

21-E-4

15 Locust St.

Contract Zone

Robert Friedrich

on Spreadsheet

front yard; except that, where a lot containing a structure which was in existence on May 1, 1996, has lawful, nonconforming parking in the front yard and part of such structure (which part existed prior to May 1, 1996) is removed, then the space which was formerly occupied by the structure may be used to accommodate additional parking in the front yard. Such parking spaces shall be subject to the other requirements of division 20 and division 21 of this article.

- (5) *Signs*: Signs shall be subject to the provisions of division 22 of this article.
  - (6) *Exterior storage*: There shall be no exterior storage with the exception of receptacles for solid waste disposal. Such receptacles shall be shown on the approved site plan.
  - (7) *Storage of vehicles*: Storage of vehicles is subject to the provisions of section 14-335.
  - (8) *Shoreland and flood plain management regulations*: If the lot is located in a shoreland zone or in a flood hazard zone, then the requirements of division 26 and/or division 26.5 apply.
- (Ord. No. 293-88, 4-4-88; Ord. No. 51-96, 7-15-96)

**Sec. 14-187. External effects.**

Every use in a B-2 zone shall be subject to the following requirements:

- (1) *Enclosed structure*: The use shall be operated within a completely enclosed structure except for those customarily operated in the open air.
- (2) *Noise*: The volume of sound, measured by a sound level meter with frequency weighting network (manufactured according to standards prescribed by the American Standards Association), generated shall not exceed sixty (60) decibels on the A scale between 7:00 a.m. and 9:00 p.m. and fifty-five (55) decibels on the A scale between 9:00 p.m. and 7:00 a.m., on impulse (less than one (1) second), at lot boundaries, excepting air raid sirens and similar warning devices.
- (3) *Vibration and heat*: Vibration inherently and recurrently generated and heat shall be imperceptible without instruments at lot boundaries.
- (4) *Glare, radiation or fumes*: Glare, radiation or fumes shall not be emitted to an obnoxious or dangerous degree beyond lot boundaries.

## LAND USE

§ 14-197

- (5) *Smoke*: Smoke shall not be emitted at a density in excess of twenty (20) percent opacity level as classified in Method 9 (Visible Emissions) of the Opacity Evaluation System of the U.S. Environmental Protection Agency.
- (6) *Materials or wastes*: No materials or wastes shall be deposited on any lot in such form or manner that they may be transferred beyond the lot boundaries by natural causes or forces. All material which might cause fumes or dust, or constitute a fire hazard if stored out-of-doors, shall be only in closed containers. Areas attracting large numbers of birds, rodents or insects are prohibited.
- (Ord. No. 293-88, 4-4-88)

**Secs. 14-188–14-195. Reserved.**

**DIVISION 11. A-B AIRPORT BUSINESS ZONE\***

**Sec. 14-196. Purpose.**

The purpose of the A-B airport business zone is:

- (1) To provide an area for the development of airport-related enterprises. Appropriate uses permitted in this district are those customarily associated with the operation of the airport terminal and individual airlines and accessory uses to provide for the comfort and convenience of the airport's patrons and employees.
- (Ord. No. 295-88, 5-23-88)

**Sec. 14-197. Permitted uses.**

The following uses are permitted in the A-B zone:

- (1) Administration;
- (2) Airline terminal including, but not limited to:
- a. Administration;
  - b. Concessions including, but not limited to, newsstands, florists, pharmacies and sundries, parcel storage, insurance sales, vending machines and video games;
  - c. Reservations and ticket sales;
  - d. Air freight operations;
  - e. Travel agency;
  - f. Physical plant service, repair and storage;
  - g. Cocktail lounges; and
  - h. Public waiting area.

\***Editor's note**—Ord. No. 295-88, adopted Apr. 4, 1988, repealed §§ 14-196–14-202 of Div. 11, A-B Business Zone, of this article and enacted in lieu thereof similar new provisions as set out in §§ 14-196–14-202. Formerly, such sections derived from §§ 62.9A.A–602.9A.G of the city's 1968 Code and from Ord. No. 348-71, § 2, adopted Aug. 2, 1971; Ord. No. 499-74, § 4, adopted Aug. 19, 1974; Ord. No. 334-76, § 6, adopted July 7, 1976; and Ord. No. 275-77, adopted May 16, 1977.



## CITY OF PORTLAND

**TO:** Distribution List

**FROM:** William B. Needelman, Planner

**DATE:** December 13, 1999

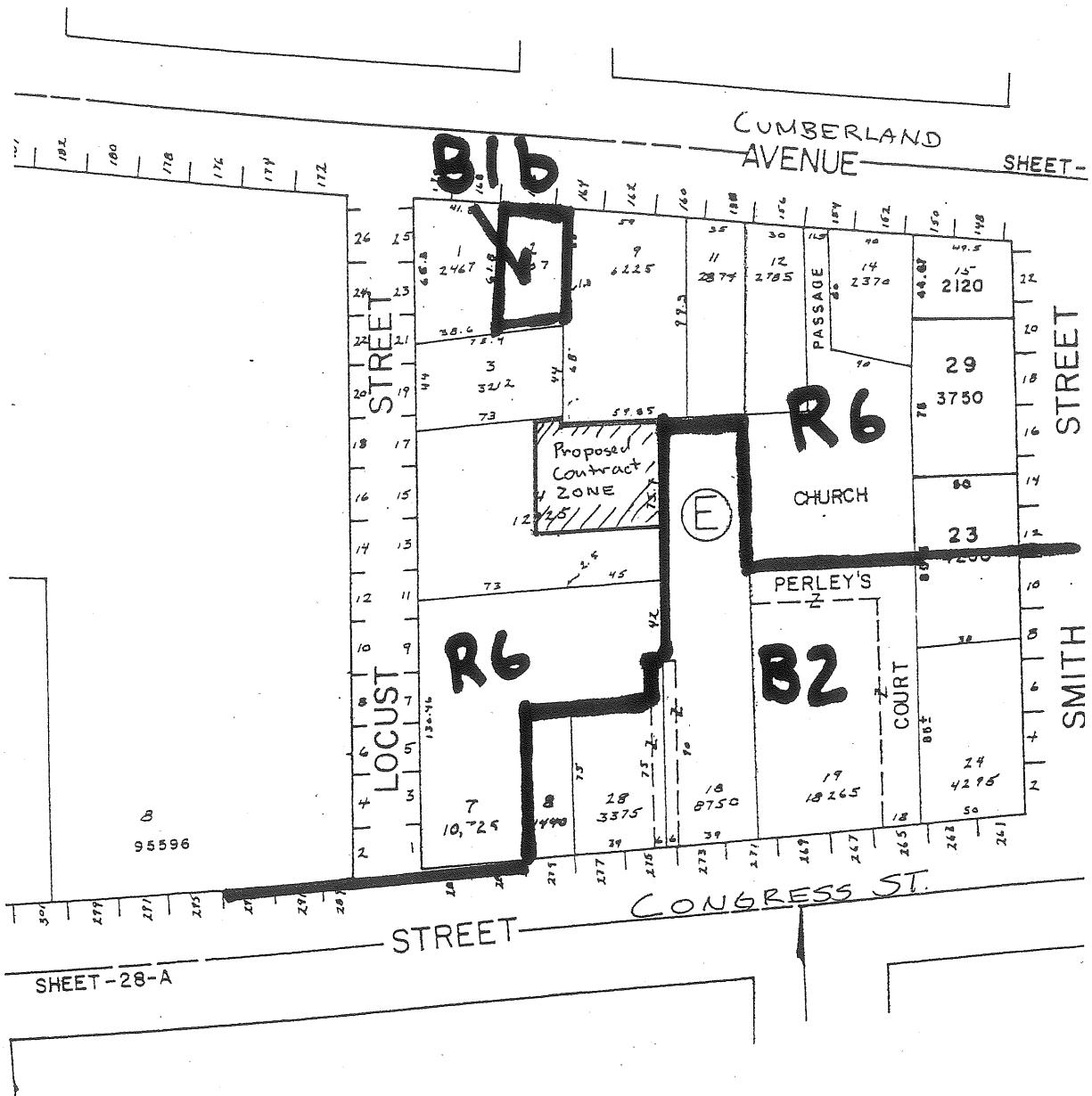
**RE:** Chapter 14 Land Use Amendments: Contract Zone at 15 Locust Street

On December 6, 1999, the City Council approved a contract zone for a portion of 15 Locust Street. The purpose of the Contract Zone is to allow an existing 40 ft. by 50 ft. garage in the R-6 Residential Zone to be used as an Artist and Craftsperson Studio. Under the current zoning, artists and craft person studios are not permissible, thus prompting the Applicant's request for a zone change.

cc: Mayor Mavadones and City Councilors  
Chairman Carroll and members of the Planning Board  
Chairman Manahan and members of the Board of Appeals  
Marge Schmuckal, Zoning Administrator  
Joseph E. Gray, Jr., Director, Planning and Urban Development  
Alexander Jaegerman, Chief Planner  
Richard Knowland, Senior Planner  
Sarah Hopkins, Senior Planner  
Deborah Andrews, Senior Planner  
Alan Holt, Urban Designer  
Kandi Talbot, Planner  
William Needelman, Planner  
Mark Adelson, Director, Housing & Neighborhood Services  
Michael Nugent, Inspection Services Manager  
Gary C. Wood, Corporation Counsel  
Charles A. Lane, Associate Corporation Counsel  
Penny Littell, Associate Corporation Counsel  
Elizabeth Boyton, Association Counsel  
Donna Katsiaficas, Association Counsel  
Lee Urban, Director, Economic Development  
Laurie Savona, City Clerk

**LEGAL NOTICE  
 PORTLAND PLANNING BOARD  
 PUBLIC NOTICE**

Notice is hereby given that the Portland Planning Board will hold a public hearing on Tuesday evening, September 28, 1999 at 6:30 p.m., Room 209, City Hall, 389 Congress Street, Portland, Maine to consider a proposal by Ernest Paterno on behalf of the property owner, Robert Friedrich, for a contract zone for a portion of 15 Locust Street. The proposed contract will allow artists and craft persons studios as a permitted use for the subject parcel. The property is currently zoned R-6 and the effected parcel contains approximately 3,600 sq. ft. as shown on the fragmentary map below:



**AGREEMENT REGARDING THE REZONING  
OF A PORTION OF 15 LOCUST STREET,  
PORTLAND, MAINE**

**AGREEMENT** made this day of , 1999 by **ROBERT FRIEDRICH** of 28 Church Street, Gorham, Maine 04038, owner of 15 Locust Street, (hereinafter "**FRIEDRICH**") with the **CITY OF PORTLAND**, a body corporate and politic, located in Cumberland County and State of Maine (hereinafter the "**CITY**") and

**WITNESSETH:**

**WHEREAS, FRIEDRICH** did request the rezoning of a portion of the property located at 15 Locust Street, in Portland (see Exhibit A and B), in order to permit the establishment and operation of an artist/craftperson's studio, as limited herein. The rezoning is from an existing R-6 zone to a B-2 zone and is subject to conditions and limitations as set forth below; and

**WHEREAS,** the Planning Board of the City of Portland, pursuant to 30-A M.R.S.A. §4352(8), the Portland City Code §§14-60 through 14-62, and after notice and hearing and due deliberation thereon, recommended the rezoning of the property as aforesaid, subject, however, to certain conditions; and

**WHEREAS,** the **CITY** by and through its City Council has determined that said rezoning would be pursuant to and consistent with the **CITY'S** comprehensive land use plan and consistent with the existing and permitted uses within the original zone; and

**WHEREAS,** the **CITY** has determined that because of the unusual nature of the proposed development it is necessary or appropriate to impose by agreement the following conditions or restrictions in order to insure that the rezoning is consistent with the **CITY'S** comprehensive land use plan; and

AH. 11.2

WHEREAS, the CITY authorized the contract rezoning on \_\_\_\_\_, 1999;

NOW, THEREFORE, in consideration for the CITY'S rezoning of this property,

**FRIEDRICH** hereby covenants and agrees as follows:

1. The CITY shall amend the Zoning Map of the City of Portland, dated March 1958, as amended and on file in the Department of Planning and Urban Development, and incorporated by reference into the Zoning Ordinance by §14-49 of the Portland City Code, by adopting the map change amendment shown on Exhibit A.
2. The property shall be developed substantially in accordance with the site plan shown on Exhibit B and shall be subject to full site plan review and approval by the Portland Planning Board or Authority, as applicable.
3. **FRIEDRICH** shall be authorized to establish and maintain a studio for an artist or craftperson in addition to uses permitted in the R-6 Residential zone, provided that the area of such the studio space shall not exceed the total cubic footage of the existing one-story structure as shown on Exhibit B.
4. Parking shall be established and assigned as indicated on Exhibit B.
5. Use of the structure shall be limited to an artist and craftperson studio.
6. All activities relating to the studio shall be located within a completely enclosed structure except for the storage of two (2) bottles of propane gas, which shall be located adjacent to the structure as shown on Exhibit B. Moreover, all other provisions of Portland City Ordinance §14-187 (External Effects) shall apply.
7. The provisions of this Agreement, including the permitted studio/craftperson use, are intended to be supplemental to the uses and requirements of the underlying R-6 zone.

The above stated restrictions, provisions and conditions are an essential part of the rezoning, shall run with the subject premises, shall bind **FRIEDRICH**, his successors and assigns, as permitted by this Agreement, of said property or any part thereof or interest therein, and any party in possession or occupancy of said property or any part thereof, and shall inure to the benefit of and be enforceable by the CITY, by and through its duly authorized representatives.

A# 11.3

LOCUSTST.REZ  
9/30/99

If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such determination shall not affect the validity of the remaining portions hereof.

Except as expressly modified herein, the rezoned portion of the subject premises shall be governed by and comply with the provisions of R-6 of the Land Use Code of the City of Portland and any applicable amendments thereto or replacement thereof.

In the event that **FRIEDRICH** or any successor fail to continue to utilize the property in accordance with this Agreement, or in the event of a breach of any condition(s) set forth in this Agreement, the Planning Board shall have the authority, after hearing, to resolve the issue resulting in the breach or the failure to operate. The resolution may include a recommendation to the City Council that the site be rezoned to R-6 or any successor zone and that this Agreement be terminated, requiring a cessation of the studio use.

Dated this \_\_\_ day of \_\_\_\_\_, 1999.

\_\_\_\_\_  
WITNESS

\_\_\_\_\_  
BY: Robert Friedrich

STATE OF MAINE  
CUMBERLAND, ss.

, 1999

Personally appeared the above-named Robert Friedrich, and acknowledged the foregoing instrument to be his free act and deed.

