

3-C-1

2007-0123

130 E. Prom

Estates at Longfellow Inn

Casco Bay ventures

on spreadsheet

CITY OF PORTLAND, MAINE

PLANNING BOARD

Janice E. Tevanian, Chair
Thatcher Freund
Bill Hall
Lee Lowry, III
Shalom Odokara
Michael J. Patterson
David Silk

February 12, 2008

Wally Geyer
Casco Bay Ventures
233 Woodville Road
Falmouth, ME 04105

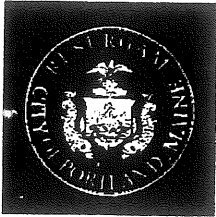
Scott Teas
TFH Architects
100 Commercial Street
Portland, ME 04101

RE: The Estates at Longfellow Inn. 130 Eastern Promenade
Chart: 3 **Block:** C **Lots:** 1 and 2
Application ID: 2007-0123

Dear Mr. Geyer and Mr. Teas:

On January 22, 2008 the Portland Planning Board voted unanimously (7-0) on the following motions regarding the Estates at Longfellow Inn subdivision proposed at 130 Eastern Promenade:

1. That the plan was in conformance with the Subdivision Review Ordinance of the City Land Use Code with the following condition(s):
 - i. The final recording plat meeting the requirements of Portland's Subdivision Ordinance and listing conditions imposed by the Planning Board will be submitted for the Planning Board's Signature.
 - ii. The applicant will provide written evidence that the owners of the title to 130 Eastern Promenade are the same as the applicant, Casco Bay Ventures. This evidence must be reviewed and approved by the Planning Authority prior to recording of the recording plat.
 - iii. The City of Portland Zoning Administrator shall determine that the development proposal meets the open space requirements of Section 14-139(h)(1) of the City Code prior to recording of the recording plat.
2. That the plan is in conformance with the site plan standards of the land use code with the following condition(s):



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*Lee Urban- Director of Planning and Development
Marge Schmuckal, Zoning Administrator*

September 26, 2007

Bruce A. McGlaulin
Petruccelli, Martin & Haddow, LLP
50 Monument Square
P.O. Box 17555
Portland, ME 04112-8555

RE: 130 Eastern Promenade, corner of Wilson Street – 003-C-001 & 002 – R-6 Zone
Site Plan #2007-0123

Dear Attorney McGlaulin,

I am in receipt of your letter to Molly Casto in the Planning Division concerning the development of the property located at 130 Eastern Promenade.

You have cited section 14-382(d) of the Nonconforming Use and Nonconforming Buildings section of the ordinance which reads, "Alteration, modification or addition may be made to a building which is lawfully nonconforming as to space and bulk or any dimensional requirement where the proposed changes in existing exterior walls and/or roofs would be within the space occupied by the existing shell of the building, and would not create any new nonconformity nor increase any existing nonconformity". Currently, the existing building is nonconforming as to space and bulk and dimensional requirements. I disagree that this section of the ordinance restricts any new addition outside of the confined shell of the existing building. I interpret this section of the ordinance to allow new additions(s) if no new nonconformity is created and there is no increase of any existing nonconformity. I believe that the proposal submitted for review meets this section of the Land Use Zoning Ordinance.

You have also cited section 14-388 within the same division of the nonconformity section of the ordinance and is titled "Nonconformity as to area of dwelling". This section reads, "A building nonconforming as to the regulations governing area per dwelling unit shall not be enlarged unless such building, including such addition or enlargement, is made to conform to all the area per dwelling regulations of the zone in which it is located". This section of the ordinance is pretty clear. It seems to say that zoning should not allow any additions or enlargements unless the area per dwelling unit regulation is made to conform to the underlying zone. It is very severe in its wordage and would restrict additions on even single family homes on undersized lots. In the past it has been the practice of this office to allow additions and enlargements on undersized lots relating to area per

PETRUCCELLI, MARTIN & HADDOW, LLP

Attorneys at Law

50 Monument Square
Post Office Box 17555
Portland, Maine 04112-8555

BRUCE A. MCGLAUFLIN
bmcglauflin@petrucellimartin.com

Via Hand Delivery

December 6, 2007

Ms. Molly Casto
Planning and Inspections Department
City of Portland
389 Congress St.
Portland, Maine 04101

RE: 130 Promenade East

Dear Ms. Casto:

Please bring this letter to the attention of Marge Schmuckal and the Members of the Planning Board for consideration in advance of the workshop that is scheduled for December 11, 2007, on Casco Bay Ventures, Inc.'s proposed renovations at 130 Promenade East.

My clients, Nicolino and Patricia Ciccomancini, object to the expansion of the existing, nonconforming structure at 130 Promenade East because it will create an unsightly obstruction to the views enjoyed from their three story apartment building at 14 Wilson Street and substantially devalue their property. The expansion will eliminate any real yard space at 130 Promenade East and unlawfully expand a nonconforming structure.

The current site plan is very similar to the site plan application that was filed this summer. That application was withdrawn after I submitted my letter dated September 4, 2007, objecting to the application because it violated §14-388 (nonconformity as to area per dwelling unit) and §14-382(d) (expansion of non-conforming structure). When the Zoning Administrator agreed with my interpretation of §14-388, but not my interpretation of §14-382(d), Casco Bay withdrew their application. This new application is designed to conform with §14-388 by reducing the number of units from eleven to seven. The new

Ms. Molly Casto
December 6, 2007
Page 2

application, however, still violates §14-382(d) notwithstanding the Zoning Administrator's interpretation of that provision.

Section 14-382(d) states:

(d) Alteration, modification or addition may be made to a building which is lawfully nonconforming as to space and bulk or any dimensional requirement where the proposed changes in existing exterior walls and/or roofs would be within the space occupied by the existing shell of the building, and would not create any new nonconformity nor increase any existing nonconformity. This subsection shall not apply to buildings located within shoreland zones and existing on June 15, 1992, which are nonconforming only as to setbacks from wetlands, tributary streams or other water bodies, which shall be regulated in accordance with subsection (f)(1)d. of this section.

There are two necessary conditions specified by this section: (i) the proposed changes to existing exterior walls and/or roofs must be "within the space occupied by the existing shell of the building," *and* (ii) the changes will not create any new nonconformity nor increase any existing nonconformity. The Zoning Administrator stated in her September 26, 2007, letter that she interprets this section as *only* requiring the second condition. This interpretation is inconsistent with the plain wording of this section, which is expressly limited to circumstances "where the proposed changes in existing exterior walls and/or roofs would be within the space occupied by the existing shell of the building."

This interpretation is also inconsistent with general principles of zoning law which favor the elimination, not the expansion, of nonconforming structures and requires strict construction of zoning provisions relating to any expansion of nonconforming structures. *Lewis v. Maine Coast Artists*, 2001 ME 75, P 26, 770 A.2d 644. The general rule is that nonconforming structures should not be enlarged even when the alteration does not increase the nonconformity. "When an ordinance prohibits enlargement of a nonconforming building, a landowner cannot as a matter of right alter the structure, even if the alteration does not increase the nonconformity." *Id.* (citing *Shackford and Gooch*, 468 A.2d 102, 105 (ME. 1984).

Because the proposed addition substantially expands the existing shell, Casco Bay cannot satisfy the circumstances required by §14-382(d) to permit any alteration, modification or addition to their nonconforming structure. The Planning Board is obligated to apply the Ordinance as written. It would be particularly unjust for the

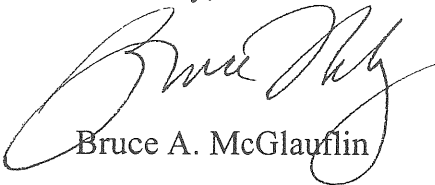
PETRUCCELLI, MARTIN & HADDOW, LLP

Ms. Molly Casto
December 6, 2007
Page 3

Planning Board to fail to enforce §14-382(d) as written in this circumstance because it is the substantial expansion of the shell of the structure that adversely affects the value of the Ciccomancinis' neighboring property as well as other abutting properties. The impact of the bulk of the proposed structure on neighboring property values is also a separate matter for the Board's consideration. Section 14-136(a)(2)(f) requires that the bulk, location or height of any proposed structure must *minimize* any substantial diminution in value. In this case, the addition maximizes such diminution in value.

Because the proper interpretation of §14-382(d) presents a threshold issue, we have not done a full review of the proposed design and its compliance with other site plan review provisions. For the foregoing reasons, we request that the Planning Board reject the application as an unlawful expansion of a nonconforming structure under §14-382(d).

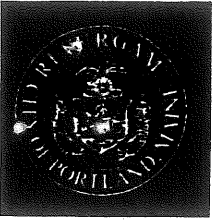
Sincerely,



Bruce A. McGlaulin

BMcG/d

cc: Nicolino & Patricia Ciccomancini



PORTLAND MAINE

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Corporation Counsel
Gary C. Wood

Associate Counsel
Elizabeth L. Boynton
Penny Littell
James R. Adolf
Mary E. Costigan

December 7, 2007

BY FAX: 207-775-2360

Bruce A. McGlauffin, Esq.
Petruccelli, Martin & Haddow, LLP
50 Monument Square
P.O. Box 17555
Portland, ME 04112-8555

Re: 130 Eastern Promenade

Dear Attorney McGlauffin:

I am writing in my capacity as attorney to the Portland Planning Board. I am in receipt of your December 6, 2007 letter addressed to Molly Casto (attention Marge Schmuckal and the Members of the Planning Board) relating to the site plan/subdivision application for 130 Eastern Promenade. In that letter you raise arguments relating to the zoning interpretation of Portland City Code §14-382(d). When Zoning Administrator Marge Schmuckal made her interpretation as to the applicability of this provision to 130 Eastern Promenade, in September 2007, you were advised of the opportunity to appeal that interpretation to the Zoning Board of Appeals. No appeal was ever filed.

The Planning Board is not the appropriate body to address zoning issues. All zoning matters must be taken up by the ZBA, a separate administrative body within the City of Portland. I will be so advising the Planning Board and wanted to provide you with advance notice of my advice to them. You are certainly free to appear and provide testimony (written or oral) on any site plan or subdivision issues of concern.

Bruce A. McGlaulin, Esq.
12/7/07
Page 2

Thank you for your attention to this matter.

Sincerely,



Penny Littell
Associate Corporation Counsel

Cc: Michael Patterson, Chair, Portland Planning Board
Portland Planning Board, Members
Molly Casto
Marge Schmuckal

O:\OFFICE\PENNY\Letters2007\McGlaulin120707.doc

3. The Planning Board finds that the plan is in conformance with Division 29 – Preservation and Replacement of Housing Units by meeting criteria (6) of the criteria for exemption based on evidence submitted by the applicant that the building, built in 1903, originally contained three (3) dwelling units.

The approval is based on the submitted plan and the findings related to site plan review standards, as contained in Planning Board Report # 05-08 (attached).

Please note the following provisions and requirements for all site plan and subdivision approvals:

1. The above approvals do not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
2. A performance guarantee covering the site improvements as well as an 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 Works prior to the release of the subdivision plat for recording at the Registry of Deeds or 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 subdivision or site plan application for staff review and approval.
3. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date.
4. Final sets of plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.
5. Mylar copies of the construction drawing for the subdivision must be submitted to the Public Works Department prior to the release of the plat.
6. The subdivision approval is valid for three (3) years.
7. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
8. Prior to construction, a pre-construction meeting shall be held at the project site with the contractor, development review coordinator, Public Work's representative and owner to review the construction schedule and critical aspects of the site work. At that time, 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.
9. 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.)

CITY OF PORTLAND, MAINE
PLANNING BOARD

Janice E. Tevanian, Chair
Thatcher Freund
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David Silk

February 12, 2008

Wally Geyer
Casco Bay Ventures
233 Woodville Road
Falmouth, ME 04105

Scott Teas
TFH Architects
100 Commercial Street
Portland, ME 04101

RE: The Estates at Longfellow Inn. 130 Eastern Promenade
Chart: 3 **Block:** C **Lots:** 1 and 2
Application ID: 2007-0123

Dear Mr. Geyer and Mr. Teas:

On January 22, 2008 the Portland Planning Board voted unanimously (7-0) on the following motions regarding the Estates at Longfellow Inn subdivision proposed at 130 Eastern Promenade:

1. That the plan was in conformance with the Subdivision Review Ordinance of the City Land Use Code with the following condition(s):

*dwe
3/18/08*

i. The final recording plat meeting the requirements of Portland's Subdivision Ordinance and listing conditions imposed by the Planning Board will be submitted for the Planning Board's Signature.

*dwe
3/18/08*

ii. The applicant will provide written evidence that the owners of the title to 130 Eastern Promenade are the same as the applicant, Casco Bay Ventures. This evidence must be reviewed and approved by the Planning Authority prior to recording of the recording plat.

*dwe
3/18/08*

iii. The City of Portland Zoning Administrator shall determine that the development proposal meets the open space requirements of Section 14-139(h)(1) of the City Code prior to recording of the recording plat.

2. That the plan is in conformance with the site plan standards of the land use code with the following condition(s):

done
3/18/08

i. The revised boundary survey submitted by the applicant must be reviewed and approved by Public Works prior to the issuance of a building permit.

ii. All final plan sheets must stamped and signed by a professional engineer.

done
3/18/08

iii. All comments submitted by Public Works in their memorandum dated January 16, 2008 (attached) must be addressed and approved by Public Works prior to the issuance of a building permit.

done
3/18/08

iv. All comments submitted by Jeff Tarling, City Arborist pertaining to the submitted landscaping plan and identified in his review letter dated January 18, 2008 (attached) must be addressed and approved by Jeff prior to the issuance of a building permit.

done
3/18/08

v. The proposed street tree along the Eastern Promenade shall be revised to show an Autumn Blaze Maple (*Acer freemanii*). This change to the plans must be reviewed and approved by Jeff Tarling, City Arborist prior to the issuance of a building permit.

done
3/18/08

vi. The proposed trash bins as depicted on the site plans, which are to be located within a stockade fence area, shall be further enclosed including the back, sides and top of the area to be encompassed by the trash bins. The applicant shall submit a plan depicting the enclosure to the Planning Authority for their review and approval prior to the issuance of a building permit.

vii. The Planning Board finds that Section 14-526(28) of the Land Use Code does not apply to this R-6 property because it is not a vacant lot.

Further, the Planning Board finds that, with respect to any zoning determinations that have been made by the City Zoning Administrator, that those are decisions that she has to make with respect to the zoning ordinance and it is not within the Planning Board's purview to second guess or revisit those zoning determinations.

Further, the Planning Board finds that site plan standard 526(a)(15) of the City Code requires the Board to determine that the design of the proposed building, including architecture style, façade materials, roof pitch, building form and height, are designed to provide positive visual interest and to compliment and enhance the nearest residential neighborhood. Site plan standards also require the Board to look at, among other things, buffering, open space, ample light and air, off-street parking and traffic and pedestrian circulation.

The Board finds that the applicant has done a careful job at fashioning a design that is consistent and compliments the nearest residential neighborhood. The Board finds that the submitted landscape plan demonstrates a fair amount of screening.

These findings are based on the submitted plans, Planning Board Report #05-08 and the presentation boards that have been presented to the Planning Board by the applicant and the Planning Authority.

3. The Planning Board finds that the plan is in conformance with Division 29 – Preservation and Replacement of Housing Units by meeting criteria (6) of the criteria for exemption based on evidence submitted by the applicant that the building, built in 1903, originally contained three (3) dwelling units.

The approval is based on the submitted plan and the findings related to site plan review standards, as contained in Planning Board Report # 05-08 (attached).

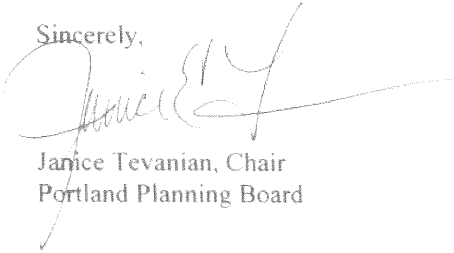
Please note the following provisions and requirements for all site plan and subdivision approvals:

1. The above approvals do not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
2. A performance guarantee covering the site improvements as well as an 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 Works prior to the release of the subdivision plat for recording at the Registry of Deeds or 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 subdivision or site plan application for staff review and approval.
3. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date.
4. Final sets of plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.
5. Mylar copies of the construction drawing for the subdivision must be submitted to the Public Works Department prior to the release of the plat.
6. The subdivision approval is valid for three (3) years.
7. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
8. Prior to construction, a pre-construction meeting shall be held at the project site with the contractor, development review coordinator, Public Work's representative and owner to review the construction schedule and critical aspects of the site work. At that time, 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.
9. 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.)

The Development Review Coordinator must be notified five (5) working days prior to date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874-8632. Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as 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 Molly Casto at 874-8901

Sincerely,



Janice Tevanian, Chair
Portland Planning Board

Attachments:

1. Applicable staff memo's
2. Planning Board Report # 05-08

Electronic Distribution:

cc: Lee D. Urban, Planning and Development Department Director
Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Molly Casto, Planner
Philip DiPierro, Development Review Coordinator
Marge Schmuckal, Zoning Administrator
Michael Bobinsky, Public Works Director
Jeanie Bourke, Inspections Division
Kathi Earley, Public Works
Bill Clark, Public Works
Jim Carmody, City Transportation Engineer
Michael Farmer, Public Works
Jeff Tarling, City Arborist
Captain Greg Cass, Fire Prevention
Assessor's Office
Approval Letter File

From: Molly Casto
To: Alex Jaegerman ; Barbara Barhydt; Philip DiPierro
Date: 1/23/2008 4:06:21 PM
Subject: 130 E. Prom- Demo Permit

Hi-

Scott Teas and Wally Geyer would like to get a demo permit for the existing addition and barn at 130 E. Prom. They submitted a request and application for a demo permit in August, 2007 but were denied (in a letter from Alex) because the project was still being reviewed under site plan and was about to go to Planning Board.

Now that they've received subdivision and site plan approval can we issue the permit? Does their original application stand? (the demo proposal is the same). Do we need to get a performance guarantee before we issue demo permits?

Let me know the process on this one so I can get back to Scott ASAP.

Thank you-
Molly

Molly Casto, Planner
Portland Planning Division
389 Congress Street
Portland, Maine 04101-3509
207-874-8901
MPC@portlandmaine.gov



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Planning and Development Department
Lee D. Urban, Director

Planning Division
Alexander Jaegerman, Director

September 18, 2007

Will Tinkelenberg
11 Ledel Lane
Durham, Maine 04222

Mr. Waldon Geyer
Casco Bay Ventures
233 Woodville Road
Falmouth, ME 04105

RE: Estates of Longfellow Inn, 130 Eastern Promenade, (Application ID # 2007-0123)

Dear Will:

We received your request to obtain a demolition permit from the City's Inspection Division prior to site plan approval. We have reviewed your concerns, however, due to the fact that the project is still under review and will soon be before the Planning Board, we cannot grant your request at this time.

If there are any questions, please contact the Planning Staff.

Sincerely,

Alexander Jaegerman, Planning Division Director

cc: Inspections Department
Barbara Barhydt, Development Review Services Manager
Marge Schmuckal, Zoning Administrator
— Phil DiPierro, Development Review Coordinator
Penny Littell, Corporation Counsel
Todd Merkle, Public Works

Scott Teas
TFH Architects
100 Commercial Street
Portland, ME 04101

Infrastructure Financial Contribution Tree Fund

Amount \$ 2000.00

Parks Department Account Number: 242-3400-341-00-00
Project PR0018

Project Name: The Estates of Longfellow Inn

Application ID #: 2007-0123
(from Site Plan Application Form)

Project Location: 130 Eastern Promenade, Portland, ME 04101

Project Description: Renovation of existing apartment building, demolition of a portion and construction of addition

Funds intended for: To meet the 2 trees per residential unit Guidelines

Applicant's Name: Waldon Geyer w/ Casco Bay Ventures

Applicant's Address: 223 Woodville Road, Falmouth ME 04105

Expiration:

If funds are not expended or encumbered for the intended purpose by _____, funds, or any balance of remaining funds, shall be returned to contributor within six months of said date.

Funds shall be permanently retained by the City.

Other (describe in detail) _____

Form of Contribution:

Escrow Account

Cash Contribution ck. # 66176

Interest Disbursement: Interest on funds to be paid to contributor only if project is not commenced.

Terms of Draw Down of Funds: The City shall periodically draw down the funds via a payment requisition from Public Works, which form shall specify use of City Account # shown above.

Date of Form: 01.28.2008

Planner: Molly Casto

Person Completing Form:  Susanne Aldrian TFH

- Attach the approval letter, condition of approval or other documentation of the required contribution.
- The original form, copy of the check, copy of report of receipts and all attachments shall be given to Debbie Marquis.
- The original check, copy of this form, and all attachments shall be filed by the Planning Division Office Manager.
- A copy of all of the above documents shall be given to the following people:

Peggy Axelson (Finance), Michael Bobinsky (Public Works), Michael Farmer (Public Works), Kathi Earley (Public Works), Jeff Tarling (Parks), Alexander Jaegerman (Planning), Barbara Barhydt (Planning), Planner for project and Applicant.

Susanne Aldrian

From: Jeff Tarling [JST@portlandmaine.gov]
Sent: Friday, January 18, 2008 2:01 PM
To: Molly Casto
Cc: Barbara Barhydt
Subject: 130 Eastern Prom Landscape Plan Review

Hi Molly -

I reviewed the landscape plan for the 130 Eastern Prom Project and offer the following review & comment:

The proposed plan shows 2 new street-trees to be planted along Wilson Street. (The tree locations can be adjusted due to window spacing etc within the building footprint along the Wilson Street frontage.) An additional street-tree on the Eastern Prom side, following the recent species recommendation of the Eastern Prom master plan recommendations. This would complete the specified number of trees and spacing along the Eastern Prom frontage of the project. On the project property one additional ornamental crabapple is proposed on the South side of the project near the addition. Overall the landscape treatment of ornamental shrubs and landscape beds fits into the character of the nearby residential landscape.

Recommendations / Conditions -

- 1) To meet the 2-trees per residential unit guidelines a contribution for 10 additional trees to be planted in the project vicinity is recommended. The project unit calculations would require 14 trees and the project is placing four with the project area. The new trees would help fill gaps or replace missing trees in the surrounding neighborhood of the project.
- 2) That impact to the Eastern Prom lawn area be limited during construction. This would include: no storage of trucks, equipment, materials on the lawn area. All damaged areas to be repaired in a timely manor, the sidewalk pedestrian way along the Eastern Prom be maintained in good condition during construction work.
The project team or contractor shall contact Parks & Recreation concerning construction activities that might effect the Eastern Prom and park areas.



PORTLAND MAINE

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Revised 7/26/2007

REPORT OF RECEIPTS

To the Director of Finance, City of Portland, Maine
From the *Planning & Development*

Thursday, January 31, 2008

Control #
240000047

For Period: 7

Fiscal Year: 2008

Month: Jan '08

H.T.E. Description (15 chars):

DETAILS	Amount	Revenue/Expense or Short Code	Project	RECAP
PME I, LP, ck #288 (mailed)				Reserved for Treasury Stamp PORTLAND MAINE Treasury FEB 01 2008 PAID <input type="checkbox"/> Cash <input type="checkbox"/> Check <input type="checkbox"/> Other
Application #1208	\$285.75	U4		
Engineer Review Fee				
Maine Workforce Housing, ck #780 (mailed) Application #1302	\$150.75	U5		
Notices				
McDonalds, ck #40132696 (mailed) Application #2007-0114				
Infrastructure Contribution	\$10,000.00	710-0000-236-74-00		
Deposit Inspection Fee	\$3,461.72	UC		
	\$277.64	PV		
Casco Bay Ventures, ck #6176 (mailed) Application #2007-0123				
Infrastructure Contribution (tree fund)	\$2,000.00	242-3400-341-00-00	PR0018	
NOTE:	TOTAL:	\$16,175.86		

TOTAL RECEIPT COMPRISED OF	
ACH:	
Cash:	
Checks:	\$16,175.86
Credit Card:	
Notes:	
Offsite Dep:	
Wires:	
TOTAL:	\$16,175.86

The Authorized Agent certifies that this is a true, complete report of all collections made since the date of their last report.

Authorized Agent: Jennifer Dorr Office Manager: Jennifer Dorr Phone#: 874-8719
authorized user, User Title

Distribution: Original to Treasury; Copy 1 Finance Accounting; Copy 2 to back to Authorized Agent

CASCO BAY VENTURES, INC.
223 WOODVILLE ROAD
FALMOUTH, ME 04105
207-797-7752

PEOPLES HERITAGE BANK, N.A.
PORTLAND, ME 04101
52-7445/2112

6176

1/29/2008

PAY TO THE ORDER OF: City of Portland

\$ **2,000.00

Two Thousand and 00/100***** DOLLARS

City of Portland

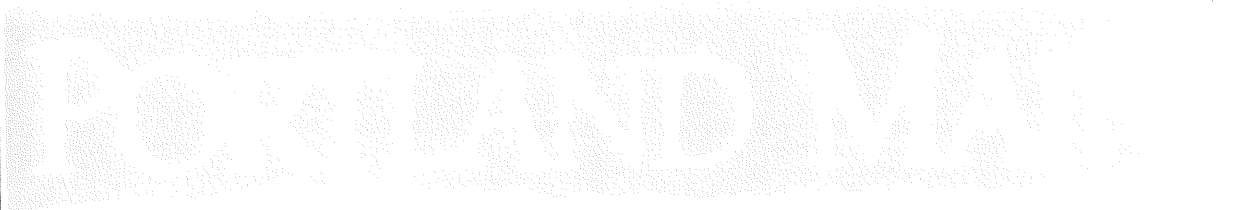
CASCO BAY VENTURES, INC.

Debra S. Doyle
AUTHORIZED SIGNATURE

MEMO

Tree Donation 130 Eastern Pine

⑈006176⑈ ⑆211274450⑆ 7999068892⑈



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Planning & Urban Development Department
Penny St. Louis Littell, Director

Planning Division
Alexander Jaegerman, Director

December 19, 2008

Ryan Senatore, Associate
TFH Architects
80 Middle Street
Portland, Maine, 04101

RE: Extension of Site Plan Approval.
Estates of Longfellow Inn, 130 Eastern Promenade
Application ID # 2007-0123

Dear Ryan:

I received your request on behalf of Casco Bay Ventures for a one (1) year extension of site plan approval for the Estates of Longfellow Inn located at 130 Eastern Promenade. I understand that your request is based on the fact that a court appeal has delayed progress on the development.

Section 14-525 (f) of the Land Use Code states:

Where the approval or any related land use approval granted to the same applicant by any agency of the city with respect to the same development is appealed to any court by an opponent of the development, the applicant shall be granted further extensions, beyond the expiration of said period, where the applicant has exercised due diligence with respect to defending such appeal, which extensions shall not last beyond one (1) year from entry of final judgment.

In my capacity as Planning Division Director for the City of Portland, I am granting your request to extend your site plan approval. The extension period will commence on January 22, 2009 and shall extend for one (1) year beyond on the effective date of final judgment. If there are any questions, please contact Molly Casto, Senior Planner at (207) 874-8901 or by email at mpc@portlandmaine.gov.

Sincerely,

Alexander Jaegerman, Planning Division Director

cc: Mr. Waldon Geyer
Casco Bay Ventures
233 Woodville Road
Falmouth, Maine 04105

Electronic Distribution:

Danielle West-Chuta, Associate Corporation Counsel
Tammy Munson, Inspections Division Director
Barbara Barhydt, Development Review Services Manager
Marge Schmuckal, Zoning Administrator
Phil DiPierro, Development Review Coordinator

PETRUCCELLI, MARTIN & HADDOW, LLP

Attorneys at Law

50 Monument Square
Post Office Box 17555
Portland, Maine 04112-8555

BRUCE A. MCGLAUFLIN
bmcglauflin@petrucellimartin.com

September 4, 2007

Ms. Molly Casto
Planning and Inspections Department
City of Portland
389 Congress St.
Portland, Maine 04101

RE: 130 Promenade East

Dear Ms. Casto:

Thank you for speaking to me on the phone about the proposed development at 130 Promenade East, which abuts property owned by my clients, Nicolino & Patricia Ciccomancini. The Ciccomancinis own a three-story apartment building at 14 Wilson Street. You indicated to me that Casco Bay Ventures, Inc., the owner of 130 Promenade East, has submitted an application, that the application is being reviewed as a subdivision application, and that it is currently scheduled for planning board review at a workshop scheduled for October 9, 2007. The purpose of this letter is to express the Ciccomancinis' opposition and to draw your attention, and the planning board's attention, to specific requirements in the zoning ordinance, which we feel provide clear and sufficient basis for denying the application.

We begin with the understanding that the existing building or buildings are non-conforming as to bulk and space requirements in the ordinance. In particular, the existing buildings do not conform to the ten-foot setback requirements and the overall square footage requirement in the R-6 zone. Both the principal structure and the one-story addition fail to comply with the ten-foot side setback and the lot size (7,905.9 sq. ft.) does not comply with the minimum square footage of 1,000 sq. ft. per unit (11 units x 1,000). See Section 14-139(1)(a) and (b)(1). Because 130 Promenade East is a grandfathered nonconforming building, no alterations or additions are allowed except in strict compliance with the Zoning Ordinance provisions governing nonconforming buildings.

Ms. Molly Casto
September 4, 2007
Page 2

The proposed alterations and addition fail to comply with at least two of these provisions, Sections 14-382(d) and 14-388.

Section 14-382(a) states that no alterations, modifications or additions may be made to a nonconforming building, except as provided in Division 23. Subsection (d) of Section 14-382 states that a building which is nonconforming as to space, bulk or dimensional requirements may be altered, modified or added to if the proposed changes to existing exterior walls or roofs would be within the space occupied by the existing shell of the building. The proposed addition and renovation are not confined to the space occupied by the existing shell.

Under Section 14-388, a building that is nonconforming as to area per dwelling unit may not be enlarged unless the resulting building is made to conform to all area per dwelling regulations. The proposed structure does not so conform. The R-6 zone requirements mandate 1,000 sq. ft. per unit for the first three units, and 1,200 sq. ft. for the next six units, resulting in a total required lot area of 10,200 sq. ft for the proposed 11 units. The application must be denied because the lot consists of only 7,905.9 square feet.

We also read the ordinance as requiring site plan review for this application. Section 14-136(a)(2)(f) requires site plan review for any alteration of a multi-family dwelling structure that was in residential use on December 2, 1987. One of the applicable site plan review requirements states:

The bulk, location or height of proposed buildings and structure minimizes, to the extent feasible, any substantial diminution in the value or utility to neighboring structures under different ownership and not subject to a legal servitude in favor of the site being developed.

Section 14-526(a)(4). If Casco Bay Ventures, Inc. is allowed to proceed with a three-story addition, it will substantially diminish the value of the Ciccomancinis' property at 14 Wilson Street because it will completely block the expansive views enjoyed by the residents of the six-unit apartment building. The height of the proposed building maximizes, not minimizes, the diminution of value of the Ciccomancinis' property.

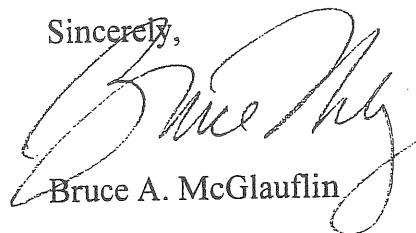
Thus, based on an initial review of the application and the City's Zoning Ordinance, there are at least three distinct and separate reasons why the application should be denied. A more detailed review may uncover additional reasons related to

PETRUCCELLI, MARTIN & HADDOW, LLP

Ms. Molly Casto
September 4, 2007
Page 3

parking and other applicable requirements and standards. We request that you bring these concerns to the Planning Administrator and the Planning Board at your earliest convenience. Thank you for your consideration of these concerns.

Sincerely,

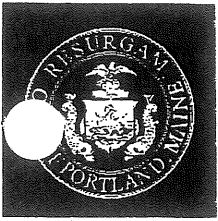


Bruce A. McGlaulin

BMcG/d

cc: Nicolino & Patricia Ciccomancini

OCT 01 2007



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*Lee Urban- Director of Planning and Development
Marge Schmuckal, Zoning Administrator*

September 26, 2007

Bruce A. McGlaufflin
Petruccelli, Martin & Haddow, LLP
50 Monument Square
P.O. Box 17555
Portland, ME 04112-8555

RE: 130 Eastern Promenade, corner of Wilson Street – 003-C-001 & 002 – R-6 Zone
Site Plan #2007-0123

Dear Attorney McGlaufflin,

I am in receipt of your letter to Molly Casto in the Planning Division concerning the development of the property located at 130 Eastern Promenade.

You have cited section 14-382(d) of the Nonconforming Use and Nonconforming Buildings section of the ordinance which reads, "Alteration, modification or addition may be made to a building which is lawfully nonconforming as to space and bulk or any dimensional requirement where the proposed changes in existing exterior walls and/or roofs would be within the space occupied by the existing shell of the building, and would not create any new nonconformity nor increase any existing nonconformity". Currently, the existing building is nonconforming as to space and bulk and dimensional requirements. I disagree that this section of the ordinance restricts any new addition outside of the confined shell of the existing building. I interpret this section of the ordinance to allow new additions(s) if no new nonconformity is created and there is no increase of any existing nonconformity. I believe that the proposal submitted for review meets this section of the Land Use Zoning Ordinance.

You have also cited section 14-388 within the same division of the nonconformity section of the ordinance and is titled "Nonconformity as to area of dwelling". This section reads, "A building nonconforming as to the regulations governing area per dwelling unit shall not be enlarged unless such building, including such addition or enlargement, is made to conform to all the area per dwelling regulations of the zone in which it is located". This section of the ordinance is pretty clear. It seems to say that zoning should not allow any additions or enlargements unless the area per dwelling unit regulation is made to conform to the underlying zone. It is very severe in its wordage and would restrict additions on even single family homes on undersized lots. In the past it has been the practice of this office to allow additions and enlargements on undersized lots relating to area per

dwelling unit as long as all other underlying zone requirements are met. Since this section of the ordinance has been brought to my attention, I must abide by its wordage. The applicant of 130 Eastern Promenade has been notified that their proposal is not meeting zoning requirements at this time based upon section 14-388 of the zoning ordinance.

You have the right to appeal my decision. If you wish to exercise your right to appeal, you have 30 days from the date of this letter in which to appeal. If you should fail to do so, my decision is binding and not subject to appeal. Please contact this office for the necessary paperwork that is require to file an appeal.

Very truly yours,

A handwritten signature in black ink that reads "Marge Schmuckal". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Marge Schmuckal
Zoning Administrator

CC: Molly Casto, Planner
Alex Jaegerman, Planning Director
Barbara Barhydt, Development Review Services Manager
File

PETRUCCELLI, MARTIN & HADDOW, LLP

Attorneys at Law

50 Monument Square
Post Office Box 17555
Portland, Maine 04112-8555

BRUCE A. MCGLAUFLIN
bmcglaufin@petrucellimartin.com

Via Hand Delivery

December 6, 2007

Ms. Molly Casto
Planning and Inspections Department
City of Portland
389 Congress St.
Portland, Maine 04101

RE: 130 Promenade East

Dear Ms. Casto:

Please bring this letter to the attention of Marge Schmuckal and the Members of the Planning Board for consideration in advance of the workshop that is scheduled for December 11, 2007, on Casco Bay Ventures, Inc.'s proposed renovations at 130 Promenade East.

My clients, Nicolino and Patricia Ciccomancini, object to the expansion of the existing, nonconforming structure at 130 Promenade East because it will create an unsightly obstruction to the views enjoyed from their three story apartment building at 14 Wilson Street and substantially devalue their property. The expansion will eliminate any real yard space at 130 Promenade East and unlawfully expand a nonconforming structure.

The current site plan is very similar to the site plan application that was filed this summer. That application was withdrawn after I submitted my letter dated September 4, 2007, objecting to the application because it violated §14-388 (nonconformity as to area per dwelling unit) and §14-382(d) (expansion of non-conforming structure). When the Zoning Administrator agreed with my interpretation of §14-388, but not my interpretation of §14-382(d), Casco Bay withdrew their application. This new application is designed to conform with §14-388 by reducing the number of units from eleven to seven. The new

Ms. Molly Casto
December 6, 2007
Page 2

application, however, still violates §14-382(d) notwithstanding the Zoning Administrator's interpretation of that provision.

Section 14-382(d) states:

(d) Alteration, modification or addition may be made to a building which is lawfully nonconforming as to space and bulk or any dimensional requirement where the proposed changes in existing exterior walls and/or roofs would be within the space occupied by the existing shell of the building, and would not create any new nonconformity nor increase any existing nonconformity. This subsection shall not apply to buildings located within shoreland zones and existing on June 15, 1992, which are nonconforming only as to setbacks from wetlands, tributary streams or other water bodies, which shall be regulated in accordance with subsection (f)(1)d. of this section.

There are two necessary conditions specified by this section: (i) the proposed changes to existing exterior walls and/or roofs must be "within the space occupied by the existing shell of the building," *and* (ii) the changes will not create any new nonconformity nor increase any existing nonconformity. The Zoning Administrator stated in her September 26, 2007, letter that she interprets this section as *only* requiring the second condition. This interpretation is inconsistent with the plain wording of this section, which is expressly limited to circumstances "where the proposed changes in existing exterior walls and/or roofs would be within the space occupied by the existing shell of the building."

This interpretation is also inconsistent with general principles of zoning law which favor the elimination, not the expansion, of nonconforming structures and requires strict construction of zoning provisions relating to any expansion of nonconforming structures. *Lewis v. Maine Coast Artists*, 2001 ME 75, P 26, 770 A.2d 644. The general rule is that nonconforming structures should not be enlarged even when the alteration does not increase the nonconformity. "When an ordinance prohibits enlargement of a nonconforming building, a landowner cannot as a matter of right alter the structure, even if the alteration does not increase the nonconformity." *Id.* (citing *Shackford and Gooch*, 468 A.2d 102, 105 (ME. 1984).

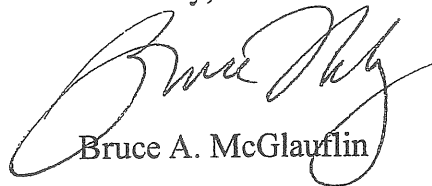
Because the proposed addition substantially expands the existing shell, Casco Bay cannot satisfy the circumstances required by §14-382(d) to permit any alteration, modification or addition to their nonconforming structure. The Planning Board is obligated to apply the Ordinance as written. It would be particularly unjust for the

Ms. Molly Casto
December 6, 2007
Page 3

Planning Board to fail to enforce §14-382(d) as written in this circumstance because it is the substantial expansion of the shell of the structure that adversely affects the value of the Ciccomancinis' neighboring property as well as other abutting properties. The impact of the bulk of the proposed structure on neighboring property values is also a separate matter for the Board's consideration. Section 14-136(a)(2)(f) requires that the bulk, location or height of any proposed structure must *minimize* any substantial diminution in value. In this case, the addition maximizes such diminution in value.

Because the proper interpretation of §14-382(d) presents a threshold issue, we have not done a full review of the proposed design and its compliance with other site plan review provisions. For the foregoing reasons, we request that the Planning Board reject the application as an unlawful expansion of a nonconforming structure under §14-382(d).

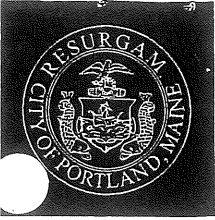
Sincerely,



Bruce A. McGlaufflin

BMcG/d
cc: Nicolino & Patricia Ciccomancini

DEC 10 2007



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Corporation Counsel
Gary C. Wood

Associate Counsel
Elizabeth L. Boynton
Penny Littell
James R. Adolf
Mary E. Costigan

December 7, 2007

BY FAX: 207-775-2360

Bruce A. McGlaulin, Esq.
Petruccelli, Martin & Haddow, LLP
50 Monument Square
P.O. Box 17555
Portland, ME 04112-8555

Re: 130 Eastern Promenade

Dear Attorney McGlaulin:

I am writing in my capacity as attorney to the Portland Planning Board. I am in receipt of your December 6, 2007 letter addressed to Molly Casto (attention Marge Schmuckal and the Members of the Planning Board) relating to the site plan/subdivision application for 130 Eastern Promenade. In that letter you raise arguments relating to the zoning interpretation of Portland City Code §14-382(d). When Zoning Administrator Marge Schmuckal made her interpretation as to the applicability of this provision to 130 Eastern Promenade, in September 2007, you were advised of the opportunity to appeal that interpretation to the Zoning Board of Appeals. No appeal was ever filed.

The Planning Board is not the appropriate body to address zoning issues. All zoning matters must be taken up by the ZBA, a separate administrative body within the City of Portland. I will be so advising the Planning Board and wanted to provide you with advance notice of my advice to them. You are certainly free to appear and provide testimony (written or oral) on any site plan or subdivision issues of concern.

Bruce A. McGlaulin, Esq.
12/7/07
Page 2

Thank you for your attention to this matter.

Sincerely,



Penny Littell
Associate Corporation Counsel

Cc: Michael Patterson, Chair, Portland Planning Board
Portland Planning Board, Members
Molly Casto
Marge Schmuckal

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PETRUCCELLI, MARTIN & HADDOW, LLP

Attorneys at Law

50 Monument Square
Post Office Box 17555
Portland, Maine 04112-8555

BRUCE A. MCGLAUFLIN
bmcglauflin@petrucellimartin.com

December 7, 2007

Via Fax

Penny Littell, Esq., Associate Corporation Counsel
389 Congress Street
Portland, Maine 04112-8555

Re: 130 Eastern Promenade

Dear Penny:

This letter is in response to your letter of December 07, 2007 in which you indicate that the Planning Board is not the appropriate body to address zoning issues and that my argument relating to the interpretation of §14-382 (d) should not be considered by the Board in its review of Casco Bay's site plan application. I respectfully disagree with your interpretation of the Planning Board's jurisdiction. Under site plan review, the Planning Board must make a determination that the applicant's proposal meets all of the criteria set forth in 14-526 in including the criterion that the applicant "has submitted all information required by this article and that the development complies with all applicable provisions of this Code" §14-526 (a)(17). Thus, the Planning Board is required to make a determination as to whether or not the proposal satisfies §14-382 (d) of the Code.

I understand that the Planning Board may rely on a preliminary determination by the Zoning Administrator with respect to such zoning requirements. For that reason, I requested that Ms. Casto send a copy of my December 6th letter to Ms. Schmuckal as well as the Planning Board. By copying *this* letter to Ms. Schmuckal and her counsel James Adolf, Esq., I request that a preliminary determination be made on the application of section 14-382 (d) to the new proposal. I did not appeal Ms. Schmuckal's previous determination (in her September 26, 2007 letter) because the then pending application was denied on alternative grounds. There was no reason nor basis for an appeal since my client was not aggrieved, the application was withdrawn, and any appeal would have been moot.

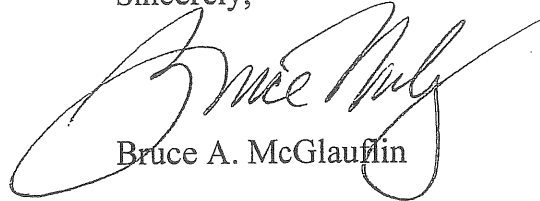
PETRUCCELLI, MARTIN & HADDOW, LLP

Penny Littell, Esq.
December 7, 2007
Page 2

It would be in the interest of all the parties to have this zoning issue addressed and decided before the Planning Board expends any time and energy on Casco Bay's new proposal.

Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce A. McGlauffin", written in a cursive style. The signature is positioned above the printed name.

Bruce A. McGlauffin

BMcG/ed

cc: Molly Casto
Marge Schmuckal
James R. Adolf, Esq.
Nicolino Ciccomancini (via U.S. postal service)

PETRUCCELLI, MARTIN & HADDOW, LLP

Attorneys at Law
50 Monument Square
Post Office Box 17555
Portland, Maine 04112-8555

BRUCE A. MCGLAULFIN
bmcglauflin@petrucellimartin.com

Via Hand Delivery

December 17, 2007

Michael J. Patterson, Chair
Portland Planning Board
c/o Molly Casto -- City of Portland
389 Congress Street
Portland, Maine 04101

RE: 130 Promenade East

Dear Planning Board Members:

This firm represents two abutters to the proposed addition at 130 Eastern Promenade -- Nicolino & Patricia Ciccomancini at 14 Wilson Street and Lucy and Robert Tanner at 126 Eastern Promenade. The purpose of this letter is to make two requests on behalf of these abutters: 1) that the public hearing scheduled for January 22, 2008 be postponed, and 2) that the Board place the matter on another meeting agenda to more fully address the application's compliance with Section 14-382(d) of the Land Use Code.

At the December 11, 2007, workshop, the Planning Board rejected my contention that the proposed addition constitutes an illegal expansion of a nonconforming structure under Section 14-382(d). This was based on advice from legal counsel stating that Mr. Ciccomancini had failed to appeal the Zoning Administrator's September 26th decision on this point. Unfortunately, the Board did not have the benefit of my written response to this legal argument, which is set forth in the enclosed letter. That letter was faxed to Ms. Littell shortly after her letter of the same day was faxed to me. Although Ms. Casto was listed as a recipient of the fax, she did not receive it and did not include it in your December 11th packet. For the reasons stated in the enclosed letter, as expanded on below, Section 14-382(d) must be addressed by the Board.

I request that the hearing be postponed and this legal issue be scheduled for another meeting because I do not believe the Board has had a full opportunity to consider it; because a ruling on it will avoid unnecessary expenses that would be incurred if we

Michael J. Patterson, Chair
Portland Planning Board
December 17, 2007
Page 2

proceed directly to a hearing; and because I have an unavoidable conflict on January 22nd. I have an all-day trial in Ellsworth on that day and will be unable to attend the public hearing to represent the interests of the two immediately adjacent abutters. If this dispositive issue is not addressed up front, my clients will be forced to incur the expense of having appraisals performed to determine the impact of the addition on their property values and the Applicant will continue to incur expenses on a project that is in clear violation of the Code.

I take this opportunity to more fully explain why this issue is dispositive and why the Board should not avoid confronting it at this juncture in the proceedings. As explained in the enclosed December 7 letter, the Ciccomancinis are not foreclosed from making this argument for failure to appeal Ms. Schmuckal's September 26th determination. There was no basis for appealing that determination because it was in the Ciccomancinis' favor – they won and the application was withdrawn.¹ Because the application was rejected by Ms. Schmuckal, the Ciccomancinis were in no sense aggrieved by the decision. It is no different from winning a court case in which you make several arguments; even though the court rejects all but one of the arguments, you still won and have no basis for appealing the arguments you lost.

Even if the Ciccomancinis were foreclosed from making this argument now, the Tanners are not. They have separate interests and were not "party" to Ms. Schmuckal's determination. Mr. Tanner presented the same argument to the Board on December 11th, but the Board declined to respond to him.

The Board *must* make a determination on Section 14-382(d), because it is obligated to make a specific finding under Section 14-526(a)(17) that the application complies with *all* applicable provisions of the Code -- this includes compliance with Section 14-382(d). Because Ms. Schmuckal's September 26th determination on this point was clearly erroneous, the Planning Board would be seriously remiss to rely on it. The determination was clearly erroneous because it directly contradicts the words in

¹ Apparently, the current proposal is being treated as a revision of the July 12 application even though no revised application form has been submitted. The Application was for a specific plan and design with nine units. Those Plans, and therefore that application, were rejected. The Applicant has submitted a completely new proposal with a new design and site plan that involves 7 units. The November 20, 2007, Plans showing seven units are not revisions of the earlier Plans. The Board's choice to treat this administratively as one application and one proceeding, does not alter the operative fact that the Applicant's July 12 proposal was rejected. The Ciccomancinis assumed that Casco Bay had given up. They received no notice of the "amended" application until early December long after the 30 day appeal period ended.

Michael J. Patterson, Chair
Portland Planning Board
December 17, 2007
Page 3

Section 14-382(d). Ms. Schmuckal interprets the provision as if the following words were deleted:

where the proposed changes in existing exterior walls and/or roofs would be within the space occupied by the existing shell of the building.

Only by deleting these words, could this provision mean that an addition may be made to the building beyond the existing shell so long as it does not create any new nonconformity or increase any existing nonconformity. When these words are not ignored, the provision clearly permits an addition to the building *only* if: 1) there is no new nonconformity or increase in nonconformity, *and* 2) any changes to the exterior walls and/or roofs are kept within the existing shell of the building.

The Board will commit clear error if it adopts Ms Schmuckal's interpretation when it is called upon to determine that the application complies with all applicable provisions of the Code. Such clear error will be subject to reversal by the Superior Court, rendering all of the time and cost expended by the Board and the parties for naught. The Ciccomancinis and the Tanners have a right to have their interests protected in accordance with the Land Use Code, and the Planning Board Members have the duty to interpret and to apply the Code, *as written*.

For the foregoing reasons, I request that you postpone the January 22nd public hearing and schedule another meeting to fully consider this threshold issue.

Sincerely,


Bruce A. McGlaufflin

BMcG/d

cc: Nicolino and Patricia Ciccomancini
Robert and Lucy Tanner
Wally Geyer, Casco Bay Ventures

PETRUCCELLI, MARTIN & HADDOW, LLP

Attorneys at Law

50 Monument Square
Post Office Box 17555
Portland, Maine 04112-8555

BRUCE A. MCGLAUFLIN
bmcglauflin@petrucellimartin.com

December 7, 2007

Via Fax

Penny Littell, Esq., Associate Corporation Counsel
389 Congress Street
Portland, Maine 04112-8555

Re: 130 Eastern Promenade

Dear Penny:

This letter is in response to your letter of December 07, 2007 in which you indicate that the Planning Board is not the appropriate body to address zoning issues and that my argument relating to the interpretation of §14-382 (d) should not be considered by the Board in its review of Casco Bay's site plan application. I respectfully disagree with your interpretation of the Planning Board's jurisdiction. Under site plan review, the Planning Board must make a determination that the applicant's proposal meets all of the criteria set forth in 14-526 in including the criterion that the applicant "has submitted all information required by this article and that the development complies with all applicable provisions of this Code" §14-526 (a)(17). Thus, the Planning Board is required to make a determination as to whether or not the proposal satisfies §14-382 (d) of the Code.

I understand that the Planning Board may rely on a preliminary determination by the Zoning Administrator with respect to such zoning requirements. For that reason, I requested that Ms. Casto send a copy of my December 6th letter to Ms. Schmuckal as well as the Planning Board. By copying this letter to Ms. Schmuckal and her counsel James Adolf, Esq., I request that a preliminary determination be made on the application of section 14-382 (d) to the new proposal. I did not appeal Ms. Schmuckal's previous determination (in her September 26, 2007 letter) because the then pending application was denied on alternative grounds. There was no reason nor basis for an appeal since my client was not aggrieved, the application was withdrawn, and any appeal would have been moot.

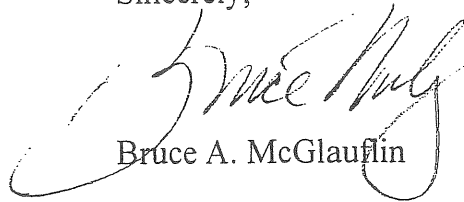
PETRUCCELLI, MARTIN & HADDOW, LLP

Penny Littell, Esq.
December 7, 2007
Page 2

It would be in the interest of all the parties to have this zoning issue addressed and decided before the Planning Board expends any time and energy on Casco Bay's new proposal.

Thank you for your assistance.

Sincerely,



Bruce A. McGlauffin

BMcG/ed

cc: Molly Casto
Marge Schmuckal
James R. Adolf, Esq.
Nicolino Ciccomancini (via U.S. postal service)

PETRUCCELLI, MARTIN & HADDOW, LLP

Attorneys at Law

50 Monument Square
Post Office Box 17555
Portland, Maine 04112-8555

BRUCE A. MCGLAULFIN
bmcglauflin@petrucellimartin.com

Hand Delivered

January 7, 2008

Marge Schmuckal, Zoning Administrator
City of Portland
389 Congress Street
Portland, Maine 04112-8555

RE: 130 Eastern Promenade

Dear Ms. Schmuckal:

This firm represents Nicolino and Patricia Ciccomancini and Robert and Lucy Tanner, owners of 14 Wilson Street and 126 Eastern Promenade. These properties directly abut 130 Eastern Promenade, which is owned by Casco Bay Ventures and which is the subject of Casco Bay's site plan/subdivision application for an addition at 130 Eastern Promenade. The purpose of this letter is to request that you issue a zoning determination as to whether Casco Bay's *current* proposal as shown on Land Consulting Engineers, P.A. plan dated November 19, 2007, complies with Section 14-382(d) of the Land Use Code. It is our contention that the proposal cannot satisfy Section 14-382(d) because it involves proposed changes in exterior walls and roofs that are not confined within the space occupied by the existing shell of the building.

As you may recall, I presented this issue to you once before on behalf of the Ciccomancinis with respect to a *different* set of plans that involved nine residential units instead of the current seven. I also objected to those plans based on a violation of Section 14-388. You issued a determination dated September 26, 2007, in which you rejected Casco Bay's first plan based on a violation of Section 14-388, but not Section 14-382(d). The Ciccomancinis did not appeal that determination because they were not aggrieved by your determination that the proposal could not proceed.

On December 7, 2007, I addressed a letter to Penny Littell, Esquire, and copied it to you by fax. Enclosed is a copy of the letter and the fax cover sheet. In that letter, I

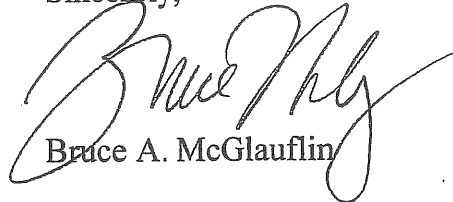
Marge Schmuckal, Zoning Administrator
City of Portland
January 7, 2008
Page 2

requested that you make another determination on the *new* Casco Bay proposal. Because this letter was not addressed to you (although the fax cover sheet was addressed to you), it is understandable that it may not have been brought to your attention. That December 7th request for a zoning determination was made on behalf of the Ciccomancinis and I reiterate it here.

At the time of the December 7th letter, I did not represent the Tanners. Today's request for a zoning determination is made on behalf of the Tanners as well as the Ciccomancinis. The Tanners were not party to the request made on Casco Bay's first proposal and they had no notice of your September 26th determination on that proposal.

Thank you for your assistance. I look forward to your response.

Sincerely,



Bruce A. McGlaulin

BMcG/d
Enclosure

cc: Mr. & Mrs. Nicolino Ciccomancini
Dr. & Mrs. Robert Tanner
Penny Littel, Esquire (hand delivered)
James R. Adolf, Esquire (hand delivered)
Wally Geyer, Casco Bay Ventures

COPY

PETRUCCELLI, MARTIN & HADDOW, LLP

Attorneys at Law

50 Monument Square
Post Office Box 17555
Portland, Maine 04112-8555

BRUCE A. MCGLAULFIN
bmcglauflin@petrucellimartin.com

December 7, 2007

Via Fax

Penny Littell, Esq., Associate Corporation Counsel
389 Congress Street
Portland, Maine 04112-8555

Re: 130 Eastern Promenade

Dear Penny:

This letter is in response to your letter of December 07, 2007 in which you indicate that the Planning Board is not the appropriate body to address zoning issues and that my argument relating to the interpretation of §14-382 (d) should not be considered by the Board in its review of Casco Bay's site plan application. I respectfully disagree with your interpretation of the Planning Board's jurisdiction. Under site plan review, the Planning Board must make a determination that the applicant's proposal meets all of the criteria set forth in 14-526 including the criterion that the applicant "has submitted all information required by this article and that the development complies with all applicable provisions of this Code" §14-526 (a)(17). Thus, the Planning Board is required to make a determination as to whether or not the proposal satisfies §14-382 (d) of the Code.

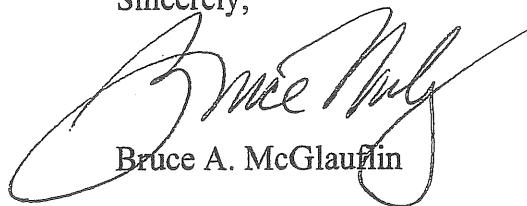
I understand that the Planning Board may rely on a preliminary determination by the Zoning Administrator with respect to such zoning requirements. For that reason, I requested that Ms. Casto send a copy of my December 6th letter to Ms. Schmuckal as well as the Planning Board. By copying *this* letter to Ms. Schmuckal and her counsel James Adolf, Esq., I request that a preliminary determination be made on the application of section 14-382 (d) to the new proposal. I did not appeal Ms. Schmuckal's previous determination (in her September 26, 2007 letter) because the then pending application was denied on alternative grounds. There was no reason nor basis for an appeal since my client was not aggrieved, the application was withdrawn, and any appeal would have been moot.

Penny Littell, Esq.
December 7, 2007
Page 2

It would be in the interest of all the parties to have this zoning issue addressed and decided before the Planning Board expends any time and energy on Casco Bay's new proposal.

Thank you for your assistance.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bruce A. McGlauffin".

Bruce A. McGlauffin

BMcG/ed

cc: Molly Casto
Marge Schmuckal
James R. Adolf, Esq.
Nicolino Ciccomancini (via U.S. postal service)

PETRUCCELLI, MARTIN & HADDOW, LLP

Attorneys at Law

50 Monument Square
Post Office Box 17555
Portland, Maine 04112-8555

BRUCE A. MCGLAUFN
bmcglauflin@petrucellimartin.com

Hand Delivered

January 8, 2008

Michael J. Patterson, Chair
Portland Planning Board
c/o Molly Casto -- City of Portland
389 Congress Street
Portland, Maine 04101

RE: 130 Promenade East

Dear Mr. Patterson:

Please find enclosed a copy of my letter of this same date to Marge Schmuckal requesting that she issue a zoning determination as to the compliance of Casco Bay Venture's current proposal with Section 14-382(d) of the Land Use Code. As you know from my previous submissions to the Planning Board, it is my contention that the Planning Board has an independent obligation to make a determination on Casco Bay's compliance with Section 14-382(d) and that it would be in everyone's best interest for the Planning Board to make that determination as a threshold matter before proceeding to a public hearing. Because the Planning Board's attorney has advised the Planning Board not to make an independent determination on Section 14-382-(d), I have sent the enclosed letter to Ms. Schmuckal.

Nevertheless, I reiterate my request for a threshold determination from the Planning Board and that the Public Hearing on this matter be postponed until that threshold determination can be made. If the Planning Board declines to make that

Michael J. Patterson, Chair
Portland Planning Board
January 7, 2008
Page 2

determination, I nevertheless reiterate my request that the Public Hearing be postponed pending the outcome of a determination by the Zoning Administrator, and, if necessary, the Zoning Board of Appeals.

Thank you for your consideration.

Sincerely,



Bruce A. McGlaulin

BMcG/d
Enclosure

cc: Mr. & Mrs. Nicolino Ciccomancini
Dr. & Mrs. Robert Tanner
Marge Schmuckal (hand deliver)
Penny Littel, Esquire (hand deliver)
James R. Adolf, Esquire (hand deliver)
Wally Geyer, Casco Bay Ventures

PETRUCCELLI, MARTIN & HADDOW, LLP

Attorneys at Law

50 Monument Square
Post Office Box 17555
Portland, Maine 04112-8555

DEBORAH MCKENNEY
dmckenney@petrucellimartin.com

Hand Delivered

January 17, 2008

Molly Casto, City Planner
City of Portland
389 Congress Street
Portland, Maine 04101

RE: 130 Eastern Promenade

Dear Molly,

Enclosed please find eleven sets of photographs of the 130 Promenade East site, some with views from the Ciccomancinis' abutting property. Please include these photographs in the packet for the Board's review at the upcoming public hearing.

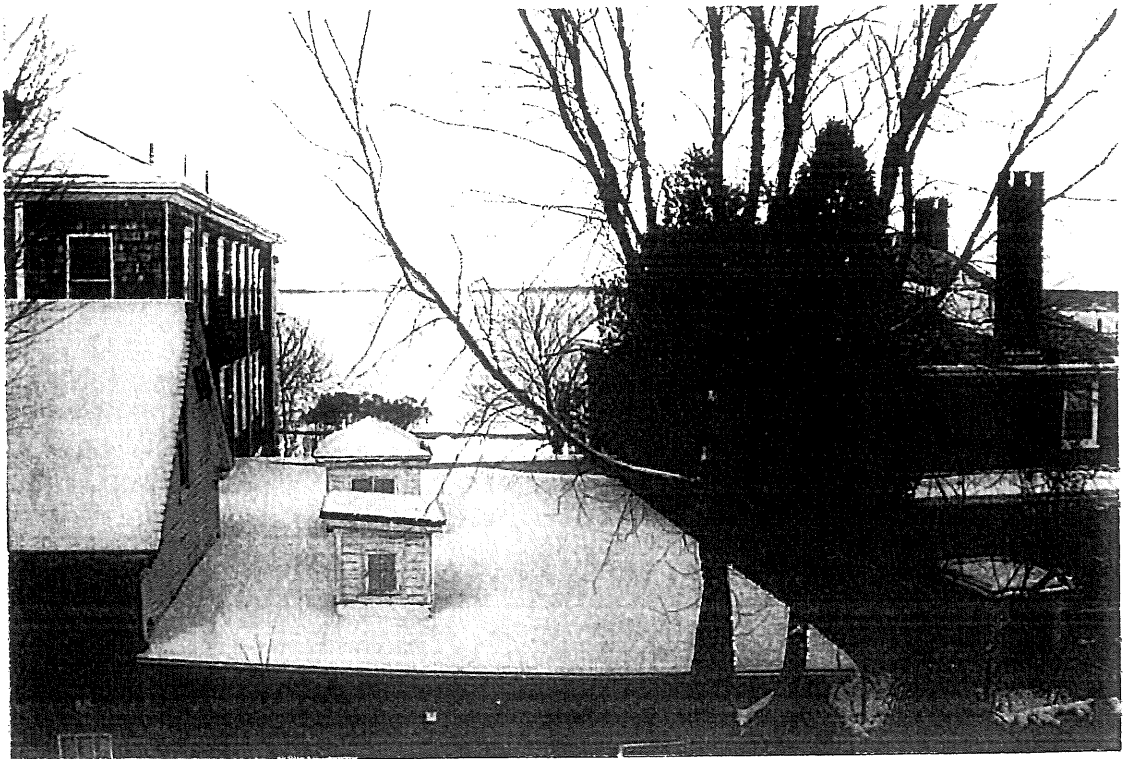
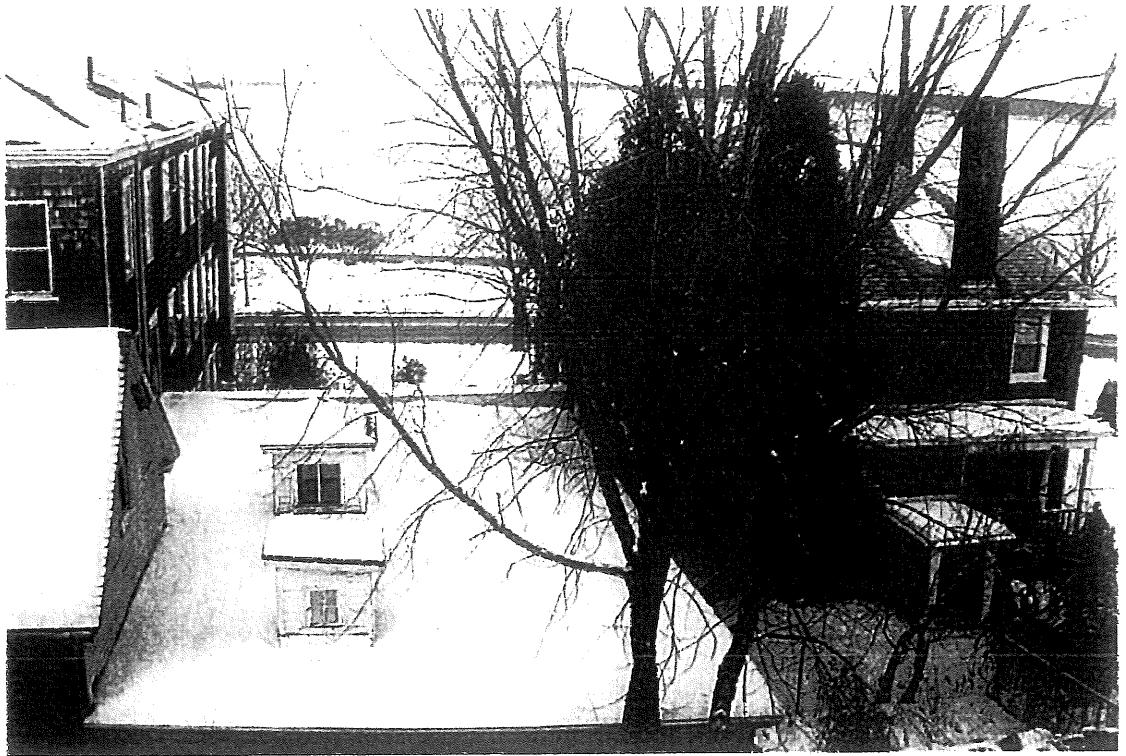
Thank you for your assistance.

