

16-C-23

Le Eastern Prom

Conditional Use Appeal

Dale Schutzman



Scanned

on Spreadsheet

**PLANNING BOARD REPORT #36-99**

**ISABELLE CENTER  
6 EASTERN PROMENADE  
CONDITIONAL USE APPEAL, PRIVATE CLUB IN THE R-6 ZONE  
DALE SCHUTZMAN, APPLICANT**

Submitted to:

Portland Planning Board  
Portland, Maine

August 10, 1999

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## I. INTRODUCTION

The applicant, Dale Schutzman, has applied for conditional use of her property at 6 Eastern Promenade as a private club under Section 14-137 (2) e. The property is zoned R-6.

Occupying the block between Atlantic and Munjoy Streets on the Eastern Promenade, the subject structure is currently a multi-unit residence. The Isabelle Center brochure states the organization's purpose is to provide workshops, meeting space, and information for personal growth. The applicant had begun using a portion of the building of the proposed use before being informed of the need for City approval. Parking improvements are proposed to conform with zoning needs.

### Issues of concern are:

#### Use:

The applicant proposes that the center is a private club, as is permitted as a conditional use in the R-6 Zone. City Zoning staff has determined that while the public will be invited to participate in functions at the facility, the Isabelle Center may satisfy the minimum requirements of a private club as described in 14-47. Zoning Officer, Marge Schmuckal has produced a memo stating that it is the role of the Planning Board to determine if the proposed use fits the conditions and requirements under the Conditional Use Code. See Memo, Attachment #11 and Conditional Use Standards, Attachment # 8.

Membership is a major criteria under the definition of a Private Club under the City Code 14-47. See Attachment #13. The Applicant has indicated that membership dues will be collected and that members will "support its activities." No other membership criteria have been provided.

### Other issues of concern are:

#### Fire Safety:

Fire Officer Gaylen MacDougle requests that the applicant receive approval from the State Fire Marshall's Office for this use.

#### Parking:

An updated site sketch and parking expansion sketch show parking for eight spaces which have been reviewed and are acceptable to City Traffic Engineer, Larry Ash. See Attachment #9. City Zoning has determined that eight spaces satisfies the zoning requirements for the club and the residences in the building. See Attachment # 10.

Neighbors and Planning staff have had concerns that large meetings at the site would overburden the on-street parking in the area. The applicant has offered to limit the number of attendants to twelve per evening plus staff for workshops. See updated written statement, Attachment #2.4, and Potential Condition of Approval #1.



None of the applicant's submittal indicate the size or frequency of functions at the Center which may not be workshops, but would be allowable under the conditional use for private clubs (banquets, weddings, private parties.) The Board may want to consider an additional condition of approval limiting the size and or hours of operation for non- workshop functions at the Center.

## II. FINDINGS

Zoning: R-6  
Land Area: +/- 0.21 acres  
Number of Parking Spaces: 8 spaces after improvements

## III. STAFF REVIEW

The proposal has been reviewed for compliance with the R-6 Zone, and Conditional Use Standards of the Land Use Code. The plan has been reviewed by the Inspections, Traffic, Fire, Public Works, and Planning Department.

## IV. CONDITIONAL USE REVIEW

### 1. R-6: 14-137(2)

i. Expansion beyond existing lots

Not applicable

ii. Significant displacement of residences

In the current condition, one rental unit has been displaced by the Isabelle center. Ms. Schutzman has occupied what had been two units under previous ownership for her personal use, but this displacement is not part of the proposed conditional use for the private club.

iii. Cumulative minimum lot sizes for combination of uses

The subject parcel satisfies the minimum lot size for residential use and there is no minimum for use as a private club in the R-6 zone; therefore, this standard is not applicable.

### 2. **The following standards apply for all conditional uses: Section 14-474(2)**

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

There are no known unique or distinctive characteristics associated with the proposed use.

- ii. There will be an adverse impact upon the health, safety, or welfare of the public or the surrounding area; and

It does not appear that there will be any adverse impacts with the proposed project.

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

The impacts of this proposed use are similar to those normally expected from such a use in this zone. The major areas of concern involve parking on the neighborhood streets, which can be largely addressed by limiting the number of participants in the evening workshops. The building which houses this facility could comfortably and legally accommodate several more rental units, which could have similar parking impacts.

**VI. MOTIONS FOR THE BOARD TO CONSIDER**

On the basis of plans and materials submitted by the applicant and on the basis of information provided in Planning Board Report #36-99 relevant to standards for conditional use review, the Board finds:

- i. That the plan is/is not in conformance with the Conditional Use Standards for Residential R-6 Zone and Section 14-474 of the Land Use Code.

Potential Conditions of Approval:

*Sub B. vested  
letter for  
1-2*

- 1. That workshop attendance at the proposed private club must be limited to 12 individuals in addition to staff, and no more than one workshop shall occur in and evening.
- 2. That the conditional use as a private club shall terminate upon the sale of the premises, abandonment of the use, or conversion to a private club other than the Isabelle Center.
- 3. That the applicant produce a permit or a letter of non-applicability form the State Fire Marshall for the proposed use to be reviewed by City Fire .
- 4. That the applicant install the parking improvements as shown in the July 1, 1999 submittal.

*8. That applicant determine 2 additional dwelling units w/ Isabelle Center (approved) and remain a resident.  
4-0 approved,*

Attachments:

1. Conditional Use Appeal Application
2. Applicant's Written Statement with July 1, 1999 update
3. Floor Plan
4. Mortgage Loan Inspection Survey
5. Brochure
6. Letters of Support
7. Nonprofit Articles of Incorporation
8. Conditional Uses Standards, R-6 and Section 14-474.
9. Updated site sketch with parking improvements
10. Parking Memo
11. Memo stating Planning Board's role in determining the status as a private club
12. Board of Appeals Decision Form

AH. #1

CITY OF PORTLAND, MAINE  
BOARD OF APPEALS



CONDITIONAL USE APPEAL APPLICATION

Applicant's name and address: Dale Schutzman  
c/o Thomas Jewell, Suite 408, 465 Congress St., Portland  
Applicant's interest in property (e.g., owner, purchaser, etc.):  
owner

Owner's name and address (if different):  
6 Eastern Promenade, Portland

Address of property and Assessor's chart, block and lot number:  
16-C-23

zone: R-6 Present use: residential - 3 unit

Type of conditional use proposed: private club - portion of 1st floor

Conditional use authorized by: section 14-137(2)e

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

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

Date: 3/23/99

Thomas Jewell  
Signature of Applicant

JEWELL & BOUTIN  
Attorneys at Law  
465 Congress Street  
Suite 408  
Portland, ME 04101

Att. # 2.1

Thomas F. Jewell  
Daniel W. Boutin

Telephone: (207) 774-6665  
Fax: (207) 774-1626

March 23, 1999

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

Re: Conditional Use Appeal for The Isabelle Center  
6 Eastern Promenade, Portland

Dear Marge:

Please accept our application for a conditional use as a "private club" for Dale Schutzman, also known as Dale Wenglowksi, owner of the above property.

Dale is the owner of a restored historic building which she recently purchased. Part of her plans for this property when she purchased it was to make it available to the public and develop it as a center where workshops could be held. In fact, she began to use the property for this purpose before she realized she needed to obtain a conditional use permit for this undertaking.

When Dale purchased the property last year, it was a 4-unit building. She decided to convert two of those units to one for her own purposes, leaving two units available for rental. One of those units will remain a rental property, and the other would become The Isabelle Center. We submit that the loss of this one unit will not result in the "significant displacement or conversion of a residential use as existing as of June 1, 1983" pursuant to Section 14-137(2).

Dale plans to incorporate The Isabelle Center. I enclose copies of the articles for a non-profit corporation evidencing a membership-based entity. We also enclose a copy of the proposed membership brochure, which describes some of the history of the property and the purposes of the private club. Also, in this regard, we are enclosing a list of workshops conducted at the property last month.

We submit that the organization and purposes of this activity fall within the definition of a private club as set forth in the Portland Land Use Ordinance, Section 14-47.

Under Section 14-137(2)(e), a private club is allowed as a conditional use in the R-6 zone with approval from the Planning Board.

When I discussed this matter with Alex Jaegerman, he raised a concern with whether the provisions under 14-139(1)(g) might apply, which require a 10,000 square foot lot size for a "fraternal organization." You indicated that you considered private clubs and fraternal organizations two distinctly different entities and that 14-139(1)(g) applied only, by its plain terms, to fraternal organizations.

When we discussed parking, it appeared that the applicable standard for most of this use would be pursuant to 14-332(7), which requires one parking space for every 100 square feet, or major fraction thereof, of "assemblage space."

The Isabelle Center's proposed use has two places of assemblage. There is a 15' x 15' library and a 16' x 20' meeting room which, collectively, total 545 square feet, and translate to five parking spaces. In addition, Ms. Shutzman plans to have an office on the premises of 180 square feet, which would require one parking space pursuant to 14-332(10). There are two residential tenancies that are in the building in addition to The Isabelle Center that I understand from our earlier discussion would require one space each. Thus, a total of eight spaces is dictated pursuant to the Ordinance. There are eight parking spaces on-site.

The application of the conditional use criteria under 14-474 is the final issue to address. First, we would submit there are no "unique or distinctive characteristics or effects" associated with the proposed use. This will be a small scale private club. Most of the traffic will come from the well-travelled Eastern Promenade and very little from the residential streets adjoining the property. In addition to on-site parking, there is a substantial amount of on-street parking available in this area.

We have already received a letter from one neighbor indicating that there has been no discernable change in traffic from past use of The Isabelle Center.

Similarly, we do not expect any "adverse impact upon the health, safety or welfare of the public or the surrounding area." We anticipate that the activities of The Isabelle Center will be difficult to notice by its neighbors.

Finally, if there is any impact, it would not differ substantially from the impact that would normally be associated with an activity of this sort. In fact, we would submit that there would be less impact here because of the proximity of the property to the major thoroughfare of the Eastern Promenade which

Marge Schmuckal  
March 23, 1999  
Page 3

#23

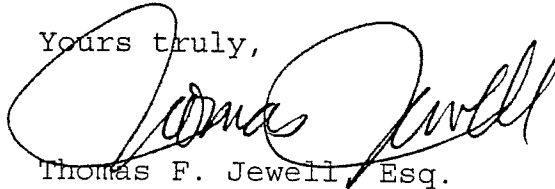
will carry most of the traffic.

Along with our application, we are submitting some preliminary letters of support of this endeavor.

In conclusion, we submit that the applicant meets all of the specific requirements of the conditional use pursuant to 14-137(2)(e), the parking requirements under 14-332, and the conditional use criteria of 14-474.

We look forward to your review of this application.

Yours truly,

A handwritten signature in black ink, appearing to read "Thomas Jewell". The signature is written in a cursive style with a large, looping initial "T".

Thomas F. Jewell, Esq.

TFJ/1st  
enclosures  
cc: Dale Schutzman

Att. # 2.4

**JEWELL & BOUTIN**  
Attorneys at Law  
465 Congress Street  
Suite 408  
Portland, ME 04101

Thomas F. Jewell  
Daniel W. Boutin

Telephone: (207) 774-6665  
Fax: (207) 774-1626

July 1, 1999

John Carroll, Chairman  
Portland Planning Board  
389 Congress Street  
Portland, ME 04101

Re: Conditional Use Appeal for The Isabelle Center  
6 Eastern Promenade, Portland

Dear Chairman Carroll and Members of the Board:

Since our last meeting, my client and I have had additional discussions with abutters and Bill Needleman of the Planning Office. Pursuant to those discussions, we have agreed to terms the Board may want to add to our appeal as conditions of approval.

Workshop attendance would be limited to 12 individuals in addition to workshop leaders. No more than one workshop would occur in an evening.

We are agreeable to the suggestion that the conditional use would terminate upon the sale of the premises, abandonment of the use or conversion to a private club other than The Isabelle Center.

The Isabelle Center's Articles of Incorporation (a copy of which was included in our submission to the Planning Board) are being filed with the Secretary of State. Membership is available only to those who pay annual dues to The Isabelle Center and support its activities. Members are responsible for their guests, and their membership can be revoked for inappropriate conduct.

We are submitting a more detailed plan of the property along with a more specific construction sketch from Gnome Landscapes. I understand there are two parking spaces as you enter the upper parking area on your left and three parking spaces on the right. The plan is to expand the lower parking area in order to accommodate three cars in that area.



John Carroll, Chairman  
Portland Planning Board  
July 1, 1999  
Page 2

Att. #2.5

On a previous occasion, Marge Schmuckal and I discussed at length the number of parking spaces, and she confirmed the need for eight parking spaces on premises. We would agree to have the conditional use approval contingent upon the proposed driveway extension in the lower parking area.

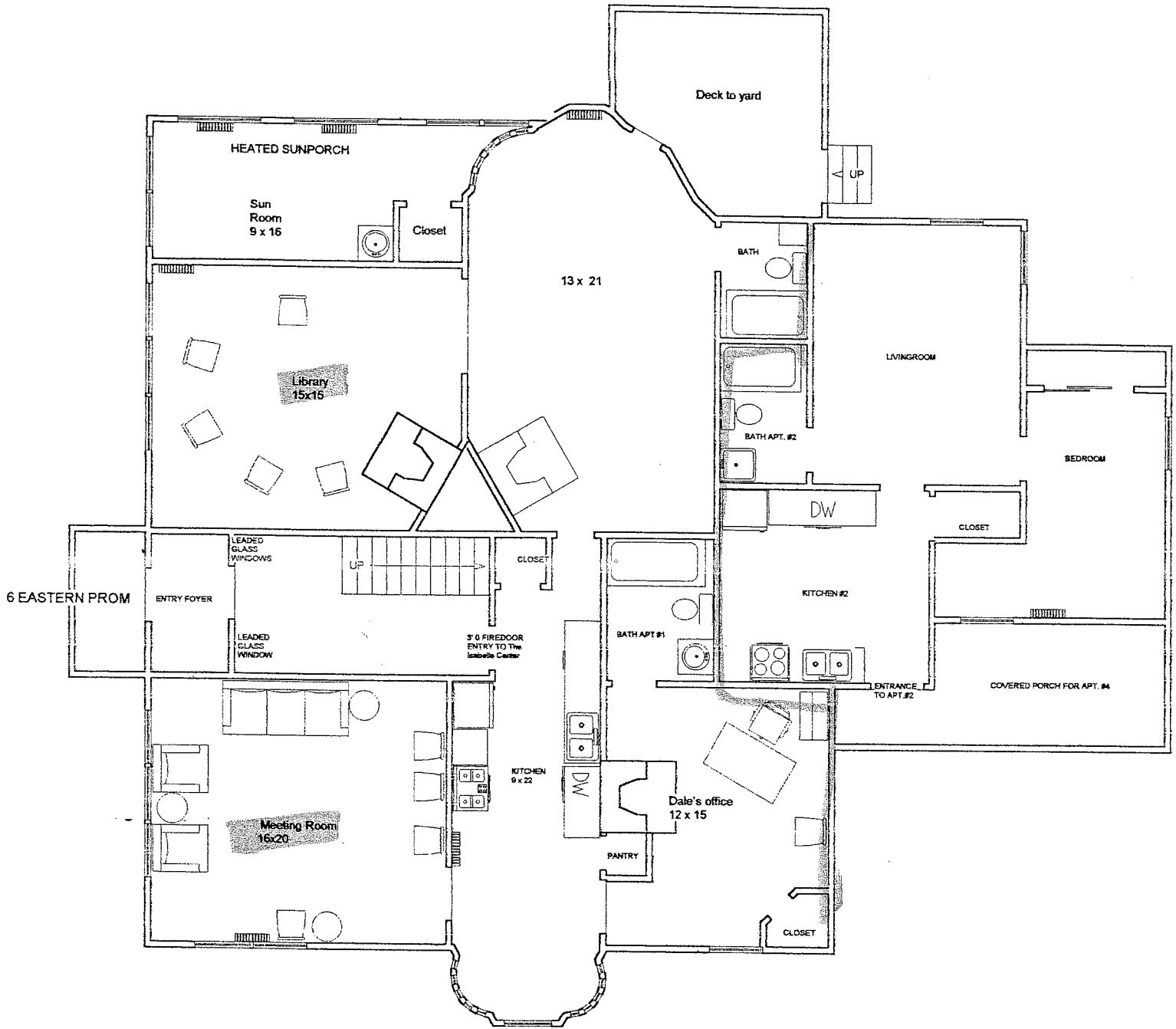
Yours truly,

A handwritten signature in cursive script that reads "Thomas F. Jewell". The signature is written in black ink and is positioned above the typed name.

Thomas F. Jewell, Esq.

TFJ/1st  
cc: Dale Schutzman

Att. #3



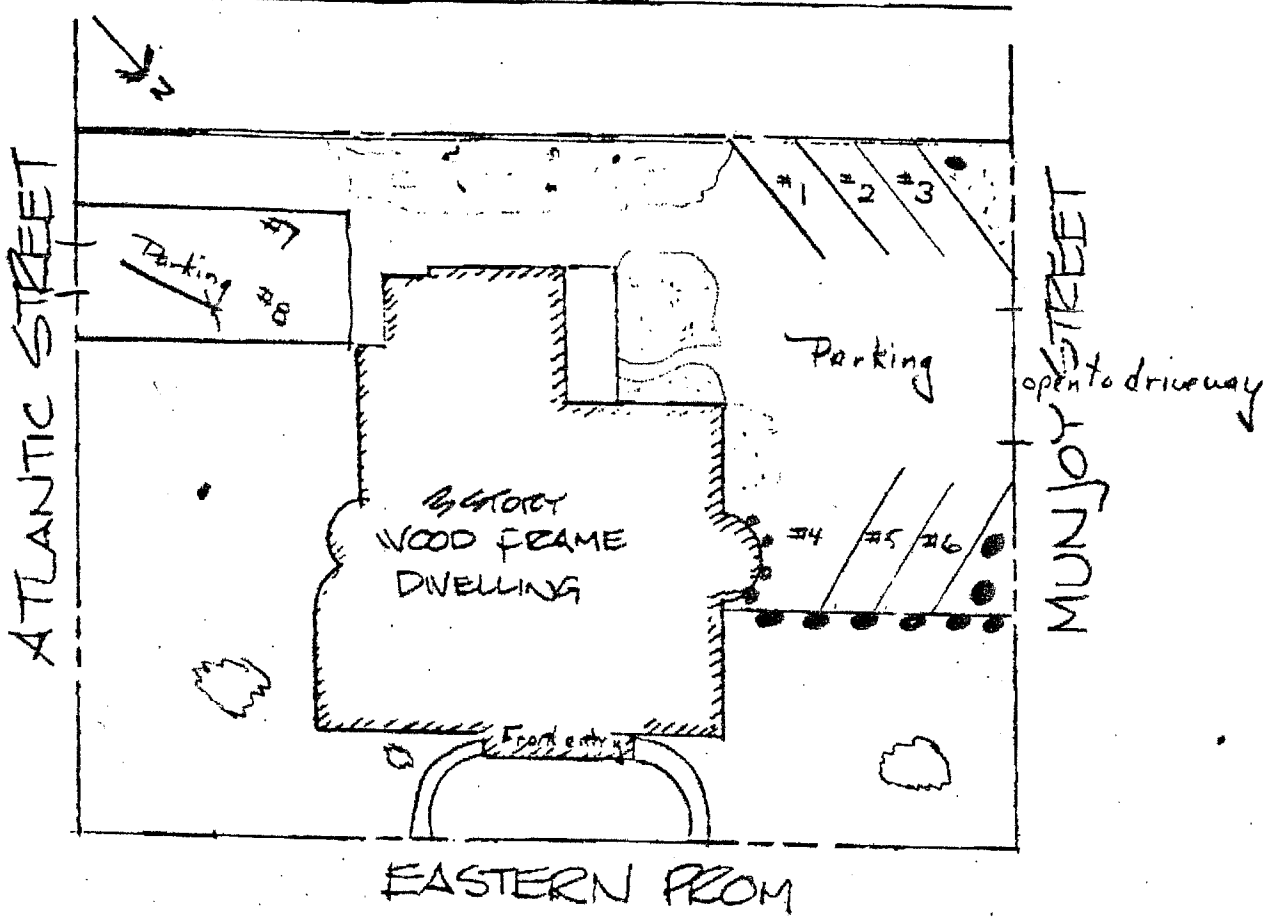
Att. # 4

**Land Use Consultants, Inc.**

Land Planners • Engineers • Surveyors  
966 Riverside Street  
Portland, Me 04103  
207-878-3313 Fax: 207-878-0201

**MORTGAGE LOAN INSPECTION**

Re: 6 Eastern Prom, Portland, Maine #2487  
Date Of Inspection: May 16, 1996  
Client: Jewell and Boutin  
Lender: Unknown



**PLAN**

Record Owner: Eranee L. Marston Trust      Deed Book/Page: 11681/90  
Registry: Cumberland County Maine      Plan Book/Page:

To the Lending Institution and its Title Insurer, collectively:  
I hereby state that an onsite inspection of this property was made. The municipal ordinance relative to zoning setbacks from boundary lines was examined. (inclusive of state and federal environmental regulations), and the community FEMA maps were reviewed. It is my professional opinion based on that inspection, and on the information made available to me that the dwelling on this property:

- 1. Conforms with municipal registered zoning setbacks: **NO**
- 2. Precedes existing zoning ordinance: **YES**
- 3. Requires independent survey or verify setbacks: **YES**
- 4. May be affected by a special flood hazard zone: **NO**

*[Handwritten Signature]*

Meine Professional Land Surveyor  
Land Use Consultants, Inc.

*This instrument is a mortgage loan inspection prepared in accordance with Rule 12, Section 12.12 of the Rules and Regulations of the Maine State Board of Licensure for Professional Land Surveyors. This is not a boundary survey.*

## OUR MISSION

The Isabelle Center is a non-profit membership organization affording members access to fellowship, community, small workshop space and information for personal growth.

The Center is a safe, supportive environment that empowers its members and promotes community and civic opportunities. Those participating in membership at the Isabelle Center need to reflect the values and interests of the Center, the community and the other members.

## PRIVILEGES OF MEMBERSHIP

§ Access to lending library of books and periodicals and quiet study space. By appointment, 9:00-2:00, Monday through Friday.

§ Meeting room privileges for workshops limited to 12 participants

§ Database of information on community events and educational opportunities

§ Audio/video cassettes for loan

§ Opportunity to network with members and their guests

§ Website space for community networking and marketing individual services



For additional information about the Center, to tour the facility and to discuss becoming a member, please call us at 773-7851 or fill out the form below and we will put you on our mailing list.

Name \_\_\_\_\_

Address \_\_\_\_\_

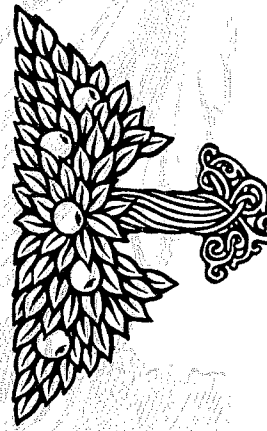
Phone Numbers:

(home) \_\_\_\_\_

(work) \_\_\_\_\_

(fax) \_\_\_\_\_

E-mail: \_\_\_\_\_



AH#5,1

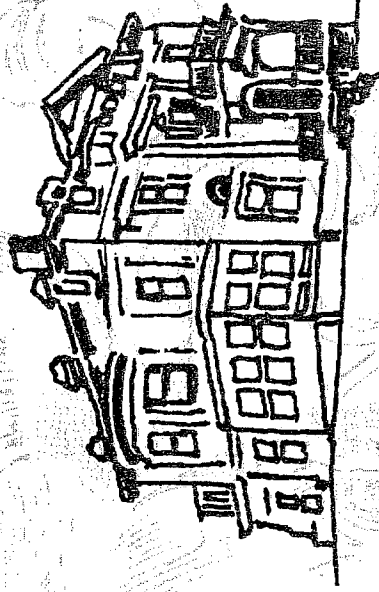
## The History of 6 Eastern Prom

The Isabelle Center is located at 6 Eastern Promenade in the Historic neighborhood of Munjoy Hill.

The Center occupies a portion of the bottom floor of a superbly-renovated Italianate-Style Residence. The house was built around 1860 by Capt. J. Berry, a sea captain. He sold it to H.P. Dewey, a successful financier. Upon his death, his widow, Sophrania Dewey, sold the house to Ernest Randall, a local fuel oil merchant and owner of McAllister & Randall. In 1901, with the help of Austin Pease, a locally renowned architect, 6 Eastern Promenade was dramatically renovated into one of Munjoy Hill's most elegant residences.

In 1996, Crandall Toothaker purchased the residence which was in a state of neglect. After a year and a half of loving restoration, 6 Eastern Prom was once again restored to its original beauty and distinction.

The Isabelle Center Board and members are committed to keeping the historical integrity and well-being of this property intact.



*The Isabelle Center*

*6 Eastern Promenade  
Portland, ME 04101  
773-7851*

The Isabelle Center  
6 Promenade East  
Portland, ME 04101



# EXPLORING, LEARNING, GROWING THIS FEBRUARY

## DREAM GROUP

In this session we will explore in depth the dreamlife. Symbol, metaphor, free association and other sharing of ideas makes this a dynamic group experience. Facilitated by Jeanne Fiorini. Fee, \$120. Six consecutive Wednesday evenings from 7-9:15 p.m. beginning February 10. To register, call Jeanne at 799-8648.

## INNER WISDOM

A spirit-centered circle designed to deepen the relationship with inner guidance and spiritual awareness. Facilitated by Cali Williamson. Offered February 3 and the first Wednesday of each month, from 7-9 p.m. Fee for each session is \$10. To register, call Cali at 671-9717. All are welcome.

## MONEY EMPOWERMENT FOR WOMEN

Learn to apply new empowerment techniques to your own money issues in this workshop facilitated by Lu Bauer, CPA, founder of The Balancing Act. Friday, February 12, from 5-9 p.m. Fee is \$45. To register, call Lu at 892-6652.

## BUILDING SANCTUARY

Using guided meditation, journaling and movement, we will inspire creation of a spiritually significant object for your home or office. Basic materials are included in the workshop fee, but do bring photos and other objects representative of your personal faith orientation. Co-led by Cali Williamson and Dale Wenglowski. Offered Saturday, February 27 from 10 a.m. to 4 p.m. Fee is \$75. To register, call Cali Williamson at 671-9717.

## TENDING THE BODY, MINDING THE SOUL

In this workshop, you will learn how to lovingly care for your body and thereby mend the soul through storytelling, guided imagery and group discussion. Facilitated by Joyce Sarat White, MA, LPC, founder of Weighty Issues. Offered Thursday, February 25, from 6 to 9 p.m. Fee is \$40. To register, call Joyce at 846-9053.

## TAROT PLAY NIGHT

An opportunity for those already acquainted with Tarot to learn new techniques, share experiences, and play. Facilitated by Jeanne Fiorini. Offered February 11 and the second Thursday of each month, from 6:30-9 p.m. Fee for each session is \$20. To register, call Jeanne at 799-8648.

## TAROT CIRCLE

Open-forum reading in a safe, relaxing atmosphere. No experience is necessary and anyone seeking guidance or clarity is welcome! Facilitated by Jeanne Fiorini. Offered February 18 and the third Thursday of each month, from 6:30-9 p.m. Fee for each session is \$20. To register, call Jeanne at 799-8648.

## COMBING THE MIRROR

The Reverend Kevin Ross Emery, transchanneler, spiritual counselor, teacher, and author of *Combing the Mirror*, and the Reverend Tommy Hensel invite you to a free, informal and informative gathering with conversation and light refreshment from 4-6 p.m. A channeling session follows at 7 p.m., the fee is \$30. Offered Saturday, February 13. To register, call The Isabelle Center at 773-7851. Personal coaching sessions offered by the Reverends Emery and Hensel through the month of February.



## The Isabelle Center

Innovative Workshop and Meeting Space

SIX EASTERN PROMENADE

PORTLAND, MAINE 04101

773-7851

Call for more information  
and other workshops



JUDITH SOUTHWORTH  
1 FORE STREET  
PORTLAND, ME 04101

Att. #6.1

City Planning  
Portland, Maine

Date: March 12, 1999

Re: The Isabelle Center  
Six Eastern Promenade  
Portland, ME 04101

To whom it may concern:

I live next door to The Isabelle Center. The center, and its owner, Dale Wenglowski, are a distinct asset to our neighborhood.

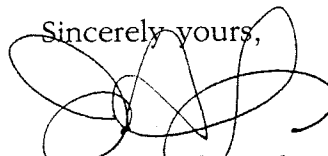
First, the house was recently entirely renovated. What had been a rather run-down building has become an elegant edifice that adds grace and nobility to the Promenade. It is easily the most notable and beautiful building in the area, reminiscent of the past glory reflected in the other stately homes, somewhat worn down by time, that line the Promenade. I have heard passersby remark on the building and other people around town have asked me if I was familiar with this notable transformation.

As regards any concerns about noise or traffic, I want to report that I have never heard any noise at all coming from the center, nor have I noticed any additional traffic on Fore Street or the Eastern Promenade. There continues to be ample street parking in the area, and the neighborhood is very peaceful.

Dale is a gracious and considerate neighbor. I have met her on several occasions and have been struck by her intelligence and lovely manners. I have attended a couple of early evening programs hosted by The Isabelle Center and they were quiet events attended by a handful of beautifully behaved persons.

I feel that my home neighborhood is significantly enhanced by the presence of Dale Wenglowski, and by the community building programming of The Isabelle Center.

Sincerely yours,



Judith Southworth

AH #6.2

**CYNTHIA S. McMULLIN**

Nineteen Commercial Street

Portland, ME 04101

(207) 775-1526

FAX: 775-5728

March 17, 1999



The City of Portland  
City Hall  
Portland, ME 04101

RE: The Isabelle Center

To Whom It May Concern:

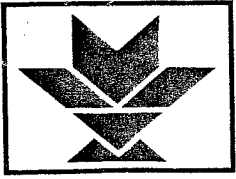
My apartment is a close neighbor to the Isabelle Center. I have lived at 21A Eastern Promenade across the street for 3 years. I have not seen any increase in traffic or parking needs in that time. Even when the Center had its Open House, it was quiet and there was no trouble with parking.

The Isabelle Center is a marvelous addition to the street, neighborhood, and to all of Portland. I am sad that anyone would think otherwise.

Very truly yours,

Cynthia S. McMullin





Att. #63

**MAINE WOMEN'S FUND**

**BOARD OF DIRECTORS**

- BARBARA A. LEONARD, PRESIDENT
- MARTHA BREUNIG, V. PRESIDENT
- JANET N. O'TOOLE, TREASURER
- AMY K. TCHAO, SECRETARY
- BARBARA SIROIS BABKIRK
- VIVIAN J. BRIDGES
- BRENDA S. COOK
- GERALDINE T. DORSEY
- SUSAN GREENWOOD
- JUDY GUAY
- KAREN A. HARRIS
- CAROL I. KULBERG
- MARY E. MCCANN
- Gael May MCKIBBEN
- CYNTHIA S. MCMULLIN
- LESLIE P. MERRILL
- LOUISE H. MURPHY
- CAROLYN B. MURRAY
- PATRICIA A. PEARD
- KATHERINE PELLETREAU
- LOIS GALGAY RECKITT
- JANE SEARLES
- S. REBECCA STRAUSS
- JOAN W. WELSH

March 16, 1999

To Whom it May Concern:

Please accept this letter of support for The Isabelle Center's important role as a convener of small groups of citizens concerned with enhancing opportunities for women in Portland. The Center provides a focal point for women seeking to build their personal sense of worth and well-being.

Working one-on-one or in small, essential groups, women go to The Isabelle Center to discuss topics as wide-ranging as spiritual growth to starting and building a small business. The value of this kind of connecting place is immeasurable to the health and benefit of the women who gather there, as well as the City of Portland.

We are thankful for The Isabelle Center's presence in our community.

Sincerely,

Karin Anderson  
Executive Director

**ADVISORY COUNCIL**

- BRENDA S. COOK, CO-CHAIR
- ELLEN V.P. WELLS, CO-CHAIR
- JOANNE D'ARCANGELO
- MADELEINE G. CORSON
- JOEL D. DAVIS
- JANE HOLT DEFREES
- JEAN M. DEIGHAN
- MIMI DUNN
- CAROL EPSTEIN
- SANDRA FEATHERMAN
- RICHARD C. KENNEDY
- JANA LAPOINT
- DOUG MALCOLM
- MERLE R. NELSON
- P. ANDREWS NIXON
- RICHARD L. PATTENAUDE
- WILLIAM J. RYAN
- JOAN BENOIT SAMUELSON
- DONNA K. THORNTON
- CAROL WISHCAMPER

**EXECUTIVE DIRECTOR**

KARIN ANDERSON



Att. # 6.4

*Cali Williamson, LCPC*  
*283 Main Street*  
*Cumberland Ctr., Maine 04021*  
*207/671-9717*

---

March 17, 1999

To Whom it May Concern:

I am writing as a member of the Isabelle Center to document my appreciation for this wonderful facility. As a Licensed Clinical Professional Counselor, I frequently offer small workshops on topics related to personal and professional growth. I enjoy the beauty, convenience and very reasonable cost to me associated with conducting workshops in this space. In fact the existence of the Isabelle Center actually makes such workshops feasible for me as an instructor.

It is a wonderful place for people to meet in a relaxed atmosphere conducive to gaining perspective on important issues in one's life and work.

Very Sincerely,



Cali Williamson

Filing Fee \$20.00

Att. # 7.1

|                                   |
|-----------------------------------|
| For Use By The Secretary of State |
| File No. ....                     |
| Fee Paid .....                    |
| C. B. ....                        |
| Date .....                        |

NONPROFIT CORPORATION

STATE OF MAINE

ARTICLES OF INCORPORATION

(CHECK ONLY IF APPLICABLE)

This is a Domestic Condominium Corporation.

|  |
|--|
| For Use By The Secretary of State      |
| FILED                                  |
| _____ 19                               |
| Deputy Secretary of State              |
| A True Copy When Attested By Signature |
| _____                                  |
| Deputy Secretary of State              |

Pursuant to 13-B MRSA §403, the undersigned, acting as incorporator(s) of a corporation, adopt(s) the following Articles of Incorporation:

FIRST: The name of the corporation is The Isabelle Center

SECOND: The corporation is organized for all purposes permitted under Title 13-B, MRSA, or, if not for all such purposes, then for the following purpose or purposes:

THIRD: The name of its Registered Agent and address of registered office (the registered agent must be a Maine resident, whose business office is identical with the registered office; or a corporation, domestic or foreign, profit or nonprofit, having an office identical with such registered office.)

Thomas F. Jewell  
 \_\_\_\_\_  
 (name)  
Jewell & Boutin, 465 Congress Street, Suite 408, Portland, ME  
 \_\_\_\_\_  
 (street address (not P.O. Box), city, state and zip code)  
 \_\_\_\_\_  
 (mailing address if different from above)

FOURTH: The number of directors (not less than 3) constituting the initial board of directors of the corporation, if they have been designated or elected, is three

The minimum number of directors (not less than 3) shall be three and the maximum number of directors shall be none

FIFTH: Members:  There shall be no members.  
 There shall be one or more classes of members, and the information required by §402 is as follows:  
 One class of nonvoting members; annual fee required for membership; membership privileges include access to library and workshops at 6 Eastern Promenade, Portland.

SIXTH:  (Check if this article is to apply)  
 No substantial part of the activities of the Corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the Corporation shall not participate in or intervene in (including the publication or distribution of statements) any political campaign on behalf of any candidate for public office.

SEVENTH:  (Check if this article is to apply. Then fill in reference number of Section 501(c)( ? ) in first paragraph below.)

Upon the dissolution of the Corporation or the termination of its activities, the assets of the Corporation remaining after the payment of all its liabilities shall be distributed exclusively to one or more organizations organized and operated exclusively for such purposes as shall then qualify as an exempt organization or organizations under Section 501(c)(\_\_\_\_\_) of the Internal Revenue Code of 1986, as amended, and as a charitable, religious, eleemosynary, benevolent or educational corporation within the meaning of Title 13B. of the Maine Revised Statutes as amended.

No part of the net earnings of the Corporation shall inure to the benefit of any member, director, or officer of the Corporation, or any private individual (except that reasonable compensation may be paid for services rendered to or for the Corporation in carrying out one or more of its purposes), and no member, director, or officer of the Corporation, or any private individual, shall be entitled to share in the distribution of any of the corporate assets on dissolution of the Corporation.

EIGHTH: Other provisions of these articles, if any, including provisions for the regulation of the internal affairs of the corporation, and distribution of assets on dissolution or final liquidation:

Dated: \_\_\_\_\_

**INCORPORATORS**

**ADDRESSES**

Dale Shutzman  
(signature)  
Dale Shutzman  
(type or print name)

Karen Barnett  
(signature)  
Karen Barnett  
(type or print name)

Annie Houle  
(signature)  
Annie Houle  
(type or print name)

\_\_\_\_\_  
(signature)  
\_\_\_\_\_  
(type or print name)

\_\_\_\_\_  
(signature)  
\_\_\_\_\_  
(type or print name)

Street 6 Eastern Promenade  
Portland, ME 04101  
(city, state and zip code)

Street 261 Vaughan Street  
Portland, ME 04102  
(city, state and zip code)

Street 23 Oakland Avenue  
Yarmouth, ME 04096  
(city, state and zip code)

Street \_\_\_\_\_  
(city, state and zip code)

Street \_\_\_\_\_  
(city, state and zip code)

- c. Conversion of a structure existing on March 3, 1997, into a bed and breakfast with five (5) to nine (9) guest rooms.
- (2) *Institutional*: Any of the following conditional uses provided that, notwithstanding section 14-474(a) (conditional uses) of this article or any other provision of this Code, the planning board shall be substituted for the board of appeals as the reviewing authority:
- a. Elementary, middle, and secondary school;
  - b. i. Long-term and extended care facilities;
  - ii. Intermediate care facility for thirteen (13) or more persons;
  - c. Intermediate care facility;
  - d. Church or other place of worship;
  - e. Private club or fraternal organization;
  - f. Reserved;
  - g. Hospital;
  - h. College, university, trade school.

Such uses shall be subject to the following conditions and standards in addition to the provisions of section 14-474:

- i. In the case of expansion onto land of existing such uses other than the lot on which the principal use is located, it shall be demonstrated that the proposed use cannot reasonably be accommodated on the existing site through more efficient utilization of land or buildings, and will not cause significant physical encroachment into established residential areas; and
- ii. The proposed use will not cause significant displacement or conversion of residential uses existing as of June 1, 1983, or thereafter; and
- iii. In the case of a use or use expansion which constitutes a combination of the above-listed uses with capacity for concurrent operations, the applicable minimum lot sizes shall be cumulative.

(3) *Other*:

- a. Utility substations, such as water and sewage pumping stations and standpipes, electric power substations, transformer stations, and telephone electronic equipment enclosures and other similar structures, provided that such uses are suitably screened and landscaped so as to ensure compatibility with the surrounding neighborhood;
- b. Professional offices of a member of a recognized profession maintained for the conduct of that profession. Professional office uses exclude personal services, retail services, and veterinarians.

The illustrative examples that follow indicate the type of professional offices permitted: health care practitioner, attorney, social worker, engineer, architect, accountant, real estate agent, insurance agent.

(f) *Recording of variances.* No variance shall be valid unless, within thirty (30) days of final approval of the variance, a certificate describing the variance has been recorded by the applicant for the variance in the registry of deeds as required by 30 M.R.S.A. Section 4963. (Code 1968, § 602.24.C; Ord. No. 437-74, 7-1-74; Ord. No. 467-83, § 1, 4-20-83; Ord. No. 563-84, 5-7-84; Ord. No. 357-84, § 1, 12-17-84; Ord. No. 354-85, § 6, 1-7-85; Ord. No. 40-85, § 1, 7-15-85; Ord. No. 67-87, § 5, 11-2-87; Ord. No. 93-88, 7-19-88; Ord. No. 167-89, 12-11-89; Ord. No. 324-92, 4-22-92; Ord. No. 164-97, § 13, 1-6-97; Ord. No. 208-98, §§ 1, 2, 2-2-98)

**Editor's note**—Ord. No. 93-88, adopted July 19, 1988, amended § 14-473 by adding subsection (f) to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 93-88.

**Sec. 14-474. Conditional uses.**

(a) *Authority.* The board of appeals may, subject to the procedures, standards and limitations set out in this section, approve the issuance of a conditional use permit authorizing development of conditional uses listed in this article.

(b) *Procedure:*

- (1) *Application.* Applications for conditional use permits shall be submitted to the building authority. A nonrefundable application fee, as established from time to time by the city council to cover administrative costs and costs of a hearing, shall accompany each application. The application shall be in such form and shall contain such information and documentation as shall be prescribed from time to time by the building authority but shall in all instances contain at least the following information and documentation:
  - a. The applicant's name and address and his or her interest in the subject property;
  - b. The owner's name and address if different than the applicant;
  - c. The address, or chart, block and lot number as shown in the records of the office of the assessor of the subject property;
  - d. The zoning classification and present use of the subject property;
  - e. The particular provision of this article authorizing the proposed conditional use;
  - f. A general description of the proposed conditional use;
  - g. Where site plan approval is required by article V of this chapter, a preliminary or final site plan as defined by article V of this chapter.
- (2) *Public hearing.* A public hearing shall be set, advertised and conducted by the board of appeals in accordance with article VI of this chapter.
- (3) *Action by the board of appeals.* Within thirty (30) days following the close of the public hearing, the board of appeals shall render its decision, in a manner and form specified by article VI of this chapter, granting the application for a conditional use permit, granting it subject to conditions as specified in subsection (d), or denying it. The failure of the board to act within thirty (30) days shall be deemed an approval of the conditional use permit, unless such time period is mutually extended in writing by the

applicant and the board. Within five (5) days of such decision or the expiration of such period, the secretary shall mail notice of such decision or failure to act to the applicant and, if a permit is authorized, shall issue such permit, listing therein any and all conditions imposed by the board of appeals.

(c) *Conditions for conditional uses:*

- (1) *Authorized uses.* A conditional use permit may be issued for any use denominated as a conditional use in the regulations applicable to the zone in which it is proposed to be located.
- (2) *Standards.* Upon a showing that a proposed use is a conditional use under this article, a conditional use permit shall be granted unless the board determines that:
  - a. There are unique or distinctive characteristics or effects associated with the proposed conditional use;
  - b. There will be an adverse impact upon the health, safety, or welfare of the public or the surrounding area; and
  - c. Such impact differs substantially from the impact which would normally occur from such a use in that zone.