Before me,

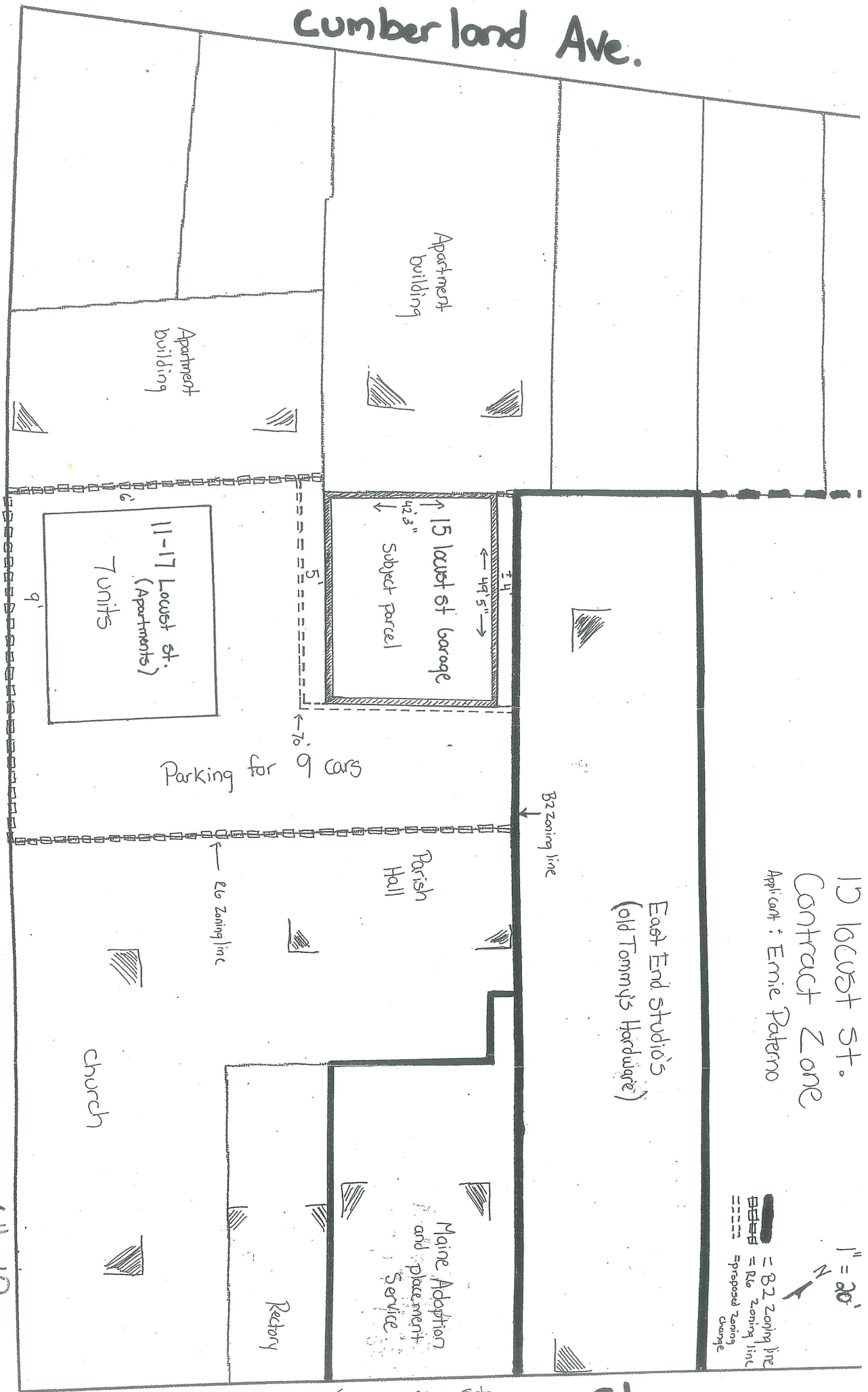
\_\_\_\_\_  
Notary Public/Attorney at Law



Cumberland Ave.

Ex. A

Lowest St.



12 Lowest St.  
 Contract Zone  
 Applicant: Ernie Paterno

East End Studios  
 (old Tommys Hardware)

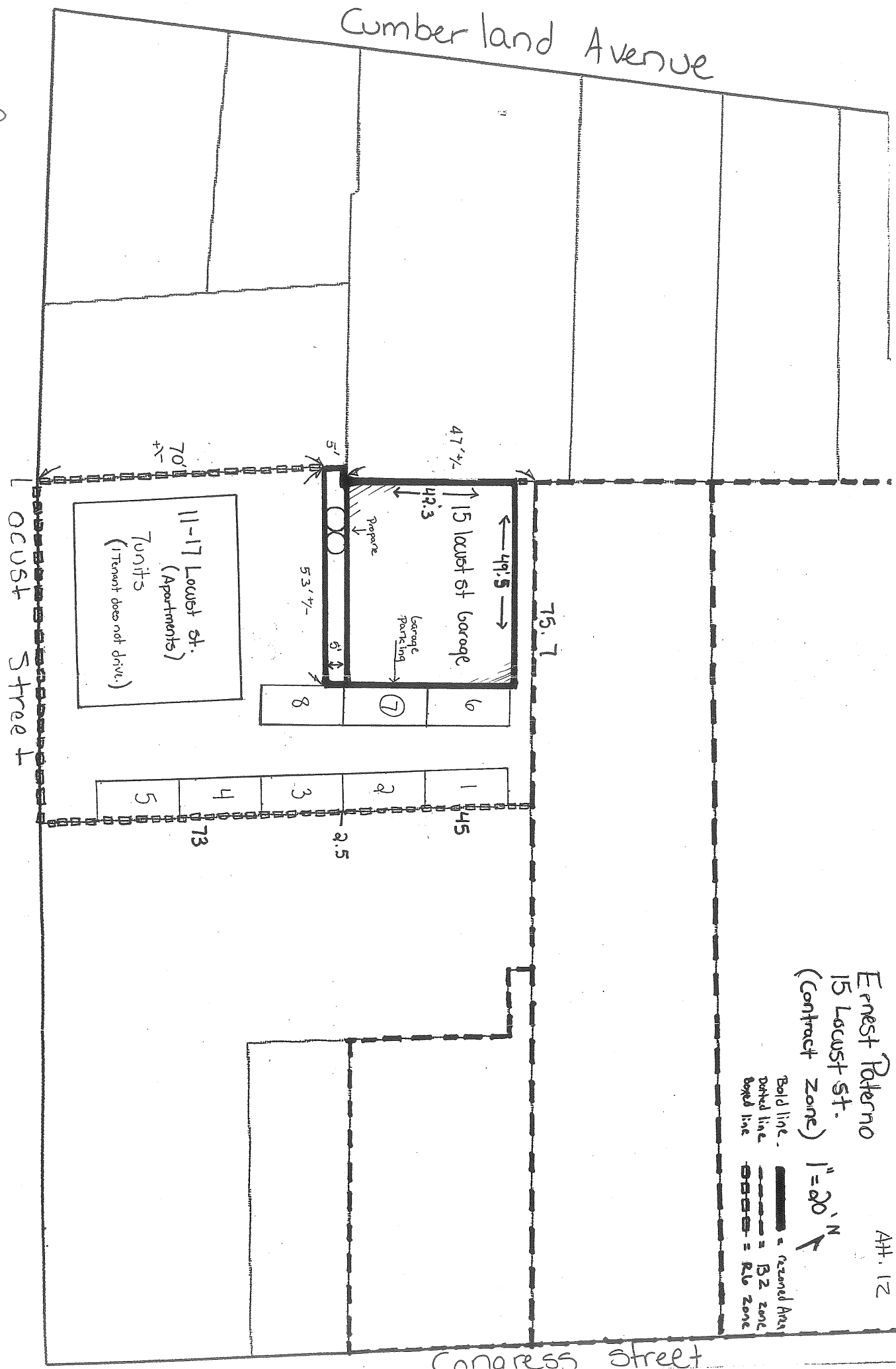
1" = 20'  
 ——— = B2 zoning line  
 - - - - = R6 zoning line  
 = Proposed zoning change

Att. 10

Congress St.

Cumberland Avenue

Ex. B



Ernest Paterno  
 15 Locust St.  
 (Contract Zone)

1" = 20' N  
 Bold line = Contract Area  
 Dashed line = B2 zone  
 Boxed line = R16 Zone

Att. 12

Congress Street

**AGREEMENT REGARDING THE REZONING  
OF A PORTION OF 15 LOCUST STREET,  
PORTLAND, MAINE**

**AGREEMENT** made this day of , 1999 by **ROBERT FRIEDRICH** of 28 Church Street, Gorham, Maine 04038, owner of 15 Locust Street, (hereinafter "**FRIEDRICH**") with the **CITY OF PORTLAND**, a body corporate and politic, located in Cumberland County and State of Maine (hereinafter the "**CITY**") and

**WITNESSETH:**

**WHEREAS, FRIEDRICH** did request the rezoning of a portion of the property located at 15 Locust Street, in Portland (see Exhibit A and B), in order to permit the establishment and operation of an artist/craftperson's studio, as limited herein. The rezoning is from an existing R-6 zone to a B-2 zone and is subject to conditions and limitations as set forth below; and

**WHEREAS,** the Planning Board of the City of Portland, pursuant to 30-A M.R.S.A. §4352(8), the Portland City Code §§14-60 through 14-62, and after notice and hearing and due deliberation thereon, recommended the rezoning of the property as aforesaid, subject, however, to certain conditions; and

**WHEREAS,** the **CITY** by and through its City Council has determined that said rezoning would be pursuant to and consistent with the **CITY'S** comprehensive land use plan and consistent with the existing and permitted uses within the original zone; and

**WHEREAS,** the **CITY** has determined that because of the unusual nature of the proposed development it is necessary or appropriate to impose by agreement the following conditions or restrictions in order to insure that the rezoning is consistent with the **CITY'S** comprehensive land use plan; and

WHEREAS, the CITY authorized the contract rezoning on \_\_\_\_\_, 1999;

NOW, THEREFORE, in consideration for the CITY'S rezoning of this property,

**FRIEDRICH** hereby covenants and agrees as follows:

1. The CITY shall amend the Zoning Map of the City of Portland, dated March 1958, as amended and on file in the Department of Planning and Urban Development, and incorporated by reference into the Zoning Ordinance by §14-49 of the Portland City Code, by adopting the map change amendment shown on Exhibit A.
2. The property shall be developed substantially in accordance with the site plan shown on Exhibit B and shall be subject to full site plan review and approval by the Portland Planning Board or Authority, as applicable.
3. **FRIEDRICH** shall be authorized to establish and maintain a studio for an artist or craftperson in addition to uses permitted in the R-6 Residential zone, provided that the area of such the studio space shall not exceed the total cubic footage of the existing one-story structure as shown on Exhibit B.
4. Parking shall be established and assigned as indicated on Exhibit B.
5. Use of the structure shall be limited to an artist and craftperson studio.
6. All activities relating to the studio shall be located within a completely enclosed structure except for the storage of two (2) bottles of propane gas, which shall be located adjacent to the structure as shown on Exhibit B. Moreover, all other provisions of Portland City Ordinance §14-187 (External Effects) shall apply.
7. The provisions of this Agreement, including the permitted studio/craftperson use, are intended to be supplemental to the uses and requirements of the underlying R-6 zone.

The above stated restrictions, provisions and conditions are an essential part of the rezoning, shall run with the subject premises, shall bind **FRIEDRICH**, his successors and assigns, as permitted by this Agreement, of said property or any part thereof or interest therein, and any party in possession or occupancy of said property or any part thereof, and shall inure to the benefit of and be enforceable by the CITY, by and through its duly authorized representatives.

AH 113

LOCUSTST.REZ  
9/30/99

If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such determination shall not affect the validity of the remaining portions hereof.

Except as expressly modified herein, the rezoned portion of the subject premises shall be governed by and comply with the provisions of R-6 of the Land Use Code of the City of Portland and any applicable amendments thereto or replacement thereof.

In the event that **FRIEDRICH** or any successor fail to continue to utilize the property in accordance with this Agreement, or in the event of a breach of any condition(s) set forth in this Agreement, the Planning Board shall have the authority, after hearing, to resolve the issue resulting in the breach or the failure to operate. The resolution may include a recommendation to the City Council that the site be rezoned to R-6 or any successor zone and that this Agreement be terminated, requiring a cessation of the studio use.

Dated this \_\_\_ day of \_\_\_\_\_, 1999.

\_\_\_\_\_  
WITNESS

\_\_\_\_\_  
BY: Robert Friedrich

STATE OF MAINE  
CUMBERLAND, ss.

\_\_\_\_\_  
, 1999

Personally appeared the above-named Robert Friedrich, and acknowledged the foregoing instrument to be his free act and deed.

Before me,

\_\_\_\_\_  
Notary Public/Attorney at Law

COPY

AGREEMENT REGARDING THE REZONING  
OF A PORTION OF 15 LOCUST STREET,  
PORTLAND, MAINE

AGREEMENT made this day of , 1999 by ROBERT FRIEDRICH of 28 Church Street, Gorham, Maine 04038, owner of 15 Locust Street, (hereinafter "FRIEDRICH") with the CITY OF PORTLAND, a body corporate and politic, located in Cumberland County and State of Maine (hereinafter the "CITY") and

WITNESSETH:

WHEREAS, FRIEDRICH did request the rezoning of a portion of the property located at 15 Locust Street, in Portland (see Exhibit A and B), in order to permit the establishment and operation of an artist/craftperson's studio, as limited herein. The rezoning is from an existing R-6 zone to a B-2 zone and is subject to conditions and limitations as set forth below; and

WHEREAS, the Planning Board of the City of Portland, pursuant to 30-A M.R.S.A. §4352(8), the Portland City Code §§14-60 through 14-62, and after notice and hearing and due deliberation thereon, recommended the rezoning of the property as aforesaid, subject, however, to certain conditions; and

WHEREAS, the CITY by and through its City Council has determined that said rezoning would be pursuant to and consistent with the CITY'S comprehensive land use plan and consistent with the existing and permitted uses within the original zone; and

WHEREAS, the CITY has determined that because of the unusual nature of the proposed development it is necessary or appropriate to impose by agreement the following conditions or restrictions in order to insure that the rezoning is consistent with the CITY'S comprehensive land use plan; and

WHEREAS, the CITY authorized the contract rezoning on \_\_\_\_\_, 1999;

NOW, THEREFORE, in consideration for the CITY'S rezoning of this property,

**FRIEDRICH** hereby covenants and agrees as follows:

1. The CITY shall amend the Zoning Map of the City of Portland, dated March 1958, as amended and on file in the Department of Planning and Urban Development, and incorporated by reference into the Zoning Ordinance by §14-49 of the Portland City Code, by adopting the map change amendment shown on Exhibit A.
2. The property shall be developed substantially in accordance with the site plan shown on Exhibit B and shall be subject to full site plan review and approval by the Portland Planning Board or Authority, as applicable.
3. **FRIEDRICH** shall be authorized to establish and maintain a studio for an artist or craftperson in addition to uses permitted in the R-6 Residential zone, provided that the area of such the studio space shall not exceed the total cubic footage of the existing one-story structure as shown on Exhibit B.
4. Parking shall be established and assigned as indicated on Exhibit B.
5. Use of the structure shall be limited to an artist and craftperson studio.
6. All activities relating to the studio shall be located within a completely enclosed structure except for the storage of two (2) bottles of propane gas, which shall be located adjacent to the structure as shown on Exhibit B. Moreover, all other provisions of Portland City Ordinance §14-187 (External Effects) shall apply.
7. The provisions of this Agreement, including the permitted studio/craftperson use, are intended to be supplemental to the uses and requirements of the underlying R-6 zone.

The above stated restrictions, provisions and conditions are an essential part of the rezoning, shall run with the subject premises, shall bind **FRIEDRICH**, his successors and assigns, as permitted by this Agreement, of said property or any part thereof or interest therein, and any party in possession or occupancy of said property or any part thereof, and shall inure to the benefit of and be enforceable by the CITY, by and through its duly authorized representatives.

If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such determination shall not affect the validity of the remaining portions hereof.

Except as expressly modified herein, the rezoned portion of the subject premises shall be governed by and comply with the provisions of R-6 of the Land Use Code of the City of Portland and any applicable amendments thereto or replacement thereof.

In the event that FRIEDRICH or any successor fail to continue to utilize the property in accordance with this Agreement, or in the event of a breach of any condition(s) set forth in this Agreement, the Planning Board shall have the authority, after hearing, to resolve the issue resulting in the breach or the failure to operate. The resolution may include a recommendation to the City Council that the site be rezoned to R-6 or any successor zone and that this Agreement be terminated, requiring a cessation of the studio use.

Dated this 3<sup>rd</sup> day of January, ~~1999~~ <sup>2000</sup>.

Leanna Ross  
WITNESS


Robert Friedrich  
BY: Robert Friedrich

STATE OF MAINE  
CUMBERLAND, ss.

Jan 3<sup>RD</sup>, 2000  
1999

Personally appeared the above-named Robert Friedrich, and acknowledged the foregoing instrument to be his free act and deed.