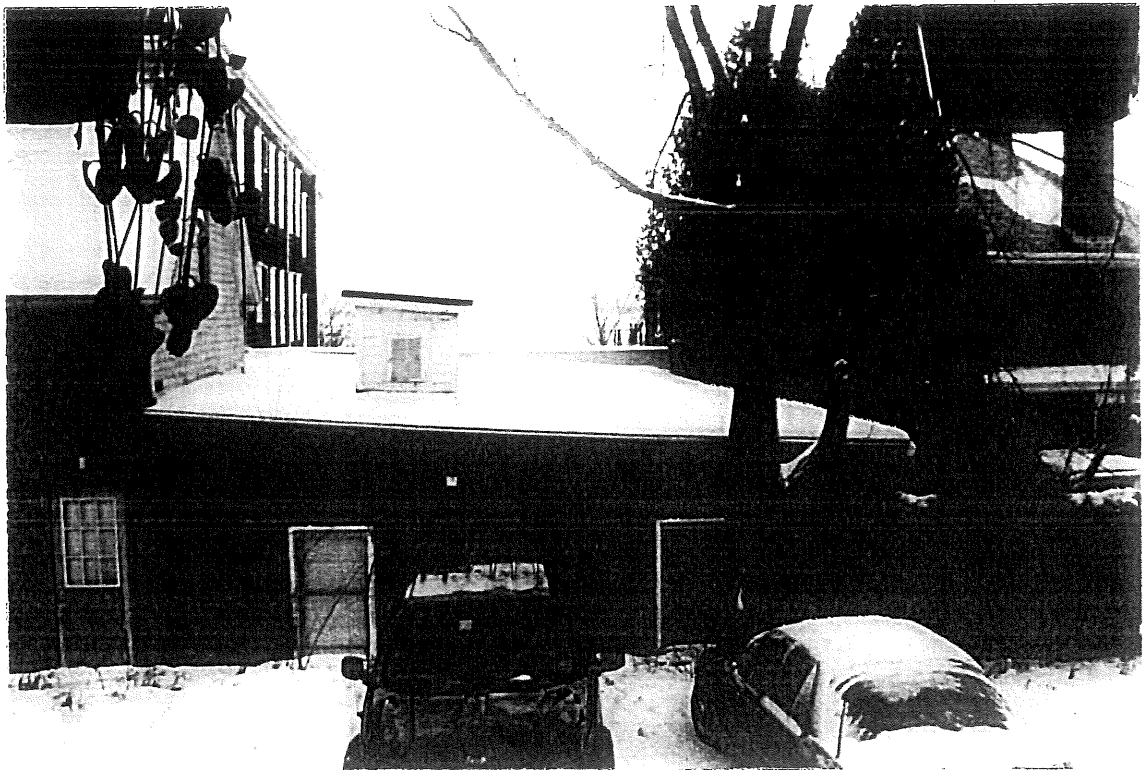
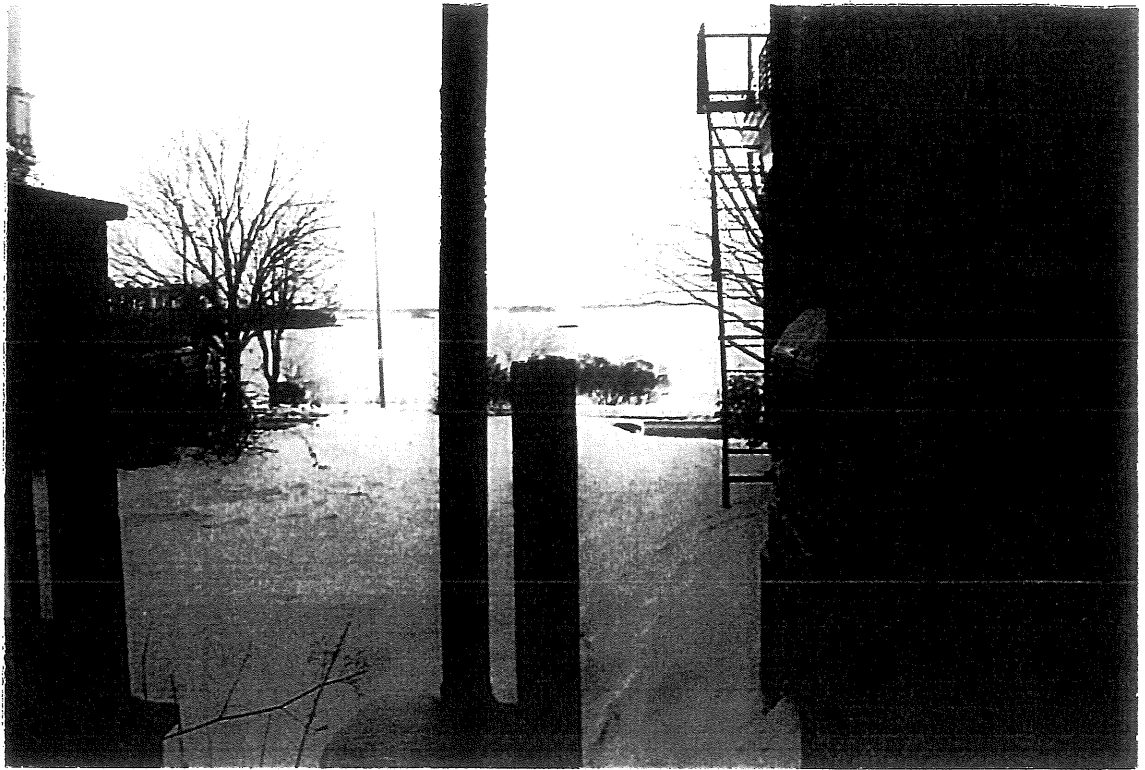
Sincerely,

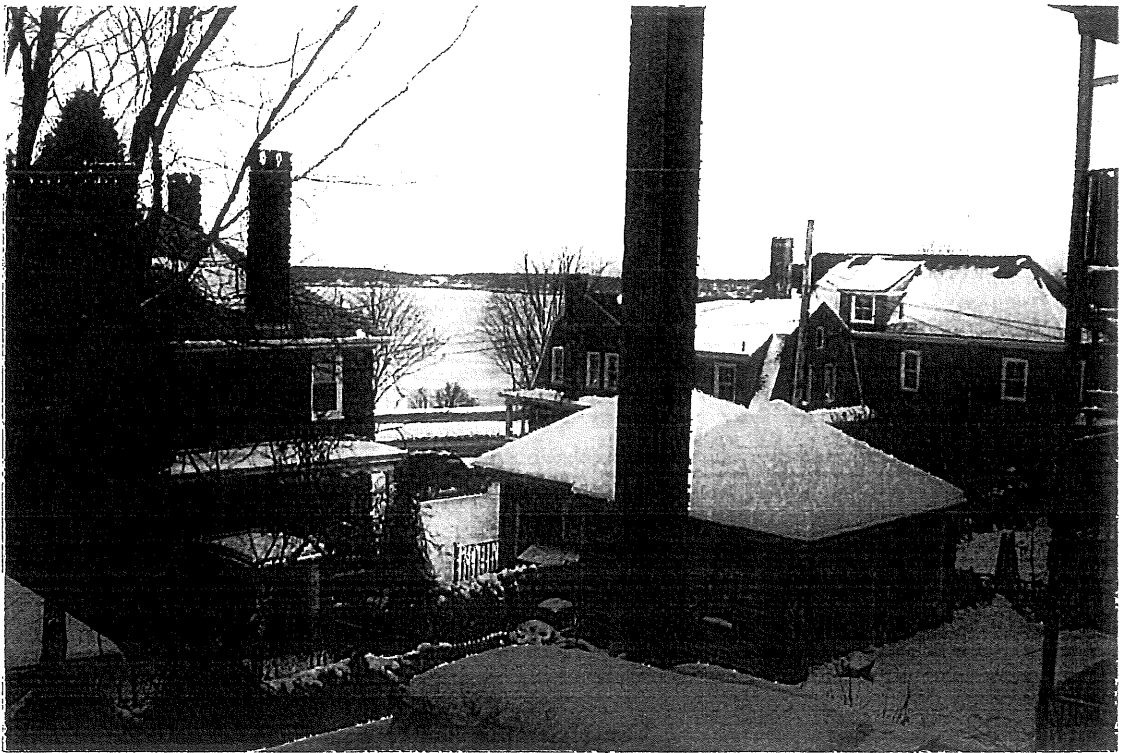


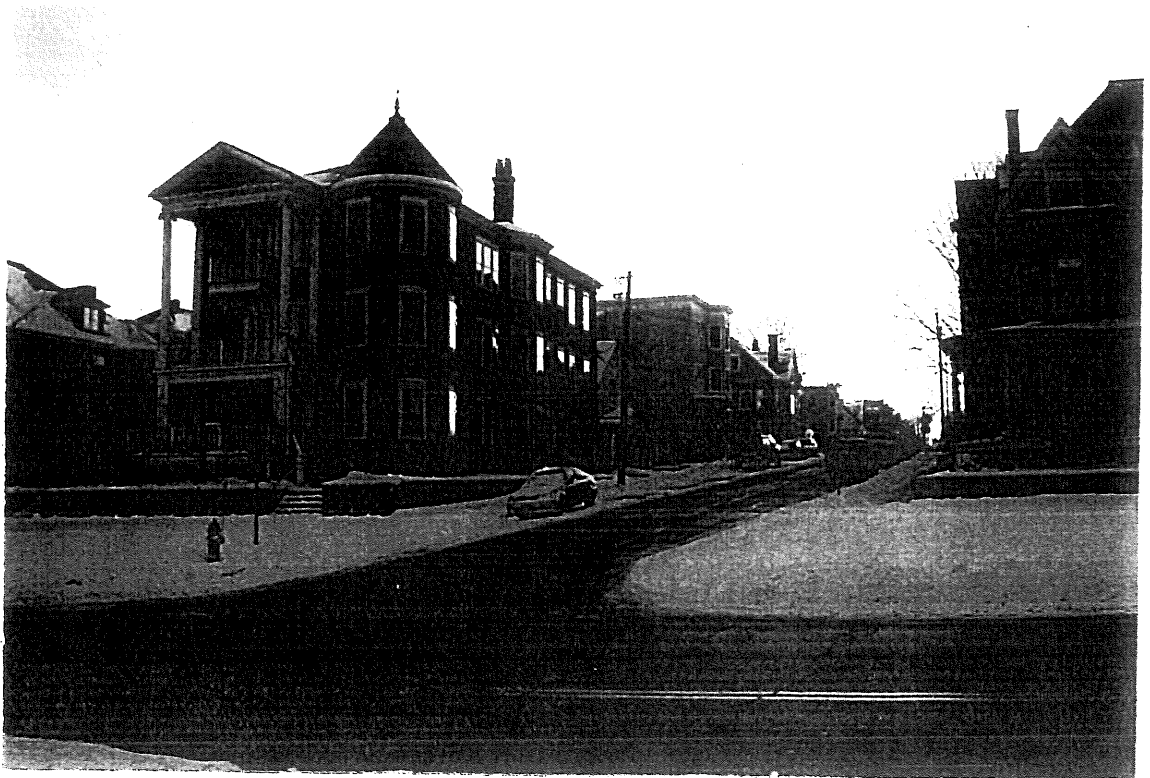
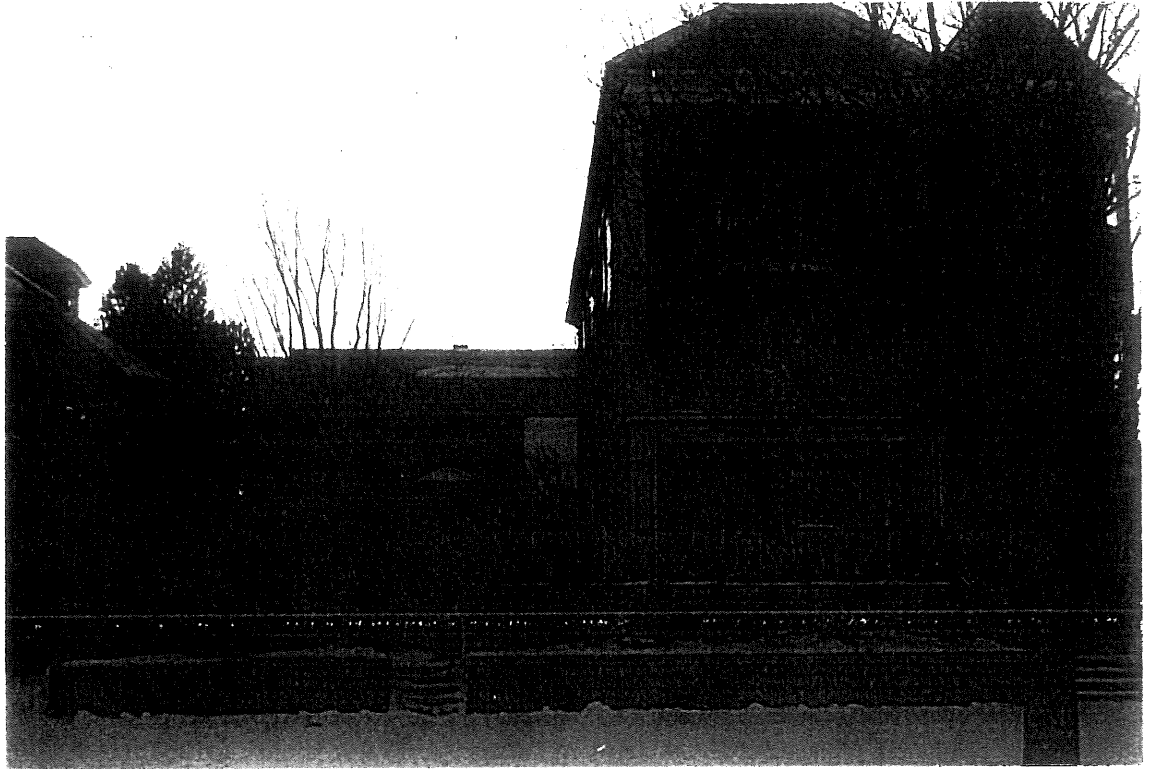
Deborah McKenney, Assistant to
Bruce A. McGlaflin, Esquire

/d
Enclosures









CITY OF PORTLAND, MAINE

PLANNING BOARD

Michael J. Patterson, Chair
Janice E. Tevanian, Vice Chair
Thatcher Freund
Bill Hall
Lee Lowry III
Shalom Odokara
David Silk

PLANNING BOARD AGENDA

DECEMBER 11TH, 2007, ROOM 209, 2ND FLOOR, City Hall

[Note: The times listed for each agenda item are estimates and subject to change]

WORKSHOP – 3:30 p.m.

- i. University of New England School of Pharmacy Site Plan; Vicinity of 716 Stevens Avenue; UNE, Applicant. (3:30 – 4:15 p.m. – estimated time, subject to change)

The Planning Board will hold a workshop to consider a proposal by University of New England for the construction of a four-story building and 180 space phased parking lot. The proposed building will be on the existing parking lot between the Finley Recreation Ctr. and Ludcke Auditorium, whereas the parking lot will be situated on the twenty-five (25) acres on lower campus. The new bld. will house the College of Pharmacy Program.

- ii. Estates of Longfellow Inn; Vicinity of 130 E. Promenade; Casco Bay Ventures, Applicant. (4:15 – 5:00 p.m. – estimated time, subject to change)

The Portland Planning Board will hold a workshop to consider a proposal by Casco Bay Ventures to renovate and add a 3-story addition to their property at 130 Eastern Promenade for a total of seven (7) units. This will be reviewed under the City's site plan and subdivision ordinances.

PUBLIC HEARING – 5:00 p.m.

1. **ROLL CALL AND DECLARATION OF QUORUM**
2. **COMMUNICATIONS AND REPORTS**
3. **REPORT OF ATTENDANCE AT THE PREVIOUS MEETING, HELD ON:**

November 27th, 2007 Workshop: Patterson, Tevanian, Freund, Odokara, Silk and Lowry present; Hall absent.
November 27th, 2007 Public Hearing: Patterson, Tevanian, Freund, Odokara, Silk and Lowry present; Hall absent.

4. **ANNOUNCEMENT OF DECISIONS AT THE PREVIOUS MEETING, HELD ON NOVEMBER 13TH, 2007.**

- i. Eastman Industries Office Building/Warehouse; Vicinity of 410 Riverside Street; 410 Riverside Street, LLC., Applicant.

The Planning Board voted 5-1 (Freund opposed; Hall absent) to approve the waiver of Technical Standard V.3B regarding stormwater flows and voted 5-1 (Freund opposed; Hall absent) to approve the site plan and Site Location of approval subject to seven (7) conditions of approval.

5. **NEW BUSINESS**

- i. Election of Officers

NOTE: It is possible that the Board will not reach all of the items prior to adjournment. Any items not reached will be rescheduled to appear on the subsequent agenda with items appearing early on the agenda as unfinished business.

FEB 08 2008



PORTLAND MAINE

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Planning and Development Department
Lee D. Urban, Director

Planning Division
Alexander Jaegerman, Director

February 5, 2008

Bruce A McGlaulin
Petruccelli, Martin & Haddow, LLP
50 Monument Square
Post Office Box 17555
Portland, Maine 04112-8555

RE: Casco Bay Ventures, 130 Promenade East

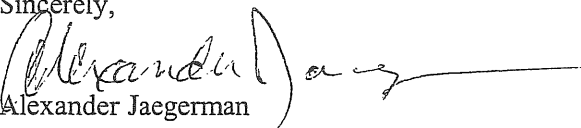
Dear Mr. McGlaulin:

Molly Casto, Planner with Portland's Department of Planning and Development, received your letter dated February 1, 2008 regarding Ms. Marge Schmuckal's (Zoning Administrator) determination that the above project meets the open space requirement of the R-6 zone. In the letter, you argue that the plan does not meet the applicable open space ratio.

You request that this item be sent back to the Planning Board at their next meeting to reconsider their approval of this project. The Planning Board does not have the authority to review the Zoning Administrator's determination, so this item will not be included on their upcoming agenda. I will include a copy of this correspondence as a communication in the packet, but please be advised that there will be no discussion by the Board and no comments taken from the public.

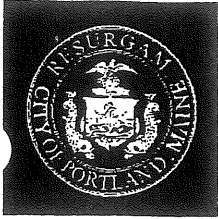
You may seek an interpretation of the zoning decision from the Zoning Board of Appeals within thirty (30) days of the Zoning Administrator's determination. Any inquiries you may have should be directed to Marge Schmuckal, Zoning Administrator.

Thank you for your attention to this matter.

Sincerely,

Alexander Jaegerman
Planning Division Director

- cc: Barbara Barhydt, Development Review Services Manager
- Molly Casto, Planner
- Marge Schmuckal, Zoning Administrator
- Penny Littell, Associate Corporation Counsel

FEB 07 2008



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Lee Urban- Director of Planning and Development
Marge Schmuckal, Zoning Administrator

February 5, 2008

Petrucelli, Martin & Haddow, LLP
Attorneys at Law
50 Monument Square
P.O. Box 17555
Portland, Maine 04112-8555

Attn: Bruce A. McGlaulin

RE: 130 Eastern Promenade – 003-C-001 – R-6 Zone – application #2007-0123

Dear Attorney McGlaulin,

I am in receipt of a copy of your letter to Ms. Molly Casto concerning my determination memo regarding the property at 130 Eastern Promenade dated 2/1/2008. Please note that you have the right to appeal my decision before the Zoning Board of Appeals. If you wish to exercise your right to appeal, you have thirty (30) days from the date of that memo in which to appeal. If you should fail to do so, my decision is binding and not subject to appeal. Please contact this office for the necessary paperwork that is required to file an appeal.

Very truly yours,

Marge Schmuckal
Zoning Administrator

Faxed & sent 2/5/08

Cc: Penny Littell, Associate Corporation Counsel
Molly Casto, Planner
Alex Jaegerman, Director of the Planning Division
Barbara Barhydt, Development Review Coordinator

**Memorandum
Department of Planning and Development
Planning Division**



To: Chair Patterson and Members of the Portland Planning Board
From: Molly Casto, Planner
Date: Prepared on: December 6, 2007
Prepared for: December 11, 2007 Workshop
Re: **The Estates of Longfellow Inn. 130 Eastern Promenade
CBL: 003 C001001
Application #: 2007-0123**

I. INTRODUCTION

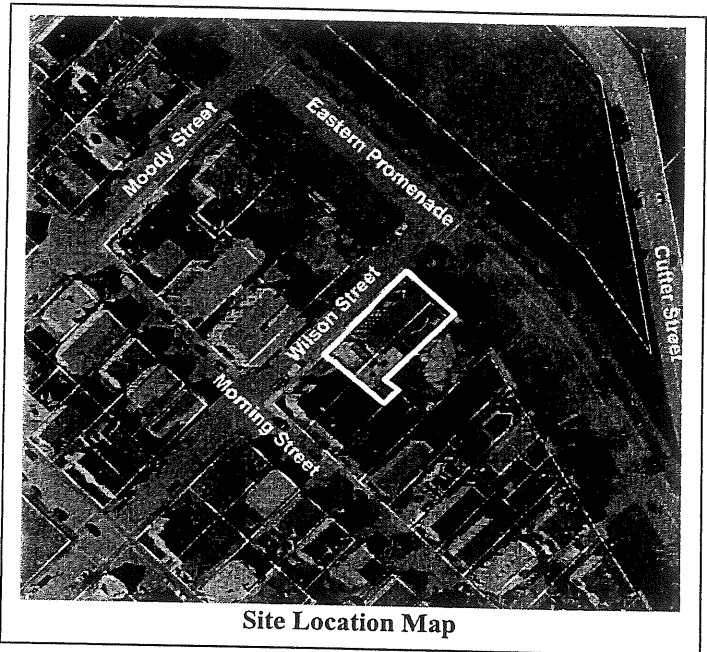
Casco Bay Ventures of Falmouth, Maine has requested a Planning Board workshop to review a proposal to renovate and add a three-story addition to the existing building at 130 Eastern Promenade. The project is to be reviewed according to the City of Portland standards for subdivision and for site plan. The site is located within an R-6 Residential zone.

Notice of the application and workshop was sent to 111 area property owners and was advertised in the Portland Press Herald and on the City website.

Representatives for the applicant include TFH Architects and Back Bay Boundary, Inc., both of Portland, Maine.

II. FINDING OF FACT

Total Land area:	7,905.9 acres (.18 acres)
Zone:	R-6 Residential
Existing Use:	11-unit apartment building with 2-car garage.
Proposed Use:	7-unit apartment building with paved 7-car parking lot.



Site Location Map

III. SITE DESCRIPTION

The site, located at the corner of Eastern Promenade and Wilson Street contains an eleven (11) unit residential structure composed of a three-story frame building with a single story addition and a two-car garage. The existing building is currently vacant.

IV. PROPOSED DEVELOPMENT

The applicant proposes to renovate the existing three-story frame building and to add a three story, three-unit addition off the southeast side. The proposed building will contain seven (7) apartments ranging in size from 1,123 to 1,442 gross sq. ft (excluding porches, decks and balconies). The applicant proposes to demolish the existing garage in order to accommodate a seven (7) car parking lot with covered parking for five (5) full-size cars and two (2) additional surface parking spaces for compact size vehicles (see submitted plans- Attachment 11(e)).

The total square footage of the proposed building footprint is 3,891 sq. ft. The total gross square footage of the proposed development is 10,534 gross sq. ft. The proposal includes a remaining 2,006 sq. ft of landscaped open space.

V. WAIVER REQUEST- SECTION 14-483

The applicant has submitted a letter to the Planning and Inspections Divisions requesting that the Planning Board grant an exemption from the requirements of Section 14-483- Preservation and Replacement of Housing Units (see Attachment 10). Section 14-483 requires the review and approval of the Planning Authority. The applicant is seeking to reduce the number of units in this building from eleven (11) to seven (7).

Section 14-483 is intended to limit the net loss of housing units in the City caused by the demolition of residential property, the conversion of housing units to nonresidential uses or the elimination of housing units as the result of the reduction or consolidation of such units within a residential property. The

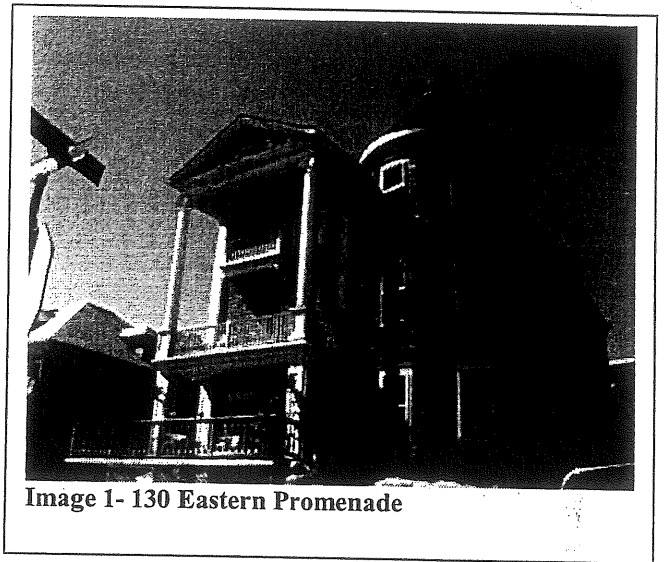


Image 1- 130 Eastern Promenade

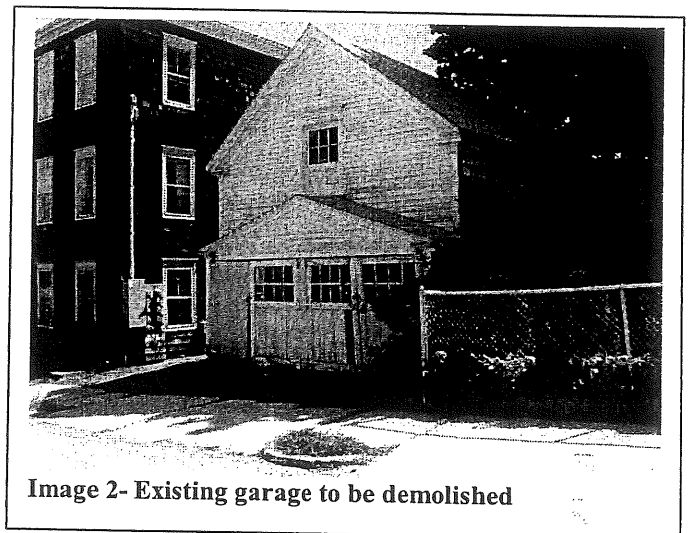


Image 2- Existing garage to be demolished

provisions of this section apply in all zoning districts in cases where three or more lawfully existing dwellings, including dwelling units within multi-family buildings, are demolished, converted to non-residential uses, or eliminated through the reduction or consolidation of units within a residential property within a five (5) year period. The applicant has submitted documentary evidence that they meet exemption criteria (6) as outlined in this section of the Ordinance. Criteria 6 of the exemption criteria (14-483 (n)) states:

(6) Existing residential structure which, exclusive of additions thereto, contain more dwelling units than they were originally designed and built to accommodate and which are being modified to contain fewer dwelling units, subject to the condition that the number of dwelling units originally intended to be accommodated in such structures can be established by documentary evidence.

The applicant is seeking to reduce the number of units from eleven (11) to seven (7). The applicant has submitted documentation to support their determination that the building at 130 Eastern Promenade was originally built and occupied as a building with three (3) dwelling units (see Attachment 10).

VI. ZONING

As stated above, the site is located in the R-6 Residential zone. The applicant's initial proposal, submitted in July 2007, called for nine (9) units. A letter was submitted to the Planning Division from Bruce A. McGlauflin, Esq. of Petruccelli, Martin and Haddow, challenging Marge Schmuckal's initial zoning interpretation. This letter has been included for the Board's reference as Attachment 9. Based on this letter, Marge re-evaluated the proposal and determined that the application did not meet the requirements of Section 14-388 of the City Code - Nonconformity as to area of dwelling units. This section states:

A building nonconforming as to the regulations governing area per dwelling unit shall not be enlarged unless such building, including such addition or enlargement, is made to conform to all the area per dwelling regulations of the zone in which it is located.

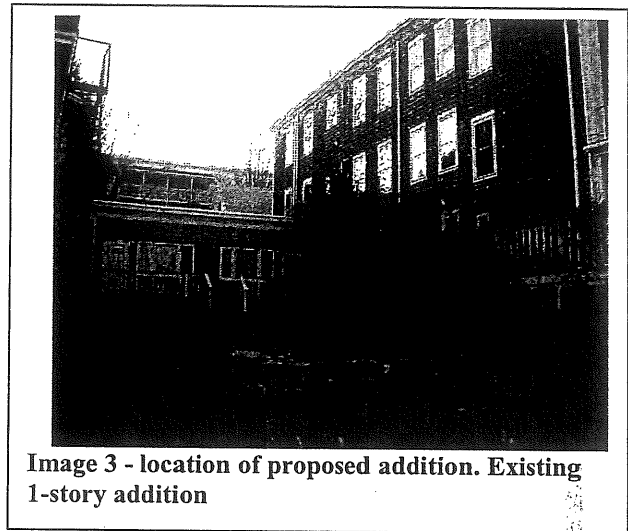


Image 3 - location of proposed addition. Existing 1-story addition

The current lot size is 7,905.9 sq. ft and the existing development on the site with eleven (11) units is currently non-conforming as to land area per dwelling unit requirements of the R-6 zone. The R-6 zone requires 1,000 sq. ft per unit for the first three (3) units, and 1,200 sq. ft. for any additional units. In this case, in order for the nine (9)-unit proposal to meet Section 14-388, the lot size would need to be 10,200 sq. ft. Based on Marge's determination after this issue was brought to her attention, the applicant's proposal was subsequently denied by Zoning (see letter from Zoning Administrator, dated September 26, 2007 to applicants- Attachment 8-a).

Mr. McGlauflin also challenged Marge's interpretation of Section 14-382(d)- *Expansion of non-conforming structure*. This section reads:

Alteration, modification or addition may be made to a building which is lawfully nonconforming as to space and bulk or any dimensional requirement where the proposed changes in existing exterior walls and/or roofs would be within the space occupied by the existing shell of the building, and would not create any new nonconformity nor increase any existing nonconformity. This subsection shall not apply to buildings located within shoreland zones and existing on June 15, 1992, which are nonconforming only as to setbacks from wetlands, tributary streams or other water bodies, which shall be regulated in accordance with subsection (f)(1) d. of this section.

Marge determined that this section of the Ordinance does not restrict any new additions outside the confined shell of the existing nonconforming building. Rather, she interprets this section of the Ordinance to allow new addition(s) if no new nonconformity is created and there is no increase of any existing nonconformity. Marge's letter to Attorney McGlaulin, dated September 26, 2007 (Attachment 8-b) notified him of his right to appeal her decision within thirty (30) days.

In November, the applicant submitted revisions, reducing the number of units to seven (7). Marge has reviewed the applicant's letter and their revised submittals and has determined that the reduction in the number of units brings the proposal into compliance with Section 14-388 (see memorandum from Marge Schmuckal- Attachment 7).

Bruce McGlaulin submitted a follow-up letter, hand delivered to the Planning Division on December 6, 2007, maintaining that the proposal continues to violate Section 14-382(d), notwithstanding Marge's September 26, 2007 interpretation. In the letter Attorney McGlaulin requests that the Planning Board reject the application based on Section 14-382(d). Corporation Counsel has reviewed the December 6, 2007 letter and determined that it is the jurisdiction of the Zoning Board of Appeals and not the Planning Board to review appeals to zoning interpretations. The right to appeal this determination, however, terminated thirty (30) days from the date of Marge's September 26, 2007 letter. Corporation Counsel's response to Attorney McGlaulin's letter is included as Attachment 12.

The enlargement of the building, as proposed in the current submittals, meets the R-6 zone setbacks.

The applicant is not required by zoning (Section 14-332) to incorporate additional parking into their proposal because the proposal does not increase the number of units. The only requirement is that they not reduce off-street parking to less than what exists currently. At present, the property can accommodate two to three parking spaces in the existing garage. The applicant proposes to increase off-street parking to seven (7) parking spaces.

The following chart compares the dimensional requirements of the R-6 zone to the proposed development:

Standard	R-6 Requirements	Proposed Development
Min. Lot Size	4,500 sq. ft.	7,905.9 sq. ft.
Min. Area per Unit	1000 sq. ft/DU for existing building. 1,200 sq. ft. after first 3 DU's = <u>7,800</u> sq. ft minimum	7,905.9 sq. ft.
Min. Street Frontage	40 ft	Approx. 65 ft
Min. Front Yard	10 ft	5 ft- existing bldg / <u>15 ft</u> - bldg addition
Min. Side Yard	10 ft	Approx. 2.5 ft- existing bldg/ <u>10 ft</u> - bldg addition
Min. Rear Yard	20 ft	20 ft
Max. Lot Coverage	50%	49.20%
Min. Lot Width	50 ft	Approx. 65 ft
Min. Structure Height	Min. of 2 stories of living space	3 stories
Max. Structure Height	45 ft	Approx. 39 ft.
Open Space Req.	Min width/length = min. 15 ft and slope = <10%.	Approx. (15.7 x 29.3 ft.) + 18.6 x 10 ft.) Open space (25.4%). Slope = < 10%
Parking	2-3 based on existing development	7

VII. RIGHT, TITLE OR INTEREST

The applicant submitted a warranty deed as appropriate evidence of ownership of the property (see Attachment 2).

VIII. FINANCIAL CAPACITY

The applicant submitted a letter from Bangor Savings Bank with their original application stating that the applicant has the financial capacity to complete the project (see Attachment *). This letter refers to the original nine (9) units development and refers to condominium units, which, according to the applicant is inaccurate as they are proposing rental units. The applicant confirmed in a letter to Marge Schmuckal, Zoning Administrator, dated September 10, 2007 that the project includes rental units only (see letter- Attachment 3(b)). The applicant has been asked to submit an updated letter, which accurately represents the current proposal.

IX. PRELIMINARY STAFF REVIEW

The proposed development has been reviewed by staff for conformance with the relevant review standards of the subdivision and site plan ordinances.

- **Subdivision Recording Plat**

The proposed 3-story addition contains three dwelling units and is therefore defined as a subdivision.

According to Section 14-493 of the City Code of Ordinances - Definitions, a subdivision is defined as:

... The division of a lot, tract or parcel of land into three (3) or more lots, including lots of forty (40) acres or more, within any five-year period whether accomplished by sale, lease, development, buildings or otherwise and as further defined in 30-A M.R.S.A. Section 4401. The term subdivision shall also include the division of a new structure or structures on a tract or parcel of land into three (3) or more dwelling units within a five-year period and the division of an existing structure or structures previously used for commercial or industrial use into three (3) or more dwelling units within a five-year period. The area included in the expansion of an existing structure is deemed to be a new structure for the purposes of this paragraph. A dwelling unit shall include any part of a structure, which, through sale or lease, is intended for human habitation, including single-family and multifamily housing condominiums, time-share units and apartments.

The recording plat is included as Sheet C1.1- Attachment 11(d). Any conditions of approval that the Planning Board places on the subdivision must be shown on the final plat.

- **Traffic, Parking and Pedestrian Circulation**

As stated in the zoning section of this memorandum, the applicant is not required to increase the number of off- street parking spaces due to an overall reduction in the number of units. The applicant, however, has chosen to incorporate seven (7) parking spaces into their proposal. Five (5) of these are standard sized spaces (approx. 9' x 19') located under a building overhang. The remaining two (2) are compact -sized surface parking spaces (7'6" x 15').

Jim Carmody, Traffic Engineer, has reviewed parking and circulation and submitted the following comments:

I have reviewed the plan showing the parking layout. The layout is sufficient in dimensions of the parking spaces including 2 compact spaces, and the aisle width meets city standards. There is adequate width for vehicles to maneuver and able to exit the parking area going forward.

A buffer of arborvitae has been proposed around the parking area. The two existing cedar trees and two existing elms between the proposed lot and the abutter's parking lot at 14 Wilson Street will be preserved, providing additional screening (see submitted landscape plan. Sheet C1.4- Attachment 11(g)).

Continuation of the Wilson Street Sidewalk:

Section 14-498- *Technical and Design Standards*, of the Subdivision Ordinance grants Public Works the authority to promulgate technical and design standards for subdivisions and site plans. Section 14-498 (8) – *sidewalks and curbs* states:

Sidewalks shall be constructed on each side of each street in accordance with article III of chapter 25. Sidewalks to be used by pedestrians are to be so located as to minimize contacts with normal automotive traffic, with preference given to interior walks away from streets in common open space in block interiors.

Section 14-499 of the Subdivision Ordinance lists required improvements for all subdivisions. 14-499 (d) states:

Sidewalks and curbs shall be constructed as required in section 14-498.

The applicant proposes to repair a portion of and to add street trees to the existing concrete sidewalk along Wilson Street. Currently, there is concrete sidewalk on both sides of Wilson Street and along the frontage on the Eastern Promenade. There is a crosswalk across the E. Prom on the right east side of Wilson Street, however there is no sidewalk linking to it across the Prom's grass esplanade. With the exception of the intersection at Moody Street and Eastern Prom, which has a similarly disconnected pedestrian system, all remaining intersections along the Prom (Congress; Turner; Quebec; Melbourne; Montreal and Walnut) include sidewalks along the edge of curb on the esplanade connecting to at least one crosswalk across the Prom (Congress Street has crosswalks on both sides).

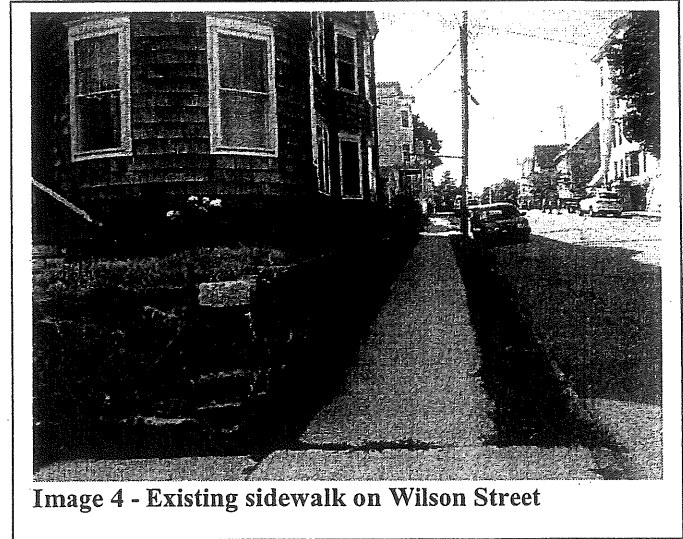


Image 4 - Existing sidewalk on Wilson Street

The 2004 Eastern Promenade Master Plan identifies the intersections at Wilson and Moody Streets as potentially hazardous locations for pedestrians and lists it as a *priority one public safety issue*. The report states, under *Priority One* in the introduction to the *Implementation* section:

On Eastern Promenade, it is recommended to expand the walk and crosswalk system.

In the detailed cost estimates under Priority One, the expansion of the crosswalk at Wilson is specifically listed (Eastern Promenade Master Plan (2004) pp. 65).

The Report's Summary Recommendations section addresses appropriate pavement materials. It states that sidewalks on both sides of the Eastern Promenade should be replaced with brick as required for consistency with the City's sidewalk material policy for historic parks (Eastern Promenade Master Plan (2004) pp. 4). The City's Sidewalk Replacement Material Policy map from District 1 corresponds to this, indicating that brick sidewalks should be used in this area.

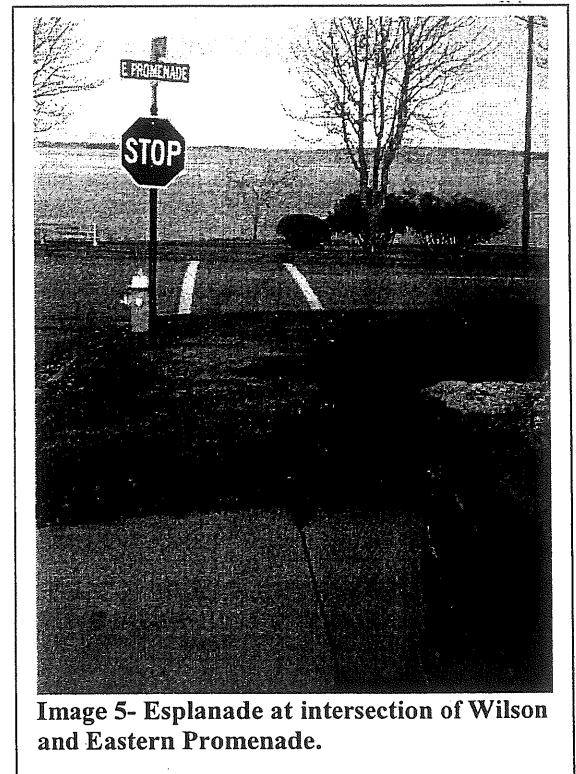


Image 5- Esplanade at intersection of Wilson and Eastern Promenade.

Based on the above information, the Planning Board may want to recommend the inclusion of brick sidewalk along the south-east side of the esplanade at Wilson Street and Eastern Promenade to be included as part of this proposal.

- **Public Utilities and Solid Waste**

The applicant has submitted a letter, dated September 18th, from Public Works stating that they have adequate capacity to handle wastewater flows from the proposed development. The applicant has also submitted a letter from Portland Water District (PWD) dated August 1, 2007 stating that they have adequate capacity to serve the development. While the letter from PWD refers to a nine-unit development, the proposed reduction in the number of units to seven should not affect their ability to service the project. The applicant has submitted letters from both Central Maine Power (CMP), dated August 17, 2007 and Northern Utilities dated August 7, 2007 indicating that there is both sufficient electrical capacity and availability of natural gas in that location to service the proposed project. These four letters have been included as Attachment 4(a) through 4(d).

The applicant proposes locating trash bins with wheels at the far end of the proposed parking area. These trash bins will be screened on three sides with existing or proposed vegetation. Planning staff has requested additional information from the applicant concerning whether they will rely on City services or a private trash hauling company for solid waste management.

- **Exterior Lighting**

The applicant has submitted a detailed lighting plan showing 3 exterior lighting fixtures (Sheet C-1.5- Attachment 11(h)). Proposed lighting is positioned to illuminate the parking area and entrance on the Wilson Street-side of the building. The applicant has not yet submitted catalogue cuts for the proposed fixtures. The Portland Technical and Design Standards and Guidelines stipulate that exterior lighting shall be adequate for the safety of users of the site but shall not cause glare or direct spillover to adjacent properties or create visual distraction to motorists on adjacent streets. According to the submitted photometric plan, the illumination levels of the proposed lighting meet the standards of the Portland Technical and Design Standards, Section XV (4).

- **Fire Safety**

The applicant submitted a life safety plan (Sheet G-1.2- Attachment 11(b)) and fire department checklist for review. Captain Greg Cass of the Portland Fire Department has reviewed and approved these materials.

- **Stormwater**

The submitted stormwater plan is included as Attachment 5. Engineering review comments from Dan Goyette, Consulting Development Review Engineer, are included as Attachment 6. Dan recommends minor revisions to the site plans pertaining to stormwater management. He also addresses two notes, which should be included on the boundary survey stating that, the project survey coincides with approved City standards. City Technical Standards stipulate that the rate of runoff of stormwater leaving the site after development shall not exceed the pre development rate. The City recognizes the difficulties that on-site detention poses to urban development. As the amount of impervious coverage increases, the quantity of water leaving the site will inevitably increase with it. The rate and quality of runoff, however, must be regulated. The submitted stormwater report shows that there will be a slight increase in flow for the post development site conditions. The capacity of the existing combined sewer system and the effect of the proposal's stormwater and sanitary sewer flows on the system must be verified and taken into account in the design prior to approval.

- **Landscaping**

The applicant has submitted a revised landscaping plan for review (Sheet C1.4- Attachment 11(g)). The applicant proposes to add assorted perennials and a weeping cherry (*prunus snowfozam*) above the retaining wall along Eastern Promenade. The plans include measures to both enhance and preserve the existing planting beds along the Eastern Prom and Wilson Street frontages with summer annuals and perennial species. As previously stated, the applicant proposes to plant forty five (45) arborvitae around the parking area as screening. In addition there are two mature cedar and two mature elm trees along the southwest property boundary, between the proposed parking area and an abutter's existing parking lot. The submitted landscaping plan identifies measures to preserve these trees during construction.

The applicant proposes two street trees along Wilson Street as required by Section VI .5.B (1) of the Technical and Design Standards (see submitted landscape plan - Attachment 11(g)). In addition, the applicant has met with Jeff Tarling, City Arborist concerning proposed landscaping along the Eastern Promenade frontage. The applicant proposes to add an American elm (*ulmus Americana*), as recommended by Jeff, to address the landscaping objectives outlined in the Eastern Promenade Master Plan.

- **Urban Design**

The proposal shall be evaluated in terms of Section 14-526 (15) of the Site Plan standards. This section states:

Two-family, special needs independent living unit, multiple-family development, lodging houses, bed and breakfasts, and emergency shelters shall meet the following standards:

a. Proposed structures and related site improvements shall meet the following standards:

1. (a) The exterior design of the proposed two-family structures, lodging houses and emergency shelters, including architectural style, facade materials, roof pitch, building form and height, shall be designed to complement and enhance the nearest residential neighborhood;

X. NEXT STEPS

- Address any additional information requested by the Planning Board and Planning staff
- Address the information requests contained in the body of this memorandum and in the attached staff memorandums.
- Host a Neighborhood Meeting (**May be scheduled anytime after the workshop but must be held no less than seven days prior to Public Hearing*).

XI. ATTACHMENTS:

1. Site Plan application and cover letter
2. Evidence of Right, Title or Interest- Warranty Deed
3. Letter from Bangor Savings Bank - dated June 7, 2007
4. Utility Capacity Letters
 - a. Letter from Central Maine Power - dated August 17, 2007

- b. Letter from Northern Utilities - dated August 7, 2007
 - c. Letter from Portland Water District - dated August 1, 2007
 - d. Letter from Portland Public Works - dated September 18, 2007
5. Revised Stormwater management report - dated November 19, 2007
6. Memorandum from Dan Goyette, Consulting Engineer from Woodard and Curran - dated December 4, 2007
7. Memorandum from Marge Schmuckal - dated November 2, 2007
8. Zoning determinations from Marge Schmuckal- dated September 26, 2007
 - a. Letter addressed to Wally Geyer and Anthony Salem of Casco Bay Ventures
 - b. Letter to Bruce A. McGlauflin, Esq.
9. Letter from Bruce A McGlauflin, Esq. - dated September 4, 2007
10. Letter from Wally Geyer, Casco Bay Ventures requesting exemption from Section 14-483 of the City Code - dated October 22, 2007
11. Revised Plans with cover sheet - dated November 20, 2007
 - a. General Notes- Sheet G-1.1
 - b. Life Safety Plan- Sheet G-1.2
 - c. Boundary Survey
 - d. Subdivision Plan – Sheet C-1.1
 - e. Site Plan – Sheet C-1.2
 - f. Details – Sheet C-1.3
 - g. Landscaping Plan – Sheet C-1.4
 - h. Lighting Plan – Sheet C-1.5
 - i. Basement and Roof Plan – Sheet A-1.1
 - j. First Floor Plan – Sheet A-1.2
 - k. Second Floor Plan – Sheet A-1.3
 - l. Third Floor Plan – Sheet A-1.4
 - m. Exterior Elevations – Sheet A-2.1
12. Letter from Bruce A. McGlauflin Esq., dated December 6, 2007
13. Letter from Penny Littell, Associate Corporation Counsel to Attorney Bruce McGlauflin, dated December 7, 2007.

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

Attachment 1

2007-0123
Application I. D. Number

7/16/2007
Application Date

Casco Bay Ventures
Applicant
223 Woodville Rd , Falmouth , Me 04105
Applicant's Mailing Address

Estates of Longfellow Inn
Project Name/Description

Consultant/Agent
Applicant Ph: (207) 797-7752 Agent Fax:
Applicant or Agent Daytime Telephone, Fax

130 - 130 Eastern Promenade, Portland, Maine
Address of Proposed Site
003 C001001
Assessor's Reference: Chart-Block-Lot

Proposed Development (check all that apply): New Building Building Addition Change Of Use Residential Office Retail
 Manufacturing Warehouse/Distribution Parking Lot Apt 0 Condo 0 Other (specify)

Proposed Building square Feet or # of Units 7905.9 Acreage of Site Zoning R6

Check Review Required:

- Site Plan (major/minor) Zoning Conditional - PB Subdivision # of lots
- Amendment to Plan - Board Review Zoning Conditional - ZBA Shoreland Historic Preservation DEP Local Certification
- Amendment to Plan - Staff Review Zoning Variance Flood Hazard Site Location
- After the Fact - Major Stormwater Traffic Movement Other
- After the Fact - Minor PAD Review 14-403 Streets Review

Fees Paid: Site Plan \$400.00 Subdivision Engineer Review Date 7/17/2007

Planning Approval Status:

Reviewer

- Approved Approved w/Conditions See Attached Denied

Approval Date Approval Expiration Extension to Additional Sheets Attached

OK to Issue Building Permit signature date

Performance Guarantee Required* Not Required

* No building permit may be issued until a performance guarantee has been submitted as indicated below

<input type="checkbox"/> Performance Guarantee Accepted	<u> </u> date	<u> </u> amount	<u> </u> expiration date
<input type="checkbox"/> Inspection Fee Paid	<u> </u> date	<u> </u> amount	
<input type="checkbox"/> Building Permit Issue	<u> </u> date		
<input type="checkbox"/> Performance Guarantee Reduced	<u> </u> date	<u> </u> remaining balance	<u> </u> signature
<input type="checkbox"/> Temporary Certificate of Occupancy	<u> </u> date	<input type="checkbox"/> Conditions (See Attached)	<u> </u> expiration date
<input type="checkbox"/> Final Inspection	<u> </u> date	<u> </u> signature	
<input type="checkbox"/> Certificate Of Occupancy	<u> </u> date		
<input type="checkbox"/> Performance Guarantee Released	<u> </u> date	<u> </u> signature	
<input type="checkbox"/> Defect Guarantee Submitted	<u> </u> submitted date	<u> </u> amount	<u> </u> expiration date
<input type="checkbox"/> Defect Guarantee Released	<u> </u> date	<u> </u> signature	

July 12, 2007

Mr. Alex Jaegerman
Director, Planning Division
Portland City Hall
389 Congress Street
Portland, Maine 04101

Dear Mr. Jaegerman,

On behalf of Wally Geyer and Anthony Salem, of Casco Bay Ventures, we are submitting the enclosed Site Plan Application for their "The Estates of Longfellow Inn at 130 Eastern Promenade" project here in Portland.

This project entails the renovation of an existing eleven-unit apartment building, including the demolition of a portion of the existing building, the construction of an addition, and the elimination of two units for a final total of nine units. Construction is scheduled to commence in August of 2007 and to be completed in December of 2008.

If you have any questions or need further information, please contact Will Tinkelenberg at (207)773-7029 or myself. Thank you,

Sincerely,

A handwritten signature in black ink, appearing to read "T. Scott Teas", with a long horizontal line extending to the right.

T. Scott Teas, NCARB, AIA
Principal



Site Plan Application

Department of Planning and Development
Portland Planning Board

Address of Proposed Development: 130 EASTERN PROMENADE, PORTLAND, MAINE		Zone: R-6 RESIDENTIAL
Project Name: THE ESTATES OF LONGFELLOW INN AT 130 EASTERN PROMENADE IN PORTLAND, MAINE		
Existing Building Size: 8,561 sq. ft.	Proposed Building Size: 10,999 sq. ft.	
Existing Acreage of Site: 7,905.9 sq. ft.	Proposed Acreage of Site: 7,905.9 sq. ft.	
Tax Assessor's Chart, Block & Lot: Chart# Block # Lot# 3 C 1,2	Property Owners Mailing address: ANTHONY SALEM 1433 RYDAL ROAD RYDAL, PA 19046 WALDON GEYER 223 WOODVILLE ROAD FALMOUTH, ME 04105	Telephone #: (207)797-7752 (215)885-2421 Cell Phone #: (207)329-3885
Consultant/Agent Contact Name and mailing address, Telephone # and Cell Phone #: WILL TINKELENBERG TFH ARCHITECTS 100 COMMERCIAL STREET PORTLAND, ME 04101 (207)775-6141; (207)773-7029	Applicant's Name/Mailing Address: CASCO BAY VENTURES 223 WOODVILLE ROAD FALMOUTH, MAINE 04105	Telephone #: (207)797-7752 Cell Phone #: (207)329-3885
Fee For Service Deposit (all applications) <input checked="" type="checkbox"/> (\$200.00)		
Proposed Development (check all that apply) <input type="checkbox"/> New Building <input checked="" type="checkbox"/> Building Addition <input type="checkbox"/> Change of Use <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Office <input type="checkbox"/> Retail <input type="checkbox"/> Manufacturing <input type="checkbox"/> Warehouse/Distribution <input type="checkbox"/> Parking lot <input type="checkbox"/> Subdivision (\$500.00) + amount of lots _____ (\$25.00 per lot) \$ _____ + major site plan fee if applicable <input type="checkbox"/> Site Location of Development (\$3,000.00) (except for residential projects which shall be \$200.00 per lot _____) <input type="checkbox"/> Traffic Movement (\$1,000.00) <input type="checkbox"/> Storm water Quality (\$250.00) <input type="checkbox"/> Section 14-403 Review (\$400.00 + \$25.00 per lot) <input type="checkbox"/> Other _____		
Major Development (more than 10,000 sq. ft.) <input type="checkbox"/> Under 50,000 sq. ft. (\$500.00) <input type="checkbox"/> 50,000 - 100,000 sq. ft. (\$1,000.00) <input type="checkbox"/> Parking Lots over 100 spaces (\$1,000.00) <input type="checkbox"/> 100,000 - 200,000 sq. ft. (\$2,000.00) <input type="checkbox"/> 200,000 - 300,000 sq. ft. (\$3,000.00) <input type="checkbox"/> Over 300,000 sq. ft. (\$5,000.00) <input type="checkbox"/> After-the-fact Review (\$1,000.00 + applicable application fee)		

RECEIVED

JUL 16 2007

**City of Portland
Planning Division**

~ Please see next page ~

Minor Site Plan Review

- Less than 10,000 sq. ft. (\$400.00)
- After-the-fact Review (\$1,000.00 + applicable application fee)

Plan Amendments

- Planning Staff Review (\$250.00)
- Planning Board Review (\$500.00)

Who billing will be sent to:

CASCO BAY VENTURES
223 WOODVILLE ROAD
FALMOUTH, MAINE 04105

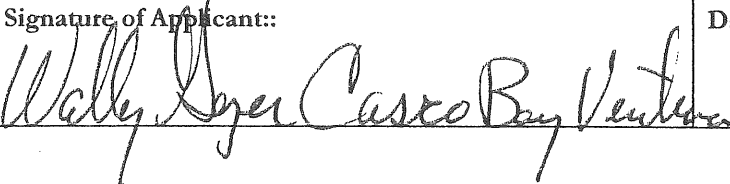
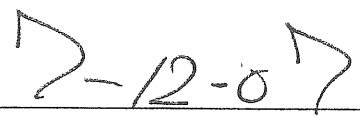
Submittals shall include (7) separate **folded** packets of the following:

- a. copy of application
- b. cover letter stating the nature of the project
- c. site plan containing the information found in the attached sample plans checklist
- d. 1 set of 11x17 plans

Section 14-522 of the Zoning Ordinance outlines the process which is available on our web site: portlandmaine.gov

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

This application is for site review only; a Building Permit application and associated fees will be required prior to construction.

Signature of Applicant: 	Date: 
--	---

BK 14078PG001

56540

WARRANTY DEED

with Covenants

KNOW ALL MEN BY THESE PRESENTS,

THAT We, LAWRENCE V. TIRRELL and BEVERLY W. TIRRELL, both of the City of Saco, in the County of York and State of Maine, in consideration of One Dollar and other good and valuable consideration paid by 130 Eastern Prom, LLC, a Maine limited liability company, and having a principal place of business located at 130 Eastern Promenade, Portland, ME 04101, the receipt whereof We do hereby acknowledge, do hereby give, grant, bargain, sell and convey unto the said 130 Eastern Prom, LLC, its successors and assigns forever,

A certain lot or parcel of land, with the buildings thereon, situated on the Westerly side of the Eastern Promenade in the City of Portland, County of Cumberland and State of Maine, being bounded and described as follows:

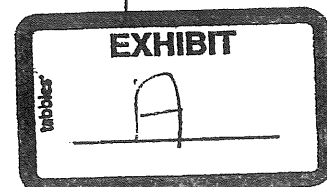
Beginning at the corner formed by the intersection of the Westerly sideline of said Eastern Promenade and the Southerly sideline of Wilson Street; thence Westerly by said Wilson Street 114.70 feet to a point distant 80 feet Easterly from Morning Street; thence Southerly on a line parallel with said Morning Street 40 feet to a point; thence Easterly on a line parallel with said Wilson Street 115.71 feet to said Eastern Promenade; thence Northerly by said Eastern Promenade 40 feet to the point begun at. Being a part of Block 1 on a plan recorded in Cumberland County Registry of Deeds, Plan Book 4, Page 18.

ALSO another certain lot or parcel of land, with any buildings thereon, situated in said City of Portland, being bounded and described as follows:

Beginning at a point on the Westerly side of Eastern Promenade distant 40 feet Southerly from the corner formed by the intersection of the Westerly sideline of said Promenade and the Southerly sideline of Wilson Street, which point is in the Southeasterly corner of a lot of land sold to Emma A. Calhoun, January 25, 1899, by George B. Uphom; thence Southerly by the said Promenade 45.23 feet to the strip of land sold to S.P. Beckett by the Deering Heirs in 1874, by deed recorded in said Registry, Book 410, Page 557; thence Westerly by said land sold to said Beckett 116.65 feet to a point distant 80 feet Easterly from Morning Street; thence Northerly on a line parallel with said Morning Street 45.46 feet to said lot sold to Emma A. Calhoun; thence Easterly on a line parallel with said Wilson Street and by said lot sold to Emma A. Calhoun 115.07 feet to that begun at. Being a part of Block of land marked 1 in plan recorded in said Registry, Plan Book 4, Page 18.

EXCEPTING and RESERVING from the above described premises so much thereof as was conveyed by Harry H. Pense to George T. Dealy by deed recorded in said Registry, Book 845, Page 70, and not reconveyed by said Dealy to said Pense by deed recorded in said Registry, Book 855, Page 476, being a lot 20 feet in width and 97.1 feet in depth.

MAINE REAL ESTATE TAX PAID



BK 14078PG002

Being Parcels I and II only conveyed to the within Grantors by Warranty Deed of William Rubin, dated December 1, 1979 and recorded in said Registry of Deeds in Book 4538, Page 271.

TO HAVE AND TO HOLD the aforegranted and bargained premises, with all the privileges and appurtenances thereof, to the said 130 Eastern Prom, LLC, its successors and assigns, to its own use and behoof forever.

AND WE DO COVENANT with the said Grantee, its successors and assigns, that We are lawfully seized in fee of the premises, that they are free of all encumbrances, except as aforesaid and except for any and all state, federal and local land use regulations, ordinances, statutes and acts and zoning laws and ordinances of the City of Portland; and that We have good right to sell and convey the same to the said Grantee to hold as aforesaid; and that We and our heirs shall and will warrant and defend the same to the said Grantee, its successors and assigns forever, against the lawful claims and demands of all persons.

IN WITNESS WHEREOF, We, the said Lawrence V. Tirrell and Beverly W. Tirrell, have hereunto set our hands and seals, this 19th day of the month of August, 1998.

Signed, Sealed and Delivered
in Presence of:

[Signature]

Lawrence V. Tirrell
Lawrence V. Tirrell

to her

[Signature]
Beverly W. Tirrell

STATE OF MAINE
COUNTY OF CUMBERLAND, ss

August 19, 1998

Then personally appeared the above named Lawrence V. Tirrell and Beverly W. Tirrell and acknowledged the foregoing instrument to be their free acts and deeds.

Before me,

[Signature]
Notary Public / Attorney-at-Law

My Notary commission
expires on: N/A

Drew A. Anderson
(Print or Type Name)

RECEIVED
RECORDED REGISTRY OF DEEDS

1998 AUG 20 AM 9:48

CUMBERLAND COUNTY

John B. O'Brien

Attachment 3(a)



June 7, 2007

Planning Department
City of Portland
389 Congress Street
Portland, ME 04101

Re: 130 Eastern Promenade, Portland, Me

To Whom It May Concern:

Based upon meetings with the developer, information received to date, along with the experience of the borrower, Wally Geyer and Casco Bay Ventures have the financial capacity and development expertise to complete the proposed redevelopment of 130 Eastern Promenade into 9 condominium units. Please call me with any further questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael P. O'Reilly".

Michael P. O'Reilly
Vice President
Commercial Lending

Attachment 3(b)

TFH ARCHITECTS 100 COMMERCIAL STREET PORTLAND MAINE 04101 TELEPHONE 207-775-6141 ARCHITECTURE AND PLANNING

September 10, 2007

Ms. Marge Schmuckal
Zoning Administrator
Planning & Development Department
Portland City Hall
389 Congress Street
Portland, Maine 04101

RE: "The Estates of Longfellow Inn at 130 Eastern Promenade"

Dear Marge,

On behalf of Wally Geyer and Anthony Salem, of Casco Bay Ventures, I am contacting you regarding their "The Estates of Longfellow Inn at 130 Eastern Promenade" project here in Portland. As requested, this letter is to confirm that this project does *not* include any condominiums, but rental units only. The reference to "9 condominium units" in the June 7, 2007 Bangor Savings Bank letter to the Planning Department is erroneous; the letter should have said "9 rental units." Should there be any other references to condominiums in the Site Plan Application materials, they too are similarly incorrect.

If you have any questions or need further information, please don't hesitate to contact me. By phone I am best reached at (207)773-7029.

Sincerely,



Will Tinkelenberg

cc: Molly Casto, Planner
Wally Geyer, Casco Bay Ventures
Scott Teas, TFH Architects



Central Maine Power

August 17, 2007

TFH Architects
100 Commercial St
Portland, ME 04101
Attn: Will Tinkelenberg

RE: Electrical Capacity for Casco Bay Ventures

Dear Mr. Tinkelenberg:

This letter is to inform you that Central Maine Power Company has sufficient electrical capacity in the area of 130 Eastern Promenade, Portland, to serve your proposed development, "The Estates of Longfellow Inn at 130 Eastern Promenade in Portland, Maine."

Please forward site plans, electrical loads, voltage requirements, and appropriate schedules when available so we can coordinate our utilities with the project.

If you have any questions or if I can be of further assistance, please give me a call at (207) 828-2885.

Sincerely,

Kelly A Humphrey
Field Services Supervisor
Central Maine Power Company





August 7, 2007

Will Tinkelenberg
TFH Architects
100 Commercial St
Portland ME 04101

AUG 10 2007

RE: Sisters 130 Eastern Promenade, Portland ME

Dear Will,

Northern Utilities confirms the availability of natural gas service for the location indicated above.

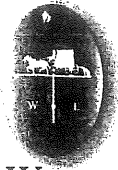
There is an existing gas main in front of #130 that may be used to supply natural gas to the facility. Whether this main will be of sufficient capacity to serve this new project or if an extension of facilities is needed to provide the necessary service will be determined at such time as full construction details including natural gas flow and pressure requirements are supplied to this office.

Installation of facilities will be subject to any restrictions imposed by regulatory or other governmental agencies. This letter assumes all necessary municipal permits will be approved. If extending natural gas facilities is required to serve this new project, Northern Utilities may require a contribution in aid of construction from the owner.

This letter does not constitute a commitment or contract to deliver natural gas to the above address. An application and/or contract must be signed before any work can begin. I hope this "letter of natural gas availability" meets your needs. Please contact me if further assistance is needed.

Sincerely,


Janet Oliver
Commercial Sales Representative
Northern Utilities
325 West Rd
Portsmouth NH 03801
603-436-0310 x5344
603-431-0820 fax
joliver@nisource.com



Attachment 4(c)

CUSTOMER SERVICE
OFFICE HOURS
8:30 A.M. - 4:30 P.M.

Portland Water District

FROM SEBAGO LAKE TO CASCO BAY

August 1, 2007

TFH Architects
100 Commercial Street
Portland, ME 04101

Attn: Will Tinkelenberg
Re: 130 Eastern Promenade - Portland, ME
Ability to serve with PWD water

RECEIVED
AUG 06 2007
BY:-----

Dear Mr. Tinkelenberg:

This letter is to confirm that there should be an adequate supply of clean and healthful water to serve the needs of the proposed 9-unit apartment building at 130 Eastern Promenade in Portland. According to District records, there is a 6-inch diameter cast iron water main on the east side of Wilson Street and an 8-inch diameter cast iron water main on the south side of Eastern Promenade that could serve your needs. There is a hydrant located 50' north of the property, at the corner of Wilson Street and Eastern Promenade.

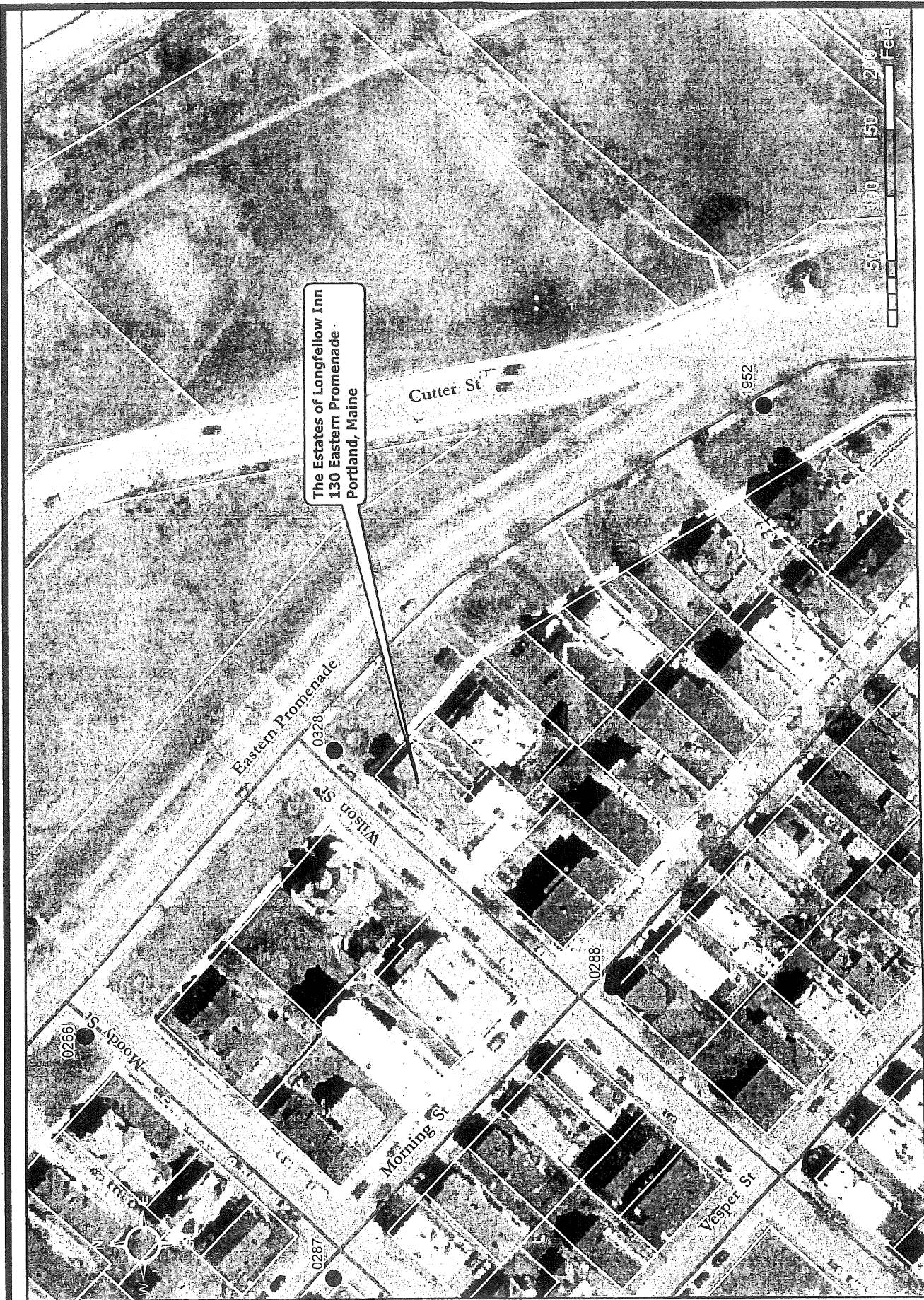
The current data from the nearest hydrant with valid test flow data indicates there should be adequate capacity of water to serve the needs of your proposed project.

