



April 1, 2013

Ms. Shukria Wiar
Planning Division
City of Portland
347 Congress Street, 4th Floor
Portland, ME 04101

Re: Application ID: 2013-058 120 Veranda Street- Waiver Request

Dear Shukria,

As indicated in earlier correspondence, we are requesting waivers to the in Ordinance requirements for Sidewalk and Curbing along the 45 foot frontage of Lot B2 along Hodgins Street based on the Exceptions indicated in Chapter 25-96 and Section 14-506 (b) Modifications and the following rationale:

Sidewalks: Section 14-506 (b) indicated that sidewalks may be waived if two or more of the six conditions are met. We believe we meet the intent of the following two conditions:

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

Response: Hodgins Street is a dead end street with approximately 20 single family homes and apartments fronting on it. There are no sidewalks along the street except for two sections of walk along the north side, a 4 ft wide bituminous walk approximately 75 feet long connecting to Veranda along the corner lot, and a section of unusable, unmaintained brick walk extending approximately 40 feet in front of the Meara property. This walk does not extend to the proposed property, and the condition/ maintenance of the existing walkways does not currently entice safe pedestrian circulation.

In the wintertime, street plowing creates a snow bank between the sidewalk and the street. The snow bank would continue along the front of the neighbors property to the west although the snow would not be removed from the neighbor's front yard. There would be no connection to the street from the dead end of the sidewalk and no ability to enter or exit the dead end of the sidewalk without climbing over snow banks. In sum, there would be no practical use of the sidewalk in winter and having the sidewalk would create increased liability risk to the lot owner. In summer, there is more than enough street width and the ability to walk in the street or on the grass on both our lot and the neighbors lot if pedestrians were so inclined. We do not believe there is a reasonable expectation that pedestrians will be utilizing these walkways for pedestrian usage coming from, going to, and traversing the site. See attached photos 1 and 2 for existing sidewalk conditions:

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

Response: While there are no alternative sidewalks on Hodgins Street, we believe the generous 28 foot width of Hodgins Street and its low volume of vehicular traffic allows for a safer, accessible, and maintained walking route to the adjacent neighborhood. The street will be plowed and maintained in all weather, there is adequate room to accommodate the occasional vehicle that might be using Hodgins Street, and the route is consistent with current pedestrian walking patterns in the neighborhood.



Photo #1 View looking up Hodgins from Veranda Street Intersection.



Photo #2 View of sidewalk along Omeara Property showing unmaintained and unusable brick walk.



Photo #3 View along Omeara looking westerly down Hodgins. Lot B2 is just beyond second driveway.

Curbs: Section 14-506 (b) indicated that sidewalks may be waived if two or more of the five conditions are met. We believe we meet the intent of the following two conditions:

1. *The cost to construct the curbing, including any applicable street opening fees, is in excess of 5% of the overall project cost.*

Response: We project that the total cost for proposed improvements for the project is approximately \$31,000.00. The estimated cost for installing 40 feet of granite curbing to City Standards including necessary street openings and patching will be approximately \$3,500.00, or over 10% of the overall project cost.

2. *Runoff from the development site or within the street does not require curbing for stormwater management.*

Response: Hodgins Street was included in a sewer separation project and as part of that project a stormwater system was included, including a catch basin with a granite inlet located directly on the lot frontage. This design appears to be properly accommodating runoff from Hodgins Street. The property actually slopes away from Hodgins Street and there is little, if any runoff from within the development that enters the street. The proposed rain garden and associated piping is designed to collect all impervious area associated with Lot B2 development. The curbing will not influence the stormwater management of the lot development. See pictures #4 and #5 below:



Photo #4 View along Lot B2 showing existing driveway and storm drainage/ curbing improvements.



Photo #5 View of existing Catch Basin and Granite Curb Headstone

We are also requesting a waiver from the Reporting and Filing requirements as identified in Section 32-38 (c) and 32-38-(d) of the Post Construction Stormwater Management Plan Standards. We agree that requirements for inspection and maintenance of the rain garden areas should be made part of the Subdivision Approval and attached to the deeds as an Owner responsibility, but believe that the requirements for third-party reporting and associated Filing fees create an ongoing financial burden for the homeowner and divert DPS Staff time from more important issues. Given the small size of this project and the anticipation that the planned improvements will greatly improve the water quality of the parcels, it is hoped that this requirement can be appropriately waived.

We appreciate your through review of this project and look forward to working through these last issues and presenting this project to the Planning Board. Please contact me if you have any further questions or need additional information.

Regards,
CARROLL ASSOCIATES

Patrick J. Carroll
CC: Steven Cope
Bobbie Cope
Steve Blais