

Comments Submitted 4/3/13

City of Portland  
Development Review Application  
Planning Division Transmittal Form

Application Number: 2013-058      Application Date: 02/27/2013  
CBL: 431 M006001      Application Type: Level III Site Plan 50,000 - 100,000  
Project Name: Veranda St. Subdivision  
Address: 120 Veranda Street  
Project Description: Subdivision of 2 lots into 3 lots.  
Zoning: R5

**Other Required Reviews:**

<input type="checkbox"/> Traffic Movement	<input type="checkbox"/> 14-403 Streets	<input type="checkbox"/> Housing Replacement
<input type="checkbox"/> Storm Water	# Units _____	<input type="checkbox"/> Historic Preservation
<input checked="" type="checkbox"/> Subdivision	<input type="checkbox"/> Flood Plain	<input type="checkbox"/> Other:
# Lots <u>3</u>	<input type="checkbox"/> Shoreland	
<input type="checkbox"/> Site Location	<input type="checkbox"/> Design Review	
# Unit _____		

*Phil DiPiero*  
874-8637

**Distribution List:**

*1756-0029*

<b>Planner</b>	Shukria Wiar	<b>Parking</b>	John Peverada
<b>Zoning</b>	Marge Schmuckal	<b>Design Review</b>	Alex Jaegerman
<b>Traffic Engineer</b>	Tom Errico	<b>Corporation Counsel</b>	Danielle West-Chuhta
<b>Civil Engineer</b>	David Sensus	<b>Sanitary Sewer</b>	John Emerson
<b>Fire Department</b>	Chris Pirone	<b>Inspections</b>	Tammy Munson
<b>City Arborist</b>	Jeff Tarling	<b>Historic Preservation</b>	Deb Andrews
<b>Engineering</b>	David Margolis-Pineo	<b>DRC Coordinator</b>	Phil DiPiero
		<b>Outside Agency</b>	

Comments needed by 04.03.2013

*0/23/13 Tim McGough*  
*590-4381*

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**MEMORANDUM**

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**To:** FILE

**From:** Shukria Wiar

**Subject:** Application ID: 2013-058

**Date:** 4/3/2013

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**Comments Submitted by: Marge Schmuckal/Zoning on 4/3/2013**

I have reviewed the revised plans and written responses to zoning queries. All zoning issues have been adequately addressed at this time. It is understood that separate permits shall be required for the future build-out of the new lots. At that time all the R-5 appropriate dimensional requirements will be review for the specific proposals. All the R-5 Zone requirements for the site plan review are being met.

Marge Schmuckal  
Zoning Administrator

**Comments Submitted by: Tom Errico/Traffic on 3/18/2013**

**Comment:**

*The proposed driveway on Veranda Street does not meet corner clearance requirements. Given that it is a single-family residential driveway and it is located mid-block between Arcadia Street and Hodgins Street I support a waiver from the City's Technical Standards.*

Response: Thank you.

**Comments Submitted by: Marge Schmuckal/Zoning on 3/8/2013**

**Comment:**

- ok \*
1. *This subdivision did receive a determination letter from me. The request for a subdivision review is for 3 lots which is correct. However, I believe that 4 potential dwellings should be part of the subdivision review. Lot "A", one of the new lots created using the regular R-5 zone requirements, can be developed as a two family by right. It would be correct at this time to include lot "A" as a two unit development. If that is not done now and the new owner of the property wants to put in a two unit and the PB only approved it as a one unit, the new owner would need to return to the Board. Better to include it now instead of bringing it back in 18 months.*

Response: We have revised the notes on the Subdivision Plat to indicate that Lot A can be developed as a two-unit development.

**Comment:**

- \*
2. *Please note that lot B1 is an existing single family dwelling. It is fairly small, and I cannot see the availability to put on an addition for a 2nd dwelling unit. It is reasonable for this lot to only be reviewed as a single family dwelling.*

Response: We agree and have placed a note on the Plat that it can only be developed as a single family lot.

**Comment:**

- \*
3. *Lot B2 is being developed under the R-5 Small Lot Development. By definition, that lot can only be developed as a single family dwelling.*

Response: We agree and that is the intent with the plan.

**Comment:**

- \*
4. *On Lot "A" where the generic building is placed, violates the regular R-5 minimum lot width requirement. The regular R-5 zone requirements state there shall be a minimum of 60 foot for a lot width where a building is placed on a lot. The sketch should be revised to show that all regular R-5 zone requirements can be met. This will help eliminate any misunderstandings from a future purchaser of the land who will want to build on the lot and assume a building can be placed where it cannot.*

Response: We have revised the generic building footprint to show it meets all regular R-5 Zone requirements.

