



**CITY OF PORTLAND  
STOP WORK NOTICE**

August 23, 2001

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

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

**HAND DELIVER**

Dear Mr. or Mrs. Libby:

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

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

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

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

Sincerely,

  
Jay Reynolds

Development Review Coordinator

Cc: Alex Jaegerman, Chief Planner

Sarah Hopkins, Development Review Services Manager

Mike Nugent, Inspection Services Manager

Penny Littell, Corporation Counsel

Tony Lombardo, Public Works/Engineering

Will Cook, Maine Department of Environmental Protection

O:\drc\29dalton1.doc

City Of Portland  
Inspection Services  
RETURN OF SERVICE

On the 24 day of August, 2001, I made service of the Stop Work Order  
upon Mr. Walter Ribby, at 3800 Congress St


By delivering a copy in hand.

By leaving copies at the individual's dwelling house or usual place  
of abode with a person of suitable age or discretion who resides  
therein and whose name is \_\_\_\_\_.

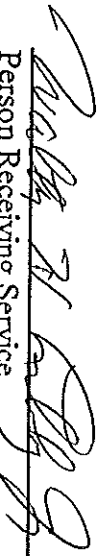
By delivering a copy to an agent authorized to receive service of  
process, and whose name is \_\_\_\_\_.

By (describe other manner of service) \_\_\_\_\_.

DATED: 8/24

  
Signature of Person Making Service

CEO  
Title

I have received the above referenced documents  
  
Person Receiving Service

Refused to sign  
 Unable to sign

Close

This data is provided by the Assessor's Office and is current as of

August 1, 2001

CBL	427 1005001	CARD	1 of 1	Property Address	29 DALTON ST
Owner Name 1	LIBBY MADELINE F &			Property Type	RESIDENTIAL
Name 2	WALTER H JR LIFE ESTATE JTS			Description	427-L-5 TO 8 - 12 + N-1 TO 4 DALTON ST 29-39
Mailing Address	29 DALTON ST			City, State, Zip	PORTLAND ME 04103

Land Use	SINGLE FAMILY	Nbr of Units	1	Traffic	LIGHT
Zone	RS	Neighborhood	010		
District	EAST DEERING				
Total Sq. Feet/Living Area			1248		
Utilities	PUBLIC WATER		PUBLIC SEWER		NONE
Mailing Address	29 DALTON ST				
Modified Date	12/28/2000	Modified By	vjm	Update Property Mailing Address	



CITY OF PORTLAND

September 13, 2001

Mr. Walter Libby  
29 Dalton Street  
Portland, ME 04103

RE: 29 Dalton Street: Fill Permit Application  
(#2001-02224) (CBL 427L005)

Dear Mr. Libby,

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

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

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

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

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

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

Thank You for Your Time.

Sincerely,

A handwritten signature in black ink, appearing to read "Jay Reynolds".

Jay Reynolds  
Development Review Coordinator

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

Applicant: Libby Madeline F &  
 2001-0224  
 Application I. D. Number  
 09/06/2001  
 Application Date  
 29 Dalton St  
 Project Name/Description

29 Dalton St, Portland, ME 04103  
 Applicant's Mailing Address  
 29 - 39 Dalton St, Portland, Maine  
 Address of Proposed Site  
 457-1405  
 Assessor's Reference: Chart-Block-Lot

Consultant/Agent: \_\_\_\_\_ Agent Fax: \_\_\_\_\_  
 Applicant or Agent Daytime Telephone, Fax  
 Proposed Development (check all that apply):  New Building  Building Addition  Change Of Use  Residential  Office  Retail  
 Manufacturing  Warehouse/Distribution  Parking Lot  Other (specify) \_\_\_\_\_

Proposed Building square Feet or # of Units \_\_\_\_\_ Acreage of Site \_\_\_\_\_ 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 \_\_\_\_\_ Subdivision \_\_\_\_\_ Engineer Review \_\_\_\_\_ Date \_\_\_\_\_

**DRC Approval Status:**

Approved  Approved w/Conditions See Attached  Denied  
 Approval Date: 09/14/2001 Approval Expiration: ~~09/14/2002~~ Extension to \_\_\_\_\_ Additional Sheets Attached   
 signature \_\_\_\_\_ date \_\_\_\_\_

