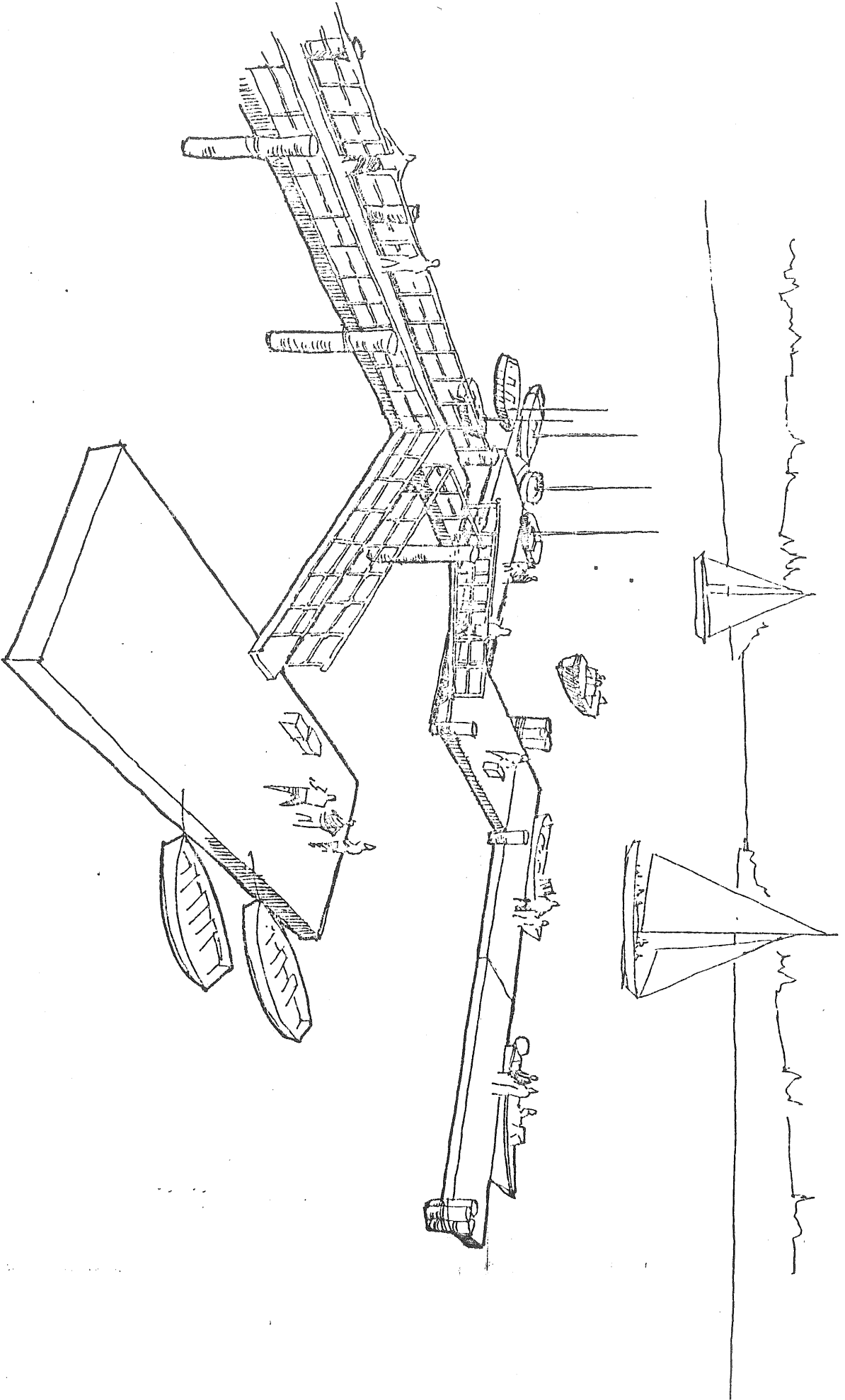
9/4/98

TEED/Existing Catwalk/Deck



NOTE: Total length of
catwalk is 75'. Total length
of catwalk/floats 169'

Proposed T.E.I.A. Dock Facility
Waterman Marine: Architect/Builder



From: Shukria Wiar
To: appleyard@maine.rr.com
Date: 1/21/2010 10:38 AM
Subject: True Street Landscaping

Hello Amanda:

The Planning Division had reviewed and approved the attached revised landscaping plan. A condition of approval would be that the tree plantings shall be in place by the end of June 2010.

If you have any questions, please do not hesitate to contact me.

Thank you.

Shukria

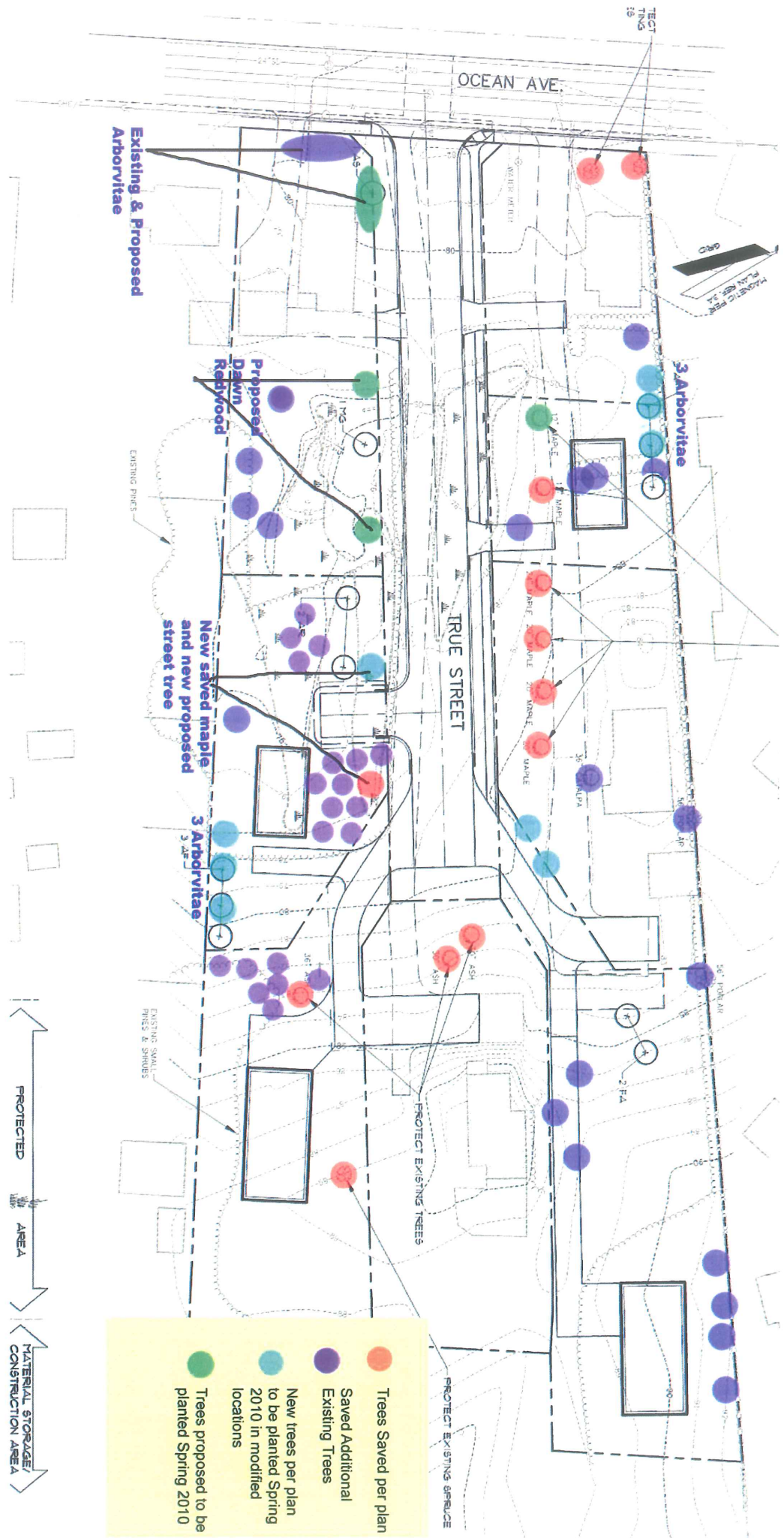
Shukria Wiar, Planner
City of Portland, Division of Planning
389 Congress Street, Portland, ME 04101
Ph: 207-756-8083 Fax: 207-756-8258

>> Jeff Tarling 1/13/2010 2:32 PM >>>
Hi Shukria -

I reviewed the latest tree planting / landscape plan for the True Street project and find this acceptable as presented. Tree planting should be in place by the end of June in the Spring.

Thanks,

Jeff Tarling



- Trees Saved per plan
- Saved Additional Existing Trees
- New trees per plan to be planted Spring 2010 in modified locations
- Trees proposed to be planted Spring 2010



Existing & Proposed Arborvitae

Proposed Dawn Redwood

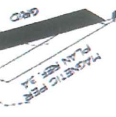
New saved maple and new proposed street tree

3 Arborvitae

3 Arborvitae

TRUE STREET

OCEAN AVE.



TECT TING IS

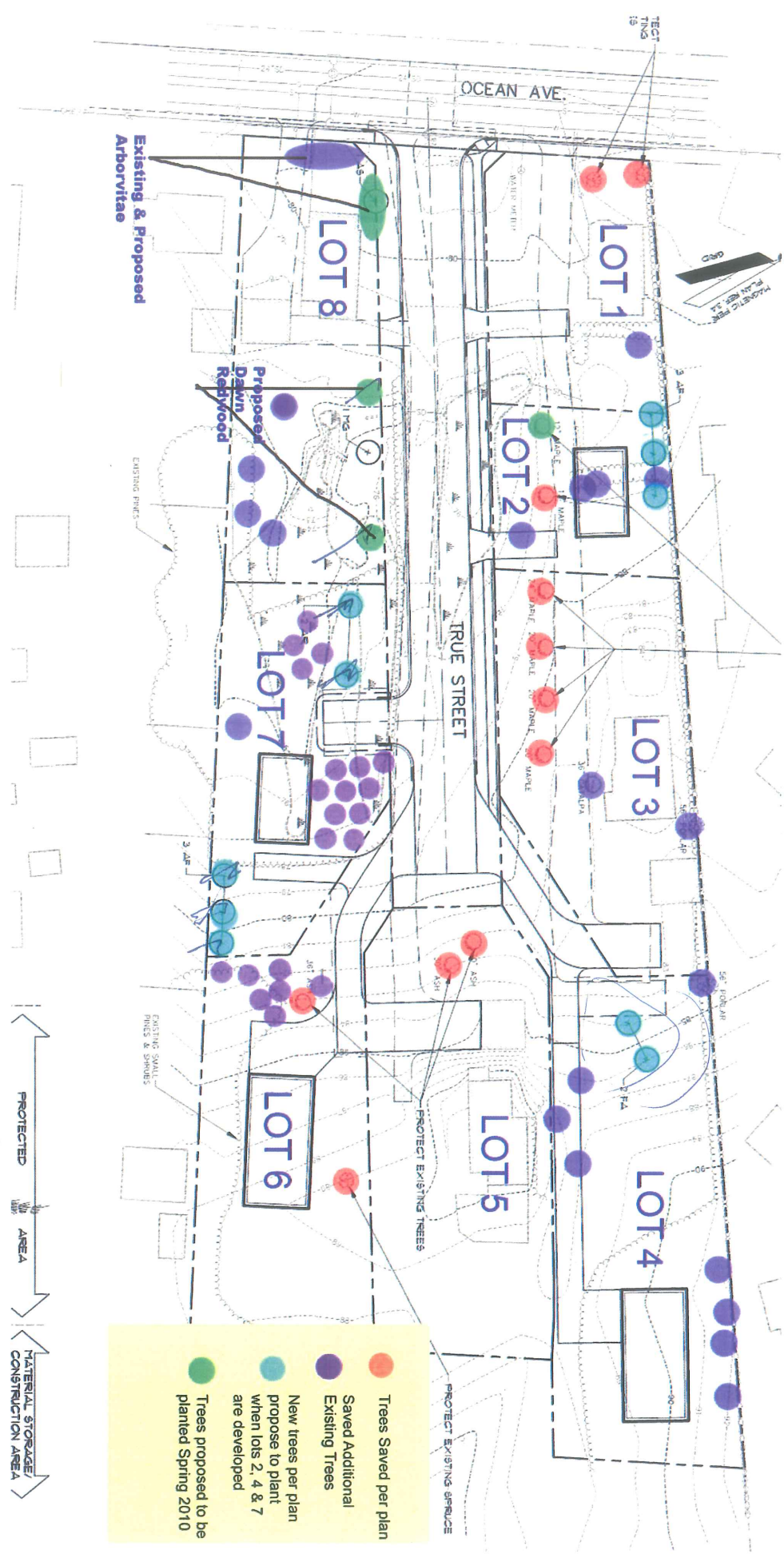
PROTECT EXISTING TREES

PROTECT EXISTING BRUCE

PROTECTED AREA

AREA

MATERIAL STORAGE/CONSTRUCTION AREA



- Trees Saved per plan
- Saved Additional Existing Trees
- New trees per plan propose to plant when lots 2, 4 & 7 are developed
- Trees proposed to be planted Spring 2010

**City of Portland
Development Review Application
Planning Division Transmittal form**

Application Number: 2011-248 **Application Date:** 5/10/2011 12:00:00 AM

Project Name: Taylor St. Playground - Alterations to the Site

Taylor Street

Address:

Alterations to the walking path and basketball court renovations

Project Description:

Zoning:

Other Reviews Required:

Review Type:

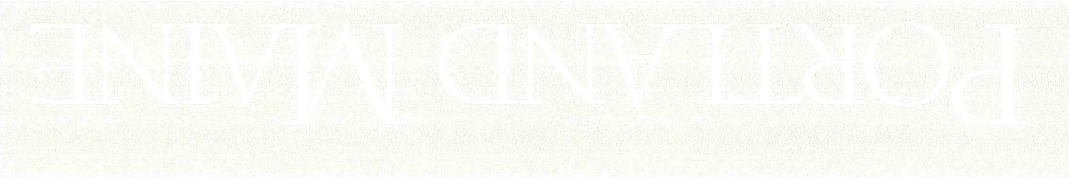
Level 1 – Site Alteration

Distribution List:

<input type="checkbox"/> Planner	Shukria Wiar	<input type="checkbox"/> Parking	John Peverada
<input type="checkbox"/> Zoning Administrator	Marge Schmuckal	<input type="checkbox"/> Design Review	Alex Jaegerman
<input type="checkbox"/> Traffic	Tom Errico	<input type="checkbox"/> Corporation Counsel	Danielle West-Chuhata
<input type="checkbox"/> Stormwater	Dan Goyette	<input type="checkbox"/> Sanitary Sewer	John Emerson
<input type="checkbox"/> Fire Department	Keith Gautreau	<input type="checkbox"/> Inspections	Tammy Munson
<input type="checkbox"/> City Arborist	Jeff Tarling	<input type="checkbox"/> Historic Preservation	Deb Andrews
<input type="checkbox"/> Engineering	David Margolis- Pineo	<input type="checkbox"/> Outside Agency	
		<input type="checkbox"/> DRC Coordinator	Phil DiPierro

Preliminary Comments needed by: May 18, 2011

Final Comments needed by: May 25, 2011



Recreation & Facilities Management Department
Sally L. Deluca CPPP, Recreation Division Manager

5/4/2011

MEMO

To: Portland Planning Department

From: Ethan Owens – Athletic Facilities & Playground Manager

Subject: Taylor Street Playground Renovations Description

The City of Portland Maine will renovate the Taylor Street Playground by accomplishing the following:

1. Install a new stone dust arched pathway to improve playground access (currently there is no path or trail through the area).

2. Install new park benches along the new arched pathway.

3. A small brick landing at the playground entrance to start the pathway.

4. Refurbishing of the existing playground structure and safety surface (wood chips) area.

5. Add one new feature to the existing play equipment/structure.

6. Install new swing set.

7. Crack repair and top-coating of the basketball court's asphalt surface

8. Fence updates (removal of some older fencing and installing new playground enclosure fencing)

9. Lawn/Tree/bush rehabilitation

Please call with questions,

Ethan Owens – 756-8275 x207 eowens@portlandmaine.gov

**Level I – Site Alteration
Development Review Application
Portland, Maine
Planning and Urban Development Department
Planning Division**



Portland's Planning and Urban Development Department coordinates the development review process for site plan, subdivision and other applications under the City's Land Use Code. Attached is the application form for a Level I: Site Alteration site plan.

Level I: Site Alteration Development includes:

- Alteration of a watercourse or wetland as defined in Section 14-47 of the City Code.
- Alteration of a site. The disturbance of land areas of less than one (1) acre that are stripped, graded, grubbed, filled or excavated. The Planning Authority shall exempt from review the loam and seeding of lawns and the cumulative placement of less than fifteen (15) cubic yards of fill on any lot provided such loaming or placement does not alter a drainage course, swale, wetland or redirect water onto adjoining property and does not violate any other provision of the Portland City Code or state or federal law. "Disturbed area" does not include routine maintenance, but does include re-development and new impervious areas.
- The construction of any temporary or permanent parking area, paving of existing unpaved surface parking areas between 1,000 and 7,500 square feet, or creation of other impervious surface areas between 1,000 and 7,500 square feet.
- The rehabilitation or reconstruction, but not new construction, of piers, docks, wharves, bridges, retaining walls, and other structures located within the shoreland zone.
- A site alteration in which vehicle access is proposed from more than one (1) street;

The Land Use Code (including Article V), the Technical Manual, and the Design Manual are available on the City's web site at <http://www.portlandmaine.gov/planning/default.asp> or copies may be purchased at the Planning Division Office.

Planning Division
 Fourth Floor, City Hall
 389 Congress Street
 (207) 874-8721

Office Hours
 Monday thru Friday
 8:00 a.m. – 4:30 p.m.

Refer to the application checklist for a detailed list of submittal requirements. As of December 1, 2010, all site plans and written application materials must be uploaded to a website for review. At the time of application, instructions for uploading the plans will be provided to the applicant. One paper set of the plans, written materials and application fee must be submitted to the Planning Division Office to start the review process. Portland's development review process and requirements are outlined in the Land Use Code (Chapter 14), which includes the Subdivision Ordinance (Section 14-491) and the Site Plan Ordinance (Section 14-521).

Application Check List

Required	<p>Level I Site Alteration Site Plan</p> <p>Application Fee (\$200.00)</p> <p>The City invoices separately for the following:</p> <ul style="list-style-type: none"> • Notices (\$.75 each) • Legal Ad (% of total Ad) • Planning Review (\$40.00 hour) • Legal Review (\$75.00 hour) <p>Third party review is assessed separately.</p> <p>Performance Guarantee: A performance guarantee is required to cover all public and private site improvements.</p> <p>Inspection Fee: An inspection fee of 2% of the performance guarantee is due prior to the release of permits</p>
2% of the performance guarantee	<p>Fees Paid (office use)</p>

APPLICATION FEES: Check all reviews that apply. Payment may be made by Check or Cash addressed to the City of Portland.

<p>Engineer Contact Information</p> <p>Work # _____</p> <p>Cell # _____</p> <p>e-mail: _____</p> <p>Fax# _____</p>	<p>Surveyor Contact Information</p> <p>Work # _____</p> <p>Cell # _____</p> <p>e-mail: _____</p> <p>Fax# _____</p>	<p>City/State: _____</p> <p>Address: _____</p> <p>Name: _____</p> <p>Mayor: _____</p> <p>State: _____</p> <p>Zip Code: 4150-9700</p> <p>Zip Code: _____</p> <p>_____</p> <p>_____</p> <p>_____</p>
--	--	--

Site Plans and Boundary Survey Requirements – Level I Site Alteration

Number of Copies	Applicant Checklist	Planner Checklist	Number of Submittal Requirements	Site Plan Including the following:
1	<input type="checkbox"/>	<input type="checkbox"/>	1	Boundary Survey meeting the requirements of Section 13 of the City of Portland Technical Manual.
1	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1	Site Plan including the following:
	<input type="checkbox"/>	<input type="checkbox"/>		Existing structures with distance from property line (including location of proposed piers, docks or wharves if in Shoreland Zone)
	<input type="checkbox"/>	<input checked="" type="checkbox"/>		Location and dimension of existing and proposed paved areas.
	<input type="checkbox"/>	<input checked="" type="checkbox"/>		Location and details of proposed infrastructure improvements (e.g. - curb and sidewalk improvements, utility connections, roadway improvements).
	<input type="checkbox"/>	<input checked="" type="checkbox"/>		Identification of and proposed protection measures for any significant natural features on the site (including wetlands, ponds, watercourses, floodplains, significant wildlife habitats and fisheries or other important natural features listed in Section 14-526 (b)1. of the Land Use Code.
	<input type="checkbox"/>	<input checked="" type="checkbox"/>		Details of proposed pier rehabilitation (Shoreland areas only).
	<input type="checkbox"/>	<input type="checkbox"/>		Existing utilities.
	<input type="checkbox"/>	<input checked="" type="checkbox"/>		Existing and proposed grading and contours.
	<input type="checkbox"/>	<input type="checkbox"/>		Proposed stormwater management and erosion controls.
	<input type="checkbox"/>	<input type="checkbox"/>		Total area and limits of proposed land disturbance.
	<input type="checkbox"/>	<input checked="" type="checkbox"/>		Existing vegetation to be preserved and proposed site landscaping.
	<input type="checkbox"/>	<input type="checkbox"/>		Existing and proposed easements or public or private rights of way.

NA

✓ Copies of HR Approval

First publication of said notice being in the issue of said newspaper bearing date Apr. 29, 1949; and the last publication of said notice being in the issue of said newspaper bearing date May 13, 1949.

Attest, Robert L. Gram Register of Deeds

Received May 20, 1949, at 1h 10m P. M., and recorded according to the original

KNOW ALL MEN BY THESE PRESENTS, That Standard Realty Co. a corporation duly

organized and existing by law with office and place of business at Portland in the County of Cumberland and State of Maine by Merle E. Weatherbee & Dish.

E. Weatherbee and Mary W. Weatherbee both of Fownal, County of Cumberland and State of Maine to Standard Realty Co. dated Feb. 21, A. D. 1949, and recorded in Cumberland Registry of Deeds, Book 1945, Page 127, do hereby acknowledge that it has received full payment and satisfaction of the same and of the debt thereby secured, and in consideration thereof it does hereby cancel and discharge said mortgage, and release unto the said Merle E. Weatherbee and Mary W. Weatherbee, their heirs and assigns forever the premises therein described.

IN WITNESS WHEREOF, It the said Standard Realty Co. has caused this instrument to be signed by its President hereunto duly authorized and has caused its Corporation Seal to be affixed hereunto this twentieth day of May in the year of our Lord one thousand nine hundred and forty-nine.

Signed, Sealed and Delivered in Presence of

STANDARD REALTY CO.

CORPORATE SEAL

By: Mitchell E. Burns Seal Franz U. Burkett

Its President

State of Maine

Cumberland, ss.

May 20, 1949.

Personally appeared the above named Mitchell E. Burns, President of said Corporation, as aforesaid, and acknowledged the foregoing instrument to be his free act and deed in his said capacity, and the true act and deed of said corporation. Before me,

Frank U. Burkett Justice of the Peace

Received May 20, 1949, at 2h 15m P. M. and recorded according to the original

KNOW ALL MEN BY THESE PRESENTS, That I, Lizzie W. Field of Portland in the County of Cumberland and State of Maine, in consideration of one dollar and other valuable considerations paid by City of Portland, a body politic and corporate,

located at said Portland, the receipt whereof I do hereby acknowledge, do hereby give, grant, bargain, sell and convey unto the said City of Portland, its successors and assigns forever, four (4) certain lots or parcels of land described as follows:

1. A certain lot or parcel of land with the buildings thereon, situated on the northerly side of Taylor Street in said Portland, bounded and described as follows:

Beginning at a point on said northerly side of Taylor Street, three hundred and twenty-seven and twenty-five hundredths (327.25) feet easterly from Emery Street; thence by said Taylor Street thirty-six (36) feet; thence northerly at right angles to said Taylor Street ninety-eight and three tenths (98.3) feet to a post on the southeast corner of land formerly of R. S. Hamlen fronting on Spring Street; thence westerly by said Hamlen lot thirty-six (36) feet to a post at the southwest corner of said Hamlen lot; thence southerly in a direction at right angles to said Taylor Street ninety-eight and three tenths (98.3) feet to said Taylor Street and point of beginning, containing about three thousand, five hundred and thirty-eight and eight tenths (3,538.8) square feet.

2. Also another certain lot or parcel of land with the buildings thereon, situated on the northwesterly side of Taylor Street in said Portland, bounded and described as follows: Beginning on said Taylor Street at the southerly corner of land formerly of F. W. Grafam; thence running northwesterly by said Grafam land ninety-eight and three tenths (98.3) feet to land of O'Donahue; thence southwesterly by said O'Donahue land forty-three and twenty-five hundredths (43.25) feet to land of Anne T. Morrison et al; thence southeasterly by said Morrison land about ninety-eight and three tenths (98.3) feet to said Taylor Street; thence northwesterly by said Taylor Street forty-three and twenty-five hundredths (43.25) feet to the first named point and containing four thousand, two hundred and fifty-one and one-half (4,251½) square feet, the same being part of lot 27 as found in Plan Book 3, Page 27, in the Cumberland County Registry of Deeds.

3. Also another certain lot or parcel of land with the buildings thereon, bounded and described as follows: Beginning on the northwesterly side of Taylor Street in said Portland, at the southerly corner of land of Charlotte G. Emery; thence running northwesterly by said Emery land ninety-eight and three tenths (98.3) feet to land of one Stevens; thence southwesterly by said Stevens land forty (40) feet to land formerly of Morrison and Nichols; thence southeasterly by said other land and on a line perpendicular to said line of said Taylor Street ninety-eight and three tenths (98.3) feet to said Taylor Street; thence northwesterly by said Taylor Street forty (40) feet to the point of beginning, and containing about three thousand, nine hundred and thirty-two (3,932) square feet, being lot number 26, Plan Book 3, Page 27, in the Cumberland County Registry of Deeds.

4. Also another certain lot or parcel of land with the buildings thereon, situated on the northwesterly side of Taylor Street in said Portland, bounded and described as follows: Beginning on said Taylor Street at the southerly corner of other land of Milton B. Field; thence running northwesterly by said Field land ninety-eight and three tenths (98.3) feet to land now or formerly of one Stevens; thence southwesterly by land of said Stevens and land of Champlin forty-eight and five tenths (48.5) feet to land of R. S. Webster and Brothers; thence southeasterly by said Webster land ninety-eight and six tenths (98.6) feet to said Taylor Street; thence northwesterly by said Taylor Street forty-eight and five tenths (48.5) feet to the point of beginning.

ning, containing about four thousand seven hundred and seventy-five (4,775) square feet. Being lot 25 and strip marked "Whorop" on Plan Book 3, Page 27, in the Cumberland County Registry of Deeds.

Excepting, however, a certain lot or parcel of land conveyed to Mary E. Gormley by deed of even date herewith by the Grantor herein to be recorded herewith. Said lot or parcel of land conveyed to the said Gormley being a twenty foot (20) strip on the southwesterly side of lot #4, above described, and adjoining property now owned by said Gormley.

