

1. Zoning Board Of Appeals Agenda

Documents: [BOARD OF ZONING APPEALS AGENDA 08.01.2013.PDF](#)

2. Great Pond Road On Peaks Island

Documents: [GREAT POND ROAD ON PEAKS ISLAND - CONDITIONAL USE APPEAL PLANS.PDF](#), [GREAT POND ROAD ON PEAKS ISLAND - CONDITIONAL USE APPEAL.PDF](#)

3. Lot 2, Morning Star Lane

Documents: [LOT 2, MORNING STAR LANE - CONDITIONAL USE APPEAL PLANS.PDF](#), [LOT 2, MORNING STAR LANE - CONDITIONAL USE APPEAL.PDF](#)

CITY OF PORTLAND, MAINE
Zoning Board of Appeals

Zoning Board of Appeals Committee

DATE: 8/1/2013
TIME: 6:30 PM
LOCATION: Portland City Hall, 389 Congress Street
Room 209

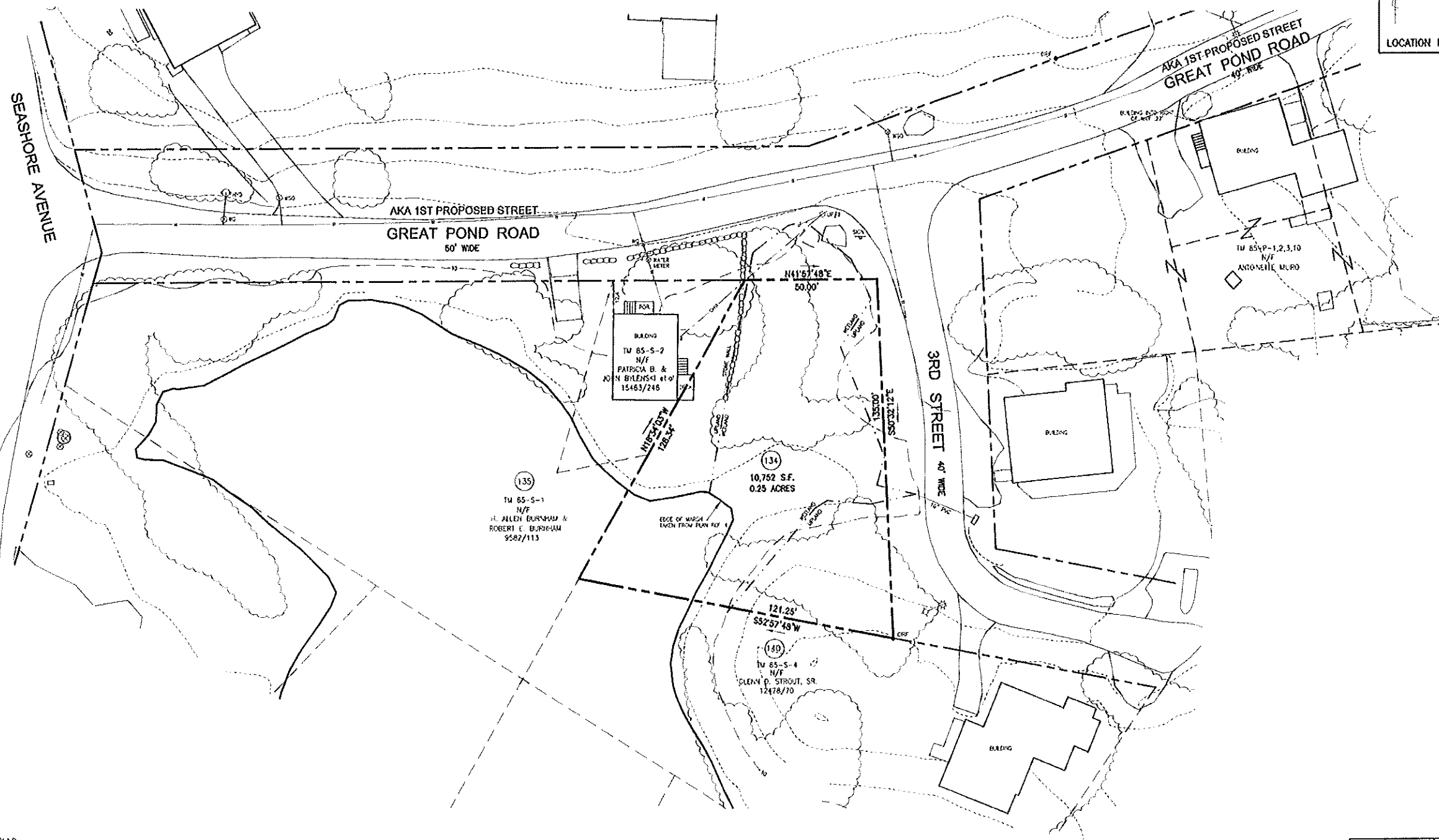
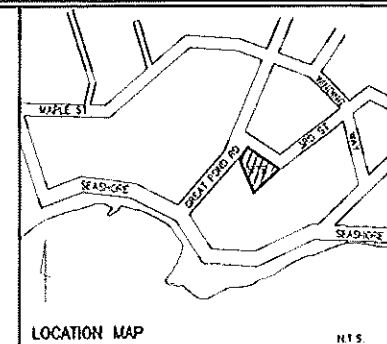
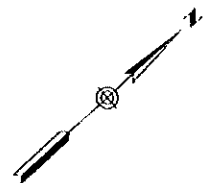
AGENDA

1. New Business

- A Conditional Use Appeal: Corner of Great Pond Road & 3rd Street, Peaks Island, Portland Water District, owner, Tax Map 085, Block S, Lot 003, IR-2 Island Residential Zone: The Portland Water District was granted a Conditional Use Appeal on January 3, 2013 under section 14-145.9(c)(1) to build a sewage pumping station on the vacant lot. The approval expired on July 3 2013 because the applicant did not obtain a building permit and begin work within six months of the approval. The appellant is reapplying for a Conditional Use Appeal to build a sewage pumping station. Representing the appeal are Jay Hewett from the Portland Water District and Michael Tadema-Wielandt from DuLuca-Hoffman Associates, Inc.
- B Conditional Use Appeal: Lot 2, Morning Star Lane, Colleen & Frederick Writt, owners, Tax Map 385A, Block A, Lot 032, R-2 Residential Zone: The appellants are seeking a Conditional Use Appeal under section 14-78(a)(2) to build an accessory dwelling unit as part of their new single family home. Representing the appeal are the owners.

2. Other Business - Review proposed Planning Board text amendments to Section 14-474 - Conditional Uses

3. Adjournment



LEGEND

- IRON PIPE OR ROD FOUND
- WATER VALVE
- ◇ HYDRANT
- UTILITY POLE
- WASTEWATER
- STONE WALL
- OVERHEAD WIRES
- WATER LINE
- 1' CONTOUR
- ⑬ LOT NUMBER PER PLAN REF. 1

PLAN REFERENCES

1. "PLAN OF THE HENRY M. BRACKETT ESTATE COMPRISING THE ENTIRE SOUTHERLY END OF PEAK'S ISLAND, MAINE ASSESSMENT MADE UNDER WARRANT FROM THE PROBATE COURT..." DATED OCTOBER 1900 RECORDED IN PLAN BOOK 9 PAGE 57.
2. "STANDARD BOUNDARY SURVEY ON SEASHORE AVE., 3RD PROPOSED ST., PEAK'S ISLAND, PORTLAND, MAINE MADE FOR DEBORAH DEANGELO, GLENN D. STROUT & CHRISTOPHER HOPPIN" DATED OCTOBER 9, 1997 REV. 2 08-15-01 BY OWEN HASKELL, INC.
3. "BOUNDARY SURVEY AT 11 WINDING WAY, PEAKS ISLAND - PORTLAND, MAINE MADE FOR VALERIE HUNT" DATED DEC. 13, 2004 BY OWEN HASKELL, INC.
4. AERIAL MAP BY KAPPA MAPPING, INC. DATED APRIL 24, 2010.

NOTES

1. OWNERS OF RECORD: HOWARD U. & BETTY HELLER
2. PROPERTY IS SHOWN AS LOT 3 BLOCK 5 ON CITY OF PORTLAND ASSESSORS MAP 85.
3. BEARINGS ARE BASED ON MAINE STATE PLANE COORDINATE SYSTEM MAINE ZONE 18083.
4. TOPOGRAPHY, VEGETATION, ROADS AND SOME STRUCTURES TAKEN FROM PLAN REFERENCE 4.
5. WETLAND DELINEATED BY ALBERT FRICK ASSOCIATES AND FIELD LOCATED BY OWEN HASKELL, INC.

CERTIFICATE

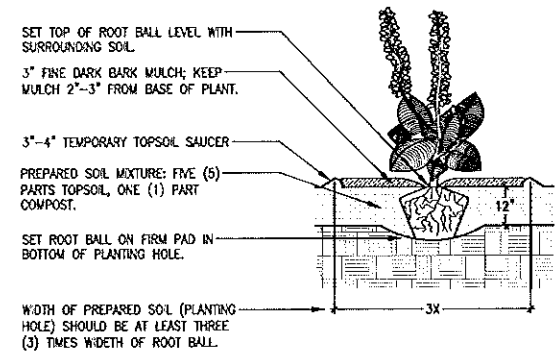
OWEN HASKELL, INC. CERTIFIES THAT THIS PLAN IS BASED ON, AND THE RESULT OF, AN ON THE GROUND FIELD SURVEY AND THAT TO THE BEST OF OUR KNOWLEDGE, INFORMATION AND BELIEF, IT CONFORMS TO THE BOARD OF LICENSEE FOR PROFESSIONAL LAND SURVEYORS CURRENT STANDARDS OF PRACTICE.

DATE 10/29/12

JOHN W. SWAN, PLS. NO. 1038

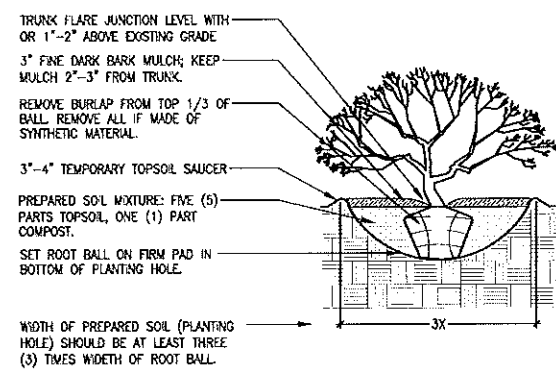


REV. 1 10/30/12 ADD TAX MAP LOTS 85-P-1,2,3,10		
BOUNDARY SURVEY		
ON GREAT POND ROAD, PEAKS ISLAND PORTLAND, MAINE		
MADE FOR DELUCA HOFFMAN ASSOCIATES		
OWEN HASKELL, INC. 390 U.S. ROUTE ONE, PALMOUTH, ME 04105 (207) 774-0124 PROFESSIONAL LAND SURVEYORS		
Drawn By	RS	Date
Trace By	JLW	OCT. 25, 2012
Check By	JWS	2012-125P
Book No.	FILE	Scale 1" = 20'
		Job No. 2012-125P
		Dwg. No. 1



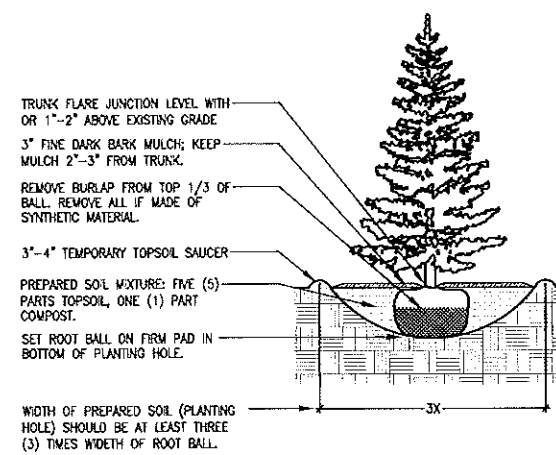
L1 PERENNIAL PLANTING SECTION

N.T.S.



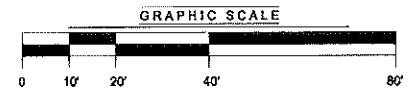
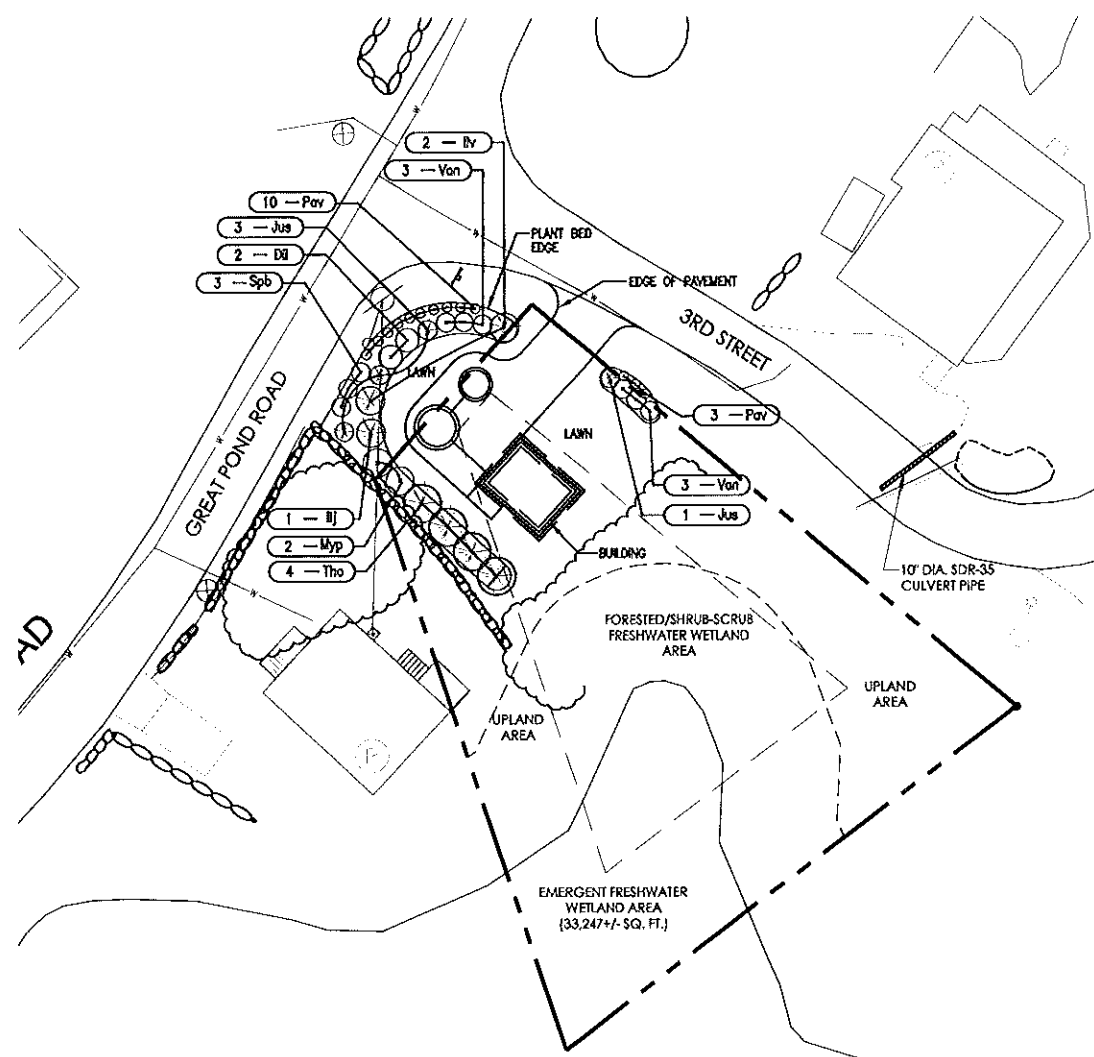
F1 SHRUB PLANTING SECTION

N.T.S.



