

CITY OF PORTLAND, MAINE
MEMORANDUM

105-7.17.18
Little Diamond Isl.
Rockledge Ave
Lea

TO: Chairman and Members of the Board of Appeals
FROM: Warren J. Turner, Zoning Enforcement Inspector
SUBJECT: Multi-Family Units on Little Diamond Island

Warren J. Turner
DATE: June 25, 1986

On May 28th I wrote a letter to Mr. David Eaton of the Herald Group, developers for the Rand Property on Little Diamond Island in the IB Zone. At that time, I was cautioned to state that no building permits would be issued for this project until an approved sand filtration system could be received by the Public Works Department and approved by them.

A plan was received by William Goodwin on June 11th, and Mr. Gray advised me to place these items on the agenda for Little Diamond Island's proposed multi-family units on the Rand property. I have since been advised by Mr. Goodwin that the soils analysis data is incomplete and that an overboard discharge license is being sought from the D.E.P.

In view of these matters, I believe the Board should proceed with the public hearings for Little Diamond Island, but then table the Board's decision to a subsequent meeting on July 10th or later.

CITY OF PORTLAND, MAINE
MEMORANDUM

165-J-17,18
Rein Rockledge Ave
Little Diamond Is.

TO: Chairman and Members of the Zoning Board of Appeals
FROM: Richard Knowland, Senior Planner
DATE: June 26, 1986
SUBJECT: Herald Group Condominium Development on Little Diamond Island

Attached for the Board of Appeals' information is a staff memo that was prepared for a Planning Board workshop (May 20th) regarding the Herald Group condominium project on Little Diamond Island. The Planning Board's comments at that workshop parallel many of the concerns raised in the staff memorandum. These comments included the density of the project, waiver request from the seventy-five (75) foot shoreland setback, relevant information on the design and documentation of the proposed sanitary waste system, and the location and impact of the sewer outfall in the bay. We offer this as background information since several of these issues are relevant to the conditional use standards of Section 14-474(c)(2) and Section 14-224(1) that will be reviewed by the Board of Appeals.

CITY OF PORTLAND, MAINE
MEMORANDUM

TO: Chairman and Members of the Planning Board
FROM: Richard Knowland, Senior Planner
SUBJECT: Herald Group Condominium Development on Little Diamond Island Workshop Item

DATE:
May 16, 1986

The New England Herald Group is requesting workshop review of a 12 unit attached housing project on Little Diamond Island. The project is located in an I-B Island Business zone on the southeasterly side of Little Diamond Island (the Rand Property) adjacent to the St. Joseph's Convent and Hospital subdivision which was approved by the Planning Board in 1984. The development is located on a site of about 3.5 acres.

The proposed development would be subject to the following Planning Board approvals: subdivision, site plan, and shoreland zoning. Board of Appeals review is required since attached housing (two, three and four units dwellings) is a conditional use in the I-B zone.

The proposed site plan includes the development of twelve(12) dwellings in five(5) buildings. The unit mix includes 2 triplex unit buildings and 3 duplex buildings. Two of the duplex units on the southerly side of the property are located close to the edge of the shoreline slope. The existing dock and boathouse would be retained. Boat slips would be developed adjacent to the dock. The existing store would be relocated in the boathouse. An existing woodframe residence on the property would be removed from the site. An area on the northerly end of the site with a brick building would be retained by the present owner as a separate lot.

Street access to the project would be from Rockledge Avenue which runs through the St. Joseph's Convent subdivision. Unfortunately the property does not abut Rockledge Avenue but instead has an 100 foot long easement running through lot #4 of the St. Josephs Convent subdivision. The 20 feet wide easement would not satisfy the Subdivision Ordinance island right of way standard (32-foot wide). The developer would need to increase the width of the right of way to meet this standard, provide an alternative right of way or seek a waiver from the Planning board regarding the width. The developer is looking into these alternatives to address this issue. Parks and Public Works would have a concern if a 32 foot wide right of way was not provided. The internal street of the subdivision extends from the easement to an area near the dock, a distance of about 460 feet.

The architecture of the buildings can be described as a shingle style cottage design with high pitched roofs, turrets and front end gables. The duplex unit is approximately 90 feet long while the longest triplex is approximately 120 feet long. The dwellings have 1,800 feet of floor area. The starting price of the units is anticipated to be about \$200,000.

The developer is proposing that a sandfilter system serve the sanitary waste needs of the development. A sandfilter was used for the Fort McKinley project. The sandfilter would be located in an open area on the northerly end of the site. The developer has indicated that the overboard discharge outfall would probably be extended near the existing dock to insure adequate mixing with the channel current.

An overboard discharge cannot be granted by the DEP unless an applicant demonstrates that subsoil conditions on the site preclude subsurface disposal. According to the applicants land planner, the developer is in the process of preparing this information for review by the DEP. Verification that the DEP has determined that the soils are unsuitable for subsurface waste disposal (along with the plans for the sandfilter and discharge system) will be important items for review prior to the public hearing. This becomes important because on a small site such as this, a determination that soils were acceptable for subsurface disposal could affect the layout and the density of the development.

In addition to the right of way and subsurface soils questions outlined earlier in the memo, staff has identified several other issues.

