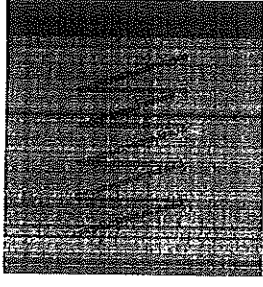


William Nemmers and Associates, Architects  
424 Fore Street  
Portland, Maine 04101

5/2/01



April 28, 2001

Kandice Talbot, Planner  
Department of Planning & Urban Development  
389 Congress Street  
Portland, Maine 04101

Re: Casco Bay Ventures Condominium  
25 Fore Street (ID #20010009)  
CBL# 016-J-013, 024, and 025

Dear Kandice:

We have reworked the plans for this Project to accommodate the comments of your office and Marge Schmuckal, the zoning administrator, and believe that we have answered all your questions.

Along with the enclosed Site Plan Review material we are submitting an Application for Conditional Use Approval with respect to the (3) parking spaces we are proposing for a nearby lot also owned by Casco Bay Ventures, Inc. At this time I am unsure whether the Appeal will be heard by the Board of Appeals under (Section 14-137) or the Planning Bd. under (Section 14-333). It is my feeling that since the project requiring the parking is already before the Planning Bd. that the appeal should be heard by the Planning Bd.

With respect to the comments included in the Feb. 13, 2001 review letter we provide the following comments.

- 1) **Inconsistent elevation datum:** The Surveyor has corrected the contour elevations so that they are to the same datum as the City of Portland Datum based sewer information.
- 2) **Drainage conditions, especially on the Northwest:** The entire site layout has changed as a result of the parking lot questions, and with these changes the drainage around the northwest sides of the building have also been changed. The driveway we propose along the west boundary wall will be 12" to 18" below the height on the neighbor's side of the wall to insure positive drainage down the driveway to Waterville Street. We have shown the yard on the north side to drain to both the west and east sides of the new building, with the water flowing down the driveway's to Waterville Street.

- 3) **Waterville Street catch basin location:** The survey has been updated to show the existing catch basins located on both sides of Waterville Street just uphill from the intersection with Fore Street.
- 4) **Garage drainage questions:** The design of the garage area has completely changed from the initial design. The garage under the building no longer has exposed areas, open from above that would receive rain. It is an enclosed garage with one opening toward the downhill side. All water from the garage area will drain down the driveway to Waterville Street and then to the catch basins noted in item #3 above.
- 5) **All four elevations required:** All four elevations have been shown on the plans, each with grade line depicting the before and after grades at the building face, floor elevations, building height information, and material information.
- 6) **Solid waste pickup:** The trash and recycled waste will be picked up by the Property Maintenance Company on a regular schedule, approximately every 3 or 4 days.
- 7) **Utility connections:** The site plan shows the location of all the utility connections. Waterville Street has sewer and water capacity to handle this Project and letters have been requested from Portland Water and the Sewer Department. Water services for domestic and sprinkler systems and sanitary service are shown. Electrical service will be underground from the existing pole on Waterville Street.
- 8) **Sidewalk details:** Details are shown on the plan for the proposed brick sidewalk on Waterville Street, and for the walkway connecting this building with the adjacent building at 25 Fore Street.
- 9) **Parking area questions:** The design of the parking areas has changed completely since the review of the original scheme by the Planning Department and the Zoning Officer. The Zoning Officer has ruled that 13 spaces must be provided, 3 for the existing building and 10 for the 5 new units. We are proposing to locate the (3) spaces for the existing units at a nearby property, owned by the same entity, at #3 St Lawrence Street. We have included, in this application, a survey of the site, ownership documentation, and before and after development plans for your review. This three-space lot is classified as a Conditional Use in the Zone and we are therefore submitting all the information necessary for a Conditional Use Appeal.

The remaining 10 spaces have been located on the Waterville Street lot in a way which has been approved by the Zoning Administrator, without the building setback questions suggested by the original proposal.

- 10) **Paving Details:** Sections through the parking lot paving have been shown on the detail drawing. Asphalt paving will be 1" wearing course over a 2" base course, over 12" of compacted granular fill. Parking spaces will be striped as detailed on the plan.

- 11) **Waterville Street Sidewalk:** The existing sidewalk on Waterville street is part asphalt with

part concrete and does not maintain an even edge, varying in width from about 10 feet to about 13 feet. This proposal would remove this existing walk and replace it with a brick walk of 6-foot width and a planting strip of 4-foot width. See detail on plans. Also detailed is the relocation of the existing granite curb radii to align with the proposed new driveways.

- 12) Street Opening Details:** Street openings for sewer and water lines are detailed on the drawings and conform to the City of Portland Design Standards.
- 13) Street Opening Permit:** The Applicant, or his contractor, will contact the City's Public Works Department for the proper permit for the work required in the street. The contact will be made in coordination with the construction schedule.
- 14) Existing vegetation plan:** Included in the drawings is a Site Demolition and Preservation Plan which outlines the existing conditions, indicates which items area to be preserved and outlines the sediment control aspects of the site management program.
- 15) Landscaping and planting schedule:** The Landscape Plan includes information on the location, type and size of the planting proposed.
- 16) Fence details:** The drawings contain details of the 5 ft. high fence on the east boundary, the reconstructed retaining wall/fence on the west boundary and the modifications to the existing retaining wall on the site.
- 17) Exterior lighting:** No pole mounted lighting fixtures are being proposed. Wall mounted fixtures (75 watt incandescent or equivalent) will be installed at the garage door entrance, and at the open parking areas on either side of the building. Recessed soffit lights will be used at the front entry. Wall mounted lights will be used at the exterior decks. Light fixture information has been included with the materials submitted.
- 18) Fire Hydrant location:** The fire hydrant at the corner of Fore Street and Waterville Street is shown on the survey.
- 19) Utility capacity letters:** Letters requesting capacity availability have been requested from the Water District and the Sewer Department. Copies are included in the packet.
- 20) Demolition work required:** The items scheduled for demolition and preservation have been shown on the Site Demolition Plan. In general the wall on the west boundary will be rebuilt in place, the perpendicular segment of this wall will be removed. Portions on the concrete retaining walls dividing the two levels of the site will be removed, and/or replaced with building walls. Two trees located along the rear wall of the proposed building will be removed. The existing asphalt/concrete sidewalk will be removed and replaced.
- 21) Erosion Control:** Please refer to the Site Demolition Plan for a description and details of the erosion control program.

22) **Retaining wall details:** The number of retaining walls has been much reduced from the previous design. The garage wall now acting as a retaining wall, much like a normal basement wall would. A portion of the remaining retaining wall will be reused, and/or rebuilt depending on the cleanness of the demolition. See wall detail #2.

With respect to the comments included in the Feb. 22, 2001 review letter we provide the following comments.

1) **Parking spaces required:** The design of the parking areas has changed completely since the review of the original scheme by the Planning Department and the Zoning Officer. The Zoning Officer has ruled that 13 spaces must be provided, 3 for the existing building and 10 for the 5 new units. We are proposing to locate the (3) spaces for the existing units at a nearby property, owned by the same entity, at #3 St Lawrence Street. We have included, in this application, a survey of the site, ownership documentation, and before and after development plans for you review. This three-space lot is classified as a Conditional Use in the Zone and we are therefore submitting all the information necessary for a Conditional Use Appeal.

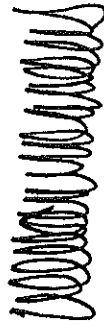
*Refer to*

The remaining 10 spaces have been located on the Waterville Street lot in a way which has been approved by the Zoning Administrator, without the building setback questions suggested by the original proposal.