Hydrant Location: 50' north of the property
Hydrant Number: SPD-HYD00328
Static Pressure: 56 psi
Flow: 919 gpm
Last Tested: 6/24/1991

Any existing services that won't be reused as part of this project will need to be shut and cut at the main. Please notify your mechanical engineer of these results so that they can design your system to best fit the noted conditions. If the District can be of further assistance in this matter, please let us know.

Sincerely,
Portland Water District

Rico Spugnardi, P.E.
Business Development Engineer



The Estates of Longfellow Inn
 130 Eastern Promenade
 Portland, Maine

PORTLAND WATER DISTRICT
 225 Douglass Street
 Portland, ME 04104



Drawn By: JCP
 Date: 8/1/07

Scale: As Noted

The Estates of Longfellow Inn
 130 Eastern Promenade

Portland

This map is suitable for preliminary study and analysis pending review of additional information. The data shown are only as accurate as the original data sources from which the information and data "as-noted" may be evident.

Prepared for:
 TFH Architects

Sheet No. 1 of 1

Attachment 4(d)

18 September 2007

Mr. Will Tinkelenberg,
T.F.H. Architects,
100 Commercial Street,
Portland, Maine 04101

Corrected Copy

**RE: The Capacity to Handle Wastewater Flows, from the Proposed Renovation of a
Multi-Family Residential Building, at 130 Eastern Promenade.**

Dear Mr. Tinkelenberg:

The existing ten-inch diameter vitrified clay sewer pipe located in the Eastern Promenade has adequate capacity to **transport**, while The Portland Water District sewage treatment facility, located off Marginal Way, has adequate capacity to **treat** the total anticipated wastewater flows of **1,046 GPD**, from the proposed residential renovation.

Anticipated Wastewater Flows from the Proposed Residential Rehabilitation Project:

4 Proposed One-Bedroom Units @ 180 GPD/Unit	= 720 GPD
5 Proposed Two-Bedroom Units @ 180 GPD/Unit	= 900 GPD
Less Existing Wastewater Flows of	= <u>(574 GPD)</u>
Total Proposed Net Increase in Wastewater Flows for this Project	= 1,046 GPD

The City combined sewer overflow (C.S.O.) abatement consent agreement (with the U.S.E.P.A., and with the Maine D.E.P.) requires C.S.O. abatement, as well as storm water mitigation, in order to offset any increase in sanitary flows, from all projects.

If the City can be of further assistance, please call 874-8832.

Sincerely,
CITY OF PORTLAND

Frank J Brancely, B.A., M.A.
Senior Engineering Technician

FJB

CC: Alexander Q. Jaegerman, Director, Planning Division, Department of Planning, and Urban Development, City of Portland
Barbara Barhydt, Development Review Services Manager, Department of Planning, and Urban Development, City of Portland
David Margolis-Pineo, Deputy City Engineer, City of Portland
Michael Farmer, P.E., Project Engineer, City of Portland
Bradley A. Roland, P.E., Environmental Projects Engineer, City of Portland
Stephen K. Harris, Assistant Engineer, City of Portland
Jane Ward, Administrative Assistant, City of Portland

Planning & Development Department | 389 Congress Street | Room 308| Portland, Maine 04101 | 207-874-8683

City Home Economic Development Planning Community Development Inspections H

CITY OF PORTLAND, MAINE
AGENDA

Portland Planning Board

Applications & Fees

Codes, Regulations & Ordinances

Committees & Agendas

Comprehensive Plans

Financial Programs

Historic Preservation & Public Art

Maps

Permitting & Development

Publications & Resources

[browse city services a-z](#)

[browse facts and links a-z](#)

search this site

Search



DATE: 1/22/2008
TIME: 3:30 PM
LOCATION: Room 209, 2nd Floor
Portland City Hall, 389 Congress Street
AGENDA

1. **WORKSHOP - 3:30 P.M.**

i Random Orbit Condominiums; Subdivision and Site Plan Review for 26 Units; Vicinity of 81 Danforth Street; Random Orbit, LLC., Applicant. (3:30 – 4:15 p.m. - estimated time, subject to change)

ii State Street Condominiums; Subdivision and Site Plan Review for 9 Residential Units; Vicinity of 116-118 State Street; Norton, LLC., Applicant. **(THIS ITEM HAS BEEN TABLED TO A FUTURE DATE)**

2. **PUBLIC HEARING - 5:00 P.M.**

ROLL CALL AND DECLARATION OF QUORUM

COMMUNICATIONS AND REPORTS

REPORT OF ATTENDANCE AT THE PREVIOUS MEETING, HELD ON:

January 8th, 2008 Workshop: Tevanian, Silk, Patterson, Hall and Lowry present; Freund and Odokara absent.

January 8th, 2008 Public Hearing: Tevanian, silk, Patterson, Hall and Lowry present; Freund and Odokara absent)

ANNOUNCEMENT OF DECISIONS AT THE PREVIOUS MEETING, HELD ON DECEMBER 11TH, 2007

i. Morning Star Lane Subdivision; Vicinity of Summit Street; Morningstar Real Estate Trust, Applicant.

The Board voted unanimously 5-0 (Freund and Odokara absent) to table this item to a date to be determined.

ii. Office/Studio Space; Vicinity of 5 South Street; Stephen Blatt Architects, Applicant.

The Board voted unanimously 5-0 (Freund and Odokara absent) to waive the maximum build to line; voted unanimously 5-0 (Freund and Odokara absent) to waive the requirement that parking be within 100' provided that the applicant provide a five year lease for the number of spaces required



under site plan prior to issuance of a certificate of occupancy and voted unanimously 5-0 (Freund and Odokara absent) to table this item to January 22, 2008 at 5:00 p.m.

iii. Industrial I-L Zoning Text Amendment; Vicinity of 215-237 Read Street; JB Brown & Sons, Applicant.

The applicant requested to have this item tabled to the January 22, 2008 Planning Board meeting.

iv. Bicycle amendments and Technical Standards; City of Portland, Applicant.

The Board voted unanimously 5-0 (Freund and Odokara absent) to recommend this item to the City Council

UNFINISHED BUSINESS - 5:00 P.M.

i. Office/Studio Space; Change of Use, Renovation and 1,802 sq. ft. Building Addition; Vicinity of 5 South Street; Stephen Blatt Architects, Applicant. (5:00 – 5:45 p.m. – estimated time, subject to change)

Break for Dinner

UNFINISHED BUSINESS (continued) - 7:00 p.m.

i. IL Conditional Rezoning for Warehouse Use over 10,000 sq. ft. and Self-Storage; Vicinity of 215-237 Read Street; JB Brown & Sons, Applicant. (7:00 – 7:45 p.m. – estimated time, subject to change)

NEW BUSINESS

ii. Estates of Longfellow Inn; Subdivision and Site Plan Review for 7 Residential Units; Vicinity of 130 E. Promenade; Casco Bay Ventures, Applicant. (7:45 – 8:30 p.m. – estimated time, subject to change)

iii. UNE School of Pharmacy; Site Plan Review of a College of Pharmacy Building facing Stevens Avenue; Vicinity of 716 Stevens Avenue; University of New England, Applicant. (8:30 – 9:15 p.m. – estimated time, subject to change)

iv. Warren Green Conditional Rezoning for 170 Residential Units, 5 Homes and 2 Commercial Sites; Vicinity of 421 Warren Avenue; JMC Warren Ave., LLC., Applicant. (9:15 – 10:00 p.m. – estimated time, subject to change)

NOTE: It is possible that the Board will not reach all of the items prior to adjournment. Any items not reached will be rescheduled to appear on the subsequent agenda with items appearing early on the agenda as unfinished business.

Portland Planning Board
January 22, 2008

New Business; Item ii
Casco Bay Ventures Subdivision and Site Plan Review

Participants:

Chair of Board ("Chair")
Planning Board Members ("PB")
Planning Staff ("Castos" "Staff")
Representative of Casco Bay Ventures ("CBG")
Bruce McGlauflin ("McGlauflin")
Penny Littell ("Littell")

Chair: The next item of business is the Estates of Longfellow Inn Subdivision and Site Plan review for seven residential units in the vicinity of 130 Eastern Promenade, Casco Bay Ventures is the applicant.

PB: Madam Chairwoman, _____ read the staff report and _____

Chair: Okay.

PB: Okay

Chair: So, can we have an introduction by staff?

Group chatter mostly unintelligible re chairs

Chair: Okay, so now we have an applicant? _____ and Board Members?

PB: He'll be right back.

Chair: Okay, I think we are ready now for an introduction by _____.

Castos: The applicant, Casco Bay Ventures is requesting subdivision and site plan review and approval from the Planning Board for their proposal to renovate and add three-story addition to an existing building at 130 Eastern Promenade. The project name is the Longfellow Inn. Basically, the applicant proposes to renovate the three-story frame building, demolish the one-story addition and add a three-story, three unit addition on the southeast side in its place. The proposed building will contain seven apartments. The proposal includes demolishing the existing garage in order to accommodate a seven-car

parking lot including car parking for five full-size cars and two additional outside parking spaces for compact size vehicles. Um, the proposal does include a waiver request. The applicant has submitted a letter to the Planning and Inspections Division requesting that the Planning Board grant an exemption from the requirements of Section 14-483, which is Preservation and Replacement of Housing Units. Um, this letter can be found in Attachment 13. Um, this section of the Ordinance is intended to limit the net loss of housing in Portland. The applicant has submitted documentary evidence that they meet the exemption criteria _____, as outlined in this section of the Ordinance. Um, criteria _____ exempt buildings that contain more dwelling units than they were originally designed and built to accommodate and which are being modified to contain fewer dwelling units. The applicant proposes to reduce the number of units from eleven to seven. The applicant has submitted documentation that the building was originally built with three dwelling units in 1903. The number of dwelling units was subsequently increased when the building was converted for hotel use as the Longfellow Inn in 19___. Um, Casco Bay Ventures held a neighborhood meeting as required by the City Code on December 27, 2007. Documentation from that meeting is included as Attachment 6. At this point, I am ready to turn it over to the applicant so that they can provide a summary of their project and highlight any updates for the Board. That's all.

Chair: Okay. Thank you, Molly. So we will turn it over to the applicant for its presentation.

CBG: Thank you. Thank you, Molly. Um, I am Scott Teyes a principal of _____ Architects. Maybe a little history would be in order. Um, we began the project about nine months ago. Molly, here, asked us to evaluate the structure to see what it would comfortably accommodate on this site. Um, we did have additional meetings with Planning staff. We reviewed the Ordinance and we actually came up with a nine-unit project – which doesn't look so dissimilar to this, but clearly was two units more than what we submitted. During the process and with further review, it was discovered that in fact the ratio of land _____ and the number of units that they were proposing, was not _____ consistent and sitting back and looking very hard at the, what we had to work with, the existing building as well as the Ordinance, and working with Staff, including Marge, in terms of interpretation, we decided to reduce the number of units from nine to seven, and that's the project that's in front of you this evening. Um, we have taken a number of steps, that I feel, to create a design that is consistent with the spirit of the buildings that march along the Eastern Promenade. We have also tried our best to respond to the historic nature of this, the original building. Um, again, I think that you are aware because this is a _____ old project, but it was built as a three-family house, and that evolved into an inn with up to eleven units and now we are back to seven. So its really had quite a life. I guess that its, that maybe we should start with the elevations, um, second floor _____ which I, I will try to keep my pointer out of everybody's eyes. Um, you can see from the design that the original building which is over to my right, consists of a tower and a very larger

porch. Its an asymmetrical elevation, but in terms of composition, we feel reasonably well balanced. So, to add something on it we felt it was appropriate to give it some breathing room if you will. So you will note that the old paint or shingle area is really a smaller element placed over to the left hand side with a high degree of razing (?) up on the third floor, the balcony on the third floor, (blazing/razing) up on the third floor to the side. What that allows us to do is to hold that back, the upper portion of the third area, to connect it, if you will, scale wise, to the adjacent building. Uh, we not only considered the building immediately to the left, but also, of course, this lovely structure across Wilson Street, which as you can see is not unlike our building in terms of scale. In studying the buildings within the neighborhood, we went to the figure

_____ which is the second drawing over here. As you can see, our building is in the terra cotta color. What I've done here is to, I've not only placed the building to identify it on the corner of the Eastern Prom and Wilson Street, but also to place some reference numbers giving the distance between the buildings in the immediate area and neighborhood. So as you look around you will see, six and twelve and ten and seven, uh, eight, etc. as you go through it. Our building is in fact in this area about fifteen feet away from the adjacent building on the Eastern Prom. It does get down to twelve feet and some inches at the _____. The spot which we've been measuring within the numbered _____ is not twelve feet. So we felt that the relationship between our building and the adjacent, the immediate adjacent building, was appropriate neighborhood, and I think I'll, I've sort of evolved into that meeting, some of the discussions we had, was, well if the building is three stories high, and its part of a reasonably dense neighborhood, I think that does mean that there are shadows being cast on adjacent structures. As you can see from the extreme left-hand series of diagrams, this is the immediate neighborhood modeled in three-dimensions with the sun as it moves through the sky in January and in July. Um, so we're talking about the Solstice in winter and summer as the extremes. As you can see in the red, incidentally, the shadow cast by the building (end this portion of recording)

Next portion of recording

CBG: . . . existing building and the new building so here we are on a July morning and in fact the sun just rises, I'm sorry, January, and we have a shadow that is cast across Wilson Street to the adjacent building. Interestingly enough that shadow is what is cast today because our structure being on the opposite side really doesn't impact it, being no higher than the existing structure now as sun moves around to the south, you see in the center picture here, the noon, which was the shadow cast, not on the adjacent building but stretching out across Wilson Street, toward the Eastern Promenade. And then in the afternoon, because of the winter, the sun sets actually south of due west, we actually don't even have the shadow being cast on the existing, the adjacent house. You see the are two shadows delineated – the hard line is the total building, the dash line represents the existing building separated from the addition. So the difference here is this gray area over off to the left. Now as you move around to July when the sun rises well north of

east, uh, you can see the sun starting to track up across, I mean the shadow, tracking up Wilson Street as it does now. The additional shadowing is across the parking lot or across the, um, place where we are demolishing the existing two-story structure. Likewise, at noon, the difference between the existing building and our new building is almost negligible, excuse me, and, um, in the afternoon when the sun is well north of west, we do have some shadowing on the adjacent house. Um, the difference between the existing condition and what we are proposing is about a half-hour. Meaning that if you take any point on that house to where the shadow is now, it is going to occur there about a half-hour earlier in the day, because we are that much closer to the existing building.

Um, turning your attention to the center diagram, the square footage of the two-story structure that we are tearing down is approximately 500 square feet more than the addition that we are adding. So this area is a few hundred square feet greater than this area. The dashed area, uh, what we tried to do was to provide parking, even though the Ordinance because we are reducing the number of units does not require parking, what we have done by shuffling the units around in the interior and creating a one to two story unit between the second and third floors. We have been able to carve out these four parking spaces which are actually under cover. You can see them here and you can also see them in this recess, those four parking spaces _____ the lower right hand corner tucked underneath. Um, trying to recognize the importance of this building, not only to the Eastern Prom, but also from Wilson Street. Um, Wilson Street elevation changes very little, we've cut and announced an entrance. This is now the private entrance, over in the elevations you can see Wilson Street as well as this extension. So that provides an airlock, also a gradual ramp to make the ground-floor units handicap accessible. There are not any elevators in this three-story building, essentially they are walk-up, they are walk-up units. As far as the other elevations are concerned, the elevation that is adjacent to the house, to the, um, to the south of the Eastern Prom, is, um, again, carved out along the leading edge to create a two-story element, adjacent to the two-story house, and then it sets back about ten feet and then it bumps up. The roof configuration being very similar to the same slope as the existing building. We've already talked about the back elevation which can be seen from the abutter on the, on um, on Morning Street.

As far as the site amenities, there is a request to extend the sidewalk, there was some discussion about whether that should be brick or concrete, concrete being the paving material of the walks on the Eastern Prom in the Master Plan, but we know that the City has an Ordinance. My client is certainly flexible to put in the material that the City wishes to have. This would be the only sidewalk, brick sidewalk in the immediate area, as you probably know Morning Street does have brick sidewalks, but the, the uh, Eastern Promenade sidewalks and the sidewalks along Wilson Street are concrete. So that's a decision that has to be made. But we are certainly willing to put in brick.

The foundation of the existing building, as you can see here, is concrete. We have created a two-story bay that has a semi-recessed building, it isn't identical to any historic, uh, bay in the immediate neighborhood, but certainly the bowed form of that bay is consistent with other forms in the neighborhood. Um, if you like I can go into more detail about the architecture, but I think that I have _____ questions from the Board. Thank you.

Chair: Thank you Mr. _____. Um, at this point then, are there any questions from the Board to the staff or the applicant? Patrick (?) and um, Bill/Phil?

PB: No.

Chair: _____ Lee(?)?

Lee: _____. How is the property used presently?

CBG: Presently there are eleven – well presently it is empty, but uh, but a year ago there were eleven suites, out of which, what, nine were occupied?

? __: Unintelligible

CBG: Five or six

Chair: And, um, Michael?

Michael: I guess I have a question relative to the finishing of the sidewalk. And, what I'm hearing is that in that area its cement or concrete, and our Ordinance is brick. And, do we need to waiver to get beyond that requirement? Or, and maybe its in the report and I just didn't pick it up.

Staff: No, no that's okay. I may not have been clear. Um, Public Works addressed this issue. They would be the entity to grant the waiver for that. Um, they requested that the new extension of sidewalk be brick. However it included, there is a Memo in here, and let me find what number it is. I believe its number 8, from _____ engineer, where Public Works determined that as long as any demolition to the existing sidewalk stays within two sections, or ten feet or less, that they can repair that with concrete. But, anything larger than that they would have to repair that section with brick. And so the one area where that would come into question would be, um, to the sewer extension that goes underneath the sidewalk out to Eastern Promenade, um, along the front of the building, and, um, currently the applicant is proposing to jack the pipes underneath the sidewalk which would prevent demolition to that area. However, it is uncertain, you know, in doing that, especially with an old building, exactly what you are going to find until you actually initiate that process. And so, there is a note on the plan currently

saying that if they do have to ultimately demolish that that they would have to replace that if it is bigger than ten feet.

LEE: And we don't, and this Board does not have the capability to waive the brick requirement. So that's

Quiet conversation: can't hear.

Chair: . . . so ultimately it would be _____
_____: And if we did require brick, it would _____.

Lee: Alright. Thank you.

Chair: David (?)

David: I have two questions for the applicant. One is, where is the snow going to go in the parking area? And the second question is, the trash bins are located a fair distance away from the building. Pretty much on the property line, and, uh, is it going to be, is this, ah, six or seven units, so are they going to arrange for a private, uh, private pick up? Is that correct?

_____. ??

David: I guess, that if, uh, if you've got cars parked in area one and two, I'm just wondering how easy its going to be, and I guess I'm concerned, um, when trash storage facilities are located right on a property line. Um, because if they sometime, they become more of a nuisance for the abutters than it does for the folks who live there, especially if they are put as far away as they can be from the residence. So I'm a little concerned about the location of the cans.

Staff: I, I _____ city pick up, they would have to take care

David: Well, I guess that explains the location, but I don't know why they don't have it underneath the overhang, where you have the parking area, because that's right outside the back of the building and its going to be much more conducive to people and, uh, two, I don't know where you are going to put all of your snow, because of where you have all of the parking spaces. So I guess I'd like to know a little more about that too.

CBG: There's no question that snow removal in this neighborhood is a real nuisance, and _____ property owner _____ away. The, um, the plan is to have it contracted, as most of us do, and when it reaches a level, which is maybe after the first snow, it does have to be removed from the property. It's a reality on Munjoy Hill, and I

think probably to look at the parking lot here, likewise, there is very little place to, where any snow could be piled.

As far as the, as far as the location of the trash receptacles, um, we had considered putting it underneath the overhang, the long space is about twenty feet, maybe a little shy of twenty feet, and when we tried pushing the tar/car out, given the relationship of the circulation corridor, which essentially comes in here, and we are trying to maintain as much of the existing building as we can, um, and so we essentially just did not have the adequate space for this structure or _____ to accommodate it. Um, those are compact spaces, as you probably can see, um, there's no question that there's going to have to be some coordination between the owners of these spaces and the users of the spaces, and trash removal.

Chair: Thank you. Alright. Um, _____?

PB: Thank you Councilor Collins(?) Um, I see doors that I think it might be enclosed, is it supposed to be enclosed?

CBG: Yes it is.

PB: And with a six foot, eight foot?

CBG: I think it will be six feet.

PB: Six foot enclosure. Cedar, or something like that?

Chair: Okay. Well we _____ at this point I would like to open this to public comment. So again, again, if you would like to make a comment regarding this proposal or ask a question, please indicate that by raising your hand, and stating your name and address for the record. Would you please limit your comments to three minutes or less, I see a lot of people, I'm not sure, I'm not sure which proposal people are here to discuss, but generally, the procedure is to take questions or comments as we go and after that answer the questions, answer the questions after everybody has had a chance to speak. So with that

PB: Could we get a show of hands for how many people want to speak on this issue?

Chair: That's a good idea. Um, would you please indulge us by raising your hands so that we can kind of gauge how many people are interested in speaking on this? Okay. Great. Um, would anybody care to start? Yes sir?

McGlaulin: My name is Bruce McGlaulin. I am the attorney representing Robert and Lucy Tanner, who are the immediate abutters on Promenade East, 130 Promenade East,

and also Nicolino Ciccomanci who is the immediate abutter on Wilson Street, I think it is 14 Wilson Street. You have letters in the packet from me raising the issue of this being a major expansion of a nonconforming structure, and I don't want to beat a dead horse, but I think it is a very important horse and I'm asking this body to exercise its authority to make a specific determination as to whether or not this proposal satisfies the nonconforming structure provisions in the Ordinance. Now 526 A. 17 in the site plan section says that it is this Board's authority and duty to make determinations that this proposal comply with the whole ordinance. That would include the provisions governing nonconforming structures. My interpretation of those provisions is that there is absolutely no authority to expand a nonconforming structure such as this, except within the confines of the existing shell or vertically for an amount that would be about 8% of the first floor corridor. And the City Council has put that authority upon this Board. I understand that you are an extremely busy volunteer Board and that you rely upon Staff as much as possible, but nevertheless, I think that you are going to have to make a finding on this in order to approve this project. And if it goes to Superior Court, we could very well end up back here if you don't make such a _____ finding and that would be unfortunate for everybody involved, including the applicant. That is our most important point. A couple of technical points, which I imagine might be cleared up. (tape @ 15.59) The deed is not in the name of the applicant, and although that's not uncommon its not clear on the record what the connection is between the applicant and the property owner. There is no finding in the record on R-6 _____ development standards that I do believe apply under §526A28. As to stormwater, the Tanners are extremely concerned about the flow off of the roof. I understand that the record shows that there may be only a slight increase in stormwater, but there is going to be a huge concentration right at the base of the Tanners, the side of the Tanners' building, because of the flow off the roof here. And there is already a seepage into their basement on a regular basis on that side, so I think that it is extremely important that as this goes forward, that there be a connection from the roof drain there to the stormwater drain. The record is just unclear or inconsistent on that point. Back to the more important issue, is insufficient open space under §14-139(1)(h), I believe the requirement is for 20% open space. Now the materials from the staff refer to a 10%, I think they must be relying on §139(2)(f). I think that is not applicable here because it only applies to vacant lots or lots that have non-residential structures on them. Twenty percent of the applicable percentage of open space, would clearly, well this doesn't come close. You have a nonconforming structure that has a setback on two sides, its already over the allowed space on two sides and they are seeking permission to expand that building with a match on the other two sides. So you would end up; with a building, that nobody could build then (?) and this is the expansion of a nonconforming structure. To allow that to happen, I believe, would be violating all of the zoning principles governing nonconforming structures.

And I believe we are also looking at §15A(2), which is under §526 and it requires that a building be integrated into the neighborhood with similar yard spaces, and in the next provision is talks about open space being integrated into the site, with yards and play

areas and buffers. Now, I forget the gentlemen's name who was speaking earlier, but he pointed you to some of the house's _____ back from the Promenade, and he pointed out some of the _____ houses. But if you go out and walk the Promenade and you do a site visit, I think that you are going to find that no other house, on the Promenade, within a couple of blocks there, that is, uh, close as those two houses will be, the Tanners and this house, if this goes forward. That's twelve feet. I don't think that there are any houses on that stretch of the Promenade, where the buildings are cheek to jowls (?) twelve feet apart. The closest is maybe there is a driveway, which is probably, at least, what _____? So I think that this does not comply with the open space requirements of §526, does not comply with the open space requirements of R-6, §139, and more importantly, it is an expansion of a nonconforming structure, and there is no place in the Ordinance that authorizes this sort of expansion. I just want to reiterate my request that the Board make a specific finding _____.

Chair: Okay.

McGlaufflin: Thank you.

Chair: Is there anybody else that would like to address this application? Yes, Ma'am?

Koch: Yes, Um, My name is Erna Koch, and I'm at 81 Vesper, which is a couple of streets _____ in the more dense area on the map, and I appreciate that I got notice of the public meeting, but I wasn't too happy that it was December 27th, _____ attendance, a lot of us would have come. Um, I agree with most of the points that were just made. I come at it from a somewhat different point of view, however. I'm not an abutter. Um, but looking at, um, what, what are we doing to the Prom and this area of the street? I've been out, I've been out of town for a few years, and um, when I got back I see, um, the hill has changed an awful lot. You have a totally different set of people living there, there are very few people from sort of my old neighborhood that are even still there, and the reasons for that are the economic and development process. Um, that's fine. I understand market forces and one of the purposes of planning and zoning is to try to leave _____, and um, I notice that there was some discussion about um, why are we building, um, why are they building such a massive thing, and, and, the response was, well, you know, the developer has to optimize if he is going to make a profit. Well, that's not necessarily in the public interest. I'm not here because I care about the view of the building in back or the particular property rights, but I do think that it is a legitimate concern and important to the public interest to try to preserve what we have there now. Um, I am reminded about that little parable about the frog and the water, and he starts out in cool water and the heat just turns up and the frog doesn't notice that he's boiling, and I, you know, we are going, it is almost like Malibu. I don't know if anyone has ever been there, but there are these humongous, massive facades that are, you know, on the water, and so you can drive there and because they are on the water side, you can't even see the water. I mean, even though you are very close to

it. And that's what I fear here. Um, the other buildings that are along the Prom are not huge multi-family dwellings. We can celebrate _____ but I don't really think that is the point. The building that is sited as similar in size and structure, is a _____ family building across on Wilson Street. And then the others, on the other side, are, I just, I don't know how many units, but most of them are two or three family units. So this is a considerably huge change, and a massive façade, I would appreciate re-development of this site, but more in keeping with the size it already is, and not building another massive façade which could potentially set off a rash of other folks saying, well, you know, they are going to make that profit, and I'm getting ready to leave town, so, by golly, I think I will too. Um, there is public interest in protecting these _____.

Chair: Thank you. Are there other members of the public who wish to comment on this application? Yes, Ma'am?

Neighbor: Thank you. My name is _____ and I was at the last meeting and I won't, I agree with the points that have been made already, so I won't repeat that. Um, I was at the last meeting, and the neighborhood meeting, which I did manage to get to, it being a holiday, I requested, if you will that Casco Bay Ventures and _____ that a better use for this property, rather than a _____ footprint, _____ the Eastern Promenade as a whole, was to do something that would incorporate the _____ there, incorporate the green space, um, and make that work. And, um the concerns that were just brought up, another question that I have is: "Should this be allowed to go through?" Which _____ careful consideration on that point, when you look at the back parking lot and you look at the cedar trees that are on the property of the Tanners, um, that, the deciduous trees that are on the Ciccomancinis' and 138 Eastern Prom, I don't _____ if they are high enough _____ there for whatever. The cedar trees that are between the Tanners and the brick building in the lower part of the _____ photo, and that driveway, if you will, in the parking sense, um, _____ so I'm wondering if it specifically says in here, (a) how do you _____ along that back part _____ through and not damage _____.

Chair: Thank you. Any other members of the public who would care to comment? Yes, Ma'am?

Mellen: Yes, my name is Lucy Mellen and I am a tenant at 137 Morning Street, which is the building _____ to the corner there. So its on the property line of Wilson Street on the corner and _____. I would just like to say that I've been a tenant in that building for four years now, and I _____, behind the building, _____ and I do have concerns about the open space and green space that's been talked about _____.

_____. I also have a quick question as to where the trash cans are being located?

Staff; They are right here.

Mellen: Which would be right against my garden, against the chain link fence right now, that separates the two yards. So, I" guess I have concerns about that as far as _____. Thanks very much.

Chair: Are there any other members of the public that would like to comment on that? Okay. I'll close the public comment portion of this hearing. Can, um, Penny, can you please clarify for us this Board's authority for determining, making a determination regarding whether a structure is nonconforming according to the Ordinance?

Littell: Right. As I said at the workshop on this matter, the expansion of a nonconforming building is founded in the ^{zoning} building code, of the City of Portland Land Use Ordinance. And zoning provisions have been, uh, delegated by the State Legislature specifically to the zoning board of appeals. And therefore the Planning Board of any Maine municipality, frankly, does not have the authority, in my legal opinion, to render zoning decisions. This Board has always respected this authority in that regard, and to the extent that the Portland Zoning Administrator makes a determination on zoning, this Board has always abided by that and has not second guessed it so to speak. And so I would advise this Board that by State Law you would have no jurisdiction to, uh, uh, to apply or to determine zoning provisions of the Code, and rather your purview is the site plans and subdivision _____.

Chair: Thank you. And then a question about this is subject, this proposal is subject to the R-6 Zone standards?

Littell: And I was going to ask for the citation of that one again so that I could reference the language that we, uh, _____.

Chair: Mr. McGlaulin, would you?

McGlaulin: Sure. I believe that was §526(a)(2)

Unintelligible conversation

Staff?: 14-526(A) refers to small residential lot developments, uh, on lots of 10,000 .s.f. or less. _____ architectural quality and _____

PB: _____ zoning of small residential lots combined (?) and development of vacant lots _____. I think it is referring to a type of use _____ defining zoning.

PB: Um, 139 -- _____ requirements of _____ small residential lots _____ small vacant lots located in the R-6 or 7 _____ (reading the provision?) Can't understand her.

Chair: okay, so this doesn't apply because this isn't a vacant lot. Okay. Then, um, is there an open space requirement?

Staff: In the packet provided, I believe it was listed as 10% but that is not correct and it is in fact 20%, so already the applicant is providing 25.4% of open space on the lot according to their calculations. And those are on the submitted site plan, _____ Sheet T-1.2

Unintelligible

PB: T-1.2?

Staff: Yes. _____ and that is that, that figure is in the chart that I provided with our report. _____

Chair: And that has been reviewed by staff and _____. Okay, um . . .

McGlaufflin: If I could just ask if that includes the parking area?

Chair: For clarification is the parking lot included in the open space calculation?

Staff: Yes.

PB: _____ clarification, the open space landscape grass so that _____ supposed to be measured so that your landscape grass areas are indeed 20%?

CBG: They do and in fact _____ design more than 500 s.f. of open space than the existing _____ actually pretty more open space _____

Chair: So you're saying that you do need 20% standard, excluding the parking lot?

CBG: That is correct. I'm sorry. Excluding? Including the parking. I'm sorry _____ the open space that _____, I'm quite sure includes the

parking lot. As well as the green space that _____. And what we've done is that we've moved those _____ to the other side.

Chair: Okay. 14-139, Open Space Ratio, and that indicates 20% for those lots containing fewer than 20 dwelling units, and this area shall not include parking areas,

Unintelligible

CBG: I, I didn't do the calculations, so I was just assuming that they complied, the person who did is very thorough and I would guess that _____, but I will check. I'm looking at, I'm looking at the green space wrapping around the outside and I'm saying to myself that that too could be 20% of the overall

_____.

PB: _____ condition

Quiet conversation – can't make it out

Chair: Okay, and then another question for Staff regarding the storm water, what is the guideline regarding the runoff of stormwater from a roof?

Staff: um, it is addressed in the Stormwater Report that the applicant submitted. And _____ asked for comments in his, in his um, memo that you submitted. Um this is going to be one of those unresolved issues There is a condition for approval if that, is uh, if that is recommended rather, um that revisions to the Stormwater Management Plan that were requested by Dan Gayette be reviewed and approved by Public Works prior to the issuance of a building permit.

Chair: Okay. And then, um, this um, tree question here, is this, is this tree is on the property, is on the applicant's property?

CBG: I don't believe so. I believe it is on the adjacent property.

Chair: Okay then, the question was, the question was what kind of plan will be _____ for the site so that _____ snow removal and _____

CBG: There is a small wall next to _____ and so, um, all I can say is that most snow will be removed with real care, um because given the adjacency of the _____ You run the danger of dumping snow on the adjacent property, so we will all just have to work together when we have these storms.

Chair: Thank you. _____?

PB: There's a wall _____

CBG: That is correct.

PB: _____ on the line _____

CBG: It actually is, the survey shows the wall um, actually on both properties.

PB: It shows the wall on both properties?

PB: Running along both property lines.

Chair: And what does this do to the trees that are on the other side of the wall?

Quiet conversation re wall.

Chair: And then another neighbor was concerned about the impact of the um, trash collection area on her abutting property, and um, and so my question is what kind of buffer line are you offering to protect that abutter from odors and _____

CBG: We've taken an arborvitae and we've taken it on either side of the enclosure and so we've _____ and we do have a cedar fence which encloses the containers themselves. We've looked at it in terms of relationships to abutters and that seems to be the furthest away from _____ houses, um, If we put them in the _____, which we've considered, um, one parking space for a car, I mean three, I'm sorry, and that would put it very close to the house itself. So again, that seems like the _____

Chair: Thank you. Alright then, we'll have one more go around and _____

PB: Madam Chair you have very thoroughly asked, and Molly and Penny have very thoroughly answered, all of the questions, and there were many questions raised here. And um, aside from the stormwater question, which I gather we are going to continue to look into, is that right? My questions have been answered.

Chair: And um, Mr. _____?

PB: I did have a question for Molly on this map, um, what are these white lines? Are they property lines or survey lines?

Castos: They are the parcel.

PB: The parcel? Um.

Castos: Yes the parcel.

PB: And the reason that I was asking was that one thing I had heard was the rhythm – my word not the word I heard from public, but the rhythm of the houses and if they were more separated, and what I'm seeing is and what I know is, that this is the Eastern Promenade right here, am I correct? And so what I see is two houses that are somewhat different in their relationship to their property, okay.

Castos: Yeah, one property can encompass more than one . . .

PB: Multiple

Castos: Yes,

PB: I mean I guess I don't see a lot of green, or what I interpret to be _____ that there is a lot of green space around the other buildings in the Eastern Prom and that section of the Prom, I only see two buildings that have _____ (grass?)

Chair: Okay, Mr. _____?

PB: Um **Littell**, on the um, on the open space calculations, is that a Marge decision?

Littell: Um, yes.

PB: So it would be a conditional approval that would, that Marge opines that the

Littell: That any open space calculation should be verified . . .

PB: _____?

Littell: Yeah.

PB: And um, under site plan phase, we do need to look at 15 – among other standards that we have to look at, we have to look at 15 And determine whether as a multi-family this does respect the relationship with buildings and public streets and integration with this _____

Littell: Yes, that's correct.

PB: Yes, _____ one of the site plan changes dealing with multi-family units, _____ multifamily _____ requires

_____ meets these standards and the exterior design of the proposed structure, including architectural style, _____ - residential neighborhoods.

Garbled conversation.

PB: I don't have, um, I mean I just looked at this and the site location map that we have is helpful in looking at the Eastern Prom. I know that if you go further down the Eastern Prom you go to another development as well _____ location of some multi-unit structures that have _____ towards the water. I think that there are about five or six different units that face the Eastern Prom that are _____ and I understand that uh, _____ there is some change going on and that is everywhere in the City, but I get the _____ observations as to the _____

Chair: Thank you Bob.

PB: I think that the last time I was one of the _____ I was looking at this study and I think that it _____ to me, as I drove around the neighborhood it felt very different and it _____

Chair: Thank you. Mr. Patterson?

Patterson: I was just, um, going to say that I don't have a concern with 15, um 15-5.615 and I think that as Barry indicated, when I am looking at that part of the neighborhood, it feels as though it is in context with the neighborhood. Certainly I understand concerns from public relative to urban infill, but its not really changing the true appearance of and true character, I think, of that neighborhood, and so um, I will be supporting this.

Chair: Thank you.

PB: I just want to say that there are difficult problems, _____ and I think it is very, very different,

Chair: Mr. _____?

PB: Can you site for me what the maximum lot coverage is because we have two different numbers on the _____. One sites maximum lot coverage allowed is 43 _____. Its 40%? The material that we have submitted indicates 49.2% coverage. _____ 15% maximum allowable coverage.

Littell: I'm sorry and I just misread it. Do you need the whole _____? Maximum lot coverage is 40% of lot area for _____, 50% for lots containing fewer than twenty-_____.

Quiet Conversation

PB: I like the design and my greatest concern is the calculation on the open space um, and I hope that we are somewhere _____ checking those in advance, and say "Gee, someone else has to look into that." We should know that when we get here and that the numbers that the applicant has submitted have been verified. We're just relying on what they say and we don't know _____ if someone is actually checking that. I think it is a nice project and I don't find that it is out of scale or _____, I think that they've done a nice job _____

PB: Is there, on the trash cans, I see that this is not a dumpster situation, but three, bigger than ordinary household trash cans, what three forty gallon? Forty gallon – I don't know what they are.

CBG: _____ probably with wheels.

PB: And so you have screened them with fencing?

CBG: _____

PB: Is there an enclosure that is more of an enclosure? So that as opposed to having a fence around cans and with things blowing around, _____ attracting as much, sort of the gulls, and pick up the stray paper and I'm wondering if you can – because you won't, you won't be having like a dumpster truck come in and lift it up automatically, it will be manually? So, I'm wondering if there's not a way to design a more enclosed enclosure that will also umm, provide a little more protection for the neighbors in there?

Quiet conversation

PB: Is there anybody behind the dumpster – well I don't mean behind it

Laughter, general conversation

Chair: Alright then, _____ in just a moment or two.

PB: Madam Chair, I _____ on the basis of the plans and materials submitted by the applicant, Public _____ and information contained in the

planning report of ___0508 relevant to standard of subdivisions, and site plan review, Portland Planning Board _____ that we find, first, that the subdivision plan will be _____ Eastern Promenade is in conformance with Subdivision Standards of the Land Use Codes subject to the following conditions:

1. The final recording plat meeting the requirements of the Portland subdivision ordinance and listing conditions proposed by the Planning Board will be submitted for the Planning Board's signature.

PB: Second.

Chair: Umm. _____. All those _____
Mr. _____ We going to get the stormwater stuff in here? "Or is that going to be separate?
Ms. _____ So this is, this , this is the condition of approval, this is the single condition of approval _____ under the subdivision. So, any discussion on the motion? Was that seconded? I'm sorry.

PB: Yes.

Chair: Okay. _____ any discussion on the motion?

PB: There was a question. I'm sorry to raise this again, but it was brought up by a member of the public that the, that actually the ownership of the property is not in the name of the applicant, that we don't have any documentation connecting _____ Eastern Promenade, LLC with Casco Bay Ventures. Is that correct?

Staff: _____ ownership.

PB: _____ do we have _____

PB: Yeah. _____ a copy of the deed

Chair: So there needs to be a correlation actually with the bank letter and the deed. However, the bank letter has been updated Casco Bay Ventures.

PB: _____

PB: _____ the applicant

PB: _____

CBG: What did you want to know?

Chair: We want to know what the relationship between applicant and the deed holders is.

PB: We don't care _____

PB: We need to have some documentation _____

Chair: Teddy, what do you want to have, a

PB: A sale or a transfer.

PB: We need an auction or a purchase and sale agreement. Ah, and ah ok. So we have a motion. Is it seconded? Has the motion been seconded?

Chair: Yes. [several people saying yes]

PB: I make a motion to amend and require _____ approval that the applicant , ah,

[several low voices in the background]

PB: _____ motion on the subdivision

[more low voices]

PB: _____ making it a condition of approval number two _____ to recommend, to require that the applicant both provide written evidence and oral representation that the owners of the title of 130 Eastern Promenade that they are the same _____ and the owners of Casco Bay Ventures, the applicant, and then, ah

Chair: Ok, so, ah,

PB: That there's _____ special arrangement to transfer the property to , yeah

Chair: So now we need a second before the additional

PB: A second _____, yeah

Chair: Ok, so, _____ motion to amend _____. So we have site plan with two conditional _____

PB: _____ motion

Chair: Ok, so then, I need discussion on the motion to amend?

PB: Yeah, we need _____

Chair: Ok, any discussion on the motion to amend? Ok, then, all those in favor of the motion to amend. Ok, passes seven to zero. Then, we have a motion on the table, an amended motion on the table. Is there any discussion on the motion, the amended motion on the table? All those in favor? Ok, it passes seven to nothing.

PB: And I further move, Madam Chair, that the Board find that the plan as submitted is in conformance with the site plan standards of the _____ code subject to the following conditions:

1. That the _____ applicant be viewed as approved by public _____ prior to the issuance of the building permit.
2. All final plans must be _____ signed by a professional engineer.
3. All comments submitted by Public Works and _____ memorandum dated January 16, 2008 must be addressed and approved by Public Works prior to the issuance of a building permit.
4. All comments submitted to Jeff _____ continue to be submitted _____ landscaping plan identified in his review letter dated January 18, 2008, must be addressed and approved by him prior to the issuance of a building permit.
5. The proposed street tree along Eastern Promenade should be revised to show an autumn blaze maple. This change to the plan.
Ms, _____ What's the Latin on that?
[5 continued] This change to the plan must be reviewed and approved by _____ prior to the issuance of a building permit.
6. That the zoning administrator shall determine the open space requirements of 14-139(h)(1) have been satisfied prior to

PB: recording the plan

PB: The recording of the subdivision plan, and 7, that the proposed trash bins as depicted on the site plan which are to be located within a stockade fence area shall be

further enclosed on the back and side of the area which is to encompass, and the top, and the top of the area to be encompassed by the trash bins.

PB: Have to submit a plan satisfactory to Public Works

PB: With the applicant to submit a plan depicting the enclosure to the planning authority for their review and approval prior to the issuance of a building permit. And for purposes of this motion, I'll just further explain that the Planning Board find that Section 526(h)28 of the Site Plan Standards shall not apply to this R6 lot because the lot is not a vacant lot. And further find that with respect to any other zoning determinations that have been made by the zoning administrator, that those are decisions that the zoning administrator has to make under the zoning ordinance and is not within our purview to second guess or revisit those zoning determinations.

PB: That

PB: Did you mention stormwater collection?

PB: Yeah, that's within the ah

Staff: Public Works.

[several] Public Works.

PB: Second.

Chair Second. Ok. We have a motion that has been seconded. Is there any discussion on the motion?

PB: I just want to make sure it was clear on the record, and that, we discussed this earlier, but under site plan _____ 52(a)(15) that requires us to examine among other things the design of the proposed building and look to see how the architectural design, size, mass, etc. compliments and meshes with the nearest residential neighborhood. Also requires us to look at buffering and open space to make sure the buffering and ample light and air and that the scale of the driveways and parking area are consistent with, that the vehicles are screened _____ parking on the street, and I think it's pretty clear that the applicant has done a careful job here in terms of fashioning a design that is consistent and complimentary with the nearest residential neighborhood. I think there have been comments made by Member Patterson on that score, and Member Lowry on that score and I also believe the landscape plan demonstrates a fair amount of screening that has put into the project _____ additional plantings to make sure there's adequate screening. I just wanted to add that.

Chair: Any other discussion, any other discussion on the motion?

PB: Just to make sure particularly with regard to that last discussion by Member _____, the submissions by the applicant include the _____ and I just wanted to be certain that, ah, I don't think we have them now, a packet in particular, _____ site location on Eastern Promenade December 2007, is quite indicative of the neighborhood and compatibility of the structure. So, I think that's been presented to us as part of our evidence as well as the aerial site plan of January 25th.

PB: _____ is that part, has that been submitted to the Planning Board?

CBG: That is part of the planning department's presentation to us.

Staff: Yes. _____ it's the same _____ and there's one in the report.

PB: Is that an expanded version of _____ one?

Chair: It's the small one. Okay. Any further discussion on the motion? All those in favor? The cast is seven to nothing. And there's one more thing _____

Group laughing

PB: Further, Madam Chair, I move that the Board find that the proposed plan is in conformance with preservation and _____ housing standards of the Land Use Code in that it meets criteria 6 of the preservation and _____ housing standards given submission of, by the applicant of information which indicates when originally built in 1903, uh, the uh, the building included three _____.

PB: Second.

Chair: Okay, its been moved and seconded. Is there any discussion on the motion? All those in favor? The cast is seven to zero.



STORMWATER MANAGEMENT REPORT
130 EASTERN PROMENADE
PORTLAND, MAINE
September 18, 2007
Revised November 19, 2007

Introduction

130 Eastern Promenade is located on the southeast corner of the intersection of Eastern Promenade and Wilson Street in Portland, Maine. Stormwater runoff from this project ultimately discharges to the curb and gutter systems of Wilson Street and the Eastern Promenade, which drain into the catch basin at the intersection of Eastern Promenade and Cutter Street.

Casco Bay Ventures plans to renovate the Site, which includes replacing an attached garage structure with a parking area at the southwest end of the property. The main structure will also be renovated as shown on the attached plan.

This report discusses the Site's hydrological conditions and quantifies the stormwater runoff generated in the existing and proposed conditions.

Data Collection and Assumptions

Site Data was gathered from field observations and AutoCAD files and drawings provided by Will Tinkelenberg, the Architect. This data was used to create a HydroCAD stormwater model, which is based on the United States Department of Agriculture's (USDA) Technical Release 20 (TR-20) and Technical Release 55 (TR-55) hydraulic programs.

Curve numbers (CNs) assigned to differing land cover and soil types were taken from tables within the HydroCAD software, which are from the SCS TR-55 manual, revised 1986. 24-hour rainfall depths were taken from the City of Portland Ordinances. Time of concentrations were entered via direct entry and were assumed to be 5 minutes.



Existing and proposed watershed subcatchments are shown on attached Drawing D1 and D2 entitled "Existing Conditions Drainage Map" and "Proposed Conditions Drainage Map", respectively. Modeling assumptions made for both conditions are summarized in the attached HydroCAD output.

Existing Site Conditions

The 0.18± acre Site currently hosts a multi-unit residential building and attached garage. Walkways and decks connect to these structures. The remainder of the property is mostly grassed. The Site currently has 5,177 square feet of impervious area, which includes roof, driveway, and walkways.

The Site generally slopes from east to west toward the Eastern Promenade. Slopes are generally mild. According to the United States Department of Agriculture and Soil Conservation Service Issued August 1974, on-Site soils include Hinckley Gravelly Sandy Loam, which have an "A" Hydrological Soil Grouping (HSG) classification.

Proposed Site Conditions

The renovations will include removing the existing garage structure and replacing it with a parking area. The main structure will be expanded to the southeast as shown on the plan. The building entrance at the proposed parking area will also be modified.

Land cover changes include converting impervious walkway and building areas into lawn areas, and lawn areas into building areas. The proposed Site will have 6,216 square feet of impervious area, an increase of approximately 1,039 square feet.

Stormwater runoff from the proposed parking area will be collected by a drainage inlet and piped to the City's combined sewer system along the Eastern Promenade. The Architect has discussed the possibility of also connecting roof leaders into this system. The size, type, and capacity of the City's sewer system will need to be verified prior to connecting into the system.



Water Quantity

The table below compares peak flows leaving the Site for the 2, 10, and 25 year storm events.

Table Comparing Peak Flows
130 Eastern Promenade - November 19, 2007

Storm Event	Existing Conditions Peak Flow (cfs)	Proposed Condition Peak Flow (cfs), Total	Proposed Condition Peak Flow (cfs) Not Including 1,300 of Parking Area
2-year	0.21	0.29	0.22
10-year	0.54	0.66	0.52
25-year	0.71	0.83	0.66

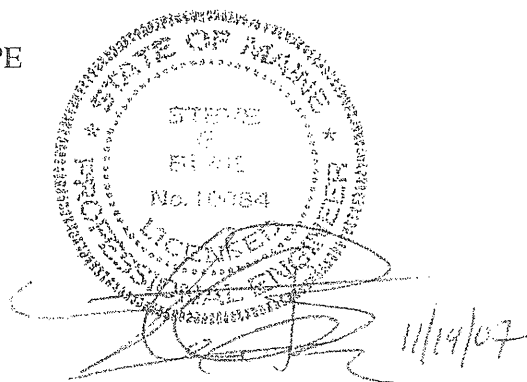
The proposed renovations to the Site will cause a slight increase in overall stormwater runoff. This increase is 0.12 cfs in the 25 year storm and is relatively insignificant. With 1,300 of the parking area draining to the sewer system, the peak flows are decreased in all but the 2-year storm as shown in the last column of the table above.

Conclusions

This project will not cause a significant increase in stormwater runoff as a result of the renovations described in this report and shown on the attached Drawing D2. Stormwater runoff from the proposed parking lot and some of the roofs will be collected and drained to the City's combined sewer system. The City's system needs to be analyzed to verify it has proper capacity to handle this connection.

LAND CONSULTING ENGINEERS, PA

Steve G. Blais, PE



Enclosures



Existing Conditions



Proposed Conditions



Proposed Conditions
not including 1,300 SF
Parking



07126-130 Eastern Promenade

Type III 24-hr 2-Yr Rainfall=2.60"

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Subcatchment 1.1S: Proposed Conditions

Runoff = 0.29 cfs @ 12.08 hrs, Volume= 0.020 af, Depth= 1.33"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
Type III 24-hr 2-Yr Rainfall=2.60"

Area (sf)	CN	Description
1,529	39	>75% Grass cover, Good, HSG A
6,216	98	Paved parking & roofs
160	77	Fallow, bare soil, HSG A
7,905	86	Weighted Average
1,689		Pervious Area
6,216		Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0	32		0.11		Direct Entry,

Subcatchment 1.1S-2: Proposed Conditions not including 1,300 SF Parking

Runoff = 0.22 cfs @ 12.08 hrs, Volume= 0.015 af, Depth= 1.19"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
Type III 24-hr 2-Yr Rainfall=2.60"

Area (sf)	CN	Description
1,529	39	>75% Grass cover, Good, HSG A
4,916	98	Paved parking & roofs
160	77	Fallow, bare soil, HSG A
6,605	84	Weighted Average
1,689		Pervious Area
4,916		Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0	32		0.11		Direct Entry,

Subcatchment 1S: Existing Conditions

Runoff = 0.21 cfs @ 12.08 hrs, Volume= 0.014 af, Depth= 0.96"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
Type III 24-hr 2-Yr Rainfall=2.60"

Area (sf)	CN	Description
2,260	39	>75% Grass cover, Good, HSG A
5,177	98	Paved parking & roofs
468	77	Fallow, bare soil, HSG A
7,905	80	Weighted Average

07126-130 Eastern Promenade

Type III 24-hr 2-Yr Rainfall=2.60"

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2,728 Pervious Area
5,177 Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0	53		0.18		Direct Entry,

07126-130 Eastern Promenade

Type III 24-hr 10-Yr Rainfall=4.50"

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Subcatchment 1.1S: Proposed Conditions

Runoff = 0.66 cfs @ 12.07 hrs, Volume= 0.045 af, Depth= 3.00"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
Type III 24-hr 10-Yr Rainfall=4.50"

Area (sf)	CN	Description
1,529	39	>75% Grass cover, Good, HSG A
6,216	98	Paved parking & roofs
160	77	Fallow, bare soil, HSG A
7,905	86	Weighted Average
1,689		Pervious Area
6,216		Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0	32		0.11		Direct Entry,

Subcatchment 1.1S-2: Proposed Conditions not including 1,300 SF Parking

Runoff = 0.52 cfs @ 12.07 hrs, Volume= 0.036 af, Depth= 2.82"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
Type III 24-hr 10-Yr Rainfall=4.50"

Area (sf)	CN	Description
1,529	39	>75% Grass cover, Good, HSG A
4,916	98	Paved parking & roofs
160	77	Fallow, bare soil, HSG A
6,605	84	Weighted Average
1,689		Pervious Area
4,916		Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0	32		0.11		Direct Entry,

Subcatchment 1S: Existing Conditions

Runoff = 0.54 cfs @ 12.08 hrs, Volume= 0.037 af, Depth= 2.46"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
Type III 24-hr 10-Yr Rainfall=4.50"

Area (sf)	CN	Description
2,260	39	>75% Grass cover, Good, HSG A
5,177	98	Paved parking & roofs
468	77	Fallow, bare soil, HSG A
7,905	80	Weighted Average

07126-130 Eastern Promenade

Type III 24-hr 10-Yr Rainfall=4.50"

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2,728 Pervious Area
5,177 Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0	53		0.18		Direct Entry,

07126-130 Eastern Promenade

Type III 24-hr 25-Yr Rainfall=5.40"

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2,728 Pervious Area
5,177 Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0	53		0.18		Direct Entry,

SOIL SURVEY

Cumberland County, Maine

UNITED STATES DEPARTMENT OF AGRICULTURE
Soil Conservation Service
In cooperation with
MAINE AGRICULTURAL EXPERIMENT STATION
Issued August 1974

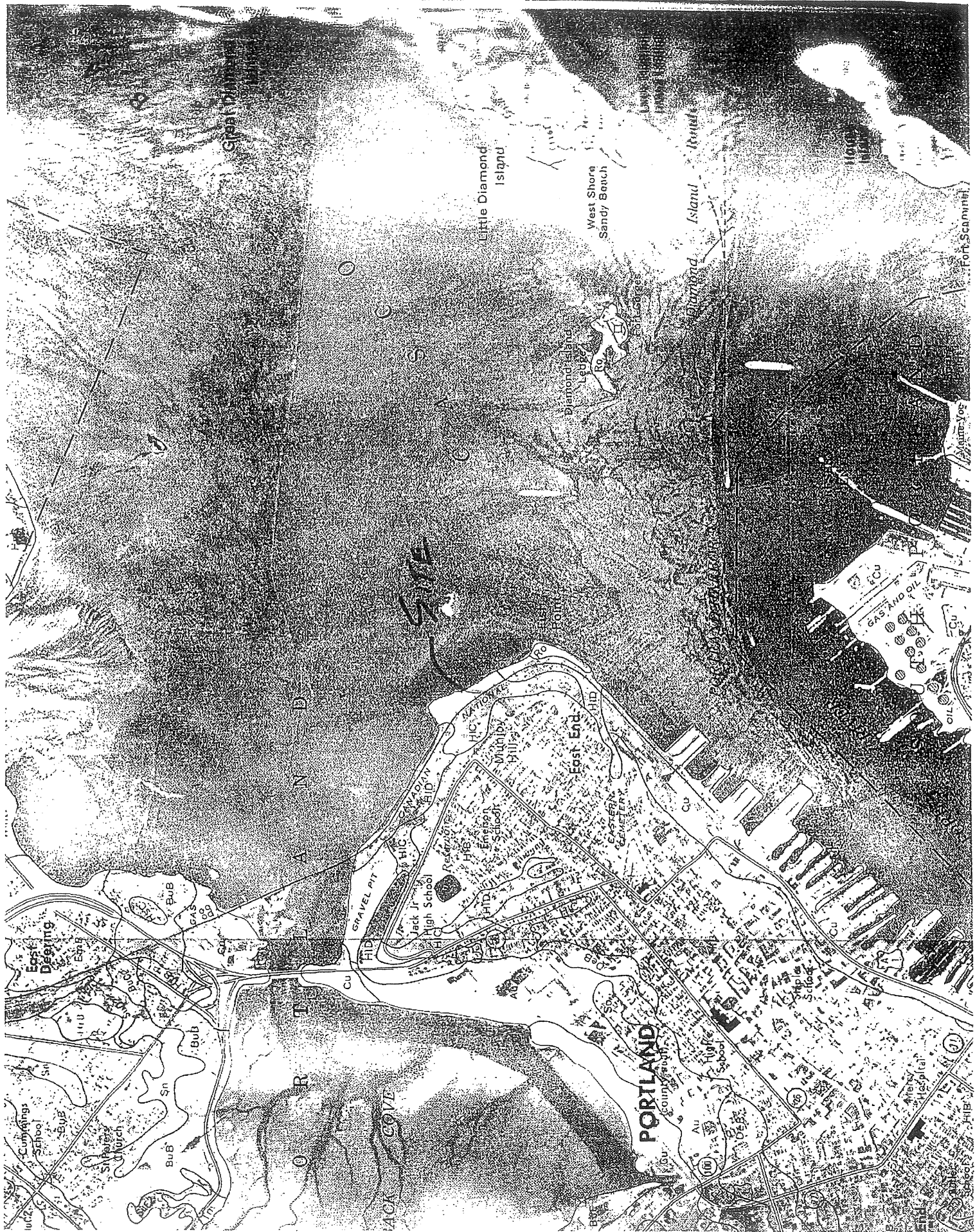
SOIL LEGEND

The first capital letter is the initial one of the soil name. A second capital letter, A, B, C, D, or E, shows the slope. Most symbols without a slope letter are those of nearly level soils, but some are for land types that have a considerable range of slope. A final number, 2, in the symbol shows that the soil is eroded.

SYMBOL	NAME	SYMBOL	NAME
Au	Au Grass loamy sand	La	Limerick-Saco silt loams
BgB	Belgrade very fine sandy loam, 0 to 8 percent slopes	LyB	Lyman fine sandy loam, 3 to 8 percent slopes
BgC2	Belgrade very fine sandy loam, 8 to 15 percent slopes, eroded	LyC	Lyman fine sandy loam, 8 to 15 percent slopes
Bo	Biddeford silt loam	LzB	Lyman very rocky fine sandy loam, 3 to 8 percent slopes
BuB	Buxton silt loam, 3 to 8 percent slopes	LzC	Lyman very rocky fine sandy loam, 8 to 20 percent slopes
BuC2	Buxton silt loam, 8 to 15 percent slopes, eroded	LzE	Lyman very rocky fine sandy loam, 20 to 45 percent slopes
CaB	Canaan sandy loam, 3 to 8 percent slopes	Md	Made land
CaC	Canaan sandy loam, 8 to 15 percent slopes	MeC	Melrose fine sandy loam, 8 to 15 percent slopes
CaB	Canaan very rocky sandy loam, 3 to 8 percent slopes	MkB	Merrimac fine sandy loam, 3 to 8 percent slopes
CeC	Canaan very rocky sandy loam, 8 to 20 percent slopes	MkC	Merrimac fine sandy loam, 8 to 15 percent slopes
CeE	Canaan very rocky sandy loam, 20 to 60 percent slopes	On	Ondowa fine sandy loam
Ck	Coastal beaches	PbB	Paxton fine sandy loam, 3 to 8 percent slopes
Cu	Cut and fill land	PbC	Paxton fine sandy loam, 8 to 15 percent slopes
DeA	Deerfield loamy sand, 0 to 3 percent slopes	PbD	Paxton fine sandy loam, 15 to 25 percent slopes
DeB	Deerfield loamy sand, 3 to 8 percent slopes	PfB	Paxton very stony fine sandy loam, 3 to 8 percent slopes
Du	Dune land	PfC	Paxton very stony fine sandy loam, 8 to 15 percent slopes
EmB	Elmwood fine sandy loam, 0 to 8 percent slopes	PfD	Paxton very stony fine sandy loam, 15 to 25 percent slopes
Gp	Gravel pits	PkB	Peru fine sandy loam, 0 to 8 percent slopes
HfB	Hartland very fine sandy loam, 3 to 8 percent slopes	PkC	Peru fine sandy loam, 8 to 15 percent slopes
HfC2	Hartland very fine sandy loam, 8 to 15 percent slopes, eroded	PfB	Peru very stony fine sandy loam, 0 to 8 percent slopes
HfD2	Hartland very fine sandy loam, 15 to 25 percent slopes, eroded	PfC	Peru very stony fine sandy loam, 8 to 15 percent slopes
HgB	Herman sandy loam, 3 to 8 percent slopes	Py	Podunk fine sandy loam
HgC	Herman sandy loam, 8 to 15 percent slopes	RbA	Ridgebury fine sandy loam, 0 to 3 percent slopes
HgD	Herman sandy loam, 15 to 25 percent slopes	RgA	Ridgebury very stony fine sandy loam, 0 to 3 percent slopes
HhB	Herman very stony sandy loam, 3 to 8 percent slopes	Ro	Rock land
HhC	Herman very stony sandy loam, 8 to 15 percent slopes	Ru	Rumney fine sandy loam
HhD	Herman very stony sandy loam, 15 to 30 percent slopes	Sd	Saugatuck loamy sand
HkC	Herman extremely stony sandy loam, 8 to 20 percent slopes	Sn	Scantic silt loam
HkE	Herman extremely stony sandy loam, 20 to 60 percent slopes	So	Scarboro sandy loam
HlB	Hinckley gravelly sandy loam, 3 to 8 percent slopes	Ss	Sobago mucky peat
HlC	Hinckley gravelly sandy loam, 8 to 15 percent slopes	SuC2	Suffield silt loam, 8 to 15 percent slopes, eroded
HlD	Hinckley gravelly sandy loam, 15 to 25 percent slopes	SuD2	Suffield silt loam, 15 to 25 percent slopes, eroded
HnB	Hinckley-Suffield complex, 3 to 8 percent slopes	SuE2	Suffield silt loam, 25 to 45 percent slopes, eroded
HnC	Hinckley-Suffield complex, 8 to 15 percent slopes	Sz	Swanton fine sandy loam
HnD	Hinckley-Suffield complex, 15 to 25 percent slopes	Tm	Tidal marsh
itrB	Hollis fine sandy loam, 3 to 8 percent slopes	Wa	Walpole fine sandy loam
HrC	Hollis fine sandy loam, 8 to 15 percent slopes	Wg	Whately fine sandy loam
HrD	Hollis fine sandy loam, 15 to 25 percent slopes	Wh	Whitman fine sandy loam
HsB	Hollis very rocky fine sandy loam, 3 to 8 percent slopes	WmB	Windsor loamy sand, 0 to 8 percent slopes
HsC	Hollis very rocky fine sandy loam, 8 to 20 percent slopes	WmC	Windsor loamy sand, 8 to 15 percent slopes
HsE	Hollis very rocky fine sandy loam, 20 to 35 percent slopes	WmD	Windsor loamy sand, 15 to 30 percent slopes
		WrB	Woodbridge fine sandy loam, 0 to 8 percent slopes
		WrC	Woodbridge fine sandy loam, 8 to 15 percent slopes
		WsB	Woodbridge very stony fine sandy loam, 0 to 8 percent slopes
		WsC	Woodbridge very stony fine sandy loam, 8 to 15 percent slopes

WORKS

- Highways and roads
- Divided
- Good motor
- Poor motor
- Trail
- Highway markers
- National Interstate
- U. S.
- State or county ..
- Railroads
- Single track
- Multiple track
- Abandoned
- Bridges and crossings
- Road
- Trail
- Railroad
- Ferry
- Grade
- R. R. over
- R. R. under
- Buildings
- School
- Church
- Mine and quarry
- Gravel pit
- Power line
- Breakwater, Jetty
- Airway beacon
- Cemetery
- Dams
- Levee
- Tanks
- Lighthouse
- Forest fire retardant
- Fish
- Icehouse



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underlying zone requirements are met. Since this section of the ordinance has been brought to my attention, I must abide by its wordage. Your property and your current proposal must be denied based upon the current lot size and the area of dwelling unit requirements of the underlying R-6 zone. I understand that you are reducing the legal number of dwelling units from eleven (11) to nine (9). Your current given lot size is 7,905.9 square feet in size and is nonconforming for land area per dwelling unit. To maintain your proposal for nine dwelling units, your lot size would need to be 10,200 square feet in area.

Based on section 14-388 of the zoning ordinance, I am denying your proposal.

You have the right to appeal my decision. If you wish to exercise your right to appeal, you have 30 days from the date of this letter in which to appeal. If you should fail to do so, my decision is binding and not subject to appeal. Please contact this office for the necessary paperwork that is required to file an appeal.

Very truly yours,



Marge Schmuckal
Zoning Administrator

Cc: Will Tinkelenberg, TFH Architects, 100 Commercial Street, Portland, ME 04101
Molly Casto, Planner
Alex Jaegerman, Planning Director
Barbara Barhydt, Development Review Services Manager

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DRIVE RESULTS

41 Monument Drive
Portland, Maine 04102
www.woodardcurran.com

T 800.426.4262
T 207.774.2112
F 207.774.6625

MEMORANDUM

TO: Molly Casto
FROM: Dan Goyette, PE, and Lauren Swett, EIT
DATE: December 4, 2007
RE: Estates of Longfellow Inn



Woodard & Curran has reviewed the site plan submission for The Estates of Longfellow Inn. The project proposes to renovate and add to an existing multifamily residential building located at 130 Eastern Promenade in Portland. The garage for the existing building will be demolished and replaced with paved parking, and an expansion will be added to the building to provide room for seven units.

Documents Reviewed

- Stormwater Management Report, 130 Eastern Promenade, Portland, Maine, prepared by Land Consulting Engineers, PA, on behalf of Casco Bay Ventures, dated November 19, 2007.
- Plan Sheets for The Estates of Longfellow Inn, including G1.1, G1.2, Existing Conditions Survey, C1.1, C1.2, C1.4, C1.5, A1.1-A1.4, and A2.1, prepared by TFH Architects on behalf of Casco Bay Ventures, dated November 20, 2007.

Comments

- The applicant should confirm that the survey for the project coincides with approved City standards. The survey needs to be tied to the vertical datum of NGVD 1929. Also, the project needs to be tied to the Maine State Plane Coordinate System (2-zone projection), West Zone using the NAD 1983 (HARN) Datum and the U.S. Survey Foot as the unit of measure. These items should be indicated in the general notes provided on the survey.
- An engineering details sheet was not included with this submission. This sheet should include details showing conformance with City of Portland design standards for items including pavement, curbing, utility structures and connections, pipe trenching, and erosion control. The site plan references details on Sheet C1.3, which was not included in this submission.
- No work will be allowed in the R.O.W. until the Moratorium for the street has been lifted, and weather permits construction.
- Parking spaces 1 and 2 do not meet the City of Portland design standards. Parking spaces should be have a depth of 19' and a width of 9'.
- The site plan shows the location of water gates, however the water line itself is not shown.
- The stormwater report shows that there will be a slight increase in flow for the post development site conditions. In addition, the possibility of connecting roof leaders into the stormwater system was referenced in the report. The capacity of the existing combined sewer system, and the effect of the proposed project's stormwater and sanitary sewer flows on the system needs to be verified and taken into account in the design prior to the approval of the project.
- The stormwater report does not include any calculations to determine adequate pipe sizing for the projected stormwater flows.
- Piping from foundation drains should be directed out to the esplanade before it is tied into the combined sewer line.
- All drain inlet structures for the project should be catch basins with 3' sumps and casco traps.
- The piping connecting DI #1, DI #2, and the sewer manhole in the esplanade is called out as HDPE (smooth). This piping should be SDR 35 PVC sewer pipe.