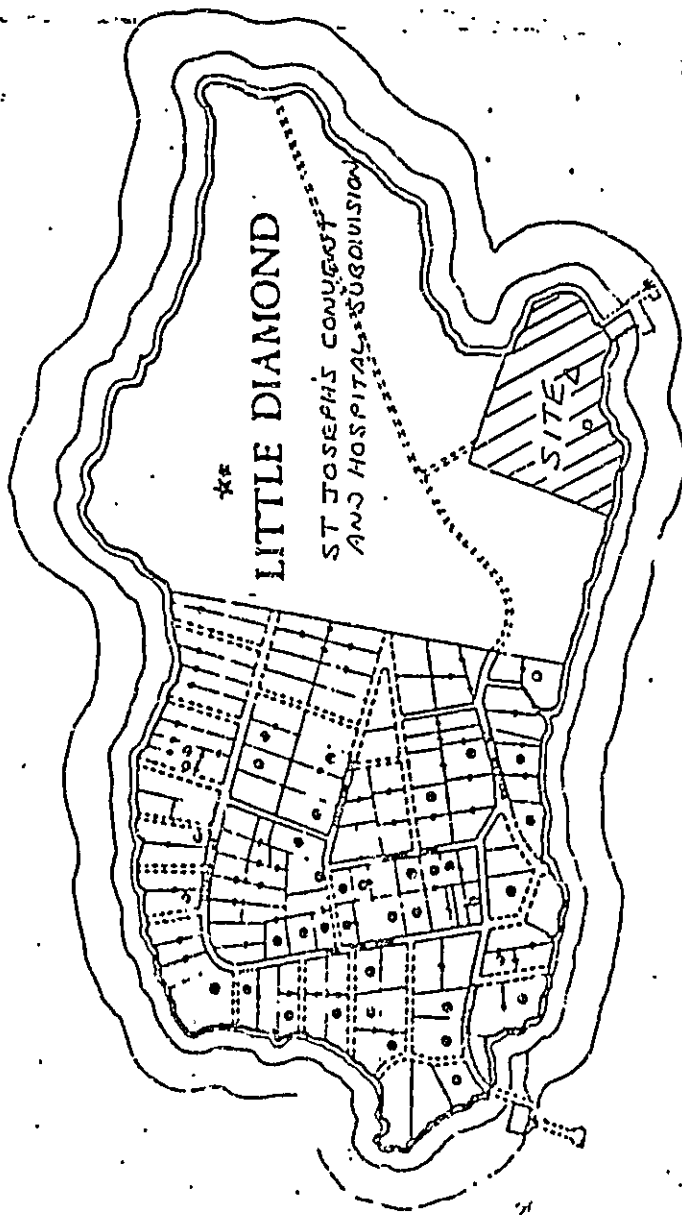
1. Density

The developer is proposing a net density of 12 units on 3.26 acres or 11,841 sq.ft. per unit. This calculation excludes an area of about 1/3 on an acre on the northerly end of the island which would be conveyed to the present property owner with a single family residence. The purpose of I-B zone is "to provide limited areas on the islands for retail and service establishments that serves primarily the needs of the local island market area". Residential development within these zones would be expected to be infill - that is, left over parcels of land intermixed with island commercial businesses.

The allowable density for an I-B zone is 6,500 sq.ft. per dwellings for the first two dwellings and 10,000 sq.ft. for each additional dwelling per building. As this particular I-B zone will apparently have very limited commercial activities in the future, staff would recommend a residential density that is equivalent to the prevailing developed density within the existing IR-2 zone on the other end of Little Diamond. Staff has calculated that this residential density (lot sizes) within that area, including contiguous and grandfathered lots would be approximately 16,000 sq.ft. per dwelling. A 16,000 sq.ft. per dwelling density would reduce the number of dwellings for this project to 9. The 13 lot St. Joseph's Convent subdivision (IR-1 zone) exclusive of the 16 acres retained by the convent, average about 55,000 sq.ft. per lot.

2. Shoreland Building Setback

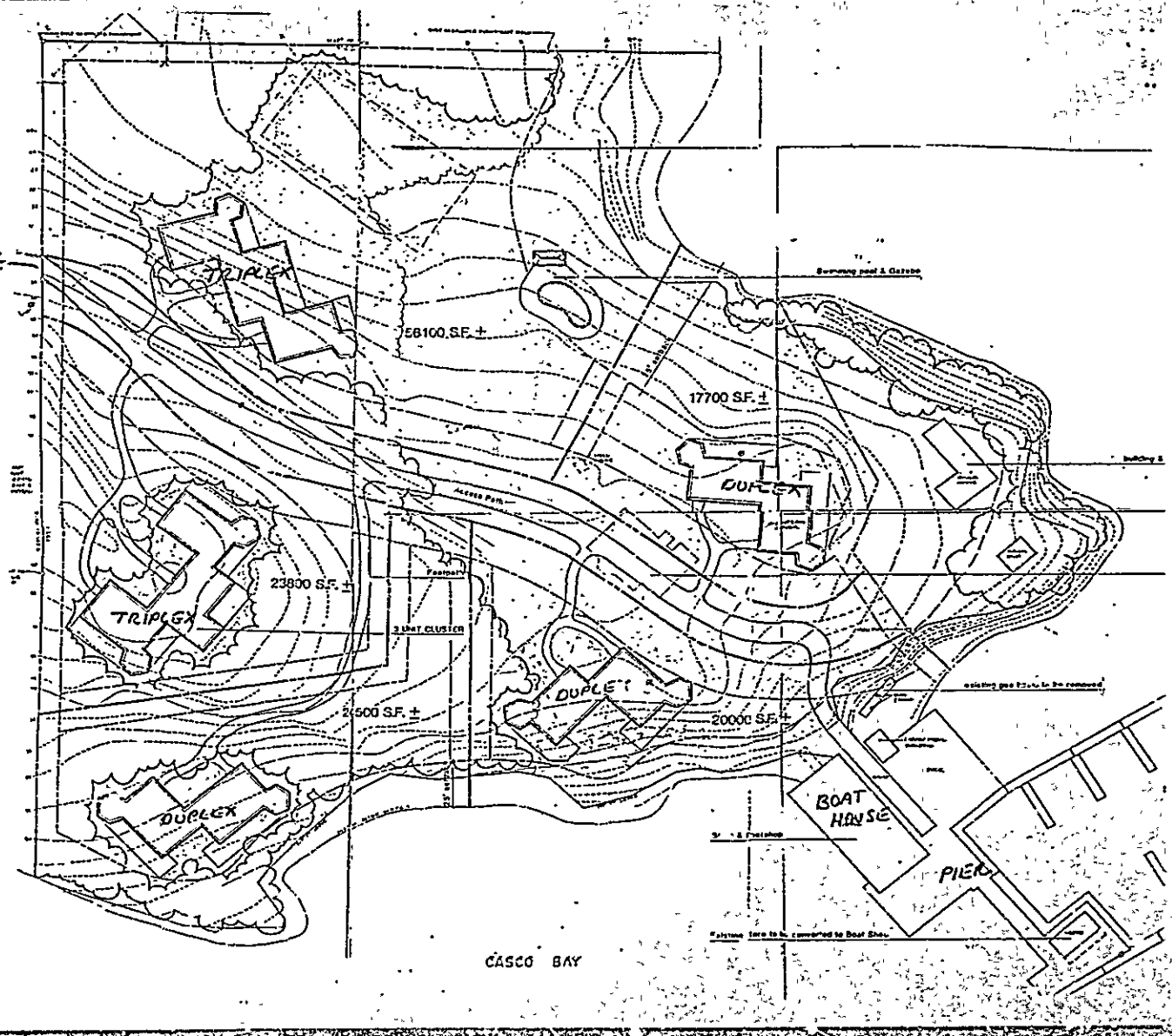
The developer would be requesting that two of the duplex units be sited within the minimum 75 feet shoreland setback along the southerly edge of the property. This would require a waiver from the Shoreland Regulations with review of the Planning Board. The building setbacks are approximately 25 feet from the high water mark and would be located in the most visually prominent portion of the site. The shoreland near the buildings has steep slopes and exposed ledge. Although the buildings would be sited the aforementioned distance from the high water mark, the footprint of the buildings would be sited very close to the actual top of the shoreline slope. For example, the duplex closest to the boathouse would have a large portion of the building footprint on a 32% to 40% slope which is at the crest of the shoreline slope. One of the Shoreland Regulations criteria (sec 14-227(2)) that the Board would be reviewing for the setback waiver request states "the scale and massing of the proposed structure is compatible with neighboring structures, if any, and the natural landscape". Given the size (90 feet long), scale and massing of the buildings in relation to the natural landscape of the area, staff has concerns regarding the proposed setbacks.