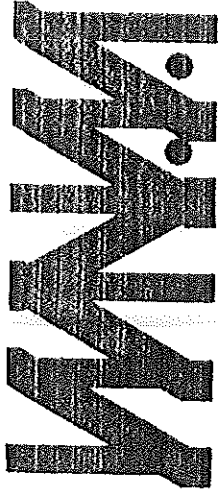
- 2) **Parking technical standards:** The parking has been completely redesigned to meet the standards. The dimensions are noted on the Site Plan. All spaces are 9' by 19' or 7.5' by 15' (compact) with appropriate aisle width as described in the standards.
- 3) **Average Height Measurement:** We have determined the average height of the building as follows: (please refer to the Grading Plan on Sheet S-2). The existing elevation at the four corners and the four midpoints of each side wall were noted (circled number). These numbers were averaged; the tabulation is shown on the right. The average grade elevation is determined to be 66.93 ft. The upper limit of the building height as specified in the ordinance is 45 feet above that height or 111.93 feet. On the four elevations drawings we have noted these two elevations and how they relate to the building points, floor elevations, existing and final grades, and the midpoint of the roof plane. The design shows that the elevation of the midpoint of the sloped roof below the limit of 111.93 feet.
- 4) **Floor plans:** The drawings show all the floor plans and area totals.

If you would like I would be happy to review these comment with you or answer any questions. Please call me at 329-2048.

Sincerely,



William Nemmers



WILLIAM NEMMERS ASSOCIATES ARCHITECTS  
424 FOREST, PORTLAND, ME 04101 774-3683.

January 17, 2001

Marge Schmuckal, Zoning Administrator  
City of Portland  
Portland, Maine 04101

Re: SITE PLAN APPLICATION  
5-UNIT APARTMENT BUILDING  
WATERVILLE STREET AT FORE STREET

Dear Marge:

With this letter I am submitting an Application for Site Plan Approval for the above project. The Application includes (9) copies of:

- a) the boundary survey
- b) site plans including layout, grading and landscape.
- c) building plans and elevations
- d) written statement
- e) copy of deed
- f) letter from Banknorth

We had discussed the unique aspects of this site at a previous meeting and this plan follows the guidelines set down at that meeting with respect to setbacks, parking requirements, height calculation and the eventual condominiumization of the entire site ( 3 existing and 5 new units)

The side setbacks, based on a five story building are a 10 foot on the left and a 20 ft on the right for a total of 30 ft. The rear line is 20 feet and I have shown the rear line rotating about the back corner to provide 20 feet as the back side of both the Waterville and the Fore Street frontages. The front setback is required to be either

- a) 10 ft
- b) an average of the setback of the adjacent properties. Since the lot to the right is a 20 foot side yard and the lot to the right is on the lot line an average would be 10 feet. This is the case even though every house on every street in this neighborhood in build its front side on the property line
- c) 10% of the property depth, which in this case is 70.6 ft for most of the frontage and 8.8 feet for a small corner where the lot is deeper.

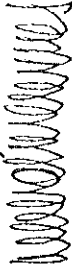
We have chosen the option (c).

We took measurements of the existing grade at the four corners of the proposed building and averaged them to get a base elevation of 113.5 feet. The building height limit is 45 feet above this point, or 158.5 feet to the centerline of the major roof plane halfway between eave and ridge. Our design places the midpoint of the roof at about 4 feet below that point at 154 ft +/-.

We have provided parking for 11 cars, 2 per new unit plus one for every six units. We have shown two curbcuts. The right one serving the (2) spaces is existing. The other serving the main garage is new. I know this is unconventional but we do have frontages on both streets and it may be that 2 cuts for two frontages is reasonable. Without the second cut we would have to make the cut into the hill deeper and stack the two spaces in the rear. It is our feeling that our proposal would disrupt the lot less than a one cut approach, and would ask for a waiver if that is indeed required for the two cuts.

We would like to be put on the Planning Board Schedule for a workshop session. If you need additional information, please let me know.

Sincerely,



William Nemmers



TFH ARCHITECTS 100 COMMERCIAL STREET PORTLAND MAINE 04101 TELEPHONE 207-775-8141 ARCHITECTURE AND PLANNING

July 17, 2001

Kandice Talbot, Planner  
Portland Planning Office  
Portland, Maine

Re: Casco Bay Ventures Project  
25 Fore Street

Dear Kandice:

I am enclosing with this letter the revised drawings on the housing project at 25 Fore (corner of Waterville St. and Fore). We have made some changes to the project in order to answer the questions and comments you and Marge discussed with us at our last meeting. The changes are as follows:

- 1) We had the boundary survey rechecked and the Surveyor confirms that the correct area of the Site is below the 9,000 square foot threshold which will support (8) units. We therefore have redesigned the Project to accommodate (7) units, (3) existing and (4) in the new building to be constructed on the Waterville Street portion of the site.
- 2) The parking requirement also changes, and as noted on the plan the requirement is for (11) spaces. We are proposing (3) of those spaces on the Property at 3 St. Lawrence Street, and (8) of the spaces on this site.
- 3) The units are now located at one unit per floor.
- 4) An elevator has been added to the project and will connect all floors with the garage.
- 5) Because of the reduced parking requirement we were able to locate the spaces such that the existing masonry wall to the Northwest need not be reconstructed. The new grading will be approximately the same as now exists on both sides of the wall so there is no need to reconstruct it.
- 6) The front entry porch has been redesigned so as to conform with the 50 sq.ft. allowable in the setback area. Please note that the actual face of the building is set 2 feet behind the setback line so as to allow the projection of the bay windows within the building envelope space.
- 7) The garage door wall was redesigned so that there is no potential conflict with setbacks. The building now stops at the setback line and a horizontal gate will be installed across the driveway to a freestanding post on the far side of the drive.

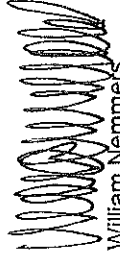
The points below refer to the comments of Steve Bushy in his May 30<sup>th</sup> letter.

- 1) **Stormwater run-off:** The existing site, in the area of the proposed building, is a hard packed dirt and gravel area that directs most rainwater quickly to the curbside and subsequently to the storm sewer. In addition, the area to the rear of the proposed building is now a dirt bank which spills any rainwater directly to the hard packed lot below. There is very little existing retainage of any rainwater on the existing site. Our proposal will substitute building roof and parking areas for the existing hard pack areas with little change to the water flow from these areas. However our proposal will even out the grade, and install grass and other planting materials to the rear and northwest side of the building. These measures will have the effect of absorbing some rainwater and slowing the speed of the drainage from these areas to the street. We therefore are suggesting that our proposal will not have an appreciable effect of the flow of rainwater to the curb.

The catch basins at the corner of Waterville and Fore into which this surface water eventually flows are, like every other catch basin in this area of Munjoy Hill, are hooked to the combined sewer.

- 2) **Construction easement:** Because of the comments noted in item #5 above a construction easement will not be required.
- 3) **Sidewalk reconstruction:** The entire sidewalk will be removed both for utility work and because the existing walk is a combination of materials (concrete and blacktop) and widths. We are proposing that between the driveways the sidewalk will be brick, that the driveways be blacktop, and since both driveways are close (within a couple feet) to the side lot lines, we would install an asphalt walk to mesh with the existing blacktop walks on either side, rather than install a thin strip of brick to the lot line.
- 4) **Driveway width @ Northwest driveway:** The redesigned driveway at the Northwest corner now accommodates only one car and as such the width should be considered as any other one car driveway, which is the width of the drive, in this case 11ft, rather than the wider dimension noted in the Traffic Design Standard which assumes a driveway serving the entire building.
- 5) **Erosion control:** The requirement for the installation of silt sacks on the catch basins at the corner of Waterville and Fore Street will be included in the specifications.
- 6) **Erosion Control:** The requirement for the contractor to keep the street clean of mud and debris will be included in the specifications.
- 7) **Retaining wall condition:** The condition of the existing retaining wall at the southeast corner of the site will be analyzed by the owner and the Architect after the initial earthwork is completed, the portion of the wall removed as shown, and the remaining wall exposed. A decision as to whether the wall should be replaced or repaired will take place at that point.
- 8) **Erosion control:** Because the second parking space is not being inserted into the landscape here the grade can be more gradual from the end of the parking space to the corner of the building. With this more gradual grade, we don't believe that erosion control blankets will prove necessary.
- 9) **Spot Grades:** Additional spot grades will be added to the drawing to ensure that the rain water will flow down the drive and out to the street, and not flow down the sidewalk.
- 10) **Tree well:** A detail to provide a non-brick area around the existing tree will be included on the drawings.
- 11) **Sewer connection:** At the present time the proposal calls for using the existing sewer connection on the site. There appear to be no obstacles to doing so at this time. The situation will be reviewed at the time of construction and if problems are present then they will be addressed with the Portland Sewer Department at that time.
- 12) **Water Mains:** The Portland Water District thought it would be best if the two services did not come off the same line.
- 13) **Gas:** Natural gas, which is available in Waterville Street, will be used for this project.
- 14) **St. Lawrence St. drainage:** The grade of the proposed lot will be the same as the grading for the existing lot so that the drainage to the street will be about the same with respect to slope and flow. There is a slight slope toward the street to accommodate the flow of water from the parking area. The width of the drive at this location will be the same as the existing width so that it can fit in between the existing posts and fencing now lining St. Lawrence Street.
- 15) **Fire escape:** The fire escape on the building at #3 St. Lawrence Street will be removed and all egress from the building will be internal.
- 16) **Fill Material Specifications:** The Appropriate MDOT specifications for fill and paving will be provided on the details.
- 17) **Geotechnical:** To date the Owner has not completed any geotechnical investigations regarding the underlying soils. There is a layer of uncontrolled fill over portions of the site where a foundation was filled in but this material will be removed and bearing will go to the virgin soil which is fairly well drained gravelly soil over ledge. There are no indications at this time that sub-standard soils exist within the building envelope.
- 18) **Elevations:** All elevations are included and the dormers indicated are consistent with the plans.