Before me,  
Leanna Ross  
Notary Public/Attorney at Law

 LeAnna Ross  
NOTARY PUBLIC  
State of Maine  
My Commission Exp. June 25, 2003



Corporation Counsel

Gary C. Wood



**CITY OF PORTLAND**

Associate Counsel

Charles A. Lane  
Elizabeth L. Boynton  
Donna M. Katsiaficas  
Penny Littell

December 23, 1999

Robert Friedrich  
28 Church Street  
Gorham, ME 04038

RE: Rezoning 15 Locust Street

Dear Friedrich:

On December 6, 1999, the Portland City Council voted to rezone the property at 15 Locust Street.

Enclosed herewith for your signature are duplicate originals of the agreement relating to the rezoning.

Would you please sign and date the duplicate originals, have your signature acknowledged before an appropriate official and then return one of them to me for further action.

Very truly yours,

Charles A. Lane  
Associate Corporation Counsel

Enclosure

cc: Ernest Paterno (w/o)  
William Needleman, Planner (w/o)

0:\WP\CHARLIE\TR\FRIEDRIC.LTR

# City of Portland, Maine

IN THE CITY COUNCIL

ORDER AUTHORIZING AMENDMENT TO CITY CODE  
§14-49 (ZONING MAP AMENDMENT)  
AND CONTRACT FOR REZONING AT 15 LOCUST STREET

**ORDERED,** that the Zoning Map of the City of Portland, dated March 1958 as amended and on file in the Department of Planning & Urban Development, and incorporated by reference into the Zoning Ordinance by §14-49 of the Portland City Code, is hereby amended as shown on Attachment A of Exhibit 1 hereto to allow artists or craftpersons in the garage area located on the property at 15 Locust Street;

**BE IT FURTHER ORDERED,** that the amendment of the City's Zoning Map is conditioned upon execution of the contract for rezoning attached to this Order as Exhibit 1;

**BE IT FURTHER ORDERED,** that the City Manager is hereby authorized to execute the contract attached hereto as Exhibit 1.

**CITY OF PORTLAND, MAINE  
CITY COUNCIL AGENDA REQUEST FORM**

**TO:** Sonia Bean, Administrative Assistant  
Elizabeth Boynton, Associate Corporation Counsel

**FROM:** Joseph E. Gray, Jr., Director of Planning and Urban Development

**DATE:** November 2, 1998

**SUBJECT:** Agenda Request

- 1) Council Meeting at which action is requested (Date):
- 2) Can action be taken at a later date?  YES  NO

**I. SUMMARY OF ISSUE**

The Planning board is recommending a contract zone on 15 Locust Street be approved by the City council. Ernest Paterno, on behalf of the property owner, Robert Friedrich, proposes a Contract Zone for a portion of 15 Locust Street. The purpose of the Contract Zone would be to allow an existing 40 ft. by 50 ft. garage in the R-6 Residential Zone to be used as an Artist and Craftsperson Studio. Under the current zoning, artists and craft person studios are not permissible, thus prompting the Applicant's request for a zone change

**II. REASON FOR SUBMISSION (What issue/problem will this address?)**

Mr. Paterno wishes to build his studio in an urban environment and found this existing building which perfectly meets his needs for a glass blowing studio. Under the R-6 Zoning, studio use is not allowed.

**III. INTENDED RESULT (How does it resolve the issue/problem?)**

The proposed contract will allow for the limited studio use with the additional conditions of the B-2 external effects provisions. The result will have no loss of residences and will mitigate impacts on the residential character of the neighborhood.

**IV. FINANCIAL IMPACT**

There are no known municipal financial impacts from this zone change.

**V. STAFF ANALYSIS & RECOMMENDATION**

The Planning Board Recommended 4-0 to recommend approval of this zone change.

PLANNING REPORT #45-99

**15 LOCUST CONTRACT ZONE**

**ROBERT FRIEDRICH, APPLICANT  
ERNEST PATERNO, AGENT**

Submitted to:

Portland City Council  
Portland, Maine

November 2, 1999

## I. INTRODUCTION

The Planning board is recommending to the City Council approval of a contract zone on 15 Locust Street proposed by Robert Friedrich.

Ernest Paterno, on behalf of the property owner, Robert Friedrich, proposes a Contract Zone for a portion of 15 Locust Street. The purpose of the Contract Zone would be to allow an existing 40 ft. by 50 ft. garage in the R-6 Residential Zone to be used as an Artist and Craftsperson Studio.

The applicant originally applied for a rezoning from R-6 to B-2 to allow for the proposed use, but at the suggestion of Planning Staff is pursuing the Contract Zone as a means to satisfy his need for studio space while protecting the residential neighbors from the higher impact uses allowed in the B-2 Zone.

The Planning Board held one workshop and one Public Hearing on this proposal.

224 notices were sent to area residents.

## II. FINDINGS

Existing Zone:	R-6 Residential
Land Area:	9,900 +/-sq. ft. for total parcel
	3,250 +/-sq. ft. for re-zoned area
Subject Building footprint:	2,000 +/-sq. ft. Existing building proposed for studio

The Contract Zone would cover only the rear portion of the 15 Locust Street property, allowing for use of the existing garage building and a small buffer around the building for the proposed studio use. The front portion of 15 Locust Street is a 7 unit apartment building and would remain R-6.

The proposed rezoned property abuts Saint Paul's church to the east, East End Studios to the north, multi-unit residences on Cumberland Avenue to the west, and the apartment building at 15 Locust Street to the south.

The rear of the subject parcel abuts the East End Studios property (the former Tommy's Hardware site) which currently houses a variety of studio space and is zoned B-2. The garage sits within 5 feet of the property line abutting the B-2 Zone, and sits directly along the residential property line to the west.

### Proposed Use:

Mr. Paterno proposes to create a glass blowing shop in the existing building. See Written Statement and Resume, Attachment #4. Mr. Paterno produces fine art quality glass and according to the submitted letters of support has attained a national reputation. See Attachment #5. No retail use is proposed with this contract and all of the activities are to be contained within the structure, with the exception of exterior propane tanks which may be located on the south side of the garage. The Applicant is exploring the installation of buried gas lines from the street, but the use of bottled gas may be needed as a fall back.

### **III. LAND USE POLICY**

#### **Zoning:**

The subject parcel is currently R-6. The conclusion of the Purpose of the R-6, Section 14-135 of the Portland Code, states that the purpose of the R-6 is to "...conserve the existing housing stock and residential character of neighborhoods by controlling the scale and external impacts of professional offices and other nonresidential uses."

The proposed contract zone would result in no loss of residences. The subject building is currently used for miscellaneous storage, and has historically been used for warehousing by the old Tommy's Dive Shop. The Planning Board has ruled that the proposed uses allowed under "artist and craftsperson studios" would not unduly impact the residential character of the neighborhood.

#### **Parking:**

Under zoning requirements, every existing residential unit requires one parking space. According to the applicant's site sketch, the 15 Locust Street parcel currently parks eight cars in the present condition, with one space being designated for the studio in front of the subject building garage door. No retail space is proposed.

The applicant verbally stated to planning staff that visitors and/or staff for the studio would need to park off site or walk to the site.

### **IV. COMPREHENSIVE PLAN**

Alan Holt, City Urban Designer, reviewed the submittal for compliance with the arts portions of the City's Comprehensive Plan. Mr. Holt outlines three sections of the Comprehensive Plan which support bringing studio space into the downtown community: The 1991 Downtown Vision Plan, The 1995 Plan for Portland's Arts District, and the 1998 Community Cultural Plan. See Alan Holt Memo, Attachment #6. Mr. Holt concludes that the Comprehensive Plan clearly encourages the development of working space for artists within the community.

### **IV. SITE PLAN**

The site sketches provided have been drawn by the applicant using the City's GIS digital maps of the area as a base map.

No formal site plan was required for this review as no site improvements have been proposed with the possible exception of two bottled propane tanks on the southwesterly side of the building. Installation of the tanks will require a building permit.

Installation of the propane tanks will include the use of screening material as a means to satisfy requirement (1) of the External Effects provision of the B-2 (City Code 14-187) which has been included in the contract at the request of the Board.

Fire Safety Officer, Lt Gaylen McDougal, has stated that installation of propane tanks will require a building permit, and that a fire safety review will occur at that time.

## V. CONTRACT ZONE

The attached copy of the proposed Contract Zone agreement is unchanged from the draft presented to the Board at a workshop, with the exception of the inclusion of the External Effects requirements from the B-2 zone. At the workshop, the Board expressed concern that artist and craft person studios could have impacts on the abutting residences and that these issues had been addressed in the recent text amendments to the B-2 Business Zone. These provisions have been included in condition 6 of the contract.

The text of the contract is included, Attachment 11; as have the External Effects requirements from the B-2, Attachment 13. As a point of clarification, the contract language refers to Exhibit A and B, which correspond to Attachments 10 and 12, respectively, of this report.

The conditions of the agreement are summarized below.

1. That the Zoning Map will be amended to reflect the proposed changes
2. That the site be developed according the attached plan.
3. That the applicant is permitted to establish and maintain an artist and craftsperson studio, not to exceed 4000 sq. ft. ft. in area.
4. That parking shall be established and assigned as shown on the plan.
5. That use is limited to studio space.
6. That, excepting the bottled gas, the activities of the studio will be completely enclosed, and that all provisions of 14-187, External Effects requirements shall apply. And,
7. That, excepting the studio use, all provisions and requirements of the R-6 zone continue to hold

## VI. PUBLIC PROCESS

On September 28, 1999 The Portland Planning Board held a public hearing on the 15 Locust Street Contract Zone and voted 4-0 on the following motion:

The Board finds that:

- i. The proposed zone change [is] consistent with the policies of the comprehensive plan.
- ii. The Planning Board therefore [recommends] to the City Council approval for the proposed contract rezoning.

Attachments:

1. Application
2. Subject Deed
3. Agent Authorization
4. Applicant's Written Statement and Resume
5. Alan Holt Memo
6. Letters of Support
7. Purpose of the R-6 Zone
8. Tax Map
9. Zoning Map
10. Applicant's Sketch Plan
11. Revised Contract
12. Map Change Amendment Map
13. External Effects, Portland Code 14-187





APPLICATION FOR ZONING AMENDMENT  
City of Portland, Maine  
Department of Planning and Urban Development  
Portland Planning Board

1. Applicant Information:  
Robert Friedrich  
Name  
28 Church St  
Address  
Gorham ME  
839-2017  
Phone Fax

2. Subject Property:  
15 Locust St Garage  
Address  
Assessor's Reference (Chart-Block-Lot)

3. Property Owner:  Applicant  Other  
Robert Friedrich  
Name  
28 Church St  
Address  
Gorham ME 04038  
207-839-2017  
Phone Fax

4. Right, Title, or Interest: Please identify the status of the applicant's right, title, or interest in the subject property:  
owner

Provide documentary evidence, attached to this application, of applicant's right, title, or interest in the subject property. (For example, a deed, option or contract to purchase or lease the subject property.)

5. Vicinity Map: Attach a map showing the subject parcel and abutting parcels, labeled as to ownership and/or current use. (Applicant may utilize the City Zoning Map or Parcel Map as a source.)

6. Existing Use:

Describe the existing use of the subject property: storage

7. Current Zoning Designation(s): R6

8. Proposed Use of Property: Please describe the proposed use of the subject property. If construction or development is proposed, please describe any changes to the physical condition of the property.

artist studio

9. Sketch Plan: On a separate sheet please provide a sketch plan of the property, showing existing and proposed improvements, including such features as buildings, parking, driveways, walkways, landscape and property boundaries. This may be a professionally drawn plan, or a carefully drawn plan, to scale, by the applicant. (Scale to suit, range from 1"=10' to 1"=100'.)

10. Proposed Zoning: Please check all that apply:

A.  Zoning Map Amendment, from R6 to B2

B.  Zoning Text Amendment to Section 14- \_\_\_\_\_

For Zoning Text Amendment, attach on a separate sheet the exact language being proposed, including existing relevant text, in which language to be deleted is depicted as crossed out (example), and language to be added is depicted with underline (example).

C.  Conditional or Contract Zone

A conditional or contract rezoning may be requested by an applicant in cases where limitations, conditions, or special assurances related to the physical development and operation of the property are needed to ensure that the rezoning and subsequent development are consistent with the comprehensive plan and compatible with the surrounding neighborhood. (Please refer to Division 1.5, Sections 14-60 to 62)

44, 1.5

11. Application Fee: A fee for this application for a zoning amendment must be submitted, by check payable to the City of Portland in accordance with Section 14-54 of the Municipal Code (see below). The applicant also agrees to pay all costs of publication (or advertising) of the Public Hearing Notice as required for this application. Such amount will be billed to the applicant following the appearance of the advertisement.

	<u>1-25 Units</u>	<u>26-50 Units</u>	<u>51-75 Units</u>	<u>75 &amp; Over</u>
Residential Zones	\$350.00	\$400.00	\$450.00	\$500.00
Nonresidential Zones	\$350.00	\$400.00	\$450.00	\$500.00
	0-15,000 sq. ft. or 0-5 acres (whichever is less)	15,000-30,000 sq. ft. or 6-10 acres (whichever is less)	30,000-45,000 sq. ft. or 10-15 acres (whichever is less)	45,000-60,000 sq. ft. or 15-20 acres (whichever is less)

- Legal Advertisements (one for workshop and one for public hearing) percent of total bill
- Notices (one for workshop and one for public hearing) 40 cents each
- Text Amendments \$300.00

\$ 350.00 Amount of Fee

12. Signature: The above information is true and accurate to the best of my knowledge.

6/11/99  
Date of Filing

[Signature]  
Signature of Applicant

**Further Information:**

Please contact the Planning Office for further information regarding the rezoning process. Applicants are encouraged to make an appointment to discuss their rezoning requests before filing the application.

Applicants are encouraged to include a letter or narrative to accompany the rezoning application which can provide additional background or context information, and describe the proposed rezoning and reasons for the request in a manner that best suits the situation.

In the event of withdrawal of the zoning amendment application by the applicant in writing prior to the submission of the advertisement copy to the newspaper to announce the public hearing, a refund of two-thirds of the amount of the zone change fee will be made to the applicant by the City of Portland.

Portland Planning Board  
Portland, Maine


Effective: July 6, 1998


WARRANTY DEED

11-11-9

KNOW ALL BY THESE PRESENTS, that JEFFREY S. SHAFRAN and THEDA J. of Portland, Maine, do hereby GRANT unto ROBERT FRIEDRICH of Portland, Maine, WITH WARRANTY COVENANTS, the premises located in the City of Portland, County of Cumberland and State of Maine and more particularly described on the attached Exhibit A.

DATED: March 3, 1996

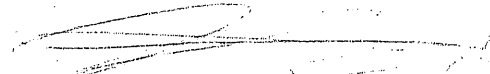
  
\_\_\_\_\_  
Jeffrey S. Shafran

  
\_\_\_\_\_  
Theda J. Shafran

STATE OF MAINE  
COUNTY OF CUMBERLAND

March 3, 1996

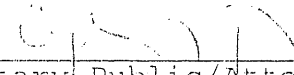
Then personally appeared before me the above named Theda J. Shafran and acknowledged the foregoing instrument to be her free act and deed.

  
\_\_\_\_\_  
Notary Public/Attorney-at-law  
Print Name Richard W. [unclear]  
My Commission Expires: \_\_\_\_\_

STATE OF MAINE  
COUNTY OF CUMBERLAND

March 5, 1996

Then personally appeared before me the above named Jeffrey S. Shafran and acknowledged the foregoing instrument to be his free act and deed.