105-J-16, 17, 18 Little Diamond, 641
Near Lockledge Ave.

TO ROCKLEDGE AVENUE ←

105-5-1118



105-3-17,18



CITY OF PORTLAND

CONDITIONAL USE APPEAL

105-2-18 LITTLE DIAMOND ISLAND,
THE HERALD GROVE _____
DECISION

For the Record

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

Paul Esten _____
Paul Stevens _____

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

Findings of Fact

- 6-0 1. The proposed conditional use is is not (circle one) permitted under Section 14-224 of the Zoning Ordinance, for the following reason(s): _____
- 6-0 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): _____
- 6-0 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): _____
- 6-0 3-B. There will will not (circle one) be an adverse impact on the health, safety or welfare of the public or the surrounding area, for the following reason(s): _____

3-C. The impact does does not (circle one) differ substantially from the impact which would normally occur from such a use in that zone, for the following reason(s): _____

Conclusion*

After public hearing on July 10, 1986, and for the reasons above-stated, the accompanying application is hereby (check one)

6-0 X granted.

_____ granted subject to the following condition(s):

_____ denied.

Dated: July 10, 19 86 Michael E. Wentz
Secretary of the Board

* The application may be denied only if EITHER the finding for #1 or 2 above is in the negative OR the findings for #'s 3-A, 3-B and 3-C above are each in the affirmative.

A. approved
Marybeth Sutton
Michael E. Wentz
Christine J. Wells
Robert J. Anderson
Wayne L. Williams
John C. Frost

105-7-17, 18
Rear Rockledge Ave.
Little Diamond Island.



CITY OF PORTLAND

CONDITIONAL USE APPEAL

Postponed until 7/10/86

DECISION

For the Record

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

<u>Abigail Eaton (P)</u>	<u>Hal Haskett (O)</u>
<u>Ted Randall (P)</u>	<u>Jim Kizer (P)</u>
<u>Prescilla Quattle (O)</u>	<u>Bill Goodwin</u>

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): _____
- 3-. There will/will not (circle one) be an adverse impact on the health, safety or welfare of the public or the surrounding area, for the following reason(s): _____

105-3-1718 Rockledge Ave.
Little Diamond Lab.



CITY OF PORTLAND

VARIANCE APPEAL

DECISION

For the Record

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

<u>David V. Eaton (P)</u>	<u>Nana Kuntt (P)</u>
<u>Reville Doucette (P)</u>	_____
<u>Paul Stevens (P)</u>	_____

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

Findings of Fact

1. The variance requested is is not (circle one) prohibited under Section 14-473(c) for the following reason(s): 6-0

2. The variance requested does (circle one) meet all special standards, conditions or requirements, if any, applicable thereto, for the following reason(s): 6-0

- 3-A. The land in question can cannot (circle one) yield a reasonable return unless the variance is granted: 5-1

- 3-B. The need for a variance is (circle one) due to the unique circumstances of the property and is not (circle one) due to the general conditions in the neighborhood: 5-1

3-C. Granting of the variance will/will not (circle one) alter the essential character of the locality: 6-0

3-D. The hardship is/is not (circle one) the result of action taken by the applicant or a prior owner: 5-1

Conclusion *

After public hearing on June 26, 1986, and for reasons above-stated, the accompanying application is hereby (check one)

5-1 granted.

_____ granted subject to the following condition(s):

decide certain structures a consent prohibiting parking on the lot 5-1 approved

_____ denied.

Dated: June 26, 1986

Merrill H. Kelly
Secretary of the Board

* The application may be granted or granted subject to conditions only if the finding for #1 above is in the negative AND the finding for #2 above is in the affirmative AND the findings for #'s 3-A through 3-D above are as follows:

- 3-A: in the negative;
- 3-B: 1st one in the affirmative, 2nd one in the negative
- 3-C: in the negative
- 3-D: in the negative

Approved
Merrill H. Kelly
James S. Martin
Thomas J. Powell
John C. Frost
Robert W. Anderson

Merrill H. Kelly

APPLICATION FOR PERMIT

B.O.C.A. USE GROUP ...

B.O.C.A. TYPE OF CONST ...

ZONING LOCATION ... PORTLAND, MAINE May 20, 1986

To the CHIEF OF BUILDING & INSPECTION SERVICES, PORTLAND, MAINE

The undersigned hereby applies for a permit to erect, alter, repair, demolish, move or install the following building, structure, equipment or change use in accordance with the Laws of the State of Maine, the Portland B.O.C.A. Building Code and Zoning Ordinance of the City of Portland with plans and specifications, if any, submitted herewith and the following specifications:

LOCATION: 105-1-17-10 Little Diamond Island - Pear of Rockledge Avenue District #1 [] #2 []

1. Owner's name and address ... Ted Rand - Little Diamond Isl ... Telephone 766-2087

2. Lessee's name and address ... Telephone ...

3. Contractor's name and address ... Telephone ...

Proposed use of building ... No. of sheets ...