Please contact our office if you have any questions.
DRG/LJS
203943

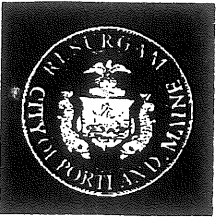
MEMORANDUM

To: FILE
From: Marge Schmuckal **Dept:** Zoning
Subject: Application ID: 2007-0123
Date: 11/2/2007

On October 22, 2007, the applicant submitted further information showing that he is exempt from the Housing Replacement Ordinance by using 14-483(n)(6). Documentation has been submitted showing that the original building was built as three (3) dwelling units. They are now asking to revise their plans to allow seven (7). The ordinance requires the planning authority's approval on this section of the ordinance. It appears they could be meeting this section of the ordinance.

The seven (7) requested dwelling units would meet the land area per dwelling unit requirements of the R-6 zone. The seven (7) units would require a minimum lot size of 7,800 sq ft of land area. Currently the lot is 7,905.9 square feet which is in excess of the minimum lot size required. The applicant is not prohibited from enlarging the building under section 14-388. The enlargement can meet the R-6 zone setbacks as currently shown.

Marge Schmuckal
Zoning Administrator



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Lee Urban- Director of Planning and Development
Marge Schmuckal, Zoning Administrator

September 26, 2007

Wally Geyer and Anthony Salem
Casco Bay Ventures
223 Woodville Road
Falmouth, ME 04105

RE: 130 Eastern Promenade, corner of Wilson Street – 003-C-001 & 002 – R-6 Zone
Site Plan #2007-0123

Dear Mr. Geyer and Mr. Salem,

I am in receipt of a letter from Bruce A. McGlauflin of Petrucelli, Martin & Haddow, LLP that outlines some zoning sections of the ordinance that he believes relate to your property at 130 Eastern Promenade and its proposed renovations.

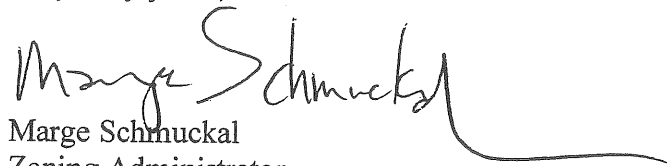
Attorney McGlauflin cites section 14-382(d) of the Nonconforming Use and Nonconforming Buildings section of the ordinance which reads, "Alteration, modification or addition may be made to a building which is lawfully nonconforming as to space and bulk or any dimensional requirement where the proposed changes in existing exterior walls and/or roofs would be within the space occupied by the existing shell of the building, and would not create any new nonconformity nor increase any existing nonconformity". Currently, the existing building is nonconforming as to space and bulk and dimensional requirements. I disagree that this section of the ordinance restricts any new addition outside of the confined shell of the existing building. I interpret this section of the ordinance to allow new addition(s) if no new nonconformity is created and there is no increase of any existing nonconformity. I believe that your proposal meets the section of the Land Use Zoning Ordinance.

Attorney McGlauflin also sites section 14-388 within the same division of the nonconformity section of the ordinance and is titled "Nonconformity as to area of dwelling". This section reads, "A building nonconforming as to the regulations governing area per dwelling unit shall not be enlarged unless such building, including such addition or enlargement, is made to conform to all the area per dwelling regulations of the zone in which it is located". This section of the ordinance is pretty clear. It seems to say that zoning should not allow any additions or enlargements unless the area per dwelling unit regulation is made to conform to the underlying zone. It is very severe in it's wordage and would restrict additions on even single family homes on undersized lots. In the past it has been the practice of this office to allow additions and enlargements on undersized lots relating to area per dwelling unit as long as all other

dwelling unit as long as all other underlying zone requirements are met. Since this section of the ordinance has been brought to my attention, I must abide by its wordage. The applicant of 130 Eastern Promenade has been notified that their proposal is not meeting zoning requirements at this time based upon section 14-388 of the zoning ordinance.

You have the right to appeal my decision. If you wish to exercise your right to appeal, you have 30 days from the date of this letter in which to appeal. If you should fail to do so, my decision is binding and not subject to appeal. Please contact this office for the necessary paperwork that is require to file an appeal.

Very truly yours,


Marge Schmuckal
Zoning Administrator

CC: **Molly Casto, Planner**
Alex Jaegerman, Planning Director
Barbara Barhydt, Development Review Services Manager
File

PETRUCCELLI, MARTIN & HADDOW, LLP

Attorneys at Law

50 Monument Square
Post Office Box 17555
Portland, Maine 04112-8555

BRUCE A. MCGLAUFLIN
bmcglauflin@petrucellimartin.com

September 4, 2007

Ms. Molly Casto
Planning and Inspections Department
City of Portland
389 Congress St.
Portland, Maine 04101

RE: 130 Promenade East

Dear Ms. Casto:

Thank you for speaking to me on the phone about the proposed development at 130 Promenade East, which abuts property owned by my clients, Nicolino & Patricia Ciccomancini. The Ciccomancinis own a three-story apartment building at 14 Wilson Street. You indicated to me that Casco Bay Ventures, Inc., the owner of 130 Promenade East, has submitted an application, that the application is being reviewed as a subdivision application, and that it is currently scheduled for planning board review at a workshop scheduled for October 9, 2007. The purpose of this letter is to express the Ciccomancinis' opposition and to draw your attention, and the planning board's attention, to specific requirements in the zoning ordinance, which we feel provide clear and sufficient basis for denying the application.

We begin with the understanding that the existing building or buildings are non-conforming as to bulk and space requirements in the ordinance. In particular, the existing buildings do not conform to the ten-foot setback requirements and the overall square footage requirement in the R-6 zone. Both the principal structure and the one-story addition fail to comply with the ten-foot side setback and the lot size (7,905.9 sq. ft.) does not comply with the minimum square footage of 1,000 sq. ft. per unit (11 units x 1,000). See Section 14-139(1)(a) and (b)(1). Because 130 Promenade East is a grandfathered nonconforming building, no alterations or additions are allowed except in strict compliance with the Zoning Ordinance provisions governing nonconforming buildings.

Ms. Molly Casto
September 4, 2007
Page 2

The proposed alterations and addition fail to comply with at least two of these provisions, Sections 14-382(d) and 14-388.

Section 14-382(a) states that no alterations, modifications or additions may be made to a nonconforming building, except as provided in Division 23. Subsection (d) of Section 14-382 states that a building which is nonconforming as to space, bulk or dimensional requirements may be altered, modified or added to if the proposed changes to existing exterior walls or roofs would be within the space occupied by the existing shell of the building. The proposed addition and renovation are not confined to the space occupied by the existing shell.

Under Section 14-388, a building that is nonconforming as to area per dwelling unit may not be enlarged unless the resulting building is made to conform to all area per dwelling regulations. The proposed structure does not so conform. The R-6 zone requirements mandate 1,000 sq. ft. per unit for the first three units, and 1,200 sq. ft. for the next six units, resulting in a total required lot area of 10,200 sq. ft for the proposed 11 units. The application must be denied because the lot consists of only 7,905.9 square feet.

We also read the ordinance as requiring site plan review for this application. Section 14-136(a)(2)(f) requires site plan review for any alteration of a multi-family dwelling structure that was in residential use on December 2, 1987. One of the applicable site plan review requirements states:

The bulk, location or height of proposed buildings and structure minimizes, to the extent feasible, any substantial diminution in the value or utility to neighboring structures under different ownership and not subject to a legal servitude in favor of the site being developed.

Section 14-526(a)(4). If Casco Bay Ventures, Inc. is allowed to proceed with a three-story addition, it will substantially diminish the value of the Ciccomancinis' property at 14 Wilson Street because it will completely block the expansive views enjoyed by the residents of the six-unit apartment building. The height of the proposed building maximizes, not minimizes, the diminution of value of the Ciccomancinis' property.

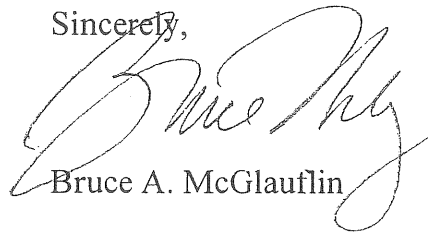
Thus, based on an initial review of the application and the City's Zoning Ordinance, there are at least three distinct and separate reasons why the application should be denied. A more detailed review may uncover additional reasons related to

PETRUCELLI, MARTIN & HADDOW, LLP

Ms. Molly Casto
September 4, 2007
Page 3

parking and other applicable requirements and standards. We request that you bring these concerns to the Planning Administrator and the Planning Board at your earliest convenience. Thank you for your consideration of these concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce A. McGlaulin". The signature is fluid and cursive, with a large initial "B" and "M".

Bruce A. McGlaulin

BMcG/d

cc: Nicolino & Patricia Ciccomancini

TFH ARCHITECTS 100 COMMERCIAL STREET PORTLAND MAINE 04101 TELEPHONE 207-775-6141 ARCHITECTURE AND PLANNING

October 22, 2007

Ms. Molly Casto, Planner
Planning Division
389 Congress Street
Portland, Maine 04101

RE: Estates of Longfellow Inn, 130 Eastern Promenade, (Application ID # 2007-0123)

Dear Molly,

Enclosed please find a letter to Marge Schmuckal from Wally Geyer of Casco Bay Ventures which describes, along with documentation, their determination that the building at 130 Eastern Promenade was originally built and occupied as a building with three dwelling units, such that their "The Estates of Longfellow Inn" project is exempt from the requirements of Section 14-483 of the Land Use Ordinance, "Preservation and Replacement of Housing Units."

Also included are revised floor plans and a revised site plan, which reflect the building as it has been redesigned to accommodate only seven apartment dwelling units, rather than the previously proposed nine units, as necessary to satisfy Sections 14-439, "Dimensional Requirements" and 14-388, "Nonconformity as to Area of Dwelling," of the Ordinance. At 7,905.9 square feet, the current given lot satisfies the minimum requirement of 7,800 square feet for seven units.

Pending Marge's review, please schedule us for the next soonest available Planning Board Workshop. We understand that some materials previously submitted for Site Plan Review may need to be revised in conjunction with the redesigned building; once the Workshop is scheduled please let us know by what date such revised materials should be submitted.

If you have any questions or need further information, please don't hesitate to contact me.

Sincerely,



Will Tinkelenberg

cc: Wally Geyer, Casco Bay Ventures
T. Scott Teas, TFH Architects
Encl: Letter to Marge Schmuckal from Wally Geyer, October 9, 2007
"C-1.2, Site Plan,"*
"A-1.2, First Floor Plan,"*
"A-1.3, Second Floor Plan,"*
"A-1.4, Third Floor Plan,"*
**All drawings revised October 19, 2007; Full-size & 11 x 17 copies included.*

CASCO BAY VENTURES
223 Woodville Road
Falmouth, Maine 04101

October 9, 2007

Marge Schmuckal
Zoning Administrator
Portland City Hall, Room 315
389 Congress Street
Portland, Maine 04101

RE: 130 Eastern Promenade, corner of Wilson Street – 003-C-001 & 002 – R-6 Zone
Site Plan #2007-0123

Dear Ms. Schmuckal,

On September 26, 2007, we received a denial letter for our current project at 130 Eastern Promenade. We are writing to amend our proposed application based upon our revised plans and section 14-480 found within the zoning code.

We were denied our permit based on section 14-388 of the zoning ordinance because our given lot size was smaller than the land area needed for the nine units we had proposed. We have now changed our proposal and have reduced the number of units from nine (9) in the previous proposal to seven (7) units. Through reducing the number of units we are now within the underlying zoning requirements.

The code also discusses in detail the preservation and replacement of housing units. If the number of dwelling units decreases on a property, replacement housing must be built or the developer must pay a fee, unless the property meets one of the codes listed exemptions. Through examination we have discovered that the loss of housing units from the current eleven (11) to the proposed (7) seven units at 130 Eastern Promenade should be exempt from division 29 of the code regarding the replacement of housing units.

Through careful research, we have discovered that 130 Eastern Promenade was originally built as a three family flat. The home was built as a residence in 1903, for Harry Pease, Harry Russell and Franklin Yeaton. Over the years, others bought out Russell and Yeaton. Then in 1916, Harry Pease became the buildings sole owner. During that same year Mr. Pease turned his residence into Ye Longfellow Inn. According to section 14-480 of the zoning ordinance, “existing residential structures which, exclusive of additions thereto, contain more dwelling units than they were originally designed and built to accommodate and which are being modified to contain fewer dwelling units, subject to the condition that the number of dwelling units originally intended to be accommodated in such structures can be established by documentary evidence.”

The attached primary source documentary evidence clearly shows that the building was intended for three dwelling units. Attached you will find Sanborn Fire Insurance Maps dating from 1896 through 1928. The Sanborn Insurance Map for 1896 shows that 130 Eastern Promenade was not yet built. Then the Sanborn Fire Insurance Map of 1909 shows that 130 Eastern Promenade was classified as a framed three story flat. The final Sanborn Insurance Map of 1928 shows that 130 Eastern Promenade had become an inn known as Ye Longfellow Inn. Further evidence of the buildings change of usage is found in the City Directories of 1903, 1915 and 1916. The City Directory of 1903 is the first directory to list a residence being located on the property. At that time the building had Harry Pease, Harry Russell and Franklin Yeaton listed as the properties owners/tenants. Then in 1916, the building is listed as Ye Longfellow Inn and as the home of Harry H. Pease. The Portland Business Directory of 1916 lists Ye Longfellow Inn as a hotel. The prior City Directory of 1915 neither lists the businesses name in the business section nor does the business appear in the street directory.

Due to our revised plans and the supporting documentary evidence, we are confident that our project as amended meets all zoning requirements.

Feel free to contact us with any questions you may have.

Sincerely,

Wally Geyer
Casco Bay Ventures

The JAMES BAILEY COMPANY 264—MIDDLE STREET—264
OUTFITTERS TO THE HORSE. • NEAR MONUMENT SQUARE

PORTLAND STREET DIRECTORY 1916

LEFT SIDE

RIGHT SIDE

DUNPHY'S LANE

WARD 4

- From 12 York
- 1 Mrs Margaret Mulken
 - Miss Mary Gerhan
 - 2 Bernard Lerman
 - 3 Vacant

DURHAM STREET

WARD 8

From 46 Brighton avenue to opposite 472 St John

- Alfred L Turner
- Charles H Small
- Perley O Dresser
- Carl A Elihad
- G Waldon Smith
- Charles S Lord
- Charles G Smith
- Daniel K Smith
- John L Moryman
- Howard R Stevens
- Henry F Owen
- George E Maco
- Deane street
- Nathan Clifford school
- Payson street
- William J Lenzetzel
- Howard O Larrabee
- St John street

DYER STREET

WARD 8

- From 160 Franklin to 51 Wilmot.
- 3 David Robinson
 - 5 Robert M Bloom
 - Nathan Rubin
 - 7 William Cooper
 - 11 George T Harding
 - A Judson Conary
 - Walker T Joyce
 - 13 Arthur Woodman
 - Wilmot street

EASTERN PROMENADE

WARD 1

- From 1 Atlantic to junction North and Washington avenue
- 5 Edgar G Sprague
 - 6 Munjoy street
 - 16 Mrs Effie I Jordan
 - Charles B Stovers
 - James T Jack
 - Rev Joshua M Frost
 - Charles L Jack
 - Beckett street
 - James M Gibson
 - Roy W Reed
 - Rev Frederick S Walker
 - Eugene A Spaulding
 - George F Reynolds
 - 53 William F Vesser street
 - William L Blake
 - William N Taylor
 - 82 Robert D Libby
 - Mrs Lydia J Libby
 - George B Verrill
 - Harry H Russell
 - George T Dealy

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PORTLAND STREET DIRECTORY 1916

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LEFT SIDE

RIGHT SIDE

EASTERN PROMENADE—Continued

- 180 Ye Longfellow Inn
- Harry H Pease
- 184-186 Wilson street
- 140 Samuel D Plummer
- 150 John W Griffin
- 154-156 Moody street
- 160 Mrs Sarah E Towle
- 166 Abraham Goodside
- Michael J Flaherty
- Morris Mainman
- 170 William T Starr
- 172 Albert B Smith
- 174 John H Montgomery
- 176 George E Maegowan
- 182 Mrs Mary E O'Connor
- Fred D Harvey
- 188 Lindsay B Griffin
- 192-196 Congress street
- 208 Wallace B Adams
- 210 James A Keniston
- Warren Brown
- 214 John R Peterson
- 218 Moses M Gould
- Charles A Patten
- E Rae Moody
- 234 Benjamin Press
- 234A Joseph S Bernstein
- 238 Mrs Isabella M Stewart
- 280-282 Turner street
- 288-290 Quebec street
- 278-280 Melbourne street
- 288 John J Nissen
- 292 Richard B Harvey
- 294 Atwood O Tubbs
- 296-300 Montreal street
- 316-320 Walnut street
- 462-460 North street
- Washington avenue
- 468—

0 Cutter street

The Portland City directory of 1916 shows that the property has become an Inn.

EDGEH

From 1200 Washington

- 20 John J O'Connor
- 80 Mrs Mary J McGowan
- 84 William E Dolley
- Vacant
- Beechwood avenue

Beechwood avenue

EDWARDS STREET

WARD 8

- From 1190 Congress to 942 Brighton avenue
- 7 George M Milne
 - 198 Brian M Richardson
 - Brighton avenue

EIGHT STREET

WARD 9

From Lexington avenue, northerly to Broadway

- John A Murphy
- Arthur F Fielding
- William S Spear
- Broadway

Broadway

ELEANOR STREET

WARD 9

- From 1268 Forest avenue, southerly
- Archie O Lamn
 - Haas H Madsen
 - Byron B Durgan painter
 - William W Durrell
 - J Iverett
 - Melvin L Ioring
 - Willard L Wyman
 - Alfred LeMay

ESS

TERMINAL
76 CROSS STREET
TELEPHONE 3567 - 3568

Opticians. Kodak Supplies.

ANDERSON, ADAMS & CO. INSURANCE

As (Retail)—Continued

10 P 1920 Forest av
 Benjamin K 89 Sawyer S P
 Joseph H 27 Portland
 G I Waido
 1 N 228 York
 922 Congress
 S B 688 Congress
 by 107 Federal
 y Mrs 110 Veranda
 H 952 Congress
 H 619 Forest av
 L 94 Middle
 ur F 34 Munjoy and P I
 status G 45 Moody
 ton E 427 Preble S P
 Curtis 537 Cottage rd S P
 man G 82 Ocean S P
L COMPANY 112 Exchange
 o 1223
 D 948 Forest av
 94-798 Congress
 ward J 181 Fernal
 19 W Commercial

Guns and Sporting Goods

ms Co 210 Federal
 Market
 H 210 Federal

's and Cornice Makers

FUS CO 300 Com'l (see p 1230)
 LOGUE, 452 Fore (see page
 PARKER 54 Cross (see p 19)
 & O'NEIL 222 Com'l (see p 6)
 HEN E & SON 81 Cross (see
 8)
IAM H CO (THE) (galvanized
 Fore (see page 1238))

Gymnasiums

tic Club 60 Spring
 Free
 Oak

and Brown Tail Moth

EXTERMINATORS
 PHILBROOK 18 Exchange
 1220)

Hair Dresser

OTHY P MISS 536 Congress
 10 page 10)

Hair Workers

Miss J 193 Summit
 1 518 Congress
 Mrs 582 Congress rm 98
 5 537 Congress rm 16 (see
) Parlous 562 Congress rm 416

Hardware

using Scale Co 85 Market rm
 Co 57 Middle
 O (carriage) 195 Commercial
 1289
 scandle Co 463 Wash av
 Use O 6 Monument sq
REHOUSE CO (THE) 148 and
 1 (see page 1240)
EE CO I Monument sq and
 see head lines street dir)

LAUGHLIN THOMAS CO (THE) 148 Fore
 and 184 Commercial (see page 7)
MADSEN & ALLEN CO 675 Forest av (see
 foot lines street directory)
 Marine Hardware and Equipment Co foot
 High S P
STEVENS A E & CO (wagon) 9 Union (see
 page 1230)
 Sulkwitch Hardware & Paint Co 373 Fore
 Talbot Brooks & Ayer 269 Middle
TILTON CHARLES A & CO 115 Sawyer S P

The City of
 Portland's Business
 Directory of 1916
 Shows that in
 1916 Ye Longfellow
 Inn was in
 business

Ayer Houston & Co (fur and felt) 2 Beal

Hats, Caps and Furs

COE THE HARTER 207 Middle (see
 general directory)
GREENOUGH BYRON & CO (wholesale)
 Middle (see page 7)
 McCarthy John J 251 Middle
SOHLBERG L H 591 Congress (see
 general directory)
 Schwarz D W 257 Middle
 Snyder Inc 9 Monument sq

Hay and Straw

Knight Turner H Ocean S P
LAPPIN JNO J & CO 12 Pearl (see p
 Smart Harold K 119 Westbrook
 Spear Albert E 29 Preble

Heating and Ventilating Contr

HASKINS JOSEPH T Jr 36 Vermont
 page 1237)
HUTCHINSON MELVILLE C 168 B
 (see side lines street directory)
KANE & STEVENSON 7-9 Washing
 (see page 16)
LIBBY E D & SON 10 Sewall (see p
MOULTON ARTHUR H 75 Union (see p
NASH F & O B CO 390 Fore (see p
WASHLEY O M & D W 6 Exchange (see p
TILTON O A & CO 115 Sawyer S P
 page 1184

***Hermetically Sealed Goods**

BURNHAM & MORRILL CO 45 Water (see
 page 6)
POSTLAND PACKING CO 26 York (see
 page 8
TWITCHELL-CHAMPLIN CO (THE) 252
 Commercial (see page 9)

***Horse Boots**

BAILEY JAMES OO (THE) 264 Middle (see
 head lines street directory)

***Horse Clothing**

BAILEY F O CARRIAGE OO (INO) 165
 Middle (see side lines street directory)
BAILEY JAMES OO (THE) 264 Middle (see
 head lines street directory)
GREENOUGH BYRON & CO (wholesale) 181
 Middle (see page 7)

Horse Dealers

Rich Dewey & Son 1150 Congress

***Horse Furnishing Goods**

BAILEY F O CARRIAGE OO (INO) 165
 Middle (see side lines general directory)
BAILEY JAMES OO (THE) 264 Middle (see
 head lines street directory)

Horseshoers

(See also Blacksmiths)

Chase Gilbert E 637 Forest av
 Clayton Joseph H 501 Fore
 Waterloo Edward W 32 Union
 Quinn Charles G O Cross
 Benson James E 187 Kennebec

***Hose and Packing**

PORTLAND RUBBER CO 259 Middle (see
 top lines general directory)

Hosiery and Gloves

Miley Co (The) 568 Congress
OWEN MOORE & CO 505 Congress (see adv
 general directory)

Hospitals and Dispensaries

Children's Hospital (The) 91 Danforth and
 68 High
 Connellan John W (private) 38 Eastern prom
 Edward Mason Dispensary 65 India
 Gordon Lillian A Mrs (private) 93 Stevens
 avenue
 King's Dr (private) 139 William
 Maine Eye and Ear Infirmary 9 Bramhall
 Maine General 2-22 Arsenal
 Maternity Hospital (private) 109 Emery
 St Barnabas (private) 251 Woodford

***Hot Water Heating**

DAVIS H E CO 38 Forest av (see adv gen-
 eral directory)
KANE & STEVENSON 7-9 Washington av
 (see page 16)

MOULTON ARTHUR H 75 Union (see p 15)
NASH F & O B CO 390 Fore (see page 27)
WASHLEY O M & D W 6 Exchange (see p 27)
WILLEY & OALHOUN 46 Market (see adv
 general directory)

Hotels

American House 99 Free
 Atlantic House 185 and 187 Fore

Avenue House Island av Peaks Island
 Bay View House Island av P I
 Casco Bay House Long Island
 Central House 137 Free
 Cliff House Cottage rd O E
 Columbia Hotel 645 Congress
 Congress Sq Hotel 579 and 581 Congress
 Falmouth Hotel 212-214 Middle
 Grand Trunk Hotel 179 Fore
 Granite Spring Hotel Long Island
 Harbor View House Peaks Island
HOTEL BRUNSWICK 21 Preble (see p 22)
 Hotel Florence 43 India
 Hotel Temple 22 Temple
 Imperial Hotel 104 Park
 Innes House Island av Peaks Island
 Knickerbocker (The) Peaks Island
 Lafayette Hotel 638 Congress
 Monument Sq Hotel 247 Federal
 New Adams House 15 Temple
 New Chase House 434 Congress
 New Rochester Hotel (The) 97 Elm
 Oceanic Peaks Island
 Park Hotel 121 Forest av
 Peaks Island House Peaks Island
 Preble House 475 Congress
 Terminal Hotel 989-943 Congress
 Tolman Hotel 6 Tolman Pl
 West End Hotel 268 St John
 Windsor Hotel 196 Middle
 Ye Headland Inn Peaks Island
 Ye Longfellow Inn 430 Eastern promenade

Hotels (Apartment)

Berkeley 72 Park av
 Boyd 69 Spring
 Bristol 312 Congress
 Carroll 94 Myrtle
 Clifford 13 Clifford
 Colonial 177 High
 Elks 45 Spring
 Ellsworth 895 Congress
 Everett Chambers 51a Oak
 Fessenden 15 Shepley
 Florence 41 Chestnut
 Hampton 94 Park av
 Harlan 115 Congress
 Lawlor 150 Congress
 Los Angeles 421 Cumberland av
 Marlborough 184 High
 Marshall 626a Congress
 Newton 124 Brackett
 Oaks 76 Park av
 Ocean View 101 Danforth
 Parkhurst 91 State
 Raymond 55 Morning
 Sherman 111 Sherman
 Sherwood 92 Park
 Shepley 18 Casco
 Somerset 693 Congress
 St Regis 8-10 Weymouth
 St Evans 12 Weymouth
 Stanley 5 Smith
 Skelaway 59 State and 138 Danforth
 Teumachy 65 Sherman
 Trelawny 656 Congress
 Tyler 65 Spring
 Ulysses 98 Grant
 Vaughan Hall 216 Vaughan
 Wardsworth 80a Preble
 Warren 82 Park av
 Wellington 661 Congress
 Weymouth 849 Congress
 Wigh 198 High
 Wilson 681 Congress
 Windsor 286 State
 Woodbury 118 Franklin

***House Finish Mfrs.**

ALLEN W A CO 125 Somerset (see p 1236)
BERLIN MILLS CO 402 Commercial (see
 adv general directory)

EVENING EXPRESS

LARGEST DAILY
CIRCULATION
IN MAINE.

PORTLAND STREET DIRECTORY.

141

LEFT SIDE.

RIGHT SIDE.

DUNPHY'S LANE—CONTINUED.

2 Mrs. Hannah Lee	4 Michael Ney
Mrs. Mary Haley	Benjamin B. Dyer
John W. Wilkins	Pasquale Cefalo
Mrs. Sophia Decost	Mrs. Annie F. Cameron

DYER STREET.

WARD 3.

From 150 Franklin to 51 Wilmot.

8 Neal Johnson	3 Joseph H. Marston
Clarence E. Horr	Watson R. Gribbin, jr.
12 Jesse S. Felt	5 Joseph F. Colley, jr.
Lewis W. Littlefield	7 Mrs. Amanda Hill
Wilmot street	13 Vacant
	— Wilmot street

EASTERN PROMENADE.

WARD 1.

From 1 Atlantic to junction North and Washington avenue.

6 Ernest A. Randall	5 Henry F. Merrill
14, 16 Munjoy street	17 John G. Munroe
	Mrs. Catherine Lightford
	19 Charles A. Neal
	James A. Trott
22 James P. Jordan	(rear) Alexander L. Izatt
28 John H. Richardson	John M. L. Jackson
Herbert J. Willard	21 Mrs. Jerusha S. Clark
Charles S. Webster	(rear) Ernest E. Gammage
Beckett street	
38 Mrs. Lizzie E. Dennison	27 Walter W. Duffett
Charles L. Jack	29 Oakley C. Curtis
40 Benjamin Thompson	33 Mrs. Elvira S. Randall
46 Mrs. William Gray	39 William B. Thombs
48-52 Vesper street	(rear) Jeremiah H. Connolly
54 William L. Blake	47 John J. Gerrish
	George L. Gerriah
64 William N. Taylor	53 Mrs. Sarah M. Ricker
68-82 Morning street	55-73 Fort Allen Park
84 Robert D. Libby	75 Fort Allen Park place
102 Arthur C. Libby	81 Lewis W. Cleveland
130 Harry H. Pease	91 Roscoe S. Davis
Harry H. Russell	93 Mrs. Catherine McCarthy
Franklin Yeaton	95, 97 East Commercial street
134 136 Wilson street	191-195 Congress street
140 Samuel D. Plummer	Cleaves Monument
154, 156 Moody street	
172 Leslie A. Boadway	
174 Alfred Southworth	
182 Robert S. Laughlin	
Lindsey B. Griffin	
192-196 Congress street	
214 John R. Peterson	
218 Moses M. Gould	
Charles A. Patten	
Neal D. Gould	

L. W. CLEVELAND CO. & ELECTRICAL ENGINEERS & CONTRACTORS.
 235 CONGRESS ST.
 ESTIMATES AND SPECIFICATIONS FOR EVERY KIND OF ELECTRICAL WORK.
 TELEPHONE CONNECTION.

Portland City directory of 1903 shows that three tenants/owners live at 130 Eastern Promenade.

Rubber and Leather Belting and everything pertaining to Mill Supplies.

TALBOT, BROOKS & AYER,

289 MIDDLE, 235 AND 242 FEDERAL STREETS.

Year 1903

CLOTHING ON CREDIT, IF YOU WANT IT
 PURITAN CLOTHING CO.
 571 CONGRESS STREET
 TELEPHONE 1898-W

LEFT SIDE

RIGHT SIDE

EASTERN PROMENADE—Continued.

- | | |
|----------------------------|----------------------------|
| 40 Eoy W Reed | 21 Martha J Clark |
| Eugene A Spaulding | (rear) John E Bradley |
| 48 Gertrude H Weeks | 27 Walter W Duffett |
| 48-52 Vesper street | 29 Oakley O Curtis |
| 54 William L Blake | 33 Vacant |
| 64 William N Taylor | 39 Edward M Lang |
| 66-82 Morning street | (rear) Jeremiah H Connolly |
| 84 Robert D Libby | 47 George L Gerrish |
| 102 Mrs Lydia J Libby | 53-75 Fort Allen Park |
| 108 George B Verrill | 81 Mrs Bertha E Cleveland |
| 114 Harry H Russell | 91 Roscoe S Davis |
| 126 George T Dealy | 93 Vacant |
| 130 Harry E Pease | 95-97 East Commercial st |
| George F Reynolds | |
| Natt W Brown | |
| 134-136 Wilson street | |
| 140 Samuel D Plummer | |
| 150 John W Griffin | |
| 154-156 Moody street | |
| 180 Mrs Sarah E Towle | |
| 166 Abraham Goodside | |
| Michael J Flaherty | |
| 168 Morris Maiman | |
| 170 William T Starr | |
| 172 Albert E Smith | |
| 174 John H Montgomery | |
| 178 George E Macgowan | |
| 182 Mrs Mary E O'Connor | |
| Fred D Harvey | |
| 188 Lindsay E Griffin | |
| 192-196 Congress street | |
| 208 Novello Crafts | |
| Rev Wilhelm M Petterson | |
| 210 James A Keniston | |
| 214 John E Peterson | |
| 218 Moses M Gould | |
| Charles A Patten | |
| E Rae Moody | |
| 224 Benjamin Press | |
| Samuel Wolf | |
| 224A Charles H Warren | |
| 238 Mrs Isabella M Stewart | |
| 230-232 Turner street | |
| 258-260 Quebec street | |
| 278-280 Melburnus street | |
| 288 John J Nissen | |
| 292 Richard E Harvey | |
| 294 Atwood O Tubbs | |
| 296-300 Montreal street | |
| 316-320 Walnut street | |
| 452-460 North street | |
| 468 Washington avenue | |

Portland City
 directory of 1915
 Shows that three
 tenants/ owners
 live at 130 Eastern
 Promenade.

EDGEWOOD AVENUE

WARD 9

From 1200 Washington avenue to Beechwood avenue

- | | |
|-----------------------|------------------|
| 20 John J O'Connor | |
| 30 Mrs Mary J McGowan | |
| 34 William E Dolly | 25 Vacant |
| Beechwood avenue | Beechwood avenue |

EDWARDS STREET

WARD 8

From 312 Brighton avenue to 1190 Congress

- | | |
|-----------------|------------------|
| Congress street | 7 George M Milne |
| | Congress street |

Opticians. Kodak Supplies.
 H. E. MURDOCK CO. Y. M. C. A. BUILDING.

***Hospitals (Private)**

WYER EVELYN W MRS 8 Pleasant av
(see adv general directory)

***Hot Naphtha Cleansers**

KIRKINS E L & CO 1181 Forest av 181
Woodford 158 Free (see head lines
general directory)

***Hot Water Heating**

WIS H E CO 33 Forest av (see adv gen-
eral directory)
NE & STEVENSON 7-9 Washington av
(see page 19)
LTON ARTHUR H 75 Union (see
page 15)
H F & C E CO 390 Fore (see p 24)
H O M & D W 6 Exch (see p 24)
LEY & CALHOUN 46 Market (see adv
general directory)

Hotels

American House 29 Free
Antic House 185 and 187 Fore.
Home House Island av Peaks Island
View House Island av P I
Bay Hotel Long Island
Arctic House 137 Free
Arwick House rear 431 Congress
Cottage Cottage rd C E
Columbia Hotel 645 Congress
Congress Sq Hotel 579 and 581 Cong
Wood. (The) 16 Elm
mouth Hotel 212 214 Middle
State Spring Hotel Long Island
Roor View House Peaks Island
ELL BRUNSWICK 21 Preble (see page
22)
Florence 43 India
Temple 22 Temple
Arctic Hotel 104 Oak
Home House Island av Peaks Island
Berbocker (The) Peaks Island
Veyette Hotel 638 Congress
mumant Sq Hotel 247 Federal
Adams House 15 Temple
Chase House 434 Congress
Arctic Peaks Island
Hotel 121 Forest av
Island House Peaks Island
Home House 475 Congress
Annual Hotel 939-943 Congress
Rochester Hotel (The) 97 Elm
man Hotel 6 Tolman place
End Hotel 293 St John
Wisor Hotel 198 Middle
Headland Inn Peaks Island

Hotels (Apartment)

Kelley 72 Park av
65 Spring
312 Congress
177 High
45 Spring
North 895 Congress
St Chambers 51a Oak
Garden 15 Shepley
Gibline 41 Chestnut
12 Weymouth
Garden 94 Park av

Harlan 115 Congress
Lawlor 150 Congress
Los Angeles 421 Cumberland av
Lyndon 16a Deering
Marlborough 184 High
Marshall 626a Congress
Munjoy 102 Congress
Newton 124 Brackett
Oaks 76 Park av
Ocean View 101 Danforth
Parkhurst 91 State
Quincy 7 Quincy
Raymond 55 Morning
Sherman 111 Sherman
Sherwood 92 Park
Shepley 18 Casco
Simpson 68 Melten
Somerset 633 Congress
St Regis 8-10 Weymouth
Stateway 59 State and 138 Danforth
Tecumseh 65 Sherman
Trelawny 655 Congress
Tyler 55 Spring
Ulysses 98 Grant
Vaughan Hall 216 Vaughan
Wardsworth 30a Preble
Warren 82 Park av
Whitney 122 Neal and 59 West
Wiggin 198 High
Wilton 881 Congress
Windsor 236 State
Woodbury 113 Franklin

***House Finish Mfrs.**

ALLEN W A & CO 125 Somerset (see page
1184)
BERLIN MILLS CO
adv general dire
DEERING RUFUS C
page 1180)
DOTEN S H & A I
1184)

***House Furn**

DAVIS R S CO 10
Federal (see her
FOSS T F & SONS
general directory
FORTEOUS MITCH
522 Congress (s
TOLMAN BRADFOR
327 Cumberland
eral directory)

Ice Cre:

Deering Ice Cream C
SIMMONS & HAM
Commercial (see
rectory)
West End Dairy Co

Ice I

Brackett W E & Co
Deering Ice Co 143 N
Libby & Co 200 Fed
Merrill William A L
Phinney Charles G 5
PORTLAND SEBAG
mercial (see foot lines general dir)
Sebago Ice Co 802 Commercial
Trefethen Harvey H Peaks Island

***Illuminating Windows**

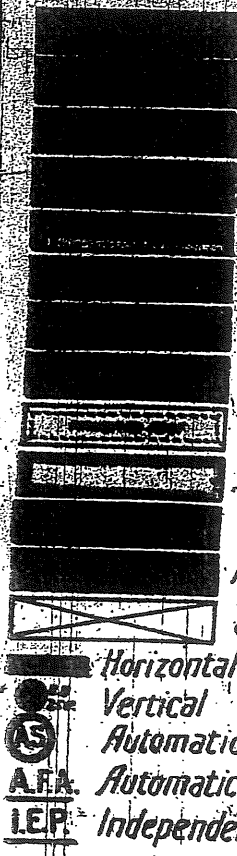
SPENCE BELL & CO 90 Canal Boston (see
page opp Glass)

*Business directory
of 1915 shows
that Le Longfellow
Inn does not
yet exist.*

Key for
reading
Sanborn Insurance
Maps.

(Source: 1928
Sanborn Insurance
Map of Portland)

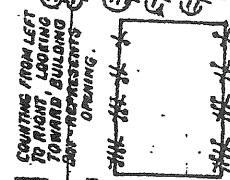
KEY



Fire proof construction
Iron building
Brick building with metal cornice
" " " frame
" " " side
" " " stone front
Brick special
" " with frame side
frame building
" " iron clad
" " special
Adobe building
Stable
Horizontal steam boiler
Vertical
Automatic sprinklers
A.F.A. Automatic fire alarm
I.E.P. Independent electric plant

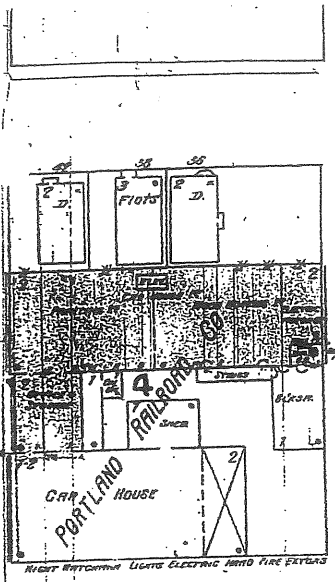
WALL	1ST	ONLY
WALL	1ST	ONLY
□	SKYLIGHT LIGHTING TOP STORY ONLY	
2	SKYLIGHT LIGHTING TWO STORIES	
3	SKYLIGHT LIGHTING THREE STORIES	
D	DWELLING	
F	FLAT	
S	STORE	

Wall 1st no openings through it
" " with openings
Fire wall 6 inches above roof
" " 12
" " 18
" " 24
Opening in division wall
" " with iron door
" " standard iron door
Windows with iron shutters
Window opening in first story
" " second
" " 2^d & 3^d stories
" " 2^d & 4th

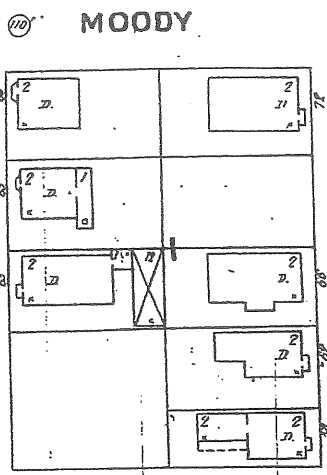


7' Brick chimney
Iron
Fire alarm box
Hydrant
15' Elevation

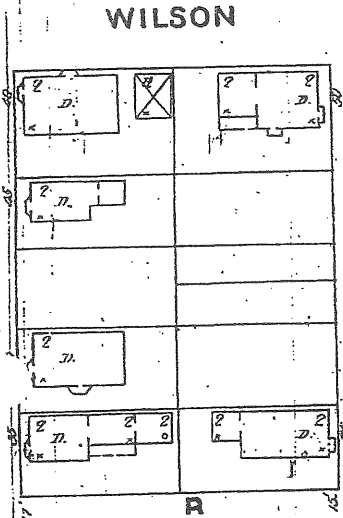
27
Reference to
adjoining sheet.



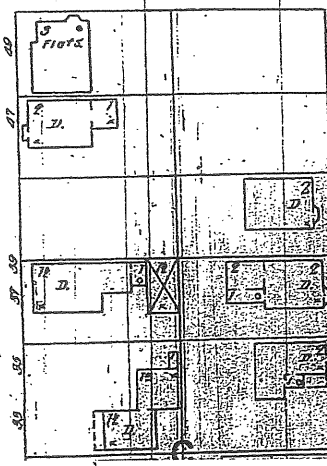
100
9



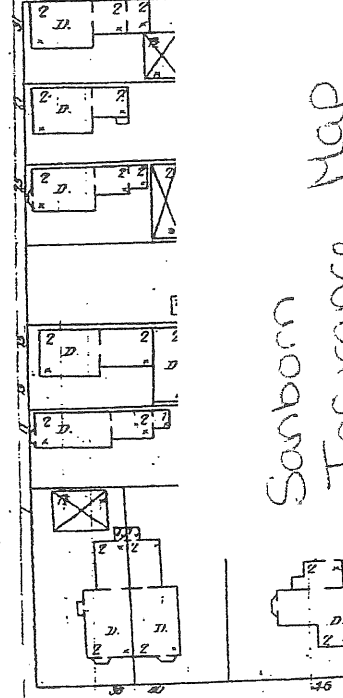
48
TROLLEY R.R.



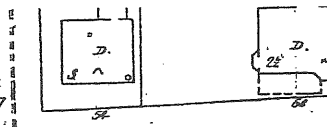
47
4 1/2" PIPE N.E.
VESPER



MORNING

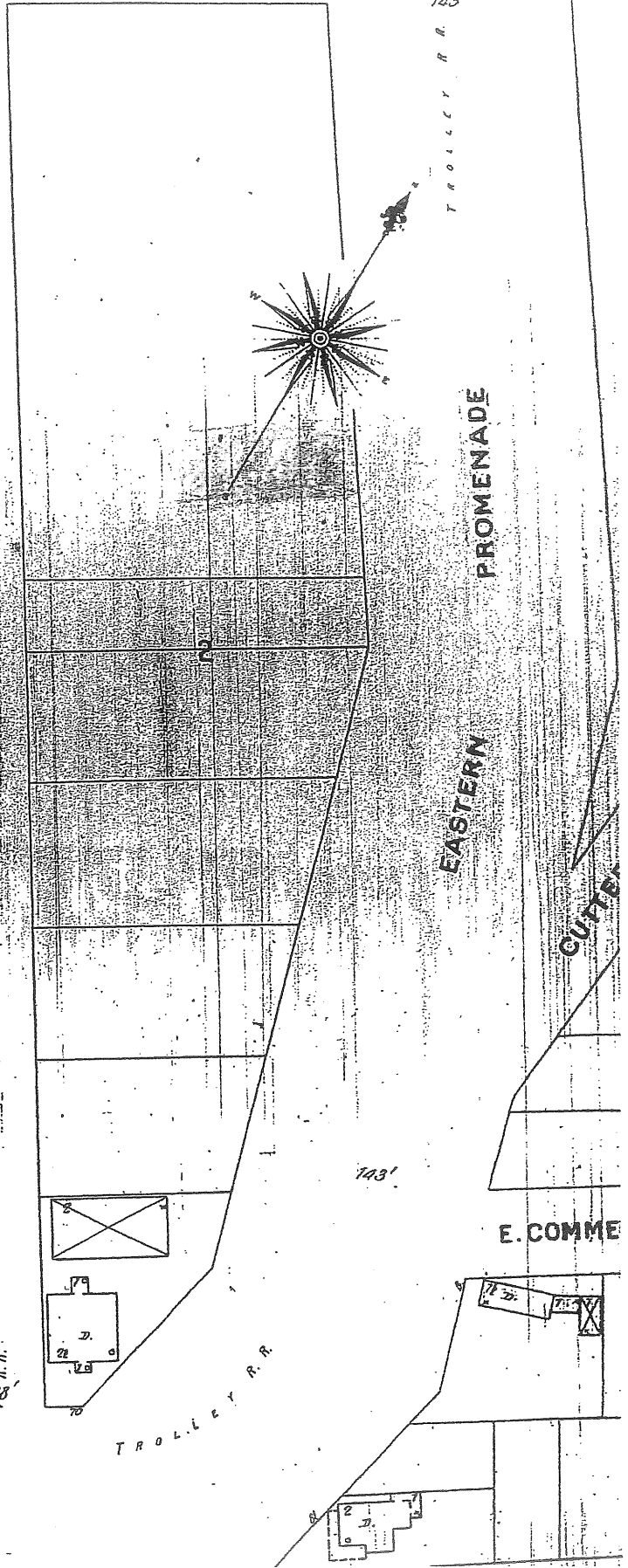


46



48
TROLLEY R.R.

Sarborn Insurance Map of 1896. This map shows that 130 Eastern Promenade had not yet been built. The green area represents where 130 is located.



145'
TROLLEY R.R.

PROMENADE

EASTERN

CUTTER

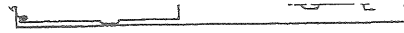
E. COMME

143'

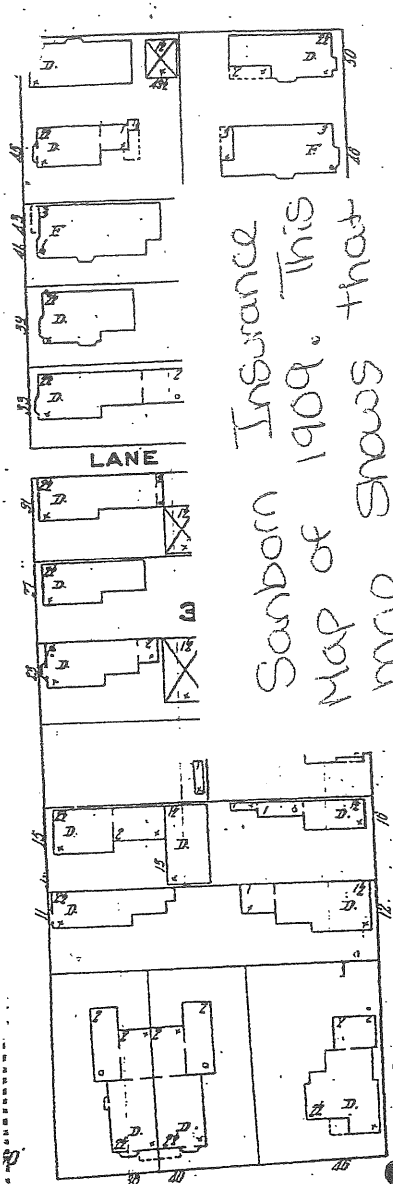
EASTERN

PROMENADE

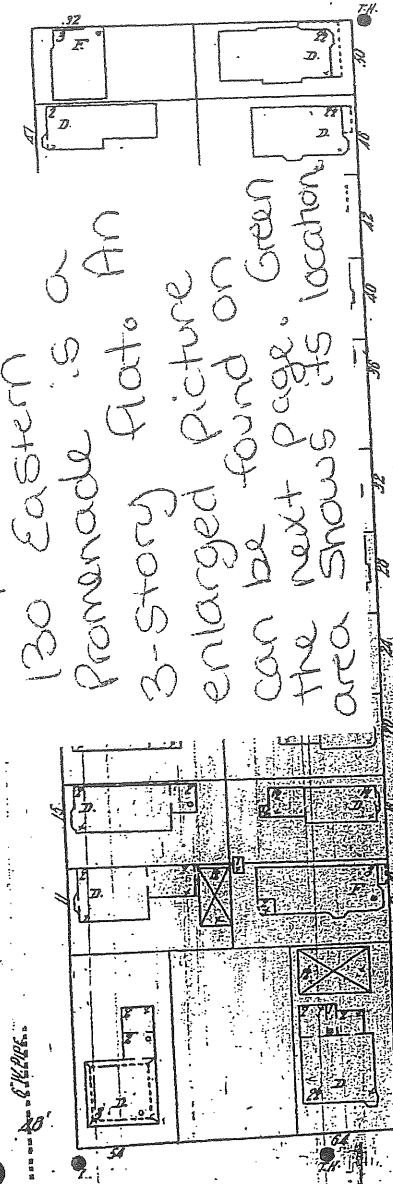
Map of Wilson, Mo. Class. Lanes: Electric, Water, Sewer, Gas, Telephone, Fire, Police, etc. Scale: 1/4" = 100'.



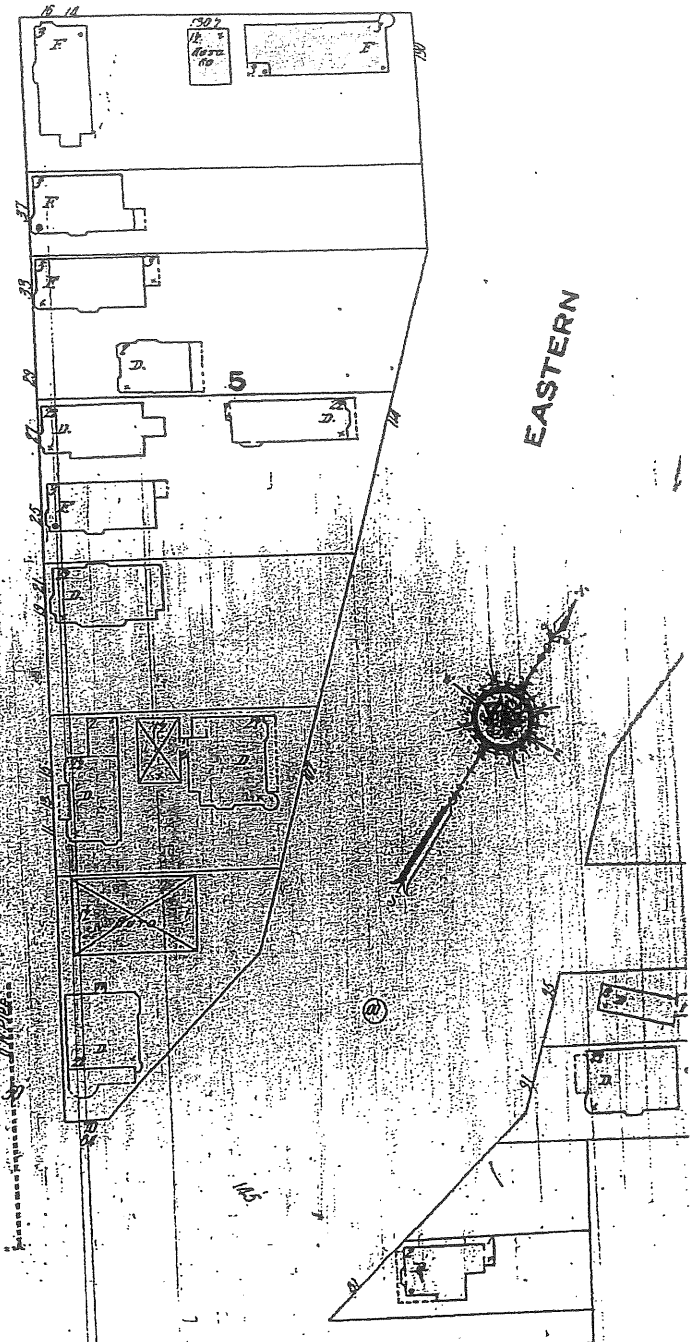
WILSON



Sanborn Insurance Map of 1909. This map shows that 130 Eastern is a Promenade is a 3-Story flat. An enlarged picture can be found on the next page. Green shows its location.



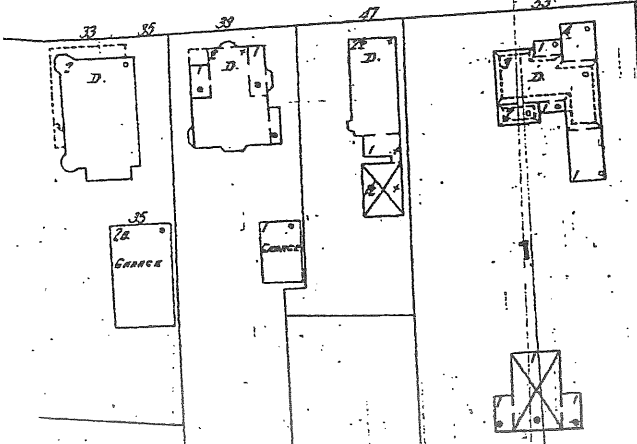
MORNING



EASTERN

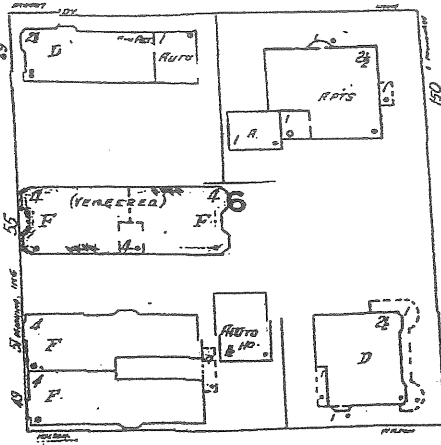
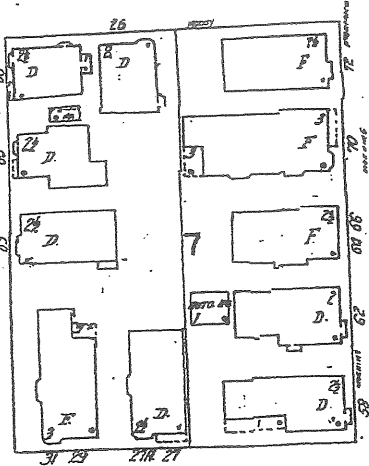
EASTERN PROMENADE

FORT ALLEN PARK

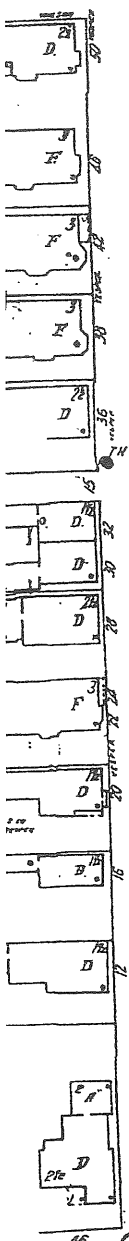


Scale of Feet. 0 50 100 150

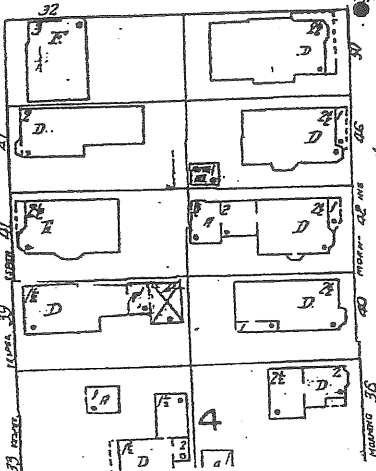
MOODY



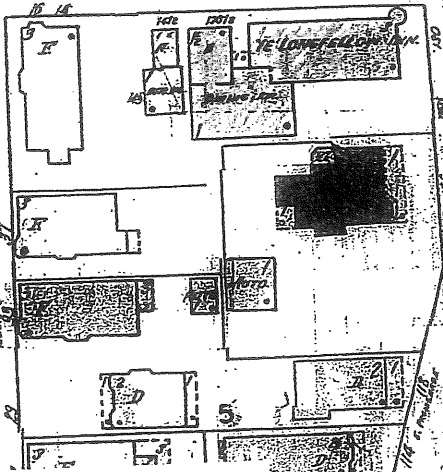
WILSON



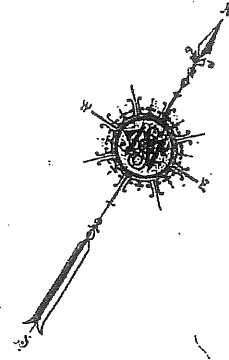
VESPER



MORNING



Sarborn Insurance
 Map of 1928.
 This map shows
 that 130 Eastern
 Promenade is an
 Inn. An enlarged
 picture can be
 found on the next
 page. The green
 area represents 130 Prom.
 E. Prom.



EASTERN

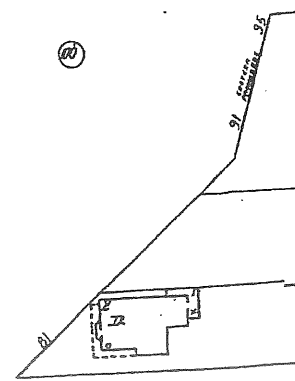
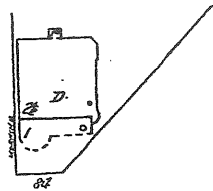
PROMENADE

STERN

PROMENADE

S. W. PIPE

S. W. PIPE

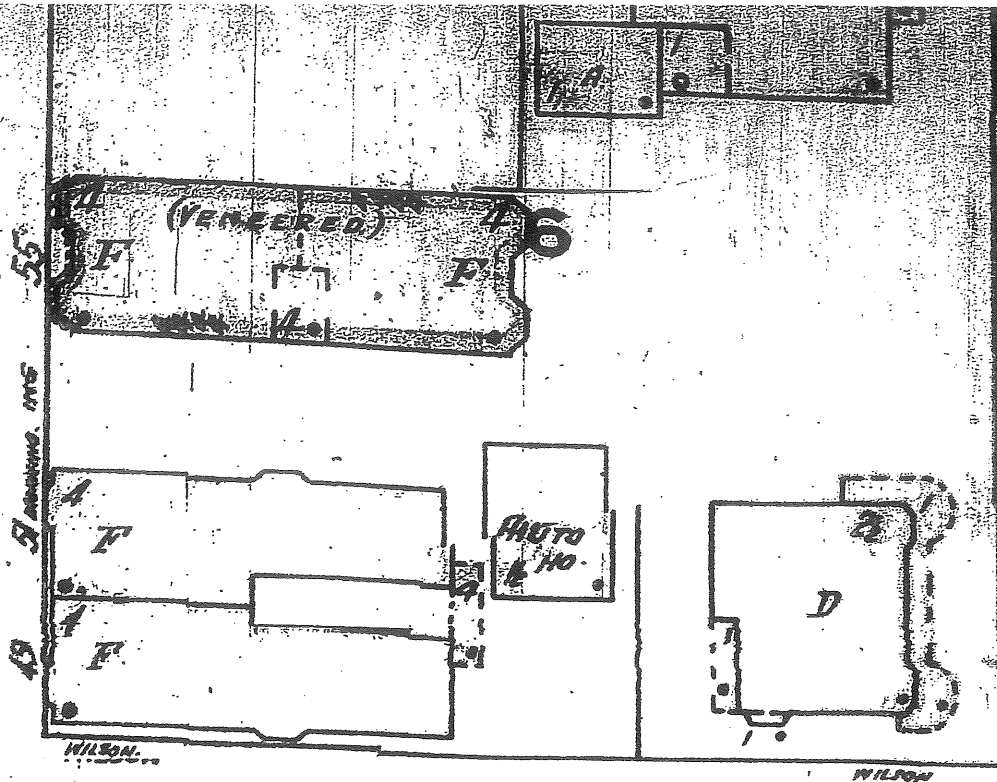
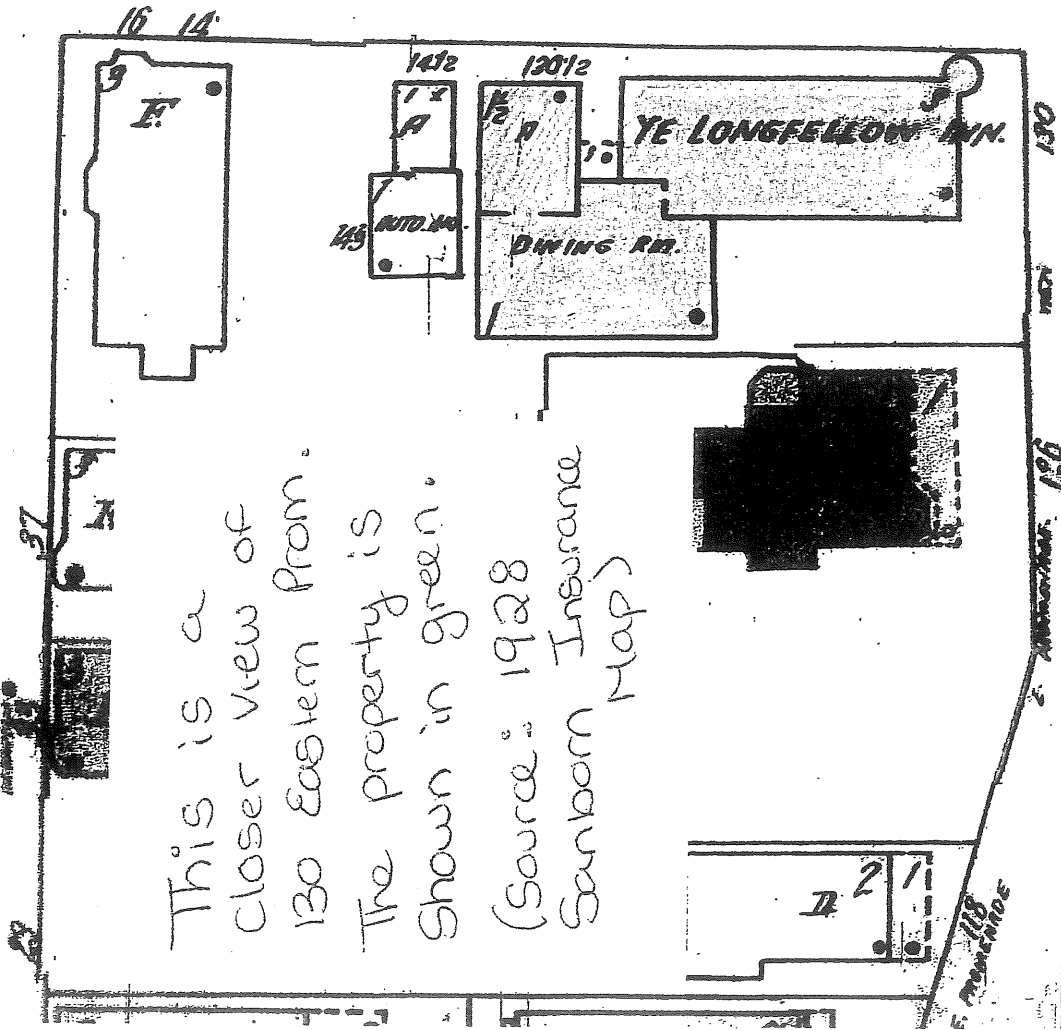


PROMENADE

R.

MORNING

This is a
closer view of
130 Eastern Prom.
The property is
shown in green.
(Source: 1928
Sanborn Insurance
Map)



130
136
50

TFH ARCHITECTS 100 COMMERCIAL STREET PORTLAND MAINE 04101 TELEPHONE 207-775-6141 ARCHITECTURE AND PLANNING

November 20, 2007

Molly Casto, Planner
Planning Division
Department of Planning and Urban Development
City of Portland
389 Congress Street
Portland, ME 04101

Re: "The Estates of Longfellow Inn at 130 Eastern Promenade", Portland, ME

Dear Molly,

Please find enclosed revised drawings - see list below - and Stormwater Management Report for "The Estates of Longfellow Inn at 130 Eastern Promenade" in Portland, ME.

We hope to be scheduled for the next "workshop" session on December 11, 2007. Please contact me or Susanne Aldrian at (207) 775-6141, if you need any additional information.

Sincerely,



T. Scott Teas, NCARB, AIA
Principal

Cc: Wally Geyer, Casco Bay Ventures
Scott Teas, TFH Architects
Encl.: Stormwater Management Report (8 sets)
Drawings (7 sets full size, 1 set 11x17):

- G1.1 Cover Sheet
- G1.2 Life Safety Plans
- Existing Conditions Survey
- C1.1 Subdivision Plan
- C1.2 Site Plan
- C1.4 Landscaping Plan
- C1.5 Site Lighting Plan
- A1.1 Basement and Roof Plan
- A1.2 First Floor Plan
- A1.3 Second Floor Plan
- A1.4 Third Floor Plan
- A2.1 Exterior Elevations

**THE ESTATES AT LONGFELLOW INN
130 EASTERN PROMENADE**

CASCO BAY VENTURES, APPLICANT

SITE PLAN AND SUBDIVISION REVIEW

Submitted to:
Portland Planning Board
Portland, Maine

Submitted by:
Molly Casto, Planner

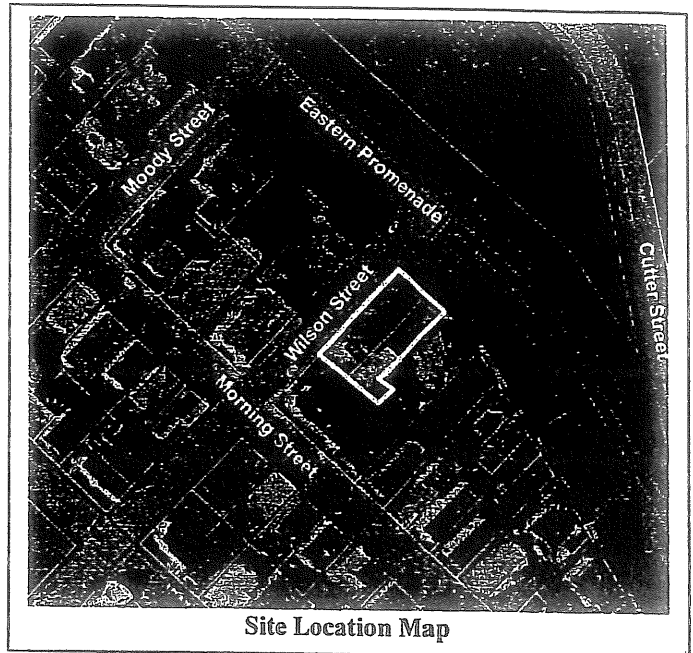
Prepared on: January 18, 2008
Meeting Date: January 22, 2008

I. INTRODUCTION

Casco Bay Ventures has requested subdivision and site plan review and approval for their proposal to renovate and add a three-story addition to the existing building at 130 Eastern Promenade. The project is to be reviewed according to the City of Portland standards for subdivision and for major site plan. The site is located within an R-6 Residential zone.

Notice of the public hearing was sent to 111 area property owners and was advertised in the Portland Press Herald and on the City website.

Representatives for the applicant include TFH Architects and Back Bay Boundary, Inc., both of Portland, Maine.