Sincerely,



William Nemmers  
Copy: Wally Geyer



0058229

BK 5771 PG036

Deed of Sale by Personal Representative  
(Testate)

Maine Statutory Short Form

Lawrence P. Davis of 127 Lester Drive, Portland, County of Cumberland, State of Maine, and Marie Davis Sweatt of 150 Pincloch Drive, Portland, County of Cumberland, State of Maine, duly appointed and acting Co-Personal Representatives of the Estate of John J. Davis (a.k.a. John Joseph Davis), deceased (testate), as shown by the probate records of the County of Cumberland, Maine, Docket 2000-170, and having given notice to each person succeeding to an interest in the real property described below at least ten (10) days prior to the sale, by the power conferred by the Probate Code, and every other power, for consideration paid, grant to Casco Bay Ventures, a company incorporated in the State of Maine with a principle place of business at 223 Woodville Road, Falmouth, Maine 04105, the real property in Portland, County of Cumberland, State of Maine, described as follows:

SEE EXHIBIT A

IN WITNESS THEREOF, we, Lawrence P. Davis and Marie Davis Sweatt, have caused this instrument to be sealed this 6<sup>th</sup> day of October, 2000.

[Signature]  
WITNESS

[Signature]  
Lawrence P. Davis  
Co-Personal Representative of the  
Estate of John J. Davis, deceased.

[Signature]  
WITNESS

[Signature]  
Marie Davis Sweatt  
Marie Davis Sweatt  
Co-Personal Representative of the  
Estate of John J. Davis, deceased.

STATE OF MAINE  
COUNTY OF CUMBERLAND, ss.

Dated: October 6, 2000

Personally appeared the above-named Lawrence P. Davis and Marie Davis Sweatt, Co-Personal Representatives as aforesaid, and acknowledged the foregoing instrument to be their free act and deed in their said capacity.

Before me,

[Signature]  
Attorney at Law/Notary Public  
REV. W. SNOW

- (3) A home occupation that is not listed in paragraph (2) of this section but is similar to and no more objectionable than those home occupations listed in that paragraph, shall be permitted as a conditional use subject to the requirements of paragraph (1) of this section and section 14-474 (conditional use) of this article. This provision shall not include veterinarians, kennels, animal raising, funeral homes, retail uses including antique shops, restaurants, dancing studios, towing services, repair and painting of automobiles as home occupations.

(Code 1968, § 602.18.I; Ord. No. 277-77, 11-7-77; Ord. No. 548-85, 5-6-85; Ord. No. 76-85, § 1, 7-1-85; Ord. No. 66-87, § 2, 2-87; Ord. No. 329-90, 5-7-90)

**Secs. 14-411--14-420. Reserved.**

#### DIVISION 25. SPACE AND BULK REGULATIONS AND EXCEPTIONS

**Sec. 14-421. Generally.**

The requirements of this article shall be subject to the space and bulk regulations and exceptions of this division.

(Code 1968, § 602.19.A)

**Sec. 14-422. Reduction of lot area prohibited.**

No lot shall be so reduced that yards, lot width, lot frontage, lot area, area per dwelling unit, and space for off-street parking and/or off-street loading shall be less than the minimum required under this article.

(Code 1968, § 602.19.A)

**Sec. 14-423. Joint occupancy.**

When two (2) or more uses occupy the same building or premises, the off-street parking and loading requirements and the area per dwelling unit requirements of both uses shall be met in full.

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

20010009  
I. D. Number

Inspections Office Copy

Casco Bay Ventures  
Applicant  
223 Woodville Road, Portland, ME 04105  
Applicant's Mailing Address  
WM. Nemmers  
Consultant/Agent  
774-3683

1/18/01  
Application Date  
5 unit condo  
Project Name/Description

25 - 25 Fore St, Portland, Maine  
Address of Proposed Site  
016-J-013,24,25  
Assessor's Reference: Chart-Block-Lot

Proposed Development (check all that apply):  
 New Building  
 Office  
 Retail  
 Manufacturing  
 Warehouse/Distribution  
 Building Addition  
 Change Of Use  
 Residential  
 Other (specify) 5 unit condo

6,700 sf (+1-)  
Proposed Building square Feet or # of Units

8,878  
Acreage of Site

R-6  
Zoning

**Check Review Required:**

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

Flood Hazard  Shoreland  Historic Preservation  DEP Local Certification

Zoning Conditional Use (ZBA/PB)  Zoning Variance  Other

Fees Paid: Site Plan \$525.00 Subdivision \_\_\_\_\_ Engineer Review \_\_\_\_\_ Date: 1/18/01

**Inspections Approval Status:**

Approved  Approved w/Conditions see attache  Denied  Not Required

Approval Date \_\_\_\_\_ Approval Expiration \_\_\_\_\_ Extension to \_\_\_\_\_ Additional Sheets Attached

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

**Performance Guarantee**

Performance Guarantee Accepted  Required\*  Not Required

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

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

**Site Review Pre-Application**  
**Multi-Family/Attached Single Family Dwellings/Two-Family Dwelling**  
**or Commercial Structures and Additions Thereto**

In the interest of processing your application in the quickest possible manner, please complete the information below for Site Plan Review

**NOTE\*\***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.

CASCO BAY VENTURES, INC. (797-7792)

223 WOODVILLE RD

PORTMOUTH, ME. 04105

Applicant

Applicant's Mailing Address

WM. NEMMERS.

Consultant/Agent 424 FORE ST.

PORTLAND ME. 04101

Applicant/Agent Daytime telephone and FAX 774-3683

Application Date

SUNIT APT/ SUNIT CONDO.  
 Project Name/Description  
25 FORE ST.

Address Of Proposed Site

CHAD 16. BLK. J. LOT 13. 29. 2S  
 Assessor's Reference, Chart#, Block, Lot#

Proposed Development (Check all that apply)  New Building  Building Addition  Residential  Office  Retail

Manufacturing  Warehouse/Distribution  Other(Specify) \_\_\_\_\_

6700 SF (+/-) SUNITS

Proposed Building Square Footage and /or # of Units

2872

Acresage of Site

R.C.


Zoning

You must include the following with you application:

- 1) A Copy of Your Deed or Purchase and Sale Agreement
- 2) 9 sets of Site Plan packages containing the information found in the attached sample plans and checklist.

(Section 14-522 of the Zoning Ordinance outlines the process, copies are available for review at the counter, photocopies are \$ 0.25 per page)

I hereby certify that I am the Owner of record of the named property, or that the proposed work is authorized by the owner of record 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 an approval for the proposed project or use 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 approval at any reasonable hour to enforce the provisions of the codes applicable to this approval.

Signature of applicant: 

Date: 01.18.01

Site Review Fee: Major \$500.00 Minor 400.00 DEPT. OF BUILDING INSPECTION  
 This application is for site review ONLY, a Building Permit application and associated fees will be required prior to construction.