Last use ... No. families ...

Material ... No. stories ... Heat ... Style of roof ... Roofing ...

Other buildings on same lot ...

Estimated contractual cost \$... Appeal Fees \$... 100.00

FIELD INSPECTOR - Mr. ... Base Fee ...

@ 775-5451 ... Late Fee ...

Variance

parking variance for 0 parking spaces instead of 12 parking spaces required by zoning ordinance

conditional use appeal

for attached multi family dwelling

TOTAL \$...

Stamp of Special Conditions

This application is preliminary to get settled the question of zoning appeal. In the event the appeal is sustained the applicant will furnish complete information, estimated cost and pay legal fee.

NOTE TO APPLICANT: Separate permits are required by the installers and subcontractors of heating, plumbing, electrical and mechanicals.

Appeal sustained 7/10/86

DETAILS OF NEW WORK

Is any plumbing involved in this work? ... Is any electrical work involved in this work? ...

Is connection to be made to public sewer? ... If not, what is proposed for sewage? ...

Has septic tank notice been sent? ... Form notice sent? ...

Height average grade to top of plate ... Height average grade to highest point of roof ...

Size, front ... depth ... No. stories ... solid or filled land? ... earth or rock? ...

Material of foundation ... Thickness, top ... bottom ... cellar ...

Kind of roof ... Rise per foot ... Roof covering ...

No. of chimneys ... Material of chimneys ... of lining ... Kind of heat ... fuel ...

Framing Lumber - Kind ... Dressed or full size? ... Corner posts ... Sills ...

Size Girder ... Columns under girders ... Size ... Max. on centers ...

Studs (outside walls and carrying partitions) 2x4-16" O. C. Bridging in every floor and flat roof span over 8 feet.

Joists and rafters: 1st floor ... 2nd ... 3rd ... roof ...

On centers: 1st floor ... 2nd ... 3rd ... roof ...

Maximum span: 1st floor ... 2nd ... 3rd ... roof ...

If one story building with masonry walls, thickness of walls? ... height? ...

IF A GARAGE

No. cars now accommodated on same lot ... to be accommodated ... number commercial cars to be accommodated ...

Will automobile repairing be done other than minor repairs to cars habitually stored in the proposed building? ...

APPROVALS BY: DATE MISCELLANEOUS

BUILDING INSPECTION - PLAN EXAMINER ... Will work require disturbing of any tree on a public street? ...

ZONING: ...

BUILDING CODE: ... Will there be in charge of the above work a person competent to see that the State and City requirements pertaining thereto are observed? ...

Fire Dept. ...

Health Dept. ...

Others ...

Signature of Applicant [Signature] Phone # 772-5642

Type Name of above David N Eaton for Ted Rand [] [] [] []

Other ...

and Address ...

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS



MERRILL S. SELTZER
Chairman

Michael E. Westort
Secretary

ROBERT J. GAUDREAU
THOMAS F. JEWELL
EUGENE S. MARTIN
DAVID L. SILVERNAIL

May 28, 1986

Rand Property
Little Diamond Island

The Herald Group
22 Free Street
Portland, Maine 04101

Gentlemen:

A building permit can not be issued for construction of three duplexes and two triplexes in addition to the existing structures now located there, which are owned by Mr. Theodore Rand.

A conditional use appeal will be required for the multi-family uses subject to review by the Board of Appeals. A review by the Planning Board will be required for the site plan and subdivision plan for this proposed project. A space and bulk variance will also be required for the omission of any parking on Little Diamond Island, where no automobiles presently are allowed.

Several questions may arise at the time of the public hearing as follows:

1. Who are the principals of the Herald Group?
2. Will the condominium articles contain specific reference to the omission of vehicles on Little Diamond Island?

We will need to have a detailed plan outlining the sand filtration system for review and approval by the Sewer Division and the City Plumbing Inspector before these items can be scheduled for review by the Board of

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS



105-J-1718

MERRILL S. SELTZER
Chairman

MICHAEL E. WESTORT
Secretary

ROBERT J. GAUDREAU
THOMAS F. JEWELL
EUGENE S. MARTIN
DAVID L. SILVERNAIL
MICHAEL E. WESTORT
John C. Knox

Rand Property
Little Diamond Island

All persons interested either for or against this Conditional Use Appeal will be heard at a public hearing in Room 209, City Hall, Portland, Maine on Thursday afternoon, July 10, 1986 at 3:30 p.m. This notice of required public hearing has been sent to the owners of property within 500 feet from the property as required by the Zoning Ordinance.

The Herald Group, developers for the property owned by Mr. Theodore Rand, under the provisions of Section 14-473(c)1 of the Zoning Ordinance of the City of Portland, Maine hereby respectfully petition the Board of Appeals to permit construction of three duplexes and two triplexes at the above location, not allowed because: Section 14-224(1) a thru g states that two, three or four family dwellings are conditional uses in the IP Island Business Zones subject to approval by the Board of Appeals.

The Herald Group is also seeking a variance to seek relief from the usual parking requirements due to the fact that no automobiles are permitted on Little Diamond Island.

LEGAL BASIS OF APPEAL: Such permit may be granted only if the Board of Appeals finds that the conditions imposed by Sections 14-474(c)2 and 14-473(c)1 of the Zoning Ordinance have been met.