II. FINDINGS FOR 130 EASTERN PROMENADE

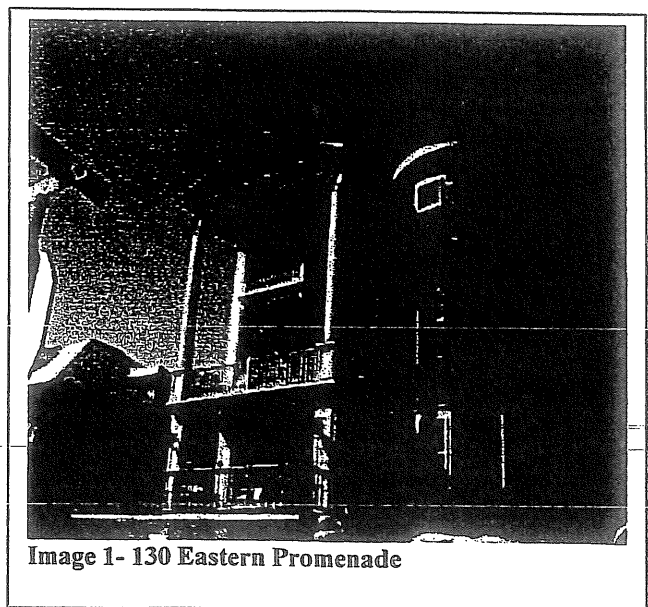
Total Land area:	7,905.9 square feet (.18 acres)
Tax Map:	Tax Map 3-C Lots 1 and 2
Zone:	R-6 Residential
Existing Use:	11-unit apartment building with 2-car garage.
Proposed Use:	7-unit apartment building with paved 7-car parking lot.
Parking:	Proposal to remove garage and construct a seven-car parking lot on site.

III. SITE DESCRIPTION

The site, located at the corner of Eastern Promenade and Wilson Street contains a vacant, eleven (11) unit residential structure composed of a three-story frame building containing nine (9) units, with a single story addition containing two (2) units and a two-car garage.

IV. PROPOSED DEVELOPMENT

The applicant proposes to renovate the existing three-story frame building, demolish the one-story addition and add a three story, three-unit addition on the southeast side. The proposed building will contain seven (7) apartments ranging in size from 1,123 to 1,442 gross sq. ft (excluding porches, decks and balconies). The



applicant proposes to demolish the existing garage in order to accommodate a seven (7) car parking lot including covered parking for five (5) full-size cars and two (2) additional outside parking spaces for compact size vehicles (see submitted plans- Attachment 14(e)).

The total square footage of the proposed building footprint is 3,891 sq. ft. The total gross square footage of the proposed development is 10,534 gross sq. ft. The proposal includes a remaining 2,006 sq. ft of landscaped open space.

V. WAIVER REQUEST- SECTION 14-483

The applicant has submitted a letter to the Planning and Inspections Divisions requesting that the Planning Board grant an exemption from the requirements of Section 14-483- Preservation and Replacement of Housing Units (see Attachment 13). Section 14-483 requires the review and approval of the Planning Authority. The applicant is seeking to reduce the number of units in this building from eleven (11) to seven (7).

Section 14-483 is intended to limit the net loss of housing units caused by the demolition, consolidation or conversion of residential property. The provisions of this section apply in all zoning districts in cases where three or more lawfully existing dwellings, including dwelling units within multi-family buildings, are demolished, converted to non-residential uses, or eliminated through the reduction or consolidation of units within a residential property within a five (5) year period. The applicant has submitted documentary evidence that they meet exemption criteria (6) as outlined in this section of the Ordinance. Criteria 6 states:

(6) Existing residential structure which, exclusive of additions thereto, contain more dwelling units than they were originally designed and built to accommodate and which are being modified to contain fewer dwelling units, subject to the condition that the number of dwelling units originally intended to be accommodated in such structures can be established by documentary evidence.

The applicant is seeking to reduce the number of units from eleven (11) to seven (7). The applicant has submitted documentation to support their determination that the building at 130 Eastern Promenade was originally built and occupied as a building with three (3) dwelling units in 1903 (see Attachment 13). The number of dwelling units subsequently increased when the building was converted to hotel use as the *Ye Longfellow Inn* in 1916.

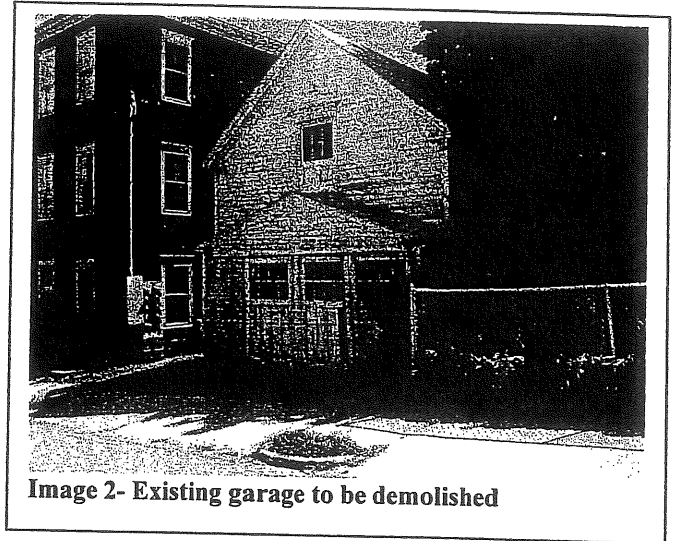


Image 2- Existing garage to be demolished

VI. ZONING

Marge Schmuckal, Zoning Administrator, has reviewed this project for compliance with the City's zoning requirements. Her memo is attached as Attachment 9 and contains the following conclusions:

- The seven (7) requested dwelling units would meet the land area per dwelling unit requirements of the R-6 zone.
- The seven (7) units would require a minimum lot size of 7,800 sq ft of land area. Currently the lot is 7,905.9 square feet, which is in excess of the minimum lot size required.
- The applicant is not prohibited from enlarging the building under section 14-388.
- The enlargement can meet the R-6 zone setbacks as currently shown.

Two abutters to the project have raised concerns about Marge's interpretation of Section 14-382(d) of the City Code with the Planning Board. Those concerns, including a request that the Board table this matter, are included as Attachment 13 (Public Comment). Corporation Counsel's Office indicated at the December 11, 2007 workshop that the Planning Board does not have the authority to make zoning determinations. Such determinations are exclusively within the purview of the Zoning Administrator and the Zoning Board of Appeals.

Parking requirements:

The applicant is not required by zoning (Section 14-332) to incorporate additional parking into their proposal because the proposal does not increase the number of units. The only requirement is that they not reduce off-street parking to less than what exists currently. At present, the property can accommodate approximately two parking spaces in the existing garage. The applicant proposes to increase off-street parking to seven (7) parking spaces, providing one parking space for each unit.

The following chart compares the dimensional requirements of the R-6 zone to the proposed development:

Standard	R-6 Requirements	Proposed Development
Min. Lot Size	4,500 sq. ft.	7,905.9 sq. ft.
Min. Area per Unit	1000 sq. ft/DU for existing building. 1,200 sq. ft. after first 3 DU's = <u>7,800</u> sq. ft minimum for 7 units	7,905.9 sq. ft.
Min. Street Frontage	40 ft	Approx. 65 ft
Min. Front Yard	10 ft	5 ft- existing bldg / <u>15 ft</u> - bldg addition
Min. Side Yard	10 ft	Approx. 2.5 ft- existing bldg/ <u>10 ft</u> - bldg addition
Min. Rear Yard	20 ft	20 ft
Max. Lot Coverage	50%	49.20%
Min. Lot Width	50 ft	Approx. 65 ft
Min. Structure Height	Min. of 2 stories of living space	3 stories of living space
Max. Structure Height	45 ft	Approx. 39 ft.
Open Space Req.	Min width/length = min. 15 ft and slope = <10%.	Approx. (15.7 x 29.3 ft.) + 18.6 x 10 ft.) Open space (25.4%). Slope = < 10%

VII. RIGHT, TITLE OR INTEREST

The applicant submitted a warranty deed as appropriate evidence of ownership of the property (see Attachment 2).

VIII. FINANCIAL CAPACITY

Casco Bay Ventures submitted a letter from Bangor Savings Bank, dated January 2, 2008 stating that the applicant has the financial capacity to complete the project (see Attachment 3).

IX. NEIGHBORHOOD MEETING

Casco Bay Ventures held a neighborhood meeting, a required by City ordinance, on December 27, 2007. Documentation from that meeting is included as Attachment 6

X. SUBDIVISION AND SITE PLAN REVIEW

The proposed development has been reviewed by Planning staff for conformance with the relevant review standards of the subdivision and site plan ordinances. Staff comments are highlighted in this report.

Subdivision Recording Plat

The proposed 3-story addition contains three dwelling units and is therefore defined as a subdivision.

According to Section 14-493 of the City Code of Ordinances - Definitions, a subdivision is defined as:

... The division of a lot, tract or parcel of land into three (3) or more lots, including lots of forty (40) acres or more, within any five-year period whether accomplished by sale, lease, development, buildings or otherwise and as further defined in 30-A M.R.S.A. Section 4401. The term subdivision shall also include the division of a new structure or structures on a tract or parcel of land into three (3) or more dwelling units within a five-year period and the division of an existing structure or structures previously used for commercial or industrial use into three (3) or more dwelling units within a five-year period. The area included in the expansion of an existing structure is deemed to be a new structure for the purposes of this paragraph. A dwelling unit shall include any part of a structure, which, through sale or lease, is intended for human habitation, including single-family and multifamily housing condominiums, time-share units and apartments.

The recording plat is included as Attachments 14-d. Any conditions of approval that the Board places on the subdivision must be shown on the plat. A revised plat meeting these requirements must be submitted pending the Planning Board's decision.

Boundary Survey

Public Works submitted comments on December 4, 2007 addressing two notes, which should be included on the boundary survey stating that, the project survey coincides with approved City standard. The applicant has submitted a revised boundary survey, however, this has not yet been reviewed and approved by Public Works.

Planning staff recommends including review and approval of the revised boundary survey by Public Works as a condition of approval.

1. Water and Air Pollution

The project will not result in undue water or air pollution. The site is not within a flood plain and the project will be served by public water and public sewers.

2. Water

The project has sufficient water available and will not cause an unreasonable burden on the existing water supply. Water for domestic use and fire suppression will be provided by a six inch cast iron water main on the east side of Wilson Street. The applicant has submitted a letter from Portland Water District (PWD) dated August 1, 2007 stating that they have adequate capacity to serve the development (see Attachment 4-c). While the letter from PWD refers to a nine-unit development, which had been proposed in earlier versions of the proposal, the proposed reduction to seven units does not impact their ability to service the project.

3. Soil Erosion

The applicant proposes to erect silt fencing as a soil and sedimentation control measure prior to commencing work. Erosion control details have been provided on sheet C1-3 of the submitted plans (Attachment 14). Dan Goyette, Consulting Engineer to the Department of Public Works, has reviewed and approved the proposed erosion control measures.

4. Traffic, Parking and Pedestrian Circulation

As stated in the zoning section of this memorandum, the applicant is not required to increase the number of off- street parking spaces due to an overall reduction in the number of units. The applicant, however, has chosen to incorporate seven (7) parking spaces into their proposal. Five (5) of these are standard sized spaces (approx. 9' x 19') located under a building overhang. The remaining two (2) are compact –sized surface parking spaces (7'6" x 15').

Jim Carmody, Traffic Engineer, has reviewed parking and circulation and submitted the following comments:

I have reviewed the plan showing the parking layout. The layout is sufficient in dimensions of the parking spaces including 2 compact spaces, and the aisle width meets city standards. There is adequate width for vehicles to maneuver and able to exit the parking area going forward.

A buffer of arborvitae has been proposed around the parking area. The two existing cedar trees and two existing elms between the proposed lot and the abutter's parking lot at 14 Wilson Street will be preserved, providing additional screening (see submitted landscape plan. Sheet C1.4- Attachment 14(g)).

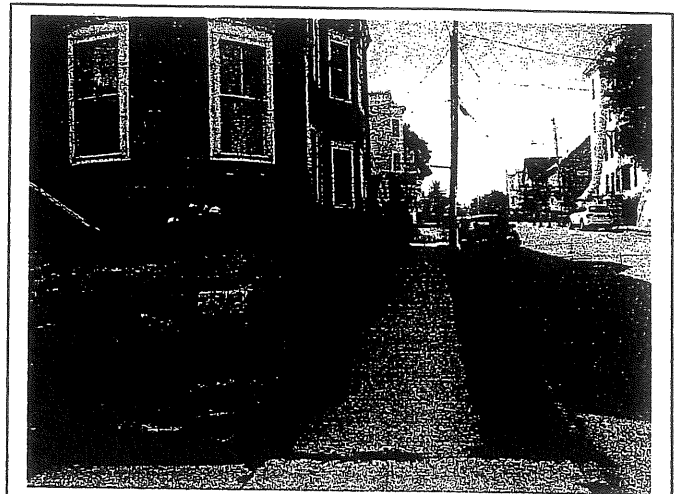


Image 4 - Existing sidewalk on Wilson Street

Continuation of the Wilson Street Sidewalk:

Section 14-498- *Technical and Design Standards*, of the Subdivision Ordinance grants Public Works the authority to promulgate technical and design standards for subdivisions and site plans. Section 14-498 (8) – *sidewalks and curbs* states:

Sidewalks shall be constructed on each side of each street in accordance with article III of chapter 25. Sidewalks to be used by pedestrians are to be so located as to minimize contacts with normal automotive traffic, with preference given to interior walks away from streets in common open space in block interiors.

Section 14-499 of the Subdivision Ordinance lists required improvements for all subdivisions. 14-499 (d) states:

Sidewalks and curbs shall be constructed as required in section 14-498.

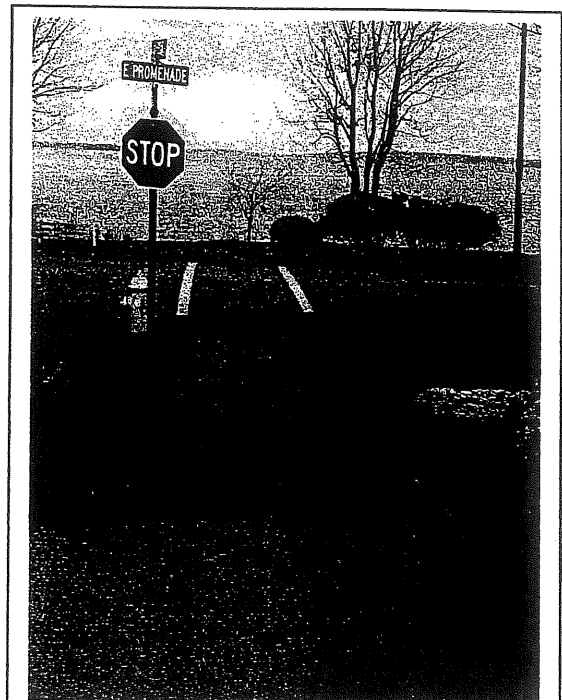


Image 5- Esplanade at intersection of Wilson and Eastern Promenade.

The applicant proposes to repair a portion of and to add street trees to the existing concrete sidewalk along Wilson Street. Currently, there is concrete sidewalk on both sides of Wilson Street and along the frontage on the Eastern Promenade. There is a crosswalk across the E. Prom on the right east side of Wilson Street, however there is no sidewalk linking to it across the Prom's grass esplanade. With the exception of the intersection at Moody Street and Eastern Prom, which has a similarly disconnected pedestrian system, all remaining intersections along the Prom (Congress; Turner; Quebec; Melbourne; Montreal and Walnut) include sidewalks along the edge of curb on the esplanade connecting to at least one crosswalk across the Prom (Congress Street has crosswalks on both sides).

The 2004 Eastern Promenade Master Plan states, under *Priority One* in the introduction to the *Implementation* section:

On Eastern Promenade, it is recommended to expand the walk and crosswalk system.

The Report's Summary Recommendations section addresses appropriate pavement materials. It states that sidewalks on both sides of the Eastern Promenade should be replaced with brick as required for consistency with the City's sidewalk material policy for historic parks (Eastern Promenade Master Plan (2004) pp. 4). The City's Sidewalk Replacement Material Policy map from District 1 corresponds to this, indicating that brick sidewalks should be used in this area.

Based on the above information, the applicant has revised their proposal to include new brick sidewalk connecting the sidewalk at Wilson Street to the crosswalk along Eastern Promenade. Public Works has reviewed the proposal to leave the existing sidewalk as concrete and determined that, so long as any disturbance is less than 10 feet and kept within two sections of concrete sidewalk, the disturbed area may be repaired with concrete. For a larger disturbance, the applicant must replace disturbed sections with brick sidewalk (see Attachment 8). This could apply for the proposed sewer connection on the Eastern Promenade side. The applicant proposes to dig pits on both sides and jack a pipe under the existing retaining wall and concrete sidewalk. The depth of the wall footing and the pipe elevation, however, remain uncertain until they actually dig into the ground.

The applicant has included this requirement as a note on the plans.

5. Stormwater-

The submitted stormwater plan is included as Attachment 5. Engineering review comments from Dan Goyette, Consulting Development Review Engineer, are included as Attachment 7. Dan recommends minor revisions to the site plans pertaining to stormwater management. City Technical Standards stipulate that the rate of runoff of stormwater leaving the site after development shall not exceed the pre development rate. The City recognizes the difficulties that on-site detention poses to urban development. As the amount of impervious coverage increases, the quantity of water leaving the site will inevitably increase with it. The rate and quality of runoff, however, must be regulated. The submitted stormwater report shows that there will be a slight increase in flow for the post development site conditions. The capacity of the existing combined sewer system and the effect of the proposal's stormwater and sanitary sewer flows on the system must be verified and taken into account in the design prior to approval. The applicant submitted revisions addressing Dan's comments on January 2, 2008 (see Attachments 16 and 17). These revisions have been submitted to but have not yet been approved by Public Works.

Planning staff recommends including a condition of approval that revisions to the stormwater management plan must be reviewed and approved by Public Works prior to the issuance of a building permit.

6. Public Utilities

The applicant has submitted a letter, dated September 18th, from Public Works stating that they have adequate capacity to handle wastewater flows from the proposed development. The applicant has also submitted a letter from Portland Water District (PWD) dated August 1, 2007 stating that they have adequate capacity to serve the development. The applicant has also submitted letters from both Central Maine Power (CMP), dated August 17, 2007 and Northern Utilities dated August 7, 2007 indicating that there is both sufficient electrical capacity and availability of natural gas in that location to service the proposed project. These letters have been included as Attachment 4. The applicant proposes to install all electric utility connections underground.

7. Solid Waste Disposal

The applicant proposes locating trash bins with wheels at the rear of the proposed parking area enclosed behind a gated stockade fence. There will be a row of arborvitae along three sides of the trash storage area, providing additional screening.

8. Groundwater

This proposed development will be served by public water and sewer, thus it will not adversely affect the quality or quantity of ground water.

9. Flood Hazard/Shoreland

The proposed development is not located within a flood plain zone or a shoreland zone.

10. Wetlands

No wetlands have been identified on this proposed site.

11. Comprehensive Plan

The components of the Comprehensive Plan relevant to this residential subdivision include:

- Eastern Promenade Master Plan – Adopted November 2003
- Housing: Sustaining Portland's Future – Adopted November 2002

The above two elements of Portland's Comprehensive Plan encourage housing to be created in Portland near neighborhood assets and to develop in a way that supports goals related to landscape character and public infrastructure along the Eastern Promenade. The Estates at Longfellow Inn is an infill redevelopment project located near businesses, services, mass transit and open space (Eastern Promenade park).

12. Exterior Lighting

The applicant has submitted a detailed lighting plan showing 3 exterior lighting fixtures (Sheet C-1.5- Attachment 14(h)). Proposed lighting is positioned to illuminate the parking area and entrance on the Wilson Street-side of the building. The Portland Technical and Design Standards and Guidelines stipulate that exterior lighting shall be adequate for the safety of users of the site but shall not cause glare or direct spillover to adjacent properties or create visual distraction to motorists on adjacent streets. According to the submitted photometric plan, the illumination

levels of the proposed lighting meet the standards of the Portland Technical and Design Standards, Section XV (4).

13. Fire Safety

The applicant submitted a life safety plan (Sheet G-1.2- Attachment 14(b)) and fire department checklist for review. Captain Greg Cass of the Portland Fire Department has reviewed and approved these materials.

14. Landscaping

The applicant has submitted a revised landscaping plan for review (Sheet C1.4- Attachment 14(g)). The applicant proposes to add assorted perennials and a weeping cherry (*prunus snowfozam*) above the retaining wall along Eastern Promenade. The plans include measures to both enhance and preserve the existing planting beds along the Eastern Prom and Wilson Street frontages with summer annuals and perennial species. As previously stated, the applicant proposes to plant forty five (45) arborvitaes around the parking area as screening. In addition there are two mature cedar and two mature elm trees along the southwest property boundary, between the proposed parking area and an abutter's existing parking lot. The submitted landscaping plan identifies measures to preserve these trees during construction.

The applicant proposes two street trees along Wilson Street as required by Section VI .5.B (1) of the Technical and Design Standards (see submitted landscape plan - Attachment 14(g)). In addition, the applicant has met with Jeff Tarling, City Arborist concerning proposed landscaping along the Eastern Promenade frontage and has designed their landscaping to coincide with landscaping improvements currently being designed and implemented along the Eastern Promenade

Jeff submitted review comments for the most recent plans (see Attachment 10). In summary, Jeff notes that the landscape treatment of ornamental shrubs and landscape beds fits into the character of the nearby residential landscape. Jeff noted that the proposed Elm tree along the Eastern Promenade should be revised to an Autumn Blaze Maple in order to reflect revisions to the Eastern Promenade Street Tree Plan, Atlantic Street to Wilson Street segment, as designed by Regina S. Leonard, Landscape Architect and submitted by Woodard and Curran for the Eastern Promenade Master Plan Improvements. Jeff also suggests the following conditions of approval:

1. To meet the 2-trees per residential unit guidelines as required by the Technical and Design Standards, a contribution for 10 additional trees to the City Tree Fund is recommended. The project unit calculations would require 14 trees and the project is placing four with the project area. The new trees would help fill gaps or replace missing trees in the surrounding neighborhood of the project.
2. That impact to the Eastern Prom lawn area be limited during construction. This would include: no storage of trucks, equipment, or materials on the lawn area. All damaged areas to be repaired in a timely manor, the sidewalk pedestrian way along the Eastern Prom be maintained in good condition during construction work.
3. The project team or contractor shall contact Parks & Recreation concerning construction activities that might affect the Eastern Prom and park areas.

15. Relationship to existing development

The proposed building is shown in context with the surrounding structures on the submitted site plan. In terms of preservation of views, the applicable Site Plan Standard reads as follows:

View corridors: The placement and massing of proposed development shall not substantially obstruct those public views to landmarks and natural features from those locations identified on the View Corridor Protection Plan, a copy of which is on file in the department of planning and urban development;

The proposed development is not located in an area identified in the View Corridor Protection Plan. As requested by the Board at the December workshop, Corporation Counsel has provided a memorandum advising the Board on their review of potential view diminution (see Attachment 15).

16. Urban Design

The proposal shall be evaluated in terms of Section 14-526 (15) of the Site Plan standards. This section states:

Two-family, special needs independent living unit, multiple-family development, lodging houses, bed and breakfasts, and emergency shelters shall meet the following standards:

a. Proposed structures and related site improvements shall meet the following standards:

- 1. (a) The exterior design of the proposed two-family structures, lodging houses and emergency shelters, including architectural style, facade materials, roof pitch, building form and height, shall be designed to complement and enhance the nearest residential neighborhood;*

Carrie Marsh, Urban Designer for the City of Portland reviewed the submitted site plan and elevation drawings and has submitted the following comments (see Carrie's email- Attachment 11)

The building design is consistent with the nearest residential neighborhood in terms of architectural style, facade materials, roof pitch, building form and height. The elevations indicate a building that is similar in scale to the structure across Wilson Street, and other buildings along the Prom. The design therefore appears to be consistent with the Site Plan Standards.

XI. STAFF RECOMMENDATION

Staff recommends that the Planning Board approve the Estates at Longfellow Inn subdivision and site plan with the proposed waivers and conditions of approval.

XII. MOTIONS FOR THE BOARD TO CONSIDER

On the basis of plans and materials submitted by the applicant, public comment received at the public hearing and the information contained in Planning Report # 05-08 relevant to standards for subdivision and site plan regulations, and the Portland Planning Board finds:

1. That the subdivision plan The Estates at Longfellow Inn at 130 Eastern Promenade [is / is not] in conformance with the subdivision standards of the land use code, subject to the following conditions:

Potential Conditions of Approval

1. The final recording plat meeting the requirements of Portland's Subdivision Ordinance and listing conditions imposed by the Planning Board will be submitted for the Planning Board's Signature.
2. That the plan [is / is not] in conformance with the site plan standards of the land use code, subject to the following waivers and conditions:
 1. That the revised boundary survey submitted by the applicant be reviewed and approved by Public Works prior to the issuance of a building permit.
 2. All final plan sheets must stamped and signed by a professional engineer.
 3. All comments submitted by Public Works in their memorandum dated January 16, 2008 must be addressed and approved by Public Works prior to the issuance of a building permit.
 4. All comments submitted by Jeff Tarling, City Arborist pertaining to the submitted landscaping plan and identified in his review letter dated January 18, 2008 must be addressed and approved by him prior to the issuance of a building permit.
 5. The proposed street tree along the Eastern Promenade should be revised to show an Autumn Blaze Maple (*Acer freemanii*). This change to the plans must be reviewed and approved by Jeff Tarling, City Arborist prior to the issuance of a building permit.

XIII. ATTACHMENTS:

1. Site Plan application and cover letter
2. Evidence of Right, Title or Interest- Warranty Deed
3. Letter from Bangor Savings Bank - dated January 2, 2008
4. Utility Capacity Letters
 - a. Letter from Central Maine Power - dated August 17, 2007
 - b. Letter from Northern Utilities - dated August 7, 2007
 - c. Letter from Portland Water District - dated August 1, 2007
 - d. Letter from Portland Public Works - dated September 18, 2007
5. Revised Stormwater management report - dated November 19, 2007
6. Evidence of Neighborhood Meeting
7. Memorandum from Dan Goyette, Consulting Engineer from Woodard and Curran - dated December 4, 2007

8. Memorandum from Dan Goyette dated December 19, 2007
9. Memorandum from Marge Schmuckal - dated November 2, 2007
10. Memorandum from Jeff Tarling, City Arborist – dated January 18, 2008
11. Memorandum from Carrie Marsh – dated January 18, 2008
12. Zoning determination addressed to Wally Geyer and Anthony Salem of Casco Bay Ventures from Marge Schmuckal- dated September 26, 2007
13. Letter from Wally Geyer, Casco Bay Ventures requesting exemption from Section 14-483 of the City Code - dated October 22, 2007
14. Revised Plans with cover sheet - dated November 20, 2007
 - a. General Notes- Sheet G-1.1
 - b. Life Safety Plan- Sheet G-1.2
 - c. Boundary Survey
 - d. Subdivision Plan – Sheet C-1.1
 - e. Site Plan – Sheet C-1.2
 - f. Details – Sheet C-1.3
 - g. Landscaping Plan – Sheet C-1.4
 - h. Lighting Plan – Sheet C-1.5
 - i. Basement and Roof Plan – Sheet A-1.1
 - j. First Floor Plan – Sheet A-1.2
 - k. Second Floor Plan – Sheet A-1.3
 - l. Third Floor Plan – Sheet A-1.4
 - m. Exterior Elevations – Sheet A-2.1
15. Memorandum from Penny Littell, Associate Corporation Counsel re: property rights in view preservation. – Dated January 16, 2008
16. Letter of response to Public Works comments, from LCE, PA dated January 2, 2008
17. Revised drainage plan and pipe calculations- January 2, 2008
18. Public Comment
 - a. Letter from Bruce McGlaflin, Esq. Petrucelli, Martin & Haddow, LLP. Dated September 4, 2007
 - b. Letter from Bruce McGlaflin, Esq. Petrucelli, Martin & Haddow, LLP. Dated December 6, 2007
 - c. Letter from Bruce McGlaflin, Esq. Petrucelli, Martin & Haddow, LLP. Dated December 17, 2007
 - d. Letter from Bruce McGlaflin, Esq. Petrucelli, Martin & Haddow, LLP. Dated January 8, 2008
 - e. Letter from Bruce McGlaflin, Esq. Petrucelli, Martin & Haddow, LLP. Dated January 17, 2008

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

Attachment 1

2007-0123
 Application I. D. Number
 7/16/2007
 Application Date

Casco Bay Ventures
 Applicant
 Woodville Rd, Falmouth, Me 04105
 Applicant's Mailing Address

Estates of Longfellow Inn
 Project Name/Description
 130 - 130 Eastern Promenade, Portland, Maine
 Address of Proposed Site

Consultant/Agent
 Applicant Ph: (207) 797-7752 Agent Fax:
 Applicant or Agent Daytime Telephone, Fax

130 - 130 Eastern Promenade, Portland, Maine
 Address of Proposed Site
 003 C001001
 Assessor's Reference: Chart-Block-Lot

Proposed Development (check all that apply): New Building Building Addition Change Of Use Residential Office Retail
 Manufacturing Warehouse/Distribution Parking Lot Apt 0 Condo 0 Other (specify) _____

Proposed Building square Feet or # of Units 7905.9 Acreage of Site _____ Zoning R6

Check Review Required:

- Site Plan (major/minor) Zoning Conditional - PB Subdivision # of lots _____
- Amendment to Plan - Board Review Zoning Conditional - ZBA Shoreland Historic Preservation DEP Local Certification
- Amendment to Plan - Staff Review Zoning Variance Flood Hazard Site Location
- After the Fact - Major Stormwater Traffic Movement Other _____
- After the Fact - Minor PAD Review 14-403 Streets Review

Fees Paid: Site Plan \$400.00 Subdivision _____ Engineer Review _____ Date 7/17/2007

Planning Approval Status:

Reviewer _____

- Approved Approved w/Conditions See Attached Denied

Approval Date _____ Approval Expiration _____ Extension to _____ Additional Sheets Attached

OK to Issue Building Permit _____ signature _____ date _____

Performance Guarantee Required* Not Required

* No building permit may be issued until a performance guarantee has been submitted as indicated below

<input type="checkbox"/> Performance Guarantee Accepted	_____	_____	_____
	date	amount	expiration date
<input type="checkbox"/> Inspection Fee Paid	_____	_____	
	date	amount	
<input type="checkbox"/> Building Permit Issue	_____		
	date		
<input type="checkbox"/> Performance Guarantee Reduced	_____	_____	_____
	date	remaining balance	signature
<input type="checkbox"/> Temporary Certificate of Occupancy	_____	<input type="checkbox"/> Conditions (See Attached)	_____
	date		expiration date
<input type="checkbox"/> Final Inspection	_____	_____	
	date	signature	
<input type="checkbox"/> Certificate Of Occupancy	_____		
	date		
<input type="checkbox"/> Performance Guarantee Released	_____	_____	
	date	signature	
<input type="checkbox"/> Defect Guarantee Submitted	_____	_____	_____
	submitted date	amount	expiration date
<input type="checkbox"/> Defect Guarantee Released	_____	_____	
	date	signature	

July 12, 2007

**Mr. Alex Jaegerman
Director, Planning Division
Portland City Hall
389 Congress Street
Portland, Maine 04101**

Dear Mr. Jaegerman,

On behalf of Wally Geyer and Anthony Salem, of Casco Bay Ventures, we are submitting the enclosed Site Plan Application for their "The Estates of Longfellow Inn at 130 Eastern Promenade" project here in Portland.

This project entails the renovation of an existing eleven-unit apartment building, including the demolition of a portion of the existing building, the construction of an addition, and the elimination of two units for a final total of nine units. Construction is scheduled to commence in August of 2007 and to be completed in December of 2008.

If you have any questions or need further information, please contact Will Tinkelenberg at (207)773-7029 or myself. Thank you,

Sincerely,



**T. Scott Teas, NCARB, AIA
Principal**



Site Plan Application

Department of Planning and Development
Portland Planning Board

Address of Proposed Development:

130 EASTERN PROMENADE, PORTLAND, MAINE

Zone:

R-6 RESIDENTIAL

Project Name: THE ESTATES OF LONGFELLOW INN AT 130 EASTERN PROMENADE IN PORTLAND, MAINE

Existing Building Size: 8,561 sq. ft.

Proposed Building Size: 10,999 sq. ft.

Existing Acreage of Site: 7,905.9 sq. ft.

Proposed Acreage of Site: 7,905.9 sq. ft.

Tax Assessor's Chart, Block & Lot:

Chart#	Block #	Lot#
3	C	1,2

Property Owners Mailing address:

ANTHONY SALEM
1433 RYDAL ROAD
RYDAL, PA 19046
WALDON GEYER
223 WOODVILLE ROAD
FALMOUTH, ME 04105

Telephone #: (207)797-7752
(215)885-2421

Cell Phone #: (207)329-3885

Consultant/Agent Contact Name and mailing address, Telephone # and Cell Phone #:

WILL TINKELBERG
TFH ARCHITECTS
100 COMMERCIAL STREET
PORTLAND, ME 04101
(207)775-6141; (207)773-7029

Applicant's Name/Mailing Address:

CASCO BAY VENTURES
223 WOODVILLE ROAD
FALMOUTH, MAINE 04105

Telephone #: (207)797-7752

Cell Phone #: (207)329-3885

Fee For Service Deposit (all applications) (\$200.00)

Proposed Development (check all that apply)

New Building Building Addition Change of Use Residential Office Retail

Manufacturing Warehouse/Distribution Parking lot

Subdivision (\$500.00) + amount of lots _____ (\$25.00 per lot) \$ _____ + major site plan fee if applicable

Site Location of Development (\$3,000.00) (except for residential projects which shall be \$200.00 per lot _____)

Traffic Movement (\$1,000.00) Storm water Quality (\$250.00)

Section 14-403 Review (\$400.00 + \$25.00 per lot)

Other _____

RECEIVED

JUL 16 2007

City of Portland
Planning Division

Major Development (more than 10,000 sq. ft.)

Under 50,000 sq. ft. (\$500.00)

50,000 - 100,000 sq. ft. (\$1,000.00)

Parking Lots over 100 spaces (\$1,000.00)

100,000 - 200,000 sq. ft. (\$2,000.00)

200,000 - 300,000 sq. ft. (\$3,000.00)

Over 300,000 sq. ft. (\$5,000.00)

After-the-fact Review (\$1,000.00 + applicable application fee)

~ Please see next page ~

Minor Site Plan Review

- Less than 10,000 sq. ft. (\$400.00)
- After-the-fact Review (\$1,000.00 + applicable application fee)

Plan Amendments

- Planning Staff Review (\$250.00)
- Planning Board Review (\$500.00)

Who billing will be sent to:

CASCO BAY VENTURES
223 WOODVILLE ROAD
FALMOUTH, MAINE 04105

Submittals shall include (7) separate **folded** packets of the following:

- a. copy of application
- b. cover letter stating the nature of the project
- c. site plan containing the information found in the attached sample plans checklist
- d. 1 set of 11x17 plans

Section 14-522 of the Zoning Ordinance outlines the process which is available on our web site: portlandmaine.gov

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

This application is for site review only; a Building Permit application and associated fees will be required prior to construction.

Signature of Applicant: <i>Wally Dyer Casco Bay Ventures</i>	Date: <i>7-12-07</i>
---	-------------------------

BK 14078PG001

56540

WARRANTY DEED

with Covenants

KNOW ALL MEN BY THESE PRESENTS,

THAT We, LAWRENCE V. TIRRELL, and BEVERLY W. TIRRELL, both of the City of Saco, in the County of York and State of Maine, in consideration of One Dollar and other good and valuable consideration paid by 130 Eastern Prom. LLC, a Maine limited liability company, and having a principal place of business located at 130 Eastern Promenade, Portland, ME 04101, the receipt whereof We do hereby acknowledge, do hereby give, grant, bargain, sell and convey unto the said 130 Eastern Prom. LLC, its successors and assigns forever,

MAINE REAL ESTATE TAX PAID

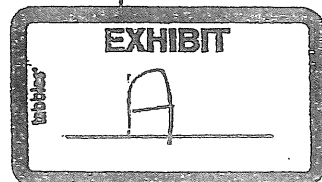
A certain lot or parcel of land, with the buildings thereon, situated on the Westerly side of the Eastern Promenade in the City of Portland, County of Cumberland and State of Maine, being bounded and described as follows:

Beginning at the corner formed by the intersection of the Westerly sideline of said Eastern Promenade and the Southerly sideline of Wilson Street; thence Westerly by said Wilson Street 114.70 feet to a point distant 80 feet Easterly from Morning Street; thence Southerly on a line parallel with said Morning Street 40 feet to a point; thence Easterly on a line parallel with said Wilson Street 115.71 feet to said Eastern Promenade; thence Northerly by said Eastern Promenade 40 feet to the point begun at. Being a part of Block I on a plan recorded in Cumberland County Registry of Deeds, Plan Book 4, Page 18.

ALSO another certain lot or parcel of land, with any buildings thereon, situated in said City of Portland, being bounded and described as follows:

Beginning at a point on the Westerly side of Eastern Promenade distant 40 feet Southerly from the corner formed by the intersection of the Westerly sideline of said Promenade and the Southerly sideline of Wilson Street, which point is in the Southeasterly corner of a lot of land sold to Emma A. Calhoun, January 25, 1899, by George B. Uphom; thence Southerly by the said Promenade 45.23 feet to the strip of land sold to S.P. Becken by the Deering Heirs in 1874, by deed recorded in said Registry, Book 410, Page 557; thence Westerly by said land sold to said Becken 116.65 feet to a point distant 80 feet Easterly from Morning Street; thence Northerly on a line parallel with said Morning Street 45.46 feet to said lot sold to Emma A. Calhoun; thence Easterly on a line parallel with said Wilson Street and by said lot sold to Emma A. Calhoun 115.07 feet to that begun at. Being a part of Block of land marked I in plan recorded in said Registry, Plan Book 4, Page 18.

EXCEPTING and RESERVING from the above described premises so much thereof as was conveyed by Harry H. Pease to George T. Dealy by deed recorded in said Registry, Book 845, Page 70, and not reconveyed by said Dealy to said Pease by deed recorded in said Registry, Book 855, Page 476, being a lot 20 feet in width and 97.1 feet in depth.



BK 14078PG002

Being Parcels I and II only conveyed to the within Grantors by Warranty Deed of William Rubin, dated December 1, 1979 and recorded in said Registry of Deeds in Book 4538, Page 271.

TO HAVE AND TO HOLD the aforegranted and bargained premises, with all the privileges and appurtenances thereof, to the said 130 Eastern Prom, LLC, its successors and assigns, to its own use and behoof forever.

AND WE DO COVENANT with the said Grantee, its successors and assigns, that We are lawfully seized in fee of the premises, that they are free of all encumbrances, except as aforesaid and except for any and all state, federal and local land use regulations, ordinances, statutes and acts and zoning laws and ordinances of the City of Portland; and that We have good right to sell and convey the same to the said Grantee to hold as aforesaid; and that We and our heirs shall and will warrant and defend the same to the said Grantee, its successors and assigns forever, against the lawful claims and demands of all persons.

IN WITNESS WHEREOF, We, the said Lawrence V. Tirrell and Beverly W. Tirrell, have hereunto set our hands and seals, this 19th day of the month of August, 1998.

Signed, Sealed and Delivered
in Presence of:

[Signature]

Lawrence V. Tirrell
Lawrence V. Tirrell

to her

[Signature]
Beverly W. Tirrell

STATE OF MAINE
COUNTY OF CUMBERLAND, ss

August 19, 1998

Then personally appeared the above named Lawrence V. Tirrell and Beverly W. Tirrell and acknowledged the foregoing instrument to be their free acts and deeds.

Before me,

[Signature]

Notary Public / Attorney-at-Law

My Notary commission
expires on: 1/1

Drew A. Andesa
(Print or Type Name)

RECEIVED
RECORDED REGISTRY OF DEEDS

1998 AUG 20 AM 9:48

CUMBERLAND COUNTY

John B Rubin

Attachment 3



January 2, 2008

City Planner
City of Portland

Re: Casco Bay Ventures Inc.: 130 Eastern Promenade

To Whom It May Concern:

Based upon meetings with the developer, information received to date, along with our experience with the developer, Casco Bay Ventures Inc. has the financial capacity and development expertise to complete the proposed development of 130 Eastern Promenade into 7 apartment units. Please call me at 541-2710 with any further questions.

Sincerely,

Michael P. O'Reilly
Vice President
Commercial Lending

280 Fore Street, Suite 200 • Portland, Maine 04101 • 1-877-Bangor1

www.bangor.com

MEMBER FDIC



Central Maine Power

August 17, 2007

TFH Architects
100 Commercial St
Portland, ME 04101
Attn: Will Tinkelenberg

RE: Electrical Capacity for Casco Bay Ventures

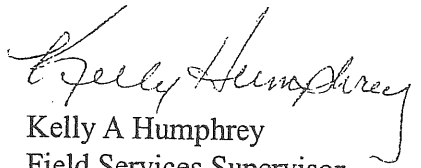
Dear Mr. Tinkelenberg:

This letter is to inform you that Central Maine Power Company has sufficient electrical capacity in the area of 130 Eastern Promenade, Portland, to serve your proposed development, "The Estates of Longfellow Inn at 130 Eastern Promenade in Portland, Maine."

Please forward site plans, electrical loads, voltage requirements, and appropriate schedules when available so we can coordinate our utilities with the project.

If you have any questions or if I can be of further assistance, please give me a call at (207) 828-2885.

Sincerely,


Kelly A Humphrey
Field Services Supervisor
Central Maine Power Company

equal opportunity employer

162 Canco Rd. | Portland, ME 04103

www.cmpco.com





August 7, 2007

Will Tinkelenberg
TFH Architects
100 Commercial St
Portland ME 04101

AUG 10 2007

RE: Sisters 130 Eastern Promenade, Portland ME

Dear Will,

Northern Utilities confirms the availability of natural gas service for the location indicated above.

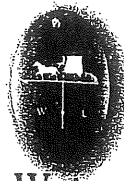
There is an existing gas main in front of #130 that may be used to supply natural gas to the facility. Whether this main will be of sufficient capacity to serve this new project or if an extension of facilities is needed to provide the necessary service will be determined at such time as full construction details including natural gas flow and pressure requirements are supplied to this office.

Installation of facilities will be subject to any restrictions imposed by regulatory or other governmental agencies. This letter assumes all necessary municipal permits will be approved. If extending natural gas facilities is required to serve this new project, Northern Utilities may require a contribution in aid of construction from the owner.

This letter does not constitute a commitment or contract to deliver natural gas to the above address. An application and/or contract must be signed before any work can begin. I hope this "letter of natural gas availability" meets your needs. Please contact me if further assistance is needed.

Sincerely,


Janet Oliver
Commercial Sales Representative
Northern Utilities
325 West Rd
Portsmouth NH 03801
603-436-0310 x5344
603-431-0820 fax
joliver@nisource.com



Attachment 4(C)

CUSTOMER SERVICE
OFFICE HOURS
8:30 A.M. - 4:30 P.M.

Portland Water District
FROM SEBAGO LAKE TO CASCO BAY

August 1, 2007

TFH Architects
100 Commercial Street
Portland, ME 04101

Attn: Will Tinkelenberg
Re: 130 Eastern Promenade - Portland, ME
Ability to serve with PWD water

RECEIVED
AUG 06 2007
BY: _____

Dear Mr. Tinkelenberg:

This letter is to confirm that there should be an adequate supply of clean and healthful water to serve the needs of the proposed 9-unit apartment building at 130 Eastern Promenade in Portland. According to District records, there is a 6-inch diameter cast iron water main on the east side of Wilson Street and an 8-inch diameter cast iron water main on the south side of Eastern Promenade that could serve your needs. There is a hydrant located 50' north of the property, at the corner of Wilson Street and Eastern Promenade.

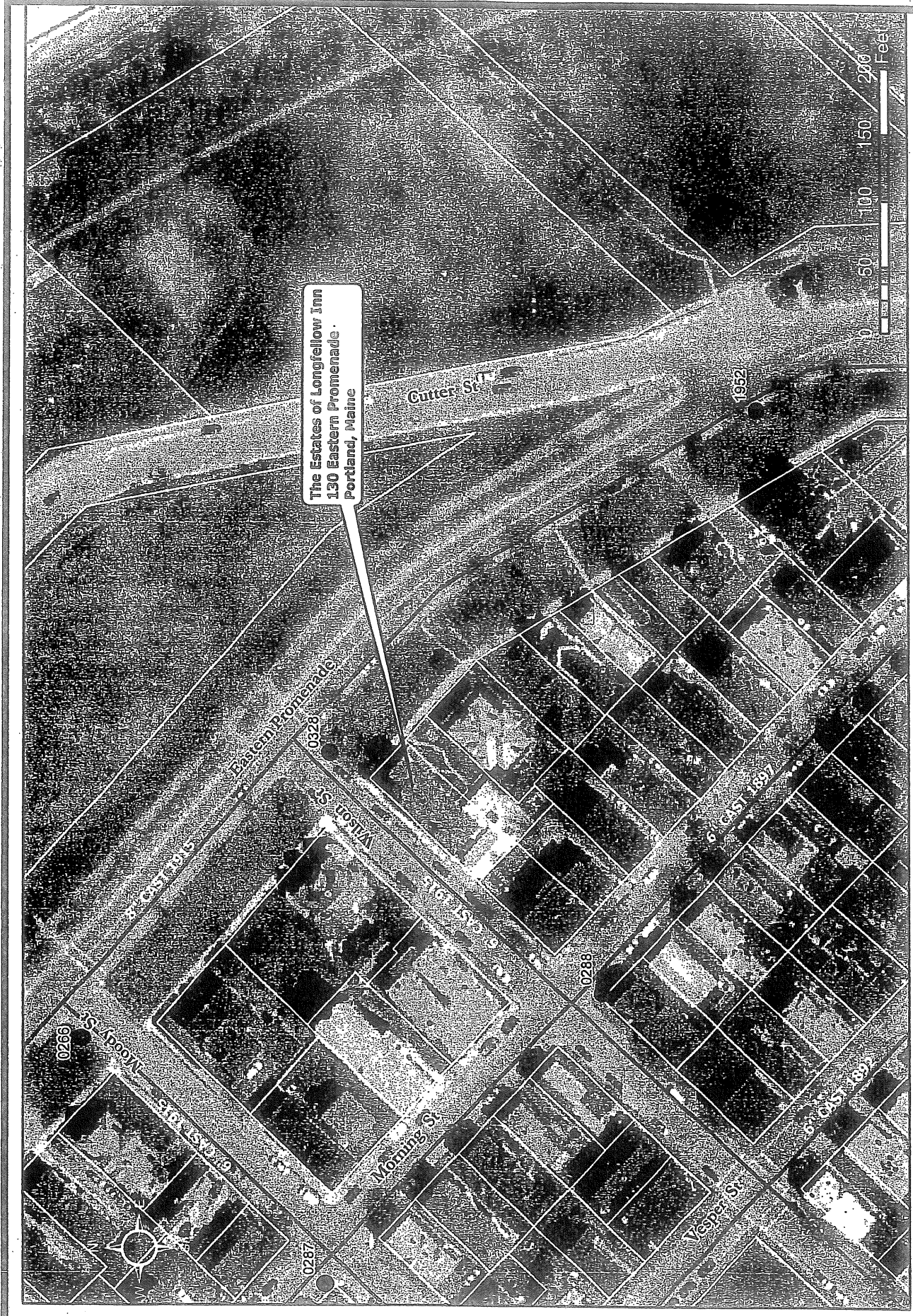
The current data from the nearest hydrant with valid test flow data indicates there should be adequate capacity of water to serve the needs of your proposed project.

Hydrant Location: 50' north of the property
Hydrant Number: SPD-HYD00328
Static Pressure: 56 psi
Flow: 919 gpm
Last Tested: 6/24/1991

Any existing services that won't be reused as part of this project will need to be shut and cut at the main. Please notify your mechanical engineer of these results so that they can design your system to best fit the noted conditions. If the District can be of further assistance in this matter, please let us know.

Sincerely,
Portland Water District

Rico Spugnardi, P.E.
Business Development Engineer



The Estates of Longfellow Inn
 130 Eastern Promenade
 Portland, Maine

PORTLAND WATER DISTRICT
 225 Douglass Street
 Portland, ME 04104

Drawn By: JCP
 Date: 8/1/07

Scale: As Noted

The Estates of Longfellow Inn
 130 Eastern Promenade

Portland

The map is suitable for preliminary study and analysis pending review of additional information. The data shown are only as much as the original data and liability thereon. Inadequacies and data "mis-match" may be evident.

Prepared for:
 TFH Architects
 Sheet No. 1 of 1

Attachment 4(d)

18 September 2007

Mr. Will Tinkelenberg,
T.F.H. Architects,
100 Commercial Street,
Portland, Maine 04101

Corrected Copy

**RE: The Capacity to Handle Wastewater Flows, from the Proposed Renovation of a
Multi-Family Residential Building, at 130 Eastern Promenade.**

Dear Mr. Tinkelenberg:

The existing ten-inch diameter vitrified clay sewer pipe located in the Eastern Promenade has adequate capacity to **transport**, while The Portland Water District sewage treatment facility, located off Marginal Way, has adequate capacity to **treat** the total anticipated wastewater flows of **1,046 GPD**, from the proposed residential renovation.

Anticipated Wastewater Flows from the Proposed Residential Rehabilitation Project:

4 Proposed One-Bedroom Units @ 180 GPD/Unit	= 720 GPD
5 Proposed Two-Bedroom Units @ 180 GPD/Unit	= 900 GPD
Less Existing Wastewater Flows of	= <u>(574 GPD)</u>
Total Proposed Net Increase in Wastewater Flows for this Project	= 1,046 GPD

The City combined sewer overflow (C.S.O.) abatement consent agreement (with the U.S.E.P.A., and with the Maine D.E.P.) requires C.S.O. abatement, as well as storm water mitigation, in order to offset any increase in sanitary flows, from all projects.

If the City can be of further assistance, please call 874-8832.

Sincerely,
CITY OF PORTLAND

Frank J Brancely, B.A., M.A.
Senior Engineering Technician

FJB

cc: Alexander Q. Jaegerman, Director, Planning Division, Department of Planning, and Urban Development, City of Portland
Barbara Barhydt, Development Review Services Manager, Department of Planning, and Urban Development, City of Portland
David Margolis-Pineo, Deputy City Engineer, City of Portland
Michael Farmer, P.E., Project Engineer, City of Portland
Bradley A. Roland, P.E., Environmental Projects Engineer, City of Portland
Stephen K. Harris, Assistant Engineer, City of Portland
Jane Ward, Administrative Assistant, City of Portland

LAND CONSULTING ENGINEERS, PA

STORMWATER MANAGEMENT REPORT
130 EASTERN PROMENADE
PORTLAND, MAINE

September 18, 2007

Revised November 19, 2007

Introduction

130 Eastern Promenade is located on the southeast corner of the intersection of Eastern Promenade and Wilson Street in Portland, Maine. Stormwater runoff from this project ultimately discharges to the curb and gutter systems of Wilson Street and the Eastern Promenade, which drain into the catch basin at the intersection of Eastern Promenade and Cutter Street.

Casco Bay Ventures plans to renovate the Site, which includes replacing an attached garage structure with a parking area at the southwest end of the property. The main structure will also be renovated as shown on the attached plan.

This report discusses the Site's hydrological conditions and quantifies the stormwater runoff generated in the existing and proposed conditions.

Data Collection and Assumptions

Site Data was gathered from field observations and AutoCAD files and drawings provided by Will Tinkelenberg, the Architect. This data was used to create a HydroCAD stormwater model, which is based on the United States Department of Agriculture's (USDA) Technical Release 20 (TR-20) and Technical Release 55 (TR-55) hydraulic programs.

Curve numbers (CNs) assigned to differing land cover and soil types were taken from tables within the HydroCAD software, which are from the SCS TR-55 manual, revised 1986. 24-hour rainfall depths were taken from the City of Portland Ordinances. Time of concentrations were entered via direct entry and were assumed to be 5 minutes.



Existing and proposed watershed subcatchments are shown on attached Drawing D1 and D2 entitled "Existing Conditions Drainage Map" and "Proposed Conditions Drainage Map", respectively. Modeling assumptions made for both conditions are summarized in the attached HydroCAD output.

Existing Site Conditions

The 0.18± acre Site currently hosts a multi-unit residential building and attached garage. Walkways and decks connect to these structures. The remainder of the property is mostly grassed. The Site currently has 5,177 square feet of impervious area, which includes roof, driveway, and walkways.

The Site generally slopes from east to west toward the Eastern Promenade. Slopes are generally mild. According to the United States Department of Agriculture and Soil Conservation Service Issued August 1974, on-Site soils include Hinckley Gravelly Sandy Loam, which have an "A" Hydrological Soil Grouping (HSG) classification.

Proposed Site Conditions

The renovations will include removing the existing garage structure and replacing it with a parking area. The main structure will be expanded to the southeast as shown on the plan. The building entrance at the proposed parking area will also be modified.

Land cover changes include converting impervious walkway and building areas into lawn areas, and lawn areas into building areas. The proposed Site will have 6,216 square feet of impervious area, an increase of approximately 1,039 square feet.

Stormwater runoff from the proposed parking area will be collected by a drainage inlet and piped to the City's combined sewer system along the Eastern Promenade. The Architect has discussed the possibility of also connecting roof leaders into this system. The size, type, and capacity of the City's sewer system will need to be verified prior to connecting into the system.



Water Quantity

The table below compares peak flows leaving the Site for the 2, 10, and 25 year storm events.

Table Comparing Peak Flows
130 Eastern Promenade - November 19, 2007

Storm Event	Existing Conditions Peak Flow (cfs)	Proposed Condition Peak Flow (cfs), Total	Proposed Condition Peak Flow (cfs) Not Including 1,300 of Parking Area
2-year	0.21	0.29	0.22
10-year	0.54	0.66	0.52
25-year	0.71	0.83	0.66

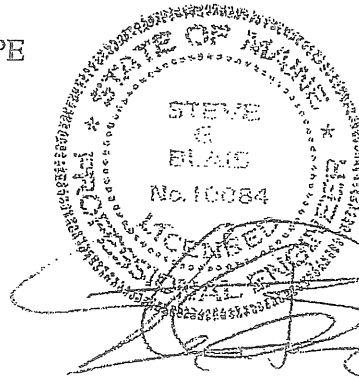
The proposed renovations to the Site will cause a slight increase in overall stormwater runoff. This increase is 0.12 cfs in the 25 year storm and is relatively insignificant. With 1,300 of the parking area draining to the sewer system, the peak flows are decreased in all but the 2-year storm as shown in the last column of the table above.

Conclusions

This project will not cause a significant increase in stormwater runoff as a result of the renovations described in this report and shown on the attached Drawing D2. Stormwater runoff from the proposed parking lot and some of the roofs will be collected and drained to the City's combined sewer system. The City's system needs to be analyzed to verify it has proper capacity to handle this connection.

LAND CONSULTING ENGINEERS, PA

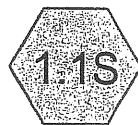
Steve G. Blais, PE



Enclosures



Existing Conditions



Proposed Conditions



Proposed Conditions
not including 1,300 SF
Parking



Drainage Diagram for 07126-130 Eastern Promenade
Prepared by LAND CONSULTING ENGINEERS, PA 11/19/2007
HydroCAD® 8.00 s/n 003530 © 2006 HydroCAD Software Solutions LLC

Subcatchment 1.1S: Proposed Conditions

Runoff = 0.29 cfs @ 12.08 hrs, Volume= 0.020 af, Depth= 1.33"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
Type III 24-hr 2-Yr Rainfall=2.60"

Area (sf)	CN	Description
1,529	39	>75% Grass cover, Good, HSG A
6,216	98	Paved parking & roofs
160	77	Fallow, bare soil, HSG A
7,905	86	Weighted Average
1,689		Pervious Area
6,216		Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0	32		0.11		Direct Entry,

Subcatchment 1.1S-2: Proposed Conditions not including 1,300 SF Parking

Runoff = 0.22 cfs @ 12.08 hrs, Volume= 0.015 af, Depth= 1.19"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
Type III 24-hr 2-Yr Rainfall=2.60"

Area (sf)	CN	Description
1,529	39	>75% Grass cover, Good, HSG A
4,916	98	Paved parking & roofs
160	77	Fallow, bare soil, HSG A
6,605	84	Weighted Average
1,689		Pervious Area
4,916		Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0	32		0.11		Direct Entry,

Subcatchment 1S: Existing Conditions

Runoff = 0.21 cfs @ 12.08 hrs, Volume= 0.014 af, Depth= 0.96"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
Type III 24-hr 2-Yr Rainfall=2.60"

Area (sf)	CN	Description
2,260	39	>75% Grass cover, Good, HSG A
5,177	98	Paved parking & roofs
468	77	Fallow, bare soil, HSG A
7,905	80	Weighted Average

07126-130 Eastern Promenade

Type III 24-hr 2-Yr Rainfall=2.60"

Prepared by LAND CONSULTING ENGINEERS, PA

Page 3

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11/19/2007

2,728 Pervious Area
5,177 Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0	53		0.18		Direct Entry,

Subcatchment 1.1S: Proposed Conditions

Runoff = 0.66 cfs @ 12.07 hrs, Volume= 0.045 af, Depth= 3.00"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
 Type III 24-hr 10-Yr Rainfall=4.50"

Area (sf)	CN	Description
1,529	39	>75% Grass cover, Good, HSG A
6,216	98	Paved parking & roofs
160	77	Fallow, bare soil, HSG A
7,905	86	Weighted Average
1,689		Pervious Area
6,216		Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0	32		0.11		Direct Entry,

Subcatchment 1.1S-2: Proposed Conditions not including 1,300 SF Parking

Runoff = 0.52 cfs @ 12.07 hrs, Volume= 0.036 af, Depth= 2.82"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
 Type III 24-hr 10-Yr Rainfall=4.50"

Area (sf)	CN	Description
1,529	39	>75% Grass cover, Good, HSG A
4,916	98	Paved parking & roofs
160	77	Fallow, bare soil, HSG A
6,605	84	Weighted Average
1,689		Pervious Area
4,916		Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0	32		0.11		Direct Entry,

Subcatchment 1S: Existing Conditions

Runoff = 0.54 cfs @ 12.08 hrs, Volume= 0.037 af, Depth= 2.46"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
 Type III 24-hr 10-Yr Rainfall=4.50"

Area (sf)	CN	Description
2,260	39	>75% Grass cover, Good, HSG A
5,177	98	Paved parking & roofs
468	77	Fallow, bare soil, HSG A
7,905	80	Weighted Average

07126-130 Eastern Promenade

Type III 24-hr 10-Yr Rainfall=4.50"

Prepared by LAND CONSULTING ENGINEERS, PA

Page 5

HydroCAD® 8.00 s/n 003530 © 2006 HydroCAD Software Solutions LLC

11/19/2007

2,728 Pervious Area
5,177 Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0	53		0.18		Direct Entry,

Subcatchment 1.1S: Proposed Conditions

Runoff = 0.83 cfs @ 12.07 hrs, Volume= 0.058 af, Depth= 3.84"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
 Type III 24-hr 25-Yr Rainfall=5.40"

Area (sf)	CN	Description
1,529	39	>75% Grass cover, Good, HSG A
6,216	98	Paved parking & roofs
160	77	Fallow, bare soil, HSG A
7,905	86	Weighted Average
1,689		Pervious Area
6,216		Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0	32		0.11		Direct Entry,

Subcatchment 1.1S-2: Proposed Conditions not including 1,300 SF Parking

Runoff = 0.66 cfs @ 12.07 hrs, Volume= 0.046 af, Depth= 3.64"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
 Type III 24-hr 25-Yr Rainfall=5.40"

Area (sf)	CN	Description
1,529	39	>75% Grass cover, Good, HSG A
4,916	98	Paved parking & roofs
160	77	Fallow, bare soil, HSG A
6,605	84	Weighted Average
1,689		Pervious Area
4,916		Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0	32		0.11		Direct Entry,

Subcatchment 1S: Existing Conditions

Runoff = 0.71 cfs @ 12.07 hrs, Volume= 0.049 af, Depth= 3.24"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
 Type III 24-hr 25-Yr Rainfall=5.40"

Area (sf)	CN	Description
2,260	39	>75% Grass cover, Good, HSG A
5,177	98	Paved parking & roofs
468	77	Fallow, bare soil, HSG A
7,905	80	Weighted Average

07126-130 Eastern Promenade

Type III 24-hr 25-Yr Rainfall=5.40"

Prepared by LAND CONSULTING ENGINEERS, PA

Page 7

HydroCAD® 8.00 s/n 003530 © 2006 HydroCAD Software Solutions LLC

11/19/2007

2,728 Pervious Area
5,177 Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0	53		0.18		Direct Entry,

SOIL SURVEY

Cumberland County, Maine

UNITED STATES DEPARTMENT OF AGRICULTURE
Soil Conservation Service
In cooperation with
MAINE AGRICULTURAL EXPERIMENT STATION
Issued August 1974

SOIL LEGEND

The first capital letter is the initial one of the soil name. A second capital letter, A, B, C, D, or E, shows the slope. Most symbols without a slope letter are those of nearly level soils, but some are for land types that have a considerable range of slope. A final number, 2, in the symbol shows that the soil is eroded.

