

**CONSENT CALENDAR ITEM B.
Meeting of October 10, 2017**

Planning Department Memorandum to Planning Board

Subject: Amended Site Plan for a Home on a Nonconforming Lot of Record – Mike Mitton – 2 Loveitt Street

INTRODUCTION

MF Mitton Construction, LLC is requesting an "After-the-Fact" approval to amend the non-conforming residential lot of record approval for a single-family house, located at 2 Loveitt Street . The applicant was approved a to construct a three-bedroom 1,012 SF two-story detached single-family home on a parcel that is 4,082 SF in size. The applicant's request is for three amendments to the project:

1. the grading along the common property boundary line with 4 Lovett St. was revised in coordination with the neighbor;
2. the window was added to the stairway to the stairs to provide additional natural lighting;
3. the dimensions of the porch and deck were increased in size.

The property is further identified as Assessor's Map 1, Lots 195B, located within the Residential A District and the Willard Neighborhood.

This site plan submission will be reviewed under Chapter 24, Division 2 Minor Subdivision, Chapter 27, Article XIV Site Plan Review, and in compliance with Article V Residential G Zoning District.

SUBMISSION CHRONOLOGY

Original nonconforming house lot approval	April 11, 2017
Amended site plan application submitted:	September 5, 2017
Application complete for review:	September 5, 2017

PROJECT DATA

Zoning:	Residential A
Land Area:	4,082 SF (0.09 acre)
Existing Land Use:	1,012 SF two-story detached single-family home
Proposed Land Use:	Modifications to site grading, porch and deck, and adding a window.

PERFORMANCE REVIEW

1. Site Grading Modification

According to the applicant:

Dear Shawn,

Here is the responses you asked for about minor changes to the site grading and as built changes to the house itself. I got a sense from the Planning board that they really wanted to encourage respectful neighborhood development and were encouraging builders like myself to work with neighbors. Well in

the case of our final grading on the site particularly the right side of the property, I worked with the neighbors Meredith Johnson and her wife at 4 Loveitt Street to coordinate and implement an improved side yard for both homes.

I think at first it is hard for the neighbors to imagine a home fitting in a vacant lot like ours. However once the house was there and after getting to know them a bit, together we decided that both lots would benefit if we simultaneously adjust the grade between the homes, removing an old wire fence that had numerous unsightly maple sapling twisted through it. And a very steep unusable grade on both sides. In the end there is a gentle swale on the property line that allows water to flow back to the same drainage area on the back of my property. This is in effect the same drainage plan as the original site plan design.

The abutter, Meredith Johnson, has commented as follows:

To Whom It May Concern:

My name is Meredith Johnson and I live at 4 Loveitt Street in South Portland, Maine. I have worked with Mike Mitten to improve the yard area between my house and the house he has built next door. I am very happy with the new grading between the houses. The grade is such that water is being directed down to the drainage that Mike installed in his backyard.

Should you have any questions about these improvements, please do not hesitate to contact me.

Regards,
Meredith Johnson

The peer review consulting engineer comments:

The Applicant has revised the grading along the common property line with 4 Loveitt Street and has increased the dimensions of the porch and deck. The changes to the grading were coordinated with the neighbor and ultimately do not result in any significant change to the drainage patterns (everything still makes its way to the field inlet in the back of 2 Loveitt Street). Additionally, the changes to the decking are primarily associated with the second story overhanging structure and a small front porch, which we don't anticipate will result in a significant increase in runoff. For these reasons, we don't find any drainage-related issues with the amended plans.

Ashley Auger, PE
Project Engineer
Woodard & Curran

3. Window, Porch, and Deck Modifications

According to the applicant:

There were a few minor changes to the build as well. I think to some degree when building a home there needs to be some ability to adjust or correct issues with the design that are not evident when the plans were made and accepted. The stairway from the first to second floor and the second floor hall way had no window to allow nature light in. so I added a same 2ftx2ft window in the stairway to allow some natural light in that area. The window is of similar design and trimmed out as all the other windows for a seamless look. Secondly, I want to report the completed sizes of the decks. I heard a story that the staff made a builder remove a very slightly over build deck or go through the expense and time loss of going for an amendment to the plan. So here I include the finished as built deck sizes and hope that you find them acceptable.

Rear deck: 16' 1" X 9' 0"

Second floor cantilevered deck: 8' 8½" x 4' 4"

Front porch: 6' x 3' 1" and a front step 6' 0" x 1' 5 ¾"

The cantilevered deck has the largest variation and its primarily due to the fact that it is a cantilevered design, which means the joist are inserted into the floor system and overhanging the exterior wall. Our approved plans call for the use of open web wood floor joists. These can NOT be modified. So the insertions points are limited and I need to make sure it was practically sized and located with the sliding door.

I think over all the home came out great. I think it was built true to essence of the plan that was approved and it seems the neighbors are generally happy with design of the home and are likely happy to see the work coming to an end. If you have any questions or would like a further explanation let me know. -Mike

Staff comments: According to the original, approved plan, the size of the rear deck was to have been 9'x16'. The extra inch added to the length does not appear to be significant. The second floor balcony was to have been 8'x4', and, again, the 8½" added to the length and 4" added to the width shouldn't greatly affect the appearance of the back side of the home. The 2'x2' stairway window is minor and, facing as it does to the side, does not affect the appearance of the house façade. Finally, as seen below, the front "porch" and step are not much different than the originally approved design of the front entrance.



Original approved design



Landing and step as built

RECOMMENDATION

Based on the technical review of information submitted by the applicant on September 5, 2017, staff recommends the following action for the Board:

AMENDED NONCONFORMING HOUSE LOT SITE PLAN

I move to approve the amended nonconforming house lot site plan application of M.F. Mitton Construction, LLC dated September 5, 2017, for grading, window, porch, and deck modifications with the following conditions:

CONDITIONS

1. Planning Board Regulation #5, standard condition of approval: This approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. No project, plan or development previously approved by the Planning Board may be altered or modified without securing prior approval of the Planning Board in the form of an amended approval; provided, however, that, if at any time it becomes necessary or desirable to make modifications to the project, plan or development, the Planning Director may approve modifications determined by the Planning Director to be de minimis in that they (i) do not amount to a waiver or substantial alteration of any condition or requirement set by the Planning Board; (ii) do not affect any approval standard; (iii) meet all applicable ordinances and laws; (iv) are reviewed and approved by all appropriate City staff and consultants; and (v) do not involve any change to lot lines. De minimis changes include only the modifications listed in Section 24-27 of the Subdivision Ordinance and Section 27-140 of the Zoning Ordinance.
2. Except for the amendments approved as part of this amended nonconforming house lot approval, all other elements and requirements, including conditions of approval, from the April 11, 2017 Findings of Fact remain in effect.
3. Prior to the issuance of an Occupancy Permit, the applicant shall provide evidence to the Planning & Development Director that the Certificate of Approval and Finding of Facts for this approval of amendments has been recorded at the Cumberland County Registry of Deeds.



Planning Director
10/4/2017

Attachments:

1. M.F. Mitton Construction LLC letter and application of August 28, 2017.