*1/18 6:47*

**Exhibit A - Estate of John J. Davis to Casco Bay Ventures**

**Parcel one:** A certain lot or parcel of land, together with buildings thereon, situated on the northwesterly side of Fore Street, in the City of Portland, County of Cumberland and State of Maine, being more particularly bounded and described as follows:

BEGINNING on the northwestwardly side of Fore Street, at the southerly corner of land formerly of one Eli Sargent; THENCE running southwestwardly by said Fore Street, forty (40) feet to land formerly of Patrick Gormley; THENCE northwesterly by said Gormley land, one hundred nine (109) feet to land formerly owned by one Malen; THENCE northeastwardly by said Malen land, thirty eight (38) feet to land formerly owned by George Brock; THENCE southeastwardly on the line of said Brock and said Sargent lots, one hundred seven (107) feet to the first mentioned bounds.

Being the same premises conveyed by John J. Davis to John J. Davis and Marion G. Davis by deed dated October 14, 1980 and which is recorded in the Cumberland County Registry of Deeds in Book 4683, Page 103 and then conveyed back to John J. Davis solely by deed dated September 19, 1996 and recorded in the Cumberland County Registry of Deeds Book 12731, Page 338.

**Parcel Two:** A certain lot or parcel of land, together with improvements thereon, located on the Easterly side of Waterville Street in the City of Portland, County of Cumberland and State of Maine, being more particularly bounded and described as follows:

Beginning at a point on the Easterly side of Waterville Street that is distant Northwesterly measured along said Waterville Street 84 feet from the Northeasterly corner of Waterville Street and Fore Street;

Said point of beginning is further located at the Northwesterly corner of land conveyed by Owen M. Knox to Antoinette M. Knox by deed dated September 23, 1970, and recorded in the Cumberland County Registry of Deeds in Book 3144, Page 385;

THENCE from said point of beginning and by said Waterville Street Northwesterly 71 feet, more or less, to land now or formerly of Henry J. Martin, et al;

THENCE by said Martin Northeasterly 70 feet, more or less, to Martin's southeast corner and land of James A. DiPhilippo, et als.

THENCE by said DiPhilippo land Southeasterly 46 feet, more or less, to land now or formerly of John J. Davis;

THENCE by said Davis land on the following described courses and distances;

Southwesterly 20 feet, more or less, to a point;

THENCE Southeasterly 30 feet, more or less, to said Knox land;

THENCE by said Knox land Southwesterly 53 feet, more or less, to the point of beginning.

Also all right, title and interest, if any, in and to all passageways, lanes, streets, or alleys adjoining, abutting and/or running with the above described premises.

Being all of two lots conveyed to the Portland Renewal Authority, the first conveyed by Lee H. Jones by deed dated January 20, 1964, and recorded in said Registry in Book 2806, Page 251. The second conveyed by Felix Manganello et als by deed dated June 25, 1966, and recorded in said Registry in Book 2963, Page 783.

This conveyance is subject to all the restrictions, covenants and agreements contained in the Indenture by which said premises were conveyed to John J. Davis and Marion G. Davis by Portland Renewal Authority.

The foregoing, as all the other covenants contained in the aforesaid Indenture to John J. Davis and Marion G. Davis from the Portland Renewal Authority, shall be a covenant running with the land and shall be enforceable in the same manner as prescribed in said Indenture for the enforcement of the covenants therein contained.

Being the same premises conveyed by the Portland Renewal Authority to John J. Davis and Marion G. Davis by Indenture dated April 16, 1971 and filed in the Cumberland County Registry of Deeds, Book 3166, page 735 and then conveyed by Marion G. Davis to John J. Davis solely by deed dated September 19, 1996 and recorded in the Cumberland County Registry of Deeds Book 12731, Page 338.

RECEIVED

RECORDED REGISTRY OF DEEDS

2000 OCT -6 AM 9: 48

CUMBERLAND COUNTY

John B. O'Brien



Banknorth Mortgage  
477 Congress Street  
P.O. Box 9540  
Portland, ME 04112-9540

January 12, 2001

City of Portland  
Planning Board  
389 Congress Street  
Portland, ME 04101

Re: Casco Bay Ventures

To Whom It May Concern:

This letter is to inform you that Peoples Heritage Bank and Banknorth Mortgage have assisted the above company and its principals with financing of this and other projects in the same development area. The company and its principals are in good financial standing and fully capable of financing this and other related projects.

Please contact me if you have any further questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "John R. Darling".

John R. Darling  
Loan Officer

# Apartment Project for Casco Bay Ventures Waterville Street at Fore Street

## WRITTEN STATEMENT for SITE PLAN REVIEW

JANUARY 16, 2001

- 1) **OWNER:** Casco Bay Ventures, 223 Woodville Road, Falmouth, Me 04105
- 2) **DESCRIPTION OF USE:** The site is currently used for multifamily housing, a three-unit apartment building. This project would add an additional building of five housing units to the site.
- 3) **TOTAL AREA OF SITE:** The property has been surveyed and consists of approximately 8,878 square feet.
- 4) **TOTAL AREA OF BUILDING GROUND COVER:** The existing building has a ground cover area of 1,556 square feet. The proposed building has a ground cover area of 1,863 square feet. Total proposed ground cover area is 3,419 square feet, which is 38.57 percent of the site area.
- 5) **EASEMENTS:** There are no easements on the property.
- 6) **SOLID WASTE GENERATION:** Solid wastes, normal for residential uses, generated by the site's users will be contracted for private removal. No dumpsters will be required.
- 7) **EVIDENCE OF SEWER AND WATER ACCESS:** The building is served by laterals from existing 15" sanitary waste and two 6" water lines existing in Waterville Street. There appears to be enough capacity to accommodate this project.
- 8) **DRAINAGE SITUATION:** There appear to be no storm drain lines in the vicinity of the project site. The water run-off from the site will continue to flow in the same general direction as the prior development condition, that is, sheet flow over to Waterville Street and then to Fore. The current situation is an unvegetated filled foundation of a removed building and major rains wash silt onto Waterville Street. Post development condition will have more absorptive surfaces and paved surfaces to direct water to Waterville Street in an orderly manner.
- 9) **CONSTRUCTION SCHEDULE:**  
The construction of the building would commence in the Spring of 2001.
- 10) **COMMENT REGARDING FEDERAL OR STATE PERMITS:** No State or Federal Permits are required for the project at this time.
- 11) **EVIDENCE OF THE APPLICANTS TITLE:** The applicant, Casco Bay Ventures, owns the property and will supply a copy of the deed under separate cover.
- 12) **COMMENT REGARDING NATURAL PRESERVATION AREAS:** There are no natural preservation areas on the site.

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

20010009

I. D. Number

Casco Bay Ventures

Applicant

223 Woodville Road, Portland, ME 04105

Applicant's Mailing Address

WM. Nemmers

Consultant/Agent

774-3683

Applicant or Agent Daytime Telephone, Fax

25 - 25 Fore St, Portland, Maine

Address of Proposed Site

016-J-013,24,25

Assessor's Reference: Chart-Block-Lot

1/18/01

Application Date

5 unit condo

Project Name/Description

Proposed Development (check all that apply):  New Building  Building Addition  Change Of Use  Residential  
 Office  Retail  Manufacturing  Warehouse/Distribution  Parking Lot  Other (specify) 5 unit condo

6,700 sf (+1-) 8,878

Proposed Building square Feet or # of Units

Acres of Site

R-6

Zoning

**Check Review Required:**

- Site Plan (major/minor)  Subdivision # of lots  PAD Review  14-403 Streets Review
- Flood Hazard  Shoreland  Historic Preservation  DEP Local Certification
- Zoning Conditional Use (ZBA/PB)  Zoning Variance  Other

