

Sniper Todd R.

True Street Subdivision

41-41 True St, Portland, Maine

424-A-005001

IMPORTANT NOTICE FROM CITY OF PORTLAND

RE: 41 True Street

To residents and property owners: The Portland Planning Board will hold a public hearing to consider a proposal by Todd and Kelly Sniper who are seeking an amendment to the True Street Subdivision to allow the construction of a two family home on Lot #7. The amended plat is required to revise the number of units that may be built in the subdivision as required under the State Subdivision Law.

The meeting will be held:

Tuesday, November 22, 2011

7:00 p.m.

City Hall, Room 209, 2nd Floor

Plans are available in the Portland Planning Division, 4th Floor, City Hall. If you wish to submit written comments, address them to Shukria Wiar, Planner, Planning Division, City Hall, 4th Floor, 389 Congress Street, Portland, Maine 04101, contact by phone at 756-8083 or e-mail at shukriaw@portlandmaine.gov To access agenda materials on-line, please visit the following web address on or after the Friday preceding the meeting date:

<http://www.portlandmaine.gov/planning.htm>

TL notices were mailed to neigh-
Within 500 ft. on 11-10-11
including int. parties by mail/e-mail.
Postage was needed? Yes No

CBL OWNER OWNER MAILING ADDRESS PROPERTY LOCATION UNITS

ADAMO JOHN J	651 OCEAN AVE	PORTLAND, ME 04103	651 OCEAN AVE	1
ANTONUCCI WENDY W &	146 DANIELS RD	ROWLEY, MA 01969	35 WELLSTONE	1
ARCHAMBEAU CAROLINE J	14 S GRAFTON ST	PORTLAND, ME 04103	7 SOUTH GRAFTON ST	1
ARCHAMBEAU LINWOOD K KW	14 S GRAFTON ST	PORTLAND, ME 04103	14 SOUTH GRAFTON ST	1
CAROLINE J JTS	PORTLAND, ME 04103			1
ASALI ANN M &	74 PROVIDENCE ST	PORTLAND, ME 04103	74 PROVIDENCE ST	1
MARIA HERBERT JTS	PORTLAND, ME 04103			1
AYER FRED J & ELAINE M JTS	34 PROVIDENCE ST	PORTLAND, ME 04103	34 PROVIDENCE ST	1
BANNER GERALD T	33 WELLSTONE DR	PORTLAND, ME 04103	33 WELLSTONE	1
BARRON BRIAN PF VN VET TD &	1 WELLSTONE DR	PORTLAND, ME 04103	1 WELLSTONE	1
SALLY A BARRON	PORTLAND, ME 04103			1
BELANGER LINDA A	19 WELLSTONE	PORTLAND, ME 04103	19 WELLSTONE	1
BERG HENRY TURNER &	11 WELLSTONE	PORTLAND, ME 04103	11 WELLSTONE	1
FRANK MARTIN TURNER	PORTLAND, ME 04103			1
BLACKBURN RICHARD W &	672 OCEAN AVE	PORTLAND, ME 04103	672 OCEAN AVE	1
DEBORAH JTS	PORTLAND, ME 04103			1
BOLDUC BENJAMIN M &	45 GRAFTON ST	PORTLAND, ME 04103	45 GRAFTON ST	1
ERIN FOLEY JTS	PORTLAND, ME 04103			1
BOWMAN MARK J & SUSAN A JTS	16 PROVIDENCE ST	PORTLAND, ME 04103	16 PROVIDENCE ST	1
BROWN SHARON L	26 WELLSTONE DR	PORTLAND, ME 04103	26 WELLSTONE	1
BULLENS SETH W &	21 SOUTH GRAFTON ST	PORTLAND, ME 04103	21 SOUTH GRAFTON ST	2
AMY R GIESEKE	PORTLAND, ME 04103			1
BURGER RACHEL A	17 CHURCHHILL RD	SOUTH PORTLAND, ME 04106	681 OCEAN AVE	1
CALL MARY L WID WWII VET	45 WELLSTONE DR	PORTLAND, ME 04103	45 WELLSTONE	1
ETALS TRUSTEES	PORTLAND, ME 04103			1
CAMPBELL CECILIA M	59 WELLSTONE DR	PORTLAND, ME 04103	59 WELLSTONE	1
CARTER ELISE M	695 OCEAN AVE APT 47	PORTLAND, ME 04103	47 WELLSTONE	1
CARTER JAN	696 OCEAN AVE	PORTLAND, ME 04103	696 OCEAN AVE	1
CHASE AMANDA J	15 SOUTH GRAFTON ST	PORTLAND, ME 04103	15 SOUTH GRAFTON ST	1
CHASE JAMES B KW VET &	30 GRAFTON ST	PORTLAND, ME 04103	30 GRAFTON ST	1
CATHERINE JTS	PORTLAND, ME 04103			1
CICCOMANCINI ADRIANO &	211 MARGINAL WAY # 723	PORTLAND, ME 04101	42 GRAFTON ST	1
KERRILYN PORRO JTS	PORTLAND, ME 04101			1
COFFIN JACQUELINE J	6 WELLSTONE DR	PORTLAND, ME 04103	6 WELLSTONE	1
COLLIN BRIAN C &	72 WELLSTONE DR	PORTLAND, ME 04103	72 WELLSTONE	1
STELLA COLLIN JTS	PORTLAND, ME 04103			1
COLUCCI STEPHEN	27 WELLSTONE DR	PORTLAND, ME 04103	27 WELLSTONE	1

CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
	CONNOLLY ROBERT F & LINDA M JTS	58 PROVIDENCE ST PORTLAND, ME 04103	58 PROVIDENCE ST	1
	CONNORS LAWRENCE P & CHERYL A CONNORS JTS	10 WELLSTONE PORTLAND, ME 04103	10 WELLSTONE	1
	COOPER BARBARA J	14 WELLSTONE DR PORTLAND, ME 04103	14 WELLSTONE	1
	CORSON SARAH-LOUISE E	53 WELLSTONE DR PORTLAND, ME 04103	53 WELLSTONE	1
	COWAN MARK A	46 WELLSTONE DR PORTLAND, ME 04103	46 WELLSTONE	1
	CRAIG STEVEN D	4 WELLSTONE DR PORTLAND, ME 04103	4 WELLSTONE	1
	CZERNIAK LOIS A	48 WELLSTONE DR PORTLAND, ME 04103	48 WELLSTONE	1
	DAVIDSON WARREN H WWII VET & BARBARA A JTS	62 WELLSTONE DR PORTLAND, ME 04103	62 WELLSTONE	1
	DAVIS JAMES M & TIM FREDHEIM JTS	21 HILLSIDE AVE SOUTH PORTLAND, ME 04106	11 SOUTH GRAFTON ST	1
	DELICATA LEO J & JEANNE B JTS	115 WILLIAM ST PORTLAND, ME 04103	708 OCEAN AVE	0
	DELLAQUILA ANNA L	659 OCEAN AVE PORTLAND, ME 04103	659 OCEAN AVE	1
	DESOUZA VICTOR & JULIA M DSOUZA JTS	17 WELLSTONE DR PORTLAND, ME 04103	17 WELLSTONE	1
	DROWN GRETCHEM S & STEVEN A JTS	677 OCEAN AVE PORTLAND, ME 04103	677 OCEAN AVE	1
	ESTABROOK JOAN F WID KW VET	57 WELLSTONE DR PORTLAND, ME 04103	57 WELLSTONE	1
	FARRIS RICHARD	23 GRAFTON ST PORTLAND, ME 04103	23 GRAFTON ST	1
	FARRIS RICHARD	23 GRAFTON ST PORTLAND, ME 04103	24 PROVIDENCE ST	0
	FORNISANO MADELINE	51 WELLSTONE DR PORTLAND, ME 04103	51 WELLSTONE	1
	FORTMILLER JANE A	15 WELLSTONE DR PORTLAND, ME 04103	15 WELLSTONE	1
	FOSTER DEANNA L & DALE KELLEY JTS	29 WELLSTONE DR PORTLAND, ME 04103	29 WELLSTONE	1
	GALLAGHER KEVIN J	71 WELLSTONE DR PORTLAND, ME 04103	71 WELLSTONE	1
	GIGUERE MARC A	693 OCEAN AVE PORTLAND, ME 04103	693 OCEAN AVE	1
	GILLIAM ELLEN M	36 WELLSTONE DR PORTLAND, ME 04103	36 WELLSTONE	1
	GUL PROPERTIES LLC	359 PERRY RD BANGOR, ME 04401	236 PRESUMPSCOT ST	1
	HACHEY RICHARD R & NANCY J JTS	24 WELLSTONE DR PORTLAND, ME 04103	24 WELLSTONE	1
	HAVEY HOWARD N & KAREN E PICUCCI JTS	24 PROVIDENCE ST PORTLAND, ME 04103	24 PROVIDENCE ST	1
	HELMS BONNIE A	70 WELLSTONE DR PORTLAND, ME 04103	70 WELLSTONE	1

CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
	HODGE DONNA N	52 WELLSTONE DR PORTLAND, ME 04103	52 WELLSTONE	1
	JONES STEVEN M	31 WELLSTONE PORTLAND, ME 04103	31 WELLSTONE	1
	JOYCE JANET C & M PATRICK JTS	27 GRAFTON ST PORTLAND, ME 04103	27 GRAFTON ST	1
	KEENE TIMOTHY S	64 WELLSTONE DR PORTLAND, ME 04103	64 WELLSTONE	1
	KELLEY CHARLES E VN VET & SALLY F KELLEY JTS	695 OCEAN AVE APT 13 PORTLAND, ME 04103	13 WELLSTONE	1
	KENT AMANDA MCGUIDDY & NICHOLAS C KENT JTS	691 OCEAN AVE PORTLAND, ME 04103	TRUE ST	0
	KENT MCGUIDDY AMANDA S & NICHOLAS C KENT JTS	691 OCEAN AVE PORTLAND, ME 04103	TRUE ST	2
	KENT NICHOLAS C & AMANDA MCGUIDDY KENT JTS	691 OCEAN AVE PORTLAND, ME 04103	TRUE ST	0
	KOBELENZ JOHN E	20 WELLSTONE DR PORTLAND, ME 04103	20 WELLSTONE	1
	LAFEY LAUREN M	8 WELLSTONE PORTLAND, ME 04103	8 WELLSTONE	1
	LANGHAM C MARK	5 WELLSTONE DR PORTLAND, ME 04103	5 WELLSTONE	1
	LAPOMARDA MARY A WID WWII	23 WELLSTONE DR PORTLAND, ME 04103	23 WELLSTONE	1
	LECH PAUL C	16 WELLSTONE DR PORTLAND, ME 04103	16 WELLSTONE	1
	LERMAN MARC D	38 WELLSTONE DR PORTLAND, ME 04103	38 WELLSTONE	1
	LIGHTFOOT ROBERT BALDWIN	33 FLORENCE ST PORTLAND, ME 04103	E KIDDER ST	0
	LITTMAN MICHAEL S & SALLY A HUNTER JTS	18 SOUTH GRAFTON ST PORTLAND, ME 04103	18 SOUTH GRAFTON ST	2
	LOVELACE DAWN K	54 WELLSTONE DR PORTLAND, ME 04103	54 WELLSTONE	1
	LUNT ELIZABETH P	61WELLSTONE DR PORTLAND, ME 04103	61 WELLSTONE	1
	MACY ANTONETTE A & ALBERT J JTS	30 WELLSTONE DR PORTLAND, ME 04103	30 WELLSTONE	1
	MADSEN HAROLD H JR & SHEILA J EMPL JTS	39 WELLSTONE DR PORTLAND, ME 04103	39 WELLSTONE	1
	MANN BRYANT C	9 WELLSTONE DR PORTLAND, ME 04103	9 WELLSTONE	1
	MANTER ROBERT W & BETSY SAWYER-MANTER JTS	34 WELLSTONE DR PORTLAND, ME 04103	34 WELLSTONE	1
	MATHEWS SUSAN B & DONAL B JTS	66 WELLSTONE DR PORTLAND, ME 04103	66 WELLSTONE	1
	MCGARVEY BONNIE & ANN MCGARVEY JTS	63 WELLSTONE DR PORTLAND, ME 04103	63 WELLSTONE	1
	MCOUGHLIN JANICE & MARGARET HARDY JTS	68 WELLSTONE DR PORTLAND, ME 04103	68 WELLSTONE	1
	MCMANIS HEATHER L	764 CUMBERLAND ST WESTBROOK, ME 04092	67 WELLSTONE	1

CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
	MELODY KEVIN D	309 GRAY RD NORTH YARMOUTH, ME 04097	41 WELLSTONE	1
	MERRILL FRANCES J WID WWII	24 GRAFTON ST PORTLAND, ME 04103	24 GRAFTON ST	1
	MITCHELL BETHANY R	21 WELLSTONE PORTLAND, ME 04103	21 WELLSTONE	1
	MOONEY LAURIE R	32 WELLSTONE DR PORTLAND, ME 04103	32 WELLSTONE	1
	MOORE ANDRIA E	44 PROVIDENCE ST PORTLAND, ME 04103	44 PROVIDENCE ST	1
	MUTI AHMAD T & LEELA MUTI JTS	55 WELLSTONE DR PORTLAND, ME 04103	55 WELLSTONE	1
	NADEAU YVETTE	40 WELLSTONE DR PORTLAND, ME 04103	40 WELLSTONE	1
	NELSON DEBORAH L	20 CLOUDMAN CT WESTBROOK, ME 04092	2 WELLSTONE	1
54	OCEAN EAST OF PORTLAND 2 LLC	247 COMMERCIAL ST STE A ROCKPORT, ME 04856	733 OCEAN AVE	
32	OCEAN EAST OF PORTLAND LLC	247 COMMERCIAL ST STE A ROCKPORT, ME 04856	733 OCEAN AVE	
1	QUELLET MICHAEL U	37 WELLSTONE DR PORTLAND, ME 04103	37 WELLSTONE	1
1	PAGE GLORIA D	69 WELLSTONE DR PORTLAND, ME 04103	69 WELLSTONE	1
0	PAPI CAESAR A JR & MARY T OR SURV	667 OCEAN AVE PORTLAND, ME 04103	673 OCEAN AVE	
1	PAPI MARY T BLIND & CAESAR A JR OR SURV	667 OCEAN AVE PORTLAND, ME 04103	667 OCEAN AVE	1
1	PAQUETTE CARL R & KATHRYN A JTS	28 WELLSTONE DR PORTLAND, ME 04103	28 WELLSTONE	1
1	PASQUALI JUDITH A	22 WELLSTONE DR PORTLAND, ME 04103	22 WELLSTONE	1
1	PAUL SARAH K	25 WELLSTONE PORTLAND, ME 04103	25 WELLSTONE	1
1	PERRY DEBORAH L	1140 SOUTH PLYMOUTH CT CHICAGO, IL 60605	49 WELLSTONE	1
1	PIACENTINI JAMES R	9 GRAFTON ST PORTLAND, ME 04103	9 GRAFTON ST	1
1	PIACENTINI RICHARD G & MARYANN G JTS	17 GRAFTON ST PORTLAND, ME 04103	17 GRAFTON ST	1
1	REID SANDRA L	46 LAWN AVE PORTLAND, ME 04103	37 GRAFTON ST	1
1	RICCITELLI ROBIN P	50 WELLSTONE DR PORTLAND, ME 04103	50 WELLSTONE	1
1	RICHIO JAMEY MARIE	58 WELLSTONE DR PORTLAND, ME 04103	58 WELLSTONE	1
3	RUSSELL RICHARD A & MEREDITH B JTS	291 MIDDLE RD FALMOUTH, ME 04105	700 OCEAN AVE	
2	SCALA JOHN L	53 GARSOE DR PORTLAND, ME 04103	52 PROVIDENCE ST	
0	SNIPER TODD R	41 TRUE ST PORTLAND, ME 04103	TRUE ST	

CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
	SNIPER TODD R	41 TRUE ST PORTLAND, ME 04103	41 TRUE ST	1
	SNIPER TODD R & KELLY O SNIPER JTS	41 TRUE ST PORTLAND, ME 04103	TRUE ST	0
	STOCKLEY JOANN L	56 WELLSTONE DR PORTLAND, ME 04103	56 WELLSTONE	1
	STOVALL SHEILA D	18 WELLSTONE DR PORTLAND, ME 04103	18 WELLSTONE	1
	STUDLEY PATRICIA A	65 WELLSTONE DR PORTLAND, ME 04103	65 WELLSTONE	1
	THOMAS LESLEY J & DAVID M THOMAS JTS	7 WELLSTONE DR PORTLAND, ME 04103	7 WELLSTONE	1
	THOMPSON BRIAN G	33 GRAFTON ST PORTLAND, ME 04103	33 GRAFTON ST	1
	VALENTE JANET L	20 PROVIDENCE ST PORTLAND, ME 04103	20 PROVIDENCE ST	1
	WAITE SARAH H	44 WELLSTONE DR PORTLAND, ME 04103	44 WELLSTONE	1
	WANG WEI-HSING	42 WELLSTONE DR PORTLAND, ME 04103	42 WELLSTONE	1
	WEEKS JONATHAN D	3 WELLSTONE DR PORTLAND, ME 04103	3 WELLSTONE	1
	WHEELER JASON & JAMIE BAKER JTS	43 WELLSTONE DR PORTLAND, ME 04103	43 WELLSTONE	1
	WILLIAMS EMILY L	64 PROVIDENCE ST PORTLAND, ME 04103	64 PROVIDENCE ST	1
	WILLIAMS RUSSELL A & BONITA P JTS	22 GRAFTON ST PORTLAND, ME 04103	22 SOUTH GRAFTON ST	2
	WISE JOHN WILLIAM & ELIZABETH MCNEELY WISE JTS	20 GRAFTON ST PORTLAND, ME 04103	20 GRAFTON ST	1
	WISSINK THEODORE R & LINDSAY PLAISTED JTS	93 CROSS ST ROCKPORT, ME 04856	68 PROVIDENCE ST	1
	ZUB PATRICIA A	4 QUAKER LN PORTLAND, ME 04103	12 WELLSTONE	1

CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
11/10/2011	41 TRUE ST.	(RECEIPT OF APP. NOTICE)	11-9-11	11:34 AM
Total Listed:	121	204		

Citizen's Mailing List

Alan Fishman	Fishman Realty	470 Forest Ave., Suite 203	Portland, ME 04101-2009
Alfred Waxler		PO Box 6681	Portland, ME 04103
Anne Weigel		92 Hamblet Avenue	Portland, ME 04103
Anthony Donovan		27 Riverview Street	Portland, ME 04102
Barb Wood		125 Emery Street	Portland, ME 04102
Brian Bisema		400 Trade Center, Suite 400	Woburn, MA 01801
Chris Busby		64 Montreal Street	Portland, ME 04101
Chris Castelsky	Fairpoint Communications	521 East Morehead Street	Charlotte, NC 28202
David Nowlin		215 Oxford Street	Portland, ME 04102
Dawn Carrigan, Principal	Longfellow School	432 Stevens Avenue	Portland, ME 04101
Deb Keenan		28 Dorothy Street	Portland, ME 04103
Devon and Pamela Platte		26 North Street, #3	Portland, ME 04101
Ed Democracy		PO Box 4189	Portland, ME 04101-0398
Edward Suslovic	District 3	46 Kenwood St.	Portland, ME 04103
Ethan Strimling		211 Spring Street	Portland, ME 04102
Frank Schoenthaler	Coldwell Broker	1601 Trapelo Rd., Suite 24	Waltham, MA 02451
Greater Portland Council of Governments		68 Marginal Way	Portland, ME 04101
Henry Leclair		209 Range Road	Windham, ME 03087
Janice Carpenter		9 West Commonwealth Drive	Portland, ME 04103
Jennifer Dorr	City of Portland	389 Congress Street	Portland, ME 04101
Jesse Thompson, RA, LEED AP	Kaplan Thompson Architects	424 Fore Street	Portland, ME 04101
John Leavitt	NE Regional Council of Carpenters	68 Bishop Street, Unit 1	Portland, ME 04103
Kathleen Spahn	Boulevard Park Assoc.	95 Deerfield Road	Portland, ME 04103
Kerry Anderson		5 Frederick Thompson Drive	Scarborough, ME 04074
Len Anderson		543 Allen Avenue	Portland, ME 04103
Liz Holton		18 Victoria Street	Portland, ME 04103
Lynn Clarkson		145 Marborough Road	Portland, ME 04103
Marc Foster		29 Taylor Street, #1	Portland, ME 04102
Mary Griffith		6 E. Promenade, Unit #2	Portland, ME 04101
Michael Pizzo		88 Christy Road	Portland, ME 04103
Nancy Bartlett		PO Box 7965	Portland, ME 04112
Pam Burnside		64 Lester Drive	Portland, ME 04103
Paul Dubois	Kimberly Dubois	1915 Congress Street	Portland, ME 04102
Paul Leblond		55 Stevens Avenue	Portland, ME 04102
Peaks Island Land Preserve		PO Box 99	Peaks Island, ME 04108
Peggy Morin		66 Farnham Street	Portland, ME 04101
Phillip Haughey		1660 Soldiers Field Road	Boston, MA 02135
Portland Society of Architects	c/o James Sterling, AIA	PO Box 7305	Portland, ME 04112
Priscilla D. LaVallee		55 Watson Street	Portland, ME 04103

Citizen's Mailing List

Raymond Penfold	129-137 Fox Street	Portland, ME 04101
Rebecca Halla	2000 Forest Avenue	Portland, ME 04103
REP Benjamin Dudley III	9 Ponce Street	Portland, ME 04101
REP Boyd Marley	11 Maplewood Street	Portland, ME 04103
REP Glenn Cummings	24 Nevens Street	Portland, ME 04103
REP Herb Adams	231 State Street	Portland, ME 04101-2361
REP Joseph Branigan	168 Concord Street	Portland, ME 04103
Robert Hains	250 Holm Avenue	Portland, ME 04102
Robert O'Brien	267 York Street	Portland, ME 04102
Seren Huus	41 Cumberland Ave	Portland, Me 04101
Stephen Parazone	47 Bolton Street	Portland, ME 04102
Steve Rose	44 Federal Street	Portland, ME 04102
William Merdian	105 Stonecrest Drive	Portland, ME 04103

Listed: 52

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

Application Number: 2011-382 **Application Date:** 11/8/2011 12:00:00 AM
CBL: 424-A-5

Project Name: Amended Subdivision Plat

Address: 41 True Street

Project Description: Amending Plat from 3 yrs. Ago to allow duplex construction on Lot 7

Zoning: R5

Other Reviews Required:

Review Type: Level III Subdivision

Distribution List:

<input type="checkbox"/> Planner	Shukria Wiar	<input type="checkbox"/> Parking	John Peverada
<input type="checkbox"/> Zoning	Marge Schmuckal	<input type="checkbox"/> Design Review	Alex Jaegerman
<input type="checkbox"/> Traffic Engineer	Tom Errico	<input type="checkbox"/> Corporation Counsel	Danielle West-Chuhita
<input type="checkbox"/> Civil Engineer	David Senus	<input type="checkbox"/> Sanitary Sewer	John Emerson
<input type="checkbox"/> Fire Department	Chris Pirone	<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"/> DRC Coordinator	Phil DiPietro
		<input type="checkbox"/> Outside Agency	

Comments needed by (7 days later): Wednesday, November 16, 2011



PLANNING BOARD REPORT PORTLAND, MAINE

True Street Subdivision
True Street
Amendment to Subdivision Plan
Project ID 2011-382
Todd and Kelly Sniper, Applicant

Submitted to: Portland Planning Board Public Hearing Date: November 22, 2011 Planning Board Report: # 23-11	Prepared by: Shukria Wiar, Planner Date: November 18, 2011
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I. INTRODUCTION

Todd and Kelly Sniper are requesting an amendment to the approved Subdivision Plan for True Street. The applicant is proposing a duplex (2 units) instead of a single family home on Lot #7. There are no other proposed changes to the Subdivision Plan.

Applicant Name: Todd and Kelly Sniper

Consultant: Robert McSorley, Sebago Technics

One Hundred and sixty (160) notices were sent to area residents. A notice also appeared in the November 14th and November 15th editions of the *Portland Press Herald*.

II. BACKGROUND

2008 Subdivision Approval: On July 22, 2008, the Planning Board approved (5-0 Hall, Odokara and Lewis absent) a subdivision application for the creation of an eight (8)-lot subdivision at True Street, off of Ocean Avenue. Four of these lots were developed with residential units and four (4) were vacate lots to be developed.

Existing Conditions: The True Street Subdivision was approved as an eight lot subdivision. At present the applicants own a total of six (6) parcels with dwellings on four Lots. Two of the existing buildings are duplexes. True Street (including the dedication of a 50 foot right-of-way to the City of Portland) has been improved to City standards and accepted as a City street. The lot boundaries have been realigned to create eight lots with four of these available for new dwellings.

Background: The owners in the subdivision inquired about building duplexes during the summer of 2011. The Planning Division staff researched the files and could not find documentation that the approved subdivision plan included duplexes on the lots. Barbara Barhydt, advised the applicants to come forward with an amended subdivision plan that sixteen (16) units could be potential be build out for the subdivision (Attachment 2). The applicant chose not to coordinate this effort with the other lot owners, so the request before the Board is for a duplex to be added to Lot # 7. If other property owners seek to build two-family homes within five years of this amendment, then an amended plan will be required.