SYMBOL	NAME	SYMBOL	NAME
Au	Au Grass loamy sand	Ls	Limerick-Sulu silt loams
BgB	Belgrade very fine sandy loam, 0 to 8 percent slopes	LyB	Lyman fine sandy loam, 3 to 8 percent slopes
BgC2	Belgrade very fine sandy loam, 8 to 15 percent slopes, eroded	LyC	Lyman fine sandy loam, 8 to 15 percent slopes
Bo	Biddeford silt loam	LzB	Lyman very rocky fine sandy loam, 3 to 8 percent slopes
BvB	Buxton silt loam, 3 to 8 percent slopes	LzC	Lyman very rocky fine sandy loam, 8 to 20 percent slopes
BvC2	Buxton silt loam, 8 to 15 percent slopes, eroded	LzE	Lyman very rocky fine sandy loam, 20 to 45 percent slopes
CaB	Canaan sandy loam, 3 to 8 percent slopes	Md	Made land
CaC	Canaan sandy loam, 8 to 15 percent slopes	MeC	Melrose fine sandy loam, 8 to 15 percent slopes
CeB	Canaan very rocky sandy loam, 3 to 8 percent slopes	MkB	Merrimac fine sandy loam, 3 to 8 percent slopes
CeC	Canaan very rocky sandy loam, 8 to 20 percent slopes	MkC	Merrimac fine sandy loam, 8 to 15 percent slopes
CeE	Canaan very rocky sandy loam, 20 to 60 percent slopes	On	Ondawa fine sandy loam
Ck	Coastal beaches	PbB	Paxton fine sandy loam, 3 to 8 percent slopes
Cu	Cut and fill land	PbC	Paxton fine sandy loam, 8 to 15 percent slopes
DeA	Deerfield loamy sand, 0 to 3 percent slopes	PbD	Paxton fine sandy loam, 15 to 25 percent slopes
DeB	Deerfield loamy sand, 3 to 8 percent slopes	PfB	Paxton very stony fine sandy loam, 3 to 8 percent slopes
Du	Dune land	PfC	Paxton very stony fine sandy loam, 8 to 15 percent slopes
EmB	Elinwood fine sandy loam, 0 to 8 percent slopes	PfD	Paxton very stony fine sandy loam, 15 to 25 percent slopes
Gp	Gravel pits	PkB	Peru fine sandy loam, 0 to 8 percent slopes
HfB	Hartland very fine sandy loam, 3 to 8 percent slopes	PkC	Peru fine sandy loam, 8 to 15 percent slopes
HfC2	Hartland very fine sandy loam, 8 to 15 percent slopes, eroded	PfB	Peru very stony fine sandy loam, 0 to 8 percent slopes
HfD2	Hartland very fine sandy loam, 15 to 25 percent slopes, eroded	PfC	Peru very stony fine sandy loam, 8 to 15 percent slopes
HgB	Hermon sandy loam, 3 to 8 percent slopes	Py	Podunk fine sandy loam
HgC	Hermon sandy loam, 8 to 15 percent slopes	RbA	Ridgebury fine sandy loam, 0 to 3 percent slopes
HgD	Hermon sandy loam, 15 to 25 percent slopes	RgA	Ridgebury very stony fine sandy loam, 0 to 3 percent slopes
HhB	Hermon very stony sandy loam, 3 to 8 percent slopes	Ro	Rock land
HhC	Hermon very stony sandy loam, 8 to 15 percent slopes	Ru	Rumney fine sandy loam
HhD	Hermon very stony sandy loam, 15 to 30 percent slopes	Sd	Saugatuck loamy sand
HkC	Hermon extremely stony sandy loam, 8 to 20 percent slopes	Sn	Seantic silt loam
HkE	Hermon extremely stony sandy loam, 20 to 60 percent slopes	So	Scarboro sandy loam
HIB	Hinckley gravelly sandy loam, 3 to 8 percent slopes	Sp	Subago mucky peat
HIC	Hinckley gravelly sandy loam, 8 to 15 percent slopes	SuC2	Suffield silt loam, 8 to 15 percent slopes, eroded
HID	Hinckley gravelly sandy loam, 15 to 25 percent slopes	SuD2	Suffield silt loam, 15 to 25 percent slopes, eroded
HnB	Hinckley-Suffield complex, 3 to 8 percent slopes	SuE2	Suffield silt loam, 25 to 45 percent slopes, eroded
HnC	Hinckley-Suffield complex, 8 to 15 percent slopes	Sz	Swanton fine sandy loam
HnD	Hinckley-Suffield complex, 15 to 25 percent slopes	Tm	Tidal marsh
ItB	Hollis fine sandy loam, 3 to 8 percent slopes	Wa	Walpole fine sandy loam
HrC	Hollis fine sandy loam, 8 to 15 percent slopes	Wg	Whately fine sandy loam
HrD	Hollis fine sandy loam, 15 to 25 percent slopes	Wh	Whitman fine sandy loam
HsB	Hollis very rocky fine sandy loam, 3 to 8 percent slopes	WmB	Windsor loamy sand, 0 to 8 percent slopes
HsC	Hollis very rocky fine sandy loam, 8 to 20 percent slopes	WmC	Windsor loamy sand, 8 to 15 percent slopes
HsE	Hollis very rocky fine sandy loam, 20 to 35 percent slopes	WmD	Windsor loamy sand, 15 to 30 percent slopes
		WrB	Woodbridge fine sandy loam, 0 to 8 percent slopes
		WrC	Woodbridge fine sandy loam, 8 to 15 percent slopes
		WsB	Woodbridge very stony fine sandy loam, 0 to 8 percent slopes
		WsC	Woodbridge very stony fine sandy loam, 8 to 15 percent slopes

WORKS

- Highways and roads
- Divided
- Good motor
- Poor motor
- Trail
- Highway markers
- National Interstate
- U. S.
- State or county ..
- Railroads
- Single track
- Multiple track
- Abandoned
- Bridges and crossings
- Road
- Trail
- Railroad
- Ferry
- Grade
- R. R. over
- R. R. under
- Buildings
- School
- Church
- Mine and quarry
- Gravel pit
- Power line
- Breakwater, Jetty
- Airway beacon
- Cemetery
- Dams
- Levee
- Tanks
- Lighthouse
- Forest fire retardant
- Ford
- Location subject

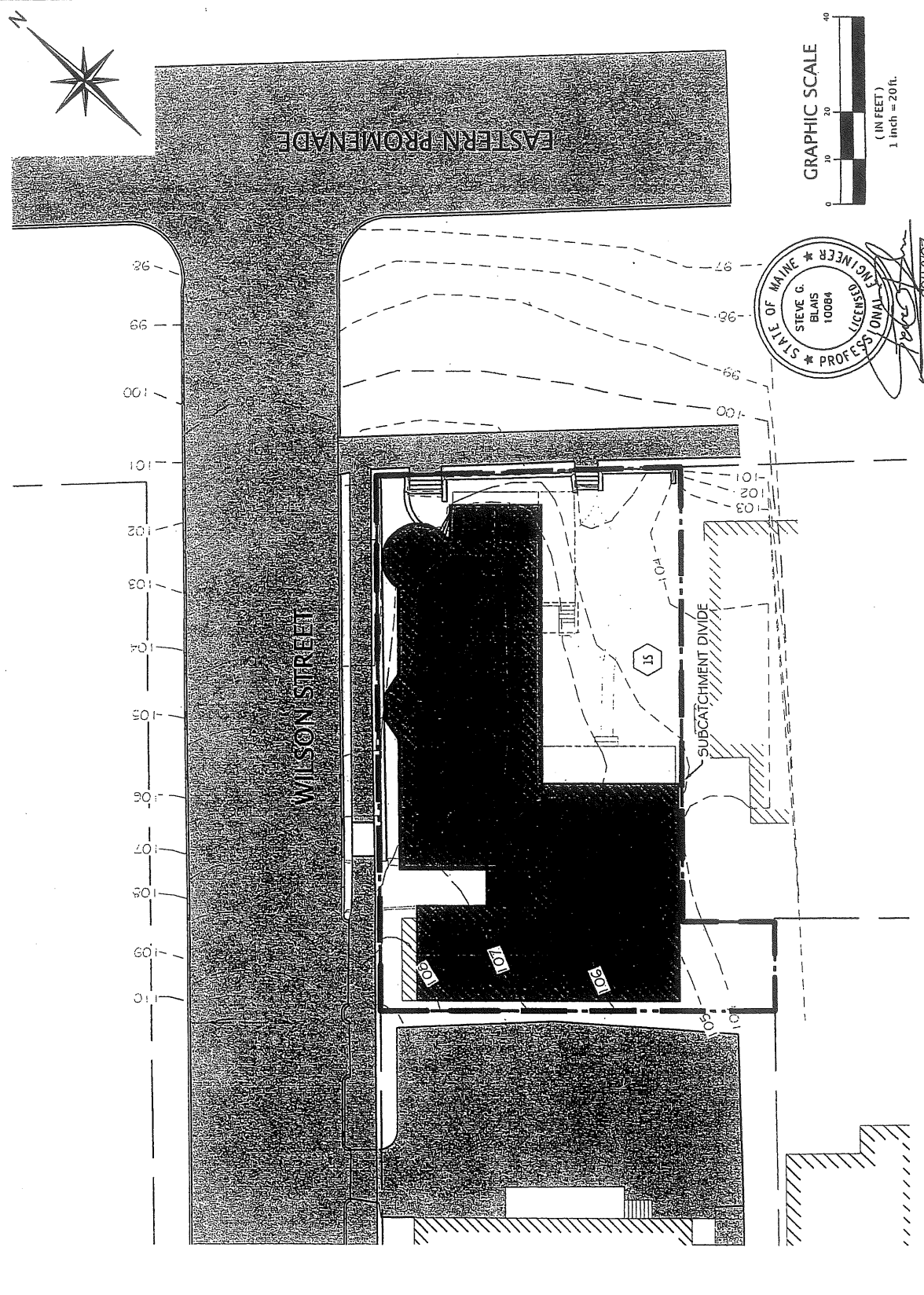


LAND CONSULTING ENGINEERS, PA
 967 BROADWAY
 SOUTH PORTLAND, MAINE 04106
 (207) 767-7300



EXISTING CONDITIONS DRAINAGE MAP
THE ESTATES OF LONGFELLOW INN
 PORTLAND
 MAINE
 C.L.: 1'
 DATE: 09/18/07
 SCALE: 1"=20'

DRAWING
D1
 © 2007 LAND CONSULTING ENGINEERS, PA
 LCE07126



LAND CONSULTING ENGINEERS, PA
 967 BROADWAY
 SOUTH PORTLAND, MAINE 04106
 (207) 767-2300

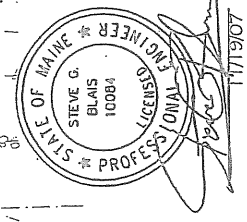
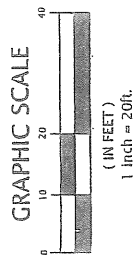
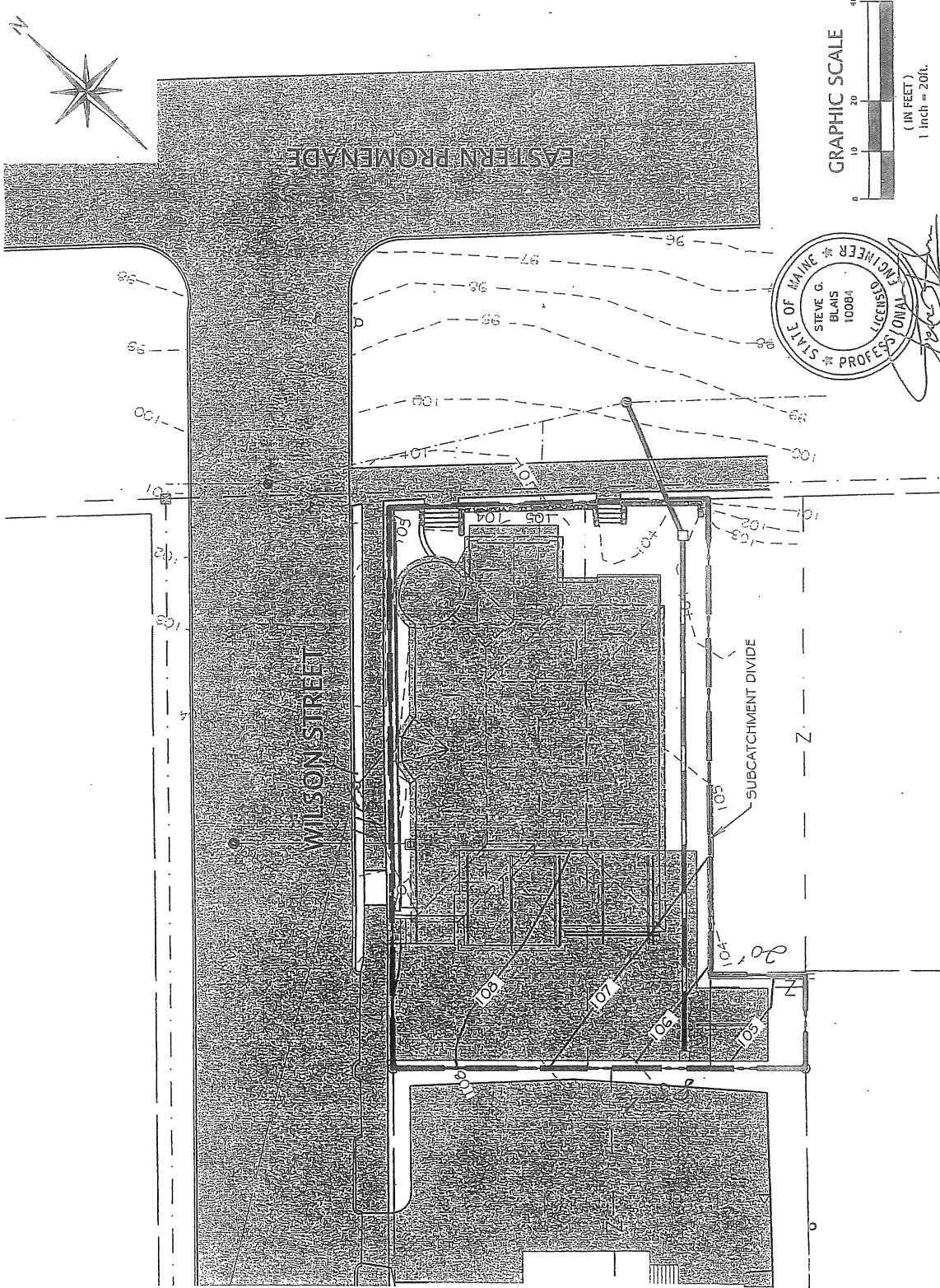


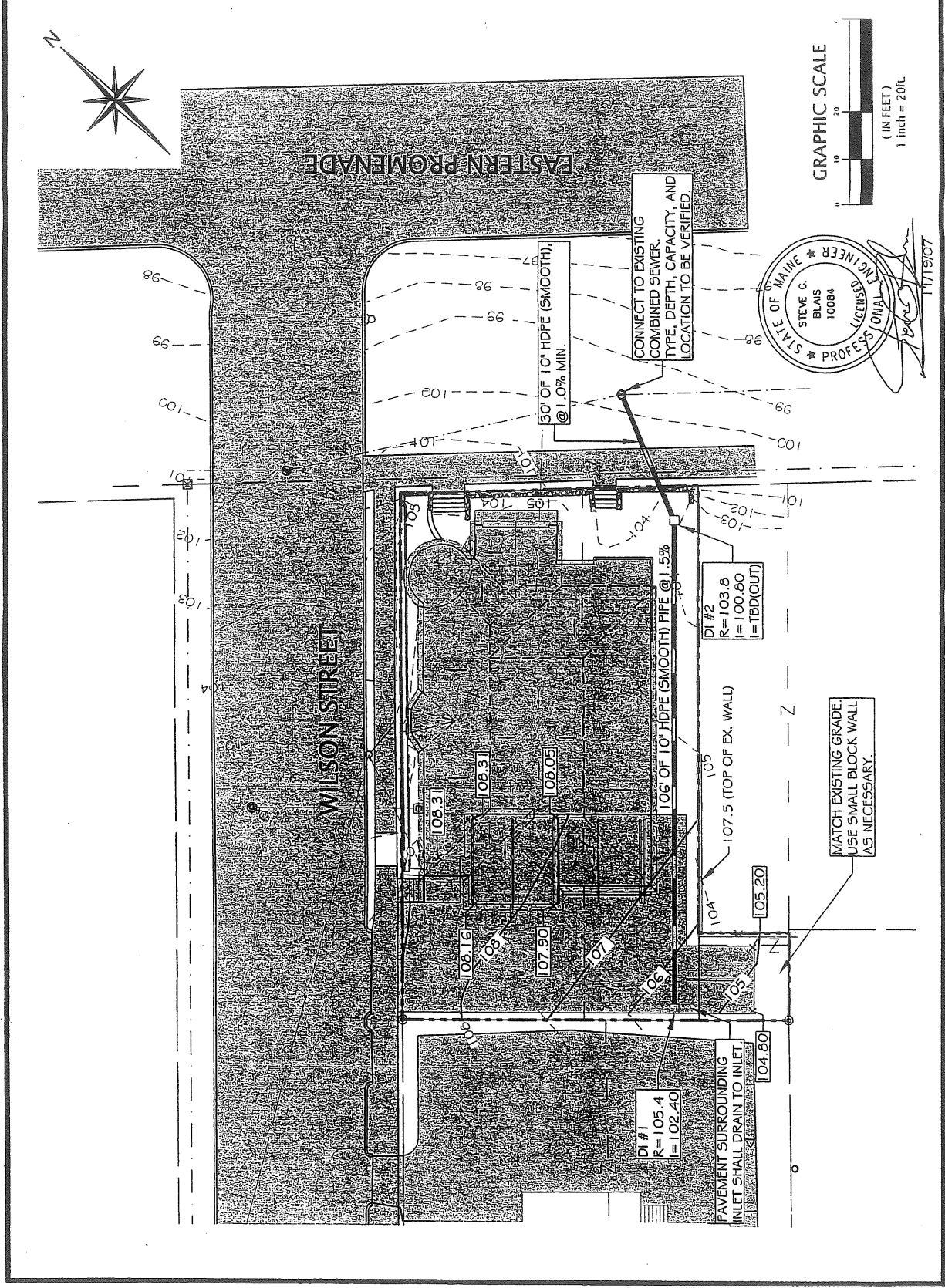
PROPOSED CONDITIONS DRAINAGE MAP
 THE ESTATES OF LONGFELLOW INN
 130 EASTERN PROMENADE
 PORTLAND
 MAINE
 C.I.F. 1
 DATE: 11/19/07
 SCALE: 1" = 20'

DRAWING

D2

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 LCE07126







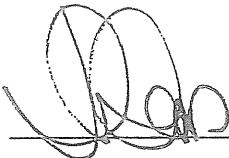
TFH ARCHITECTS 100 COMMERCIAL STREET PORTLAND MAINE 04101 TELEPHONE 207-775-6141 ARCHITECTURE AND PLANNING

NEIGHBORHOOD MEETING CERTIFICATE

I, Scott Teas, hereby certify that a neighborhood meeting was held on December 27, 2007 at 172 eastern Promenade at 6.30 p.m.

I also certify that on December 13, 2007, invitations were mailed to all addresses on the mailing list provided by the Planning Division, including property owners within 500 feet of the proposed development and the residents on the "interested parties" list.

Signed,



T. Scott Teas, NCARB, AIA
Principal

1/2/08 (date)

Attached to this Certification are:

1. Copy of invitation sent
2. Sign-in sheet
3. Meeting Minutes



December 13, 2007

Dear Neighbor:

On behalf of Wally Geyer of Casco Bay Ventures, please join us for a neighborhood meeting to discuss our plans for the proposed project "The Estates of Longfellow Inn" located at 130 Eastern Promenade in Portland.

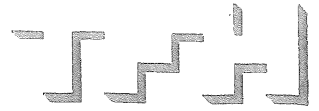
Meeting Location: 172 Eastern Promenade
Meeting Date: December 27, 2007
Meeting Time: 6:30 P.M.

If you have any questions please call 207.775.6141

Sincerely,

TFH Architects

Note: Under Section 14-32-C of the City Code of Ordinances, an applicant for a major development, subdivision of over five lots / units, or zone change is required to hold a neighborhood meeting at least seven days prior to the Planning Board public hearing on the proposal.



SIGN-IN SHEET

DATE: December 27, 2007, 6.30 P.M.
LOCATION: 172 Eastern Promenade, Portland, Maine
PURPOSE: Neighborhood Meeting for "The Estates of Longfellow Inn", at 130 Eastern Promenade, Portland, Maine

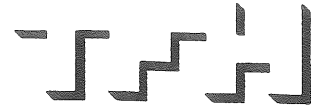
Luz & Bob Tanner
126 Eastern Promenade

Colleen Beland
50 Morning St

Diane Davison
29 MORNING ST

DAN + CONNIE HALEY
140 EASTERN PROM

JILL DAVISON
29 MORNING ST.



MEETING MINUTES

DATE: December 27, 2007, 6.30 P.M.
LOCATION: 172 Eastern Promenade, Portland, Maine
PURPOSE: Neighborhood Meeting for "The Estates of Longfellow Inn", at 130 Eastern Promenade, Portland, Maine

PRESENT: Scott Teas TFH Architects
Susanne Aldrian TFH Architects
Wally Geyer Casco Bay Ventures
Neighbors see attached Sign-in Sheet

ITEMS:

1. Responding to a question of Ms. Tanner, Scott Teas points out that the existing 2 story barn and the one story addition as part of the non-confirming structure will be demolished and the proposed addition will be build within the required set back limitations. The zoning department of the city of Portland had already decided that all the zoning requirements have been met by the currently proposed design (question Mr. Tanner).
2. The storm water drainage system, which will be a great improvement towards the existing drainage, is being explained (question Mr. Tanner). The connection of the storm water to the combined sewer has been coordinated with the Civil Engineer of Land Consulting Engineers and the Planner of the City of Portland (question Mr. Haley).
3. Since there is not sufficient room for snow storage on the back side of the property, the owner Wally Geyer will have plowed snow hauled off the property (question Mr. Haley).
4. Ms. Tanner points out that there may not be enough parking proposed, since some of the future tenants might have two (or more) cars. Response: The proposed parking (1 space per unit) exceeds the number of required spaces, since the number of parking spaces will be increased and the number of dwelling units decreased.
5. Respecting the historic streetscape of the Eastern Promenade Mr. Haley finds that the front elevation features too much glass. Response: The glass, besides providing view for the tenants, functions as a separating transition between existing and proposed building.
6. Mr. Davison criticizes that the proposed addition will cut off the existing water view, and decrease the property value, of 14 Wilson Street. He would like to see a lower, narrower addition being proposed. Scott Teas responds that the owner of 14 Wilson Street doesn't own a view corridor and the zoning requirements are met (see #1). Wally Geyer feels that converting 130 eastern Promenade into upscale housing will increase the value of the adjacent properties.
7. A shadow study (question of Ms. Davison) will be prepared for the Public Hearing.
8. Mr. Haley points out that the proposed development will be the only building on Eastern Promenade which will be tight within the setback requirements. Response: The developer has to optimize the square footage in order to make a profit.
9. Construction will start in spring 2008. Construction vehicles will enter the site from Wilson Street (response to question of Ms. Haley). The time of construction will approximately be one year.

**COMMITMENT & INTEGRITY
DRIVE RESULTS**

41 Hutchins Drive
Portland, Maine 04102
www.woodardcurran.com

T 800.426.4262
T 207.774.2112
F 207.774.6635

MEMORANDUM



TO: Molly Casto
FROM: Dan Goyette, PE, and Lauren Swett, EIT
DATE: December 4, 2007
RE: Estates of Longfellow Inn

Woodard & Curran has reviewed the site plan submission for The Estates of Longfellow Inn. The project proposes to renovate and add to an existing multifamily residential building located at 130 Eastern Promenade in Portland. The garage for the existing building will be demolished and replaced with paved parking, and an expansion will be added to the building to provide room for seven units.

Documents Reviewed

- Stormwater Management Report, 130 Eastern Promenade, Portland, Maine, prepared by Land Consulting Engineers, PA, on behalf of Casco Bay Ventures, dated November 19, 2007.
- Plan Sheets for The Estates of Longfellow Inn, including G1.1, G1.2, Existing Conditions Survey, C1.1, C1.2, C1.4, C1.5, A1.1-A1.4, and A2.1, prepared by TFH Architects on behalf of Casco Bay Ventures, dated November 20, 2007.

Comments

- The applicant should confirm that the survey for the project coincides with approved City standards. The survey needs to be tied to the vertical datum of NGVD 1929. Also, the project needs to be tied to the Maine State Plane Coordinate System (2-zone projection), West Zone using the NAD 1983 (HARN) Datum and the U.S. Survey Foot as the unit of measure. These items should be indicated in the general notes provided on the survey.
- An engineering details sheet was not included with this submission. This sheet should include details showing conformance with City of Portland design standards for items including pavement, curbing, utility structures and connections, pipe trenching, and erosion control. The site plan references details on Sheet C1.3, which was not included in this submission.
- No work will be allowed in the R.O.W. until the Moratorium for the street has been lifted, and weather permits construction.
- Parking spaces 1 and 2 do not meet the City of Portland design standards. Parking spaces should have a depth of 19' and a width of 9'.
- The site plan shows the location of water gates, however the water line itself is not shown.
- The stormwater report shows that there will be a slight increase in flow for the post development site conditions. In addition, the possibility of connecting roof leaders into the stormwater system was referenced in the report. The capacity of the existing combined sewer system, and the effect of the proposed project's stormwater and sanitary sewer flows on the system needs to be verified and taken into account in the design prior to the approval of the project.
- The stormwater report does not include any calculations to determine adequate pipe sizing for the projected stormwater flows.
- Piping from foundation drains should be directed out to the esplanade before it is tied into the combined sewer line.
- All drain inlet structures for the project should be catch basins with 3' sumps and casco traps.
- The piping connecting DI #1, DI #2, and the sewer manhole in the esplanade is called out as HDPE (smooth). This piping should be SDR 35 PVC sewer pipe.

Please contact our office if you have any questions.
DRG/LJS
203943

**COMMITMENT & INTEGRITY
DRIVE RESULTS**

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Portland, Maine 04102
www.woodardcurran.com

T 800.426.4262
T 207.774.2112
F 207.774.6635

MEMORANDUM



TO: Molly Casto
FROM: Dan Goyette, PE, and Lauren Swett, EIT
DATE: December 19, 2007
RE: Estates of Longfellow Inn

Woodard & Curran has reviewed the site plan submission for The Estates of Longfellow Inn. The project proposes to renovate and add to an existing multifamily residential building located at 130 Eastern Promenade in Portland. The garage for the existing building will be demolished and replaced with paved parking, and an expansion will be added to the building to provide room for seven units.

This memo provides one comment as an addition to the memo sent on December 4, 2007.

Comments

- The applicant may repair the sidewalk with concrete if the disturbed length is less than 10 feet, and kept within 2 sections of concrete sidewalk. If a larger disturbed area of sidewalk is required, the sections must be replaced with brick sidewalk. If the sidewalk is not part of an historic area, the option exists for concrete paver bricks to be used as an alternative to clay bricks.

Please contact our office if you have any questions.
DRG/LJS
203943

MEMORANDUM

To: FILE

From: Marge Schmuckal

Dept: Zoning

Subject: Application ID: 2007-0123

Date: 11/2/2007

On October 22, 2007, the applicant submitted further information showing that he is exempt from the Housing Replacement Ordinance by using 14-483(n)(6). Documentation has been submitted showing that the original building was built as three (3) dwelling units. They are now asking to revise their plans to allow seven (7). The ordinance requires the planning authority's approval on this section of the ordinance. It appears they could be meeting this section of the ordinance.

The seven (7) requested dwelling units would meet the land area per dwelling unit requirements of the R-6 zone. The seven (7) units would require a minimum lot size of 7,800 sq ft of land area. Currently the lot is 7,905.9 square feet which is in excess of the minimum lot size required. The applicant is not prohibited from enlarging the building under section 14-388. The enlargement can meet the R-6 zone setbacks as currently shown.

Marge Schmuckal
Zoning Administrator

From: Jeff Tarling
To: Molly Casto
Date: 1/18/2008 2:00:49 PM
Subject: 130 Eastern Prom Landscape Plan Review

Hi Molly -

I reviewed the landscape plan for the 130 Eastern Prom Project and offer the following review & comment:

The proposed plan shows 2 new street-trees to be planted along Wilson Street. (The tree locations can be adjusted due to window spacing etc within the building footprint along the Wilson Street frontage.) An additional street-tree on the Eastern Prom side, following the recent species recommendation of the Eastern Prom master plan recommendations. This would complete the specified number of trees and spacing along the Eastern Prom frontage of the project. On the project property one additional ornamental crabapple is proposed on the South side of the project near the addition. Overall the landscape treatment of ornamental shrubs and landscape beds fits into the character of the nearby residential landscape.

Recommendations / Conditions -

1) To meet the 2-trees per residential unit guidelines a contribution for 10 additional trees to be planted in the project vicinity is recommended. The project unit calculations would require 14 trees and the project is placing four with the project area. The new trees would help fill gaps or replace missing trees in the surrounding neighborhood of the project.

2) That impact to the Eastern Prom lawn area be limited during construction. This would include: no storage of trucks, equipment, materials on the lawn area. All damaged areas to be repaired in a timely manor, the sidewalk pedestrian way along the Eastern Prom be maintained in good condition during construction work.

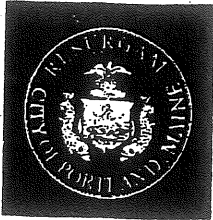
The project team or contractor shall contact Parks & Recreation concerning construction activities that might effect the Eastern Prom and park areas.

CC: Barbara Barhydt

From: Carrie Marsh
To: Casto, Molly
Date: 1/16/2008 2:33:05 PM
Subject: 130 Eastern Promenade

The elevations for the Estates of Longfellow Inn at 130 Eastern Promenade were presented for design review according to Site Plan Standards 14-526 (15). The building design is consistent with the nearest residential neighborhood in terms of architectural style, facade materials, roof pitch, building form and height. The elevations indicate a building that is similar in scale to the structure across Wilson Street, and other buildings along the Prom. The design therefore appears to be consistent with the Site Plan Standards.

Carrie M. Marsh, AICP, Urban Designer
City of Portland, Division of Planning
389 Congress Street, Portland, ME 04101
Ph: 207-874-8723 Fax: 207-756-8258



PORTLAND MAINE

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

Lee Urban- Director of Planning and Development
Marge Schmuckal, Zoning Administrator

September 26, 2007

Wally Geyer and Anthony Salem
Casco Bay Ventures
223 Woodville Road
Falmouth, ME 04105

RE: 130 Eastern Promenade, corner of Wilson Street – 003-C-001 & 002 – R-6 Zone
Site Plan #2007-0123

Dear Mr. Geyer and Mr. Salem,

I am in receipt of a letter from Bruce A. McGlaflin of Petruccelli, Martin & Haddow, LLP that outlines some zoning sections of the ordinance that he believes relate to your property at 130 Eastern Promenade and its proposed renovations.

Attorney McGlaflin cites section 14-382(d) of the Nonconforming Use and Nonconforming Buildings section of the ordinance which reads, "Alteration, modification or addition may be made to a building which is lawfully nonconforming as to space and bulk or any dimensional requirement where the proposed changes in existing exterior walls and/or roofs would be within the space occupied by the existing shell of the building, and would not create any new nonconformity nor increase any existing nonconformity". Currently, the existing building is nonconforming as to space and bulk and dimensional requirements. I disagree that this section of the ordinance restricts any new addition outside of the confined shell of the existing building. I interpret this section of the ordinance to allow new addition(s) if no new nonconformity is created and there is no increase of any existing nonconformity. I believe that your proposal meets the section of the Land Use Zoning Ordinance.

Attorney McGlaflin also cites section 14-388 within the same division of the nonconformity section of the ordinance and is titled "Nonconformity as to area of dwelling". This section reads, "A building nonconforming as to the regulations governing area per dwelling unit shall not be enlarged unless such building, including such addition or enlargement, is made to conform to all the area per dwelling regulations of the zone in which it is located". This section of the ordinance is pretty clear. It seems to say that zoning should not allow any additions or enlargements unless the area per dwelling unit regulation is made to conform to the underlying zone. It is very severe in it's wordage and would restrict additions on even single family homes on undersized lots. In the past it has been the practice of this office to allow additions and enlargements on undersized lots relating to area per dwelling unit as long as all other

underlying zone requirements are met. Since this section of the ordinance has been brought to my attention, I must abide by its wordage. Your property and your current proposal must be denied based upon the current lot size and the area of dwelling unit requirements of the underlying R-6 zone. I understand that you are reducing the legal number of dwelling units from eleven (11) to nine (9). Your current given lot size is 7,905.9 square feet in size and is nonconforming for land area per dwelling unit. To maintain your proposal for nine dwelling units, your lot size would need to be 10,200 square feet in area.

Based on section 14-388 of the zoning ordinance, I am denying your proposal.

You have the right to appeal my decision. If you wish to exercise your right to appeal, you have 30 days from the date of this letter in which to appeal. If you should fail to do so, my decision is binding and not subject to appeal. Please contact this office for the necessary paperwork that is required to file an appeal.

Very truly yours,



Marge Schmuckal
Zoning Administrator

Cc: Will Tinkelenberg, TFH Architects, 100 Commercial Street, Portland, ME 04101
~~Molly Casto, Planner~~
Alex Jaegerman, Planning Director
Barbara Barhydt, Development Review Services Manager

TFH ARCHITECTS 100 COMMERCIAL STREET PORTLAND MAINE 04101 TELEPHONE 207-775-6141 ARCHITECTURE AND PLANNING

October 22, 2007

Ms. Molly Gasto, Planner
Planning Division
389 Congress Street
Portland, Maine 04101

RE: Estates of Longfellow Inn, 130 Eastern Promenade, (Application ID # 2007-0123)

Dear Molly,

Enclosed please find a letter to Marge Schmuckal from Wally Geyer of Casco Bay Ventures which describes, along with documentation, their determination that the building at 130 Eastern Promenade was originally built and occupied as a building with three dwelling units, such that their "The Estates of Longfellow Inn" project is exempt from the requirements of Section 14-483 of the Land Use Ordinance, "Preservation and Replacement of Housing Units."

Also included are revised floor plans and a revised site plan, which reflect the building as it has been redesigned to accommodate only seven apartment dwelling units, rather than the previously proposed nine units, as necessary to satisfy Sections 14-439, "Dimensional Requirements" and 14-388, "Nonconformity as to Area of Dwelling," of the Ordinance. At 7,905.9 square feet, the current given lot satisfies the minimum requirement of 7,800 square feet for seven units.

Pending Marge's review, please schedule us for the next soonest available Planning Board Workshop. We understand that some materials previously submitted for Site Plan Review may need to be revised in conjunction with the redesigned building; once the Workshop is scheduled please let us know by what date such revised materials should be submitted.

If you have any questions or need further information, please don't hesitate to contact me.

Sincerely,



Will Tinkelenberg

cc: Wally Geyer, Casco Bay Ventures
T. Scott Teas, TFH Architects
Encl: Letter to Marge Schmuckal from Wally Geyer, October 9, 2007
"C-1.2, Site Plan,"
"A-1.2, First Floor Plan,"
"A-1.3, Second Floor Plan,"
"A-1.4, Third Floor Plan,"
**All drawings revised October 19, 2007; Full-size & 11 x 17 copies included.*

CASCO BAY VENTURES
223 Woodville Road
Falmouth, Maine 04101

October 9, 2007

Marge Schmuckal
Zoning Administrator
Portland City Hall, Room 315
389 Congress Street
Portland, Maine 04101

RE: 130 Eastern Promenade, corner of Wilson Street – 003-C-001 & 002 – R-6 Zone
Site Plan #2007-0123

Dear Ms. Schmuckal,

On September 26, 2007, we received a denial letter for our current project at 130 Eastern Promenade. We are writing to amend our proposed application based upon our revised plans and section 14-480 found within the zoning code.

We were denied our permit based on section 14-388 of the zoning ordinance because our given lot size was smaller than the land area needed for the nine units we had proposed. We have now changed our proposal and have reduced the number of units from nine (9) in the previous proposal to seven (7) units. Through reducing the number of units we are now within the underlying zoning requirements.

The code also discusses in detail the preservation and replacement of housing units. If the number of dwelling units decreases on a property, replacement housing must be built or the developer must pay a fee, unless the property meets one of the codes listed exemptions. Through examination we have discovered that the loss of housing units from the current eleven (11) to the proposed (7) seven units at 130 Eastern Promenade should be exempt from division 29 of the code regarding the replacement of housing units.

Through careful research, we have discovered that 130 Eastern Promenade was originally built as a three family flat. The home was built as a residence in 1903, for Harry Pease, Harry Russell and Franklin Yeaton. Over the years, others bought out Russell and Yeaton. Then in 1916, Harry Pease became the buildings sole owner. During that same year Mr. Pease turned his residence into Ye Longfellow Inn. According to section 14-480 of the zoning ordinance, “existing residential structures which, exclusive of additions thereto, contain more dwelling units than they were originally designed and built to accommodate and which are being modified to contain fewer dwelling units, subject to the condition that the number of dwelling units originally intended to be accommodated in such structures can be established by documentary evidence.”

The attached primary source documentary evidence clearly shows that the building was intended for three dwelling units. Attached you will find Sanborn Fire Insurance Maps dating from 1896 through 1928. The Sanborn Insurance Map for 1896 shows that 130 Eastern Promenade was not yet built. Then the Sanborn Fire Insurance Map of 1909 shows that 130 Eastern Promenade was classified as a framed three story flat. The final Sanborn Insurance Map of 1928 shows that 130 Eastern Promenade had become an inn known as Ye Longfellow Inn. Further evidence of the buildings change of usage is found in the City Directories of 1903, 1915 and 1916. The City Directory of 1903 is the first directory to list a residence being located on the property. At that time the building had Harry Pease, Harry Russell and Franklin Yeaton listed as the properties owners/tenants. Then in 1916, the building is listed as Ye Longfellow Inn and as the home of Harry H. Pease. The Portland Business Directory of 1916 lists Ye Longfellow Inn as a hotel. The prior City Directory of 1915 neither lists the businesses name in the business section nor does the business appear in the street directory.

Due to our revised plans and the supporting documentary evidence, we are confident that our project as amended meets all zoning requirements.

Feel free to contact us with any questions you may have.

Sincerely,

Wally Geyer
Casco Bay Ventures

The JAMES BAILEY COMPANY 264—MIDDLE STREET—264
CUTTERS TO THE HORSE. © NEAR MONUMENT SQUARE

PORTLAND STREET DIRECTORY 1916

LEFT SIDE RIGHT SIDE

DUNFERTY'S LANE

WARD 4

From 18 York

- Mrs Nora Mulhern
- Vacant
- 1 Mrs Margaret Mulhern
- 2 Miss Mary Gorham
- 3 Bernard Lerman
- 4 Vacant

DURHAM STREET

WARD 8

From 49 Brighton avenue to opposite 472 St John

- Alfred L Turner
- Charles H Small
- Perley C Dresser
- Carl A Hilland
- G Waldon Smith
- Charles S Lord
- Charles G Smith
- Deafel K Smith
- John L Merryman
- Howard E Stevens
- Henry F Owen
- George E Mace
- Deane street
- Madison Clifford school
- William J Langsettel
- Howard O Laxrabae
- Howard St John street

DYER STREET

WARD 8

From 150 Franklin to 51 Wilmot

- 5 David Robinson
- 6 Robert M Bloom
- 7 Nathan Rubin
- 8 George T Harding
- 9 A Judson Conary
- 10 Walter T Joyce
- 11 Arthur Woodman
- 12 Wilmot street
- 13 St John street
- Mrs Rosina Sutherland
- Almer M Stuart
- Frank Omeron
- Charles W Lincoln
- Charles G Bradley
- Wilmot street

EASTERN PROMENADE

WARD 1

- From 1 Atlantic to junction North and Washington avenue
- 5 Henry F Merrill
- 13 (rear) William C Tapley
- 17 Mrs Josephine M Stevens
- 18 John B Weatherbos
- 19 John F McQuillo
- 20 Miss Jennie M Berry
- 21 James A Frott
- 22 George A Brown
- 23 Raymond D Fatobin
- 24 (rear) Martha J Clark
- 25 John B Bradley
- 26 Walter W Duffett
- 27 Vacant
- 28 Edward M Long
- 29 Dr John H Connellan private hospital
- 30 Jeremiah H Connolly
- 31 George L Garvich
- 32 Fort Allen Park
- 33 Mrs Bertha E Cleveland
- 34 Roscoe S Davis
- 35 Vacant
- 36 East Commercial street
- 37 Edgar G Spingue
- 38 Mrs Mary Jordan
- 39 Charles E Slovess
- 40 James W Jackson
- 41 Robert M Frost
- 42 Charles Jackson
- 43 James M Gibson
- 44 Roy W Reed
- 45 Roy Frederick S Walker
- 46 Eugene A Spaulding
- 47 George F Reynolds
- 48 William L Blake
- 49 William M Taylor
- 50 Robert D Libby
- 51 Mrs Lydia J Libby
- 52 George B Verrill
- 53 Harry H Russell
- 54 George T Dealy

Opticians. Kodak Supplies.

LATEST AND BEST FINANCIAL NEWS ALWAYS IN THE EVENING EXPRESS
 CIRCULATION OVER 21,000

PORTLAND STREET DIRECTORY 1916

133

LEFT SIDE EASTERN PROMENADE—Continued RIGHT SIDE

- 180 Ye Lovatello Inn
- 181 Harry E Pease
- 184-186 Samuel D Plummer
- 190 John W Griffin
- 194-196 Mandy street
- 198 Mrs Sarah B Novis
- 199 Abraham Goodside
- 200 Michael J Flaherty
- 201 Morris Malman
- 202 William H Stark
- 203 John E Montgomery
- 204 George H Macgowan
- 205 Mrs Mary E O'Connor
- 206 Fred D Harvey
- 207 Lindsay B Griffin
- 208 Wallace B Adams
- 209 James A Keniston
- 210 Warren Brown
- 211 John E Peterson
- 212 Moses M Gould
- 213 Charles A Patten
- 214 Eae Moody
- 224 Benjamin Cross
- 225 Joseph S Barasteln
- 226 Mrs Isabelle M Stewart
- 227 Turner street
- 228-229 Quebec street
- 230-231 Melbourne street
- 232 John J Niessen
- 233 Richard B Harvey
- 234 Alwood O Tubbs
- 235-236 Montreal street
- 237 Walnut street
- 238 North street
- 239 Washington avenue
- 240 Edgen

The Portland City directory of 1916 shows that the property has become an Inn.



TERMINAL
 70 CROSS STREET
 TELEPHONE 2567 - 2568

- 240 John J O'Connor
- 241 Mrs Mary J McGowan
- 242 William H Dolley
- 243 Vacant
- 244 Beachwood avenue
- 245 From 1200 Washingt
- 246 Edwards street
- 247 WARD 8
- 248 From 1190 Congress to 245 Brighton avenue
- 249 George M Milne
- 250 198 Erlon M Richardson
- 251 Brighton avenue
- 252 Edgen
- 253 Beachwood avenue
- 254 From Lexington avenue, northerly to Broadway
- 255 WARD 9
- 256 From Lexington avenue, southerly
- 257 J Herbert Low
- 258 Melvin L Loring
- 259 Willard L Wyman
- 260 Alfred Lemey
- 261 From 1263 Forest avenue, southerly
- 262 Arable O Luffin
- 263 Isaac H Madson
- 264 Byron B Dugan painter
- 265 William W Durrell

ANDERSON, ADAMS & CO. INCORPORATED

Books (Retail)—Continued

- 16 P 1920 Forest av
enjamin K 89 Sawyer S P
Joseph H 27 Portland
G L Waldo
L N 238 York
922 Congress
S 688 Congress
ny 107 Federal
y Mrs 110 Versada
H 952 Congress
H 619 Forest av
L 94 Middle
ur F 34 Munjoy and P I
atus G 45 Moody
ston B 437 Peble S P
y Curtis 587 Cottage rd S P
man G 82 Ocean S P
L COMPANY 112 Exchange
o 1288
(D 948 Forest av
94-796 Congress
ward J 161 Pearl
19 W Commercial

Guns and Sporting Goods

- mas Co 210 Federal
Market
H 210 Federal

Shoes and Corset Makers

- FUS CO 990 Com'l (see p 1280)
LOGUE 452 Fore (see page
PARKER 54 Oress (see p 43)
N & CHAIN 222 Com'l (see p 6)
MIN E & SON 81 Oress (see
8)
I AM H CO (THE) (galvanised
Fore (see page 1288)

Gymnasiums

- the Club 60 Spring
Free
Oak

and Brown Tail Moth

- Exterminators
PHILIBOOK 18 Exchange
1329)

Hair Dresser

- OTHY P MISS 586 Congress
is page 10)

Hair Workers

- Miss r 188 Summit
1 518 Congress
4 Mrs 586 Congress rm 88
D 587 Congress rm 16 (see
Parlors 562 Congress rm 416

Hardware

- iting Seale Co 85 Market rm
Co 57 Middle
O (CARRAGE) 195 Commercial
1289)
epwinkle Co 468 Wash av
lker Co 6 Monument sq
HOUSE CO (THE) 148 and
(see page 1240)
BE CO 11 Monument sq and
see head lines street dir

- LAUGHLIN THOMAS CO (THE) 148 Fore
and 124 Commercial (see page 7)
MADSEN & ALLAN CO 975 Forest av (see
foot lines street directory)
Marling Hardware and Equipment Co 401
Sibley S P
STEVENS A E & CO (wagon) 9 Union (see
page 1280)
Sulkowitch Hardware & Paint Co 978 105
Tilton Brooks & Ayer 266 Middle
TILTON CHARLES A & CO 115 Sawyer S P

The City of
Portland's Business
Directory of 1916
Shows that in
1916 Ye Longfellow
Inn was in
business.

Hats, Caps and Furs

- COE THE HATTEE 207 Middle
general directory)
GREENOUGH BYRON & CO (Wholesale)
Middle (see page 7)
McCarthy John J 251 Middle
SCHLOSSBERG I H 591 Congress
general directory)
Schwarz D W 257 Middle
Snyder Inc 9 Monument sq

Hay and Straw

- Knight Turner H Ocean S P
LAFRANCO J & CO 12 Pearl (see
Smart Harold E 119 Westbrook
Speer Albert H 29 Peble

Heating and Ventilating Contractors

- HASKINS JOSEPH T Jr 86 Vermont
page 1287)
HUTCHINSON MELVILLE C 181
(see side lines street directory)
KANE & STEVENSON 7-9 Washington
(see page 16)
LITTLESON JOHN 10 Sewall (see
MOULTON ARTHUR H 75 Union (see
WASH F & O B CO 390 Fore (see
WASH F & O D W 6 Exchanges (see
TILTON O A & CO 115 Sawyer S P
page 1184

*Hermetically Sealed Goods

- BURNHAM & MORRELL CO 45 Water (see
page 5)
PORTLAND PACKING CO 26 York (see
page 8
TWTFOHILL-CHAMPLIN CO (THE) 352
Commercial (see page 9)

*Horse Booths

- BATLEY JAMES CO (THE) 264 Middle (see
head lines street directory)

*Horse Clothing

- BAILEY F O CARRAGE CO (CNO) 165
Middle (see side lines street directory)
BAILEY JAMES CO (THE) 264 Middle (see
head lines street directory)
GREENOUGH BYRON & CO (wholesale) 181
Middle (see page 7)

Horse Dealers

- Rich Dever & Son 1150 Congress

*Horse Furnishing Goods

- BAILEY F O CARRAGE CO (CNO) 165
Middle (see side lines general directory)
BAILEY JAMES CO (THE) 264 Middle (see
head lines street directory)

Horsehoopers

- (See also Blacksmiths)
Chase Gilbert E 697 Forest av
Clayton Joseph H 501 Fore
Fullerton Edward W 82 Union
Gwynn Charles 80 Oross
Lannon James E 157 Kennebec

*Hose and Packing

- PORTLAND RUBBER CO 269 Middle (see
top lines general directory)

Hosiery and Gloves

- Miley Ob (The) 558 Congress
OWEN MOORE & CO 505 Congress (see adv
general directory)

Hospitals and Dispensaries

- Children's Hospital (The) 91 Danforth and
68 High
Gonzalez John W (private) 88 Eastern prom
Howard Mason Dispensary 65 India
Jordan Lillian A Mrs (private) 98 Stevens
Avenue
King's Dr (private) 139 William
Maine Eye and Ear Infirmary 9 Bramhall
Maine General 2-23 Arsenal
Maternity Hospital (private) 109 Emery
St Barnabas (private) 291 Woodford

*Hot Water Heating

- DAVIS E E CO 38 Forest av (see adv gen
eral directory)
KANE & STEVENSON 7-9 Washington av
(see page 16)
MULLIN ARTHUR H 75 Union (see p 15)
WASH F & O B CO 390 Fore (see page 27)
WASH F & O D W 6 Exchanges (see p 27)
WILLEY & GALLOWAY 46 Market (see adv
general directory)

Hotels

- Marlboro House 89 Fore
Atlantic House 166 and 187 Fore

- Avenue House Island av Peaks Island
Bay View House Island av P I
Casco Bay House Long Island
Central House 137 Fore
Cliff House Cottage rd O E
Columbia Hotel 645 Congress
Congress Sq Hotel 579 and 581 Congress
Falmouth Hotel 312-214 Middle
Grand Trunk Hotel 179 Fore
Granite Spring Hotel Long Island
Harbor View House Peaks Island
HOTEL BRUNSWICK 31 Peble (see p 22)
Hotel Florence 48 India
Hotel Temple 22 Temple
Imperial Hotel 104 Park
Innes House Island av Peaks Island
Kafkerbocker (The) Peaks Island
Lafayette Hotel 688 Congress
Monument Sq Hotel 247 Federal
New Adams House 15 Temple
New Chase House 484 Congress
New Rochester Hotel (The) 97 Elm
Oceanic Peaks Island
Park Hotel 121 Forest av
Peaks Island House Peaks Island
Peble House 475 Congress
Terminal Hotel 939-948 Congress
Tolman Hotel 5 Tolman pl
West End Hotel 288 St John
Windsor Hotel 196 Middle
Ye Headland Inn Peaks Island
Ye Longfellow Inn 119 Western promenade

Hotels (Apartment)

- Berkley 72 Park av
Boyd 65 Spring
Eristol 313 Congress
Carroll 9a Myrtle
Clifford 13 Clifford
Colonial 177 High
Blk 45 Spring
Ellsworth 895 Congress
Everett Chambers 51a Oak
Fessenden 15 Shepley
Florentine 41 Chestnut
Hampton 94 Park av
Kavian 115 Congress
Lawlor 150 Congress
Los Angeles 431 Cumberland av
Mariborough 184 High
Marshall 626 Congress
Newton 124 Brackett
Oaks 76 Park av
Ocean View 101 Danforth
Parkhurst 91 State
Raymond 55 Morning
Sherman 111 Sherman
Sherwood 92 Park
Shelley 18 Oeaco
Somerset 693 Congress
St Regis 410 Weymouth
St Francis 12 Weymouth
Stanley 5 Smith
Stataway 59 State and 188 Danforth
Teacook 65 Sherman
Trelawny 655 Congress
Tyler 55 Spring
Ulysses 98 Grant
Vaughan Hall 316 Vaughan
Wardsworth 90a Peble
Warren 82 Park av
Wellington 861 Congress
Weymouth 649 Congress
Wilton 198 High
Wilton 691 Congress
Windsor 298 State
Woodbury 118 Franklin

*House Finish Mfrs.

- ALLEN W A CO 125 Somerset (see p 1286)
BERRIN MILLS CO 404 Commercial (see
adv general directory)

EVENING EXPRESS

LARGEST DAILY CIRCULATION IN MAINE.

PORTLAND STREET DIRECTORY. 141

LEFT SIDE. RIGHT SIDE.

DUNPEY'S LAKE—CONTINUED.

Mrs. Hannah Lee	4 Michael Noy
Mrs. Mary Haley	Benjamin B. Dyer
John W. Wilkins	Pasquale Cafalo
Mrs. Sophia Decost	Mrs. Annie F. Cameron

DYER STREET.

WARD 3.

From 150 Franklin to 51 Wilmot.

Neal Johnson	3 Joseph E. Marston
Clarence E. Horr	Watson R. Gribbin, jr.
Jessa S. Felt	5 Joseph F. Colley, jr.
Lewis W. Littlefield	7 Mrs. Amanda Hill
Wilmot street	13 Vacant
	Wilmot street

EASTERN PROMENADE.

WARD 1.

From 1 Atlantic to junction North and Washington avenue.

Ernest A. Randall	5 Henry F. Merrill
16 Munjoy street	17 John G. Munroe
	Mrs. Catherine Lightford
	19 Charles A. Neal
	James A. Trott
	(rear) Alexander L. Izatt
James P. Jordan	John M. L. Jackson
John H. Richardson	21 Mrs. Jerusha S. Clark
Herbert J. Willard	(rear) Ernest E. Gemmage
Charles S. Webster	
Beckett street	
Mrs. Lizzie E. Dannison	27 Walter W. Duffett
Charles L. Jack	29 Oakley C. Curtis
Benjamin Thompson	33 Mrs. Elvira S. Randall
Mrs. William Gray	39 William B. Thoms
52 Vesper street	(rear) Jeremiah H. Connolly
William L. Blake	47 John J. Gerrish
	George L. Gerrish
William N. Taylor	53 Mrs. Sarah M. Ricker
62 Morning street	55-73 Fort Allen Park
Robert D. Libby	75 Fort Allen Park place
Arthur C. Libby	81 Lewis W. Cleveland
Harry H. Pease	91 Roscoe S. Davis
Harry H. Russell	93 Mrs. Catherine McCarthy
Franklin Yeaton	95, 97 East Commercial street
136 Wilson street	191-195 Congress street
Samuel D. Plummer	Cleaves Monument
156 Moody street	
Leslie A. Boadway	
Alfred Southworth	
Robert S. Laughlin	
Lindsey B. Griffin	
194 Congress street	
John R. Peterson	
Moses M. Gould	
Charles A. Patten	
Neal D. Gould	

L. W. CLEVELAND CO. & ELECTRICAL ENGINEERS & CONTRACTORS.
 133 CONGRESS ST.
 ESTIMATING AND SPECIFYING
 WORKS FOR EVERY KIND OF
 ELECTRICAL WORK.
 TELEPHONE CONNECTION.

Portland City directory of 1903 Shows that three tenants/owners live at 130 Eastern Promenade.

Shoes and Leather Belting and everything pertaining to Mill Supplies.
TALBOT, BROOKS & AYER,
 239 MIDDLE, 235 AND 245 FEDERAL STREETS.

Year 1903

132

PORTLAND STREET DIRECTORY 1915

LEFT SIDE

RIGHT SIDE

EASTERN PROMENADE—Continued

- | | |
|----------------------------|---------------------------|
| 40 Roy W Reed | 21 Martha J Clark |
| Eugene A Spaulding | (rear) John E Bradley |
| 46 Gertrude H Weeks | 27 Walker W Duffett |
| 48-52 Vesper street | 29 Oakley C Curtis |
| 54 William L Blake | 33 Vacant |
| 64 William E Taylor | 39 Edward M Lang |
| 66-82 Motoring street | (rear) Jeremiah H Connors |
| 84 Robert D Libby | 47 George L Gerrish |
| 102 Mrs Lydia J Libby | 53-75 Fort Allen Park |
| 108 George B Verrill | 81 Mrs Bertha E Cleveland |
| 114 Harry E Russell | 91 Roscoe S Davis |
| 126 George T Dealy | 93 Vacant |
| 130 Harry E Pease | 95-97 East Commercial |
| George F Reynolds | |
| Nate W Brown | |
| 134-136 Wilson street | |
| 140 Samuel D Pinner | |
| 150 John W Griffin | |
| 154-156 Moody street | |
| 160 Mrs Sarah E Towle | |
| 166 Abraham Goodside | |
| Michael J Flaherty | |
| 168 Morris Maiman | |
| 170 William T Starr | |
| 172 Albert E Smith | |
| 174 John H Montgomery | |
| 176 George E MacGowan | |
| 182 Mrs Mary E O'Connor | |
| Fred D Harvey | |
| 188 Emdsay B Griffin | |
| 192-196 Congress street | |
| 208 Novello Crafts | |
| Rev Wilhelm M Petterson | |
| 210 James A Keniston | |
| 214 John E Peterson | |
| 218 Moses M Gould | |
| Charles A Patten | |
| E Rae Moody | |
| 224 Benjamin Press | |
| Samuel Wolf | |
| 224A Charles H Warren | |
| 228 Mrs Isabella M Stewart | |
| 230-232 Turner street | |
| 258-260 Quebec street | |
| 278-280 Melbourn street | |
| 288 John J Nissen | |
| 292 Richard E Harvey | |
| 294 Atwood O Tubbs | |
| 296-300 Montreal street | |
| 316-320 Walnut street | |
| 452-460 North street | |
| 468— Washington avenue | |

Portland City
 directory of 1915
 Shows that three
 tenants/owners
 live at 130 Eastern
 Promenade.

EDGEWOOD AVENUE

WARD 9

From 1200 Washington avenue to Beechwood avenue

- | | |
|-----------------------|------------------|
| 20 John J O'Connor | |
| 30 Mrs Mary J McGowan | |
| 34 William E Dolley | 25 Vacant |
| Beechwood avenue | Beechwood avenue |

EDWARDS STREET

WARD 8

From 512 Brighton avenue to 1190 Congress

- | | |
|-----------------|------------------|
| Congress street | 7 George M Milne |
| | Congress street |

Opticians. Kodak Supplies.
 H. E. MURDOCK CO. Y. M. C. A. BUILDING.

CLOTHING ON CREDIT, IF YOU WANT IT
 PURITAN CLOTHING CO. 571 CONGRESS STREET
 TELEPHONE 1838-W

Hospitals (Private)

MRS. EVELYN W. MRS. E. Pleasant av
(see adv general directory)

Hot Naphtha Cleaners

WINS & CO 1181 Forest av 181
Woodford. 158 Free (see head lines
general directory)

Hot Water Heating

H. E. CO 33 Forest av (see adv gen-
eral directory)
S. STEVENSON 7-9 Washington av
(see page 19)
ARTHOE E 75 Union (see
page 15)
F & C E CO 320 Frc (see p 24)
G M & D W G Bxch (see p 24)
H & CALROUN 46 Market (see adv
general directory)

Hotels

Maple House 29 Free
Maple House 185 and 187 Fore-
ams. House Island av Peaks Island
View House Island av P I
Bay Hotel Long Island
Maple House 137 Free
Maple House rear 481 Congress
Cottage Cottage rd C. E.
Maple Hotel 645 Congress
Maple Sq Hotel 579 and 581 Cong
Road. (The) 16 Elm
Maple Hotel 213 214 Middle
Maple Spring Hotel Long Island
Maple View House Peaks Island
Maple BEUNSWICK 32 Preble (see page
22)
Maple Florence 43 India
Maple Temple 22 Temple
Maple Hotel 104 Oak
Maple House Island av Peaks Island
Maple Prebaker. (The) Peaks Island
Maple Hotel 638 Congress
Maple Sq Hotel 247 Federal
Maple Adams House 15 Temple
Maple Chase House 434 Congress
Maple Peaks Island
Maple Hotel 121 Forest av
Maple Island House Peaks Island
Maple House. 475 Congress
Maple Hotel 939-943 Congress
Maple Rochester Hotel (The) 97 Elm
Maple Hotel 6 Tolman place
Maple Hotel 293 St John
Maple Hotel 196 Middle
Maple Highland Inn Peaks Island

Hotels (Apartment)

Maple 72 Park av
Maple 355 Spring
Maple 312 Congress
Maple 177 High
Maple Spring
Maple 395 Congress
Maple Chambers. 51a Oak
Maple 15 Shapley
Maple Adams. 41 Chestnut
Maple 12 Weymouth.
Maple 94 Park av

Maple 115 Congress
Maple 150 Congress
Maple Los Angeles. 421 Cumberland av
Maple Lyndon 168 Dearing
Maple Marlborough. 184 High
Maple Marshall 626a Congress
Maple Mumjoy 102 Congress
Maple Newton 124 Brackett
Maple Oaks 76 Park av
Maple Ocean View 101 Danforth
Maple Parkhurst 31 State
Maple Quincy 7 Quincy
Maple Raymond 55 Morning
Maple Sherman 111 Sherman
Maple Sherwood 92 Park
Maple Shapley 18 Casco
Maple Simpson 68 Mellen
Maple Somerset 633 Congress
Maple St. Regis 2-10 Weymouth
Maple Stateway 59 State and 138 Danforth
Maple Tecumseh 65 Sherman
Maple Trelawny 655 Congress
Maple Tyler 55 Spring
Maple Ulysses 98 Grant
Maple Vaughan Hall 216 Vaughan
Maple Wardsworth 30a Preble
Maple Warren 82 Park av
Maple Whitney 122 Neal and 59 West
Maple Wiggin 198 High
Maple Wilton 881 Congress
Maple Windsor 286 State
Maple Woodbury 113 Franklin

House Finish Mfrs.

ALDEN W A & CO 125 Somerset (see page
1182)
BERLIN MILLS CO
adv. general dire
DEEBING RUFUS O
page 1180).
DOTEN S E & A I
1182)

House-Furn

DAVIS E S CO 10
Federal (see her
FOSS T F & SONS
general directory.
FOURIOUS MITCHE
522 Congress (s
FOLMAN BRADFOR
327 Cumberland
eral directory)

Ice Cre

Dearing Ice Cream C
SIMMONS & BEAM
Commercial (see
rectory)
West End Dairy Co

Ice I

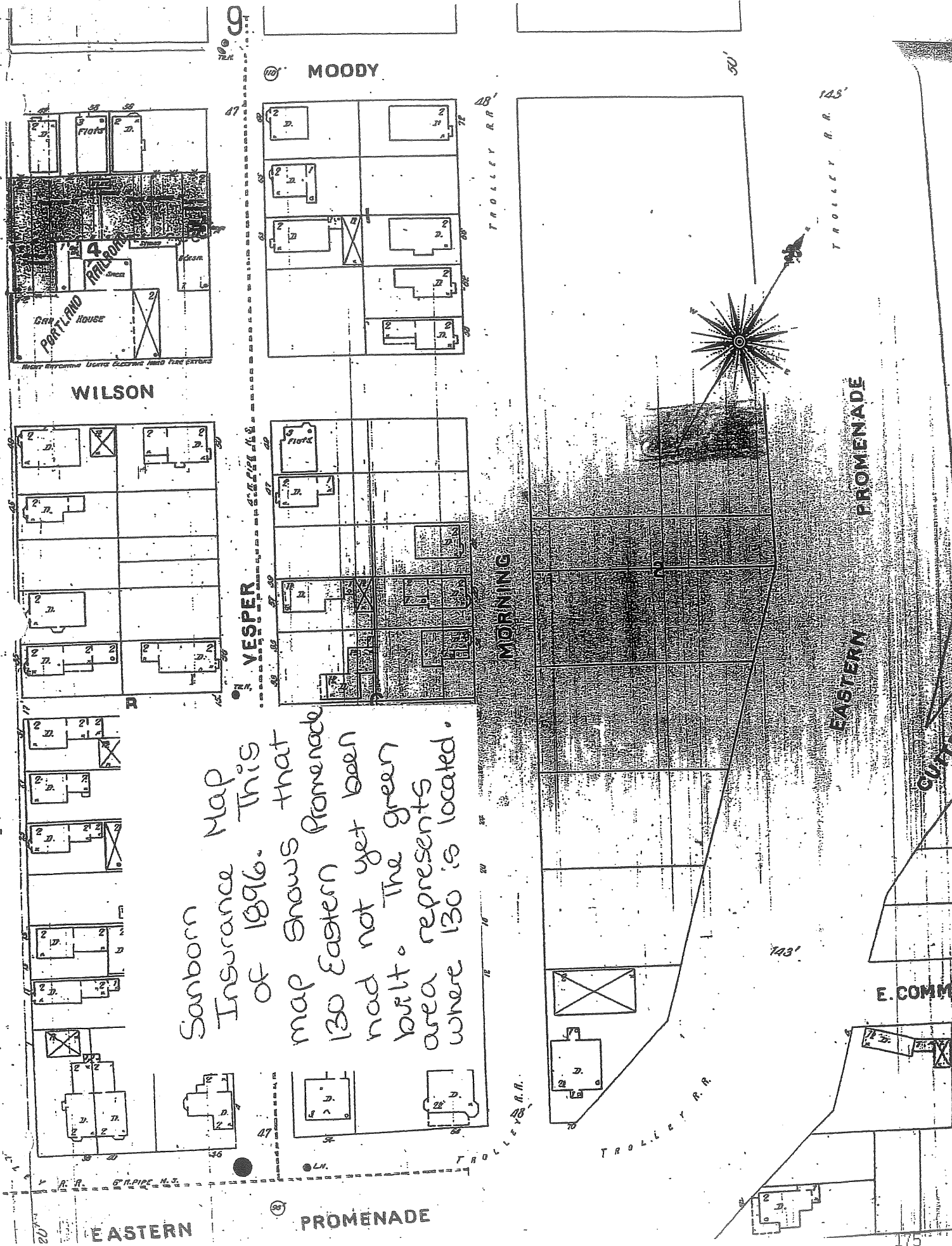
Brackett W E & Co
Dearing Ice Co 143 N
Libby & Co 200 Fed
Merrill William A L
Phinney Charles G S
PORTLAND SEBAG
mercial (see foot lines general dir)
Sebago Ice Co 303 Commercial
Trefethen Harvey H Peaks Island

Illuminating Windows

SPENCE BELL & CO 90 Canal Boston (see
page opp Glass)

Business directory
of 1915 shows
that Le Longfellow
Inn does not
yet exist.

W. C. PAGE BOX CO. Manufacturers of **BOXES** AND PACKING CASES
100 MILL AT BAR MILLS, ME. CAMBRIDGEPORT, MASS.



Sanborn Insurance Map of 1896. This map shows that 130 Eastern Promenade had not yet been built. The green area represents where 130 is located.

MOODY

WILSON

VESPER

MORNING

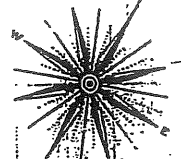
PROMENADE

EASTERN

EASTERN

PROMENADE

E. COMM



TROLLEY R.R.

TROLLEY R.R.

TROLLEY R.R.

TROLLEY R.R.

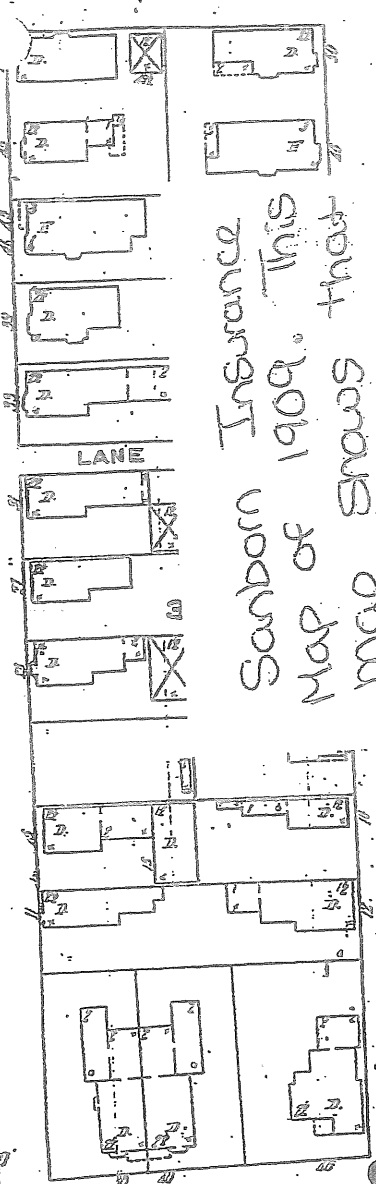
GRAND N.S.

L.H.

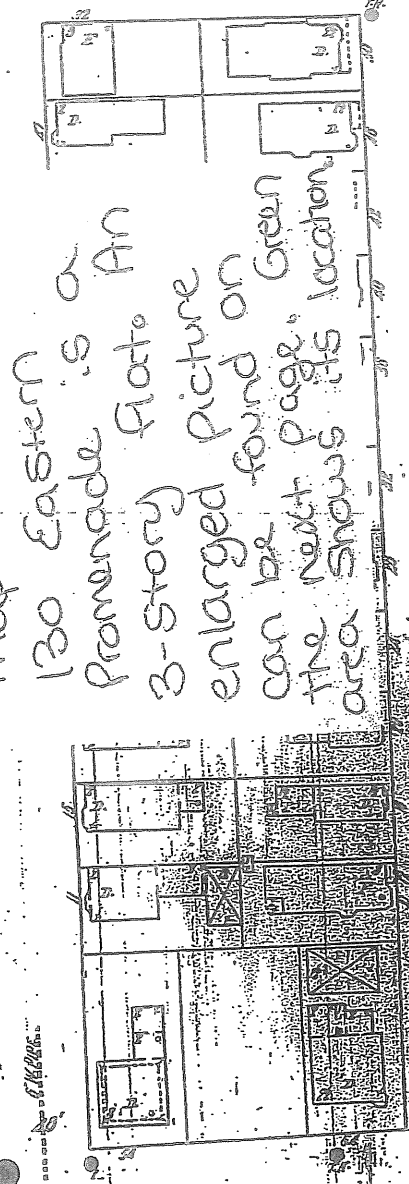
Map prepared by Data-Transit Bureau, Inc. (Special Service) for the City of Boston



WILSON

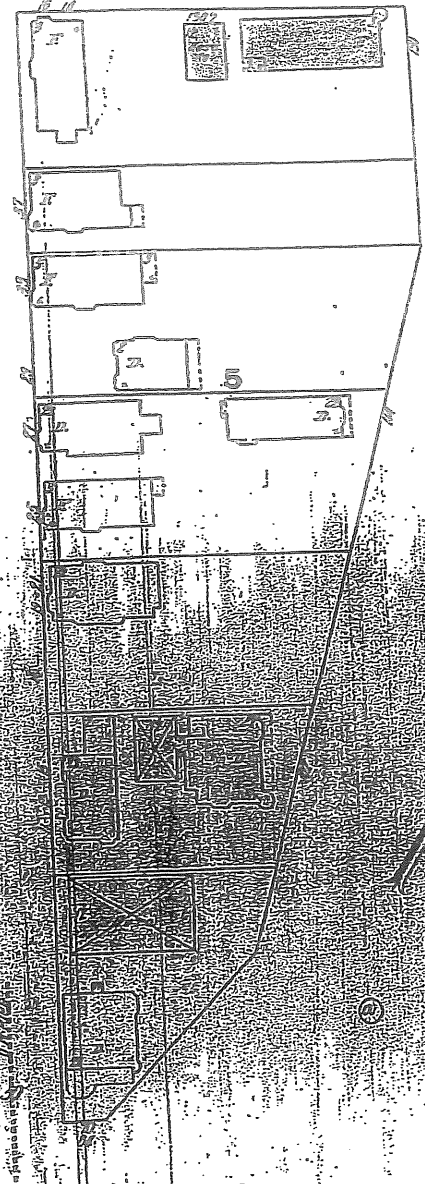


Sanborn Insurance Map of 1909. This map shows that



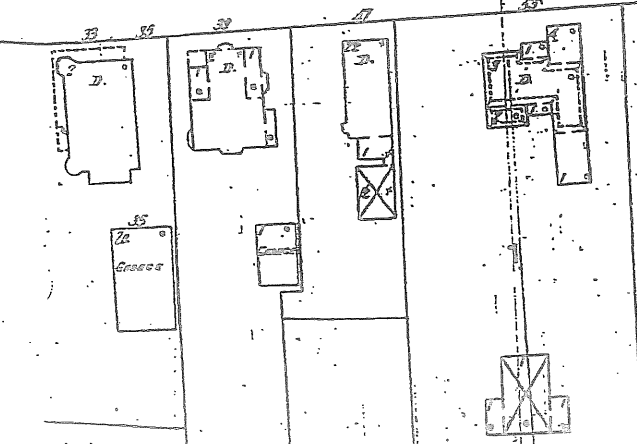
130 Eastern Promenade is a 3-story flat. An enlarged picture can be found on the next page. Green line shows its location.