(d) *Conditions on conditional use permits.* The board of appeals may impose such reasonable conditions upon the premises benefited by a conditional use as may be necessary to prevent or minimize adverse effects therefrom upon other property in the neighborhood. Such conditions shall be expressly set forth in the resolution authorizing the conditional use permit and in the permit. Violation of such conditions shall be a violation of this article.

Att.#9.2

**GNOME LANDSCAPES, DESIGN & MASONRY**

P.O. Box 66803  
FALMOUTH, MAINE 04105  
(207) 781-2955  
FAX (207) 781-5705

JOB Dale Schutzman

SHEET NO. \_\_\_\_\_

OF \_\_\_\_\_

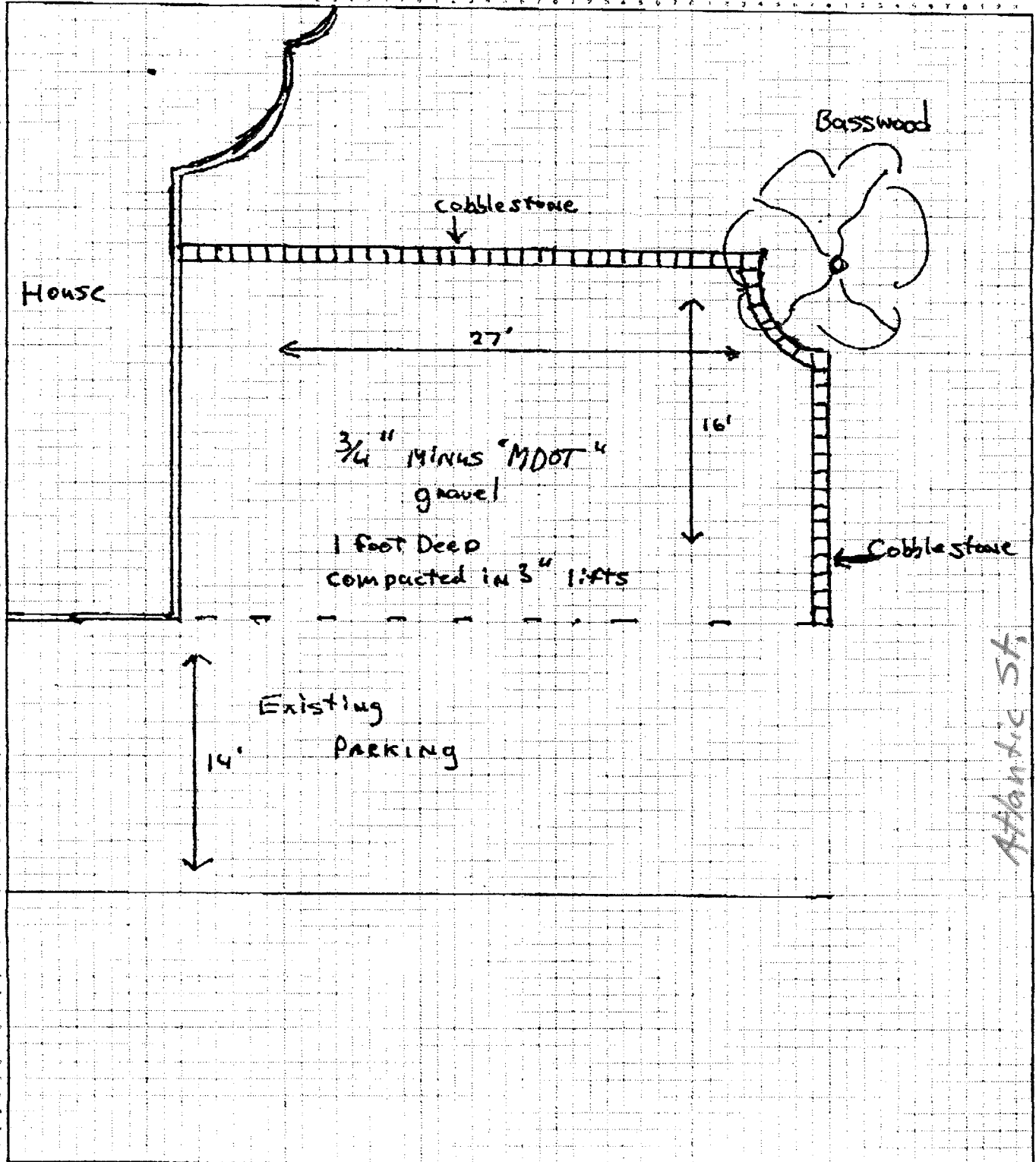
CALCULATED BY Rick Campbell

DATE 6/28/99

CHECKED BY \_\_\_\_\_

DATE \_\_\_\_\_

SCALE None



Atlantic St.



Att. #10

**From:** Marge Schmuckal  
**To:** William Needleman  
**Date:** Fri, Jun 4, 1999 5:05 pm  
**Subject:** Isabelle Center - Parking

Bill,

I have reviewed the parking provided with the conditional use appeal application. I have determined that the provided parking meets the minimum requirements of the zoning ordinance. It is my understanding that the Planning Board could condition their approval on providing more parking spaces, if they so determined.

**CC:** PENNY LITTELL

Att. #11

**CITY OF PORTLAND, MAINE  
M E M O R A N D U M**

**TO:** City of Portland Planning Board

**CC:** Penny Littell, Associate Corporation Counsel  
Alex Jaegerman, Chief Planner  
Joseph Gray, Director of Planning

**FROM:** Marge Schmuckal, Zoning Administrator

**DATE:** June 3, 1999

**RE:** **Conditional Uses**

It is my understanding that there is some question as to who determines the existence of a conditional use as outlined in the City of Portland Zoning Ordinance. That role rests with either the Zoning Board of Appeals (ZBA) or the Planning Board (if it is substituted for the ZBA). Let me explain the process I follow in processing a conditional use application.

When an applicant comes in to apply for a conditional use, it is the Zoning Administrator's responsibility to be sure that the use is actually a listed conditional use in the applicable zone. If the use is listed, then the Zoning Administrator should review what was submitted to be sure the requested use is the same as the listed use. This information is gathered and submitted to the Board of Appeals, or Planning Board (if they are substituted for the Zoning Board) which makes the determination as to whether the proposed use fits all the conditions and requirements for that use.

I have enclosed a copy of the decision form that is in use by the Board of Appeals when reviewing conditional use requests. Number 3-A gives the Board the responsibility to determine whether the proposed use is typical of most traditional uses in the same category, or whether there are unique or distinctive characteristics or effects associated with the proposed use. Either Board may and can attach condition(s) with their approvals if they think it is prudent.

The Planning Board has asked for my opinion on whether the Isabelle Center is a private club permitted as a conditional use. If I were reviewing this use, I would consider such things as: 1) whether the club has a charter and dues are paid; 2) how the club will function (when I look at how the Italian Heritage Center or the Eagles are used, it is not unsimilar to what is proposed. Private parties can rent out these places for different events); 3) how the applicant sees itself in comparison to a conference center or any other use that may be a concern.

Att. #12

CITY OF PORTLAND, MAINE

BOARD OF APPEALS



CONDITIONAL USE APPEAL

DECISION

Name and address of applicant: \_\_\_\_\_

\_\_\_\_\_

Location of property under appeal: \_\_\_\_\_

For the Record

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_

Findings of Fact

1. The proposes conditional use is/is not (circle one) permitted under Section 14-\_\_\_\_\_ of the Zoning Ordinance, for the following reason(s):

\_\_\_\_\_  
\_\_\_\_\_

2. The proposed conditional use does/does not (circle one) meet all special standards, conditions or requirements, if any, applicable thereto, for the following reason(s):

\_\_\_\_\_

3-A. There are/are not (circle one) unique or distinctive characteristics or effects associated with the proposed conditional use, for the following reason(s):

\_\_\_\_\_  
\_\_\_\_\_

## LAND USE

§ 14-47

- (2) Commercial vessel tenant space used by a noncommercial vessel for a period not exceeding ten (10) consecutive days while the primary commercial vessel tenant is conducting its business or trade.

*Normal high water line:* That line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. In the case of wetlands adjacent to rivers, the normal high water line is the upland edge of the wetland, and not the edge of the open water.

*Normal high water mark of coastal waters:* That line on the shore of tidal waters reached by the shoreward limit of the rise of the medium tides between the spring and the neap.

*Normal high water mark of inland waters:* That line on the shores and banks of nontidal waters which is apparent because of the contiguous different character of the soil or the vegetation due to the prolonged action of the water. Relative to vegetation, it is that line where the vegetation changes from predominantly aquatic to predominantly terrestrial (by way of illustration, aquatic vegetation includes but is not limited to the following plants and plant groups—water lily, pond lily, pickerelweed, cattail, wild rice, sedges, rushes, and marsh grasses; and terrestrial vegetation includes but is not limited to the following plants and plant groups—upland grasses, aster, lady slipper, wintergreen, partridge berry, sasparilla, pines, cedars, oaks, ashes, alders, elms and maples). In places where the shore or bank is of such character that the high water mark cannot be easily determined (rockslides, ledges, rapidly eroding or sloping banks), the normal high water mark shall be estimated, from places where it can be determined by the above method.

*Office complex:* Separate office buildings planned, constructed or managed on an integrated coordinated basis.

*Personal service:* Establishments engaged in providing services involving the care of the person or his apparel, such as laundries, dry cleaning establishments, photographic studios, beauty and barber shops but not including commercial or industrial laundries.

*Piers, docks, wharves, bridges and other structures and uses extending over or beyond the normal high water line or within a wetland:*

- (1) *Temporary:* Structures which remain in or over the water for less than seven (7) months in any period of twelve (12) consecutive months.
- (2) *Permanent:* Structures which remain in or over the water for seven (7) months or more in any period of twelve (12) consecutive months.

*Principal building:* The building occupied by the chief or principal use on the premises. When a garage is attached to the principal building in a substantial manner as by a roof or common wall, it shall be considered as a part of the principal building.

*Private club:* Private club, or nonprofit social and recreational facility: A private club, or nonprofit social and recreational facility, is open exclusively to members and to their bona fide guests accompanying them, in order to promote fellowship, social living, proper recreation,



civic responsibility, neighborhood responsibility, community welfare or other endeavors. It shall be permissible to serve food and meals on such premises provided adequate dining room space and kitchen facility are available and are provided within all regulations of this article and other applicable codes and ordinances.

*Processing:* Any operation changing the nature of material or materials such as chemical composition or physical qualities. Does not include operations described as fabrication.

*Professional office:* The office of a doctor, dentist, optometrist, psychologist, accountant, lawyer, architect, engineer or similar professional.

*Recent flood plain soils:* Recent flood plain soils include the following soil series as described and identified by the National Cooperative Soil Survey:

- |          |          |
|----------|----------|
| Alluvial | Medomak  |
| Charles  | Ondawa   |
| Cornish  | Podunk   |
| Fryeburg | Rumney   |
| Hadley   | Saco     |
| Limerick | Suncook  |
| Lovewell | Winooski |

*Recreation facilities:* Any establishment designed or equipped for the conduct of sports or indoor leisure-time recreational activities.

*Restaurant:* Any food service establishment, as defined by section 11-16 of this Code, with indoor seating capacity for ten (10) or more patrons.

*Retail:* Sale to the ultimate consumer for direct consumption and not for resale.

*Retail establishment:* Means (1) any food service establishment which is not a restaurant; or (2) any shop or store offering goods or merchandise to the general public, but does not include temporary freestanding stands in either case.

*Rooming unit:* A room or suite of rooms in a house, building or portion thereof rented as living and sleeping quarters, but without full kitchens or bathrooms. In a suite of rooms, each room which provides sleeping accommodations shall be counted as one (1) rooming unit for the purpose of this article. Each rooming unit in a lodging house shall have kitchen privileges unless all meals are provided on a daily basis. There shall be no more than two (2) persons residing in each rooming unit.

*Setback:* The required distance and the land resulting therefrom between a street line and the closest possible line of conforming structure.

*Sheltered care group home:* A facility which, in addition to providing food and shelter to a defined population, provides guidance or counseling services. Such services are a primary function of the facility.

# CITY OF PORTLAND, MAINE

## PLANNING BOARD

John H. Carroll, Chair  
Jaimey Caron, Vice Chair  
Kenneth M. Cole III  
Cyrus Y. Hagge  
Deborah Krichels  
Erin Rodriguez  
Mark Malone

August 17, 1999

Ms. Dale Schultzman  
c/o Thomas Jewell  
465 Congress St., Suite # 408  
Portland ME 04101

re: Conditional Use at 6 Eastern Promenade

Dear Ms. Schutzman:

On August 10, 1999, the Portland Planning Board voted 4-0 (Malone, Rodriguez, Cole absent) to approve the conditional use at 6 Eastern Promenade with the following conditions:

1. That the applicant incorporate The Isabelle Center as a nonprofit corporation with a board of directors, a non-voting class of members and a required annual fee for membership;
2. That all activities at the private club shall be sponsored by The Isabelle Center, that attendance at activities shall be limited to members and their bona fide guests, and that the applicant shall not rent out the club facilities at 6 Eastern Promenade for private functions;
3. That activities at The Isabelle Center shall be limited to use of the library, quiet study space, workshops and meeting sponsored by The Isabelle Center; that attendance at workshops and meeting shall be limited to 12 individuals plus a reasonable number of workshop leaders or staff; and that no more than one workshop or meeting shall be held at one time;
4. That meetings and workshops at The Isabelle Center held at 6 Eastern Promenade take place only in the designated library and meeting room, and in no other space;
5. That the conditional use shall terminate upon sale of the premises, abandonment of the use, dissolution or termination of The Isabelle Center non-profit corporation, or transformation of The Isabelle Center into a private club with a mission other than as stated in the applicant's submissions;
6. That the applicant produce a permit or a letter of non-applicability from the State Fire Marshall for the proposed use to be reviewed by City Fire;
7. That the applicant install the parking improvements as shown in the July 1, 1999, submittal;
8. That the applicant retain two active dwelling units in addition to The Isabelle Center at 6 Eastern Promenade.

5/29/99

Isabelle Guter

~~Applicant~~

Private club, one unit of BLDG, hold 12 participants  
Membership: @ a time  
24 hrs week

Workshop

Library - 9 am to 2 pm  
w/ no overlapping w/  
workshop

loss from 12

Membership: annual fee  
those holding workshop would be  
members

Participants would be nonfile guest.

ing def: Private Club - attending, fellowship.....

Parking: 6 spaces. (unit), w/ok st.

loss of residences: - downsized from 8 previously  
4 currently as stated

adequate pedestrian & traffic circulation



Isabelle cuts cost.  
Ken Cole ! Marge - get definitive dec. from Marge

Carol ! 8 or 4,  
answer as of 1983

8  
Reasonableness dictates ~~answers~~  
(alex)

Heger ! Parking - if meets zoning of  
~~App~~

Parking - Fight  
get more information for Harvey  
Resolve denotational requirements.

{ 137 . inst. use. Planning Board }  
474 . ZBA

get from Marge

Heger  
Who interprets?, PB & ZBA



**JEWELL & BOUTIN**  
**Attorneys at Law**  
465 Congress Street  
Suite 408  
Portland, ME 04101

Thomas F. Jewell  
Daniel W. Boutin

Telephone: (207) 774-6665  
Fax: (207) 774-1626

July 1, 1999

John Carroll, Chairman  
Portland Planning Board  
389 Congress Street  
Portland, ME 04101

Re: Conditional Use Appeal for The Isabelle Center  
6 Eastern Promenade, Portland

Dear Chairman Carroll and Members of the Board:

Since our last meeting, my client and I have had additional discussions with abutters and Bill Needleman of the Planning Office. Pursuant to those discussions, we have agreed to terms the Board may want to add to our appeal as conditions of approval.

Workshop attendance would be limited to 12 individuals in addition to workshop leaders. No more than one workshop would occur in an evening.

We are agreeable to the suggestion that the conditional use would terminate upon the sale of the premises, abandonment of the use or conversion to a private club other than The Isabelle Center.

The Isabelle Center's Articles of Incorporation (a copy of which was included in our submission to the Planning Board) are being filed with the Secretary of State. Membership is available only to those who pay annual dues to The Isabelle Center and support its activities. Members are responsible for their guests, and their membership can be revoked for inappropriate conduct.

We are submitting a more detailed plan of the property along with a more specific construction sketch from Gnome Landscapes. I understand there are two parking spaces as you enter the upper parking area on your left and three parking spaces on the right. The plan is to expand the lower parking area in order to accommodate three cars in that area.

John Carroll, Chairman  
Portland Planning Board  
July 1, 1999  
Page 2

On a previous occasion, Marge Schmuckal and I discussed at length the number of parking spaces, and she confirmed the need for eight parking spaces on premises. We would agree to have the conditional use approval contingent upon the proposed driveway extension in the lower parking area.

Yours truly,

A handwritten signature in cursive script, appearing to read "Thomas F. Jewell". The signature is written in black ink and is positioned above the typed name.

Thomas F. Jewell, Esq.

TFJ/lst  
cc: Dale Schutzman

**GNOME LANDSCAPES, DESIGN & MASONRY**

P.O. Box 66803  
FALMOUTH, MAINE 04105  
(207) 781-2955  
FAX (207) 781-5705

JOB Dale Schutzman

SHEET NO \_\_\_\_\_

OF \_\_\_\_\_

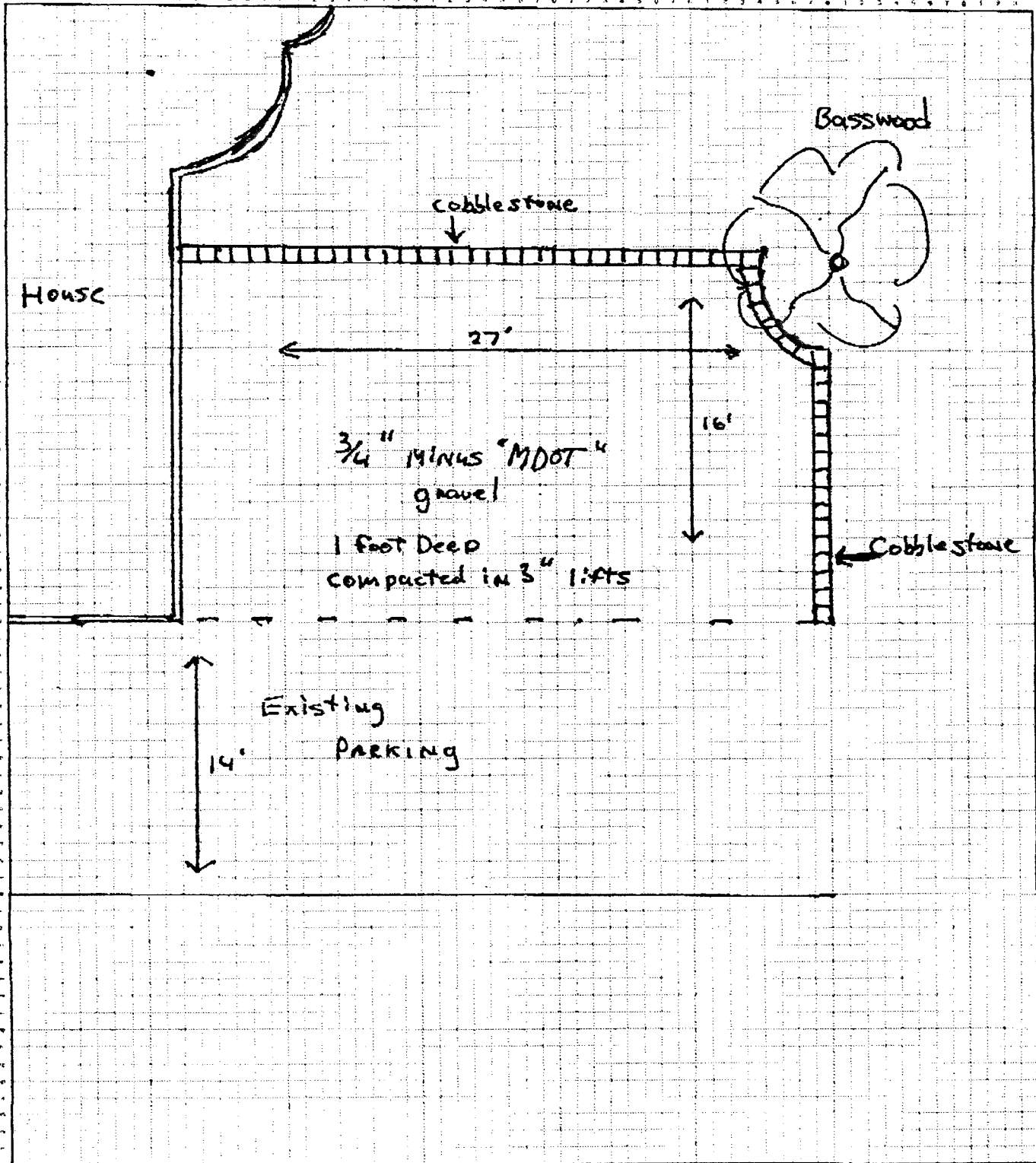
CALCULATED BY Rick Campbell

DATE 6/28/99

CHECKED BY \_\_\_\_\_

DATE \_\_\_\_\_

SCALE NONE



**JEWELL & BOUTIN**  
**Attorneys at Law**  
465 Congress Street  
Suite 408  
Portland, ME 04101

Thomas F. Jewell  
Daniel W. Boutin

Telephone: (207) 774-6665  
Fax: (207) 774-1626

July 1, 1999

John Carroll, Chairman  
Portland Planning Board  
389 Congress Street  
Portland, ME 04101

Re: Conditional Use Appeal for The Isabelle Center  
6 Eastern Promenade, Portland

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Workshop attendance <sup>will</sup> would be limited to 12 individuals in addition to workshop leaders. No more than one workshop <sup>shall</sup> would occur in an evening.

<sup>shall</sup> We are agreeable to the suggestion that the conditional use <sup>shall</sup> would terminate upon the sale of the premises, abandonment of the use or conversion to a private club other than The Isabelle Center.

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John Carroll, Chairman  
Portland Planning Board  
July 1, 1999  
Page 2

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Thomas F. Jewell, Esq.

TFJ/lst  
cc: Dale Schutzman

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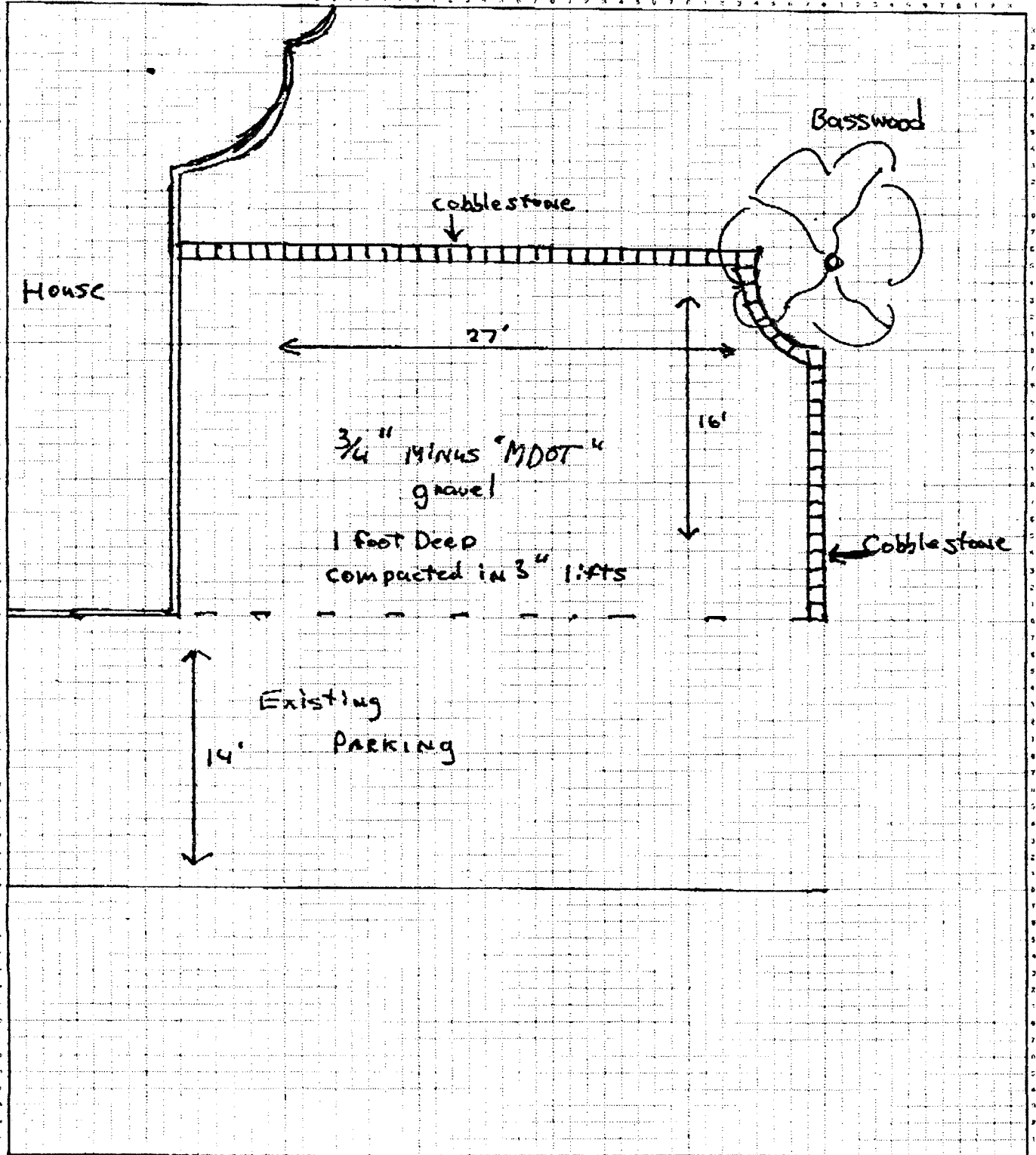
CALCULATED BY Rick Campbell

DATE 6/28/99

CHECKED BY \_\_\_\_\_

DATE \_\_\_\_\_

SCALE None



Minutes: Planning Board Meeting  
8/10/99

During the final public hearing of the Planning Board on 8/10/99, the tape machine malfunctioned. As a result minutes were taken and are set forth below.

Hearing: The Isabelle Center, 6 Eastern Promenade

Barbara Vestal: Recommends the PB "beef up" the conditions of approval of this conditional use so that what is being proposed is also being memorialized and over time the use and operation of the facility will not change or evolve. A private club could evolve into a greater use than is now envisioned. What is being proposed is a group of 12 attendees at a seminar, yet when called in response to an advertisement, was told that 20 couples would be allowed to attend. Her letter, dated 8/10/99, sets forth her recommendations (through 5) for conditions. These would replace staff recommendations 1 and 2.

Annie Poole: Not a resident of Portland but is involved in the Center. Is here to support Dale and the development of the Center. Dale's philosophy is to be amenable to the neighbors and she intends to maintain the integrity of the neighborhood.

Public Hearing Closes

John Carroll: Please describe what activities are conducted at the center?

Dale; Personal development workshops; community and civic opportunities in terms of people living better lives. For example the Center is involved in Women Entrepreneurs. They meet and discuss ideas. It is a small group setting and only 1 group at a time holds a seminar. To deal with overflow from the Center and the reason Barbara was told 20 couples could attend an October workshop is because the Center is trying to work out an arrangement with St. Laurence Church to handle overflow. Wants to historically preserve the building. Lives in the building and has criteria for membership.

Cyrus Hagge: the definition of private club in 14-47 is vague. Although you have filed for a nonprofit status cannot distinguish this from a BJ's club, which is a private club which allows the public to shop and then become members versus becoming a member and then participating in the Club. Please explain: can membership be acquired as part of the attendance at a workshop? I need to be convinced that you are a private club and not trying to circumvent the zoning ordinance.

Tom Jewell, Esq: As part of signing up for the workshop you become a member of the Club. You are placed on the mailing list and can use the library.

Dale: Referenced the Center's promotional handout. A member can use private space during designated times.

Jaimey Acron: Who are the members: The facilitators or the attendees?

Dale: Membership is for facilitators and guests are the attendees.

John Carroll: How does this compare to the Cumberland Club? Can they use the facility as a member of the club?

Joe Gray: Difference is you are invited to become a member. Here membership is included in the course fee.

Dale: Agrees with Joe's statement.

Tom Jewell, Esq.: we agree to the conditions stated in Barbara Vestal's letter. We will not be renting this space out for private functions.

Deb Kritchel: Like Cyrus Hagge, I am struggling. Are there criteria for members?

Dale: When you become a member and want to hold a workshop, you need to meet criteria: is the workshop safe and empowering? And is it beneficial to the community?

Cyrus Hagge: Can I join the club?

Dale: Yes.

Cyrus Hagge: If someone meets the criteria to facilitate, are they members or guests? The Ordinance language is vague. It would be hard to say you cannot meet the definition.

Tom Jewell: Attendees of the seminar become members.

Deb Kritchel: You have submitted nonprofit papers. Have they been submitted to the State?

Tom: They were sent in but the Secretary of State returned them since there is already a corporation with a similar name. We will be terminating the existing LLC under the same name and then resubmit the papers to apply to this entity, thereby creating a nonprofit.

Deb Kritchel: Still don't understand the difference between the Danforth House as a host for workshops and this facility.

Dale: I envision this facility to center around personal growth, empowerment, positive information, and creating a better life for oneself.

John Carroll: This is a conditional use is permitted in this zone?

Penny: It is a permitted use in the zone.



John Carroll: Not in favor if the use displaces a residential use.

Cyrus Hagge: Discussed his opinion of what constitutes displacement. The impact here is miniscule.

Jaimey Caron: How many residences now in the building and can more of the building be converted?

Bill: Two and yes.

Jaimey Caron: Wants the residential use maintained.

Tom Jewell: Loss of unit only temporary.

Cyrus Hagge: Motion made using the Vestal conditions 1-5 as a substitute for the staff conditions 1-2 contained in the staff report. Motion includes staff conditions 3 and 4. Additional condition is that owner maintain 2 active residential dwelling units in the structure.

Carroll: Offered amendment requiring owner to live in the building.

Deb Kritchel: Seconded. 1-3 Fails.

Caron: Seconded main motion by Hagge.

Vote: Unanimous

**PLANNING BOARD REPORT #36-99**

**ISABELLE CENTER  
6 EASTERN PROMENADE  
CONDITIONAL USE APPEAL, PRIVATE CLUB IN THE R-6 ZONE  
DALE SCHUTZMAN, APPLICANT**

Submitted to:

Portland Planning Board  
Portland, Maine

August 10, 1999

**I. INTRODUCTION**

The applicant, Dale Schutzman, has applied for conditional use of her property at 6 Eastern Promenade as a private club under Section 14-137 (2) e. The property is zoned R-6.

Occupying the block between Atlantic and Munjoy Streets on the Eastern Promenade, the subject structure is currently a multi-unit residence. The Isabelle Center brochure states the organization's purpose is to provide workshops, meeting space, and information for personal growth. The applicant had begun using a portion of the building of the proposed use before being informed of the need for City approval. Parking improvements are proposed to conform with zoning needs.

**Issues of concern are:**

**Use:**

The applicant proposes that the center is a private club, as is permitted as a conditional use in the R-6 Zone. City Zoning staff has determined that while the public will be invited to participate in functions at the facility, the Isabelle Center may satisfy the minimum requirements of a private club as described in 14-47. Zoning Officer, Marge Schmuckal has produced a memo stating that it is the role of the Planning Board to determine if the proposed use fits the conditions and requirements under the Conditional Use Code. See Memo, Attachment #11 and Conditional Use Standards, Attachment # 8.

Membership is a major criteria under the definition of a Private Club under the City Code 14-47. See Attachment #13. The Applicant has indicated that membership dues will be collected and that members will "support its activities." No other membership criteria have been provided.

**Other issues of concern are:**

**Fire Safety:**

Fire Officer Gaylen MacDougle requests that the applicant receive approval from the State Fire Marshall's Office for this use.

**Parking:**

An updated site sketch and parking expansion sketch show parking for eight spaces which have been reviewed and are acceptable to City Traffic Engineer, Larry Ash. See Attachment #9. City Zoning has determined that eight spaces satisfies the zoning requirements for the club and the residences in the building. See Attachment # 10.

Neighbors and Planning staff have had concerns that large meetings at the site would overburden the on-street parking in the area. The applicant has offered to limit the number of attendants to twelve per evening plus staff for workshops. See updated written statement, Attachment #2.4, and Potential Condition of Approval #1.

None of the applicant's submittal indicate the size or frequency of functions at the Center which may not be workshops, but would be allowable under the conditional use for private clubs (banquets, weddings, private parties.) The Board may want to consider an additional condition of approval limiting the size and or hours of operation for non- workshop functions at the Center.

## II. FINDINGS

Zoning: R-6  
Land Area: +/- 0.21 acres  
Number of Parking Spaces: 8 spaces after improvements

## III. STAFF REVIEW

The proposal has been reviewed for compliance with the R-6 Zone, and Conditional Use Standards of the Land Use Code. The plan has been reviewed by the Inspections, Traffic, Fire, Public Works, and Planning Department.

## IV. CONDITIONAL USE REVIEW

### 1. R-6: 14-137(2)

#### i. Expansion beyond existing lots

Not applicable

#### ii. Significant displacement of residences

In the current condition, one rental unit has been displaced by the Isabelle center. Ms. Schutzman has occupied what had been two units under previous ownership for her personal use, but this displacement is not part of the proposed conditional use for the private club.

#### iii. Cumulative minimum lot sizes for combination of uses

The subject parcel satisfies the minimum lot size for residential use and there is no minimum for use as a private club in the R-6 zone; therefore, this standard is not applicable.

### 2. The following standards apply for all conditional uses: Section 14-474(2)

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

There are no known unique or distinctive characteristics associated with the proposed use.

- ii. There will be an adverse impact upon the health, safety, or welfare of the public or the surrounding area; and

It does not appear that there will be any adverse impacts with the proposed project.

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

The impacts of this proposed use are similar to those normally expected from such a use in this zone. The major areas of concern involve parking on the neighborhood streets, which can be largely addressed by limiting the number of participants in the evening workshops. The building which houses this facility could comfortably and legally accommodate several more rental units, which could have similar parking impacts.

## **VI. MOTIONS FOR THE BOARD TO CONSIDER**

On the basis of plans and materials submitted by the applicant and on the basis of information provided in Planning Board Report #36-99 relevant to standards for conditional use review, the Board finds:

- i. That the plan is/is not in conformance with the Conditional Use Standards for Residential R-6 Zone and Section 14-474 of the Land Use Code.

Potential Conditions of Approval:

1. That workshop attendance at the proposed private club must be limited to 12 individuals in addition to staff, and no more than one workshop shall occur in an evening.
2. That the conditional use as a private club shall terminate upon the sale of the premises, abandonment of the use, or conversion to a private club other than the Isabelle Center.
3. That the applicant produce a permit or a letter of non-applicability from the State Fire Marshall for the proposed use to be reviewed by City Fire.
4. That the applicant install the parking improvements as shown in the July 1, 1999 submittal.

Attachments:

1. Conditional Use Appeal Application
2. Applicant's Written Statement with July 1, 1999 update
3. Floor Plan
4. Mortgage Loan Inspection Survey
5. Brochure
6. Letters of Support
7. Nonprofit Articles of Incorporation
8. Conditional Uses Standards, R-6 and Section 14-474.
9. Updated site sketch with parking improvements
10. Parking Memo
11. Memo stating Planning Board's role in determining the status as a private club
12. Board of Appeals Decision Form

AH. #1

CITY OF PORTLAND, MAINE  
BOARD OF APPEALS



CONDITIONAL USE APPEAL APPLICATION

Applicant's name and address: Dale Schutzman

c/o Thomas Jewell, Suite 408, 465 Congress St., Portland

Applicant's interest in property (e.g., owner, purchaser, etc.):  
owner

Owner's name and address (if different): \_\_\_\_\_

6 Eastern Promenade, Portland

Address of property and Assessor's chart, block and lot number:

16-C-23

Zone: R-6

Present use: residential - 3 unit

Type of conditional use proposed: private club - portion of 1st floor

Conditional use authorized by: Section 14-137(2)e

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

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

Date: 3/23/99

Thomas Jewell  
signature of Applicant

JEWELL & BOUTIN  
Attorneys at Law  
465 Congress Street  
Suite 408  
Portland, ME 04101

Att. # 2.1

Thomas F. Jewell  
Daniel W. Boutin

Telephone: (207) 774-6665  
Fax: (207) 774-1626

March 23, 1999

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

Re: Conditional Use Appeal for The Isabelle Center  
6 Eastern Promenade, Portland

Dear Marge:

Please accept our application for a conditional use as a "private club" for Dale Schutzman, also known as Dale Wenglowski, owner of the above property.

Dale is the owner of a restored historic building which she recently purchased. Part of her plans for this property when she purchased it was to make it available to the public and develop it as a center where workshops could be held. In fact, she began to use the property for this purpose before she realized she needed to obtain a conditional use permit for this undertaking.

When Dale purchased the property last year, it was a 4-unit building. She decided to convert two of those units to one for her own purposes, leaving two units available for rental. One of those units will remain a rental property, and the other would become The Isabelle Center. We submit that the loss of this one unit will not result in the "significant displacement or conversion of a residential use as existing as of June 1, 1983" pursuant to Section 14-137(2).

Dale plans to incorporate The Isabelle Center. I enclose copies of the articles for a non-profit corporation evidencing a membership-based entity. We also enclose a copy of the proposed membership brochure, which describes some of the history of the property and the purposes of the private club. Also, in this regard, we are enclosing a list of workshops conducted at the property last month.

We submit that the organization and purposes of this activity fall within the definition of a private club as set forth in the Portland Land Use Ordinance, Section 14-47.



Att. #2.2

Under Section 14-137(2)(e), a private club is allowed as a conditional use in the R-6 zone with approval from the Planning Board.

When I discussed this matter with Alex Jaegerman, he raised a concern with whether the provisions under 14-139(1)(g) might apply, which require a 10,000 square foot lot size for a "fraternal organization." You indicated that you considered private clubs and fraternal organizations two distinctly different entities and that 14-139(1)(g) applied only, by its plain terms, to fraternal organizations.

When we discussed parking, it appeared that the applicable standard for most of this use would be pursuant to 14-332(7), which requires one parking space for every 100 square feet, or major fraction thereof, of "assemblage space."

The Isabelle Center's proposed use has two places of assemblage. There is a 15' x 15' library and a 16' x 20' meeting room which, collectively, total 545 square feet, and translate to five parking spaces. In addition, Ms. Shutzman plans to have an office on the premises of 180 square feet, which would require one parking space pursuant to 14-332(10). There are two residential tenancies that are in the building in addition to The Isabelle Center that I understand from our earlier discussion would require one space each. Thus, a total of eight spaces is dictated pursuant to the Ordinance. There are eight parking spaces on-site.

The application of the conditional use criteria under 14-474 is the final issue to address. First, we would submit there are no "unique or distinctive characteristics or effects" associated with the proposed use. This will be a small scale private club. Most of the traffic will come from the well-travelled Eastern Promenade and very little from the residential streets adjoining the property. In addition to on-site parking, there is a substantial amount of on-street parking available in this area.

We have already received a letter from one neighbor indicating that there has been no discernable change in traffic from past use of The Isabelle Center.

Similarly, we do not expect any "adverse impact upon the health, safety or welfare of the public or the surrounding area." We anticipate that the activities of The Isabelle Center will be difficult to notice by its neighbors.

Finally, if there is any impact, it would not differ substantially from the impact that would normally be associated with an activity of this sort. In fact, we would submit that there would be less impact here because of the proximity of the property to the major thoroughfare of the Eastern Promenade which

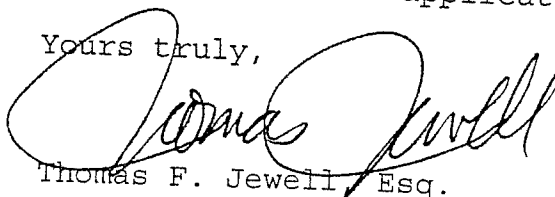
will carry most of the traffic.

Along with our application, we are submitting some preliminary letters of support of this endeavor.

In conclusion, we submit that the applicant meets all of the specific requirements of the conditional use pursuant to 14-137(2)(e), the parking requirements under 14-332, and the conditional use criteria of 14-474.

We look forward to your review of this application.

Yours truly,

A handwritten signature in cursive script, appearing to read "Thomas F. Jewell".

Thomas F. Jewell, Esq.

TFJ/1st  
enclosures  
cc: Dale Schutzman

JEWELL & BOUTIN  
Attorneys at Law  
465 Congress Street  
Suite 408  
Portland, ME 04101

Att. # 2.4

Thomas F. Jewell  
Daniel W. Boutin

Telephone: (207) 774-6665  
Fax: (207) 774-1626

July 1, 1999

John Carroll, Chairman  
Portland Planning Board  
389 Congress Street  
Portland, ME 04101

Re: Conditional Use Appeal for The Isabelle Center  
6 Eastern Promenade, Portland

Dear Chairman Carroll and Members of the Board:

Since our last meeting, my client and I have had additional discussions with abutters and Bill Needleman of the Planning Office. Pursuant to those discussions, we have agreed to terms the Board may want to add to our appeal as conditions of approval.

Workshop attendance would be limited to 12 individuals in addition to workshop leaders. No more than one workshop would occur in an evening.

We are agreeable to the suggestion that the conditional use would terminate upon the sale of the premises, abandonment of the use or conversion to a private club other than The Isabelle Center.

The Isabelle Center's Articles of Incorporation (a copy of which was included in our submission to the Planning Board) are being filed with the Secretary of State. Membership is available only to those who pay annual dues to The Isabelle Center and support its activities. Members are responsible for their guests, and their membership can be revoked for inappropriate conduct.


We are submitting a more detailed plan of the property along with a more specific construction sketch from Gnome Landscapes. I understand there are two parking spaces as you enter the upper parking area on your left and three parking spaces on the right. The plan is to expand the lower parking area in order to accommodate three cars in that area.

John Carroll, Chairman  
Portland Planning Board  
July 1, 1999  
Page 2

Att. #2.5

On a previous occasion, Marge Schmuckal and I discussed at length the number of parking spaces, and she confirmed the need for eight parking spaces on premises. We would agree to have the conditional use approval contingent upon the proposed driveway extension in the lower parking area.