Fees Paid: Site Plan \$525.00 Subdivision

Engineer Review

Date: 1/18/01

**Fire Approval Status:**

Approved

Approved w/Conditions see attache

Reviewer  Denied

Approval Date

Approval Expiration

Extension to

Additional Sheets Attached

Condition Compliance

signature

date

**Performance Guarantee**

Required\*

Not Required

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

Performance Guarantee Accepted

date

amount

expiration date

Inspection Fee Paid

date

amount

Building Permit Issue

date

Performance Guarantee Reduced

date

remaining balance

signature

Temporary Certificate of Occupancy

date

Conditions (See Attached)

expiration date

Final Inspection

date

signature

Certificate of Occupancy

date

Performance Guarantee Released

date

signature

Defect Guarantee Submitted

submitted date

amount

expiration date

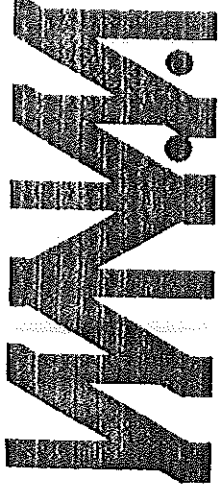
Defect Guarantee Released

date

signature

*File to Mr. M. D. Duggall*





WILLIAM NEMMERS ASSOCIATES ARCHITECTS  
424 FORE ST. PORTLAND, ME 04101 774-3683

January 17, 2001

Marge Schmuckal, Zoning Administrator  
City of Portland  
Portland, Maine 04101

Re SITE PLAN APPLICATION  
5-UNIT APARTMENT BUILDING  
WATERVILLE STREET AT FORE STREET

Dear Marge:

With this letter I am submitting an Application for Site Plan Approval for the above project. The Application includes (9) copies of:

- a) the boundary survey
- b) site plans including layout, grading and landscape
- c) building plans and elevations
- d) written statement
- e) copy of deed
- f) letter from Banknorth

We had discussed the unique aspects of this site at a previous meeting and this plan follows the guidelines set down at that meeting with respect to setbacks, parking requirements, height calculation and the eventual condominiumization of the entire site ( 3 existing and 5 new units).

The side setbacks, based on a five story building are a 10 foot on the left and a 20 ft on the right for a total of 30 ft. The rear line is 20 feet and I have shown the rear line rotating about the back corner to provide 20 feet as the back side of both the Waterville and the Fore Street frontages. The front setback is required to be either

- a) 10 ft
- b) an average of the setback of the adjacent properties. Since the lot to the right is a 20 foot side yard and the lot to the right is on the lot line an average would be 10 feet. This is the case even though every house on every street in this neighborhood in build its front side on the property line
- c) 10% of the property depth, which in this case is 70.6 ft for most of the frontage and 8.8 feet for a small corner where the lot is deeper.

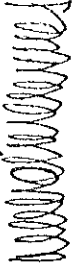
We have chosen the option (c).

We took measurements of the existing grade at the four corners of the proposed building and averaged them to get a base elevation of 113.5 feet. The building height limit is 45 feet above this point, or 158.5 feet to the centerline of the major roof plane halfway between eave and ridge. Our design places the midpoint of the roof at about 4 feet below that point at 154 ft +/-.

We have provided parking for 11 cars, 2 per new unit plus one for every six units we have shown two curbcuts. The right one serving the (2) spaces is existing. The other serving the main garage is new. I know this is unconventional but we do have frontages on both streets and it may be that 2 cuts for two frontages is reasonable without the second ut we would have to make the ut into the hill deeper and stack the two spaces in the rear. It is our feeling that our proposal would disrupt the lot less than a one cut approach, and would ask for a waiver if that is indeed required for the two cuts.

We would like to be put on the Planning Board Schedule for a workshop session. If you need additional information, please let me know

Sincerely,



William Nemmers

**Apartment Project for Casco Bay Ventures  
Waterville Street at Fore Street  
WRITTEN STATEMENT for SITE PLAN REVIEW**

**JANUARY 16, 2001**

- 1) **OWNER:** Casco Bay Ventures, 223 Woodville Road, Falmouth, Me 04105
- 2) **DESCRIPTION OF USE:** The site is currently used for multifamily housing, a three-unit apartment building. This project would add an additional building of five housing units to the site.
- 3) **TOTAL AREA OF SITE:** The property has been surveyed and consists of approximately 8,878 square feet.
- 4) **TOTAL AREA OF BUILDING GROUND COVER:** The existing building has a ground cover area of 1,556 square feet. The proposed building has a ground cover area of 1,863 square feet. Total proposed ground cover area is 3,419 square feet, which is 38.57 percent of the site area.
- 5) **EASEMENTS:** There are no easements on the property.
- 6) **SOLID WASTE GENERATION:** Solid wastes, normal for residential uses, generated by the site's users will be contracted for private removal. No dumpsters will be required.
- 7) **EVIDENCE OF SEWER AND WATER ACCESS:** The building is served by laterals from existing 15" sanitary waste and two 6" water lines existing in Waterville Street. There appears to be enough capacity to accommodate this project.
- 8) **DRAINAGE SITUATION:** There appear to be no storm drain lines in the vicinity of the project site. The water run-off from the site will continue to flow in the same general direction as the prior development condition, that is, sheet flow over to Waterville Street and then to Fore. The current situation is an unvegetated filled foundation of a removed building and major rains wash silt onto Waterville Street. Post development condition will have more absorptive surfaces and paved surfaces to direct water to Waterville Street in an orderly manner.
- 9) **CONSTRUCTION SCHEDULE:**  
The construction of the building would commence in the Spring of 2001.
- 10) **COMMENT REGARDING FEDERAL OR STATE PERMITS:** No State or Federal Permits are required for the project at this time.
- 11) **EVIDENCE OF THE APPLICANTS TITLE:** The applicant, Casco Bay Ventures, owns the property and will supply a copy of the deed under separate cover.
- 12) **COMMENT REGARDING NATURAL PRESERVATION AREAS:** There are no natural preservation areas on the site

Deed of Sale by Personal Representative  
(Testate)

Maine Statutory Short Form

Lawrence P. Davis of 127 Lester Drive, Portland, County of Cumberland, State of Maine, and Marie Davis Sweatt of 150 Pineloch Drive, Portland, County of Cumberland, State of Maine, duly appointed and acting Co-Personal Representatives of the Estate of John J. Davis (a.k.a. John Joseph Davis), deceased (testate), as shown by the probate records of the County of Cumberland, Maine, Docket 2000-170, and having given notice to each person succeeding to an interest in the real property described below at least ten (10) days prior to the sale, by the power conferred by the Probate Code, and every other power, for consideration paid, grant to Casco Bay Ventures, a company incorporated in the State of Maine with a principle place of business at 223 Woodville Road, Falmouth, Maine 04105, the real property in Portland, County of Cumberland, State of Maine, described as follows:

SEE EXHIBIT A

IN WITNESS THEREOF, we, Lawrence P. Davis and Marie Davis Sweatt, have caused this instrument to be sealed this 6<sup>th</sup> day of October, 2000.

[Signature]  
WITNESS

[Signature]  
Lawrence P. Davis  
Co-Personal Representative of the  
Estate of John J. Davis, deceased.

[Signature]  
WITNESS

[Signature]  
Marie Davis Sweatt  
Co-Personal Representative of the  
Estate of John J. Davis, deceased.

STATE OF MAINE  
COUNTY OF CUMBERLAND, ss.

Dated: October 6, 2000

Personally appeared the above-named Lawrence P. Davis and Marie Davis Sweatt, Co-Personal Representatives as aforesaid, and acknowledged the foregoing instrument to be their free act and deed in their said capacity.

Before me,

[Signature]  
Attorney at Law/Notary Public  
TERRY W. SACK

**Exhibit A - Estate of John J. Davis to Casco Bay Ventures**

**Parcel one:** A certain lot or parcel of land, together with buildings thereon, situated on the northwesterly side of Fore Street, in the City of Portland, County of Cumberland and State of Maine, being more particularly bounded and described as follows:

**BEGINNING** on the northwestwardly side of Fore Street, at the southerly corner of land formerly of one Eli Sargent, **THENCE** running southwestwardly by said Fore Street, forty (40) feet to land formerly of Patrick Gormley;

**THENCE** northwesterly by said Gormley land, one hundred nine (109) feet to land formerly owned by one Malen;

**THENCE** northeastwardly by said Malen land, thirty eight (38) feet to land formerly owned by George Brock;

**THENCE** southeastwardly on the line of said Brock and said Sargent lots, one hundred seven (107) feet to the first mentioned bounds.