MORNING



EASTERN

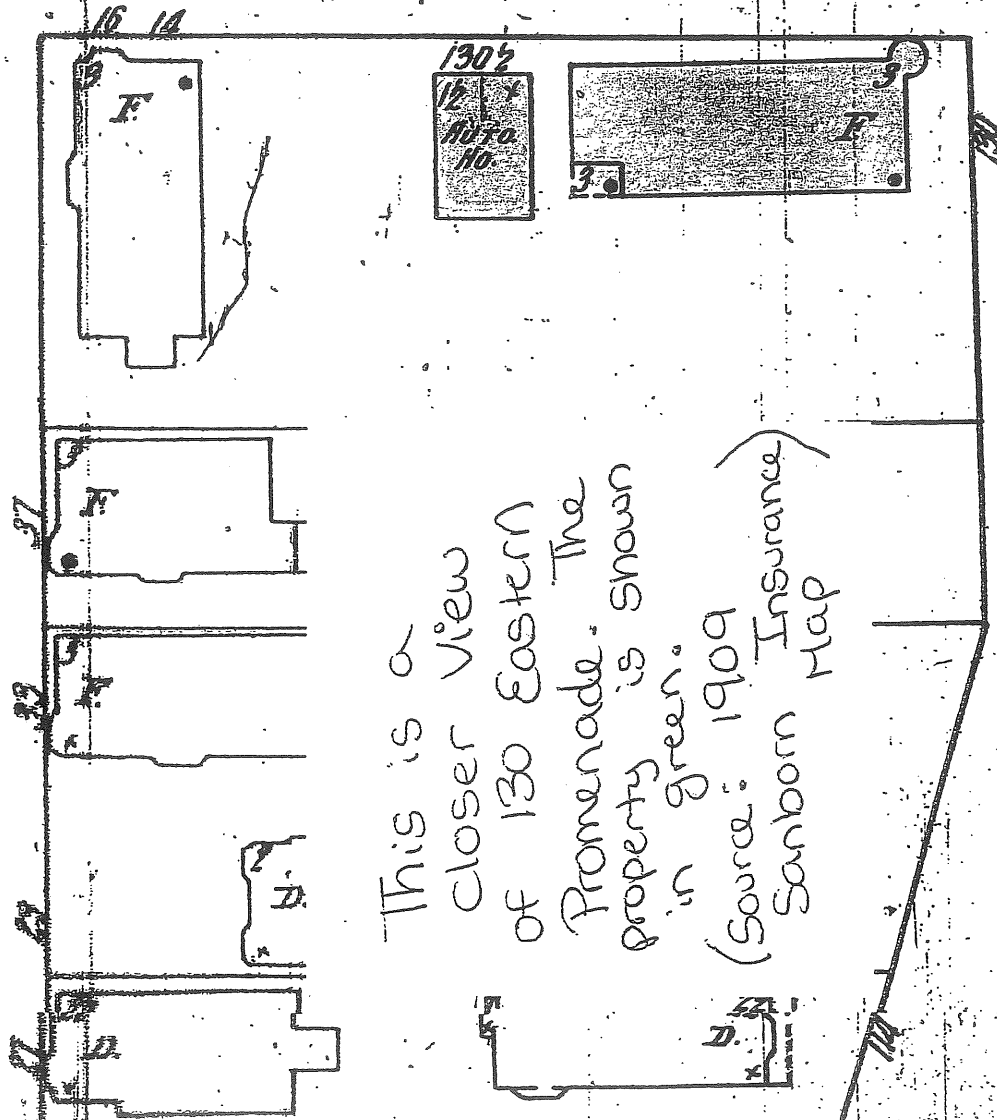
EASTERN PROMENADE



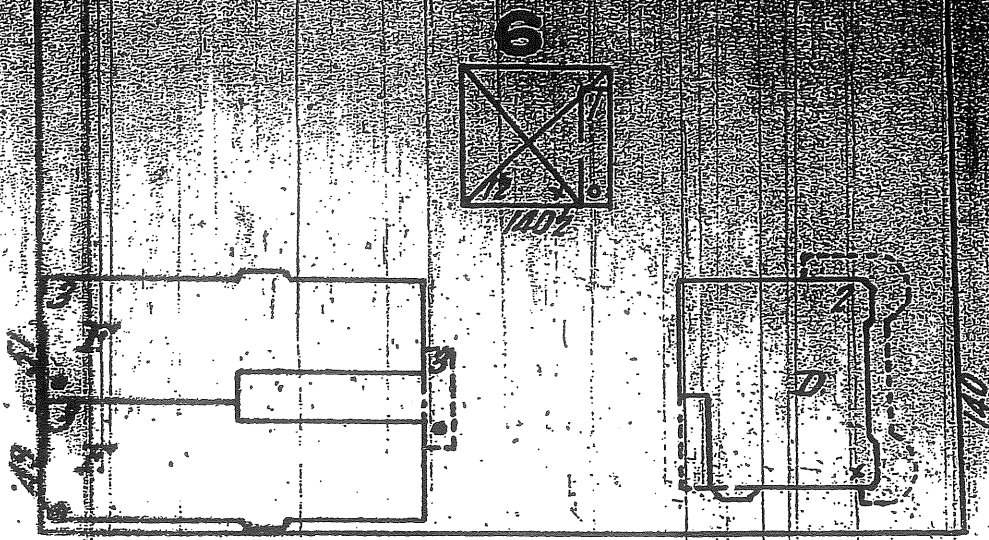
FORT ALLEN PARK



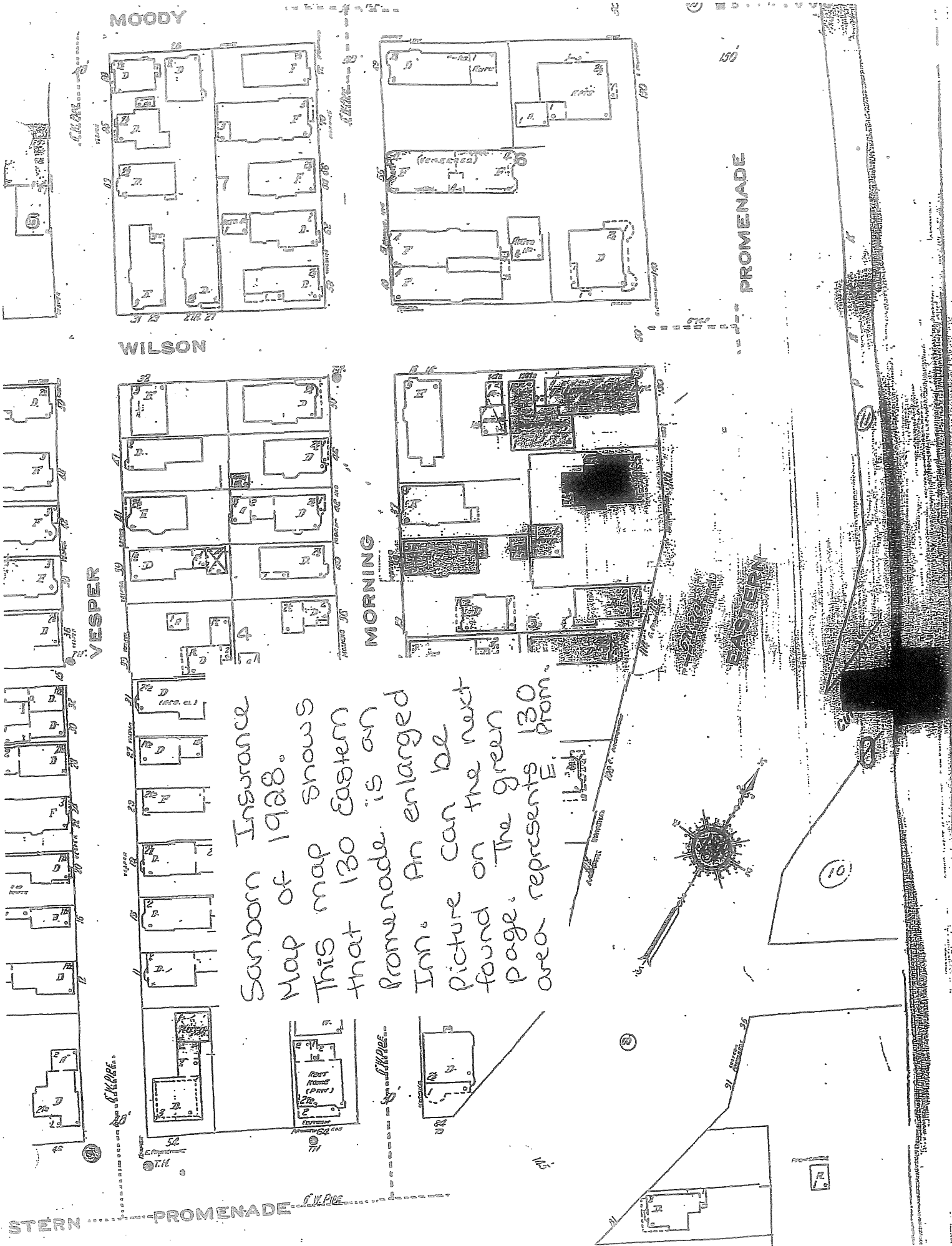
MORNING



This is a
closer view
of 130 Eastern
Promenade. The
property is shown
in green.
(Source: 1909
Sanborn Insurance
Map)



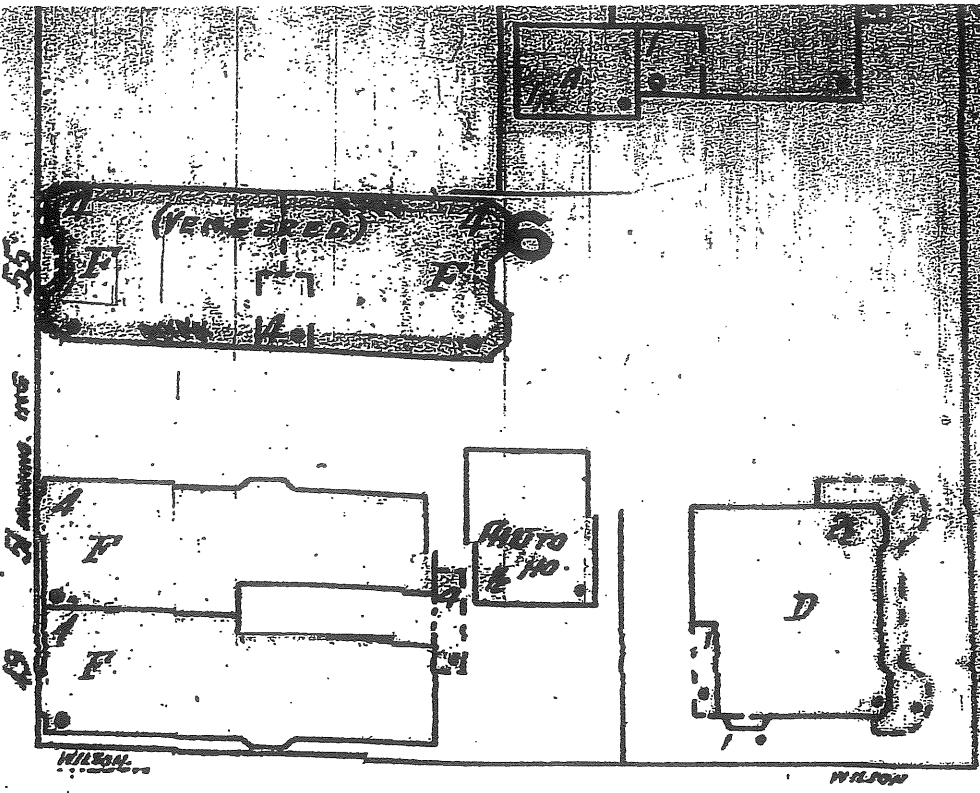
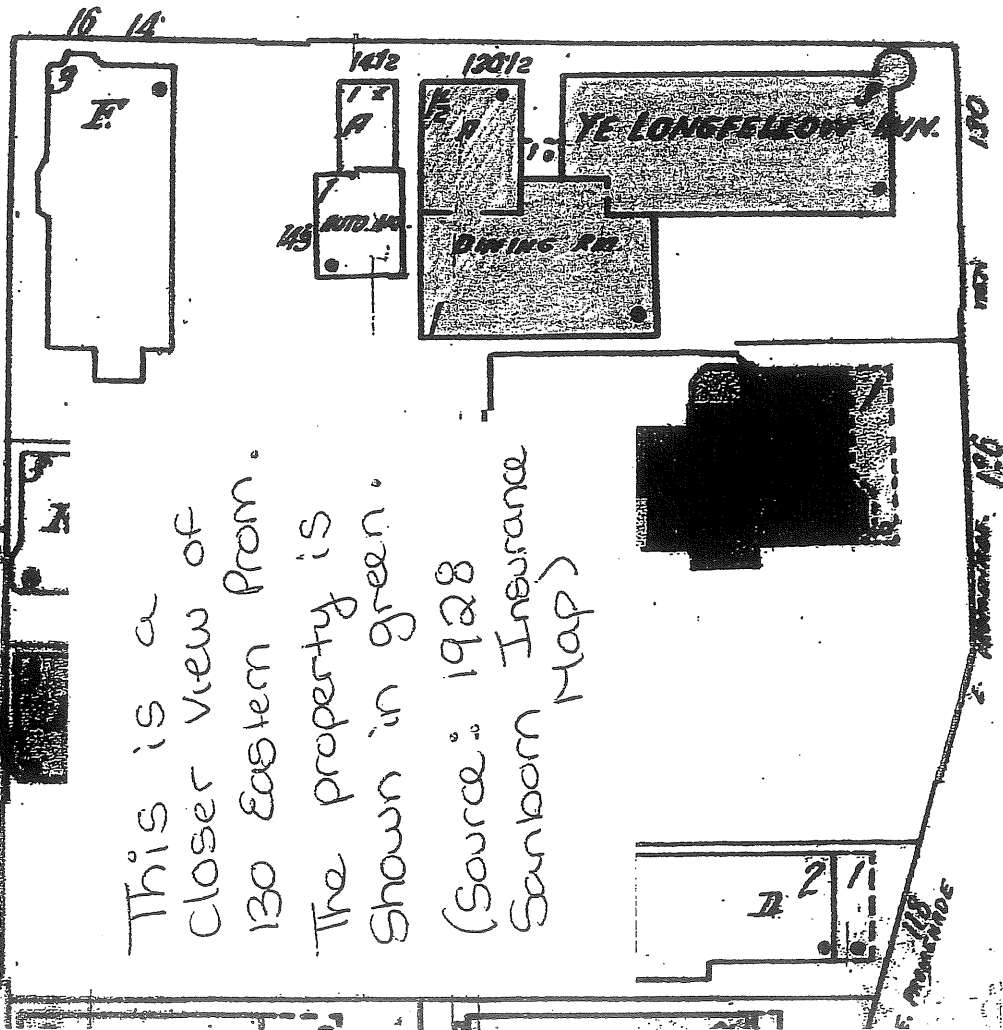
EAST



Sanborn Insurance Map of 1928. This map shows that 130 Eastern Promenade is an Inn. An enlarged picture can be found on the next page. The green area represents 130 prom.

MORNING


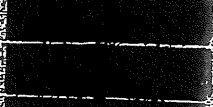






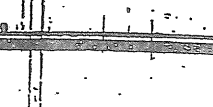

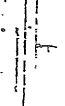

This is a closer view of 130 Eastern Prom. The property is shown in green. (Source: 1928 Sanborn Insurance Map)

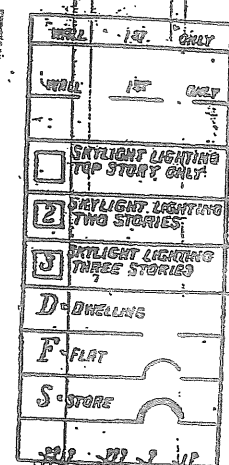


Key for reading






Sanborn Insurance Maps.

(Source: 1928 Sanborn Insurance Map of Portland)

-  Fire proof construction
-  Iron building
-  Brick building with metal cornice
-  frame side stone front
-  Brick special with frame side
-  frame building iron clad
-  special Adobe building
-  Stable
-  Horizontal steam boiler
-  Vertical Automatic sprinklers
-  Automatic fire alarm
-  Independent electric plant



- Wall 1st no openings through it
- with openings
- Fire wall 6-inches above roof
- 12
- 18
- 24
- Opening in division wall with iron door
- standard iron door
- Windows with iron shutters
- Window opening in first story
- second
- 2nd & 3rd stories
- 2nd & 4th

-  Brick chimney
-  Iron
-  Fire alarm box
-  Hydrant
-  Elevation

27
Reference to adjoining sheet

14(02)

© 2007 TH ARCHITECT

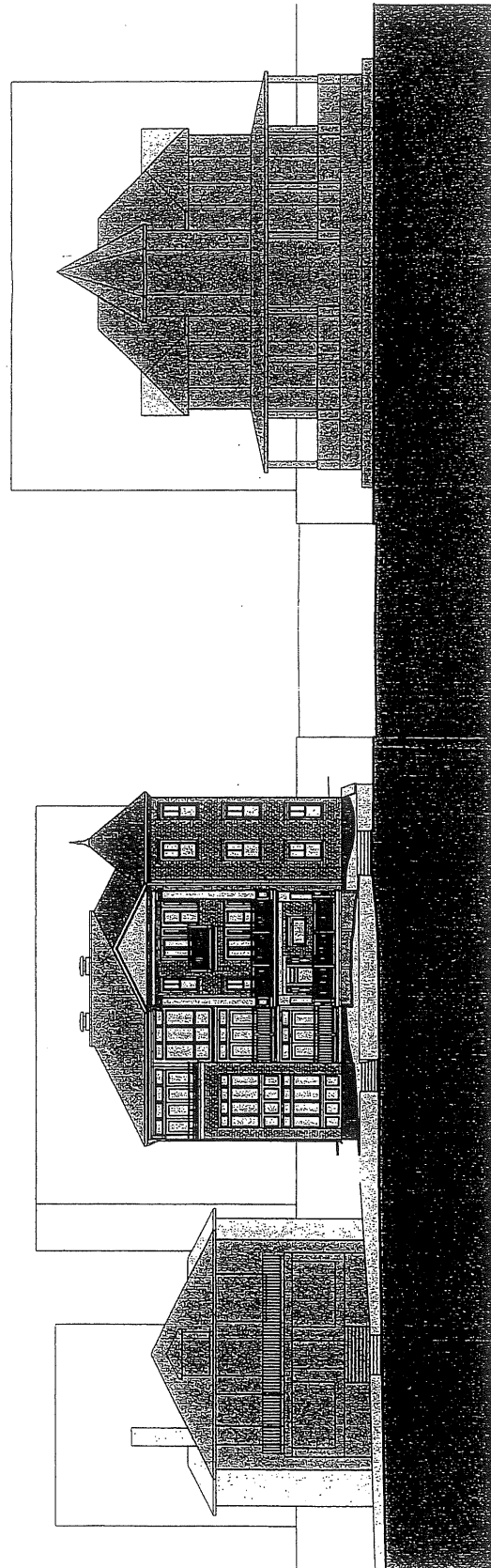
THE ESTATES OF LONGFELLOW INN
130 EASTERN PROMENADE, PORTLAND, ME
CASCO BAY VENTURES

TH ARCHITECT
100 COMMERCIAL STREET
PORTLAND, ME 04101
TELEPHONE 207 778 6111
ARCHITECTURE PLANNING
CONSULTANTS

DATE:	
PROJECT BY:	DBV
DRAWN BY:	SA
CHECKED BY:	TET
SCALE:	AS NOTED
SHEET TITLE:	
GENERAL NOTES:	

G-1.1

NO. 100 COMPASS
WORKING
SITE PLAN G-1.1
DATE: 07.10.07



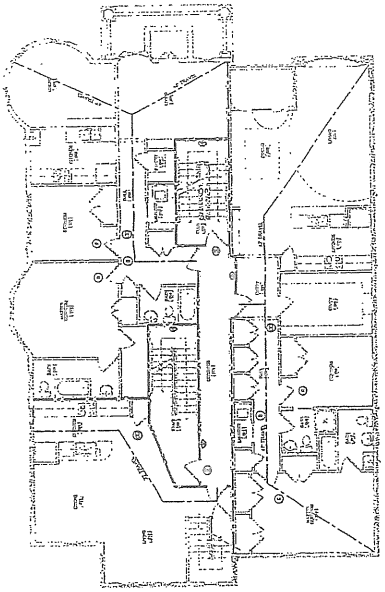
THE ESTATES OF LONGFELLOW INN

AT 130 EASTERN PROMENADE IN PORTLAND, MAINE

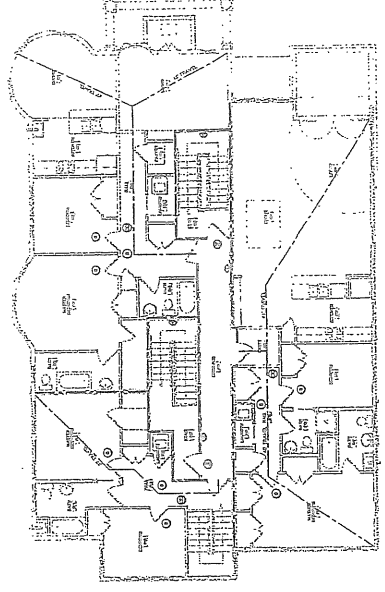
BY
CASCO BAY VENTURES
 223 WOODVILLE ROAD
 FALMOUTH, ME 04105
 (207)-797-7752

- DRAWING LIST**
- G-1.1 COVER SHEET
 - G-1.2 LIFE SAFETY PLAN
 - C-1.1 SUBDIVISION SURVEY
 - C-1.2 SUBDIVISION PLAN
 - C-1.3 SITE PLAN
 - C-1.4 SITE LIGHTING
 - A-1.1 BASEMENT AND ROOF PLAN
 - A-1.2 FIRST FLOOR PLAN
 - A-1.3 SECOND FLOOR PLAN
 - A-1.4 THIRD FLOOR PLAN
 - A-2.1 EXTERIOR ELEVATIONS

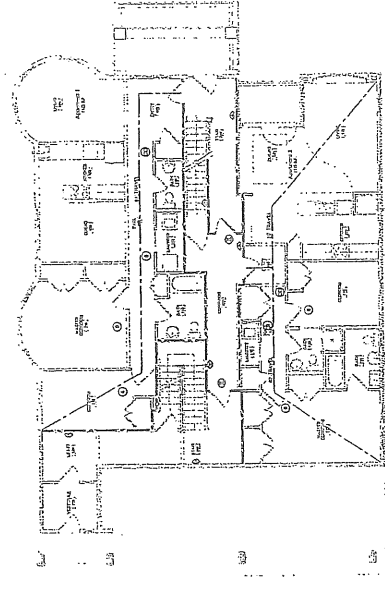
114 (6b)



2 SECOND FLOOR LIFE SAFETY PLAN
1/8" = 1'-0"



3 THIRD FLOOR LIFE SAFETY PLAN
1/8" = 1'-0"



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

SPRINKLER SYSTEM.
 PROVIDE VENTS FOR SPRINKLER SYSTEM IN ACCORDANCE WITH IBC 903.2.1, NFPA, AND ALL APPLICABLE CODES & REGULATIONS. SPRINKLER SYSTEM TO BE DESIGNED AND INSTALLED BY QUALIFIED SPRINKLER CONTRACTOR.

LEGEND

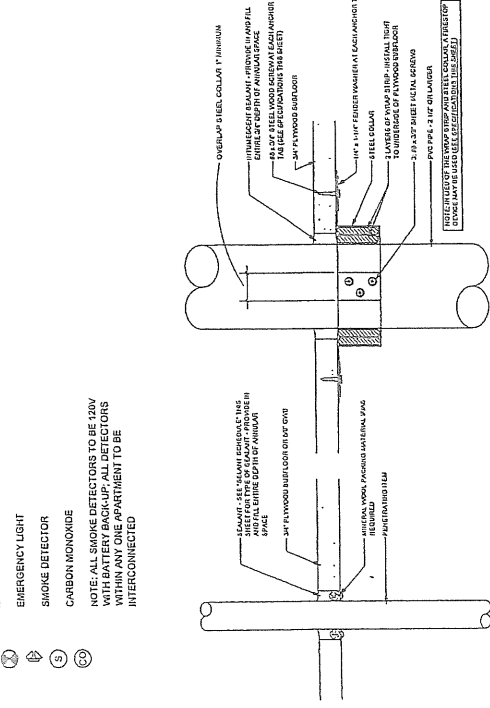
- EXISTING CONSTRUCTION TO REMAIN
- DEMOLITION
- NEW CONSTRUCTION
- 1 HOUR RATED NEW CONSTRUCTION
- 1 HOUR RATED EXISTING CONSTRUCTION

NOTE: SEE A-3.1 FOR CONSTRUCTION ASSEMBLIES

- ILLUMINATED EXIT SIGN
- EMERGENCY LIGHT
- SMOKE DETECTOR
- CARBON MONOXIDE

NOTE: ALL SMOKE DETECTORS TO BE 120V WITH BATTERY BACK-UP; ALL DETECTORS WITHIN ANY ONE APARTMENT TO BE INTERCONNECTED

5 TYPICAL PENETRATION
1/8" = 1'-0"



5 TYPICAL PENETRATION
1/8" = 1'-0"

SPECIFICATIONS

STEEL COLLARS: WARP STRIP MANUFACTURED STEEL COLLAR FABRICATED FROM 3/16" THICK GALVANIZED SHEET METAL, WELDED WITH 1/8" DIA. STAINLESS STEEL WIRE. PROVIDE 1/2" MIN. PROJECTIONS INTO AND OUTSIDE WALL. APPROX 1/2" DIA. FIRESTOP DEVICE: HULL OF THE WARP STRIP AND STEEL COLLAR. FIRESTOP DEVICE MAY BE USED AS FOLLOWS:

- FOR 2" PVC PIPE 1/2" DIA. OR 2" MIN. DIA. COLLAR HOLLOW
- FOR 4" PVC PIPE 1/2" DIA. OR 2" MIN. DIA. COLLAR HOLLOW
- OR USE FIRESTOP DEVICE AT JOINTS (JOINT FLANGES) IN PIPE PROVIDE WARP STRIP AND STEEL COLLAR

SEALANT SCHEDULE:
 IMMEDIATE SEALANT: PROVIDE AT ALL PENETRATIONS THROUGH RATED CONSTRUCTION FOR PENETRATIONS THROUGH WALLS AND FLOORS. SEALANT SHALL BE APPLIED TO THE INSIDE OF THE WALL OR FLOOR. SEALANT SHALL BE APPLIED TO THE INSIDE OF THE WALL OR FLOOR. SEALANT SHALL BE APPLIED TO THE INSIDE OF THE WALL OR FLOOR. SEALANT SHALL BE APPLIED TO THE INSIDE OF THE WALL OR FLOOR.

116(C)

GENERAL NOTES

1. RECORD OWNER OF PARCEL: 130 EASTERN PROM, LLC. BOOK 1428 PAGE 001 AS RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS (C.C.R.D.).
2. BEARINGS ARE BASED UPON TWO CITY OF PORTLAND 3-FEET OFFSET AMERICAN DATUM (BRUNNEN) WEST ZONE SIZE PLAN FOR DESCRIPTIONS AND DISTANCES. THE SURVEY WAS CONDUCTED UTILIZING THE FOLLOWING EQUIPMENT: LEICA DISTOMETER SET 4, TOTAL STATION, LEITZ SOR 33 DATA COLLECTION, HAND-HELD SURVEYING CALCULATORS.
3. AREA OF SUBJECT PARCEL: 1,905.9 SQ. FT., 0.19 ACRES
4. REFERENCE IS MADE TO THE FOLLOWING PLANS:
 a.) PLAN 130 EASTERN PROM, LLC. BOOK 1428 PAGE 001, PORTLAND, MAINE, DATED 09/20/2008.
 b.) EXISTING CONDITIONS PLAN AT 172 EASTERN PROMENADE, PORTLAND, MAINE, FOR CASCO BAY VENTURES, DATED BY BACK BAY BOUNDARY, INC. NO. 2003111, NOT RECORDED.
 c.) PROMENADE ESTATES CONDOMINIUM, AT 108 EASTERN PROMENADE, PORTLAND, MAINE, FOR CASCO BAY VENTURES, DATED 09/20/2008, NOT RECORDED.
 d.) PROMENADE ESTATES CONDOMINIUM, AT 108 EASTERN PROMENADE, PORTLAND, MAINE, FOR CASCO BAY VENTURES, DATED 09/20/2008, NOT RECORDED.
5. THERE WERE NO APPARENT EASEMENTS OR RESTRICTIONS SURROUNDING OR AFFECTING SUBJECT PROPERTY AT THE TIME OF THIS SURVEY.
6. BENCHMARK - INDICATES POINT ON 'M' MONUMENT IN NORTHWEST CORNER OF ST. LAWRENCE AND FORE STREETS (ELEVATION = 89.35) BASED ON N.C.V.D. 1929 CITY OF PORTLAND DATA.

ZONING

ZONE: R-4 RESIDENTIAL ZONE
 SETBACKS: FRONT - 30 FT. (< AVERAGE OF ADJACENT LOTS)
 MINIMUM LOT SIZE - 10,000 SQUARE FEET
 MINIMUM LOT WIDTH - 35 FT.
 MAXIMUM LOT COVERAGE - 40%

FLOOD NOTES

BE CAUTION FLOODING ONLY. THIS PROPERTY IS IN ZONE C OF THE FLOOD INSURANCE RATE MAP. THIS PROPERTY IS NOT IN A SPECIAL FLOOD HAZARD AREA.

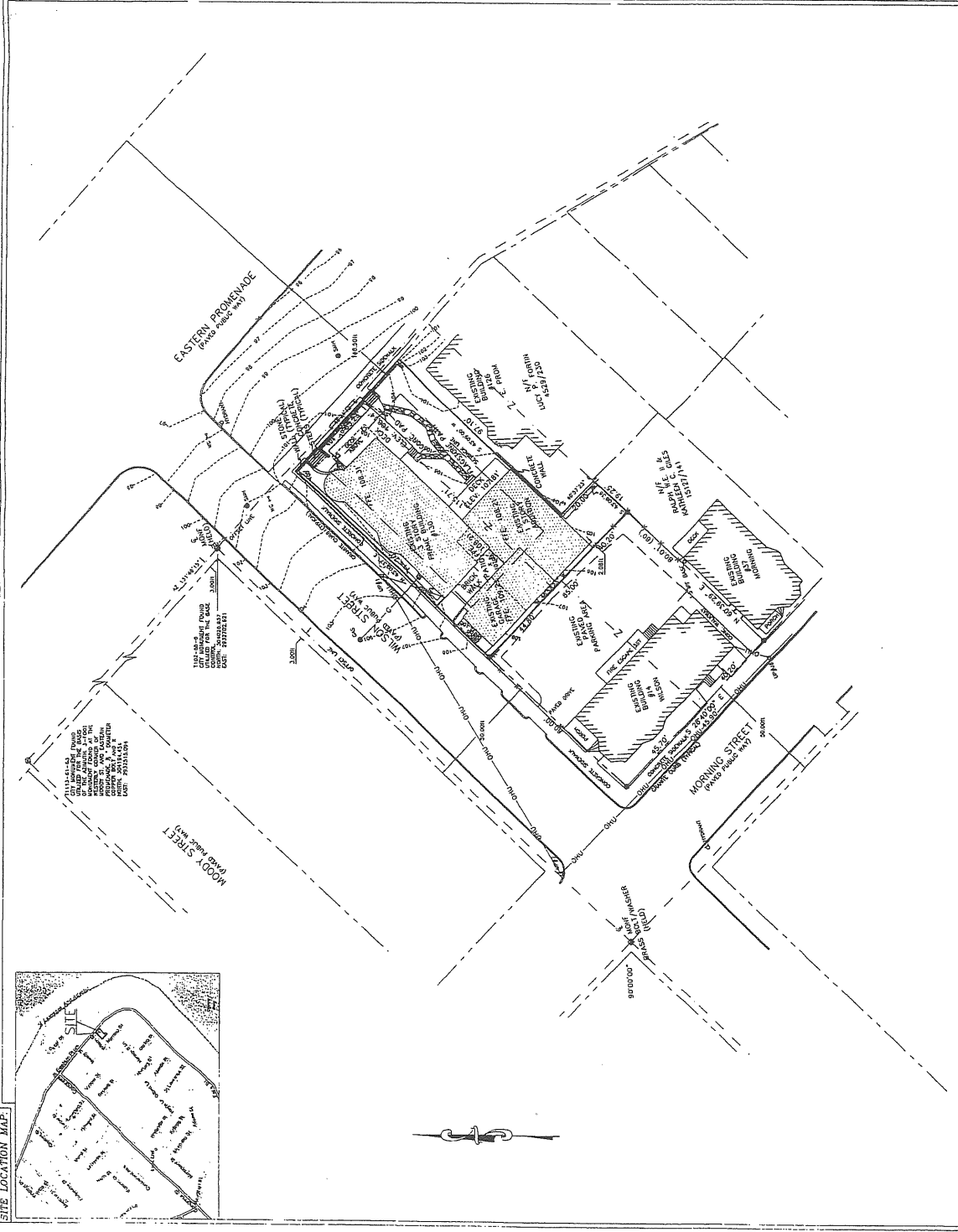
LEGEND

- CGP ① Granite Monument Found 6"-6"
- CGP ② Copied 5/4" Nebar Found
- IFF ① Iron Pipe Found
- CGP ③ Concrete Foundation
- WGC ④ Water Gate
- GS ⑤ Gas Valve
- AL ⑥ Autler Line
- SP ⑦ Sprinkler Line
- SL ⑧ Street Line
- SB ⑨ Sateback Line
- OL ⑩ Old Lot Line

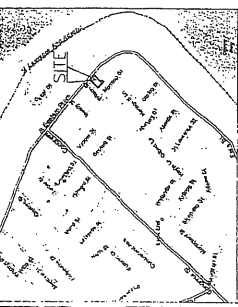
REVISIONS

REVISED	01-10-2008	ROTATED DRAWING TO STATE PLANE COORDINATES AND RELATED BEARINGS
RECEIVED	2008	M. AND RECORDED IN PLAN BOOK

LOCATION: 130 EASTERN PROMENADE, PORTLAND, MAINE



SITE LOCATION MAP

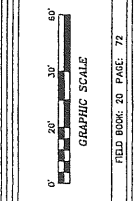


CERTIFICATE

I HEREBY CERTIFY THAT THIS SURVEY CONFORMS TO THE HIGHEST STANDARDS OF PRACTICE AS ADOPTED APRIL 01, 2001 WITH THE FOLLOWING EXCEPTIONS:
 a) NO WRITTEN REPORT
 b) NO NEW CORNERS WERE SET
 c) NO NEW CORNERS WERE SET
 d) NO NEW CORNERS WERE SET
 e) NO NEW CORNERS WERE SET
 f) NO NEW CORNERS WERE SET
 g) NO NEW CORNERS WERE SET
 h) NO NEW CORNERS WERE SET
 i) NO NEW CORNERS WERE SET
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 v) NO NEW CORNERS WERE SET
 w) NO NEW CORNERS WERE SET
 x) NO NEW CORNERS WERE SET
 y) NO NEW CORNERS WERE SET
 z) NO NEW CORNERS WERE SET



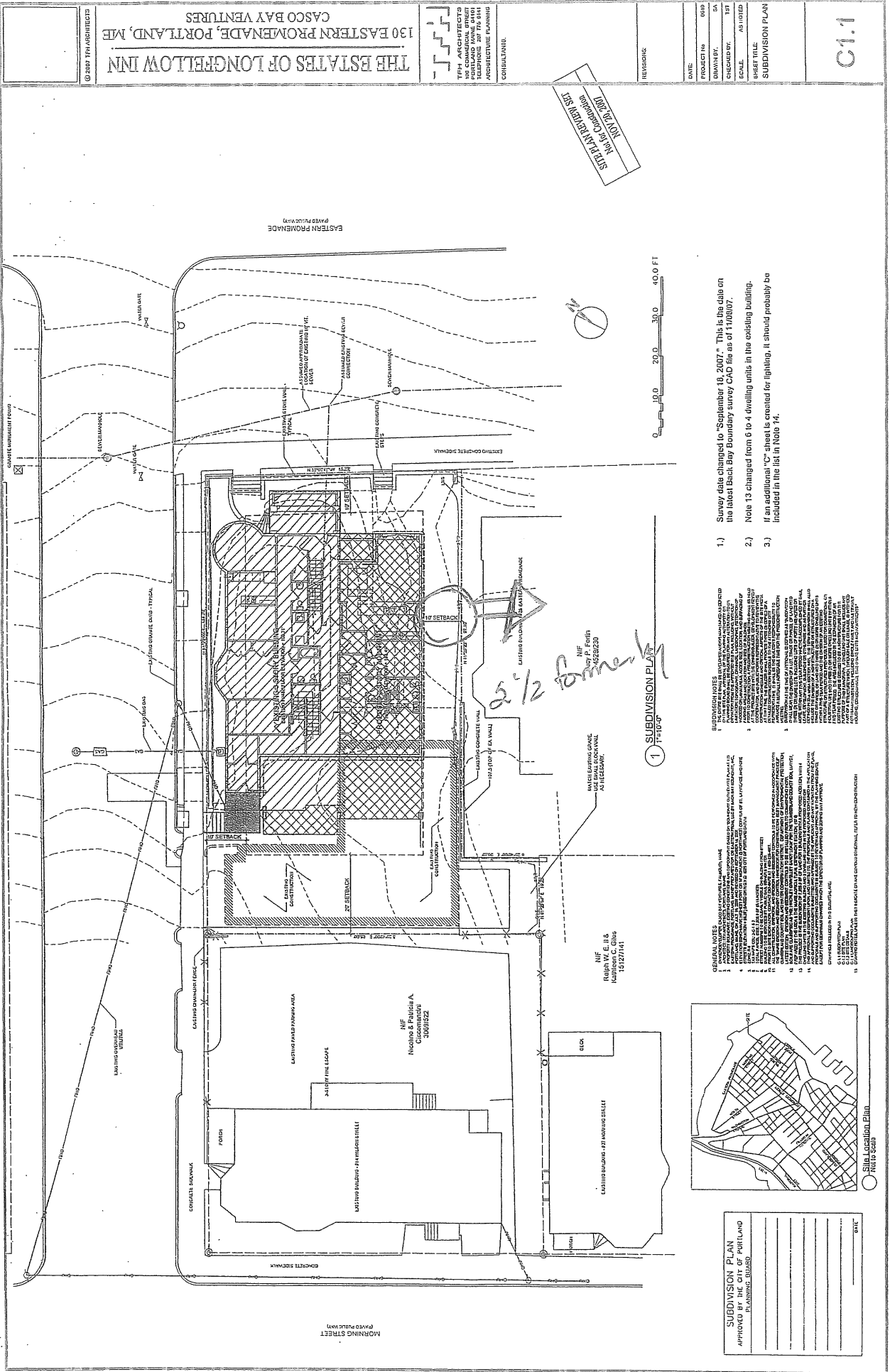
ROBERT T. GREENLAW P.L.L.C.
 643 FOREST AVENUE
 PORTLAND, MAINE 04101
 207-774-2855 FAX 207-347-4346



STATE OF MAINE, CUMBERLAND SS
 REGISTRY OF DEEDS
 RECEIVED 2008
 AT : H. M. AND RECORDED IN
 PLAN BOOK

PREPARED BY:
BACK BAY BOUNDARY, INC.
 LAND SURVEYING
 643 FOREST AVENUE
 PORTLAND, MAINE 04101
 207-774-2855 FAX 207-347-4346

H (d)



© 2007 TFH ARCHITECTS

THE ESTATES OF LONGFELLOW INN
 130 EASTERN PROMENADE, PORTLAND, ME
 CASCO BAY VENTURES

TFH ARCHITECTS
 1000 COMMODORE DRIVE
 PORTLAND, ME 04101
 TELEPHONE: 207.766.8510
 FACSIMILE: 207.766.8511
 ARCHITECTURE CONSULTANTS

CONSULTANT

REVISIONS

DATE:	09/18/07
PROJECT NO.:	6019
DRAWN BY:	SA
CHECKED BY:	TPT
SCALE:	AS SHOWN
SHEET TITLE:	SUBDIVISION PLAN
SHEET NO.:	C1.1

C1.1

APPROVED FOR SUBMISSION
 LES HIGLEY, P.E., M.A.S.
 1000 COMMODORE DRIVE
 PORTLAND, ME 04101

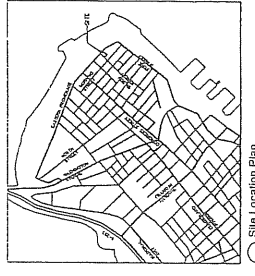
- 1.) Survey date changed to "September 18, 2007." This is the date on the latest Back Bay Boundary survey CAD file as of 11/06/07.
- 2.) Note 13 changed from 6 to 4 dwelling units in the existing building.
- 3.) If an additional "C" sheet is created for lighting, it should probably be included in the list in Note 14.

SUBDIVISION NOTES

1. THIS IS A PRELIMINARY SUBDIVISION PLAN. THE SUBDIVISION IS SUBJECT TO THE APPROVAL OF THE CITY OF PORTLAND. THE SUBDIVISION IS SUBJECT TO THE CITY OF PORTLAND'S ZONING REGULATIONS AND THE CITY OF PORTLAND'S SUBDIVISION REGULATIONS. THE SUBDIVISION IS SUBJECT TO THE CITY OF PORTLAND'S SUBDIVISION REGULATIONS AND THE CITY OF PORTLAND'S ZONING REGULATIONS.
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GENERAL NOTES

1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
4. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
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18. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
19. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
20. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.



SUBDIVISION PLAN
 APPROVED FOR PORTLAND
 PLANNING BOARD

DATE:	
PROJECT NO.:	
DRAWN BY:	
CHECKED BY:	
SCALE:	
SHEET TITLE:	
SHEET NO.:	

MLCF



© 2007 FKH ARCHITECTS

The Estates of Longfellow Inn
130 Eastern Promenade, Portland, Maine
Casco Bay Ventures

THIS ARCHITECTURE IS TO BE USED FOR FOUNDATION, PAVEMENT, AND CONCRETE PLANNING CONSULTANTS

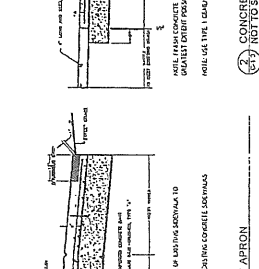
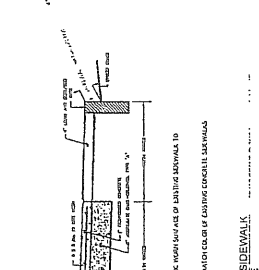
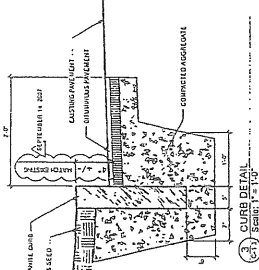
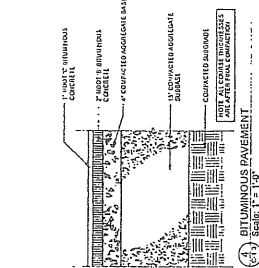
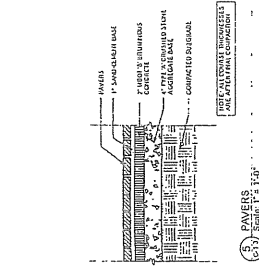
REVISIONS

DATE	September 14, 2007
PROJECT No.	0510
CONTRACT No.	0001
CONTRACT BY	FKH
SCALE	AS SHOWN

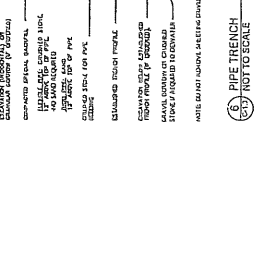
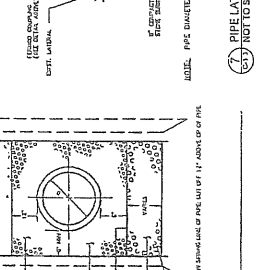
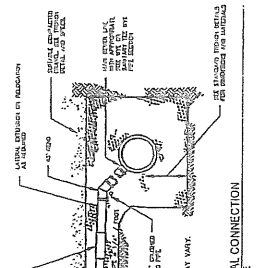
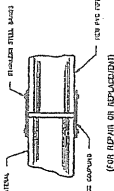
SHEET TITLE
Silo Details

C-13

SEE 6-1 FOR SELECT SPECIFICATIONS



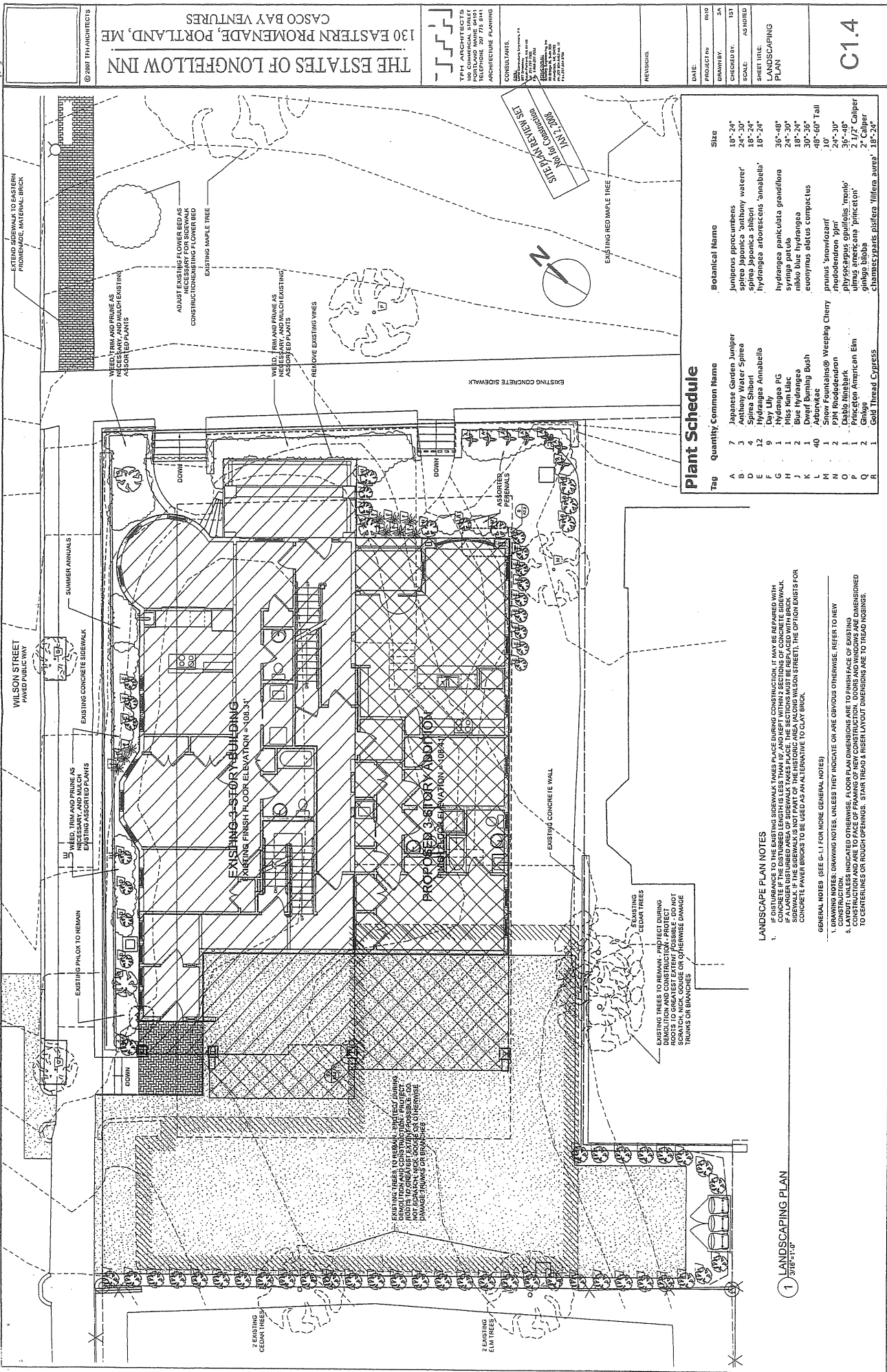
1. LOCATION AND DIMENSIONS OF APRON SHALL BE AS SHOWN IN THIS DETAIL.
2. THESE CONCRETE APRONS SHALL BE CONSTRUCTED IN THE MANNER SHOWN IN THIS DETAIL.
3. ALL CONCRETE SHALL BE PLACED AND FINISHED IN ACCORDANCE WITH THE SPECIFICATIONS FOR CONCRETE IN PART 05 10 00.
4. THE FINISH OF THE APRON SHALL BE AS SHOWN IN THIS DETAIL.



EROSION CONTROL NOTES:

1. EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
2. THE EROSION CONTROL MEASURES SHALL BE DESIGNED TO PREVENT SOIL EROSION AND TO STABILIZE EXPOSED SOILS.
3. EROSION CONTROL MEASURES SHALL BE INSTALLED BEFORE ANY EXCAVATION OR DISTURBANCE OF THE SOILS.
4. ALL EROSION CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
5. EROSION CONTROL MEASURES SHALL BE REMOVED OR MODIFIED AS NECESSARY TO ACCOMMODATE THE PROGRESS OF THE CONSTRUCTION.
6. EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
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14 (5)



THE ESTATES OF LONGFELLOW INN
 130 EASTERN PROMENADE, PORTLAND, ME
 CASCO BAY VENTURES

TPH ARCHITECTS
 PORTLAND, MAINE 04101
 237 10TH AVENUE
 ARCHITECTURE PLANNING

CONSULTANTS:
 [Logos for various engineering and architectural firms]

DATE: PROJECT No. 0610
 DRAWN BY: SA
 CHECKED BY: 131
 SCALE: AS SHOWN
 SHEET TITLE: LANDSCAPING PLAN

C1.4

Plant Schedule

Tag	Quantity	Common Name	Botanical Name	Size
A	7	Japanese Garden Juniper	Juniperus procumbens	18"-24"
B	3	Anthony Water Spirea	Spiraea japonica 'Anthony waterer'	24"-30"
D	4	Spiraea Shirobata	Spiraea japonica shirobata	18"-24"
E	12	Hydrangea Annabella	Hydrangea arborescens 'Annabella'	18"-24"
F	9	Day Lily	Hydrangea paniculata grandiflora	36"-48"
G	1	Pink Camellia	Syringa patula	24"-30"
H	1	Blue Hydrangea	Syringa patula	18"-24"
J	1	Dwarf Burning Bush	Euonymus alatus compactus	30"-36"
K	1	Abrus	Euonymus alatus compactus	48"-60" Tall
L	40	Snow Fountains® Weeping Cherry	Prunus 'snowfountains'	10"
M	1	PJM Rhododendron	Rhododendron 'pjm'	24"-30"
N	2	Reds® Weeping Elm	Platanus 'reds'	36"-48"
O	1	High American Elm	Ulmus 'high american'	3" Caliper
P	1	Ginkgo	Ginkgo biloba	2" Caliper
R	1	Gold Thread Cypress	Chamaecyparis pilsbiana 'Millers aurea'	18"-24"

LANDSCAPE PLAN NOTES

- IF DISTURBANCE TO THE EXISTING SIDEWALK TAKES PLACE DURING CONSTRUCTION, IT MAY BE REPAIRED WITH CONCRETE. UNLESS INDICATED OTHERWISE, FLOOR PLAN DIMENSIONS ARE TO FINISH FACE OF EXISTING CONSTRUCTION.
- EXISTING TREES TO REMAIN. TREES TO BE REMOVED DURING DEMOLITION AND CONSTRUCTION. PROTECT ROOTS TO GREATEST EXTENT POSSIBLE. DO NOT REMOVE OR TRIM BRANCHES TO GROUND LEVEL OR OTHERWISE DAMAGE TRUNKS OR BRANCHES.
- EXISTING TREES TO REMAIN. CEDAR TREES TO BE REMOVED DURING DEMOLITION AND CONSTRUCTION. PROTECT ROOTS TO GREATEST EXTENT POSSIBLE. DO NOT REMOVE OR TRIM BRANCHES TO GROUND LEVEL OR OTHERWISE DAMAGE TRUNKS OR BRANCHES.
- EXISTING TREES TO REMAIN. CEDAR TREES TO BE REMOVED DURING DEMOLITION AND CONSTRUCTION. PROTECT ROOTS TO GREATEST EXTENT POSSIBLE. DO NOT REMOVE OR TRIM BRANCHES TO GROUND LEVEL OR OTHERWISE DAMAGE TRUNKS OR BRANCHES.
- EXISTING TREES TO REMAIN. CEDAR TREES TO BE REMOVED DURING DEMOLITION AND CONSTRUCTION. PROTECT ROOTS TO GREATEST EXTENT POSSIBLE. DO NOT REMOVE OR TRIM BRANCHES TO GROUND LEVEL OR OTHERWISE DAMAGE TRUNKS OR BRANCHES.

GENERAL NOTES (SEE C-11 FOR MORE GENERAL NOTES)

- DRAWING NOTES, DRAWING NOTES, UNLESS THEY INDICATE OR ARE OBVIOUS OTHERWISE, REFER TO NEW CONSTRUCTION.
- EXISTING DIMENSIONS ARE TO FINISH FACE OF EXISTING CONSTRUCTION.
- EXISTING DIMENSIONS ARE TO FINISH FACE OF EXISTING CONSTRUCTION.
- EXISTING DIMENSIONS ARE TO FINISH FACE OF EXISTING CONSTRUCTION.
- EXISTING DIMENSIONS ARE TO FINISH FACE OF EXISTING CONSTRUCTION.

1 LANDSCAPING PLAN
 1/316"=1'-0"

H(ch)

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THE ESTATES OF LONGFELLOW INN
130 EASTERN PROMENADE, PORTLAND, ME
CASCO BAY VENTURES

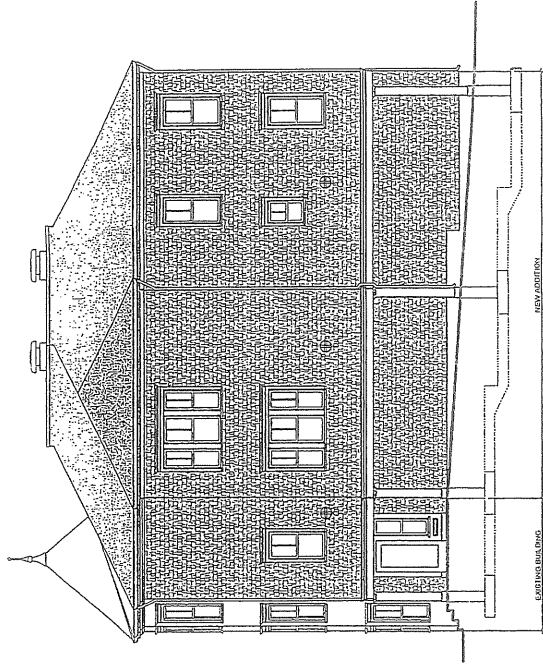
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100 COMMERCIAL STREET
PORTLAND, ME 04101
TELEPHONE 207 774 0141
ARCHITECTURE PLANNING
CONSULTANTS

REVISIONS

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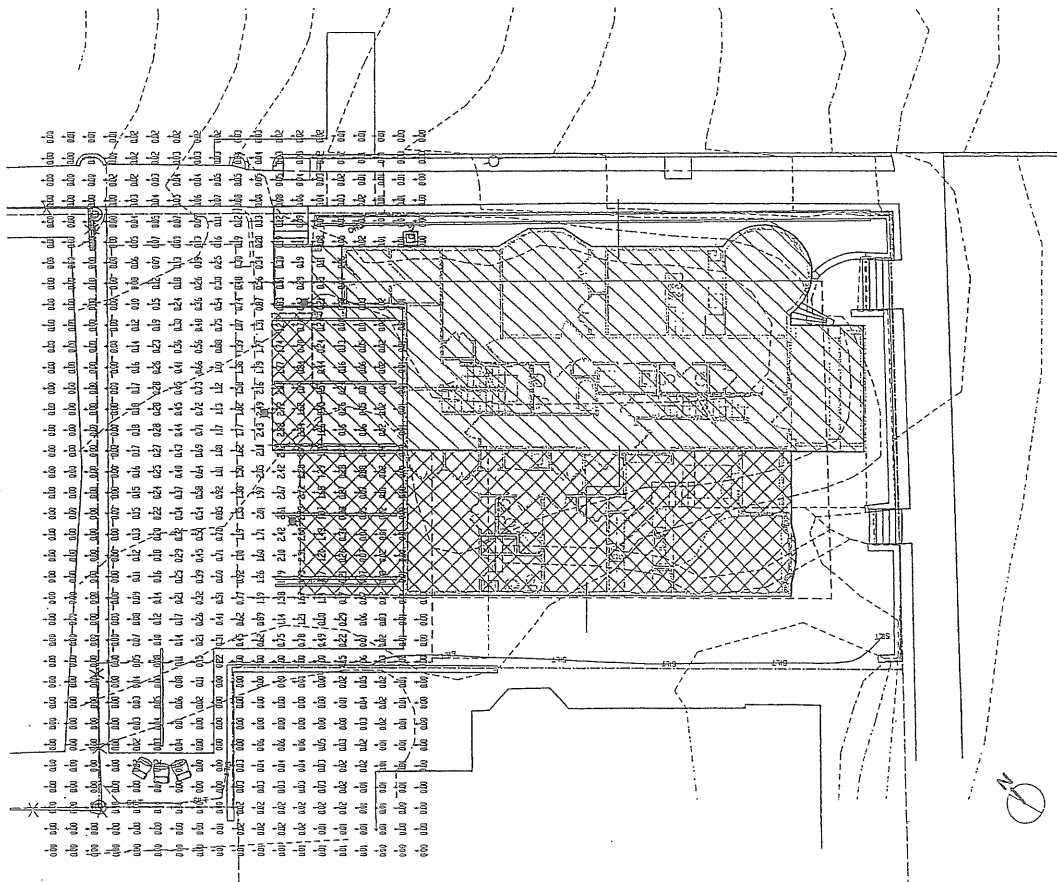
SHEET TITLE
SITE LIGHTING

C-1.5



2 SOUTHWEST ELEVATION
1/8" = 1'-0"

130 EASTERN REQUIRE LUMINAIRE SCHEDULE	LAMP	LUMENS	MOUNTING / BALLAST	LLF	CFY
TYPE / SYMBOL / DESCRIPTION	(1) 70MH	515	N/A	0.80	3
A			WALL FORMS WALL MOUNTED LUMINA		



1 SITE LIGHTING
1/8" = 1'-0"

A1.1

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THE ESTATES OF LONGFELLOW INN
 130 EASTERN PROMENADE, PORTLAND, ME
 CASCO BAY VENTURES

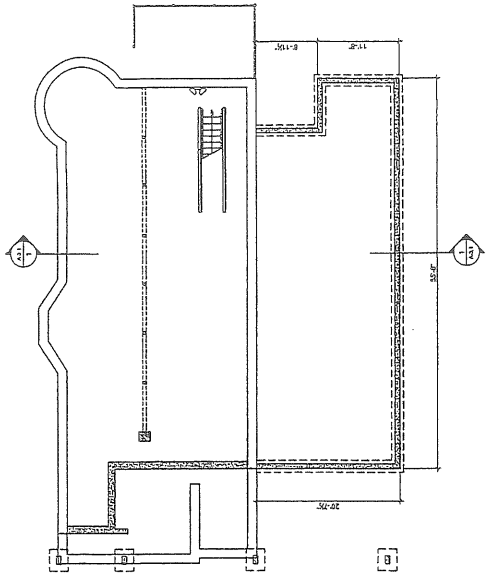
TPA ARCHITECTS
 PORTLAND, MAINE 04101
 ARCHITECTS
 ARCHITECTURE PLANNING
 CONSULTANTS

REVISIONS:
 DATE: _____
 PROJECT NO: 0610
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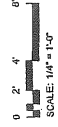
SHEET TITLE:
 BASEMENT AND
 ROOF PLAN

A1.1

SEE PLAN FOR
 DIMENSIONS
 FOR REBAR AND
 CONCRETE

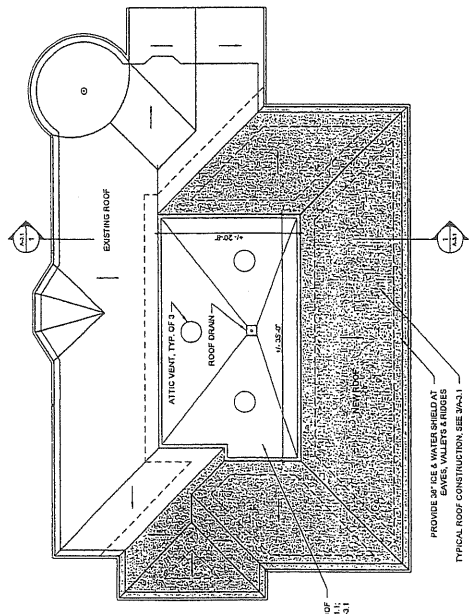


1
 A1.1
 BASEMENT PLAN
 1/8" = 1'-0"



GENERAL NOTES (SEE G-1.1 FOR MORE GENERAL NOTES):
 1. DIMENSIONS UNLESS OTHERWISE NOTED, UNLESS THEY INDICATE OR ARE OBVIOUS, REFER TO THE FACE OF CONSTRUCTION.
 2. LAYOUT OF EXISTING CONSTRUCTION AND ARE TO FACE OF FRAMING OF NEW CONSTRUCTION.
 3. DIMENSIONS THROUGH OPENINGS, START AND END DIMENSIONS ARE TO TREAD NOSINGS.
 TREAD AND RISER LAYOUT DIMENSIONS ARE TO TREAD NOSINGS.

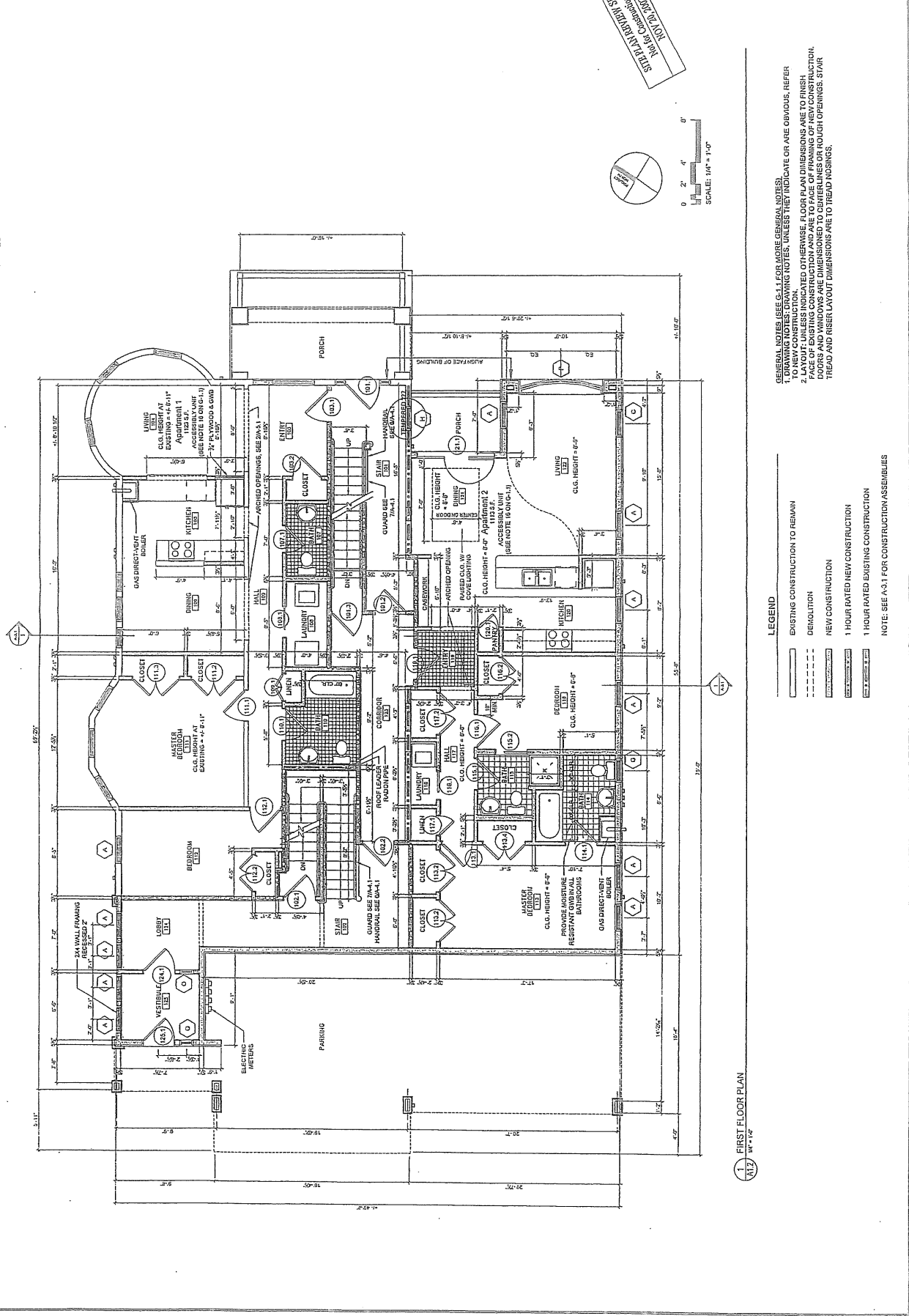
- LEGEND**
- EXISTING CONSTRUCTION TO REMAIN
 - DEMOLITION
 - NEW CONSTRUCTION
 - 1 HOUR RATED NEW CONSTRUCTION
 - 1 HOUR RATED EXISTING CONSTRUCTION
- NOTE: SEE A-2.1 FOR CONSTRUCTION ASSEMBLIES



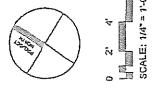
1
 A1.1
 ROOF PLAN
 1/8" = 1'-0"

PROVIDE 2" x 4" WALLS WITH 1/2" BASE WALLS AT BRIGGS
 TYPICAL ROOF CONSTRUCTION SEE 2A-2.1

40



DON'T YOU KNOW YOU
 SHOULD BE GETTING THIS
 L.P.S. (LIFE SAFETY SYSTEM)



GENERAL NOTES: SEE S-1 FOR MORE GENERAL NOTES.
 1. ALWAYS CHECK DIMENSIONS TO FINISH UNLESS THEY INDICATE OR ARE OBVIOUS. REFER TO NEW CONSTRUCTION.
 2. LAYOUT UNLESS INDICATED OTHERWISE. FLOOR PLAN DIMENSIONS ARE TO FINISH UNLESS NOTED OTHERWISE.
 3. ALL DOORS AND WINDOWS ARE DIMENSIONED TO CENTERLINES OR TO FACE UNLESS NOTED OTHERWISE.
 4. ALL DOORS AND WINDOWS ARE DIMENSIONED TO CENTERLINES OR TO FACE UNLESS NOTED OTHERWISE.
 5. ALL DOORS AND WINDOWS ARE DIMENSIONED TO CENTERLINES OR TO FACE UNLESS NOTED OTHERWISE.