Performance Guarantee  Required\*  Not Required

- \* No building permit may be issued until a performance guarantee has been submitted as indicated below
- Performance Guarantee Accepted \_\_\_\_\_ date \_\_\_\_\_ amount \_\_\_\_\_ expiration date \_\_\_\_\_
  - Inspection Fee Paid \_\_\_\_\_ date \_\_\_\_\_ amount \_\_\_\_\_ expiration date \_\_\_\_\_
  - Building Permit Issue \_\_\_\_\_ date \_\_\_\_\_ amount \_\_\_\_\_ expiration date \_\_\_\_\_
  - Performance Guarantee Redu. \_\_\_\_\_ date \_\_\_\_\_ amount \_\_\_\_\_ expiration date \_\_\_\_\_
  - Temporary Certificate of Occup \_\_\_\_\_ date \_\_\_\_\_ amount \_\_\_\_\_ expiration date \_\_\_\_\_
  - Final Inspection \_\_\_\_\_ date \_\_\_\_\_ amount \_\_\_\_\_ expiration date \_\_\_\_\_
  - Certificate Of Occupancy \_\_\_\_\_ date \_\_\_\_\_ amount \_\_\_\_\_ expiration date \_\_\_\_\_
  - Performance Guarantee Released \_\_\_\_\_ date \_\_\_\_\_ amount \_\_\_\_\_ expiration date \_\_\_\_\_
  - Defect Guarantee Submitted \_\_\_\_\_ date \_\_\_\_\_ amount \_\_\_\_\_ expiration date \_\_\_\_\_
  - Defect Guarantee Released \_\_\_\_\_ date \_\_\_\_\_ amount \_\_\_\_\_ expiration date \_\_\_\_\_

*Not in Back Book!*  
*Not Pay Fees!*

# Fill Permit Application

2001-0024

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

Location/Address of Fill Area: <u>2A-3A Dutton St</u>	
Total Cubic Yardage of Proposed Fill	Square Footage of Lot <u>69546 sq'</u>
Tax Assessor's Chart, Block & Lot Chart# <u>427</u> Block# <u>L</u> Lot# <u>5</u>	Owner: <u>Madeleine &amp; Walter Libby</u> <u>39 Paulsen St</u> <u>Portland ME 04105</u> Telephone: <u>772-2080</u>
Lessee/Buyer's Name (if Applicable)	Applicant name, address & telephone: <u>SAA</u> 500cy-less \$50.00 500cy-more \$100.00 Fee: \$
Current use: <u>Single Family Home</u>	
If the location is currently vacant, what was prior use: _____	
Approximately how long has it been vacant: _____	
Proposed use: <u>Single Family Home</u>	
Project description: <u>Fill side of Lot</u>	
Contractor's name, address & telephone: <u>Walter Libby 772-2080</u>	
Who should we contact when the permit is ready: <u>SAA</u>	
Mailing address: _____	Phone: _____

**IF THE REQUIRED INFORMATION IS NOT INCLUDED IN THE SUBMISSIONS THE PERMIT WILL BE AUTOMATICALLY DENIED AT THE DISCRETION OF THE BUILDING/PLANNING DEPARTMENT, WE MAY REQUIRE ADDITIONAL INFORMATION IN ORDER TO APPROVE THIS PERMIT.**

*I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Code Officials authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.*

Signature of applicant: Walter Libby Date: 5/24/01

This is not a permit. You may not commence ANY work until the permit is issued

## FILL PERMIT

Your submissions must include the following to be accepted as a complete application:

- 4 Copies of the site plan on 11" x 17" paper

### SITE PLAN INCLUDES THE FOLLOWING:

- The shape and dimension of the lot, area and limits of the proposed fill area and the distance from the actual property lines. A photocopy of the plat with hand drawn dimensions, if it is not to scale, it will not be accepted
- The following items are guidelines to help applicants prepare a plan or sketch for approval of land areas being filled. It is the applicant's responsibility to locate and assess all impacts as a result of the proposed filling and to acquire all applicable permits outside of the City of Portland review. Should you fail to complete or address these items you may be subject to strict enforcement, which may result in costly construction amendments. Plans or sketches shall indicate proposed grades and contain the information suggested in the following guidelines:
  1. Fill elevations shall match and conform in height with the elevation of an existing road shoulder, an existing driveway or land abutting your property line. Embankments and sloped areas created by fill construction shall not exceed a 3:1 side slope or 33% grade. Areas steeper than 3:1 shall be stabilized using stone riprap, erosion control blankets, or an engineered retaining structure or system.
  2. The filled area shall be graded such as to provide positive gravity drainage from a roadside, driveway, and buildings to a ditch line, culvert, wetlands, or a common drainage system located within or adjacent to the applicant's lot.
  3. Fill shall not be placed near, within, or block the flow path of an existing drainage course. Any filling within the drainage course under the opinion of the Development Review Coordinator shall be removed and restored to its original condition at the owner's expense.
  4. Siltation fence shall be installed and maintained at all times. The siltation fence shall be located along the entire downstream limits of the filled area or around the perimeter of the filled area to protect the disturbed area from siltation and possible erosion. Installation shall be initially reviewed by the Development Review Coordinator (DRC) and must be in accordance with the Best Management Practices for Construction Erosion and Sediment Control.
  5. Erosion control (silt fence) shall be maintained on a regular basis. Silt fence may not be removed until the lawn area or disturbed area is 80% re-vegetated or is approved by the DRC.
  6. Any alteration of a drainage course, or rerouting will require the plan to be reviewed by the Planning staff as a minor site plan and will require a stamped professional engineered plan and calculations for drainage discharge, channel sizing, and location.

7. The applicant shall disclose the amount, a description of type, and the origin of the proposed fill material. Fill material shall consist of non-contaminated soils free of large debris. Only under special exceptions shall sources of inert construction debris (concrete, brick, mortar, ceramics, etc.) be utilized for fill. Special exception fill material shall be reviewed by the Development Review Coordinator prior to actual placement for approval.
8. The fill material shall not remain exposed without a temporary erosion and sedimentation control or seeding application for more than 14 days. Temporary erosion control such as hay mulching must also occur on stock piled material if the time of exposure is to be greater than 14 days.
9. The filled area must be covered with 3-4" layer of loam material, free of clay, stone, roots, or wood debris. Loamed areas shall be seeded within 7 days following final grading or be covered with a hay mulch until the area is ready for final seeding. If the area fails to grow grass within 14 days, the area shall be re-seeded.
10. A copy of the boundary survey shall be submitted showing the approximate limits of filling. No filling shall be allowed within any public right of way, easement, or on any land other than the lot owned by the applicant.
11. The applicant shall complete all construction, grading, and seeding activities by September 1, or a date agreed to by the Development Review Coordinator. Failure to complete will require the applicant to apply for a permit extension.
12. The Development Review Coordinator reserves the right to require additional lot grading or other drainage improvements as necessary due to field conditions.

Please take notice that these are only guidelines and that the review of each applicant is different and is dependent on field conditions and topography. Conditions or requirements requested may exceed these guidelines in certain circumstances, by addressing the above items the applicant will be better prepared to understand the fill permit approval process. Prior to actual construction it would be helpful if you contacted the DRC 874-8300 ext. 8632 to establish your anticipated construction schedule. If you have any questions or need further assistance please call the above number.