**Comments Submitted by: David Senus/Civil Engineering on 3/21/2013**

**Comment:**

1. *In accordance with Section 5 of the City of Portland Technical Manual, a Level III development project is required to submit a stormwater management plan pursuant to the regulations of Maine DEP Chapter*

*Comments Submitted 3/8/13*  
 City of Portland  
 Development Review Application  
 Planning Division Transmittal Form

316113

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<input checked="" type="checkbox"/> Subdivision	<input type="checkbox"/> Flood Plain	<input type="checkbox"/> Other:
# Lots <u>3</u> <i>? 4 units</i>	<input type="checkbox"/> Shoreland	
<input type="checkbox"/> Site Location	<input type="checkbox"/> Design Review	
# Unit _____		

**Distribution List:**

<b>Planner</b>	Shukria Wiar	<b>Parking</b>	John Peverada
<b>Zoning</b>	Marge Schmuckal	<b>Design Review</b>	Alex Jaegerman
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<b>Engineering</b>	David Margolis-Pineo	<b>DRC Coordinator</b>	Phil DiPierro
		<b>Outside Agency</b>	

Comments needed by 3-13-2013

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## MEMORANDUM

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**To:** FILE  
**From:** Shukria Wiar  
**Subject:** Application ID: 2013-058  
**Date:** 3/8/2013

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**Comments Submitted by: Marge Schmuckal/Zoning on 3/8/2013**

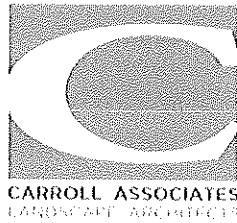
This subdivision did receive a determination letter from me. The request for a subdivision review is for 3 lots which is correct. However, I believe that 4 potential dwellings should be part of the subdivision review. Lot "A", one of the new lots created using the regular R-5 zone requirements, can be developed as a two family by right. It would be correct at this time to include lot "A" as a two unit development. If that is not done now and the new owner of the property wants to put in a two unit and the PB only approved it as a one unit, the new owner would need to return to the Board. Better to include it now instead of bringing it back in 18 months.

Please note that lot B1 is an existing single family dwelling. It is fairly small, and I can not see the availability to put on an addition for a 2nd dwelling unit. It is reasonable for this lot to only be reviewed as a single family dwelling.

Lot B2 is being developed under the R-5 Small Lot Development. By definition, that lot can only be developed as a single family dwelling.

On Lot "A" where the generic building is placed, violates the regular R-5 minimum lot width requirement. The regular R-5 zone requirements state there shall be a minimum of 60 foot for a lot width where a building is placed on a lot. The sketch should be revised to show that all regular R-5 zone requirements can be met. This will help eliminate any misunderstandings from a future purchaser of the land who will want to build on the lot and assume a building can be placed where it can not.

Marge Schmuckal  
Zoning Administrator



February 25, 2013

Ms. Barbara Barhydt, Acting Planning Director  
City of Portland  
389 Congress street  
Portland, ME 04101

**RE: Veranda Subdivision**

Dear Barbara,

On behalf of Steven and Roberta Cope, we are pleased to submit an Application for Level 3 Development Review associated with a proposed 3-lot Subdivision located at 120 Veranda Street in Portland. This residential subdivision is intended to provide infill within an existing residential neighborhood and is compatible with the adjacent neighborhood development. The property is located within the R-5 Residential Zone District, and we believe the project meets all applicable Zoning Standards and Requirements.

The total subdivision area is approximately 18,094 square feet in size and includes two lots of record (under different Ownership) recently split from a larger parcel of land acquired by the Owners in November, 2012. Lot A contains 6,005 sf and will have frontage on Veranda Street. A driveway curb cut is proposed to provide access for this lot. Lot B1 contains 6,532 sf will also have frontage on Veranda Street, however its access is proposed from Hodgins Street in a shared access easement with Lot B2. Lot B2 contains approximately 5,557 SF and is proposed utilizing the Small Lot Development Standards under the R-5 Zone District (Section (14-120(b))).

The proposed lot split was reviewed by the Zoning Administrator in October, 2012 and a Determination Letter from Marge Schmuckal is attached and made part of this Application.

Access to the three lots will be as follows- a new curb cut is proposed on Veranda Street for Lot A, which is located approximately midpoint in the block. Lots B1 and B2 will both be accessed from Hodgins Street along an existing access easement crossing the abutting property (Meara). This easement will be widened to a total of 15 feet onto the Lot B2 property to allow a 12 foot driveway to access both lots. A 4 foot bituminous sidewalk is proposed along the frontage to Lot B2, extending an existing brick and bituminous sidewalk that connects to Veranda Street.