  
\_\_\_\_\_  
Notary Public/Attorney-at-law  
Print Name [unclear]  
My Commission Expires: \_\_\_\_\_

Att. 2.2

EXHIBIT A TO WARRANTY DEED

GRANTORS: JEFFREY S. SHAFRAN and THEDA J. SHAFRAN  
GRANTEE: ROBERT FRIEDRICH

Certain lots or parcels of land, with the buildings and improvements thereon, situated on Locust Street in Portland, County of Cumberland and State of Maine, and more particularly bounded and described as follows:

Beginning on the easterly sideline of said Locust Street at the point which would be made by the extension thereto of the center of the division wall separating the house formerly occupied by Charles H. Kimball from the adjoining tenement on the north formerly occupied by John Dryden, said point being about one hundred eighty (180) feet northerly from the northerly corner of Congress and Locust Streets; thence northeasterly of said center of said division wall and parallel to Congress Street, seventy-three (73) feet to a point; thence southerly parallel to Locust Street thirty (30) feet to a point; thence westerly parallel with said center of said division wall and keeping the distance of thirty (30) feet therefrom seventy-three (73) feet to said easterly sideline of Locust Street; thence northerly by said Locust Street thirty (30) feet to the place of beginning.

And also a certain other parcel of land, with the buildings and improvements thereon, adjoining the above premises on the southerly side and bounded and described as follows, to wit: Beginning on the easterly side of Locust Street at a point one hundred twenty-five and forty-six hundredths (125.46) feet northerly from Congress Street; thence northeasterly parallel to Congress Street and five and thirty-one hundredths (5.31) feet northerly from the end of the main line of St. Paul's Church seventy-three (73) feet, more or less, to land formerly of James Cunningham; thence northwesterly by said Cunningham land about twenty-five (25) feet to the above described lot; thence southwesterly by said above described lot seventy-three (73) feet, more or less, to Locust Street; thence southeasterly by Locust Street twenty-five (25) feet to the place of beginning.

Also another lot of land, with the buildings and improvements thereon, in the City of Portland, County of Cumberland and State of Maine, situated northerly of Congress Street and easterly of Locust Street, and bounded and described as follows, to wit: Beginning at a point on the easterly line of land formerly of Gertrude C. Maher, et als numbered 277 Congress Street, said point being distant five (5) feet northwesterly from the northwesterly face of the brick building upon land of said Gertrude C. Maher, et als, said point being also distant one hundred thirty-two (132) feet from the northerly line of Congress Street, measured along said easterly sideline of said Maher's land, thence from said point of beginning on a line parallel to and distant five (5) feet from the

northwesterly face of said brick building and on a course of S 60° W forty-six (46) feet to a point and other land of said Maher; thence northwesterly by said Maher's land and land formerly owned by John Dryden seventy-five and four tenths (75.4) feet to land now or formerly owned by O.H. Fullam; thence northeasterly by land of said Fullam forty-five and five tenths (45.5) feet to land formerly owned by John W. Swett; thence by said Swett land on a course of S 31° 13' E seventy five and seven tenths (75.7) feet to the point of beginning. Being a part of the premises conveyed to James Cunningham by two deeds, one from Eliza B. Merrill dated December 29, 1874 and recorded in the Cumberland County Registry of Deeds in Book 416, Page 458; and the other from Jane Griffen dated January 15, 1875 and recorded in said Registry of Deeds in Book 414, Page 213.

Excepting from the above described premises that portion conveyed to St. Paul's Parish by deed dated March 4, 1969 and recorded in said Registry of Deeds in Book 3077, Page 151.

Also conveyed herewith that portion described in a deed from St. Paul's Parish dated March 4, 1969 and recorded in said Registry of Deeds in Book 3077, Page 149.

Also, another certain lot or parcel of land, with the buildings and improvements thereon, situated on the northeasterly side of Locust Street, in said Portland and being the premises numbered 17 Locust Street and bounded and described as follows:

Beginning at a point made by the extension of the center of the division wall separating the house on the lot hereby conveyed from the house on the southeasterly side thereof; thence northeasterly by the center of said division wall seventy-three (73) feet to a stake; thence northerly at right angles with the first described line and keeping the distance of seventy-three (73) feet from Locust Street thirty (30) feet, more or less, to a point two hundred ten (210) feet from Congress Street; thence southwesterly parallel with Congress Street seventy-three (73) feet to Locust Street; thence southeasterly by said Locust Street thirty (30) feet, more or less, to the point begun at.

Also a certain other lot of land, with the buildings and improvements thereon, on the northwesterly side of and adjoining the lot above described and bounded as follows:

Beginning at a point on said Locust Street at the most westerly corner of the lot above described; thence northwesterly by said Locust Street three (3) feet and from these two bounds extending northeasterly holding said width of three (3) feet seventy-four and two tenths (74.2) feet, more or less, to land now or formerly of one Fullam.

Being the same premises conveyed from Nathan A. Brackett to Jeffrey S. Shafran and Theda J. Shafran by a deed recorded in said Registry of Deeds in Book 7226, Page 36. Reference is also made to a confirmatory deed of recent date from Portland Chevrah Kadisha into Jeffrey S. Shafran and Theda J. Shafran to be recorded in said Registry of Deeds herewith.

RECEIVED  
REGISTRY OF DEEDS

NOV 13 11:12 AM  
CLERK OF COURTS  
J. A. B. [Signature]

To: Portland Planning Board

This letter shall serve  
as my authorization for Ernest  
Paterno to act as my agent  
in matters related to the proposed  
zoning change for 15 Laurel Street.

Robert J. Trudick

6/9/99

\* Ernest Paterno  
11 Turner Street Apt #3  
Portland, ME 04101  
# 207 253 1503

Workshop Aug. 10



# CYRONI GLASS WORKS

15 Locust Street  
Portland, Maine 04101  
(207) 775-0418

My first introduction to glass was in 1989, while attending the Tyler School of Art. I was involved in ceramics, mainly using the Raku process, which caused me to walk by the glass studio quite often.

One day a fellow student offered me a chance to take a gather of glass out of the furnace. I was completely transfixed by the molten glass and the movements involved in controlling it. This day changed my life forever.

My education after Tyler continued through working with some of the most talented glass blowers in the U.S. With this continuing education, I have been able to achieve an agreement with the material. Making objects that come to mind in any color, shape or size has become possible as the result of much hard work.

Today, I create shapes utilizing the same tools that the great glass masters of Murano, Italy have used for over 4000 years. Combining a fine blend of Italian and Swedish techniques, with today's modern aesthetics, I produce unique contemporary art forms in glass.

Ernest Paterno

*Ernest Paterno**15 Locust St. Portland, ME 04101 Tel. (207) 775-0418*Education

- 1992 *B.F.A Glass and Ceramics  
Tyler School of Art, Temple University  
Philadelphia, Pennsylvania*
- 1989 *Tyler Workshop in Scotland  
Glasgow School of Art  
Glasgow, Scotland*

Professional Experience

- 1999 *Owner Cyroni Glass Co.  
Portland, Maine*
- 1995-1999 *Head Gaffer  
Vitriessse Glass Studio  
Weston, Vermont*
- 1996-1999 *Assistant to Sam Stang  
Augusta Glass Studio  
Augusta, Missouri*
- 1993-1998 *Assistant to John Chiles  
Wemswell Glass Equipment  
Weston, Vermont*
- 1996-1998 *Assistant to Tom Farbanish  
Pleasant Gap, Pennsylvania*
- 1993-1995 *Co-Owner Foma Glassworks  
Westerly, Rhode Island*
- 1994 *Assistant to Sculptor Alvin Slier  
Niantic, Connecticut*
- 1992-1993 *Production Assistant  
Double Visions Glass Studio  
Reading, Pennsylvania*
- 1991-1992 *Undergraduate teaching Assistant in Glass  
Tyler School of Art  
Philadelphia, Pennsylvania*
- 1991 *Assistant to Glass Sculptor Jon Clarke  
Professor Tyler School of Art  
Philadelphia, Pennsylvania*

*Skills: welding, small metal casting, glass blowing, fusing, slumping and casting, neon fabrication, expert cane fabrication, machinery fabrication and knowledge of all aspects of setting up and running a glass studio, experience working with ceramics, business management skills.*



July 27, 1999

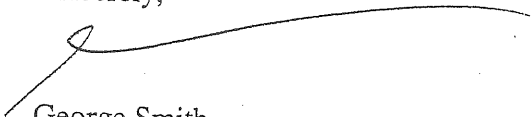
Planning Board  
City Hall  
389 Congress Street  
Portland, ME 04101

Dear Members of the Board,

It is my understanding that Ernest Paterno has requested a zoning change at 15 Locust Street. We at the Maine College of Art urge the Board to give this request all due consideration. We know that our students at the Maine College of Art are extremely eager to learn about glass blowing, and because we do not have facilities here at the College, Mr. Paterno's studio would provide MECA students access to important learning opportunities through our internship program. Mr. Paterno would also draw nationally recognized artists to his studio, and this too would be an important learning opportunity for MECA students, as well as an advantage to the community as a whole.

More and more, Portland is recognized as a center for the arts. Mr. Paterno's studio would add significantly to our worthiness of that recognition. I would be happy to answer any questions the Board might have regarding Mr. Paterno's request.

Sincerely,

  
George Smith  
Vice President for Academic Affairs  
Dean of the College

GS/jg

Att. 5.2

Maine College of  Art

July 12, 1999

Members of the Planning Board  
City Hall, Congress Street  
Portland, Maine 04101

Greetings Planning Board Members:

I have known Ernest Paterno both personally and professionally for the past five years. He is a gifted artist and an outstanding craftsman. He is nationally known within the glassblowing world for his expertise in ancient techniques of Venetian cane making. Besides his work in glass, Ernest is also a multimedia sculptor who is adept in various fields such as small metal casting, electroforming, and neon art. His work is shown in galleries and private collections nationwide.

The presence of Mr. Paterno's proposed glassblowing studio would provide a rich opportunity for our arts community. The city of Portland has recently created a cultural plan intending to integrate the arts into neighborhood communities. His studio would help to achieve this goal. His work would help to educate others about this nearly lost art, as well as provide a service for artists, tourists, and others interested in glassblowing. I have already witnessed significant improvement in the atmosphere and appearance of the building and its surroundings since Ernest has begun cleanup efforts there. As an artist and proud resident of Portland, I wholeheartedly support his efforts.

Sincerely,



Jill Dalton  
Assistant to Graduate Studies

Maine College of Art

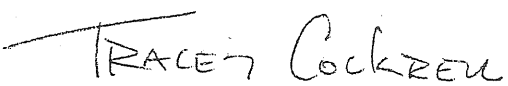


City of Portland  
Planning and Zoning Boards

Dear Board Members,

I am writing in support of a request made by Ernie Paterno to change the zoning, which governs a rented artist's studio on Locust Street. Mr. Paterno's intent is to cultivate a commercial glass-working shop in this location, as I am sure he has detailed for your consideration. In the time that I have known Mr. Paterno I have been impressed with his combination of business acumen and fine craftsmanship. He is knowledgeable, active and well connected in his field. He is developing an energetic and generous relationship with the Maine College of Art. His presence in the local arts community is multifaceted and rich with potential for providing a role model for students, offering workshops or classes through the Continuing Studies Department, collaborating with or serving local artists, and enriching the neighborhood of Munjoy Hill, to name a few examples. Mr. Paterno has generated a successful enterprise while relying on the studios of other glass artisans. Building a home base here offers him the opportunity to become a self-reliant business owner in the city of his choice. As a friend and colleague I would be delighted to see Ernie Paterno succeed in developing an active glass-working studio here in Portland. The location he has found provides the perfect home base. I am confident that, should the requested zoning change be approved, Ernie Paterno will build an active shop valued as an asset to the neighborhood as well as the city of Portland.

Sincerely,

  
Tracey Cockrell, Chairperson  
Sculpture Department

Att. 6

To: William Needleman, planner  
From: Alan Holt, urban designer and cultural liaison  
Date: July 27, 1999  
RE: 15 Locust Street

The proposal to accommodate an artist studio working space at 15 Locust Street is consistent with and encouraged by the arts and cultural components of the City's Comprehensive Plan. The three arts and culture plans that have been adopted as part of the Comprehensive Plan include the '91 Downtown Vision Plan, the '95 Plan for Portland's Arts District, and the '98 Community Cultural Plan.

One of the goals of the '91 Downtown Vision Plan is, "Support the cultural community by retaining and expanding performance and exhibition space, housing, studio space, and office/support space for artists, institutions, and organizations." In support of this goal, the '91 Plan established the following policy: "Artist Working Space: Develop programs to promote, encourage, and assist in the creation of affordable artist housing and studio space within and near the Downtown."

A goal of the '95 Arts District Plan includes, "Support the creative efforts of individual artists and safeguard their continuing presence in the community." In support of this goal, this Plan established the policy to, "Support pilot projects for artist-owned housing and other spaces."

The recently adopted Community Cultural Plan reaffirmed the earlier plans with the following goal: "Encourage and safeguard artists' continuing presence in the community." To support this goal, the plan established the policy to "Encourage and develop live/work and work spaces for artist, controlled by artists."

In my opinion, the Comprehensive Plan gives the Planning Board clear direction in supporting the proposed rezoning to accommodate an artist's working studio at 15 Locust Street.

- (6) *Minimum lot width:* Sixty (60) feet.

Minimum building setback from external subdivision property lines (PRUD):

- 1. Building length of one hundred (100) feet or less: Twenty-five (25) feet.
- 2. Building length of greater than one hundred (100) feet: Thirty-five (35) feet.

- (7) *Minimum recreation open space area (PRUD):* Two hundred (200) square feet per dwelling unit of common area designated on the site for recreation purposes. Such recreation areas shall be level graded, dry, accessible and properly drained. At a minimum, a contiguous area of six thousand (6,000) square feet, with a minimum dimension of fifty (50) feet, shall be provided and shall include one (1) or more of the uses set forth in section 14-526(a)(14)c.4., but shall at least be usable as a multipurpose game field. Such recreation areas shall be located at least twenty-five (25) feet from dwelling units.

(Ord. No. 537-84, 5-7-84; Ord. No. 84-88, § 4, 7-19-88; Ord. No. 58-97, § 2, 8-18-97; Ord. No. 165-97, § 5, 12-1-97)

**Editor's note**—Ord. No. 84-88, § 4, adopted July 19, 1988, amended § 14-130 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. 84-88.

**Sec. 14-131. Other requirements.**

[Other requirements are as follows:]

- (1) *Offstreet parking:* Off-street parking is required as provided in division 20 (off-street parking) of this article.
  - (2) *Shoreland and flood plain management regulations:* Any lot or portion of a lot located in a shoreland zone as identified on the city shoreland zoning map or in a flood hazard zone shall be subject to the requirements of division 26 and/or division 26.5.
  - (3) *Storage of vehicles:* Only one (1) unregistered motor vehicle may be stored outside on the premises for a period not exceeding thirty (30) days.
- (Ord. No. 537-84, 5-7-84; Ord. No. 15-92, § 10, 6-15-92)

**Secs. 14-132—14-134. Reserved.**

**DIVISION 7. R-6 RESIDENTIAL ZONE\***

**Sec. 14-135. Purpose.**

The purpose of the R-6 residential zone is:

- (1) To set aside areas on the peninsula for housing characterized primarily by multifamily dwellings at a high density providing a wide range of housing for differing types of

---

\***Editor's note**—Ord. No. 538-84, adopted May 7, 1984, repealed Div. 7, §§ 14-131—14-134, and enacted a new Div. 9, §§ 14-135—14-139, 14-145. However, in order to avoid duplication of division numbers and in consultation with the city, the provision have been included as Div. 7.

households; and to conserve the existing housing stock and residential character of neighborhoods by controlling the scale and external impacts of professional offices and other nonresidential uses.