A1 EVERGREEN TREE PLANTING SECTION

N.T.S.



Plant Schedule						
KEY	BOTANICAL NAME	COMMON NAME	SIZE	Count	TYPE	NOTES
Tho	Thuja occidentalis 'Techny'	Mission Arborvitae	5-6'	4	Tree	16x12', Native, RTL
Ij	Ilex verticillata 'Jim Dandy'	Jim Dandy Winterberry	3'	1	Shrub	8x7', Native
Iv	Ilex verticillata 'Red Sprite'	Red Sprite Winterberry	3'	2	Shrub	4x6', Native
Jus	Juniperus squamata 'Holger'	Holger Juniper	2-2.5'	4	Shrub	3x4', new growth yellow
Myp	Myrica pennsylvanica	Northern Bayberry	3'	2	Shrub	6x8', Native
Van	Vaccinium 'Northblue'	Northblue Blueberry Hybrid	2-2.5'	6	Shrub	2.5ft, self-fruitful
Dl	Diervilla lonicera	Bush Honeysuckle	3'	2	shrub	6x8' native
Spb	Spiraea betulifolia 'Tor'	Birchleaf Spirea	2-2.5'	3	shrub	3-4'
Pav	Panicum virgatum 'Shenandoah'	Shenandoah Switch Grass	2 gal.	13	Perennial	3x3', Native, burgundy in fall

A6 LANDSCAPE PLAN & PLANT SCHEDULE

1" = 20'

PLANTING NOTES:

- ALL PLANTING BEDS TO RECEIVE 12" OF PREPARED SOIL MIXTURE: ALL PLANT MATERIAL - FIVE (5) PARTS TOPSOIL, ONE (1) PART COMPOST.
- ALL DISTURBED AREAS TO RECEIVE 6" TOPSOIL AND SEED UNLESS OTHERWISE NOTED.
- GRASS SEED SHALL BE A COMMERCIAL PRODUCT FROM A REPUTABLE MANUFACTURER AND SHALL BE CERTIFIED TO BE NOT MORE THAN ONE (1) YEAR OLD AND OF THE GENERAL PROPORTIONS BY WEIGHT OF THE FOLLOWING SEED TYPE:

LAWN SEED MIX:
ALLEN, STERLING & LOTHROP "PARK MIXTURE"

35% VNS KENTUCKY BLUEGRASS
20% VNS CREEPING RED FESCUE
15% IMPROVED TURF TYPE TRI-RYE
15% VNS CHEWINGS FESCUE
15% VNS ANNUAL RYEGRASS

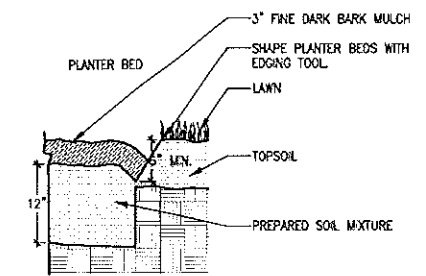
APPLICATION RATE : 5 LBS PER 1,000 SQUARE FEET
- PRIOR TO PLANT INSTALLATION, LANDSCAPE CONTRACTOR SHALL MEET WITH LANDSCAPE ARCHITECT ON SITE FOR PRE-CONSTRUCTION WALKTHROUGH.
- THE LANDSCAPE ARCHITECT SHALL APPROVE PLANT SPACING AND LAYOUT PRIOR TO PLANTING.
- IF THERE IS A DISCREPANCY BETWEEN PLANT QUANTITIES IN SCHEDULE AND THOSE SHOWN ON PLAN, THE GREATER NUMBER SHALL TAKE PRECEDENCE.
- INSTALLATION OF PLANT MATERIAL: AS SHOWN IN DETAILS, PLANTS SHALL MEET REQUIREMENTS SPECIFIED IN PLANT SCHEDULE ACCORDING TO "AMERICAN STANDARD FOR NURSERY STOCK - MAY 12, 2004".
- LANDSCAPE CONTRACTOR SHALL STORE ALL TRANSPLANTED PLANT MATERIAL TOGETHER ON SITE IN A SHADY LOCATION AWAY FROM CONSTRUCTION DISTURBANCE. ALL TRANSPLANTED PLANT MATERIAL SHALL BE HEELED INTO MULCH OR SOIL AND WATERED NO LESS THAN THREE TIMES PER WEEK. DAILY OR EVEN MORE FREQUENT IRRIGATION MAY BE NECESSARY IN SUMMER MONTHS OR IN TIMES OF EXTREME DROUGHT.
- ALL PLANT MATERIAL SHALL BE INSTALLED IN MULCHED PLANT BEDS. TREES THAT ARE LOCATED IN LAWN AREA SHALL HAVE A MINIMUM 4' DIAMETER CIRCULAR MULCH BED.
- ALL LABELS, TAGS OR OTHER FOREIGN MATERIAL SHALL BE REMOVED FROM PLANT MATERIAL LIMBS AND STEMS.
- LANDSCAPE CONTRACTOR SHALL WATER PLANT MATERIAL SO THAT TOPSOIL IS UNIFORMLY MOIST TO A DEPTH OF 4 INCHES. FREQUENCY OF WATERING SHALL BE NO LESS THAN TWICE PER WEEK FROM INSTALLATION DATE TO SUBSTANTIAL COMPLETION. DAILY OR EVEN MORE FREQUENT IRRIGATION MAY BE NECESSARY IN SUMMER MONTHS OR IN TIMES OF EXTREME DROUGHT.
- LANDSCAPE CONTRACTOR SHALL PROVIDE ONE (1) YEAR REPLACEMENT GUARANTEE FOR ALL NEW PLANT MATERIAL AND SHALL MAINTAIN AND WATER ALL PLANTS (INCLUDING GRASSES AND LAWN) UNTIL ACCEPTANCE.
- PLANT BED PREPARATION: ALL PLANTING BEDS SHALL BE TILLED OR CULTIVATED TO A DEPTH OF NOT LESS THAN 18" WHERE THERE ARE CONSTRUCTION ACTIVITIES AND COMPACTED SOILS. ALL OTHER PLANTING BEDS SHALL BE CULTIVATED TO A DEPTH OF NOT LESS THAN 12".

SUBMITTALS AND SUBSTITUTIONS NOTES:

- PLANT VARIETY SUBSTITUTIONS SHALL BE BASED ON SIMILAR CHARACTERISTICS OF THE SPECIFIED PLANT. APPROVALS SHALL BE BASED ON MATURE SIZE, COLOR, BLOOM TIMES, SHAPE, SOLAR AND SOIL PREFERENCES.
- THE CONTRACTOR SHALL SUBMIT A PLANT LIST A MINIMUM OF 30 DAYS PRIOR TO INSTALLATION FOR APPROVAL.
- ALL PLANT SUBSTITUTIONS SHALL BE REQUESTED IN WRITING AND APPROVED BY THE LANDSCAPE ARCHITECT.
- THE CONTRACTOR SHALL NOT RECEIVE PAYMENT FOR ANY SUBSTITUTED PLANT MATERIAL THAT HAS NOT BEEN PRE-APPROVED.

E15 PLANTING NOTES

N/A



A15 PLANT BED EDGE SECTION

N/A



PEAKS ISLAND - PORTLAND MAINE
SEWERAGE EXTENSIONS
& WATER MAIN RENEWAL

REVISIONS

#	DATE	DESCRIPTION

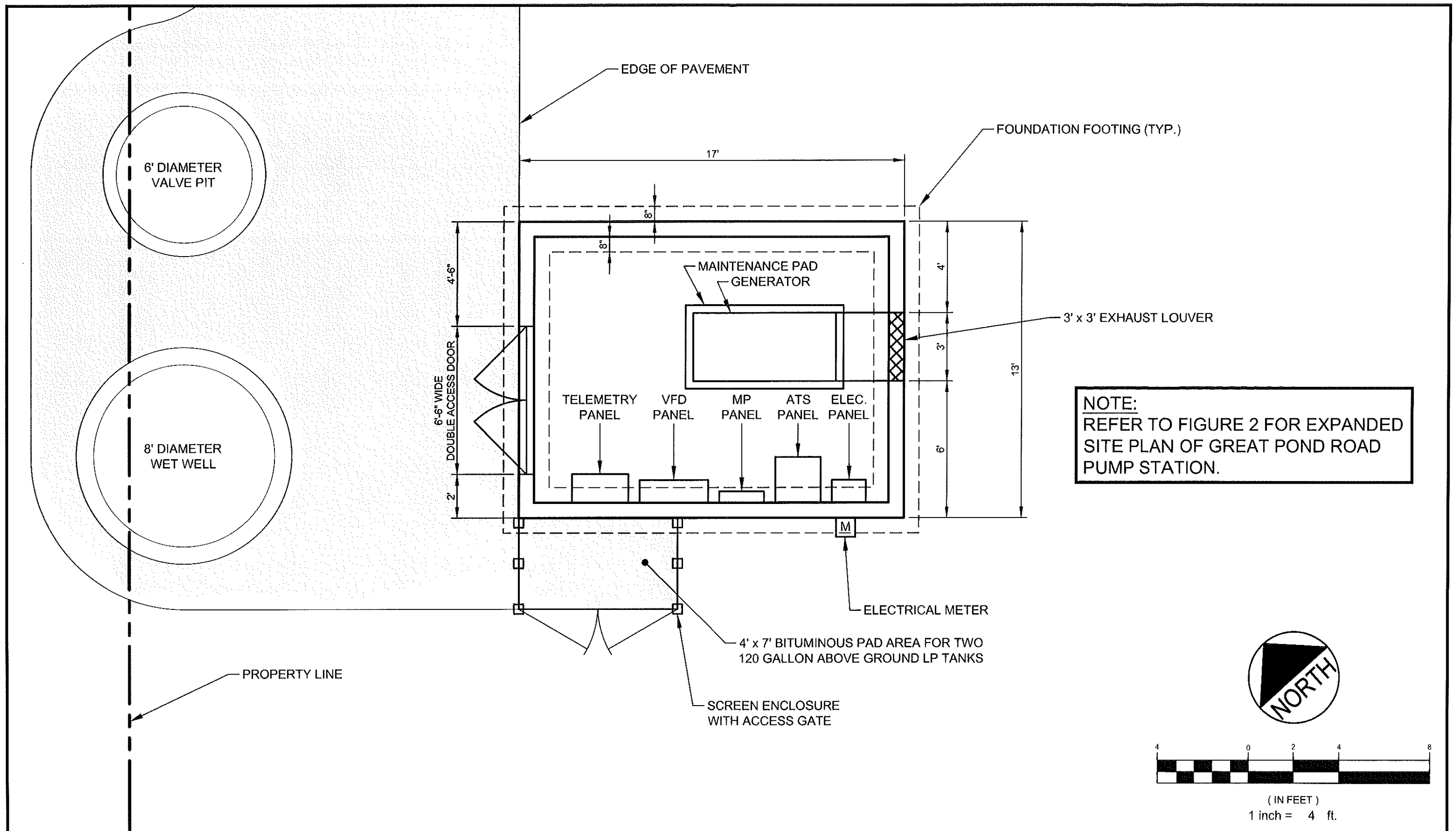
DATE:	12.14.12
PROJECT #	070312
DRAWN BY:	KD
CHECKED BY:	JS
DRAWING SCALE:	VARIES

SHEET TITLE

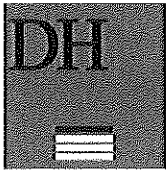
LANDSCAPE PLAN,
DETAILS & NOTES

L101

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REPRODUCTION OR USE OF
THIS DOCUMENT WITHOUT
WRITTEN PERMISSION OF
GAWRON ARCHITECTS IS PROHIBITED



DH	DeLuca-Hoffman Associates, Inc.		DRAWN: CDD	DATE: DEC. 2012	PEAKS ISLAND - PORTLAND, MAINE SEWERAGE EXTENSIONS & WATER MAIN RENEWAL	GREAT POND ROAD PUMP STATION FLOOR PLAN	FIGURE 3
	778 MAIN STREET, SUITE 8		DESIGNED: JAL	SCALE: 1" = 4'			
	SOUTH PORTLAND, ME 04106		CHECKED: JAL	JOB NO. 3134			
	207.775.1121		FILE NAME: 3134-PS FLOOR PLAN				
	WWW.DELUCAHOFFMAN.COM						



DeLUCA-HOFFMAN ASSOCIATES, INC.
CONSULTING ENGINEERS

778 MAIN STREET
SUITE 8
SOUTH PORTLAND, MAINE 04106
TEL. 207.775.1121
FAX 207.879.0896

- SITE PLANNING AND DESIGN
- ROADWAY DESIGN
- ENVIRONMENTAL ENGINEERING
- PERMITTING
- AIRPORT ENGINEERING
- CONSTRUCTION ADMINISTRATION
- LANDSCAPE PLANNING

July 12, 2013

RECEIVED

Ms. Marge Schmuckal, Zoning Administrator
City of Portland
389 Congress Street
Portland, ME 04101

JUL 12 2013

Dept. of Building Inspections
City of Portland Maine

**Subject: Proposed Sewage Pumping Station
Great Pond Road & 3rd Street, Peaks Island
Zoning Board of Appeals Conditional Use Application
Applicant: Portland Water District**

Dear Marge:

On behalf of the Portland Water District (PWD), we are submitting eleven (11) complete copies of a Conditional Use Appeal Application and supporting materials for a proposed sewage pumping station located at the corner of Great Pond Road and 3rd Street on Peaks Island. An appeal for this project was previously approved by the Zoning Board of Appeals on January 3, 2013. Due to unforeseen circumstances, substantial work has not begun on the project, and the approval expired on July 3.

The details of the proposed project have not changed since originally approved. The only new information presented in this application is related to the lot ownership and recently approved permits from other permitting agencies. At the time the original appeal was approved, PWD did not own the lot on which the proposed project will take place, but had an agreement in place to purchase the property. PWD has since purchased the lot. The current deed is provided in Attachment B.

The proposed pumping station is part of a larger sewer extension project that PWD and the City of Portland are undertaking in order to provide sewer service for approximately 79 residences on Peaks Island, many of which feature old subsurface wastewater disposal systems, such as cesspools, that do not meet today's environmental standards. The overall project will include approximately 4,400 linear feet of new gravity sanitary sewer in the northwestern and southern portions of the island.

The proposed pumping station will serve 31 residences located along Winding Way, Great Pond Road, 3rd Street, and Seashore Avenue. As a result of the proposed project, wastewater from these residences will flow to the pumping station via a new gravity sewer prior to being pumped to the terminus end of the existing gravity sewer system on Maple Street. This existing system drains to the Island's wastewater treatment plant, located adjacent to the ferry landing on Welch Street. The pumping station is required because the new service areas are not high enough in elevation to connect to the existing sewer system by gravity.

Ms. Marge Schmuckal
July 12, 2013
Page 2

Shortly after the ZBA originally approved this project, a group of island residents petitioned PWD to suspend construction activity during the busy summer months. As a result, PWD agreed to stop construction on the project between July 1 and September 3. Work in Island Avenue, in the northwestern part of the island, began in March and has recently been stopped for the summer. Work will commence on September 3, 2013, at which time the remainder of the project, including construction of the proposed pumping station, is expected to be completed.

EXISTING PROJECT SITE

The project site is a 10,752 sq. ft. (0.25 acre) parcel located at the southern corner of Great Pond Road and 3rd Street and is identified as Block S, Lot 3 on the City of Portland Tax Assessor's Chart 85. Figure 1, provided in Attachment A, shows the site delineated on an excerpt of the tax map. The parcel is bound by Great Pond Road to the northwest, 3rd Street to the northeast, a residential house to the southwest, and undeveloped land to the southeast. The site was established as a lot of record by a Subdivision Plan recorded in the Cumberland County Registry of Deeds on Page 57 of Plan Book 9 and was conveyed to the previous owners, Howard and Betty Heller, on September 16, 1983. The applicant purchased the property from the Hellers on January 16, 2013. Owen Haskell, Inc. of Falmouth completed a Boundary Survey on the site in October 2012 and provided confirmation of the lot's status as a lot of record by letter, dated December 10, 2012. Copies of the current deed, the Boundary Survey and letter prepared by Owen Haskell, Inc., and information on the chain of title of abutting lots are provided in Attachment B.