All utilities are available in Hodgins and Veranda Street and Letters of Capacity from appropriate Public Utility Companies area attached to this Application. We have also developed a Stormwater Management Plan for the Subdivision that provides bio-filters on Lot A and B2 to accommodate the projected increase in Stormwater from the project. These two treatment areas will be piped into existing stormwater piping in Hodgins and Veranda Street. A full Stormwater Management Plan is attached to this Application.

The Lots will be subject to the access easements as described above in addition to an existing utility easements benefiting CMP and NE T&T that is described in the General Notes. In accordance with the Technical Standards, a total of 6 Red maple Street Trees are proposed for the project. These will be located within the front yard setbacks for the three lots and their final locations will be subject to approval from the City Arborist.

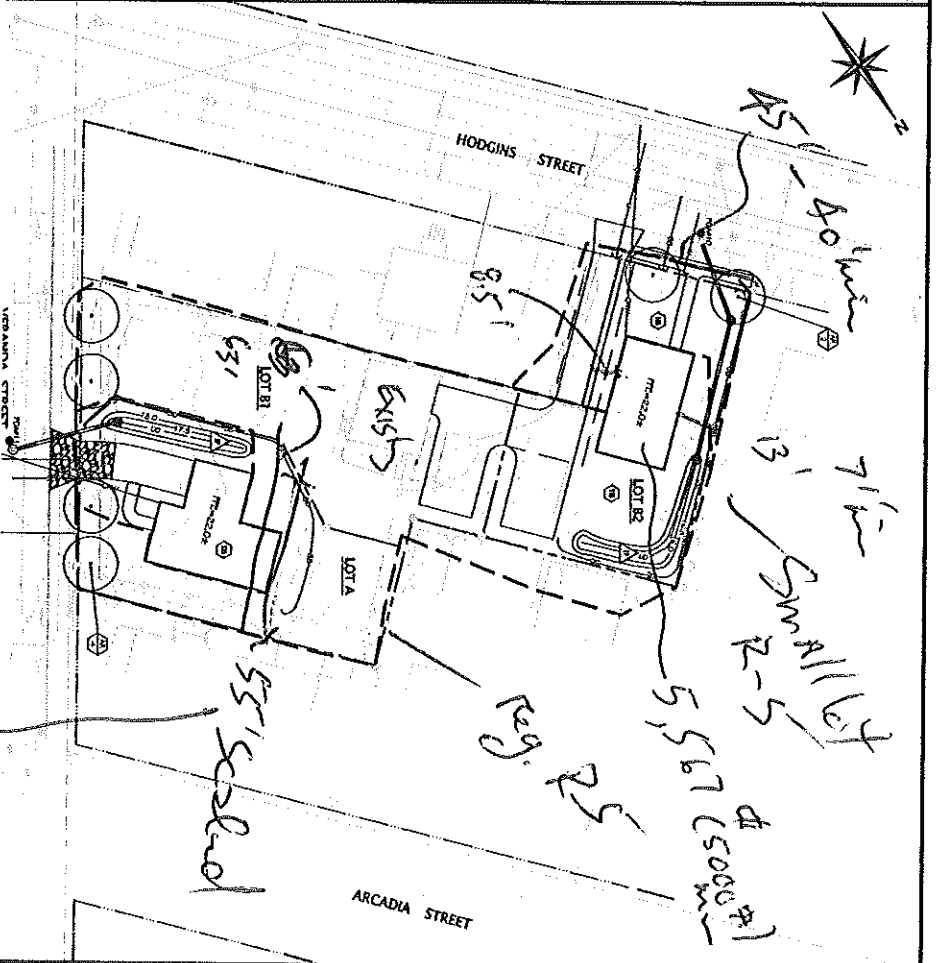
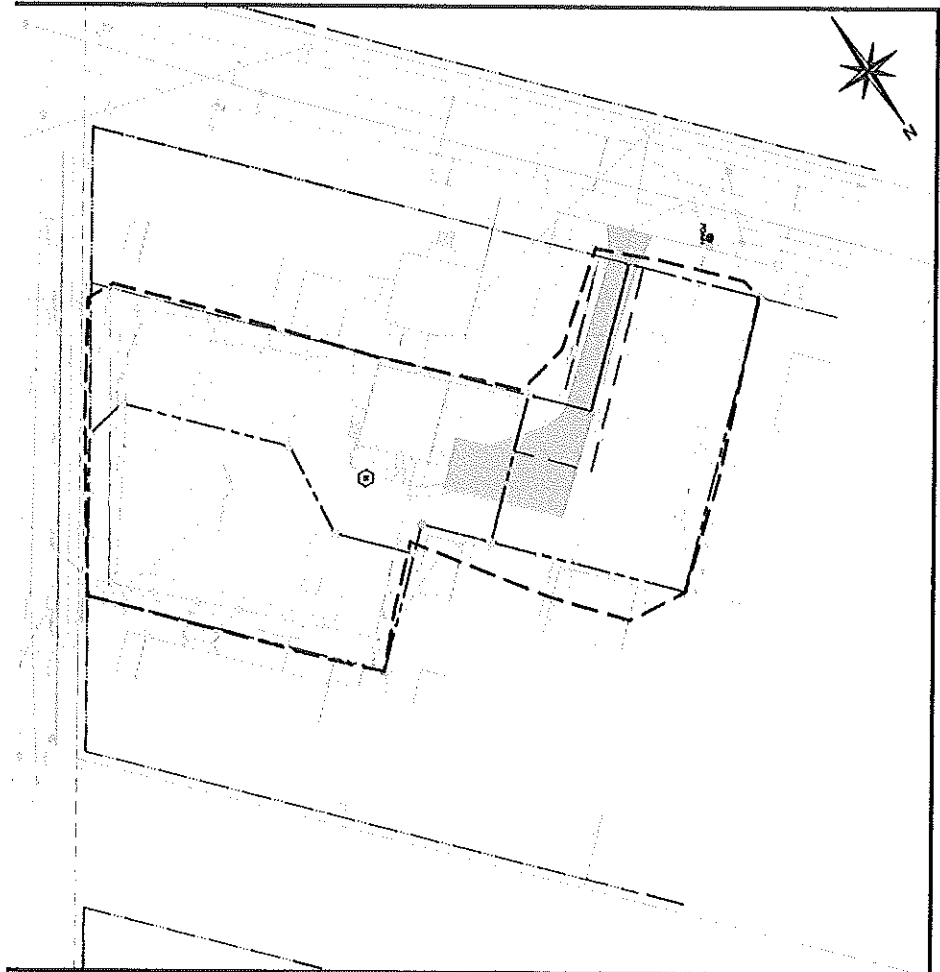
## PROJECT DATA

