



CITY OF PORTLAND, MAINE

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PORTLAND, MAINE 04101  
(207) 874-8100

DEPARTMENT OF PLANNING & URBAN DEVELOPMENT

P. SAMUEL HOFFSES, CHIEF  
INSPECTION SERVICES DIVISION

July 25, 1990

RE: Woods Road, P.I.  
MacIsaac Property

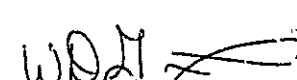
Richard Bryan Swain, AICP  
Suite 216  
World Trade Center  
Boston, MA 02210

I have looked back at my previous decision on June 26, 1989 regarding the MacIsaac proposal for permit and its compliance with the Land Use Code of the City of Portland. Your concern was that the street frontage requirements in section 14-145.5(2) had not been met. That section and a portion of 14-47 are attached for your review.

Woods Road on Peaks Island, to some extent, however minor is maintained under public authority. This information was obtained from George Flaherty, Director of Parks and Public Works, and Ben O'Reilly, Superintendent of Parks. There is no doubt in my mind that this meets the letter of the code and the intent also.

I believe that my initial decision on June 26, 1989 was correct and still stands.

Sincerely,

  
William B. Goux  
Zoning Codes Enforcement Officer

/el

cc: Joseph E. Gray, Jr., Director of Planning and Urban Development  
P. Samuel Hoffses, Chief of Inspection Services  
Warren J. Turner, Administrative Assistant  
Charles Lane, Associate Corporation Counsel  
Arthur Addato, Code Enforcement Officer

**Dwelling unit:** A story which exceeds eight (8) feet in height shall be counted as two (2) stories. A basement shall be counted as a story for the purpose of height measurement where more than one-half of its height is above the average level of the adjoining ground.

**Street:** A public way established by or maintained under public authority, or a way dedicated to the use of the public and appearing on the official map of the city.

**Street line:** The line of demarcation between a street and the abutting land.

**Structure:** Anything constructed or erected of more than one (1) member which requires a fixed location on the ground or attached to something having a fixed location on the ground.

**Theaters:** Any establishment devoted to showing motion pictures, or for dramatic, musical or live performances.

**Tourist home:** A building in which more than one (1) but not more than nine (9) guest rooms are used to provide or offer overnight accommodations for transient guests.

**Truck terminal:** A building and premises devoted to handling and temporary warehousing of goods, which may include facilities for the maintenance and repair (except body repairs, frame straightening and painting), fueling and storage of trucks or tractor-trailer combinations.

**Use:** The purpose for which land or structures thereon is designed, arranged or intended to be occupied or used, or for which it is occupied, maintained, rented or leased.

**Utility substation:** Any sewage or water pumping station, electric power substation, transformer station, telephone equipment enclosures, or other similar structures owned or operated by a public utility.

**Warehousing:** The storage of goods, wares and merchandise in a warehouse.

**Watercourse:** Any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine or wash in which water flows in a definite direction or course, either continuously or intermittently, or which has a definite channel, bed and banks, and includes any area adjacent thereto subject to inundation by reason of overflow or floodwater.

**Wetlands:** Those areas which have two (2) or more of the following:

- (1) A water table at or near the surface during the growing season;
- (2) Very poorly drained soils, including Sebago mucky peat; or
- (3) Obligate wetland vegetation.

For purposes of this definition, "very poorly drained soils" and "obligate wetland vegetation" shall be as defined and illustrated in the United States Department of Interior, Fish and Wildlife Service publication of Wetland Plants of the State of Maine (1966), a copy of which is on file with the planning authority.

**Wholesale:** Sale for resale, not for direct consumption.

**Yard:** A space on a lot which is required by this article to be maintained open, unoccupied and unobstructed between lot lines and any structure, except as permitted in this article.

**Sec. 14-145.5. Dimensional requirements.**

In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, lots in the IR-1 zone shall meet the following minimum requirements:

**(1) Minimum lot size**

- a. Residential: Forty thousand (40,000) square feet for lots with public water; sixty thousand (60,000) square feet for lots without public water; except as provided in section 14-433 (Lots of record and accessory structure setbacks for existing buildings) and section 14-145.3(1)(a) of this article.
- b. Schools and other educational facilities: Forty thousand (40,000) square feet.
- c. Churches and other places of worship: Forty thousand (40,000) square feet.
- d. Private clubs, fraternal organizations: Forty thousand (40,000) square feet.
- e. Seasonal camps and campgrounds: Ten (10) acres.
- f. Animal raising: Three (3) acres.

For purposes of this subsection, the mean high tide mark shall be considered to be the shoreline lot line.

**(2) Minimum street frontage**

One hundred (100) feet, except that a lot of record as described in section 14-433 (Lots of record and accessory structure setbacks for existing buildings) and lots created after July 15, 1985, which are not part of a subdivision need not provide street frontage if access is available by means of a permanent easement or right-of-way which existed as of July 15, 1985. Such easement or right-of-way shall have a minimum width of sixteen (16) feet and a minimum travel width of eight (8) feet, except that an easement or right-of-way providing access for three (3) or more lots or providing the only means of access to a parcel or parcels of three (3) acres or more shall be a minimum thirty-two (32) feet wide and meet the construction requirements of article III of chapter 25 (street acceptances) of this Code. Such easement or right-of-way shall be sufficient to permit municipal service delivery.

**(3) Minimum yard dimensions**

(Yard dimensions shall include setbacks of structures from property lines and setbacks of structures from one another. No structure shall occupy the minimum yard of another structure.)

**a. Front yard:**

Principal or accessory structures: Thirty (30) feet

**b. Rear yard:**

Principal structures: Thirty (30) feet.

Accessory structures: Ten (10) feet.

(Except for variable setback provisions for attached or detached garages and accessory structures, as provided in section 14-432 (Garages or Accessory Uses) of this article.)