The parcel is located within the IR-2 Island Residential Zone, in which sewage pumping stations are permitted as a conditional use. At an initial project review meeting with the City on October 1, 2012, it was determined that a front yard setback shall be applied along the site's Great Pond Road frontage; side yard setbacks shall be applied along the northeast and southwest property boundaries; and a rear yard setback shall be applied along the southeast property boundary. Per the City's Land Use Ordinance, the front yard minimum setback was calculated to be the average depth of the existing front yards on either side of the lot, as depicted on the Boundary Survey (Attachment B). The minimum front yard calculation is provided in the table below.

Front Yard Building Setback Calculation		
CBL	Owner	Front Yard
85-S-2	Bylenski et. al.	12.4'
85-P-2	Muro	0.0' (encroaches into ROW)
Average	-	6.2'

The site is currently undeveloped and is comprised of overgrown brush type vegetation. Photos of the site are provided in Attachment C. Albert Frick Associates of Gorham, Maine delineated the wetlands on the parcel in November 2012. An emergent freshwater wetland encroaches onto the southern portion of the lot, and a forested/scrub-shrub freshwater wetland comprises much of

Ms. Marge Schmuckal
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Page 3

the central portion of the parcel. The emergent wetland is considered part of the Shoreland Zone; however, no disturbance is proposed within the emergent wetland or Shoreland Zone.

PROPOSED DEVELOPMENT

The proposed project includes the installation of a subsurface wet well and valve pit, a 13'x17' wood frame building to house the electrical panels, telemetry system controls and emergency generator, and a paved driveway. The driveway will be accessed from 3rd Street and includes a 9'x18' area suitable for maintenance and operation vehicle parking. The parking area is located entirely outside the required front and side parking setbacks.

Gawron-Turgeon Architects has prepared a Landscape Plan for the project with the goal of providing screening and landscaping to ensure compatibility with the surrounding neighborhood. Attractive low maintenance plants have been selected that provide definition to the street edge and provide a buffer for the adjacent neighbor. Over 50% of the plants are native species and support biodiversity.

Copies of the proposed Site Plan, Building Floor Plan, and Landscape Plan are provided in Attachment D.

The project will impact approximately 2,400 sq. ft. of freshwater wetlands. In order to minimize wetland impacts, the proposed improvements will be located as far north and west on the lot as possible, while still meeting building setback requirements. As a result, portions of the wet well and valve pit are proposed to be located within the Great Pond Road right-of-way. The City's Department of Public Services has reviewed the site plan and has indicated by email correspondence that they do not object to portions of the wet well and valve pit being located within the right-of-way. A copy of this email, from Deputy City Engineer, David Margolis-Pineo, is provided in Attachment E.

CONDITIONAL USE STANDARDS

The city's Conditional Use Appeal Application form includes three "Standards" which must be found to be false when applied to a proposed project in order for the project to be approved. Each standard is listed below in italics and is followed by a statement of applicability to the proposed project.

1. There are unique or distinctive characteristics or effects associated with the proposed conditional use.

There are no unique or distinctive characteristics or effects associated with the proposed pumping station. The project will feature a 13' x 17' residential style building, a driveway, several underground utility structures, and landscaping. The design is typical of sewage pumping stations owned and operated by the Portland Water District.

Ms. Marge Schmuckal
July 12, 2013
Page 4

The proposed pumping station will be very similar in appearance and operation to the existing pumping station located on Ryefield Street, just 0.2 miles west of the proposed project.

2. There will be an adverse impact upon the health, safety, or welfare of the public or the surrounding area.

The project will not have an adverse impact upon the health, safety, or welfare of the public or surrounding area. In fact, the project has the ability to improve the health, safety, and welfare of the public in the surrounding area by eliminating the use of failing, outdated subsurface wastewater disposal systems that currently serve many of the existing homes.

3. Such impact differs substantially from the impact which would normally occur from such a use in that zone.

The impacts associated with the proposed project are expected to be typical of such a use. As stated above, the proposed pumping station will be very similar in appearance and operation to the existing pumping station located on Ryefield Street, also within the IR-2 Zone.

In summary, the applicant does not believe that any of the three standards listed above are met by the proposed project and, as a result, a Conditional Use Appeal should be granted.

OTHER PERMITS

The proposed project is subject to several other permits. A list of required permits and their status is listed below:

Permitting Authority	Permit/Program	Status
Maine Dept. of Environmental Protection	Natural Resource Protection Act	Approved
U.S. Army Corps of Engineers	Section 404	Approved
City of Portland Planning Department	Site Plan (Level 1 Site Alteration)	Approved
City of Portland Code Enforcement	Building Permit	Pending

Copies of approved permits are provided in Attachment F.

Ms. Marge Schmuckal
July 12, 2013
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CLOSURE

The following attachments are provided in support of this application:

Attachment	Description
A	Tax Map
B	Boundary Survey, Current Deed & Chain of Title Information
C	Site Photographs
D	Site, Landscaping, & Floor Plans
E	City of Portland Department of Public Services Email Review
F	Approved Permits

In addition to the application form and supporting information, enclosed is a check in the amount of \$100 for the application fee. We request to be scheduled on the Zoning Board of Appeals' August 1, 2013 agenda to present this information and seek approval for the proposed project. In the interim, if you have any questions or require additional information, please contact me.

Sincerely,

DeLUCA-HOFFMAN ASSOCIATES, INC.



Michael E. Tadema-Wielandt, P.E.
Project Engineer

MTW/

c: Gordon Johnson, Portland Water District

R:\3134 Peaks Island\Admin\Permitting\City of Portland ZBA\RESUBMISSION - JULY 2013\2013-06-27 Schmuckal-ZBA.doc

Marge Schmuckal
Zoning Administrator

Department of Planning & Urban Development

Jeff Levine
Director, Planning Department



CITY OF PORTLAND
ZONING BOARD OF APPEALS
Conditional Use Appeal Application

Applicant Information:

NAME

PORTLAND WATER DISTRICT

BUSINESS NAME

225 DOUGLASS STREET

ADDRESS

PORTLAND, ME 04104

(207) 774-5961

TELEPHONE #

OWNER

APPLICANT'S RIGHT, TITLE OR INTEREST
(eg; owner, purchaser, etc)

ISLAND RESIDENTIAL (IR-2)

CURRENT ZONING DESIGNATION

EXISTING USE OF PROPERTY:

UNDEVELOPED

Subject Property Information

GREAT POND ROAD

PROPERTY ADDRESS

85/S/3

CHART/BLOCK/LOT (CBL)

PROPERTY OWNER (if different)

SAME

NAME

ADDRESS

CONDITIONAL USE AUTHORIZED BY

SECTION 14 - 145.9(c)(1)

TYPE OF CONDITIONAL USE
PROPOSED:

SEWAGE PUMPING STATION

STANDARDS: Upon a showing that a proposed use is a conditional use under this article, a conditional use permit shall be granted unless the Board determines that:

1. *There are unique or distinctive characteristics or effects associated with the proposed conditional use;*
2. *There will be an adverse impact upon the health, safety, or welfare of the public or the surrounding area; and*
3. *Such impact differs substantially from the impact which would normally occur from such a use in that zone.*

NOTE: If site plan approval is required, attach preliminary or final site plan.

The undersigned hereby makes application for a conditional use permit as described above, and certifies that the information herein is true and correct to the best of his OR her knowledge and belief.

SIGNATURE OF APPLICANT

DATE

7/10/13

ATTACHMENT A

Tax Map



TAX MAP
PORTLAND WATER DISTRICT
PEAKS ISLAND - PORTLAND, MAINE

SOURCE: CITY OF PORTLAND

DeLuca-Hoffman Associates, Inc.
 778 MAIN STREET, SUITE 8
 SOUTH PORTLAND, ME 04106
 207-775-1121
www.delucahoffman.com

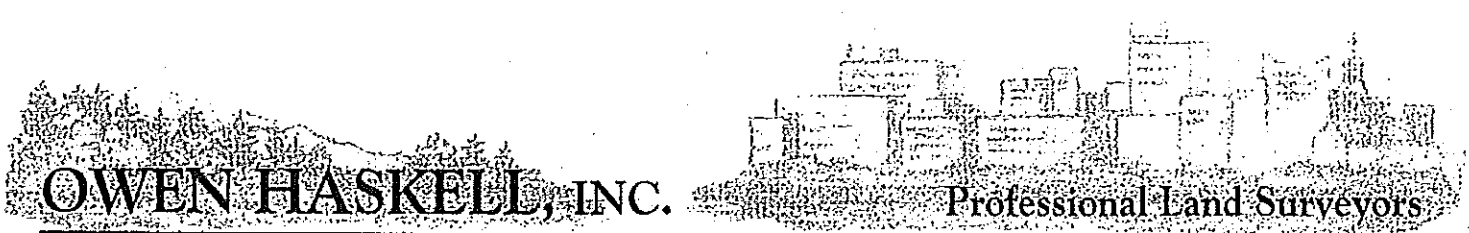
DRAWN: DED
 CHECKED: MTW
 DATE: DEC 2012
 FILENAME: 3134-TAX MAP
 SCALE: 1 inch = 250 feet

FIGURE

1

ATTACHMENT B

Boundary Survey, Current Deed & Chain of Title Information



OWEN HASKELL, INC.

Professional Land Surveyors

390 U.S. Route 1, Unit 10 • Falmouth, Maine 04105 • 207/774-0424 • FAX: 774-0511 • ohi@owenhaskell.com

December 10, 2012

Joe Laverriere, PE
Deluca-Hoffman Associates
778 Main Street, Suite 8
South Portland, Maine 04016

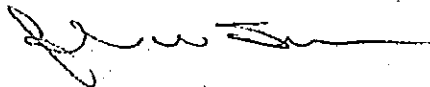
RE: Peaks Island

Dear Joe:

The survey we recently completed on Winding Way on Peaks Island in Portland for the proposed pump station is shown as lot 134 on a subdivision plan recorded in the Cumberland County Registry of Deeds in Plan Book 9, page 57. This lot was conveyed as a single lot to Howard U. and Betty Heller on September 16, 1983 by deed recorded in said Registry of Deeds in book 6273, page 334.

Please do not hesitate to contact us if you need additional information or have questions.

Very truly yours,
OWEN HASKELL, INC.



John W. Swan, PLS

FILE: Swan pump station lot

SUBJECT PARCEL

- **TAX MAP 85-S-3 CURRENT OWNER:** Portland Water District by deed dated 1/16/13 recorded in CCRD Book 30306, page 304 from Howard U. and Betty Heller.

Howard U. and Betty Heller by deed dated 9/16/83 recorded in CCRD Book 6273, page 334 from Edith R. Thurrell.

ABUTTERS

- **TAX MAP 85-S-4 CURRENT OWNER:** Glenn D. Strout Sr. by deed dated 4/29/96 recorded in CCRD Book 12478, page 70 from Estate of Dwight Brackett, Sr.

Estate of Dwight Brackett, Sr. by deed dated 4/22/96 recorded in CCRD Book 12478, page 68 from Barbara G. Bridges.

Dwight Brackett, Sr. from the Estate of Fred L. Brackett devised 11/3/1941

- **TAX MAP 85-S-2 CURRENT OWNER:** John Bylenske, et. al. by deed dated 4/11/2000 recorded in the CCRD Book 15463, page 246 from Michael J. Burnham.

Michael J. Burnham by deed date 10/15/97 recorded in CCRD Book 13377, page 292 from Caroline D. Burnham.

Caroline D. Burnham from Estate of Raymond J. Burnham from Estate of Grace E. Burnham who died 9/2/59.

Grace E. Burnham by deed dated 1/11/30 recorded in CCRD Book 1337, page 271 from Harold N. Fisk.

- **TAX MAP 85-S-1 CURRENT OWNER:** Robert E. Burnham et. al. by deed dated 5/10/91 recorded in the CCRD Book 9582, page 113 from H. Allen Burnham.

H. Allen Burnham by deed dated 8/11/83 recorded in the CCRD Book 6497, page 261 from the City of Portland

WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS, that **HOWARD U. HELLER** and **BETTY HELLER** of K103 Piper Shores, Scarborough, Maine, in consideration of one dollar (\$1.00) and other valuable consideration paid by the **PORTLAND WATER DISTRICT**, a Maine quasi-municipal corporation with a place of business at 225 Douglass Street, in Portland, in the County of Cumberland, State of Maine, the receipt of which is hereby acknowledged, do hereby remise, release, bargain, sell and convey with warranty covenants to the said **PORTLAND WATER DISTRICT**, its successors and assigns, a certain lot or parcel of land situated northerly of Seashore Avenue on Peaks Island in the City of Portland, County of Cumberland and State of Maine being Lot 134 as shown on a plan of Henry M. Brackett Estate and recorded in the Cumberland County Registry of Deeds in Plan Book 9, Page 57 to which plan reference is hereby made for a more particular description. Reference is hereby made to a deed from Edith R. Thurrell to the Grantors herein dated September 16, 1983 and recorded in the Cumberland County Registry of Deeds in Book 6273, Page 334.

IN WITNESS WHEREOF, the said Howard U. Heller and Betty Heller have hereunto caused this instrument to be signed this 15th day of January, 2013.

WITNESS

Howard U. Heller
Howard U. Heller

Betty Heller
Betty Heller

MAINE REAL ESTATE TAX PAID

STATE OF MAINE
COUNTY OF CUMBERLAND

January 15 , 2013

Personally appeared the above-named Howard U. Heller and Betty Heller, and acknowledged the foregoing to be their free act and deed.

Before me,

Norman V. Twaddel

Notary Public

NORMAN V. TWADDEL

NOTARY PUBLIC, MAINE

MY COMMISSION EXPIRES ~~DECEMBER~~ 17, 2016

Printed Name

SEAL

Received
Recorded Register of Deeds
Jan 16, 2013 12:06:45P
Cumberland County
Pamela E. Lovley

334

QUITCLAIM DEED

With Covenant
33742**Know all Men by these Presents,****That** EDITH R. THURRELL, OF the City of Portland,
County of Cumberland and State of Maine, being unmarried

in consideration of One Dollar (\$1.00) and Other Valuable Consideration

paid by HOWARD U. HELLER and BETTY HELLER, both of Portland,
County of Cumberland and State of Maine

whose mailing address is P.O. Box 7341, 377 Fore Street, Portland, Maine

the receipt whereof I do hereby acknowledge, do hereby rent, release, bargain,
sell and convey, and forever quitclaim unto the said HOWARD U. HELLER and BETTY
HELLER

their heirs and assigns forever,

A certain lot or parcel of land situated Northerly of Seashore Avenue
on Peaks Island, in the City of Portland, County of Cumberland and
State of Maine being Lot 134 as shown on a plan of Henry M. Brackett
Estate and recorded in the Cumberland County Registry of Deeds in
Plan Book 9, Page 57 to which plan reference is hereby made for a
more particular description.

As to Lot 134 above-described, reference is hereby made to a deed
from Charles and Margaret Franco to the Grantor herein dated March
25, 1976 and recorded in the Cumberland County Registry of Deeds in
Book 3822, Page 159.

To have and to hold the same, together with all the privileges and appurtenances
thereunto belonging, to the said EDITH R. THURRELL

her heirs and assigns forever.