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

<b>Total Site Area</b>	18,094 sf
<b>Proposed Total Disturbed Area of the Site</b>	9850+/- sq. ft.
<b>(If the proposed disturbance is greater than one acre, then the applicant shall apply for a Maine Construction General Permit (MCGP) with DEP and a Stormwater Management Permit, Chapter 500, with the City of Portland)</b>	
<b>IMPERVIOUS SURFACE AREA</b>	
• Proposed Total Paved Area	3425 sq. ft.
• Existing Total Impervious Area	2385 sq. ft.
• Proposed Total Impervious Area	6265 sq. ft.
• Proposed Impervious Net Change	3880 sq. ft.
<b>BUILDING AREA</b>	
• Proposed Building Footprint	2830 sq. ft.
• Proposed Building Footprint Net change	2140 sq. ft.
• Existing Total Building Floor Area	1380 sq. ft.
• Proposed Total Building Floor Area	5660 sq. ft.
• Proposed Building Floor Area Net Change	4280 sq. ft.
• New Building	(yes or no)
<b>ZONING</b>	
• Existing	R5
• Proposed, if applicable	R5
<b>LAND USE</b>	
• Existing	Single Family Residential
• Proposed	Single Family Residential
<b>RESIDENTIAL, IF APPLICABLE</b>	
• Proposed Number of Affordable Housing Units	0
• Proposed Number of Residential Units to be Demolished	0
• Existing Number of Residential Units	1
• Proposed Number of Residential Units	3
• Subdivision, Proposed Number of Lots	3
<b>PARKING SPACES</b>	
• Existing Number of Parking Spaces	2
• Proposed Number of Parking Spaces	6
• Number of Handicapped Parking Spaces	na
• Proposed Total Parking Spaces	na
<b>BICYCLE PARKING SPACES</b>	
• Existing Number of Bicycle Parking Spaces	0
• Proposed Number of Bicycle Parking Spaces	na
• Total Bicycle Parking Spaces	na
<b>ESTIMATED COST OF PROJECT</b>	
	\$ 31,060.00
	Sidewalk \$ 1,125.00
	Stormwater System \$13,850.00
	Utility Connections \$14,360.00
	Pavement \$ 675.00
	Street Trees \$ 1,050.00







60' min lot width

OPMENT DRAINAGE  
SUBDIVISION  
IDA STREET  
NEXT

Blais



REVISIONS		
No.	DATE	DESCRIPTION

drained. At a minimum, a contiguous area of six thousand (6,000) square feet, with a minimum dimension of fifty (50) feet, shall be provided and shall include one (1) or more of the uses set forth in section 14-526(d) 9. and the planned residential unit development standards in the City of Portland Design Manual, but shall at least be usable as a multipurpose game field. Such recreation areas shall be located at least twenty-five (25) feet from dwelling units.