III. PROPOSED DEVELOPMENT

The applicant is proposing to construct a duplex on Lot 7 of the True Street Subdivision. Given this change from single family to two-family homes, the following provisions of the City Code and Maine law have been triggered:

Section 14-492 Jurisdiction of the City's Subdivision Ordinance states:

This article shall govern each and every subdivision of land within the limits of the city unless specifically exempted in section 14-508. When application is made for the subdividing of a previously recorded subdivision under the provisions of these regulations, it shall be treated as a new subdivision provided the applicant is the owner of rights in the recorded subdivision.

In addition, according to Section 14-493 of the City Code of Ordinance-Definitions and 30-A MRS § 4401 (4) (Municipal Subdivision Law), a subdivision is defined as

the division of a lot, tract or parcel of land into three (3) or more lots, including lots of forty (40) acres or more, within any five-year period whether accomplished by sale, lease, development, buildings or otherwise and as further defined in 30-A M.R.S.A. Section 4401. The term subdivision shall also include the division of a new structure or structures on a tract or parcel of land into three (3) or more dwelling units within a five-year period and the division of an existing structure or structures previously used for commercial or industrial use into three (3) or more dwelling units within a five-year period. The area included in the expansion of an existing structure is deemed to be a new structure for the purposes of this paragraph. A dwelling unit shall include any part of a structure which, through sale or lease, is intended for human habitation, including single-family and multifamily housing condominiums, time-share units and apartments.

To conclude, 30-A MRS § 4406 (1)(E) of the Maine Municipal Subdivision Law, states that a person cannot sell, lease, develop or building upon or convey for consideration, or agree to sell, lease, develop, build upon or convey for consideration any land or dwelling unit that has not been approved in a subdivision.

As a result of the above, any new lot or unit being added to an approved subdivision within the five-year period triggers further review by the City's Planning Board.

IV. PUBLIC COMMENT

As of the writing of this report no written public comment has been received.

V. RIGHT, TITLE AND INTEREST AND FINANCIAL/TECHNICAL CAPACITY

a. The owner of the property is Todd and Kelly Sniper. The applicant has provided a copy of a warranty deed, which demonstrates their right, title and interest in the property.

b. The applicant is only seeking for an approval to have a duplex on Lot 7 at this time and to amend the subdivision plat to state this. The duplex will be built at a later time.

VI. DEVELOPMENT REVIEW

SUBDIVISION (Section 14-497)

The proposed development has been reviewed by staff for conformance with the relevant review standards of Portland's Subdivision Ordinance and applicable regulations. Staff comments are listed below.

1. Will Not Result in Undue Water and Air Pollution (Section 14-497 (a) 1), and Will Not Result in Undue Soil Erosion (Section 14-497 (a) 4)

No changes

2. Sufficient Water Available (Section 14-497 (a) 2 and 3)

The total residential units will be increased by one. At the time of construction of the duplex, the applicant will need to provide this information as part of the applicant.

3. Will Not Cause Unreasonable Traffic Congestion (Section 14-497 (a) 5)

Tom Errico, Consulting traffic Engineer, did require an update of the Traffic report and finds the amendment to be acceptable.

4. Will Provide for Adequate Sanitary Sewer and Stormwater Disposal (Section 14-497 (a) 6), and Will Not Cause an Unreasonable Burden on Municipal Solid Waste and Sewage (Section 14-497 (a) 7)

Please see paragraph 3 above.

5. Scenic Beauty, Natural, Historic, Habitat and other Resources (Section 14-497 (a) 8)

No changes being proposed.

6. Comprehensive Plan (Section 14-497 (a) 9)

Consist with the R-5 zone and the Comprehensive Plan.

7. Financial Capability (Section 14-497 (a) 10)

The applicant is only seeking an approval to have a duplex on Lot 7 at this time and to amend the subdivision plat to state this. The duplex will be built at a later time.

VII. STAFF RECOMMENDATION

Subject to the proposed motions and conditions of approval listed below, Planning Division staff recommends that the Planning Board approve the proposed amendment.

VIII. PROPOSED MOTIONS

DEVELOPMENT REVIEW

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report #23-11 for application 2011-382 relevant to the Subdivision Plan and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board [Approves/denies] the amended subdivision plan for True Street Subdivision

(5-0)

Attachments:

Planning Board Report Attachments

1. Approval Letter of the Subdivision, dated 07.24.2008
2. Barbara Barhydt Letter to Amanda Kent, dated 07.26.2011

A - Applicant's Submittal
A.1 Cover Letter, dated 11.04.2011
A.2 Application
A.3 Warranty Deed

B - Site Plans
B.1 Existing Conditions Plan
B.2 Subdivision Plat Plan
B.3 Grading and Drainage Plan
B.4 Utilities Plan
B.5 Landscape Plan
B.6 Details
B.7 Details
B.8 Details
B.9 As-Built Survey
B.10 Amended Subdivision Plat

Please schedule this request before the City of Portland Planning Board at your earliest possible convenience. If you have any questions relative to the submission items or need additional information, do not hesitate to contact me.

1. One copy (1) of the Level III Site Plan Application, duly executed.
2. One copy (1) of the First Amended Subdivision Plat for True Street Subdivision.
3. One copy (1) of the First Amended Subdivision Plat for True Street Subdivision (reduced plan).
4. One Copy (1) of the original True Street approved plans (11" x 17").
5. One copy (1) of the Owner's Authorization to act as agent.
6. One (1) Application Fee. Check in the amount of \$25.00.
7. One (1) Disk of PDF files of submittal items.

Included in this package are the following collated items:

On behalf of our client, we are hereby submitting this application to amend the approved Subdivision Plat for True Street. As we have discussed, the purpose of this amendment is to allow for the construction of a duplex dwelling unit on Lot 7. As this project was previously approved and True Street has been built, we have noted that most of the required submittal items are on file. We have provided a reduced copy of the original plans for informational purposes.

Dear Ms. Barhydt:

First Amended Subdivision Plat - True Street Subdivision
True Street, Portland, ME (Tax Map 404-A-7)

Ms. Barbara Barhydt, Development Review Services Manager
City of Portland
Planning Department
389 Congress Street, 4th Floor
Portland, ME 04101

November 4, 2011
05207

Att. A-1

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



Engineering Expertise You Can Build On
Sebago Technologies

Ms. Barhydt

November 4, 2011

We thank you for your time and consideration in this matter.

A.la

Sincerely,

SEBAGO TECHNICS, INC.



Robert A. McSorley, P.E.
Senior Project Manager

RAM:ram/kn

Enc.

cc: Todd Sniper

A.16

Todd R. & Kelly O. Sniper
41 True Street
Portland, ME 04103

November 4, 2011

City of Portland
Planning Department
389 Congress Street, Room 315
Portland, ME 04101

First Amended Subdivision Plat – True Street Subdivision
True Street, Portland, ME (Tax Map 424-A-7)

To whom it may concern:

I hereby allow our consultant, Sebago Technics, Inc., to act as our agent and represent this Application before the City Planning Board for the above referenced property.
Please contact me if you have any questions regarding this property.

Sincerely,



Todd R. Sniper

PROJECT NAME: FIRST AMENDED SUBDIVISION PLAT - TRUE STREET SUBDIVISION

PROPOSED DEVELOPMENT ADDRESS:

True Street

PROJECT DESCRIPTION:

Amending plat from 3 years ago to allow duplex construction on Lot 7

CHART/BLOCK/LOT: 424/A/5

PRELIMINARY PLAN 11/4/11 (date)
FINAL PLAN 11/4/11 (date)

CONTACT INFORMATION:

<p>Applicant – must be owner, Lessee or Buyer</p> <p>Name: Todd & Kelly Sniper Business Name, if applicable: Address: 41 True Street City/State : Portland, ME Zip Code: 04103</p>	<p>Applicant Contact Information</p> <p>Work # Home# 207-773-6319 Cell # 207-838-8656 e-mail: tsniper@maine.rr.com Fax#</p>
<p>Owner – (if different from Applicant)</p> <p>Name: Address: City/State : Zip Code:</p>	<p>Owner Contact Information</p> <p>Work # Home# Cell # e-mail: Fax#</p>
<p>Agent/ Representative</p> <p>Name: Sebago Technics, Inc, c/o Robert A. McSorley, PE Address: P.O. Box 1339 City/State : P.O. Box 1339 Zip Code: 04098</p>	<p>Agent/Representative Contact information</p> <p>Work # 207-856-0277, ext. 278 Cell # e-mail: mcsorley@sebagotechnics.com</p>
<p>Billing Information</p> <p>Name: Todd & Kelly Sniper Address: Same as above City/State :</p>	<p>Billing Information</p> <p>Work # Cell # e-mail: Fax#</p>

A.2

Engineer Name: Sebago Technics, Inc, c/o Robert A. McSorley, PE Address: P. O. Box 1339 City/State : P. O. Box 1339 Zip Code: 04098	Engineer Contact Information Work # 207-856-0277, ext. 278 Cell # Fax# e-mail: rmcSorley@sebagoTechnics.com
Surveyor Name: Address: City/State : Zip Code:	Surveyor Contact Information Work # Cell # Fax# e-mail:
Architect Name: Address: City/State : Zip Code:	Architect Contact Information Work # Cell # Fax# e-mail:
Attorney Name: Address: City/State : Zip Code:	Attorney Contact Information Work # Cell # Fax# e-mail:

A. J. Jca

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

<p>Fees Paid (office use)</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>	<p>Other Reviews (check applicable reviews)</p> <p>Traffic Movement (\$1,000) _____</p> <p>Stormwater Quality (\$250) _____</p> <p>Subdivisions (\$500 + \$25/lot) _____</p> <p># of Lots 1 _____ x \$25/lot = \$25.00</p> <p>Site Location (\$3,000, except for residential projects which shall be \$200/lot) _____</p> <p># of Lots _____ x \$200/lot = _____</p> <p>Other _____</p> <p>Change of Use _____</p> <p>Flood Plain _____</p> <p>Shoreland _____</p> <p>Design Review _____</p> <p>Housing Replacement _____</p> <p>Historic Preservation _____</p>	<p>Fees Paid (office use)</p> <p>_____</p> <p>_____</p>	<p>Level III Development (check applicable reviews)</p> <p>Less than 50,000 sq. ft. (\$500.00) _____</p> <p>50,000 - 100,000 sq. ft. (\$1,000) _____</p> <p>100,000 - 200,000 sq. ft. (\$2,000) _____</p> <p>200,000 - 300,000 sq. ft. (\$3,000) _____</p> <p>over 300,000 sq. ft. (\$5,000) _____</p> <p>Parking lots over 100 spaces (\$1,000) _____</p> <p>After-the-fact Review (\$1,000.00 plus applicable application fee) _____</p> <p>-----</p> <p>The City invoices separately for the following:</p> <p>- Notices (\$.75 each) _____</p> <p>- Legal Ad (% of total Ad) _____</p> <p>- Planning Review (\$40.00 hour) _____</p> <p>- Legal Review (\$75.00 hour) _____</p> <p>Third party review is assessed separately.</p> <p>Plan Amendments (check applicable reviews)</p> <p>_____ Planning Staff Review (\$250)</p> <p>_____ Planning Board Review (\$500)</p>
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APPLICATION SUBMISSION

A:ac

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.

Until December 1, 2010, Submissions shall include seven (7) packets with folded plans containing the

following materials:

Seven (7) full size site plans that must be folded.

1. Seven (7) copies of all written materials as follows, unless otherwise noted:


- a. Application form that is completed and signed.
 - b. Cover letter stating the nature of the project.
 - c. All Written Submittals (Sec. 14-525 2. (c), including evidence of right, title and interest.
2. A stamped standard boundary survey prepared by a registered land surveyor at a scale not less than one inch to 100 feet.
 3. Plans and maps based upon the boundary survey and containing the information found in the attached sample plan checklist.
 4. Copy of the checklist completed for the proposal listing the material contained in the submitted application.
 5. One (1) set of plans reduced to 11 x 17.

Refer to the application checklist for a detailed list of submittal requirements.

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). Portland's Land Use Code is on the City's web site: www.portlandmaine.gov Copies of the ordinances may be purchased through the Planning Division.

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 Planning Authority and Code Enforcement'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.

This application is for a Level III Site Plan review. It is not a permit to begin construction. An approved site plan, a Performance Guarantee, Inspection Fee, Building Permit, and associated fees will be required prior to construction. Other Federal, State or local permits may be required prior to construction, which are the responsibility of the applicant to obtain.

Signature of Applicant: 	Date: 11/4/2011
--	--------------------

A. 2d

PROJECT DATA
 (The following information is required where applicable, in order complete the application)

Total Site Area	2.89 AC
Proposed Total Disturbed Area of the Site	on-file sq. ft.
(If the proposed disturbance is greater than one acre, then the applicant shall apply for a Maine Construction General Permit)	
IMPERVIOUS SURFACE AREA	
• Proposed Total Paved Area	on-file sq. ft.
• Existing Total Impervious Area	on-file sq. ft.
• Proposed Total Impervious Area	on-file sq. ft.
• Proposed Total Impervious Area	on-file sq. ft.
• Proposed Total Impervious Area	on-file sq. ft.
• Proposed Impervious Net Change	on-file sq. ft.
BUILDING AREA	
• Proposed Building Footprint	N/A sq. ft.
• Proposed Building Footprint Net change	N/A sq. ft.
• Existing Total Building Floor Area	N/A sq. ft.
• Proposed Total Building Floor Area	N/A sq. ft.
• Proposed Building Floor Area Net Change	N/A sq. ft.
• New Building	N/A (yes or no)
ZONING	
• Existing	R-5
• Proposed, if applicable	R-5
LAND USE	
• Existing	Residential
• Proposed	Residential
RESIDENTIAL, IF APPLICABLE	
• Proposed Number of Affordable Housing Units	N/A
• Proposed Number of Residential Units to be Demolished	N/A
• Existing Number of Residential Units	10
• Proposed Number of Residential Units	11
• Subdivision, Proposed Number of Lots	8
PARKING SPACES	
• Existing Number of Parking Spaces	N/A
• Proposed Number of Parking Spaces	N/A
• Number of Handicapped Parking Spaces	N/A
• Proposed Total Parking Spaces	N/A
BICYCLE PARKING SPACES	
• Existing Number of Bicycle Parking Spaces	N/A
• Existing Number of Bicycle Parking Spaces	N/A
• Proposed Number of Bicycle Parking Spaces	N/A
• Total Bicycle Parking Spaces	N/A
ESTIMATED COST OF PROJECT	
	N/A

A.2e

**General Submittal Requirements – Preliminary Plan (Optional)
Level III Site Plan
Preliminary Plan Phase Check List (if elected by applicant)**

Applicant Checklist	Planner Checklist	Number of Copies	Written Submittal Requirement
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7 (1 paper copy as of Dec. 1)	Completed application form
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Application fees
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7 (1 paper copy as of Dec. 1)	Written description of project
on file	<input type="checkbox"/>	7 (1 paper copy as of Dec. 1)	Evidence of right, title and interest.
N/A	<input type="checkbox"/>	7 (1 paper copy as of Dec. 1)	Copies of required State and/or Federal permits.
on file	<input type="checkbox"/>	7 (1 paper copy as of Dec. 1)	Written assessment of zoning.
on file	<input type="checkbox"/>	7 (1 paper copy as of Dec. 1)	Written description of existing and proposed easements or other burdens.
on file	<input type="checkbox"/>	7 (1 paper copy as of Dec. 1)	Written requests for waivers from individual site plan and/or technical standards, where applicable.
on file	<input type="checkbox"/>	7 (1 paper copy as of Dec. 1)	Traffic analysis (may be preliminary, in nature, during the preliminary plan phase).
on file	<input type="checkbox"/>	7 (1 paper copy as of Dec. 1)	Written summary of significant natural features located on the site.
on file	<input type="checkbox"/>	7 (1 paper copy as of Dec. 1)	Written summary of project's consistency with related city master plans.
on file	<input type="checkbox"/>	1 (1 paper copy as of Dec. 1)	Neighborhood Meeting Material (refer to page 13 of this application.)
on file	<input type="checkbox"/>	Number of Copies	Site Plan Submittal Requirements
on file	<input type="checkbox"/>	7 (1 paper copy as of Dec. 1)	Boundary Survey meeting the requirements of Section 13 of the City of Portland Technical Manual.
on file	<input type="checkbox"/>	7 (1 paper copy as of Dec. 1)	Preliminary Site Plan including the following: (*information provided may be preliminary in nature during preliminary plan phase):
on file	<input type="checkbox"/>		Existing and proposed structures with distance from property line (including location of proposed piers, docks or wharves if in Shoreland Zone).
on file	<input type="checkbox"/>		Location of adjacent streets and intersections and approximate location of structures on abutting properties.
on file	<input type="checkbox"/>		Proposed site access and circulation.
on file	<input type="checkbox"/>		Proposed grading and contours.
on file	<input type="checkbox"/>		Location and dimension of existing and proposed paved areas including all parking areas and vehicle, bicycle and pedestrian access ways.
on file	<input type="checkbox"/>		Preliminary landscape plan including existing vegetation to be preserved, proposed site landscaping and street trees.
on file	<input type="checkbox"/>		Existing and proposed utilities (preliminary layout).
on file	<input type="checkbox"/>		Preliminary infrastructure improvements (e.g. -curb and sidewalk improvements, roadway intersection modifications, utility connections, transit infrastructure, roadway improvements).
on file	<input type="checkbox"/>		Preliminary stormwater management and erosion control plan.
on file	<input type="checkbox"/>		Existing significant natural features located 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).

Final Plan Phase			
<input checked="" type="checkbox"/>	7 (1 paper copy as of Dec. 1)	Existing and proposed structures on the site with distance from property line (including location of proposed piers, docks or wharves if in Shoreland Zone).	on file
<input type="checkbox"/>		Location of adjacent streets and intersections and approximate location of structures on abutting properties.	on file
<input type="checkbox"/>		Proposed site access and circulation.	on file
<input type="checkbox"/>		Proposed grading and contours.	on file
<input type="checkbox"/>		Location and dimension of existing and proposed paved areas including all parking areas and vehicle, bicycle and pedestrian access ways. Proposed curb lines must be shown.	on file
<input type="checkbox"/>		Proposed loading and servicing areas, including applicable turning templates for delivery vehicles	on file
<input type="checkbox"/>		Proposed snow storage areas or snow removal plan.	on file
<input type="checkbox"/>		Proposed trash and recycling facilities.	on file
<input type="checkbox"/>		Landscape plan including existing vegetation to be preserved, proposed site landscaping and street trees.	on file
<input type="checkbox"/>		Existing and proposed utilities.	on file
<input type="checkbox"/>		Location and details of proposed infrastructure improvements (e.g. -curb and sidewalk improvements, roadway intersection modifications, utility connections, public transit infrastructure, roadway improvements).	on file
<input type="checkbox"/>		Proposed septic system, if not connecting to municipal sewer. (Portland Waste Water Application included in this application)	N/A

Applicant Checklist	Planner Checklist	Number of Copies	Written Submittal Requirement
<input type="checkbox"/>	<input type="checkbox"/>	1	Evidence of financial and technical capacity.
<input type="checkbox"/>	<input type="checkbox"/>	1	Evidence of utilities' capacity to serve the development.
<input type="checkbox"/>	<input type="checkbox"/>	1	Written summary of fire safety (referencing NFPA fire code and Section 3 of the City of Portland Technical Manual).
<input type="checkbox"/>	<input type="checkbox"/>	1	Construction management plan.
<input type="checkbox"/>	<input type="checkbox"/>	1	Traffic Plan (if development will (1) generate 100 or more PCE or (2) generate 25 or more PCE and is located on an arterial, within 1/2 mile of a high crash location, and/or within 1/4 mile of an intersection identified in a previous traffic study as a failing intersection).
<input type="checkbox"/>	<input type="checkbox"/>	1	Stormwater management plan.
<input type="checkbox"/>	<input type="checkbox"/>	1	Written summary of solid waste generation and proposed management of solid waste.
<input type="checkbox"/>	<input type="checkbox"/>	1	Written assessment of conformity with applicable design standards.
<input type="checkbox"/>	<input type="checkbox"/>	1	Manufacturer's verification that HVAC and manufacturing equipment meets applicable state and federal emissions requirements.

General Submittal Requirements – Final Plan (Required)
Level III Site Plan
Final Plan Phase Check list (including items listed above in General Requirements for Preliminary Plan, if applicant did not elect to submit for a preliminary plan review)

<input type="checkbox"/>	Proposed alterations to and protection measures for significant natural features located on the site (including wetlands, ponds, watercourses, floodplains, significant wildlife habits and fisheries or other important natural features listed in Section 14526 (b)1. of the Land Use Code).	on file
<input type="checkbox"/>	Existing and proposed easements or public or private rights of way.	on file

A. J. P.

A.29

<input type="checkbox"/>	N/A	Proposed finish floor elevation (FFE).
<input type="checkbox"/>	N/A	Exterior building elevation(s) (showing all 4 sides).
<input type="checkbox"/>	on file	Proposed stormwater management and erosion controls.
<input type="checkbox"/>	on file	Exterior lighting plan, including street lighting improvements.
<input type="checkbox"/>	N/A	Proposed signage.
<input type="checkbox"/>	on file	Identification of existing significant natural features located 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). Wetlands must be delineated.
<input type="checkbox"/>	on file	Proposed alterations to and protection measures for of existing significant natural features located 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"/>	on file	Total area and limits of proposed land disturbance.
<input type="checkbox"/>	on file	Soil type and location of test pits and borings.
<input type="checkbox"/>	N/A	Details of proposed pier rehabilitation (Shoreland areas only).
<input type="checkbox"/>	on file	Existing and proposed easements or public or private rights of way.

A.B

Shukria Wiar - True Street Subdivision Amendment

From: "Robert Mcsorley" <rmcsorley@sebagotechncs.com>
To: <SHUKRIA@portlandmaine.gov>
Date: 11/8/2011 11:23 AM
Subject: True Street Subdivision Amendment
CC: "Barbara Barhydt" <BAB@portlandmaine.gov>, "Todd Sniper" <tsnipr@maine...>
Attachments: Robert A. Mcsorley.vcf, 92991.pdf

Shukria,

Hope all is well. I am emailing the right, interest and title information that I inadvertently left out of our submittal for the amendment for the True Street Subdivision Plat. If you have not received the package yet, it will be coming from Barbara.

If you have any questions, don't hesitate to contact me.

Thanks, Rob Mcsorley

Robert A. Mcsorley, PE
Senior Project Manager

Sebago Technics, Inc.
An Employee Owned Company
 One Chabot Street
 P.O. Box 1339
 Westbrook, Maine 04098-1339
 tel: 207-856-0277 ext. 278 fax: 207-856-2206
 rmcsorley@sebagotechncs.com
 www.sebagotechncs.com

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MAINE REAL ESTATE TAX PAID

Quitclaim Deed Without Covenant
(Maine Statutory Short Form)

KNOW ALL MEN BY THESE PRESENTS THAT Darryl A. Card of 41 True Street, Portland, Cumberland County, State of Maine, for one dollar and other valuable consideration paid, grant to Todd R. Sniper of 257 State Street, Portland, Cumberland County, State of Maine, the land in Portland, Cumberland County, State of Maine, bounded and described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

IN WITNESS WHEREOF, I have hereunto set my hand this 15th day of January, 1997.

[Signature]
Darryl A. Card
Witness

STATE OF MAINE
COUNTY OF CUMBERLAND

On this 15th day of January, 1997, personally appeared before me the above-named Darryl A. Card, and acknowledged the foregoing to be his free act and deed.

[Signature]
Notary Public/Attorney at Law
Chandler Wilkins

My Commission Expires:

BK 12907Pg 330

02519

A.3a

8K12907P6331

EXHIBIT A

A certain lot of land, with any buildings thereon, situated in the East Deering District of the City of Portland in Cumberland County, State of Maine, bounded and described as follows:

Beginning at a point in the northerly side line of or formerly of the George Adams estate property, which point is distant six hundred (600) feet from the point where the said side line intercepts the easterly side line of Ocean Street; thence North 58° West by said Adams land two hundred (200) feet; thence North 32° East fifty (50) feet; thence South 58° East two hundred (200) feet; thence southerly in a direct line to the point of beginning.

Meaning and intending to describe and convey the same premises conveyed to Darryl A. Card by Quit-Claim Deed of Linwood R. Card and Charlotte R. Card dated August 20, 1981 and recorded in the Cumberland County Registry of Deeds in Book 4844, Page 337. Further reference is herein made to a joint life estate granted to Linwood R. Card and Charlotte R. Card in said deed. Said Linwood R. Card died on April 24, 1982. Said Charlotte R. Card died on May 30, 1996.

RECEIVED
REGISTERED REGISTRY OF DEEDS
97 JAN 16 AM 11:05
CUMBERLAND COUNTY
John R. Brown

A. 36

MAINE REAL ESTATE TAX PAID

A3c

WARRANTY DEED
Maine Statutory Short Form
JOINT TENANCY
KNOW ALL MEN BY THESE PRESENTS

THAT, WE, CLIFFORD A. CARD, of Sudbury, Massachusetts, and ANDREW T. CARD, of Billerica, Massachusetts,

for consideration paid, grant to TODD R. SNIPER and KELLY O. SNIPER, as joint tenants and not as tenants in common, and whose mailing address is: 41 True Street, Portland, Maine 04103 with warranty covenants, certain real estate situated in the City of Portland, County of Cumberland, State of Maine, described as follows:

Reference to Exhibit A attached hereto.