(Ord. No. 538-84, 5-7-84)

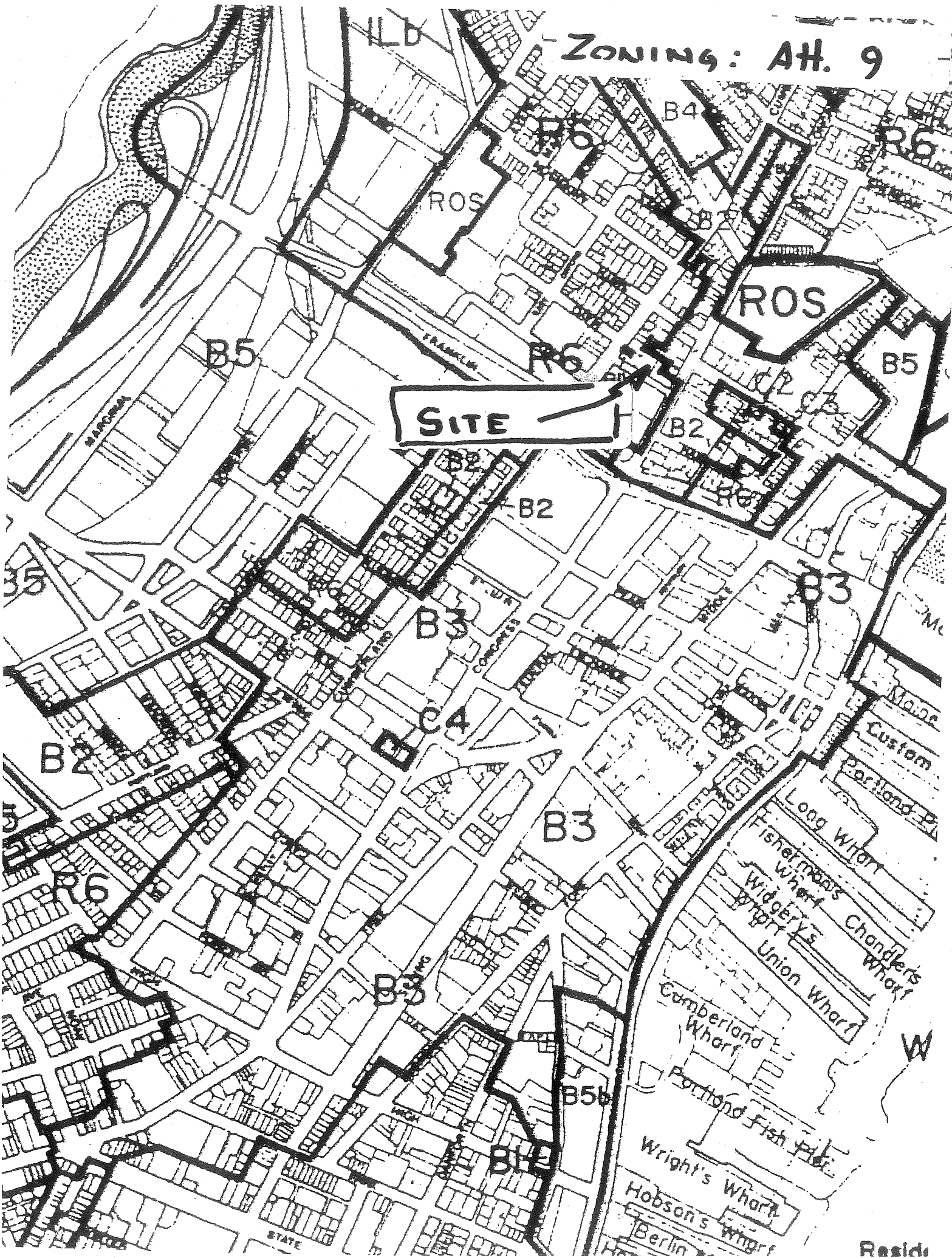
**Sec. 14-136. Permitted uses.**

The following uses are permitted in the R-6 residential zone:

- (1) *Residential:*
  - a. Single- and two-family dwellings. No building reviewed as a two-family dwelling in accordance with section 14-524 shall be altered to include any additional



# ZONING: ATT. 9



**SITE**

Reside

# City of Portland, Maine

IN THE CITY COUNCIL

**ORDER AUTHORIZING AMENDMENT TO CITY CODE  
§14-49 (ZONING MAP AMENDMENT)  
AND CONTRACT FOR REZONING AT 15 LOCUST STREET**

**ORDERED,** that the Zoning Map of the City of Portland, dated March 1958 as amended and on file in the Department of Planning & Urban Development, and incorporated by reference into the Zoning Ordinance by §14-49 of the Portland City Code, is hereby amended as shown on Attachment A of Exhibit 1 hereto to allow artists or craftpersons in the garage area located on the property at 15 Locust Street;

**BE IT FURTHER ORDERED,** that the amendment of the City's Zoning Map is conditioned upon execution of the contract for rezoning attached to this Order as Exhibit 1;

**BE IT FURTHER ORDERED,** that the City Manager is hereby authorized to execute the contract attached hereto as Exhibit 1.

**CITY OF PORTLAND, MAINE  
CITY COUNCIL AGENDA REQUEST FORM**

**TO:** Sonia Bean, Administrative Assistant  
Elizabeth Boynton, Associate Corporation Counsel

**FROM:** Joseph E. Gray, Jr., Director of Planning and Urban Development

**DATE:** November 2, 1998

**SUBJECT:** **Agenda Request**

- 1) Council Meeting at which action is requested (Date):
- 2) Can action be taken at a later date?  YES  NO

**I. SUMMARY OF ISSUE**

The Planning board is recommending a contract zone on 15 Locust Street be approved by the City council. Ernest Paterno, on behalf of the property owner, Robert Friedrich, proposes a Contract Zone for a portion of 15 Locust Street. The purpose of the Contract Zone would be to allow an existing 40 ft. by 50 ft. garage in the R-6 Residential Zone to be used as an Artist and Craftsperson Studio. Under the current zoning, artists and craft person studios are not permissible, thus prompting the Applicant's request for a zone change

**II. REASON FOR SUBMISSION (What issue/problem will this address?)**

Mr. Paterno wishes to build his studio in an urban environment and found this existing building which perfectly meets his needs for a glass blowing studio. Under the R-6 Zoning, studio use is not allowed.

**III. INTENDED RESULT (How does it resolve the issue/problem?)**

The proposed contract will allow for the limited studio use with the additional conditions of the B-2 external effects provisions. The result will have no loss of residences and will mitigate impacts on the residential character of the neighborhood.

**IV. FINANCIAL IMPACT**

There are no known municipal financial impacts from this zone change.

**V. STAFF ANALYSIS & RECOMMENDATION**

The Planning Board Recommended 4-0 to recommend approval of this zone change.

**PLANNING REPORT #45-99**

**15 LOCUST CONTRACT ZONE**

**ROBERT FRIEDRICH, APPLICANT  
ERNEST PATERNO, AGENT**

Submitted to:

Portland City Council  
Portland, Maine

November 2, 1999

**I. INTRODUCTION**

The Planning board is recommending to the City Council approval of a contract zone on 15 Locust Street proposed by Robert Friedrich.

Ernest Paterno, on behalf of the property owner, Robert Friedrich, proposes a Contract Zone for a portion of 15 Locust Street. The purpose of the Contract Zone would be to allow an existing 40 ft. by 50 ft. garage in the R-6 Residential Zone to be used as an Artist and Craftsperson Studio.

The applicant originally applied for a rezoning from R-6 to B-2 to allow for the proposed use, but at the suggestion of Planning Staff is pursuing the Contract Zone as a means to satisfy his need for studio space while protecting the residential neighbors from the higher impact uses allowed in the B-2 Zone.

The Planning Board held one workshop and one Public Hearing on this proposal.

224 notices were sent to area residents.

**II. FINDINGS**

Existing Zone:	R-6 Residential
Land Area:	9,900 +/-sq. ft. for total parcel
	3,250 +/-sq. ft. for re-zoned area
Subject Building footprint:	2,000 +/-sq. ft. Existing building proposed for studio

The Contract Zone would cover only the rear portion of the 15 Locust Street property, allowing for use of the existing garage building and a small buffer around the building for the proposed studio use. The front portion of 15 Locust Street is a 7 unit apartment building and would remain R-6.

The proposed rezoned property abuts Saint Paul's church to the east, East End Studios to the north, multi-unit residences on Cumberland Avenue to the west, and the apartment building at 15 Locust Street to the south.

The rear of the subject parcel abuts the East End Studios property (the former Tommy's Hardware site) which currently houses a variety of studio space and is zoned B-2. The garage sits within 5 feet of the property line abutting the B-2 Zone, and sits directly along the residential property line to the west.

**Proposed Use:**

Mr. Paterno proposes to create a glass blowing shop in the existing building. See Written Statement and Resume, Attachment #4. Mr. Paterno produces fine art quality glass and according to the submitted letters of support has attained a national reputation. See Attachment #5. No retail use is proposed with this contract and all of the activities are to be contained within the structure, with the exception of exterior propane tanks which may be located on the south side of the garage. The Applicant is exploring the installation of buried gas lines from the street, but the use of bottled gas may be needed as a fall back.

### **III. LAND USE POLICY**

#### **Zoning:**

The subject parcel is currently R-6. The conclusion of the Purpose of the R-6, Section 14-135 of the Portland Code, states that the purpose of the R-6 is to " ...conserve the existing housing stock and residential character of neighborhoods by controlling the scale and external impacts of professional offices and other nonresidential uses."

The proposed contract zone would result in no loss of residences. The subject building is currently used for miscellaneous storage, and has historically been used for warehousing by the old Tommy's Dive Shop. The Planning Board has ruled that the proposed uses allowed under " artist and craftsperson studios" would not unduly impact the residential character of the neighborhood.

#### **Parking:**

Under zoning requirements, every existing residential unit requires one parking space. According to the applicant's site sketch, the 15 Locust Street parcel currently parks eight cars in the present condition, with one space being designated for the studio in front of the subject building garage door. No retail space is proposed.

The applicant verbally stated to planning staff that visitors and/or staff for the studio would need to park off site or walk to the site.

### **IV. COMPREHENSIVE PLAN**

Alan Holt, City Urban Designer, reviewed the submittal for compliance with the arts portions of the City's Comprehensive Plan. Mr. Holt outlines three sections of the Comprehensive Plan which support bringing studio space into the downtown community: The 1991 Downtown Vision Plan, The 1995 Plan for Portland's Arts District, and the 1998 Community Cultural Plan. See Alan Holt Memo, Attachment #6. Mr. Holt concludes that the Comprehensive Plan clearly encourages the development of working space for artists within the community.

### **IV. SITE PLAN**

The site sketches provided have been drawn by the applicant using the City's GIS digital maps of the area as a base map.

No formal site plan was required for this review as no site improvements have been proposed with the possible exception of two bottled propane tanks on the southwesterly side of the building. Installation of the tanks will require a building permit.

Installation of the propane tanks will include the use of screening material as a means to satisfy requirement (1) of the External Effects provision of the B-2 (City Code 14-187) which has been included in the contract at the request of the Board.

Fire Safety Officer, Lt Gaylen McDougal, has stated that installation of propane tanks will require a building permit, and that a fire safety review will occur at that time.

## V. CONTRACT ZONE

The attached copy of the proposed Contract Zone agreement is unchanged from the draft presented to the Board at a workshop, with the exception of the inclusion of the External Effects requirements from the B-2 zone. At the workshop, the Board expressed concern that artist and craft person studios could have impacts on the abutting residences and that these issues had been addressed in the recent text amendments to the B-2 Business Zone. These provisions have been included in condition 6 of the contract.

The text of the contract is included, Attachment 11; as have the External Effects requirements from the B-2, Attachment 13. As a point of clarification, the contract language refers to Exhibit A and B, which correspond to Attachments 10 and 12, respectively, of this report.

The conditions of the agreement are summarized below.

1. That the Zoning Map will be amended to reflect the proposed changes
2. That the site be developed according the attached plan.
3. That the applicant is permitted to establish and maintain an artist and craftsperson studio, not to exceed 4000 sq. ft. ft. in area.
4. That parking shall be established and assigned as shown on the plan.
5. That use is limited to studio space.
6. That, excepting the bottled gas, the activities of the studio will be completely enclosed, and that all provisions of 14-187, External Effects requirements shall apply. And,
7. That, excepting the studio use, all provisions and requirements of the R-6 zone continue to hold

## VI. PUBLIC PROCESS

On September 28, 1999 The Portland Planning Board held a public hearing on the 15 Locust Street Contract Zone and voted 4-0 on the following motion:

The Board finds that:

- i. The proposed zone change [is] consistent with the policies of the comprehensive plan.
- ii. The Planning Board therefore [recommends] to the City Council approval for the proposed contract rezoning.

Attachments:

1. Application
2. Subject Deed
3. Agent Authorization
4. Applicant's Written Statement and Resume
5. Alan Holt Memo
6. Letters of Support
7. Purpose of the R-6 Zone
8. Tax Map
9. Zoning Map
10. Applicant's Sketch Plan
11. Revised Contract
12. Map Change Amendment Map
13. External Effects, Portland Code 14-187





APPLICATION FOR ZONING AMENDMENT  
City of Portland, Maine  
Department of Planning and Urban Development  
Portland Planning Board

1. Applicant Information:  
Robert Friedrich  
Name  
28 Church St  
Address  
Gorham ME  
839-2017  
Phone Fax

2. Subject Property:  
15 Locust St Garage  
Address  
Assessor's Reference (Chart-Block-Lot)

3. Property Owner:  Applicant  Other  
Robert Friedrich  
Name  
28 Church St  
Address  
Gorham ME 04038  
207-839-2017  
Phone Fax

4. Right, Title, or Interest: Please identify the status of the applicant's right, title, or interest in the subject property:  
owner

Provide documentary evidence, attached to this application, of applicant's right, title, or interest in the subject property. (For example, a deed, option or contract to purchase or lease the subject property.)

5. Vicinity Map: Attach a map showing the subject parcel and abutting parcels, labeled as to ownership and/or current use. (Applicant may utilize the City Zoning Map or Parcel Map as a source.)

6. Existing Use:

Describe the existing use of the subject property:

Storage

7. Current Zoning Designation(s):

R6

8. Proposed Use of Property: Please describe the proposed use of the subject property. If construction or development is proposed, please describe any changes to the physical condition of the property.

artist studio

9. Sketch Plan: On a separate sheet please provide a sketch plan of the property, showing existing and proposed improvements, including such features as buildings, parking, driveways, walkways, landscape and property boundaries. This may be a professionally drawn plan, or a carefully drawn plan, to scale, by the applicant. (Scale to suit, range from 1"=10' to 1"=100'.)

10. Proposed Zoning: Please check all that apply:

A.  Zoning Map Amendment, from R6 to B2

B.  Zoning Text Amendment to Section 14-

For Zoning Text Amendment, attach on a separate sheet the exact language being proposed, including existing relevant text, in which language to be deleted is depicted as crossed out (example), and language to be added is depicted with underline (example).

C.  Conditional or Contract Zone

A conditional or contract rezoning may be requested by an applicant in cases where limitations, conditions, or special assurances related to the physical development and operation of the property are needed to ensure that the rezoning and subsequent development are consistent with the comprehensive plan and compatible with the surrounding neighborhood. (Please refer to Division 1.5, Sections 14-60 to 62)

11. Application Fee: A fee for this application for a zoning amendment must be submitted, by check payable to the City of Portland in accordance with Section 14-54 of the Municipal Code (see below). The applicant also agrees to pay all costs of publication (or advertising) of the Public Hearing Notice as required for this application. Such amount will be billed to the applicant following the appearance of the advertisement.

	<u>1-25 Units</u>	<u>26-50 Units</u>	<u>51-75 Units</u>	<u>75 &amp; Over</u>
Residential Zones	\$350.00	\$400.00	\$450.00	\$500.00
Nonresidential Zones	\$350.00	\$400.00	\$450.00	\$500.00
	0-15,000 sq. ft. or 0-5 acres (whichever is less)	15,000-30,000 sq. ft. or 6-10 acres (whichever is less)	30,000-45,000 sq. ft. or 10-15 acres (whichever is less)	45,000-60,000 sq. ft. or 15-20 acres (whichever is less)

- Legal Advertisements (one for workshop and one for public hearing) percent of total bill
- Notices (one for workshop and one for public hearing) 40 cents each
- Text Amendments \$300.00

\$ 350.00 Amount of Fee

12. Signature: The above information is true and accurate to the best of my knowledge.

6/11/99  
Date of Filing

[Signature]  
Signature of Applicant

**Further Information:**

Please contact the Planning Office for further information regarding the rezoning process. Applicants are encouraged to make an appointment to discuss their rezoning requests before filing the application.