Being the same premises conveyed by John J. Davis to John J. Davis and Marion G. Davis by deed dated October 14, 1980 and which is recorded in the Cumberland County Registry of Deeds in Book 4683, Page 103 and then conveyed back to John J. Davis solely by deed dated September 19, 1996 and recorded in the Cumberland County Registry of Deeds Book 12731, Page 338.

**Parcel Two:** A certain lot or parcel of land, together with improvements thereon, located on the Easterly side of Waterville Street in the City of Portland, County of Cumberland and State of Maine, being more particularly bounded and described as follows:

**Beginning** at a point on the Easterly side of Waterville Street that is distant Northwesterly measured along said Waterville Street 84 feet from the Northeastly corner of Waterville Street and Fore Street;

Said point of beginning is further located at the Northwesterly corner of land conveyed by Owen M. Knox to Antoinette M. Knox by deed dated September 23, 1970, and recorded in the Cumberland County Registry of Deeds in Book 3144, Page 385;

**THENCE** from said point of beginning and by said Waterville Street Northwesterly 71 feet, more or less, to land now or formerly of Henry J. Martin, et al;

**THENCE** by said Martin Northeastly 70 feet, more or less, to Martin's southeast corner and land of James A. DiPhilippo, et als.

**THENCE** by said DiPhilippo land Southeastly 46 feet, more or less, to land now or formerly of John J. Davis;

**THENCE** by said Davis land on the following described courses and distances;

Southwesterly 20 feet, more or less, to a point;

**THENCE** Southeastly 30 feet, more or less, to said Knox land;

**THENCE** by said Knox land Southwesterly 53 feet, more or less, to the point of beginning.

Also all right, title and interest, if any, in and to all passageways, lanes, streets, or alleys adjoining, abutting and/or running with the above described premises.

Being all of two lots conveyed to the Portland Renewal Authority, the first conveyed by Lee H. Jones by deed dated January 20, 1964, and recorded in said Registry in Book 2806, Page 251. The second conveyed by Felix Manganello et als by deed dated June 25, 1966, and recorded in said Registry in Book 2963, Page 783.

This conveyance is subject to all the restrictions, covenants and agreements contained in the Indenture by which said premises were conveyed to John J. Davis and Marion G. Davis by Portland Renewal Authority.

The foregoing, as all the other covenants contained in the aforesaid Indenture to John J. Davis and Marion G. Davis from the Portland Renewal Authority, shall be a covenant running with the land and shall be enforceable in the same manner as prescribed in said Indenture for the enforcement of the covenants therein contained.

Being the same premises conveyed by the Portland Renewal Authority to John J. Davis and Marion G. Davis by Indenture dated April 16, 1971 and filed in the Cumberland County Registry of Deeds, Book 3166, page 735 and then conveyed by Marion G. Davis to John J. Davis solely by deed dated September 19, 1996 and recorded in the Cumberland County Registry of Deeds Book 12731, Page 338.

**RECEIVED**  
RECORDED REGISTRY OF DEEDS:

2000 OCT -6 AM 9: 48

CUMBERLAND COUNTY

*John B. O'Brien*



Banknorth Mortgage  
477 Congress Street  
P.O. Box 9540  
Portland, ME 04112-9540

January 12, 2001

City of Portland  
Planning Board  
389 Congress Street  
Portland, ME 04101

Re: Casco Bay Ventures

To Whom It May Concern:

This letter is to inform you that Peoples Heritage Bank and Banknorth Mortgage have assisted the above company and its principals with financing of this and other projects in the same development area. The company and its principals are in good financial standing and fully capable of financing this and other related projects.

Please contact me if you have any further questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "John R. Darling", written over a horizontal line.

John R. Darling  
Loan Officer

0010540

BK 16088 PG027

STATUTORY WARRANTY DEED

WE, KEVIN M. LEARY and NANCY A. LEARY (being husband and wife), with a mailing address of 48 Stapleford Drive, Falmouth, Maine

For Consideration Paid, GRANT with WARRANTY COVENANTS TO:

Casco Bay Ventures, a Maine corporation with a principal business location of 223 Woodvale Road, Falmouth, Maine,

A certain lot or parcel of land with the buildings and improvements thereon, situated on the northeasterly side of Saint Lawrence Street, in the City of Portland, County of Cumberland and State of Maine and bounded and described as follows:

Beginning at the corner of St. Lawrence and Fore Streets; thence running northeasterly on the line of said Fore Street sixty-one (61) feet four (4) inches; thence northwesterly ninety-two (92) feet; thence southwesterly sixty-three (63) feet to said St. Lawrence Street; thence by the northeasterly side of said St. Lawrence Street ninety-eight (98) feet to the first bounds.

Being the same premises conveyed to Grantors herein by deed of Lucy A. Ferrante dated November 4, 1977 and recorded at the Cumberland County Registry of Deeds in Book 4128, Page 285.

WITNESS our hands this 12 day of March, 2001.

*Kevin M. Leary*

*Kevin M. Leary*  
Kevin M. Leary

*Nancy A. Leary*

*Nancy A. Leary*  
Nancy A. Leary

STATE OF MAINE  
CUMBERLAND, SS.

Date: March 12, 2001

Then personally appeared the above-named KEVIN M. LEARY and NANCY A. LEARY and acknowledged the foregoing instrument to be their free act and deed.  
Before me,

RECEIVED  
RECORDED REGISTRY OF DEEDS

*Trey Snow*  
Trey Snow  
Attorney at Law/Notary Public

2001 MAR 12 PM 12: 23

*Kevin M. Leary*

CUMBERLAND COUNTY

*John B. Coburn*

MAINE REAL ESTATE TAX PAID





CITY OF PORTLAND, MAINE  
Department of Building Inspection

# Certificate of Occupancy

LOCATION 1 St Lawrence St (016-R-024)

Date of Issue 27 January 1997

This is to certify that the building, premises, or part thereof, at the above location, built — altered — changed as to use under Building Permit No. 941360, has had final inspection, has been found to conform substantially to requirements of Zoning Ordinance and Building Code of the City, and is hereby approved for occupancy or use, limited or otherwise, as indicated below

PORTION OF BUILDING OR PREMISES

Entire

Limiting Conditions:

This certificate supersedes  
certificate issued

Approved:

(Date)

Inspector

Inspector of Buildings

Note: This certificate is not valid until use of building or premises, and ought to be transferred from owner to owner when property changes hands. Copy will be furnished to owner or leasee for one dollar.



extra

ITEM 2B

CITY OF PORTLAND, MAINE

BOARD OF APPEALS



RECEIVED

CONDITIONAL USE APPEAL

DECISION

Name and address of applicant: \_\_\_\_\_

Location of property under appeal: \_\_\_\_\_

For the Record

Names and addresses of witnesses (proponents, opponents and others):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Exhibits admitted (e.g., renderings, reports, etc.):

\_\_\_\_\_  
\_\_\_\_\_

Findings of Fact

1. The proposed conditional use is/is not (circle one) permitted under Section 14-\_\_\_\_\_ of the Zoning Ordinance, for the following reason(s):  
\_\_\_\_\_  
\_\_\_\_\_
2. The proposed conditional use does/does not (circle one) meet all special standards, conditions or requirements, if any, applicable thereto, for the following reason(s):  
\_\_\_\_\_  
\_\_\_\_\_
- 3-A. There are/are not (circle one) unique or distinctive characteristics or effects associated with the proposed conditional use, for the following reason(s):  
\_\_\_\_\_  
\_\_\_\_\_

William Nemmers and Associates, Architects  
424 Fore Street  
Portland, Maine 04101

April 25, 2001

Board of Appeals  
City of Portland  
389 Congress Street  
Portland, Maine 04101

Re: Revisions to Parking Lot  
St. Lawrence and Fore Streets  
Portland, Maine

To the Board:

On behalf of the Owner, Casco Bay Ventures, Inc. I am submitting this Appeal for Conditional Use for Off-Site Parking on this parcel. Please find the 11 copies of our application for Conditional Use Approval. The Ordinance requires that Conditional Use permits in this zone be reviewed by your Board.

The Conditional Use we are requesting approval for is "off site parking" as described in paragraph of the Ordinance. The Proposed plan would enlarge the current parking lot of (3) spaces on this lot to a (6) space lot. The (3) additional spaces would be leased to the existing (3) unit residential building, owned by the same entity, at Fore street. That building currently has no off street parking of its own.