IN WITNESS WHEREOF, WE, CLIFFORD A. CARD and ANDREW T. CARD, hereby set our hands and seals this 16 day of June, 2004.

WITNESS:

[Signature]

[Signature]
CLIFFORD A. CARD
[Signature]
ANDREW T. CARD

State of Maine
Cumberland, ss.

Personally appeared the above-named CLIFFORD A. CARD and acknowledged the foregoing instrument to be his free act and deed.

Date: June 16, 2004

Before me,

[Signature]

Attorney at Law

Printed Name

[Signature]
Andrew Bradley

A.3d

Doc#: 53026 BK:21518 Pg: 61

Commonwealth of Massachusetts
Middlesex, ss.

Personally appeared the above-named ANDREW T. CARD and acknowledged the foregoing instrument to be his free act and deed.

Date: June 17, 2004

Before me,

Barbara M. Newman

Notary Public
~~Attorney at Law~~

Barbara M. Newman

Printed Name

My commission expires: 10/15/04

SEAL

A3e

Doc#: 53026 BK:21518 Pgs: 152

EXHIBIT A

A certain lot or parcel of land being situated on the easterly side of Ocean Avenue, in Portland, County of Cumberland, State of Maine, and being depicted as "Lot 1, Land To Be Reserved By Card, 1.27 Acres" on plan entitled "Townhomes at Ocean East, Ocean Avenue & Presumpscot Street, Portland, Cumberland County, Maine", dated July 17, 2002 and prepared by Coffin Engineering & Surveying, LLC, and recorded in the Cumberland County Registry of Deeds in Plan Book 204, Page 48.

Being a portion of the same premises conveyed to the Grantors herein, Clifford A. Card and Andrew T. Card by deed recorded in the Cumberland County Registry of Deeds in Book 6739, Page 136.

Received
Recorder of Deeds
Jul 08:2004 11:45:35A
Cumberland County
John B. O'Brien

Applicant's Submittal



Strengthening a Remarkable City, Building a Community for Life - www.portlandmaine.gov

Att. 1a

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

July 24, 2008

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

Rob McSorely, 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".

1b

- ii. Note 13 on the Subdivision Plat shall state "pre-existing non-conforming structures regarding lot lines" rather than " "
- 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.

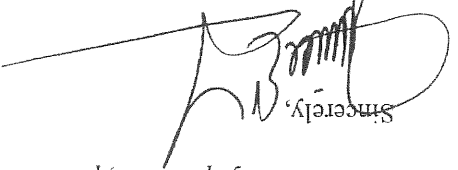
- 8. If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

Philip DiPietro, Development Review Coordinator, must be notified five (5) working days prior to date

12

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.

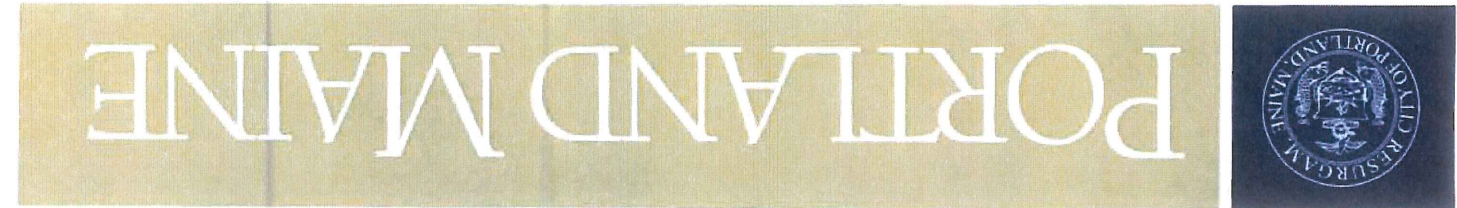
If there are any questions, please contact Shukria War at 756-8083 or shukriaw@portlandmaine.gov

Sincerely,

Janice Tevaman, 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 Jaegeman, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Shukria War, Planner
Philip Diferro, 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 Erico, Wilbur Smith Consulting Engineers
Dan Goyette, Woodard & Curran
Assessor's Office
Approval Letter File
Hard Copy: Project File



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Planning and Urban Development Department
Penny St. Louis, Director

Planning Division
Alexander Jaegerman, Director

July 26, 2011

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

RE: True Street Subdivision

Dear Amanda:

Thank you for your e-mail to Shukria Wiar dated July 11, 2011 (Attachment J). We understand that you are disappointed with our conclusion that an amendment to the True Street subdivision plan may be required if two-family homes are proposed on the new lots. This letter is intended to respond to your questions and outline the applicable ordinance and statutory provisions.

1. 681 Ocean Ave. Sale - Two-Family Homes

The status of 681 Ocean Avenue as a two-family home was reviewed and confirmed as a legally grandfathered duplex by the Zoning Specialist. Any other existing two-family home in the True Street subdivision may be grandfathered, if the unit was 'legal' at the time of the approval of the subdivision. This, of course, is a fact dependent question and will have to be determined by the Zoning Specialist.

2. Lot vs. Units in a Subdivision Ordinance

Next, you asked whether or not the construction of a duplex on a vacant lot within the True Street Subdivision triggers further subdivision approval. You specifically indicated you are not changing the approved plan or the intent of the development and "no lots are being split or not meeting zoning/building requirements." Although you are correct that a two-family home complies with the R-5 zoning requirements, the subdivision plan was originally reviewed as an eight (8) lot subdivision for single family homes. Given this change from single family to two-family homes, the following provisions of the City Code and Maine law have been triggered:

Section 14-492 Jurisdiction of the City's Subdivision Ordinance states:

This article shall govern each and every subdivision of land within the limits of the city unless specifically exempted in section 14-508. When application is made for the resubdividing of a previously recorded subdivision under the provisions of these regulations, it shall be treated as a new subdivision provided the applicant is the owner of rights in the recorded subdivision.

In addition, according to Section 14-493 of the City Code of Ordinance- Definitions and 30-A MRS § 4401 (4) (Municipal Subdivision Law), a subdivision is defined as

the division of a lot, tract or parcel of land into three (3) or more lots, including lots of forty (40) acres or more, within any five-year period whether accomplished by sale, lease, development, buildings or otherwise and as further defined in 30-A M.R.S.A. Section 4401. The term subdivision shall include the division of a new structure or structures on a tract or parcel of land into three (3) or more dwelling units within a five-year period and the division of an existing structure or structures previously used for commercial or industrial use into three (3) or more dwelling units within a five-year period. The area included in the expansion of an existing structure is deemed to be a new structure for the purposes of this paragraph. A dwelling unit shall include any part of a structure which, through sale or lease, is intended for human habitation, including single-family and multifamily housing condominiums, time-share units and apartments.

Finally, 30-A M.R.S. § 4406 (1)(E) of the Maine Municipal Subdivision Law, states that a person cannot sell, lease, develop or building upon or convey for consideration, or agree to sell, lease, develop, build upon or convey for consideration any land or dwelling unit that has not been approved in a subdivision.

As a result of the above, any new lot or unit being added to an approved subdivision within the five-year period triggers further review by the City's Planning Board.

It is unfortunate that we did not understand the full scope of your development plans as we would have addressed the total potential number of units at that time. Shukria reviewed the project file and the documents submitted on the applicants' behalf did not state that the proposed development/ construction on these lots were to be two-family homes. Although the intention of the two-family homes may have been shared at a meeting, Shukria was unable to find any written documentation of this intent in any communication to the City or at the neighborhood meeting (Attachment 2). I have also included Shukria's correspondence to Rob McSorely, Sebago Technics (Attachment 3) and his response (Attachment 4) regarding the subdivision.

The approval for the True Street subdivision was granted on July 22, 2008, so the aforementioned five year period ends in 2013. If you have more immediate plans for construction, you may apply for an amendment to the True Street subdivision plan. The proposed revisions could be scheduled for a public

The Attorney General, the municipality or the planning board of any municipality may institute proceedings to enjoin a violation of this subchapter.

1. Sales or other conveyances. No person may sell, lease, develop, build upon or convey for consideration, or offer or agree to sell, lease, develop, build upon or convey for consideration any land or dwelling unit in a subdivision that has not been approved by the municipal reviewing authority of the municipality where the subdivision is located and approved under Title 38, chapter 3, subchapter 1, article 6, where applicable, and subsequently recorded in the proper registry of deeds.

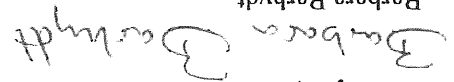
E. Any person who, after receiving approval from the municipal reviewing authority or approval under Title 38, chapter 3, subchapter 1, article 6 and recording the plan at the registry of deeds, constructs or develops the subdivision or transfers any lot in a manner other than depicted on the approved plans or amendments or in violation of any condition imposed by the municipal reviewing authority or the Department of Environmental Protection, when applicable, must be penalized in accordance with section 4452.

2a

hearing with the Planning Board and you would not need to hold a public hearing. A note on the plan indicating the maximum number of units that could be built and created within the subdivision may be the primary change required on the plat. The traffic information would need to be updated to address the increase in the number of units.

The rules for subdividing property are complicated and I am sorry that your intention to build duplexes was not clear at the time of review. We are interested in accommodating your plans under the provisions of the City's ordinances and Maine law, should you decide to proceed. If you have any questions, please do not hesitate to contact me.

Thank you,



Barbara Barhydt
Development Review Services Manager

Attachments:

1. Email Correspondence from Amanda Kent Dated 07.11.2011
2. Neighborhood Meeting Minutes Dated 07.10.2008
3. Shukria's Correspondence to Rob McSorely Dated 05.02.2008
4. Rob McSorely's Response Letter Dated 06.04.2008

cc:

Penny St. Louis, Director of Planning & Development
Alexander Jaegerman, Planning Division Director
Danielle West-Chuhra, Associate Corporation Counsel
Marge Schmuckal, Zoning Administrator
Shukria Wiar, Planner

ac

From: Nicholas & Amanda Kent <appleyard@maine.rr.com>
 Shukria Wiar <SHUKRIAW@portlandmaine.gov>, Barbara Barhydt <BAB@portlandmaine.gov>, Marge Schmuckal <MES@portlandmaine.gov>
 Stacy Dean <deans@mhc.org>, <migs@maine.rr.com>, Robert McSorley <rmcsorley@sebagotech.com>, Todd Sniper <tsniper@maine.rr.com>
Date: Monday, July 11, 2011 1:27 PM
Subject: True Street Subdivision Questions

Hi Shukria-

Thank you so much for meeting with me last Friday. I am writing to reiterate what we spoke about that afternoon.

There are two different issues that have come up. As the coordinator of the original True Street project I am addressing them for our entire group.

1. 681 Ocean Ave. Sale

Stacy Dean's home has been, according to our understanding of the zoning rules and our research, a two family since before 1957. Ann Machado should be emailing you today with her determination on 681 Ocean's two family status. If this is the case as we understand it, the change of use paperwork should never have been filed in the first place, requiring planning's involvement.

2. The Second Issue - Lot vs Unit

In reviewing the Stacy Dean situation, the issue of lot vs unit has come to our attention as it relates to the True Street subdivision. Our understanding at the time of creating, processing and approving the True Street subdivision was that we needed to do all of the splitting of land at the time of creating the subdivision. We were told that if a lot was to be split into two new lots after the subdivision was approved, the lot owner would need to go before planning again, which would cost more money and time. It was recommended that we create the plan as we intended to use it to avoid any needed changes to the approved subdivision plan in the future.

We spent extra time and money trying to address all of the questions involved in splitting the land correctly the first time so once we were approved, we would not have to go through the planning board in the future. We understood that any lot in our subdivision that was not an existing home, would be subject to all of the zoning and building requirements per our zone if and when a lot was developed. Utilities were stubbed out and built based on our subdivision plan which took into account what zoning would allow, and the potential needs if a two unit were developed in the future.

We know in the future lots #7 and #4 will be developed. This was intended from the very start of the project and always was a possibility that one might be a two family. We were told that these could be developed without going through any additional planning review as long as we were going through the zoning and building inspection's regular review.

You explained to me the issue of a single lot that is split into multiple units, so it falls within subdivision approval. They would need additional approval if that subdivision plan changed and additional units to the single lot were being added. But I do not believe this relates to our subdivision plan since we are not changing the approved plan or intent. We would be moving forward as we initially intended, presented and were approved. No lots are being split or not meeting zoning/building requirements.

Thank you for your time and consideration.

Amanda Kent

272-0621
appleyard@maine.rr.com

ad

TRUE STREET SUBDIVISION

Neighborhood Meeting Minutes

Thursday July 10, 2008, 6:30 pm

Washington Gardens, 66 Pembroke Street, Portland

Attending from the neighborhood: Elizabeth Wise, Catherine & James Chase, Gretchen Drown

Introductions

Todd Sniper introduced Amanda & Nicholas Kent, managers of the True Street subdivision project, Royce Gould, homeowner, and Rob McSorley, Project Engineer from Sebago Technics.

Overview of Project

Rob McSorley Gave a concise overview of the project, stating that the 4 homeowners have come together to clean up their existing neighborhood by creating a new city street, enabling the current homes to have simple access to utilities, enabling city services to have improved access to their homes, making current lots conforming, and creating three new building lots.

He went on to describe the previous submittal to the city of Portland (spring 2005), and the advances that have come from that initial workshop and subsequent interactions with planning staff and public services employees.

He also described the specific requirements for the new True Street, and the desire to retain as much of the neighborhood feeling as possible, via greenspace, tree coverage, and the implementation of underground utilities. He also stated that the new utility access and stormwater tie in will clean up a variety of difficult maintenance issues.

Also, Sebago Technics has worked hard with Storey Brothers, the road contractor of Ocean Avenue, to stub out utilities from Ocean Avenue while the road is currently open.

Questions & Answers

Q. (James Chase) Will there be street lights?

A. (Rob McSorley) Verified there will be two, of the hooded variety, and explained the spacing in the city guidelines.

Q. (Gretchen Drown) What is a nonconforming lot?

A. (Rob) Described the requirements of a conforming lot, and the concept of legally non-conforming grandfathered lots.

Q. (Ms. Drown) What is the construction timetable?
A. (Rob) Upon planning approval of the subdivision plan, the construction of True Street can begin, with expected completion before mid-November 2008.

Q. (Mr. Chase) Why does True Street have to have granite curbing, when Gratton Street doesn't?
A. (Rob) The Portland guidelines for new road construction were explained, and the utility of granite curbing for maintenance crews was described.

Q. (Ms. Drown) What happens when the new road is finished?
A. (Rob) The City of Portland will accept and maintain the new street, upon inspection approval.

Q. (Elizabeth Wise) Will there be houses constructed on the new lots? Have architects been hired?
A. (Amanda Kent) Lot 4 will be built upon by the Kents, and lot 7 is anticipated to have new construction. Lots 2 and 6 are not anticipated to have construction, and will be retained by the abutting owners (Giguere and Sniper, respectively). The time frame for these buildings was discussed. No architect or plans have been defined.

Q. (Catherine Chase) What will happen to the wetlands?
A. (Rob) Some of the wetlands will be filled to allow road construction, and will be within the allowable amount without permitting. The shallow pond on Mr. Gould's land will be retained.

Q. (Ms. Wise) Will there be blasting?
A. (Rob) Depending on the nature of the ledge encountered, there may be jack-hammering or blasting.

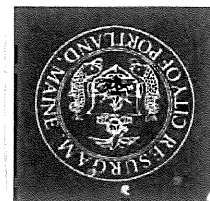
Q. (Ms. Drown) Where will the new trees be placed?
A. (Rob) The tree positions on the blueprints were pointed out, and input from the neighbors was solicited.

Q. (Mr. Chase) Will there be signs placed referring to True Street as "Not a Thru Street", "Dead End", or "Children at Play"?
A. (Rob) We will request placement of signage, indicating that it is not a thru street.

Ms. Drown and the Chases commended the neighbors for all of their hard work and cooperation in making this project happen. Mr. McSorley acknowledged that in his twenty years of experience, it is very unique and unusual.

Closing

In conclusion, the neighbors were invited to communicate with any of the parties involved via calling the Kents.



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Planning and Development Department
Lee D. Urban, Director
Planning Division
Alexander Jaegerman, Director

May 2, 2008

Rob McSorely, P.E.
Senior Project Manager
Sebago Technics, Inc
PO Box 139
Westbrook, ME 04098-1339
Amanda Kent
True Street Neighborhood
691 Ocean Avenue
Portland, ME 04101

**Re: Major Site Plan Review and Subdivision at True Street
Application #2005-0274; CBL 424 A005001**

Dear Mr. McSorely,

Thank you for your letter of April 7, 2008 submitting an application for Site Plan and Subdivision review of the proposed eight lot residential subdivision on True Street.

As you and the applicants are aware, this proposal raises a number of unusual issues because of the history of the area and the other unique features as set out in the submission. However, the street design and need for emergency access to all lots present constraints that the proposals do not fully address and the following comments outline the City staff concerns.

Proposed redesign of True Street

The main concern is the design of True Street, which is proposed to be designed and constructed to serve the existing four homes and four additional lots). The proposed street design presents an unusual lot configuration and the turnaround is too far from the end of the road. The staff recommends that the street be revised, so that a reasonable lot layout and street access may be achieved. This could be accomplished by making the street longer and providing adequate street frontage for the lots. This would necessitate the relocation of, the garage for lot 5. Please see the attached sketch as a guide. A turnaround that is 30' from the end of the street will need to be provided. While the staff cannot predict the final decision of the Planning Board, these changes would bring the plan closer to compliance with the City's subdivision standards.

The project narrative states the curb cuts on Ocean Avenue will be removed but the site plan does not reflect this; this should be corrected on the site plan. This will address both the Fire Department and Planning Division issues and comments. Detailed concerns are:

1. Show vehicle access to lots 2 and 7.

af

29

2. There are no sidewalks being proposed, applicant will need to submit a cover letter asking for this waiver and addressing the specific criteria for sidewalk waiver (see attachment).
3. The project narrative indicates that the Lot 1 driveway and curb cut to Ocean Avenue will be removed. The plans should indicate the removal of the curb cut and the necessary repairs to Ocean that will be required.
4. A curb cut and driveway to Ocean Avenue is shown for Lot 8. The plans show a driveway entrance from True Street to Lot 8, so the removal of the Ocean Avenue curb cut should be indicated on the plans.
5. Existing and proposed utility connections should be clearly shown on the plans. Utility connections for the existing buildings on lots 1 and 8 are not shown. Each lot's sewer connection will require a separate permit. It is recommended that services be installed for each lot, including the ones not developed as part of this project, so that future street opening permits will not be required.

Zoning Comments:

6. Some of the lots do not meeting the current zoning setbacks; the following are the lots that have envelopes that are nonconforming:
 - a. Lot #1 has been given that the front faces Ocean Avenue. The given envelope does not meet current zoning requirements.
 - b. Lot #3 the envelope is wrong for front setback along the driveway of the abutting lot #4.
 - c. Lot #8 the envelope is not showing a 15' side yard setback on a side Street for an existing building facing Ocean Ave.
7. Note 8B states that the applicant is requesting a waiver of a minimum space requirement. Could you please explain this note?
8. Note 8B also states that applicant is requesting a waiver for all setbacks for the residential zone R-5 for the existing structures only. Marge Schmuckal has reviewed the plans the existing building in the proposal meet the zoning ordinance dimensional requirements of the R-5, therefore this section of the note can be removed.

Department of Public Works comments:

9. The applicant should confirm that the survey for the project coincides with approved City standards. The survey needs to be tied to the vertical datum of NAD 1929. Also, the project needs to be tied to the Maine State Plane Coordinate System (2-zone projection), West Zone using the NAD 1983 (HARN) Datum and the U.S. Survey Foot as the unit of measure. This should be indicated on the survey.
10. Catch basins should have 3' sump depths. The current catch basin detail states that the sump depth "varies".

11. Casco traps are required on catch basins. A detail should be provided, and the installation of the casco trap should be included on the catch basin detail.

12. The manhole and catch basin details should indicate that adjustments to grade will be made with a minimum of 3 courses of brick and a maximum of 8 courses of brick, in conformance with City of Portland Standards.

13. The proposed curb tip down is not in conformance with City of Portland standards. A 6" minimum length should be used, and the tipdown reveal at the driveway should be modified to show a 1" reveal and driveway lip in conformance with City standards.

14. As it is shown, catch basin 3 will be installed outside of the Lot 8 boundary. Does an easement exist for the construction of this yard drain? If the applicant can not show rights to drain onto their neighbors property the applicant should connect in to the new storm drain system currently being installed in Ocean Avenue.

15. The applicant has proposed that the wetland in lot 8 will serve as a detention basin, connected to the existing 12" clay outfall. More grading information should be provided to show how water will be directed from the wetland area to the yard drain (CB3) at the 12" pipe.

Other Issues

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

16. A lighting plan has not been provided.

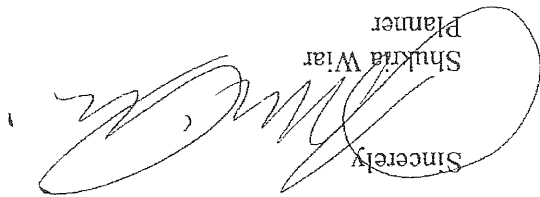
17. Submit a subdivision plat for review. The applicant proposes to reconfigure the existing four (4) lots at the site into an eight (8) lot subdivision. According to Section 14-493 of the City Code of Ordinances - Definitions, a subdivision is defined as:

... The division of a lot, tract or parcel of land into three (3) or more lots, including lots of forty (40) acres or more, within any five-year period whether accomplished by sale, lease, development, buildings or otherwise and as further defined in 30-A M.R.S.A. Section 4401. The term subdivision shall also include the division of a new structure or structures on a tract or parcel of land into three (3) or more dwelling units within a five-year period and the division of an existing structure or structures previously used for commercial or industrial use into three (3) or more dwelling units within a five-year period. The area included in the expansion of an existing structure is deemed to be a new structure for the purposes of this paragraph. A dwelling unit shall include any part of a structure, which, through sale or lease, is intended for human habitation, including single-family and multifamily housing condominiums, time-share units and apartments.

18. The City's Technical Standards regarding the provision of street trees has been applied in this type of subdivision to require two street trees per lot. For this proposal a total of sixteen (16) trees would be required. Please show this on the landscaping plan.

2!

If you have any questions, please do not hesitate to contact me on (207) 756-8083 or at shukriaw@portlandmaine.gov

Sincerely,

Shukria Wiar
Planner

cc: Barbara Barhydt, Development Review Manager
Alexander Jaegerman, Director, Planning Division
Michael Farmer, Project Engineer
Marge Schmuckal, Zoning Administrator

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

Attachment 4

June 4, 2008
05207

Shukria Wiar, Planner
City of Portland
Planning Department
389 Congress Street
Portland, ME 04101

Major Site Plan Review and Subdivision at True Street
Application #2005-0274; CBL 424 A005001

Dear Ms. Wiar:

Thank you for your letter dated May 2, 2008 providing us with City review comments on the above referenced project, and also for meeting with us (May 19, 2008) to discuss the project. After hearing your comments and concerns, and consulting with our clients, we have addressed these comments and revised our plans accordingly.

First, we have modified the roadway layout, based on City comments, as follows:

- The road has been lengthened by 20 feet.
- The hammerhead turnaround has been shifted easterly, to 60 feet from the end of the road.
- The property lines for Lots 3-7 have been modified to provide easier access for emergency vehicles.

We have also addressed your written comments as described below.

Responses:

1. Show vehicle access to Lots 2 and 7.

Vehicle access to Lots 2 and 7 is currently shown on Sheet 4 of 9 and Sheet 5 of 9, the Grading & Drainage Plan and Utility Plan

2. There are not sidewalks being proposed, applicant will need to submit a cover letter asking for this waiver and addressing the specific criteria for sidewalk waiver (see attachment).

A request for a waiver of this requirement is included on the Subdivision Plan (Sheet 3 of 9) as Note 8A. A separate letter will also be provided as part of the application.

OK

- 3. The project narrative indicates that the Lot 1 driveway and curb cut to Ocean Avenue will be removed. The plans should indicate the removal of the curb cut and the necessary repairs to Ocean that will be required.
- 4. The plans have been modified to reflect the removal of this curb cut. If the True Street Subdivision is approved prior to the completion of the Ocean Avenue Improvement project, the contractor has indicated that the removal of the curb cut will be completed in conjunction with that project.
- 5. A curb cut and driveway to Ocean Avenue is shown for Lot 8. The plans show a driveway entrance from True Street to Lot 8, so the removal of the Ocean Avenue curb cut should be indicated on the plans.
- 6. The existing garage on Lot 8 faces Ocean Ave. Therefore the existing curb cut along Ocean Ave., and driveway to the garage, will remain. The proposed curb cut along True Street for Lot 8 provides access to an existing gravel parking/storage area behind the garage. This has been labeled for clarification.
- 7. Existing and proposed utility connections should be clearly shown on the plans. Utility connections for the existing buildings on Lots 1 and 8 are not shown. Each lot's sewer connection will require a separate permit. It is recommended that services be installed for each lot, including the ones not developed as part of this project, so that future street opening permits will not be required.
- 8. The plans have been revised to show the approximate locations of the existing utility service lines for Lots 1 and 8. These lots are currently served from Ocean Avenue and no change is proposed. Locations of proposed utility service connections for the remainder of the lots are currently shown on the Utility Plan, Sheet 5 of 9. These will be installed during construction of True Street.
- 9. Zoning Comments:
- 6. Some of the lots do not meet the current zoning schedule; the following are the lots that have envelopes that are nonconforming.
 - a. Lot #1 has been given that the front faces Ocean Avenue. The given envelope does not meet current zoning requirements.
 - b. The setbacks for Lot 1 have been revised per telephone conversation between Marge Schmuckal and Rob McSorley on May 27, 2008. From setback is along Ocean Avenue and side street setback is along True Street.
 - c. Lot #3 the envelope is wrong for front setback along the driveway of the abutting Lot #4.
 - d. The setbacks for Lot 3, 4 & 6 have been revised per telephone conversation between Marge Schmuckal and Rob McSorley on May 27, 2008. From setback

for Lot 3 is along True Street frontage. Front setbacks for Lots 4 & 6 are along property line that would be adjacent to True Street right-of-way extension.

c. Lot #8 the envelope is not showing a 15' side yard setback on a side street for an existing building facing Ocean Avenue.