And I do covenant with the said Grantee, their heirs and assigns, that
I shall and will warrant and defend the premises to the said Grantee, their heirs and
assigns forever, against the lawful claims and demands of all persons claiming by, through, or under

In Witness Whereof, the said EDITH R. THURRELL

XXX

XXXXXXXXXXXXXXXXXXXX

XX
XXXXXXXXXXXXXXXXXXXX, have hereunto set my hand and seal this 16th day of the
month of September, A.D. 19 83.

Signed, Sealed and Delivered
in presence of

.....
.....
.....
.....
.....
.....

Edith R. Thurrell.....
EDITH R. THURRELL



State of Maine, County of Cumberland 16, September 16, 19 83.
Then personally appeared the above named EDITH R. THURRELL

and acknowledged the foregoing instrument to be her free act and deed.

Before me,

.....
.....

Notary Public--
Attorney at Law

SEP 16 1983

REGISTRY OF DEEDS CUMBERLAND COUNTY, MAINE
Received at 1117 AM, and recorded in
BOOK 6273 PAGE 334

James J. Walsh Registrar

BK 12478PG071

Witness my hand and seal this 29th day of April, 1996.

Signed, Sealed and Delivered
in presence of

Estate of Dwight A. Brackett, Sr.

.....*Lewis Holman*..... By: *Sharon L. Foster, P.R.*
Sharon L. Foster,
Personal Representative

State of Maine, County of Cumberland ss. April 29, 1996

Then personally appeared the above named Sharon L. Foster

In her said capacity and acknowledged the foregoing instrument to be her free act and deed.

Before me,

RECEIVED
RECORDED REGISTRY OF DEEDS

96 APR 30 PM 2:20

CUMBERLAND COUNTY

John B. O'Brien

Printed Name:

.....*Lewis Holman*.....
Notary Public
Attorney at Law

Abstract of the Will of

Seal

Fred L. Brackett

STATE OF MAINE

CUMBERLAND, ss.

PORTLAND, December 22,

Probate Court.

A. D. 19 41

I, Henry A. Peabody
hereby certify that

Register of the Probate Court in and for said County,
the last Will and Testament

of Fred L. Brackett

late of Portland

in said County,

deceased, was proved, approved and allowed by the Judge of Probate for said County

at a Court held at Portland, on the twenty-second day of December

A. D. 19 41 ; and that the following is a true copy of so much of said Will

as devises Real Estate in the County of Cumberland,

SECOND: I give, bequeath and devise all the rest, residue and remainder
of my estate of every name and nature, wherever situated and whenever or how-
ever acquired, to my wife, Louise M. Brackett, for and during the term of her
widowhood, with full power and authority to lease, sell, and/or mortgage any
part or all same, real or personal, without license from the Probate Court, and
to invest and re-invest the proceeds thereof and use not only the income there-
of but so much of the principal as she may find necessary for her comfortable
support and maintenance.

Fred L.
Brackett

THIRD: I give, bequeath and devise all that shall remain of said estate
upon the death of my said wife or upon her remarriage, to my son, Dwight A.
Brackett, and my daughter, Lucille L. Wilson, share and share alike; to have and
to hold to them and their heirs and assigns forever.

I hereby nominate and appoint my wife, Louise M. Brackett, should she sur-
vive me, otherwise my son, Dwight A. Brackett, sole executor of this my last
will and testament and request that no bond be required of either in said cap-
acity.

In Witness Whereof I have hereunto set my hand and seal at Portland, ----

Witness, my hand and the Seal of the Probate Court for said County of Cumberland, the day and
year first above written.

Henry A. Peabody,

Register.

Received December 29, 19 41, at 11 o'clock - m. A.M., and recorded according to the original.

0024375

BK 15463PG246

RELEASE DEED

KNOW ALL PERSONS BY THESE PRESENTS, THAT I, MICHAEL J. BURNHAM of Portland, County of Cumberland, State of Maine, whose mailing address is 175A Pine Street, Apt. 11, Portland, Maine 04102, for consideration paid, RELEASE to PATRICIA B. and JOHN DYLENSKI, with a mailing address of 71 Silkey Road, North Granby, Connecticut 06060, one-sixth of my right, title and interest in the real property located on Peaks Island, County of Cumberland and State of Maine more particularly bounded and described as follows, to wit:

MAINE REAL ESTATE TAX PAID

A certain lot or parcel of land, together with the buildings thereon, situated on Peaks Island in Portland, County of Cumberland and State of Maine, near the Duck Pond, so-called, and described as follows: Beginning at the Northeast corner of Lot No. 135 as shown on a plan of the "Henry M. Brackett" Estate as recorded in Cumberland County Registry, Plan Book No. 9, Page 57; thence Southwesterly by line of said Lot No. 135 and a proposed street fifty (50) feet to a stake; thence Southeasterly seventy-five (75) feet to a stake; thence Northeasterly thirty-five (35) feet to a stake and line of Lot No. 134; thence Northerly by line of Lot No. 134 seventy-five (75) feet to the bound first mentioned. The lot herein described is a portion of Lot No. 135 as shown on a Plan of the said Henry M. Brackett Estate and is the same conveyed by Harold N. Fisk to Grace E. Burnham by his deed dated January 11, 1930, recorded in the Cumberland County Registry of Deeds, Book 1337, Page 271.

MEANING AND INTENDING to describe and release and hereby releasing to the above-named Grantees one-sixth (1/6) of my right, title and interest in the above described parcel, which I believe to be a one-third (1/3) interest. Said interest was conveyed to me by deed of Caroline D. Burnham dated October 15, 1997 and recorded in the Cumberland County Registry of Deeds in Book 13377, Page 292.

IN WITNESS WHEREOF, I, MICHAEL J. BURNHAM, have hereunto set my hand and seal this 11th day of April, 2000.

SIGNED, SEALED and DELIVERED
In presence of


MICHAEL J. BURNHAM

DK115463PG2471

STATE OF MAINE
CUMBERLAND, ss

Date: 4/11/00

Then personally appeared the above named MICHAEL J. BURNHAM and acknowledged the foregoing instrument to be his free act and deed.

Before me,

Brenda M. Buchanan
Notary Public - Attorney at Law

BRENDA M. BUCHANAN, ESQ.

Printed Name

Commission Expires: N/A

RECEIVED
RECORDED REGISTRY OF DEEDS

2000 MAY 10 AM 11:44

CUMBERLAND COUNTY

John B. Quinn

001591

BK 13377PG292

I, Caroline D. Burnham
of Portland, County of Cumberland and State of Maine,
~~XXXXXX~~ for consideration paid,
grant to Michael J. Burnham

of said Portland
with ~~Warranty Covenants~~
the land in Portland, Cumberland County, State of Maine.

A one-third (1/3) interest in a certain lot or parcel of land, together with the buildings thereon, situated on Peaks Island in Portland, County of Cumberland and State of Maine, near the Duck Pond so-called, and described as follows: Beginning at the Northeast corner of Lot No. 135 as shown on a plan of the "Henry M. Brackett" Estate as recorded in Cumberland County Registry, Plan Book No. 9, Page 57; thence Southwesterly by line of said Lot No. 135 and a proposed street fifty (50) feet to a stake; thence Southeasterly seventy-five (75) feet to a stake; thence Northeasterly thirty-five (35) feet to a stake and line of Lot No. 134; thence Northerly by line of Lot No. 134 seventy-five (75) feet to a bound first mentioned. The lot herein described is a portion of Lot No. 135 as shown on a Plan of the said Henry M. Brackett Estate and is the same conveyed by Harold H. Fisk to Grace E. Burnham by his deed dated January 11, 1930, recorded in the Cumberland County Registry of Deeds, Book 1337, Page 271.

Being the same premises conveyed to Caroline D. Burnham by Deed of Distribution by Personal Representative of the Estate of Raymond J. Burnham to be recorded in Cumberland County Registry of Deeds.

RECEIVED

CUMBERLAND COUNTY DEEDS

1997 OCT 16 AM 10:49

CUMBERLAND COUNTY

John B. O'Brien

XXXXXXXXXXXXX

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

Witness my hand and seal this 15th day of Oct 1997

Dana W. Childs

Caroline D. Burnham

The State of Maine CUMBERLAND ss. Oct 15 1997

Then personally appeared the above named Caroline D. Burnham

and acknowledged the foregoing instrument to be her free act and deed,

Before me, Dana W. Childs
Justice of the Peace - Attorney at Law - Notary Public

1201 WARRANTY DEED

DANA W. CHILDS
Print Name

Know all Men by these Presents, That

271

I, Harold N. Fisk of Portland in the County of Cumberland and State of Maine,

in consideration of one dollar and other valuable considerations,

paid by

See
Book 2542
Page 469

Grace E. Burnham, of said Portland,

the receipt whereof I do hereby acknowledge, do hereby give, grant, bargain, sell and convey unto the said

Grace E. Burnham, her heirs and assigns forever, a certain lot or parcel of land, together with the buildings thereon, situated on Peaks Island in said Portland, Maine, near the Duck Pond so-called, and described as follows: Beginning at the Northeast corner of lot No. 135 as shown on a plan of the "Henry M. Brackett" Estate as recorded in Cumberland County Registry, Plan Book No. 9 page 57 thence southwesterly by line of said lot "No. 135" and a proposed street 50 feet to a stake; thence southeasterly seventy-five (75) feet to a stake thence northeasterly thirty-five (35) feet to a stake and line of lot No. 134 thence northerly by line of lot no. 134 seventy-five feet (75) to a bound first mentioned. The lot herein described is a portion of lot No. 135 as shown on a Plan of the said Henry M. Brackett Estate. Being the same premises conveyed to the said Harold N. Fisk by Frank H. Pennell and John J. Fisk by their warranty deed dated April 20, 1910 and recorded in the Cumberland County Registry of Deeds in Book 861, page 8, the buildings on said premises having been erected subsequent to the conveyance of the said land to me.

To Have and to Hold the aforegranted and bargained premises, with all the privileges and appurtenances thereof, to the said Grace E. Burnham, her heirs and assigns, to her and their use and behoof forever. And I do covenant with the said Grantee, her heirs and assigns, that I am lawfully seized in fee of the premises; that they are free of all incumbrances;

that I have good right to sell and convey the same to the said Grantee to hold as aforesaid; and that I and my heirs, shall and will warrant and defend the same to the said Grantee, her heirs and assigns forever, against the lawful claims and demands of all persons.

In Witness Whereof, I the said Harold N. Fisk and Mildred L. Fisk wife of the said Harold N. Fisk joining in this deed as Grantor, and relinquishing and conveying my rights by descent and all other rights in the above described premises

our hands and seal this eleventh day of January have hereunto set
one thousand nine hundred and thirty. in the year of our Lord

Signed, Sealed and Delivered
in presence of

Frank M. Libby

Harold N. Fisk Seal

Olive M. Stockman

Mildred L. Fisk Seal

State of Maine, CUMBERLAND, SS. January 11,
the above named Harold N. Fisk

1930.

Personally appeared

and acknowledged the above instrument to be his free not and deed.

Before me,

Frank M. Libby, Notary Public,

Justice of the Peace -
Notarial Seal

Received January 24, 1930 at 10 o'clock 20a. A. M., and recorded according to the original.

QUITCLAIM DEED
With Covenant

Latr 23596 R 9582 Ps 113

Know all Men by these Presents,

That, H. Allen Burnham, now of Hollis, County of York,
State of Maine

in consideration of one dollar and other valuable considerations

paid by myself, H. Allen Burnham and by my brother, Robert E.
Burnham, the latter of

whose mailing address is 169 Bolton Street, Portland, Maine 04102

the receipt whereof I do hereby acknowledge, do hereby remise, release, bargain,
sell and convey, and forever quitclaim unto the said H. Allen Burnham and Robert
E. Burnham, as equal tenants-in-common and not as joint tenants,

their heirs and assigns forever,

that parcel of land, with all buildings thereon, referred to as
Lot 85-S-1, proposed First Street Seashore Avenue, Peaks Island,
Maine, as more fully described and set forth on the Assessor's
plans of file in the Assessor's office, Portland City Hall, 389
Congress Street, Portland, Maine.

Being the same premises as conveyed by release deed of the City
of Portland to the Grantor herein, said deed recorded in the
Cumberland County Registry of Deeds at Book 6497 Page 261.

This is, in large part, a corrective deed in that the aforesaid
release deed of and from the City of Portland should have named
as Grantees both of the Grantees listed herein.

To have and to hold the same, together with all the privileges and appurtenances thereunto belonging, to the said H. Allen Burnham and Robert E. Burnham, as equal tenants-in-common and not as joint tenants,

their heirs and assigns forever.

And I do covenant with the said Grantees, their heirs and assigns, that I shall and will warrant and defend the premises to the said Grantees, their heirs and assigns forever, against the lawful claims and demands of all persons claiming by, through, or under me.

In Witness Whereof, I, the said H. Allen Burnham

doth

~~husband/wife of the said~~

~~jointly with the said Grantee~~ and relinquishing and conveying all rights by descent and all other rights in the above described premises, have hereunto set my hand and seal this 10 day of the month of May, A.D. 1990.

Signed, Sealed and Delivered

in presence of

✓ Roger C. Rodwin.....

✓ H. Allen Burnham
H. Allen Burnham

State of Maine, County of

ss.

5-10-91

Then personally appeared the above named H. Allen Burnham

SEAL

and acknowledged the foregoing instrument to be his free act and deed.

Before me,

Recorded
Cumberland County
Registry of Deeds
06/03/91 03:22:07PM
Robert P. Titcomb
Registrar

✓ Louis J. Boesch
Notary Public
Attorney at Law

Printed Name Louis J. Boesch

23122

Know all Men by these Presents,

That The City of Portland, a body politic and corporate, and located at Portland, in the County of Cumberland and State of Maine, in consideration of one dollar and other valuable considerations paid by H. Allen Burnham

of Portland, in the County of Cumberland and State of Maine, the receipt whereof it does hereby acknowledge, does hereby release, bargain, sell and convey, and forever quit-claim unto the said H. Allen Burnham and his

Heirs and Assigns forever, all its right, title and interest in and to the following described real estate situated in Portland in the County of Cumberland and State of Maine and more particularly described as, viz: Real Estate, Portland, Maine, Assessor's Plans on file in Assessor's Office, City Hall,

85-S-1
Proposed First St.
Seashore Ave.

The said City of Portland hereby makes no representations or warranties of any kind as to the acceptance or improvement of any unaccepted or unimproved street or way abutting the property herein described.

Meaning and intending to convey the same land and building
which the said grantor acquired by tax deed dated Mar. 28, 1979

The deed above referred to is recorded in the Cumberland
County Registry of Deeds in Book 4397 Page 232

This property was assessed to Edwin R. Zeitz

and was sold 1st Monday in Feb. 1977 for the non-payment of
the 1976 tax. ~~XX~~
~~XX~~

At each tax sale the City of Portland was the Purchaser.

Said premises are hereby conveyed subject to taxes thereon
for the year 1983-84; and said grantee assumes and agrees to pay said
taxes as part of the consideration for this conveyance.

To have and to hold the same, together with all the privi-
leges and appurtenances thereunto belonging to the said
H. Allen Burnham and his

Heirs and Assigns, forever.

In Witness Whereof, the said City of Portland has caused
this instrument to be executed and its corporate seal affixed by
Richard J. Ranaghan, Jr. Director of Finance, thereunto duly authorized,
this 11th day of August A. D. 1983 .

Signed, Sealed and Delivered
in presence of

Margaret A. Heary

City of Portland
By *Richard J. Ranaghan, Jr.*
Director of Finance.

SEAL

State of Maine, }
Cumberland, } ss.

Aug. 11, 1983 .

Then personally appeared the above named Richard J. Ranaghan, Jr.
and acknowledged the foregoing instrument to be his free act and
deed in his said capacity, and the free act and deed of said City
of Portland.

Before me,

Gayland E. Pelkey
Justice of the Peace
Notary Public.