Yours truly,

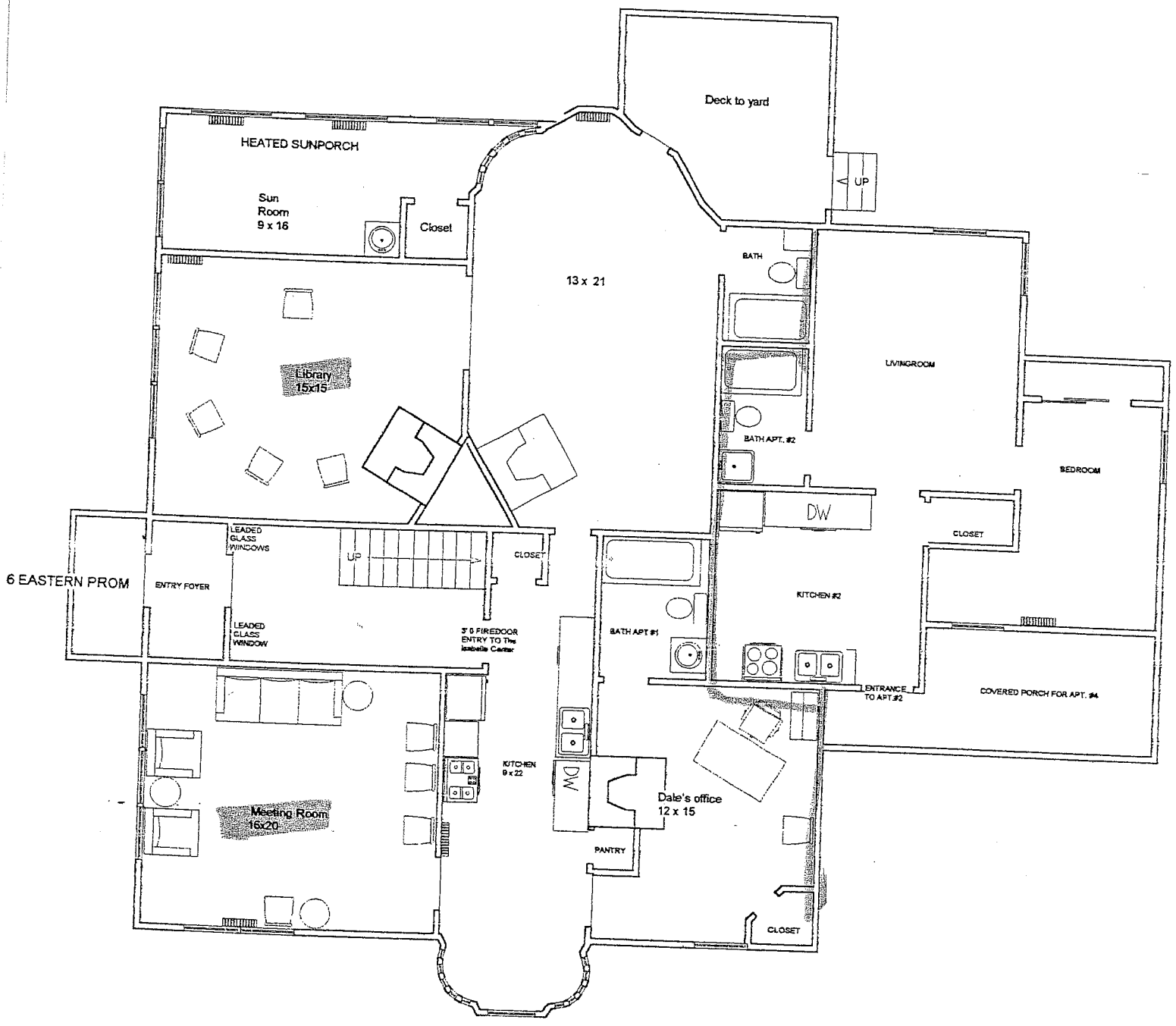


Thomas F. Jewell, Esq.

TFJ/1st

cc: Dale Schutzman

Att. #3



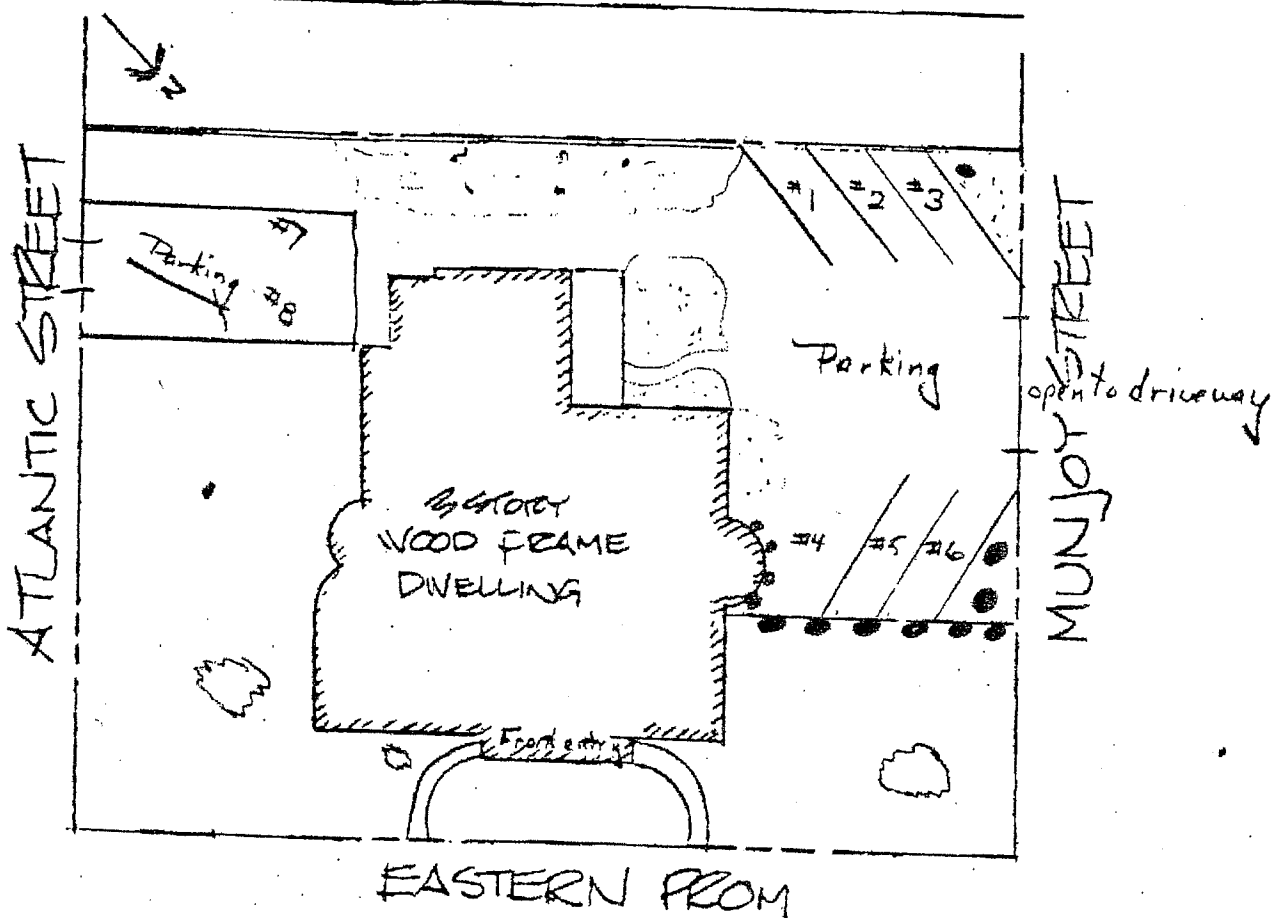
AH. # 4

Land Use Consultants, Inc.  
Land Planners • Engineers • Surveyors  
966 Riverside Street  
Portland, Me 04103  
207-878-3313 Fax: 207-878-0201

MORTGAGE LOAN INSPECTION

Re: 6 Eastern Prom, Portland, Maine  
Date Of Inspection: May 16, 1996  
Client: Jewell and Bontin  
Lender: Unknown

#2187



PLAN

Record Owner: Evanton L. Marston Trust

Deed Book/Page: 11081/90

Registry: Cumberland County Maine

Plan Book/Page:

To the Lending Institution and its Title Insurer, exclusively:

I hereby state that an onsite inspection of this property was made. The municipal ordinance relative to zoning setbacks from boundary lines was examined, (exclusive of state and federal environmental regulations), and the community FEMA maps were reviewed. It is my professional opinion based on that inspection and on the information made available to me that the dwelling on this property:

- 1. Conforms with municipal registered zoning setbacks: **NO**
- 2. Precedes existing zoning ordinance: **YES**
- 3. Requires lot coverage and/or yard setbacks: **YES**
- 4. May be affected by a special flood hazard zone: **NO**

*[Handwritten Signature]*  
 Maine Professional Land Surveyor  
 Land Use Consultants, Inc.

This instrument is a mortgage loan inspection prepared in accordance with Rule 12, Section 12.12 of the Rules and Regulations of the Maine State Board of Licensure for Professional Land Surveyors. This is not a boundary survey.

## OUR MISSION

The Isabelle Center is a non-profit membership organization affording members access to fellowship, community, small workshop space and information for personal growth.

The Center is a safe, supportive environment that empowers its members and promotes community and civic opportunities. Those participating in membership at the Isabelle Center need to reflect the values and interests of the Center, the community and the other members.

## PRIVILEGES OF MEMBERSHIP

§ Access to lending library of books and periodicals and quiet study space. By appointment, 9:00-2:00, Monday through Friday.

§ Meeting room privileges for workshops limited to 12 participants

§ Database of information on community events and educational opportunities

§ Audio/video cassettes for loan

§ Opportunity to network with members and their guests

§ Website space for community networking and marketing individual services



For additional information about the Center, to tour the facility and to discuss becoming a member, please call us at 773-7851 or fill out the form below and we will put you on our mailing list.

Name \_\_\_\_\_

Address \_\_\_\_\_

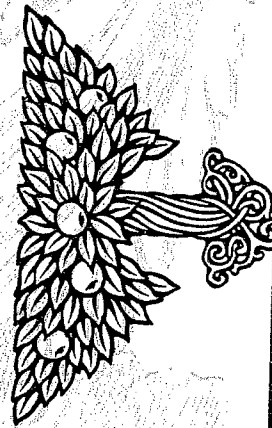
Phone Numbers:

(home) \_\_\_\_\_

(work) \_\_\_\_\_

(fax) \_\_\_\_\_

E-mail: \_\_\_\_\_



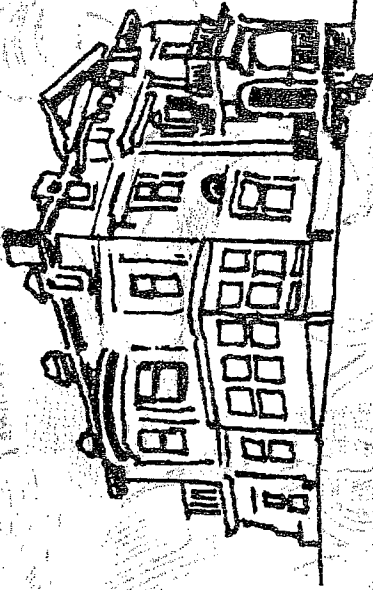
## The History of 6 Eastern Prom

The Isabelle Center is located at 6 Eastern Promenade in the Historic neighborhood of Munjoy Hill.

The Center occupies a portion of the bottom floor of a superbly-renovated Italianate-Style Residence. The house was built around 1860 by Capt. J. Berry, a sea captain. He sold it to H.P. Dewey, a successful financier. Upon his death, his widow, Sophrania Dewey, sold the house to Ernest Randall, a local fuel oil merchant and owner of McAllister & Randall. In 1901, with the help of Austin Pease, a locally renowned architect, 6 Eastern Promenade was dramatically renovated into one of Munjoy Hill's most elegant residences.

In 1996, Crandall Toothaker purchased the residence which was in a state of neglect. After a year and a half of loving restoration, 6 Eastern Prom was once again restored to its original beauty and distinction.

The Isabelle Center Board and members are committed to keeping the historical integrity and well-being of this property intact.



*The Isabelle Center*

*6 Eastern Promenade  
Portland, ME 04101  
773-7851*

The Isabelle Center  
6 Promenade East  
Portland, ME 04101



# EXPLORING, LEARNING, GROWING THIS FEBRUARY

## DREAM GROUP

In this session we will explore in depth the dreamlife. Symbol, metaphor, free association and other sharing of ideas makes this a dynamic group experience. Facilitated by Jeanne Fiorini. Fee, \$120. Six consecutive Wednesday evenings from 7-9:15 p.m. beginning February 10. To register, call Jeanne at 799-8648.

## INNER WISDOM

A spirit-centered circle designed to deepen the relationship with inner guidance and spiritual awareness. Facilitated by Cali Williamson. Offered February 3 and the first Wednesday of each month, from 7-9 p.m. Fee for each session is \$10. To register, call Cali at 671-9717. All are welcome.

## MONEY EMPOWERMENT FOR WOMEN

Learn to apply new empowerment techniques to your own money issues in this workshop facilitated by Lu Bauer, CPA, founder of The Balancing Act. Friday, February 12, from 5-9 p.m. Fee is \$45. To register, call Lu at 892-6652.

## BUILDING SANCTUARY

Using guided meditation, journaling and movement, we will inspire creation of a spiritually significant object for your home or office. Basic materials are included in the workshop fee, but do bring photos and other objects representative of your personal faith orientation. Co-led by Cali Williamson and Dale Wenglowski. Offered Saturday, February 27 from 10 a.m. to 4 p.m. Fee is \$75. To register, call Cali Williamson at 671-9717.

## TENDING THE BODY, MINDING THE SOUL

In this workshop, you will learn how to lovingly care for your body and thereby mend the soul through storytelling, guided imagery and group discussion. Facilitated by Joyce Sarat White, MA, LPC, founder of Weighty Issues. Offered Thursday, February 25, from 6 to 9 p.m. Fee is \$40. To register, call Joyce at 846-9053.

## TAROT PLAY NIGHT

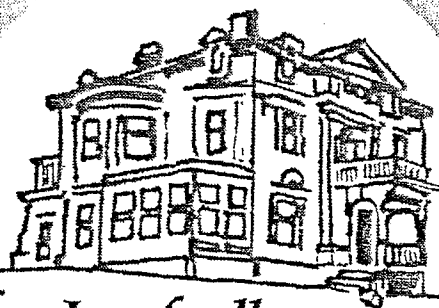
An opportunity for those already acquainted with Tarot to learn new techniques, share experiences, and play. Facilitated by Jeanne Fiorini. Offered February 11 and the second Thursday of each month, from 6:30-9 p.m. Fee for each session is \$20. To register, call Jeanne at 799-8648.

## TAROT CIRCLE

Open-forum reading in a safe, relaxing atmosphere. No experience is necessary and anyone seeking guidance or clarity is welcome! Facilitated by Jeanne Fiorini. Offered February 18 and the third Thursday of each month, from 6:30-9 p.m. Fee for each session is \$20. To register, call Jeanne at 799-8648.

## COMBING THE MIRROR

The Reverend Kevin Ross Emery, transchanneler, spiritual counselor, teacher, and author of *Combing the Mirror*, and the Reverend Tommy Hensel invite you to a free, informal and informative gathering with conversation and light refreshment from 4-6 p.m. A channeling session follows at 7 p.m., the fee is \$30. Offered Saturday, February 13. To register, call The Isabelle Center at 773-7851. Personal coaching sessions offered by the Reverends Emery and Hensel through the month of February.



## The Isabelle Center

Innovative Workshop and Meeting Space

SIX EASTERN PROMENADE

PORTLAND, MAINE 04101

773-7851

Call for more information  
and other workshops

Att. #6.1

JUDITH SOUTHWORTH  
1 FORE STREET  
PORTLAND, ME 04101

City Planning  
Portland, Maine

Date: March 12, 1999

Re: The Isabelle Center  
Six Eastern Promenade  
Portland, ME 04101

To whom it may concern:

I live next door to The Isabelle Center. The center, and its owner, Dale Wenglowski, are a distinct asset to our neighborhood.

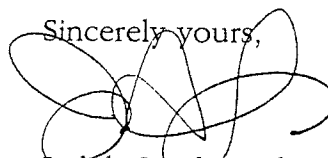
First, the house was recently entirely renovated. What had been a rather run-down building has become an elegant edifice that adds grace and nobility to the Promenade. It is easily the most notable and beautiful building in the area, reminiscent of the past glory reflected in the other stately homes, somewhat worn down by time, that line the Promenade. I have heard passersby remark on the building and other people around town have asked me if I was familiar with this notable transformation.

As regards any concerns about noise or traffic, I want to report that I have never heard any noise at all coming from the center, nor have I noticed any additional traffic on Fore Street or the Eastern Promenade. There continues to be ample street parking in the area, and the neighborhood is very peaceful.

Dale is a gracious and considerate neighbor. I have met her on several occasions and have been struck by her intelligence and lovely manners. I have attended a couple of early evening programs hosted by The Isabelle Center and they were quiet events attended by a handful of beautifully behaved persons.

I feel that my home neighborhood is significantly enhanced by the presence of Dale Wenglowski, and by the community building programming of The Isabelle Center.

Sincerely yours,



Judith Southworth

AH #6.2

**CYNTHIA S. McMULLIN**  
Nineteen Commercial Street  
Portland, ME 04101  
(207) 775-1526  
FAX: 775-5728

March 17, 1999



The City of Portland  
City Hall  
Portland, ME 04101

RE: The Isabelle Center

To Whom It May Concern:

My apartment is a close neighbor to the Isabelle Center. I have lived at 21A Eastern Promenade across the street for 3 years. I have not seen any increase in traffic or parking needs in that time. Even when the Center had its Open House, it was quiet and there was no trouble with parking.

The Isabelle Center is a marvelous addition to the street, neighborhood, and to all of Portland. I am sad that anyone would think otherwise.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Cynthia S. McMullin', written in a cursive style.

Cynthia S. McMullin



Att. #63

**MAINE WOMEN'S FUND**

**BOARD OF DIRECTORS**

- BARBARA A. LEONARD, PRESIDENT
- MARTHA BREUNIG, V. PRESIDENT
- JANET N. O'TOOLE, TREASURER
- AMY K. TCHAO, SECRETARY
- BARBARA SIROIS BABKIRK
- VIVIAN J. BRIDGES
- BRENDA S. COOK
- GERALDINE T. DORSEY
- SUSAN GREENWOOD
- JUDY GUAY
- KAREN A. HARRIS
- CAROL I. KULBERG
- MARY E. MCCANN
- GAEL MAY MCKIBBEN
- CYNTHIA S. MCMULLIN
- LESLIE P. MERRILL
- LOUISE H. MURPHY
- CAROLYN B. MURRAY
- PATRICIA A. PEARD
- KATHERINE PELLETREAU
- LOIS GALGAY RECKITT
- JANE SEARLES
- S. REBECCA STRAUSS
- JOAN W. WELSH

March 16, 1999

To Whom it May Concern:

Please accept this letter of support for The Isabelle Center's important role as a convener of small groups of citizens concerned with enhancing opportunities for women in Portland. The Center provides a focal point for women seeking to build their personal sense of worth and well-being.

Working one-on-one or in small, essential groups, women go to The Isabelle Center to discuss topics as wide-ranging as spiritual growth to starting and building a small business. The value of this kind of connecting place is immeasurable to the health and benefit of the women who gather there, as well as the City of Portland.

We are thankful for The Isabelle Center's presence in our community.

Sincerely,

Karin Anderson  
Executive Director

**ADVISORY COUNCIL**

- BRENDA S. COOK, CO-CHAIR
- ELLEN V.P. WELLS, CO-CHAIR
- JOANNE D'ARCANGELO
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- RICHARD L. PATTENAUDE
- WILLIAM J. RYAN
- JOAN BENOIT SAMUELSON
- DONNA K. THORNTON
- CAROL WISHCAMPER

**EXECUTIVE DIRECTOR**

KARIN ANDERSON



Att. # 6.4

*Cali Williamson, LCPC*  
*283 Main Street*  
*Cumberland Ctr., Maine 04021*  
*207/671-9717*

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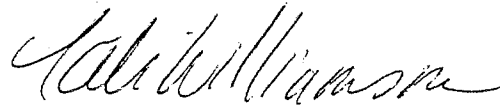
March 17, 1999

To Whom it May Concern:

I am writing as a member of the Isabelle Center to document my appreciation for this wonderful facility. As a Licensed Clinical Professional Counselor, I frequently offer small workshops on topics related to personal and professional growth. I enjoy the beauty, convenience and very reasonable cost to me associated with conducting workshops in this space. In fact the existence of the Isabelle Center actually makes such workshops feasible for me as an instructor.

It is a wonderful place for people to meet in a relaxed atmosphere conducive to gaining perspective on important issues in one's life and work.

Very Sincerely,



Cali Williamson

Att. 7 / 1

For Use By The Secretary of State

File No. ....

Fee Paid .....

C. B. ....

Date . . . . .

NONPROFIT CORPORATION

STATE OF MAINE

ARTICLES OF INCORPORATION

(CHECK ONLY IF APPLICABLE)

This is a Domestic Condominium Corporation.

For Use By The Secretary of State  
**FILED**

\_\_\_\_\_ 19\_\_\_\_

Deputy Secretary of State

A True Copy When Attested  
By Signature

\_\_\_\_\_

Deputy Secretary of State

Pursuant to 13-B MRSA §403, the undersigned, acting as incorporator(s) of a corporation, adopt(s) the following Articles of Incorporation:

FIRST: The name of the corporation is The Isabelle Center

SECOND: The corporation is organized for all purposes permitted under Title 13-B, MRSA, or, if not for all such purposes, then for the following purpose or purposes:

THIRD: The name of its Registered Agent and address of registered office (the registered agent must be a Maine resident, whose business office is identical with the registered office; or a corporation, domestic or foreign, profit or nonprofit, having an office identical with such registered office.)

Thomas F. Jewell  
(name)

Jewell & Boutin, 465 Congress Street, Suite 408, Portland, ME  
(street address (not P.O. Box), city, state and zip code)

\_\_\_\_\_ (mailing address if different from above)

FOURTH: The number of directors (not less than 3) constituting the initial board of directors of the corporation, if they have been designated or elected, is three

The minimum number of directors (not less than 3) shall be three and the maximum number of directors shall be none

FIFTH: Members:  There shall be no members.

Members: ("X" one box only)  There shall be one or more classes of members, and the information required by §402 is as follows:  
One class of nonvoting members; annual fee required for membership; membership privileges include access to library and workshops at 6 Eastern Promenade, Portland.

SIXTH:  (Check if this article is to apply)

No substantial part of the activities of the Corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the Corporation shall not participate in or intervene in (including the publication or distribution of statements) any political campaign on behalf of any candidate for public office.

SEVENTH:  (Check if this article is to apply. Then fill in reference number of Section 501(c)( ? ) in first paragraph below.)

Upon the dissolution of the Corporation or the termination of its activities, the assets of the Corporation remaining after the payment of all its liabilities shall be distributed exclusively to one or more organizations organized and operated exclusively for such purposes as shall then qualify as an exempt organization or organizations under Section 501(c)( ) of the Internal Revenue Code of 1986, as amended, and as a charitable, religious, eleemosynary, benevolent or educational corporation within the meaning of Title 13B. of the Maine Revised Statutes as amended.

No part of the net earnings of the Corporation shall inure to the benefit of any member, director, or officer of the Corporation, or any private individual (except that reasonable compensation may be paid for services rendered to or for the Corporation in carrying out one or more of its purposes), and no member, director, or officer of the Corporation, or any private individual, shall be entitled to share in the distribution of any of the corporate assets on dissolution of the Corporation.

EIGHTH: Other provisions of these articles, if any, including provisions for the regulation of the internal affairs of the corporation, and distribution of assets on dissolution or final liquidation:

Dated: \_\_\_\_\_

INCORPORATORS

ADDRESSES

Dale Shutzman  
(signature)  
Dale Shutzman  
(type or print name)

Karen Barnett  
(signature)  
Karen Barnett  
(type or print name)

Annie Houle  
(signature)  
Annie Houle  
(type or print name)

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(type or print name)

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(type or print name)

Street 6 Eastern Promenade  
\_\_\_\_\_  
Portland, ME 04101  
(city, state and zip code)

Street 261 Vaughan Street  
\_\_\_\_\_  
Portland, ME 04102  
(city, state and zip code)

Street 23 Oakland Avenue  
\_\_\_\_\_  
Yarmouth, ME 04096  
(city, state and zip code)

Street \_\_\_\_\_  
\_\_\_\_\_  
(city, state and zip code)

Street \_\_\_\_\_  
\_\_\_\_\_  
(city, state and zip code)



- c. Conversion of a structure existing on March 3, 1997, into a bed and breakfast with five (5) to nine (9) guest rooms.
- (2) *Institutional*: Any of the following conditional uses provided that, notwithstanding section 14-474(a) (conditional uses) of this article or any other provision of this Code, the planning board shall be substituted for the board of appeals as the reviewing authority:
- a. Elementary, middle, and secondary school;
  - b.
    - i. Long-term and extended care facilities;
    - ii. Intermediate care facility for thirteen (13) or more persons;
  - c. Intermediate care facility;
  - d. Church or other place of worship;
  - e. Private club or fraternal organization;
  - f. Reserved;
  - g. Hospital;
  - h. College, university, trade school.

Such uses shall be subject to the following conditions and standards in addition to the provisions of section 14-474:

- i. In the case of expansion onto land of existing such uses other than the lot on which the principal use is located, it shall be demonstrated that the proposed use cannot reasonably be accommodated on the existing site through more efficient utilization of land or buildings, and will not cause significant physical encroachment into established residential areas; and
- ii. The proposed use will not cause significant displacement or conversion of residential uses existing as of June 1, 1983, or thereafter; and
- iii. In the case of a use or use expansion which constitutes a combination of the above-listed uses with capacity for concurrent operations, the applicable minimum lot sizes shall be cumulative.

(3) *Other*:

- a. Utility substations, such as water and sewage pumping stations and standpipes, electric power substations, transformer stations, and telephone electronic equipment enclosures and other similar structures, provided that such uses are suitably screened and landscaped so as to ensure compatibility with the surrounding neighborhood;
- b. Professional offices of a member of a recognized profession maintained for the conduct of that profession. Professional office uses exclude personal services, retail services, and veterinarians.

The illustrative examples that follow indicate the type of professional offices permitted: health care practitioner, attorney, social worker, engineer, architect, accountant, real estate agent, insurance agent.

(f) *Recording of variances.* No variance shall be valid unless, within thirty (30) days of final approval of the variance, a certificate describing the variance has been recorded by the applicant for the variance in the registry of deeds as required by 30 M.R.S.A. Section 4963. (Code 1968, § 602.24.C; Ord. No. 437-74, 7-1-74; Ord. No. 467-83, § 1, 4-20-83; Ord. No. 563-84, 5-7-84; Ord. No. 357-84, § 1, 12-17-84; Ord. No. 354-85, § 6, 1-7-85; Ord. No. 40-85, § 1, 7-15-85; Ord. No. 67-87, § 5, 11-2-87; Ord. No. 93-88, 7-19-88; Ord. No. 167-89, 12-11-89; Ord. No. 324-92, 4-22-92; Ord. No. 164-97, § 13, 1-6-97; Ord. No. 208-98, §§ 1, 2, 2-2-98)

**Editor's note**—Ord. No. 93-88, adopted July 19, 1988, amended § 14-473 by adding subsection (f) to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 93-88.

**Sec. 14-474. Conditional uses.**

(a) *Authority.* The board of appeals may, subject to the procedures, standards and limitations set out in this section, approve the issuance of a conditional use permit authorizing development of conditional uses listed in this article.

(b) *Procedure:*

- (1) *Application.* Applications for conditional use permits shall be submitted to the building authority. A nonrefundable application fee, as established from time to time by the city council to cover administrative costs and costs of a hearing, shall accompany each application. The application shall be in such form and shall contain such information and documentation as shall be prescribed from time to time by the building authority but shall in all instances contain at least the following information and documentation:
  - a. The applicant's name and address and his or her interest in the subject property;
  - b. The owner's name and address if different than the applicant;
  - c. The address, or chart, block and lot number as shown in the records of the office of the assessor of the subject property;
  - d. The zoning classification and present use of the subject property;
  - e. The particular provision of this article authorizing the proposed conditional use;
  - f. A general description of the proposed conditional use;
  - g. Where site plan approval is required by article V of this chapter, a preliminary or final site plan as defined by article V of this chapter.
- (2) *Public hearing.* A public hearing shall be set, advertised and conducted by the board of appeals in accordance with article VI of this chapter.
- (3) *Action by the board of appeals.* Within thirty (30) days following the close of the public hearing, the board of appeals shall render its decision, in a manner and form specified by article VI of this chapter, granting the application for a conditional use permit, granting it subject to conditions as specified in subsection (d), or denying it. The failure of the board to act within thirty (30) days shall be deemed an approval of the conditional use permit, unless such time period is mutually extended in writing by the

## LAND USE

§ 14-474

applicant and the board. Within five (5) days of such decision or the expiration of such period, the secretary shall mail notice of such decision or failure to act to the applicant and, if a permit is authorized, shall issue such permit, listing therein any and all conditions imposed by the board of appeals.

(c) *Conditions for conditional uses:*

- (1) *Authorized uses.* A conditional use permit may be issued for any use denominated as a conditional use in the regulations applicable to the zone in which it is proposed to be located.
- (2) *Standards.* Upon a showing that a proposed use is a conditional use under this article, a conditional use permit shall be granted unless the board determines that:
  - a. There are unique or distinctive characteristics or effects associated with the proposed conditional use;
  - b. There will be an adverse impact upon the health, safety, or welfare of the public or the surrounding area; and
  - c. Such impact differs substantially from the impact which would normally occur from such a use in that zone.

(d) *Conditions on conditional use permits.* The board of appeals may impose such reasonable conditions upon the premises benefited by a conditional use as may be necessary to prevent or minimize adverse effects therefrom upon other property in the neighborhood. Such conditions shall be expressly set forth in the resolution authorizing the conditional use permit and in the permit. Violation of such conditions shall be a violation of this article.

Att #92

**GNOME LANDSCAPES, DESIGN & MASONRY**

P.O. Box 66803  
FALMOUTH, MAINE 04105  
(207) 781-2955  
FAX (207) 781-5705

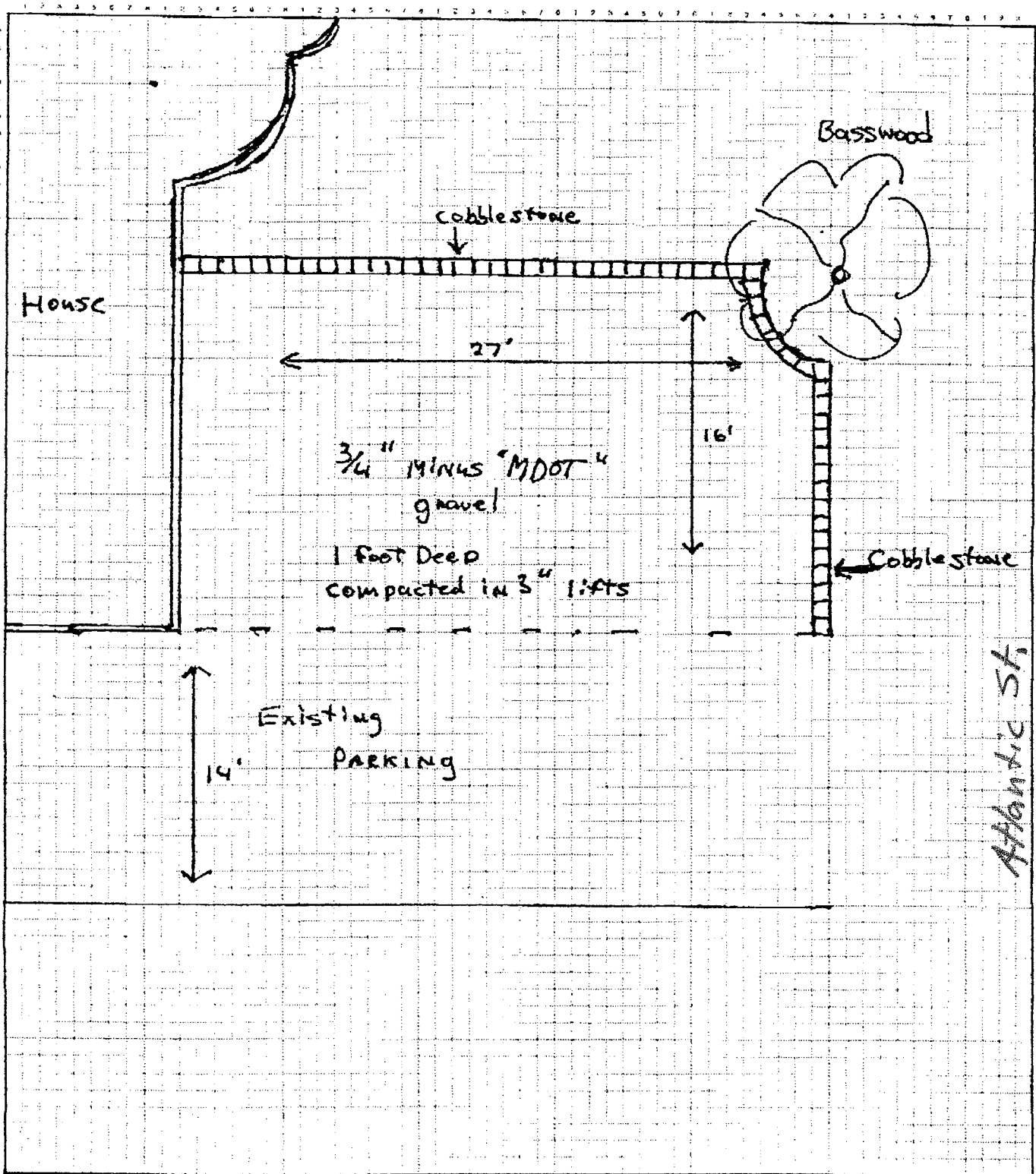
JOB Dale Schutzman

SHEET NO. \_\_\_\_\_ OF \_\_\_\_\_

CALCULATED BY Rick Campbell DATE 6/28/99

CHECKED BY \_\_\_\_\_ DATE \_\_\_\_\_

SCALE NONE



Att. #10

**From:** Marge Schmuckal  
**To:** William Needleman  
**Date:** Fri, Jun 4, 1999 5:05 pm  
**Subject:** Isabelle Center - Parking

Bill,

I have reviewed the parking provided with the conditional use appeal application. I have determined that the provided parking meets the minimum requirements of the zoning ordinance. It is my understanding that the Planning Board could condition their approval on providing more parking spaces, if they so determined.

**CC:** PENNY LITTELL

Att. #11

**CITY OF PORTLAND, MAINE  
M E M O R A N D U M**

**TO:** City of Portland Planning Board

**CC:** Penny Littell, Associate Corporation Counsel  
Alex Jaegerman, Chief Planner  
Joseph Gray, Director of Planning

**FROM:** Marge Schmuckal, Zoning Administrator

**DATE:** June 3, 1999

**RE:** Conditional Uses

It is my understanding that there is some question as to who determines the existence of a conditional use as outlined in the City of Portland Zoning Ordinance. That role rests with either the Zoning Board of Appeals (ZBA) or the Planning Board (if it is substituted for the ZBA). Let me explain the process I follow in processing a conditional use application.

When an applicant comes in to apply for a conditional use, it is the Zoning Administrator's responsibility to be sure that the use is actually a listed conditional use in the applicable zone. If the use is listed, then the Zoning Administrator should review what was submitted to be sure the requested use is the same as the listed use. This information is gathered and submitted to the Board of Appeals, or Planning Board (if they are substituted for the Zoning Board) which makes the determination as to whether the proposed use fits all the conditions and requirements for that use.

I have enclosed a copy of the decision form that is in use by the Board of Appeals when reviewing conditional use requests. Number 3-A gives the Board the responsibility to determine whether the proposed use is typical of most traditional uses in the same category, or whether there are unique or distinctive characteristics or effects associated with the proposed use. Either Board may and can attach condition(s) with their approvals if they think it is prudent.

The Planning Board has asked for my opinion on whether the Isabelle Center is a private club permitted as a conditional use. If I were reviewing this use, I would consider such things as: 1) whether the club has a charter and dues are paid; 2) how the club will function (when I look at how the Italian Heritage Center or the Eagles are used, it is not unsimilar to what is proposed. Private parties can rent out these places for different events); 3) how the applicant sees itself in comparison to a conference center or any other use that may be a concern.

Att. #12

CITY OF PORTLAND, MAINE

BOARD OF APPEALS



CONDITIONAL USE APPEAL

DECISION

Name and address of applicant: \_\_\_\_\_

\_\_\_\_\_

Location of property under appeal: \_\_\_\_\_

For the Record

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_

Findings of Fact

1. The proposed conditional use is/is not (circle one) permitted under Section 14-\_\_\_\_\_ of the Zoning Ordinance, for the following reason(s):

\_\_\_\_\_  
\_\_\_\_\_

2. The proposed conditional use does/does not (circle one) meet all special standards, conditions or requirements, if any, applicable thereto, for the following reason(s): \_\_\_\_\_

\_\_\_\_\_

3-A. There are/are not (circle one) unique or distinctive characteristics or effects associated with the proposed conditional use, for the following reason(s): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

- (2) Commercial vessel tenant space used by a noncommercial vessel for a period not exceeding ten (10) consecutive days while the primary commercial vessel tenant is conducting its business or trade.

*Normal high water line:* That line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. In the case of wetlands adjacent to rivers, the normal high water line is the upland edge of the wetland, and not the edge of the open water.

*Normal high water mark of coastal waters:* That line on the shore of tidal waters reached by the shoreward limit of the rise of the medium tides between the spring and the neap.

*Normal high water mark of inland waters:* That line on the shores and banks of nontidal waters which is apparent because of the contiguous different character of the soil or the vegetation due to the prolonged action of the water. Relative to vegetation, it is that line where the vegetation changes from predominantly aquatic to predominantly terrestrial (by way of illustration, aquatic vegetation includes but is not limited to the following plants and plant groups—water lily, pond lily, pickerelweed, cattail, wild rice, sedges, rushes, and marsh grasses; and terrestrial vegetation includes but is not limited to the following plants and plant groups—upland grasses, aster, lady slipper, wintergreen, partridge berry, sasparilla, pines, cedars, oaks, ashes, alders, elms and maples). In places where the shore or bank is of such character that the high water mark cannot be easily determined (rockslides, ledges, rapidly eroding or sloping banks), the normal high water mark shall be estimated, from places where it can be determined by the above method.

*Office complex:* Separate office buildings planned, constructed or managed on an integrated coordinated basis.

*Personal service:* Establishments engaged in providing services involving the care of the person or his apparel, such as laundries, dry cleaning establishments, photographic studios, beauty and barber shops but not including commercial or industrial laundries.

*Piers, docks, wharves, bridges and other structures and uses extending over or beyond the normal high water line or within a wetland:*

- (1) *Temporary:* Structures which remain in or over the water for less than seven (7) months in any period of twelve (12) consecutive months.
- (2) *Permanent:* Structures which remain in or over the water for seven (7) months or more in any period of twelve (12) consecutive months.

*Principal building:* The building occupied by the chief or principal use on the premises. When a garage is attached to the principal building in a substantial manner as by a roof or common wall, it shall be considered as a part of the principal building.

*Private club:* Private club, or nonprofit social and recreational facility: A private club, or nonprofit social and recreational facility, is open exclusively to members and to their bona fide guests accompanying them, in order to promote fellowship, social living, proper recreation,



civic responsibility, neighborhood responsibility, community welfare or other endeavors. It shall be permissible to serve food and meals on such premises provided adequate dining room space and kitchen facility are available and are provided within all regulations of this article and other applicable codes and ordinances.

*Processing:* Any operation changing the nature of material or materials such as chemical composition or physical qualities. Does not include operations described as fabrication.

*Professional office:* The office of a doctor, dentist, optometrist, psychologist, accountant, lawyer, architect, engineer or similar professional.

*Recent flood plain soils:* Recent flood plain soils include the following soil series as described and identified by the National Cooperative Soil Survey:

|          |          |
|----------|----------|
| Alluvial | Medomak  |
| Charles  | Ondawa   |
| Cornish  | Podunk   |
| Fryeburg | Rumney   |
| Hadley   | Saco     |
| Limerick | Suncook  |
| Lovewell | Winooski |

*Recreation facilities:* Any establishment designed or equipped for the conduct of sports or indoor leisure-time recreational activities.

*Restaurant:* Any food service establishment, as defined by section 11-16 of this Code, with indoor seating capacity for ten (10) or more patrons.

*Retail:* Sale to the ultimate consumer for direct consumption and not for resale.

*Retail establishment:* Means (1) any food service establishment which is not a restaurant; or (2) any shop or store offering goods or merchandise to the general public, but does not include temporary freestanding stands in either case.

*Rooming unit:* A room or suite of rooms in a house, building or portion thereof rented as living and sleeping quarters, but without full kitchens or bathrooms. In a suite of rooms, each room which provides sleeping accommodations shall be counted as one (1) rooming unit for the purpose of this article. Each rooming unit in a lodging house shall have kitchen privileges unless all meals are provided on a daily basis. There shall be no more than two (2) persons residing in each rooming unit.

*Setback:* The required distance and the land resulting therefrom between a street line and the closest possible line of conforming structure.

*Sheltered care group home:* A facility which, in addition to providing food and shelter to a defined population, provides guidance or counseling services. Such services are a primary function of the facility.

ISABELLE COVET 8/10/99

- efficient amendment to vestal conditions
- condition of use criteria
  - good spot for use  
close to E. Brown

Robbie Fleming

Neil Kutz, Atlantic St.

no parking, but no problems  
contributes to neighborhood

Moritz

parking

? What are the rules?

Private Club, exclusive

inclusive neighborhood

studies off

Vestal - see letter

letter, memorializes what is proposed  
@ this time

Notes

for letter

what is proposed in what is  
expected approved.

Retreat contemplated 20 people  
+ staff  
to 5 conditions



## Bob Counts cont

Aunnie Pool - support project  
philosophy of wanting neighborhood.