LEGEND
 - - - - - EXISTING CONSTRUCTION TO REMAIN
 - - - - - DEMOLITION
 - - - - - NEW CONSTRUCTION
 - - - - - 1 HOUR RATED NEW CONSTRUCTION
 - - - - - 1 HOUR RATED EXISTING CONSTRUCTION
 NOTE: SEE A-31 FOR CONSTRUCTION ASSEMBLIES

1 FIRST FLOOR PLAN
 A1.2
 MAY 19, 2007

14-114

THE ESTATES OF LONGFELLOW INN
 130 EASTERN PROMENADE, PORTLAND, ME
 CASCO BAY VENTURES

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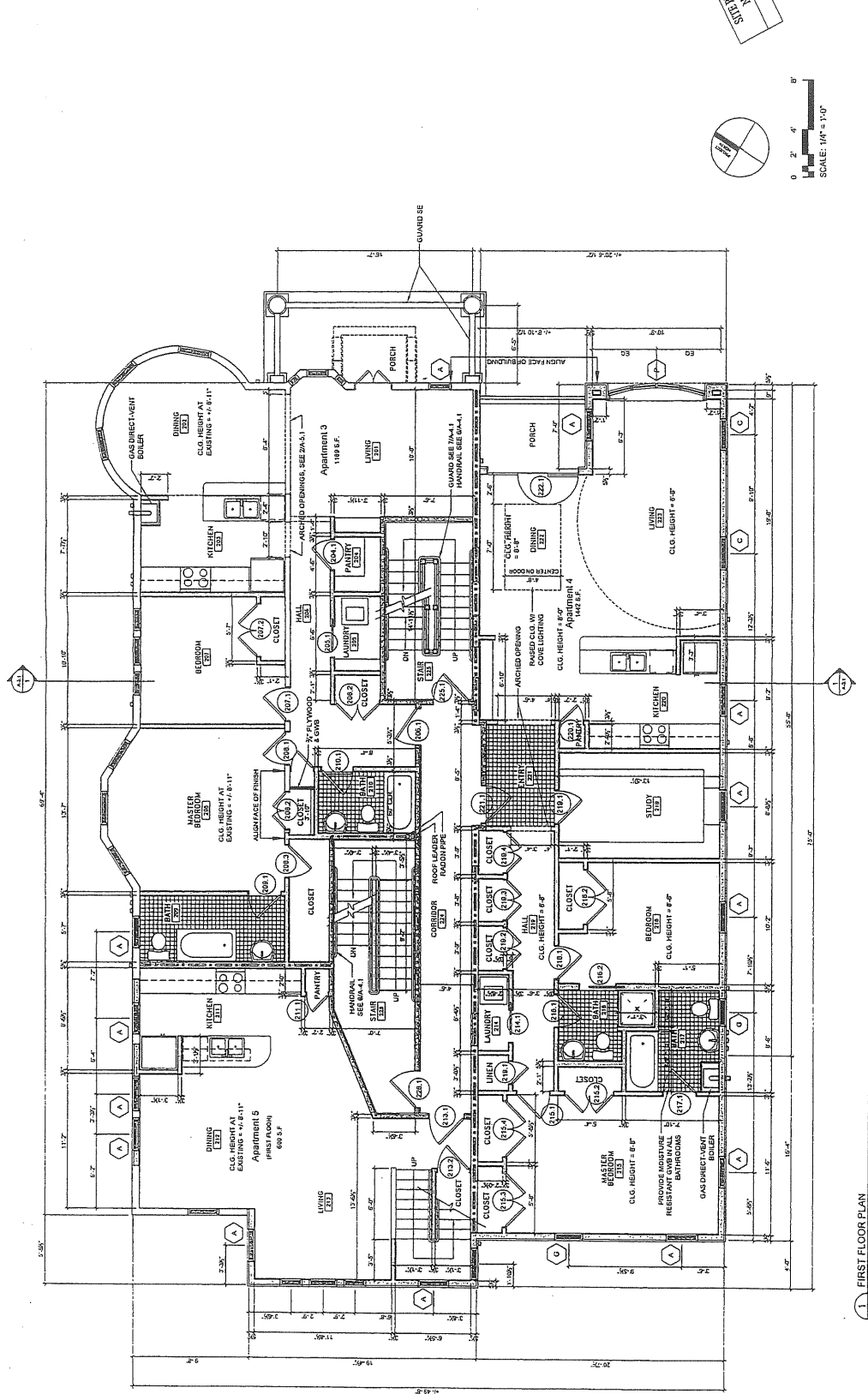
TTH ARCHITECTS
 100 COMMERCIAL STREET
 PORTLAND, ME 04101
 TELEPHONE 207.776.9141
 ARCHITECTURAL PLANNING
 CONSULTANTS

DO NOT SCALE
 DIMENSIONS TO DRAWING
 FOR FIELD DIMENSIONS

DATE: _____
 PROJECT No: 0818
 DRAWN BY: SA
 CHECKED BY: TET
 SCALE: AS SHOWN

SHEET TITLE:
 2ND FLOOR PLAN

A1.3



GENERAL NOTES (SEE A.1 FOR MORE GENERAL NOTES):
 1. EXISTING CONSTRUCTION TO REMAIN UNLESS OTHERWISE NOTED, UNLESS THEY INDICATE OR ARE OBVIOUS, REFER TO NEW CONSTRUCTION.
 2. LAYOUT UNLESS INDICATED OTHERWISE. FLOOR PLAN DIMENSIONS ARE TO FINISH UNLESS OTHERWISE NOTED. DIMENSIONS TO FACE OF WALLS, DOORS AND WINDOWS ARE DIMENSIONED TO CENTERLINES OR ROUGH OPENINGS. STAIR TREAD AND RISER DIMENSIONS ARE TO TREAD NOSINGS.

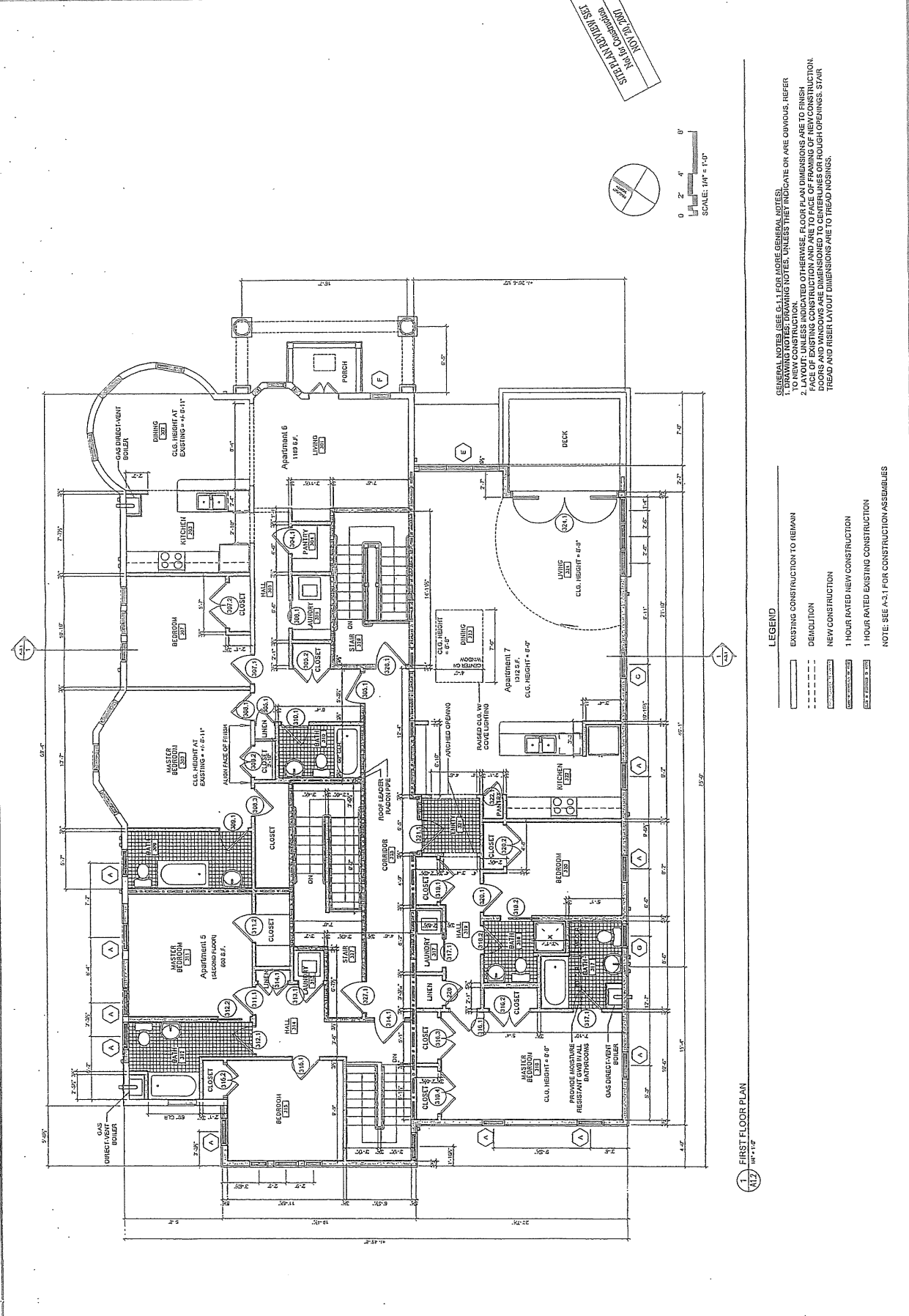
- LEGEND**
- EXISTING CONSTRUCTION TO REMAIN
 - - - DEMOLITION
 - NEW CONSTRUCTION
 - 1 HOUR RATED NEW CONSTRUCTION
 - 1 HOUR RATED EXISTING CONSTRUCTION

NOTE: SEE A.3.1 FOR CONSTRUCTION ASSEMBLIES

1 FIRST FLOOR PLAN
 A1.2 1/4" = 1'-0"



14-11



1. FIRST FLOOR PLAN
1/4" = 1'-0"

- LEGEND**
- EXISTING CONSTRUCTION TO REMAIN
 - - - DEMOLITION
 - ▬ NEW CONSTRUCTION
 - ▬ 1 HOUR RATED NEW CONSTRUCTION
 - ▬ 1 HOUR RATED EXISTING CONSTRUCTION
- NOTE: SEE A-3.1 FOR CONSTRUCTION ASSEMBLIES

GENERAL NOTES: SEE G-1.1 FOR MORE GENERAL NOTES.
 1. GENERAL NOTES AND EXISTING NOTES, UNLESS THEY INDICATE OR ARE OTHERWISE REFERRED TO NEW CONSTRUCTION.
 2. LAYOUT UNLESS INDICATED OTHERWISE. FLOOR PLAN DIMENSIONS ARE TO FINISH.
 3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
 4. ALL DOORS AND WINDOWS ARE DIMENSIONED TO CENTERLINE OR TO CENTERLINE OF DOOR OR WINDOW UNLESS OTHERWISE NOTED.
 5. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
 6. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
 7. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.



1000 THE ACK
IMPROVED PART
1ST FLOOR PLAN

DATE:	DATE:
PROJECT NO.:	DATE:
DRAWN BY:	DATE:
CHECKED BY:	DATE:
SCALE:	AS NOTED

TFH ARCHITECTS
 1000 THE ACK
 PORTLAND, ME 04101
 TELEPHONE 877 775 6111
 ARCHITECTURE PLANNING
 CONSULTANTS

1000 THE ACK
 IMPROVED PART
 1ST FLOOR PLAN

4(m)

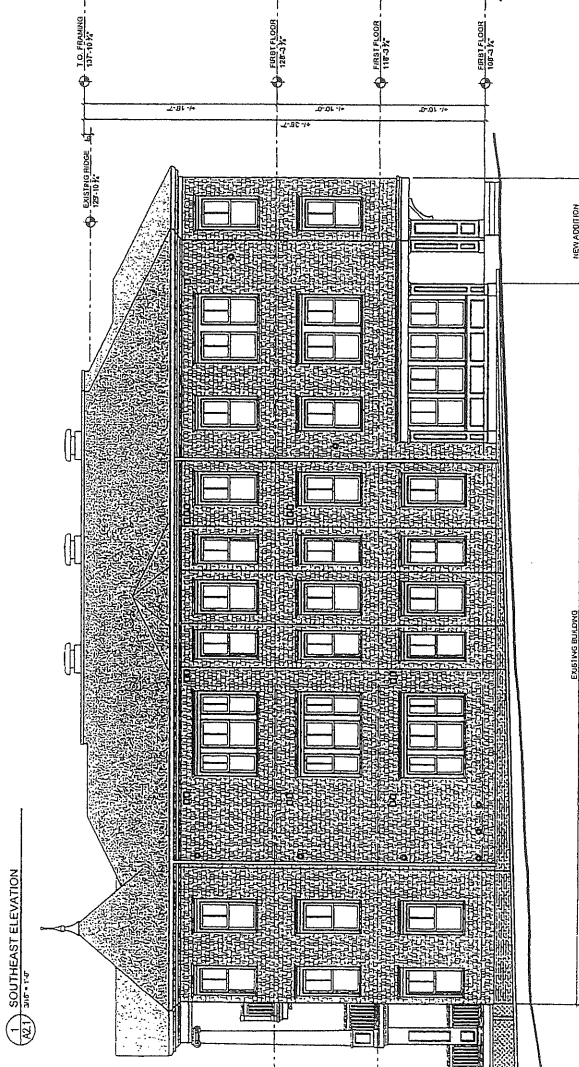
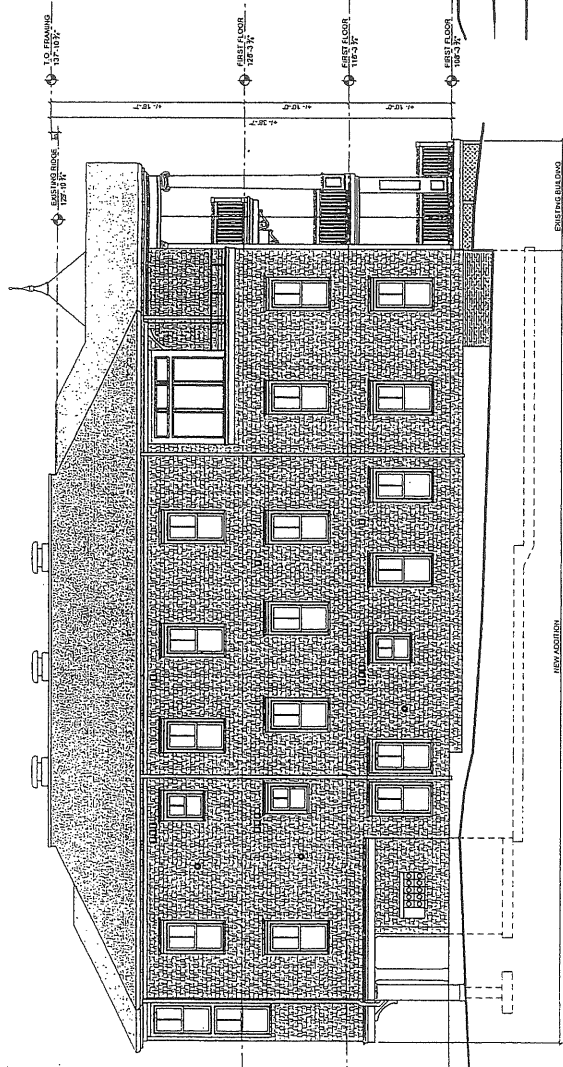
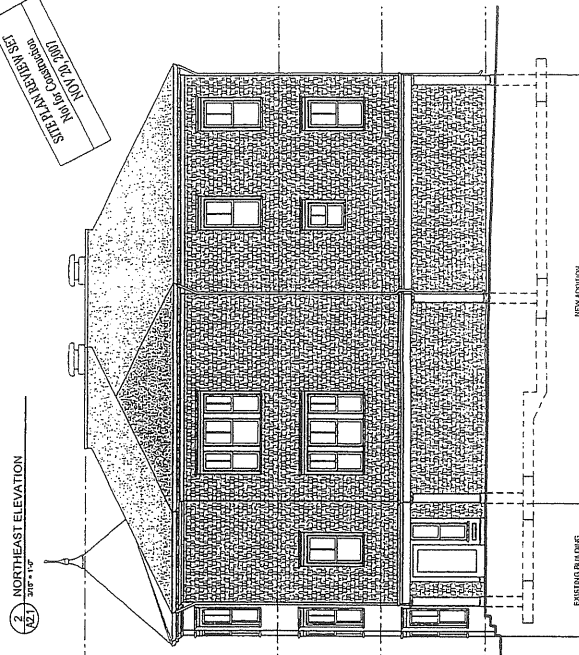
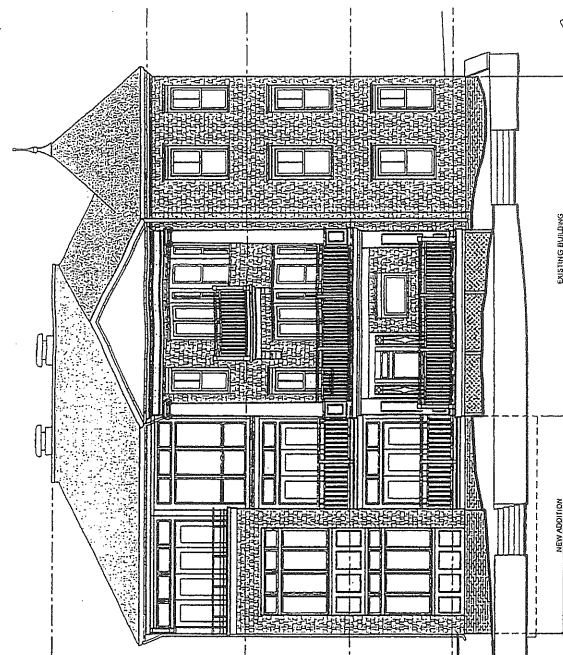
THE ESTATES OF LONGFELLOW INN
130 EASTERN PROMENADE, PORTLAND, ME
CASCO BAY VENTURES

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TPA ARCHITECTS
1000 1/2 AVENUE
PORTLAND, MAINE 04101
TELEPHONE 337 775 6514
ARCHITECTURE PLANNING
CONSULTANTS

REVISIONS:
DATE:
PROJECT NO:
DRAWN BY:
CHECKED BY:
SCALE:
SHEET TITLE:
EXTERIOR ELEVATIONS

A2.1



To: Chair Tevanian and Members of the Portland Planning Board
From: P. Littell, Associate Corporation Counsel
Date: January 16, 2008

Re: Property Rights in View Preservation

At the last Planning Board meeting I was asked by a Board Member whether a developer may erect a building which impacts the previously existing views from abutting properties.

First, there is no common law right to view preservation. Absent some sort of preservation easement or private covenant on or over an abutting property, a building may be built which blocks preexisting views from a neighboring property.

The Portland Site Plan Ordinance does contain one standard dealing with view preservation. That is found in Section 14-526 (a)(19). It states:

(19) View corridors: The placement and massing of proposed development shall not substantially obstruct those public views to landmarks and natural features from those locations identified on the View Corridor Protection Plan, a copy of which is on file in the department of planning and urban development;

I have had an opportunity to review the referenced View Corridor Protection Plan. This document protects view corridors in the downtown area but does not extend to Munjoy Hill or the Eastern Promenade. As a result, this standard is inapplicable to the development before you.


 LAND CONSULTING ENGINEERS, PA

January 2, 2008
 LCF File.: 07126

Susanne Aldrian
 TFH Architects
 100 Commercial Street
 Portland, ME 04101

**Re: The Estates of Longfellow Inn - 130 Eastern Promenade, Portland, ME
 Response to Comments**

Dear Susanne:

The following responses address comments from Woodard & Curran's
 December 4, 2007 Memorandum:

➤ *An engineering details sheet was not included ...*

Response: As we discussed, TFH has a detail sheet of most of the items listed
 in the comment. LCE will add a utility structure detail to Drawing D3.

➤ *The stormwater report shows that there will be a slight increase in flow for the post
 development site conditions. In addition, the possibility of connecting roof leaders
 into the stormwater system was referenced in the report. The capacity of the existing
 combined sewer system, and the effect of the proposed project's stormwater and
 sanitary flows on the system needs to be verified and taken into account in the design
 prior to the approval of the project.*

Promenade. It appears this flow enters the combined stormwater system at
 the Cutter Street intersection via a catch basin.

The proposed project will increase the stormwater peak flows by 0.12 cfs in
 the 25-year, and 10-year storm events. There will be a 0.08 cfs increase in the
 2-year storm event. According to our discussions with Woodard & Curran,
 this small increase in stormwater runoff should not be a problem.



January 2, 2008

- *The stormwater report does not include any calculations to determine adequate pipe sizing for the projected stormwater flows.*

Response: We have added a reach to the HydroCAD drainage model to represent a 10" pipe sloping at 1%. As shown on the attached printout, such a pipe can handle 25-year stormwater flows from the entire Site.

- *All drain inlet structures for the project should be catch basins with 3' sumps and casco traps.*

Response: We have replaced the drain inlet that connects to the City sewer system with a 3' sump catch basin with a casco bay trap. Per our discussion with Woodard & Curran, the drain inlet in the parking lot does not have this requirement.

- *The piping connecting DI#1, DI#2, and the sewer manhole in the esplanade is called out as a HDPE (smooth). This piping should be SDR 35 PVC sewer pipe.*

Response: The piping has been changed to SDR 35 PVC pipe as shown on the attached Drawings.

We trust that we have addressed these comments adequately. Please call me if you have any questions or require further information.

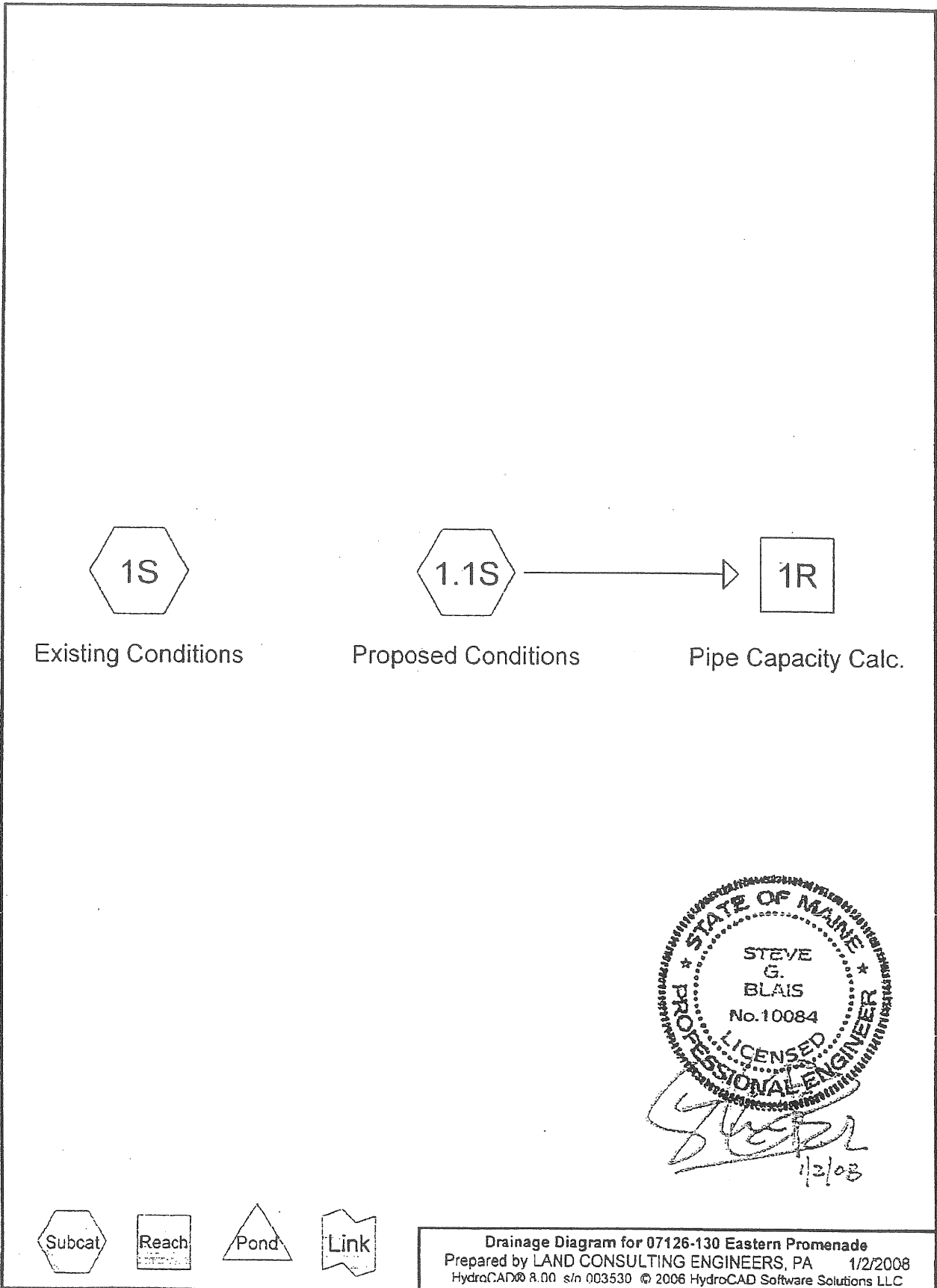
Sincerely,

LAND CONSULTING ENGINEERS, PA

Steve G. Blais, PE

Enclosures:

Drawing D-4 (24"x36") Revised January 2, 2008



Subcatchment 1.1S: Proposed Conditions

Runoff = 0.83 cfs @ 12.07 hrs, Volume= 0.058 af, Depth= 3.84"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-Yr Rainfall=5.40"

Area (sf)	CN	Description
1,529	39	>75% Grass cover, Good, HSG A
6,216	98	Paved parking & roofs
160	77	Fallow, bare soil, HSG A
7,905	86	Weighted Average
1,689		Pervious Area
6,216		Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0	32		0.11		Direct Entry,

Subcatchment 1S: Existing Conditions

Runoff = 0.71 cfs @ 12.07 hrs, Volume= 0.049 af, Depth= 3.24"

Runoff by SCS TR-20 method, UH=SCS, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
Type III 24-hr 25-Yr Rainfall=5.40"

Area (sf)	CN	Description
2,260	39	>75% Grass cover, Good, HSG A
5,177	98	Paved parking & roofs
468	77	Fallow, bare soil, HSG A
7,905	80	Weighted Average
2,728		Pervious Area
5,177		Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0	53		0.18		Direct Entry,

Reach 1R: Pipe Capacity Calc.

Inflow Area = 0.181 ac, Inflow Depth = 3.84" for 25-Yr event
 Inflow = 0.83 cfs @ 12.07 hrs, Volume= 0.058 af
 Outflow = 0.83 cfs @ 12.07 hrs, Volume= 0.058 af, Atten= 0%, Lag= 0.1 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
 Max. Velocity= 4.23 fps, Min. Travel Time= 0.1 min
 Avg. Velocity = 1.41 fps, Avg. Travel Time= 0.2 min

07126-130 Eastern Promenade

Type III 24-hr 25-Yr Rainfall=5.40"

Prepared by LAND CONSULTING ENGINEERS, PA

Page 3

HydroCAD® 8.00 s/n 003530 © 2006 HydroCAD Software Solutions LLC

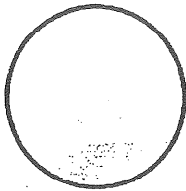
1/2/2008

Peak Storage= 4 cf @ 12.07 hrs, Average Depth at Peak Storage= 0.32'
Bank-Full Depth= 0.83', Capacity at Bank-Full= 2.59 cfs

10.0" Diameter Pipe, n= 0.011

Length= 20.0' Slope= 0.0100 '/'

Inlet Invert= 0.00', Outlet Invert= -0.20'



Att. 18

PETRUCELLI, MARTIN & HADDOW, LLP

Attorneys at Law

50 Monument Square
Post Office Box 17555
Portland, Maine 04112-8555

BRUCE A. MCGLAUFLIN
bmcglauflin@petrucellimartin.com

September 4, 2007

Ms. Molly Casto
Planning and Inspections Department
City of Portland
389 Congress St.
Portland, Maine 04101

RE: 130 Promenade East

Dear Ms. Casto:

Thank you for speaking to me on the phone about the proposed development at 130 Promenade East, which abuts property owned by my clients, Nicolino & Patricia Ciccomancini. The Ciccomancinis own a three-story apartment building at 14 Wilson Street. You indicated to me that Casco Bay Ventures, Inc., the owner of 130 Promenade East, has submitted an application, that the application is being reviewed as a subdivision application, and that it is currently scheduled for planning board review at a workshop scheduled for October 9, 2007. The purpose of this letter is to express the Ciccomancinis' opposition and to draw your attention, and the planning board's attention, to specific requirements in the zoning ordinance, which we feel provide clear and sufficient basis for denying the application.

We begin with the understanding that the existing building or buildings are non-conforming as to bulk and space requirements in the ordinance. In particular, the existing buildings do not conform to the ten-foot setback requirements and the overall square footage requirement in the R-6 zone. Both the principal structure and the one-story addition fail to comply with the ten-foot side setback and the lot size (7,905.9 sq. ft.) does not comply with the minimum square footage of 1,000 sq. ft. per unit (11 units x 1,000). See Section 14-139(1)(a) and (b)(1). Because 130 Promenade East is a grandfathered nonconforming building, no alterations or additions are allowed except in strict compliance with the Zoning Ordinance provisions governing nonconforming buildings.

Ms. Molly Casto
September 4, 2007
Page 2

The proposed alterations and addition fail to comply with at least two of these provisions, Sections 14-382(d) and 14-388.

Section 14-382(a) states that no alterations, modifications or additions may be made to a nonconforming building, except as provided in Division 23. Subsection (d) of Section 14-382 states that a building which is nonconforming as to space, bulk or dimensional requirements may be altered, modified or added to if the proposed changes to existing exterior walls or roofs would be within the space occupied by the existing shell of the building. The proposed addition and renovation are not confined to the space occupied by the existing shell.

Under Section 14-388, a building that is nonconforming as to area per dwelling unit may not be enlarged unless the resulting building is made to conform to all area per dwelling regulations. The proposed structure does not so conform. The R-6 zone requirements mandate 1,000 sq. ft. per unit for the first three units, and 1,200 sq. ft. for the next six units, resulting in a total required lot area of 10,200 sq. ft for the proposed 11 units. The application must be denied because the lot consists of only 7,905.9 square feet.

We also read the ordinance as requiring site plan review for this application. Section 14-136(a)(2)(f) requires site plan review for any alteration of a multi-family dwelling structure that was in residential use on December 2, 1987. One of the applicable site plan review requirements states:

The bulk, location or height of proposed buildings and structure minimizes, to the extent feasible, any substantial diminution in the value or utility to neighboring structures under different ownership and not subject to a legal servitude in favor of the site being developed.

Section 14-526(a)(4). If Casco Bay Ventures, Inc. is allowed to proceed with a three-story addition, it will substantially diminish the value of the Ciccomancinis' property at 14 Wilson Street because it will completely block the expansive views enjoyed by the residents of the six-unit apartment building. The height of the proposed building maximizes, not minimizes, the diminution of value of the Ciccomancinis' property.

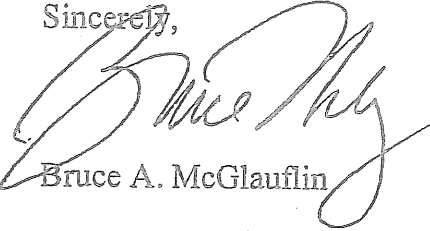
Thus, based on an initial review of the application and the City's Zoning Ordinance, there are at least three distinct and separate reasons why the application should be denied. A more detailed review may uncover additional reasons related to

PETRUCCELLI, MARTIN & HADDOW, LLP

Ms. Molly Casto
September 4, 2007
Page 3

parking and other applicable requirements and standards. We request that you bring these concerns to the Planning Administrator and the Planning Board at your earliest convenience. Thank you for your consideration of these concerns.

Sincerely,



Bruce A. McGlaulin

BMcG/d

cc: Nicolino & Patricia Ciccomancini

PETRUCCELLI, MARTIN & HADDOW, LLP

Attorneys at Law

50 Monument Square
Post Office Box 17555
Portland, Maine 04112-8555

BRUCE A. MCGLAUFLIN
bmcglauflin@petrucellimartin.com

Via Hand Delivery

December 6, 2007

Ms. Molly Casto
Planning and Inspections Department
City of Portland
389 Congress St.
Portland, Maine 04101

RE: 130 Promenade East

Dear Ms. Casto:

Please bring this letter to the attention of Marge Schmuckal and the Members of the Planning Board for consideration in advance of the workshop that is scheduled for December 11, 2007, on Casco Bay Ventures, Inc.'s proposed renovations at 130 Promenade East.

My clients, Nicolino and Patricia Ciccomancini, object to the expansion of the existing, nonconforming structure at 130 Promenade East because it will create an unsightly obstruction to the views enjoyed from their three story apartment building at 14 Wilson Street and substantially devalue their property. The expansion will eliminate any real yard space at 130 Promenade East and unlawfully expand a nonconforming structure.

The current site plan is very similar to the site plan application that was filed this summer. That application was withdrawn after I submitted my letter dated September 4, 2007, objecting to the application because it violated §14-388 (nonconformity as to area per dwelling unit) and §14-382(d) (expansion of non-conforming structure). When the Zoning Administrator agreed with my interpretation of §14-388, but not my interpretation of §14-382(d), Casco Bay withdrew their application. This new application is designed to conform with §14-388 by reducing the number of units from eleven to seven. The new

Ms. Molly Casto
December 6, 2007
Page 2

application, however, still violates §14-382(d) notwithstanding the Zoning Administrator's interpretation of that provision.

Section 14-382(d) states:

(d) Alteration, modification or addition may be made to a building which is lawfully nonconforming as to space and bulk or any dimensional requirement where the proposed changes in existing exterior walls and/or roofs would be within the space occupied by the existing shell of the building, and would not create any new nonconformity nor increase any existing nonconformity. This subsection shall not apply to buildings located within shoreland zones and existing on June 15, 1992, which are nonconforming only as to setbacks from wetlands, tributary streams or other water bodies, which shall be regulated in accordance with subsection (f)(1)d. of this section.

There are two necessary conditions specified by this section: (i) the proposed changes to existing exterior walls and/or roofs must be "within the space occupied by the existing shell of the building," *and* (ii) the changes will not create any new nonconformity nor increase any existing nonconformity. The Zoning Administrator stated in her September 26, 2007, letter that she interprets this section as *only* requiring the second condition. This interpretation is inconsistent with the plain wording of this section, which is expressly limited to circumstances "where the proposed changes in existing exterior walls and/or roofs would be within the space occupied by the existing shell of the building."

This interpretation is also inconsistent with general principles of zoning law which favor the elimination, not the expansion, of nonconforming structures and requires strict construction of zoning provisions relating to any expansion of nonconforming structures. *Lewis v. Maine Coast Artists*, 2001 ME 75, P 26, 770 A.2d 644. The general rule is that nonconforming structures should not be enlarged even when the alteration does not increase the nonconformity. "When an ordinance prohibits enlargement of a nonconforming building, a landowner cannot as a matter of right alter the structure, even if the alteration does not increase the nonconformity." *Id.* (citing *Shackford and Gooch*, 468 A.2d 102, 105 (ME. 1984).

Because the proposed addition substantially expands the existing shell, Casco Bay cannot satisfy the circumstances required by §14-382(d) to permit any alteration, modification or addition to their nonconforming structure. The Planning Board is obligated to apply the Ordinance as written. It would be particularly unjust for the

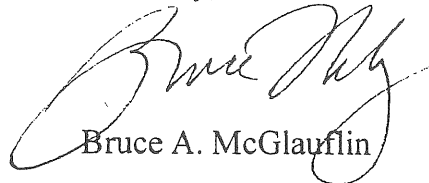
PETRUCELLI, MARTIN & HADDOW, LLP

Ms. Molly Casto
December 6, 2007
Page 3

Planning Board to fail to enforce §14-382(d) as written in this circumstance because it is the substantial expansion of the shell of the structure that adversely affects the value of the Ciccomancini's neighboring property as well as other abutting properties. The impact of the bulk of the proposed structure on neighboring property values is also a separate matter for the Board's consideration. Section 14-136(a)(2)(f) requires that the bulk, location or height of any proposed structure must *minimize* any substantial diminution in value. In this case, the addition maximizes such diminution in value.

Because the proper interpretation of §14-382(d) presents a threshold issue, we have not done a full review of the proposed design and its compliance with other site plan review provisions. For the foregoing reasons, we request that the Planning Board reject the application as an unlawful expansion of a nonconforming structure under §14-382(d).

Sincerely,



Bruce A. McGlaufflin

BMcG/d

cc: Nicolino & Patricia Ciccomancini

PETRUCCELLI, MARTIN & HADDOW, LLP

Attorneys at Law
50 Monument Square
Post Office Box 17555
Portland, Maine 04112-8555

BRUCE A. MCGLAUFLIN
bmcglauflin@petruccellimartin.com

Via Hand Delivery

December 17, 2007

Michael J. Patterson, Chair
Portland Planning Board
c/o Molly Casto -- City of Portland
389 Congress Street
Portland, Maine 04101

RE: 130 Promenade East

Dear Planning Board Members:

This firm represents two abutters to the proposed addition at 130 Eastern Promenade -- Nicolino & Patricia Ciccomancini at 14 Wilson Street and Lucy and Robert Tanner at 126 Eastern Promenade. The purpose of this letter is to make two requests on behalf of these abutters: 1) that the public hearing scheduled for January 22, 2008 be postponed, and 2) that the Board place the matter on another meeting agenda to more fully address the application's compliance with Section 14-382(d) of the Land Use Code.

At the December 11, 2007, workshop, the Planning Board rejected my contention that the proposed addition constitutes an illegal expansion of a nonconforming structure under Section 14-382(d). This was based on advice from legal counsel stating that Mr. Ciccomancini had failed to appeal the Zoning Administrator's September 26th decision on this point. Unfortunately, the Board did not have the benefit of my written response to this legal argument, which is set forth in the enclosed letter. That letter was faxed to Ms. Littell shortly after her letter of the same day was faxed to me. Although Ms. Casto was listed as a recipient of the fax, she did not receive it and did not include it in your December 11th packet. For the reasons stated in the enclosed letter, as expanded on below, Section 14-382(d) must be addressed by the Board.

I request that the hearing be postponed and this legal issue be scheduled for another meeting because I do not believe the Board has had a full opportunity to consider it; because a ruling on it will avoid unnecessary expenses that would be incurred if we

Michael J. Patterson, Chair
Portland Planning Board
December 17, 2007
Page 2

proceed directly to a hearing; and because I have an unavoidable conflict on January 22nd. I have an all-day trial in Ellsworth on that day and will be unable to attend the public hearing to represent the interests of the two immediately adjacent abutters. If this dispositive issue is not addressed up front, my clients will be forced to incur the expense of having appraisals performed to determine the impact of the addition on their property values and the Applicant will continue to incur expenses on a project that is in clear violation of the Code.

I take this opportunity to more fully explain why this issue is dispositive and why the Board should not avoid confronting it at this juncture in the proceedings. As explained in the enclosed December 7 letter, the Ciccomancinis are not foreclosed from making this argument for failure to appeal Ms. Schmuckal's September 26th determination. There was no basis for appealing that determination because it was in the Ciccomancinis' favor – they won and the application was withdrawn.¹ Because the application was rejected by Ms. Schmuckal, the Ciccomancinis were in no sense aggrieved by the decision. It is no different from winning a court case in which you make several arguments; even though the court rejects all but one of the arguments, you still won and have no basis for appealing the arguments you lost.

Even if the Ciccomancinis were foreclosed from making this argument now, the Tanners are not. They have separate interests and were not "party" to Ms. Schmuckal's determination. Mr. Tanner presented the same argument to the Board on December 11th, but the Board declined to respond to him.

The Board *must* make a determination on Section 14-382(d), because it is obligated to make a specific finding under Section 14-526(a)(17) that the application complies with *all* applicable provisions of the Code -- this includes compliance with Section 14-382(d). Because Ms. Schmuckal's September 26th determination on this point was clearly erroneous, the Planning Board would be seriously remiss to rely on it. The determination was clearly erroneous because it directly contradicts the words in

¹ Apparently, the current proposal is being treated as a revision of the July 12 application even though no revised application form has been submitted. The Application was for a specific plan and design with nine units. Those Plans, and therefore that application, were rejected. The Applicant has submitted a completely new proposal with a new design and site plan that involves 7 units. The November 20, 2007, Plans showing seven units are not revisions of the earlier Plans. The Board's choice to treat this administratively as one application and one proceeding, does not alter the operative fact that the Applicant's July 12 proposal was rejected. The Ciccomancinis assumed that Casco Bay had given up. They received no notice of the "amended" application until early December long after the 30 day appeal period ended.

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Michael J. Patterson, Chair
Portland Planning Board
December 17, 2007
Page 3

Section 14-382(d). Ms. Schmuckal interprets the provision as if the following words were deleted:

where the proposed changes in existing exterior walls and/or roofs would be within the space occupied by the existing shell of the building.

Only by deleting these words, could this provision mean that an addition may be made to the building beyond the existing shell so long as it does not create any new nonconformity or increase any existing nonconformity. When these words are not ignored, the provision clearly permits an addition to the building *only* if: 1) there is no new nonconformity or increase in nonconformity, *and* 2) any changes to the exterior walls and/or roofs are kept within the existing shell of the building.

The Board will commit clear error if it adopts Ms Schmuckal's interpretation when it is called upon to determine that the application complies with all applicable provisions of the Code. Such clear error will be subject to reversal by the Superior Court, rendering all of the time and cost expended by the Board and the parties for naught. The Ciccomancinis and the Tanners have a right to have their interests protected in accordance with the Land Use Code, and the Planning Board Members have the duty to interpret and to apply the Code, *as written*.

For the foregoing reasons, I request that you postpone the January 22nd public hearing and schedule another meeting to fully consider this threshold issue.

Sincerely,


Bruce A. McGlaufflin

BMcG/d

cc: Nicolino and Patricia Ciccomancini
Robert and Lucy Tanner
Wally Geyer, Casco Bay Ventures

PETRUCCELLI, MARTIN & HADDOW, LLP

Attorneys at Law
50 Monument Square
Post Office Box 17555
Portland, Maine 04112-8555

BRUCE A. MCGLAUFLIN
bmcglauflin@petrucellimartin.com

December 7, 2007

Via Fax

Penny Littell, Esq., Associate Corporation Counsel
389 Congress Street
Portland, Maine 04112-8555

Re: 130 Eastern Promenade

Dear Penny:

This letter is in response to your letter of December 07, 2007 in which you indicate that the Planning Board is not the appropriate body to address zoning issues and that my argument relating to the interpretation of §14-382 (d) should not be considered by the Board in its review of Casco Bay's site plan application. I respectfully disagree with your interpretation of the Planning Board's jurisdiction. Under site plan review, the Planning Board must make a determination that the applicant's proposal meets all of the criteria set forth in 14-526 in including the criterion that the applicant "has submitted all information required by this article and that the development complies with all applicable provisions of this Code" §14-526 (a)(17). Thus, the Planning Board is required to make a determination as to whether or not the proposal satisfies §14-382 (d) of the Code.

I understand that the Planning Board may rely on a preliminary determination by the Zoning Administrator with respect to such zoning requirements. For that reason, I requested that Ms. Casto send a copy of my December 6th letter to Ms. Schmuckal as well as the Planning Board. By copying *this* letter to Ms. Schmuckal and her counsel James Adolf, Esq., I request that a preliminary determination be made on the application of section 14-382 (d) to the new proposal. I did not appeal Ms. Schmuckal's previous determination (in her September 26, 2007 letter) because the then pending application was denied on alternative grounds. There was no reason nor basis for an appeal since my client was not aggrieved, the application was withdrawn, and any appeal would have been moot.

PETRUCCELLI, MARTIN & HADDOW, LLP

Attorneys at Law

50 Monument Square
Post Office Box 17555
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BRUCE A. MCGLAUFLIN
bmcglauflin@petrucellimartin.com

Hand Delivered

January 8, 2008

Michael J. Patterson, Chair
Portland Planning Board
c/o Molly Casto -- City of Portland
389 Congress Street
Portland, Maine 04101

RE: 130 Promenade East

Dear Mr. Patterson:

Please find enclosed a copy of my letter of this same date to Marge Schmuckal requesting that she issue a zoning determination as to the compliance of Casco Bay Venture's current proposal with Section 14-382(d) of the Land Use Code. As you know from my previous submissions to the Planning Board, it is my contention that the Planning Board has an independent obligation to make a determination on Casco Bay's compliance with Section 14-382(d) and that it would be in everyone's best interest for the Planning Board to make that determination as a threshold matter before proceeding to a public hearing. Because the Planning Board's attorney has advised the Planning Board not to make an independent determination on Section 14-382-(d), I have sent the enclosed letter to Ms. Schmuckal.

Nevertheless, I reiterate my request for a threshold determination from the Planning Board and that the Public Hearing on this matter be postponed until that threshold determination can be made. If the Planning Board declines to make that

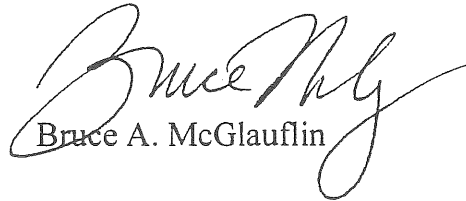
PETRUCCELLI, MARTIN & HADDOW, LLP

Michael J. Patterson, Chair
Portland Planning Board
January 7, 2008
Page 2

determination, I nevertheless reiterate my request that the Public Hearing be postponed pending the outcome of a determination by the Zoning Administrator, and, if necessary, the Zoning Board of Appeals.

Thank you for your consideration.

Sincerely,


Bruce A. McGlaufflin

BMcG/d
Enclosure

cc: Mr. & Mrs. Nicolino Ciccomancini
Dr. & Mrs. Robert Tanner
Marge Schmuckal (hand deliver)
Penny Littel, Esquire (hand deliver)
James R. Adolf, Esquire (hand deliver)
Wally Geyer, Casco Bay Ventures

PETRUCCELLI, MARTIN & HADDOW, LLP

Attorneys at Law

50 Monument Square
Post Office Box 17555
Portland, Maine 04112-8555

DEBORAH MCKENNEY
dmckenney@petruccellimartin.com

Hand Delivered

January 17, 2008

Molly Casto, City Planner
City of Portland
389 Congress Street
Portland, Maine 04101

RE: 130 Eastern Promenade

Dear Molly,

Enclosed please find eleven sets of photographs of the 130 Promenade East site, some with views from the Ciccomancinis' abutting property. Please include these photographs in the packet for the Board's review at the upcoming public hearing.

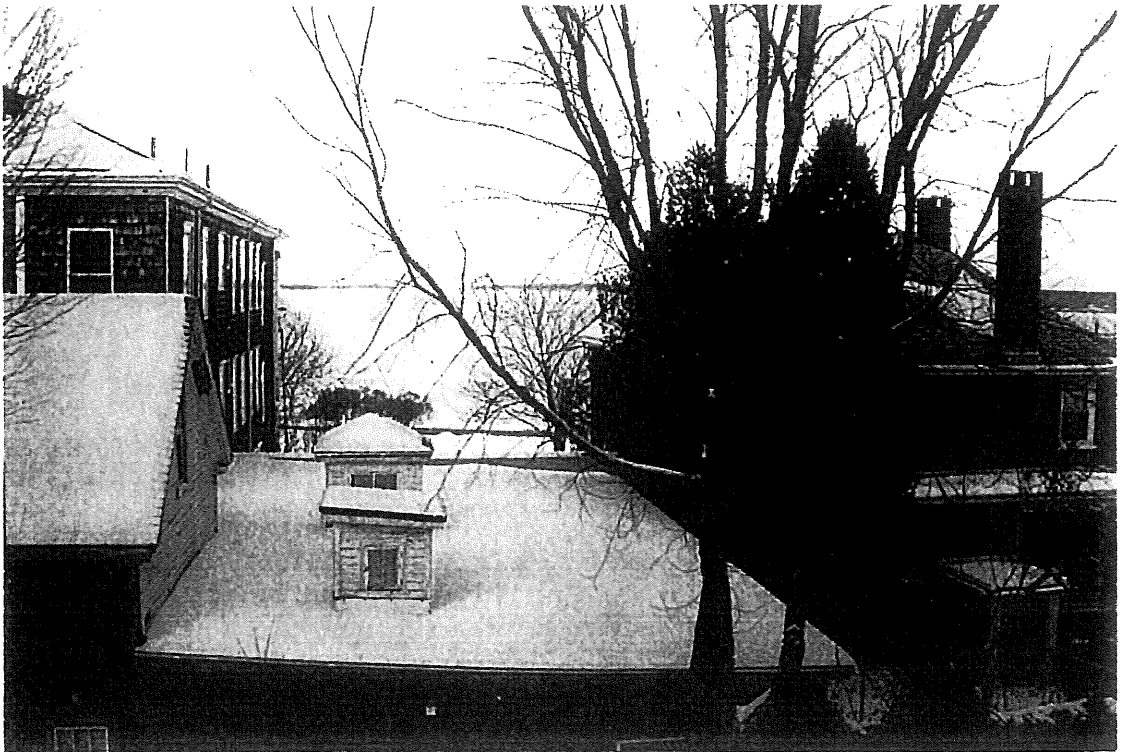
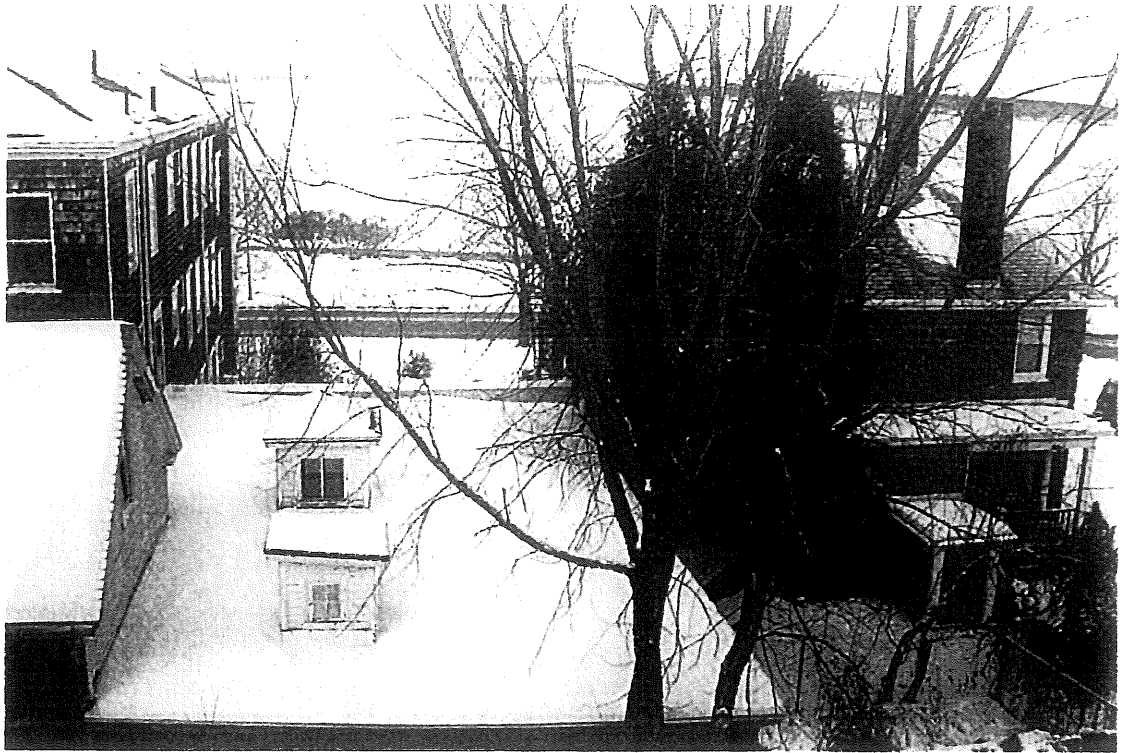
Thank you for your assistance.

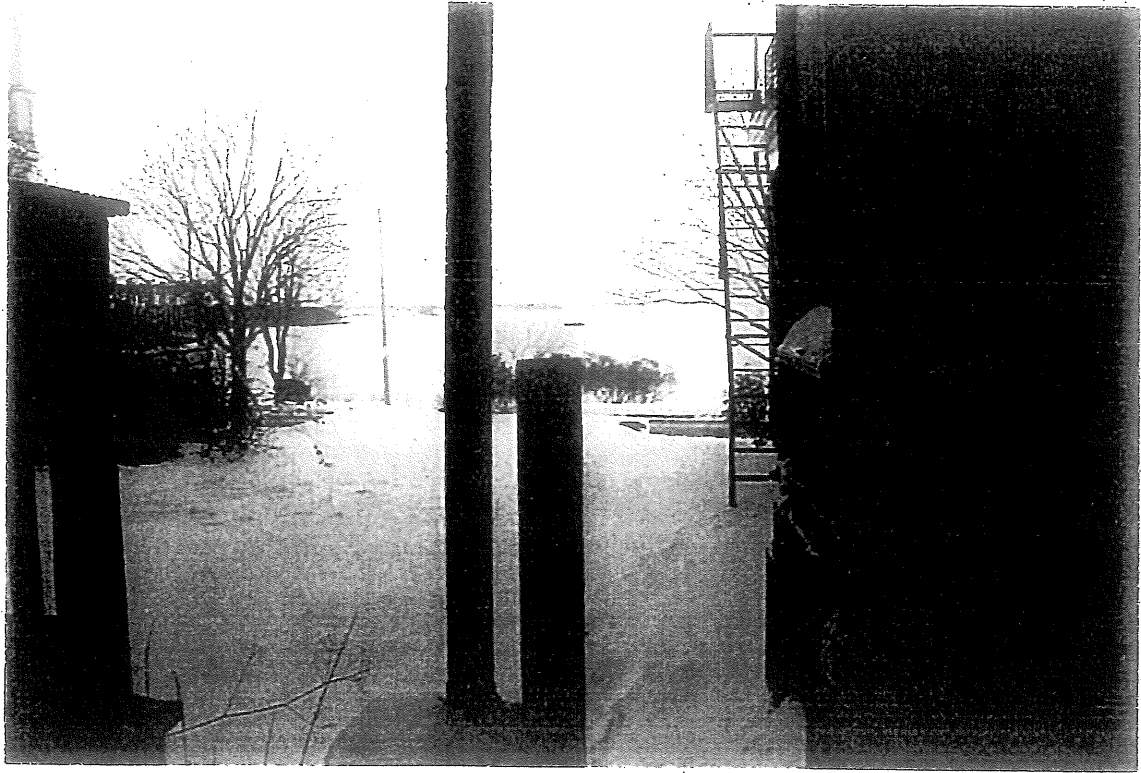
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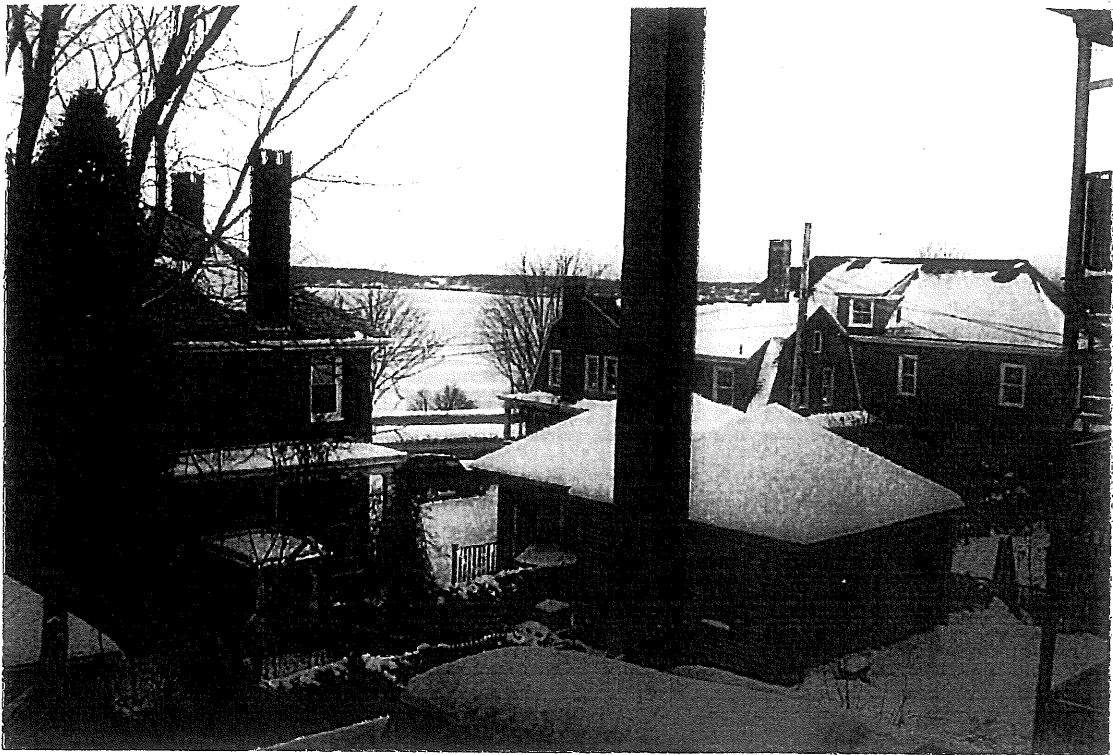


Deborah McKenney, Assistant to
Bruce A. McGlaflin, Esquire

/d
Enclosures









THE ESTATES OF LONGFELLOW INN
130 EASTERN PROMENADE, PORTLAND, ME
CASCO BAY VENTURES

TFH ARCHITECTS
 100 COMMERCIAL STREET
 PORTLAND MAINE 04101
 TELEPHONE 207 775 5141
 ARCHITECTURE PLANNING

CONSULTANTS:

CIVIL:
 Land Consulting Engineers, PA
 367 Broadway
 South Portland, ME 04106
 Tel: 207-677-7200
 Fax: 1-888-297-2033

STRUCTURAL:
 Sheeley Engineering, Inc
 30 Bridge St, Suite 300
 Westbrook, ME 04092
 Ph 207 734 5485 ext 19
 Fax 207 734 6706

REVISIONS:

DATE:

PROJECT No.: 0610

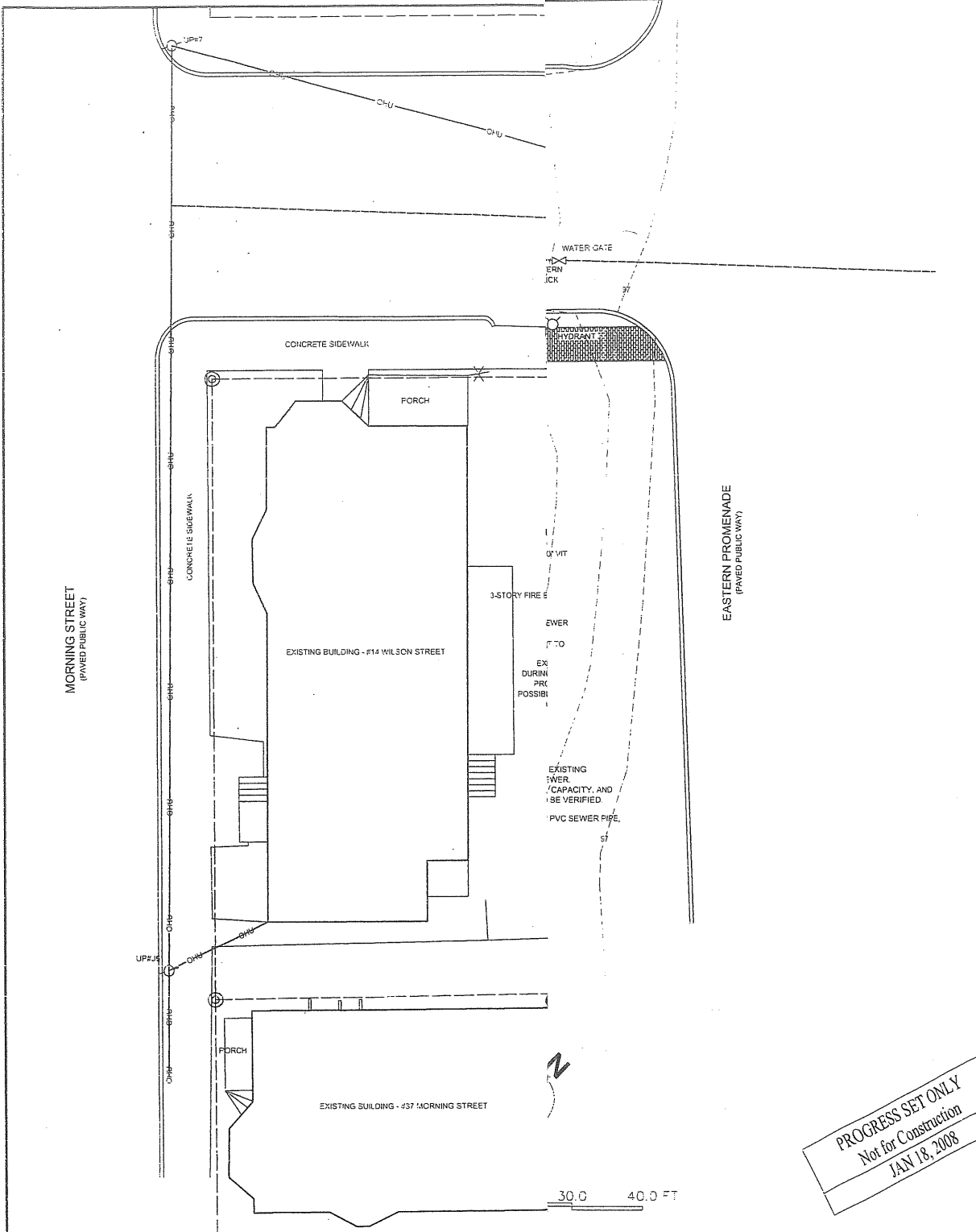
DRAWN BY: SA

CHECKED BY: TST

SCALE: AS NOTED

SHEET TITLE:
 SITE PLAN

C1.2
 217



PROGRESS SET ONLY
 Not for Construction
 JAN 18, 2008

CODE SUMMARY

PROJECT NO. 0610
 SHEET NO. C1.2
 DATE 01/18/08
 DRAWN BY SA
 CHECKED BY TST
 SCALE AS NOTED
 SHEET TITLE SITE PLAN

ZONING REQUIREMENTS

PROJECT NO. 0610
 SHEET NO. C1.2
 DATE 01/18/08
 DRAWN BY SA
 CHECKED BY TST
 SCALE AS NOTED
 SHEET TITLE SITE PLAN

BUILDING AREA

PROJECT NO. 0610
 SHEET NO. C1.2
 DATE 01/18/08
 DRAWN BY SA
 CHECKED BY TST
 SCALE AS NOTED
 SHEET TITLE SITE PLAN

APPROXIMATE AREAS

PROJECT NO. 0610
 SHEET NO. C1.2
 DATE 01/18/08
 DRAWN BY SA
 CHECKED BY TST
 SCALE AS NOTED
 SHEET TITLE SITE PLAN

AREA OF ADDITION

PROJECT NO. 0610
 SHEET NO. C1.2
 DATE 01/18/08
 DRAWN BY SA
 CHECKED BY TST
 SCALE AS NOTED
 SHEET TITLE SITE PLAN

NOTES

1. SEE G-11 FOR SELECT SPECIFICATIONS

NOTES

1. MATCH EXISTING PAVEMENT MATERIALS AND THICKNESSES.
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 6. AND REPT WITHIN 2 SECTIONS OF CONCRETE SIDEWALK
 7. PLACE. THE SECTIONS MUST BE REPLACED WITH BRICK
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PETRUCCELLI, MARTIN & HADDOW, LLP

Attorneys at Law

50 Monument Square
Post Office Box 17555
Portland, Maine 04112-8555

BRUCE A. MCGLAULFIN
bmcglauflin@petrucellimartin.com

Via Hand Delivery

February 1, 2008

Ms. Molly Casto
Planning and Inspections Department
City of Portland
389 Congress St.
Portland, Maine 04101

RE: Casco Bay Ventures, 130 Promenade East

Dear Molly:

Thank you for providing a copy of the attached site plan showing green shaded sections representing what Casco Bay Ventures considers to be "open space." I understand that this document was submitted by Casco Bay Ventures to Ms. Schmuckal for purposes of satisfying the open space requirements of the Land Use Ordinance. I note that the document is not full size and does not explain how the square footage of the area was measured. I had the area measured using a computer assisted design software program at 1,485.26 square feet, which is only 18.8% of the site area. See the enclosed computer print-out. This is clearly insufficient to satisfy the open space requirement found in §14-139(1)(h).

Even if the applicant can demonstrate that their 20.48% measurement is reliable, it should be found insufficient. First, it should be reduced because it includes the trash bin area. Second, it should be rejected because it relies on skinny strips of area that cannot possibly be considered either "open" or "space" in any meaningful or functional sense of those words. When the 20% rule for the R-6 Zone is read together with the site plan standards for open space, it is clear that the concept of "open space" has a functional component to it that cannot be satisfied by a collection of meaningless strips that have no function or use. Section 14-526(a)(15)(a)(1)(b)(3) states that open space "shall be integrated into the development site . . . shall be designed to compliment and enhance the building form and development proposed on the site. Open space functions may include,

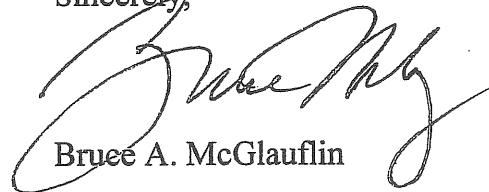
PETRUCCELLI, MARTIN & HADDOW, LLP

Ms. Molly Casto
February 1, 2008
Page 2

but are not limited to, buffers and screening from streets and neighboring property, yard space, etc." These strips have not been meaningfully integrated into the site plan design. They are scraps leftover from the design of a massive structure that is clearly oversized for the site.

For these reasons, Casco Bay Ventures' site plan does not meet the open space condition placed on the Planning Board's approval and should be sent back to the Planning Board for denial. Please bring this letter to the attention of the Planning Board and the Zoning Administrator. We request that the Planning Board schedule the matter for its next workshop. Thank you for your assistance.

Sincerely,



Bruce A. McGlaulin

BMcG/d

cc: Mr. & Mrs. Nicolino Ciccomancini
Terry N. Snow, Esquire

EXHIBIT
A