Applicants are encouraged to include a letter or narrative to accompany the rezoning application which can provide additional background or context information, and describe the proposed rezoning and reasons for the request in a manner that best suits the situation.

In the event of withdrawal of the zoning amendment application by the applicant in writing prior to the submission of the advertisement copy to the newspaper to announce the public hearing, a refund of two-thirds of the amount of the zone change fee will be made to the applicant by the City of Portland.

Portland Planning Board  
Portland, Maine

Effective: July 6, 1998

WARRANTY DEED

11-11-96

KNOW ALL BY THESE PRESENTS, that JEFFREY S. SHAFRAN and THEDA J. of Portland, Maine, do hereby GRANT unto ROBERT FRIEDRICH of Portland, Maine, WITH WARRANTY COVENANTS, the premises located in the City of Portland, County of Cumberland and State of Maine and more particularly described on the attached Exhibit A.

DATED: March 3, 1996

Jeffrey S. Shafran  
Jeffrey S. Shafran  
Theda J. Shafran  
Theda J. Shafran

STATE OF MAINE  
COUNTY OF CUMBERLAND

March 3, 1996

Then personally appeared before me the above named Theda J. Shafran and acknowledged the foregoing instrument to be her free act and deed.

Richard N. Boyer  
~~Notary Public/Attorney-at-law~~  
Print Name Richard N. Boyer  
My Commission Expires: \_\_\_\_\_

STATE OF MAINE  
COUNTY OF CUMBERLAND

March 5, 1996

Then personally appeared before me the above named Jeffrey S. Shafran and acknowledged the foregoing instrument to be his free act and deed.

Richard N. Boyer  
~~Notary Public/Attorney-at-law~~  
Print Name Richard N. Boyer  
My Commission Expires: \_\_\_\_\_

Att. 2.2

EXHIBIT A TO WARRANTY DEED

GRANTORS: JEFFREY S. SHAFRAN and THEDA J. SHAFRAN  
GRANTEE: ROBERT FRIEDRICH

Certain lots or parcels of land, with the buildings and improvements thereon, situated on Locust Street in Portland, County of Cumberland and State of Maine, and more particularly bounded and described as follows:

Beginning on the easterly sideline of said Locust Street at the point which would be made by the extension thereto of the center of the division wall separating the house formerly occupied by Charles H. Kimball from the adjoining tenement on the north formerly occupied by John Dryden, said point being about one hundred eighty (180) feet northerly from the northerly corner of Congress and Locust Streets; thence northeasterly of said center of said division wall and parallel to Congress Street, seventy-three (73) feet to a point; thence southerly parallel to Locust Street thirty (30) feet to a point; thence westerly parallel with said center of said division wall and keeping the distance of thirty (30) feet therefrom seventy-three (73) feet to said easterly sideline of Locust Street; thence northerly by said Locust Street thirty (30) feet to the place of beginning.

And also a certain other parcel of land, with the buildings and improvements thereon, adjoining the above premises on the southerly side and bounded and described as follows, to wit: Beginning on the easterly side of Locust Street at a point one hundred twenty-five and forty-six hundredths (125.46) feet northerly from Congress Street; thence northeasterly parallel to Congress Street and five and thirty-one hundredths (5.31) feet northerly from the end of the main line of St. Paul's Church seventy-three (73) feet, more or less, to land formerly of James Cunningham; thence northwesterly by said Cunningham land about twenty-five (25) feet to the above described lot; thence southwesterly by said above described lot seventy-three (73) feet, more or less, to Locust Street; thence southeasterly by Locust Street twenty-five (25) feet to the place of beginning.

Also another lot of land, with the buildings and improvements thereon, in the City of Portland, County of Cumberland and State of Maine, situated northerly of Congress Street and easterly of Locust Street, and bounded and described as follows, to wit: Beginning at a point on the easterly line of land formerly of Gertrude C. Maher, et als numbered 277 Congress Street, said point being distant five (5) feet northwesterly from the northwesterly face of the brick building upon land of said Gertrude C. Maher, et als, said point being also distant one hundred thirty-two (132) feet from the northerly line of Congress Street, measured along said easterly sideline of said Maher's land, thence from said point of beginning on a line parallel to and distant five (5) feet from the

northwesterly face of said brick building and on a course of  $S 60^{\circ} W$  forty-six (46) feet to a point and other land of said Maher; thence northwesterly by said Maher's land and land formerly owned by John Dryden seventy-five and four tenths (75.4) feet to land now or formerly owned by O.H. Fullam; thence northeasterly by land of said Fullam forty-five and five tenths (45.5) feet to land formerly owned by John W. Swett; thence by said Swett land on a course of  $S 31^{\circ} 13' E$  seventy five and seven tenths (75.7) feet to the point of beginning. Being a part of the premises conveyed to James Cunningham by two deeds, one from Eliza B. Merrill dated December 29, 1874 and recorded in the Cumberland County Registry of Deeds in Book 416, Page 458; and the other from Jane Griffen dated January 15, 1875 and recorded in said Registry of Deeds in Book 414, Page 213.

Excepting from the above described premises that portion conveyed to St. Paul's Parish by deed dated March 4, 1969 and recorded in said Registry of Deeds in Book 3077, Page 151.

Also conveyed herewith that portion described in a deed from St. Paul's Parish dated March 4, 1969 and recorded in said Registry of Deeds in Book 3077, Page 149.

Also, another certain lot or parcel of land, with the buildings and improvements thereon, situated on the northeasterly side of Locust Street, in said Portland and being the premises numbered 17 Locust Street and bounded and described as follows:

Beginning at a point made by the extension of the center of the division wall separating the house on the lot hereby conveyed from the house on the southeasterly side thereof; thence northeasterly by the center of said division wall seventy-three (73) feet to a stake; thence northerly at right angles with the first described line and keeping the distance of seventy-three (73) feet from Locust Street thirty (30) feet, more or less, to a point two hundred ten (210) feet from Congress Street; thence southwesterly parallel with Congress Street seventy-three (73) feet to Locust Street; thence southeasterly by said Locust Street thirty (30) feet, more or less, to the point begun at.

Also a certain other lot of land, with the buildings and improvements thereon, on the northwesterly side of and adjoining the lot above described and bounded as follows:

Beginning at a point on said Locust Street at the most westerly corner of the lot above described; thence northwesterly by said Locust Street three (3) feet and from these two bounds extending northeasterly holding said width of three (3) feet seventy-four and two tenths (74.2) feet, more or less, to land now or formerly of one Fullam.

Being the same premises conveyed from Nathan A. Brackett to Jeffrey S. Shafran and Theda J. Shafran by a deed recorded in said Registry of Deeds in Book 7226, Page 36. Reference is also made to a confirmatory deed of recent date from Portland Chevrah Kadisha into Jeffrey S. Shafran and Theda J. Shafran to be recorded in said Registry of Deeds herewith.

RECEIVED  
REGISTRY OF DEEDS

NOV 13 11 12 AM '00

REGISTRY OF DEEDS

J. A. B. [Signature]

To: Portland Planning Board

This letter shall serve  
as my authorization for Ernest  
Paterno to act as my agent  
in matters related to the proposed  
zoning change for 15 Laurel Street.

Robert T. Trudick

6/9/99

\* Ernest Paterno  
11 Turner Street Apt #3  
Portland, ME 04101  
# 207 253 1503

Workshop Aug. 10



# CYRONI GLASS WORKS

15 Locust Street  
Portland, Maine 04101  
(207) 775-0418

My first introduction to glass was in 1989, while attending the Tyler School of Art. I was involved in ceramics, mainly using the Raku process, which caused me to walk by the glass studio quite often.

One day a fellow student offered me a chance to take a gather of glass out of the furnace. I was completely transfixed by the molten glass and the movements involved in controlling it. This day changed my life forever.

My education after Tyler continued through working with some of the most talented glass blowers in the U.S. With this continuing education, I have been able to achieve an agreement with the material. Making objects that come to mind in any color, shape or size has become possible as the result of much hard work.

Today, I create shapes utilizing the same tools that the great glass masters of Murano, Italy have used for over 4000 years. Combining a fine blend of Italian and Swedish techniques, with today's modern aesthetics, I produce unique contemporary art forms in glass.

Ernest Paterno

*Ernest Paterno**15 Locust St. Portland, ME 04101 Tel. (207) 775-0418*Education

- 1992 *B.F.A Glass and Ceramics  
Tyler School of Art, Temple University  
Philadelphia, Pennsylvania*
- 1989 *Tyler Workshop in Scotland  
Glasgow School of Art  
Glasgow, Scotland*

Professional Experience

- 1999 *Owner Cyroni Glass Co.  
Portland, Maine*
- 1995-1999 *Head Gaffer  
Vitriesse Glass Studio  
Weston, Vermont*
- 1996-1999 *Assistant to Sam Stang  
Augusta Glass Studio  
Augusta, Missouri*
- 1993-1998 *Assistant to John Chiles  
Wemswell Glass Equipment  
Weston, Vermont*
- 1996-1998 *Assistant to Tom Farbanish  
Pleasant Gap, Pennsylvania*
- 1993-1995 *Co-Owner Foma Glassworks  
Westerly, Rhode Island*
- 1994 *Assistant to Sculptor Alvin Sher  
Niantic, Connecticut*
- 1992-1993 *Production Assistant  
Double Visions Glass Studio  
Reading, Pennsylvania*
- 1991-1992 *Undergraduate teaching Assistant in Glass  
Tyler School of Art  
Philadelphia, Pennsylvania*
- 1991 *Assistant to Glass Sculptor Jon Clarke  
Professor Tyler School of Art  
Philadelphia, Pennsylvania*

Skills: *welding, small metal casting, glass blowing, fusing, slumping and casting, neon fabrication, expert cane fabrication, machinery fabrication and knowledge of all aspects of setting up and running a glass studio, experience working with ceramics, business management skills.*



July 27, 1999

Planning Board  
City Hall  
389 Congress Street  
Portland, ME 04101

Dear Members of the Board,

It is my understanding that Ernest Paterno has requested a zoning change at 15 Locust Street. We at the Maine College of Art urge the Board to give this request all due consideration. We know that our students at the Maine College of Art are extremely eager to learn about glass blowing, and because we do not have facilities here at the College, Mr. Paterno's studio would provide MECA students access to important learning opportunities through our internship program. Mr. Paterno would also draw nationally recognized artists to his studio, and this too would be an important learning opportunity for MECA students, as well as an advantage to the community as a whole.

More and more, Portland is recognized as a center for the arts. Mr. Paterno's studio would add significantly to our worthiness of that recognition. I would be happy to answer any questions the Board might have regarding Mr. Paterno's request.

Sincerely,

A handwritten signature in black ink, appearing to read "George Smith", with a long, sweeping horizontal line extending to the right.

George Smith  
Vice President for Academic Affairs  
Dean of the College

GS/jg

Maine College of

Art

July 12, 1999

Members of the Planning Board  
City Hall, Congress Street  
Portland, Maine 04101

Greetings Planning Board Members:

I have known Ernest Paterno both personally and professionally for the past five years. He is a gifted artist and an outstanding craftsman. He is nationally known within the glassblowing world for his expertise in ancient techniques of Venetian cane making. Besides his work in glass, Ernest is also a multimedia sculptor who is adept in various fields such as small metal casting, electroforming, and neon art. His work is shown in galleries and private collections nationwide.

The presence of Mr. Paterno's proposed glassblowing studio would provide a rich opportunity for our arts community. The city of Portland has recently created a cultural plan intending to integrate the arts into neighborhood communities. His studio would help to achieve this goal. His work would help to educate others about this nearly lost art, as well as provide a service for artists, tourists, and others interested in glassblowing. I have already witnessed significant improvement in the atmosphere and appearance of the building and its surroundings since Ernest has begun cleanup efforts there. As an artist and proud resident of Portland, I wholeheartedly support his efforts.

Sincerely,



Jill Dalton  
Assistant to Graduate Studies

Att. 53

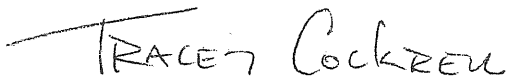
Maine College of  Art

City of Portland  
Planning and Zoning Boards

Dear Board Members,

I am writing in support of a request made by Ernie Paterno to change the zoning, which governs a rented artist's studio on Locust Street. Mr. Paterno's intent is to cultivate a commercial glass-working shop in this location, as I am sure he has detailed for your consideration. In the time that I have known Mr. Paterno I have been impressed with his combination of business acumen and fine craftsmanship. He is knowledgeable, active and well connected in his field. He is developing an energetic and generous relationship with the Maine College of Art. His presence in the local arts community is multifaceted and rich with potential for providing a role model for students, offering workshops or classes through the Continuing Studies Department, collaborating with or serving local artists, and enriching the neighborhood of Munjoy Hill, to name a few examples. Mr. Paterno has generated a successful enterprise while relying on the studios of other glass artisans. Building a home base here offers him the opportunity to become a self-reliant business owner in the city of his choice. As a friend and colleague I would be delighted to see Ernie Paterno succeed in developing an active glass-working studio here in Portland. The location he has found provides the perfect home base. I am confident that, should the requested zoning change be approved, Ernie Paterno will build an active shop valued as an asset to the neighborhood as well as the city of Portland.

Sincerely,

  
Tracey Cockrell, Chairperson  
Sculpture Department

To: William Needleman, planner  
From: Alan Holt, urban designer and cultural liaison  
Date: July 27, 1999  
RE: 15 Locust Street

The proposal to accommodate an artist studio working space at 15 Locust Street is consistent with and encouraged by the arts and cultural components of the City's Comprehensive Plan. The three arts and culture plans that have been adopted as part of the Comprehensive Plan include the '91 Downtown Vision Plan, the '95 Plan for Portland's Arts District, and the '98 Community Cultural Plan.

One of the goals of the '91 Downtown Vision Plan is, "Support the cultural community by retaining and expanding performance and exhibition space, housing, studio space, and office/support space for artists, institutions, and organizations." In support of this goal, the '91 Plan established the following policy: "Artist Working Space: Develop programs to promote, encourage, and assist in the creation of affordable artist housing and studio space within and near the Downtown."

A goal of the '95 Arts District Plan includes, "Support the creative efforts of individual artists and safeguard their continuing presence in the community." In support of this goal, this Plan established the policy to, "Support pilot projects for artist-owned housing and other spaces."

The recently adopted Community Cultural Plan reaffirmed the earlier plans with the following goal: "Encourage and safeguard artists' continuing presence in the community." To support this goal, the plan established the policy to "Encourage and develop live/work and work spaces for artist, controlled by artists."

In my opinion, the Comprehensive Plan gives the Planning Board clear direction in supporting the proposed rezoning to accommodate an artist's working studio at 15 Locust Street.

Att. 7.1

- (6) *Minimum lot width:* Sixty (60) feet.

Minimum building setback from external subdivision property lines (PRUD):

- 1. Building length of one hundred (100) feet or less: Twenty-five (25) feet.
- 2. Building length of greater than one hundred (100) feet: Thirty-five (35) feet.

- (7) *Minimum recreation open space area (PRUD):* Two hundred (200) square feet per dwelling unit of common area designated on the site for recreation purposes. Such recreation areas shall be level graded, dry, accessible and properly drained. At a minimum, a contiguous area of six thousand (6,000) square feet, with a minimum dimension of fifty (50) feet, shall be provided and shall include one (1) or more of the uses set forth in section 14-526(a)(14)c.4., but shall at least be usable as a multipurpose game field. Such recreation areas shall be located at least twenty-five (25) feet from dwelling units.