## ? Cherie?

What do you do

manor - Shutgun OS.

Personal growth

Maine Women's fund.

to keep units small, groups full  
address need in CBW

overflow to St L. Church

Committee to keeping BLDs historically  
correct.

Criteria for membership -

## ? C. Hayes?

riter Def of "Private Club"

What are the criteria

Why are you a private club

membership can be gained w/out

success - part of admissions,

need convincing.

Tom Savel - Workshops draw people

in.

~~workshop~~ admission pays for workshop

Shutgun - once member, can see the

? Jamie Carron  
facilitator → members?

Shutzman: Workshop leader members  
workshop attendees great, and  
then become member.

↳ Chris? C

See Greg → Amber

? Rob K? is it a club.  
criteria?

Shutzman once member, address  
values of club.

Two to membership.

C. Hayes: I can join? yes

I want to hold a workshop  
do my attendees become  
members?

Jewel "distinction between member &  
workshop facilitator"

Chris: Non profit?

submitted w/alt



Kindergarten court

want is difference between Danforth  
and Isabelle

Shutem personal growth  
" empowerment  
but is no difference

Orin Carroll - displacement  
conditions

needs threshold of club.  
how to vote against?

Penney: club? yes no  
can sit same  
2 stages? - nonfield guests are  
the allies.  
displacement is minimal

J. Cannon:  
requirement of residential presence.  
stage - maintain 2 dwelling

Jewel - environment is top.

# CHESTER & VESTAL

A PROFESSIONAL ASSOCIATION  
ATTORNEYS AT LAW

EDWIN P. CHESTER  
BARBARA A. VESTAL

107 Congress Street  
Portland, Maine 04101  
Telephone (207) 772-7426  
Fax (207) 761-5822  
E-mail: chester@ime.net

August 10, 1999

John Carroll, Chairman  
Portland Planning Board  
389 Congress Street  
Portland, Maine 04101

Re: Conditional Use Appeal for The Isabelle Center  
6 Eastern Promenade, Portland, Maine

Dear Chairman Carroll and Members of the Board:

I am writing to urge you to condition any approval for The Isabelle Center in such a way that it holds this use to only the intensity proposed by the applicant at this time. Otherwise it could turn into the proverbial "camel's nose under the tent."

I am particularly concerned that the applicant does not appear to understand or respect zoning restrictions. She has already been operating for months without proper approvals. Despite representations about willingness to limit the numbers at events and limit attendance to members, she does not appear to be doing this. Attached is an ad which appeared in Casco Bay Weekly on August 5th. I called for further information and was told that the event will be at 6 Eastern Prom on October 29th from 4-10 p.m., October 30th from 8 a.m. to 9 p.m. and October 31st from 8 a.m. to 1 p.m.; that group size will "probably be about 20 people, 10 couples" plus facilitators; and that the cost is \$300.00. No mention was made of membership. My concern is that without explicit conditions, this use could easily escalate to have significant impact on the immediate neighborhood.

I hope you will consider the following conditions of approval:

1. That the applicant incorporate The Isabelle Center as a nonprofit corporation with a board of directors, a non-voting class of members and a required annual fee for membership;
2. That all activities at the private club shall be spon-

Planning Board  
August 10, 1999  
Page Two

sored by The Isabelle Center, that attendance at activities shall be limited to members and their bona fide guests, and that the applicant and/or The Isabelle Center shall not rent out the club facilities at 6 Eastern Promenade for private functions;

3. That activities at The Isabelle Center shall be limited to use of the library, quiet study space, workshops and meetings sponsored by The Isabelle Center; that attendance at workshops and meetings shall be limited to 12 individuals plus a reasonable number of workshop leaders or staff; and that no more than one workshop or meeting shall be held at one time.

4. That meetings and workshops at The Isabelle Center held at 6 Eastern Promenade take place only in the designated library and meeting room, and in no other space.

5. That the conditional use shall terminate upon sale of the premises, abandonment of the use, dissolution or termination of The Isabelle Center non-profit corporation, or transformation of the Isabelle Center into a private club with a mission other than as stated in the applicant's submissions.

Thank you for your consideration of these conditions.

Very truly yours,



Barbara A. Vestal

BAV/aj

## RENEWAL WEEKEND FOR LESBIAN COUPLES OCTOBER 29-31, 1999

Our weekend together will be a time of relaxation, of attention to our bodies, our psyche's and our relationships. Over the course of our time together we will use art, yoga and partner yoga, group time, dream work, body awareness, and specific communication and journal writing exercises to deepen and strengthen our partnerships.

Caroline and Claire are life partners and have worked together for a number of years facilitating women's groups and lesbian couples groups, often in a retreat format. Some of the material we will use is taken from our book, *The Alchemy of Lesbian Love: A Workbook book for Lesbian Couples*, which will be available at the retreat for couples who want to continue with similar work on their own.

Group size will be small to allow time and support for the participating couples

**Caroline Marvin, Ph. D.**, lesbian couples therapist and group facilitator

**Claire Willis**, Clinical Social worker, yoga teacher and group facilitator.

For further information call the Isabelle Center at 207-773-7895



**PLANNING BOARD REPORT #36-99**

**ISABELLE CENTER  
6 EASTERN PROMENADE  
CONDITIONAL USE APPEAL, PRIVATE CLUB IN THE R-6 ZONE  
DALE SCHUTZMAN, APPLICANT**

Submitted to:

Portland Planning Board  
Portland, Maine

August 10, 1999

## I. INTRODUCTION

The applicant, Dale Schutzman, has applied for conditional use of her property at 6 Eastern Promenade as a private club under Section 14-137 (2) e. The property is zoned R-6.

Occupying the block between Atlantic and Munjoy Streets on the Eastern Promenade, the subject structure is currently a multi-unit residence. The Isabelle Center brochure states the organization's purpose is to provide workshops, meeting space, and information for personal growth. The applicant had begun using a portion of the building of the proposed use before being informed of the need for City approval. Parking improvements are proposed to conform with zoning needs.

### Issues of concern are:

#### Use:

The applicant proposes that the center is a private club, as is permitted as a conditional use in the R-6 Zone. City Zoning staff has determined that while the public will be invited to participate in functions at the facility, the Isabelle Center may satisfy the minimum requirements of a private club as described in 14-47. Zoning Officer, Marge Schmuckal has produced a memo stating that it is the role of the Planning Board to determine if the proposed use fits the conditions and requirements under the Conditional Use Code. See Memo, Attachment #11 and Conditional Use Standards, Attachment # 8.

Membership is a major criteria under the definition of a Private Club under the City Code 14-47. See Attachment #13. The Applicant has indicated that membership dues will be collected and that members will "support its activities." No other membership criteria have been provided.

### Other issues of concern are:

#### Fire Safety:

Fire Officer Gaylen MacDougle requests that the applicant receive approval from the State Fire Marshall's Office for this use.

#### Parking:

An updated site sketch and parking expansion sketch show parking for eight spaces which have been reviewed and are acceptable to City Traffic Engineer, Larry Ash. See Attachment #9. City Zoning has determined that eight spaces satisfies the zoning requirements for the club and the residences in the building. See Attachment # 10.

Neighbors and Planning staff have had concerns that large meetings at the site would overburden the on-street parking in the area. The applicant has offered to limit the number of attendants to twelve per evening plus staff for workshops. See updated written statement, Attachment #2.4, and Potential Condition of Approval #1.

None of the applicant's submittal indicate the size or frequency of functions at the Center which may not be workshops, but would be allowable under the conditional use for private clubs (banquets, weddings, private parties.) The Board may want to consider an additional condition of approval limiting the size and or hours of operation for non- workshop functions at the Center.

## II. FINDINGS

Zoning: R-6  
Land Area: +/- 0.21 acres  
Number of Parking Spaces: 8 spaces after improvements

## III. STAFF REVIEW

The proposal has been reviewed for compliance with the R-6 Zone, and Conditional Use Standards of the Land Use Code. The plan has been reviewed by the Inspections, Traffic, Fire, Public Works, and Planning Department.

## IV. CONDITIONAL USE REVIEW

### 1. R-6: 14-137(2)

#### i. Expansion beyond existing lots

Not applicable

#### ii. Significant displacement of residences

In the current condition, one rental unit has been displaced by the Isabelle center. Ms. Schutzman has occupied what had been two units under previous ownership for her personal use, but this displacement is not part of the proposed conditional use for the private club.

#### iii. Cumulative minimum lot sizes for combination of uses

The subject parcel satisfies the minimum lot size for residential use and there is no minimum for use as a private club in the R-6 zone; therefore, this standard is not applicable.

### 2. The following standards apply for all conditional uses: Section 14-474(2)

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

There are no known unique or distinctive characteristics associated with the proposed use.

- ii. There will be an adverse impact upon the health, safety, or welfare of the public or the surrounding area; and

It does not appear that there will be any adverse impacts with the proposed project.

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

The impacts of this proposed use are similar to those normally expected from such a use in this zone. The major areas of concern involve parking on the neighborhood streets, which can be largely addressed by limiting the number of participants in the evening workshops. The building which houses this facility could comfortably and legally accommodate several more rental units, which could have similar parking impacts.

## **VI. MOTIONS FOR THE BOARD TO CONSIDER**

On the basis of plans and materials submitted by the applicant and on the basis of information provided in Planning Board Report #36-99 relevant to standards for conditional use review, the Board finds:

- i. That the plan is/is not in conformance with the Conditional Use Standards for Residential R-6 Zone and Section 14-474 of the Land Use Code.

Potential Conditions of Approval:

1. That workshop attendance at the proposed private club must be limited to 12 individuals in addition to staff, and no more than one workshop shall occur in an evening.
2. That the conditional use as a private club shall terminate upon the sale of the premises, abandonment of the use, or conversion to a private club other than the Isabelle Center.
3. That the applicant produce a permit or a letter of non-applicability from the State Fire Marshall for the proposed use to be reviewed by City Fire.
4. That the applicant install the parking improvements as shown in the July 1, 1999 submittal.

Attachments:

1. Conditional Use Appeal Application
2. Applicant's Written Statement with July 1, 1999 update
3. Floor Plan
4. Mortgage Loan Inspection Survey
5. Brochure
6. Letters of Support
7. Nonprofit Articles of Incorporation
8. Conditional Uses Standards, R-6 and Section 14-474.
9. Updated site sketch with parking improvements
10. Parking Memo
11. Memo stating Planning Board's role in determining the status as a private club
12. Board of Appeals Decision Form

Att. #1

CITY OF PORTLAND, MAINE  
BOARD OF APPEALS



CONDITIONAL USE APPEAL APPLICATION

Applicant's name and address: Dale Schutzman  
c/o Thomas Jewell, Suite 408, 465 Congress St., Portland  
Applicant's interest in property (e.g., owner, purchaser, etc.):  
owner

Owner's name and address (if different):  
6 Eastern Promenade, Portland

Address of property and Assessor's chart, block and lot number:  
16-C-23

zone: R-6 Present use: residential - 3 unit

Type of conditional use proposed: private club - portion of 1st floor

conditional use authorized by: Section 14-137(2)e

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

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

Date: 3/23/99

Thomas Jewell  
Signature of Applicant

JEWELL & BOUTIN  
Attorneys at Law  
465 Congress Street  
Suite 408  
Portland, ME 04101

Att. # 2.1

Thomas F. Jewell  
Daniel W. Boutin

Telephone: (207) 774-6665  
Fax: (207) 774-1626

March 23, 1999

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

Re: Conditional Use Appeal for The Isabelle Center  
6 Eastern Promenade, Portland

Dear Marge:

Please accept our application for a conditional use as a "private club" for Dale Schutzman, also known as Dale Wenglowksi, owner of the above property.

Dale is the owner of a restored historic building which she recently purchased. Part of her plans for this property when she purchased it was to make it available to the public and develop it as a center where workshops could be held. In fact, she began to use the property for this purpose before she realized she needed to obtain a conditional use permit for this undertaking.

When Dale purchased the property last year, it was a 4-unit building. She decided to convert two of those units to one for her own purposes, leaving two units available for rental. One of those units will remain a rental property, and the other would become The Isabelle Center. We submit that the loss of this one unit will not result in the "significant displacement or conversion of a residential use as existing as of June 1, 1983" pursuant to Section 14-137(2).

Dale plans to incorporate The Isabelle Center. I enclose copies of the articles for a non-profit corporation evidencing a membership-based entity. We also enclose a copy of the proposed membership brochure, which describes some of the history of the property and the purposes of the private club. Also, in this regard, we are enclosing a list of workshops conducted at the property last month.

We submit that the organization and purposes of this activity fall within the definition of a private club as set forth in the Portland Land Use Ordinance, Section 14-47.

Att. #2.2

Under Section 14-137(2)(e), a private club is allowed as a conditional use in the R-6 zone with approval from the Planning Board.

When I discussed this matter with Alex Jaegerman, he raised a concern with whether the provisions under 14-139(1)(g) might apply, which require a 10,000 square foot lot size for a "fraternal organization." You indicated that you considered private clubs and fraternal organizations two distinctly different entities and that 14-139(1)(g) applied only, by its plain terms, to fraternal organizations.

When we discussed parking, it appeared that the applicable standard for most of this use would be pursuant to 14-332(7), which requires one parking space for every 100 square feet, or major fraction thereof, of "assemblage space."

The Isabelle Center's proposed use has two places of assemblage. There is a 15' x 15' library and a 16' x 20' meeting room which, collectively, total 545 square feet, and translate to five parking spaces. In addition, Ms. Shutzman plans to have an office on the premises of 180 square feet, which would require one parking space pursuant to 14-332(10). There are two residential tenancies that are in the building in addition to The Isabelle Center that I understand from our earlier discussion would require one space each. Thus, a total of eight spaces is dictated pursuant to the Ordinance. There are eight parking spaces on-site.

The application of the conditional use criteria under 14-474 is the final issue to address. First, we would submit there are no "unique or distinctive characteristics or effects" associated with the proposed use. This will be a small scale private club. Most of the traffic will come from the well-travelled Eastern Promenade and very little from the residential streets adjoining the property. In addition to on-site parking, there is a substantial amount of on-street parking available in this area.

We have already received a letter from one neighbor indicating that there has been no discernable change in traffic from past use of The Isabelle Center.

Similarly, we do not expect any "adverse impact upon the health, safety or welfare of the public or the surrounding area." We anticipate that the activities of The Isabelle Center will be difficult to notice by its neighbors.

Finally, if there is any impact, it would not differ substantially from the impact that would normally be associated with an activity of this sort. In fact, we would submit that there would be less impact here because of the proximity of the property to the major thoroughfare of the Eastern Promenade which



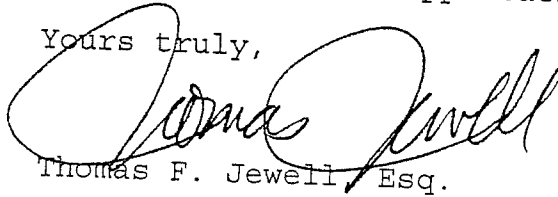
will carry most of the traffic.

Along with our application, we are submitting some preliminary letters of support of this endeavor.

In conclusion, we submit that the applicant meets all of the specific requirements of the conditional use pursuant to 14-137(2)(e), the parking requirements under 14-332, and the conditional use criteria of 14-474.

We look forward to your review of this application.

Yours truly,

A handwritten signature in cursive script, appearing to read "Thomas F. Jewell".

Thomas F. Jewell Esq.

TFJ/1st  
enclosures  
cc: Dale Schutzman

**JEWELL & BOUTIN**  
Attorneys at Law  
465 Congress Street  
Suite 408  
Portland, ME 04101

Att. # 2.4

Thomas F. Jewell  
Daniel W. Boutin

Telephone: (207) 774-6665  
Fax: (207) 774-1626

July 1, 1999

John Carroll, Chairman  
Portland Planning Board  
389 Congress Street  
Portland, ME 04101

Re: Conditional Use Appeal for The Isabelle Center  
6 Eastern Promenade, Portland

Dear Chairman Carroll and Members of the Board:

Since our last meeting, my client and I have had additional discussions with abutters and Bill Needleman of the Planning Office. Pursuant to those discussions, we have agreed to terms the Board may want to add to our appeal as conditions of approval.

Workshop attendance would be limited to 12 individuals in addition to workshop leaders. No more than one workshop would occur in an evening.

We are agreeable to the suggestion that the conditional use would terminate upon the sale of the premises, abandonment of the use or conversion to a private club other than The Isabelle Center.

The Isabelle Center's Articles of Incorporation (a copy of which was included in our submission to the Planning Board) are being filed with the Secretary of State. Membership is available only to those who pay annual dues to The Isabelle Center and support its activities. Members are responsible for their guests, and their membership can be revoked for inappropriate conduct.


We are submitting a more detailed plan of the property along with a more specific construction sketch from Gnome Landscapes. I understand there are two parking spaces as you enter the upper parking area on your left and three parking spaces on the right. The plan is to expand the lower parking area in order to accommodate three cars in that area.

John Carroll, Chairman  
Portland Planning Board  
July 1, 1999  
Page 2

Att. #2.5

On a previous occasion, Marge Schmuckal and I discussed at length the number of parking spaces, and she confirmed the need for eight parking spaces on premises. We would agree to have the conditional use approval contingent upon the proposed driveway extension in the lower parking area.

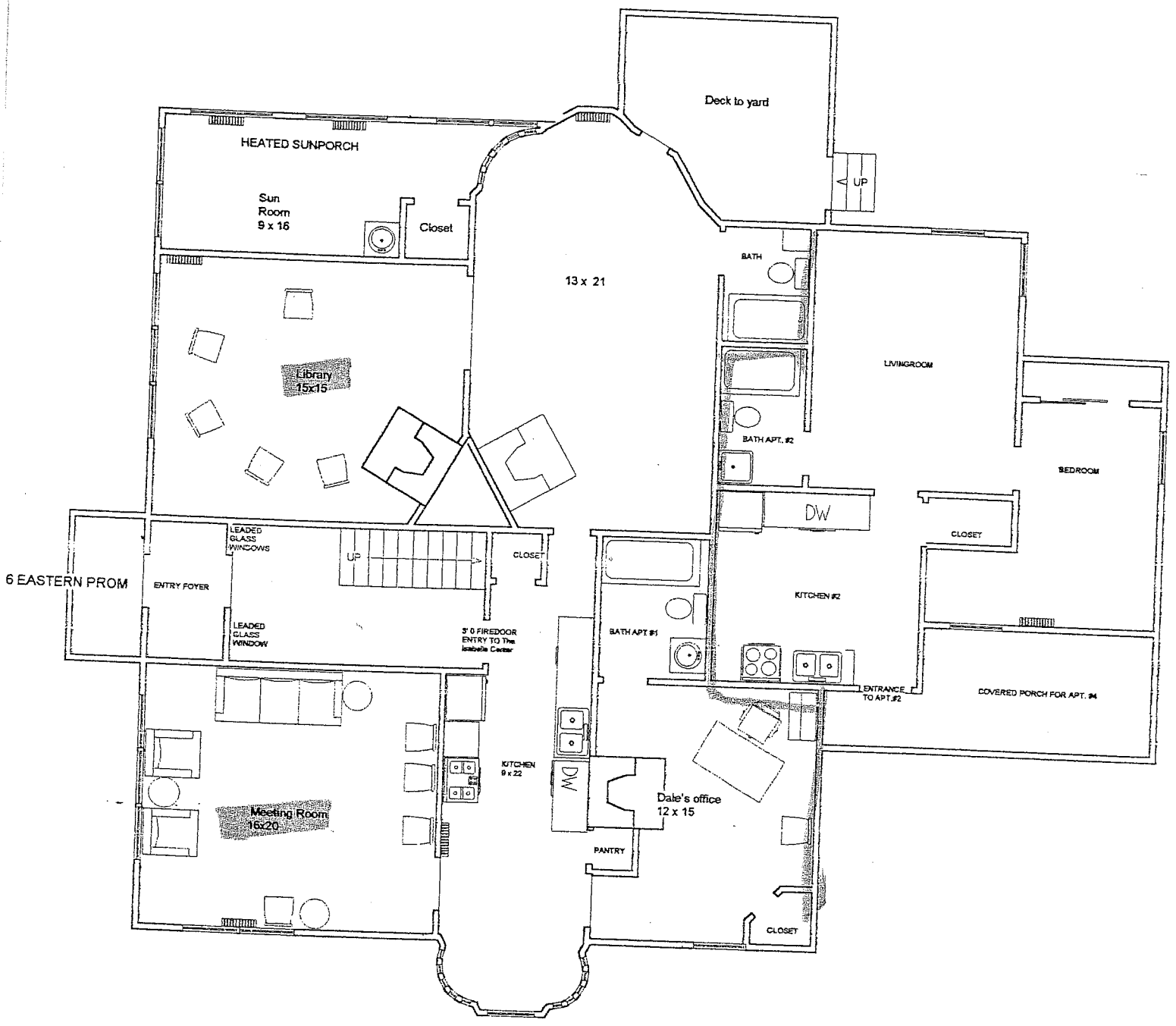
Yours truly,



Thomas F. Jewell, Esq.

TFJ/1st  
cc: Dale Schutzman

Att. #3



Att. # 4

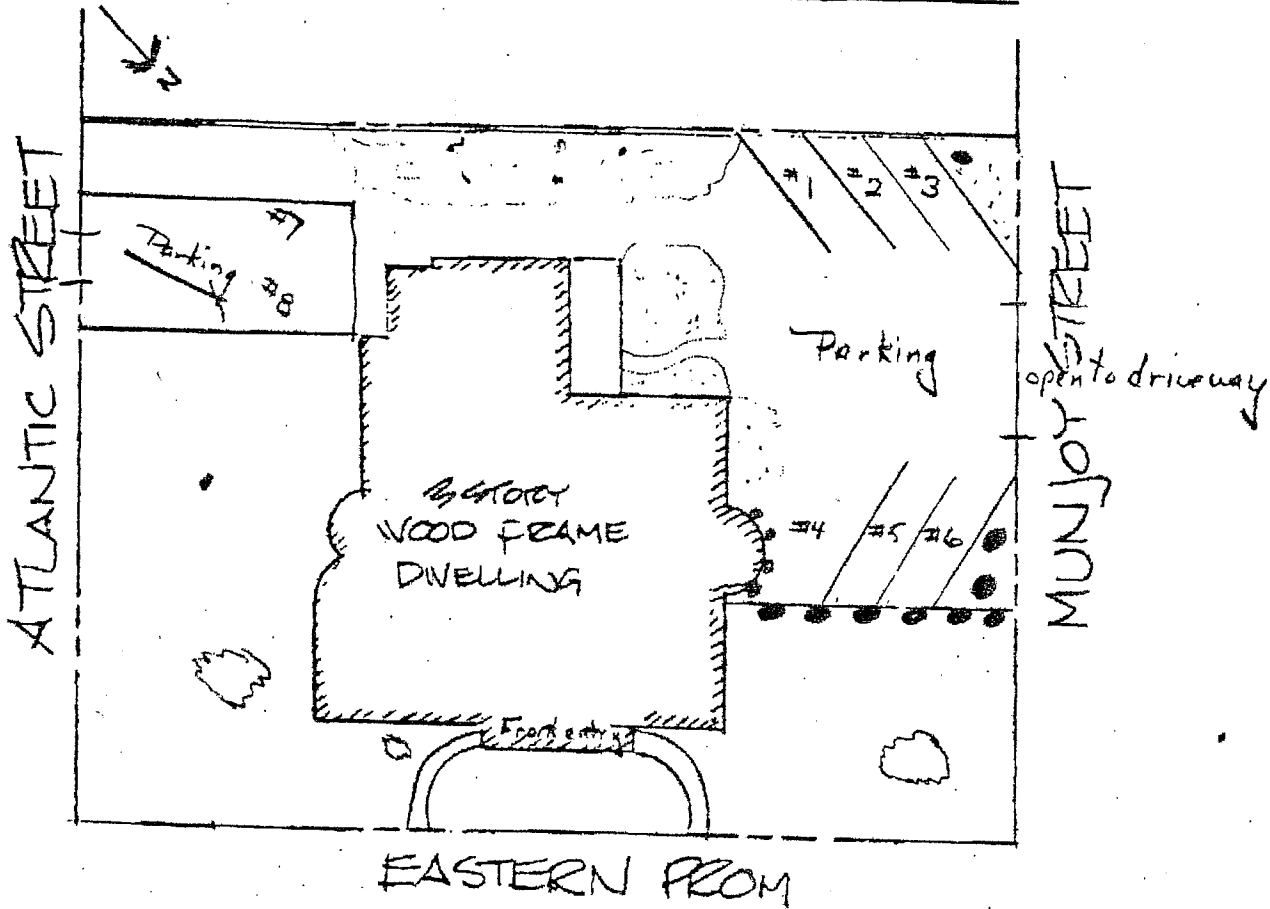
**Land Use Consultants, Inc.**

Land Planners • Engineers • Surveyors  
966 Riverside Street  
Portland, Me 04103  
207-878-3313 Fax: 207-878-0201

**MORTGAGE LOAN INSPECTION**

Re: 6 Eastern Prom, Portland, Maine  
Date Of Inspection: May 16, 1996  
Client: Jewell and Boutin  
Lender: Unknown

#2187



**PLAN**

Record Owner: **Ernest E. Marston Trust**

Deed Book/Page: **11081/90**

Registry: **Cumberland County Maine**

File Book/Page:

To the Lending Institution and its Title Insurer, collectively:

I hereby state that an onsite inspection of this property was made. The municipal ordinance relative to zoning setbacks from boundary lines was examined, (exclusive of state and federal environmental regulations), and the community FEMA maps were reviewed. It is my professional opinion based on that inspection and on the information made available to me that the dwelling on this property:

- 1. Conforms with municipal regulated zoning setbacks: **NO**
- 2. Precedes existing zoning ordinance: **YES**
- 3. Requires independent survey for title purposes: **YES**
- 4. May be affected by a special flood hazard zone: **NO**

*[Handwritten Signature]*  
 Maine Professional Land Surveyor

Land Use Consultants, Inc.

*This instrument is a mortgage loan inspection prepared in accordance with Rule 12, Section 12.12 of the Rules and Regulations of the Maine State Board of Licensure for Professional Land Surveyors. This is not a boundary survey.*

## OUR MISSION

The Isabelle Center is a non-profit membership organization affording members access to fellowship, community, small workshop space and information for personal growth.

The Center is a safe, supportive environment that empowers its members and promotes community and civic opportunities. Those participating in membership at the Isabelle Center need to reflect the values and interests of the Center, the community and the other members.

## PRIVILEGES OF MEMBERSHIP

§ Access to lending library of books and periodicals and quiet study space. By appointment, 9:00-2:00, Monday through Friday.

§ Meeting room privileges for workshops limited to 12 participants

§ Database of information on community events and educational opportunities

§ Audio/video cassettes for loan

§ Opportunity to network with members and their guests

§ Website space for community networking and marketing individual services



For additional information about the Center, to tour the facility and to discuss becoming a member, please call us at 773-7851 or fill out the form below and we will put you on our mailing list.

Name \_\_\_\_\_

Address \_\_\_\_\_

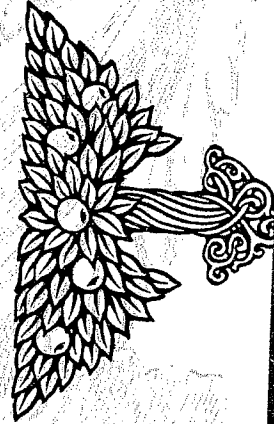
Phone Numbers:

(home) \_\_\_\_\_

(work) \_\_\_\_\_

(fax) \_\_\_\_\_

E-mail: \_\_\_\_\_



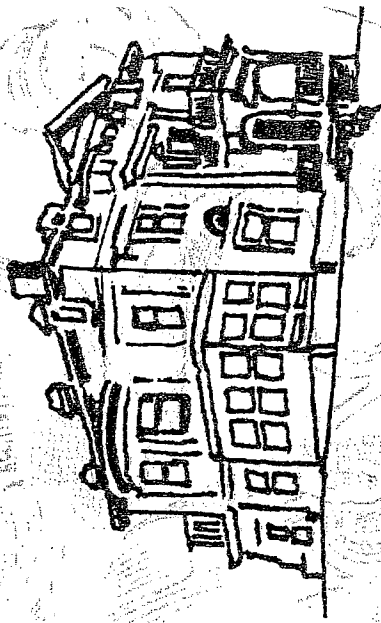
## The History of 6 Eastern Prom

The Isabelle Center is located at 6 Eastern Promenade in the Historic neighborhood of Munjoy Hill.

The Center occupies a portion of the bottom floor of a superbly renovated Italianate-Style Residence. The house was built around 1860 by Capt. J. Berry, a sea captain. He sold it to H.P. Dewey, a successful financier. Upon his death, his widow, Sophrania Dewey, sold the house to Ernest Randall, a local fuel oil merchant and owner of McAllister & Randall. In 1901, with the help of Austin Pease, a locally renowned architect, 6 Eastern Promenade was dramatically renovated into one of Munjoy Hill's most elegant residences.

In 1996, Crandall Toothaker purchased the residence which was in a state of neglect. After a year and a half of loving restoration, 6 Eastern Prom was once again restored to its original beauty and distinction.

The Isabelle Center Board and members are committed to keeping the historical integrity and well-being of this property intact.



*The Isabelle Center*

*6 Eastern Promenade  
Portland, ME 04101  
773-7851*

The Isabelle Center  
6 Promenade East  
Portland, ME 04101

# EXPLORING, LEARNING, GROWING THIS FEBRUARY

## DREAM GROUP

In this session we will explore in depth the dreamlife. Symbol, metaphor, free association and other sharing of ideas makes this a dynamic group experience. Facilitated by Jeanne Fiorini. Fee, \$120. Six consecutive Wednesday evenings from 7-9:15 p.m. beginning February 10. To register, call Jeanne at 799-8648.

## INNER WISDOM

A spirit-centered circle designed to deepen the relationship with inner guidance and spiritual awareness. Facilitated by Cali Williamson. Offered February 3 and the first Wednesday of each month, from 7-9 p.m. Fee for each session is \$10. To register, call Cali at 671-9717. All are welcome.

## MONEY EMPOWERMENT FOR WOMEN

Learn to apply new empowerment techniques to your own money issues in this workshop facilitated by Lu Bauer, CPA, founder of The Balancing Act. Friday, February 12, from 5-9 p.m. Fee is \$45. To register, call Lu at 892-6652.

## BUILDING SANCTUARY

Using guided meditation, journaling and movement, we will inspire creation of a spiritually significant object for your home or office. Basic materials are included in the workshop fee, but do bring photos and other objects representative of your personal faith orientation. Co-led by Cali Williamson and Dale Wenglowski. Offered Saturday, February 27 from 10 a.m. to 4 p.m. Fee is \$75. To register, call Cali Williamson at 671-9717.

## TENDING THE BODY, MINDING THE SOUL

In this workshop, you will learn how to lovingly care for your body and thereby mend the soul through storytelling, guided imagery and group discussion. Facilitated by Joyce Sarat White, MA, LPC, founder of Weighty Issues. Offered Thursday, February 25, from 6 to 9 p.m. Fee is \$40. To register, call Joyce at 846-9053.

## TAROT PLAY NIGHT

An opportunity for those already acquainted with Tarot to learn new techniques, share experiences, and play. Facilitated by Jeanne Fiorini. Offered February 11 and the second Thursday of each month, from 6:30-9 p.m. Fee for each session is \$20. To register, call Jeanne at 799-8648.

## TAROT CIRCLE

Open-forum reading in a safe, relaxing atmosphere. No experience is necessary and anyone seeking guidance or clarity is welcome! Facilitated by Jeanne Fiorini. Offered February 18 and the third Thursday of each month, from 6:30-9 p.m. Fee for each session is \$20. To register, call Jeanne at 799-8648.

## COMBING THE MIRROR

The Reverend Kevin Ross Emery, transchanneler, spiritual counselor, teacher, and author of *Combing the Mirror*, and the Reverend Tommy Hensel invite you to a free, informal and informative gathering with conversation and light refreshment from 4-6 p.m. A channeling session follows at 7 p.m., the fee is \$30. Offered Saturday, February 13. To register, call The Isabelle Center at 773-7851. Personal coaching sessions offered by the Reverends Emery and Hensel through the month of February.



## The Isabelle Center

Innovative Workshop and Meeting Space

SIX EASTERN PROMENADE

PORTLAND, MAINE 04101

773-7851

Call for more information  
and other workshops



JUDITH SOUTHWORTH  
1 FORE STREET  
PORTLAND, ME 04101

Att. #6.1

City Planning  
Portland, Maine

Date: March 12, 1999

Re: The Isabelle Center  
Six Eastern Promenade  
Portland, ME 04101

To whom it may concern:

I live next door to The Isabelle Center. The center, and its owner, Dale Wenglowski, are a distinct asset to our neighborhood.

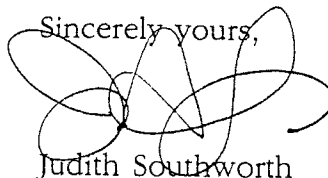
First, the house was recently entirely renovated. What had been a rather run-down building has become an elegant edifice that adds grace and nobility to the Promenade. It is easily the most notable and beautiful building in the area, reminiscent of the past glory reflected in the other stately homes, somewhat worn down by time, that line the Promenade. I have heard passersby remark on the building and other people around town have asked me if I was familiar with this notable transformation.

As regards any concerns about noise or traffic, I want to report that I have never heard any noise at all coming from the center, nor have I noticed any additional traffic on Fore Street or the Eastern Promenade. There continues to be ample street parking in the area, and the neighborhood is very peaceful.

Dale is a gracious and considerate neighbor. I have met her on several occasions and have been struck by her intelligence and lovely manners. I have attended a couple of early evening programs hosted by The Isabelle Center and they were quiet events attended by a handful of beautifully behaved persons.

I feel that my home neighborhood is significantly enhanced by the presence of Dale Wenglowski, and by the community building programming of The Isabelle Center.

Sincerely yours,



Judith Southworth

AH. #6.2

**CYNTHIA S. McMULLIN**  
Nineteen Commercial Street  
Portland, ME 04101  
(207) 775-1526  
FAX: 775-5728

March 17, 1999



The City of Portland  
City Hall  
Portland, ME 04101

RE: The Isabelle Center

To Whom It May Concern:

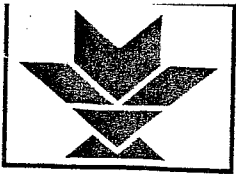
My apartment is a close neighbor to the Isabelle Center. I have lived at 21A Eastern Promenade across the street for 3 years. I have not seen any increase in traffic or parking needs in that time. Even when the Center had its Open House, it was quiet and there was no trouble with parking.

The Isabelle Center is a marvelous addition to the street, neighborhood, and to all of Portland. I am sad that anyone would think otherwise.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Cynthia S. McMullin', written in a cursive style.

Cynthia S. McMullin



**MAINE WOMEN'S FUND**

**BOARD OF DIRECTORS**

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- MARTHA BREUNIG, V. PRESIDENT
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- CYNTHIA S. MCMULLIN
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- LOUISE H. MURPHY
- CAROLYN B. MURRAY
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- LOIS GALGAY RECKITT
- JANE SEARLES
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- WILLIAM J. RYAN
- JOAN BENOIT SAMUELSON
- DONNA K. THORNTON
- CAROL WISHCAMPER

**EXECUTIVE DIRECTOR**

KARIN ANDERSON

Att. #63

March 16, 1999

To Whom it May Concern:

Please accept this letter of support for The Isabelle Center's important role as a convener of small groups of citizens concerned with enhancing opportunities for women in Portland. The Center provides a focal point for women seeking to build their personal sense of worth and well-being.

Working one-on-one or in small, essential groups, women go to The Isabelle Center to discuss topics as wide-ranging as spiritual growth to starting and building a small business. The value of this kind of connecting place is immeasurable to the health and benefit of the women who gather there, as well as the City of Portland.

We are thankful for The Isabelle Center's presence in our community.

Sincerely,

Karin Anderson  
Executive Director



AH. # 6.4

*Cali Williamson, LCPC*  
*283 Main Street*  
*Cumberland Ctr., Maine 04021*  
*207/671-9717*

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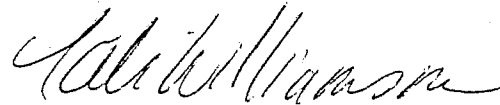
March 17, 1999

To Whom it May Concern:

I am writing as a member of the Isabelle Center to document my appreciation for this wonderful facility. As a Licensed Clinical Professional Counselor, I frequently offer small workshops on topics related to personal and professional growth. I enjoy the beauty, convenience and very reasonable cost to me associated with conducting workshops in this space. In fact the existence of the Isabelle Center actually makes such workshops feasible for me as an instructor.

It is a wonderful place for people to meet in a relaxed atmosphere conducive to gaining perspective on important issues in one's life and work.

Very Sincerely,



Cali Williamson

For Use By The  
Secretary of State

File No. ....

Fee Paid .....

C. B. ....

Date .....

NONPROFIT CORPORATION

STATE OF MAINE

ARTICLES OF INCORPORATION

(CHECK ONLY IF APPLICABLE)

This is a Domestic Condominium Corporation.

11.7 / 1

For Use By The Secretary of State  
**FILED**

\_\_\_\_\_ 19\_\_\_\_

Deputy Secretary of State

A True Copy When Attested  
By Signature

Deputy Secretary of State

Pursuant to 13-B MRSA §403, the undersigned, acting as incorporator(s) of a corporation, adopt(s) the following Articles of Incorporation:

FIRST: The name of the corporation is The Isabelle Center

SECOND: The corporation is organized for all purposes permitted under Title 13-B, MRSA, or, if not for all such purposes, then for the following purpose or purposes:

THIRD: The name of its Registered Agent and address of registered office (the registered agent must be a Maine resident, whose business office is identical with the registered office; or a corporation, domestic or foreign, profit or nonprofit, having an office identical with such registered office.)

Thomas F. Jewell  
(name)  
Jewell & Boutin, 465 Congress Street, Suite 408, Portland, ME  
(street address (not P.O. Box), city, state and zip code)  
\_\_\_\_\_  
(mailing address if different from above)

FOURTH: The number of directors (not less than 3) constituting the initial board of directors of the corporation, if they have been designated or elected, is three

The minimum number of directors (not less than 3) shall be three and the maximum number of directors shall be none

FIFTH: Members:  
("X" one box only)

There shall be no members.

There shall be one or more classes of members, and the information required by §402 is as follows:  
One class of nonvoting members; annual fee required for membership; membership privileges include access to library and workshops at 6 Eastern Promenade, Portland.

SIXTH:  (Check if this article is to apply)

No substantial part of the activities of the Corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the Corporation shall not participate in or intervene in (including the publication or distribution of statements) any political campaign on behalf of any candidate for public office.

SEVENTH:  (Check if this article is to apply. Then fill in reference number of Section 501(c)( ? ) in first paragraph below.)

Upon the dissolution of the Corporation or the termination of its activities, the assets of the Corporation remaining after the payment of all its liabilities shall be distributed exclusively to one or more organizations organized and operated exclusively for such purposes as shall then qualify as an exempt organization or organizations under Section 501(c)( ) of the Internal Revenue Code of 1986, as amended, and as a charitable, religious, eleemosynary, benevolent or educational corporation within the meaning of Title 13B. of the Maine Revised Statutes as amended.

No part of the net earnings of the Corporation shall inure to the benefit of any member, director, or officer of the Corporation, or any private individual (except that reasonable compensation may be paid for services rendered to or for the Corporation in carrying out one or more of its purposes), and no member, director, or officer of the Corporation, or any private individual, shall be entitled to share in the distribution of any of the corporate assets on dissolution of the Corporation.

EIGHTH: Other provisions of these articles, if any, including provisions for the regulation of the internal affairs of the corporation, and distribution of assets on dissolution or final liquidation:

Dated: \_\_\_\_\_

**INCORPORATORS**

**ADDRESSES**

Dale Shutzman  
(signature)  
Dale Shutzman  
(type or print name)

Karen Barnett  
(signature)  
Karen Barnett  
(type or print name)

Annie Houle  
(signature)  
Annie Houle  
(type or print name)

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(type or print name)

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(type or print name)

Street 6 Eastern Promenade  
Portland, ME 04101  
(city, state and zip code)

Street 261 Vaughan Street  
Portland, ME 04102  
(city, state and zip code)

Street 23 Oakland Avenue  
Yarmouth, ME 04096  
(city, state and zip code)

Street \_\_\_\_\_  
\_\_\_\_\_  
(city, state and zip code)

Street \_\_\_\_\_  
\_\_\_\_\_  
(city, state and zip code)

c. Conversion of a structure existing on March 3, 1997, into a bed and breakfast with five (5) to nine (9) guest rooms.

(2) *Institutional*: Any of the following conditional uses provided that, notwithstanding section 14-474(a) (conditional uses) of this article or any other provision of this Code, the planning board shall be substituted for the board of appeals as the reviewing authority:

- a. Elementary, middle, and secondary school;
- b. i. Long-term and extended care facilities;
- ii. Intermediate care facility for thirteen (13) or more persons;
- c. Intermediate care facility;
- d. Church or other place of worship;
- e. Private club or fraternal organization;
- f. Reserved;
- g. Hospital;
- h. College, university, trade school.

Such uses shall be subject to the following conditions and standards in addition to the provisions of section 14-474:

- i. In the case of expansion onto land of existing such uses other than the lot on which the principal use is located, it shall be demonstrated that the proposed use cannot reasonably be accommodated on the existing site through more efficient utilization of land or buildings, and will not cause significant physical encroachment into established residential areas; and
- ii. The proposed use will not cause significant displacement or conversion of residential uses existing as of June 1, 1983, or thereafter; and
- iii. In the case of a use or use expansion which constitutes a combination of the above-listed uses with capacity for concurrent operations, the applicable minimum lot sizes shall be cumulative.

(3) *Other*:

- a. Utility substations, such as water and sewage pumping stations and standpipes, electric power substations, transformer stations, and telephone electronic equipment enclosures and other similar structures, provided that such uses are suitably screened and landscaped so as to ensure compatibility with the surrounding neighborhood;
- b. Professional offices of a member of a recognized profession maintained for the conduct of that profession. Professional office uses exclude personal services, retail services, and veterinarians.

The illustrative examples that follow indicate the type of professional offices permitted: health care practitioner, attorney, social worker, engineer, architect, accountant, real estate agent, insurance agent.