GAYLAND E. PELKEY
NOTARY PUBLIC, MAINE
MY COMMISSION EXPIRES JUNE 27, 1987

SEAL

Jessie C. Clark

RECEIVED
1984 JUL -3 PM 3:42
RECORDED REGISTRY OF DEEDS
CUMBERLAND COUNTY

ATTACHMENT C

Site Photographs



**PHOTO 1 – Project site from across Great Pond Road, facing southeast
(Photo taken by Rachel Sunnell, Gawron-Turgeon Architects, 10/25/12)**



**PHOTO 2 – Looking up 3rd Street from Great Pond Road, project site on right
(Photo taken by Joseph Laverriere, DeLuca-Hoffman Associates, 7/19/12)**

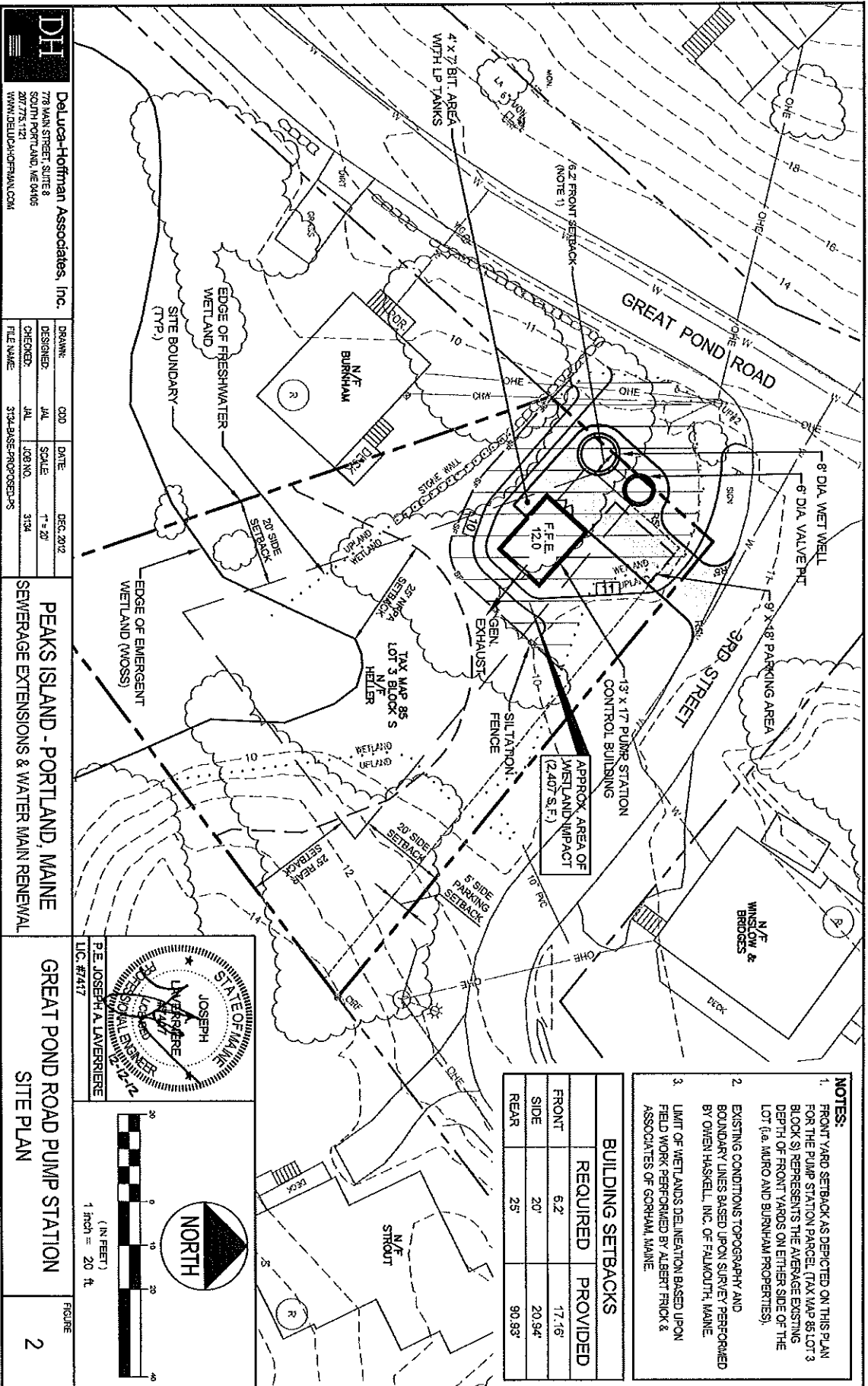


DeLUCA-HOFFMAN ASSOCIATES, INC.
CONSULTING ENGINEERS
778 MAIN STREET, SUITE 8
SOUTH PORTLAND, MAINE 04106
TEL. 207-775-1121
FAX: 207-879-0896
E-MAIL: dhai@delucahoffman.com

**Proposed Sewage Pump Station
Portland Water District
Great Pond Road, Peaks Island, Portland, Maine
(DHAI JN 3134)**

ATTACHMENT D

Site, Landscaping & Floor Plans



ATTACHMENT E

City of Portland Department of Public Services Email Review

Joe Laverriere

From: David Margolis-Pineo [DMP@portlandmaine.gov]
Sent: Friday, December 07, 2012 4:10 PM
To: Joe Laverriere
Cc: Danielle West-Chuhta; Jay Hewett; Norm Twaddel
Subject: Location of Public Infrastructure in Paper Streets

Joe,

Please consider this email as a written response to your request below.

It is my understanding that the Portland Water District is acquiring easements for all the sewers and appurtenances proposed to be installed within the paper streets on Peaks Island. These easements should also cover the proposed pump station wet well and valve pit.

It is also my understanding that the wet well and valve pit are proposed well off the current traveled way which is desirable should the travel way be brought to City standards.

That said, the Department of Public Services does not have an objection to portions of the wetwell and valve pit being located within the paper street.

>>> "Joe Laverriere" <joe@delucahoffman.com> 12/7/2012 2:58 PM >>>
Dave-

I know you responded back to me via the telephone on November 13th indicating that Public Services has no concerns or objections to any portion of the wetwell or valve pit chamber being located within the right-of-way, but can you please provide written response to that affect?

Joseph A. Laverriere, P.E.
Senior Engineer
DeLuca-Hoffman Associates, Inc.
778 Main Street, Suite 8
South Portland, Maine 04106
T: 207.775.1121, Ext. 133
F: 207.879.0896

From: David Margolis-Pineo [mailto:DMP@portlandmaine.gov]
Sent: Tuesday, November 13, 2012 10:41 AM
To: Joe Laverriere
Cc: Jay Hewett
Subject: RE:

Joe,

I think the layout is just fine, but want to run it by a couple of other people. I'll be back to you today. Thanks

>>> "Joe Laverriere" <joe@delucahoffman.com> 11/13/2012 9:22 AM >>>
David-

Sorry, I hit send before finishing.

The question that came up from Barbara was the location of the wetwell and valve pit structures. As shown on the attached concept, these structures are partially within the right-of-way. Can you please comment on whether the siting

of these structures partially within the right-of-way presents any issues from Public Services point of view? The reason for placing them in this location is to minimize wetland impacts. By keeping the pump station and all associated appurtenances as close as possible to Great Pond Road and 3rd Streets enables us to reduce the amount of wetland impact. Obviously, the extent of wetland impact is a concern for MDEP. If the structures need to be moved outside of the right-of-way, then we would like to know that as soon as possible.

Thanks,

Joseph A. Laverriere, P.E.
Senior Engineer
DeLuca-Hoffman Associates, Inc.
778 Main Street, Suite 8
South Portland, Maine 04106
T: 207.775.1121, Ext. 133
F: 207.879.0896

From: Joe Laverriere
Sent: Tuesday, November 13, 2012 9:15 AM
To: 'David Margolis-Pineo'
Subject:

David-

Attached is the conceptual site plan we have been working on for the Great Pond Road pump station site. Jay Hewett and I have met with Marge Schmuckal and Barbara Barhydt on two previous occasions to discuss the permitting and siting issues from the City's Planning and Codes perspective.

In general, the attached site plan is a direction that is working from Planning and Codes perspective. We need to make a couple minor edits, but I believe we are solid footing with Planning and Codes.

Joseph A. Laverriere, P.E.
Senior Engineer
DeLuca-Hoffman Associates, Inc.
778 Main Street, Suite 8
South Portland, Maine 04106
T: 207.775.1121, Ext. 133
F: 207.879.0896

This message and any attachments are intended for the individual or entity named above and may contain privileged or confidential information. If you are not the intended recipient, please do not forward, copy, print, use or disclose this communication to others; please notify the sender by replying to this message and then delete it from your system.

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

This message and any attachments are intended for the individual or entity named above and may contain privileged or confidential information. If you are not the intended recipient, please do not forward, copy, print, use or disclose this communication to others; please notify the sender by replying to this message and then delete it from your system.

ATTACHMENT F

Approved Permits

APPLICATION FOR A NATURAL RESOURCES PROTECTION ACT PERMIT

→ PLEASE TYPE OR PRINT IN BLACK INK ONLY

1. Name of Applicant:		Portland Water District		5. Name of Agent:		Joseph A. Laverriere, P.E. DeLuca-Hoffman Associates, Inc.							
2. Applicant's Mailing Address:		225 Douglass Street Portland, ME 04104		6. Agent's Mailing Address:		778 Main Street, Suite 8 South Portland, ME 04106							
3. Applicant's Daytime Phone #:		(207) 774-5961		7. Agent's Daytime Phone #:		(207) 775-1121							
4. Applicant's Email Address: Required from either applicant or agent:		jhewett@pwd.org		8. Agent's E-mail Address:		joe@delucahoffman.com							
9. Location of Activity: (Nearest Road, Street, Rt.#)		Great Pond Rd/3rd Street Peaks Island		10. Town:		Portland							
				11. County:		Cumberland							
12. Type of Resource: (Check all that apply)		☐ River, stream or brook ☐ Great Pond ☐ Coastal Wetland ☒ Freshwater Wetland ☐ Wetland Special Significance ☐ Significant Wildlife Habitat ☐ Fragile Mountain		13. Name of Resource:		Unnamed Freshwater Wetland							
				14. Amount of Impact: (Sq.Ft.)		Fill: 2,407 Dredging/Veg Removal/Other:							
15. Type of Wetland: (Check all that apply)		☒ Forested ☒ Scrub Shrub ☐ Emergent ☐ Wet Meadow ☐ Peatland ☐ Open Water ☐ Other		FOR FRESHWATER WETLANDS <table border="0"> <tr> <td style="text-align: center;">Tier 1</td> <td style="text-align: center;">Tier 2</td> <td style="text-align: center;">Tier 3</td> </tr> <tr> <td> ☒ 0 - 4,999 sq. ft. ☐ 5,000-9,999 sq. ft. ☐ 10,000-14,999 sq. ft. </td> <td> ☐ 15,000 - 43,560 sq. ft. </td> <td> ☐ > 43,560 sq. ft. or ☐ smaller than 43,560 sq. ft., not eligible for Tier 1 </td> </tr> </table>				Tier 1	Tier 2	Tier 3	☒ 0 - 4,999 sq. ft. ☐ 5,000-9,999 sq. ft. ☐ 10,000-14,999 sq. ft.	☐ 15,000 - 43,560 sq. ft.	☐ > 43,560 sq. ft. or ☐ smaller than 43,560 sq. ft., not eligible for Tier 1
Tier 1	Tier 2	Tier 3											
☒ 0 - 4,999 sq. ft. ☐ 5,000-9,999 sq. ft. ☐ 10,000-14,999 sq. ft.	☐ 15,000 - 43,560 sq. ft.	☐ > 43,560 sq. ft. or ☐ smaller than 43,560 sq. ft., not eligible for Tier 1											
16. Brief Activity Description		Construction of a sewage pumping station with associated 221 sq. ft. generator building, driveway, and utility infrastructure											
17. Size of Lot or Parcel & UTM Locations:		☐ _____ square feet, or ☒ 0.25 acres		UTM Northing:		4834014							
				UTM Easting:		404150							
18. Title, Right or Interest:		☐ own ☐ lease ☒ purchase option ☐ written agreement											
19. Deed Reference Numbers:		Book#: 6273 Page: 334		20. Map and Lot Numbers:		Map #: 85 Lot #: S-3							
21. DEP Staff Previously Contacted:		Jared Woolston		22. Part of a larger project:		☒ Yes ☐ No After-the-Fact: ☐ Yes ☒ No							
23. Resubmission of Application?		☐ Yes → ☒ No If yes, previous application #		Previous project manager:									
24. Written Notice of Violation?		☐ Yes → ☒ No If yes, name of DEP enforcement staff involved:		25. Previous Wetland Alteration: ☐ Yes ☒ No									
26. Detailed Directions to the Project Site:		From Ferry Dock, south on Island Ave to New Island Ave, right on Whitehead St., left on Seashore Ave., road turns into Maple St. then Winding Way, right on Great Pond Road, site is located on southern corner of 3rd Street.											
27. TIER 1		TIER 2/3 AND INDIVIDUAL PERMITS											
☒ Title, right or interest documentation ☒ Topographic Map ☒ Narrative Project Description ☒ Plan or Drawing (8 1/2" x 11") ☒ Photos of Area ☒ Statement of Avoidance & Minimization ☒ Statement/Copy of cover letter to MHPC		☐ Title, right or interest documentation ☐ Topographic Map ☐ Copy of Public Notice/Public Information Meeting Documentation ☐ Wetlands Delineation Report (Attachment 1) that contains the information listed under Site Conditions ☐ Alternatives Analysis (Attachment 2) including description of how wetland impacts were Avoided/Minimized ☐ Erosion Control/Construction Plan ☐ Functional Assessment (Attachment 3), if required ☐ Compensation Plan (Attachment 4), if required ☐ Appendix A and others, if required ☐ Statement/Copy of cover letter to MHPC ☐ Description of Previously Mined Peatland, if required											
28. FEES Amount Enclosed:		\$35.00											

CERTIFICATIONS AND SIGNATURES LOCATED ON PAGE 2

IMPORTANT: IF THE SIGNATURE BELOW IS NOT THE APPLICANT'S SIGNATURE, ATTACH LETTER OF AGENT AUTHORIZATION SIGNED BY THE APPLICANT.

By signing below the applicant (or authorized agent), certifies that he or she has read and understood the following :

DEP SIGNATORY REQUIREMENT

PRIVACY ACT STATEMENT

Authority: 33 USC 401, Section 10; 1413, Section 404. Principal Purpose: These laws require permits authorizing activities in or affecting navigable waters of the United States, the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters. Disclosure: Disclosure of requested information is voluntary. If information is not provided, however, the permit application cannot be processed nor a permit be issued.

CORPS SIGNATORY REQUIREMENT

USC Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry shall be fined not more than \$10,000 or imprisoned not more than five years or both. I authorize the Corps to enter the property that is subject to this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein.

DEP SIGNATORY REQUIREMENT

"I certify under penalty of law that I have personally examined the information submitted in this document and all attachments thereto and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the information is true, accurate, and complete. I authorize the Department to enter the property that is the subject of this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Further, I hereby authorize the DEP to send me an electronically signed decision on the license I am applying for with this application by emailing the decision to the address located on the front page of this application (see #4 for the applicant and #8 for the agent)."