(Ord. No. 537-84, 5-7-84; Ord. No. 84-88, § 4, 7-19-88; Ord. No. 58-97, § 2, 8-18-97; Ord. No. 165-97, § 5, 12-1-97)

**Editor's note**—Ord. No. 84-88, § 4, adopted July 19, 1988, amended § 14-130 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. 84-88.

**Sec. 14-131. Other requirements.**

[Other requirements are as follows:]

- (1) *Offstreet parking:* Off-street parking is required as provided in division 20 (off-street parking) of this article.
- (2) *Shoreland and flood plain management regulations:* Any lot or portion of a lot located in a shoreland zone as identified on the city shoreland zoning map or in a flood hazard zone shall be subject to the requirements of division 26 and/or division 26.5.
- (3) *Storage of vehicles:* Only one (1) unregistered motor vehicle may be stored outside on the premises for a period not exceeding thirty (30) days.

(Ord. No. 537-84, 5-7-84; Ord. No. 15-92, § 10, 6-15-92)

**Secs. 14-132—14-134. Reserved.**

DIVISION 7. R-6 RESIDENTIAL ZONE\*

**Sec. 14-135. Purpose.**

The purpose of the R-6 residential zone is:

- (1) To set aside areas on the peninsula for housing characterized primarily by multifamily dwellings at a high density providing a wide range of housing for differing types of

\***Editor's note**—Ord. No. 538-84, adopted May 7, 1984, repealed Div. 7, §§ 14-131—14-134, and enacted a new Div. 9, §§ 14-135—14-139, 14-145. However, in order to avoid duplication of division numbers and in consultation with the city, the provision have been included as Div. 7.

households; and to conserve the existing housing stock and residential character of neighborhoods by controlling the scale and external impacts of professional offices and other nonresidential uses.

(Ord. No. 538-84, 5-7-84)

**Sec. 14-136. Permitted uses.**

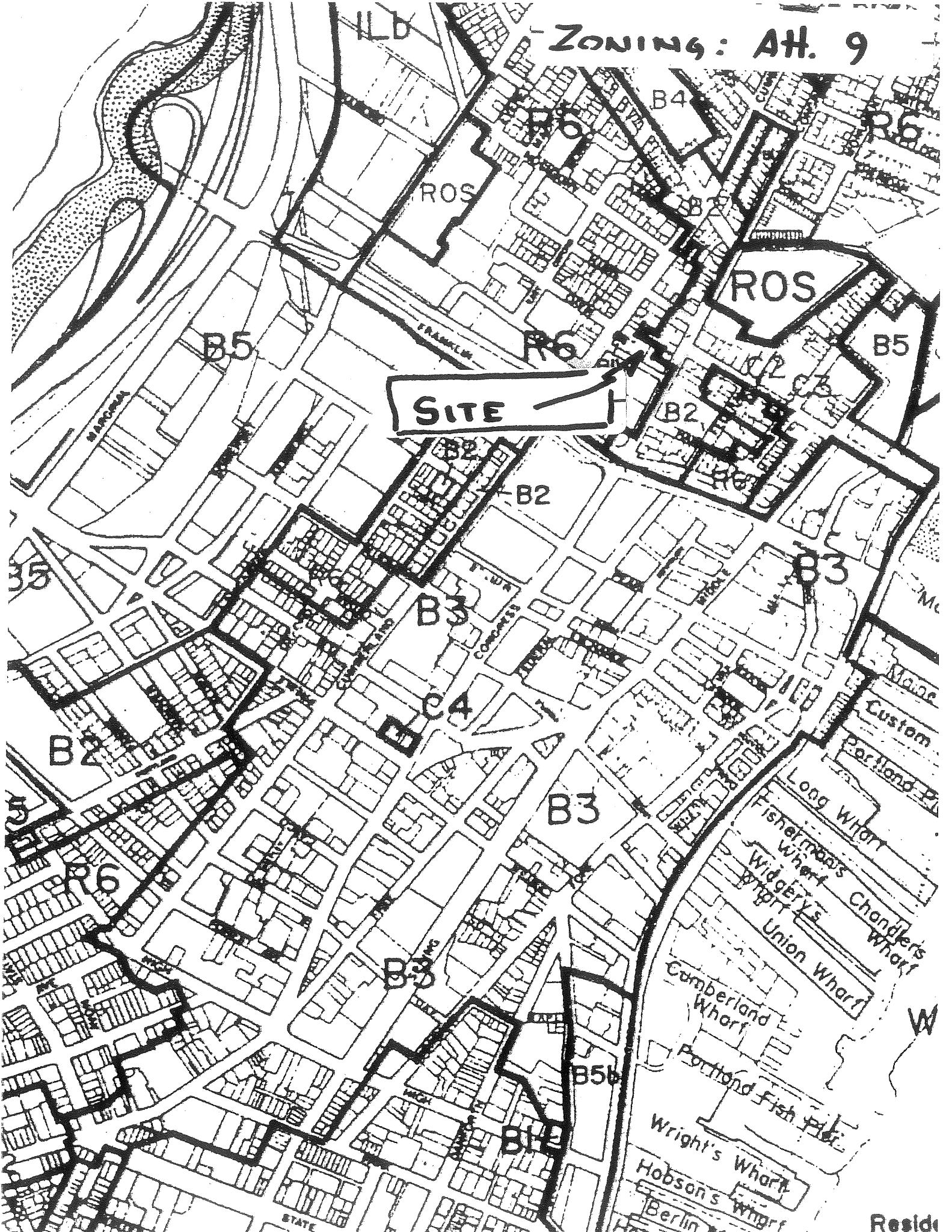
The following uses are permitted in the R-6 residential zone:

(1) *Residential:*

- a. Single- and two-family dwellings. No building reviewed as a two-family dwelling in accordance with section 14-524 shall be altered to include any additional



# ZONING: ATT. 9



Reside

**AGREEMENT REGARDING THE REZONING  
OF A PORTION OF 15 LOCUST STREET,  
PORTLAND, MAINE**

**AGREEMENT** made this    day of    , 1999 by **ROBERT FRIEDRICH** of 28 Church Street, Gorham, Maine 04038, owner of 15 Locust Street, (hereinafter "**FRIEDRICH**") with the **CITY OF PORTLAND**, a body corporate and politic, located in Cumberland County and State of Maine (hereinafter the "**CITY**") and

**W I T N E S S E T H:**

**WHEREAS, FRIEDRICH** did request the rezoning of a portion of the property located at 15 Locust Street, in Portland (see Exhibit A and B), in order to permit the establishment and operation of an artist/craftperson's studio, as limited herein. The rezoning is from an existing R-6 zone to a B-2 zone and is subject to conditions and limitations as set forth below; and

**WHEREAS**, the Planning Board of the City of Portland, pursuant to 30-A M.R.S.A. §4352(8), the Portland City Code §§14-60 through 14-62, and after notice and hearing and due deliberation thereon, recommended the rezoning of the property as aforesaid, subject, however, to certain conditions; and

**WHEREAS**, the **CITY** by and through its City Council has determined that said rezoning would be pursuant to and consistent with the **CITY'S** comprehensive land use plan and consistent with the existing and permitted uses within the original zone; and

**WHEREAS**, the **CITY** has determined that because of the unusual nature of the proposed development it is necessary or appropriate to impose by agreement the following conditions or restrictions in order to insure that the rezoning is consistent with the **CITY'S** comprehensive land use plan; and

WHEREAS, the CITY authorized the contract rezoning on \_\_\_\_\_, 1999;

NOW, THEREFORE, in consideration for the CITY'S rezoning of this property,

FRIEDRICH hereby covenants and agrees as follows:

1. The CITY shall amend the Zoning Map of the City of Portland, dated March 1958, as amended and on file in the Department of Planning and Urban Development, and incorporated by reference into the Zoning Ordinance by §14-49 of the Portland City Code, by adopting the map change amendment shown on Exhibit A.
2. The property shall be developed substantially in accordance with the site plan shown on Exhibit B and shall be subject to full site plan review and approval by the Portland Planning Board or Authority, as applicable.
3. FRIEDRICH shall be authorized to establish and maintain a studio for an artist or craftperson in addition to uses permitted in the R-6 Residential zone, provided that the area of such the studio space shall not exceed the total cubic footage of the existing one-story structure as shown on Exhibit B.
4. Parking shall be established and assigned as indicated on Exhibit B.
5. Use of the structure shall be limited to an artist and craftperson studio.
6. All activities relating to the studio shall be located within a completely enclosed structure except for the storage of two (2) bottles of propane gas, which shall be located adjacent to the structure as shown on Exhibit B. Moreover, all other provisions of Portland City Ordinance §14-187 (External Effects) shall apply.
7. The provisions of this Agreement, including the permitted studio/craftperson use, are intended to be supplemental to the uses and requirements of the underlying R-6 zone.

The above stated restrictions, provisions and conditions are an essential part of the rezoning, shall run with the subject premises, shall bind FRIEDRICH, his successors and assigns, as permitted by this Agreement, of said property or any part thereof or interest therein, and any party in possession or occupancy of said property or any part thereof, and shall inure to the benefit of and be enforceable by the CITY, by and through its duly authorized representatives.

AH 11.3

LOCUSTST.REZ  
9/30/99

If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such determination shall not affect the validity of the remaining portions hereof.

Except as expressly modified herein, the rezoned portion of the subject premises shall be governed by and comply with the provisions of R-6 of the Land Use Code of the City of Portland and any applicable amendments thereto or replacement thereof.

In the event that **FRIEDRICH** or any successor fail to continue to utilize the property in accordance with this Agreement, or in the event of a breach of any condition(s) set forth in this Agreement, the Planning Board shall have the authority, after hearing, to resolve the issue resulting in the breach or the failure to operate. The resolution may include a recommendation to the City Council that the site be rezoned to R-6 or any successor zone and that this Agreement be terminated, requiring a cessation of the studio use.

Dated this \_\_\_ day of \_\_\_\_\_, 1999.

\_\_\_\_\_  
WITNESS

\_\_\_\_\_  
BY: Robert Friedrich

STATE OF MAINE  
CUMBERLAND, ss.

, 1999

Personally appeared the above-named Robert Friedrich, and acknowledged the foregoing instrument to be his free act and deed.

Before me,

\_\_\_\_\_  
Notary Public/Attorney at Law

front yard; except that, where a lot containing a structure which was in existence on May 1, 1996, has lawful, nonconforming parking in the front yard and part of such structure (which part existed prior to May 1, 1996) is removed, then the space which was formerly occupied by the structure may be used to accommodate additional parking in the front yard. Such parking spaces shall be subject to the other requirements of division 20 and division 21 of this article.

- (5) *Signs*: Signs shall be subject to the provisions of division 22 of this article.
  - (6) *Exterior storage*: There shall be no exterior storage with the exception of receptacles for solid waste disposal. Such receptacles shall be shown on the approved site plan.
  - (7) *Storage of vehicles*: Storage of vehicles is subject to the provisions of section 14-335.
  - (8) *Shoreland and flood plain management regulations*: If the lot is located in a shoreland zone or in a flood hazard zone, then the requirements of division 26 and/or division 26.5 apply.
- (Ord. No. 293-88, 4-4-88; Ord. No. 51-96, 7-15-96)

**Sec. 14-187. External effects.**

Every use in a B-2 zone shall be subject to the following requirements:

- (1) *Enclosed structure*: The use shall be operated within a completely enclosed structure except for those customarily operated in the open air.
- (2) *Noise*: The volume of sound, measured by a sound level meter with frequency weighting network (manufactured according to standards prescribed by the American Standards Association), generated shall not exceed sixty (60) decibels on the A scale between 7:00 a.m. and 9:00 p.m. and fifty-five (55) decibels on the A scale between 9:00 p.m. and 7:00 a.m., on impulse (less than one (1) second), at lot boundaries, excepting air raid sirens and similar warning devices.
- (3) *Vibration and heat*: Vibration inherently and recurrently generated and heat shall be imperceptible without instruments at lot boundaries.
- (4) *Glare, radiation or fumes*: Glare, radiation or fumes shall not be emitted to an obnoxious or dangerous degree beyond lot boundaries.

## LAND USE

§ 14-197

- (5) *Smoke*: Smoke shall not be emitted at a density in excess of twenty (20) percent opacity level as classified in Method 9 (Visible Emissions) of the Opacity Evaluation System of the U.S. Environmental Protection Agency.
- (6) *Materials or wastes*: No materials or wastes shall be deposited on any lot in such form or manner that they may be transferred beyond the lot boundaries by natural causes or forces. All material which might cause fumes or dust, or constitute a fire hazard if stored out-of-doors, shall be only in closed containers. Areas attracting large numbers of birds, rodents or insects are prohibited.

(Ord. No. 293-88, 4-4-88)

**Secs. 14-188—14-195. Reserved.**

**DIVISION 11. A-B AIRPORT BUSINESS ZONE\***

**Sec. 14-196. Purpose.**

The purpose of the A-B airport business zone is:

- (1) To provide an area for the development of airport-related enterprises. Appropriate uses permitted in this district are those customarily associated with the operation of the airport terminal and individual airlines and accessory uses to provide for the comfort and convenience of the airport's patrons and employees.

(Ord. No. 295-88, 5-23-88)

**Sec. 14-197. Permitted uses.**

The following uses are permitted in the A-B zone:

- (I) Administration;
- (2) Airline terminal including, but not limited to:
  - a. Administration;
  - b. Concessions including, but not limited to, newsstands, florists, pharmacies and sundries, parcel storage, insurance sales, vending machines and video games;
  - c. Reservations and ticket sales;
  - d. Air freight operations;
  - e. Travel agency;
  - f. Physical plant service, repair and storage;
  - g. Cocktail lounges; and
  - h. Public waiting area.

---

\***Editor's note**—Ord. No. 295-88, adopted Apr. 4, 1988, repealed §§ 14-196—14-202 of Div. 11, A-B Business Zone, of this article and enacted in lieu thereof similar new provisions as set out in §§ 14-196—14-202. Formerly, such sections derived from §§ 62.9A.A—602.9A.G of the city's 1968 Code and from Ord. No. 348-71, § 2, adopted Aug. 2, 1971; Ord. No. 499-74, § 4, adopted Aug. 19, 1974; Ord. No. 334-76, § 6, adopted July 7, 1976; and Ord. No. 275-77, adopted May 16, 1977.