(f) *Recording of variances.* No variance shall be valid unless, within thirty (30) days of final approval of the variance, a certificate describing the variance has been recorded by the applicant for the variance in the registry of deeds as required by 30 M.R.S.A. Section 4963. (Code 1968, § 602.24.C; Ord. No. 437-74, 7-1-74; Ord. No. 467-83, § 1, 4-20-83; Ord. No. 563-84, 5-7-84; Ord. No. 357-84, § 1, 12-17-84; Ord. No. 354-85, § 6, 1-7-85; Ord. No. 40-85, § 1, 7-15-85; Ord. No. 67-87, § 5, 11-2-87; Ord. No. 93-88, 7-19-88; Ord. No. 167-89, 12-11-89; Ord. No. 324-92, 4-22-92; Ord. No. 164-97, § 13, 1-6-97; Ord. No. 208-98, §§ 1, 2, 2-2-98)

**Editor's note**—Ord. No. 93-88, adopted July 19, 1988, amended § 14-473 by adding subsection (f) to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 93-88.

**Sec. 14-474. Conditional uses.**

(a) *Authority.* The board of appeals may, subject to the procedures, standards and limitations set out in this section, approve the issuance of a conditional use permit authorizing development of conditional uses listed in this article.

(b) *Procedure:*

(1) *Application.* Applications for conditional use permits shall be submitted to the building authority. A nonrefundable application fee, as established from time to time by the city council to cover administrative costs and costs of a hearing, shall accompany each application. The application shall be in such form and shall contain such information and documentation as shall be prescribed from time to time by the building authority but shall in all instances contain at least the following information and documentation:

- a. The applicant's name and address and his or her interest in the subject property;
- b. The owner's name and address if different than the applicant;
- c. The address, or chart, block and lot number as shown in the records of the office of the assessor of the subject property;
- d. The zoning classification and present use of the subject property;
- e. The particular provision of this article authorizing the proposed conditional use;
- f. A general description of the proposed conditional use;
- g. Where site plan approval is required by article V of this chapter, a preliminary or final site plan as defined by article V of this chapter.

(2) *Public hearing.* A public hearing shall be set, advertised and conducted by the board of appeals in accordance with article VI of this chapter.

(3) *Action by the board of appeals.* Within thirty (30) days following the close of the public hearing, the board of appeals shall render its decision, in a manner and form specified by article VI of this chapter, granting the application for a conditional use permit, granting it subject to conditions as specified in subsection (d), or denying it. The failure of the board to act within thirty (30) days shall be deemed an approval of the conditional use permit, unless such time period is mutually extended in writing by the



## LAND USE

§ 14-474

applicant and the board. Within five (5) days of such decision or the expiration of such period, the secretary shall mail notice of such decision or failure to act to the applicant and, if a permit is authorized, shall issue such permit, listing therein any and all conditions imposed by the board of appeals.

(c) *Conditions for conditional uses:*

- (1) *Authorized uses.* A conditional use permit may be issued for any use denominated as a conditional use in the regulations applicable to the zone in which it is proposed to be located.
- (2) *Standards.* Upon a showing that a proposed use is a conditional use under this article, a conditional use permit shall be granted unless the board determines that:
  - a. There are unique or distinctive characteristics or effects associated with the proposed conditional use;
  - b. There will be an adverse impact upon the health, safety, or welfare of the public or the surrounding area; and
  - c. Such impact differs substantially from the impact which would normally occur from such a use in that zone.

(d) *Conditions on conditional use permits.* The board of appeals may impose such reasonable conditions upon the premises benefited by a conditional use as may be necessary to prevent or minimize adverse effects therefrom upon other property in the neighborhood. Such conditions shall be expressly set forth in the resolution authorizing the conditional use permit and in the permit. Violation of such conditions shall be a violation of this article.

Att.#9.2

**GNOME LANDSCAPES, DESIGN & MASONRY**

P.O. Box 66803  
FALMOUTH, MAINE 04105  
(207) 781-2955  
FAX (207) 781-5705

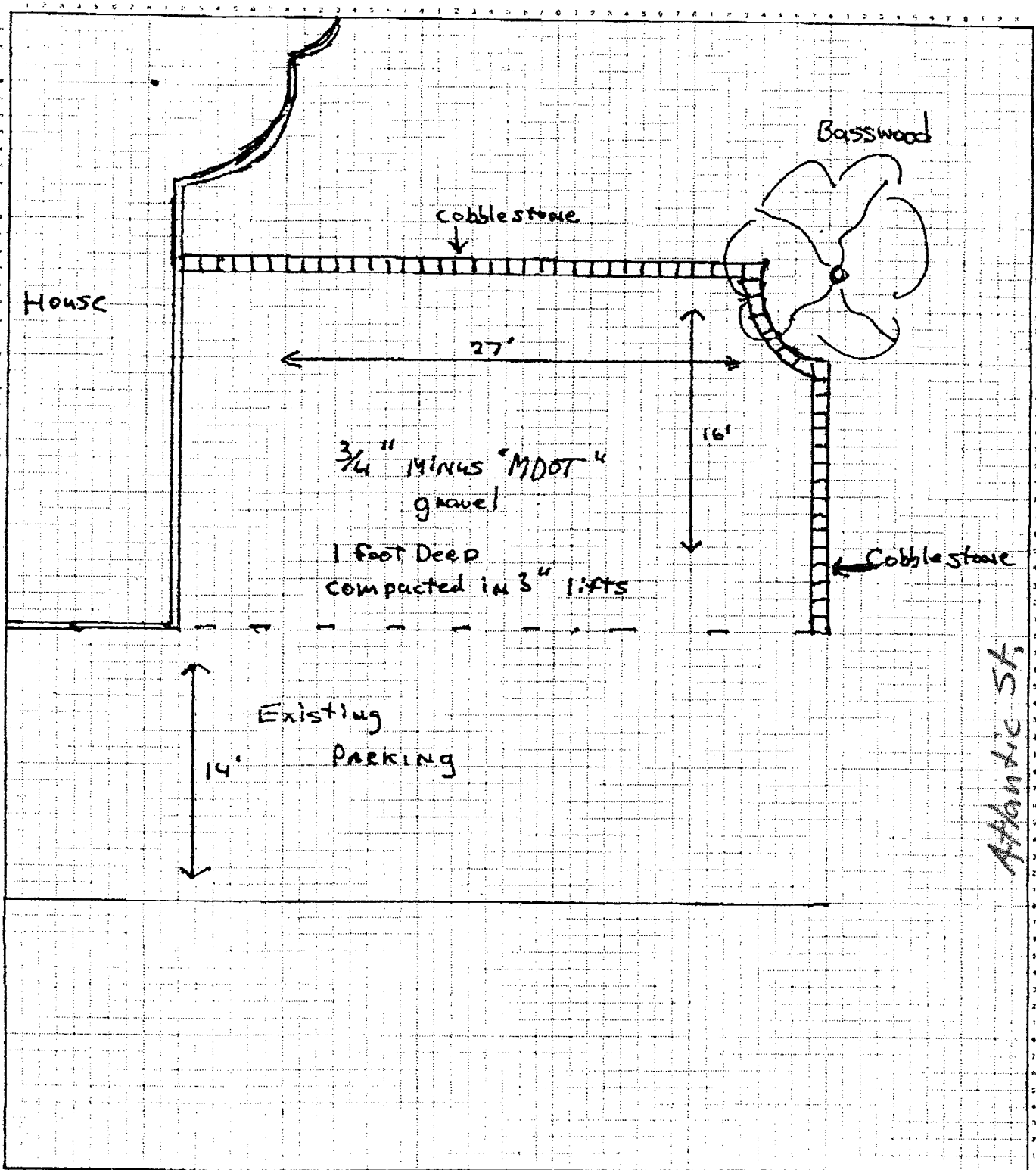
JOB Dale Schutzman

SHEET NO. \_\_\_\_\_ OF \_\_\_\_\_

CALCULATED BY Rick Campbell DATE 6/28/99

CHECKED BY \_\_\_\_\_ DATE \_\_\_\_\_

SCALE NONE



Att. #10

**From:** Marge Schmuckal  
**To:** William Needleman  
**Date:** Fri, Jun 4, 1999 5:05 pm  
**Subject:** Isabelle Center - Parking

Bill,

I have reviewed the parking provided with the conditional use appeal application. I have determined that the provided parking meets the minimum requirements of the zoning ordinance. It is my understanding that the Planning Board could condition their approval on providing more parking spaces, if they so determined.

**CC:** PENNY LITTELL

Att. #11

CITY OF PORTLAND, MAINE  
M E M O R A N D U M

**TO:** City of Portland Planning Board

**CC:** Penny Littell, Associate Corporation Counsel  
Alex Jaegerman, Chief Planner  
Joseph Gray, Director of Planning

**FROM:** Marge Schmuckal, Zoning Administrator

**DATE:** June 3, 1999

**RE:** **Conditional Uses**

It is my understanding that there is some question as to who determines the existence of a conditional use as outlined in the City of Portland Zoning Ordinance. That role rests with either the Zoning Board of Appeals (ZBA) or the Planning Board (if it is substituted for the ZBA). Let me explain the process I follow in processing a conditional use application.

When an applicant comes in to apply for a conditional use, it is the Zoning Administrator's responsibility to be sure that the use is actually a listed conditional use in the applicable zone. If the use is listed, then the Zoning Administrator should review what was submitted to be sure the requested use is the same as the listed use. This information is gathered and submitted to the Board of Appeals, or Planning Board (if they are substituted for the Zoning Board) which makes the determination as to whether the proposed use fits all the conditions and requirements for that use.

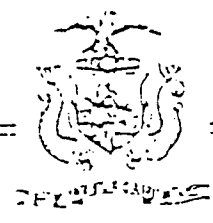
I have enclosed a copy of the decision form that is in use by the Board of Appeals when reviewing conditional use requests. Number 3-A gives the Board the responsibility to determine whether the proposed use is typical of most traditional uses in the same category, or whether there are unique or distinctive characteristics or effects associated with the proposed use. Either Board may and can attach condition(s) with their approvals if they think it is prudent.

The Planning Board has asked for my opinion on whether the Isabelle Center is a private club permitted as a conditional use. If I were reviewing this use, I would consider such things as: 1) whether the club has a charter and dues are paid; 2) how the club will function (when I look at how the Italian Heritage Center or the Eagles are used, it is not unsimilar to what is proposed. Private parties can rent out these places for different events); 3) how the applicant sees itself in comparison to a conference center or any other use that may be a concern.

Att. #12

CITY OF PORTLAND, MAINE

BOARD OF APPEALS



CONDITIONAL USE APPEAL

DECISION

Name and address of applicant: \_\_\_\_\_

\_\_\_\_\_

Location of property under appeal: \_\_\_\_\_

For the Record

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_

Findings of Fact

1. The proposed conditional use is/is not (circle one) permitted under section 14-\_\_\_\_\_ of the Zoning Ordinance, for the following reason(s):

\_\_\_\_\_  
\_\_\_\_\_

2. The proposed conditional use does/does not (circle one) meet all special standards, conditions or requirements, if any, applicable thereto, for the following reason(s):

\_\_\_\_\_

3-A. There are/are not (circle one) unique or distinctive characteristics or effects associated with the proposed conditional use, for the following reason(s):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## LAND USE

§ 14-47

- (2) Commercial vessel tenant space used by a noncommercial vessel for a period not exceeding ten (10) consecutive days while the primary commercial vessel tenant is conducting its business or trade.

*Normal high water line:* That line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. In the case of wetlands adjacent to rivers, the normal high water line is the upland edge of the wetland, and not the edge of the open water.

*Normal high water mark of coastal waters:* That line on the shore of tidal waters reached by the shoreward limit of the rise of the medium tides between the spring and the neap.

*Normal high water mark of inland waters:* That line on the shores and banks of nontidal waters which is apparent because of the contiguous different character of the soil or the vegetation due to the prolonged action of the water. Relative to vegetation, it is that line where the vegetation changes from predominantly aquatic to predominantly terrestrial (by way of illustration, aquatic vegetation includes but is not limited to the following plants and plant groups—water lily, pond lily, pickerelweed, cattail, wild rice, sedges, rushes, and marsh grasses; and terrestrial vegetation includes but is not limited to the following plants and plant groups—upland grasses, aster, lady slipper, wintergreen, partridge berry, sasparilla, pines, cedars, oaks, ashes, alders, elms and maples). In places where the shore or bank is of such character that the high water mark cannot be easily determined (rockslides, ledges, rapidly eroding or sloping banks), the normal high water mark shall be estimated, from places where it can be determined by the above method.

*Office complex:* Separate office buildings planned, constructed or managed on an integrated coordinated basis.

*Personal service:* Establishments engaged in providing services involving the care of the person or his apparel, such as laundries, dry cleaning establishments, photographic studios, beauty and barber shops but not including commercial or industrial laundries.

*Piers, docks, wharves, bridges and other structures and uses extending over or beyond the normal high water line or within a wetland:*

- (1) *Temporary:* Structures which remain in or over the water for less than seven (7) months in any period of twelve (12) consecutive months.
- (2) *Permanent:* Structures which remain in or over the water for seven (7) months or more in any period of twelve (12) consecutive months.

*Principal building:* The building occupied by the chief or principal use on the premises. When a garage is attached to the principal building in a substantial manner as by a roof or common wall, it shall be considered as a part of the principal building.

*Private club:* Private club, or nonprofit social and recreational facility: A private club, or nonprofit social and recreational facility, is open exclusively to members and to their bona fide guests accompanying them, in order to promote fellowship, social living, proper recreation,

civic responsibility, neighborhood responsibility, community welfare or other endeavors. It shall be permissible to serve food and meals on such premises provided adequate dining room space and kitchen facility are available and are provided within all regulations of this article and other applicable codes and ordinances.

*Processing:* Any operation changing the nature of material or materials such as chemical composition or physical qualities. Does not include operations described as fabrication.

*Professional office:* The office of a doctor, dentist, optometrist, psychologist, accountant, lawyer, architect, engineer or similar professional.

*Recent flood plain soils:* Recent flood plain soils include the following soil series as described and identified by the National Cooperative Soil Survey:

|          |          |
|----------|----------|
| Alluvial | Medomak  |
| Charles  | Ondawa   |
| Cornish  | Podunk   |
| Fryeburg | Rumney   |
| Hadley   | Saco     |
| Limerick | Suncook  |
| Lovewell | Winooski |

*Recreation facilities:* Any establishment designed or equipped for the conduct of sports or indoor leisure-time recreational activities.

*Restaurant:* Any food service establishment, as defined by section 11-16 of this Code, with indoor seating capacity for ten (10) or more patrons.

*Retail:* Sale to the ultimate consumer for direct consumption and not for resale.

*Retail establishment:* Means (1) any food service establishment which is not a restaurant; or (2) any shop or store offering goods or merchandise to the general public, but does not include temporary freestanding stands in either case.

*Rooming unit:* A room or suite of rooms in a house, building or portion thereof rented as living and sleeping quarters, but without full kitchens or bathrooms. In a suite of rooms, each room which provides sleeping accommodations shall be counted as one (1) rooming unit for the purpose of this article. Each rooming unit in a lodging house shall have kitchen privileges unless all meals are provided on a daily basis. There shall be no more than two (2) persons residing in each rooming unit.

*Setback:* The required distance and the land resulting therefrom between a street line and the closest possible line of conforming structure.

*Sheltered care group home:* A facility which, in addition to providing food and shelter to a defined population, provides guidance or counseling services. Such services are a primary function of the facility.

# CHESTER & VESTAL

A PROFESSIONAL ASSOCIATION  
ATTORNEYS AT LAW

EDWIN P. CHESTER  
BARBARA A. VESTAL

107 Congress Street  
Portland, Maine 04101  
Telephone (207) 772-7426  
Fax (207) 761-5822  
E-mail: chester@ime.net

August 10, 1999

John Carroll, Chairman  
Portland Planning Board  
389 Congress Street  
Portland, Maine 04101

Re: Conditional Use Appeal for The Isabelle Center  
6 Eastern Promenade, Portland, Maine

Dear Chairman Carroll and Members of the Board:

I am writing to urge you to condition any approval for The Isabelle Center in such a way that it holds this use to only the intensity proposed by the applicant at this time. Otherwise it could turn into the proverbial "camel's nose under the tent."

I am particularly concerned that the applicant does not appear to understand or respect zoning restrictions. She has already been operating for months without proper approvals. Despite representations about willingness to limit the numbers at events and limit attendance to members, she does not appear to be doing this. Attached is an ad which appeared in Casco Bay Weekly on August 5th. I called for further information and was told that the event will be at 6 Eastern Prom on October 29th from 4-10 p.m., October 30th from 8 a.m. to 9 p.m. and October 31st from 8 a.m. to 1 p.m.; that group size will "probably be about 20 people, 10 couples" plus facilitators; and that the cost is \$300.00. No mention was made of membership. My concern is that without explicit conditions, this use could easily escalate to have significant impact on the immediate neighborhood.

I hope you will consider the following conditions of approval:

1. That the applicant incorporate The Isabelle Center as a nonprofit corporation with a board of directors, a non-voting class of members and a required annual fee for membership;
2. That all activities at the private club shall be spon-



sored by The Isabelle Center, that attendance at activities shall be limited to members and their bona fide guests, and that the applicant and/or The Isabelle Center shall not rent out the club facilities at 6 Eastern Promenade for private functions;

3. That activities at The Isabelle Center shall be limited to use of the library, quiet study space, workshops and meetings sponsored by The Isabelle Center; that attendance at workshops and meetings shall be limited to 12 individuals plus a reasonable number of workshop leaders or staff; and that no more than one workshop or meeting shall be held at one time.

4. That meetings and workshops at The Isabelle Center held at 6 Eastern Promenade take place only in the designated library and meeting room, and in no other space.

5. That the conditional use shall terminate upon sale of the premises, abandonment of the use, dissolution or termination of The Isabelle Center non-profit corporation, or transformation of the Isabelle Center into a private club with a mission other than as stated in the applicant's submissions.

Thank you for your consideration of these conditions.

Very truly yours,



Barbara A. Vestal

BAV/aj

## RENEWAL WEEKEND FOR LESBIAN COUPLES

*OCTOBER 29-31, 1999*

Our weekend together will be a time of relaxation, of attention to our bodies, our psyche's and our relationships. Over the course of our time together we will use art, yoga and partner yoga, group time, dream work, body awareness, and specific communication and journal writing exercises to deepen and strengthen our partnerships.

Caroline and Claire are life partners and have worked together for a number of years facilitating women's groups and lesbian couples groups, often in a retreat format. Some of the material we will use is taken from our book, *The Alchemy of Lesbian Love: A Workbook book for Lesbian Couples*, which will be available at the retreat for couples who want to continue with similar work on their own.

Group size will be small to allow time and support for the participating couples

**Caroline Marvin, Ph. D.**, lesbian couples therapist and group facilitator

**Claire Willis**, Clinical Social worker, yoga teacher and group facilitator.

For further information call the **Isabelle Center** at 207-773-7895

CITY OF PORTLAND, MAINE  
MEMORANDUM

Draft for writing  
PBR 8/19/99

**TO:** Chair Carroll and Members of the Portland Planning Board  
**FROM:** William Needelman, Planner  
**DATE:** May 25, 1999  
**SUBJECT:** The Isabelle Center, 6 Eastern Promenade

**Introduction**

The applicant, Dale Schutzman, has applied for conditional use of her property at 6 Eastern Promenade as a private club under Section 14-137 (2) e. The property is zoned R-6.

Occupying the block between Atlantic and Munjoy Streets on the Eastern Promenade, the subject structure is currently a multi-unit residence. The Isabelle Center brochure states the organization's purpose is to provide workshops, meeting space, and information for personal growth. The applicant had begun using a portion of the building of the proposed use before being informed of the need for City approval. No Site Plan improvements are proposed as the applicant intends to utilize the structure in the present condition.

**Issues of concern are:**

**Use:**

The applicant proposes that the center is a private club, as is permitted as a conditional use in the R-6 Zone. City Zoning staff has determined that while the public will be invited to participate in functions at the facility, the Isabelle Center may satisfy the minimum requirements of a private club as described in 14-47. There are three major concerns with regard to the private club status of this applicant: Nonprofit status, public access, membership qualification.

- ▶ **Nonprofit Status:**  
The applicant has provided their application for incorporation, but the status of this application has not been determined.
- ▶ **Public Access:**  
The applicant needs to provide information indicating that the Center will be open exclusively to members and their bonafide guests accompanying them.
- ▶ **Membership:**  
The applicant needs to clarify qualifications for membership.

In light of the above issues, Planning staff has concerns that the facility will in effect be a small convention center, open to the public. A Contract Zone, accommodating the proposed uses, may be a direction that the applicant may want to consider.

**Parking:**

The applicant needs parking for 725 sq. ft. of meeting and office space in addition to two existing residences. Under 14-332(7) and (10), 8 off street spaces are required. The applicant presents 8 parking spaces existing on site: 2 accessed from Atlantic Street and 6 accessed from Munjoy Street. Upon a site visit, City traffic engineer, Larry Ash has concerns that the Munjoy Street spaces are under-sized and there may only be room for 4 or 5 usable spaces. As no site changes were proposed, no site plan has been provided. Additionally, as the applicant proposes that 24 participants can utilize the facility for functions, in addition to staff and library visitors, on- street parking is proposed for over flow. Staff requests that the applicant provide hours of operation and an indication of the frequency of events to establish whether functions at the Isabelle Center will over burden the parking availability to residents of Munjoy Hill.

**Loss of Residences:**

While the structure was built as a grand single family structure, under previous ownership, the structure held four apartment units. Ms. Schutzman now occupies two of these units, the Isabelle Center occupies one unit, leaving one rental unit remaining. Under the institutional conditional use standards, the Board must determine that the use will not cause unreasonable displacement of residential units, or cause significant encroachment into an established residential neighborhood.

**Pedestrian circulation:**

Brick sidewalks exist on the three street frontages and are in generally good condition, with the exception of a deteriorated section along Atlantic Street.

Attachments:

1. Conditional Use Appeal Application
2. Applicant's Written Statement *w/update*
3. Floor Plan
4. Mortgage Loan Inspection Survey
5. Brochure
6. Letters of Support
7. Nonprofit Articles of Incorporation
8. ~~Institutional~~ Conditional Uses Standards, *R-6 and 14-474*
9. *Updated site sketch and parking improvements*
- ~~10. Applicant's updated written statement~~
10. *Parking Memo*
11. *Memo on determining status as a Private Club*
12. *Board of Appeals Decision Form*
- B. *Definition of Private Club*

CITY OF PORTLAND, MAINE  
PLANNING BOARD

John H. Carroll, Chair  
Jaimey Caron, Vice Chair  
Kenneth M. Cole III  
Cyrus Y. Hagge  
Deborah Krichels  
Erin Rodriguez  
Mark Malone

TO RESIDENTS AND PROPERTY OWNERS IN THE VICINITY OF  
6 EASTERN PROMENADE

On Tuesday, August 10, 1999, the Portland Planning Board will consider a proposal for conditional use of the Isabelle Center, located at 6 Eastern Promenade, as a private club.

The public hearing is scheduled to begin at 7:30 p.m. in Room 209, City Hall, 389 Congress Street, Portland, Maine. Should you wish to review the plans in advance, they are available in the Portland Planning Department, 4th Floor, City Hall. If you are unable to attend the public meeting of the Board, please submit your written comments to Joseph E. Gray, Jr., Director of Planning and Urban Development, City Hall, 4th Floor, 389 Congress Street, Portland, Maine 04101.

Alexander Jaegerman  
Chief Planner

*We have no objections.  
Ivan Sayers + Dave Nichol  
34 Congress*

**JEWELL & BOUTIN**  
**Attorneys at Law**  
465 Congress Street  
Suite 408  
Portland, ME 04101

Thomas F. Jewell  
Daniel W. Boutin

Telephone: (207) 774-6665  
Fax: (207) 774-1626

July 1, 1999

John Carroll, Chairman  
Portland Planning Board  
389 Congress Street  
Portland, ME 04101

Re: Conditional Use Appeal for The Isabelle Center  
6 Eastern Promenade, Portland

Dear Chairman Carroll and Members of the Board:

Since our last meeting, my client and I have had additional discussions with abutters and Bill Needleman of the Planning Office. Pursuant to those discussions, we have agreed to terms the Board may want to add to our appeal as conditions of approval.

Workshop attendance would be limited to 12 individuals in addition to workshop leaders. No more than one workshop would occur in an evening.

We are agreeable to the suggestion that the conditional use would terminate upon the sale of the premises, abandonment of the use or conversion to a private club other than The Isabelle Center.


The Isabelle Center's Articles of Incorporation (a copy of which was included in our submission to the Planning Board) are being filed with the Secretary of State. Membership is available only to those who pay annual dues to The Isabelle Center and support its activities. Members are responsible for their guests, and their membership can be revoked for inappropriate conduct.

We are submitting a more detailed plan of the property along with a more specific construction sketch from Gnome Landscapes. I understand there are two parking spaces as you enter the upper parking area on your left and three parking spaces on the right. The plan is to expand the lower parking area in order to accommodate three cars in that area.

John Carroll, Chairman  
Portland Planning Board  
July 1, 1999  
Page 2

On a previous occasion, Marge Schmuckal and I discussed at length the number of parking spaces, and she confirmed the need for eight parking spaces on premises. We would agree to have the conditional use approval contingent upon the proposed driveway extension in the lower parking area.

Yours truly,

A handwritten signature in cursive script, appearing to read "Thomas F. Jewell".

Thomas F. Jewell Esq.

TFJ/lst  
cc: Dale Schutzman

**GNOME LANDSCAPES, DESIGN & MASONRY**

P.O. Box 66803  
FALMOUTH, MAINE 04105  
(207) 781-2955  
FAX (207) 781-5705

JOB Dale Schutzman

SHEET NO. \_\_\_\_\_

OF \_\_\_\_\_

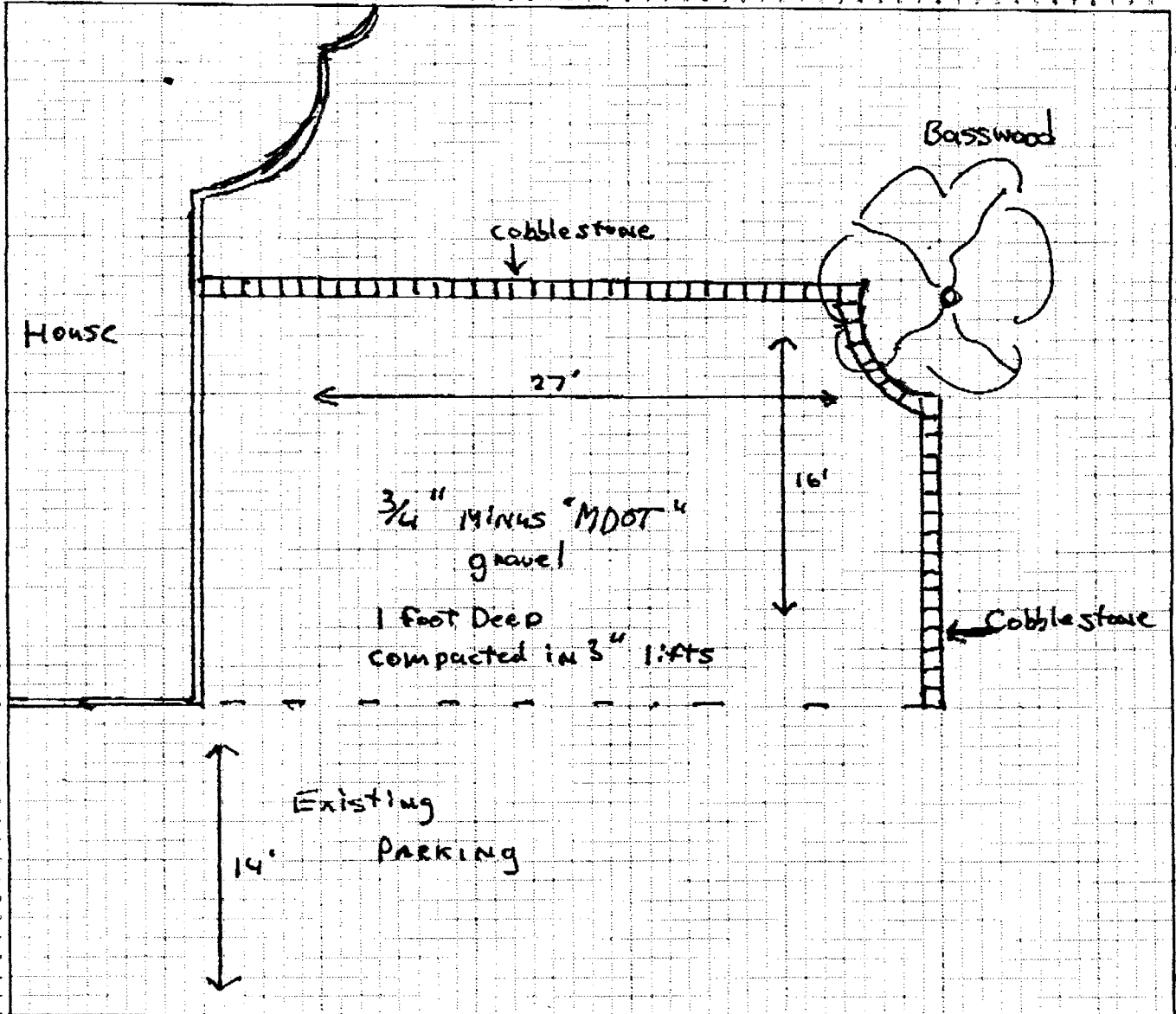
CALCULATED BY Rick Campbell

DATE 6/28/99

CHECKED BY \_\_\_\_\_

DATE \_\_\_\_\_

SCALE NONE





**JEWELL & BOUTIN**  
**Attorneys at Law**  
465 Congress Street  
Suite 408  
Portland, ME 04101

Thomas F. Jewell  
Daniel W. Boutin

Telephone: (207) 774-6665  
Fax: (207) 774-1626

July 1, 1999

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Portland Planning Board  
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John Carroll, Chairman  
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July 1, 1999  
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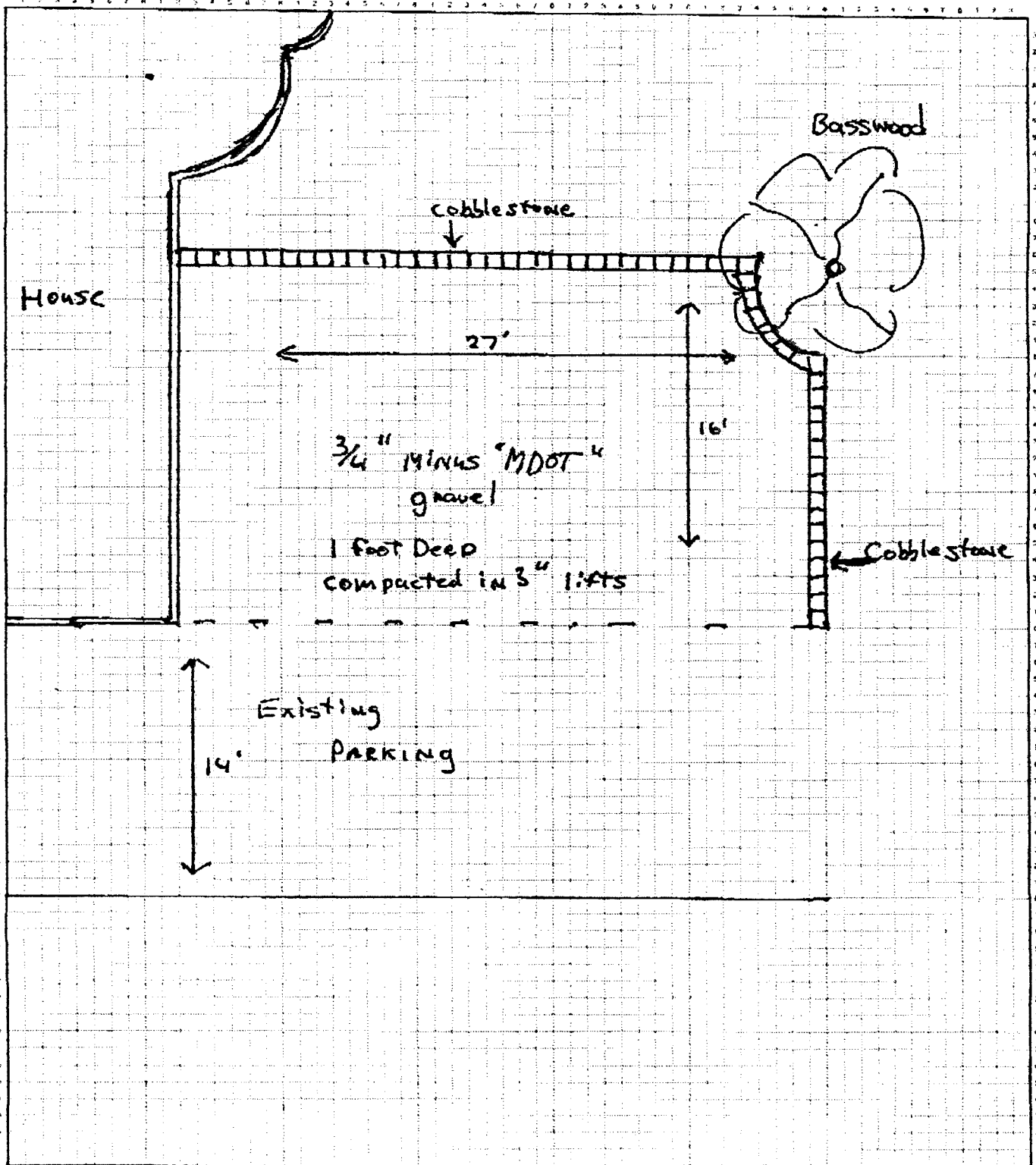
Thomas F. Jewell, Esq.

TFJ/1st  
cc: Dale Schutzman

**GNOME LANDSCAPES, DESIGN & MASONRY**

P.O. Box 66803  
FALMOUTH, MAINE 04105  
(207) 781-2955  
FAX (207) 781-5705

JOB Dale Schutzman  
SHEET NO. \_\_\_\_\_ OF \_\_\_\_\_  
CALCULATED BY Rick Campbell DATE 6/28/99  
CHECKED BY \_\_\_\_\_ DATE \_\_\_\_\_  
SCALE NONE



**CITY OF PORTLAND, MAINE  
MEMORANDUM**

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**FROM:** William Needelman, Planner  
**DATE:** May 25, 1999  
**SUBJECT:** The Isabelle Center, 6 Eastern Promenade

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**Issues of concern are:**

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The applicant needs parking for 725 sq. ft. of meeting and office space in addition to two existing residences. Under 14-332(7) and (10), 8 off street spaces are required. The applicant presents 8 parking spaces existing on site: 2 accessed from Atlantic Street and 6 accessed from Munjoy Street. Upon a site visit, City traffic engineer, Larry Ash has concerns that the Munjoy Street spaces are under-sized and there may only be room for 4 or 5 usable spaces. As no site changes were proposed, no site plan has been provided. Additionally, as the applicant proposes that 24 participants can utilize the facility for functions, in addition to staff and library visitors, on- street parking is proposed for over flow. Staff requests that the applicant provide hours of operation and an indication of the frequency of events to establish whether functions at the Isabelle Center will over burden the parking availability to residents of Munjoy Hill.

**Loss of Residences:**

While the structure was built as a grand single family structure, under previous ownership, the structure held four apartment units. Ms. Schutzman now occupies two of these units, the Isabelle Center occupies one unit, leaving one rental unit remaining. Under the institutional conditional use standards, the Board must determine that the use will not cause unreasonable displacement of residential units, or cause significant encroachment into an established residential neighborhood.

**Pedestrian circulation:**

Brick sidewalks exist on the three street frontages and are in generally good condition, with the exception of a deteriorated section along Atlantic Street.

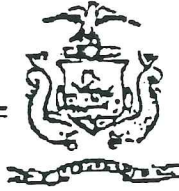
**Attachments:**

1. Conditional Use Appeal Application
2. Applicant's Written Statement
3. Floor Plan
4. Mortgage Loan Inspection Survey
5. Brochure
6. Letters of Support
7. Nonprofit Articles of Incorporation
8. Institutional Conditional Uses Standards.

Att. #1

CITY OF PORTLAND, MAINE

BOARD OF APPEALS



CONDITIONAL USE APPEAL APPLICATION

Applicant's name and address: Dale Schutzman

c/o Thomas Jewell, Suite 408, 465 Congress St., Portland  
Applicant's interest in property (e.g., owner, purchaser, etc.):

owner

Owner's name and address (If different): \_\_\_\_\_

6 Eastern Promenade, Portland

Address of property and Assessor's chart, block and lot number:

16-C-23

Zone: R-6 Present use: residential - 3 unit

Type of conditional use proposed: private club - portion of 1st floor

Conditional use authorized by: Section 14-137(2)e

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

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

Date: 3/23/99

Thomas Jewell  
signature of Applicant

**JEWELL & BOUTIN**  
Attorneys at Law  
465 Congress Street  
Suite 408  
Portland, ME 04101

Att. # 2.1

Thomas F. Jewell  
Daniel W. Boutin

Telephone: (207) 774-6665  
Fax: (207) 774-1626

March 23, 1999

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

Re: Conditional Use Appeal for The Isabelle Center  
6 Eastern Promenade, Portland

Dear Marge:

Please accept our application for a conditional use as a "private club" for Dale Schutzman, also known as Dale Wenglowski, owner of the above property.

Dale is the owner of a restored historic building which she recently purchased. Part of her plans for this property when she purchased it was to make it available to the public and develop it as a center where workshops could be held. In fact, she began to use the property for this purpose before she realized she needed to obtain a conditional use permit for this undertaking.

When Dale purchased the property last year, it was a 4-unit building. She decided to convert two of those units to one for her own purposes, leaving two units available for rental. One of those units will remain a rental property, and the other would become The Isabelle Center. We submit that the loss of this one unit will not result in the "significant displacement or conversion of a residential use as existing as of June 1, 1983" pursuant to Section 14-137(2).

Dale plans to incorporate The Isabelle Center. I enclose copies of the articles for a non-profit corporation evidencing a membership-based entity. We also enclose a copy of the proposed membership brochure, which describes some of the history of the property and the purposes of the private club. Also, in this regard, we are enclosing a list of workshops conducted at the property last month.

We submit that the organization and purposes of this activity fall within the definition of a private club as set forth in the Portland Land Use Ordinance, Section 14-47.

Under Section 14-137(2)(e), a private club is allowed as a conditional use in the R-6 zone with approval from the Planning Board.

When I discussed this matter with Alex Jaegerman, he raised a concern with whether the provisions under 14-139(1)(g) might apply, which require a 10,000 square foot lot size for a "fraternal organization." You indicated that you considered private clubs and fraternal organizations two distinctly different entities and that 14-139(1)(g) applied only, by its plain terms, to fraternal organizations.

When we discussed parking, it appeared that the applicable standard for most of this use would be pursuant to 14-332(7), which requires one parking space for every 100 square feet, or major fraction thereof, of "assemblage space."

The Isabelle Center's proposed use has two places of assemblage. There is a 15' x 15' library and a 16' x 20' meeting room which, collectively, total 545 square feet, and translate to five parking spaces. In addition, Ms. Shutzman plans to have an office on the premises of 180 square feet, which would require one parking space pursuant to 14-332(10). There are two residential tenancies that are in the building in addition to The Isabelle Center that I understand from our earlier discussion would require one space each. Thus, a total of eight spaces is dictated pursuant to the Ordinance. There are eight parking spaces on-site.

The application of the conditional use criteria under 14-474 is the final issue to address. First, we would submit there are no "unique or distinctive characteristics or effects" associated with the proposed use. This will be a small scale private club. Most of the traffic will come from the well-travelled Eastern Promenade and very little from the residential streets adjoining the property. In addition to on-site parking, there is a substantial amount of on-street parking available in this area.

We have already received a letter from one neighbor indicating that there has been no discernable change in traffic from past use of The Isabelle Center.

Similarly, we do not expect any "adverse impact upon the health, safety or welfare of the public or the surrounding area." We anticipate that the activities of The Isabelle Center will be difficult to notice by its neighbors.

Finally, if there is any impact, it would not differ substantially from the impact that would normally be associated with an activity of this sort. In fact, we would submit that there would be less impact here because of the proximity of the property to the major thoroughfare of the Eastern Promenade which



Marge Schmuckal  
March 23, 1999  
Page 3

#23

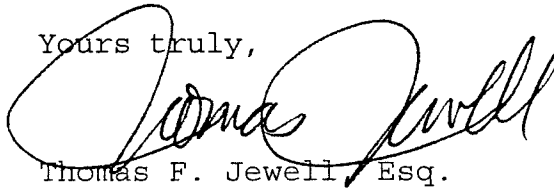
will carry most of the traffic.

Along with our application, we are submitting some preliminary letters of support of this endeavor.

In conclusion, we submit that the applicant meets all of the specific requirements of the conditional use pursuant to 14-137(2)(e), the parking requirements under 14-332, and the conditional use criteria of 14-474.

We look forward to your review of this application.