Being a portion of the premises conveyed to the Grantor herein by deed dated April 17, 1939 and recorded in Cumberland County Registry of Deeds in Book 1575, Page 378.

This conveyance is made subject to the 1949 municipal taxes, which the grantee assumes and agrees to pay as a part of the consideration hereof.

TO HAVE AND TO HOLD the aforementioned and bargained premises with all the privileges and appurtenances thereof, to the said CITY OF PORTLAND, its successors and assigns, to its and their use and behoof forever.

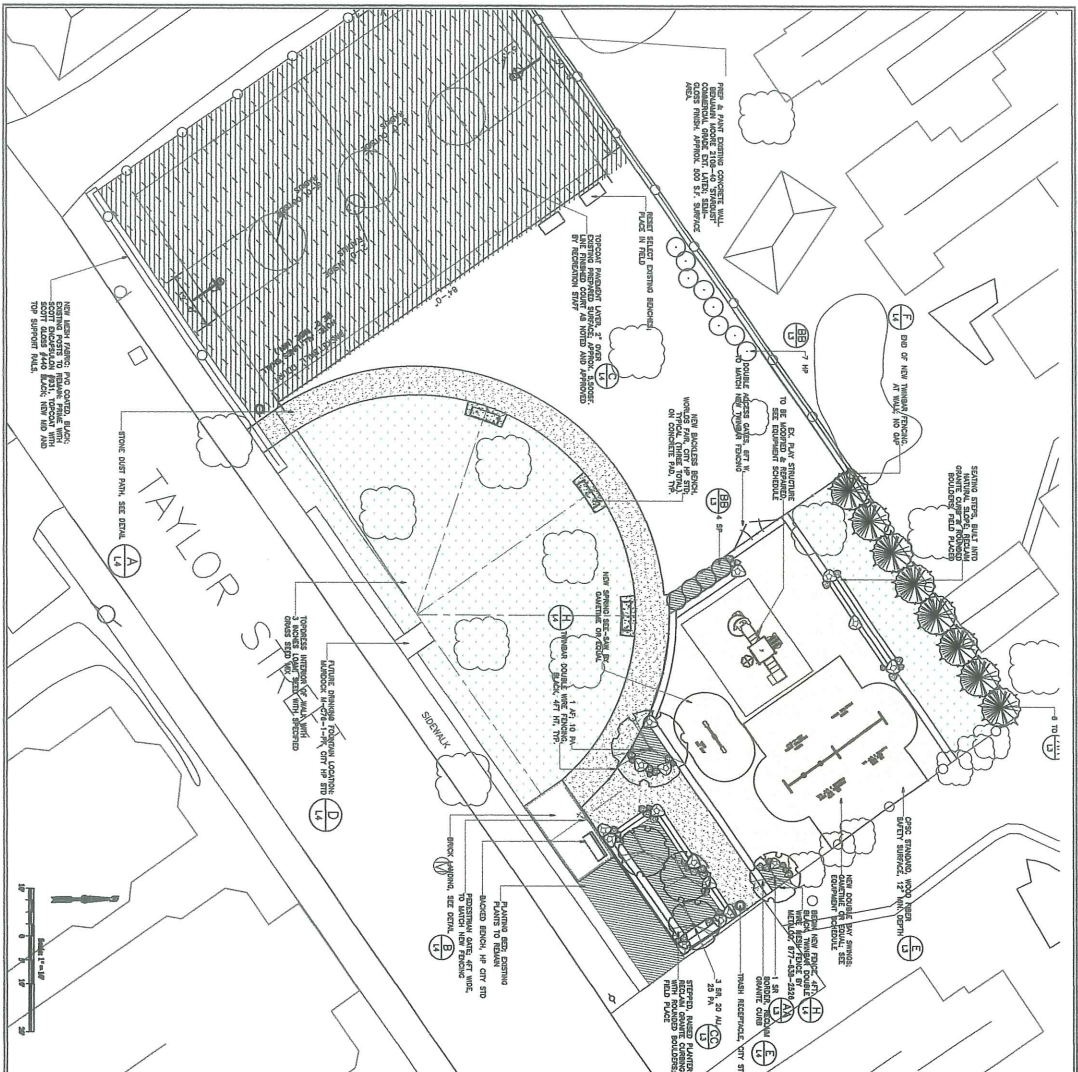
AND I do covenant with the said grantee, its successors and assigns, that I am lawfully seized in fee of the premises, that they are free of all incumbrances; except as aforesaid; that I have good right to sell and convey the same to the said grantee to hold as aforesaid; and that I and my heirs shall and will warrant and defend the same to the said grantee, its successors and assigns forever, against the lawful claims and demands of all persons.

IN WITNESS WHEREOF, I the said Lizzie M. Field, being unmarried have herunto set my hand and seal this ninth day of May in the year of our Lord one thousand nine hundred and forty-nine.

Signed, Sealed and Delivered in Presence of
Summer M. Field
Lizzie M. Field Seal
State of Maine
Cumberland, ss.
May 9, 1949.
Personally appeared the above named Lizzie M. Field and acknowledged the foregoing instrument to be her free act and deed.
Before me, William B. Mahoney
Notary Public Notarial Seal
Received May 20, 1949, at 2h 35m P. M., and recorded according to the original

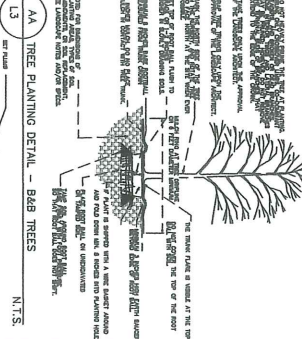
MAINE
DISCHARGE OF MORTGAGE
F. R. M. C.
ME. 27-0385
KNOW: ALL MEN BY THESE PRESENTS that the LAND BANK COMMISSIONER, acting pursuant to Part 3 of the Act of Congress known as the Emergency Farm Mortgage Act of 1933 and all amendments thereto, and the FEDERAL FARM MORTGAGE CORPORATION, a corporation established under the laws of the United States of America, owners of a certain mortgage given by Ralph L. Thompson to the said Land Bank Commissioner, dated March 30,

to
Land
Bx.
Comm'r.
&
to
Thompson
Disch.



Materials & Planting Notes:

1. All materials shall conform to the guidelines established by the American Society for Testing and Materials (ASTM).
2. In the case of any discrepancies between quantities indicated on the plan and quantities shown on the plan, quantities shall govern.
3. All quantities shall be in cubic yards unless otherwise noted.
4. All quantities shall be in cubic yards unless otherwise noted.
5. All quantities shall be in cubic yards unless otherwise noted.
6. All quantities shall be in cubic yards unless otherwise noted.
7. All quantities shall be in cubic yards unless otherwise noted.
8. All quantities shall be in cubic yards unless otherwise noted.
9. All quantities shall be in cubic yards unless otherwise noted.
10. All quantities shall be in cubic yards unless otherwise noted.



ITEM	DESCRIPTION	QUANTITY	UNIT
1
2
3
4
5
6
7
8
9
10

**TAYLOR STREET PARK
IMPROVEMENTS PROJECT**

CITY OF PORTLAND, MAINE

Prepared for the
**City of Portland
Public Services
Department**

Project Number:
0271 07-4-001

Regina S. Leonard
Landscape Architect/Engineer

11 Hudson Street
Portland, ME 04101
Tel: 603-685-2222
Fax: 603-685-2223

DATE	REVISION

MATERIALS & PLANTING

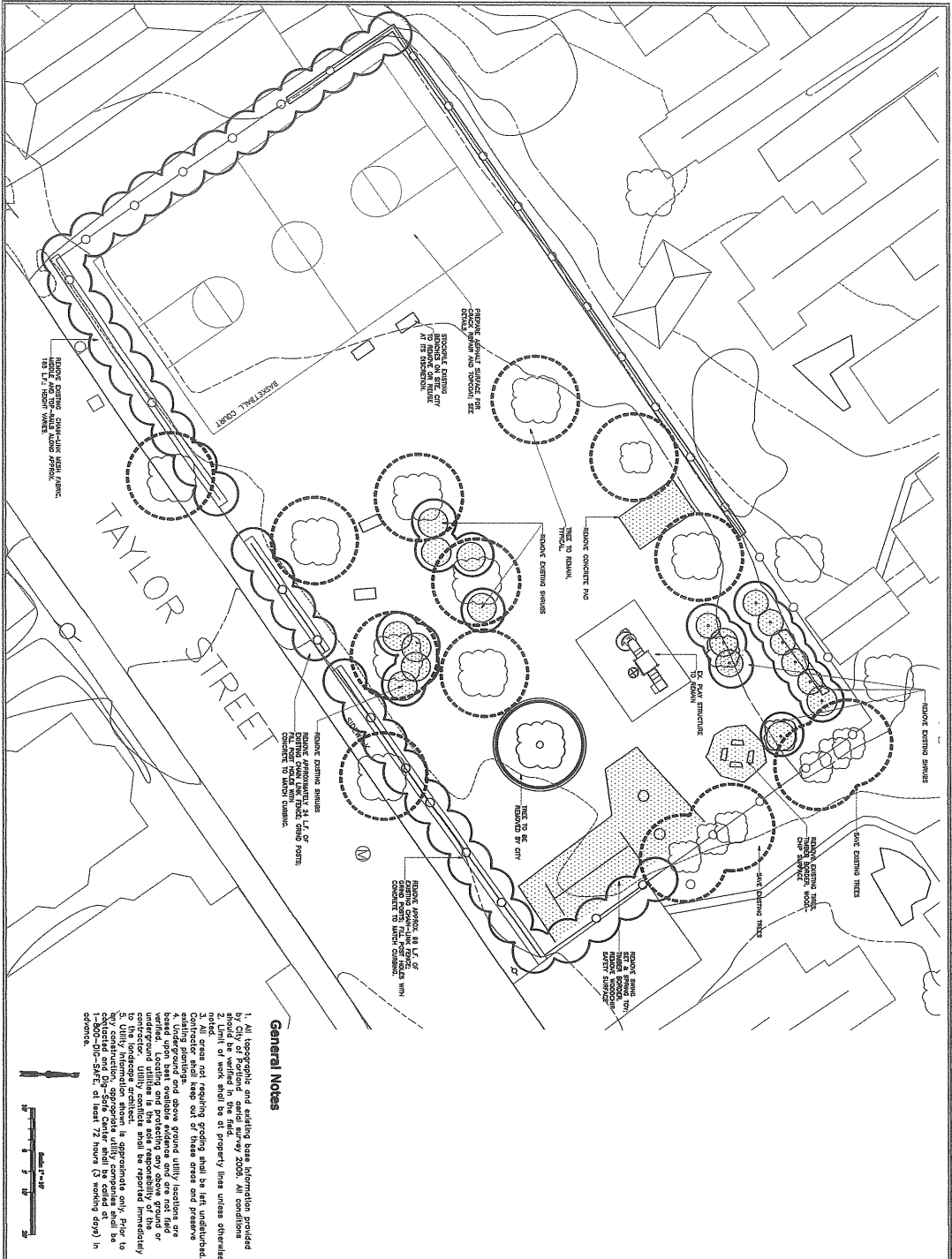
DATE: 10/11/2007

BY: TML

CHECKED: TML

SCALE: AS SHOWN

L3 / 3

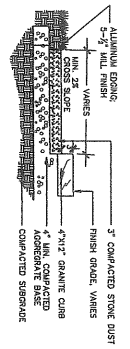


General Notes

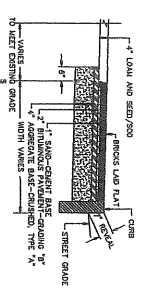
1. All topographic and existing base information provided by City of Portland, aerial survey, 2005. All conditions shown are as of the date of the survey.
2. Limit of work shall be at property lines unless otherwise indicated.
3. Contractor shall keep out of these areas and preserve existing plantings and show ground utility locations or based upon best available evidence and are not field verified.
4. Utility conflicts shall be reported immediately to the contractor. Utility information shown is approximate only. Prior to any construction, the contractor shall verify the location of all utilities by calling 811 or 1-800-DIG-5437, at least 72 hours (3 working days) in advance.



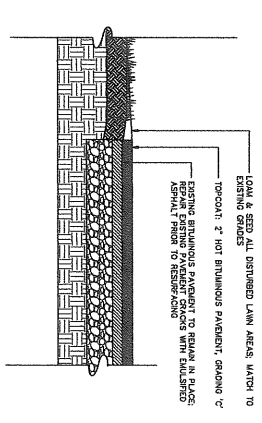
<p>DATE: NOVEMBER 2011</p> <p>BY: TAVRIS</p> <p>SCALE: AS SHOWN</p>	<p>TAYLOR STREET PARK IMPROVEMENTS PROJECT</p> <p>CITY OF PORTLAND, MAINE</p>	<p>Regina S. Leonard</p> <p>REGISTERED ARCHITECT & LANDSCAPE ARCHITECT</p> <p>1111 BROADWAY, SUITE 2000 PORTLAND, ME 04102 TEL: 603-425-4200 WWW.REGINALEONARD.COM</p>	<p>Prepared for the</p> <p>City of Portland</p> <p>Public Services Department</p> <p>601 Portland Street Portland, ME 04101 (207) 874-6001</p>
<p>L1</p> <p>OF 4</p>			



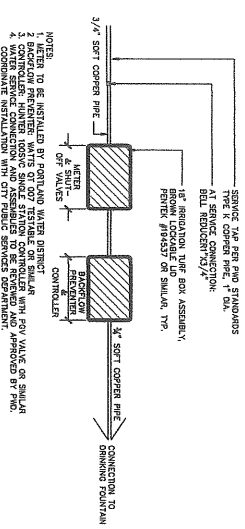
A STONE DUST WALK & CURB
N.T.S.



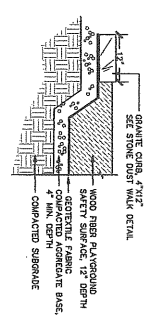
B BRICK SIDEWALK - LANDING
N.T.S.



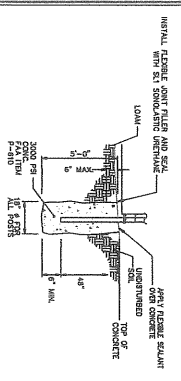
C BITUMINOUS TOP COAT
N.T.S.



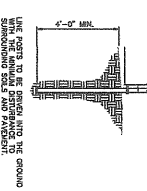
D WATER SERVICE & ASSEMBLES DIAGRAM
N.T.S.



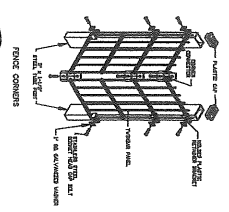
E PLAYGROUND SURFACE & CURB
N.T.S.



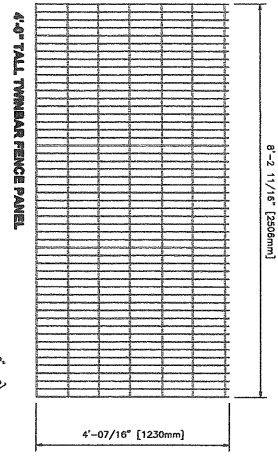
F CORNER & TERMINAL POST DETAIL
N.T.S.



G INTERMEDIATE POST DETAIL
N.T.S.



H DOUBLE WIRE FENCE DETAILS
N.T.S.



4'-0" TALL TIMBERED FENCE PANEL

DATE	REVISION

LANDSCAPE DETAILS	

L4
of 4

TAYLOR STREET PARK IMPROVEMENTS PROJECT CITY OF PORTLAND, MAINE

Regina Leonard
Landscape Architect & Designer
20 Maple Street
Portland, ME 04103
(603) 799-8800
regina@reginalandscape.com

**City of Portland
Public Services
Department**
88 Portland Street
Portland, ME 04103
(603) 799-8800



CITY OF PORTLAND, MAINE
HISTORIC PRESERVATION BOARD

John Turk, Chair
Rick Romano, Vice Chair
Ouis Baron
Scott Benson
Martha Deprez
Michael Hammen
Ted Oldham

November 5, 2009

Tom Civiello
Portland Public Services
55 Portland Street
Portland, ME 04101

Re: Taylor Street Park – Landscape and Fence Alterations

Dear Tom:

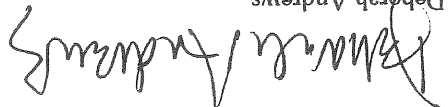
On November 4, 2009, the City of Portland's Historic Preservation Board reviewed your request for landscape and fencing alterations at the Taylor Street Park. The Board found that the proposed alterations meet the standards of the historic preservation ordinance. Based on these findings, the Board voted 7-0 to approve your application for a Certificate of Appropriateness. The Board's approval was subject to the following condition:

- The fence on the east side of the park is to be 4' high from the corner nearest Spruce Street to a point at the north end of the "picnic lawn", where it will transition to 6' high for the remainder of the distance to the north east corner of the park.

All improvements shall be carried out as shown on the plans and specifications submitted for the 11-4-09 public hearing and/or as described above. Changes to the approved plans and specifications and any additional work that may be undertaken must be reviewed and approved by this office prior to construction, alteration, or demolition. If, during the course of completing the approved work, conditions are encountered which prevent completing the approved work, or which require additional or alternative work, you must apply for and receive a Certificate of Appropriateness or Non-Applicability PRIORITY to undertake additional or alternative work.

This Certificate is granted upon condition that the work authorized herein is commenced within twelve (12) months after the date is issuance. If the work authorized by this Certificate is not commenced within one year after the time the work is commenced, such Certificate shall expire and be of no further effect provided that, for cause, one or more extensions of time for periods not exceeding ninety (90) days each may be allowed in writing by the Department.

Sincerely,



Deborah Andrews
Historic Preservation Program Manager

cc: Approval Letter File
Building Inspections
Regina Leonard, Landscape Architect

**HISTORIC PRESERVATION BOARD
CITY OF PORTLAND, MAINE**

PUBLIC HEARING

11-25 TAYLOR STREET - TAYLOR STREET PARK

TO: Chair Romano and Members of the Historic Preservation Board

FROM: Scott Hanson, Preservation Planner

DATE: October 30, 2009

RE: November 4, 2009 - Public Hearing

Application For: Certificate of Appropriateness for Proposed Landscape Alterations

Address: 11-25 Taylor Street

Applicants: City of Portland, Department of Public Services

Project Designer: Regina Leonard, landscape architect

Introduction

City of Portland Department of Public Services is requesting approval for landscape alterations to Taylor Street Park. The proposed alterations include new fencing, paths, seating, and landscaping as well as a redesigned playground area.

The Taylor Street Park is not a designated Historic Landscape District under the City's historic preservation ordinance but is contained within the boundaries of the West End Historic District. As such, alterations are subject to review under the standards of the ordinance.

Subject Site

The Taylor Street Park was created after the demolition of several houses during the 1960's-70's Urban Renewal period. It contains a playground, basketball court and green space.

Scope of Proposed Work

The project involves the removal of a portion of the existing fencing and replacement of the remained of the fencing, the introduction of a new curved path into the park, resurfacing and restriping of the basketball court, redesign of the playground, changes to

the plantings, and replacement of seating. The applicants have submitted a clear description of their proposal with ample drawings and photographs to illustrate their plan.

Standards for Review of Alterations

- (2) The distinguishing original qualities or character of a structure, object or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

- (10) Wherever possible, new additions or alterations to structures and objects shall be undertaken in such a manner that, if such additions or alterations were to be removed in the future, the essential form and integrity of the historic property would be unimpaired.

Motion for Consideration

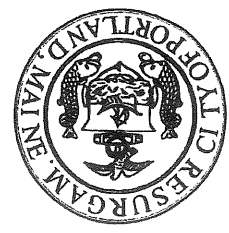
On the basis of plans and specifications submitted by the applicant for the 11-4-09 Public Hearing and information included in the accompanying staff report, the Board finds that the proposed alterations at Taylor Street Park meet (fail to meet) the Standards for Review of Alterations within the historic preservation ordinance, (subject to the following conditions...)

Attachments

1. Application
2. Letter from Regina Leonard, dated October 9, 2009
3. Plan drawing showing proposed alterations
4. Staff photos

Date: 10/28/09

HISTORIC PRESERVATION APPLICATION FOR CERTIFICATE OF APPROPRIATENESS



Pursuant to review under the City of Portland's Historic Preservation Ordinance (Chapter 14, Article IX of the Portland City Code), application is hereby made for a Certificate of Appropriateness for the following work on the specified historic property:

PROJECT ADDRESS:

Taylor Street Park, Taylor Street 11-25

CHART/BLOCK/LOT: 57-A (for staff use only)

PROJECT DESCRIPTION: Describe below each major component of your project. Describe how the proposed work will impact existing architectural features and/or building materials. If more space is needed, continue on a separate page. Attach drawings, photographs and/or specifications as necessary to fully illustrate your project—see following page for suggested attachments.

The designed improvements include a new stone dust curved main path around a wooded green space, which is open to the street. The existing 4' tall chain-link fence bordering Taylor Street will be removed to better integrate the park into the streetscape. The plan incorporates backless bench seating along the path. The backless benches will allow people to orient toward the central wooded space or to areas of higher activity, such as the basketball court and play area. To the north, a fenced playground area is proposed, with gated entrances off Taylor Street and the main path. The design incorporates the existing play structure and replaces worn swings and spring toys with new equipment. The plan enlarges safety zones to meet current CSPC standards and integrates recycled granite into playground features, such as seating and a small platform "performance stage." Plantings are added to provide shade and buffer adjacent residences from park activities. The existing basketball full court will be repaired, resurfaced and striped. The plan includes replacement of the galvanized chain-link fence along the north, west and south boundaries with new, black mesh. The existing posts, which are in good condition, will be retained and painted black so that they recede into the landscape. The plan also includes repainting the existing bright blue retaining wall a muted earth tone.

RECEIVED

OCT 28 2009

City of Portland
Planning Division

Att. # 1

CONTACT INFORMATION:

APPLICANT

Name: Tom Civiello, Portland Public Services

Address: 55 Portland St

Portland, Me

Zip Code: 04101

Work #: 874-8801

Cell #: 650-3950

Fax #: 874-8816

Home:

E-mail: TC@portlandmaine.gov

PROPERTY OWNER

Name: Same

Address:

Zip Code:

Work #:

Cell #:

Fax #:

Home:

E-mail:

BILLING ADDRESS

Name: Same

Address:

Zip:

Work #:

Cell #:

Fax #:

Home:

E-mail:

CONTRACTOR

Name: Same

Address:

Zip Code:

Work #:

Cell #:

Fax #:

Home:

E-mail:

Applicant's Signature
Thomas Civiello

Owner's Signature (if different)

Activities Requiring Approval in Historic Districts
 If your property is located within a historic district or is an individually designated historic structure, it is necessary to receive approval before proceeding with any exterior alteration, construction activity or site improvement that will be visible from a public way. Following is a list of activities requiring review. Please check all those activities that apply to your proposed project.

Alterations and Repair

- Window and door replacement, including storms/screens
- Removal and/or replacement of architectural detailing (for example porch spindles and columns, railings, window moldings, and cornices)
- Porch replacement or construction of new porches
- Installation or replacement of siding
- Masonry work, including repointing, sandblasting, chemical cleaning, painting where the masonry has never been painted, or conversely, removal of paint where the masonry historically has been painted
- Installation or replacement of either roofing or gutters when they are a significant and integral feature of the structure
- Alteration of accessory structures such as garages

Additions and New Construction

- Building additions, including rooftop additions, dormers or decks
- Construction of accessory structures
- Installation of exterior access stairs or fire escapes
- Installation of antennas and satellite receiving dishes
- Installation of solar collectors
- Rooftop mechanicals

Signage and Exterior Utilities

- Installation or alteration of any exterior sign, awning, or related lighting
- Exterior lighting where proposed in conjunction with commercial and institutional signage or awnings
- Exterior utilities, including mechanical, plumbing, and electrical, where placed on or near clearly visible facades

Site Alterations

- Installation or modification of site features other than vegetation, including fencing, retaining walls, driveways, paving, and re-grading

Moving and Demolition

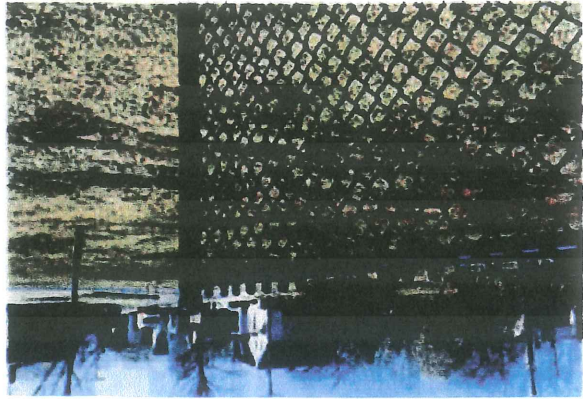
- Moving of structures or objects on the same site or to another site
- Any demolition or relocation of a landmark contributing and/or contributing structure within a district

Note: Your project may also require a building permit. Call Building Inspections (874-8703) to make this determination.

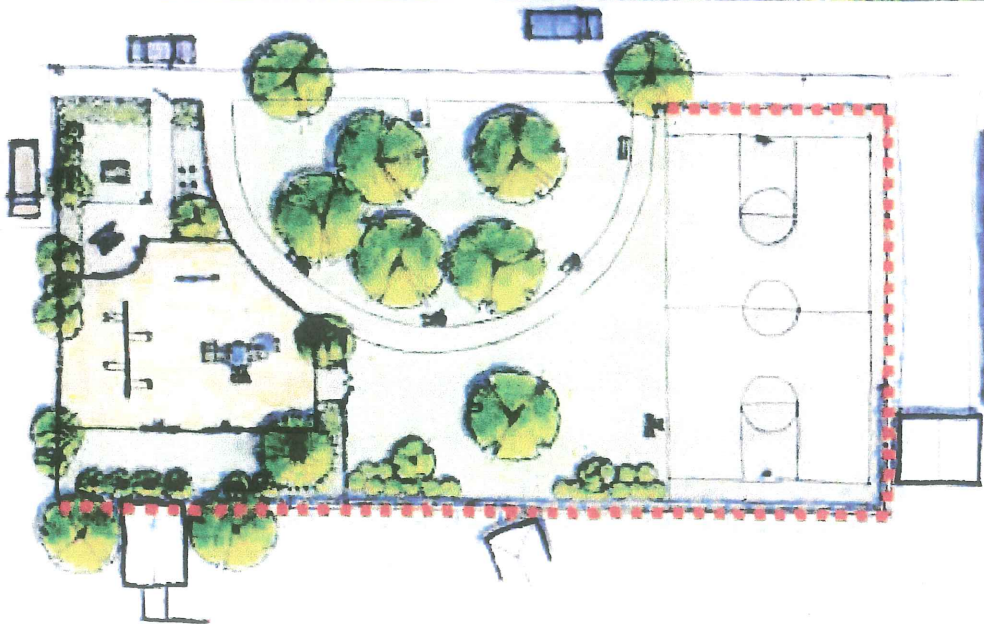
TAYLOR STREET PARK: FENCE STRATEGY

1

Above left and right: Existing galvanized chain-link fence. Existing posts, many of which are embedded in the concrete wall, will be painted and prepared to receive new black mesh, as shown (left).



BOUNDARY FENCE: Existing chain-link fencing along the park perimeter will be rehabilitated as part of the Taylor Street Park Improvements project (Above image: orange dotted line).