SIGNATURE OF AGENT/APPLICANT

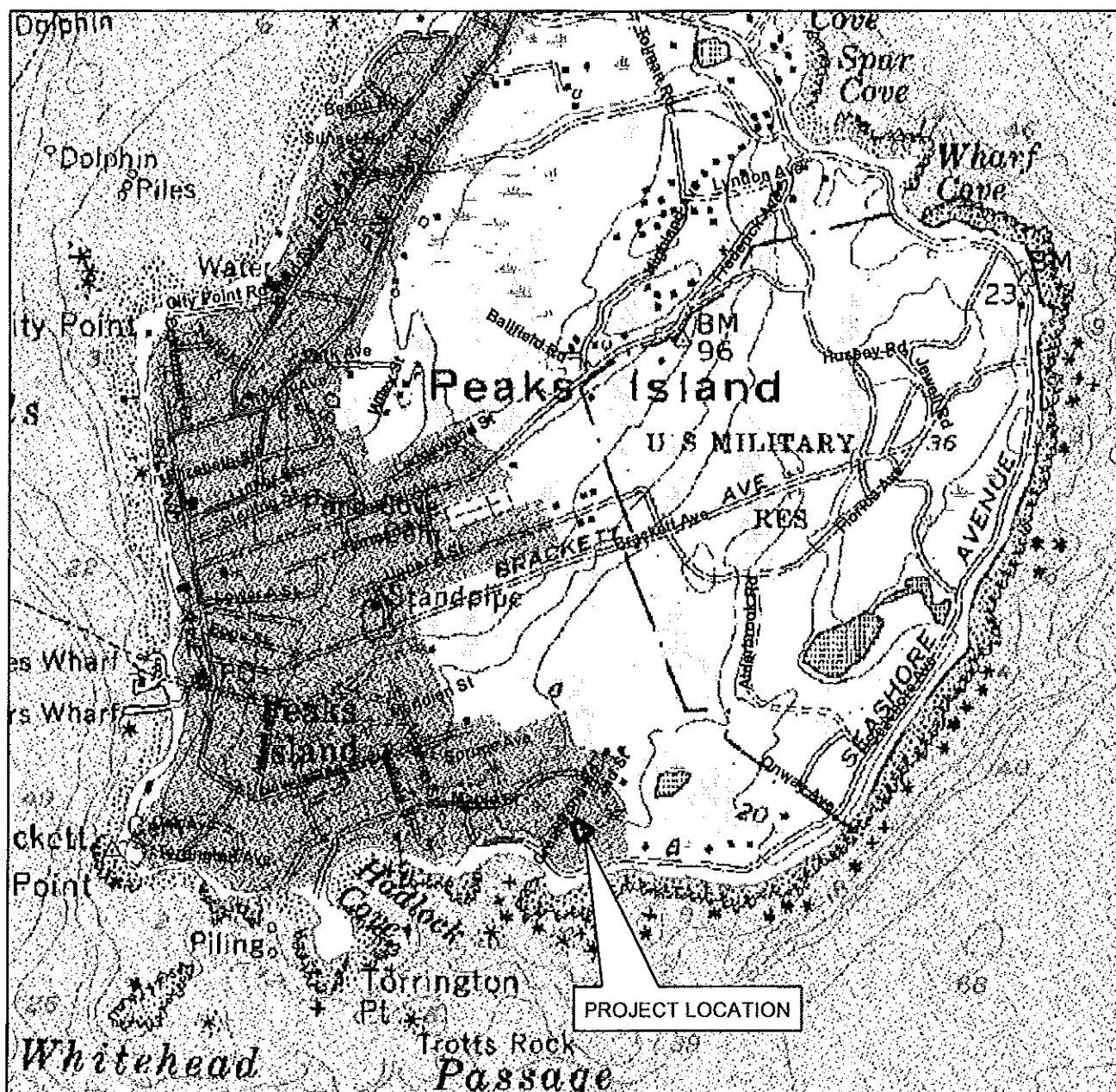
Date: 1/9/2013

Signature of Agent

Date:

NOTE: Any changes in activity plans must be submitted to the DEP and the Corps in writing and must be approved by both agencies prior to implementation. Failure to do so may result in enforcement action and/or the removal of the unapproved changes to the activity.

(yellow)



USGS LOCATION MAP
PORTLAND WATER DISTRICT
PEAKS ISLAND - PORTLAND, MAINE

SOURCE: MAINE OFFICE OF GIS

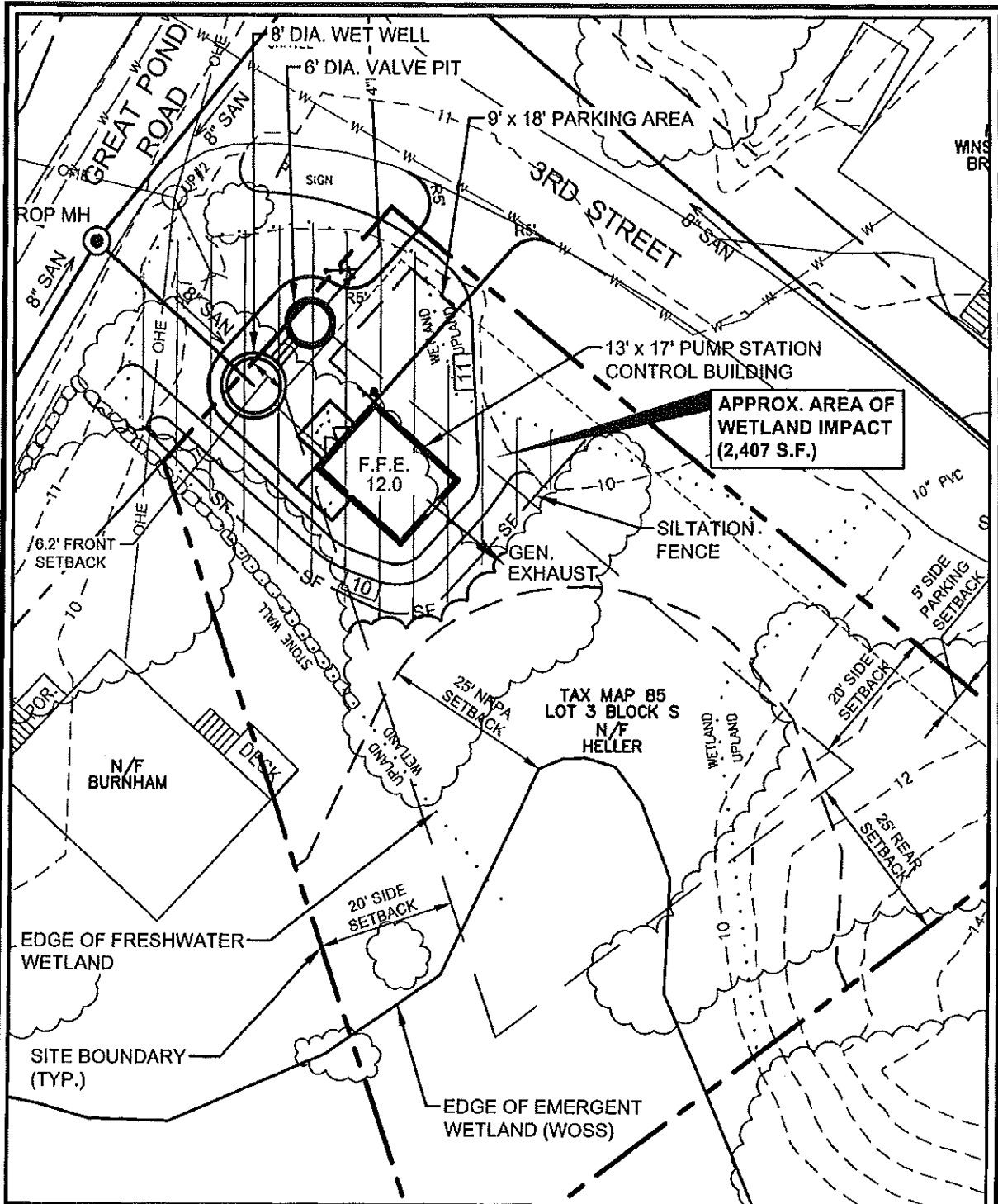
DeLuca-Hoffman Associates, Inc.
778 MAIN STREET, SUITE 8
SOUTH PORTLAND, ME 04106
207-775-1121
www.delucahoffman.com

DRAWN: DED
CHECKED: MTW
DATE: DEC 2012
FILENAME: 3134-USGS
SCALE: 1 inch = 1,000 feet

FIGURE

1

R:\3134 Peaks Island\Cadd\DESIGN SET\dwg\3134-BASE-PROPOSED-PS.dwg c:\dwg 1/10/2013 10:04 AM



LOCATION: CITY OF PORTLAND PEAKS ISLAND GREAT POND RD. / 3RD ST.	PROPOSED ACTIVITY: FILL ASSOCIATED WITH GREAT POND ROAD PUMP STATION	SCALE: 1" = 20' DATUM: - DATE: 01.09.13	DELUCA-HOFFMAN ASSOCIATES, INC.
WATER BODY: UNNAMED WETLANDS	PROJECT APPLICANT: PORTLAND WATER DISTRICT		FIGURE: 2



PORTLAND MAINE

Strengthening a Remarkable City, Building a Community for Life • www.portlandmaine.gov

Planning & Urban Development Department
Jeff Levine, AICP, Director

Planning Division
Alexander Jaegerman, FAICP, Director

April 10, 2013

Portland Water District
Attention: Jay Hewett
225 Douglass Street
Portland ME 04104

DeLuca-Hoffman Associates, Inc.
Attention: Michael Tadema-Wielandt
778 Main Street, Suite 8
South Portland, ME 04106

Project Name: PWD Pump Station on Peaks Island
Address: Great Pond Road
Applicant: Portland Water District

Project ID: 2013-045
CBL: 085 S003 001
Planner: Shukria Wiar

Dear Mr. Hewett:

On April 10, 2013, the Planning Authority approved with conditions a Level I: Site Alteration site plan for a sewage pumping station at the corner of Great Pond Road and Third Street on Peaks Island. The decision is based upon the application, documents and plans as submitted by Portland Water District and prepared by DeLuca-Hoffman Associates, Inc. and dated 02.08.2013. The proposal was reviewed for conformance with the standards of Portland's site plan ordinance.

WAIVERS

The Planning Authority waives the Technical Standard, Section 5 (III) (4) (E) Flooding Standard due to the small increase in impervious and the new developed area of 4,000 square feet will flow across a landscaped area and undisturbed wooded areas, which will act as a buffer before the runoff enters the wetland at the south end of the site.

SITE PLAN REVIEW

The Planning Authority found the plan is in conformance with the Site Plan Standards of the Land Use Code subject to the following conditions of approval:

1. A financial capacity letter shall be submitted for review and approval prior to the issuance of a building permit.
2. The applicant shall add a note to the final S-1 or L-101 plan stating the stormwater runoff from the site will be treated by means of landscaped buffer/ wooded areas south of the new building and driveway.

The approval is based on the submitted site plan. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.

STANDARD CONDITIONS OF APPROVAL

Please note the following standard conditions of approval and requirements for all approved site plans:

1. **Develop Site According to Plan** The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Modification of any approved site plan or alteration of a

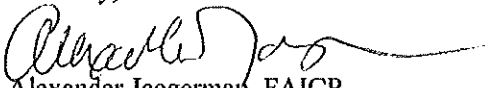
parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.

2. **Separate Building Permits Are Required** This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
3. **Site Plan Expiration** The site plan approval will be deemed to have expired unless work has commenced within one (1) year of the approval or within a time period up to three (3) years from the approval date as agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the one (1) year expiration date.
4. **Performance Guarantee and Inspection Fees** A performance guarantee covering the site improvements, inspection fee payment of 2.0% of the guarantee amount and seven (7) final sets of plans must be submitted to and approved by the Planning Division and Public Services Department prior to the release of a building permit, street opening permit or certificate of occupancy for site plans. If you need to make any modifications to the approved plans, you must submit a revised site plan application for staff review and approval.
5. **Defect Guarantee** A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
6. **Preconstruction Meeting** Prior to the release of a building permit or site construction, a pre-construction meeting shall be held at the project site. This meeting will be held with the contractor, Development Review Coordinator, Public Service's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the Development Review Coordinator will confirm that the contractor is working from the approved site plan. The site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
7. **Department of Public Services Permits** If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)
8. **As-Built Final Plans** Final sets of as-built plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.

The Development Review Coordinator must be notified five (5) working days prior to the date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874-8632. All site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If there are any questions, please contact Shukria Wiar at (207) 756-8083 or via email at shukriaw@portlandmaine.gov

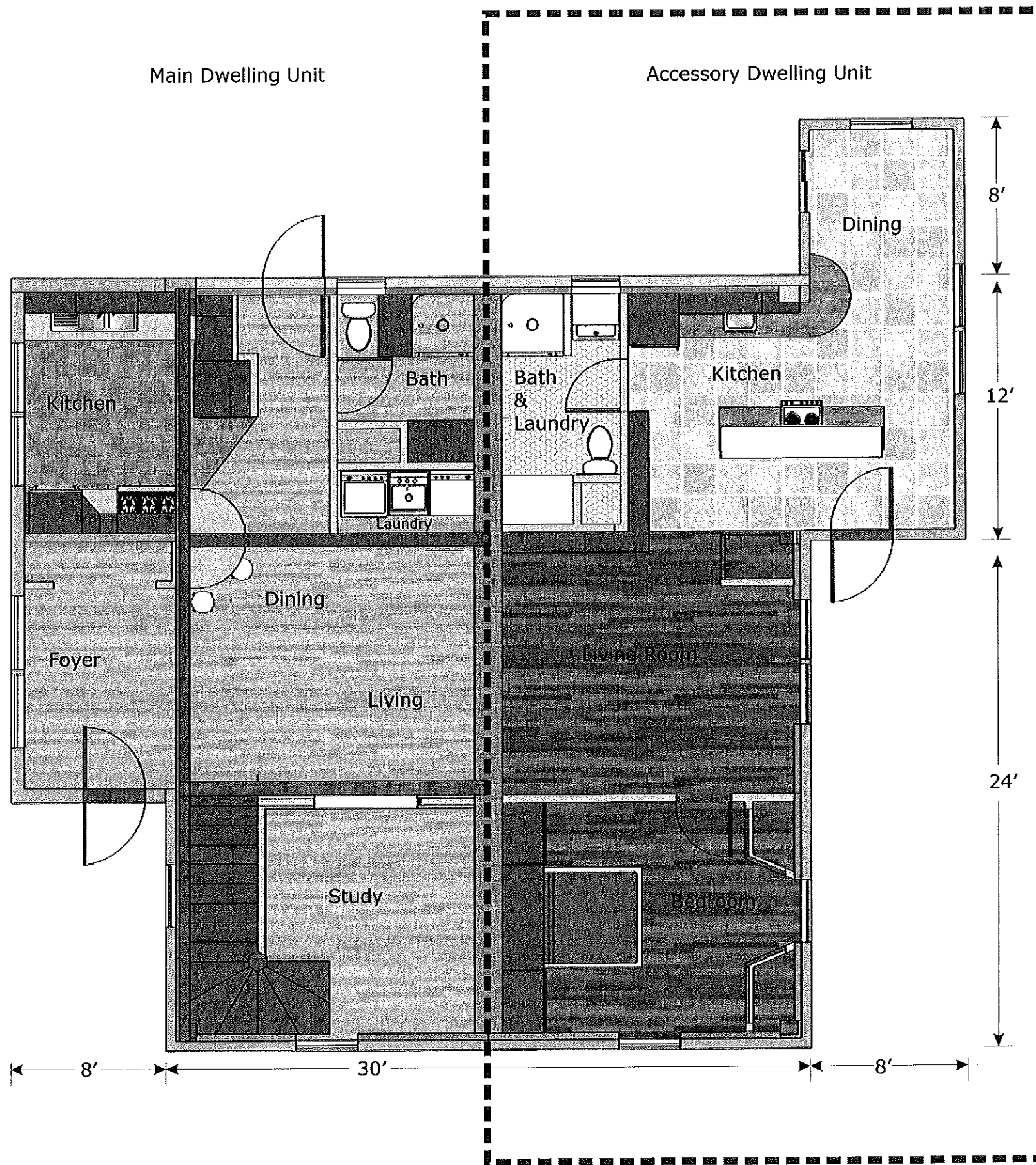
Sincerely,


Alexander Jaegerman, FAICP
Planning Division Director

Attachments:

1. Performance Guarantee Packet

CC: Jeff Levine, AICP, Director of Planning and Urban Development
Alexander Jaegerman, FAICP, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Shukria Wiar, Planner
Philip DiPietro, Development Review Coordinator, Planning
Marge Schmuckal, Zoning Administrator, Inspections Division
Tammy Munson, Inspection Division Director
Lannie Dobson, Administration, Inspections Division
Gayle Guertln, Administration, Inspections Division
Michael Bobinsky, Public Services Director
Katherine Earley, Engineering Services Manager, Public Services
Bill Clark, Project Engineer, Public Services
David Margolis-Pileo, Deputy City Engineer, Public Services
Doug Roncarati, Stormwater Coordinator, Public Services
Greg Vining, Associate Engineer, Public Services
Michelle Sweeney, Associate Engineer
John Low, Associate Engineer, Public Services
Rhonda Zazzara, Field Inspection Coordinator, Public Services
Mike Farmer, Project Engineer, Public Services
Jane Ward, Administration, Public Services
Jeff Tarling, City Arborist, Public Services
Jeremiah Bartlett, Public Services
Captain Chris Pirone, Fire Department
Danielle West-Chuhta, Corporation Counsel
Thomas Errico, P.E., TY Lin Associates
David Senus, P.E., Woodard and Curran
Rick Blackburn, Assessor's Department
Approval Letter File



First Floor Plan

Accessory Dwelling Unit

Description:

The A.D.U. comprises roughly ½ of the first floor area.