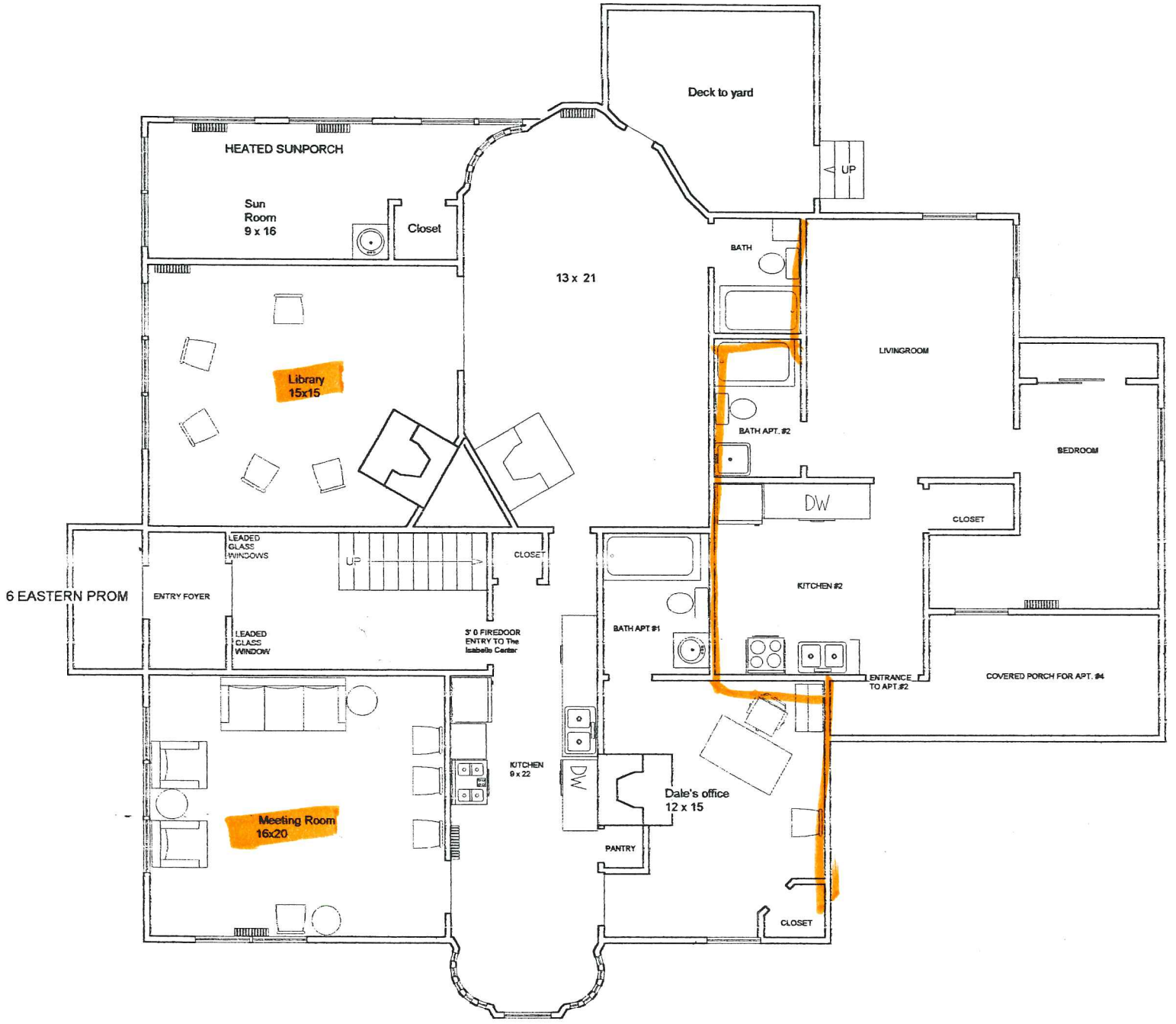
Yours truly,

A handwritten signature in black ink, appearing to read "Thomas Jewell". The signature is written in a cursive style with a large initial "T" and "J".

Thomas F. Jewell Esq.

TFJ/1st  
enclosures  
cc: Dale Schutzman

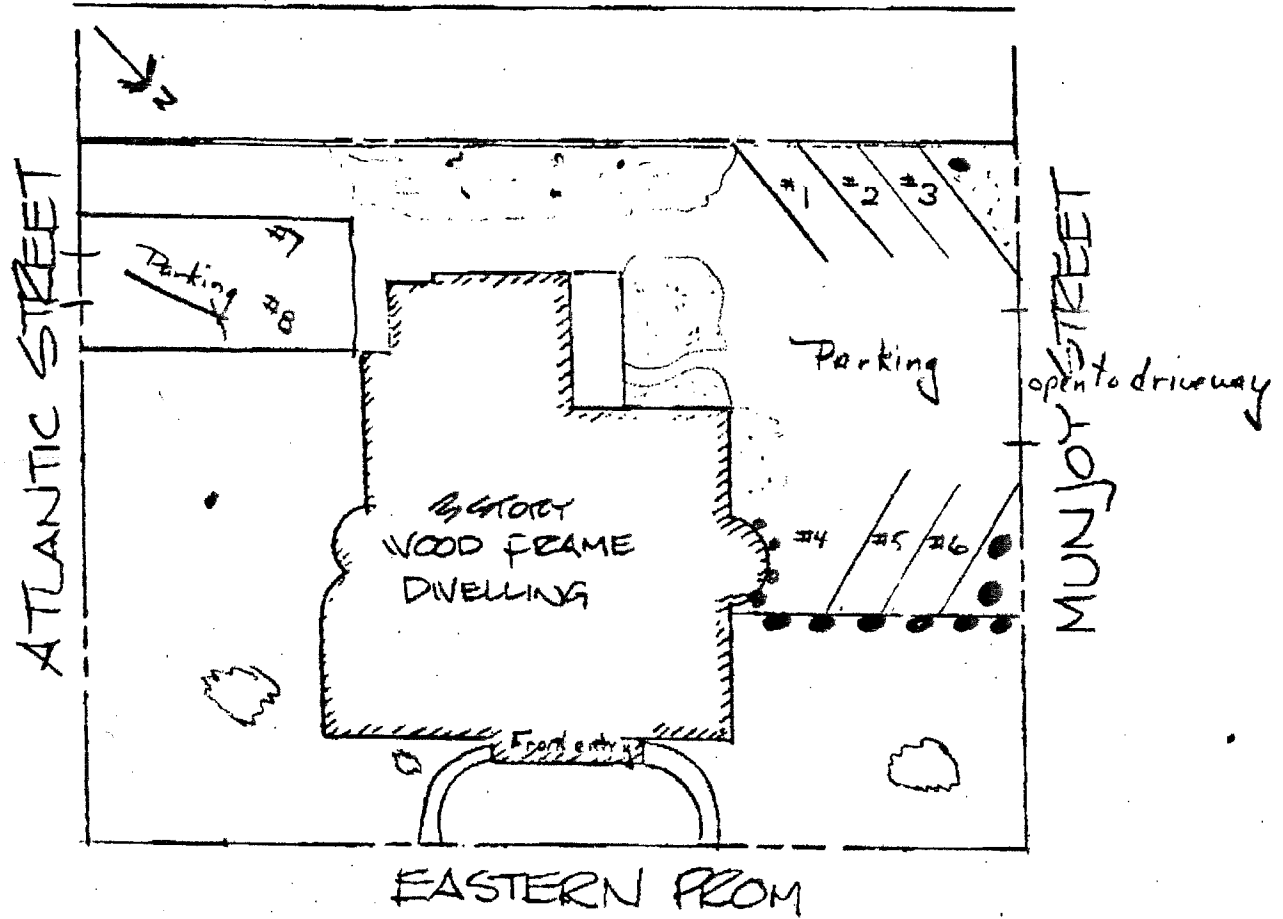
Att. #3



AH # 4

**Land Use Consultants, Inc.**  
Land Planners • Engineers • Surveyors  
966 Riverside Street  
Portland, Me 04103  
207-878-3313 Fax: 207-878-0201

**MORTGAGE LOAN INSPECTION**  
Re: 6 Eastern Prom, Portland, Maine #2187  
Date Of Inspection: May 16, 1996  
Client: Jewell and Boutin  
Lender: Unknown



**PLAN**

Record Owner: **Ernest E. Marston Trust** Deed Book/Page: **11081/90**  
Registry: **Cumberland County Maine** File Book/Page:

To the Lending Institution and its Title Insurer, exclusively:  
I hereby state that an onsite inspection of this property was made. The municipal ordinance relative to zoning setbacks from boundary lines was examined (exclusive of state and federal environmental regulations), and the community FEMA maps were reviewed. It is my professional opinion based on that inspection and on the information made available to me that the dwelling on this property:

- 1. Conforms with municipal regulated zoning setbacks: **NO**
- 2. Precedes existing zoning ordinance: **YES**
- 3. Requires improvement survey to verify setbacks: **YES**
- 4. May be affected by a special flood hazard zone: **NO**

*[Handwritten Signature]*

Maine Professional Land Surveyor  
Land Use Consultants, Inc.

*This instrument is a mortgage loan inspection prepared in accordance with Rule 12, Section 12.12 of the Rules and Regulations of the Maine State Board of Licensure for Professional Land Surveyors. This is not a boundary survey.*

## OUR MISSION

The Isabelle Center is a non-profit membership organization affording members access to fellowship, community, small workshop space and information for personal growth.

The Center is a safe, supportive environment that empowers its members and promotes community and civic opportunities. Those participating in membership at the Isabelle Center need to reflect the values and interests of the Center, the community and the other members.

## PRIVILEGES OF MEMBERSHIP

- § Access to lending library of books and periodicals and quiet study space. By appointment, 9:00-2:00, Monday through Friday.
- § Meeting room privileges for workshops limited to 12 participants
- § Database of information on community events and educational opportunities
- § Audio/video cassettes for loan
- § Opportunity to network with members and their guests
- § Website space for community networking and marketing individual services



For additional information about the Center, to tour the facility and to discuss becoming a member, please call us at 773-7851 or fill out the form below and we will put you on our mailing list.

Name \_\_\_\_\_

Address \_\_\_\_\_

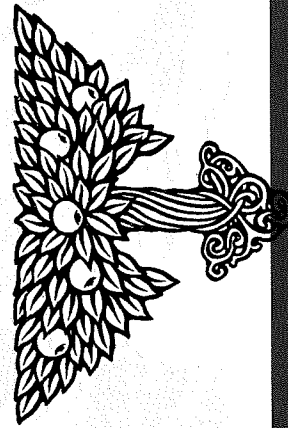
Phone Numbers:

(home) \_\_\_\_\_

(work) \_\_\_\_\_

(fax) \_\_\_\_\_

E-mail: \_\_\_\_\_



Att.#5.1

## The History of 6 Eastern Prom

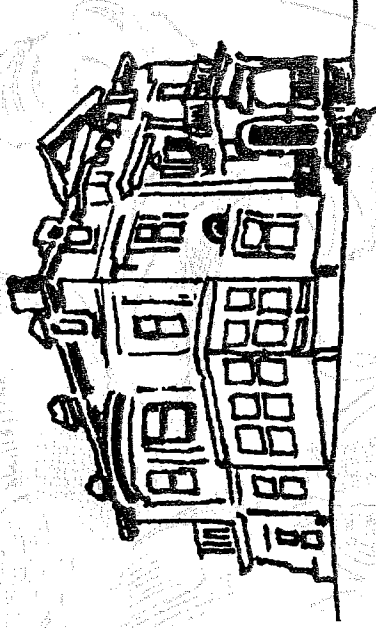
The Isabelle Center is located at 6 Eastern Promenade in the Historic neighborhood of Munjoy Hill.

The Center occupies a portion of the bottom floor of a superbly renovated Italianate Style Residence. The house was built around 1860 by Capt. J. Berry, a sea captain. He sold it to H.P. Dewey, a successful financier. Upon his death, his widow, Sophrania Dewey, sold the house to Ernest Randall, a local fuel oil merchant and owner of McAllister & Randall. In 1901, with the help of Austin Pease, a locally renowned architect, 6 Eastern Promenade was dramatically renovated into one of Munjoy Hill's most elegant residences.

In 1996, Crandall Toothaker purchased the residence which was in a state of neglect. After a year and a half of loving restoration, 6 Eastern Prom was once again restored to its original beauty and distinction.

The Isabelle Center Board and members are committed to keeping the historical integrity and well-being of this property intact.

The Isabelle Center  
6 Promenade East  
Portland, ME 04101



*The Isabelle Center*

*6 Eastern Promenade  
Portland, ME 04101  
773-7851*

#512

# EXPLORING, LEARNING, GROWING THIS FEBRUARY

## DREAM GROUP

In this session we will explore in depth the dreamlife. Symbol, metaphor, free association and other sharing of ideas makes this a dynamic group experience. Facilitated by Jeanne Fiorini. Fee, \$120. Six consecutive Wednesday evenings from 7 - 9:15 p.m. beginning February 10. To register, call Jeanne at 799-8648.

## INNER WISDOM

A spirit-centered circle designed to deepen the relationship with inner guidance and spiritual awareness. Facilitated by Cali Williamson. Offered February 3 and the first Wednesday of each month, from 7 - 9 p.m. Fee for each session is \$10. To register, call Cali at 671-9717. All are welcome.

## MONEY EMPOWERMENT FOR WOMEN

Learn to apply new empowerment techniques to your own money issues in this workshop facilitated by Lu Bauer, CPA, founder of The Balancing Act. Friday, February 12, from 5 - 9 p.m. Fee is \$45. To register, call Lu at 892-6652.

## BUILDING SANCTUARY

Using guided meditation, journaling and movement, we will inspire creation of a spiritually significant object for your home or office. Basic materials are included in the workshop fee, but do bring photos and other objects representative of your personal faith orientation. Co-led by Cali Williamson and Dale Wenglowski. Offered Saturday, February 27 from 10 a.m. to 4 p.m. Fee is \$75. To register, call Cali Williamson at 671-9717.

## TENDING THE BODY, MINDING THE SOUL

In this workshop, you will learn how to lovingly care for your body and thereby mend the soul through storytelling, guided imagery and group discussion. Facilitated by Joyce Sarat White, MA, LPC, founder of Weighty Issues. Offered Thursday, February 25, from 6 to 9 p.m. Fee is \$40. To register, call Joyce at 846-9053.

## TAROT PLAY NIGHT

An opportunity for those already acquainted with Tarot to learn new techniques, share experiences, and play. Facilitated by Jeanne Fiorini. Offered February 11 and the second Thursday of each month, from 6:30 - 9 p.m. Fee for each session is \$20. To register, call Jeanne at 799-8648.

## TAROT CIRCLE

Open-forum reading in a safe, relaxing atmosphere. No experience is necessary and anyone seeking guidance or clarity is welcome! Facilitated by Jeanne Fiorini. Offered February 18 and the third Thursday of each month, from 6:30 - 9 p.m. Fee for each session is \$20. To register, call Jeanne at 799-8648.

## COMBING THE MIRROR

The Reverend Kevin Ross Emery, transchanneler, spiritual counselor, teacher, and author of *Combing the Mirror*, and the Reverend Tommy Hensel invite you to a free, informal and informative gathering with conversation and light refreshment from 4 - 6 p.m. A channeling session follows at 7 p.m., the fee is \$30. Offered Saturday, February 13. To register, call The Isabelle Center at 773-7851. Personal coaching sessions offered by the Reverends Emery and Hensel through the month of February.



## The Isabelle Center

Innovative Workshop and Meeting Space

SIX EASTERN PROMENADE

PORTLAND, MAINE 04101

773-7851

Call for more information  
and other workshops

AH. #6.1

JUDITH SOUTHWORTH  
1 FORE STREET  
PORTLAND, ME 04101

City Planning  
Portland, Maine

Date: March 12, 1999

Re: The Isabelle Center  
Six Eastern Promenade  
Portland, ME 04101

To whom it may concern:

I live next door to The Isabelle Center. The center, and its owner, Dale Wenglowski, are a distinct asset to our neighborhood.

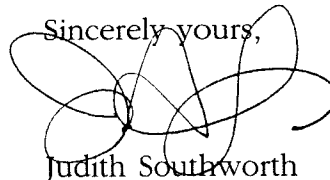
First, the house was recently entirely renovated. What had been a rather run-down building has become an elegant edifice that adds grace and nobility to the Promenade. It is easily the most notable and beautiful building in the area, reminiscent of the past glory reflected in the other stately homes, somewhat worn down by time, that line the Promenade. I have heard passersby remark on the building and other people around town have asked me if I was familiar with this notable transformation.

As regards any concerns about noise or traffic, I want to report that I have never heard any noise at all coming from the center, nor have I noticed any additional traffic on Fore Street or the Eastern Promenade. There continues to be ample street parking in the area, and the neighborhood is very peaceful.

Dale is a gracious and considerate neighbor. I have met her on several occasions and have been struck by her intelligence and lovely manners. I have attended a couple of early evening programs hosted by The Isabelle Center and they were quiet events attended by a handful of beautifully behaved persons.

I feel that my home neighborhood is significantly enhanced by the presence of Dale Wenglowski, and by the community building programming of The Isabelle Center.

Sincerely yours,



Judith Southworth

Att. #6.2

**CYNTHIA S. McMULLIN**  
Nineteen Commercial Street  
Portland, ME 04101  
(207) 775-1526  
FAX: 775-5728

March 17, 1999



The City of Portland  
City Hall  
Portland, ME 04101

RE: The Isabelle Center

To Whom It May Concern:

My apartment is a close neighbor to the Isabelle Center. I have lived at 21A Eastern Promenade across the street for 3 years. I have not seen any increase in traffic or parking needs in that time. Even when the Center had its Open House, it was quiet and there was no trouble with parking.

The Isabelle Center is a marvelous addition to the street, neighborhood, and to all of Portland. I am sad that anyone would think otherwise.

Very truly yours,

Cynthia S. McMullin





Att. #63

**MAINE WOMEN'S FUND**

**BOARD OF DIRECTORS**

- BARBARA A. LEONARD, PRESIDENT
- MARTHA BREUNIG, V. PRESIDENT
- JANET N. O'TOOLE, TREASURER
- AMY K. TCHAO, SECRETARY
- BARBARA SIROIS BARKIRK
- VIVIAN J. BRIDGES
- BRENDA S. COOK
- GERALDINE T. DORSEY
- SUSAN GREENWOOD
- JUDY GUAY
- KAREN A. HARRIS
- CAROL I. KULBERG
- MARY E. MCCANN
- GAEL MAY MCKIBBEN
- CYNTHIA S. McMULLIN
- LESLIE P. MERRILL
- LOUISE H. MURPHY
- CAROLYN B. MURRAY
- PATRICIA A. PEARD
- KATHERINE PELLETREAU
- LOIS GALGAY RECKITT
- JANE SEARLES
- S. REBECCA STRAUSS
- JOAN W. WELSH

March 16, 1999

To Whom it May Concern:

Please accept this letter of support for The Isabelle Center's important role as a convener of small groups of citizens concerned with enhancing opportunities for women in Portland. The Center provides a focal point for women seeking to build their personal sense of worth and well-being.

Working one-on-one or in small, essential groups, women go to The Isabelle Center to discuss topics as wide-ranging as spiritual growth to starting and building a small business. The value of this kind of connecting place is immeasurable to the health and benefit of the women who gather there, as well as the City of Portland.

We are thankful for The Isabelle Center's presence in our community.

Sincerely,

Karin Anderson  
Executive Director

**ADVISORY COUNCIL**

- BRENDA S. COOK, CO-CHAIR
- ELLEN V.P. WELLS, CO-CHAIR
- JOANNE D'ARCANGELO
- MADELEINE G. CORSON
- JOEL D. DAVIS
- JANE HOLT DEFREES
- JEAN M. DEIGHAN
- MIMI DUNN
- CAROL EPSTEIN
- SANDRA FEATHERMAN
- RICHARD C. KENNEDY
- JANA LAPOINT
- DOUG MALCOLM
- MERLE R. NELSON
- P. ANDREWS NIXON
- RICHARD L. PATTENAUDE
- WILLIAM J. RYAN
- JOAN BENOIT SAMUELSON
- DONNA K. THORNTON
- CAROL WISHCAMPER

**EXECUTIVE DIRECTOR**

KARIN ANDERSON



Att. # 6.4

*Cali Williamson, LCPC*  
*283 Main Street*  
*Cumberland Ctr., Maine 04021*  
*207/671-9717*

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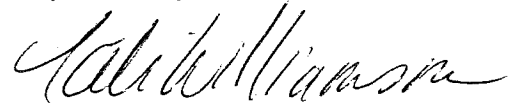
March 17, 1999

To Whom it May Concern:

I am writing as a member of the Isabelle Center to document my appreciation for this wonderful facility. As a Licensed Clinical Professional Counselor, I frequently offer small workshops on topics related to personal and professional growth. I enjoy the beauty, convenience and very reasonable cost to me associated with conducting workshops in this space. In fact the existence of the Isabelle Center actually makes such workshops feasible for me as an instructor.

It is a wonderful place for people to meet in a relaxed atmosphere conducive to gaining perspective on important issues in one's life and work.

Very Sincerely,



Cali Williamson

Filing Fee \$20.00

Att. # 7.1

|                                   |
|-----------------------------------|
| For Use By The Secretary of State |
| File No. ....                     |
| Fee Paid .....                    |
| C. B. ....                        |
| Date .....                        |

NONPROFIT CORPORATION

STATE OF MAINE

ARTICLES OF INCORPORATION

(CHECK ONLY IF APPLICABLE)

This is a Domestic Condominium Corporation.

|  |
|--|
| For Use By The Secretary of State      |
| FILED                                  |
| _____ 19____                           |
| Deputy Secretary of State              |
| A True Copy When Attested By Signature |
| _____                                  |
| Deputy Secretary of State              |

Pursuant to 13-B MRSA §403, the undersigned, acting as incorporator(s) of a corporation, adopt(s) the following Articles of Incorporation:

FIRST: The name of the corporation is The Isabelle Center

SECOND: The corporation is organized for all purposes permitted under Title 13-B, MRSA, or, if not for all such purposes, then for the following purpose or purposes:

THIRD: The name of its Registered Agent and address of registered office (the registered agent must be a Maine resident, whose business office is identical with the registered office; or a corporation, domestic or foreign, profit or nonprofit, having an office identical with such registered office.)

Thomas F. Jewell  
(name)  
Jewell & Boutin, 465 Congress Street, Suite 408, Portland, ME  
(street address (not P.O. Box), city, state and zip code)  
 \_\_\_\_\_  
(mailing address if different from above)

FOURTH: The number of directors (not less than 3) constituting the initial board of directors of the corporation, if they have been designated or elected, is three

The minimum number of directors (not less than 3) shall be three and the maximum number of directors shall be none.

FIFTH: Members:  There shall be no members.  
 There shall be one or more classes of members, and the information required by §402 is as follows:  
 One class of nonvoting members; annual fee required for membership; membership privileges include access to library and workshops at 6 Eastern Promenade, Portland.

SIXTH:  (Check if this article is to apply)

No substantial part of the activities of the Corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the Corporation shall not participate in or intervene in (including the publication or distribution of statements) any political campaign on behalf of any candidate for public office.

Att. # 7.2

SEVENTH:  (Check if this article is to apply. Then fill in reference number of Section 501(c)( ? ) in first paragraph below.)

Upon the dissolution of the Corporation or the termination of its activities, the assets of the Corporation remaining after the payment of all its liabilities shall be distributed exclusively to one or more organizations organized and operated exclusively for such purposes as shall then qualify as an exempt organization or organizations under Section 501(c)( ) of the Internal Revenue Code of 1986, as amended, and as a charitable, religious, eleemosynary, benevolent or educational corporation within the meaning of Title 13B. of the Maine Revised Statutes as amended.

No part of the net earnings of the Corporation shall inure to the benefit of any member, director, or officer of the Corporation, or any private individual (except that reasonable compensation may be paid for services rendered to or for the Corporation in carrying out one or more of its purposes), and no member, director, or officer of the Corporation, or any private individual, shall be entitled to share in the distribution of any of the corporate assets on dissolution of the Corporation.

EIGHTH: Other provisions of these articles, if any, including provisions for the regulation of the internal affairs of the corporation, and distribution of assets on dissolution or final liquidation:

Dated: \_\_\_\_\_

**INCORPORATORS**

**ADDRESSES**

Dale Shutzman  
(signature)  
Dale Shutzman  
(type or print name)

Karen Barnett  
(signature)  
Karen Barnett  
(type or print name)

Annie Houle  
(signature)  
Annie Houle  
(type or print name)

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(type or print name)

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(type or print name)

Street 6 Eastern Promenade  
Portland, ME 04101  
(city, state and zip code)

Street 261 Vaughan Street  
Portland, ME 04102  
(city, state and zip code)

Street 23 Oakland Avenue  
Yarmouth, ME 04096  
(city, state and zip code)

Street \_\_\_\_\_  
(city, state and zip code)

Street \_\_\_\_\_  
(city, state and zip code)

Street \_\_\_\_\_  
(city, state and zip code)

Att. # 8

- c. Conversion of a structure existing on March 3, 1997, into a bed and breakfast with five (5) to nine (9) guest rooms.
- (2) *Institutional*: Any of the following conditional uses provided that, notwithstanding section 14-474(a) (conditional uses) of this article or any other provision of this Code, the planning board shall be substituted for the board of appeals as the reviewing authority:
- a. Elementary, middle, and secondary school;
  - b. i. Long-term and extended care facilities;
  - ii. Intermediate care facility for thirteen (13) or more persons;
  - c. Intermediate care facility;
  - d. Church or other place of worship;
  - e. Private club or fraternal organization;
  - f. Reserved;
  - g. Hospital;
  - h. College, university, trade school.

Such uses shall be subject to the following conditions and standards in addition to the provisions of section 14-474:

- i. In the case of expansion onto land of existing such uses other than the lot on which the principal use is located, it shall be demonstrated that the proposed use cannot reasonably be accommodated on the existing site through more efficient utilization of land or buildings, and will not cause significant physical encroachment into established residential areas; and
- ii. The proposed use will not cause significant displacement or conversion of residential uses existing as of June 1, 1983, or thereafter; and
- iii. In the case of a use or use expansion which constitutes a combination of the above-listed uses with capacity for concurrent operations, the applicable minimum lot sizes shall be cumulative.

(3) *Other*:

- a. Utility substations, such as water and sewage pumping stations and standpipes, electric power substations, transformer stations, and telephone electronic equipment enclosures and other similar structures, provided that such uses are suitably screened and landscaped so as to ensure compatibility with the surrounding neighborhood;
- b. Professional offices of a member of a recognized profession maintained for the conduct of that profession. Professional office uses exclude personal services, retail services, and veterinarians.

The illustrative examples that follow indicate the type of professional offices permitted: health care practitioner, attorney, social worker, engineer, architect, accountant, real estate agent, insurance agent.

**JEWELL & BOUTIN**  
**Attorneys at Law**  
465 Congress Street  
Suite 408  
Portland, ME 04101

Thomas F. Jewell  
Daniel W. Boutin

Telephone: (207) 774-6665  
Fax: (207) 774-1626

March 23, 1999

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

Re: Conditional Use Appeal for The Isabelle Center  
6 Eastern Promenade, Portland

Dear Marge:

Please accept our application for a conditional use as a "private club" for Dale Schutzman, also known as Dale Wenglowski, owner of the above property.

Dale is the owner of a restored historic building which she recently purchased. Part of her plans for this property when she purchased it was to make it available to the public and develop it as a center where workshops could be held. In fact, she began to use the property for this purpose before she realized she needed to obtain a conditional use permit for this undertaking.

When Dale purchased the property last year, it was a 4-unit building. She decided to convert two of those units to one for her own purposes, leaving two units available for rental. One of those units will remain a rental property, and the other would become The Isabelle Center. We submit that the loss of this one unit will not result in the "significant displacement or conversion of a residential use as existing as of June 1, 1983" pursuant to Section 14-137(2).

Dale plans to incorporate The Isabelle Center. I enclose copies of the articles for a non-profit corporation evidencing a membership-based entity. We also enclose a copy of the proposed membership brochure, which describes some of the history of the property and the purposes of the private club. Also, in this regard, we are enclosing a list of workshops conducted at the property last month.

We submit that the organization and purposes of this activity fall within the definition of a private club as set forth in the Portland Land Use Ordinance, Section 14-47.

CITY OF PORTLAND, MAINE

BOARD OF APPEALS



CONDITIONAL USE APPEAL APPLICATION

Applicant's name and address: Dale Schutzman

c/o Thomas Jewell, Suite 408, 465 Congress St., Portland

Applicant's interest in property (e.g., owner, purchaser, etc.):

owner

Owner's name and address (If different):

6 Eastern Promenade, Portland

Address of property and Assessor's chart, block and lot number:

16-C-23

Zone: R-6

Present use: residential - 3 unit

Type of conditional use proposed: private club - portion of 1st floor

Conditional use authorized by: Section 14-137(2)e

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

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

Date: 3/23/99

Thomas Jewell  
Signature of Applicant

Under Section 14-137(2)(e), a private club is allowed as a conditional use in the R-6 zone with approval from the Planning Board.

When I discussed this matter with Alex Jaegerman, he raised a concern with whether the provisions under 14-139(1)(g) might apply, which require a 10,000 square foot lot size for a "fraternal organization." You indicated that you considered private clubs and fraternal organizations two distinctly different entities and that 14-139(1)(g) applied only, by its plain terms, to fraternal organizations.

When we discussed parking, it appeared that the applicable standard for most of this use would be pursuant to 14-332(7), which requires one parking space for every 100 square feet, or major fraction thereof, of "assemblage space."

The Isabelle Center's proposed use has two places of assemblage. There is a 15' x 15' library and a 16' x 20' meeting room which, collectively, total 545 square feet, and translate to five parking spaces. In addition, Ms. Shutzman plans to have an office on the premises of 180 square feet, which would require one parking space pursuant to 14-332(10). There are two residential tenancies that are in the building in addition to The Isabelle Center that I understand from our earlier discussion would require one space each. Thus, a total of eight spaces is dictated pursuant to the Ordinance. There are eight parking spaces on-site.

The application of the conditional use criteria under 14-474 is the final issue to address. First, we would submit there are no "unique or distinctive characteristics or effects" associated with the proposed use. This will be a small scale private club. Most of the traffic will come from the well-travelled Eastern Promenade and very little from the residential streets adjoining the property. In addition to on-site parking, there is a substantial amount of on-street parking available in this area.

We have already received a letter from one neighbor indicating that there has been no discernable change in traffic from past use of The Isabelle Center.

Similarly, we do not expect any "adverse impact upon the health, safety or welfare of the public or the surrounding area." We anticipate that the activities of The Isabelle Center will be difficult to notice by its neighbors.

Finally, if there is any impact, it would not differ substantially from the impact that would normally be associated with an activity of this sort. In fact, we would submit that there would be less impact here because of the proximity of the property to the major thoroughfare of the Eastern Promenade which



Marge Schmuckal  
March 23, 1999  
Page 3

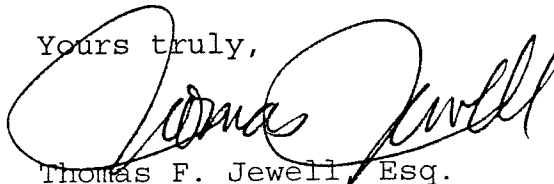
will carry most of the traffic.

Along with our application, we are submitting some preliminary letters of support of this endeavor.

In conclusion, we submit that the applicant meets all of the specific requirements of the conditional use pursuant to 14-137(2)(e), the parking requirements under 14-332, and the conditional use criteria of 14-474.

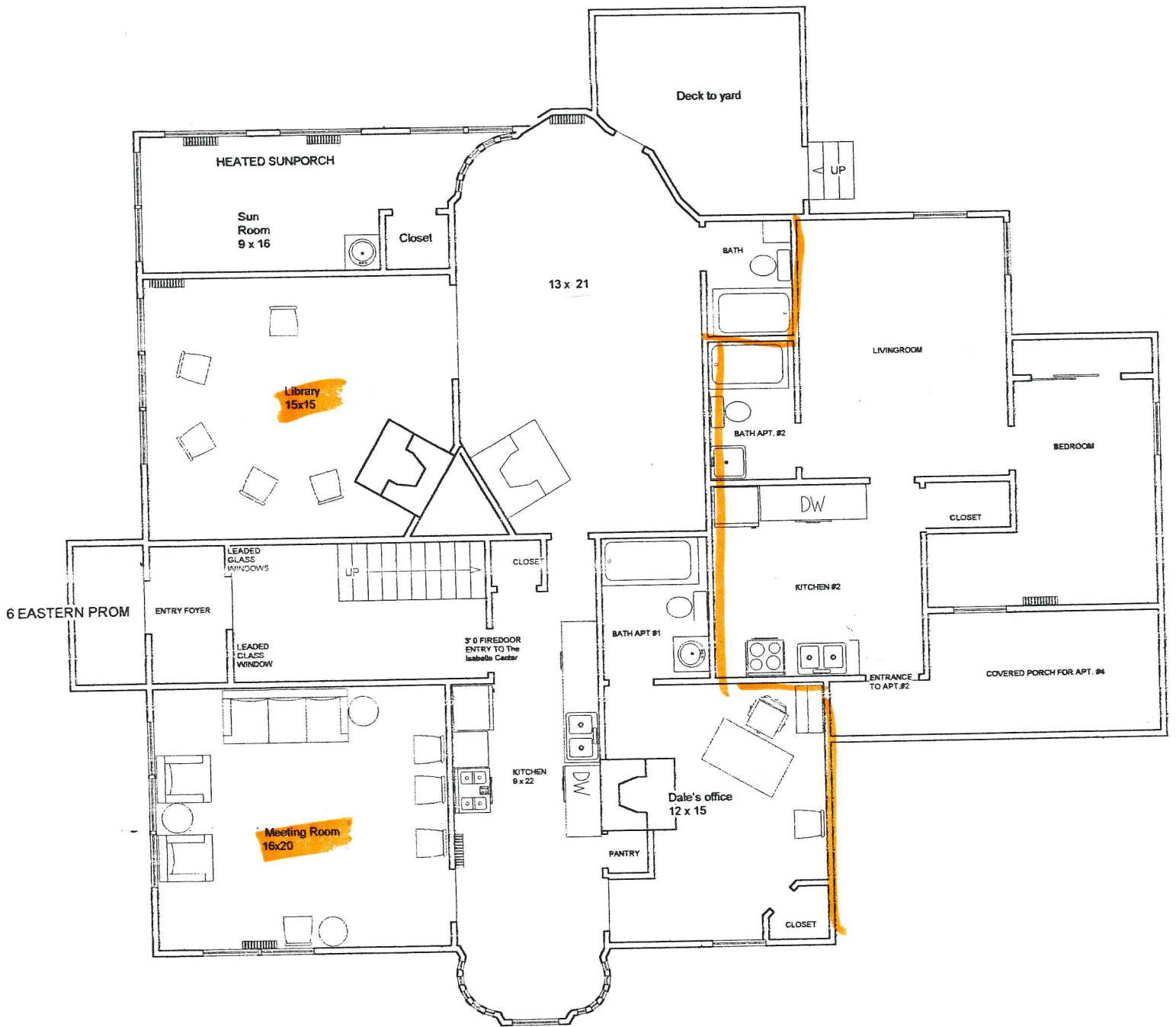
We look forward to your review of this application.

Yours truly,

A handwritten signature in cursive script, appearing to read "Thomas F. Jewell".

Thomas F. Jewell Esq.

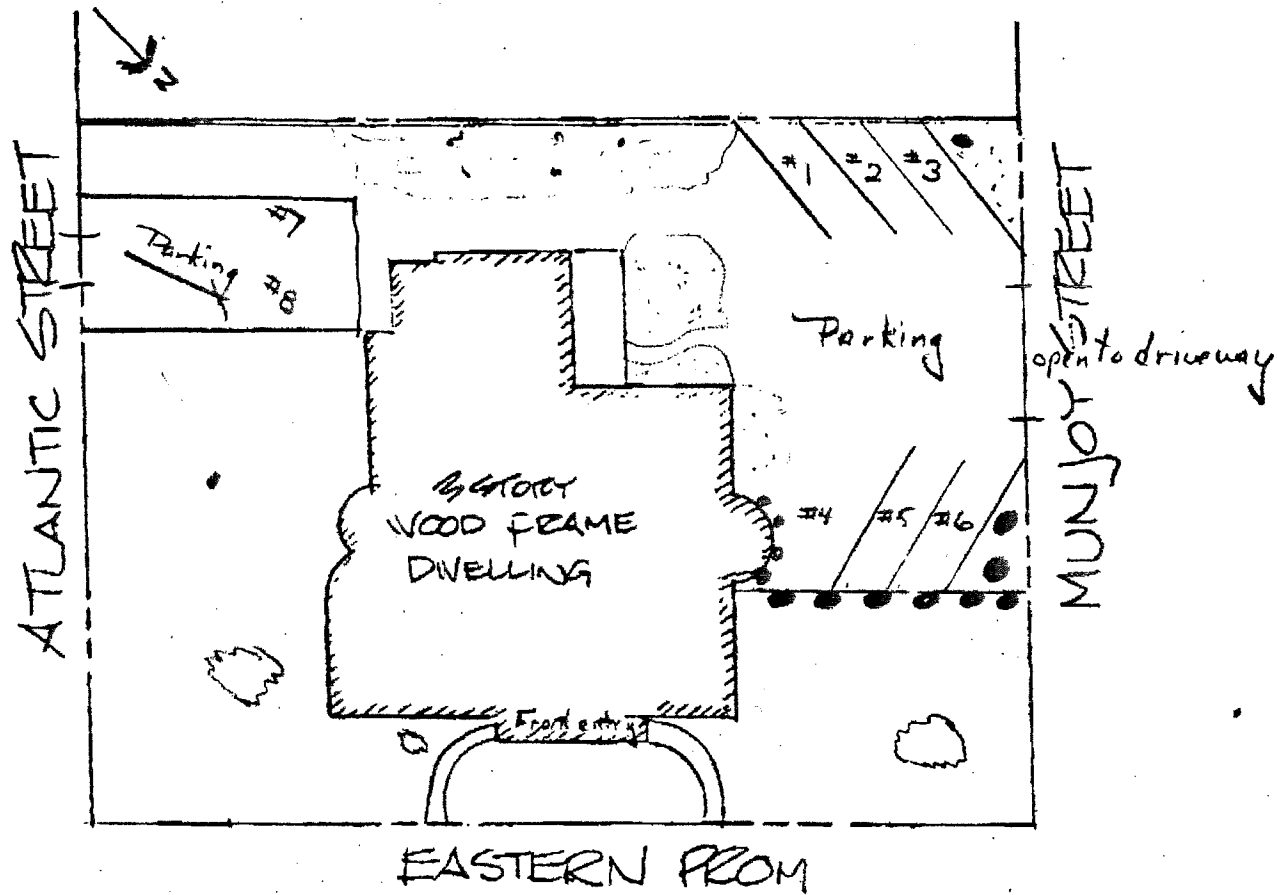
TFJ/1st  
enclosures  
cc: Dale Schutzman



**Land Use Consultants, Inc.**  
Land Planners • Engineers • Surveyors  
966 Riverside Street  
Portland, Me 04103  
207-878-3313 Fax: 207-878-0201

**MORTGAGE LOAN INSPECTION**

Re: 6 Eastern Prom, Portland, Maine #2187  
Date Of Inspection: May 16, 1996  
Client: Jewell and Boutin  
Lender: Unknown



**PLAN**

Record Owner: Eustace E. Marston Trust      Deed Book/Page: 11081/90  
Registry: Cumberland County Maine      Plan Book/Page:

To the Lending Institution and its Title Insurer, collectively:

I hereby state that an onsite inspection of this property was made. The municipal ordinance relative to zoning setbacks from boundary lines was reviewed (inclusive of state and federal environmental regulations), and the community FEMA maps were reviewed. It is my professional opinion based on that inspection and on the information made available to me that the dwelling on this property:

- 1. Conforms with municipal regulated zoning setbacks: **NO**
- 2. Precedes existing zoning ordinance: **YES**
- 3. Requires instantaneous survey to verify setbacks: **YES**
- 4. May be affected by a special flood hazard zone: **NO**

*[Handwritten Signature]*

Maine Professional Land Surveyor  
Land Use Consultants, Inc.

This instrument is a mortgage loan inspection prepared in accordance with Rule 12, Section 12.12 of the Rules and Regulations of the Maine State Board of Licensure for Professional Land Surveyors. This is not a boundary survey.

# EXPLORING, LEARNING, GROWING THIS FEBRUARY

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A spirit-centered circle designed to deepen the relationship with inner guidance and spiritual awareness. Facilitated by Cali Williamson. Offered February 3 and the first Wednesday of each month, from 7 - 9 p.m. Fee for each session is \$10. To register, call Cali at 671-9717. All are welcome.

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## BUILDING SANCTUARY

Using guided meditation, journaling and movement, we will inspire creation of a spiritually significant object for your home or office. Basic materials are included in the workshop fee, but do bring photos and other objects representative of your personal faith orientation. Co-led by Cali Williamson and Dale Wenglowski. Offered Saturday, February 27 from 10 a.m. to 4 p.m. Fee is \$75. To register, call Cali Williamson at 671-9717.

## TENDING THE BODY, MINDING THE SOUL

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## TAROT PLAY NIGHT

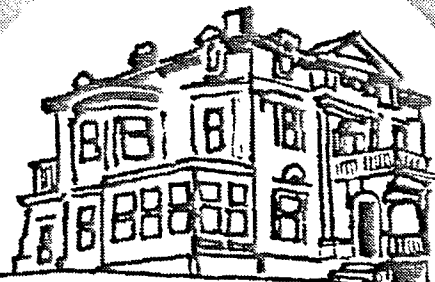
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## The Isabelle Center

Innovative Workshop and Meeting Space

SIX EASTERN PROMENADE  
PORTLAND, MAINE 04101

773-7851

Call for more information  
and other workshops

JUDITH SOUTHWORTH  
1 FORE STREET  
PORTLAND, ME 04101

City Planning  
Portland, Maine

Date: March 12, 1999

Re: The Isabelle Center  
Six Eastern Promenade  
Portland, ME 04101

To whom it may concern:

I live next door to The Isabelle Center. The center, and its owner, Dale Wenglowski, are a distinct asset to our neighborhood.

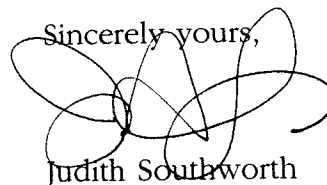
First, the house was recently entirely renovated. What had been a rather run-down building has become an elegant edifice that adds grace and nobility to the Promenade. It is easily the most notable and beautiful building in the area, reminiscent of the past glory reflected in the other stately homes, somewhat worn down by time, that line the Promenade. I have heard passersby remark on the building and other people around town have asked me if I was familiar with this notable transformation.

As regards any concerns about noise or traffic, I want to report that I have never heard any noise at all coming from the center, nor have I noticed any additional traffic on Fore Street or the Eastern Promenade. There continues to be ample street parking in the area, and the neighborhood is very peaceful.

Dale is a gracious and considerate neighbor. I have met her on several occasions and have been struck by her intelligence and lovely manners. I have attended a couple of early evening programs hosted by The Isabelle Center and they were quiet events attended by a handful of beautifully behaved persons.

I feel that my home neighborhood is significantly enhanced by the presence of Dale Wenglowski, and by the community building programming of The Isabelle Center.

