

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

**2002-0127**

Application I. D. Number

**05/22/2002**

Application Date

**Fill Permit**

Project Name/Description

**Libby Madeline F &**

Applicant

**29 Dalton St, Portland, ME 04103**

Applicant's Mailing Address

**29 - 29 Dalton St, Portland, Maine**

Address of Proposed Site

**427 L005001**

Assessor's Reference: Chart-Block-Lot

Consultant/Agent

**Applicant Ph: (207) 772-2080 Agent Fax:**

Applicant or Agent Daytime Telephone, Fax

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

**300 cubic yards**

Proposed Building square Feet or # of Units

Acreage of Site

Zoning

**Check Review Required:**

- |                                                             |                                                         |                                                |                                                  |
|-------------------------------------------------------------|---------------------------------------------------------|------------------------------------------------|--------------------------------------------------|
| <input type="checkbox"/> Site Plan<br>(major/minor)         | <input type="checkbox"/> Subdivision<br># of lots _____ | <input type="checkbox"/> PAD Review            | <input type="checkbox"/> 14-403 Streets Review   |
| <input type="checkbox"/> Flood Hazard                       | <input type="checkbox"/> Shoreland                      | <input type="checkbox"/> Historic Preservation | <input type="checkbox"/> DEP Local Certification |
| <input type="checkbox"/> Zoning Conditional<br>Use (ZBA/PB) | <input type="checkbox"/> Zoning Variance                | <input type="checkbox"/> Other _____           |                                                  |

Fees Paid: Site Plan \_\_\_\_\_ Subdivision \_\_\_\_\_ Engineer Review \_\_\_\_\_ Date \_\_\_\_\_

**DRC Approval Status:**

Reviewer *[Signature]*

- Approved  **Approved w/Conditions**  Denied  
 See Attached

Approval Date \_\_\_\_\_ Approval Expiration *11-15-02* Extension to \_\_\_\_\_  Additional Sheets Attached  
 \_\_\_\_\_ signature \_\_\_\_\_ date

**Performance Guarantee**  Required\*  Not Required

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

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

# Fill Permit Application

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

Location/Address of Fill Area: <u>29-92 DOLLIVER ST PORTLAND</u>		
Total Cubic Yardage of Proposed Fill <u>300</u>	Square Footage of Lot <u>2075 S.F.</u>	
Tax Assessor's Chart, Block & Lot Chart# <u>427</u> Block# <u>L</u> Lot# <u>5</u> <u>427 BETWEEN MARK 12N &amp; 3K</u>	Owner: <u>WALTER &amp; MADELINE HOBBS</u>	Telephone: <u>772-2080</u>
Lessee/Buyer's Name (If Applicable)	Applicant name, address & telephone:	500cy-less \$50.00 500cy-more \$100.00  Fee: \$ <u>50.00</u>

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: <u>Walter N Hobbs</u>	Date: <u>5/17/02</u>
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**This is not a permit. You may not commence ANY work until the permit is issued.**

## FILL PERMIT SUBMISSION

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



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

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

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

**ABSOLUTELY NO SITE WORK MAY BE DONE UNTIL THE PERMIT HAS BEEN ISSUED.**

**THIS INCLUDES THE FOLLOWING:**

BLASTING

TREE CLEARING

HAULING IN FILL TO THE SITE

ANY TYPE OF GRADING OR EARTHWORK

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

GUARD RAIL

23792 DALTON ST

ENST

MALTA LINE STA 24400

125'