The Ordinance states that the conditional use be granted unless the board determines that the following statements are true. We hereby offer our arguments as to why we believe that the statements are false.

**(a) There are unique or distinctive characteristics or effects associated with the proposed use.** The proposed parking space layout is not unique, but a rather standard example of typical off street parking in this and other R-6 zones. No unique measures are required to fit the spaces into the site, no changes to the existing curb cut is required, no changes to adjacent retaining walls or fences are required. The parking would be limited to neighborhood residents as is the normal situation.

**(b) There will be an adverse impact upon the health, safety or welfare of the public or the surrounding area.** We believe that there will be no adverse impact on the health, safety or

Zoning Division  
Marge Schmuckal  
Zoning Administrator



Department of Urban Development  
Joseph E. Gray, Jr.  
Director

## CITY OF PORTLAND

April 5, 2001

William Nemmers Associates Architects  
424 Fore Street  
Portland, ME 04101

RE: 25 Fore Street and 7, 9-11 Waterville Street - 016-J-013, 24, 25 - R-6 Zone

Dear Bill,

I am in receipt of your letter dated March 19, 2001. This letter is in response to your letter and our previous meeting with Kandi Talbot on March 2, 2001.

In regards to the required number of parking spaces, I still maintain that the ordinance requires you to provide parking for all buildings and uses on a property. Parking has been supplied to the existing building at 25 Fore Street over the years. Your new proposal would eliminate those spaces so that you could build a new building for five (5) additional dwelling units. Although you agree to provide parking for the new structure, you maintain that you do not have to show parking for the existing building. I believe that sections 14-422 and 14-423 state that you may not eliminate required parking, creating a new nonconformity. It goes on to say that if there is a proposal for joint occupancy, you must meet all the zoning requirements for that proposal. I believe the intention of the word "use" in section 14-423 applies to the uses proposed in the two buildings on this combined lot. There are two uses, residential in each building. The ordinance does not say that they have to be different uses. The intention is to be sure that all zoning requirements for both buildings be met. The proposal that I saw did not meet that in regards to parking.

The second item that you refer to is concerning the parking spaces shown extending outside of the first floor building structure. My interpretation refers only to your particular proposal. You have designed the building to accommodate parking within the first floor area. I see this more as a building issue concerning the required building setbacks. I do not see it as just a parking issue. In your particular proposal, I am considering the extension of the floor slab to be an integral part of the proposed structure, and would therefore have to meet the setback requirements. The proposal submitted does not meet the minimum setbacks. Even if you were to change the exterior slab to the some other material, the manner in which these cars are coming in and



## CITY OF PORTLAND

April 5, 2001

William Nemmers Associates Architects  
424 Fore Street  
Portland, ME 04101

RE: 25 Fore Street and 7, 9-11 Waterville Street - 016-J-013, 24, 25 - R-6 Zone

Dear Bill,

I am in receipt of your letter dated March 19, 2001. This letter is in response to your letter and our previous meeting with Kandi Talbot on March 2, 2001.

In regards to the required number of parking spaces, I still maintain that the ordinance requires you to provide parking for all buildings and uses on a property. Parking has been supplied to the existing building at 25 Fore Street over the years. Your new proposal would eliminate those spaces so that you could build a new building for five (5) additional dwelling units. Although you agree to provide parking for the new structure, you maintain that you do not have to show parking for the existing building. I believe that sections 14-422 and 14-423 state that you may not eliminate required parking, creating a new nonconformity. It goes on to say that if there is a proposal for joint occupancy, you must meet all the zoning requirements for that proposal. I believe the intention of the word "use" in section 14-423 applies to the uses proposed in the two buildings on this combined lot. There are two uses, residential in each building. The ordinance does not say that they have to be different uses. The intention is to be sure that all zoning requirements for both buildings be met. The proposal that I saw did not meet that in regards to parking.

The second item that you refer to is concerning the parking spaces shown extending outside of the first floor building structure. My interpretation refers only to your particular proposal. You have designed the building to accommodate parking within the first floor area. I see this more as a building issue concerning the required building setbacks. I do not see it as just a parking issue. In your particular proposal, I am considering the extension of the floor slab to be an integral part of the proposed structure, and would therefore have to meet the setback requirements. The proposal submitted does not meet the minimum setbacks. Even if you were to change the exterior slab to the some other material, the manner in which these cars are coming in and

Brian Burnell 865-9350 12 Maple Ave, Freeport 04032  
Mary Cassle 772-3193 39 Waterville St 04101  
Graham Sheehan 773-4806 16 Saint Lawrence St  
Sandi Flanagan 775-1723 13 Waterville St  
Marie Nepulitan 888-1507 13 St. Lawrence St.  
Rick & Linda Lajoie 888-1970 16 St. Lawrence St.  
PETER SCOTT NEPOLITANO - 828-1507  
Cheri Pulsoni 773-7827 47 Adams St  
Nancy Pulsoni 45 Adams St.

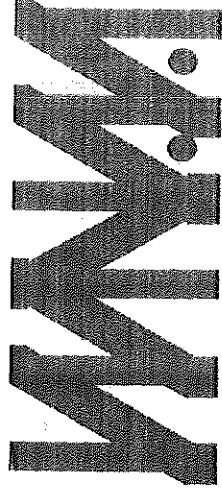
copy of 4/5/2001 letter sent same DAY

JNEIAZ

Amo. 5th 1 pm City Hall Rm. 109

met 3/27/01

received 3/19/01



WILLIAM NEMMERS ASSOCIATES ARCHITECTS  
424 FOREST, PORTLAND, ME 04101 774-3683.

March 19, 2001

Marge Schmuckal, Zoning Administrator  
Zoning Board of Appeals  
City of Portland  
Portland, Maine 04101

Re: SITE PLAN APPROVAL  
25 FORE STREET

Dear Marge:

We are appealing your position in your February 22, 2001 letter regarding the applicability of Sec. 14-423. The code states that "When two (2) or more uses occupy the same building or premises....."

According to the definitions in the City zoning ordinance, the word "use" is defined only in terms of "purpose" as in:

"The purpose for which the building is built", and also  
"The purpose for which it is being utilized"

Even though though there are proposed 8 units of housing on the site in two different buildings, the "Purpose" for which they all were built and are utilized is the same: residential. There are no other "Purposes" or other "uses" on the site.

Therefore, being only one "Use" this paragraph does not apply.

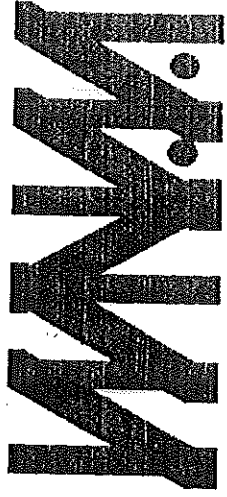
We know that in a perfect world every housing unit should have parking assigned to it. However with respect to "existing housing units" the following should be noted

When an existing building is re-configured to contain additional apartments, only the additional units require parking and at only 1.5 cars per unit. No requirement is set for the existing units even if no parking is currently available. So it is not without precedent that existing units without parking remain without parking through a renovation or construction process.

We have shown 11 spaces for the 8 units proposed for the site a number which approaches the 1.5/unit which is required from the above example.

Ok) received 3/19/01

616-5-13, 24, 25



WILLIAM NEMMERS ASSOCIATES ARCHITECTS  
424 FOREST, PORTLAND, ME 04101 774-3683.

March 19, 2001

Marge Schmuckal, Zoning Administrator  
Zoning Board of Appeals  
City of Portland  
Portland, Maine 04101

Re: SITE PLAN APPROVAL  
25 FORE STREET

*Handwritten note:* 1) Copy to Marge  
Not mine

Dear Marge:

We are appealing your position in your February 22, 2001 letter regarding the applicability of Sec. 14-423. The code states that "When two (2) or more uses occupy the same building or premises....."

According to the definitions in the City zoning ordinance, the word "use" is defined only in terms of "purpose" as in:

"The purpose for which the building is built", and also  
"The purpose for which it is being utilized"

Even though there are proposed 8 units of housing on the site in two different buildings, the "Purpose" for which they all were built and are utilized is the same: residential. There are no other "Purposes" or other "uses" on the site.