- (m) No habitable space in a PRUD shall be below grade, except basements that are part of and below aboveground units.
- (n) 1. *Minimum rooming unit area for lodging houses:* Two hundred (200) square feet of combined rooming unit and common area per rooming unit. Each individual rooming unit shall be a minimum of eighty (80) square feet.
2. *Minimum land area per lodging house rooming unit:* One thousand (1,000) square feet.
- (o) *Maximum floor area for places of assembly on a collector or arterial road:*

Large	Not limited
Medium	4,500 sq. ft.
Small	2,250 sq. ft.

- (p) *Maximum floor area for places of assembly not on a collector or arterial road:*

Large	4,500 sq. ft.
Medium	2,250 sq. ft.
Small.	1,125 sq. ft.

(2) Small residential lot development: <sup>only</sup> Single family homes may be built on small lots located in the R-5 and may use the dimensional requirements below if one of the following conditions is met:

The lot is:

R-S  
Small Lot Reg

City of Portland  
Code of Ordinances  
Sec. 14-120

Land Use  
Chapter 14  
Rev. 9-15-11

Vacant as of (date of enactment); or used exclusively for parking; or contains structure(s) not used for residential purposes; or created from a single lot division of a developed lot and results in a lot meeting the dimensional requirements of §14-120(2) with the remaining developed portion meeting the dimensional requirements of §14-120(1)(a)-(n) except as expressly provided in Section 14-120(2).

(a) *Minimum lot size:* Five thousand (5,000) square feet.

(b) *Maximum lot size:*

1. Lots that are vacant as of September 3, 2008, used exclusively for parking, or contain structure(s) not used for residential purposes: Six thousand (6,000) square feet.
2. Original developed lot prior to the single lot division that results in a lot meeting the dimensional requirements of §14-120(2) with the remaining developed portion meeting the dimensional requirements of §14-120(1)(a)-(n): Thirteen thousand (13,000) square feet.

(c) *Yard dimensions:*

1. *Side yard:*

- a. Principal or attached accessory structures with ground coverage greater than one hundred (100) square feet: Seven (7) feet.

The width of one (1) side yard may be reduced one (1) foot for every foot that the other side yard is correspondingly increased, but no side yard shall be less than four (4) feet in width.

- b. Side yard on side street: Ten (10) feet.

(d) *Minimum lot width:* Forty (40).

(e) *Minimum street frontage:* Forty (40).

(f) *Maximum lot coverage:* Fifty (50) percent.

City of Portland  
Code of Ordinances  
Sec. 14-120

Land Use  
Chapter 14  
Rev.9-15-11

(Ord. No. 536-84, 5-7-84; Ord. No. 98-86, § 2, 10-6-86; Ord. No. 83-88, § 5, 7-19-88; Ord. No. 386-89, §§ 1, 2, 4-3-89; Ord. No. 235-91, § 11, 2-4-91; Ord. No. 33A-91, § 5, 4-17-91; Ord. No. 118-93, § 10, 10-18-93; Ord. No. 154-96, § 10, 12-16-96; Ord. No. 165-97, § 4, 12-1-97; Ord. No. 56-08/09, 9-3-08; Ord. No. 131-08/09, 12-15-08; Ord. No. 127-09/10, 1-4-10 emergency passage; Ord. No. 278-09/10, 7-19-10; Ord. No. 275-10/11, 10-18-10)

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\*Editor's note--Ord. No. 83-88, § 5, adopted July 19, 1988, amended § 14-120 to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 83-88.  
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**Sec. 14-121. Other requirements.**

- (a) *Off-street parking:* Off-street parking is required as provided in division 20 (off-street parking) of this article.
- (b) *Shoreland and flood plain management regulations:* Any lot or portion of a lot located in a shoreland zone as identified on the city shoreland zoning map or in a flood hazard zone shall be subject to the requirements of division 26 and/or division 26.5.
- (c) *Storage of vehicles:* Only one (1) unregistered motor vehicle may be stored outside on the premises for a period not exceeding thirty (30) days.
- (d) *Small residential lot development* shall conform to the site plan standards of § 14-526.