The Main Dwelling Unit is comprised of the remaining 1st floor area and the entire 2nd floor area of the structure.

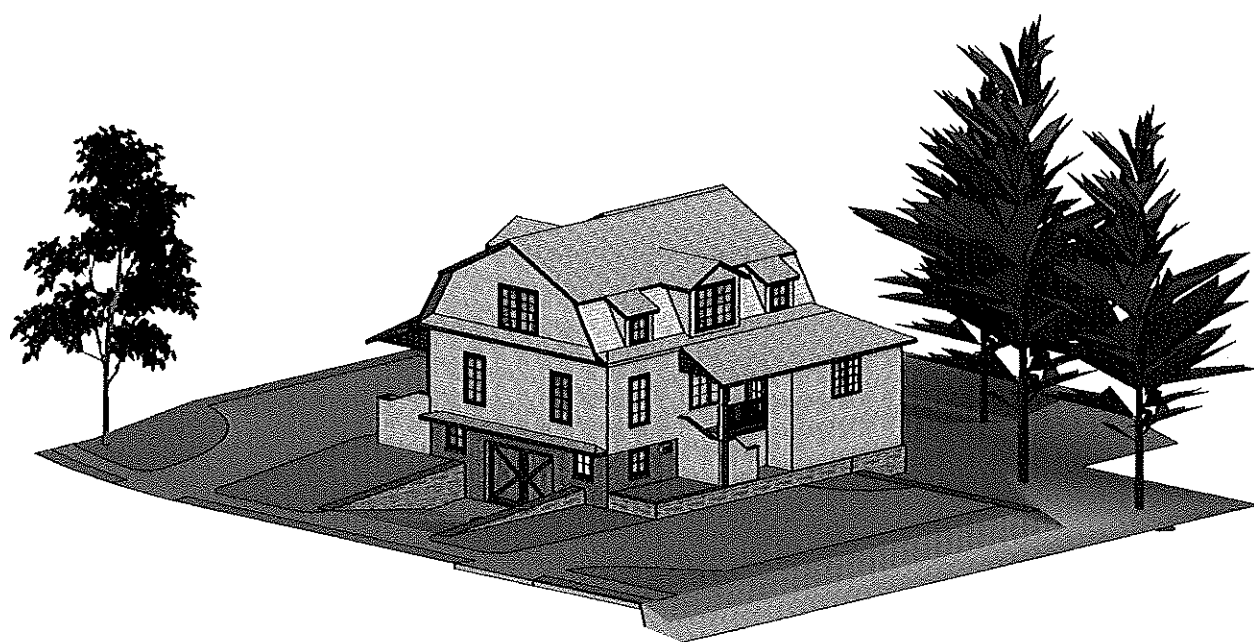
Total of Living Space in Building: **2512 Sq. Ft.**

Gross Square Footage of A.D.U. Living Space: **700 Sq. Ft.**

Percentage of Total Building Living Space: **27.8%**

Amenities:

- Private entrance
- Separate parking
- Single bedroom
- Ample living room
- Anderson Series 400 windows
- Custom kitchen
- Bathroom with laundry
- Abundant Storage
- Separate metered utilities
- Rear porch
- Private side yard
- Fire sprinklers per NFPA 13-D
- Centrally monitored hard-wired smoke, heat and intrusion alarm system



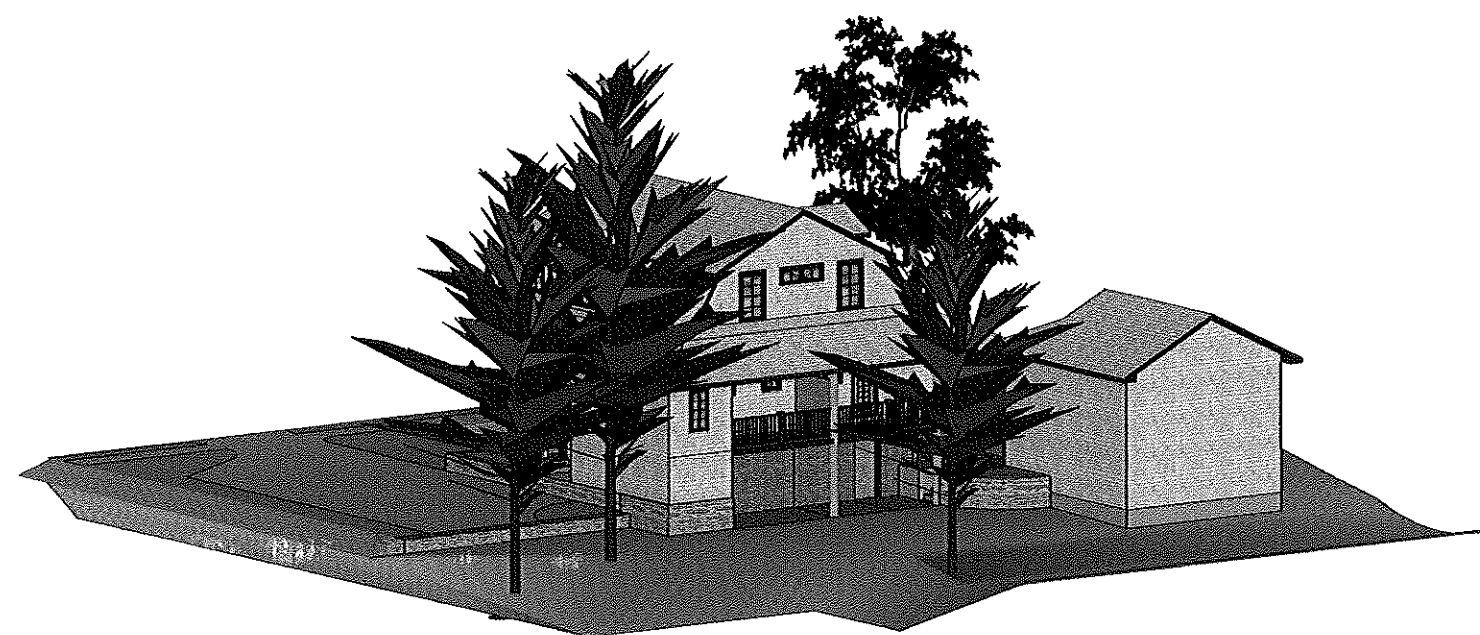
Northeast Approach– View from Summit St.



Driving By–on Morningstar Lane

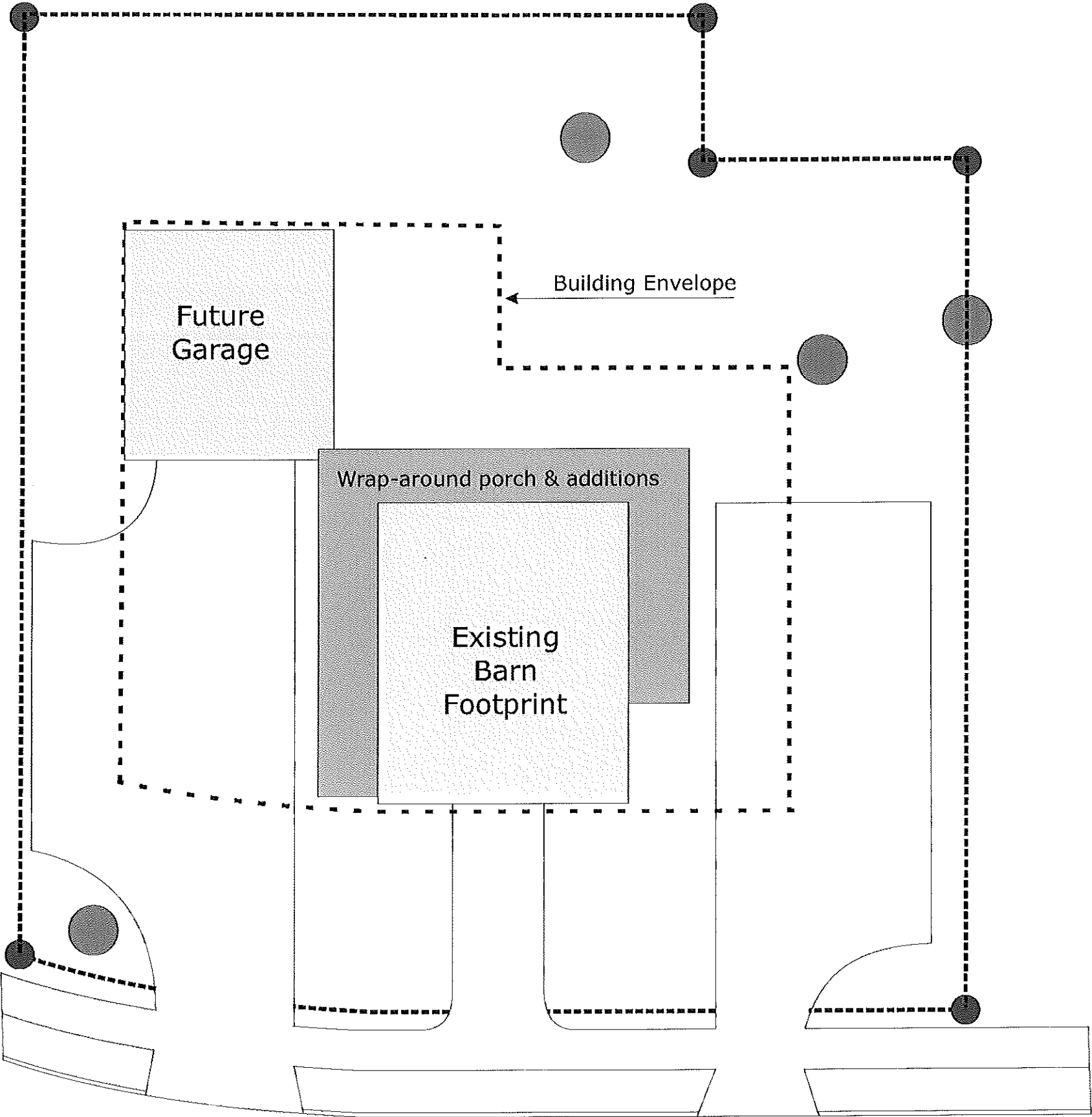


South Side--view from Lot #3



Back Side–View from Rowe residence

Plot Plan, Lot #2, Morningstar Lane



Zone: R-2

Area: 13,196 sq. Ft., .30 acre

Setbacks:
Front 25'
Rear 25"
Sides 12'

Key:

- Property boundary marker
- Existing Tree being saved

Planned parking: 10 cars

Morningstar Lane



Lot #2, Morningstar Lane

As-is photos of barn

30' x 36'

Modern (30 year old) Post and Beam construction

Full drive in basement

Clear-span interior, all three levels



Department of Planning & Urban Development

Marge Schmuckal
Zoning Administrator

Jeff Levine
Director Planning & Urban Development



RECEIVED

JUL 15 2013

CITY OF PORTLAND
ZONING BOARD OF APPEALS

Conditional Use Appeal Application

Dept. of Building Inspections
City of Portland Maine

Applicant Information:

FREDERICK A. WRITT

NAME

BUSINESS NAME

93 Mast Rd

ADDRESS

FALMOUTH, ME 04105

207-653-5347

TELEPHONE #

OWNER

APPLICANT'S RIGHT, TITLE OR INTEREST
(eg; owner, purchaser, etc)

R-2

CURRENT ZONING DESIGNATION

Subject Property Information

Lot #2 MORNINGSTAR LN

PROPERTY ADDRESS

385A-A-032

CHART/BLOCK/LOT (CBL)

PROPERTY OWNER (if different)

NAME

ADDRESS

CONDITIONAL USE AUTHORIZED BY

SECTION 14 - 78(2)

EXISTING USE OF PROPERTY:

STORAGE BUILDING

TYPE OF CONDITIONAL USE
PROPOSED:

ACCESSORY DWELLING UNIT
in single family home

STANDARDS: Upon a showing that a proposed use is a conditional use under this article, a conditional use permit shall be granted unless the Board determines that:

1. There are unique or distinctive characteristics or effects associated with the proposed conditional use;
2. There will be an adverse impact upon the health, safety, or welfare of the public or the surrounding area; and
3. Such impact differs substantially from the impact which would normally occur from such a use in that zone.

NOTE: If site plan approval is required, attach preliminary or final site plan.

The undersigned hereby makes application for a conditional use permit as described above, and certifies that the information herein is true and correct to the best of his OR her knowledge and belief.

F A Writt

SIGNATURE OF APPLICANT

7/15/13

DATE

To: Zoning Board of Appeals
Date: 7.15.2013

Re: Barn on Lot #2,
Morningstar Lane, 04103

Appellants: Frederick A. & Colleen R. Witt
93 Mast Rd.
Falmouth, ME 04105
Phone: 207-653-5347

Statement of Intent:

Prior to submitting fully detailed plans to the Planning Division for Level #1 Site Plan Review, we are appealing to the board for the conditional use of an Accessory Dwelling Unit to be built as part of the renovations to the existing timber framed barn structure. As it is a 30 year old storage building without any utilities, we understand that if approved, the change of use requires full permitting and that the building shall be brought up to existing code requirements including NFPA 13-D sprinklers in order to be habitable as a residential dwelling.

Square footage of proposed A.D.U.:	700 sq. ft. (400 minimum)
Percentage of total proposed living space:	27.8% (30% maximum)
Total proposed living space:	2512 sq. ft.
Total lot area:	13,196 sq. ft. (10,000 minimum)

Our building design will transform a simple but rock-solid gambrel structure into high-quality living space with a low-maintenance exterior façade relating to the Shingle Style, using a mix of dormers, porches, premium Maine white cedar shingles, windows and doors with broad flat trim & casings, a touch of stained glass and a purposeful asymmetrical vernacular.

Our goals in doing so are many:

- Downsize from our current West Falmouth home by 30%, while transforming the excess area in the barn into an additional dwelling unit.
- To provide a 'closer to town' home for my Mother-in Law, who is 80 years old.
- As we are both self-employed, and our principal business area is Greater Portland, this brings us closer to our market, saving fuel expense and transit time by a factor of .75! Being able to walk to work for the first time in 30 years will be a huge plus.
- Working with the existing siting of the barn to achieve the highest and best possible use of what is a non-traditional, low-value structure sited prominently within this new residential subdivision.
- Bring the forest feeling with us by doing multiple varietal tree, shrub and flower bed plantings around the lot as soon as possible.