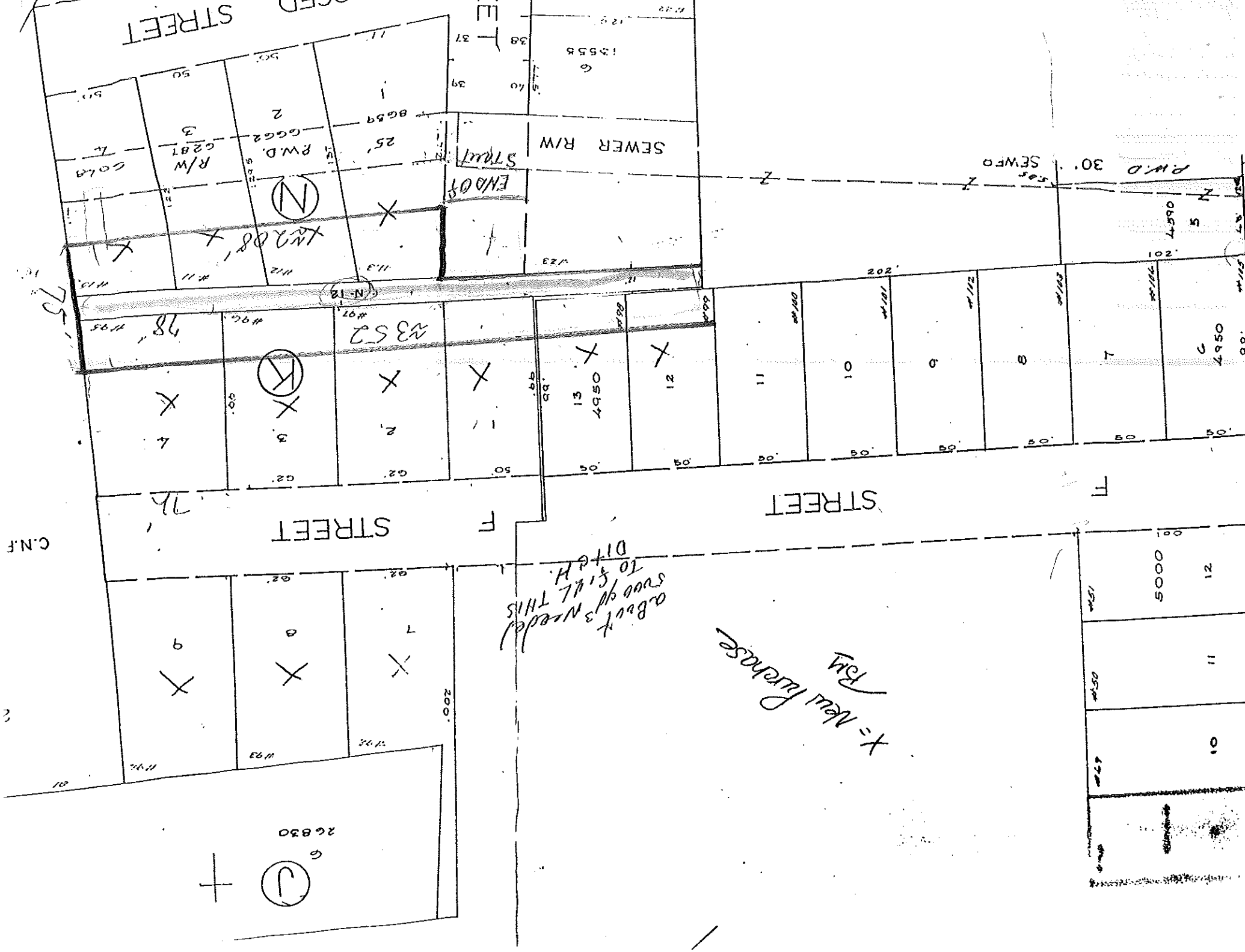
**ABSOLUTELY NO SITE WORK MAY BE DONE UNTIL THE PERMIT HAS BEEN ISSUED. THIS WILL INCLUDE:**

EARTHWORK  
BLASTING  
CLEARING OF TREES  
BRING ANY TYPES OF FILL TO THE SITE FOR STORAGE  
ANY TYPE OF GRADING

**The cost of the fill permit is as follows:**

- More than 500 Cubic Yards (cy): \$100.00
- Less than 500 Cubic Yards (cy): \$50.00





PROPOSED STREET

about 3 needed  
to fill this  
ditch.

X = New Purchase

STREET

STREET

SEWER R/W

END OF



C.N.F.

2

P.W.D. 30' SEWER

0657

4950

5000

26830

2352

0597

1355R

R/W

R.W.D.

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2652  
 458  
 268

be matter to Postland & Henry, Wm + H. T. C.  
 + by Acct of g. T. W. in City of Ontario

~~425 A 15~~  
~~426 A 3~~

2637  
 458

~~425 A 7~~  
~~423 I 1~~  
~~422 F 9-12~~  
~~428 6 9-12~~  
~~428 H 7-11~~

75  
 525  
 600  
 660

Amold Mack - 425A 2706-8-9-117014

427 H 3

Atlas O. Mack

427 I 7709  
 427 K 2704  
 427 N 1704  
 428 A 18-13

1. ~~part of Cottrell's land + Burt's~~  
 2. ~~part of Cottrell's land + Burt's~~  
 2.652 + 4.58 = 7.232 + 1/2 of part in City of Ontario

2.652  
 4.58  
 7.232

425 - A 15  
 426 - A 3

2650  
 130

264  
 297  
 561

425 - A 7  
 427 - Z 11  
 427 - F 9-12  
 428 - G 9-12  
 428 - H 7-11

2637  
 208

75  
 507  
 60  
 660

Arnold's Place - 425A 2406-8-9-11-12-14  
 427 H 3

Also O. Marsh

427 I 7-10-9

427 K 8-10-4

427 N 1-10-4

428 A 12-13