TAYLOR STREET PARK: FENCE STRATEGY



Left and below: Existing galvanized chain-link fence running along the front of the park. Approximately sixty-four linear feet of fence will be re-moved in conjunction with the project.



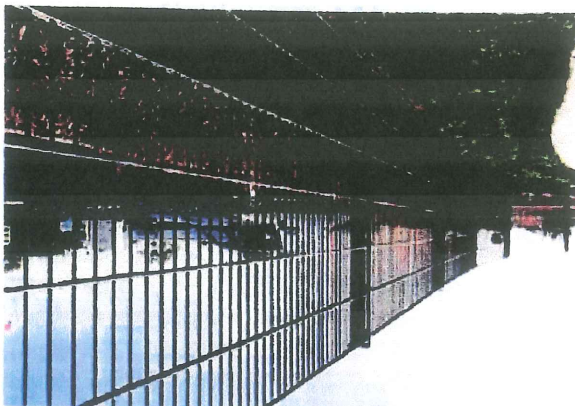
TAYLOR STREET FENCE: Existing 4' tall chain-link fencing along Taylor Street will be removed as part of the Taylor Street Park Improvements project (Above image: orange dotted line).



TAYLOR STREET PARK: FENCE STRATEGY

PLAYGROUND FENCE: The Taylor Street Improvement Project proposes to remove approximately 144 linear feet of six foot high, galvanized chain-link fencing with ablock, four foot high double-wire fence system (Top image: Orange dotted line).

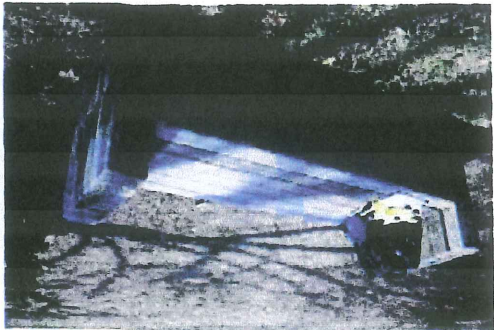
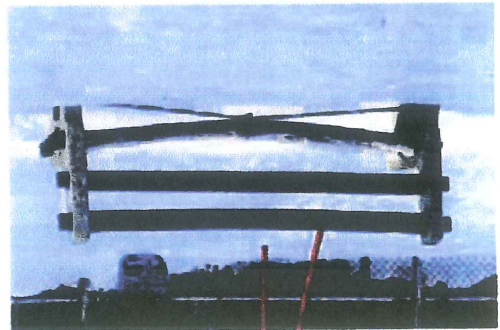
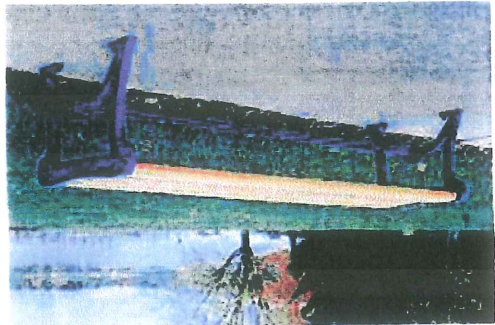
Above: Existing six-foot high galvanized chain-link fence running along the front and north-east boundary of the park will be replaced with smaller, double-wire fence. Left: Image of the proposed double wire fence for the playground area at Taylor Street Park.



TAYLOR STREET PARK: BENCH STRATEGY

PARK BENCHES: (Top) Existing concrete-and-wood bench will be preserved near the basketball court (shown as the blue dot). New World's Fair benches will be placed in the central green space of the park (shown as orange dots). Recycled granite will be used to create rustic seating in the playground area (shown as green squares).

Images, clockwise from above left: Existing concrete-sided benches with composite wood slats; existing timber bench; existing concrete-sided bench with hardwood slats. This bench will be reused near the basketball court; World's Fair style bench proposed for the central green space of the park.



Barbara Barhydt - Re: Taylor Street Park - AutoCAD file

From: Barbara Barhydt

To: Bobinsky, Michael; Deluca, Sally; LaChance, Anita; Leonard, Regina S.

Date: Friday, April 15, 2011 5:24 PM

Subject: Re: Taylor Street Park - AutoCAD file

CC: Andrews, Deb; Farmer, Michael; Jaegerman, Alex; Margolis-Pineo, David...

Good afternoon:

Regina prepared the analysis shown in the e-mail below and Mike Farmer, upon request from Mike Bobinsky, determined that 11,100 square feet will be distributed and 1,480 square feet will be impervious area (not including the basketball court).

A Level I: Site Alteration site plan includes the following criteria for applicability:

- a. The construction of any temporary or permanent parking area, paving of existing unpaved surface parking areas between 1,000 and 7,500 square feet, or creation of other impervious surface areas between 1,000 and 7,500 square feet. This level of site review includes the alteration of a site or disturbance of less than an acre, however it exempts the loaming and seeding of lawns and the placement of 15 cubic yards of fill on a site.

A level II: Site Plan includes the following for park improvements:

- 1. Park improvements consisting of new structures or buildings of less than 10,000 square feet and/or facilities encompassing an area of greater than 7,500 square feet and less than 20,000 square, excluding the rehabilitation or replacement in kind of existing facilities.

I think the intent was to exempt smaller park projects that are replacement in kind, but the increase in impervious surface and reconfiguration of the site seems to be within the parameters of Level I Site Alteration application, which is an administrative review. I do see that there are some existing impervious surfaces on the site that could be deducted for a net impervious figure. I believe stone dust paths are considered impervious, but I look to public services to clarify that point.

Based on the information provided, I think this could trigger a site alteration application.

Thank you.

Barbara

>>> "Regina S. Leonard" <regina@rsidesign.com> Monday, April 04, 2011 12:56 PM >>>
Hi Sally,

Here are the numbers you have requested for the Taylor Street Park Improvements Project:
Total calculated area of improvements: 4,384 square feet (not counting the rehab to the basketball court and lawn areas).

Breakdown:
Stone dust walks: 1,352 sf
Sidewalk expansion (brick): 186 sf
Playground area: 2533 sf
Existing: 1,403 sf (net increase of 1,130 sf)
Planting beds (new): 313 sf

If there is anything else you need, please let me know.

Regina S. Leonard
landscape architecture & design
29 Bridge Street
Topsnam, ME 04086
Tel. 207-450-9700
Fax 800-606-4306

-----Original Message-----

From: Sally Deluca [mailto:SLD@portlandmaine.gov]
Sent: Monday, April 4, 2011 11:49 AM
To: Anita LaChance, Barbara Barhydt, Michael Bobinsky, Regina Leonard
Cc: Alex Jaegerman, Deb Andrews, Ethan Owens, Penny St. Louis
Subject: Taylor Street Park - AutoCAD file

Regina,
Can you answer Barbara's question about "it appears to me that the playground is being replaced in kind and reoriented or expanded. The basketball court is a rehabilitation. It appears that the changes in the playground area are less than 7,500 square feet of the site plan ordinance, and if so, then the renovation of Taylor Street Park does not require site plan review. In order for me to make a final determination, please have someone calculate the playground area park area to be changed. I would not include the area that is simply being loamed and seeded or the basketball court.

Thanks
Sal

>>> Barbara Barhydt 4/1/2011 3:41 PM >>>
Good afternoon:

Thank you for including me in the loop to look at the plans for Taylor Street Park. The plans for the park were approved under the Historic Preservation Ordinance. I assume the plans are consistent with that approval and any revisions would need to be submitted to Deb Andrews for review.

Under the new site plan ordinance, an administrative review of park improvements is required as follows:

file:///C:/Users/BAB\AppData/Local/Temp/XPgrpwise\4DA87F58PortlandCityHall\100131... 4/26/2011

"Park improvements consisting of new structures or buildings of less than 10,000 square feet and/or facilities encompassing an area of greater than 7,500 square feet and less than 20,000 square feet, excluding the rehabilitation or replacement in kind of existing facilities."

It appears to me that the playground is being replaced in kind and reoriented or expanded. The basketball court is a rehabilitation. It appears that the changes in the playground area are less than 7,500 square feet of the site plan ordinance, and if so, then the renovation of Taylor Street Park does not require site plan review. In order for me to make a final determination, please have someone calculate the playground area park area to be changed. I would not include the area that is simply being loamed and seeded or the basketball court.

Thank you.

Barbara

>>> Michael Bobinsky Wednesday, March 30, 2011 4:13 PM >>>

Thanks and appreciate the report; internally we are evaluating to what degree the current plan is ready to move forward, and as part of that I want to know to what degree is Site Plan Review process engaged here; is an Administrative Review all that is needed before we proceed with final construction plans?

>>> Barbara Barhydt 3/30/2011 12:16 PM >>>
Good morning:

Sally Deluca and Ethan Owens contacted me last week and Ethan sent over some photos/plans. They suggested that I assign a planner to work on this. I apologize, but I have not designated someone as of yet. I did mention this project to Deb Andrews who confirmed that the plan had been approved. I would like to clarify as to whether the plan approved by HP is moving forward or do you anticipate any changes to the approved plan? I will look at what Ethan sent over and get back to all of you about the review.

Barbara

<< >> Michael Bobinsky Wednesday, March 30, 2011 9:58 AM <>>

Barbara, this project will be "bubbling" (is that a word?!) up to the top in part due to our delay in moving this CDBG funded project along...but wanted to begin a check in with you on what we might expect as far as Site Plan Review process is concerned. This project was funded 2 years ago...and we completed a design process, with neighbor input...project was vetted through the Parks Commission (not thinking it went through the Health and Rec...will check) and then was reviewed, presented and then approved as a plan by the Historic Preservation Board..again,thinking in 2009, early 2010. Also can you advise if my staff (likely would have been Tom Civello or even Regina Leonard) reviewed any of the plans through your office, beyond Deb Andrews and HP Board?

Anita and I will be reviewing project management details for this going forward, but I wanted to begin this discussion with you on site plan review levels or process to expect or to what degree that is needed.

CITY OF PORTLAND, MAINE

HISTORIC PRESERVATION BOARD

John Turk, Chair
Rick Romano, Vice Chair
Otis Baron
Scott Benson
Martha Deprez
Michael Hammen
Ted Oldham

November 5, 2009

Tom Civiello
Portland Public Services
55 Portland Street
Portland, ME 04101

Re: Taylor Street Park – Landscape and Fence Alterations

Dear Tom:

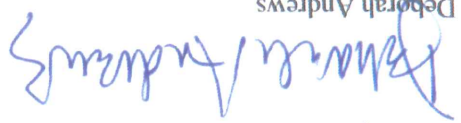
On November 4, 2009, the City of Portland's Historic Preservation Board reviewed your request for landscape and fencing alterations at the Taylor Street Park. The Board found that the proposed alterations meet the standards of the historic preservation ordinance. Based on these findings, the Board voted 7-0 to approve your application for a Certificate of Appropriateness. The Board's approval was subject to the following condition:

- The fence on the east side of the park is to be 4' high from the corner nearest Spruce Street to a point at the north end of the "picnic lawn", where it will transition to 6' high for the remainder of the distance to the north east corner of the park.

All improvements shall be carried out as shown on the plans and specifications submitted for the 11-4-09 public hearing and/or as described above. Changes to the approved plans and specifications and any additional work that may be undertaken must be reviewed and approved by this office prior to construction, alteration, or demolition. If, during the course of completing the approved work, conditions are encountered which prevent completing the approved work, or which require additional or alternative work, you must apply for and receive a Certificate of Appropriateness or Non-Applicability PRIOR to undertaking additional or alternative work.

This Certificate is granted upon condition that the work authorized herein is commenced within twelve (12) months after the date of issuance. If the work authorized by this Certificate is not commenced within one year after the time the work is commenced, such Certificate shall expire and be of no further effect provided that, for cause, one or more extensions of time for periods not exceeding ninety (90) days each may be allowed in writing by the Department.

Sincerely,



Deborah Andrews

Historic Preservation Program Manager

Approval Letter File

Building Inspections

Regina Leonard, Landscape Architect

Michael Farmer - Re: Fwd: Taylor Street Park - AutoCAD file

From: Michael Farmer
To: Barhydt, Barbara
Date: 4/4/2011 1:26 PM
Subject: Re: Fwd: Taylor Street Park - AutoCAD file
CC: Bobinsky, Michael; Margolis-Pineo, David
Attachments: Re: Fwd: Taylor Street Park - AutoCAD file

Barbara:

You can see from the attached e-mail message that Mike Bobinsky asked me to "scale off the Taylor Street playground plans" and determine the square feet to determine impact regarding development review.

I estimated the disturbed area to be 11,100 square feet (SF) and the new impervious area to be 1,480 SF. The value for disturbed area includes the new impervious area and other areas where the soil surface would be exposed during construction. I excluded the area of the existing paved basketball court (which is slated for a hot asphalt pavement overlay) from the total disturbed area.

Does 11,100 square feet of disturbed area or 11,100 SF of new impervious area exceed the thresholds for a site plan permit? What are the relevant threshold values that would trigger site plan review?

Michael Farmer, Project Engineer
 Portland Dept. of Public Services
 55 Portland Street
 Portland, ME 04101
 phone: 207-874-8845
 fax: 207-874-8852

<< >> Michael Bobinsky 4/1/2011 4:11 PM <>>

Mike, can you scale off the Taylor St playground plans and determine square feet...share that with Barbara B. We are trying to determine area of impact for development review requirements...looks like maybe we might not have to take this to the process since it is mostly rehabing existing space.

Bobinsky / Chestnut

Barbara Barhydt - Re: Taylor Street Park - AutoCAD file

From: "Regina S. Leonard" <regina@rsltdesign.com>
To: "Sally Deluca" <SLD@portlandmaine.gov>, "Anita LaChance" <ARL@portlan...>
Date: Monday, April 04, 2011 12:57 PM
Subject: Re: Taylor Street Park - AutoCAD file
CC: "Alex Jaegerman" <AQJ@portlandmaine.gov>, "Deb Andrews" <DGA@portland...>

Hi Sally,

Here are the numbers you have requested for the Taylor Street Park Improvements Project:
 Total calculated area of improvements: 4,384 square feet (not counting the rehab to the basketball court and lawn areas).

Breakdown:

Stone dust walks: 1,352 sf

Sidewalk expansion (brick): 186 sf

Playground area: 2533 sf

Existing: 1,403 sf (net increase of 1,130 sf)

Planting beds (new): 313 sf

If there is anything else you need, please let me know.

Regina S. Leonard

landscape architecture & design

29 Bridge Street

Topsham, ME 04086

Tel. 207-450-9700

Fax 800-606-4306

-----Original Message-----

From: Sally Deluca [mailto:SLD@portlandmaine.gov]

Sent: Monday, April 4, 2011 11:49 AM

To: 'Anita LaChance', 'Barbara Barhydt', 'Michael Bobinsky', 'Regina Leonard'

Cc: 'Alex Jaegerman', 'Deb Andrews', 'Ethan Owens', 'Penny St. Louis'

Subject: Taylor Street Park - AutoCAD file

Regina,

Can you answer Barbara's question about "it appears to me that the playground is being replaced in

kind and reoriented or expanded. The basketball court is a rehabilitation. It appears that the changes in

the playground area are less than 7,500 square feet of the site plan ordinance, and if so, then the

renovation of Taylor Street Park does not require site plan review. In order for me to make a final

determination, please have someone calculate the playground area park area to be changed. I would not

include the area that is simply being loaned and seeded or the basketball court.

Thanks

Sal

>>> Barbara Barhydt 4/1/2011 3:41 PM >>>

Good afternoon:

Thank you for including me in the loop to look at the plans for Taylor Street Park. The plans for the park were approved under the Historic Preservation Ordinance. I assume the plans are consistent with that approval and any revisions would need to be submitted to Deb Andrews for review.

Anita and I will be reviewing project management details for this going forward, but I wanted to begin this discussion with you on site plan review levels or process to expect or to what degree that is needed.

Under the new site plan ordinance, an administrative review of park improvements is required as follows:

"Park improvements consisting of new structures or buildings of less than 10,000 square feet and/or facilities encompassing an area of greater than 7,500 square feet and less than 20,000 square feet, excluding the rehabilitation or replacement in kind of existing facilities."

It appears to me that the playground is being replaced in kind and reoriented or expanded. The basketball court is a rehabilitation. It appears that the changes in the playground area are less than 7,500 square feet of the site plan ordinance, and if so, then the renovation of Taylor Street Park does not require site plan review. In order for me to make a final determination, please have someone calculate the playground area park area to be changed. I would not include the area that is simply being loaned and seeded or the basketball court.

Thank you.

Barbara

>>> Michael Bobinsky Wednesday, March 30, 2011 4:13 PM >>>

Thanks and appreciate the report; internally we are evaluating to what degree the current plan is ready to move forward, and as part of that I want to know to what degree is Site Plan Review process engaged here; is an Administrative Review all that is needed before we proceed with final construction plans?

>>> Barbara Barhydt 3/30/2011 12:16 PM >>>

Good morning:

Sally Deluca and Ethan Owens contacted me last week and Ethan sent over some photos/plans. They suggested that I assign a planner to work on this. I apologize, but I have not designated someone as of yet. I did mention this project to Deb Andrews who confirmed that the plan had been approved. I would like to clarify as to whether the plan approved by HP is moving forward or do you anticipate any changes to the approved plan? I will look at what Ethan sent over and get back to all of you about the review.

Barbara

>>> Michael Bobinsky Wednesday, March 30, 2011 9:58 AM >>>

Barbara, this project will be "bubbling" (is that a word?) up to the top in part due to our delay in moving this CDBG funded project along...but wanted to begin a check in with you on what we might expect as far as Site Plan Review process is concerned. This project was funded 2 years ago...and we completed a design process, with neighbor input...project was vetted through the Parks Commission (not thinking it went through the Health and Rec...will check) and then was reviewed, presented and then approved as a plan by the Historic Preservation Board..again,thinking in 2009, early 2010. Also can you advise if my staff (likely would have been Tom Civello or even Regina Leonard) reviewed any of the plans through your office, beyond Deb Andrews and HP Board?

Shukria Wiar - Fwd: Revised plan and impervious calculations

From: Ethan Owens
To: Barbara Barhydt; Shukria Wiar
Date: 6/27/2011 2:42 PM
Subject: Fwd: Revised plan and impervious calculations
Attachments: Taylor St_L1_110624.PDF; Taylor St_L2_110624.PDF; Taylor St_L3_110624.PDF; Taylor St_L4_110624.PDF; Impervious Area Calcs_110627.pdf

Shukria and Barbara,
 After way too much debate, the choice was made to reduce the amount of impervious and we won't be adding more than 15 CY of fill. SO at this point, what do we do? Do we still have to do staff review because we started? DO we write a letter informing you of our intent to reduce the project?

What should I do now?

Have a great day,

Ethan Owens

Certified Playground Safety Inspector

Athletic Facilities, Playground & Courts Manager

Recreation Department ~ City of Portland

134 Congress St

Portland, Maine 04103 ~ USA

207-756-8275/Fax 207-756-8279

eowens@portlandmaine.gov

>>> "Regina S. Leonard" <regina@rsldesign.com> 6/27/2011 12:03 PM >>>
 Ethan,

Please see attached Taylor Street Park plan revisions and impervious area calculations. I've tried to keep the integrity of the original design recommendations while minimizing new impervious areas. Let me know what you think. I have copied Dave and Mike so that they can review and let us know where we stand with regard to site plan review. These changes should bring us below the review threshold, I believe.

Regina S. Leonard

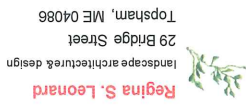
landscape architecture & design

29 Bridge Street

Topsham, ME 04086

Tel. 207-450-9700

Fax 800-606-4306



TAYLOR STREET PARK
 PARK IMPROVEMENTS
 RECREATION DEPT., PORTLAND, ME
 ESTIMATE OF NEW IMPERVIOUS AREAS
 DATE: 5/13/11 Rev. 6/27/11

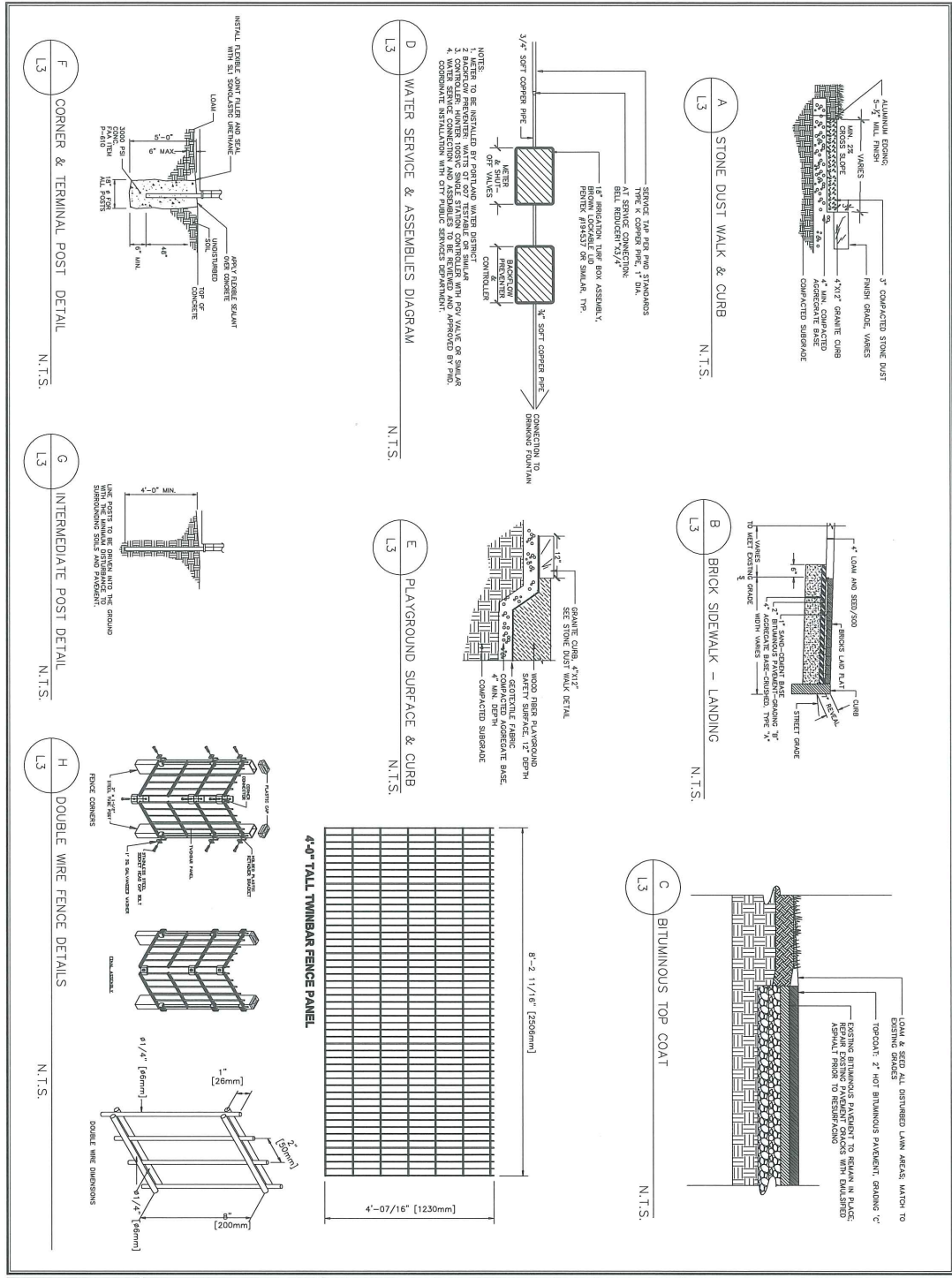
EX/PROP DESCRIPTION NOTES AREA

EXISTING SITE	
Basketball court	Existing surface
5,612.0	
Playground border	Wood timbers, 6"x6"
106.0	
Concrete pad	Old slab foundation
145.0	
Total, existing	
5,863.0	

PROPOSED SITE	
Basketball court	No net change
5,612.0	
Playground border	Recycled granite curbing & boulders
247.0	
Planter border	Recycled granite curbing
80.0	
Brick landing	Extension of existing sidewalk
168.0	
Paths	Stone dust with aggregate base
515.0	
Path border	Recycled cobblestones
25.0	
Bench pads	Concrete, 3'x6.5' avg.
56.0	
Total, proposed	
6,703.0	

NET DIFFERENCE
Total net increase 840.0

NOTES:
 1. The calculations above are estimated from the plans as revised and dated June 24, 2011.
 2. The existing playground does not meet the National Playground Safety Standards for fall zones. The proposed improvements necessarily include an expansion of the existing safety zone. Existing 1413 sf to 2540 sf.
 3. This calculation of new impervious surfaces assumes that the 12" depth wood fiber playground safety surfacing is pervious, based on previous determinations by City staff for the purposes of site plan review.



City Of Portland
Public Services
Department

55
Portland Maine Water
0207 07-0001

TAYLOR STREET PARK
IMPROVEMENTS PROJECT
CITY OF PORTLAND, MAINE

Project No. 14

14
Of 4

ESTIMATE OF NEW IMPERVIOUS AREAS

DATE: 5/13/11 Rev. 6/27/11

**TAYLOR STREET PARK
PARK IMPROVEMENTS
RECREATION DEPT., PORTLAND, ME**

Regina S. Leonard
landscape architecture & design
29 Bridge Street
Topsham, ME 04086



EX/PROP	DESCRIPTION	NOTES	AREA
---------	-------------	-------	------

EXISTING SITE

Basketball court	Existing surface	5,612.0
Playground border	Wood timbers, 6"x6"	106.0
Concrete pad	Old slab foundation	145.0
<i>Total, existing</i>		5,863.0

PROPOSED SITE

Basketball court	No net change	5,612.0
Playground border	Recycled granite curbing & boulders	247.0
Planter border	Recycled granite curbing	80.0
Brick landing	Extension of existing sidewalk	168.0
Paths	Stone dust with aggregate base	515.0
Path border	Recycled cobblestones	25.0
Bench pads	Concrete, 3'x6, 5' avg.	56.0
<i>Total, proposed</i>		6,703.0

NET DIFFERENCE

Total net increase 840.0

NOTES:

1. The calculations above are estimated from the plans as revised and dated June 24, 2011.
2. The existing playground does not meet the National Playground Safety Standards for fall zones. The proposed improvements necessarily include an expansion of the existing safety zone. Existing 1413 sf to 2540 sf.
3. This calculation of new impervious surfaces assumes that the 12" depth wood fiber playground safety surfacing is pervious, based on previous determinations by City staff for the purposes of site plan review.



Director of Planning and Urban Development
Penny St. Louis Little
Planning Division, Director
Alexander Jaegerman

August 18, 2008

Nick and Amanda Kent
True Street Neighborhood
691 Ocean Avenue
Portland, ME 04101

Rob McSorley, P.E.
Senior Project Manager
Sebago Technics, Inc
PO Box 139
Westbrook, ME 04098-1339

RE: True Street 8-Lot Subdivision
CBL: 424 A005001
Application ID: 2005-0274

Dear Mr. and Mrs. Kent,

On July 22, 2008, the Portland Planning Board considered an eight-lot subdivision on True Street (off-Ocean Avenue), as well as improvements to the street. The Planning Board reviewed the proposal for conformance with the standards of the Subdivision Ordinance. The Planning Board voted 5-0 (Odokara and Lewis absent) to approve the application with the following motion, waiver, and conditions as presented below.