The setbacks for Lot 8 have been revised per telephone conversation between Marge Schmuckal and Rob McSorley on May 27, 2008. Side Street setback has been shown for Lot 8.

7. Note 8B states that the applicant is requesting a waiver of a minimum space requirement. Could you please explain this note?

This note has been removed and Note 13 relative to the existing structures has been added.

8. Note 8B also states that applicant is requesting a waiver for all setbacks for the residential Zone R-5 for the existing structures only. Marge Schmuckal has reviewed the plans of the existing building in the proposal to meet the zoning ordinance dimensional requirements of the R-5, therefore this section of the note can be removed.

This note has been removed and Note 13 relative to the existing structures has been added.

Department of Public Works Comments:

9. The applicant should confirm that the survey for the project coincides with approved City standards. The survey needs to be tied to the vertical datum of NGVD 1929. Also, the project needs to be tied to the Maine State Plane Coordinate System (2-zone projection), West Zone using the NAD 1983 (HARN) Datum and the U.S. Survey Foot as the unit of measure. This should be indicated on the survey.

The subdivision plat and plans conform to City of Portland requirements as requested.

10. Catch basins should have 3' sump depths. The current catch basin detail states that the sump depth "varies".

The detail has been revised as requested.

11. Casco traps are required on catch basins. A detail should be provided, and the installation of the casco trap should be included on the catch basin detail.

A casco trap detail has been added as requested.

12. The man hole and catch basin details should indicate that adjustments to grade will be made with a minimum of 3 courses of brick and a maximum of 8 courses of brick, in conformance with City of Portland Standards.

27

13. The proposed curb tip down is not in conformance with City of Portland standards. A 6' minimum length should be used, and the tipdown reveal at the driveway should be modified to show a 1" reveal and driveway lip in conformance with City standards.
The detail has been revised as requested.

14. As it is shown, Catch Basin 3 will be installed outside of the Lot 8 boundary. Does an easement exist for the construction of this yard drain? If the applicant can not show rights to drain onto their neighbors property the applicant should connect into the new storm drain system currently being installed in Ocean Avenue.
The storm drain system has been revised to connect into the new Ocean Ave. system as recommended by Mike Farmer, Portland Public Works, during a meeting with City staff on May 19, 2008.

15. The applicant has proposed that the wetland in Lot 8 will serve as a detention basin, connected to the existing 12" clay outfall. More grading information should be provided to show how water will be directed from the wetland area to the yard drain (CB3) at the 12" pipe.
The applicant is no longer proposing to use the wetland in Lot 8 as a detention basin. See response to Comment 14 above.

Other Issues:

16. A light plan has not been provided.

Two street lights will be provided along True St. and details has been added to the detail sheet.

17. Submit a subdivision plat for review. The applicant proposes to reconfigure the existing four (4) lots at the site into an eight (8) lot subdivision. According to Section 14-493 of the City Code of Ordinances - Definitions, a subdivision is defined as:

The division of a lot, tract or parcel of land into three (3) or more lots, including lots of forty (40) acres or more, within any five-year period whether accomplished by sale, lease, development, buildings or otherwise and as further defined in 30-A M.R.S.A. Section 4401. The term subdivision shall also include the division of a new structure or structures on a tract or parcel of land into three (3) or more dwelling units with a five-year period and the division of an existing structure or structures previously used for commercial or industrial use into three (3) or more dwelling units within a five-year period. The area included in the expansion of an existing structure is deemed to be a new structure for the purposes of this paragraph. A

jm

dwelling unit shall include any part of a structure, which, through sale or leased, is intended for human habitation, including single-family and multi-family housing condominiums, time-share units and apartments.

The Subdivision Plan has been relabeled as Subdivision Plat and additional required information has been added.

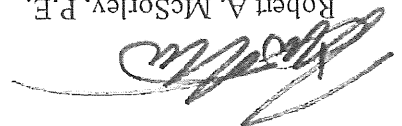
- 18. The City's Technical Standards regarding the provision of street trees has been applied in this type of subdivision to require two street trees per lot. For this proposal a total of sixteen (16) trees would be required. Please show this on the landscaping plan.

The landscaping plan has been changed to indicate the proposed number of trees to be planted (10), trees to be preserved (14) and the total trees required (16).

Included in this re-submittal are seven (7) copies of the revised plans as well as one copy of a reduced copy of the plans (11" x 17"). Please proceed with scheduling this project for the Planning Board workshop of June 24, 2008 as discussed.

Sincerely,

SEBAGO TECHNICS, INC.



Robert A. McSorley, P.E.
Senior Project Manager

RAM:ram/dlf

cc: Amanda and Nicholas Kent
Mike Farmer, Portland Public Works Dept.
Captain Greg Cass, Portland Fire Dept.

27

Memorandum
Department of Planning and Urban Development
Planning Division



To: Phil DiPierro- Development Review Coordinator

Assessor's Office
Marge Schmuckal- Zoning Administrator
Bill Clark- Public Services- Mylar and Paper Copy

From: Shukria Wiar, Planner

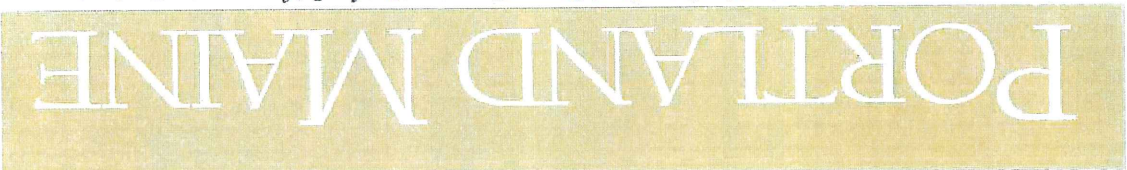
Date: January 10, 2012

RE: Recorded Amended Subdivision Plat for True Street

The attached is the recorded subdivision plat for the True Street Subdivision. Lot #7 was amended to include a duplex, therefor the total residential units has increased by one unit.

If you have any questions, please contact me.

Thanks.



Planning & Urban Development Department
Gregory A. Mitchell, Acting Director

Planning Division
Alexander Jaegerman, Director

December 13, 2011

Todd and Kelly Sniper
41 True Street
Portland ME 04103
Sebago Technics, Inc.
Attention: Robert A. McSorley, PE
PO Box 1339
Westbrook, ME 04098

Project Name: Amendment to True Street Subdivision
Address: Lot #7 of the Subdivision
Applicant: Todd and Kelly Sniper
Planner: Shukria Wiar
Project ID: 2011-382
CBL: 404-A-7

On November 22, 2011, the Portland Planning Board considered an amendment to the approved Subdivision Plan for True Street to construct a duplex (2 units) instead of a single family home on Lot #7. The Planning Board reviewed the proposal for conformance with the standards of the Subdivision Ordinance. The Planning Board voted 5-0 (Patterson and Silk absent) to approve the application.

SUBDIVISION REVIEW
The Planning Board voted 5-0 (Patterson and Silk absent) to approve the amended subdivision plan for True Street Subdivision.

The approval is based on the submitted plans and the findings related to Portland's subdivision review standards as contained in Planning Report #23-11 for application 2011-382 which is attached.

STANDARD CONDITIONS OF APPROVAL

Please note the following standard conditions of approval and requirements for all approved subdivision plans:

1. **Mylar Recording Plat** A revised recording plat listing all conditions of subdivision approval must be submitted for review and signature. Seven (7) copies of the registered Mylar plan must be submitted to and approved by the Planning Division and Public Services Department prior to the release of a building permit, street opening permit or certificate of occupancy for site plans. If you need to make any modifications to the approved plans, you must submit a revised site plan application for staff review and approval.

2. **Modifications to an Approved Subdivision:** The subdivision shall be constructed in accordance with the approved plans. Modification of an approved subdivision plan requires the prior review and approval of an amended subdivision plan by the Planning Board or Planning Authority.

3. Separate Building Permits Required This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.

4. Department of Public Services Permits 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.)

5. As-Built Final Plans 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.

6. Mylar As-Built Final Plans Mylar copies of the as-built drawings for the public streets and other public infrastructure in the subdivision must be submitted to the Public Services Department prior to the issuance of a certificate of occupancy.

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

Sincerely,

Joe Lewis, Chair

Portland Planning Board

- Attachments:
1. Planning Board Report
2. Performance Guarantee Packet

Electronic Distribution:

- Penny St. Louis, Director of Planning and Urban Development Department
Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Services Mgr, Planning
Shukria Wiar, Planner
Phillip DiPietro, Development Review Coordinator, Planning
Marge Schmuckal, Zoning Administrator, Inspections Division
Tammy Munson, Inspection Division Director,
Lannie Dobson, Administration, Inspections Division
Michael Bobinsky, Director, Public Services
Katherine Earley, Engineering Services Mgr., Public Services
Bill Clark, Project Engineer, Public Services
David Margolis-Pineo, Deputy City Engineer, Public Services
Jane Ward, Administration, Public Services
Capt. Chris Pirone, Fire Department
Jeff Tarling, City Arborist, Public Services
Thomas Erico, P.E., T.Y. Lim Associates
David Senns, P.E., Woodard & Curran
Assessor's Office
Approval Letter File

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

AFFIDAVIT 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

me.

of True Street was without the permission of and without obstruction by my parents or entire length of True Street for motor vehicle transit and turn-around purposes. Such use elementary school) to 1997, individuals unknown to me were observed by me using the

10. From as far back as I can remember (and from at least the time that I started parents' (and later my) driveway.

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

and knocked over the street sign. the northerly intersection of True Street and Ocean Avenue after a City snowplow bent relocated by the City from the southerly intersection of True Street and Ocean Avenue to Street on Ocean Avenue. I specifically remember a time when the street sign was elementary school) to 1997, the City maintained a street sign at the entrance to True

8. From as far back as I can remember (and from at least the time that I started or Ocean Avenue area property owners.

This work was performed by the City without the obstruction of the same by True Street seeking the permission of, or reimbursement from, property owners along True Street. and the addition of gravel to True Street. This work was performed by the City without of the City's acts of maintenance that I have observed included the grading of True Street elementary school) to 1997, the City maintained True Street with City equipment. Some

7. From as far back as I can remember (and from at least the time that I started property owners.

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

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. Daggett
Notary Public/Attorney at Law

Sally S. Daggett
Print Name

AFFIDAVIT 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.

- 6. From 1985 to date, the City of Portland (the "City") has kept True Street clear of snow and ice each winter. This work has been performed by the City without seeking the permission of, or reimbursement from, the property owners along True Street. This work has been performed by the City without obstruction by True Street or Ocean Avenue area property owners.
- 7. From 1985 to date, the City has maintained True Street with City equipment. Some of the City's acts of maintenance that I have observed include the grading of True Street, the addition of gravel to True Street and the trimming of trees and bushes along True Street. This work has been performed by the City without seeking the permission of, or reimbursement from, property owners along True Street. This work has been performed by the City without the obstruction of the same by True Street or Ocean Avenue area property owners.
- 8. My husband's and my property is currently accessed solely by a gravel driveway running east from Ocean Avenue. On at least two occasions when I have observed City Public Works Department crews performing maintenance work on True Street, I have approached those employees in the field and inquired whether they could either grade and/or add gravel to our driveway while they were in the neighborhood. In each instance, the City employees have informed me that they could not perform work on a private property.
- 9. On June 30, 2005, I visited the City's Public Works Department and spoke with an employee named Rick Meserve. He indicated to me that the City has been snowplowing and maintaining True Street with City equipment for as long as he has worked for the City. He indicated to me that he has worked for the City for 11 years. From at least 1985 to date, the City has maintained a street sign at the entrance to True Street on Ocean Avenue.
- 11. 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. 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: Amanda M. Kent
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,

Sally J. Daggert
Notary Public/Attorney at Law

Sally J. Daggert
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.

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

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 L. Duggell
Sally L. Duggell
Notary Public/Attorney at Law

Sally S. Duggell
Sally S. Duggell
Print Name

Application ID Number: 2005-0274

Department: Fire [] Status: Approved with Conditions Reviewer: Cptn Greg Cass

Approval Date: 01/02/2006 Expiration Date: 01/02/2007 Extension Date: []

Comments: []

OK to Issue Permit Name: [] Date: [] Date 2: []

Conditions Section:

- Add New Condition From Default List
- Add New Condition
- Delete Condition

Fire hydrants required every 500 feet, Starting from the closest hydrant.

Fire dept. Access and egress to be addressed.

Create Date: 01/02/2006 By: cassg Update Date: 01/02/2006 By: cassg

Delete Review Save C

Attachment E

Attachment F

CORPORATE OFFICES: Maine, Massachusetts, New Hampshire, Connecticut, Florida
Operational offices throughout the U.S.



MEMORANDUM

05-274

TO: Kandi Talbot, City of Portland Planner
FROM: Dan Goyette, PE – Development Review Coordinator, Woodard & Curran, Inc.
DATE: January 20, 2006
RE: True Street Subdivision

Woodard & Curran has reviewed the Subdivision Sketch Plan submission for the proposed project at True Street, off of Ocean Avenue. The project involves the creation of an eight lot subdivision.

Documents Reviewed

- City of Portland Subdivision Plan Application for True Street Subdivision, dated December 22, 2005.

1. Stormwater Management

A. The applicant has indicated that the existing driveway access controls stormwater runoff through the use of shallow swales and wetlands on both sides of the road connected by a culvert. The existing conditions site plan does not indicate the swales or culvert.

B. The existing driveway is 12 feet wide. The proposed street is 28 feet wide. The applicant has not determined the volume or indicated how the additional stormwater runoff from the expanded street will be handled.

C. The applicant has proposed directing runoff to the wetlands. The topography of the land south of the proposed subdivision has not been shown. It is unclear if the stormwater from the subdivision will cause the lots to the south of the development to flood.

D. A stormwater manhole has been indicated on the plans approximately 150 feet north of the proposed subdivision street. The applicant is proposing not to tie in to the existing collection system due to their desire not to install curbing and sidewalks along the proposed street.

2. Roadway Construction and Layout

A. The cross section provided on the sketch plan for the proposed street indicates that the shoulders are to be loamed and seeded. The site plan and supporting narrative indicate that the shoulders are to be gravel. This discrepancy should be corrected.

B. The proposed swales and culverts have not been indicated on the site. Also, the proposed grading associated with the street construction has not been shown. Therefore, the wetland impact limits shown on the plans may be inaccurate.

C. The applicant has proposed installing a double hammerhead turnaround at the end of the street. The City requires a single hammerhead. The installation of the second hammerhead appears to be the applicants' way of providing adequate street frontage for a proposed lot.

- D. The use of a double hammerhead results in an additional wetland impact of 1,500 square feet. This additional wetland impact can be eliminated by using a single hammerhead as required.
- E. The shared driveway for Lots 3 and 4, and the shared driveway for Lots 5, 6 and 7 are shown as 12 feet wide. The driveways are required to be at least 24 feet wide so that vehicles may pass by one another when traveling in opposite directions.
- F. The driveways accessing the hammerheads appear to have a very tight radius. It is not clear if emergency, or service vehicles such as oil trucks, will be able to access the driveways from the hammerheads.
- G. The elimination of the driveway for Lot 1 from Ocean Avenue should be considered. By accessing the lot from the subdivision street it will provide for added safety.
- H. Site distances for the subdivision street have not been indicated.
- I. The applicant is requesting a waiver from the street construction standards which require the installation of sidewalks and curbing. The Portland Public Works Department will be consulted in regards to the waiver request.

3. Utilities

- A. The applicant has not provided information on the utilities for the proposed subdivision therefore no comments can be made at this time.

4. General Engineering

- A. Lots 4 and 6 are odd shaped (flag shaped) lots. The lots are this shape so they will meet the street frontage criteria. The applicant should look at other possible street layouts to avoid these odd shaped lots.
- B. The applicant may wish to consider constructing a looped street rather than a double hammerhead to gain frontage. This would negate the need to install 24 foot wide driveways and provide for more traditionally shaped lots. It would also provide for open space within the loop, consistent with the communal feel of the neighborhood.
- C. A soils map for the proposed development has not been provided.
- D. A landscaping plan has not been provided.
- E. A lighting plan has not been provided.

DRG
203848.09
cc: File

Attachment 5

From: Jean Fraser
To: Betts, Danielle
Date: 3/13/2006 4:43:57 PM
Subject: Fwd: True St. subdivision - R-5 Zone

Danielle,

As this is a subdivision and there will be a PLAT, Marge is looking ahead to future lot purchasers and what they might want to do. I don't think these are fundamental issues.

Jean

>>> Marge Schmuckal 3/6/2006 4:51:27 PM >>>

Jean,

I have reviewed the proposed subdivision for True Street. My comments relate to the building envelopes shown on the submittal. Envelopes are not a requirement of zoning. However, I see some things that may be misleading to the future development of the lots.

Lot #1: If the existing building faces Ocean Avenue, then there are no zoning issues.

Lot #2: The lot and envelope meet current zoning requirements.

Lot #3: The front setback facing True Street is not the required 20'. It should be revised to show a minimum 20' front yard and rear yard setback facing True street.

Lot #4: The zoning ordinance states that the orientation of the house relating to the street shall determine the front, rear and sides. Because of the shape of this lot, I am uncertain where the front of the house will be located. I suggest at this stage that a 20' setback be shown completely around the area that will be built upon. When an application with a proposal comes in, the setbacks can be adjusted to meet the ordinance.

Lot #5: The given envelope should be revised to begin where the lot is 60' in required lot width and not just at 20' from the street property line.

Lot #6: I refer to my comments ofn lot #4 in regards to future setbacks and the orientation of the house. All envelope setbacks should be at 20' at this time. Also there should be an envelope adjustment to eliminate the rear 51.91' projection from a buildable area for a principal structure. The lot width is less than the minimum 60' requirement.

Lot #7: I have the same question about filled in wetlands for this lot. The shown envelope is somewhat silly. One dimension reduces down to less than 5' in width. The narrow end of the envelope should probably be removed.

Lot #8: I am uncertain if the wetlands area is being asked to be filled in. If it is not permitted to be filled in, then the envelope should not be shown extending into the wetlands. If the existing building faces Ocean Avenue, then there are no zoning issues.

Jean, I would be glad to show you my marked up plan to further explain my comments.

Marge Schmuckal
Zoning Administrator



PORTLAND MAINE

Strengthening a Remarkable City, Building a Community for Life www.portlandmaine.gov

Attachment H.

Planning and Development Department
Lee D. Urban, Director

Planning Division
Alexander Jaegerman, Director

March 22, 2006

Danielle D. Betts, P.E.
Senior Project Manager
Sebago Technics, Inc
PO Box 139
Westbrook, ME 04098-1339

Dear Ms Betts,

Re: Major Site Plan Review and Subdivision at True Street
Application #2005-0274; CBL 424 A005001

Thank you for your letter if December 22, 2005 submitting an application for Site Plan and Subdivision review of the proposed eight lot residential subdivision on True Street. As you and the applicants are aware, this proposal raises a number of unusual issues because of the history of the area and the other unique features as set out in the submission. However, the wetlands and need for emergency access to all lots present constraints that the proposals do not fully address and the following comments outline our concerns.

Proposed redesign of True Street

The main concern is the design of True Street, which is proposed to be upgraded to serve the existing four homes and four additional homes (the revision to the existing lots creates 4 buildable lots). The City would expect the proposed road to meet the City standards which are intended to ensure safe emergency access (ability to pass if a vehicle is parked on the roadway), allow snowplowing and snow storage, and minimize unnecessary cost of maintenance. Detailed concerns are:

a) The width of the paved roadway at 22 feet does not meet the City's standard of 28 feet wide. This width is particularly important in this case where the roadway will be at a higher level than the surrounding land and all passing must take place in the roadway. Staff do not support a waiver of the proposed road way width.

b) The City requires turnarounds at the end of dead end streets to either be a single hammerhead or a cul-de-sac. The proposed double hammerhead is not justified here on traffic grounds as it serves only to create street frontage for Lot 4.

c) The shared driveways need to have less tight radii and increased widths that allow emergency (fire apparatus) access. I suggest further discussion of these once the True Street design is revised to be acceptable.

d) I note your request for waivers for both the sidewalks and curbs along True Street. The main issues will be whether the proposed 4 foot wide shoulder constitutes a safe alternative walking route and whether satisfactory stormwater management can be achieved without the curbs. The Planning Board will determine whether the waivers can be granted in this case.

In addition to the comments regarding the proposed improvements to True Street, there are a number of other issues that need to be resolved as part of this Review:

Stormwater Management

e) The Development Review Coordinator requires further information on the existing conditions and stormwater management measures proposed in order to assess the impact of stormwater runoff from the proposed road/proposed building lots on the wetlands and on neighboring properties. Please see the attached note for details.

Other Issues

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

- f) Existing and proposed utilities
- g) Site distances for the proposed True Street egress onto Ocean Avenue
- h) Location of buildings on parcels abutting the site
- i) Existing soil conditions
- j) Landscape Plan including preservation measures to be employed and reinstatement planting where vegetation will be disturbed
- k) Lighting Plan
- l) Clarification as to the fronts of existing and proposed houses so that zoning setbacks can be confirmed (see comments from the Zoning Administrator of 3.6.06)
- m) Evidence of financial and technical capability
- n) Evidence of title, right and interest
- o) More information re the wetlands, the areas of infill, their future protection and any required permits.

If you have any questions, please do not hesitate to contact me on (207) 874 8728 or at jf@portlandmaine.gov.

Sincerely,



Jean Fraser
Planner

Cc Eric Labelle, City Engineer; Jim Commodity, Traffic Engineer; Dan Goyette, DRC; Tom Errico, Traffic Engineer; Marge Schmuckal, Zoning Administrator; Jeff Tarling, City Arborist; Sarah Hopkins, Development Review Manager

Attachment I

From: "Thomas Errico" <terrico@wilbursmith.com>
To: "Jean Fraser" <JF@portlandmaine.gov>
Date: 3/23/2006 10:41:15 AM
Subject: True Street

Jean--

I have a conducted a review of the proposed project and would ask that the applicant conduct a sight distance evaluation for the proposed roadway. A sidewalk should be provided on Ocean Avenue. Consideration should be given to relocating driveway curb cuts on Ocean Avenue to True Street. This seems possible for Lot 1. I would note that generally I am not concerned about the traffic impacts from the additional residential units on the area roadway system. As I indicated to you, I am assuming that Eric Labelle will be commenting on the acceptance of True Street as it relates to width and circulation.

Please contact me if you have any questions.