(Ord. No. 536-84, 5-7-84; Ord. No. 15-92, § 9, 6-15-92; Ord. No. 56-08/09, 9-3-08)

**Sec. 14-122 - 14-125. Reserved.**

DIVISION 6.5. R-5A RESIDENTIAL ZONE\*

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\*Editor's note--Ord. No. 537-84, adopted May 7, 1984, repealed a nonexistent Div. 6.5 and enacted a new Div. 8. However, in order to avoid duplication of division numbers and in consultation with the city, the provisions have been included as a new Div. 6.5, §§ 14-126--14-131.  
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**Sec. 14-126. Purpose.**

The purpose of the R-5A residential zone is:



# PORTLAND MAINE

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Jeff Levine, AICP, Director  
Marge Schmuckal, Zoning Administrator

1/14/13

Steven Cope  
Bob  
Patrick Carroll  
Sybil  
Barbara  
DAVID - M-P  
Marge

October 19, 2012

Patrick J. Carroll  
C/O Carroll Associates, Suite 200  
217 Commercial Street  
Portland, ME 04101

RE: 120 Veranda Street - 431-M-005, 006, 010, 011 - R-5 Zone

Dear Mr. Carroll, must meet stormwater req. for subdivision

I am in receipt of your request to determine if the proposed division of land as shown on an unstamped conceptual plan prepared by Carroll Associates dated 9/28/2012. All of the land in question is under the same ownership and located entirely within the R-5 Zone.

It is my understanding that the first parcel to be split off from the entire parcel is labeled "Lot A". Lot "A" and the remaining developed parcel with a single family dwelling would both meet the full R-5 zone requirements as listed under section 14-120(a) of the Land Use Zoning Ordinance.

It is then my understanding that the developed parcel with a single family dwelling would be split into two lots labeled "Lot B-1" and "Lot B-2". Lot "B-1" with the developed single family dwelling is shown to meet all the regular dimensional requirements of section 14-120(a) of the R-5 zone. Lot "B-2" is utilizing the dimensional allowances provided under section 14-120(b) "Small residential lot development" in the R-5 Zone.

I have determined that lot "B-2" meets the criteria of the small residential lot development for future development.

The development of the one lot consisting of parcels 431-M-5, 6, 10 and 11 into the three separate lots as described above meet or can meet the requirements of the underlying R-5 zone requirements.

Please note that a separate subdivision review will need to be applied for as required under State Law and City of Portland Ordinances.

Separate reviews and permits are required. If a stamped, signed survey changes any of the given information, it may change this determination.

You have the right to appeal this determination. If you wish to exercise your right to appeal, you have 30 days from the date of this letter in which to appeal. If you should fail to do so, my decision is binding and not subject to appeal. Please contact this office for the necessary paperwork that is required to file an appeal.

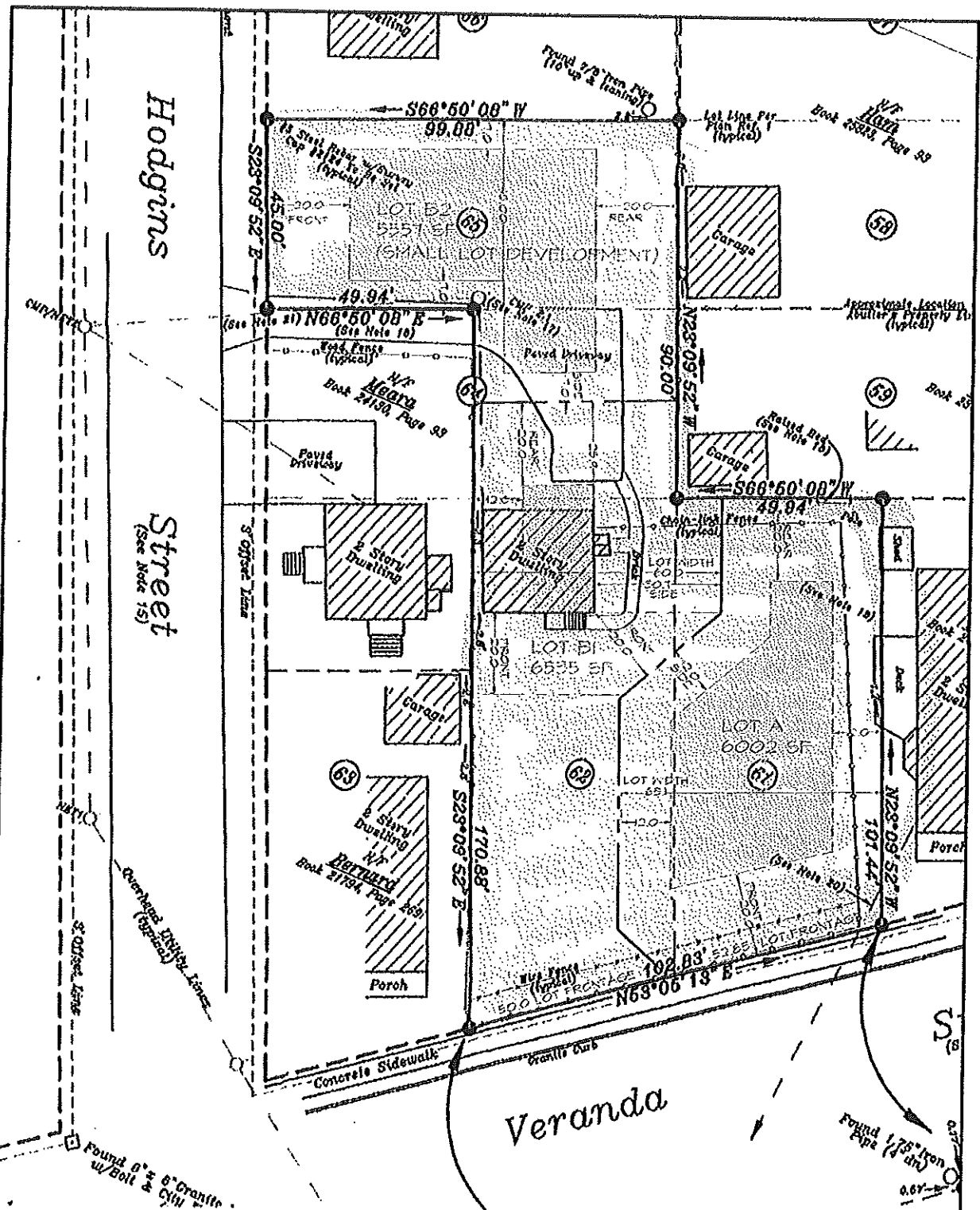
If you have any questions regarding this matter, please do not hesitate to contact me at (207) 874-8695.