Therefore, being only one "Use" this paragraph does not apply.

We know that in a perfect world every housing unit should have parking assigned to it. However with respect to "existing housing units" the following should be noted

When an existing building is re-configured to contain additional apartments, only the additional units require parking and at only 1.5 cars per unit. No requirement is set for the existing units even if no parking is currently available. So it is not without precedent that existing units without parking remain without parking through a renovation or construction process. *Handwritten:* 14-423

We have shown 11 spaces for the 8 units proposed for the site a number which approaches the 1.5/unit which is required from the above example.



We are also appealing the position taken in our meeting last week that the portion of the parking lot in the building setback should be considered as part of the building structure and thus set back from the property lines.

It is our position that parking areas in the setback are allowable according to the Code. It should not make a difference whether the car in that space is parked parallel or perpendicular to the lotline, or whether portions of the car are under the building.

The definition of "Structure" in the code is indeed vague, but it does refer to a connection of two items fixed to a place on the ground. Our setback parking is not fixed to the ground, indeed it could be a gravel surface with no structural element at all.

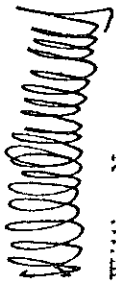
*integrated part of the proposed structure*

The parking lot would be allowed if no building were constructed on the site. The building would be allowed if no parking were on the site. The act of constructing a legal building on a site with a legal parking lot should not change the setback facts of either parking lot or building.

We would like you to consider these positions and will seek an appeal from the appropriate board should you not favor our position.

Sincerely,

*No set backs*



William Nemmers

Close

This data is provided by the Assessor's Office and is current as of March 28, 2001

CBL 016 J013001 CARD 1 of 1 25 FORE ST  
 Owner Name 1 CASCO BAY VENTURES Property Address  
 Name 2 Property Type RESIDENTIAL  
 Mailing Address 223 WOODVILLE RD Description  
 City, State, Zip FALMOUTH ME 04105 16-J-13 FORE ST 25-27  
 4216 SF

Land Use Three Family Nbr of Units 3 Traffic  
 Zone Neighborhood 010  
 District  
 Total Sq. Feet/Living Area 3771  
 Utilities  
 Mailing Address 25 FORE ST Update Property Mailing Address  
 Modified Date 12/28/2000 Modified By vim

3000 - req for existing units

5(1200) = 6000

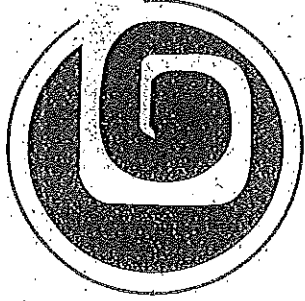
9000 req

Land req  
 4216  
 3322  
 1590  
 9128  
 Land Area Show

BRIAN BURNELL 865-9350 12 MAPLE AVE, FREEPORT 04032  
Mary Cassle 772-3193 39 Waterville St 04091  
Elizabeth Sheehan 773-4806 16 Saint Lawrence St  
Sandi Flanagan 775-1723 13 WATERVILLE ST  
Marie Napolitano 888-1507 13 St. Lawrence St.  
Rick & Linda Lajoie 888-1970 16 St. Lawrence St.  
PETER SCOTT NEPOLITANO - 828-1507  
Cheri Pulsoni 773-7827 47 Adams St  
Nancy Pulsoni 45 Adams St.

SNIAAZ

Nov. 5th 1 pm City Hall Rm. 109



# R. W. Gillespie & Associates, Inc.

Geotechnical Engineering • Geohydrology • Materials Testing Services

27 February 2003

Mr. Scott Teas, AIA  
TFH Architects  
100 Commercial Street  
Portland, Maine 04101

Subject: Geotechnical Investigation  
5 Waterville Street  
Portland, Maine  
RWG&A Project No. 441-02

Dear Mr. Teas:

We are pleased to submit our geotechnical investigation report for 5 Waterville Street located in Portland, Maine. The attached report describes the results of our subsurface explorations, laboratory testing, and engineering evaluations. These services were performed in accordance with R. W. Gillespie & Associates, Inc., (RWG&A) Proposal No. P-4908 dated 13 January 2003.

Subsurface soils at the site consist of fill underlain by naturally deposited silty sand with clay seams and gravel. Refusals were not encountered in any of the explorations advanced to depths of 12 feet below local ground surface. Free water was not observed in any of the excavations; however, it is estimated that the water level is at a depth of approximately 6 feet below local ground surface as indicated by saturated soils. Water levels at the site will fluctuate with season, temperature, rainfall, and construction activity in the area.

Based on the field explorations and engineering evaluations, isolated column and continuous wall spread footings are recommended for support of the building. Soil supported slab-on-grade construction is considered appropriate for the ground floor. Foundation and segmental block retaining walls should be designed with the recommended soil parameters given in this report. Based on the composition and density of the underlying naturally deposited soils, the global or external stability of the proposed segmental block wall is considered to be adequate. With careful construction, the existing structures, including retaining walls and building foundations beyond the limits of the foundation/wall excavations, should not be disturbed by the proposed construction.

*Law Office of Terry N. Snow, P.A.*

*Attorneys at Law*

294 Main Street, P.O. Box 275  
Cumberland, Maine 04021-0275

Terry N. Snow, Esq.  
J. Gregory Lestage, Esq.

Telephone (207) 829-6363  
Facsimile (207) 829-4481  
EMail: TNSnowlaw@aol.com

March 13, 2003

Kandice Talbot, Planning  
City of Portland, Maine  
389 Congress Street  
Portland, Maine 04101

Re: Proposed 4-Unit Condominium  
7-11 Waterville Street, Portland, Maine

Dear Kandice:

I am writing on behalf of my client, Casco Bay Ventures, Inc. ("Applicant"), concerning its proposed 4-unit condominium, to be located at 7-11 Waterville Street, Portland, Maine. It is my understanding that you requested, in your letter dated February 25, 2003, that Applicant clarify for the Planning Board the ownership of the proposed condominium. I have prepared this letter to address that issue.

Casco Bay Ventures subjected two parcels of its property, one located at 1-3 St. Lawrence Street, and the other located at 7-11 Waterville Street & 25 Fore Street, to the provisions of the Maine Condominium Act on or about August 23, 2001. As of said date, Casco Bay Condominium was created, consisting of two existing 3-unit buildings, one at 25 Fore Street and the other at 1-3 St. Lawrence Street. Casco Bay Ventures was the record owner of all 6 units created as of said date, and currently retains ownership of 4 of the original 6 units.

In the Declaration of Casco Bay Condominium, recorded in the Cumberland County Registry of Deeds, Book 16664, Page 127, Casco Bay Ventures reserved substantial development rights, including:

- A. The right to build additional structures, which may include the construction of up to five (5) additional Units, upon a portion of the real estate bordering Waterville Street and identified on the plats and plans as the "Phase II Real Estate";
- B. The right to become the owner of any additional Units created upon the Phase II Real Estate;

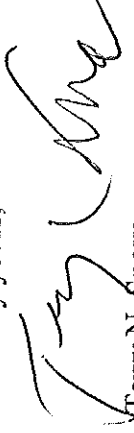
- C. The right to remove and/or withdraw the Phase II Real Estate from Casco Bay Condominium, and with said removal and/or withdrawal the Phase II Real Estate shall become unaffected and unencumbered by the Declaration, Bylaws and the Maine Condominium Act; and
- D. The right to relocate the off-street parking spaces provided to Units A1, A2 and A3 (Fore Street Units) to the Parking Area at St. Lawrence Street.

Currently, each owner of a Unit in Casco Bay Condominium holds a 1/6 undivided ownership interest in the common elements of the condominium, which presently includes the unimproved Phase II Real Estate. However, as indicated above, in the event that Casco Bay Ventures builds the proposed building upon the Phase II Real Estate and creates 4 additional Units, Casco Bay Ventures alone will own such additional Units.

Please do not hesitate to contact me if you have additional questions or concerns regarding this matter.

Thank you for your time and consideration.

Sincerely yours,



Terry N. Snow

cc: Casco Bay Ventures