Thomas A. Errico, P.E.
 Senior Transportation Engineer
 Wilbur Smith Associates
 59 Middle Street
 Portland, Maine 04101
 (207) 871-1785 Phone
 (207) 871-5825 Fax

CC: "James Carmody" <JPC@portlandmaine.gov>

Attachment J

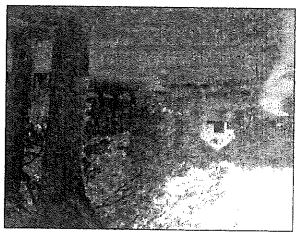
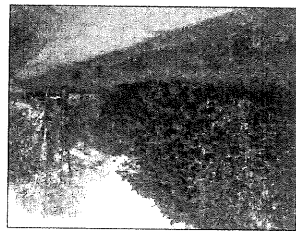
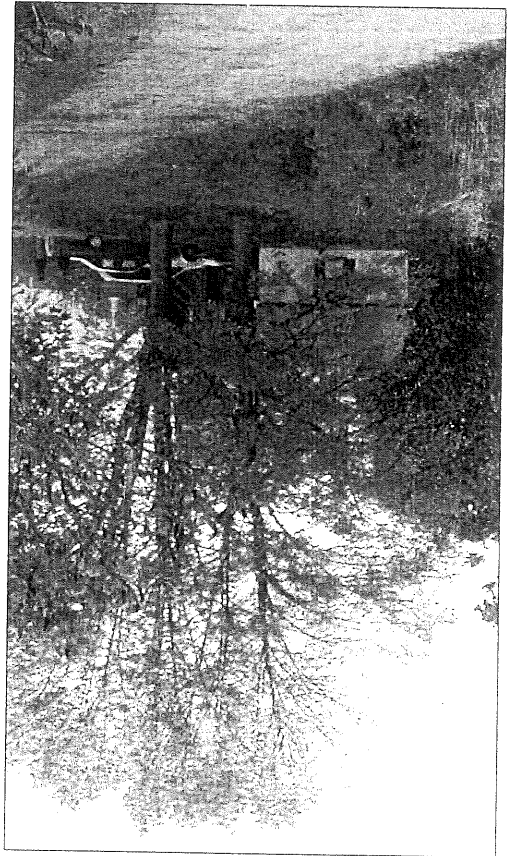
TRUE STREET SUBDIVISION

PREPARED FOR:

True Street Neighborhood
41 True Street, Portland, ME 04103

PREPARED BY:

Sebago Technics, Inc.
One Chabot Street, P. O. Box 1339, Westbrook, ME 04098-1339



City of Portland
Subdivision Plan Application
Sketch Plan

December 22, 2005

Attachment K

CERTIFICATION

THIS SURVEY PLAN CONFORMS TO THE

MAINE BOARD OF LICENSURE FOR

PROFESSIONAL LAND SURVEYORS STANDARDS

Richard W. Eaton
 RICHARD W. EATON P.L.S. # 2076

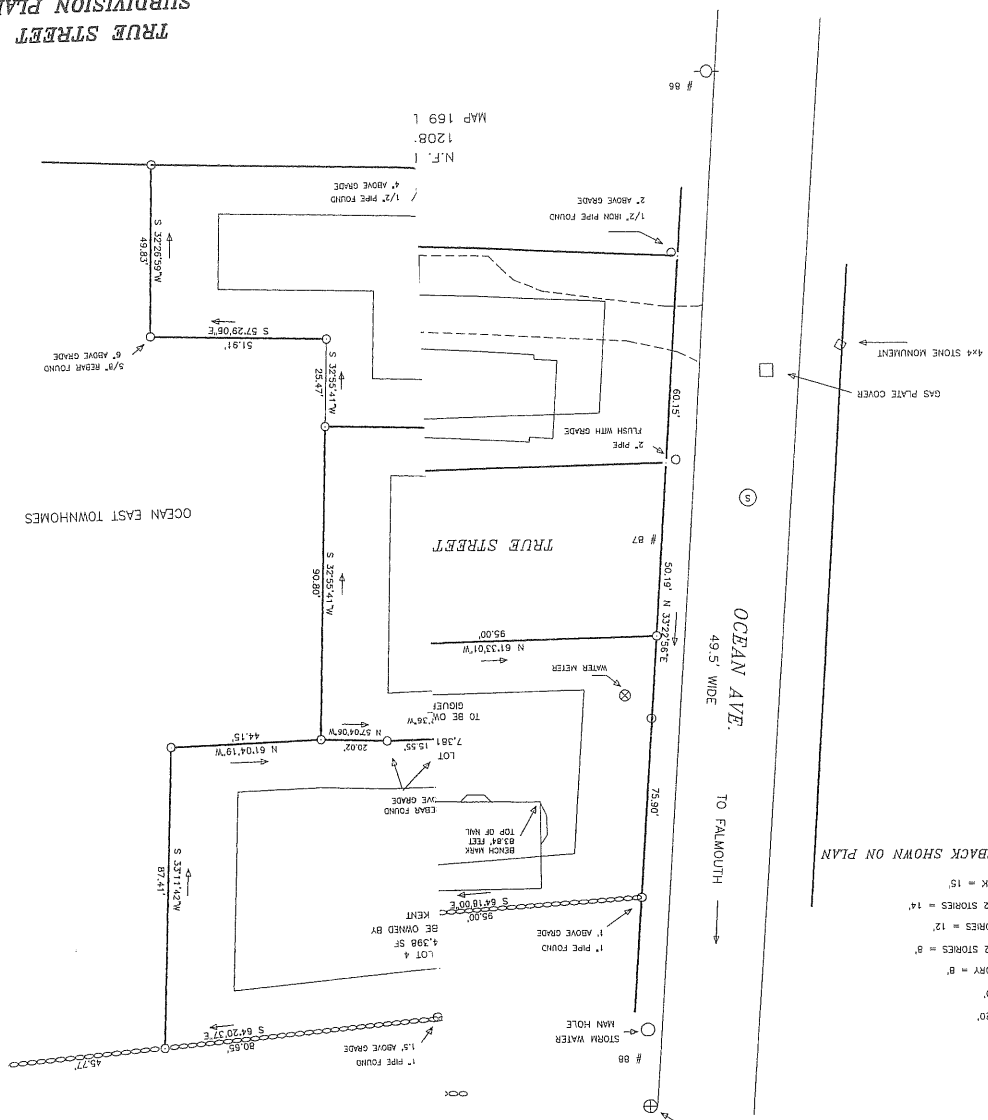
NOTES:

ELEVATION FROM NORTHEAST FLANGE
 OF HYDRANT OCEAN AVE. IN FRONT OF HELSTONE CONDO
 63.74'

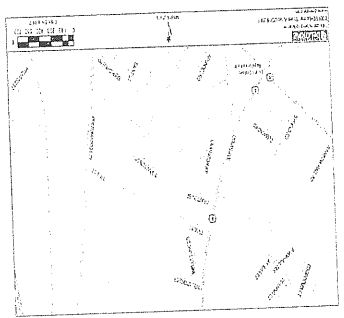
TOTAL AREA 125,834 SQUARE FEET

2.89 ACRES

- MAXIMUM SETBACK SHOWN ON PLAN
- ZONE R-5
 - FRONT SET BACK = 20'
 - REAR SET BACK = 20'
 - SIDE SET BACK 1 STORY = 8'
 - SIDE SET BACK 1 1/2 STORES = 8'
 - SIDE SET BACK 2 STORES = 17'
 - SIDE SET BACK 2 1/2 STORES = 14'
 - SIDE STREET SET BACK = 15'



LOCATION



SURVEY BY _____ RECEIVED _____
 SS RE _____ AT _____
 H _____ M _____ P _____
 RECORDED IN PLAN BOOK _____
 WESTBROOK, MAINE 04092
 APRIL 15, 2005 REVISED SEPTEMBER 29, 2005

DEED REFERENCE:
 MARC GIGUERRE AMANDA MCQUIDDY KENT TODD SNIPER
 STACY DEAN NICHOLS KENT KELLY SNIPER
 OWNED BY _____

STATE OF MAINE
 TRUE STREET
 SUBDIVISION PLAN

LAND LOCATED ON TRUE STREET OFF OCEAN AVE.
 BOOK 12400 PAGE 151
 BOOK 21518 PAGE 160 BOOK 12907 PAGE 330-333
 BOOK 6863 PAGE 1 BOOK 16270 PAGE 259

From: "Danielle Betts" <dbetts@sebagotechncs.com>
To: "Jean Fraser" <JF@portlandmaine.gov>
Date: 4/12/2006 10:35:29 AM
Subject: RE: True Street Subdivision

Jean,

I have spoken to the applicants and their intention at this time is to proceed with preparation of full design documentation. We understand we will be taken off the workshop agenda until a complete package has been submitted and reviewed by staff.

Thank you,

Danielle

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

From: Jean Fraser [mailto:JF@portlandmaine.gov]
Sent: Wednesday, April 12, 2006 10:31 AM
To: Danielle Betts
Cc: SH@portlandmaine.gov
Subject: RE: True Street Subdivision

Danielle,

Further to my previous e-mail, I am assuming that your clients do not wish to take this forward at this time since I have not received any further information on the proposals (eg drainage details and other basic info even if they wished to proceed with the same proposal).

The application had been included on the April 25th Workshop Agenda but I believe the Board have indicated that the next workshop needs to have all the relevant information; we need time to review it before the memo needs to be written next week.

So could you please confirm that you and the clients understand that in view of no further information being submitted, the proposal will be taken off the April 25th PB workshop agenda.

Thanks,
 Jean

>>> "Danielle Betts" <dbetts@sebagotechncs.com> 3/30/2006 12:00:25 PM
 >>> Thanks, I will check with the applicants and get back to you. Danielle

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

From: Jean Fraser [mailto:JF@portlandmaine.gov]
Sent: Thursday, March 30, 2006 11:55 AM
To: Danielle Betts
Subject: True Street Subdivision

Hello Danielle,

Just to follow up the Planning Board Workshop on Tuesday-

We have scheduled another Workshop for the True Street Subdivision proposal for April 25th and would be grateful to know whether the applicants wish to take this forward and whether we should hold this place on the 4.25 agenda.

I appreciate that much depends on the resolution of the True Street design and that you need to sort that out with Eric Labelle.

Also it would be worth clarifying whether the Snyder's garage was being relocated or rebuilt.

Let me know if there is anything I can do to help the applicants with this project.

Jean

PS Re the driveway widths the DRC has agreed to a reduction in width but first wanted to see how long they might be if a redesign was being undertaken.

CC: <SH@portlandmaine.gov>, "05207"<05207@SEBAGOTECHNICS.COM>

From: Jean Fraser
To: Betts, Danielle
Date: 3/30/2006 11:55:04 AM
Subject: True Street Subdivision

Hello Danielle,

Just to follow up the Planning Board Workshop on Tuesday-

We have scheduled another Workshop for the True Street Subdivision proposal for April 25th and would be grateful to know whether the applicants wish to take this forward and whether we should hold this place on the 4.25 agenda.

I appreciate that much depends on the resolution of the True Street design and that you need to sort that out with Eric Labelle.

Also it would be worth clarifying whether the Snyper's garage was being relocated or rebuilt.

Let me know if there is anything I can do to help the applicants with this project.

Jean

PS Re the driveway widths the DRC has agreed to a reduction in width but first wanted to see how long they might be if a redesign was being undertaken.

Workshop 3.28.06

Traffic Street Opening Comments

- ① Request for subdivision approval by current occupiers of homes on the site who have given consideration thought to their proposal after several discussions w/ staff.
- ② Recomp'gulation of lots to create 8 lots in total of which 4 can accommodate new dwellings - all would conform to current zoning requirements.
- ③ Applicants have outlined reasons why the proposed improvements of the street should not be to the detriment of city standards which are more appropriate to urban developments.

* ERIC LABREUE, CITY ENGINEER, IS RESISTANT AND PROVIDES FURTHER COMMENTS
 This area is more rural in character and they seek a more low intensive road design.

The applicants have submitted documentation concerning the existing status of the street. The density benchmark is not needed for turning that does allow for change requirements to be met for the 2 easterly most lots.

Appears to have an impact on setbacks on the site but need more information to assess this issue. The applicant does need to submit more information and will also need a neighborhood meeting, but the workshop largely focuses on the purpose of the lots and the extent to which the street needs to be designed to meet city standards.

St frontage 50'
 lot width 60'
 lot size 6000'

fr

From: "Thomas Errico" <terrco@wilbursmith.com>
To: "Jean Fraser" <JF@portlandmaine.gov>
Date: 3/23/2006 10:41:15 AM
Subject: True Street

Jean--

I have a conducted a review of the proposed project and would ask that the applicant conduct a sight distance evaluation for the proposed roadway. A sidewalk should be provided on Ocean Avenue. Consideration should be given to relocating driveway curb cuts on Ocean Avenue to True Street. This seems possible for Lot 1. I would note that generally I am not concerned about the traffic impacts from the additional residential units on the area roadway system. As I indicated to you, I am assuming that Eric Labelle will be commenting on the acceptance of True Street as it relates to width and circulation.

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Thomas A. Errico, P.E.
 Senior Transportation Engineer
 Wilbur Smith Associates
 59 Middle Street
 Portland, Maine 04101
 (207) 871-1785 Phone
 (207) 871-5825 Fax

CC: "James Carmody" <JPC@portlandmaine.gov>

Applied to be kept informed
as far as possible -
have checked in several
times since workshop.

John & Elizabeth Wise

Elizabeth Wise
thank you

it will be very difficult for working people to attend a 3:30 pm meeting... please consider that many towns hold these meetings in the evening to allow neighbors to attend.

>>> "John & Elizabeth Wise" <jewise@maine.rr.com> 3/22/2006 8:58:36 PM >>>
we would like to request a copy of the plans for the 8 lot subdivision adjacent to our home. if you can send a PDF file, that is fine, else I can come by to pick up.

(207) 874 8728

Jean (Fraser)
Planner

Please let me know whether you would like me to leave a set of plans for you at Planning Reception (4th floor City Hall) or whether you would prefer that I send you a set of plans and the submission (they would go out today so I guess you would have them on Monday).

No decisions are taken at the Workshop - it is a fact finding discussion with all parties able to make their points. The final decision as to whether to approve or not is taken at a Hearing which is an evening meeting. This has not been scheduled and there may be a second Workshop as so much information is missing from the application and many city standards are not being met.

The 3:28 meeting is a Workshop and these are always at 3:30; if you are not able to attend you can send me an e-mail that day and I will copy and circulate it to the Board so they are aware of your views.

You are welcome to pick them up or I can mail them.

We do not (and usually don't have) the plans on pdf- they are 11X17 sheets.

Hello,

From: Jean Fraser
To: Wise, John & Elizabeth
Date: 3/23/2006 9:15:37 AM
Subject: Re: True Street Planning Mtg

MODE = MEMORY TRANSMISSION START=MAR-22 10:33 END=MAR-22 10:34

FILE NO.=129

STN NO. COMM. ABBR NO. STATION NAME/TEL NO. PAGES DURATION
001 OK a 98562206 003/003 00:01:12

-CITY OF PORTLAND -

***** -PLANNING DEPT. - ***** 2077568258-*****



City of Portland
Department of Planning and Development
Planning Division
389 Congress Street, 4th Floor
Portland ME 04101
(207)874-8721 or (207)874-8719
Fax: (207)756-8258

FAX

To: Danielle D. Betts RE.

Company: Sebago Technica Inc.

Fax #: 856-2206

Date: March 22, 2006

From: Dan Fraser

You should receive 3 page(s) including this cover sheet.

Comments:

(Danielle),
Sorry for delay on this but I believe you were
aware of the content last week.
Call me if any questions.

If any revised plans to show the Board (eg re
Three St layout) I need them in pdf tomorrow
(Thurs) morning at the latest - otherwise it will
go to the Board as submitted.

from.

City of Portland
 Department of Planning and Development
 Planning Division
 389 Congress Street, 4th Floor
 Portland ME 04101
 (207) 874-8721 or (207) 874-8719
 Fax: (207) 756-8258

FAX



To: Danielle D. Betts PE.

Company: Sebago Technics Inc.

Fax #: 856-2206

Date: March 22, 2006

From: Dan Fraser

You should receive _____ page(s) including this cover sheet. 3

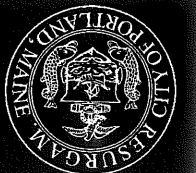
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 go to the Board as submitted.

dan.

URREVIT



PORTLAND MAINE

Strengthening a Remarkable City, Building a Community for Life  www.portlandmaine.gov

Planning and Development Department
Lee D. Urban, Director

Planning Division
Alexander Jaegerman, Director

Danielle D. Betts, P.E.

Senior Project Manager

Sebago Technics, Inc

PO Box 139

Westbrook, ME 04098-1339

Dear Ms Betts,

Re: Major Site Plan Review and Subdivision at True Street
Application #2005-0274; CBL 424 A005001

Thank you for your letter of December 22, 2005 submitting an application for Site Plan and Subdivision review of the proposed eight lot residential subdivision on True Street.

As you and the applicants are aware, this proposal raises a number of unusual issues because of the history of the area and the other unique features as set out in the submission. However, the wetlands and need for emergency access to all lots present constraints that the proposals do not fully address and the following comments outline our concerns.

Proposed redesign of True Street

The main concern is the design of True Street, which is proposed to be upgraded to serve the existing four homes and four additional homes (the revision to the existing lots creates 4 buildable lots). The City would expect the proposed road to meet the City standards which are intended to ensure safe emergency access (ability to pass if a vehicle is parked on the roadway), allow snowplowing and snow storage, and minimize unnecessary cost of maintenance. Detailed concerns are:

a) The width of the paved roadway at 22 feet does not meet the City's standard of 28 feet wide. This width is particularly important in this case where the roadway will be at a higher level than he surrounding land and all passing must take place in the roadway. Staff do not support a waiver of the proposed road way width.

b) The City requires turnarounds at the end of dead end streets to either be a single hammerhead or a cul-de-sac. The proposed double hammerhead is not justified here on traffic grounds as it serves only to create street frontage for Lot 4.

c) The shared driveways need to have less tight radii and increased widths that allow emergency (fire apparatus) access; I suggest further discussion of these once the True Street design is revised to be acceptable.

d) I note your request for waivers for both the sidewalks and curbs along True Street. The main issues will be whether the proposed 4 foot wide shoulder constitutes a safe alternative walking route and whether satisfactory stormwater management can be achieved without the curbs. The Planning Board will determine whether the waivers can be granted in this case.

In addition to the comments regarding the proposed improvements to True Street, there are a number of other issues that need to be resolved as part of this Review:

Stormwater Management

e) The Development Review Coordinator requires further information on the existing conditions and stormwater management measures proposed in order to assess the impact of stormwater runoff from the proposed road/proposed building lots on the wetlands and on neighboring properties. Please see the attached note for details.

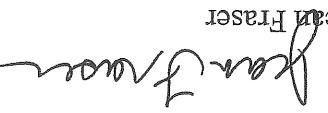
Other Issues

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

- f) Existing and proposed utilities
- g) Site distances for the proposed True Street egress onto Ocean Avenue
- h) Location of buildings on parcels abutting the site
- i) Existing soil conditions
- j) Landscape Plan including preservation measures to be employed and reinstatement planting where vegetation will be disturbed
- k) Lighting Plan
- l) Clarification as to the fronts of existing and proposed houses so that zoning setbacks can be confirmed (see comments from the Zoning Administrator of 3.6.06)
- m) Evidence of financial and technical capability
- n) Evidence of title, right and interest
- o) More information re the wetlands, the areas of infill, their future protection and any required permits.

If you have any questions, please do not hesitate to contact me on (207) 874 8728 or at jf@portlandmaine.gov.

Sincerely,


Jean Fraser

Planner

Cc Eric Labelle, City Engineer; Jim Commodity, Traffic Engineer; Dan Goyette, DRC; Tom Errico, Traffic Engineer; Marge Schmuckal, Zoning Administrator; Jeff Tarling, City Arborist; Sarah Hopkins, Development Review Manager

Planning and Development Department
Lee D. Urban, Director

Planning Division
Alexander Jaegerman, Director

Danielle D. Betts, P.E.
Senior Project Manager
Sebago Technics, Inc
PO Box 139
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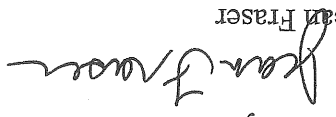
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- m) Evidence of financial and technical capability
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- o) More information re the wetlands, the areas of infill, their future protection and any required permits.

If you have any questions, please do not hesitate to contact me on (207) 874 8728 or at jf@portlandmaine.gov.

Sincerely,



Jean Fraser
Planner

Cc Eric Labelle, City Engineer; Jim Commody, Traffic Engineer; Dan Goyette, DRC; Tom Errico, Traffic Engineer; Marge Schmuckal, Zoning Administrator; Jeff Tarling, City Arborist; Sarah Hopkins, Development Review Manager

Danielle,

From: Jean Fraser
To: Betts, Danielle
Date: 3/13/2006 4:43:57 PM
Subject: Fwd: True St. subdivision - R-5 Zone

As this is a subdivision and there will be a PLAT, Marge is looking ahead to future lot purchasers and what they might want to do. I don't think these are fundamental issues.

Jean

>>> Marge Schmuckal 3/6/2006 4:51:27 PM >>>

Jean,

I have reviewed the proposed subdivision for True Street. My comments relate to the building envelopes shown on the submittal. Envelopes are not a requirement of zoning. However, I see some things that may be misleading to the future development of the lots.

Lot #1: If the existing building faces Ocean Avenue, then there are no zoning issues.

Lot #2: The lot and envelope meet current zoning requirements.

Lot #3: The front setback facing True Street is not the required 20'. It should be revised to show a minimum 20' front yard and rear yard setback facing True street.

Lot #4: The zoning ordinance states that the orientation of the house relating to the street shall determine the front, rear and sides. Because of the shape of this lot, I am uncertain where the front of the house will be located. I suggest at this stage that a 20' setback be shown completely around the area that will be built upon. When an application with a proposal comes in, the setbacks can be adjusted to meet the ordinance.

Lot #5: The given envelope should be revised to begin where the lot is 60' in required lot width and not just at 20' from the street property line.

Lot #6: I refer to my comments ofn lot #4 in regards to future setbacks and the orientation of the house. All envelope setbacks should be at 20' at this time. Also there should be an envelope adjustment to eliminate the rear 51.91' projection from a buildable area for a principal structure. The lot width is less than the minimum 60' requirement.

Lot #7: I have the same question about filled in wetlands for this lot. The shown envelope is somewhat silly. One dimension reduces down to less than 5' in width. The narrow end of the envelope should probably be removed.

Lot #8: I am uncertain if the wetlands area is being asked to be filled in. If it is not permitted to be filled in, then the envelope should not be shown extending into the wetlands. If the existing building faces Ocean Avenue, then there are no zoning issues.

Jean, I would be glad to show you my marked up plan to further explain my comments.

Marge Schmuckal
Zoning Administrator

From: Jean Fraser
 To: Betts, Danielle
 Date: 3/13/2006 4:49:09 PM
 Fwd: True Street Subdivision

Danielle,

Dan Goyette of Woodard & Curran is our DRC (took over from Jim Seymour) and has suggested a looped street in this memo - but at a meeting with all City engineers last week it was agreed that a loop with one-way streets was more awkward for emergency access and they would prefer what you have shown but wider and not with the double-hammerhead - a cul de sac solution was suggested as we discussed.

If you change to the cul de sac, I can put the original proposal to the Board as well so it would also be the subject of discussion.

Hope this is helpful
 Jean

<>>"Dan Goyette"<DGoyette@woodardcurran.com> 3/1/2006 1:24:22 PM >>>
 Jean here is a copy of what I sent on January 20, 2006. If you need anything else for this project please let me know.

Daniel Goyette, PE
 41 Hutchins Drive
 Portland, Maine 04102
 Phone: 800-426-4262
 Fax: 207-871-0724
 Email: dgoyette@woodardcurran.com

(Approved for delay
 staff...)

Note for file:
 Drs. DB 3.13.06

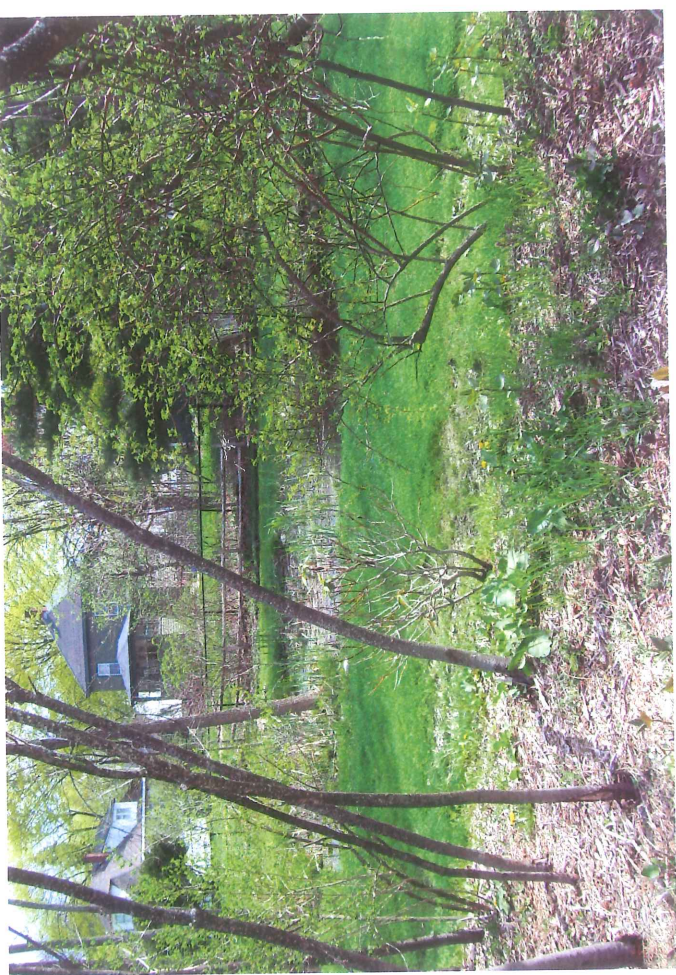
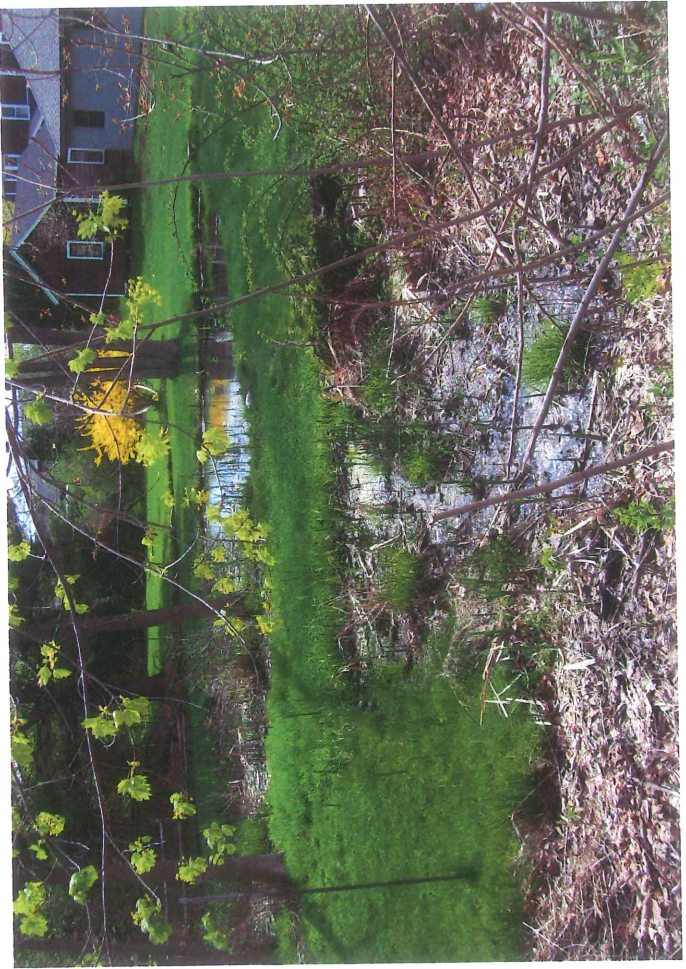
- 1) width of Tru, hammerhead + width of should drive are main concern - ? cul-de-sac
- 2) Emergency access + City obligations are main - not just bureaucratic
- 3) Zoning + some of Shermans need amendment but not fundamental
- 4) Other details needed but 1) needs to be decided asap w/ workshop 3.28.06
- 5) If do letter as DB has been for drive w/ applicant

Discussion at 3.8.06 Dev Rev.