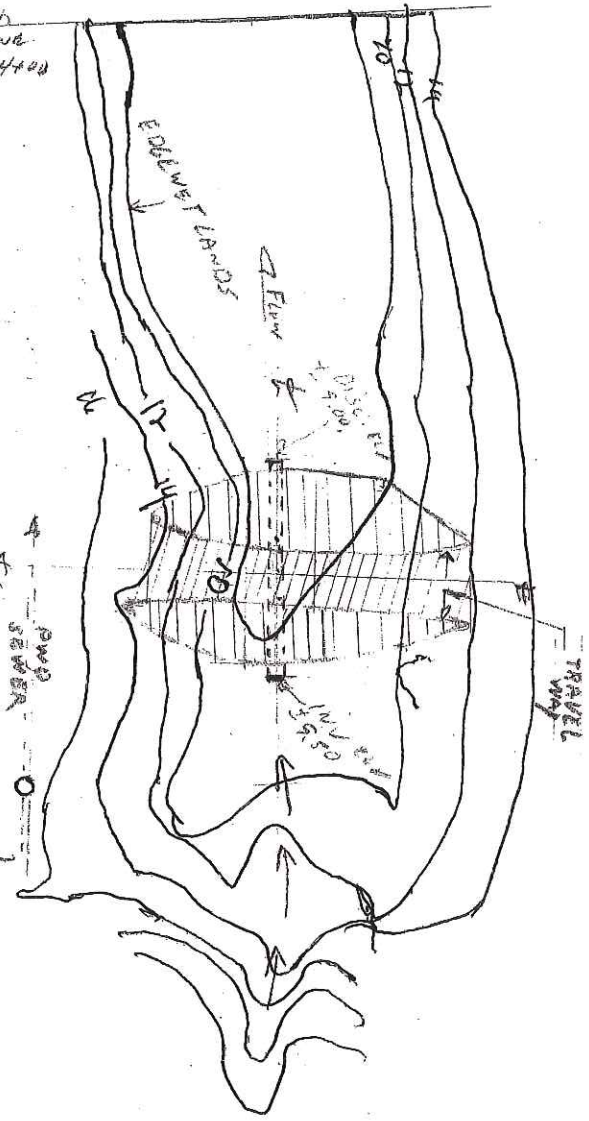
900' DIAM

14.00 ELEV TOP OF FILL

18" U-D PIPE 98' LENGTH PLACED IN EXISTING STREAM

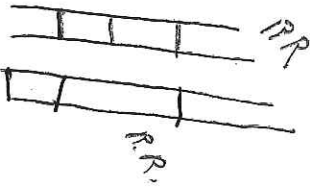
PRIVATE ROAD SECTION AT E. OF PIPE

NOTE: USE TEMPORARY SILT FENCE FOR EROSION PROTECTION ALONG FILL AREA



WALTER LIBBY  
29 DALTON ST

FILL AREA	1659 SF
WETLANDS FILL	1916 SF
NORMAL FILL	1016 SF
TOTAL FILL	4591 SF



WALTER LIBBY  
29 DALTON ST

200 4/10/02

Department of Public Works



William J. Bray  
Director

**CITY OF PORTLAND**

April 10, 2002

Mr. Walter Libby  
29 Dalton Street  
Portland, Maine

RE: Sketch of proposed private causeway across wetlands

Dear Walter:

I have drawn for your use if you so choose a sketch plan for the location and placement of your proposed causeway crossing wetlands which will enable you to access your property directly from the property where you now reside and own.

You may want to include this sketch with your site location map when applying for the necessary permits from the City to complete this project.

I trust this may be of some assistance to you. If you have any questions, give me a call at 874-8829.

Sincerely,  
**CITY OF PORTLAND**

A handwritten signature in cursive script that reads 'David E. Peterson'.

David E. Peterson, A.A.S.  
Senior Wastewater Technician

DEP:jw  
Enclosures  
cc: Bradley A. Roland, P.E., Project Engineer



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

2001-0224

Application I. D. Number

09/06/2001

Application Date

29 Dalton St

Project Name/Description

Libby Madeline F &

Applicant

29 Dalton St, Portland, ME 04103

Applicant's Mailing Address

Consultant/Agent

29 - 39 Dalton St, Portland, Maine

Address of Proposed Site

Agent Ph: Agent Fax:

Applicant or Agent Daytime Telephone, Fax

Assessor's Reference: Chart-Block-Lot

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

Proposed Building square Feet or # of Units \_\_\_\_\_ Acreage of Site \_\_\_\_\_ Zoning \_\_\_\_\_

**Check Review Required:**

- |                                                             |                                                         |                                                |                                                  |
|-------------------------------------------------------------|---------------------------------------------------------|------------------------------------------------|--------------------------------------------------|
| <input type="checkbox"/> Site Plan<br>(major/minor)         | <input type="checkbox"/> Subdivision<br># of lots _____ | <input type="checkbox"/> PAD Review            | <input type="checkbox"/> 14-403 Streets Review   |
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| <input type="checkbox"/> Zoning Conditional<br>Use (ZBA/PB) | <input type="checkbox"/> Zoning Variance                | <input type="checkbox"/> Other _____           |                                                  |

Fees Paid: Site Plan \_\_\_\_\_ Subdivision \_\_\_\_\_ Engineer Review \_\_\_\_\_ Date \_\_\_\_\_

**DRC Approval Status:**

Reviewer Jay Reynolds

- Approved  Approved w/Conditions See Attached  Denied

*Denial*

Approval Date 09/14/2001 Approval Expiration 09/14/2002 Extension to \_\_\_\_\_  Additional Sheets Attached

Condition Compliance \_\_\_\_\_ signature \_\_\_\_\_ date \_\_\_\_\_

Performance Guarantee  Required\*  Not Required

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

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



**CITY OF PORTLAND**

September 13, 2001

Mr. Walter Libby  
29 Dalton Street  
Portland, ME 04103

RE: 29 Dalton Street: Fill Permit Application  
(#2001-0224) (CBL 427L005)

Dear Mr. Libby,

The City has received and reviewed your submission for the fill permit at 29 Dalton Street.

After a site visit and evaluation by the Maine Department of Environmental Protection, it was determined that your proposed fill area is in a wetland.

In addition to city requirements, you would also need a separate permit from the Maine Department of Environmental Protection to obtain approval to do such work.