Sincerely yours,



Judith Southworth

**CYNTHIA S. McMULLIN**  
Nineteen Commercial Street  
Portland, ME 04101  
(207) 775-1526  
FAX: 775-5728

March 17, 1999



The City of Portland  
City Hall  
Portland, ME 04101

RE: The Isabelle Center

To Whom It May Concern:

My apartment is a close neighbor to the Isabelle Center. I have lived at 21A Eastern Promenade across the street for 3 years. I have not seen any increase in traffic or parking needs in that time. Even when the Center had its Open House, it was quiet and there was no trouble with parking.

The Isabelle Center is a marvelous addition to the street, neighborhood, and to all of Portland. I am sad that anyone would think otherwise.

Very truly yours,

Cynthia S. McMullin



**MAINE WOMEN'S FUND**

**BOARD OF DIRECTORS**

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JOAN BENOIT SAMUELSON  
DONNA K. THORNTON  
CAROL WISHCAMPER

**EXECUTIVE DIRECTOR**

KARIN ANDERSON

March 16, 1999

To Whom it May Concern:

Please accept this letter of support for The Isabelle Center's important role as a convener of small groups of citizens concerned with enhancing opportunities for women in Portland. The Center provides a focal point for women seeking to build their personal sense of worth and well-being.

Working one-on-one or in small, essential groups, women go to The Isabelle Center to discuss topics as wide-ranging as spiritual growth to starting and building a small business. The value of this kind of connecting place is immeasurable to the health and benefit of the women who gather there, as well as the City of Portland.

We are thankful for The Isabelle Center's presence in our community.

Sincerely,

Karin Anderson  
Executive Director





**CITY OF PORTLAND**

April 15, 1999

Mr. Thomas Jewel  
Suite 408  
465 Congress Street  
Portland, ME 04101

RE: 6 Eastern Promenade, Conditional Use Review.

Dear Mr. Jewel,

The City of Portland Planning staff is in the process of reviewing the application for Conditional Use for the Isabelle Center as a private club. The application package is sufficient for review, and this project has been scheduled to go to Planning Board Workshop on May 25, 1999 at 3:30 pm in City Hall room 209. If all goes as expected, a Public Hearing will be scheduled for June 22, 1999. Please contact the Planning Office if you have any questions regarding the review process. I am in the office on Tuesdays through Thursdays and my telephone number is 874-8722.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bill Needelman".

William B. Needelman, Planner

CC: Alex Jaegerman, Chief Planner

O:\PLAN\DEVREVW\EPROM6\TJ4-15WB.WPD



Forselle Center - May 25, June 2?

Conditional Rezoning

- Notice: (1) Posted @ clerk's  
(2) Published 14 days  
(3) Mailed Notice to abutters

Conditional Use: R6 Zone

Request for use as a private club  
14-137 (2) e. Private Club, Fraternal  
Organization

Specific conditions / Standards

- i. NA, Expansion of BLDG
- ii. The proposed use will not cause significant displacement or conversion of residential uses with capacity of existing as of June 1, 1983
- iii. Cumulative minimum lot size

14-479 Conditional Uses

(1) authorized use - if applicable to the proposed use (Private Club)

(2) Standards

- a. Unique or distinctive characteristics or effects
- B. adverse impact upon health, safety, welfare, & impact is different from No.

*Cali Williamson, LCPC  
283 Main Street  
Cumberland Ctr., Maine 04021  
207/671-9717*

---

March 17, 1999

To Whom it May Concern:

I am writing as a member of the Isabelle Center to document my appreciation for this wonderful facility. As a Licensed Clinical Professional Counselor, I frequently offer small workshops on topics related to personal and professional growth. I enjoy the beauty, convenience and very reasonable cost to me associated with conducting workshops in this space. In fact the existence of the Isabelle Center actually makes such workshops feasible for me as an instructor.

It is a wonderful place for people to meet in a relaxed atmosphere conducive to gaining perspective on important issues in one's life and work.

Very Sincerely,



Cali Williamson

|                                   |  |
|-----------------------------------|--|
| For Use By The Secretary of State |  |
| File No. ....                     |  |
| Fee Paid .....                    |  |
| C. B. ....                        |  |
| Date .....                        |  |

NONPROFIT CORPORATION

STATE OF MAINE

ARTICLES OF INCORPORATION

(CHECK ONLY IF APPLICABLE)

This is a Domestic Condominium Corporation.

|  |  |
|--|--|
| For Use By The Secretary of State      |  |
| FILED                                  |  |
| _____ 19 _____                         |  |
| Deputy Secretary of State              |  |
| A True Copy When Attested By Signature |  |
| _____                                  |  |
| Deputy Secretary of State              |  |

Pursuant to 13-B MRSA §403, the undersigned, acting as incorporator(s) of a corporation, adopt(s) the following Articles of Incorporation:

FIRST: The name of the corporation is The Isabelle Center

SECOND: The corporation is organized for all purposes permitted under Title 13-B, MRSA, or, if not for all such purposes, then for the following purpose or purposes:

THIRD: The name of its Registered Agent and address of registered office (the registered agent must be a Maine resident, whose business office is identical with the registered office; or a corporation, domestic or foreign, profit or nonprofit, having an office identical with such registered office.)

Thomas F. Jewell

(name)

Jewell & Boutin, 465 Congress Street, Suite 408, Portland, ME

(street address (not P.O. Box), city, state and zip code)

(mailing address if different from above)

FOURTH: The number of directors (not less than 3) constituting the initial board of directors of the corporation, if they have been designated or elected, is three

The minimum number of directors (not less than 3) shall be three and the maximum number of directors shall be none

FIFTH: Members: ("X" one box only)

There shall be no members.

There shall be one or more classes of members, and the information required by §402 is as follows:  
One class of nonvoting members; annual fee required for membership; membership privileges include access to library and workshops at 6 Eastern Promenade, Portland.

SIXTH:  (Check if this article is to apply)

No substantial part of the activities of the Corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the Corporation shall not participate in or intervene in (including the publication or distribution of statements) any political campaign on behalf of any candidate for public office.

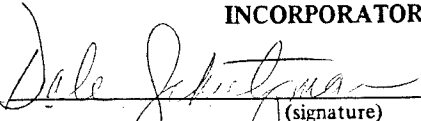
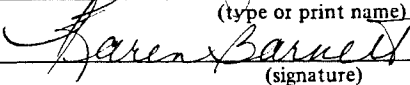
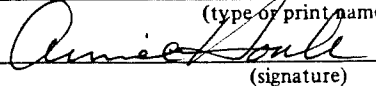
SEVENTH:  (Check if this article is to apply. Then fill in reference number of Section 501(c)( ? ) in first paragraph below.)

Upon the dissolution of the Corporation or the termination of its activities, the assets of the Corporation remaining after the payment of all its liabilities shall be distributed exclusively to one or more organizations organized and operated exclusively for such purposes as shall then qualify as an exempt organization or organizations under Section 501(c)(\_\_\_\_\_) of the Internal Revenue Code of 1986, as amended, and as a charitable, religious, eleemosynary, benevolent or educational corporation within the meaning of Title 13B. of the Maine Revised Statutes as amended.

No part of the net earnings of the Corporation shall inure to the benefit of any member, director, or officer of the Corporation, or any private individual (except that reasonable compensation may be paid for services rendered to or for the Corporation in carrying out one or more of its purposes), and no member, director, or officer of the Corporation, or any private individual, shall be entitled to share in the distribution of any of the corporate assets on dissolution of the Corporation.

EIGHTH: Other provisions of these articles, if any, including provisions for the regulation of the internal affairs of the corporation, and distribution of assets on dissolution or final liquidation:

Dated: \_\_\_\_\_

| INCORPORATORS   | ADDRESSES  |
|---|--|
| <br>_____<br>(signature)<br>Dale Shutzman<br>_____<br>(type or print name) | Street 6 Eastern Promenade<br>_____<br>Portland, ME 04101<br>_____<br>(city, state and zip code) |
| <br>_____<br>(signature)<br>Karen Barnett<br>_____<br>(type or print name) | Street 261 Vaughan Street<br>_____<br>Portland, ME 04102<br>_____<br>(city, state and zip code)  |
| <br>_____<br>(signature)<br>Annie Houle<br>_____<br>(type or print name)   | Street 23 Oakland Avenue<br>_____<br>Yarmouth, ME 04096<br>_____<br>(city, state and zip code)   |
| _____<br>(signature)  | Street _____   |
| _____<br>(type or print name)   | _____<br>(city, state and zip code)  |
| _____<br>(signature)  | Street _____   |
| _____<br>(type or print name)   | _____<br>(city, state and zip code)  |



# EXPLORING, LEARNING, GROWING THIS FEBRUARY

## DREAM GROUP

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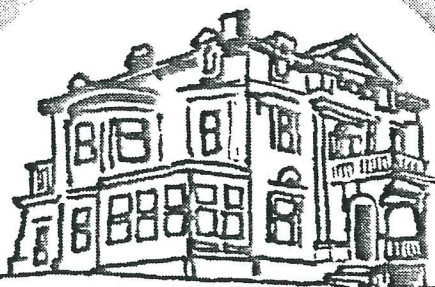
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## The Isabelle Center

Innovative Workshop and Meeting Space

SIX EASTERN PROMENADE  
PORTLAND, MAINE 04101

773-7851

Call for more information  
and other workshops



## ISSUES

FIRE ?

Parking ?

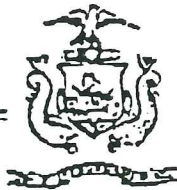
Leaving Displacement

loss of one Rented unit

Meeting Room workshops limited to 12 persons.

CITY OF PORTLAND, MAINE

BOARD OF APPEALS



CONDITIONAL USE APPEAL APPLICATION

Applicant's name and address: Dale Schutzman

c/o Thomas Jewell, Suite 408, 465 Congress St., Portland

Applicant's interest in property (e.g., owner, purchaser, etc.):

owner

Owner's name and address (If different): \_\_\_\_\_

6 Eastern Promenade, Portland

Address of property and Assessor's chart, block and lot number:

16-C-23

Zone: R-6

Present use: residential - 3 unit

Type of conditional use proposed: private club - portion of 1st floor

Conditional use authorized by: Section 14-137(2)e

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

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

Date: 3/23/99

Thomas Jewell  
Signature of Applicant

**JEWELL & BOUTIN**  
**Attorneys at Law**  
465 Congress Street  
Suite 408  
Portland, ME 04101

Thomas F. Jewell  
Daniel W. Boutin

Telephone: (207) 774-6665  
Fax: (207) 774-1626

March 23, 1999

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

Re: Conditional Use Appeal for The Isabelle Center  
6 Eastern Promenade, Portland

Dear Marge:

Please accept our application for a conditional use as a "private club" for Dale Schutzman, also known as Dale Wenglowski, owner of the above property.

Dale is the owner of a restored historic building which she recently purchased. Part of her plans for this property when she purchased it was to make it available to the public and develop it as a center where workshops could be held. In fact, she began to use the property for this purpose before she realized she needed to obtain a conditional use permit for this undertaking.

When Dale purchased the property last year, it was a 4-unit building. She decided to convert two of those units to one for her own purposes, leaving two units available for rental. One of those units will remain a rental property, and the other would become The Isabelle Center. We submit that the loss of this one unit will not result in the "significant displacement or conversion of a residential use as existing as of June 1, 1983" pursuant to Section 14-137(2).

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The Isabelle Center's proposed use has two places of assemblage. There is a 15' x 15' library and a 16' x 20' meeting room which, collectively, total 545 square feet, and translate to five parking spaces. In addition, Ms. Shutzman plans to have an office on the premises of 180 square feet, which would require one parking space pursuant to 14-332(10). There are two residential tenancies that are in the building in addition to The Isabelle Center that I understand from our earlier discussion would require one space each. Thus, a total of eight spaces is dictated pursuant to the Ordinance. There are eight parking spaces on-site.

The application of the conditional use criteria under 14-474 is the final issue to address. First, we would submit there are no "unique or distinctive characteristics or effects" associated with the proposed use. This will be a small scale private club. Most of the traffic will come from the well-travelled Eastern Promenade and very little from the residential streets adjoining the property. In addition to on-site parking, there is a substantial amount of on-street parking available in this area.

We have already received a letter from one neighbor indicating that there has been no discernable change in traffic from past use of The Isabelle Center.

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Finally, if there is any impact, it would not differ substantially from the impact that would normally be associated with an activity of this sort. In fact, we would submit that there would be less impact here because of the proximity of the property to the major thoroughfare of the Eastern Promenade which

Marge Schmuckal  
March 23, 1999  
Page 3

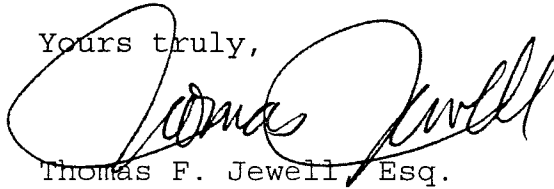
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Along with our application, we are submitting some preliminary letters of support of this endeavor.

In conclusion, we submit that the applicant meets all of the specific requirements of the conditional use pursuant to 14-137(2)(e), the parking requirements under 14-332, and the conditional use criteria of 14-474.

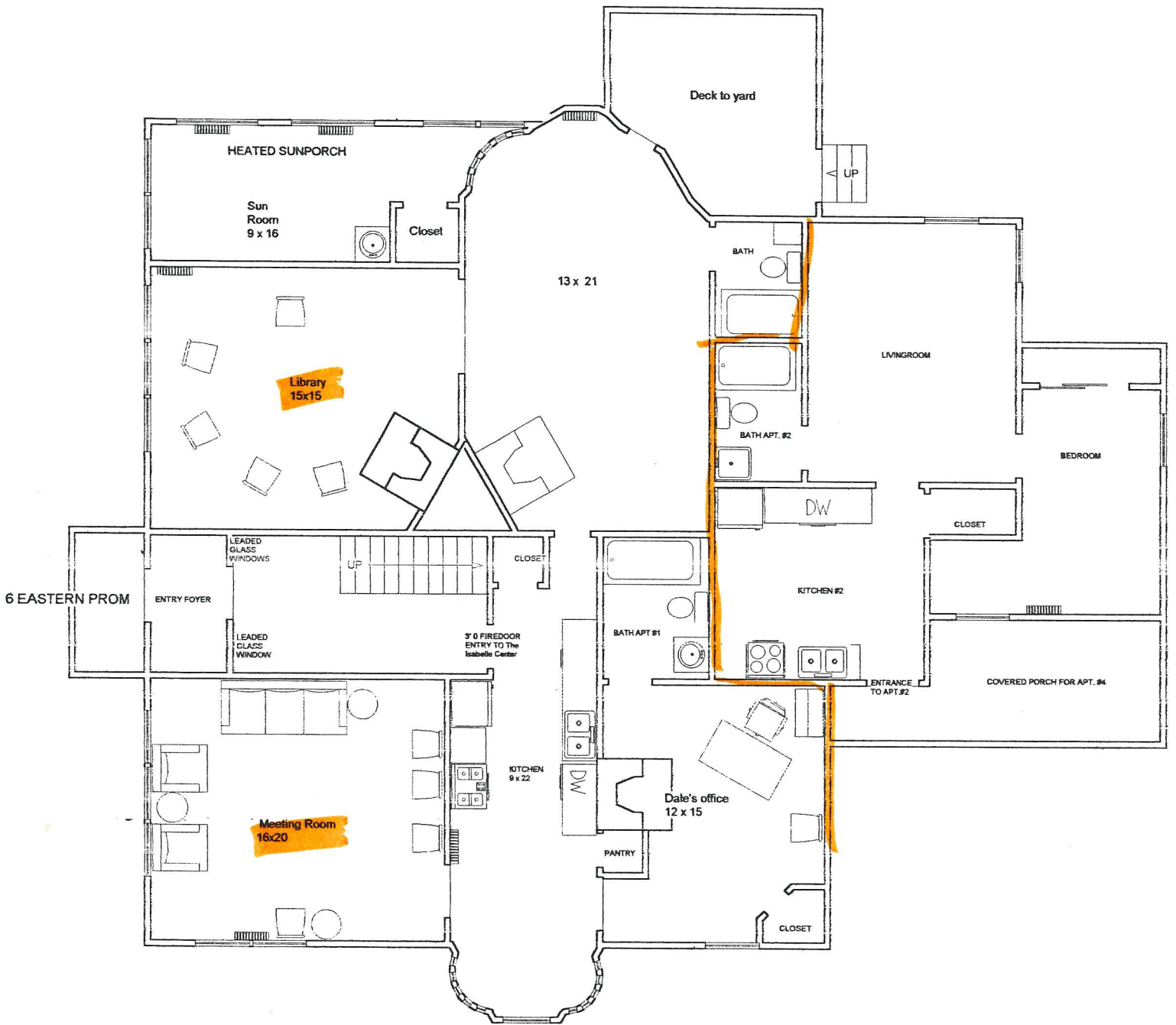
We look forward to your review of this application.

Yours truly,

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Thomas F. Jewell, Esq.

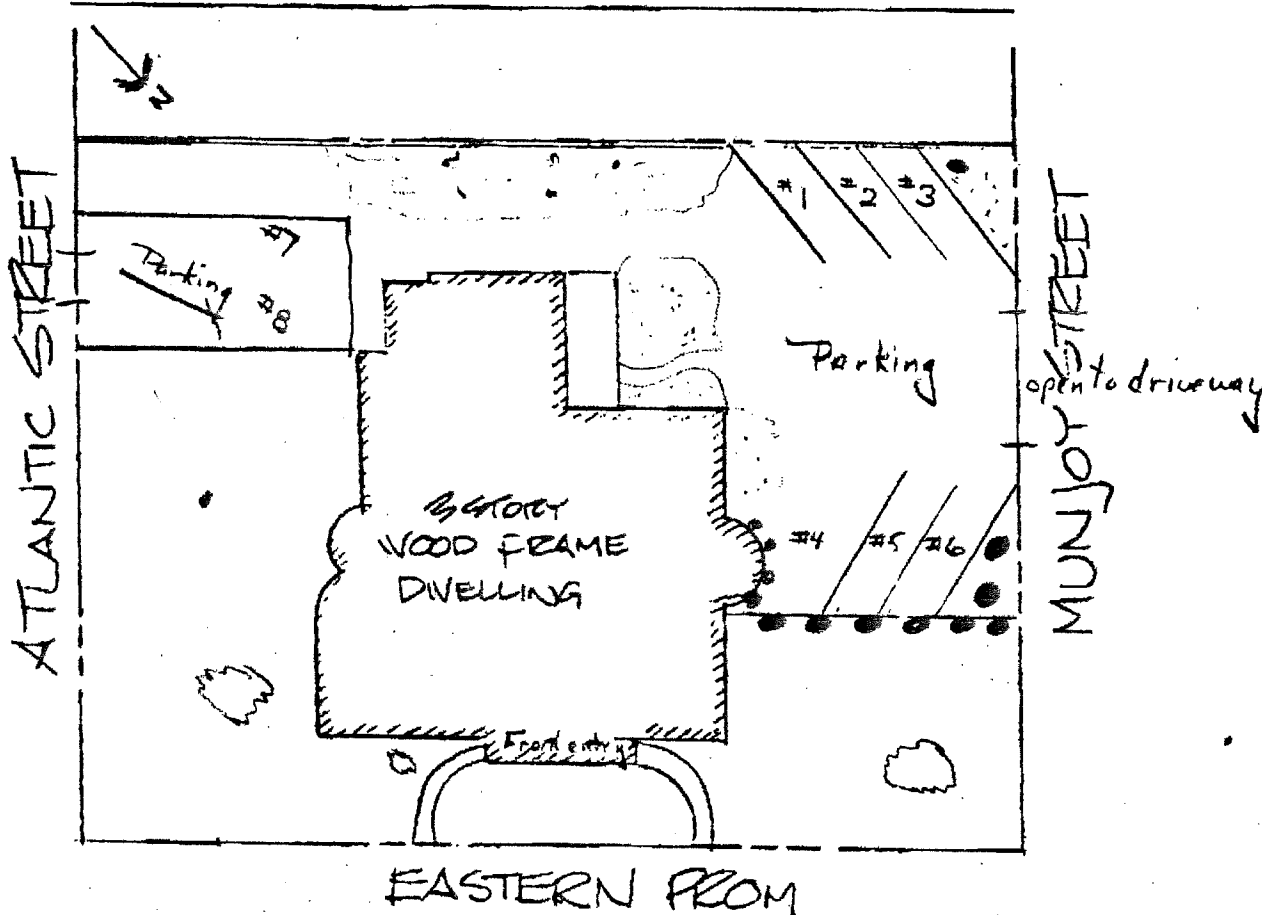
TFJ/1st  
enclosures  
cc: Dale Schutzman



**Land Use Consultants, Inc.**  
Land Planners • Engineers • Surveyors  
966 Riverside Street  
Portland, Me 04103  
207-878-3313 Fax: 207-878-0201

**MORTGAGE LOAN INSPECTION**

Re: 6 Eastern Prom, Portland, Maine #2187  
Date Of Inspection: May 16, 1996  
Client: Jewell and Boutin  
Lender: Unknown



**PLAN**

Record Owner: Eranon E. Marston Trust      Deed Book/Page: 11061/90  
Registry: Cumberland County Maine      Plan Book/Page:

To the Lending Institution and its Title Insurer, collectively:

I hereby state that an onsite inspection of this property was made. The municipal ordinance relative to zoning setbacks from boundary lines was examined, (exclusive of state and federal environmental regulations), and the community FEMA maps were reviewed. It is my professional opinion based on that inspection and on the information made available to me that the dwelling on this property:

- 1. Conforms with municipal regulated zoning setbacks: **NO**
- 2. Produces existing zoning evidence: **YES**
- 3. Requires improvement survey to verify setbacks: **YES**
- 4. May be affected by a special flood hazard zone: **NO**

Maine Professional Land Surveyor  
Land Use Consultants, Inc.

This instrument is a mortgage loan inspection prepared in accordance with Rule 12, Section 12.12 of the Rules and Regulations of the Maine State Board of Licensure for Professional Land Surveyors. This is not a boundary survey.

# EXPLORING, LEARNING, GROWING THIS FEBRUARY

## DREAM GROUP

In this session we will explore in depth the dreamlife. Symbol, metaphor, free association and other sharing of ideas makes this a dynamic group experience. Facilitated by Jeanne Fiorini. Fee, \$120. Six consecutive Wednesday evenings from 7 - 9:15 p.m. beginning February 10. To register, call Jeanne at 799-8648.

## INNER WISDOM

A spirit-centered circle designed to deepen the relationship with inner guidance and spiritual awareness. Facilitated by Cali Williamson. Offered February 3 and the first Wednesday of each month, from 7 - 9 p.m. Fee for each session is \$10. To register, call Cali at 671-9717. All are welcome.

## MONEY EMPOWERMENT FOR WOMEN

Learn to apply new empowerment techniques to your own money issues in this workshop facilitated by Lu Bauer, CPA, founder of The Balancing Act. Friday, February 12, from 5 - 9 p.m. Fee is \$45. To register, call Lu at 892-6652.

## BUILDING SANCTUARY

Using guided meditation, journaling and movement, we will inspire creation of a spiritually significant object for your home or office. Basic materials are included in the workshop fee, but do bring photos and other objects representative of your personal faith orientation. Co-led by Cali Williamson and Dale Wenglowski. Offered Saturday, February 27 from 10 a.m. to 4 p.m. Fee is \$75. To register, call Cali Williamson at 671-9717.

## TENDING THE BODY, MINDING THE SOUL

In this workshop, you will learn how to lovingly care for your body and thereby mend the soul through storytelling, guided imagery and group discussion. Facilitated by Joyce Sarat White, MA, LPC, founder of Weighty Issues. Offered Thursday, February 25, from 6 to 9 p.m. Fee is \$40. To register, call Joyce at 846-9053.

## TAROT PLAY NIGHT

An opportunity for those already acquainted with Tarot to learn new techniques, share experiences, and play. Facilitated by Jeanne Fiorini. Offered February 11 and the second Thursday of each month, from 6:30 - 9 p.m. Fee for each session is \$20. To register, call Jeanne at 799-8648.

## TAROT CIRCLE

Open-forum reading in a safe, relaxing atmosphere. No experience is necessary and anyone seeking guidance or clarity is welcome! Facilitated by Jeanne Fiorini. Offered February 18 and the third Thursday of each month, from 6:30 - 9 p.m. Fee for each session is \$20. To register, call Jeanne at 799-8648.

## COMBINING THE MIRROR

The Reverend Kevin Ross Emery, transchanneler, spiritual counselor, teacher, and author of *Combining the Mirror*, and the Reverend Tommy Hensel invite you to a free, informal and informative gathering with conversation and light refreshment from 4 - 6 p.m. A channeling session follows at 7 p.m., the fee is \$30. Offered Saturday, February 13. To register, call The Isabelle Center at 773-7851. Personal coaching sessions offered by the Reverends Emery and Hensel through the month of February.



## The Isabelle Center

Innovative Workshop and Meeting Space

SIX EASTERN PROMENADE

PORTLAND, MAINE 04101

773-7851

Call for more information  
and other workshops

JUDITH SOUTHWORTH  
1 FORE STREET  
PORTLAND, ME 04101

City Planning  
Portland, Maine

Date: March 12, 1999

Re: The Isabelle Center  
Six Eastern Promenade  
Portland, ME 04101

To whom it may concern:

I live next door to The Isabelle Center. The center, and its owner, Dale Wenglowski, are a distinct asset to our neighborhood.

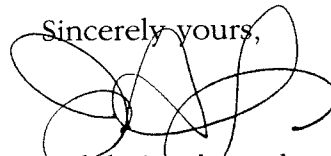
First, the house was recently entirely renovated. What had been a rather run-down building has become an elegant edifice that adds grace and nobility to the Promenade. It is easily the most notable and beautiful building in the area, reminiscent of the past glory reflected in the other stately homes, somewhat worn down by time, that line the Promenade. I have heard passersby remark on the building and other people around town have asked me if I was familiar with this notable transformation.

As regards any concerns about noise or traffic, I want to report that I have never heard any noise at all coming from the center, nor have I noticed any additional traffic on Fore Street or the Eastern Promenade. There continues to be ample street parking in the area, and the neighborhood is very peaceful.

Dale is a gracious and considerate neighbor. I have met her on several occasions and have been struck by her intelligence and lovely manners. I have attended a couple of early evening programs hosted by The Isabelle Center and they were quiet events attended by a handful of beautifully behaved persons.

I feel that my home neighborhood is significantly enhanced by the presence of Dale Wenglowski, and by the community building programming of The Isabelle Center.

Sincerely yours,



Judith Southworth

**CYNTHIA S. McMULLIN**  
Nineteen Commercial Street  
Portland, ME 04101  
(207) 775-1526  
FAX: 775-5728

March 17, 1999



The City of Portland  
City Hall  
Portland, ME 04101

RE: The Isabelle Center

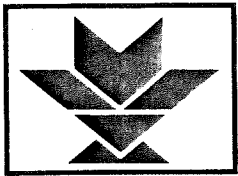
To Whom It May Concern:

My apartment is a close neighbor to the Isabelle Center. I have lived at 21A Eastern Promenade across the street for 3 years. I have not seen any increase in traffic or parking needs in that time. Even when the Center had its Open House, it was quiet and there was no trouble with parking.

The Isabelle Center is a marvelous addition to the street, neighborhood, and to all of Portland. I am sad that anyone would think otherwise.

Very truly yours,

Cynthia S. McMullin



**MAINE WOMEN'S FUND**

**BOARD OF DIRECTORS**

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MARTHA BREUNIG, V. PRESIDENT  
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RICHARD L. PATTENAUDE  
WILLIAM J. RYAN  
JOAN BENOIT SAMUELSON  
DONNA K. THORNTON  
CAROL WISHCAMPER

**EXECUTIVE DIRECTOR**

KARIN ANDERSON

March 16, 1999

To Whom it May Concern:

Please accept this letter of support for The Isabelle Center's important role as a convener of small groups of citizens concerned with enhancing opportunities for women in Portland. The Center provides a focal point for women seeking to build their personal sense of worth and well-being.

Working one-on-one or in small, essential groups, women go to The Isabelle Center to discuss topics as wide-ranging as spiritual growth to starting and building a small business. The value of this kind of connecting place is immeasurable to the health and benefit of the women who gather there, as well as the City of Portland.

We are thankful for The Isabelle Center's presence in our community.

Sincerely,

Karin Anderson  
Executive Director





*Cali Williamson, LCPC  
283 Main Street  
Cumberland Ctr., Maine 04021  
207/671-9717*

---

March 17, 1999

To Whom it May Concern:

I am writing as a member of the Isabelle Center to document my appreciation for this wonderful facility. As a Licensed Clinical Professional Counselor, I frequently offer small workshops on topics related to personal and professional growth. I enjoy the beauty, convenience and very reasonable cost to me associated with conducting workshops in this space. In fact the existence of the Isabelle Center actually makes such workshops feasible for me as an instructor.

It is a wonderful place for people to meet in a relaxed atmosphere conducive to gaining perspective on important issues in one's life and work.

Very Sincerely,



Cali Williamson

|                                   |  |
|-----------------------------------|--|
| For Use By The Secretary of State |  |
| File No. ....                     |  |
| Fee Paid .....                    |  |
| C. B. ....                        |  |
| Date .....                        |  |

NONPROFIT CORPORATION

STATE OF MAINE

ARTICLES OF INCORPORATION

(CHECK ONLY IF APPLICABLE)

This is a Domestic Condominium Corporation.

|   |  |
|---|--|
| For Use By The Secretary of State         |  |
| <b>FILED</b>                              |  |
| _____ 19                                  |  |
| Deputy Secretary of State                 |  |
| A True Copy When Attested<br>By Signature |  |
| _____<br>Deputy Secretary of State        |  |

Pursuant to 13-B MRSA §403, the undersigned, acting as incorporator(s) of a corporation, adopt(s) the following Articles of Incorporation:

FIRST: The name of the corporation is The Isabelle Center

SECOND: The corporation is organized for all purposes permitted under Title 13-B, MRSA, or, if not for all such purposes, then for the following purpose or purposes:

THIRD: The name of its Registered Agent and address of registered office (the registered agent must be a Maine resident, whose business office is identical with the registered office; or a corporation, domestic or foreign, profit or nonprofit, having an office identical with such registered office.)

Thomas F. Jewell

(name)

Jewell & Boutin, 465 Congress Street, Suite 408, Portland, ME

(street address (not P.O. Box), city, state and zip code)

(mailing address if different from above)

FOURTH: The number of directors (not less than 3) constituting the initial board of directors of the corporation, if they have been designated or elected, is three

The minimum number of directors (not less than 3) shall be three and the maximum number of directors shall be none

FIFTH: Members:  There shall be no members.

There shall be one or more classes of members, and the information required by §402 is as follows:  
 One class of nonvoting members; annual fee required for membership; membership privileges include access to library and workshops at 6 Eastern Promenade, Portland.

SIXTH:  (Check if this article is to apply)

No substantial part of the activities of the Corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the Corporation shall not participate in or intervene in (including the publication or distribution of statements) any political campaign on behalf of any candidate for public office.

SEVENTH:  (Check if this article is to apply. Then fill in reference number of Section 501(c)( ? ) in first paragraph below.)

Upon the dissolution of the Corporation or the termination of its activities, the assets of the Corporation remaining after the payment of all its liabilities shall be distributed exclusively to one or more organizations organized and operated exclusively for such purposes as shall then qualify as an exempt organization or organizations under Section 501(c)(\_\_\_\_\_) of the Internal Revenue Code of 1986, as amended, and as a charitable, religious, eleemosynary, benevolent or educational corporation within the meaning of Title 13B. of the Maine Revised Statutes as amended.

No part of the net earnings of the Corporation shall inure to the benefit of any member, director, or officer of the Corporation, or any private individual (except that reasonable compensation may be paid for services rendered to or for the Corporation in carrying out one or more of its purposes), and no member, director, or officer of the Corporation, or any private individual, shall be entitled to share in the distribution of any of the corporate assets on dissolution of the Corporation.

EIGHTH: Other provisions of these articles, if any, including provisions for the regulation of the internal affairs of the corporation, and distribution of assets on dissolution or final liquidation:

Dated: \_\_\_\_\_

**INCORPORATORS**

**ADDRESSES**

*Dale Shutzman*  
(signature)  
Dale Shutzman  
(type or print name)

*Karen Barnett*  
(signature)  
Karen Barnett  
(type or print name)

*Annie Houle*  
(signature)  
Annie Houle  
(type or print name)

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(type or print name)

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(type or print name)

Street 6 Eastern Promenade  
Portland, ME 04101  
(city, state and zip code)

Street 261 Vaughan Street  
Portland, ME 04102  
(city, state and zip code)

Street 23 Oakland Avenue  
Yarmouth, ME 04096  
(city, state and zip code)

Street \_\_\_\_\_  
(city, state and zip code)

Street \_\_\_\_\_  
(city, state and zip code)

April 15, 1999

Mr. Thomas Jewel  
Suite 408  
465 Congress Street  
Portland, ME 04101



RE: 6 Eastern Promenade, Conditional Use Review.

Dear Mr. Jewel,

The City of Portland Planning staff is in the process of reviewing the application for Conditional Use for the Isabelle Center as a private club. The application package is sufficient for review, and this project has been scheduled to go to Planning Board Workshop on May 25, 1999 at 3:30 pm in City Hall room 209. If all goes as expected, a Public Hearing will be scheduled for June 22, 1999. Please contact the Planning Office if you have any questions regarding the review process. I am in the office on Tuesdays through Thursdays and my telephone number is 874-8722.

Sincerely,

William B. Needelman, Planner

CC: Alex Jaegerman, Chief Planner

4/21/25

ask Penny Cittel

Questions for Fourselle Center.

Is it a club?

What are criteria for membership?

Is this a conference center, open to the public?

CITY OF PORTLAND, MAINE

BOARD OF APPEALS



CONDITIONAL USE APPEAL APPLICATION

Applicant's name and address: Dale Schutzman

c/o Thomas Jewell, Suite 408, 465 Congress St., Portland

Applicant's interest in property (e.g., owner, purchaser, etc.):

owner

Owner's name and address (if different):

6 Eastern Promenade, Portland

Address of property and Assessor's chart, block and lot number:

16-C-23

Zone: R-6

Present use: residential - 3 unit

Type of conditional use proposed: private club - portion of 1st floor

conditional use authorized by: section 14-137(2)e

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

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

Date: 3/23/99

Thomas Jewell  
signature of Applicant

**JEWELL & BOUTIN**  
**Attorneys at Law**  
465 Congress Street  
Suite 408  
Portland, ME 04101

Thomas F. Jewell  
Daniel W. Boutin

Telephone: (207) 774-6665  
Fax: (207) 774-1626

March 23, 1999

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

Re: Conditional Use Appeal for The Isabelle Center  
6 Eastern Promenade, Portland

Dear Marge:

Please accept our application for a conditional use as a "private club" for Dale Schutzman, also known as Dale Wenglowski, owner of the above property.

Dale is the owner of a restored historic building which she recently purchased. Part of her plans for this property when she purchased it was to make it available to the public and develop it as a center where workshops could be held. In fact, she began to use the property for this purpose before she realized she needed to obtain a conditional use permit for this undertaking.

When Dale purchased the property last year, it was a 4-unit building. She decided to convert two of those units to one for her own purposes, leaving two units available for rental. One of those units will remain a rental property, and the other would become The Isabelle Center. We submit that the loss of this one unit will not result in the "significant displacement or conversion of a residential use as existing as of June 1, 1983" pursuant to Section 14-137(2).

Dale plans to incorporate The Isabelle Center. I enclose copies of the articles for a non-profit corporation evidencing a membership-based entity. We also enclose a copy of the proposed membership brochure, which describes some of the history of the property and the purposes of the private club. Also, in this regard, we are enclosing a list of workshops conducted at the property last month.

We submit that the organization and purposes of this activity fall within the definition of a private club as set forth in the Portland Land Use Ordinance, Section 14-47.

Under Section 14-137(2)(e), a private club is allowed as a conditional use in the R-6 zone with approval from the Planning Board.

When I discussed this matter with Alex Jaegerman, he raised a concern with whether the provisions under 14-139(1)(g) might apply, which require a 10,000 square foot lot size for a "fraternal organization." You indicated that you considered private clubs and fraternal organizations two distinctly different entities and that 14-139(1)(g) applied only, by its plain terms, to fraternal organizations.

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Marge Schmuckal  
March 23, 1999  
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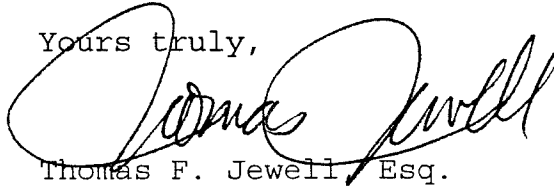
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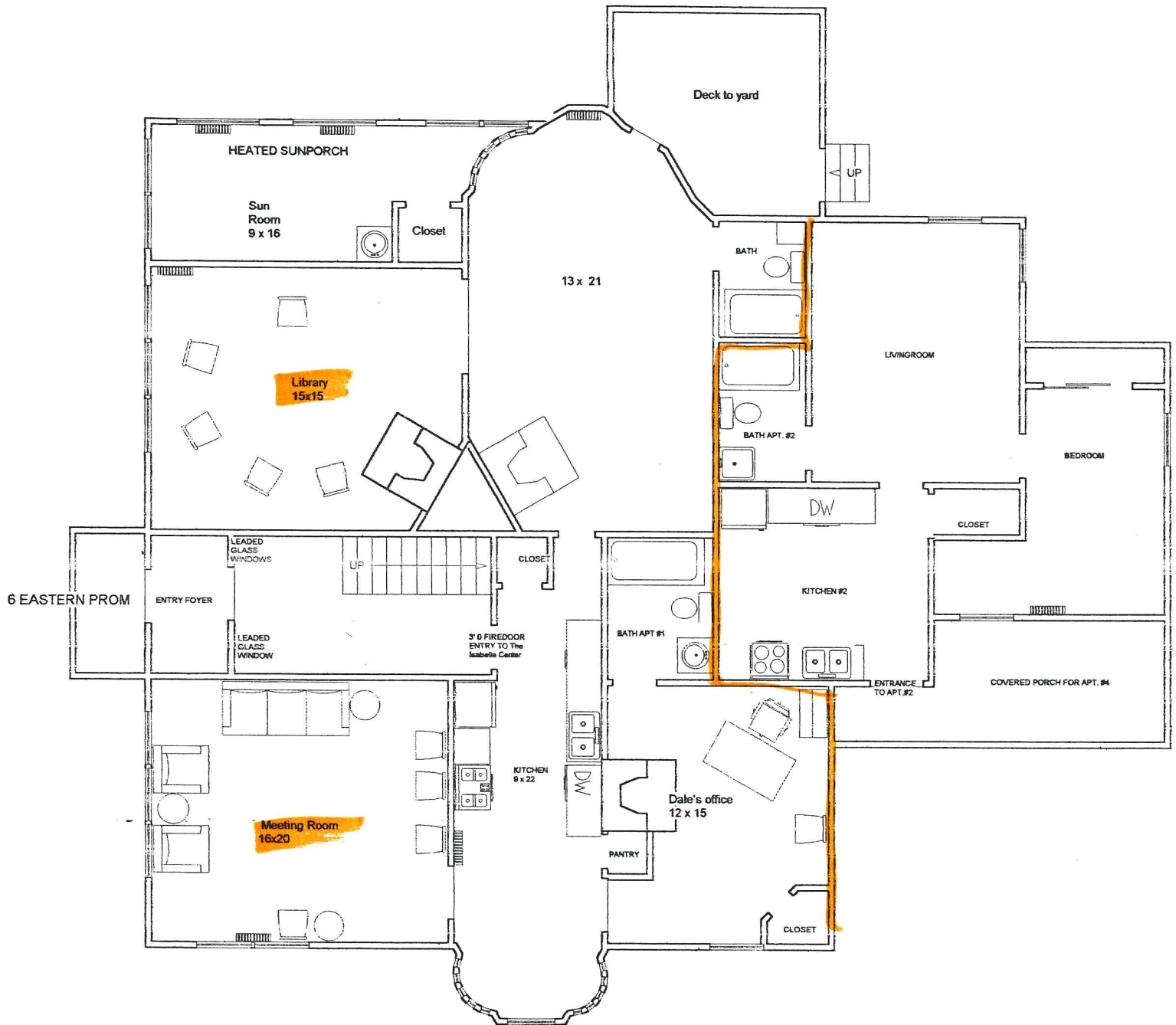
We look forward to your review of this application.

Yours truly,

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Thomas F. Jewell Esq.