Michael Westort
Secretary

EL
6/13/86

led Pond
105-2-# + 18.
Little Diamond

IB-ZONE

105-2-1709 St. Joseph's Convalescent Hospital
607 Stevens Ave 04103

105-2-16-17 Richard M. & Aneta H. Sawyer
Lumby Street
Silver Spring Md 10106

105-Y-11 Daniel J. Coyne
Box 155A Cousins Rd. Yarmouth, Me

12 Wendell Plum & Mail Box
21 Howell Sudbury Mass 01776

13 Dup - Plum

14 } Dup - Sawyer

15 }

19 Dup - Plum

Rand

105-5-17, 18

2

105-4-9 } Regt. F. J. & Emily E. Woodman
76 Clifford St 04102

10

V-24 } Thomas G. & Margaret M. Joyce
115 Sherman St 04101

V-25

V-26 } George A. Soterion
353 Maple Springfield Mass 01105

V-27

V-33 Dup - Sawyer

V-34 } Dup. Soterion

V-35

36

Rand

3

105-1-17, 18

V-37 - Dup. Sawyer

V-38 Dup - Soterion

O-20 } Dup - Soterion

O-21 }

O-16 } Fred M. & Jeanne Woodberry
163 Bismark St Manchester N.H. 03102

O-17 }

~~O-20~~

~~O-21~~

P-18 - Dup. Woodberry

P-19 Dup - Soterion

105-5-17, 12

L-20 - Dup - Satirion

21 } Dup. Woodberry

22 }

10 } Mark ^F Turner - Jill H
One Old Wharf Rd
W. Newbury Mass 01985

11 }

M. 12 Everett B Garpe
96 Middle Rd Falmouth 0405

13 Howard W. Stevens
9 Ocean Terrace - Comb. Falmouth 04110

14 } Appellant

15 }

J-17 } appellant
18 }

M-16 } Appellant

105-1-1718

17

18

19 Dep - Soterion

I-13 } Dep - Carney

14

15. Robert D. Warner c/o Mark L...
One Clawhary Rd W. Newbury Mass
01985

16

J-17 } Appel

18

THE HERALD GROUP

105-1-12,18

May 22, 1986

Mr. Warren Turner
Zoning Board of Appeals
Room 315
Portland City Hall
Portland, ME 04101

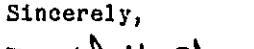
Re: Conditional Use Appeal (attached buildings)
Parking Variance (zero spaces)
Rand Property - Little Diamond Island

Dear Mr. Turner:

Enclosed please find nine separate packets you requested for the filing of the above referenced appeals. The first attachment to this cover letter is a fact sheet that explains The Herald Group's interest in the property, a description of the proposed development, and the specific reasons for the appeals. Reduced copies of the site plan and preliminary subdivision are also included. Please note that it shows no parking spaces, since there are no cars on Little Diamond Island, and this is one of the variances we are requesting at this time. A floor plan is enclosed which illustrates the attachment of the buildings, which is our conditional use appeal. Finally, a photo of the property is also included.

Please call me if you have any questions.

Sincerely,



David N. Eaton

Enclosures

FACT SHEET

City of Portland Zoning BOARD OF APPEALS

Diamond Point

Little Diamond Island

Map 105, Block Z, Lot 18

I. Basic Facts

A. The applicant, The Herald Group, has a contract to purchase all but approximately 20,000 square feet of a parcel on Little Diamond Island in the City of Portland, shown on Assessor's Map 105, Block Z, Lot 18, currently owned by Theodore T. Rand.

B. The parcel is located in the I-B Zone of the City of Portland's Zoning Ordinance, and this parcel is the only section of Little Diamond Island zoned I-B.

C. The site is currently improved with two residences and a large pier with a store at the east end of the site.

D. The applicant has submitted the following plans:

1. a site plan by Land Plan Associates dated May 20, 1986, showing the proposed location of all buildings and improvements.

2. a preliminary subdivision plan, by Land Plan Associates dated May 21, 1986.

3. A typical floor plan of the proposed residences, by John Leasure Architects, Inc., dated May 21, 1986.

4. The applicant will also bring to the hearing:

a. a detailed site analysis plan, showing existing site features, by Land Plan Associates, dated February 12, 1986.

b. a septic system design plan, by Sebago Technics, Inc.

E. The applicant proposes to subdivide the parcel into a total of eight different lots as follows:

1. Lot 1 will be 9,100 square feet. It will be used in connection with waterfront development on the site. Lot 1 will contain an enlarged store and boathouse with new boat slips being constructed. The existing store will be converted to a boat shed. The retail use, marina use, and docking use are all allowed as permitted uses in the I-B Zone, Section 14-223(2)(3) and (5)..

2. Lot 2 will be approximately 20,000 square feet, and will contain the two brick buildings already on the site, which will continue to be used for single family residential purposes. Ownership of Lot 2 will be retained by Theodore T. Rand.

3. Lot 3 will be 13,570 square feet, with a proposed use as a two unit condominium.

4. Lot 4 will be 28,700 square feet with a proposed use as a three unit condominium. It will also be used as the site for a sand filtration system for all newly constructed units on the site.

5. Lot 5 will be 24,500 square feet, with a proposed use as a three unit condominium.

6. Lot 6 will be 23,000 square feet, with a proposed use as a two unit condominium.

7. Lot 7 will be 16,000 square feet, with a proposed use as a two unit condominium.

105-J-12, 18

8. The eighth lot will be a "Common Area", containing 32,500 square feet, and will have a swimming pool and gazebo, to be owned and used in common by the five sets of condominiums on Lots 3 - 7.

F. Applicants require conditional use permits for two and three family buildings on Lots 3-7 from the Board of Appeals, in accordance with Section 224(1), and a variance from the Offstreet Parking requirements of Section 332(1).

G. The project also requires approval by the City of Portland Planning Board pursuant to the subdivision, site location, and shoreland zoning ordinances, and possible waivers from the shoreland setback and road width requirements from the Planning Board.

H. Applicant may also need a Department of Environmental Protection Coastal Wetlands Act permit for its revisions to the wharf and dock area, a D.E.P. permit for its sand filtration system and may also need a permit from United States Army Corps of Engineers for the construction of the proposed boat slips and moorings.

II. Ultimate Facts.

A. Conditional use permits: Lots 3 - 7 in the proposed subdivision each require a conditional use permit for construction of a multi-family dwelling. Specifically, applicant proposes to build three two-unit condominiums, and two three-unit condominiums. These uses are specifically allowed as a conditional use based on the following guidelines:

1. Section 224(1); I-B Zone factors.

a. There are no open outside stairways or fire escapes above the ground floor.

b. All first floors are above the average adjoining ground level.

105-7-17/18

c. The two unit dwellings are each on lots in excess of 13,000 square feet, and the three unit dwellings are each on lots in excess of 23,000 square feet.

d. The exterior design of the buildings in the traditional shorefront shingle style, and the architectural style of siding materials, roof pitch, building form and height are all compatible with neighboring coastal properties.

e. Each of the dwelling units is well in excess of the 1,000 square foot minimum.

f. Each of the dwellings is well in excess of the 600 square foot minimum, exclusive of common hallways, storage and the basement and attic.

g. The proposed septic system is in compliance with all applicable federal, state and local regulations.

h. The public water to be brought to the site is sufficient to provide the needs of all dwellings on the property, so the project will not create an unreasonable burden on existing water supplies. The project will not affect the ground water resources on Little Diamond Island, since no wells or in ground septic systems will be utilized.