- 1) Devils horn not acceptable to city - urgent address
- 2) Waivers also required on stored drive but don't address emergency access.
- 3) Zoning - could be OK - need to do a couple pfs. - proper setback/bldg en. marking
- 4) wetlands + stormwater also needed.
- 5) all other info rel subord. needed.

presenting D. Betts 8+9th
space to her 10th

sent to DRC + zoning
comments on 3.13.06
sent draft letter 3.16.06
in confidence.



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 Gratton 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



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

4. Soil Erosion
The proposal may result in soil erosion and further information is necessary to assess this issue.

2/3. Water
The applicant has not provided a 'Capacity to Serve' letter.

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

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 sub dividing 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 KII). 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 KIII.

Proposals

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.

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).

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 KIII). 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).

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).

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 re Stormwater).

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 provide emergency access (DRC comments of 1.20.2006 in Attachment F).

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 3.22.2006 (Attachment H).

6/7.

Sanitary Sewer/Soils/Stormwater

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.

Solid Waste Disposal

No information has been submitted.

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.

18.

City Infrastructure

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.

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 Schmuuckal, 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

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:

- Preserve the unique, natural, rural-like character of the existing neighborhood.
- 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

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

Attachment A

sebagotechnics.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

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.

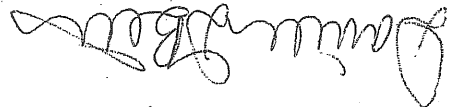
In addition to the proposed road design, the Sketch Plan also shows a schematic layout for shared driveways. The use of shared driveways is consistent with how the existing homes are currently accessed and it will also minimize wetland impacts, clearing, and the amount of impervious area on the site.

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#	Telephone #:
* 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			

Amendment to Plans: Amendment applications should include 6 separate packets of the above (a, b, & c)

- 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

Submittals shall include (9) separate folded packets of the following:

Who billing will be sent to: (Company, Contact Person, Address, Phone #)

Nick & Amanda Kent
 691 Ocean Ave.
 Portland, ME 04101
 207/775-7525

Fee For Service Deposit (all applications) (\$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 ~

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

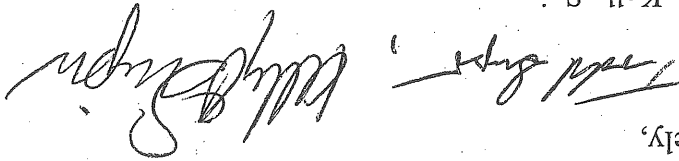
Westbrook, Maine 04098

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

Dear Danielle:

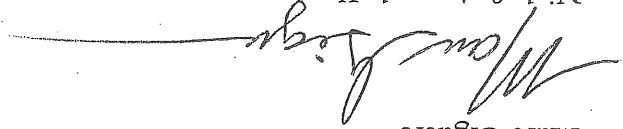
We hereby authorize Sebago Technics, Inc. to act in our behalf as agent in the processing of any required local, State or Federal permit applications and to furnish, upon request, supplemental information in support of these applications.

Sincerely,



Todd & Kelly Sniper

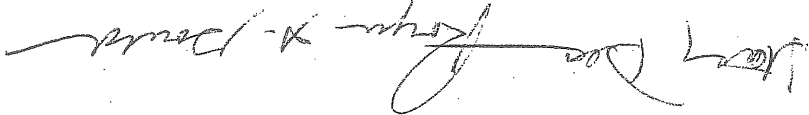
Marc Ciguere



Nick & Amanda Kent



Stacey Dean & Royce Gould



ATTACHMENT 5
TRUE STREET NEIGHBORHOOD
LETTER TO THE PLANNING BOARD

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 Resumpscot 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 Resumpscot 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 Resumpscot 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 abouting 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


Todd Sniper

Marc Giguere, 693 Ocean Avenue

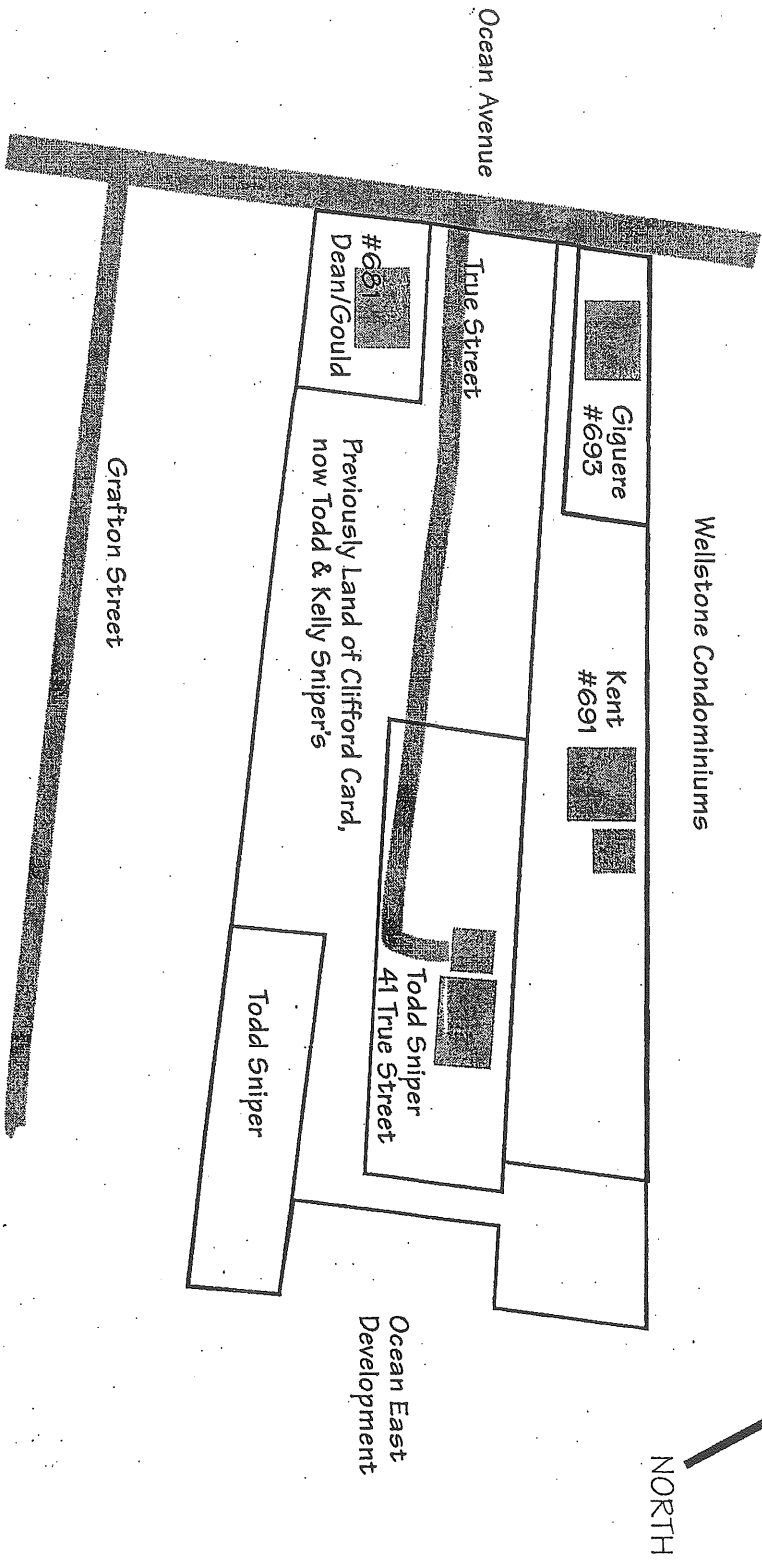

Marc Giguere

Nick and Amanda Kent, 691 Ocean Avenue


Nick and Amanda Kent

Stacey Dean and Royce Gould, 681 Ocean Avenue


Stacey Dean and Royce Gould



True Street Neighborhood Sketch

ATTACHMENT 6
JENSEN BAIRD GARDNER & HENRY LETTER
WITH ACCOMPANYING AFFIDAVITS

**Jensen Baird
& Gardner Henry**

ATTORNEYS AT LAW
TEN FREE STREET
P.O. BOX 4510
PORTLAND, MAINE 04112-4510
(207) 775-7271
www.jbgh.com
TELECOPYER (207) 775-7935

LESLIE E. LOWRY III
PATRICIA McDONOUGH DUNN
MICHAEL J. QUINLAN
R. LEE IV
FRANK K. N. CHOWDRY
NATALIE L. BURNS
FRANK R. BURNS
SALLY J. DAGGETT
BRENDAN P. RIELLY
SUZANNE R. SCOTT
MARCIA O. CORADINI
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. DALE
JOSEPH H. GROFF III
F. BRUCE SLEPPER
DEBORAH M. MANN

MERTON G. HENRY
WALTER E. WEBBER
JAMES E. KAPLAN
OF COUNSEL
RAYMOND E. JENSEN
OF COUNSEL
KENNETH BAIRD
(1914-1987)
M. DONALD GARDNER
(1918-2003)

YORK COUNTY
OFFICE
11 MAIN STREET, SUITE 4
KENNEBUNK, MAINE 04045
(207) 985-4676
TELECOPYER (207) 985-4932

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

~ Over 50 Years of Service ~

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

AFFIDAVIT 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

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

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

and knocked over the street sign.
 the northerly intersection of True Street and Ocean Avenue after a City snowplow bent
 relocated by the City from the southerly intersection of True Street and Ocean Avenue to
 Street on Ocean Avenue. I specifically remember a time when the street sign was
 elementary school) to 1997, the City maintained a street sign at the entrance to True

8. From as far back as I can remember (and from at least the time that I started
 or Ocean Avenue area property owners.
 This work was performed by the City without the obstruction of the same by True Street
 seeking the permission of, or reimbursement from, property owners along True Street.

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

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

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. Daggert
~~Notary Public/Attorney at Law~~

Sally S. Daggert
Print Name

AFFIDAVIT 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 Stacy 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'

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

AFIDAVIT 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 properly 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. Daggell
Notary Public/Attorney at Law

Sally S. Daggell
Print Name

Application ID Number: 2005-0274

Department: Fire

Status: Approved with Conditions

Reviewer: Cptn Greg Cass

Approval Date: 01/02/2006

Expiration Date: 01/02/2007

Extension Date: []

Comments: []

OK to issue Permit
 Name: [] Date: [] Date 2: []

Conditions Section:

- Add New Condition From Default List
- Add New Condition
- Delete Condition

Fire hydrants required every 500 feet, Starting from the closest hydrant.

Fire dept. Access and egress to be addressed.

Create Date: 01/02/2006 By: cassg Update Date: 01/02/2006 By: cassg

Buttons: Delete Review, Save

Attachment E

MEMORANDUM

05-274

TO: Kandi Talbot, City of Portland Planner
FROM: Dan Goyette, PE – Development Review Coordinator, Woodard & Curran, Inc.
DATE: January 20, 2006
RE: True Street Subdivision

Woodard & Curran has reviewed the Subdivision Sketch Plan submission for the proposed project at True Street, off of Ocean Avenue. The project involves the creation of an eight lot subdivision.

Documents Reviewed

- City of Portland Subdivision Plan Application for True Street Subdivision, dated December 22, 2005.

I. Stormwater Management

A. The applicant has indicated that the existing driveway access controls stormwater runoff through the use of shallow swales and wetlands on both sides of the road connected by a culvert. The existing conditions site plan does not indicate the swales or culvert.
 B. The existing driveway is 12 feet wide. The proposed street is 28 feet wide. The applicant has not determined the volume or indicated how the additional stormwater runoff from the expanded street will be handled.
 C. The applicant has proposed directing runoff to the wetlands. The topography of the land south of the proposed subdivision has not been shown. It is unclear if the stormwater from the subdivision will cause the lots to the south of the development to flood.
 D. A stormwater manhole has been indicated on the plans approximately 150 feet north of the proposed subdivision street. The applicant is proposing not to tie in to the existing collection system due to their desire not to install curbing and sidewalks along the proposed street.

2. Roadway Construction and Layout

A. The cross section provided on the sketch plan for the proposed street indicates that the shoulders are to be loamed and seeded. The site plan and supporting narrative indicate that the shoulders are to be gravel. This discrepancy should be corrected.
 B. The proposed swales and culverts have not been indicated on the site. Also, the proposed grading associated with the street construction has not been shown. Therefore, the wetland impact limits shown on the plans may be inaccurate.
 C. The applicant has proposed installing a double hammerhead turnaround at the end of the street. The City requires a single hammerhead. The installation of the second hammerhead appears to be the applicants' way of providing adequate street frontage for a proposed lot.

Attachment F

D. The use of a double hammerhead results in an additional wetland impact of 1,500 square feet. This additional wetland impact can be eliminated by using a single hammerhead as required.

E. The shared driveway for Lots 3 and 4, and the shared driveway for Lots 5, 6 and 7 are shown as 12 feet wide. The driveways are required to be at least 24 feet wide so that vehicles may pass by one another when traveling in opposite directions.

F. The driveways accessing the hammerheads appear to have a very tight radius. It is not clear if emergency, or service vehicles such as oil trucks, will be able to access the driveways from the hammerheads.

G. The elimination of the driveway for Lot 1 from Ocean Avenue should be considered. By accessing the lot from the subdivision street it will provide for added safety.

H. Site distances for the subdivision street have not been indicated.

I. The applicant is requesting a waiver from the street construction standards which require the installation of sidewalks and curbing. The Portland Public Works Department will be consulted in regards to the waiver request.

3. Utilities

A. The applicant has not provided information on the utilities for the proposed subdivision therefore no comments can be made at this time.

4. General Engineering

A. Lots 4 and 6 are odd shaped (flag shaped) lots. The lots are this shape so they will meet the street frontage criteria. The applicant should look at other possible street layouts to avoid these odd shaped lots.

B. The applicant may wish to consider constructing a looped street rather than a double hammerhead to gain frontage. This would negate the need to install 24 foot wide driveways and provide for more traditionally shaped lots. It would also provide for open space within the loop, consistent with the communal feel of the neighborhood.

C. A soils map for the proposed development has not been provided.

D. A landscaping plan has not been provided.

E. A lighting plan has not been provided.

DRG

203848.09

cc: File

Attachment 6

From: Jean Fraser
To: Bettis, Danielle
Date: 3/13/2006 4:43:57 PM
Subject: Fwd: True St. subdivision - R-5 Zone
Danielle,

As this is a subdivision and there will be a PLAT, Marge is looking ahead to future lot purchasers and what they might want to do. I don't think these are fundamental issues.

Jean

>>> Marge Schmuckal 3/6/2006 4:51:27 PM >>>

Jean,
I have reviewed the proposed subdivision for True Street. My comments relate to the building envelopes shown on the submittal. Envelopes are not a requirement of zoning. However, I see some things that may be misleading to the future development of the lots.

Lot #1: If the existing building faces Ocean Avenue, then there are no zoning issues.

Lot #2: The lot and envelope meet current zoning requirements.

Lot #3: The front setback facing True Street is not the required 20'. It should be revised to show a minimum 20' front yard and rear yard setback facing True street.

Lot #4: The zoning ordinance states that the orientation of the house relating to the street shall determine the front, rear and sides. Because of the shape of this lot, I am uncertain where the front of the house will be located. I suggest at this stage that a 20' setback be shown completely around the area that will be built upon. When an application with a proposal comes in, the setbacks can be adjusted to meet the ordinance.

Lot #5: The given envelope should be revised to begin where the lot is 60' in required lot width and not just at 20' from the street property line.

Lot #6: I refer to my comments ofn lot #4 in regards to future setbacks and the orientation of the house. All envelope setbacks should be at 20' at this time. Also there should be an envelope adjustment to eliminate the rear 51.91' projection from a buildable area for a principal structure. The lot width is less than the minimum 60' requirement.

Lot #7: I have the same question about filled in wetlands for this lot. The shown envelope is somewhat silly. One dimension reduces down to less than 5' in width. The narrow end of the envelope should probably be removed.

Lot #8: I am uncertain if the wetlands area is being asked to be filled in. If it is not permitted to be filled in, then the envelope should not be shown extending into the wetlands. If the existing building faces Ocean Avenue, then there are no zoning issues.

Jean, I would be glad to show you my marked up plan to further explain my comments.

Marge Schmuckal
Zoning Administrator



PORTLAND MAINE

Strengthening a Remarkable City, Building a Community for Life • www.portlandmaine.gov Attachment H.

Planning and Development Department
Lee D. Urban, Director

Planning Division
Alexander Jaegerman, Director

Danielle D. Betts, P.E.

Senior Project Manager

Sebago Technics, Inc

PO Box 139

Westbrook, ME 04098-1339

Dear Ms Betts,

Re: Major Site Plan Review and Subdivision at True Street
Application #2005-0274; CBL 424 A005001

Thank you for your letter of December 22, 2005 submitting an application for Site Plan and Subdivision review of the proposed eight lot residential subdivision on True Street.

As you and the applicants are aware, this proposal raises a number of unusual issues because of the history of the area and the other unique features as set out in the submission. However, the wetlands and need for emergency access to all lots present constraints that the proposals do not fully address and the following comments outline our concerns.

Proposed redesign of True Street

The main concern is the design of True Street, which is proposed to be upgraded to serve the existing four homes and four additional homes (the revision to the existing lots creates 4 buildable lots). The City would expect the proposed road to meet the City standards which are intended to ensure safe emergency access (ability to pass if a vehicle is parked on the roadway), allow snowplowing and snow storage, and minimize unnecessary cost of maintenance. Detailed concerns are:

a) The width of the paved roadway at 22 feet does not meet the City's standard of 28 feet wide. This width is particularly important in this case where the roadway will be at a higher level than he surrounding land and all passing must take place in the roadway. Staff do not support a waiver of the proposed road way width.

b) The City requires turnarounds at the end of dead end streets to either be a single hammerhead or a cul-de-sac. The proposed double hammerhead is not justified here on traffic grounds as it serves only to create street frontage for Lot 4.

c) The shared driveways need to have less tight radii and increased widths that allow emergency (fire apparatus) access. I suggest further discussion of these once the True Street design is revised to be acceptable.

d) I note your request for waivers for both the sidewalks and curbs along True Street. The main issues will be whether the proposed 4 foot wide shoulder constitutes a safe alternative walking route and whether satisfactory stormwater management can be achieved without the curbs. The Planning Board will determine whether the waivers can be granted in this case.

In addition to the comments regarding the proposed improvements to True Street, there are a number of other issues that need to be resolved as part of this Review:

Stormwater Management

e) The Development Review Coordinator requires further information on the existing conditions and stormwater management measures proposed in order to assess the impact of stormwater runoff from the proposed road/proposed building lots on the wetlands and on neighboring properties. Please see the attached note for details.

Other Issues

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

- f) Existing and proposed utilities
- g) Site distances for the proposed True Street egress onto Ocean Avenue
- h) Location of buildings on parcels abutting the site
- i) Existing soil conditions
- j) Landscape Plan including preservation measures to be employed and reinstatement planting where vegetation will be disturbed
- k) Lighting Plan
- l) Clarification as to the fronts of existing and proposed houses so that zoning setbacks can be confirmed (see comments from the Zoning Administrator of 3.6.06)
- m) Evidence of financial and technical capability
- n) Evidence of title, right and interest
- o) More information re the wetlands, the areas of infill, their future protection and any required permits.

If you have any questions, please do not hesitate to contact me on (207) 874 8728 or at jfr@portlandmaine.gov.

Sincerely,

Jean Fraser

Planner

Cc Eric Labelle, City Engineer; Jim Commodity, Traffic Engineer; Dan Goyette, DRC; Tom Errico, Traffic Engineer; Marge Schmuckal, Zoning Administrator; Jeff Tarling, City Arborist; Sarah Hopkins, Development Review Manager

Attachment I

From: "Thomas Errico" <terrico@wilbursmith.com>
To: "Jean Fraser" <JF@portlandmaine.gov>
Date: 3/23/2006 10:41:15 AM
Subject: True Street

Jean--

I have a conducted a review of the proposed project and would ask that the applicant conduct a sight distance evaluation for the proposed roadway. A sidewalk should be provided on Ocean Avenue. Consideration should be given to relocating driveway curb cuts on Ocean Avenue to True Street. This seems possible for Lot 1. I would note that generally I am not concerned about the traffic impacts from the additional residential units on the area roadway system. As I indicated to you, I am assuming that Eric Labelle will be commenting on the acceptance of Truce Street as it relates to width and circulation.

Please contact me if you have any questions.