Insofar as we know, the plans contained herein conform to the conditional use requirements as detailed under the R-2 Zoning Rules without exception.

If approved, we are asking for a full 2-year period to implement this project, as allowed by code.

Sincerely:



Frederick A. Witt



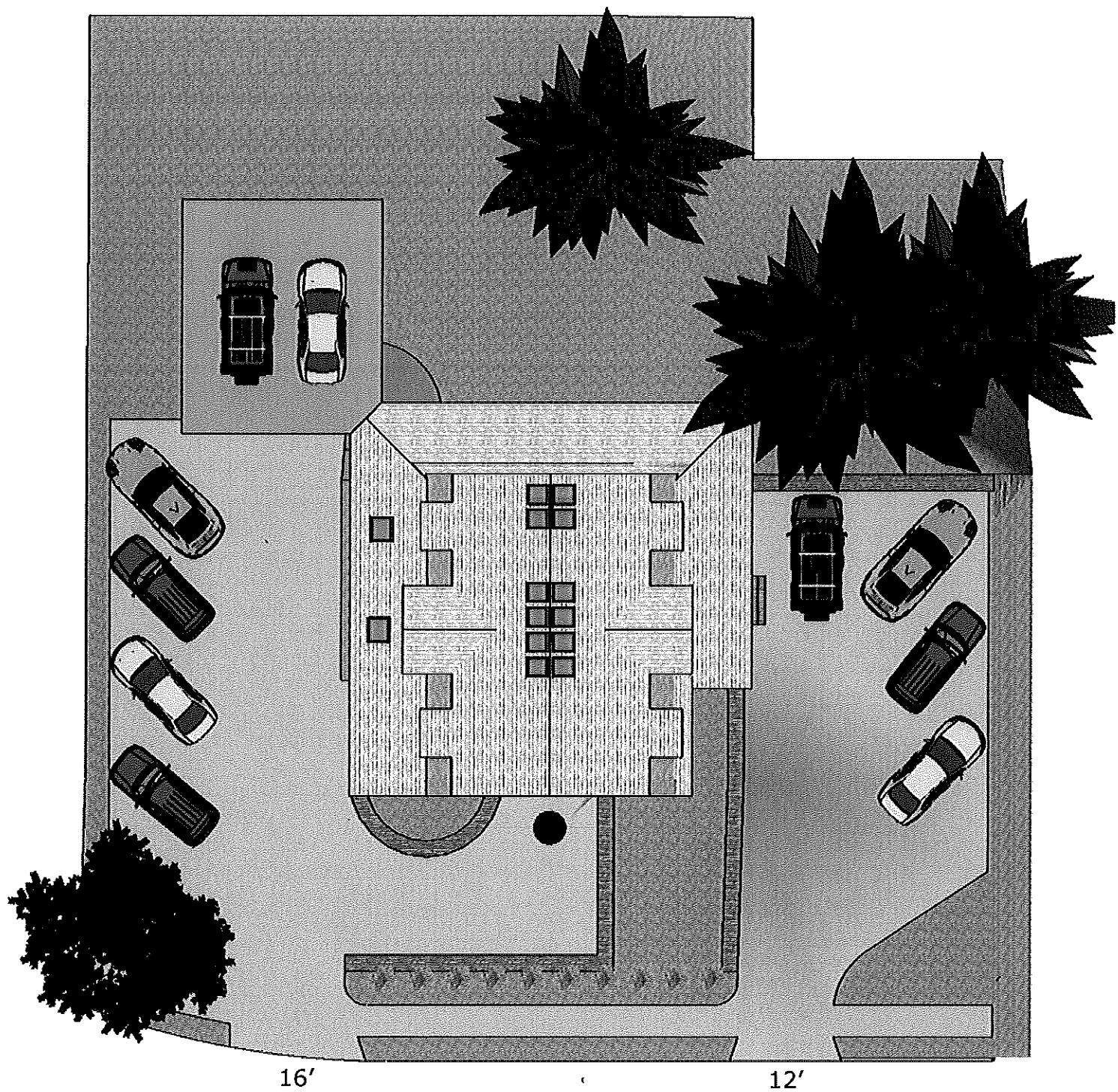
Colleen R. Witt

Addendum to Cover Letter—ZBA

Addressing the Standards Issue:

Upon a showing that a proposed use is a conditional use under this article, a conditional use permit shall be granted unless the board determines that:

- 1.) ***"There are unique or distinctive characteristics or effects associated with the proposed conditional use;"*** The conditional use of having an accessory dwelling unit as part of the overall project makes best use of an existing non-traditional structure that is substantially larger (2160 sq. ft.) than the average size of a new home (1728 sq. ft.) in the nearest recent subdivisions. It will provide quality housing for one or two residents in addition to improving the efficiency of using the existing structure and property.
- 2.) ***"There will be an adverse impact upon the health, safety and welfare of the public or the surrounding area;"*** None whatsoever. As Morningstar Lane is a very small 10 lot subdivision ending in a cul-de-sac, the daily traffic count will be in the lowest percentile imaginable. Due to the nature and location of the property, addition of the accessory dwelling unit will cause no visual obstruction to vehicular and pedestrian traffic. Contrary to having an adverse impact, the addition of an accessory dwelling improves the public welfare by adding a desirable, modern, private, clean, and safe rental dwelling to an area of the city in which such rental dwellings are difficult to come by.
- 3.) ***"Such impact differs substantially from the impact which would normally occur from such a use in that zone."*** The foreseeable impact of the accessory dwelling unit does not differ substantially from the impact of any other accessory dwelling unit in the zone that has been designed to house one or two residents.



16'

12'

Width of parking area: 30'

Width of Parking Area: 26'

Total number of cars allocated: 10

Plot Plan with Parking Layout



April 1 2012 by 2013

Top Map Index: <http://www.portlandseas.com/txmapa.htm>

Index Number - QSSW

TRUSTEE'S DEED

KNOW ALL BY THESE PRESENTS, that **RONALD J. DORLER, TRUSTEE OF THE MORNINGSTAR REAL ESTATE TRUST**, a trust under the laws of the State of Maine with a mailing address of 220 Riverside Industrial Parkway, Portland, Maine ("Grantor"), for consideration paid, GRANTS to **FREDERICK A. WRITT** and **COLLEEN R. WRITT** as joint tenants and not as tenants-in-common, certain real estate located in the City of Portland, Cumberland County, Maine, which is more particularly described in Exhibit A attached hereto and made a part hereof.

This conveyance is made SUBJECT, HOWEVER, to real estate taxes which are not yet due and payable, which, by acceptance hereof, Grantee assumes and agrees to pay.

This conveyance is also made SUBJECT to and with the benefit of the covenants, conditions, restrictions and easements, set forth in that certain General Declaration of Covenants, Restrictions and Easements dated July 7, 2008, and recorded in the Cumberland County Registry of Deeds in Book 26193, Page 1, as the same may be further amended and/or supplemented from time to time (the "Declaration").

This conveyance is also made SUBJECT to and with the benefit of the terms and conditions of the Bylaws of the Morningstar Lane Property Owners Association, so long as they shall be in effect, as the same may be amended from time to time.

This conveyance is also made SUBJECT to and with the benefit of such state of facts, notes and conditions as are shown on that certain plan attached hereto as Exhibit B and made a part hereof and on that certain amended plan entitled "Final Subdivision Plan: Morningstar Lane: Summit Street, Portland, Maine: Prepared for Morningstar Real Estate Trust: 9 Craigie Street, Portland, Maine 04102," prepared by Stantec Consulting Services, Inc., dated May, 2007, last revised March 31st, 2008, and recorded in the Cumberland County Registry of Deeds in Plan Book 209, Page 104 (the "Plan"), and any accompanying plans submitted to the City of Portland in connection with the approval for the Morningstar Lane Subdivision, as the same may be amended from time to time. Without limiting the foregoing, Grantor expressly reserves title to "Morningstar Lane" as shown on said Plan.

This conveyance is also made SUBJECT to any and all rights, restrictions and encumbrances of record.

MAINE REAL ESTATE TAX PAID

Exhibit A

A certain lot or parcel of land, with any buildings thereon, situated on a proposed public way known as Morningstar Lane in the City of Portland, County of Cumberland and State of Maine, being Lot 2 as depicted upon plan entitled "Morningstar Land, Summit Street, Portland, Maine" prepared for Morningstar Real Estate Trust, 9 Carraigie Street, Portland, Maine 04012" dated June 6th, 2008, recorded July 13th, 2009, Cumberland County Registry of Deeds, Plan Book 209, Page 204.

EXCEPTING AND RESERVING to the Grantor herein, however, the fee interest in and to the road depicted on the Plan as Morningstar Lane, which it dedicates and offers and intends to convey to the City of Portland.

The above-described premises are conveyed subject to the rights, easements, covenants, conditions, restrictions and obligations set forth in the following instruments recorded in the Cumberland County Registry of Deeds:

1. For Lot 1: A Drainage Easement over Lots 1 and 2 from Virginia D. Elliott, Trustee of The Morningstar Real Estate Trust to the Morningstar Lane Property Owners Association recorded in the Cumberland County Registry of Deeds and a Drainage Easement from Virginia D. Elliott, Trustee of The Morningstar Real Estate Trust to G. Steven and Amanda C. Rowe, dated July 7, 2008 and recorded in the Cumberland County Registry of Deeds in Book 26193, Page 24.
2. For Lot 2: A Drainage Easement over Lots 1 and 2 from Virginia D. Elliott, Trustee of The Morningstar Real Estate Trust to the Morningstar Lane Property Owners Association recorded in the Cumberland County Registry of Deeds; a Drainage Easement from Virginia D. Elliott, Trustee of The Morningstar Real Estate Trust to G. Steven and Amanda C. Rowe, dated July 7, 2008 and recorded in the Cumberland County Registry of Deeds in Book 26193, Page 24; and a Drainage Easement over Lots 2, 3 and 4 from Virginia D. Elliott, Trustee of The Morningstar Real Estate Trust to the Morningstar Lane Property Owners Association recorded in the Cumberland County Registry of Deeds.
3. For Lot 3: A Drainage Easement over Lots 2, 3 and 4 from Virginia D. Elliott, Trustee of The Morningstar Real Estate Trust to the Morningstar Lane Property Owners Association recorded in the Cumberland County Registry of Deeds.
4. For Lot 4: A Drainage Easement over Lots 2, 3 and 4 from Virginia D. Elliott, Trustee of The Morningstar Real Estate Trust to the Morningstar Lane Property Owners Association recorded in the Cumberland County Registry of Deeds.
5. For Lots 5 and 6: A Drainage Easement over Lots 5 and 6 from Virginia D. Elliott, Trustee of The Morningstar Real Estate Trust to the Morningstar Lane Property Owners Association recorded in the Cumberland County Registry of Deeds; and a Sewer Easement over Lots 5 and 6 from Virginia D. Elliott, Trustee

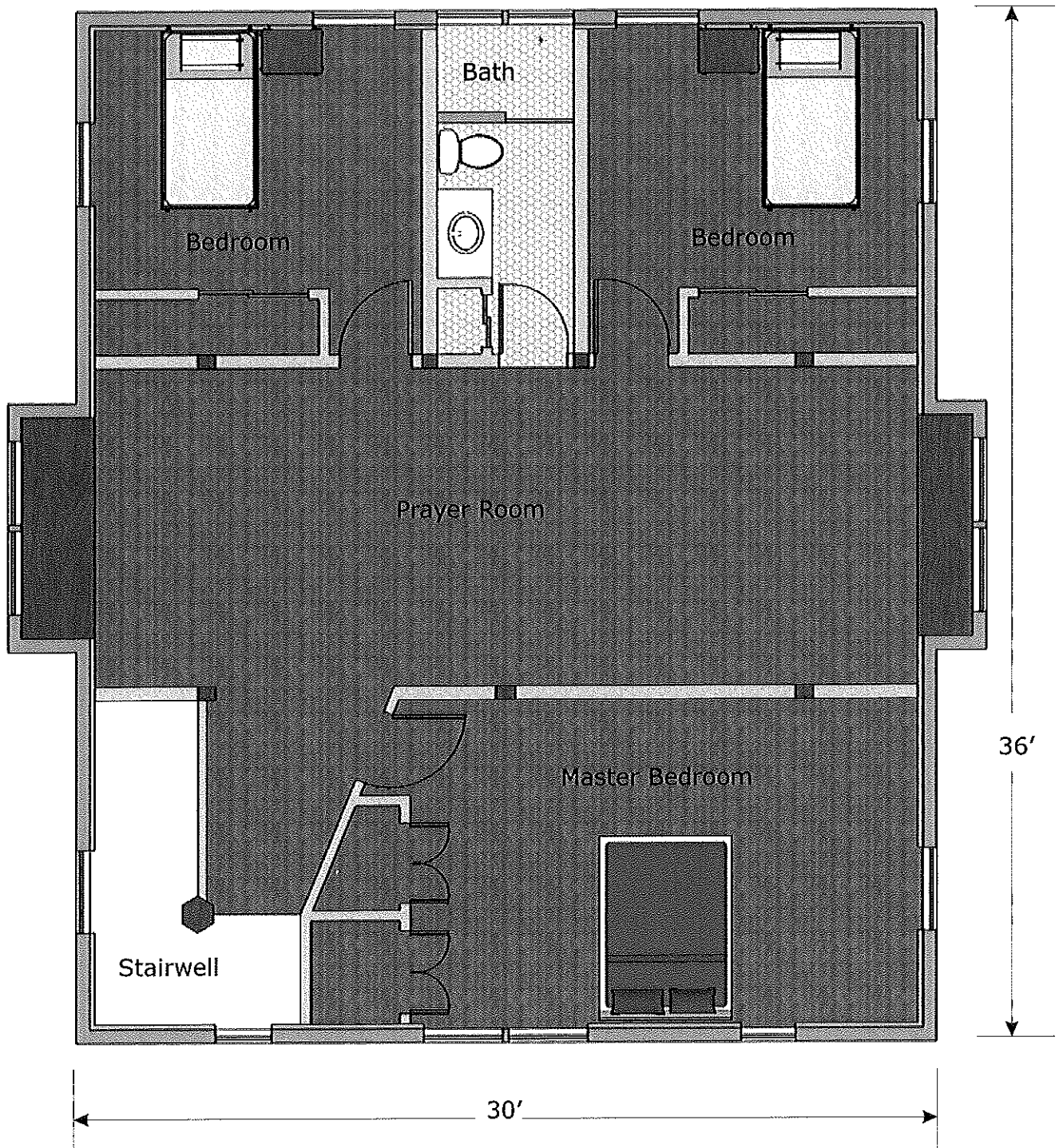
Exhibit B

For each Lot, this Exhibit will consist of a Plot plan for the Lot, drawn to scale. In addition:

- For Lots 5 through 10, that Plot plan shall specify the location of the stream buffer or wetland on that Lot, as required by DEP Tier 1 Approved Special Condition.
- For Lots 5 through 10, the Plot plan shall show the location of FENO markers placed on the Lot in accordance with Tree Save & Vegetation Protection Note 2 on the recording Plan.
- For Lots 1, 2, 3, and 4, the Plot plan will repeat recording Plan Tree Save/Protection Areas Note 1 regarding the Tree Save/Protection Areas.
- For Lots 5 through 10, the Plot plan will repeat recording Plan Tree Save & Vegetation Protection Note 3 regarding the Tree Save/Vegetation Protection Areas.

The Plot plan for each Lot will show any individual tree saves on that Lot that become part of the Tree Save/Protection Areas as defined by Section 2.13 of the General Declaration of Restrictions, Covenants and Easements.

Received
Recorded Register of Deeds
Jun 04, 2013 02:23:06P
Cumberland County
Pamela E. Lovley



2nd Floor Plan

The 2nd floor is part of the Main Dwelling Unit only.