2. Section 474: General conditional use factors:

a. There are no unique or distinctive characteristics or effects associated with the proposed conditional use of small scale two and three family dwellings, common on island properties, especially in coastal areas.

b. There is no adverse impact on the health, safety or welfare of the public due to construction of low density, small scale condominium clusters, and the surrounding areas will not be adversely affected.

105-J-17,18

c. The proposed use is consistent with that use which would normally occur in an island business zone. The prime business use is for the store, boathouse and boat slips, all on Lot 1. With no more business needs being generated by the residents of Little Diamond and area islands, it is logical to develop residences on the rest of the site which make use of the prime business activities. By keeping the business use on the site to a relatively small area, there will be no substantial negative impact on the area. This site is the only parcel zoned I-B on Little Diamond Island, and the proposed condominium use creates a nice transition from the business features of Lot 1 to the residential features on the rest of the island.

B. Parking requirements - Variance.

1. Section 332(1) of the Zoning Ordinance requires offstreet parking for a minimum of one car per residential unit. Applicants request a variance from these parking requirements, according to the criteria of Section 471(2) of the Zoning Ordinance. Specifically, Section 473 of the Ordinance authorizes the Board of Appeals to make variances from the literal interpretation of the Ordinance, where a strict application of the Ordinance would cause an undue hardship to applicants.

a. The land cannot yield a reasonable return: Little Diamond Island contains no motorized vehicles, other than an occasional trash vehicle brought over from Great Diamond Island, when necessary. However, Section 332(1) is explicit in its requirement of one parking space per unit provided on the site. To require the applicant to develop parking spaces, on an island where there are no cars would create unnecessary development of the site, and contradict all environmental, land use and zoning principles. The cost of such spaces and damage to the natural features on the site are unnecessary.

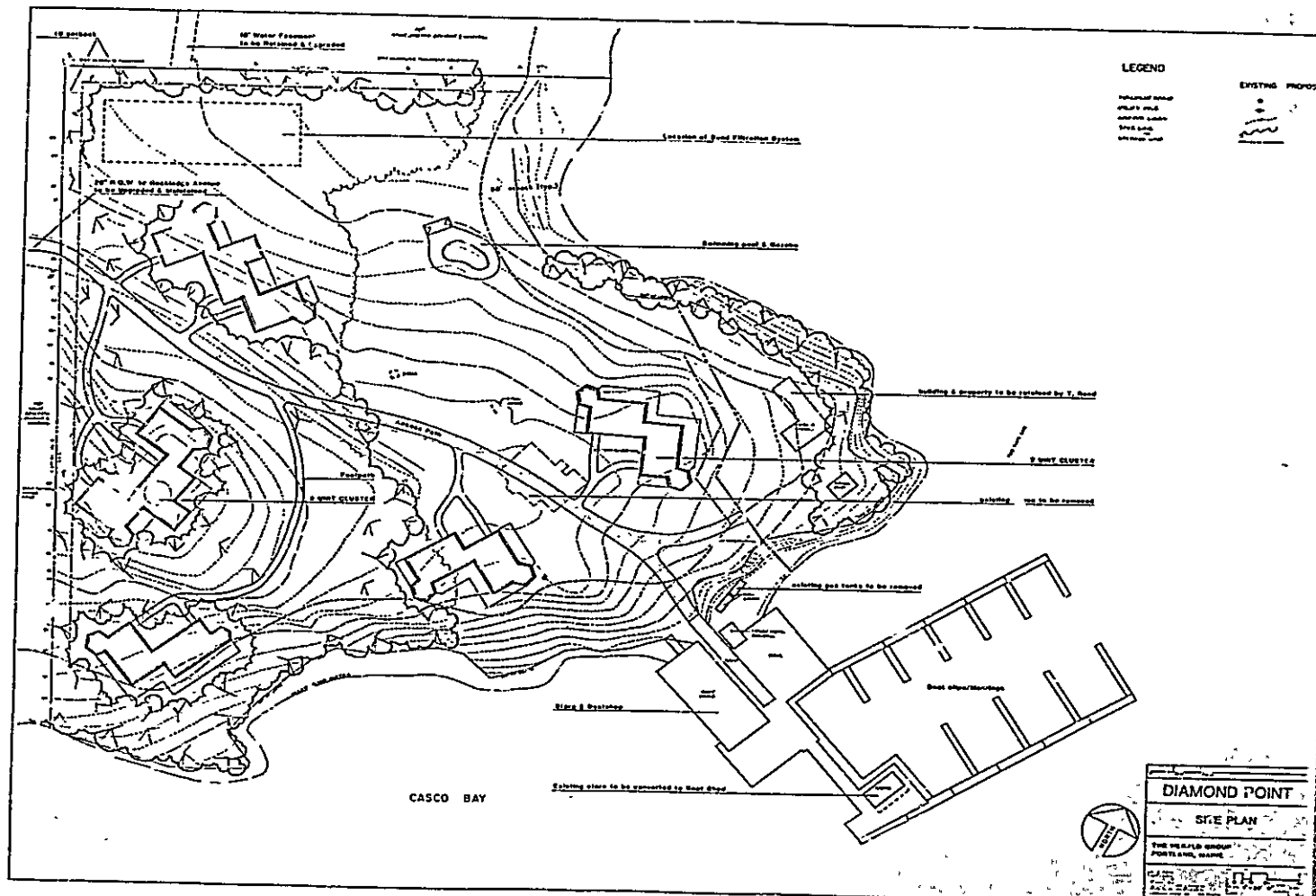
105-J-17,18

Without the variance requested, the site cannot yield a reasonable return to the developer.

b. The need for variance is due to the unique circumstances of the property, in that Little Diamond Island simply has no cars, so there is simply no need for parking.

c. The granting of the variance will not alter the essential character of the locality, since the rest of Little Diamond Island has no cars, so no one has or uses parking spaces. Allowing this development without parking spaces is completely consistent with the character of Little Diamond Island.

d. This hardship is not the result of action taken by the applicant or a prior owner, because Little Diamond Island has simply never had cars, nor will cars ever be on the Island in the foreseeable future.