WAIVERS

The Planning Board voted 5-0 (Odokara and Lewis absent) to find that two of the following criteria (namely C and F of the Sidewalk Waiver Criteria) apply and therefore grants a partial waiver from the requirement for a sidewalk on both sides of True Street and the applicants are required to install a sidewalk on the north side of True Street.

SUBDIVISION REVIEW

The Planning Board voted 5-0 (Odokara and Lewis absent) that the plan is in conformance with the subdivision standards of the Land Use Code, subject to the following condition(s) of approval:

- i. Subdivision Plat shall be changed to Note 14 to state "as recommended by the Planning Authority" as opposed to the "City Arborist or Planning staff".

- ii. Note 13 on the Subdivision Plat shall state "Existing structures on lots 1,3,5, and 8 are pre-existing non-conforming structures regarding lot lines" rather than "are grandfathered and exempt from setback requirements from existing property lines." [corrected condition]
 - iii. The Subdivision Plat shall be revised and submitted to show the sidewalks on the north side of True Street for review and approval by the City Planning Authority.
 - iv. The driveway for Lot 2 shall be delineated and its impact on the wetlands shall be submitted for review by the City Planning Authority.
 - v. The applicant shall add Note 16 to the Subdivision Plat that states the turn around area on Lot 4 shown on Sheet 4 be labeled as "For Emergency Vehicles Only" and shall be maintained permanently.
- The approval is based on the submitted plans and the findings related to site plan and subdivision review standards as contained in Planning Report #38-08 which is attached. Please note the following provisions and requirements for all site plan and subdivision approvals:

- 1. The above approvals do not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
- 2. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and seven (7) final sets of plans must be submitted to and approved by the Planning Division and Public Works prior to the release of the subdivision plat for recording at the Registry of Deeds and prior to the release of a building permit or street opening permit. If you need to make any modifications to the approved plans, you must submit a revised subdivision application for staff review and approval.
- 3. Final sets of plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.
- 4. Mylar copies of the as built construction drawings for the subdivision must be submitted to the Public Works Department prior to the release of the performance guarantee.
- 5. The subdivision approval is valid for three (3) years.
- 6. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
- 7. Prior to construction, a pre-construction meeting shall be held at the project site with the contractor, development review coordinator, Public Works representative and owner to review the construction schedule and critical aspects of the site work. At that time, the site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
- 8. If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

Philip DiPietro, Development Review Coordinator, must be notified five (5) working days prior to date required for final site inspection. The Development Review Coordinator can be reached at 874-8632. Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as all site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If there are any questions, please contact Shukria Wiar at 756-8083 or shukriaw@portlandmaine.gov

Sincerely,

Janice Tevanian
(33)
Janice Tevanian, Chair
Portland Planning Board

Attachments:

1. Planning Board Report
2. Performance Guarantee Packet

Electronic Distribution:

Penny St. Louis Littlell, Director of Planning and Urban Development
Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Shukria Wiar, Planner
Philip DiPietro, Development Review Coordinator
Marge Schmuckal, Zoning Administrator
Jeanie Bourke, Inspections Division
Lisa Danforth, Administrative Assistant
Michael Bobinsky, Public Services Director
Kathi Earley, Public Works
Bill Clark, Public Works
Michael Farmer, Public Works
Jim Carmody, City Transportation Engineer
Jane Ward, Public Works
Captain Greg Cass, Fire Prevention
Jeff Tarling, City Arborist
Tom Errico, Wilbur Smith Consulting Engineers
Dan Goyette, Woodard & Curran
Assessor's Office
Approval Letter File
Hard Copy: Project File

Shukria Wiar, Planner
July 18, 2008

Submitted by:

Portland Planning Board
Portland, Maine
July 22, 2008

Submitted to:

NICK AND AMANDA KENT
TODD AND KELLY SNIPER, MARC GIGUERE, AND
STACEY DEAN AND ROYCE GOULD, APPLICANTS

VICINITY OF TRUE STREET (OFF OF OCEAN AVENUE)
SUBDIVISION REVIEW

TRUE STREET SUBDIVISION

I. INTRODUCTION

The joint applicants, Nick and Amanda Kent, Todd and Kelly Sniper, Marc Giguere, and Stacey Dean and Royce Gould, have requested subdivision approval for the creation of an eight (8)-lot subdivision at True Street, off of Ocean Avenue. At present the applicants own a total of six (6) parcels with dwellings on four Lots. They are proposing to improve True Street (including the dedication of a 50 foot right-of-way to the City of Portland) and realign the lot boundaries to create eight lots with four of these available for new dwellings.

There have been two workshops on this project; the first workshop was on March 28, 2006 and second was on June 24, 2008. The site is unusual in that it is a vestige of an historic farm community and is characterized by a number of significant trees, wetlands, and an open rural aspect (see photographs in Attachment 23). The applicants have described their community in some detail in a letter to the Planning Board (Attachment 2).

On July 15, 2008, two hundred and ninety-one (291) notices were sent to the area residents and interested citizens. A neighborhood meeting was held on July 10, 2008 and four (4) of people attended this meeting. The minutes for the meeting are included as Attachment 22.

II. SUMMARY OF FINDINGS

Site Area:	2.89 acres
Zoning:	R-5
Existing Condition:	Currently there are four (4) lots
Proposed Condition:	There will be a total of eight (8) lots
Existing Lot sizes:	6,098 sq ft to 1.3 acres
Proposed lot sizes:	6,098 sq ft to .47 acres
Required Min. Lot Size:	6,000 sq ft

III. PROPOSED DEVELOPMENT

Project Site

The site is on the east side of Ocean Avenue and it abuts the Ocean East Townhouses on the east, to the north the Wellstone Condominiums and to the south the back yards of dwellings along Grafion Street. The letter from the agent and the applicants in Attachments 2 provides further detail.

The project site is largely open land with the narrow True Street and another private road running parallel into the site from Ocean Avenue. The existing 2-3 story dwellings are orientated (except for the two on Ocean Avenue) to the south. The site is characterized by clusters of trees and a number of fine old trees up to 3 feet diameter in girth- these are shown on the Site Plan (Attachment 11b). The central part of the site is partially wetland, as True Street is on a raised land through the low lying land. The applicant has described the existing conditions in the project narrative from Robert McSorley of Sebago Technics (Attachment 2).

True Street is a twelve (12) foot wide private street, which extends about 400 feet from Ocean Avenue to serve the two houses to the south and east. It has no formal turning area at its end. According to the applicants, this street has been effectively adopted by the City because the City has undertaken its maintenance (snowplowing) over the last 40 years. The proposed subdivision necessitates the construction of an improved street meeting City standards.

Proposals

The proposals are described in the cover letter from Robert McSorley with Sebago Technics, Inc., applicants' Engineer (Attachment 2). The Existing Condition Plan (Attachment 1b) shows the current lot layout as "non-confirming"; it results from the historical subdividing of parcels. The joint applicants have had a number of discussions with staff to discuss the complexity of the site and design standards. The applicants propose to regularize the lot boundaries so that the resulting eight (8) lots are all in conformity with current zoning requirements, as shown in the Subdivision Plan (Attachment 1c). The lots have been devised to avoid loss of the mature trees, provide reconfigured lots for the existing dwellings, create four "new" buildable lots, and upgrade True Street so that it can be two-way street with a hammerhead to allow turning as shown in the Subdivision Plan in Attachment 1c.

Two lots have long narrow strips that provide the link and frontage to the upgraded True Street. The applicant modified this proposal to maintain, as best possible, a fifty (50) foot strip leading to the lots.

IV. STAFF REVIEW

The proposed development has been reviewed by staff for conformance with the relevant review standards of the subdivision ordinance. Staff comments are highlighted in this report.

V. SUBDIVISION REVIEW

1. Water and Air Pollution
The project will not result in undue water or air pollution.

- 2/3. Water
The applicant has provided a 'Capacity to Serve' letter. According to Portland Water District letter dated 11.26.2007; there should be an adequate supply of clean and healthful water to serve the needs of your project.

4. Soil Erosion
There is a twelve (12") inch cast iron water main on the east side of the street as well as hydrant located approximately 175 feet north of the proposed entrance to the True Street.

The applicant has provided an erosion and sedimentation control plan that includes construction and pre-construction stabilization of the site. Temporary erosion control measures to be installed during construction will include the placement of sedimentation

barriers (silt fence) along a down gradient area, together with specific requirements for the use of riprap, erosion control blanket and temporary/permanent revegetation measures.

5. Traffic and Public Road

Proposed access is via a realigned True Street off of Ocean Avenue. Thomas Errico, the City's Traffic Consultant, has reviewed the proposed subdivision and has no comments related to traffic engineering elements (Attachment 18).

A. Sidewalk Waiver and Depart. Of Public Services Recommendation:

The proposed width of True Street is twenty (28) feet which meets the City's standard. A turn-around is proposed at the end of the street, rather than a cul-de-sac. A cul-de-sac was considered, however, it would require the removal of an existing garage and several mature trees. The turn-around for the eight lots meets City standards. The applicants request a waiver from the Ordinance requiring sidewalks on True Street (Attachment 12). The Department of Public Services does not support the applicants' request for a full waiver on the requirement of sidewalks but supports a waiver of a sidewalk on one side of the street. This would create a suitable pedestrian network link for the neighborhood and the limitation of the sidewalk to one side reduces the impact on the adjacent wetlands. Please see Attachment 16b for the complete memo. This will fulfill two of the sidewalk criteria, as follows:

- a. A safe alternative-walking route is reasonably available, for example, by way of a sidewalk on the other side of the street.
- b. The street has been constructed or reconstructed without sidewalks within the last 24 months.

B. Street Lighting:

The applicant is proposing two (2) street lights along True Street. The applicant has submitted catalogue cuts showing black aluminum Town and Country pole, which meets the City's Technical and Design Standards and Guidelines. There is an existing typical cobra head Central Maine Power light fixture on the pole at True Street & Ocean Avenue; therefore the location of the two (2) lighting poles will be spaced out at 120' (which is the City standard) on the south side of True Street. The engineer shall indicate the existing lighting pole on the plans.

C. Fire Department:

Captain Greg Cass of the Fire Department has reviewed and approved the subdivision plan for adequate access.

6/7. Sanitary Sewer/Soils/Stormwater

There is an existing twelve-inch polyvinyl chloride (PVC) sanitary sewer pipe located in

Ocean Avenue. Frank Branchely, Senior Engineering Technician, City of Portland, submitted a letter dated June 12, 2008, which states that there is sufficient capacity to transport the anticipated wastewater flows of 1,800 gallons/day. The Portland Water District sewage treatment facility, located off Marginal Way, has adequate capacity to treat, the total anticipated net increase in wastewater flows from the project (Attachment 9).

Regarding stormwater, the applicant has submitted a stormwater management narrative for review. The road will be constructed with catch basins and culverts to collect stormwater runoff from the road and to maintain the overall existing drainage pattern of the site. The storm drain system has been revised to connect into the new Ocean Avenue system as recommended by Michael Farmer, Project Engineer, Department of Public Services, during a meeting with City staff on 05.19.2008.

Dan Goyette, City Consultant Engineer, has reviewed the project and the applicant has adequately addressed all comments from his previous memo (Attachment 16).

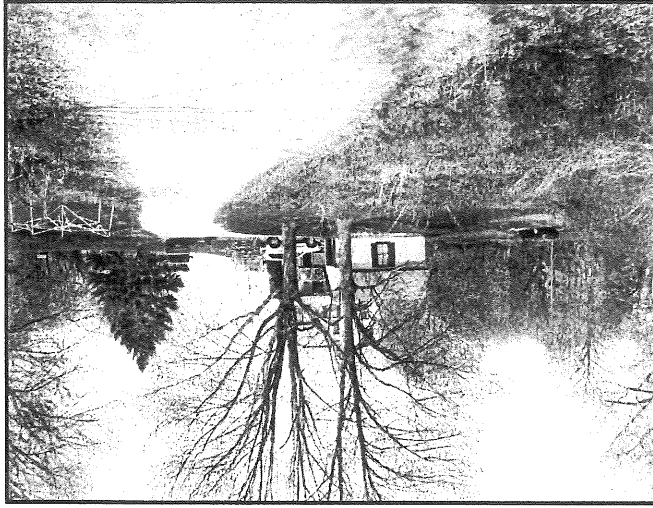
8. Solid Waste Disposal

Currently the existing homes are serviced by the Department of Public Services

9. Scenic Beauty

The proposal does not have any undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or significant wildlife habitat or rare or irreplaceable natural areas. It is not located within a Historic District or near a Historic Landmark.

The proposal has been designed to avoid impacts on the significant trees on the site. The proposed wetland fill is shown in the Subdivision Plan (Attachment 1c); parts of the wetlands will be filled for the construction of True Street and Lot 7. The total impact to the wetlands, according to the subdivision plat, will be 3,677 square feet.



Restrictions in Treesave areas

The parcel is highly wooded with most of the significant trees along the abutting property lines towards the rear of the lots. The submitted Landscaping Plan (Attachment 11F) shows 11 of the 12 existing "significant" trees at the northern and eastern end of the site (Lots 2-6) (as confirmed or identified by the City Arborist). The applicant is proposing to save these the significant old trees on site seen on the Landscaping Plan. The City Arborist, Jeff Tarling, visited the site on July 11, 2008 and he recommends conditions covering (Attachment 20):

- a. All lots should have the 'two-trees' per lot trees located between the proposed building and street. Saving existing trees would be credited to this standard;
- b. Lot 7, for example should have the two trees in addition to those shown as buffering at the rear of the lot;
- c. The landscape plan shows a planting of 1 Metasequoia at 24" - 30" which should be 5-6' in height and not a shrub size measurement
- d. 'Tree Save' areas shown on the plan should be protected as mentioned, but the note mentioning '...or replace with 2 1/2" cal tree typical should be removed, as it infers that the large existing trees could be removed;
- e. Where 'tree saves' are not located along property lines or borders of existing properties, landscape buffering is recommended.

The Planning Board recommended that there be note on the subdivision plan and in individual lot deeds that states, "Trees lost or damaged in tree save areas should be replaced 'in kind' or as recommended by the City Arborist or Planning Staff." Staff suggests that these requirements should be included in a single Landscape Plan, to be submitted/ approved prior to the finalization/signing of the Subdivision Plat, and be cross-referenced in a note on the Subdivision Plat.

A potential condition of approval:

The applicant shall submit a revised Landscape Plan, to be cross-reference in a note on the Subdivision Plat and to include designated tree saves, in accordance with the comments of the City Arborist, Jeff Tarling, dated July 17, 2008, for the review and approval by the City Arborist and the Planning Authority prior to the signing of the Subdivision Plat.

10. Comprehensive Plan
The creation of 4 potential new units of housing is supported by the Comprehensive Plan policy ("Housing: Sustaining Portland's Future" November 2002).
11. Financial Capability
The applicant has not provided a letter confirming financial capability; the applicants are proposing to personally fund the improvements for the project.

12/13. Groundwater/Flood Hazard/Shoreland/Wetlands
The proposal appears to impact the wetlands on the site, both as a result of partial filling to construct the new road and home (Lot).

VI. MOTIONS FOR THE BOARD TO CONSIDER

1. Waiver of Technical Standards

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report # 38-08 relevant to the Portland Technical and Design Standards and Guidelines and other regulations and the testimony presented at the Planning Board hearing:

Sidewalk Waivers

1. The Planning Board finds that two of the following criteria do/do not apply (namely _____ and _____) and therefore waives/does not waive the requirement for a sidewalk along True Street:

- A) There is no reasonable expectation for pedestrian usage coming from, going to and traversing the site.
- B) 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.
- C) A safe alternative-walking route is reasonably available, for example, by way of a sidewalk on the other side of the street.
- D) The reconstruction of the street is specifically identified in the first or second year of the current capital improvement program.
- E) The street has been constructed or reconstructed without sidewalks within the last 24 months.
- F) 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.

2. Subdivision Review

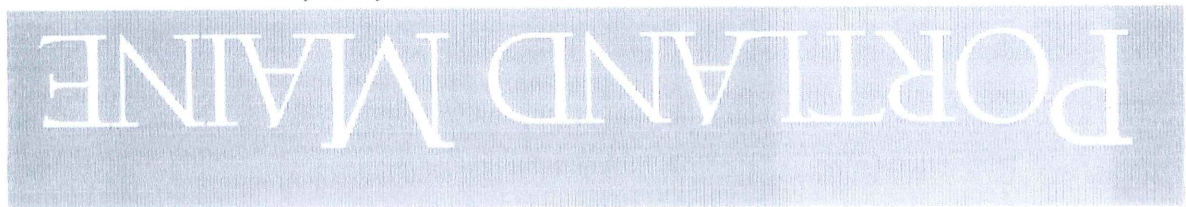
On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in Planning Board Report # 38-08, relevant to the subdivision Ordinance and other regulations and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan [is / is not] in conformance with the subdivision standards of the land use code, subject to the following potential conditions of approval:

- a. The applicant shall submit a revised Landscape Plan, to be cross-reference in a note on the

Subdivision Plat and to include designated tree saves, in accordance with the comments of the City Arborist, Jeff Tarling, dated July 17, 2008, for the review and approval by the City Arborist and the Planning Authority prior to the signing of the Subdivision Plat.

Attachments:

1. Site Plan Application/ Checklist
Dated: 04.07.2008
2. Project Narrative
3. Site location Map
4. General Requirements- Subdivision
5. Stormwater Management Narrative
6. Ability to Serve Letters
7. Letters from State Agencies
8. Right, Interest & Title
9. Financial Capacity
10. Technical Capacity
11. Site/Subdivision Plans- True Street Subdivision
 - a. Cover Sheet
 - b. Existing Condition
 - c. Subdivision Plan
 - d. Grading and Drainage Plan
 - e. Utilities Plan
 - f. Landscape Plan
 - g. Details
 - h. Details
 - i. Detail
12. Request for Waiver- Sidewalk and Curbing
13. Shukria Wiar, City Planner
14. Robert McSorley, Engineer Response Letter
Dated: 06.04.2008
15. Captain Greg Cass, Fire Department
Dated: 06.19.2008
16. a. Dan Goyette, PE Woodard & Curran
Dated: 06.19.2008
 b. Sidewalk Waiver Email
Dated: 07.17.2008
17. Marge Schmuckal, City Zoning Administrator
Dated: 06.11.2008
18. Tom Errico, City Traffic Engineering Reviewer
Dated: 06.13.2008
19. Micheal Farmer, Department of Public Services
Dated: 05.13.2008
20. Jeff Tarling, City Arborist
Dated: 07.17.2008
21. Financial Capability Letter
Dated: 07.16.2008
22. Neighborhood Meeting Information
23. Photographs of True Street site
24. Lighting Catalogue Cuts



Director of Planning and Urban Development
Penny St. Louis Little
Planning Division, Director
Alexander Jaegerman

July 24, 2008

Nick and Amanda Kent
True Street Neighborhood
691 Ocean Avenue
Portland, ME 04101

Rob McSorley, P.E.
Senior Project Manager
Sebago Technics, Inc
PO Box 139
Westbrook, ME 04098-1339

RE: True Street 8-Lot Subdivision
CBL: 424 A005001
Application ID: 2005-0274

Dear Mr. and Mrs. Kent,

On July 22, 2008, the Portland Planning Board considered an eight-lot subdivision on True Street (off-Ocean Avenue), as well as improvements to the street. The Planning Board reviewed the proposal for conformance with the standards of the Subdivision Ordinance. The Planning Board voted 5-0 (Odokara and Lewis absent) to approve the application with the following motion, waiver, and conditions as presented below:

WAIVERS

The Planning Board voted 5-0 (Odokara and Lewis absent) to find that two of the following criteria (namely C and F of the Sidewalk Waiver Criteria) apply and therefore grants a partial waiver from the requirement for a sidewalk on both sides of True Street and the applicants are required to install a sidewalk on the north side of True Street.

SUBDIVISION REVIEW

The Planning Board voted 5-0 (Odokara and Lewis absent) that the plan is in conformance with the subdivision standards of the Land Use Code, subject to the following condition(s) of approval:

i. Subdivision Plat shall be changed respective to Note 14 to state "as recommended by the Planning Authority" as opposed to the "City Arborist or Planning staff".

- ii. Note 13 on the Subdivision Plat shall state "pre-existing non-conforming structures regarding lot lines" rather than "pre-existing non-conforming structures regarding the north side of True Street for review and approval by the City Planning Authority.
- iii. The Subdivision Plat shall be revised and submitted to show the sidewalks on the north side of the driveway for Lot 2 shall be delineated and its impact on the wetlands shall be submitted for review by the City Planning Authority.
- iv. The applicant shall add Note 16 to the Subdivision Plat that states the turn around area on Lot 4 shown on Sheet 4 be labeled as "For Emergency Vehicles Only" and shall be maintained permanently.

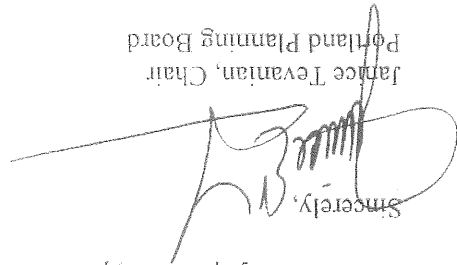
2 sheets

- 1. The above approvals do not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
- 2. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and seven (7) final sets of plans must be submitted to and approved by the Planning Division and Public Works prior to the release of the subdivision plat for recording at the Registry of Deeds and prior to the release of a building permit or street opening permit. If you need to make any modifications to the approved plans, you must submit a revised subdivision application for staff review and approval.
- 3. Final sets of plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.
- 4. Mylar copies of the as built construction drawings for the subdivision must be submitted to the Public Works Department prior to the release of the performance guarantee.
- 5. The subdivision approval is valid for three (3) years.
- 6. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
- 7. Prior to construction, a pre-construction meeting shall be held at the project site with the contractor, development review coordinator, Public Works representative and owner to review the construction schedule and critical aspects of the site work. At that time, the site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
- 8. If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

required for final site inspection. The Development Review Coordinator can be reached at 874-8632. Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as all site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If there are any questions, please contact Shukria Wiar at 756-8083 or shukriawiar@portlandmaine.gov

Jamice Tevastian, Chair
Portland Planning Board



Attachments:

1. Planning Board Report
2. Performance Guarantee Packet

Electronic Distribution:

Penny St. Louis Littel, Director of Planning and Urban Development

Alexander Jaegerman, Planning Division Director

Barbara Barhydt, Development Review Services Manager

Shukria Wiar, Planner

Philip D'Pietro, Development Review Coordinator

Marge Schmuckal, Zoning Administrator

Jeanie Bourke, Inspections Division

Lisa Danforth, Administrative Assistant

Michael Bobinsky, Public Services Director

Kath Earley, Public Works

Bill Clark, Public Works

Michael Farmer, Public Works

Jim Carmody, City Transportation Engineer

Jane Ward, Public Works

Captain Greg Cass, Fire Prevention

Jeff Tarling, City Arborist

Tom Errico, Wilbur Smith Consulting Engineers

Dan Goyette, Woodard & Curran

Assessor's Office

Approval Letter File

Hard Copy: Project File

TRUE STREET SUBDIVISION

VICINITY OF TRUE STREET (OFF OF OCEAN AVENUE)
SUBDIVISION REVIEW

NICK AND AMANDA KENT

TODD AND KELLY SNIPER, MARC GIGUERE, AND

STACEY DEAN AND ROYCE GOULD, APPLICANTS

Submitted to:

Portland Planning Board
Portland, Maine
July 22, 2008

Submitted by:

Shukria War, Planner
July 18, 2008

I. INTRODUCTION

The joint applicants, Nick and Amanda Kent, Todd and Kelly Sniper, Marc Giguere, and Stacy Dean and Royce Gould, have requested subdivision approval for the creation of an eight (8)-lot subdivision at True Street, off of Ocean Avenue. At present the applicants own a total of six (6) parcels with dwellings on four Lots. They are proposing to improve True Street (including the dedication of a 50 foot right-of-way to the City of Portland) and realign the lot boundaries to create eight lots with four of these available for new dwellings.

There have been two workshops on this project; the first workshop was on March 28, 2006 and second was on June 24, 2008. The site is unusual in that it is a vestige of an historic farm community and is characterized by a number of significant trees, wetlands, and an open rural aspect (see photographs in Attachment 23). The applicants have described their community in some detail in a letter to the Planning Board (Attachment 2).

On July 15, 2008, two hundred and ninety-one (291) notices were sent to the area residents and interested citizens. A neighborhood meeting was held on July 10, 2008 and four (4) of people attended this meeting. The minutes for the meeting are included as Attachment 22.

II. SUMMARY OF FINDINGS

Site Area:	2.89 acres
Zoning:	R-5
Existing Condition:	Currently there are four (4) lots
Proposed Condition:	There will be a total of eight (8) lots
Existing Lot sizes:	6,098 sq ft to 1.3 acres
Proposed lot sizes:	6,098 sq ft to .47 acres
Required Min. Lot Size:	6,000 sq ft

III. PROPOSED DEVELOPMENT

Project Site

The site is on the east side of Ocean Avenue and it abuts the Ocean East Townhouses on the east, to the north the Wellstone Condominiums and to the south the back yards of dwellings along Gratton Street. The letter from the agent and the applicants in Attachments 2 provides further detail.

The project site is largely open land with the narrow True Street and another private road running parallel into the site from Ocean Avenue. The existing 2-3 story dwellings are orientated (except for the two on Ocean Avenue) to the south. The site is characterized by clusters of trees and a number of fine old trees up to 3 feet diameter in girth - these are shown on the Site Plan (Attachment 11b). The central part of the site is partially wetland, as True Street is on a raised land through the low lying land. The applicant has described the existing conditions in the project narrative from Robert McSorley of Sebago Technics (Attachment 2).

True Street is a twelve (12) foot wide private street, which extends about 400 feet from Ocean Avenue to serve the two houses to the south and east. It has no formal turning area at its end. According to the applicants, this street has been effectively adopted by the City because the City has undertaken its maintenance (snowplowing) over the last 40 years. The proposed subdivision necessitates the construction of an improved street meeting City standards.

Proposals

The proposals are described in the cover letter from Robert McSorley with Sebago Technics, Inc., applicants' Engineer (Attachment 2). The Existing Condition Plan (Attachment 1b) shows the current lot layout as "non-confirming"; it results from the historical subdividing of parcels. The joint applicants have had a number of discussions with staff to discuss the complexity of the site and design standards. The applicants propose to regularize the lot boundaries so that the resulting eight (8) lots are all in conformity with current zoning requirements, as shown in the Subdivision Plan (Attachment 1c). The lots have been devised to avoid loss of the mature trees, provide reconfigured lots for the existing dwellings, create four "new" buildable lots, and upgrade True Street so that it can be two-way street with a hammerhead to allow turning as shown in the Subdivision Plan in Attachment 1d.

Two lots have long narrow strips that provide the link and frontage to the upgraded True Street. The applicant modified this proposal to maintain, as best possible, a fifty (50) foot strip leading to the lots.

IV. STAFF REVIEW

The proposed development has been reviewed by staff for conformance with the relevant review standards of the subdivision ordinance. Staff comments are highlighted in this report.

