



John Elias Baldacci  
Governor

STATE OF MAINE  
DEPARTMENT OF HEALTH AND  
HUMAN SERVICES  
DIVISION OF HEALTH ENGINEERING  
286 WATER STREET  
AUGUSTA, MAINE  
04333-0011

John R. Nicholas  
Commissioner

May 24, 2005

Mr. Richard L. Kimball  
463 Ray Street  
Portland, Maine 04103

**Subject: Minimum Lot Waiver Application – Kimball Property – 463 Ray Street - Portland**

Dear Mr. Kimball:

We have completed our review of your application for Minimum Lot Size Waiver in reference to your property on Ray Street in Portland. Specifically you are proposing to divide an existing 21,070 square foot parcel into two parcels, one 11,270 square foot parcel with an existing single family dwelling and subsurface wastewater disposal system and one 9,800 square foot parcel proposed for a single family dwelling and subsurface wastewater disposal system. A HHE-200 Form dated June 14, 1985 by Richard Sweet, LSE 034 was located for the existing dwelling. A HHE-200 Form dated March 21, 2005 by Albert Frick, LSE 163 was submitted for the proposed single family dwelling. It is our understanding that you have obtained an easement to service the 9,800 square foot lot with public sewer, negating the need for a minimum lot size variance for this parcel.

Your proposed action now requires the consideration of one Minimum Lot Size waiver. The reduction of the existing lot to a size less than 20,000 square feet is required by **12 MRSA §4807-D Exemptions**, which states in part "... *except that no person shall reduce the size of the lot upon which such structure is located to a size or frontage less than that allowed by section 4807-A unless permitted pursuant to section 4807-B.*". A review of the information submitted indicates that the waiver for the parcel with the existing single family dwelling may need approval by the Department, as the requirements of **12 MRSA §4807-B, subsection 1.B** are not met. The soil conditions do not meet first-time system criteria with a depth to seasonal high water table reported at 10 inches below the ground surface. As the existing site evaluation was conducted 20 years ago, and the reported soil conditions for the two proposed lots differ we conducted a site review on May 24<sup>th</sup>. Based on that review site evaluation from 1985 is found to be accurate, and the property does appear to meet the criteria for a replacement system, and can be considered for approval under the requirements of **12 MRSA §4807-B, subsection 2. Approval by Department of Health and Human Services.**

By copy of this letter we take the following actions relative to your Minimum Lot Waiver requests:

1. Grant approval for the reduction in size of your property, presently 463 Ray Street, from 21,070 square feet to 11,270 square feet, including the existing single family dwelling and subsurface wastewater disposal system under the authority of **12 MRSA §4807-B, subsection 2. Approval by Department of Health and Human Services.**
2. Recommend to the local plumbing inspector of the city of Portland that a Minimum Lot Size Waiver for the creation of a new, 9,800 square foot lot, from your existing 21,070 square foot lot presently 463 Ray Street, to support a single family dwelling is not required under the authority of **12 MRSA §4807-A, Minimum lot size required, as the property will be served by public sewer.**

If you have any questions please give me a call at 287-4735.

Sincerely,



**Russell G. Martin, PE, F.NSPE**  
Program Director, Wastewater & Plumbing Control  
Division of Health Engineering

CC Michael Nugent, LPI  
Albert Frick Associates, Inc.