Thomas A. Errico, P.E.
 Senior Transportation Engineer
 Wilbur Smith Associates
 59 Middle Street
 Portland, Maine 04101
 (207) 871-1785 Phone
 (207) 871-5825 Fax

CC: "James Carmody" <JPC@portlandmaine.gov>

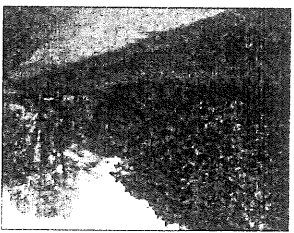
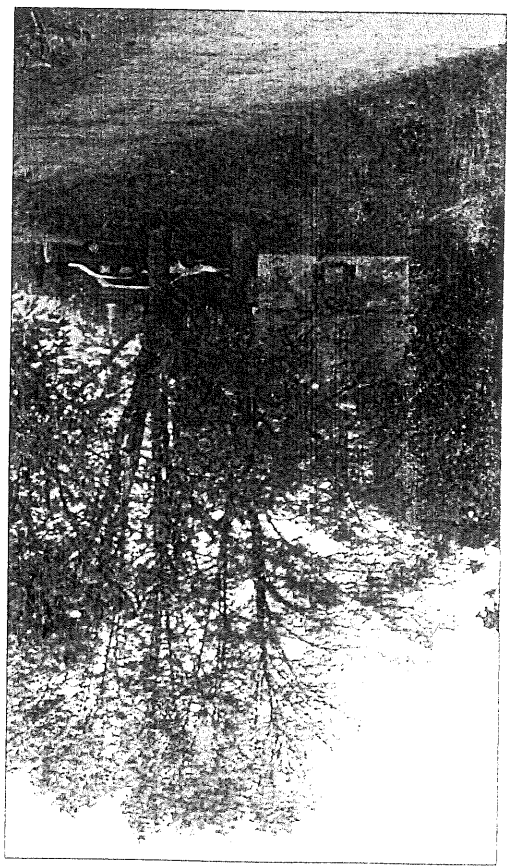
TRUE STREET SUBDIVISION

PREPARED FOR:

True Street Neighborhood
41 True Street, Portland, ME 04103

PREPARED BY:

Sebago Technics, Inc.
One Chabot Street, P. O. Box 1339, Westbrook, ME 04098-1339



City of Portland
Subdivision Plan Application
Sketch Plan

December 22, 2005

Attachment K

CERTIFICATION

THIS SURVEY PLAN CONFORMS TO THE

MAINE BOARD OF LICENSURE FOR

PROFESSIONAL LAND SURVEYORS STANDARDS

[Signature]

RICHARD W. EATON P.L.S. # 2076

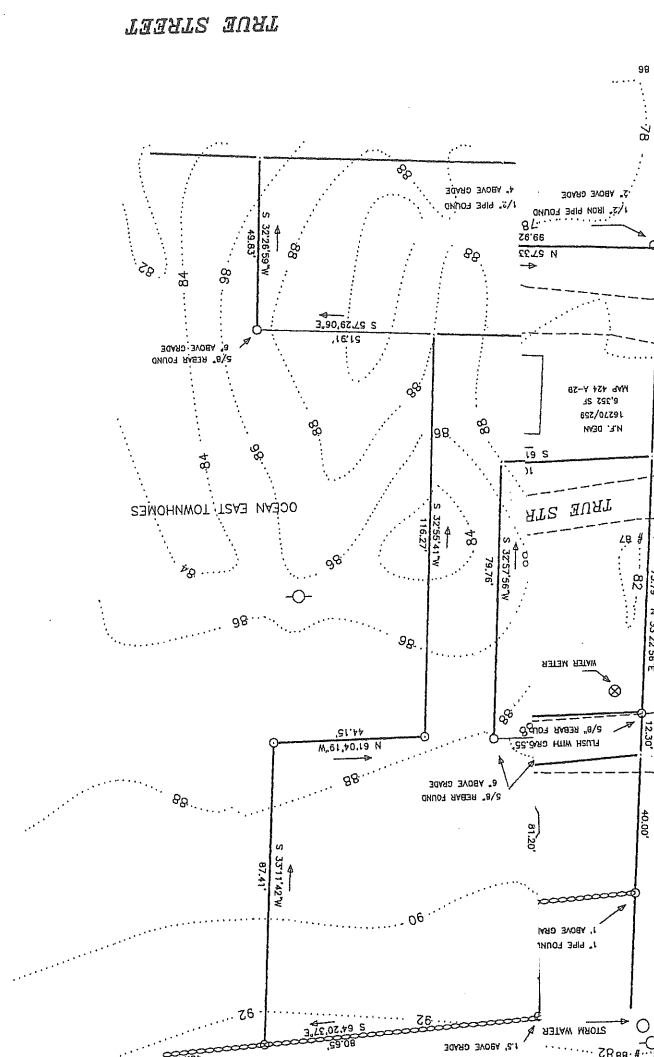
NOTES:

ELEVATION FROM NORTHEAST FLANGE
OF HYDRANT OCEAN AVE. IN FRONT OF WELSTONE CONDO

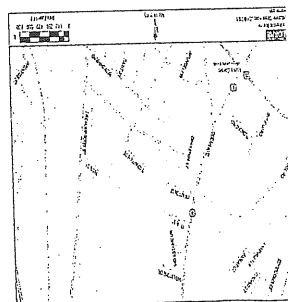
83.74'

TOTAL AREA 125,981 SQUARE FEET
2.89 ACRES

OCEAN AVE.
49.5' WIDE
TO FALMOUTH



LOCATION



STATE OF MAINE
EXISTING CONDITION
TRUE STREET

OWNED BY
MARC GIGUERE AMANDA MCQUIDDY KENT TODD SNIPER
STACY DEAN NICHOLE KENT KELLY SNIPER

DEED REFERENCE:

BOOK 21518 PAGE 160 BOOK 12907 PAGE 330-333
BOOK 6663 PAGE 1 BOOK 16270 PAGE 259

BOOK 12400 PAGE 151

LAND LOCATED ON TRUE STREET OFF OCEAN AVE

R.W. EATON ASSOCIATES
58 PLEASANT STREET
WESTBROOK, MAINE 04092

REVISED SEPTEMBER 29, 2005

APRIL 15, 2006

SURVEY BY

RECEIVED

AT

RECORDED IN PL. 75

ATTEST:

Attachment K

CERTIFICATION

THIS SURVEY PLAN CONFORMS TO THE

MAINE BOARD OF LICENSURE FOR

PROFESSIONAL LAND SURVEYORS STANDARDS

Richard W. Eaton

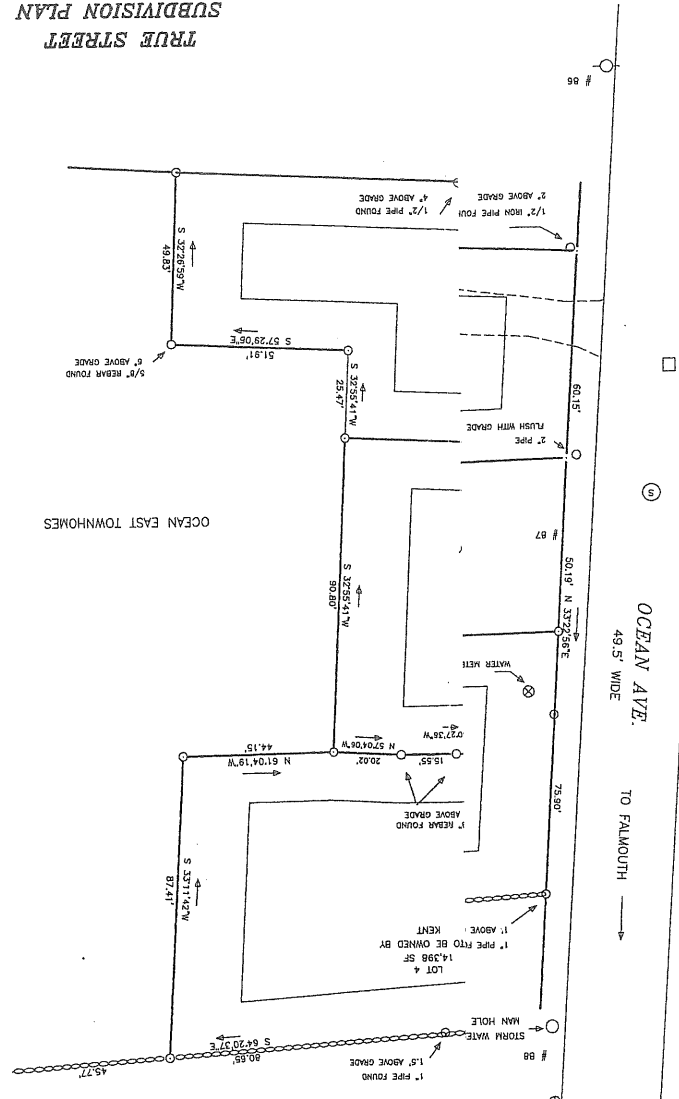
RICHARD W. EATON P.L.S. # 2076

NOTES:

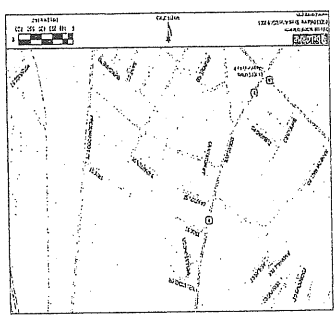
ELEVATION FROM NORTHEAST FLANGE
OF HYDRANT OCEAN AVE. IN FRONT OF WELSTONE CONDO
83.74'

TOTAL AREA 125,934 SQUARE FEET
2.89 ACRES

- ZONE R-5
- FRONT SET BACK = 20'
- REAR SET BACK = 20'
- SIDE SET BACK 1 STORY = 8'
- SIDE SET BACK 1 1/2 STORIES = 8'
- SIDE SET BACK 2 STORIES = 12'
- SIDE SET BACK 2 1/2 STORIES = 14'
- SIDE STREET SET BACK = 15'
- MAXIMUM SETBACK SHOWN ON PLAN



LOCATION



OWNED BY
MARC GIGIERE AMANDA MCQUIDDY KENT TODD SNIPER
STACY DEAN NICHOLAS KENT
DEED REFERENCE:
BOOK 21518 PAGE 160 BOOK 12907 PAGE 330-333
BOOK 6863 PAGE 1 BOOK 16270 PAGE 259
BOOK 12400 PAGE 151
LAND LOCATED ON TRUE STREET OFF OCEAN AVE.
RECEIVED
ATTORNEY
RECORDED IN 75
APRIL 15, 2005 REVISED SEPTEMBER 29, 2005

SURVEY BY
R. W. EATON ASSOCIATES
58 PLEASANT STREET
WESTBROOK, MAINE 04092

DRAFT

March 14, 2006

Danielle D. Betts, P.E.
Senior Project Manager
Sebago Technics, Inc
PO Box 139
Westbrook, ME 04098-1339

Dear Ms Betts,

Re: **Major Site Plan Review and Subdivision at True Street
Applicatob #2005-0274; CBL 424 A005001**

Thank you for your letter of December 22, 2005 submitting an application for Site Plan and Subdivision review of the proposed eight lot residential subdivision on True Street. As you and the applicants are aware, this proposal raises a number of unusual issues because of the history of the area and the other unique features as set out in the submission. However, the wetlands and need for emergency access to all lots present constraints that the proposals do not fully address and the following comments outline our concerns.

Proposed redesign of True Street

The main concern is the design of True Street, which is proposed to be upgraded to serve the existing four homes and four additional homes (the revision to the existing lots creates 4 buildable lots). The City would expect the proposed road to meet the City standards which are intended to ensure safe emergency access (ability to pass if a vehicle is parked on the roadway), allow snowplowing and snow storage, and minimize unnecessary cost of maintenance. Detailed concerns are:

- a) The width of the paved roadway at 22 feet does not meet the City's standard of 28 feet wide. This width is particularly important in this case where the roadway will be at a higher level than he surrounding land and all passing must take place in the roadway. Staff do not support a waiver of the proposed road way width.
- b) The City requires turnarounds at the end of dead end streets to either be a single hammerhead or a cul-de-sac. The proposed double hammerhead is not justified here on traffic grounds as it serves only to create street frontage for Lot 4.
- c) The shared driveways need to have less tight radii and increased widths that allow emergency (fire apparatus) access; I suggest further discussion of these once the True Street design is revised to be acceptable.

d) I note your request for waivers for both the sidewalks and curbs along True Street. The main issues will be whether the proposed 4 foot wide shoulder constitutes a safe alternative walking route and whether satisfactory stormwater management can be achieved without the curbs. The Planning Board will determine whether the waivers can be granted in this case.

In addition to the comments regarding the proposed improvements to True Street, there are a number of other issues that need to be resolved as part of this Review:

Stormwater Management

e) The Development Review Coordinator requires further information on the existing conditions and stormwater management measures proposed in order to assess the impact of stormwater runoff from the proposed road/proposed building lots on the wetlands and on neighboring properties. Please see the attached note for details.

Other Issues

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

- f) Existing and proposed utilities
- g) Site distances for the proposed True Street egress onto Ocean Avenue
- h) Location of buildings on parcels abutting the site
- i) Existing soil conditions
- j) Landscape Plan including preservation measures to be employed and reinstatement planting where vegetation will be disturbed
- k) Lighting Plan
- l) Clarification as to the fronts of existing and proposed houses so that zoning setbacks can be confirmed (see comments from the Zoning Administrator of 3.6.06)
- m) Evidence of financial and technical capability
- n) Evidence of title, right and interest
- o) More information re the wetlands, the areas of infill, their future protection and any required

If you have any questions, please do not hesitate to contact me on (207) 874 8728.

Sincerely

Jean Fraser
Planner, City of Portland

- Cc Eric Labelle, City Engineer
Dan Goyette, DRC
Marge Schmuackal, Zoning Administrator
Sarah Hopkins, Development Review Manager
Jim Connolly, Traffic Engineer
Tom Errico, Traffic Engineer
Jeff Tarling, City Arborist

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

Sebago Technics
Engineering Expertise You Can Build On

COPY

April 22, 2008
05207

Capt. Greg Cass, Fire Prevention Officer
Portland Fire Department
380 Congress St.
Portland, Maine 04101

True Street Subdivision, True Street, Portland
Preliminary Subdivision Review

Dear Capt. Cass:

Thank you for your e-mail with comments on the above-referenced project dated April 11, 2008, and also for discussing them with me during our phone conversation. After consulting with the applicant, we have addressed these comments and revised our plans accordingly. We have formatted this letter with your comments by number in bold, and our responses in italics. A revised drawing is also attached for your inspection.

On April 11, 2008 you wrote:

My main concerns are -

1. The access for Lots #4, 5, and 6.

During the course of our discussion you explained that the Fire Dept. prefers to have a turn-around area available no more than 150 feet from any residence on a dead-end road. We agreed that trucks exiting from Lots 5 and 6 would be able to use the widened road end to turn around. For Lot 4, the applicant has agreed to provide an emergency vehicle turnaround for this purpose. A 40' x 16' gravel area along the westerly property line will be constructed. This revision is shown on the attached Grading & Drainage Plan, Sheet 4 of 9.

2. Distance to the fire hydrant for Lots #4, 5, and 6.

As we discussed, our Utility Plan (Sheet 5 of 9) shows a proposed fire hydrant approximately at Sta. 0+13, on the southerly side of the proposed roadway. This hydrant will be connected via an 8" main to the existing 12" main in Ocean Ave. From this location the distance to all lots, except Lot 4, is less than 500 ft. The distance to Lot 4 is roughly 540 ft. While this is longer than the PFD design standard, we agreed that the benefit of locating the hydrant at the intersection of True Street and Ocean Ave. outweighs the drawback of the extra distance. Therefore, no change was made.

- 3. Available fire flows from the hydrant. (Single family homes up to 3,600 sq. ft. require 1,000 g.p.m.) This can be reduced by 50% when the home is protected with an automatic sprinkler system, per Annex H of NFPA #1. Please provide details for the projected flow from the proposed 4" water line.

As described in Comment #2 above, our plans show a proposed fire hydrant approximately at Sta. 0+13, on the southerly side of the proposed roadway. This hydrant will be connected via an 8" main to the existing 12" main in Ocean Ave. Attachment 6 of the Subdivision Application contains the report, issued by the Portland Water District, with the results of flow and pressure tests conducted at a nearby existing hydrant. All tests were satisfactory. Based on our conversation regarding this information, no changes were made, and no further information is required.

This completes our response to your comments. Please let us know if you have anything further for us to address. Thank you for your prompt attention.

Sincerely,

SEBAGO TECHNICS, INC.



Patrick M. Martin
Project Engineer

PM:pm/dlf

Nick and Amanda Kent

Barbara Barhydt, City of Portland Planning Dept.

From: Jean Fraser
To: Littell, Penny
Date: 7/12/2007 12:55:25 PM
Subject: True Street Meeting

To all:

For the record:

We (Barbara Barhydt, Penny Littell, Mike Farmer, Jean Fraser and Shukria Wiar) met with some of those (the Kents, Mr Sniper) who had previously submitted (in Dec. 2005, # 2005-0274) a subdivision application for 8 lots and creation of a new/upgraded public street. They had engaged Segabo Technics and Rob McSorley attended from that firm. The meeting was 1:30pm July 11th, 2007.

Amanda Kent updated re the background and they have now redesigned the street to almost-City standards although the plan shown (not seen by staff previously) included a "Y" turnaround.

They wished to meet with us because a new issue had surfaced regarding the wetlands ie that the central (wiggly) lot within the proposed subdivision (purchased from Card by Mr Sniper and to be broken up to create the 8 conforming lots) was included (as Lot #1) in the SLOD given for Ocean East.

Amanda and Rob had had discussions with people in MDEP and learned that this would mean that the amount of wetlands fill needed for the new street and creation of the 8 lots would push them into Tier II permit which requires (expensive) mitigation. They wanted to explore the possibility of the City making the request for a SLOD variation which would have some benefits for all.

Action agreed:

1. Barbara/Jean/Shukria to check whether the original SLOD is on the Ocean East file and whether it was the City or MDEP who handled it (Penny may need to contact MDEP to get it and discuss implications if it was City);

2. SLOD needs to be checked to see whether it constrained the sale of that lot to Mr Sniper (Penny)

3. Mr Sniper to review conveyancing to see if any information that should have been divulged was't (Mr Sniper)

4. Rob and Penny to meet/conference call with MDEP (LK) to see if there was a way to amend the SLOD expeditiously

5. Kents/Sniper/Segabo to consider whether they can redesign the street so it fully meets city standards, as recommended by Penny

The detailed note (handwritten) of the meeting is on the file, which is filed in the Planning filing system by reception.

Jean

CC: Barhydt, Barbara; Farmer, Michael; Wiar, Shukria

July 11, 2007

True St.

Kents

MI Smydel

Rob Selago Technico

McSorley

Brandlydt

PL Atell

Mike Farmer, P.C.

J Fran

Swian

Amanda Kent - discussion re Ocean East

All non-conforming lots

services not needed - discussed various services

april 2004 - needed to address these services

and discussed with staff.

City Road or not - legal opinion

After March 06 workshop, reevaluated met

with Eric Lobbler - then spoke to Mike Farmer and

they consider they have met city req. for new sheet

can into take pressure as ocean are so being redone.

laid out revised layout with "Y" turnaround.

Kenmy L. explained why ~~that proposal~~ not good is
when lots placed in someone's driveway. they can
change trip to 'normal' turnaround.

New Name - DEF - already ^{was} used permit for

Ocean East which met (as lot #1) the

urgently lot in the middle of the ^{subdivision} area (bought from)

Question: by city supports + make a request for the st to be Public Street

w/ associated wetland fee more done per sitting in

also amend SUD. (why did SUD?)

Fenny offered to meet w/ bucket at meet

Fenny suggested would help if normal turnaround - they

explained issue of hand lands + issue of fire access (Fenny feels

Fat want approve Y') They will look at

City can request non compensation re Tier II (mt. quetlands)

Stream that have an approved level of fill (13,000 sq ft) + Ocean that have party filed + the st. could take it over Tier II.

Step 1: Fat. whether conveyance was legal in light of SUD. We'll get back next week. (Athena) Fenny

Rebecca

**True Street Neighborhood Subdivision
Timeline**

*from Amanda Kent
2.11.07*

Ocean East Submitted 10/17/01

As neighborhood attended all Ocean East reviews by Planning Board. Accompanied board on neighborhood walk including down Ocean side of True Street.

Ocean East approved 10/8/02 condition compliance 2/13/04

Fall 2002 - 2004- Multiple meetings with Marge Schmuckal concerning process and what is allowable for Card land.

April 2004 - Todd Sniper, Nick & Amanda Kent & Mark Giguere met with Marge Schmuckal, Sarah Hopkins, and Kandy Talbot to discuss what could be done with the land, and how we should proceed as a neighborhood.

6/5/04 Land purchased from Card by Todd & Kelly Sniper

4/15/05 Survey by Dick Eaton Associates

December 22, 2005 Original Subdivision plan submitted, fees paid.
Reviewed by planning staff and sent out for review by other staff (Traffic, City Engineer, Zoning etc)

3/28/2006 Sketch Plan Review by Planning Board to see if they would entertain waivers on width of road etc. and to determine any other issues before completing final engineering.

SLOD Permit #

LETTER OF TRANSMITTAL

18395

DATE	4/07/09
JOB NO.	05207
ATTENTION	Shukie Wiar
RE:	True Street Subdivision
	Application ID 2005-0274

TO
 City of Portland Planning Dept.
 389 Congress St
 Portland ME 04101
 Phone (207) 856-0277 FAX (207) 856-2206

WE ARE SENDING YOU Attached Under separate cover via the following items:
 Shop drawings Prints Plans Samples Specifications CD Copy of letter Change order

COPIES	DATE	NO.	DESCRIPTION
1	4/07/09		CD w/ AutoCAD drawing of approved subdivision plan set

THESE ARE TRANSMITTED as checked below:

- For approval
- For your use
- As requested
- For review and comment
- FOR BIDS DUE
- PRINTS RETURNED AFTER LOAN TO US
- Approved as submitted
- Approved as noted
- Returned for corrections
- Return corrected prints
- Resubmit copies for approval
- Submit copies for distribution

REMARKS

COPY TO _____

SIGNED: Robert M. Harkins

Paul Delaney

If enclosures are not as noted, kindly notify us at once.

SEBAGO TECHNICS, INC.
 One Chabot Street, P. O. Box 1339
 Westbrook, ME 04098-1339

LETTER OF TRANSMITTAL

19448

DATE	6/5/08
JOB NO.	05207
ATTENTION	Shukria Waz
RE:	Trce St Subdivision

Phone (207) 856-0277 FAX (207) 856-2206

TO: City of Portland - Planning Dept
 389 Congress St
 Portland ME 04101

WE ARE SENDING YOU Attached Under separate cover via the following items: Plans Samples Specifications Shop drawings Prints Copy of letter Change order

COPIES	DATE	NO.	DESCRIPTION
7	6/4/08	9	Full sized subdivision Plans
1	6/4/08	9	11 X17 Subdivision Plans
7	6/4/08	1	Request for letter letter
7	6/4/08	5	Response to comments

THESE ARE TRANSMITTED as checked below:

- For approval
- For your use
- As requested
- For review and comment
- FOR BIDS DUE
- PRINTS RETURNED AFTER LOAN TO US
- Approved as submitted
- Approved as noted
- Returned for corrections
- Return corrected prints
- Resubmit copies for approval
- Submit copies for distribution

REMARKS: Plans have been served at our discussions.

COPY TO _____

SIGNED: Patrick M. O'Brien

If enclosures are not as noted, kindly notify us at once.

SEBAGO TECHNICS, INC.
 One Chabot Street, P. O. Box 1339
 Westbrook, ME 04098-1339

MEMORANDUM

TO: Jean Fraser
FROM: Dan Goyette, PE and Lauren Swett, EIT
DATE: May 1, 2008
RE: True Street Subdivision



Woodard & Curran has reviewed the Subdivision Plan Application for the True Street Subdivision, located off Ocean Avenue between Washington Avenue and Presumpscot Street. The applicant proposes to develop a subdivision plan for six legally non-conforming lots located on True Street. The project will include roadway improvements, while maintaining the existing neighborhood with eight separate lots.

Documents Reviewed

- Subdivision Plan Application for the True Street Subdivision, prepared by Sebago Technics, Inc., on behalf of the True Street Neighborhood, dated April 7, 2008.
- Engineering plan sheets 1-9 for True Street Subdivision, prepared by Sebago Technics, Inc., on behalf of the True Street Neighborhood, dated April 9, 2008.

Comments

- The applicant should confirm that the survey for the project coincides with approved City standards. The survey needs to be tied to the vertical datum of NGLD 1929. Also, the project needs to be tied to the Maine State Plane Coordinate System (2-zone projection), West Zone using the NAD 1983 (HARN) Datum and the U.S. Survey Foot as the unit of measure. This should be indicated on the survey.
- The project narrative indicates that the Lot 1 driveway and curb cut to Ocean Avenue will be removed. The plans should indicate the removal of the curb cut and the necessary repairs to Ocean that will be required.
- A curbcut and driveway to Ocean Avenue is shown for Lot 8. The plans show a driveway entrance from True Street to Lot 8, so the removal of the Ocean Avenue curb cut should be indicated on the plans.
- Existing and proposed utility connections should be clearly shown on the plans. Utility connections for the existing buildings on lots 1 and 8 are not shown. Each lot's sewer connection will require a separate permit. It is recommended that services be installed for each lot, including the ones not developed as part of this project, so that future street opening permits will not be required.
- A lighting plan has not been provided.
- Catch basins should have 3' sump depths. The current catch basin detail states that the sump depth "varies".
- Casco traps are required on catch basins. A detail should be provided, and the installation of the casco trap should be included on the catch basin detail.
- The manhole and catch basin details should indicate that adjustments to grade will be made with a minimum of 3 courses of brick and a maximum of 8 courses of brick, in conformance with City of Portland Standards.
- The proposed curb tip down is not in conformance with City of Portland standards. A 6' minimum length should be used, and the tipdown reveal at the driveway should be modified to show a 1" reveal and driveway lip in conformance with City standards.



- As it is shown, catch basin 3 will be installed outside of the Lot 8 boundary. Does an easement exist for the construction of this yard drain. If the applicant can not show rights to drain onto their neighbors property the applicant should connect in to the new storm drain system currently being installed in Ocean Avenue.
- The applicant has proposed that the wetland in lot 8 will serve as a detention basin, connected to the existing 12" clay outfall. More grading information should be provided to show how water will be directed from the wetland area to the yard drain (CB3) at the 12" pipe.

Please contact our office if you have any questions.
DRG/LJS
203943

12 June 2008

Mr. Patrick M. Martin,
Project Engineer,
Sebago Technics, Inc.,
P. O. Box 1339,
Westbrook, Maine 04098-1339

RF: The Capacity to Handle the Anticipated Wastewater Flows, from a Proposed Eight Lot Residential Subdivision, on True Street, at 691 Ocean Avenue.

Dear Ms. Young:

The existing twelve-inch diameter polyvinyl chloride (P.V.C.) sanitary sewer pipe, located in Ocean Avenue, has adequate capacity to transport, while The Portland Water District sewage treatment facilities, located off Marginal Way, have adequate capacity to treat the anticipated net increase in wastewater flows of 1,800 G.P.D., from the proposed residential subdivision.

Anticipated Wastewater Flows from the Proposed Subdivision Project:	
8 Proposed Four-Bedroom Houses @ 360 G.P.D./House	= 2,880 GPD
Less 3 Existing Four Bedroom Houses @ 360 G.P.D./House	= (1,080 GPD)
Total Proposed Net Increase in Wastewater Flows for this Project	= 1,800 GPD

The City combined sewer overflow (C.S.O.) abatement consent agreement, with the U.S.E.P.A. and with the Maine D.E.P., requires C.S.O. abatement, as well as storm water mitigation, from all projects, in order to offset any increase in sanitary flows.

If The City can be of further assistance, please call 874-8832.