V. SUBDIVISION REVIEW

1. Water and Air Pollution
The project will not result in undue water or air pollution.
- 2/3. Water
The applicant has provided a 'Capacity to Serve' letter. According to Portland Water District letter dated 11.26.2007; there should be an adequate supply of clean and healthful water to serve the needs of your project.
There is a twelve (12") inch cast iron water main on the east side of the street as well as hydrant located approximately 175 feet north of the proposed entrance to the True Street.
4. Soil Erosion
The applicant has provided an erosion and sedimentation control plan that includes construction and pre-construction stabilization of the site. Temporary erosion control measures to be installed during construction will include the placement of sedimentation

barriers (silt fence) along a down gradient area, together with specific requirements for the use of riprap, erosion control blanket and temporary/permanent revegetation measures.

5. Traffic and Public Road

Proposed access is via a realigned True Street off of Ocean Avenue. Thomas Errico, the City's Traffic Consultant, has reviewed the proposed subdivision and has no comments related to traffic engineering elements (Attachment 18).

A. Sidewalk Waiver and Depart. Of Public Services Recommendation:

The proposed width of True Street is twenty (28) feet which meets the City's standard. A turn-around is proposed at the end of the street, rather than a cul-de-sac. A cul-de-sac was considered, however, it would require the removal of an existing garage and several mature trees. The turn-around for the eight lots meets City standards. The applicants request a waiver from the Ordinance requiring sidewalks on True Street (Attachment 12). The Department of Public Services does not support the applicants' request for a full waiver on the requirement of sidewalks but supports a waiver of a sidewalk on one side of the street. This would create a suitable pedestrian network link for the neighborhood and the limitation of the sidewalk to one side reduces the impact on the adjacent wetlands. Please see Attachment 16b for the complete memo. This will fulfill two of the sidewalk criteria, as follows:

- a. A safe alternative-walking route is reasonably available, for example, by way of a sidewalk on the other side of the street.
- b. The street has been constructed or reconstructed without sidewalks within the last 24 months.

B. Street Lighting:

The applicant is proposing two (2) street lights along True Street. The applicant has submitted catalogue cuts showing black aluminum Town and Country pole, which meets the City's Technical and Design Standards and Guidelines. There is an existing typical cobra head Central Maine Power light fixture on the pole at True Street & Ocean Avenue; therefore the location of the two (2) lighting poles will be spaced out at 120' (which is the City standard) on the south side of True Street. The engineer shall indicate the existing lighting pole on the plans.

C. Fire Department:

Captain Greg Cass of the Fire Department has reviewed and approved the subdivision plan for adequate access.

6/7. Sanitary Sewer/Soils/Stormwater

There is an existing twelve-inch polyvinyl chloride (PVC) sanitary sewer pipe located in

Ocean Avenue. Frank Branceley, Senior Engineering Technician, City of Portland, submitted a letter dated June 12, 2008, which states that there is sufficient capacity to transport the anticipated wastewater flows of 1,800 gallons/day. The Portland Water District sewage treatment facility, located off Marginal Way, has adequate capacity to treat, the total anticipated net increase in wastewater flows from the project (Attachment 6).

Regarding stormwater, the applicant has submitted a stormwater management narrative for review. The road will be constructed with catch basins and culverts to collect stormwater runoff from the road and to maintain the overall existing drainage pattern of the site. The storm drain system has been revised to connect into the new Ocean Avenue system as recommended by Michael Farmer, Project Engineer, Department of Public Services, during a meeting with City staff on 05.19.2008.

Dan Goyette, City Consultant Engineer, has reviewed the project and the applicant has adequately addressed all comments from his previous memo (Attachment 16).

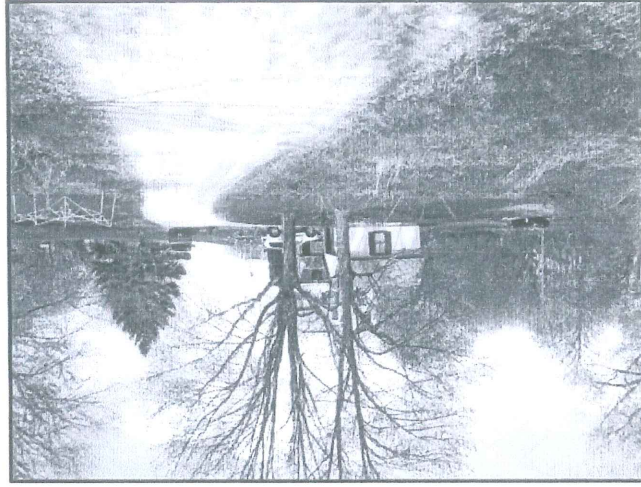
8. Solid Waste Disposal

Currently the existing homes are serviced by the Department of Public Services

9. Scenic Beauty

The proposal does not have any undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or significant wildlife habitat or rare or irreplaceable natural areas. It is not located within a Historic District or near a Historic Landmark.

The proposal has been designed to avoid impacts on the significant trees on the site. The proposed wetland fill is shown in the Subdivision Plan (Attachment 1c); parts of the wetlands will be filled for the construction of True Street and Lot 7. The total impact to the wetlands, according to the subdivision plat, will be 3,677 square feet.



Restrictions in Tressave areas

The parcel is lightly wooded with most of the significant trees along the abutting property lines towards the rear of the lots. The submitted Landscaping Plan (Attachment 11f) shows 11 of the 12 existing "significant" trees at the northern and eastern end of the site (Lots 2-6) (as confirmed or identified by the City Arborist). The applicant is proposing to save these the significant old trees on site seen on the Landscaping Plan. The City Arborist, Jeff Tarling, visited the site on July 11, 2008 and he recommends conditions covering (Attachment 20):

- a. All lots should have the 'two-trees' per lot trees located between the proposed building and street. Saving existing trees would be credited to this standard; Lot 7, for example should have the two trees in addition to those shown as buffering at the rear of the lot;
- b. The landscape plan shows a planting of 1 Metasequoia at 24" - 30" which should be 5-6' in height and not a shrub size measurement
- c. "Tree Save" areas shown on the plan should be protected as mentioned, but the note mentioning "...or replace with 2 1/2" cal tree typical should be removed, as it infers that the large existing trees could be removed;
- d. Where 'tree saves' are not located along property lines or borders of existing properties, landscape buffering is recommended.

The Planning Board recommended that there be note on the subdivision plan and in individual lot deeds that states, "Trees lost or damaged in tree save areas should be replaced 'in kind' or as recommended by the City Arborist or Planning Staff." Staff suggests that these requirements should be included in detail in a single Landscape Plan, to be submitted/ approved prior to the finalization/signing of the Subdivision Plat, and be cross-referenced in a note on the Subdivision Plat.

A potential condition of approval:

The applicant shall submit a revised Landscape Plan, to be cross-referenced in a note on the Subdivision Plat and to include designated tree saves, in accordance with the comments of the City Arborist, Jeff Tarling, dated July 17, 2008, for the review and approval by the City Arborist and the Planning Authority prior to the signing of the Subdivision Plat.

10. Comprehensive Plan
The creation of 4 potential new units of housing is supported by the Comprehensive Plan policy ("Housing: Sustaining Portland's Future" November 2002).
11. Financial Capability
The applicant has not provided a letter confirming financial capability; the applicants are proposing to personally fund the improvements for the project.

12/13. Groundwater/Flood Hazard/Shoreland/Wetlands

The proposal appears to impact the wetlands on the site, both as a result of partial filling to construct the new road and home (Lot).

VI. MOTIONS FOR THE BOARD TO CONSIDER

1. Waiver of Technical Standards

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report # 38-08 relevant to the Portland Technical and Design Standards and Guidelines and other regulations and the testimony presented at the Planning Board hearing:

Sidewalk Waivers

1. The Planning Board finds that two of the following criteria do/do not apply (namely _____ and _____) and therefore waives/does not waive the requirement for a sidewalk along True Street:

A) There is no reasonable expectation for pedestrian usage coming from, going to and traversing the site.

B) 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.

C) A safe alternative-walking route is reasonably available, for example, by way of a sidewalk on the other side of the street.

D) The reconstruction of the street is specifically identified in the first or second year of the current capital improvement program.

E) The street has been constructed or reconstructed without sidewalks within the last 24 months.

F) 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.

2. Subdivision Review

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in Planning Board Report # 38-08, relevant to the subdivision Ordinance and other regulations and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan [is / is not] in conformance with the subdivision standards of the land use code, subject to the following potential conditions of approval:

a. The applicant shall submit a revised Landscape Plan, to be cross-referenced in a note on the

Subdivision Plat and to include designated tree saves, in accordance with the comments of the City Arborist, Jeff Tarling, dated July 17, 2008, for the review and approval by the City Arborist and the Planning Authority prior to the signing of the Subdivision Plat.

Attachments:

1. Site Plan Application/ Checklist
 Dated: 04.07.2008
2. Project Narrative
3. Site location Map
4. General Requirements- Subdivision
5. Stormwater Management Narrative
6. Ability to Serve Letters
7. Letters from State Agencies
8. Right, Interest & Title
9. Financial Capacity
10. Technical Capacity
11. Site/Subdivision Plans- True Street Subdivision
 - a. Cover Sheet
 - b. Existing Condition
 - c. Subdivision Plan
 - d. Grading and Drainage Plan
 - e. Utilities Plan
 - f. Landscape Plan
 - g. Details
 - h. Details
 - i. Detail
12. Request for Waiver- Sidewalk and Curbing
13. Shukria War, City Planner
14. Robert McSorley, Engineer Response Letter
15. Captain Greg Cass, Fire Department
16. a. Dan Goyette, PE Woodard & Curran
 b. Sidewalk Waiver Email
17. Marge Schmuckal, City Zoning Administrator
18. Tom Errico, City Traffic Engineering Reviewer
19. Micheal Farmer, Department of Public Services
20. Jeff Tarling, City Arborist
21. Financial Capability Letter
 Dated: 07.17.2008
22. Neighborhood Meeting Information
 Dated: 07.16.2008
23. Photographs of True Street site
24. Lighting Catalogue Cuts

Over the past year, several of the True Street residents have met with City zoning and planning staff to review their vision and develop preliminary subdivision plans. We appreciate the time you and the other staff members have provided in reviewing these conceptual plans and

- Attachment 1 – Site Plan Application
- Attachment 2 – Existing Conditions Plan
- Attachment 3 – Subdivision Plan
- Attachment 4 – Sketch Plan
- Attachment 5 – True Street Neighborhood Letter with Sketch
- Attachment 6 – Jensen Baird Gardner & Henry Letter with Accompanying Affidavits

The following supporting documents are attached hereto:

- Dedicate a fifty-foot wide right-of-way to the City of Portland so that True Street can be further improved as a public roadway,
- Subdivide the six existing legally non-conforming lots in such a way that eight lots are created, and
- Preserve the unique, natural, rural-like character of the existing neighborhood.

On behalf of the True Street Neighborhood, we are pleased to submit this Sketch Plan application for a proposed eight lot residential subdivision located on True Street, off Ocean Avenue. The True Street Neighborhood is a group of property owners who have joined together to achieve the following goals:

Dear Sarah:

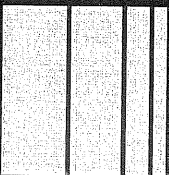
Applicants: Todd and Kelly Sniper, 41 True Street
Nick and Amanda Kent, 691 Ocean Avenue
Marc Giguere, 693 Ocean Avenue
Stacey Dean and Royce Gould, 681 Ocean Avenue

Sketch Plan Application - True Street Subdivision, Portland, Maine

Ms. Sarah Hopkins
Planning and Development Dept.
City of Portland
389 Congress Street
Portland, ME 04101

December 22, 2005
05207

sebagotechncs.com
One Chabot Street
P.O. Box 1339
Westbrook, Maine
04098-1339
Ph. 207-856-0277
Fax 856-2206



discussing the different development options for the site. Based on these meetings, we have developed a Subdivision Plan (**Attachment 3**) that we believe provides for the highest and best use of the properties. The plan is consistent with the City's land use ordinances and, even allowing for requested waivers of particular subdivision street requirements, the plan allows for safe access to the lots without sacrificing the special character of the neighborhood. The plan is also consistent with one of the goals of the City's Comprehensive Plan, to encourage a diversity of housing stock in the City.

Existing Conditions

In order to get a feel for the neighborhood as it is today, it is important to understand the history of this unique group of homes. The True Street Neighborhood began as a farming community in the 1800s. Today, it still feels like a rural community strongly reminiscent of its farm beginnings. The True Street Neighborhood has prepared a letter to the Planning Board that briefly describes how these legally non-conforming lots came to exist, how the residents have adapted their properties from their early beginnings to take advantage of the services the City now has to offer, and how the residents envision this neighborhood fitting into this growing area of Portland today (*see Attachment 5*).

In addition to the historical narrative, we have also enclosed an Existing Conditions Plan (**Attachment 2**) prepared by R. W. Eaton Associates. As shown on this plan, the land that comprises the True Street Subdivision consists of six parcels owned by four separate families.

The existing lots range in size from 0.14 acre to 1.3 acres. For the most part, the houses are located around the perimeter of the property and the developed areas are minimal, leaving a large tract of natural vegetation and trees through the middle and along the south side of the project site.

A narrow gravel drive lined with mature 24" to 36" diameter maple trees serves the two houses on the north side of the site. This 380' long access drive is private and maintained by the residents of these two homes.

Running parallel and 50 feet south of this gravel drive, True Street provides access to the two houses along the south and east sides of the site. This gravel road is approximately 12' wide and has been snow plowed and maintained by the City of Portland for over 40 years. It currently extends approximately 400' from Ocean Avenue to where it dead ends at a resident's driveway. Historically, the City has utilized this resident's driveway as a turnaround for snow plows and other maintenance vehicles. A question regarding the legal status of True Street was raised at one point by City staff, and we have enclosed a letter from our attorney with accompanying affidavits (**Attachment 6**) to address this issue, although we understand that this may not be a Planning Board issue.

Development Concept

Given the unique lot configurations, challenges with access and utility services and the growth-oriented economy, the True Street residents joined together to develop a conceptual plan for the entire neighborhood (*see Attachment 4, Sketch Plan*).

As noted earlier, one of the primary goals of the True Street Neighborhood was to resolve the legal access issues for the existing non-conforming lots and the proposed new lots. Since True

Street is an existing public street, the Subdivision Plan was developed to include the existing street in a 50-foot right-of-way with a double hammerhead turnaround at the end. The eight lots were then configured in such a way as to provide for the required 50' of street frontage along the public right-of-way. As a result, the four lots with existing houses will now be conforming with respect to frontage, and the four new lots will be conforming in all respects to zoning.

The True Street Neighborhood recognizes the need for further improvements to True Street to provide for safe vehicle and pedestrian access. At the same time, another important goal in the residents' development concept is to maintain the rural-like feeling of this small neighborhood. Currently, the narrow gravel drives are shared by different houses, and there are mature maple, poplar, and other trees with 24" to 56" diameter trunks and large canopies that surround the site and line the gravel driveways (see **COVER**, site photographs). It is the residents' hope that True Street can be improved for safety without compromising the rural character of the site.

The attached Sketch Plan (see Attachment 4) depicts the expanded True Street as proposed for public street acceptance. We understand that Section 14-506 of the Subdivision Ordinance allows for modifications of the City requirements. We believe modifications are warranted based on the unique and local history of these parcels, the collaboration and agreement of all neighborhood property owners to work with the City, the development constraints associated with the existing house locations and natural resources, and the certainty that this street will never be extended beyond the proposed length. Therefore, the applicants respectfully request modifications/waivers of the following street standards:

- 28' road section modified to provide for 22' of pavement, 2' gravel shoulder and 4' gravel shoulder. True Street is currently a narrow gravel road. We would like to minimize the widening and new pavement as much as possible. We feel this section provides for safe vehicle traffic and still meets the City's requirement of a 28' wide road. In addition, pedestrian safety is addressed by providing a 4' wide gravel shoulder to one side.

This roadway width modification request meets the requirements of Section 14-506(a) of the Subdivision Ordinance because unique conditions exist and the modification will not have the effect of nullifying the intent or purpose of the Ordinance. The sidewalk modification request meets at least two of the requirements of Section 14-506(b) of the Subdivision Ordinance relating to sidewalks in that the 4' wide gravel shoulder provides a safe-alternative walking route to what will be a very low traffic area from both a vehicular and pedestrian traffic perspective, and significant site features relating to the natural and rural quality of the landscaping and topography will be lost if sidewalks are required.

- Curbing and storm drainage. True Street currently has shallow swales and wetlands on both sides of the road that are connected by a culvert. We would like to continue to use swales to maintain the rural-like quality of a road without curbs. With the road section already built up several feet above the natural surroundings, we believe this design will have the least impact on the wetlands by maintaining the current drainage patterns. The majority of the runoff from the road would be treated in the vegetated swales prior to reaching the wetlands.

The storm drainage modification request meets the requirements of Section 14-506(a) of the Subdivision Ordinance because unique conditions exist and the modification will not have the effect of nullifying the intent or purpose of the Ordinance. The curbing

Ms. Hopkins

-4-

December 22, 2005

modification request meets at least two of the requirements of Section 14-506(b) of the Subdivision Ordinance relating to curbing in that the runoff from the development site or within the street does not require curbing for stormwater management, and significant site features relating to the natural and rural quality of the landscaping and topography will be lost if curbing is required.

In addition to the proposed road design, the Sketch Plan also shows a schematic layout for shared driveways. The use of shared driveways is consistent with how the existing homes are currently accessed and it will also minimize wetland impacts, clearing, and the amount of impervious area on the site.

We believe the attached True Street Subdivision Plan makes the best use of this unique piece of land. We also feel the proposed improvements to True Street are a balanced compromise between increasing safety and convenience for the City and the public and protecting the character of the True Street neighborhood.

Thank you for your time and please call me with any questions.

Sincerely,

SEBAGO TECHNICS, INC.



Danielle D. Betts, P.E.

Sr. Project Manager

DDB:ddb/jc/dlf

Enclosures

cc: Todd and Kelly Sniper

Marc Giguere

Amanda & Nicholas Kent

Stacey Dean and Royce Gould

Sally J. Daggett, Esq., Jensen Baird Gardner & Henry

Table of Contents

Attachment 1	Site Plan Application
Attachment 2	Existing Conditions Plan
Attachment 3	Subdivision Plan
Attachment 4	Sketch Plan
Attachment 5	True Street Neighborhood Letter to Planning Board
Attachment 6	Jensen Baird Gardner & Henry Letter with Accompanying Affidavits

SITE PLAN APPLICATION

ATTACHMENT 1





City of Portland Site Plan Application

If you or the property owner owes real estate taxes, personal property taxes or user charges on any property within the City, payment arrangements must be made before permit applications can be received by the Inspections Division.

Address of Proposed Development: 41 True Street		Zone: R-5	
Total Square Footage of Proposed Structure: N/A		Square Footage of Lot: 2.89 Acres Total Parcel Area	
Tax Assessor's Chart, Block & Lot:		Property owner's mailing address:	
Chart#	Block#	Lot#	* See Attached*
* See Attached*		* See Attached*	
Consultant/Agent, mailing address, phone # & contact person: Danielle D. Betts Sebago Technics, Inc. One Chabot St., PO Box 1339 Westbrook, ME 04098		Applicant's name, mailing address, telephone #/Fax#/Pager#: Same as owner	
Project name: True Street Subdivision			

ALL PLANS MUST BE FOLDED NEATLY AND IN PACKET FORM

Section 14-522 of the Zoning Ordinance outlines the process which is available on our web site: portlandmaine.gov

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.

Date: 10.25.05	Signature of applicant: <i>James J. Blum</i>
----------------	--

(see attached agent authorization letter)

This application is for site review ONLY; a building Permit application and associated fees will be required prior to construction.

September 27, 2005

Danielle D. Betts, P.E.
Sebago Technics, Inc.
P.O. Box 1339
Westbrook, Maine 04098

RE: Agent Authorization for Local, State and Federal Permitting
True Street Subdivision, Portland, Maine

Dear Danielle:


We hereby authorize Sebago Technics, Inc. to act in our behalf as agent in the processing of any required local, State or Federal permit applications and to furnish, upon request, supplemental information in support of these applications.

Sincerely,



Todd & Kelly Sniper

Marc Giguere



Nick & Amanda Kent



Stacey Dean & Royce Gould



SITE LOCATION MAP

USGS TOPOGRAPHIC

7.5 MIN. QUADRANGLE

PORTLAND WEST

SCALE: 1" = 2,000'

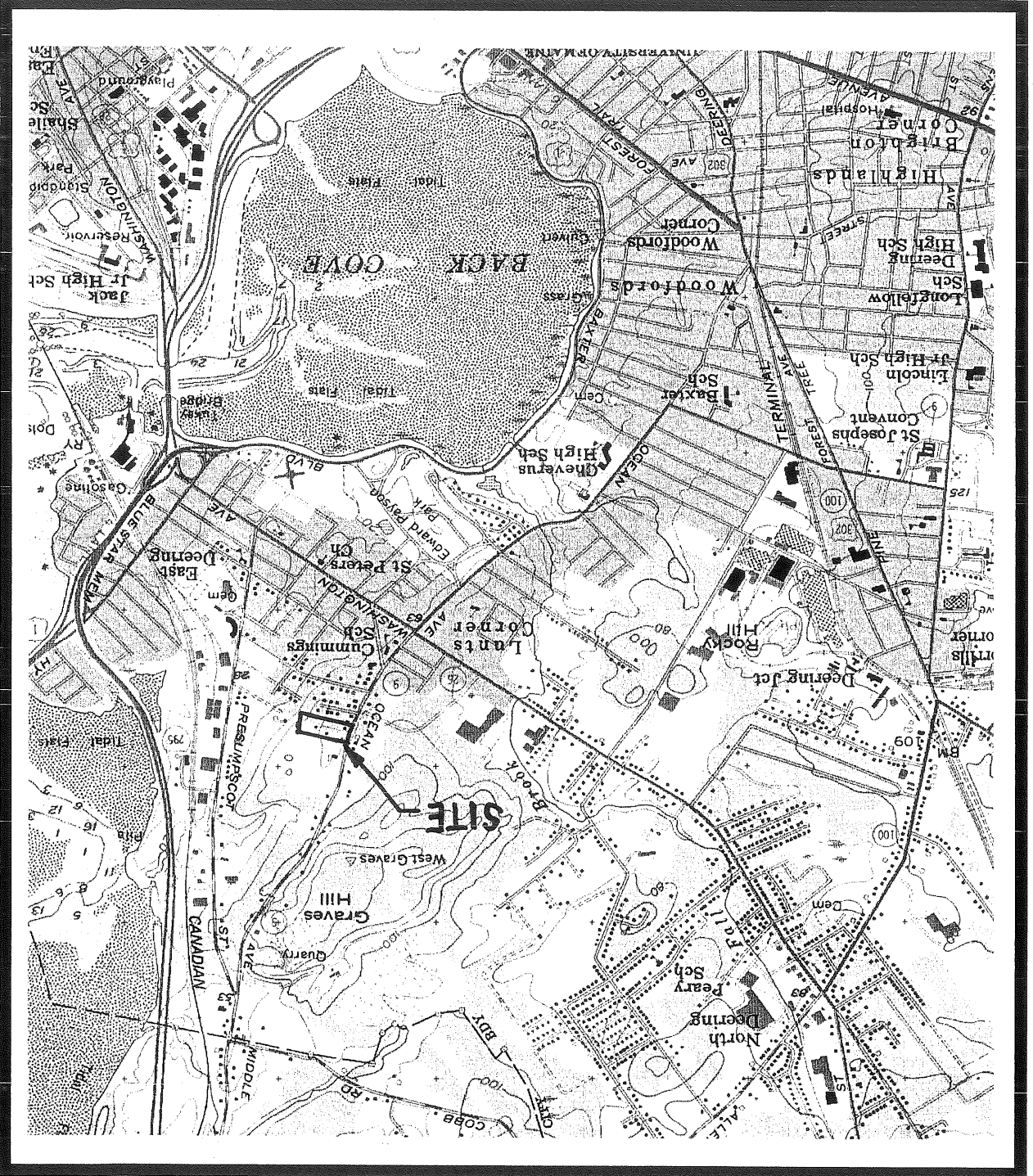


FIGURE 1



SKETCH PLAN

ATTACHMENT 4

The True Street Neighborhood
c/o Todd and Kelly Sniper
41 True Street
Portland, ME 04103

October 24, 2005

Leslie E. Lowry, Chairman
Portland Planning Board
Portland City Hall
389 Congress Street
Portland, ME 04101

Re: Sketch Plan Application/True Street Subdivision

Dear Board Members:

We are writing to provide the Planning Board with the history of our neighborhood and the evolution of our proposed subdivision project so that the Board will appreciate how unique our project is for the City of Portland. We hope that this information is helpful to you and thank you in advance for your time in reviewing our proposed project.

For general location purposes, we have attached a sketch entitled "True Street Neighborhood Sketch."

History of the True Street Neighborhood

Since the late 1800's, the True Street neighborhood has developed a tradition of strong interdependent relationships among all the homeowners. It continues today to be a close knit community sharing a historical landscape and a sense of place.

A farming community in the 1800's with large tracts of land used for milk cows, the neighborhood grew up around the growth within these farm families. Over time, each family separated its large lots into smaller single-family homes. The next generation became carpenters, teachers, railway watchmen (the Grand Trunk was just over the hill on Presumpscot Street) and independent business owners, each wanting their own home on the family land.

The homes located at 691 and 693 Ocean Avenue were both extensions from the farm located at 696 Ocean Avenue. Sarah Sawyer gave the land for 693 Ocean Avenue to her daughter and son-in-law, William Burke, a carpenter, who built both his home and later the house at 691 Ocean Avenue for his mother and brother-in-law, Arthur, around the turn of the 20th century. The houses at 25 True Street (the original farmhouse, now razed) and 41 True Street were built by the Eben True family in the 1890's. The house at 41 True Street was built by the True brothers, who used their home, designed in a John Calvin Stevens style, as an example of their building trade. Later, the two homes would be passed on to their children and grandchildren, Trues and Cards. Maintaining a slow, controlled growth, each generation

emphasized the rural agrarian feel of the community's roots.

Where parts of Portland have seen many turnovers in ownership, the True Street neighborhood is unusual for its stability. The house at 41 True Street remained in the same family for over 100 years. The houses at 693 and 681 Ocean Avenue have each had only three owners, while the house at 691 Ocean Avenue has had only 6 different owners since the early 1900s. Each home has been well cared for throughout the generations, maintaining the integrity of the neighborhood.

Despite the growth of Portland, this neighborhood with its graveled road has remained the same for over 100 years. In the 1890s, True Street ran from Ocean Avenue to Presumpscot Street, as shown in Portland city directories and maps of that era. Horse and buggies had no problem traversing the True Street ledge. When automobiles replaced horses, True Street became splintered at the top of the hill, with each side of the street continuing to be independently maintained by the City.

Over the years, the neighborhood has adapted and improvised solutions to City services. The house at 41 True Street has a private septic system. Its cable, electric and phone services come over the hill from Presumpscot Street, running some 1000+ feet in length. While the house at 691 Ocean Avenue has its water service coming from Ocean Avenue, its sewage transfer has been privately maintained down a dirt driveway of over 300 feet. Cable and telephone service come the same distance, requiring signal boosting, yet electric service comes up from Presumpscot Street. Each utility provider has shown an interest in cleaning up the unusual situation and the "cobbled together" mixture of non-conforming services.