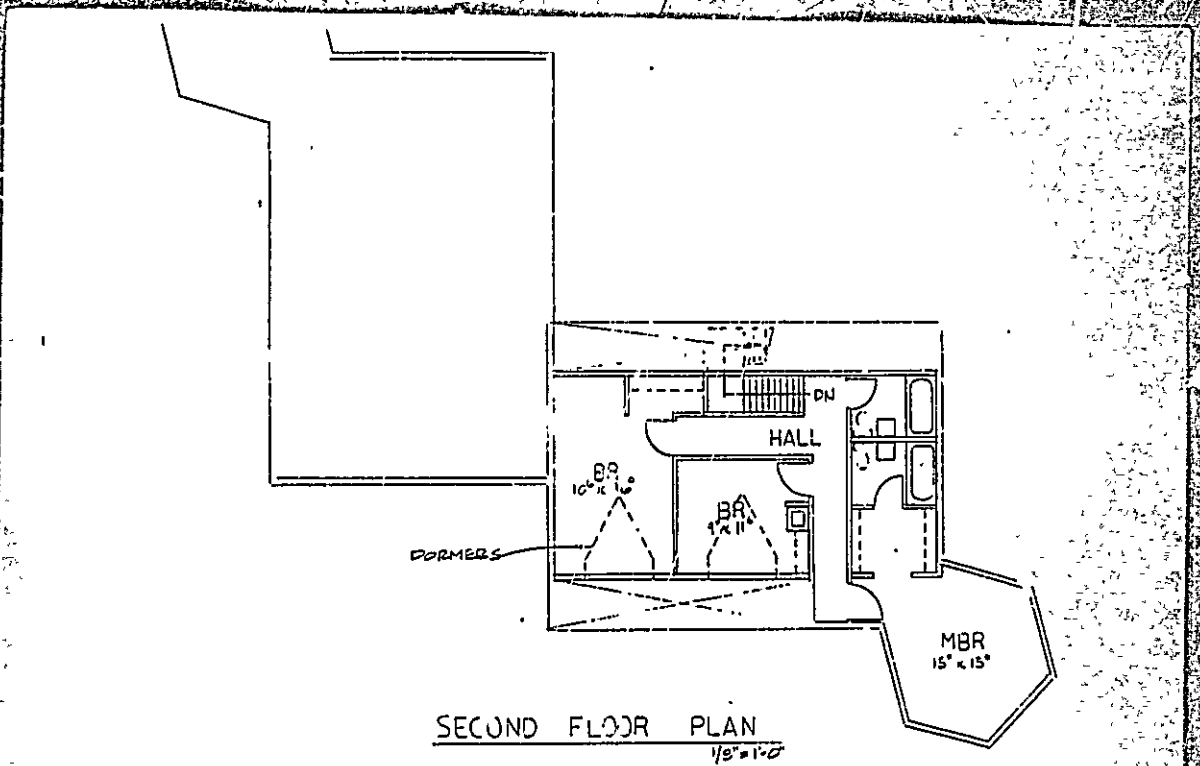
105-5-17, 18
Rockledge Ave.



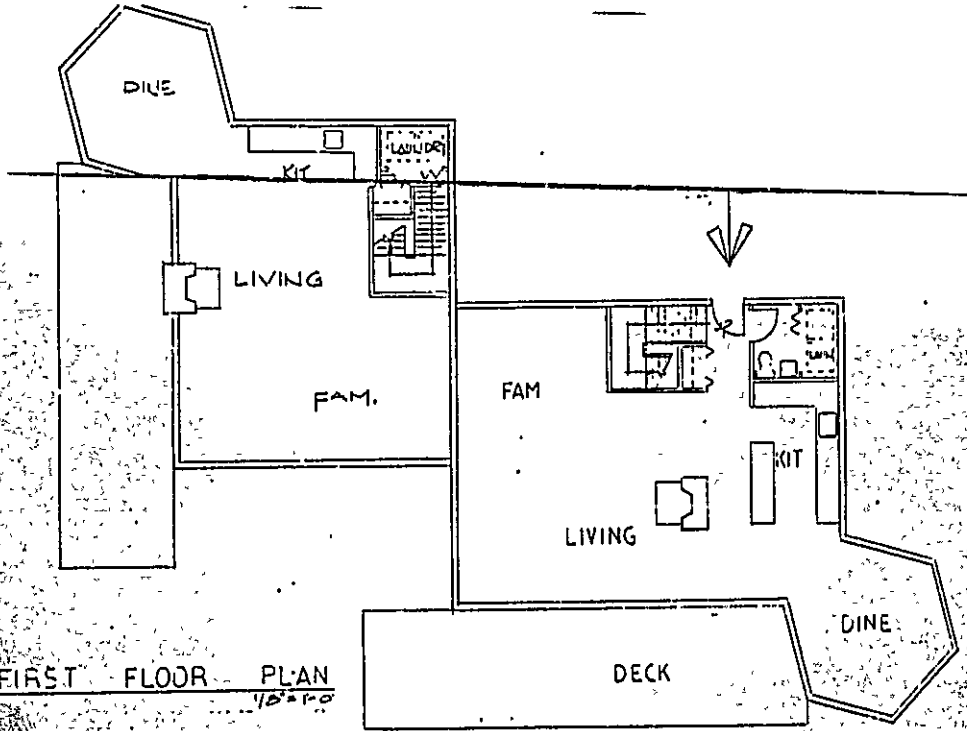
REVISIONS	DATE

JOHN H. LEASURE - ARCHT.
19 COMMERCIAL STREET
PORTLAND, MAINE 04101

105-5-17, 18
Roughledge Ave.



SECOND FLOOR PLAN
 1/8" = 1'-0"



FIRST FLOOR PLAN
 1/8" = 1'-0"

105-J-1718

CITY OF PORTLAND, MAINE
MEMORANDUM

105-5-17, 18

TO: Warren Turner, Zoning Administrator
FROM: William B. Goodwin, P.E., Environmental Projects Engineer
SUBJECT: Diamond Point Development, Little Diamond Island

DATE: 6/26/86

On June 24, 1986, I received copies of the D.E.P. Application for Sanitary Wastewater Discharge License, the Site Plan and Preliminary Sanitary Sewer Plan, and the Detail Sheet for Sanitary Sewer for subject development.