Sincerely,
CITY OF PORTLAND

Frank J Brancely, B.A., and M.A.
Senior Engineering Technician

FJB
cc:

- Alexander Q. Jaegerman, Director, Department of Planning, and Urban Development, City of Portland
- Shukria War, Planner, Department of Planning, and Urban Development, City of Portland
- David Margolis-Pinco, P.E., Deputy City Engineer, City of Portland
- Bradley A. Roland, P.E., Environmental Projects Engineer, City of Portland
- Michael Farmer, P.E., Project Engineer, City of Portland
- Stephen K. Harris, Assistant Engineer, City of Portland
- John Emerson, Wastewater Coordinator, City of Portland
- Jane Ward, Administrative Assistant, City of Portland

**CITY OF PORTLAND
DEPARTMENT OF PUBLIC SERVICES**

M E M O

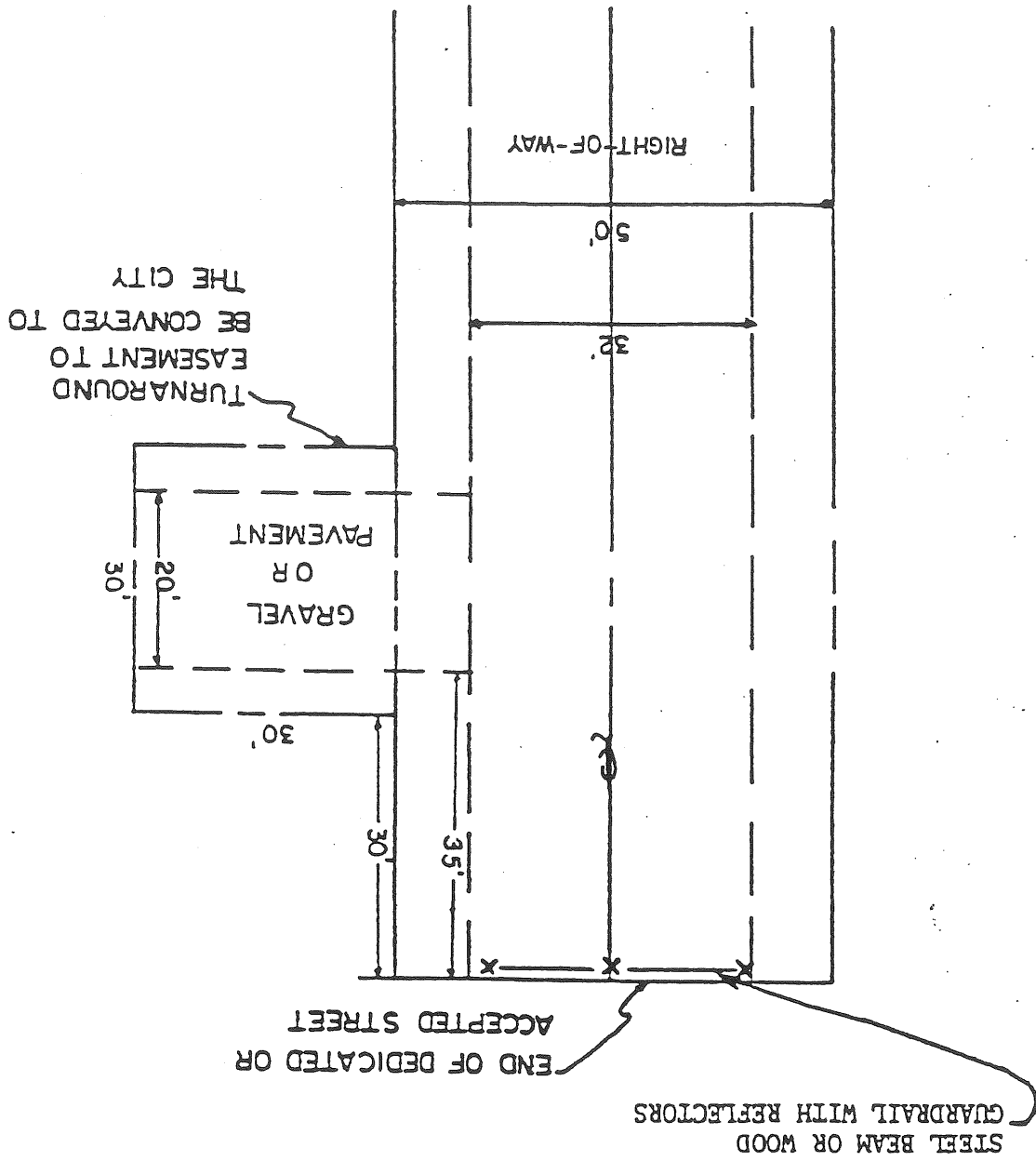
TO: Shukria Wiar
FROM: Michael Farmer, Project Engineer
DATE: May 13, 2008
RE: True Street Project

I am submitting the following comments on behalf of the Department of Public Services (formerly Dept. of Public Works), based on a review of the plans revised on April 9, 2008.

The Department of Public Services would like to see the turnaround located closer to the end of the street. For reference, I have attached a copy of the City's design standard for a typical turnaround. This detail shows the preferred location of a turnaround with respect to the end of a street.

The DPS has no objection to the proposal to provide 12 feet at the end of True Street for snow storage, even though this aspect of the proposed design does not match the City's design standard.

FIGURE I-6
TYPICAL TURNAROUND DETAIL



UTILITY PLAN

OF: TRUE STREET SUBDIVISION

TRUE STREET

FOR: TRUE STREET NEIGHBORHOOD

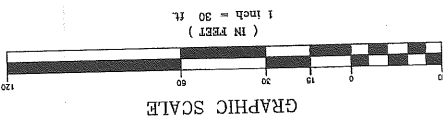
PORTLAND, MAINE 04101

Sebago Technics

Engineering Experts You Can Build On

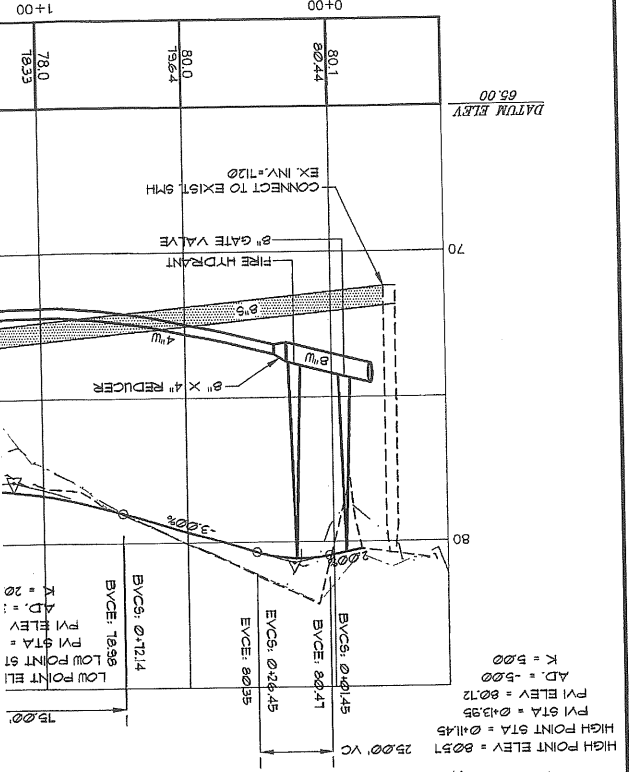
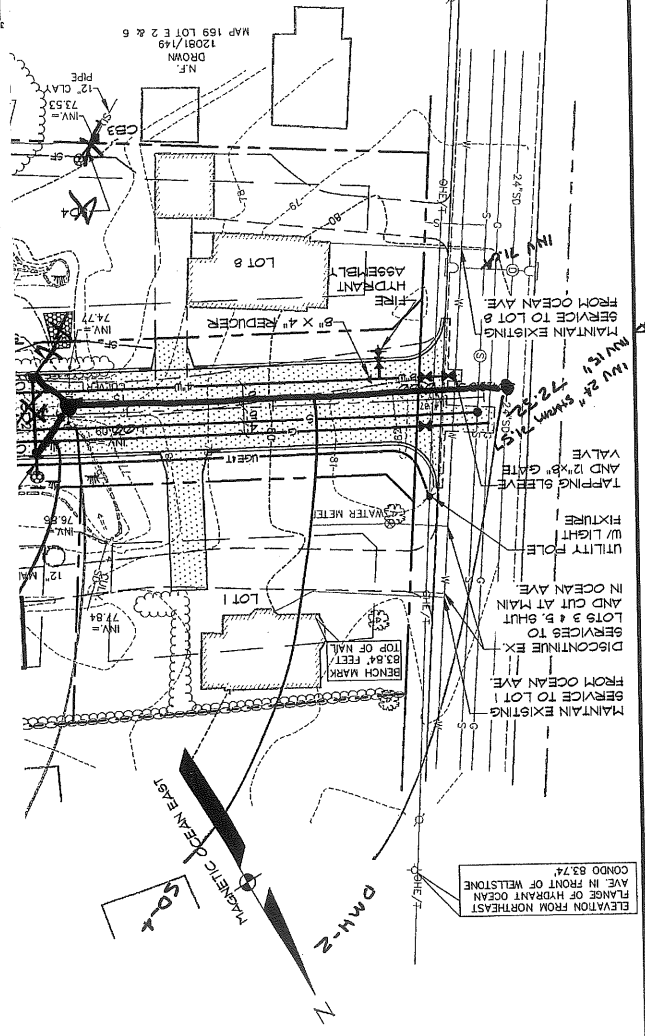
One Cribbet Street
Westbrook, Me 04092-1339
Tel (207) 856-0277

PROJECT NO.	FIELD BOOK	DESIGN	CHKD	DRAWN
05207		DOB	DOB	BOG



LEGEND

DESCRIPTION	PROPOSED	EXISTING
BOUNDARY LINE/ROW	---	---
SETBACK	---	---
CEMENT	---	---
BUILDINGS	---	---
LETLANDS	---	---
EDGE WETLAND	---	---
SIGN	---	---
EDGE PAVEMENT	---	---
GRAVEL ROAD	---	---
CURBLINE	---	---
TREELINE	---	---
CONTOURS	---	---
SPOT GRADE	---	---
STONE WALL	---	---
DECIDUOUS TREE	---	---
CONIFEROUS TREE	---	---
GAS	---	---
WATER	---	---
GATE VALVE	---	---
POTABLE WELL	---	---
SEWER	---	---
SEWER MAIN	---	---
SEWER TH	---	---
STORM DRAIN	---	---
UNDERDRAIN	---	---
CATCH BASIN	---	---
DRAINAGE TH	---	---
COLLECTOR	---	---
UNDERGROUND	---	---
ELEC. & TEL.	---	---
TRANSFORMER PAD	---	---
UTILITY POLE	---	---
UTILITY POLE/WALL	---	---
GY	---	---
SILT FENCE	---	---
RIPRAP	---	---



REV.	BY:	DATE:	STATUS:
A	DOB	9-19-05	ISSUED TO CLIENT FOR REVIEW
B	DOB	10-25-05	ISSUED SKETCH PLAN TO CITY
C	DOB	03-28-06	REVISED HAMMERHEAD DESIGN
D	DOB	11-30-07	ISSUED TO CLIENT FOR REVIEW
E	RAM	4-9-08	ISSUED TO CITY FOR SUBDIVISION PLAN REVIEW
F	RAM	5-14-08	REVISED PER BIDD COMMENTS

THIS PLAN SHALL NOT BE VIGILANT WITHOUT WRITTEN PERMISSION FROM SEBAGO TECHNICS, INC. ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO SEBAGO TECHNICS, INC.

CERTIFICATE OF VARIANCE APPROVAL

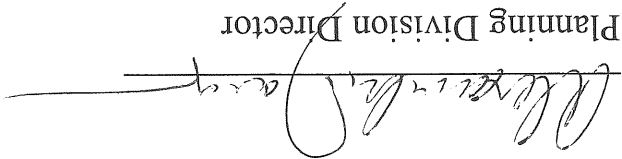
I, Alex Jaegerman, the duly appointed, qualified and acting Planning Division Director for the City of Portland, Cumberland County and State of Maine, hereby certify that on the 22nd day of July, 2008, the following-described variance was granted pursuant to the provisions of 30A M.R.S.A. 4401 et seq. and the City of Portland Land Use Code Subdivision Ordinance Sec. 14-495 g4.

1. Property Owners: Todd R. Sniper & Kelly O. Sniper

2. Property: Ocean Avenue/True Street 424-A-40 Lot 1, Cumberland County Registry Book 21518, Page 160

3. Variance and conditions of Variance: 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.

IN WITNESS WHEREOF, I have hereto set my hand and seal this 16th day of October, 2008.



Planning Division Director

Alex Jaegerman

(Printed Name)

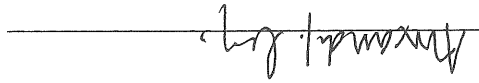
STATE OF MAINE

Cumberland, ss.

Then personally appeared the above-named Alex Jaegerman

And acknowledged the above certificate to be his/her free act and deed in his/her said capacity as Planning Division

Director.



Alexandra J.P. Murphy
My Commission Expires 4.4.15

(Printed Name)

This certificate must be recorded in the Cumberland County Registry of Deeds within 90 days of the final subdivision approval or approval under Title 38, chapter 3, subchapter 1, article 6, where applicable, whichever date is later, or the variance is void. 30-A M.R.S.A. 4406(B).

CERTIFICATE OF VARIANCE APPROVAL

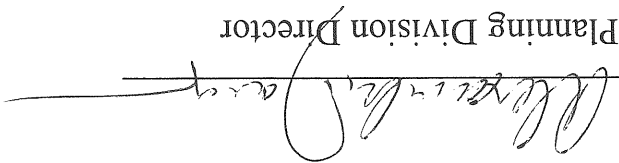
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2. Property: Ocean Avenue/True Street 424-A-40 Lot 1, Cumberland County Registry Book 21518, Page 160

3. Variance and conditions of Variance: 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.

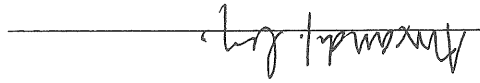
IN WITNESS WHEREOF, I have here to set my hand and seal this 16th day of October, 2008.



Alex Jaegerman
Planning Division Director
(Printed Name)

STATE OF MAINE
Cumberland, ss.

Then personally appeared the above-named Alex Jaegerman
And acknowledged the above certificate to be his/her free act and deed in his/her said capacity as Planning Division
Director.



Alexandra J.P. Murphy
(Printed Name)

My Commission Expires 4.4.15

This certificate must be recorded in the Cumberland County Registry of Deeds within 90 days of the final subdivision approval or approval under Title 38, chapter 3, subchapter 1, article 6, where applicable, whichever date is later, or the variance is void. 30-A MRSA 4406(B).

From: "Robert McSorley" <rmcsorley@sebagotechnics.com>
To: "Barbara Barhydt" <BAB@portlandmaine.gov>, "Shukria Wiar" <SHUKRIAW@portlandmaine.gov>
Date: Tuesday, September 09, 2008 11:00:35 AM
Subject: True Street

Barbara,

We had emailed this file to Shukria. She said that in lieu of submitting all the prints, we could email the changes for her to review and she would let us know if it was okay to make the final prints/mylars. To help the review, I have listed all the changes per each page

Sheet 3 of 8

* Added Sidewalk to plan
 * Recalculated wetland impact area from sidewalk and adjusted table.

* Added the driveway for lot 2
 * Added the emergency turnaround on lot 4
 * Revise note 13 from "Existing structures on lots 1, 3, 5 & 8 are grandfathered and exempt from setbacks requirements from existing property lines," to "Existing structures on lots 1, 3, 5 & 8 are pre-existing non-conforming structures regarding lot lines."
 * Revise note 14 from "...or as recommended by City Arborist or Planning Staff." To "...or as recommended by the City Planning Authority."
 * Added note 15: The emergency vehicle turnaround on lot 4 shall be constructed of gravel.

Sheet 4 of 8

* Added Sidewalk to plan
 * Updated grading from sidewalk addition
 * Adjusted drainage from sidewalk addition

Sheets 5 & 6 of 8

* Added Sidewalk to plan

Sheet 7 of 8

* Revised typical section to include sidewalk on north side of right-of-way

Please let me know if these changes are acceptable.

Thanks, Rob McSorley

Robert McSorley, P.E.

Senior Project Manager

Sebago Technics, Inc.

1 Chabot Street

PO Box 1339

Westbrook, Maine 04098

(207) 856-0277 Ext. 266

(207) 856-2206 Fax

rmcsorley@sebagotechnics.com <mailto:rmcsorley@sebagotechnics.com>
www.sebagotechnics.com <http://www.sebagotechnics.com/>

CC: "05207" <05207@sebagotechnics.com>

**CITY OF PORTLAND
DEPARTMENT OF PUBLIC SERVICES**

M E M O

TO: Shukria Wiar
FROM: Michael Farmer, Project Engineer
DATE: Sept. 16, 2008
RE: True Street Project

I am submitting the following comments on behalf of the Department of Public Services, based on a review of the plans revised as of July 23, 2008.

1. Assuming that True Street will be offered to the City for acceptance, Sheet 3 should show two proposed granite monuments marking the new right of way of True Street. One monument should be located 3.00 feet from the easterly end line of the street and 3.00 feet from the southerly sideline. The other monument should be located 3.00 feet from the easterly sideline of True Street and 3.00 feet from boundary line L2. The monuments should conform to the City's standard detail for street monuments and the standard monument detail should be included in the plans.
2. The "Typ. Trench Section Within City R.O.W." detail on Sheet 7 applies to all storm drains and sanitary sewers, including sewer laterals outside the right of way. This detail should be clarified to make it clear that it applies to sewer laterals outside the right of way, and to make it clear that the other two trench details on sheet 7 do not apply to sewer laterals. The "Section Through Earth Trench" detail and the "Section Through Ledge Trench" detail should be clarified to make it clear what they apply to - are they for water mains only? A third Town and Country street light pole should be added at the end of True Street. It could be located up to 60 feet from the end of the street, with the other two poles located accordingly.
4. On sheet 5, the proposed gas service lateral for lot 7 is shown in a location that would encourage crossing a corner of lot 6 to get to Lot 7. I suggest moving this lateral location so it is at least 5 feet away from the corner of lot 6 and 7.
5. The proposed deed description(s) for True Street acceptance should be submitted to Bill Clark for review.

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

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

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 Grafton 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.
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 Brancey, 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 11c); 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 lightly wooded with most of the significant trees along the abutting property lines towards the rear of the lots. The submitted Landscaping Plan (Attachment 11) 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;
- 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 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-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:

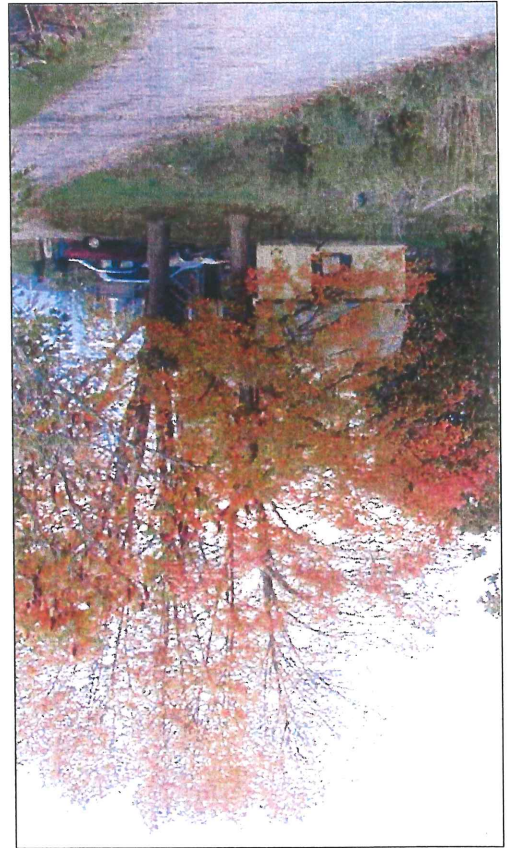
1. Site Plan Application/ Checklist Dated: 04.07.2008
2. Project Narrative
3. Site location Map
4. General Requirements- Subdivision
5. Stormwater Management Narrative
6. Ability to Serve Letters
7. Letters from State Agencies
8. Right, Interest & Title
9. Financial Capacity
10. Technical Capacity
11. 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 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. Michael Farmer, Department of Public Services
 20. Jeff Tarling, City Arborist
 21. Financial Capability Letter
 22. Neighborhood Meeting Information
 23. Photographs of True Street site
 24. Lighting Catalogue Cuts

- Dated: 06.04.2008
- Dated: 05.02.2008
- Dated: 06.04.2008
- Dated: 06.19.2008
- Dated: 06.19.2008
- Dated: 06.19.2008
- Dated: 07.17.2008
- Dated: 06.11.2008
- Dated: 06.13.2008
- Dated: 05.13.2008
- Dated: 07.17.2008
- Dated: 07.16.2008

PREPARED BY:
Sebago Technics, Inc.
One Chabot Street, Westbrook, Maine 04098

PREPARED FOR:
True Street Neighborhood
41 True Street, Portland, Maine 04103

TRUE STREET SUBDIVISION



City of Portland
Subdivision Plan Application
Sketch Plan
April 7, 2008

SITE PLAN APPLICATION/CHECKLIST

ATTACHMENT 1

Att. 1



City of Portland Site Plan Application

If you or the property owner owns 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: <i>[Handwritten Signature]</i>	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.

City of Portland, Maine Site Plan Checklist



TRUE STREET SUBDIVISION, TRUE STREET, PORTLAND

Application Number

Section 14-525

Submitted () & Date (b,c)	Item	Required Information
<input checked="" type="checkbox"/>	(1)	Standard boundary survey (stamped by a registered surveyor, at a scale of not less than 1 inch to 100 feet and including: Name and address of applicant and name of proposed development
<input checked="" type="checkbox"/>	(2)	Scale and north points
<input checked="" type="checkbox"/>	(3)	Boundaries of the site
<input checked="" type="checkbox"/>	(4)	Total land area of site
<input checked="" type="checkbox"/>	(5)	Plans based on the boundary survey including: Topography - existing and proposed (2 feet intervals or less)
<input checked="" type="checkbox"/>	(6)	Existing soil conditions
<input checked="" type="checkbox"/>	(7)	Location of water courses, marshes, rock outcroppings and wooded areas
<input checked="" type="checkbox"/>	(8)	Location, ground floor area and grade elevations of building and other structures existing and proposed, elevation drawings of exterior facades, and materials to be used
<input checked="" type="checkbox"/>	(9)	Approx location of buildings or other structures on parcels abutting the site
<input checked="" type="checkbox"/>	(10)	Location of on-site waste receptacles
<input checked="" type="checkbox"/>	(11)	Public utilities
<input checked="" type="checkbox"/>	(12)	Water and sewer mains
<input checked="" type="checkbox"/>	(13)	Culverts, drains, existing and proposed, showing size and directions of flows
<input checked="" type="checkbox"/>	(14)	Location and dimensions, and ownership of easements, public or private rights-of-way, both existing and proposed
<input checked="" type="checkbox"/>	(15)	Location and dimensions of on-site pedestrian and vehicular access ways
<input checked="" type="checkbox"/>	(16)	Parking areas
<input checked="" type="checkbox"/>	(17)	Loading facilities
<input checked="" type="checkbox"/>	(18)	Design of ingress and egress of vehicles to and from the site onto public streets
<input checked="" type="checkbox"/>	(19)	Curb and sidewalks
<input checked="" type="checkbox"/>	(20)	Landscape plan showing:
<input checked="" type="checkbox"/>	(21)	Location of existing proposed vegetation
<input checked="" type="checkbox"/>	(22)	Type of vegetation
<input checked="" type="checkbox"/>	(23)	Quantity of plantings
<input checked="" type="checkbox"/>	(24)	Size of proposed landscaping
<input checked="" type="checkbox"/>	(25)	Existing areas to be preserved
<input checked="" type="checkbox"/>	(26)	Preservation measures to be employed
<input checked="" type="checkbox"/>	(27)	Details of planting and preservation specifications
<input checked="" type="checkbox"/>	(28)	Location and dimensions of all fencing and screening
<input checked="" type="checkbox"/>	(29)	Location and intensity of outdoor lighting system
<input checked="" type="checkbox"/>	(30)	Location of fire hydrants, existing and proposed
<input checked="" type="checkbox"/>	(31)	Written statement
<input checked="" type="checkbox"/>	(32)	Description of proposed uses to be located on site
<input checked="" type="checkbox"/>	(33)	Quantity and type of residential, if any
<input checked="" type="checkbox"/>	(34)	Total land area of the site
<input checked="" type="checkbox"/>	(35)	Total floor area and ground coverage of each proposed building and structure
<input checked="" type="checkbox"/>	(36)	General summary of existing and proposed easements or other burdens
<input checked="" type="checkbox"/>	(37)	Method of handling solid waste disposal
<input checked="" type="checkbox"/>	(38)	Applicant's evaluation of availability of off-site public facilities, including sewer, water and streets
<input checked="" type="checkbox"/>	(39)	Description of any problems of drainage or topography, or a representation that there are none
<input checked="" type="checkbox"/>	(40)	An estimate of the time period required for completion of the development
<input checked="" type="checkbox"/>	(41)	A list of all state and federal regulatory approvals to which the development may be subject

NOTE 1: The Portland Water District has provided a Capacity to Serve Letter. A letter was also requested from the Portland Sewer District, and will be provided upon receipt.

NOTE 2: Letters of Non-jurisdiction have been requested of the appropriate agencies and will be provided upon receipt.

NOTE 3: The Applicant is proposing to personally fund the project.

Other comments:

- drainage patterns and facilities;
- erosion and sedimentation controls to be used during construction;
- a parking and/or traffic study;
- emissions; and
- a wind impact analysis.
- an environmental impact study;
- a sun shadow study;
- a study of particulates and any other noxious
- a noise study;

Note: Depending on the size and scope of the proposed development, the Planning Board or Planning Authority may request additional information, including (but not limited to):

The status of any pending applications (44)

Anticipated timeframe for obtaining such permits (45)

A letter of non jurisdiction (46)

Evidence of financial and technical capability to undertake the development (47)

Including a letter from a responsible financial institution stating that it has reviewed the planned development and would seriously consider financing it when approved.

8
h8
h8

N/A
N/A
SEE NOTE 2
SEE NOTE 3