The True Street neighborhood is primarily comprised of legally non-conforming lots. This subdivision plan proposes to rectify the nonconformity while connecting logically to all public utilities. The intent is to meet current City zoning requirements and, to the maximum extent practical, street standards with the least amount of impact on this neighborhood's character.

Community Development Around True Street

The True Street neighborhood is abutted on the east by the new Ocean East project, on the north by Wellstone Condominiums, and is located within a 2 mile radius of Briarwood, Summer Place, Ocean Ridge, Alden's Walk, Ledgewood, Cedar's Atrium and the proposed Graves Hill Development. These abutting neighborhoods are fast becoming areas of high-density residences.

This project's goal is to maintain the integrity and quality of life that the older turn of the century homes retain, while still allowing for controlled growth consistent with the traditions of this neighborhood. The almost three acre neighborhood has substantial open green space, heritage trees, older established vegetation and landscaping. These homes and their surroundings represent a part of Portland's history that is in danger of being lost.

The True Street Neighborhood Project

The True and Card families have dictated over the years how the True Street hillside was developed. When the Ocean East development went in on the Presumpscot Street side of True Street, the Card brothers retained a lot on the hillside. This lot circled around the current Sniper property and continued on to Ocean Avenue. Todd and Kelly Sniper purchased that Card property abutting them at an inflated rate in order to protect their investment in their home. They could have chosen to exploit the acquired land in a manner that would adversely impact their neighbors, but instead, chose to work in concert with the entire neighborhood to create a positive situation for everyone involved. This is the true meaning of community. This is rare and unusual.

Our neighborhood group has developed a subdivision plan that will maintain the traditions of the existing neighborhood, yet conform to the requirements of the City and the ever-changing demands of a modern family. The intent has been to preserve this unusual enclave, while allowing the Snipers and Kents to develop homes in keeping with the existing buildings. Marc Giguere, Stacey Dean and Royce Gould preserve the integrity of their existing homes by expanding to larger-sized lots. Our neighborhood group has worked hard to meet each party's objectives while meeting the City's requirements.

Our proposed project is very unusual in that it does not have the flexibility of starting from an undeveloped tract of vacant land. We understand the necessity of being reviewed as a subdivision, but would request a review that takes into account why this neighborhood project is highly unique. This is an existing community with a rich history proposing controlled growth that preserves the natural beauty and tradition of the neighborhood. Thank you for your consideration.

The True Street Neighborhood:

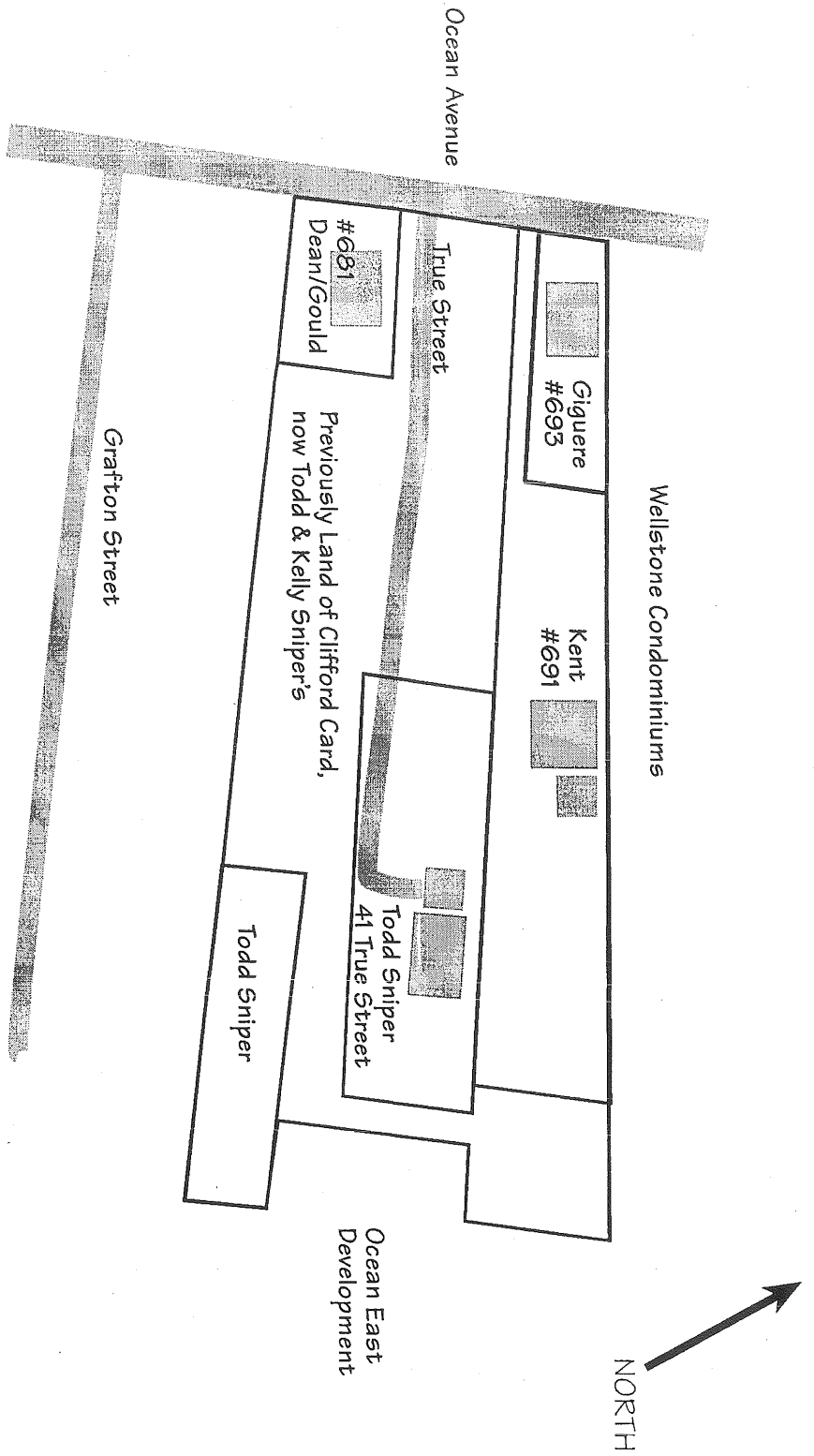
Todd Sniper
 Kelly Sniper
 Todd and Kelly Sniper, 41 True Street

Marc Giguere
 Marc Giguere, 693 Ocean Avenue

Nick and Amanda Kent
 Nick and Amanda Kent, 691 Ocean Avenue

M.C. Kent
 M.C. Kent, 691 Ocean Avenue

Stacey Dean
 Stacey Dean and Royce Gould, 681 Ocean Avenue



True Street Neighborhood Sketch

SUBDIVISION PLAN

ATTACHMENT 3

LETTER TO THE PLANNING BOARD

TRUE STREET NEIGHBORHOOD

ATTACHMENT 5

The True Street Neighborhood
c/o Todd and Kelly Sniper
41 True Street
Portland, ME 04103

October 24, 2005

Leslie E. Lowry, Chairman
Portland Planning Board
Portland City Hall
389 Congress Street
Portland, ME 04101

Re: Sketch Plan Application/True Street Subdivision

Dear Board Members:

We are writing to provide the Planning Board with the history of our neighborhood and the evolution of our proposed subdivision project so that the Board will appreciate how unique our project is for the City of Portland. We hope that this information is helpful to you and thank you in advance for your time in reviewing our proposed project.

For general location purposes, we have attached a sketch entitled "True Street Neighborhood Sketch."

History of the True Street Neighborhood

Since the late 1800's, the True Street neighborhood has developed a tradition of strong interdependent relationships among all the homeowners. It continues today to be a close knit community sharing a historical landscape and a sense of place.

A farming community in the 1800's with large tracts of land used for milk cows, the neighborhood grew up around the growth within these farm families. Over time, each family separated its large lots into smaller single-family homes. The next generation became carpenters, teachers, railway watchmen (the Grand Trunk was just over the hill on Presumpscot Street) and independent business owners, each wanting their own home on the family land.

The homes located at 691 and 693 Ocean Avenue were both extensions from the farm located at 696 Ocean Avenue. Sarah Sawyer gave the land for 693 Ocean Avenue to her daughter and son-in-law, William Burke, a carpenter, who built both his home and later the house at 691 Ocean Avenue for his mother and brother-in-law, Arthur, around the turn of the 20th century. The houses at 25 True Street (the original farmhouse, now razed) and 41 True Street were built by the Eben True family in the 1890's. The house at 41 True Street was built by the True brothers, who used their home, designed in a John Calvin Stevens style, as an example of their building trade. Later, the two homes would be passed on to their children and grandchildren. Trues and Cards. Maintaining a slow, controlled growth, each generation

emphasized the rural agrarian feel of the community's roots.

Where parts of Portland have seen many turnovers in ownership, the True Street neighborhood is unusual for its stability. The house at 41 True Street remained in the same family for over 100 years. The houses at 693 and 681 Ocean Avenue have each had only three owners, while the house at 691 Ocean Avenue has had only 6 different owners since the early 1900s. Each home has been well cared for throughout the generations, maintaining the integrity of the neighborhood.

Despite the growth of Portland, this neighborhood with its graveled road has remained the same for over 100 years. In the 1890s, True Street ran from Ocean Avenue to Presumpscot Street, as shown in Portland city directories and maps of that era. Horse and buggies had no problem traversing the True Street ledge. When automobiles replaced horses, True Street became splintered at the top of the hill, with each side of the street continuing to be independently maintained by the City.

Over the years, the neighborhood has adapted and improvised solutions to City services. The house at 41 True Street has a private septic system. Its cable, electric and phone services come over the hill from Presumpscot Street, running some 1000+ feet in length. While the house at 691 Ocean Avenue has its water service coming from Ocean Avenue, its sewage transfer has been privately maintained down a dirt driveway of over 300 feet. Cable and telephone service come the same distance, requiring signal boosting, yet electric service comes up from Presumpscot Street. Each utility provider has shown an interest in cleaning up the unusual situation and the "cobbled together" mixture of non-conforming services.

The True Street neighborhood is primarily comprised of legally non-conforming lots. This subdivision plan proposes to rectify the nonconformity while connecting logically to all public utilities. The intent is to meet current City zoning requirements and, to the maximum extent practical, street standards with the least amount of impact on this neighborhood's character.

Community Development Around True Street

The True Street neighborhood is abutted on the east by the new Ocean East project, on the north by Wellstone Condominiums, and is located within a 2 mile radius of Briarwood, Summer Place, Ocean Ridge, Alden's Walk, Ledgewood, Cedar's Atrium and the proposed Graves Hill Development. These abutting neighborhoods are fast becoming areas of high-density residences.

This project's goal is to maintain the integrity and quality of life that the older turn of the century homes retain, while still allowing for controlled growth consistent with the traditions of this neighborhood. The almost three acre neighborhood has substantial open green space, heritage trees, older established vegetation and landscaping. These homes and their surroundings represent a part of Portland's history that is in danger of being lost.

The True Street Neighborhood Project

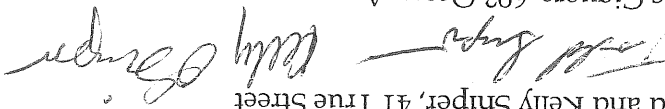
The True and Card families have dictated over the years how the True Street hillside was developed. When the Ocean East development went in on the Presumpscot Street side of True Street, the Card brothers retained a lot on the hillside. This lot circled around the current Sniper property and continued on to Ocean Avenue. Todd and Kelly Sniper purchased that Card property abutting them at an inflated rate in order to protect their investment in their home. They could have chosen to exploit the acquired land in a manner that would adversely impact their neighbors, but instead, chose to work in concert with the entire neighborhood to create a positive situation for everyone involved. This is the true meaning of community. This is rare and unusual.

Our neighborhood group has developed a subdivision plan that will maintain the traditions of the existing neighborhood, yet conform to the requirements of the City and the ever-changing demands of a modern family. The intent has been to preserve this unusual enclave, while allowing the Snipers and Kents to develop homes in keeping with the existing buildings. Marc Giguere, Stacey Dean and Royce Gould preserve the integrity of their existing homes by expanding to larger-sized lots. Our neighborhood group has worked hard to meet each party's objectives while meeting the City's requirements.

Our proposed project is very unusual in that it does not have the flexibility of starting from an undeveloped tract of vacant land. We understand the necessity of being reviewed as a subdivision, but would request a review that takes into account why this neighborhood project is highly unique. This is an existing community with a rich history proposing controlled growth that preserves the natural beauty and tradition of the neighborhood. Thank you for your consideration.

The True Street Neighborhood:

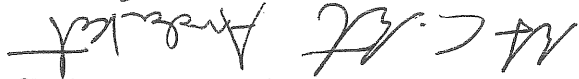
Todd and Kelly Sniper, 41 True Street




Marc Giguere, 693 Ocean Avenue

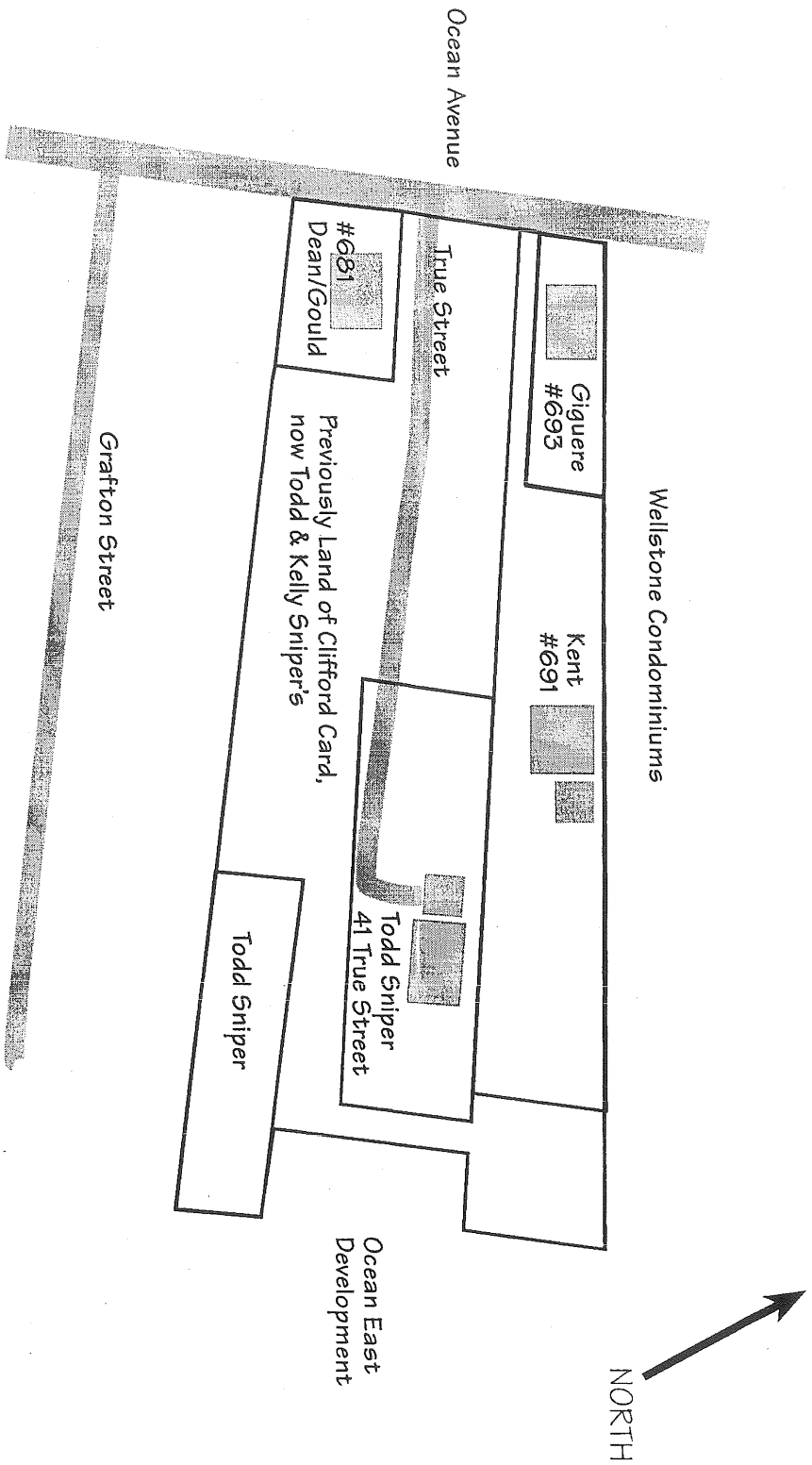


Nick and Amanda Kent, 691 Ocean Avenue



Stacey Dean and Royce Gould, 681 Ocean Avenue





True Street Neighborhood Sketch

WITH ACCOMPANYING AFFIDAVITS

JENSEN BAIRD GARDNER & HENRY LETTER

ATTACHMENT 6

**Jensen Baird
Gardner & Henry**

ATTORNEYS AT LAW
MERTON G. HENRY
WALTER E. WEBBER
JAMES B. KAPLAN
OF COUNSEL
11 MAIN STREET, SUITE 4
KENNEBUNK, MAINE 04043
(207) 985-6676
TELECOMPIER (207) 985-4932

LESLIE E. LOWRY III
PATRICIA MCDONOUGH DUNN
MICHAEL J. QUINLAN
R. LEE IVY
FRANK K. N. CHOWDRY
NATALIE L. BURNS
SALLY J. DAGGETT
BRENDAN P. RIELLY
SUZANNE R. SCOTT
MARCIA O. CORADINI
J. COLBY WALLACE
JAMES D. HEDDELL

PORTLAND, MAINE 04112-4510
(207) 775-7271
TELECOMPIER (207) 775-7935
www.jbgh.com

KENNETH BAIRD
KENNETH BAIRD
(1914-1987)
M. DONALD GARDNER
(1918-2003)

October 25, 2005

Sarah Hopkins
Planning and Development Department
Portland City Hall
389 Congress Street
Portland, ME 04101

Re: Sketch Plan Application/True Street Subdivision

Dear Sarah:

I am writing on behalf of the True Street Neighborhood property owners, Todd and Kelly Sniper of 41 True Street; Marc Giguere of 693 Ocean Avenue; Nick and Amanda Kent of 691 Ocean Avenue; and Stacey Dean and Royce Gould of 681 Ocean Avenue, to provide you with some of the background regarding the legal status of True Street.

True Street is a graveled road approximately 12 feet in width. It runs perpendicular to Ocean Avenue in an easterly direction approximately 400 feet in length to the Sniper property at 41 True Street, where it ends. True Street serves as the sole vehicular access from any public road to the Snipers' residence.

While we are unaware of any formal acceptance or taking of True Street as a public road by the City, the City's actions in maintaining True Street for well over 40 years have made True Street a "town way." For more than 40 years, the City has kept True Street clear of snow and ice each winter. The City has also graded True Street and trimmed trees and bushes along True Street on occasion for more than 20 years. All of this work has been performed by the City without seeking the permission of, or reimbursement from, the property owners along True Street. All of this work has been performed by the City without obstruction by True Street or Ocean Avenue area property

owners. In addition, the City has maintained a "True Street" street sign at the entrance to True Street on Ocean Avenue for more than 20 years. There is no "Dead End" street sign on True Street, and many persons who are not residents of True Street or guests or invitees of residents of True Street frequently travel down the length of True Street and turn around in the Snipers' driveway, evidencing use of True Street by the general public.

These facts are important because Maine law provides that a public road can be created by long-term public use, without any formal acceptance or taking by the City. King v. Town of Monmouth, 1997 ME 151, ¶ 10, 697 A.2d 837, 840-41; Mackenna v. Inhabitants of Town of Searsmont, 349 A.2d 760, 762 (Me. 1976); State v. Bunker, 59 Me. 366, 370-71 (1871). Prescriptive use is recognized both at common law and by State statute, 14 M.R.S.A. § 812 and 23 M.R.S.A. § 3030. Once a town way is created, the City has the right and the obligation to maintain and repair the road so as to be "safe and convenient" for travelers with motor vehicles. 23 M.R.S.A. § 3651. The requirements for the creation of a public way by prescriptive use parallel those for the creation of a prescriptive easement. Longley v. Knapp, 1998 ME 142, ¶ 14, 713 A.2d 939, 943. "The party asserting an easement by prescription must prove continuous use for at least 20 years under a claim of right adverse to the owner, with his knowledge and acquiescence, or a use so open, notorious, visible, and uninterrupted that knowledge and acquiescence will be presumed." Shadan v. Town of Skowhegan, 1997 ME 187, ¶ 6, 700 A.2d 245, 247 (internal quotation and citation omitted). The Law Court stated in Inhabitants of Town of Kennebunkport v. Forrester, 391 A.2d 831, 833 n. 2 (Me. 1978), that "[t]he test of a public use is not the frequency of the use, or the number using the way, but its use by people who are not separable from the public generally."

As evidence of the City's maintenance of True Street, we have enclosed the affidavit of Amanda Kent, a 20-year resident of the True Street Neighborhood; the affidavit of Todd Sniper, an 8-year resident of 41 True Street, and the affidavit of Darryl Card, who lived at 41 True Street for 34 years and who owned the property for 15 of those 34 years before selling the property to Todd Sniper. These affidavits demonstrate the City's maintenance of True Street for more than 40 years.

The True Street traveled way is already a town way that the City has both the right and the obligation to maintain. However, the True Street Neighborhood is proposing to improve the existing traveled way and some additional land area to meet current City street standards as part of this subdivision project. As part of this project, we will be requesting that the City Council accept the additional right of way area as a town way (as well as confirm the existing traveled way as a town way).

Jensen Baird
Gardner&Henry

October 25, 2005
Page 3

We hope that this background information on True Street is helpful and are pleased to respond to any questions you, your staff or Planning Board members may have in this regard. Thank you.

Sincerely,



Sally J. Daggett

SJD/gw
Enclosure

AFRIDAVID OF DARRYL A. CARD

I, Darryl A. Card, being first duly sworn, depose and state as follows:

1. My name is Darryl A. Card, age 55, and I am a resident of Portland, County of Cumberland and State of Maine. I make the statements herein based upon my personal knowledge.

2. From 1945 to 1981, my parents, Linwood R. Card and Charlotte R. Card, owned certain real property located at 41 True Street in Portland and currently described as City Assessor's Map 424, Lot A-5. In 1981, my parents conveyed the 41 True Street property to me by deeds recorded at the Cumberland County Registry of Deeds in Book 4844, Page 337 and Book 4844, Page 339.

3. I lived at the 41 True Street property from December of 1949 to 1968 and again from April of 1982 to January of 1997, when I sold the property to Todd R. Sniper by deeds recorded at said Registry in Book 12907, Page 330 and Book 12907, Page 332. I lived at the property for a total of 34 years, and for the 14 years during which I did not live at the property but during which my parents continued to own and reside at the property, I made frequent visits to the property to visit my parents.

4. True Street is a graveled road approximately 12 feet in width. It runs perpendicular to Ocean Avenue in an easterly direction approximately 400 feet in length to the 41 True Street Lot, where it ends. True Street served as the sole vehicular access from any public road to my family's residence. I could see True Street from the house located at 41 True Street that was first my parents' house and then my house.

5. During the time that I lived at 41 True Street, I was familiar by sight with all of the residents and regular guests of True Street and the motor vehicles that such residents and their guests regularly drove.

6. From as far back as I can remember (and from at least the time that I started elementary school) to 1997, the City of Portland (the "City") kept True Street clear of

snow and ice each winter. This work was performed by the City without seeking the permission of, or reimbursement from, the property owners along True Street. This work was performed by the City without obstruction by True Street or Ocean Avenue area property owners.

7. From as far back as I can remember (and from at least the time that I started elementary school) to 1997, the City maintained True Street with City equipment. Some of the City's acts of maintenance that I have observed included the grading of True Street and the addition of gravel to True Street. This work was performed by the City without seeking the permission of, or reimbursement from, property owners along True Street. This work was performed by the City without the obstruction of the same by True Street or Ocean Avenue area property owners.

8. From as far back as I can remember (and from at least the time that I started elementary school) to 1997, the City maintained a street sign at the entrance to True Street on Ocean Avenue. I specifically remember a time when the street sign was relocated by the City from the southerly intersection of True Street and Ocean Avenue to the northerly intersection of True Street and Ocean Avenue after a City snowplow bent and knocked over the street sign.

9. From as far back as I can remember (and from at least the time that I started elementary school) to 1997, there was no "Dead End" street sign on True Street, and many persons who were not residents of True Street or guests or invitees of residents of True Street frequently traveled down the length of True Street and turned around in my parents' (and later my) driveway.

10. From as far back as I can remember (and from at least the time that I started elementary school) to 1997, individuals unknown to me were observed by me using the entire length of True Street for motor vehicle transit and turn-around purposes. Such use of True Street was without the permission of and without obstruction by my parents or me.

11. Because True Street served as the sole vehicular access from any public

road to my parents' (and later my) residence, it was essential that True Street be kept safe and passable by motor vehicles in the event of an emergency.

DATED at Portland, Maine this 11 day of October, 2005.

By: Darryl A. Card
Darryl A. Card

STATE OF MAINE
CUMBERLAND, ss.

October 11th, 2005

Personally appeared the above named Darryl A. Card and swore the above statements to be true based upon his own personal knowledge.

Before me,

Sally S. Daggott
Sally S. Daggott
~~Notary Public/Attorney at Law~~

Sally S. Daggott
Sally S. Daggott
Print Name

AFRIDAVID OF AMANDA M. KENT

I, Amanda M. Kent, being first duly sworn, depose and state as follows:

1. My name is Amanda M. Kent (f/k/a Amanda S. McQuiddy), age 49, and I am a resident of Portland, County of Cumberland and State of Maine. I make the

statements herein based upon my personal knowledge.

2. My husband, Nicholas C. Kent, and I own certain real property located off

Ocean Avenue at 691 Ocean Avenue in Portland and further described in a deed recorded at the Cumberland County Registry of Deeds in Book 6863, Page 1. The property is

further described as City Assessor's Map 424, Lot A-4. We purchased this property on August 14, 1985, and it has continuously served as our residence since that date.

3. My husband and I, along with our immediate neighbors -- Todd and Kelly Sniper of 41 True Street; Marc Giguere of 693 Ocean Avenue; and Stacey Dean and Royce Gould of 681 Ocean Avenue -- are co-applicants for subdivision review and

approval before the Portland Planning Board.

4. Our property abuts property located at 41 True Street now owned by the

Snipers. My husband and I can see True Street from our house, as our house is set back at least 250 feet from Ocean Avenue and has no frontage on Ocean Avenue. Our

driveway runs parallel to True Street. True Street is a graveled road approximately 12 feet in width. It runs perpendicular to Ocean Avenue in an easterly direction

approximately 400 feet in length to the Sniper property at 41 True Street, where it ends. True Street serves as the sole vehicular access from any public road to the Snipers'

residence.

5. My husband and I have owned the 691 Ocean Avenue property since 1985 and have lived there since our purchase of the property. Since our purchase of the

property and continuing to date, I have been familiar by sight with all of the residents and regular guests of True Street and the motor vehicles that such residents and their guests regularly drive.

are not residents of True Street or guests or invitees of residents of True Street frequently

11. There is no "Dead End" street sign on True Street, and many persons who

entrance to True Street on Ocean Avenue.