Very truly yours

A handwritten signature in black ink, appearing to read "Marge Schmuckal", with a long horizontal flourish extending to the right.

Marge Schmuckal  
Zoning Administrator

0/3/12  
most current



**SITE CONCEPT A**  
LOTS A AND B1 MEET R-5 CRITERIA, LOT B2 MEETS SMALL LOT CRITERIA

**ASSUMPTIONS:**

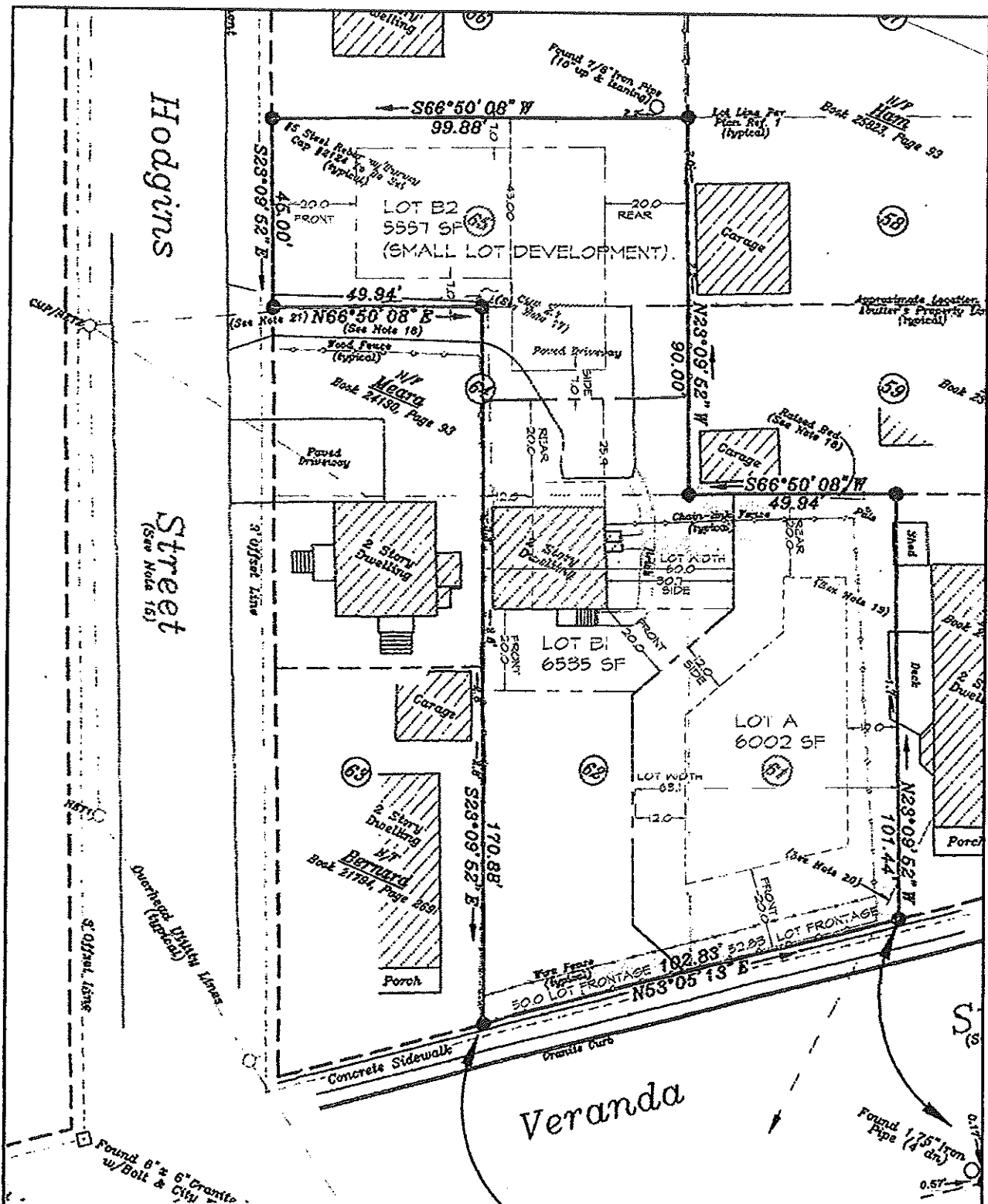
1. LOT A SPLIT FROM ENTIRE PARCEL, LEAVING LOT B AT 12, 092 SF
2. LOTS A AND B BOTH MEET ALL CRITERIA UNDER 14-120(a) FOR R-5 ZONE
3. LOT B THEN SPLIT UNDER SMALL LOT STANDARDS (14-120 (b)).
4. ALL LOTS EXCEED MIN LOT SIZE (6000 SF FOR STD R-5 LOT, 4000 SF FOR SMALL LOT DEVELOPMENT)
5. LOTS A AND B1 MAINTAIN 50 FT MIN FRONTAGE ON VERANDA ST.
6. LOT B2 ALLOWED UNDER SMALL LOT DEVELOPMENT W/ 45 FT FRONTAGE.
7. EXISTING HOME REMAINS AS GRANDFATHERED.
8. SINGLE ACCESS FOR LOTS A AND B1 FROM VERANDA.
9. LOT B2 ACCESS FROM EXISTING ROW ON MEARA PROPERTY.
10. SUBDIVISION REGD FOR LOT B SPLIT.