In order to obtain an "overboard" Discharge License, the property must be found to be unsuitable for underground wastewater disposal using standard septic systems. The Maine State Plumbing Code, Part II, "Subsurface Wastewater Disposal Rules", which governs siting, design and construction of standard septic systems has two sets of minimum setback distances. One set of minimum setback distances governs systems with a design flow of less than 2,000 gallons per day and the other much more stringent set of minimum setback distances governs Engineered Systems (i.e. flows greater than 2,000 gallons per day).

It is my professional opinion that the data submitted does document that the site has insufficient area within the required setbacks for an Engineered System. It is my further opinion that insufficient information was submitted to determine that the site is unsuitable for a number of smaller systems (i.e. flows less than 2,000 gpd) serving individual units or clusters of units. This opinion is based on the fact that only seven test pits were evaluated on the entire site.

From a groundwater management viewpoint, in an island environment it is preferable to build a number of small dispersed wastewater disposal systems rather than one large wastewater disposal system. I would therefore recommend that additional test pits be evaluated and the wastewater disposal proposal be re-evaluated to use small (i.e. flows less than 2,000 gpd) subsurface wastewater disposal systems within the areas of suitable soils before considering an overboard discharge system.

It is my opinion that, based on the data submitted, I am unable to determine that the system as proposed will be in compliance with all applicable Federal, State, and local Wastewater Disposal Regulations, as required by subsection 14-224-(1)g of the Portland City Code.

William B. Goodwin
William B. Goodwin, P.E.
Environmental Projects Engineer
Maine Licensed Site Evaluator #003

WBG/bjk
cc: Richard Knowland, Senior Planner
Robert J. Roy, Planning Engineer

Applicant: *The Herald Group*
Address: *Little Diamond Island*
Assessors No.: *105-7-18*

Date: *July 19, 1986*

Theodore T. Rand

CHECK LIST AGAINST ZONING ORDINANCE

Date ..

Zone Location - *IB*

Interior or corner lot -

Use - *Proposed three duplexes & two triplexes*

Sewage Disposal -

Rear Yards -

Side Yards -

Front Yards -

Projections -

Height -

Lot Area - *193,528 #*

Land 48,380

Bldg 89,520

137,900

Building Area -

Area per Family -

Width of Lot -

Lot Frontage -

Off-street Parking -

Loading Bays -

Site Plan -

Shoreland Zoning -

Flood Plains -

*Mr. Gooch says
he has not received
any additional info
from the Herald Group
re the sand filtration
system. W.J. Turner*

105-J-17,18

To: Members of the Portland City Planning Board and Members
of the Zoning Board of Appeals

From: Dale and Priscilla Doucette
79 George Street
Portland, Maine 04103

Re: Herald Group Condominium Development on Little Diamond
Island

Dear People:

We would like to express our concerns about the proposed development on Little Diamond Island. We would like these concerns to be publically expressed and addressed at any meeting of your boards concerning Little Diamond.

We feel that this development is not consistent with Portland Code Sec. 14-24 Conditional uses (1) g. "All sanitary waste shall be disposed of by a public sewer, subsurface sewerage system or other method in compliance with all applicable federal, state and local regulations."

The Herald Group proposes a development which is simply too dense. If there were fewer units, the development would be able to meet the subsurface sewerage requirements.

We also feel that this proposal is not consistent with Sec. 14-474 Conditional uses (2) Standards. a., b., and c.

This plan is a threat to the unique qualities of our island. We currently consist of single family summer homes. These cottages are on individual lots and are not "grand manors". None of our homes approach the length of 120 feet. The proposed multifamily units are completely out of scale with the rest of the area. They are inconsistent with the distinctive characteristics of our community.

Our entire community may be adversely impacted by the cluster of dwellings of the Herald Group. Fifteen families will be contained on well under four acres of land.

This plan differs substantially from what would normally occur from such a use in that zone. Island business is just that. It is fishing, boat related activities, and small stores. There is no such "island business" as condominiums.

We hope the city planners will look carefully at this plan. We feel that several single family dwellings would be appropriate on this property. We feel that for any residential plans on Little Diamond the R 1 rules should apply.

Sincerely,
Priscilla Doucette
Dale A. Doucette
Dale and Priscilla Doucette

105-1-17/18

To: Members of the Zoning Board of Appeals and the Portland City Planning Board

From: Harold Hackett, Linda A. Hackett, and James Hackett

Re: Herald Development condominiums on the Rand property at Little Diamond Island

We have the following comments on this project:

1. We object to the sewage overboard discharge system. The rest of the island must conform to the septic tank and filter bed regulations. This is nothing more than another residential project and should conform. We are not aware that they have determined soils are unsuitable for in ground disposal, a requirement before overboard discharge of water is proposed as a means to increase housing density.
2. We object to using the I-B zone as a means for increasing housing density. It would seem that I-B ought to be used primarily for business purposes. If any residential use is to be made it ought to fit around the business. But almost all of this site is to be used for housing rather than business.
3. We suggest that this multiple family housing is inconsistent with the rest of the community and is not adequately buffered from the R-I property into which it intrudes.
4. We object to the lack of conformity to the 75 foot set back from the water. New residences on the rest of the island must conform so why shouldn't these.
5. We object to the manner in which the I-B zone was increased at this site. This recent change indicates that it was done not to enlarge a business area, but rather to increase housing density.
6. We object to the visual impact of large buildings densely placed on the site for purposes other than business. It is not compatible with existing island residences.
7. We object to the destruction of the Lighthouse Superintendent's House to make way for a road to the two brick buildings Rand will retain on the site. The house is a good example of an 1875 coastal dwelling and with some exterior restoration could and ought to be part of the complex.
8. We suggest that there are access problems to the site.

First, the public road on the Sisters of Mercy Property does not connect to the proposed public road across the condo site.

Second, the developers of the Sisters of Mercy Property negotiated an access easement with the Little Diamond Island Association so that they might use the private walkways of the Little Diamond Island Association to reach the dock. We see no reason why the Herald Group should not do the same.

105-J-1718.

Thank you,

Harold Hackett

A handwritten signature in cursive script, appearing to read "H. Hackett", with a long horizontal flourish extending to the right.

Linda A. Hackett

James Hackett