10. From at least 1985 to date, the City has maintained a street sign at the

worked for the City. He indicated to me that he has worked for the City for 11 years.

snowplowing and maintaining True Street with City equipment for as long as he has

with an employee named Rick Meserve. He indicated to me that the City has been

9. On June 30, 2005, I visited the City's Public Works Department and spoke

a private property.

each instance, the City employees have informed me that they could not perform work on

either grade and/or add gravel to our driveway while they were in the neighborhood. In

Street, I have approached those employees in the field and inquired whether they could

observed City Public Works Department crews performing maintenance work on True

driveway running east from Ocean Avenue. On at least two occasions when I have

8. My husband's and my property is currently accessed solely by a gravel

Avenue area property owners.

been performed by the City without the obstruction of the same by True Street or Ocean

permission of, or reimbursement from, property owners along True Street. This work has

bushes along True Street. This work has been performed by the City without seeking the

grading of True Street, the addition of gravel to True Street and the trimming of trees and

equipment. Some of the City's acts of maintenance that I have observed include the

7. From 1985 to date, the City has maintained True Street with City

Avenue area property owners.

This work has been performed by the City without obstruction by True Street or Ocean

seeking the permission of, or reimbursement from, the property owners along True Street.

clear of snow and ice each winter. This work has been performed by the City without

6. From 1985 to date, the City of Portland (the "City") has kept True Street

travel down the length of True Street and turn around in the Snipers' driveway. This activity has occurred since at least 1985.

12. Individuals unknown to me have been observed by me using the entire length of True Street for motor vehicle transit and turn-around purposes on a regular basis since my husband and I purchased our property abutting the Snipers' property on True Street. Such use of True Street has been without the permission of and without obstruction by True Street property owners.

13. Because True Street serves as the sole vehicular access from any public road to the Snipers' residence, it is essential that True Street be kept safe and passable by motor vehicles in the event of an emergency.

DATED at Portland, Maine this 4 day of October, 2005.

By: [Signature]
Amanda M. Kent

STATE OF MAINE
CUMBERLAND, ss.

October 4, 2005

Personally appeared the above named Amanda M. Kent and swore the above statements to be true based upon her own personal knowledge.

Before me,

[Signature]
Notary Public/Attorney at Law

[Signature]
Print Name

AFFIDAVIT OF TODD R. SNIPER

I, Todd R. Sniper, being first duly sworn, depose and state as follows:

1. My name is Todd R. Sniper, age 35, and I am a resident of Portland, County of Cumberland and State of Maine. I make the statements herein based upon my personal knowledge.

2. I own certain real property located at 41 True Street in Portland and further described in a deed recorded at the Cumberland County Registry of Deeds in Book 12907, Page 332 (the "41 True Street Lot"). The property is further described as City Assessor's Map 424, Lot A-5. I purchased this property on January 15, 1997, and it has continuously served as the residence of me, my wife and our young children since that date.

3. I own certain real property located off Ocean Avenue in Portland and further described in a deed recorded at said Registry in Book 12907, Page 330. The property is further described as City Assessor's Map 424, Lot A-30. I purchased this property on January 15, 1997, and it is currently a vacant lot.

4. My wife and I own certain real property located off Ocean Avenue in Portland and further described in a deed recorded at said Registry in Book 21518, Page 160. The property is further described as City Assessor's Map 424, Lot A-6. We purchased this property on June 16, 2004, and it is currently a vacant lot.

5. My wife and I, along with our immediate neighbors – Nicholas and Amanda Kent of 691 Ocean Avenue; Marc Giguere of 693 Ocean Avenue; and Stacey Dean and Royce Gould of 681 Ocean Avenue – are co-applicants for subdivision review and approval before the Portland Planning Board.

6. True Street is a graveled road approximately 12 feet in width. It runs perpendicular to Ocean Avenue in an easterly direction approximately 400 feet in length to the 41 True Street Lot, where it ends. True Street serves as the sole vehicular access from any public road to my family's residence. I can see True Street from my house.

length of True Street for motor vehicle transit and turn-around purposes on a regular basis

12. Individuals unknown to me have been observed by me using the entire
occurred since at least 1997.

travel down the length of True Street and turn around in my driveway. This activity has
are not residents of True Street or guests or invitees of residents of True Street frequently

11. There is no "Dead End" street sign on True Street, and many persons who
entrance to True Street on Ocean Avenue.

10. From at least 1997 to date, the City has maintained a street sign at the
True Street and graded it.

shortly. Within a few weeks of my telephone call, a City construction crew came out to
with whom I spoke indicated that True Street was on the City's list of streets to be graded

City's Public Works Department to request that True Street be graded; the City employee
Avenue area property owners. Indeed, I have on at least one occasion telephoned the

been performed by the City without the obstruction of the same by True Street or Ocean
permission of, or reimbursement from, property owners along True Street. This work has

bushes along True Street. This work has been performed by the City without seeking the
grading of True Street, the addition of gravel to True Street and the trimming of trees and

equipment. Some of the City's acts of maintenance that I have observed include the
9. From 1997 to date, the City has maintained True Street with City

Avenue area property owners.
This work has been performed by the City without obstruction by True Street or Ocean

seeking the permission of, or reimbursement from, the property owners along True Street.
clear of snow and ice each winter. This work has been performed by the City without

8. From 1997 to date, the City of Portland (the "City") has kept True Street
motor vehicles that such residents and their guests regularly drive.

been familiar by sight with all of the residents and regular guests of True Street and the
7. Since my purchase of the 41 True Street Lot and continuing to date, I have

since I purchased my property on True Street. Such use of True Street has been without the permission of and without obstruction by my wife or me.

13. Because True Street serves as the sole vehicular access from any public road to my residence, it is essential that True Street be kept safe and passable by motor vehicles in the event of an emergency.

DATED at Portland, Maine this 4th day of October, 2005.

By: Todd R. Sniper
 Todd R. Sniper

STATE OF MAINE
 CUMBERLAND, ss. October 4, 2005

Personally appeared the above named Todd R. Sniper and swore the above statements to be true based upon his own personal knowledge.

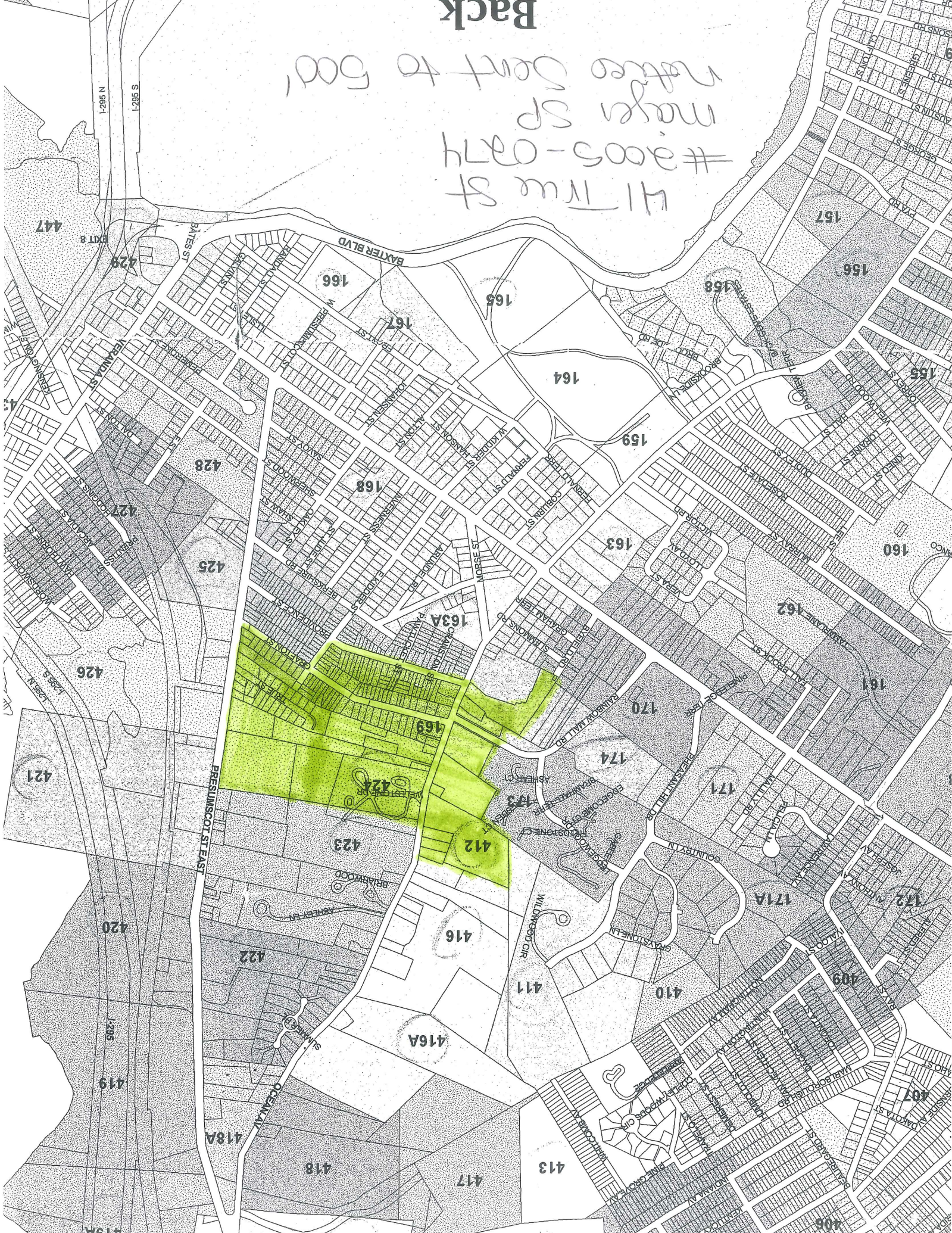
Before me,

Sally S. Dagggett
 Notary Public/Attorney at Law

Sally S. Dagggett
 Print Name

Back

41 True St
#2005-0274
mayes SP
notes sent to Bob



**CITY OF PORTLAND, MAINE
DEVELOPMENT REVIEW APPLICATION
PLANNING DEPARTMENT PROCESSING FORM**

2005-0274 Application I. D. Number
Fire Copy

12/23/2005 Application Date
True Street Subdivision Project Name/Description

41 - 41 True St, Portland, Maine
Address of Proposed Site
424 A005001
Assessor's Reference: Chart-Block-Lot

Agent Ph: _____ Agent Fax: _____
Agent or Agent Daytime Telephone, Fax

Proposed Development (check all that apply): New Building Building Addition Change Of Use Residential Office Retail Other (specify) _____

Manufacturing Warehouse/Distribution Parking Lot

Proposed Building square Feet or # of Units _____
Acreage of Site _____
Zoning **R5**

Site Plan Subdivision # of lots **8**

Flood Hazard Shoreland Historic Preservation

Zoning Conditional Use (ZBA/PB) Zoning Variance Other

Fees Paid: Site Plan \$1,200.00 Subdivision _____
Engineer Review _____ Date **12/28/2005**

Fire Approval Status:

Approved Approved w/Conditions Denied
Reviewer **Cptn Greg Cass**

Approval Date **01/02/2006** Approval Expiration **01/02/2007** Extension to _____
 Additional Sheets Attached

Condition Compliance _____
signature _____ date _____

Performance Guarantee Required* Not Required

* No building permit may be issued until a performance guarantee has been submitted as indicated below

Performance Guarantee Accepted Inspection Fee Paid Building Permit Issue

Performance Guarantee Reduced Temporary Certificate of Occupancy Final Inspection

Certificate Of Occupancy Performance Guarantee Released

Defect Guarantee Submitted Defect Guarantee Released

submitted date _____ signature _____
amount _____ expiration date _____

date _____ signature _____
amount _____ expiration date _____

date _____ signature _____
amount _____ expiration date _____

date _____ signature _____
amount _____ expiration date _____

date _____ signature _____
amount _____ expiration date _____

date _____ signature _____
amount _____ expiration date _____

date _____ signature _____
amount _____ expiration date _____

CITY OF PORTLAND, MAINE
DEVELOPMENT REVIEW APPLICATION
PLANNING DEPARTMENT PROCESSING FORM
ADDENDUM

2005-0274	Application I. D. Number
12/23/2005	Application Date
True Street Subdivision	Project Name/Description
41 - 41 True St, Portland, Maine	Address of Proposed Site
424 A005001	Assessor's Reference: Chart-Block-Lot
Agent Ph:	Applicant or Agent Daytime Telephone, Fax
Agent Fax:	Applicant or Agent Daytime Telephone, Fax
Consultant/Agent	Applicant's Mailing Address
Sniper Todd R	41 True St, Portland, ME 04103
Applicant	Applicant's Mailing Address

Approval Conditions of Fire

- 1 Fire hydrants required every 500 feet, Starting from the closest hydrant.
- 2 Fire dept. Access and egress to be addressed.

Memorandum
Department of Planning and Development
Planning Division



To: Chair Beal and Members of the Portland Planning Board

From: Jean Fraser, Planner

Date: March 24, 2006

Re: March 28, 2006 Planning Board Workshop
True Street SubDivision

Introduction

The joint applicants, Todd and Kelly Sniper, Nick and Amanda Kent, Marc Giguere, and Stacey Dean and Royce Gould, have requested subdivision approval for the creation of an 8-lot subdivision at True Street, off of Ocean Avenue. At present the applicants own a total of 6 parcels with dwellings on four of them, and are proposing to improve True Street (including the dedication of a 50 foot right-of-way to the City of Portland) and realign the lot boundaries to create eight lots with four of these available for new dwellings.

The site is unusual in that it is a vestige of an historic farm community and is characterized by a number of significant trees, wetlands and an open rural aspect (see photographs in Attachment J). The applicants have described their community in some detail in a letter to the Planning Board (Attachment C).

Project Summary

Site Area: 2.89 acres
Zoning: R-5
Existing Lot sizes: .14 to 1.3 acres
Proposed lot sizes: .14 to .47 acres

Project Site

The site is on the east side of Ocean Avenue, abutted on the East by the Ocean East Townhouses, to the north the Wellstone Condominiums and to the south by the back yards of dwellings along Grafton Street. The letter from the agent and the applicants in Attachments A & C provides further detail.

The project site is largely open land with the narrow True Street and another private road running in parallel part way into the site from Ocean Avenue. The existing 2-3 story dwellings are

- 1. Water and Air Pollution
The project will not result in undue water or air pollution.
- 2/3. Water
The applicant has not provided a 'Capacity to Serve' letter.
- 4. Soil Erosion
The proposal may result in soil erosion and further information is necessary to assess this issue.
- 5. Traffic
Proposed access is via a realigned True Street off of Ocean Avenue. No information on sight lines or traffic generation has been provided. Thomas Errico, the City's

Subdivision Review Issues

Two lots have long narrow strips that provide the link and frontage to the upgraded True Street.

The proposals are described in the cover letter from Danielle Betts (Attachment A). The Existing Condition Plan (Attachment K1) shows the current lot layout as "non-confirming"; it results from the historical subdividing of parcels. The joint applicants have had a number of discussions with staff although the proposals do not necessarily reflect staff suggestions. The applicants propose to regularize the lot boundaries so that the resulting 8 lots are all in conformity with current zoning requirements, as shown in the Subdivision Plan (Attachment K11). The lots have been devised to avoid loss of the mature trees, provide sensible lots for the existing dwellings, create four "new" buildable lots, and upgrade True Street so that it can be two-way with a double hammerhead to allow turning- as shown in the Sketch Plan in Attachment K111.

Proposals

orientated (except for the two on Ocean Avenue) to the south. The site is characterized by clusters of trees and a number of fine old trees up to 3 feet diameter in girth- these are shown on the Sketch Plan (Attachment K111). The central part of the site is partially wetland, as True Street is on a raised foundation through the low lying land. The applicant has described the existing conditions in the cover letter from Danielle Betts of Sebago Technics (Attachment A).

The existing True Street is 12 feet wide and extends about 400 feet from Ocean Avenue to serve the two houses to the south and east; it has no formal turning area at its end. The applicants have submitted affidavits and a legal submission (Attachment D) contending that this street has been effectively adopted by the City because the City has undertaken its maintenance (snowplowing) over the last 40 years. This may be the case but in any case the subdivision necessitates the construction of an improved road access to all the new lots that meets City standards if it is to be adopted.

No information has been submitted.

Solid Waste Disposal

8.

the existing system.

The applicant has not submitted a capacity to serve letter regarding the transport and treatment of wastewater. Regarding stormwater, the proposal to use vegetated swales to control and treat stormwater runoff from the widened True Street needs to be clarified/justified by providing further information: showing the existing swales on the plans; calculating volumes of additional flows and how they will be handled (comments of the DRC of 1.20.2006 in Attachment F). The DRC has also raised concerns that if the stormwater runoff is directed into the existing wetlands, will there be any impact on the lots outside the development to the south? It is noted that there is a manhole 150 feet north of True Street but the applicant is not proposing to tie into the existing system.

Sanitary Sewer/Soils/Stormwater

6/7.

3.22.2006 (Attachment H).

The City Engineer does not consider that the proposed redesign of True Street to be safe and maintainable and will provide further comment at the Workshop. This was advised to the applicants agent by telephone on 3.10.2006, as confirmed in a letter of provide emergency access (DRC comments of 1.20.2006 in Attachment F).

The proposed True Street has a double hammer head constructed at the east end, with two shared driveways off of it to serve 5 lots. A cul de sac with vegetation retained in the center should be considered as this would provide a better Public Works operation and still generally achieve the applicants' objectives. The proposed driveways are shown as 12 feet wide which does not allow for vehicles to pass nor

re Stormwater).

The proposed width of True Street is 22 feet which is below the City's standard of 28 feet. The applicants consider that this rural site does not require the more urban and over-engineered standard and also propose (in the narrative) that instead of sidewalks and curbing there be a 2 foot gravel shoulder on one side and a 4 foot gravel shoulder on the other side. (Though the shoulder is shown as to be loamed and seeded on the Sketch Plan in Attachment K(iii)). The applicants request waivers from the Ordinance requiring sidewalks on True Street. They also request a waiver of the requirement for granite curbing, as they wish to continue the use of shallow vegetated swales to drain and treat stormwater runoff and avoid the loss of significant site features (see below

* list of
waivers
in future
reports

Traffic Engineering Reviewer, has requested a sight distance evaluation for the proposed roadway but is generally not concerned about the traffic impacts of the additional residential units. He also comments that a sidewalk should be provided on Ocean Avenue and consideration should be given to relocating the driveway curb cuts currently on Ocean Avenue to True Street (Attachment I).

9. Scenic Beauty
The proposal does not have any undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or significant wildlife habitat or rare or irreplaceable natural areas. It is not located within an Historic District nor near a Historic Landmark.

10. Comprehensive Plan
The creation of 4 potential new units of housing is supported by the Comprehensive Plan policy ("Housing: Sustaining Portland's Future" November 2002).

11. Financial Capability
The applicant has not provided a letter confirming financial capability.

12./13. Groundwater/Flood Hazard/Shoreland/Wetlands
The proposal appears to impact the wetlands on the site, both as a result of partial filling to construct the new road and hammerhead, and also as the stormwater run off from the new roads and driveways and homes will impact both the wetlands and potentially the neighbors to the south. Further information is awaited.

Conformity with Zoning Ordinance (R-5)

The boundaries of the proposed lots raise a number of zoning issues as set out in the Zoning Administrators comments of 3.6.2006 (Attachment G), as summarized below:

Generally the lots meet the zoning requirements for the R-5 zone, with several of the building envelopes requiring adjustments to meet the setback requirements (Lot #3, Lot #4, and Lot #6) and Lot #6 does not meet the minimum lot width requirement of 60 feet. The building envelope for Lot #7 depends on wetland filling and at present we do not have information as to whether this will be permitted.

Site Plan Review Issues not covered under Subdivision Review Issues

14. Impact on Existing Vegetation
While the proposals have been designed to avoid impacts on the significant trees on the site, the impact on the wetlands is unclear. The proposed wetlands fill is shown in the Sketch Plan (Attachment Kiii), but only 3 of the 4 areas of wetland infill have been calculated (the area of wetland affected by the double hammerhead is unclear but appears to be about 1500 sq ft), the grading for the proposed street construction is unknown and there is no submitted assessment of the wetland impacts.

15. Creation of significant soil and drainage problems
Further information is needed to assess whether the proposed drainage will have an impact on the abutting lots to the south.

16. Exterior Lighting
There are no proposals for exterior lighting.

(Attachments next page)

- a. Existing and proposed utilities
- b. Sight distances for the proposed True Street egress onto Ocean Avenue
- c. Location of buildings on parcels abutting the site
- d. Existing soil conditions
- e. Capacity to serve letters regarding water and wastewater
- f. Drainage, stormwater management and grading information
- g. Evidence that there will be no stormwater impact on abutters
- h. Landscape Plan including preservation measures to be employed and reinstatement planting where vegetation will be disturbed
- i. Lighting Plan if necessary
- j. Clarification as to the fronts of existing and proposed houses so that zoning setbacks can be confirmed (see comments of the Zoning Administrator of 3.6.06)
- k. Evidence of financial and technical capability
- l. Evidence of title, right and interest
- m. More information re the wetlands, the areas of infill, their future protection and any required permits.

The following information will be required in order to complete the Review (see Ordinance Sections 14-496 and 14-525):

- a. A design of True Street that meets City standards and is sensible from an operational viewpoint
 - b. Sidewalk/curbing on Ocean Avenue
 - c. Widening of the shared driveways
 - d. Design to ensure emergency access and egress
- Staff suggest, based on the information so far submitted, that the proposals be revised to include:

Next Steps

The applicants have requested a waiver for the width of True Street and to allow True Street to be constructed with gravel shoulders instead of sidewalks and curbing. The need for a sidewalk and curbing along Ocean Avenue will need to be addressed.

The Fire Department has commented (Captain Greg Cass, Urban Insight 1.2.2006, Attachment E) that there needs to be a fire hydrant every 500 feet, starting from the closest hydrant and that Fire Department access and egress needs to be addressed.

18.

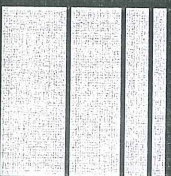
City Infrastructure

17.

Fire

Attachments:

- A. Danielle D. Betts, Application Cover Letter December 22, 2005
- B. Site Plan Application and Agent Authorization of September 27, 2005
- C. True Street Neighborhood, letter to the Planning Board of October 24, 2006
- D. Jensen Baird Gardner & Henry letter re status of the existing True Street, October 25, 2005
- E. Captain Greg Cass, Fire Department, Urban Insight January 2, 2006.
- F. Dan Goyette, PE Woodard & Curran, City DRC memo of January 20, 2006
- G. Marge Schmuckal, City Zoning Administrator, e-mail of March 13, 2006
- H. Jean Fraser, City Planner, letter of March 22, 2006 (confirming earlier discussions)
- I. Tom Errico, City Traffic Engineering Reviewer, e-mail of March 23, 2006
- J. Photographs of True Street site (from cover of submission document)
- K. Submitted Plans
- i. Sheet 1: Existing Condition
- ii. Sheet 2: Subdivision Plan
- iii. Sheet 3: Sketch Plan



December 22, 2005
05207

Ms. Sarah Hopkins
Planning and Development Dept.
City of Portland
389 Congress Street
Portland, ME 04101

Sketch Plan Application - True Street Subdivision, Portland, Maine

Applicants: Todd and Kelly Sniper, 41 True Street
Nick and Amanda Kent, 691 Ocean Avenue
Marc Giguere, 693 Ocean Avenue
Stacey Dean and Royce Gould, 681 Ocean Avenue

Dear Sarah:

On behalf of the True Street Neighborhood, we are pleased to submit this Sketch Plan application for a proposed eight lot residential subdivision located on True Street, off Ocean Avenue. The True Street Neighborhood is a group of property owners who have joined together to achieve the following goals:

- Dedicate a fifty-foot wide right-of-way to the City of Portland so that True Street can be further improved as a public roadway,
- Subdivide the six existing legally non-conforming lots in such a way that eight lots are created, and
- Preserve the unique, natural, rural-like character of the existing neighborhood.

The following supporting documents are attached hereto:

- Attachment 1 – Site Plan Application
- Attachment 2 – Existing Conditions Plan
- Attachment 3 – Subdivision Plan
- Attachment 4 – Sketch Plan
- Attachment 5 – True Street Neighborhood Letter with Sketch
- Attachment 6 – Jensen Baird Gardner & Henry Letter with Accompanying Affidavits

Over the past year, several of the True Street residents have met with City zoning and planning staff to review their vision and develop preliminary subdivision plans. We appreciate the time you and the other staff members have provided in reviewing these conceptual plans and

discussing the different development options for the site. Based on these meetings, we have developed a Subdivision Plan (**Attachment 3**) that we believe provides for the highest and best use of the properties. The plan is consistent with the City's land use ordinances and, even allowing for requested waivers of particular subdivision street requirements, the plan allows for safe access to the lots without sacrificing the special character of the neighborhood. The plan is also consistent with one of the goals of the City's Comprehensive Plan, to encourage a diversity of housing stock in the City.

Existing Conditions

In order to get a feel for the neighborhood as it is today, it is important to understand the history of this unique group of homes. The True Street Neighborhood began as a farming community in the 1800s. Today, it still feels like a rural community strongly reminiscent of its farm beginnings. The True Street Neighborhood has prepared a letter to the Planning Board that briefly describes how these legally non-conforming lots came to exist, how the residents have adapted their properties from their early beginnings to take advantage of the services the City now has to offer, and how the residents envision this neighborhood fitting into this growing area of Portland today (see **Attachment 5**).

In addition to the historical narrative, we have also enclosed an Existing Conditions Plan (**Attachment 2**) prepared by R. W. Eaton Associates. As shown on this plan, the land that comprises the True Street Subdivision consists of six parcels owned by four separate families.

The existing lots range in size from 0.14 acre to 1.3 acres. For the most part, the houses are located around the perimeter of the property and the developed areas are minimal, leaving a large tract of natural vegetation and trees through the middle and along the south side of the project site.

A narrow gravel drive lined with mature 24" to 36" diameter maple trees serves the two houses on the north side of the site. This 380' long access drive is private and maintained by the residents of these two homes.

Running parallel and 50 feet south of this gravel drive, True Street provides access to the two houses along the south and east sides of the site. This gravel road is approximately 12' wide and has been snow plowed and maintained by the City of Portland for over 40 years. It currently extends approximately 400' from Ocean Avenue to where it dead ends at a resident's driveway. Historically, the City has utilized this resident's driveway as a turnaround for snow plows and other maintenance vehicles. A question regarding the legal status of True Street was raised at one point by City staff, and we have enclosed a letter from our attorney with accompanying affidavits (**Attachment 6**) to address this issue, although we understand that this may not be a Planning Board issue.

Development Concept

Given the unique lot configurations, challenges with access and utility services and the growth-oriented economy, the True Street residents joined together to develop a conceptual plan for the entire neighborhood (see **Attachment 4, Sketch Plan**).