**SITE CONCEPT A**  
**120 VERANDA STREET**  
Portland, Maine

Planner:  
**Carroll Associates**  
217 Commercial Street - Portland, Maine 04101  
207.772.1552 772.0712 Fax

Owner:  
**Steven & Roberta Cope**  
172 Concord Street  
Portland, Maine 04103

Date: 09-28-12  
Scale: 1" = 20' - 0"



**SITE CONCEPT A**  
 LOTS A AND B1 MEET R-5 CRITERIA, LOT B2 MEETS SMALL LOT CRITERIA

**ASSUMPTIONS:**

1. LOT A SPLIT FROM ENTIRE PARCEL, LEAVING LOT B AT 12, 042 SF
2. LOTS A AND B BOTH MEET ALL CRITERIA UNDER 14-120(a) FOR R-5 ZONE
3. LOT B THEN SPLIT UNDER SMALL LOT STANDARDS (14-120 (b)).
4. ALL LOTS EXCEED MIN LOT SIZE (6000 SF FOR STD R-5 LOT, 4000 SF FOR SMALL LOT DEVELOPMENT)
5. LOTS A AND B1 MAINTAIN 50 FT MIN FRONTAGE ON VERANDA ST.
6. LOT B2 ALLOWED UNDER SMALL LOT DEVELOPMENT W/ 45 FT FRONTAGE.
7. EXISTING HOME REMAINS AS GRANDFATHERED.
8. SINGLE ACCESS FOR LOTS A AND B1 FROM VERANDA.
9. LOT B2 ACCESS FROM EXISTING R.O.W ON MEARA PROPERTY.
10. SUBDIVISION REQD FOR LOT B SPLIT.

Planner:  
**Carroll Associates**  
 217 Commercial Street -Portland, Maine 04101  
 207.772.1552 772.0712 Fax

Owner:  
**Steven & Roberta Cope**  
 172 Concord Street  
 Portland, Maine 04103

**SITE CONCEPT A**  
**120 VERANDA STREET**  
 Portland, Maine

DEPT. OF BUILDINGS INSPECTION  
 CITY OF PORTLAND, ME  
 RECEIVED  
 OCT - 9 2012

Date: 09-28-12  
 Scale: 1" = 20'-0"