**At this time, the City is denying your fill permit application.**

You are required to repair the silt fence that is currently not protecting the low-lying areas. Also the slopes of the already filled areas must be stabilized to prevent future erosion.

As discussed today, you had requested to re-grade another area of your yard. This, in my opinion, would involve minor grading, loaming and seeding. It is also my opinion that this would require less than 50 cubic yards of fill, and would not require a fill permit.

Thank You for Your Time.

Sincerely,

  
Jay Reynolds

Development Review Coordinator

**STOP WORK NOTICE**

August 23, 2001

Madeline and Walter Libby  
29 Dalton Street  
Portland, Me. 04103

RE: Filling  
CBL: 427-L-012/427-N-001

**HAND DELIVER**

Dear Mr. or Mrs. Libby:

An evaluation of the property adjacent to 29 Dalton Street revealed that filling has occurred without the required approval. As stated in the City of Portland Land Use Ordinance, minor site plan approval is required for 'the alteration of a watercourse, drain, or swale' (Section 14-522). From our inspection, it appears that the filled areas may contain wetlands. In addition to City of Portland permits, the filling of a wetland requires an application for Permit by Rule from the Maine Department of Environmental Protection.

This is a **STOP WORK ORDER** pursuant to Section 14-522 of the Land Use Ordinance. All construction activity must stop immediately.

Construction may commence after minor site plan has been applied for AND approved.

Failure to comply will result in this office referring the matter to the City of Portland Corporation Counsel for legal action and possible civil penalties, as provided for in Section 1-15 of the Code and in Title 30-A M.R.S.A. Ss 4452. This constitutes an appealable decision pursuant to Section 121.5 of the Code. Please feel free to contact me at 874-8632, if you wish to discuss the matter or have any questions.

Sincerely,

Jay Reynolds  
Development Review Coordinator

Cc: Alex Jaegerman, Chief Planner  
Sarah Hopkins, Development Review Services Manager  
Mike Nugent, Inspection Services Manager  
Penny Littell, Corporation Counsel  
Tony Lombardo, Public Works/Engineering  
Will Cook, Maine Department of Environmental Protection

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Department of Planning & Development  
Lee D. Urban, Director



**CITY OF PORTLAND**

**Division Directors**  
Mark B. Adelson  
Housing & Neighborhood Services

Alexander Q. Jaegerman, AICP  
Planning

John N. Lufkin  
Economic Development

May 29, 2002

Mr. Walter Libby  
29 Dalton Street  
Portland, ME 04103

RE: Fill Permit/29 Dalton Street  
(ID # 2002-0127) (CBL#427L005)

Dear Mr. Libby:

On May 29, 2002, the Portland Planning Authority granted approval for a fill permit at 29 Dalton Street. Attached are the conditions of approval for this fill permit:

1. Erosion and Sedimentation control shall be established prior to soil disturbance, and shall be done in accordance with Best Management Practices, Maine Department of Environmental Protection Technical and Design Standards and Guidelines.
2. **All fill areas must be stabilized for winter by November 15, 2002.**
3. The expiration date of this approval is November 15, 2002.

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

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

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

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

Sincerely,

  
Alexander Jaegerman  
Planning Division Director

Department of Planning & Development  
Lee D. Urban, Director



**CITY OF PORTLAND**

Division Directors  
Mark B. Adelson  
Housing & Neighborhood Services

Alexander Q. Jaegerman, AICP  
Planning

John N. Lufkin  
Economic Development

November 5, 2002

Mr. Walter Libby  
29 Dalton Street  
Portland, ME 04103

RE: Fill Permit/29 Dalton Street  
(ID # 2002-0127) (CBL#427L005)

Dear Mr. Libby:

In response to your request for an extension of your fill permit, I have the following comments:

1. After a site visit, it is apparent that the project is complete, based on the submitted site plan.
2. After speaking with Ron Dearborn of Dearborn Construction, I have requested that the side slopes (that are hayed) be seeded as well. This should be done immediately to ensure some slope stability and grass catch in the spring.

Upon seeding of the hayed areas, there appears to be no reason for a time extension on your fill permit.

Upon obtaining sufficient grass catch, the City will consider your project completed and closed, thus, no filling will be allowed at this point.

Sincerely,

Jay Reynolds  
Development Review Coordinator

cc: Alexander Jaegerman, Planning Division Director  
Sarah Hopkins, Development Review Services Manager  
Marge Schmuckal, Zoning Administrator  
Penny Littell, Corporation Counsel  
File

City of Portland

I am applying for a  
extension for a full Permit 29 Dalton  
St. ID # 2002-0127-CBL#427L005.

Due To mix up between City of Portland  
and Myself about Culverts. The Project  
was put way behind. as of now I  
am just getting The fill and I  
am not sure I will have enough  
before winter sets in To Complete The  
project. Would appreciate any help  
you could give me for and extension to  
complete The project

Thank you

Walter H. Kelly Jr  
29 Dalton St  
Portland, Me

04103