As noted earlier, one of the primary goals of the True Street Neighborhood was to resolve the legal access issues for the existing non-conforming lots and the proposed new lots. Since True

Street is an existing public street, the Subdivision Plan was developed to include the existing street in a 50-foot right-of-way with a double hammerhead turnaround at the end. The eight lots were then configured in such a way as to provide for the required 50' of street frontage along the public right-of-way. As a result, the four lots with existing houses will now be conforming with respect to frontage, and the four new lots will be conforming in all respects to zoning.

The True Street Neighborhood recognizes the need for further improvements to True Street to provide for safe vehicle and pedestrian access. At the same time, another important goal in the residents' development concept is to maintain the rural-like feeling of this small neighborhood. Currently, the narrow gravel drives are shared by different houses, and there are mature maple, poplar, and other trees with 24" to 56" diameter trunks and large canopies that surround the site and line the gravel driveways (see **COVER**, site photographs). It is the residents' hope that True Street can be improved for safety without compromising the rural character of the site.

The attached Sketch Plan (see Attachment 4) depicts the expanded True Street as proposed for public street acceptance. We understand that Section 14-506 of the Subdivision Ordinance allows for modifications of the City requirements. We believe modifications are warranted based on the unique and local history of these parcels, the collaboration and agreement of all neighborhood property owners to work with the City, the development constraints associated with the existing house locations and natural resources, and the certainty that this street will never be extended beyond the proposed length. Therefore, the applicants respectfully request modifications/waivers of the following street standards:

- 28' road section modified to provide for 22' of pavement, 2' gravel shoulder and 4' gravel shoulder. True Street is currently a narrow gravel road. We would like to minimize the widening and new pavement as much as possible. We feel this section provides for safe vehicle traffic and still meets the City's requirement of a 28' wide road. In addition, pedestrian safety is addressed by providing a 4' wide gravel shoulder to one side.

This roadway width modification request meets the requirements of Section 14-506(a) of the Subdivision Ordinance because unique conditions exist and the modification will not have the effect of nullifying the intent or purpose of the Ordinance. The sidewalk modification request meets at least two of the requirements of Section 14-506(b) of the Subdivision Ordinance relating to sidewalks in that the 4' wide gravel shoulder provides a safe-alternative walking route to what will be a very low traffic area from both a vehicular and pedestrian traffic perspective, and significant site features relating to the natural and rural quality of the landscaping and topography will be lost if sidewalks are required.

- Curbing and storm drainage. True Street currently has shallow swales and wetlands on both sides of the road that are connected by a culvert. We would like to continue to use swales to maintain the rural-like quality of a road without curbs. With the road section already built up several feet above the natural surroundings, we believe this design will have the least impact on the wetlands by maintaining the current drainage patterns. The majority of the runoff from the road would be treated in the vegetated swales prior to reaching the wetlands.

The storm drainage modification request meets the requirements of Section 14-506(a) of the Subdivision Ordinance because unique conditions exist and the modification will not have the effect of nullifying the intent or purpose of the Ordinance. The curbing

modification request meets at least two of the requirements of Section 14-506(b) of the Subdivision Ordinance relating to curbing in that the runoff from the development site or within the street does not require curbing for stormwater management, and significant site features relating to the natural and rural quality of the landscaping and topography will be lost if curbing is required.

In addition to the proposed road design, the Sketch Plan also shows a schematic layout for shared driveways. The use of shared driveways is consistent with how the existing homes are currently accessed and it will also minimize wetland impacts, clearing, and the amount of impervious area on the site.

We believe the attached True Street Subdivision Plan makes the best use of this unique piece of land. We also feel the proposed improvements to True Street are a balanced compromise between increasing safety and convenience for the City and the public and protecting the character of the True Street neighborhood.

Thank you for your time and please call me with any questions.

Sincerely,

SEBAGO TECHNICS, INC.



Danielle D. Betts, P.E.

Sr. Project Manager

DDB:ddb/jc/dlf

Enclosures

cc: Todd and Kelly Sniper

Marc Giguere

Amanda & Nicholas Kent

Stacey Dean and Royce Gould

Sally J. Daggett, Esq., Jensen Baird Gardner & Henry

Table of Contents

Attachment 1	Site Plan Application
Attachment 2	Existing Conditions Plan
Attachment 3	Subdivision Plan
Attachment 4	Sketch Plan
Attachment 5	True Street Neighborhood Letter to Planning Board
Attachment 6	Jensen Baird Gardner & Henry Letter with Accompanying Affidavits

at back
of ps
packet

SITE PLAN APPLICATION

ATTACHMENT 1



City of Portland Site Plan Application

If you or the property owner owes real estate taxes, personal property taxes or user charges on any property within the City, payment arrangements must be made before permit applications can be received by the Inspections Division.

Address of Proposed Development: 41 True Street		Zone: R-5	
Total Square Footage of Proposed Structure: N/A		Square Footage of Lot: 2.89 Acres Total Parcel Area	
Tax Assessor's Chart, Block & Lot:		Property owner's mailing address:	
Chart# Block# Lot#		* See Attached*	
Consultant/Agent, mailing address, phone # & contact person: Danielle D. Betts Sebago Technics, Inc. One Chabot St., PO Box 1339 Westbrook, ME 04098		Applicant's name, mailing address, telephone #/Fax#/Pager#: Same as owner	
Project name: True Street Subdivision		* See Attached*	

Fee For Service Deposit (all applications) X (\$200.00)

Proposed Development (check all that apply)

New Building Building Addition Change of Use Residential Office Retail
Manufacturing Warehouse/Distribution Parking lot
 Subdivision (\$500.00) + amount of lots 8 (\$25.00 per lot) \$ 200 + major site plan fee if applicable

Site Location of Development (\$3,000.00)
(except for residential projects which shall be \$200.00 per lot)

Traffic Movement (\$1,000.00) Storm water Quality (\$250.00)

Section 14-403 Review (\$400.00 + \$25.00 per lot)

Other _____

Major Development (more than 10,000 sq. ft.)

Under 50,000 sq. ft. (\$500.00)

50,000 - 100,000 sq. ft. (\$1,000.00)

Parking Lots over 100 spaces (\$1,000.00)

100,000 - 200,000 sq. ft. (\$2,000.00)

200,000 - 300,000 sq. ft. (\$3,000.00)

Over 300,000 sq. ft. (\$5,000.00)

After-the-fact Review (\$1,000.00 + applicable application fee)

Minor Site Plan Review

Less than 10,000 sq. ft. (\$400.00)

After-the-fact Review (\$1,000.00 + applicable application fee)

Plan Amendments

Planning Staff Review (\$250.00)

Planning Board Review (\$500.00)

~ Please see next page ~

Who billing will be sent to: (Company, Contact Person, Address, Phone #)

Nick & Amanda Kent

691 Ocean Ave.

Portland, ME 04101

207/775-7525

Submittals shall include (9) separate folded packets of the following:

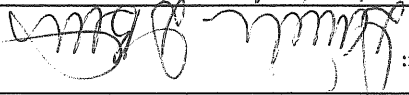
- a. copy of application
- b. cover letter stating the nature of the project
- c. site plan containing the information found in the attached sample plans checklist
- d. 1 set of 11 x 17 plans

Amendment to Plans: Amendment applications should include 6 separate packets of the above (a, b, & c)

ALL PLANS MUST BE FOLDED NEATLY AND IN PACKET FORM

Section 14-522 of the Zoning Ordinance outlines the process which is available on our web site: portlandmaine.gov

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: 	Date: 10.25.05
---	-------------------

(see attached agent authorization letter)

This application is for site review ONLY; a building Permit application and associated fees will be required prior to construction.

September 27, 2005

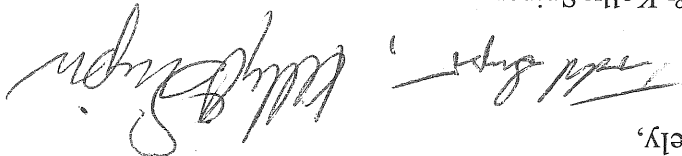
Danielle D. Betts, P.E.
Sebago Technics, Inc.
P.O. Box 1339
Westbrook, Maine 04098

**RE: Agent Authorization for Local, State and Federal Permitting
True Street Subdivision, Portland, Maine**

Dear Danielle:

We hereby authorize Sebago Technics, Inc. to act in our behalf as agent in the processing of any required local, State or Federal permit applications and to furnish, upon request, supplemental information in support of these applications.

Sincerely,



Todd & Kelly Sniper

Marc Giguere



Nick & Amanda Kent



Stacey Dean & Royce Gould



SITE LOCATION MAP USGS TOPOGRAPHIC 7.5 MIN. QUADRANGLE PORTLAND WEST SCALE: 1"=2,000'

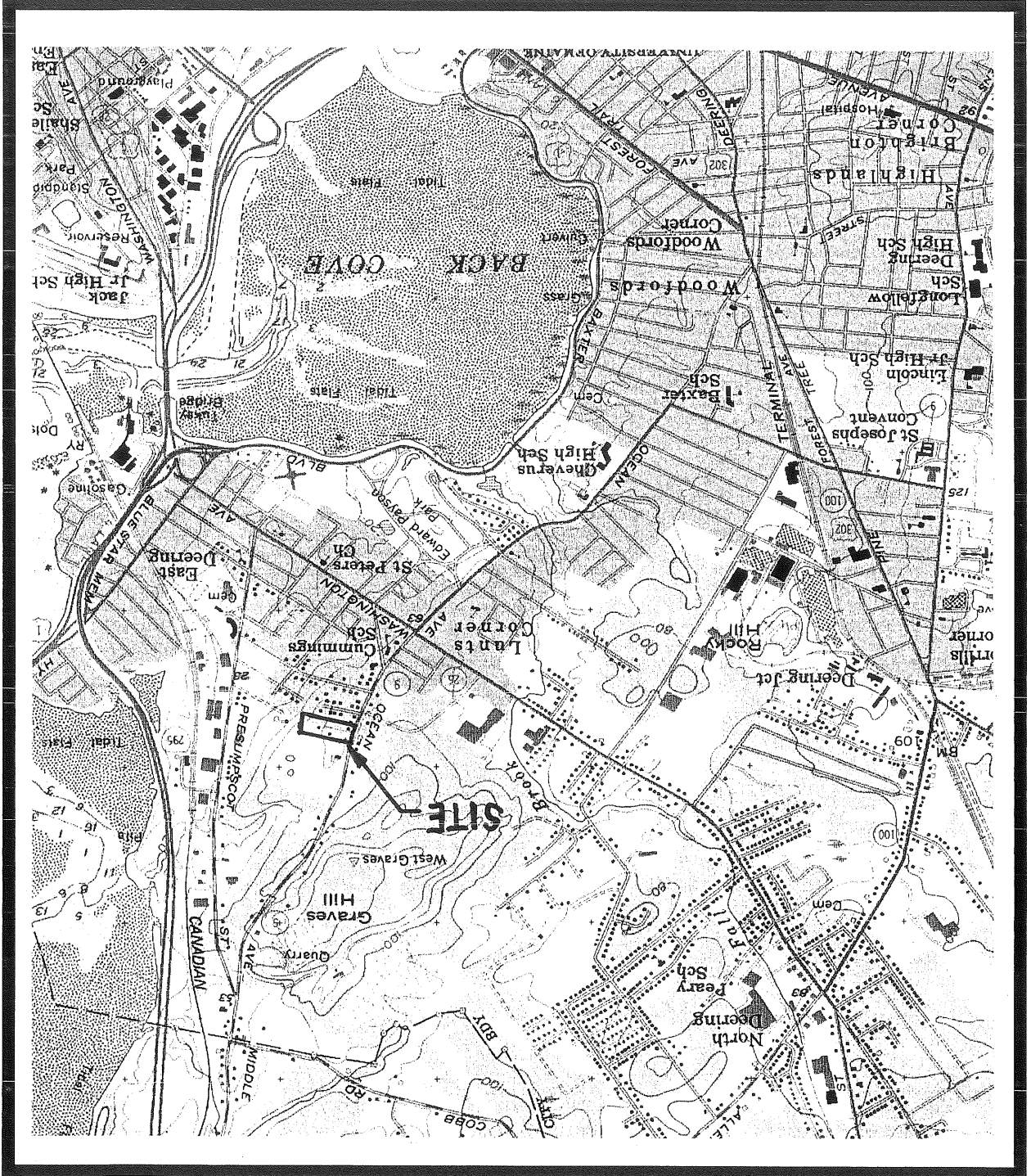


FIGURE 1



TRUE STREET NEIGHBORHOOD
LETTER TO THE PLANNING BOARD

ATTACHMENT 5

The True Street Neighborhood
c/o Todd and Kelly Sniper
41 True Street
Portland, ME 04103

October 24, 2005

Leslie E. Lowry, Chairman
Portland Planning Board
Portland City Hall
389 Congress Street
Portland, ME 04101

Re: Sketch Plan Application/True Street Subdivision

Dear Board Members:

We are writing to provide the Planning Board with the history of our neighborhood and the evolution of our proposed subdivision project so that the Board will appreciate how unique our project is for the City of Portland. We hope that this information is helpful to you and thank you in advance for your time in reviewing our proposed project.

For general location purposes, we have attached a sketch entitled "True Street Neighborhood Sketch."

History of the True Street Neighborhood

Since the late 1800's, the True Street neighborhood has developed a tradition of strong interdependent relationships among all the homeowners. It continues today to be a close knit community sharing a historical landscape and a sense of place.

A farming community in the 1800's with large tracts of land used for milk cows, the neighborhood grew up around the growth within these farm families. Over time, each family separated its large lots into smaller single-family homes. The next generation became carpenters, teachers, railway watchmen (the Grand Trunk was just over the hill on Presumpscot Street) and independent business owners, each wanting their own home on the family land.

The homes located at 691 and 693 Ocean Avenue were both extensions from the farm located at 696 Ocean Avenue. Sarah Sawyer gave the land for 693 Ocean Avenue to her daughter and son-in-law, William Burke, a carpenter, who built both his home and later the house at 691 Ocean Avenue for his mother and brother-in-law, Arthur, around the turn of the 20th century. The houses at 25 True Street (the original farmhouse, now razed) and 41 True Street were built by the Eben True family in the 1890's. The house at 41 True Street was built by the True brothers, who used their home, designed in a John Calvin Stevens style, as an example of their building trade. Later, the two homes would be passed on to their children and grandchildren, Trues and Cards. Maintaining a slow, controlled growth, each generation

emphasized the rural agrarian feel of the community's roots.

Where parts of Portland have seen many turnovers in ownership, the True Street neighborhood is unusual for its stability. The house at 41 True Street remained in the same family for over 100 years. The houses at 693 and 681 Ocean Avenue have each had only three owners, while the house at 691 Ocean Avenue has had only 6 different owners since the early 1900s. Each home has been well cared for throughout the generations, maintaining the integrity of the neighborhood.

Despite the growth of Portland, this neighborhood with its graveled road has remained the same for over 100 years. In the 1890s, True Street ran from Ocean Avenue to Presumpscot Street, as shown in Portland city directories and maps of that era. Horse and buggies had no problem traversing the True Street ledge. When automobiles replaced horses, True Street became splintered at the top of the hill, with each side of the street continuing to be independently maintained by the City.

Over the years, the neighborhood has adapted and improvised solutions to City services. The house at 41 True Street has a private septic system. Its cable, electric and phone services come over the hill from Presumpscot Street, running some 1000+ feet in length. While the house at 691 Ocean Avenue has its water service coming from Ocean Avenue, its sewage transfer has been privately maintained down a dirt driveway of over 300 feet. Cable and telephone service come the same distance, requiring signal boosting, yet electric service comes up from Presumpscot Street. Each utility provider has shown an interest in cleaning up the unusual situation and the "cobbled together" mixture of non-conforming services.

The True Street neighborhood is primarily comprised of legally non-conforming lots. This subdivision plan proposes to rectify the nonconformity while connecting logically to all public utilities. The intent is to meet current City zoning requirements and, to the maximum extent practical, street standards with the least amount of impact on this neighborhood's character.

Community Development Around True Street

The True Street neighborhood is abutted on the east by the new Ocean East project, on the north by Wellstone Condominiums, and is located within a 2 mile radius of Briarwood, Summer Place, Ocean Ridge, Alden's Walk, Ledgewood, Cedar's Atrium and the proposed Graves Hill Development. These abutting neighborhoods are fast becoming areas of high-density residences.

This project's goal is to maintain the integrity and quality of life that the older turn of the century homes retain, while still allowing for controlled growth consistent with the traditions of this neighborhood. The almost three acre neighborhood has substantial open green space, heritage trees, older established vegetation and landscaping. These homes and their surroundings represent a part of Portland's history that is in danger of being lost.

The True Street Neighborhood Project



The True and Card families have dictated over the years how the True Street hillside was developed. When the Ocean East development went in on the Presumpscot Street side of True Street, the Card brothers retained a lot on the hillside. This lot circled around the current Sniper property and continued on to Ocean Avenue. Todd and Kelly Sniper purchased that Card property abutting them at an inflated rate in order to protect their investment in their home. They could have chosen to exploit the acquired land in a manner that would adversely impact their neighbors, but instead, chose to work in concert with the entire neighborhood to create a positive situation for everyone involved. This is the true meaning of community. This is rare and unusual.

Our neighborhood group has developed a subdivision plan that will maintain the traditions of the existing neighborhood, yet conform to the requirements of the City and the ever-changing demands of a modern family. The intent has been to preserve this unusual enclave, while allowing the Snipers and Kents to develop homes in keeping with the existing buildings. Marc Giguere, Stacey Dean and Royce Gould preserve the integrity of their existing homes by expanding to larger-sized lots. Our neighborhood group has worked hard to meet each party's objectives while meeting the City's requirements.

Our proposed project is very unusual in that it does not have the flexibility of starting from an undeveloped tract of vacant land. We understand the necessity of being reviewed as a subdivision, but would request a review that takes into account why this neighborhood project is highly unique. This is an existing community with a rich history proposing controlled growth that preserves the natural beauty and tradition of the neighborhood. Thank you for your consideration.

The True Street Neighborhood:

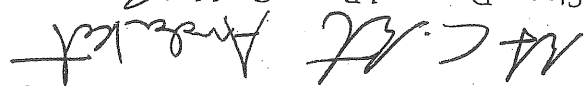
Todd and Kelly Sniper, 41 True Street

Marc Giguere, 693 Ocean Avenue

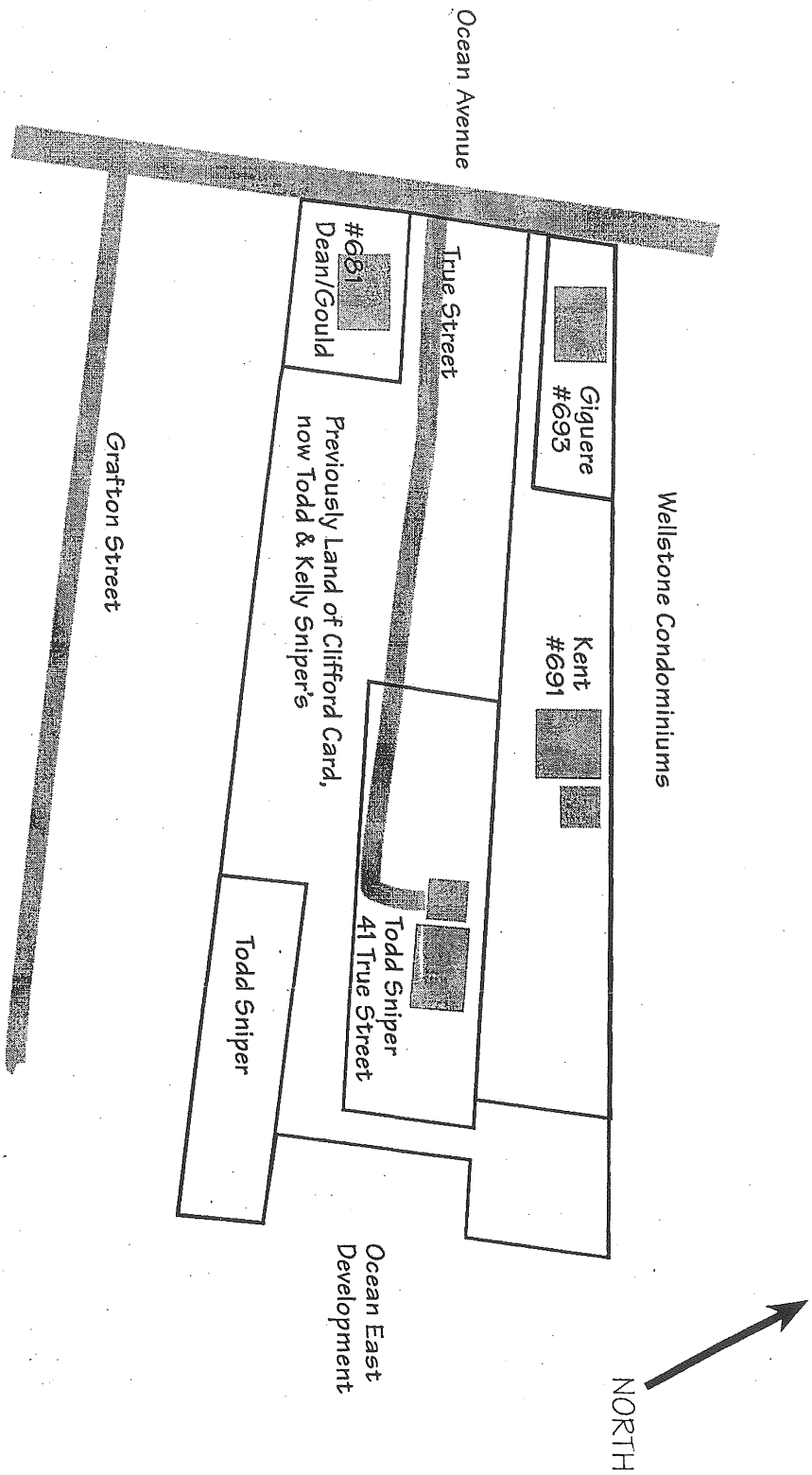


Nick and Amanda Kent, 691 Ocean Avenue



Stacey Dean and Royce Gould, 681 Ocean Avenue





True Street Neighborhood Sketch

JENSEN BAIRD GARDNER & HENRY LETTER
WITH ACCOMPANYING AFFIDAVITS

ATTACHMENT 6

**Jensen Baird
& Gardner Henry**

ATTORNEYS AT LAW
TEN FREE STREET
P.O. BOX 4510
PORTLAND, MAINE 04112-4510
(207) 775-7271
FAX (207) 775-7935
www.jbgh.com

LESLIE E. LOWRY III
PATRICIA McDONOUGH DUNN
MICHAEL J. QUINLAN
R. LEE IVY
FRANK K. N. CHOWDRY
NATALIE L. BURNS
SALLY J. DAGGETT
BRENDAN P. RIELLY
SUZANNE R. SCOTT
MARCIA O. CORRADINI
J. COLBY WALLACE
JAMES D. LIDDELL

KENNETH M. COLE III
NICHOLAS S. MADZO
FRANK H. FRYE
DAVID J. JONES
MICHAEL A. NELSON
RICHARD H. SPENCER, JR.
ALAN R. ATKINS
RONALD A. EPSTEIN
WILLIAM H. DALZ
JOSEPH H. GROFF III
F. BRUCE STEPPER
DEBORAH M. MANN

MERTON G. HENRY
WALTER E. WEBBER
JAMES E. KAPLAN
OF COUNSEL
11 MAIN STREET, SUITE 4
KENNEBUNK, MAINE 04043
(207) 985-4676
FAX (207) 985-4932

RAYMOND E. JENSEN
OF COUNSEL
1508-2002
KENNETH BAIRD
(1914-1987)
M. DONALD GARDNER
(1918-2003)

October 25, 2005

Sarah Hopkins
Planning and Development Department
Portland City Hall
389 Congress Street
Portland, ME 04101

Re: Sketch Plan Application/True Street Subdivision

Dear Sarah:

I am writing on behalf of the True Street Neighborhood property owners, Todd and Kelly Sniper of 41 True Street; Marc Giguere of 693 Ocean Avenue; Nick and Amanda Kent of 691 Ocean Avenue; and Stacey Dean and Royce Gould of 681 Ocean Avenue, to provide you with some of the background regarding the legal status of True Street.

True Street is a graveled road approximately 12 feet in width. It runs perpendicular to Ocean Avenue in an easterly direction approximately 400 feet in length to the Sniper property at 41 True Street, where it ends. True Street serves as the sole vehicular access from any public road to the Snipers' residence.

While we are unaware of any formal acceptance or taking of True Street as a public road by the City, the City's actions in maintaining True Street for well over 40 years have made True Street a "town way." For more than 40 years, the City has kept True Street clear of snow and ice each winter. The City has also graded True Street and trimmed trees and bushes along True Street on occasion for more than 20 years. All of this work has been performed by the City without seeking the permission of, or reimbursement from, the property owners along True Street. All of this work has been performed by the City without obstruction by True Street or Ocean Avenue area property

owners. In addition, the City has maintained a "True Street" street sign at the entrance to True Street on Ocean Avenue for more than 20 years. There is no "Dead End" street sign on True Street, and many persons who are not residents of True Street or guests or invitees of residents of True Street frequently travel down the length of True Street and turn around in the Snipers' driveway, evidencing use of True Street by the general public.

These facts are important because Maine law provides that a public road can be created by long-term public use, without any formal acceptance or taking by the City. King v. Town of Monmouth, 1997 ME 151, ¶ 10, 697 A.2d 837, 840-41; MacKenna v. Inhabitants of Town of Searsmont, 349 A.2d 760, 762 (Me. 1976); State v. Bunker, 59 Me. 366, 370-71 (1871). Prescriptive use is recognized both at common law and by State statute, 14 M.R.S.A. § 812 and 23 M.R.S.A. § 3030. Once a town way is created, the City has the right and the obligation to maintain and repair the road so as to be "safe and convenient" for travelers with motor vehicles. 23 M.R.S.A. § 3651. The requirements for the creation of a public way by prescriptive use parallel those for the creation of a prescriptive easement. Longley v. Knapp, 1998 ME 142, ¶ 14, 713 A.2d 939, 943. "The party asserting an easement by prescription must prove continuous use for at least 20 years under a claim of right adverse to the owner, with his knowledge and acquiescence, or a use so open, notorious, visible, and uninterrupted that knowledge and acquiescence will be presumed." Shadan v. Town of Skowhegan, 1997 ME 187, ¶ 6, 700 A.2d 245, 247 (internal quotation and citation omitted). The Law Court stated in Inhabitants of Town of Kennebunkport v. Forrester, 391 A.2d 831, 833 n. 2 (Me. 1978), that "[t]he test of a public use is not the frequency of the use, or the number using the way, but its use by people who are not separable from the public generally."

As evidence of the City's maintenance of True Street, we have enclosed the affidavit of Amanda Kent, a 20-year resident of the True Street Neighborhood, the affidavit of Todd Sniper, an 8-year resident of 41 True Street, and the affidavit of Darryl Card, who lived at 41 True Street for 34 years and who owned the property for 15 of those 34 years before selling the property to Todd Sniper. These affidavits demonstrate the City's maintenance of True Street for more than 40 years.

The True Street traveled way is already a town way that the City has both the right and the obligation to maintain. However, the True Street Neighborhood is proposing to improve the existing traveled way and some additional land area to meet current City street standards as part of this subdivision project. As part of this project, we will be requesting that the City Council accept the additional right of way area as a town way (as well as confirm the existing traveled way as a town way).