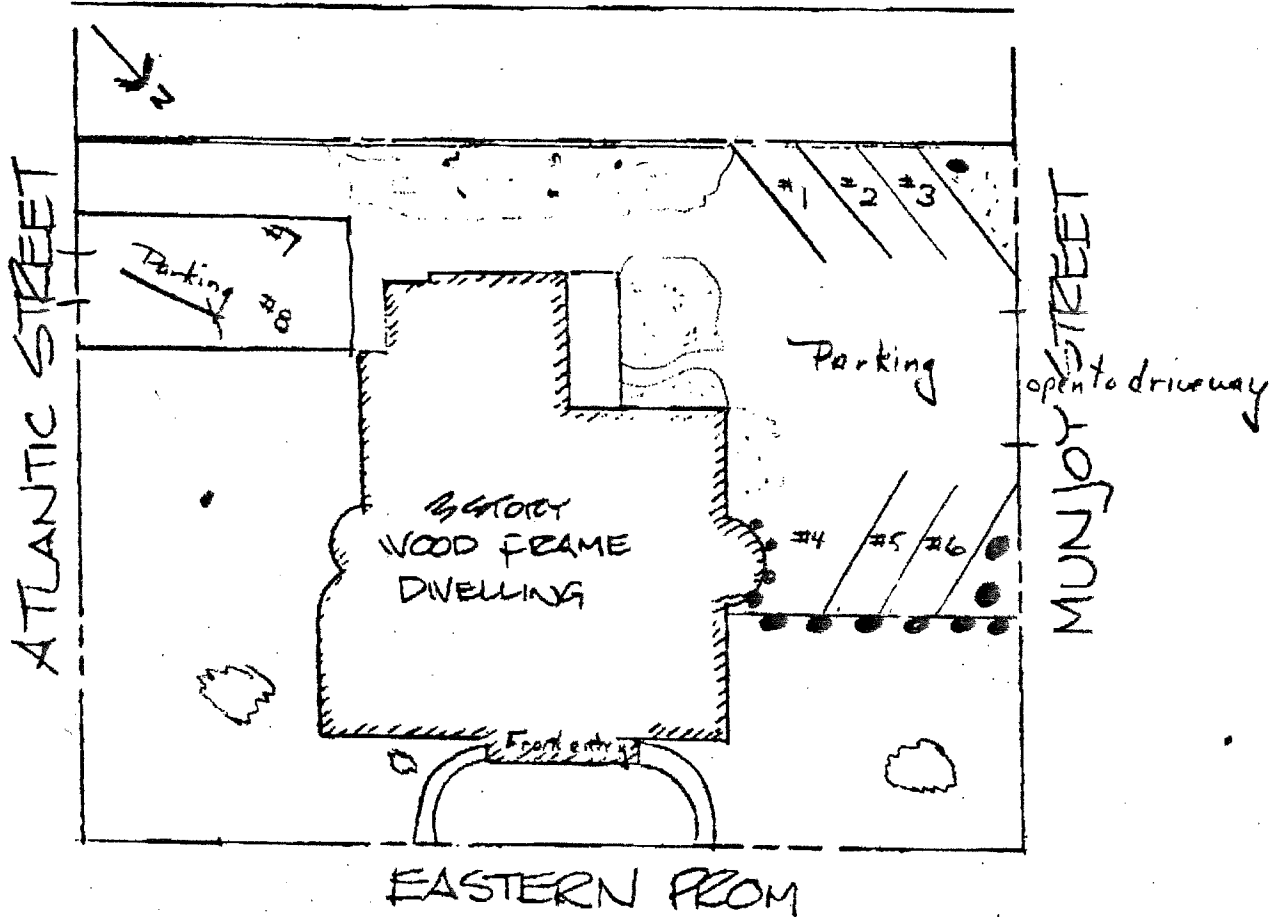
TFJ/lst  
enclosures  
cc: Dale Schutzman



**Land Use Consultants, Inc.**  
Land Planners • Engineers • Surveyors  
966 Riverside Street  
Portland, Me 04103  
207-878-3313 Fax: 207-878-0201

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Re: 6 Eastern Prom, Portland, Maine #2187  
Date Of Inspection: May 16, 1996  
Client: Jewell and Boutin  
Lender: Unknown



**PLAN**

Record Owner: Eranice E. Marston Trust  
Registry: Cumberland County Maine

Deed Book/Page: 11021/90  
Plan Book/Page:

To the Lending Institution and its Title Insurer, exclusively:

I hereby state that an onsite inspection of this property was made. The municipal ordinance relative to zoning setbacks from boundary lines was examined (exclusive of state and federal environmental regulations), and the community FEMA maps were reviewed. It is my professional opinion based on that inspection and on the information made available to me that the dwelling on this property:

- 1. Conforms with municipal regulated zoning setbacks: **NO**
- 2. Precedes existing zoning ordinance: **YES**
- 3. Requires instrument approval by city setback: **YES**
- 4. May be affected by a special flood hazard zone: **NO**

*[Handwritten Signature]*  
 Maine Professional Land Surveyor  
 Land Use Consultants, Inc.

This instrument is a mortgage loan inspection prepared in accordance with Rule 12, Section 12.12 of the Rules and Regulations of the Maine State Board of Licensure for Professional Land Surveyors. This is not a boundary map.

JUDITH SOUTHWORTH  
1 FORE STREET  
PORTLAND, ME 04101

City Planning  
Portland, Maine

Date: March 12, 1999

Re: The Isabelle Center  
Six Eastern Promenade  
Portland, ME 04101

To whom it may concern:

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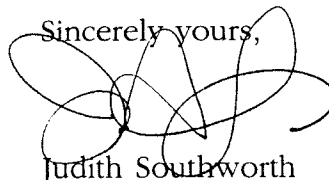
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Sincerely yours,

A handwritten signature in black ink, consisting of several overlapping loops and flourishes, positioned above the printed name.

Judith Southworth

**CYNTHIA S. McMULLIN**  
Nineteen Commercial Street  
Portland, ME 04101  
(207) 775-1526  
FAX: 775-5728

March 17, 1999



The City of Portland  
City Hall  
Portland, ME 04101

RE: The Isabelle Center

To Whom It May Concern:

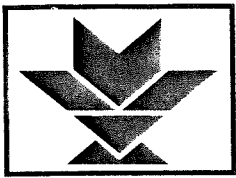
My apartment is a close neighbor to the Isabelle Center. I have lived at 21A Eastern Promenade across the street for 3 years. I have not seen any increase in traffic or parking needs in that time. Even when the Center had its Open House, it was quiet and there was no trouble with parking.

The Isabelle Center is a marvelous addition to the street, neighborhood, and to all of Portland. I am sad that anyone would think otherwise.

Very truly yours,



Cynthia S. McMullin



**MAINE WOMEN'S FUND**

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**EXECUTIVE DIRECTOR**

KARIN ANDERSON

March 16, 1999

To Whom it May Concern:

Please accept this letter of support for The Isabelle Center's important role as a convener of small groups of citizens concerned with enhancing opportunities for women in Portland. The Center provides a focal point for women seeking to build their personal sense of worth and well-being.

Working one-on-one or in small, essential groups, women go to The Isabelle Center to discuss topics as wide-ranging as spiritual growth to starting and building a small business. The value of this kind of connecting place is immeasurable to the health and benefit of the women who gather there, as well as the City of Portland.

We are thankful for The Isabelle Center's presence in our community.

Sincerely,

Karin Anderson  
Executive Director

*Cali Williamson, LCPC*  
*283 Main Street*  
*Cumberland Ctr., Maine 04021*  
*207/671-9717*

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March 17, 1999

To Whom it May Concern:

I am writing as a member of the Isabelle Center to document my appreciation for this wonderful facility. As a Licensed Clinical Professional Counselor, I frequently offer small workshops on topics related to personal and professional growth. I enjoy the beauty, convenience and very reasonable cost to me associated with conducting workshops in this space. In fact the existence of the Isabelle Center actually makes such workshops feasible for me as an instructor.

It is a wonderful place for people to meet in a relaxed atmosphere conducive to gaining perspective on important issues in one's life and work.

Very Sincerely,

A handwritten signature in cursive script that reads "Cali Williamson".

Cali Williamson

|                                   |  |
|-----------------------------------|--|
| For Use By The Secretary of State |  |
| File No. ....                     |  |
| Fee Paid .....                    |  |
| C. B. ....                        |  |
| Date .....                        |  |

NONPROFIT CORPORATION

STATE OF MAINE

ARTICLES OF INCORPORATION

(CHECK ONLY IF APPLICABLE)

This is a Domestic Condominium Corporation.

|  |  |
|--|--|
| For Use By The Secretary of State      |  |
| FILED                                  |  |
| _____ 19 _____                         |  |
| Deputy Secretary of State              |  |
| A True Copy When Attested By Signature |  |
| _____                                  |  |
| Deputy Secretary of State              |  |

Pursuant to 13-B MRSA §403, the undersigned, acting as incorporator(s) of a corporation, adopt(s) the following Articles of Incorporation:

FIRST: The name of the corporation is The Isabelle Center

SECOND: The corporation is organized for all purposes permitted under Title 13-B, MRSA, or, if not for all such purposes, then for the following purpose or purposes:

THIRD: The name of its Registered Agent and address of registered office (the registered agent must be a Maine resident, whose business office is identical with the registered office; or a corporation, domestic or foreign, profit or nonprofit, having an office identical with such registered office.)

Thomas F. Jewell

(name)

Jewell & Boutin, 465 Congress Street, Suite 408, Portland, ME

(street address (not P.O. Box), city, state and zip code)

(mailing address if different from above)

FOURTH: The number of directors (not less than 3) constituting the initial board of directors of the corporation, if they have been designated or elected, is three

The minimum number of directors (not less than 3) shall be three and the maximum number of directors shall be none

FIFTH: Members:  There shall be no members.

There shall be one or more classes of members, and the information required by §402 is as follows:  
One class of nonvoting members; annual fee required for membership; membership privileges include access to library and workshops at 6 Eastern Promenade, Portland.

SIXTH:  (Check if this article is to apply)

No substantial part of the activities of the Corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the Corporation shall not participate in or intervene in (including the publication or distribution of statements) any political campaign on behalf of any candidate for public office.



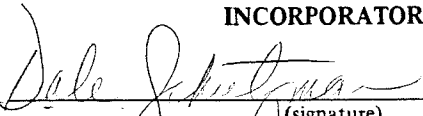
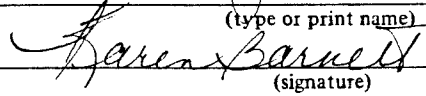
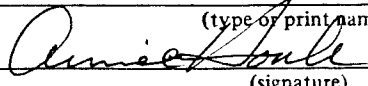
SEVENTH:  (Check if this article is to apply. Then fill in reference number of Section 501(c)( ? ) in first paragraph below.)

Upon the dissolution of the Corporation or the termination of its activities, the assets of the Corporation remaining after the payment of all its liabilities shall be distributed exclusively to one or more organizations organized and operated exclusively for such purposes as shall then qualify as an exempt organization or organizations under Section 501(c)(\_\_\_\_\_) of the Internal Revenue Code of 1986, as amended, and as a charitable, religious, eleemosynary, benevolent or educational corporation within the meaning of Title 13B. of the Maine Revised Statutes as amended.

No part of the net earnings of the Corporation shall inure to the benefit of any member, director, or officer of the Corporation, or any private individual (except that reasonable compensation may be paid for services rendered to or for the Corporation in carrying out one or more of its purposes), and no member, director, or officer of the Corporation, or any private individual, shall be entitled to share in the distribution of any of the corporate assets on dissolution of the Corporation.

EIGHTH: Other provisions of these articles, if any, including provisions for the regulation of the internal affairs of the corporation, and distribution of assets on dissolution or final liquidation:

Dated: \_\_\_\_\_

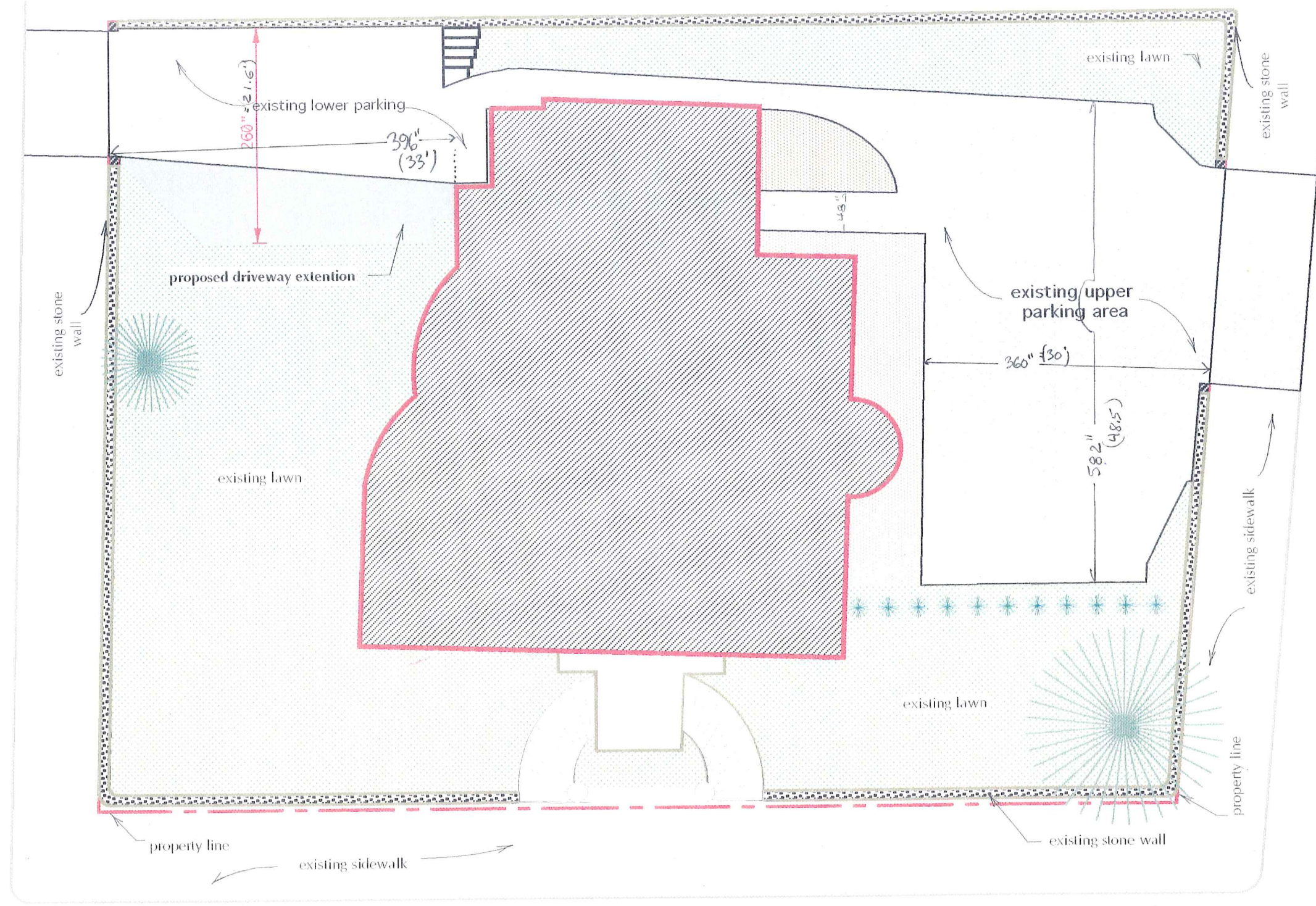
| INCORPORATORS   | ADDRESSES  |
|---|--|
| <br>_____<br>(signature)<br>Dale Shutzman<br>_____<br>(type or print name) | Street 6 Eastern Promenade<br>_____<br>Portland, ME 04101<br>_____<br>(city, state and zip code) |
| <br>_____<br>(signature)<br>Karen Barnett<br>_____<br>(type or print name) | Street 261 Vaughan Street<br>_____<br>Portland, ME 04102<br>_____<br>(city, state and zip code)  |
| <br>_____<br>(signature)<br>Annie Houle<br>_____<br>(type or print name)   | Street 23 Oakland Avenue<br>_____<br>Yarmouth, ME 04096<br>_____<br>(city, state and zip code)   |
| _____<br>(signature)  | Street _____   |
| _____<br>(type or print name)   | _____<br>(city, state and zip code)  |
| _____<br>(signature)  | Street _____   |
| _____<br>(type or print name)   | _____<br>(city, state and zip code)  |



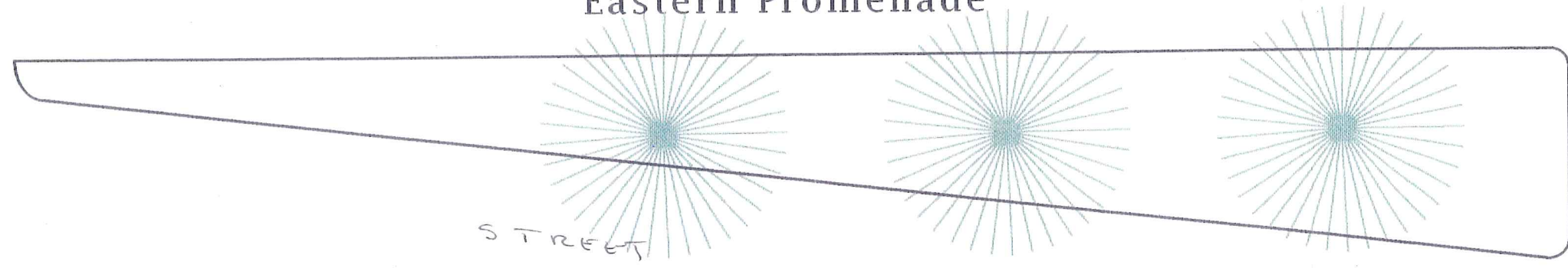
Att. 9.1

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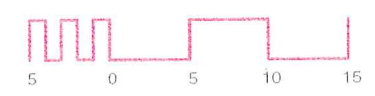
Munjoy Street



Eastern Promenade



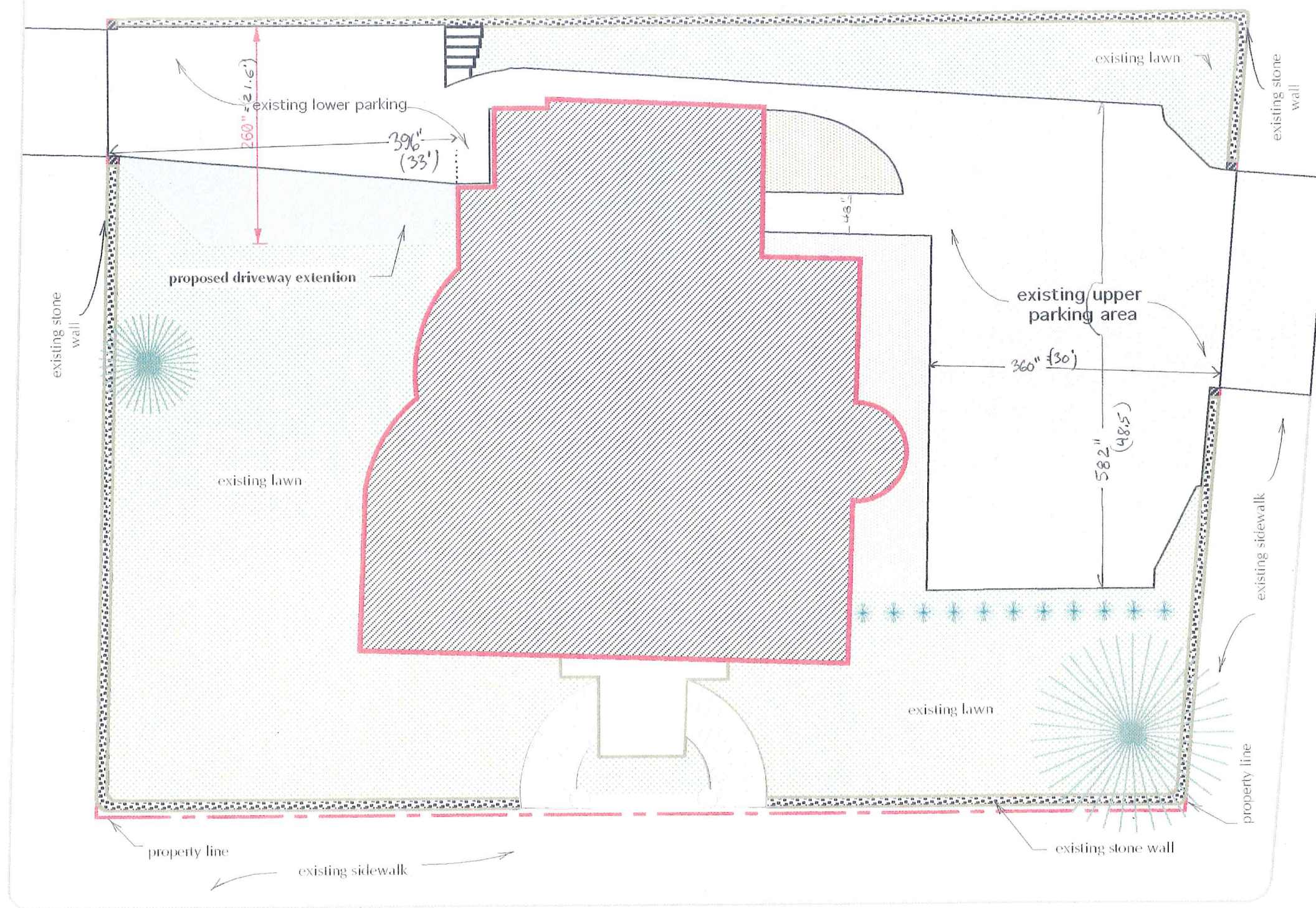
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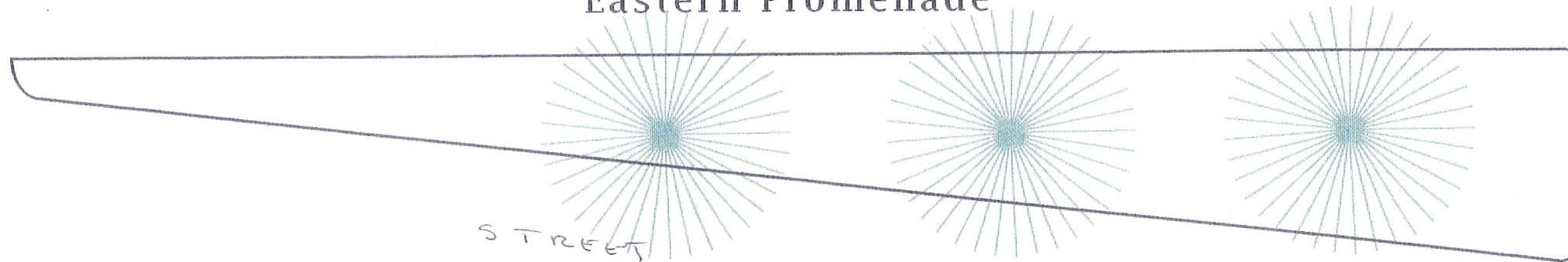


Atlantic Street

Munjoy Street

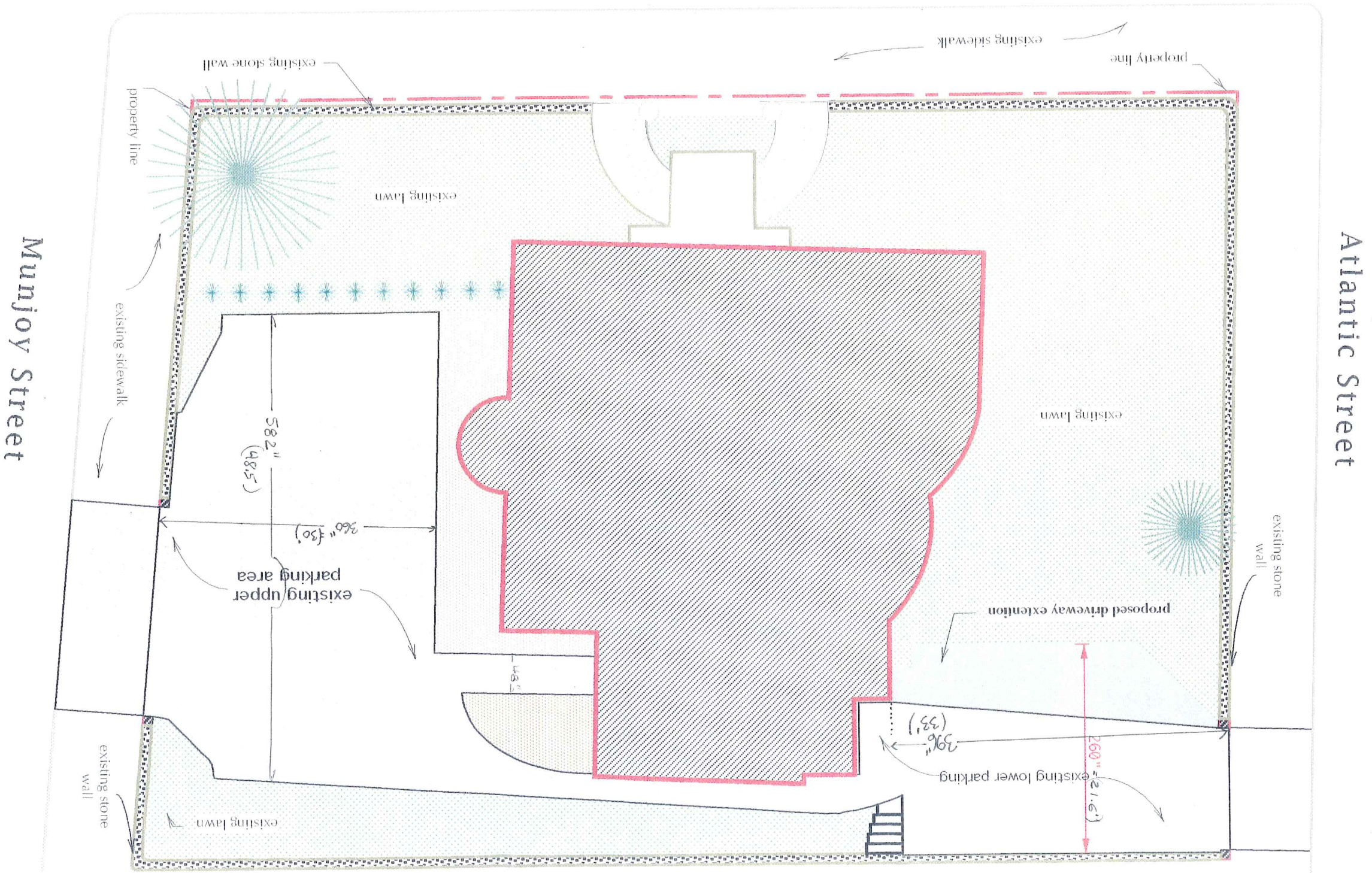
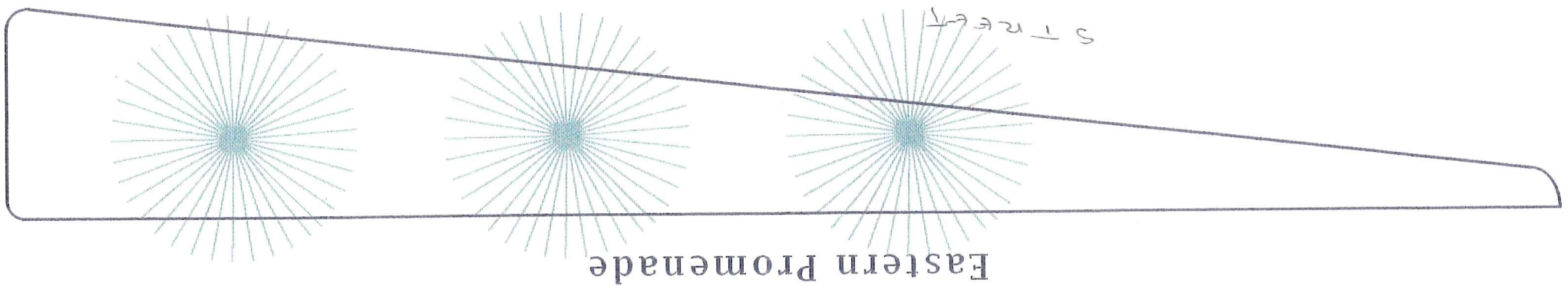


### Eastern Promenade

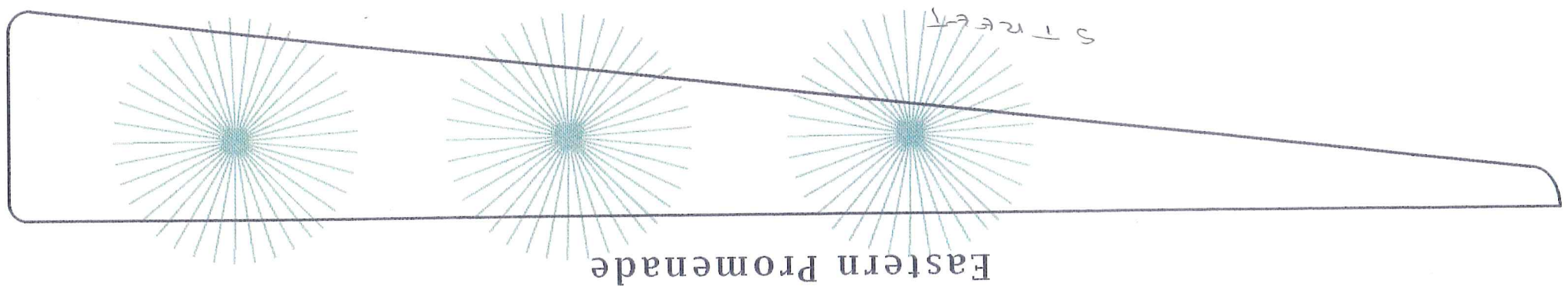




6 Eastern Promenade Portland Maine

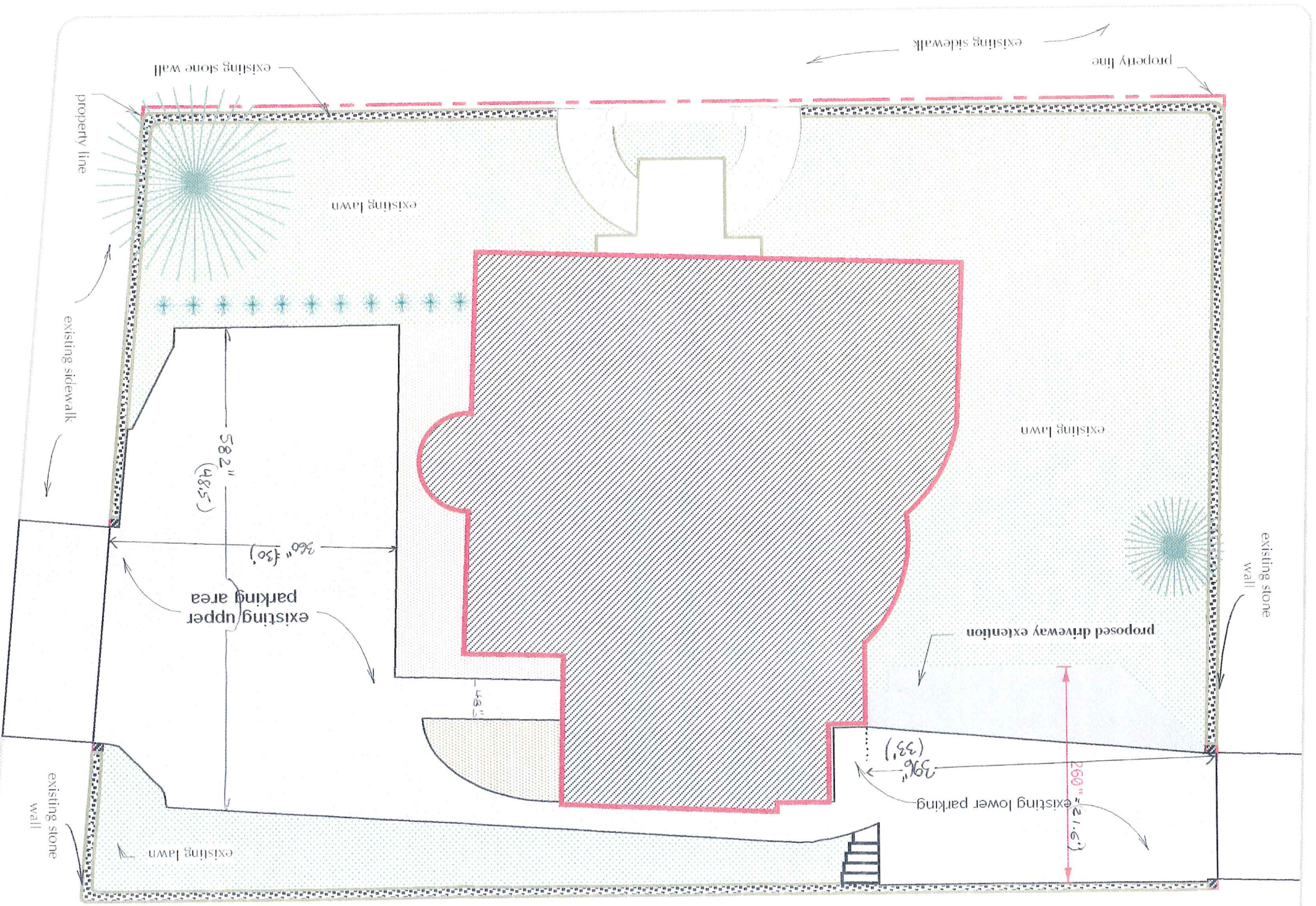






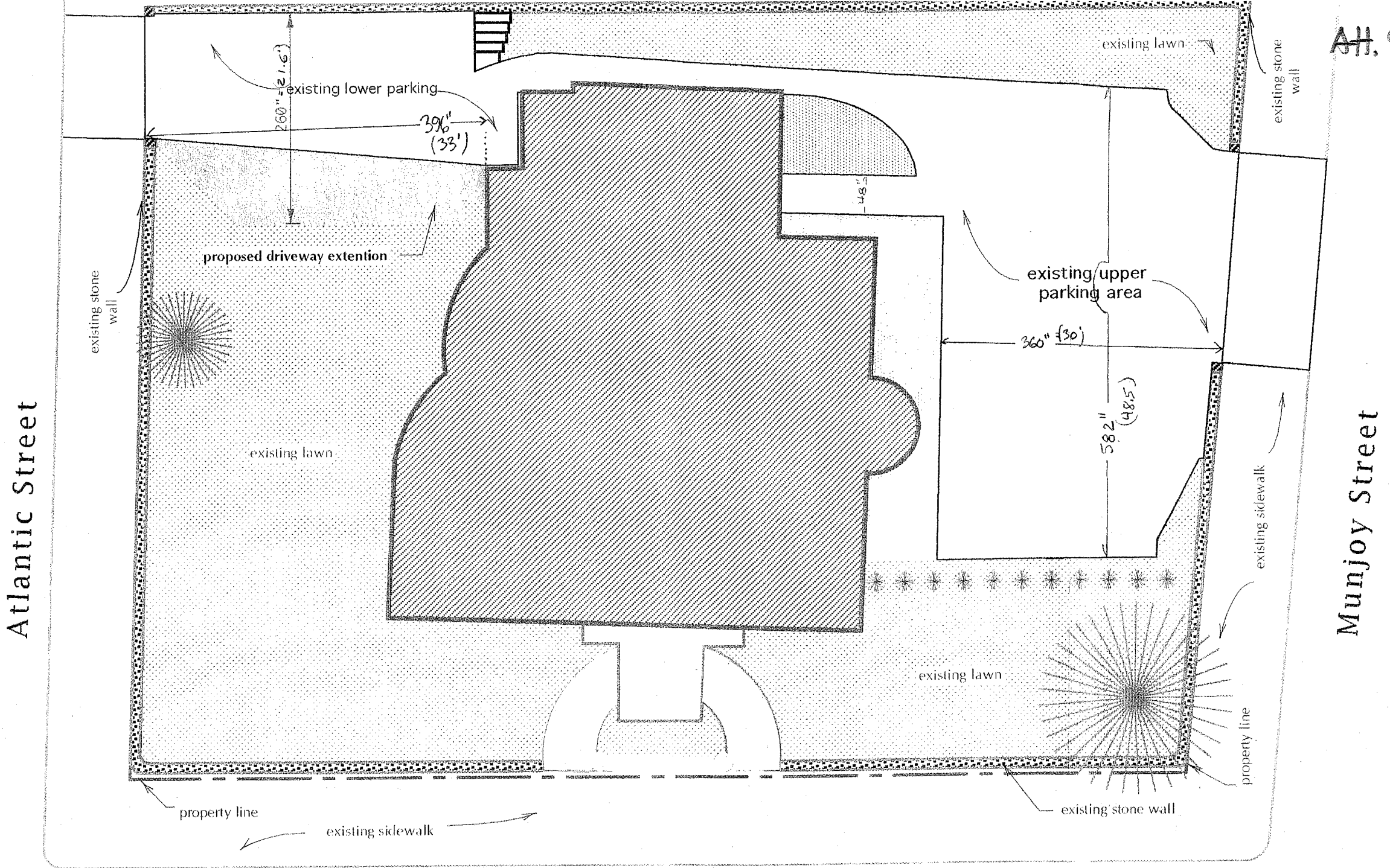
Atlantic Street

Munjoy Street





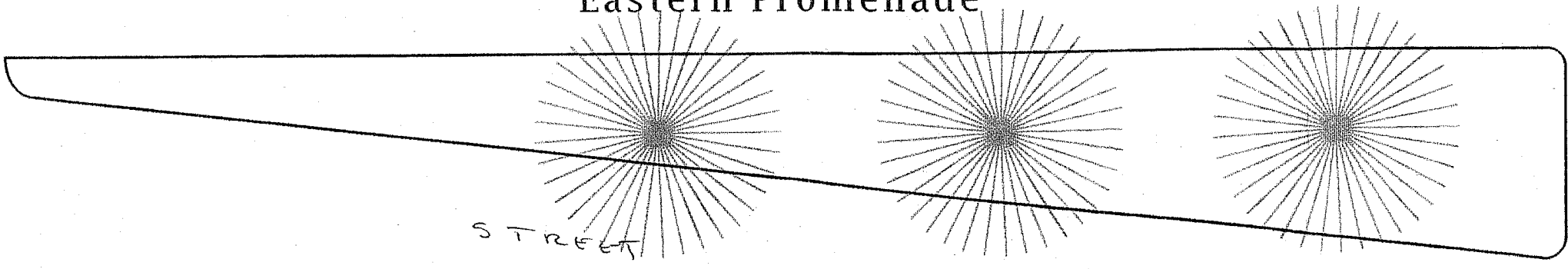
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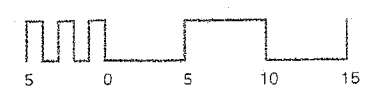
Atlantic Street

Munjoy Street

Eastern Promenade

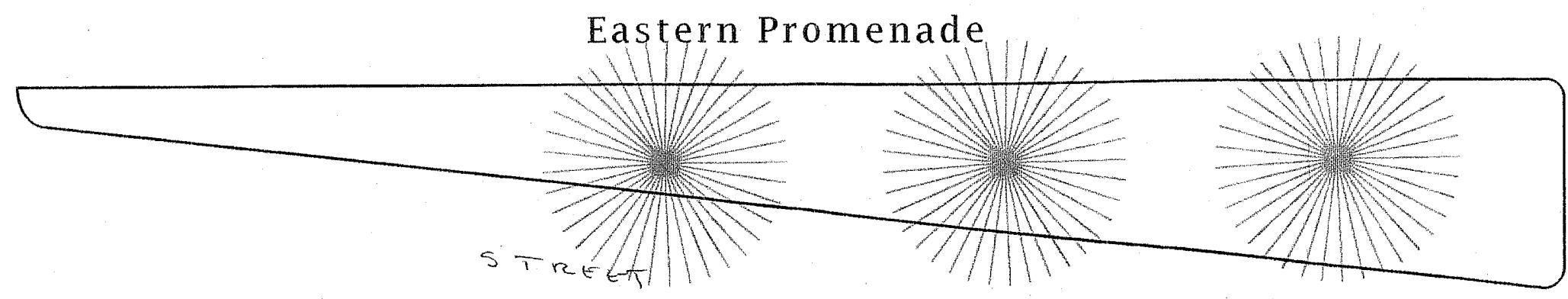
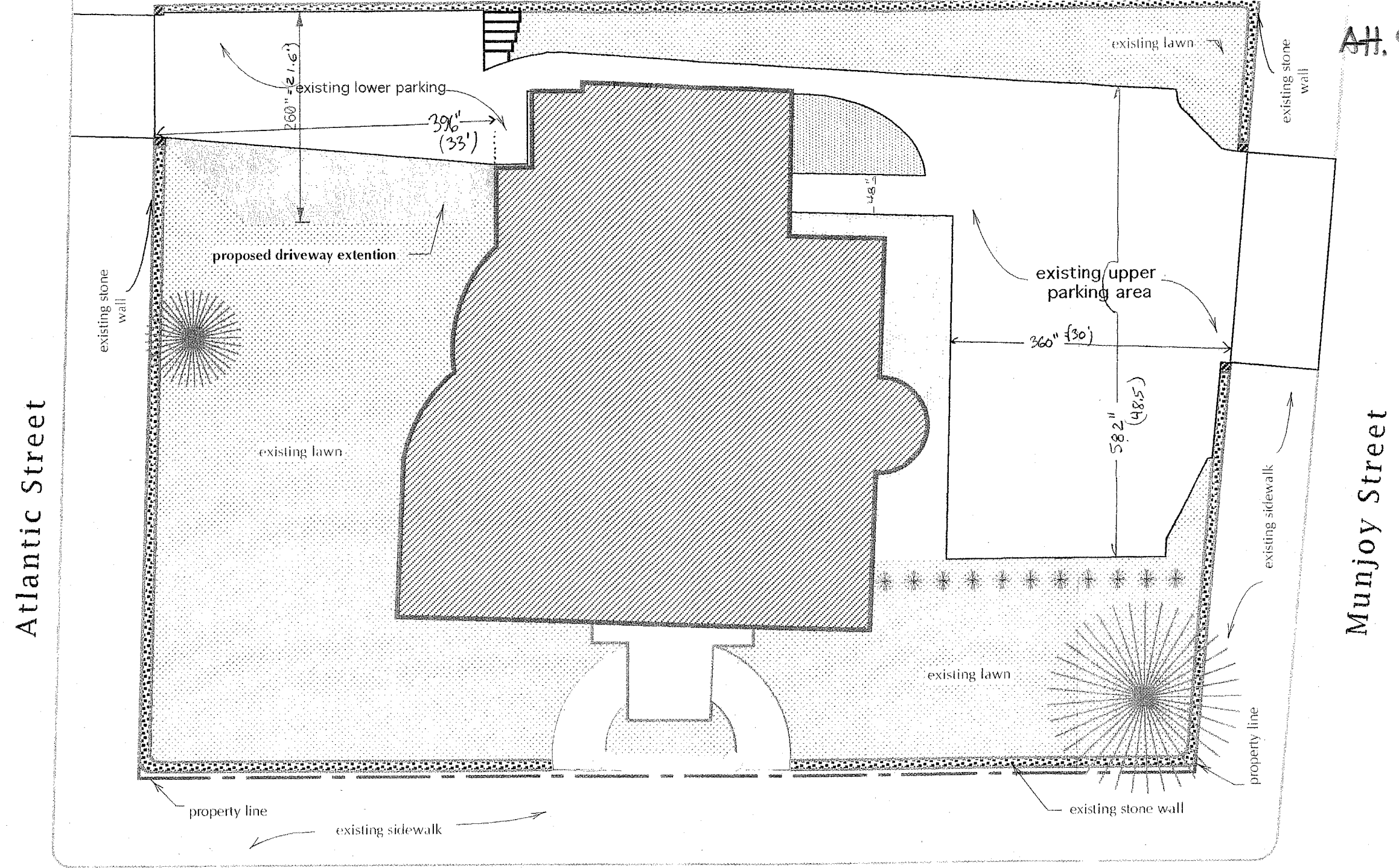


6 Eastern Promenade Portland Maine



112

AH. 9.1



6 Eastern Promenade Portland Maine

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