Att. 11.1  
OLD Draft

**AGREEMENT REGARDING THE REZONING  
OF A PORTION OF 15 LOCUST STREET,  
PORTLAND, MAINE**

**AGREEMENT** made this day of , 1999 by **ROBERT FRIEDRICH** of 28 Church Street, Gorham, Maine 04038, owner of 15 Locust Street, (hereinafter "**FRIEDRICH**") with the **CITY OF PORTLAND**, a body corporate and politic, located in Cumberland County and State of Maine (hereinafter the "**CITY**") and

**W I T N E S S E T H:**

**WHEREAS, FRIEDRICH** did request the rezoning of a portion of the property located at 15 Locust Street, in Portland (see Attachment 1 and 2), in order to permit the establishment and operation of an artist/craftperson's studio, as limited herein. The rezoning is from an existing R-6 zone to a B-2 zone and is subject to conditions and limitations as set forth below; and

**WHEREAS,** the Planning Board of the City of Portland, pursuant to 30-A M.R.S.A. §4352(8), the Portland City Code §§14-60 through 14-62, and after notice and hearing and due deliberation thereon, recommended the rezoning of the property as aforesaid, subject, however, to certain conditions; and

**WHEREAS,** the **CITY** by and through its City Council has determined that said rezoning would be pursuant to and consistent with the **CITY'S** comprehensive land use plan and consistent with the existing and permitted uses within the original zone; and

**WHEREAS,** the **CITY** has determined that because of the unusual nature of the proposed development it is necessary or appropriate to impose by agreement the following conditions or restrictions in order to insure that the rezoning is consistent with the **CITY'S** comprehensive land use plan; and

Att. N-2  
Old Dva St

WHEREAS, the CITY authorized the contract rezoning on \_\_\_\_\_, 1999;

NOW, THEREFORE, in consideration for the CITY'S rezoning of this property,

**FRIEDRICH** hereby covenants and agrees as follows:

1. The CITY shall amend the Zoning Map of the City of Portland, dated March 1958, as amended and on file in the Department of Planning and Urban Development, and incorporated by reference into the Zoning Ordinance by §14-49 of the Portland City Code, by adopting the map change amendment shown on Attachment 1.
2. The property shall be developed substantially in accordance with the site plan shown on Attachment 2 and shall be subject to full site plan review and approval by the Portland Planning Board or Authority, as applicable.
3. **FRIEDRICH** shall be authorized to establish and maintain a studio for an artist or craftperson in addition to uses permitted in the R-6 Residential zone, provided that the area of such the studio space shall not exceed the four thousand (4,000) square feet as shown on Attachment 2.
4. Parking shall be established and assigned as indicated on Attachment 2.
5. Use of the structure shall be limited to an artist and craftperson studio.
6. All activities relating to the studio shall be located within a completely enclosed structure except for the storage of 2 bottles of propane gas, which shall be located adjacent to the structure as shown on Attachment 2. Moreover, all other provisions of Portland City Ordinance §14-187 (External Effects) shall apply.
7. The provisions of this Agreement, including the permitted studio/craftperson use, are intended to be supplemental to the uses and requirements of the underlying R-6 zone.

The above stated restrictions, provisions and conditions are an essential part of the rezoning, shall run with the subject premises, shall bind **FRIEDRICH**, his successors and assigns, as permitted by this Agreement, of said property or any part thereof or interest therein, and any party in possession or occupancy of said property or any part thereof, and shall inure to the benefit of and be enforceable by the CITY, by and through its duly authorized representatives.



1/16/12

PLANNING REPORT #45-99

WSP

**15 LOCUST CONTRACT ZONE**  
**ROBERT FRIEDRICH, APPLICANT**  
**ERNEST PATERNO, AGENT**

Submitted to:  
Portland Planning Board  
Portland, Maine  
September 28, 1999

I. INTRODUCTION

A public hearing has been scheduled to consider a contract zone on 15 Locust Street proposed by Robert Friedrich.

Ernest Paterno, on behalf of the property owner, Robert Friedrich, proposes a Contract Zone for a portion of 15 Locust Street. The purpose of the Contract Zone would be to allow an existing 40 ft. by 50 ft. garage in the R-6 Residential Zone to be used as an Artist and Craftsperson Studio.

The applicant originally applied for a rezoning from R-6 to B-2 to allow for the proposed use, but at the suggestion of Planning Staff is pursuing the Contract Zone as a means to satisfy his need for studio space while protecting the residential neighbors from the higher impact uses allowed in the B-2 Zone.

The Board has held one workshop on this proposal.

224 notices were sent to area residents.

II. FINDINGS

Existing Zone:	R-6 Residential
Land Area:	9,900 +/-sq. ft. for total parcel
	3,250 +/-sq. ft. for re-zoned area

The Contract Zone would cover only the rear portion of the 15 Locust Street property, allowing for use of the existing garage building and a small buffer around the building for the proposed studio use. The front portion of 15 Locust Street is a 7 unit apartment building and would remain R-6.

The proposed rezoned property abuts Saint Paul's church to the east, East End Studios to the north, multi-unit residences on Cumberland Avenue to the west, and the apartment building at 15 Locust Street to the south.

The rear of the subject parcel abuts the East End Studios property (the former Tommy's Hardware site) which currently houses a variety of studio space and is zoned B-2. The garage sits within 5 feet of the property line abutting the B-2 Zone, and sits directly along the residential property line to the west.

Proposed Use:

Mr. Paterno proposes to create a glass blowing shop in the existing building. See Written Statement and Resume, Attachment #4. Mr. Paterno produces fine art quality glass and according to the submitted letters of support has attained a national reputation. See Attachment #5. No retail use is proposed with this contract and all of the activities are to be contained within the structure, with the exception of exterior propane tanks which would be located on the south side of the garage.

### III. LAND USE POLICY

#### Zoning:

The subject parcel is currently R-6. The conclusion of the Purpose of the R-6, Section 14-135 of the Portland Code, states that the purpose of the R-6 is to "...conserve the existing housing stock and residential character of neighborhoods by controlling the scale and external impacts of professional offices and other nonresidential uses."

The proposed contract zone would result in no loss of residences. The subject building is currently used for miscellaneous storage, and has historically been used for warehousing by the old Tommy's Dive Shop. The Board must rule whether the proposed uses allowed under "artist and crafts person studios" would unduly impact the residential character of the neighborhood.

#### Parking:

Under zoning requirements, every existing residential unit requires one parking space. According to the applicant's site sketch, the 15 Locust Street parcel currently parks eight cars in the present condition, with one space being designated for the studio in front of the subject building garage door. No retail space is proposed.

The applicant verbally stated to staff that visitors and/or staff for the studio would need to park off site or walk to the site.

### IV. COMPREHENSIVE PLAN

Alan Holt, City Urban Designer, reviewed the submittal for compliance with the arts portions of the City's Comprehensive Plan. Mr. Holt outlines three sections of the Comp. Plan which support bringing studio space into the downtown community: The 1991 Downtown Vision Plan, The 1995 Plan for Portland's Arts District, and the 1998 Community Cultural Plan. See Alan Holt Memo, Attachment #6. Mr. Holt concludes that the Comprehensive Plan clearly encourages the development of working space for artists within the community.

### IV. SITE PLAN

The site sketches provided have been drawn by the applicant using the City's GIS digital maps of the area as a base map.

No formal site plan was required for this review as no site improvements have been proposed with the exception of two bottled propane tanks on the southwesterly side of the building. Installation of the tanks will require a building permit.

Installation of the propane tanks will include the use of screening material as a means to satisfy requirement (1) of the External Effects provision (City Code 14-187) which has been included in the contract at the request of the Board. See Contract Changes, below.

Fire Safety Officer, Lt Gaylen McDougal, has stated that installation of propane tanks will require a building permit, and that a fire safety review will occur at that time.

## V. CONTRACT ZONE

The attached copy of the proposed Contract Zone agreement is unchanged from the draft presented to the Board at the previous workshop, with the exception of the inclusion of the External Effects requirements from the B-2 zone. At the previous Workshop, the Board expressed concern that artist and craft person studios could have impacts on the abutting residences and that these issues had been addressed in the recent text amendments to the B-2 Business Zone. These provisions have been included in condition 6.

The actual text of the updated contract is included, Attachment 11; as have the External Effects requirements from the B-2, Attachment 13. As a point of clarification, the contract language refers to Attachments 1 and 2, which correspond to Attachments 10 and 12, respectively, of this report.

The conditions of the agreement are summarized below.

1. That the Zoning Map will be amended to reflect the proposed changes
2. That the site be developed according the attached plan.
3. That the applicant is permitted to establish and maintain an artist and craftsperson studio, not to exceed 4000 sq. ft. ft. in area. *the foot print of the studio and 9% of existing B1 B2*
4. That parking shall be established and assigned as shown on the plan.
5. That use is limited to studio space.
6. That, excepting the bottled gas, the activities of the studio will be completely enclosed, and that all provisions of 14-187, External Effects requirements shall apply. And,
7. That, excepting the studio use, all provisions and requirements of the R-6 zone continue to hold

## VI. MOTIONS FOR THE BOARD TO CONSIDER

On the basis of plans and materials submitted by the applicant, the policies of the comprehensive plan and the information provided in Planning Report # -99, and/or other findings as follows:

The Board finds that:

1. The proposed zone change [is or is not] consistent with the policies of the comprehensive plan.

The Planning Board therefore [recommends or does not recommend] to the City Council approval for the proposed contract rezoning.

4-0  
Cannon, Carroll, Rodriguez

Attachments:

1. Application
2. Subject Deed
3. Agent Authorization
4. Applicant's Written Statement and Resume
5. Alan Holt Memo
6. Letters of Support
7. Purpose of the R-6 Zone
8. Tax Map
9. Zoning Map
10. Applicant's Sketch Plan
11. Revised Contract
12. Map Change Amendment Map
13. External Effects, Portland Code 14-187



APPLICATION FOR ZONING AMENDMENT  
City of Portland, Maine  
Department of Planning and Urban Development  
Portland Planning Board

1. Applicant Information:  
Robert Friedrich  
Name  
28 Church St  
Address  
Gorham ME  
839-2017  
Phone Fax

2. Subject Property:  
15 Locust St Garage  
Address  
  
  
Assessor's Reference (Chart-Block-Lot)

3. Property Owner:  Applicant  Other  
Robert Friedrich  
Name  
28 Church St  
Address  
Gorham ME 04038  
207-839-2017  
Phone Fax

4. Right, Title, or Interest: Please identify the status of the applicant's right, title, or interest in the subject property:  
owner

Provide documentary evidence, attached to this application, of applicant's right, title, or interest in the subject property. (For example, a deed, option or contract to purchase or lease the subject property.)

5. Vicinity Map: Attach a map showing the subject parcel and abutting parcels, labeled as to ownership and/or current use. (Applicant may utilize the City Zoning Map or Parcel Map as a source.)

6. Existing Use:

Describe the existing use of the subject property:

storage

7. Current Zoning Designation(s):

R6

8. Proposed Use of Property: Please describe the proposed use of the subject property. If construction or development is proposed, please describe any changes to the physical condition of the property.

artist studio

9. Sketch Plan: On a separate sheet please provide a sketch plan of the property, showing existing and proposed improvements, including such features as buildings, parking, driveways, walkways, landscape and property boundaries. This may be a professionally drawn plan, or a carefully drawn plan, to scale, by the applicant. (Scale to suit, range from 1"=10' to 1"=100'.)

10. Proposed Zoning: Please check all that apply:

A.  Zoning Map Amendment, from R6 to B2

B.  Zoning Text Amendment to Section 14-

For Zoning Text Amendment, attach on a separate sheet the exact language being proposed, including existing relevant text, in which language to be deleted is depicted as crossed out (example), and language to be added is depicted with underline (example).

C.  Conditional or Contract Zone

A conditional or contract rezoning may be requested by an applicant in cases where limitations, conditions, or special assurances related to the physical development and operation of the property are needed to ensure that the rezoning and subsequent development are consistent with the comprehensive plan and compatible with the surrounding neighborhood. (Please refer to Division 1.5, Sections 14-60 to 62)

11. Application Fee: A fee for this application for a zoning amendment must be submitted, by check payable to the City of Portland in accordance with Section 14-54 of the Municipal Code (see below). The applicant also agrees to pay all costs of publication (or advertising) of the Public Hearing Notice as required for this application. Such amount will be billed to the applicant following the appearance of the advertisement.

	<u>1-25 Units</u>	<u>26-50 Units</u>	<u>51-75 Units</u>	<u>75 &amp; Over</u>
Residential Zones	\$350.00	\$400.00	\$450.00	\$500.00
Nonresidential Zones	\$350.00	\$400.00	\$450.00	\$500.00
	0-15,000 sq. ft. or 0-5 acres (which-ever is less)	15,000-30,000 sq. ft. or 6-10 acres (which-ever is less)	30,000-45,000 sq. ft. or 10-15 acres (which-ever is less)	45,000-60,000 sq. ft. or 15-20 acres (which-ever is less)

- Legal Advertisements (one for workshop and one for public hearing) percent of total bill
- Notices (one for workshop and one for public hearing) 40 cents each
- Text Amendments \$300.00

\$ 350.00 Amount of Fee

12. Signature: The above information is true and accurate to the best of my knowledge.

6/11/99  
Date of Filing

[Signature]  
Signature of Applicant

**Further Information:**

Please contact the Planning Office for further information regarding the rezoning process. Applicants are encouraged to make an appointment to discuss their rezoning requests before filing the application.

Applicants are encouraged to include a letter or narrative to accompany the rezoning application which can provide additional background or context information, and describe the proposed rezoning and reasons for the request in a manner that best suits the situation.

In the event of withdrawal of the zoning amendment application by the applicant in writing prior to the submission of the advertisement copy to the newspaper to announce the public hearing, a refund of two-thirds of the amount of the zone change fee will be made to the applicant by the City of Portland.

Portland Planning Board  
Portland, Maine

Effective: July 6, 1998




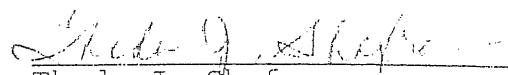
WARRANTY DEED

11119

KNOW ALL BY THESE PRESENTS, that JEFFREY S. SHAFRAN and THEDA J. of Portland, Maine, do hereby GRANT unto ROBERT FRIEDRICH of Portland, Maine, WITH WARRANTY COVENANTS, the premises located in the City of Portland, County of Cumberland and State of Maine and more particularly described on the attached Exhibit A.

DATED: March 3, 1996

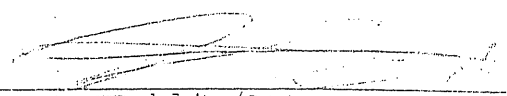
  
\_\_\_\_\_  
Jeffrey S. Shafran

  
\_\_\_\_\_  
Theda J. Shafran

STATE OF MAINE  
COUNTY OF CUMBERLAND

March 3, 1996

Then personally appeared before me the above named Theda J. Shafran and acknowledged the foregoing instrument to be her free act and deed.

  
\_\_\_\_\_  
Notary Public/Attorney-at-law  
Print Name Richard A. [unclear]  
My Commission Expires: \_\_\_\_\_

STATE OF MAINE  
COUNTY OF CUMBERLAND

March 5, 1996

Then personally appeared before me the above named Jeffrey S. Shafran and acknowledged the foregoing instrument to be his free act and deed.

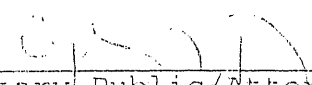
  
\_\_\_\_\_  
Notary Public/Attorney-at-law  
Print Name [unclear]  
My Commission Expires: \_\_\_\_\_

EXHIBIT A TO WARRANTY DEED

GRANTORS: JEFFREY S. SHAFRAN and THEDA J. SHAFRAN  
GRANTEE: ROBERT FRIEDRICH

Certain lots or parcels of land, with the buildings and improvements thereon, situated on Locust Street in Portland, County of Cumberland and State of Maine, and more particularly bounded and described as follows:

Beginning on the easterly sideline of said Locust Street at the point which would be made by the extension thereto of the center of the division wall separating the house formerly occupied by Charles H. Kimball from the adjoining tenement on the north formerly occupied by John Dryden, said point being about one hundred eighty (180) feet northerly from the northerly corner of Congress and Locust Streets; thence northeasterly of said center of said division wall and parallel to Congress Street, seventy-three (73) feet to a point; thence southerly parallel to Locust Street thirty (30) feet to a point; thence westerly parallel with said center of said division wall and keeping the distance of thirty (30) feet therefrom seventy-three (73) feet to said easterly sideline of Locust Street; thence northerly by said Locust Street thirty (30) feet to the place of beginning.

And also a certain other parcel of land, with the buildings and improvements thereon, adjoining the above premises on the southerly side and bounded and described as follows, to wit: Beginning on the easterly side of Locust Street at a point one hundred twenty-five and forty-six hundredths (125.46) feet northerly from Congress Street; thence northeasterly parallel to Congress Street and five and thirty-one hundredths (5.31) feet northerly from the end of the main line of St. Paul's Church seventy-three (73) feet, more or less, to land formerly of James Cunningham; thence northwesterly by said Cunningham land about twenty-five (25) feet to the above described lot; thence southwesterly by said above described lot seventy-three (73) feet, more or less, to Locust Street; thence southeasterly by Locust Street twenty-five (25) feet to the place of beginning.

Also another lot of land, with the buildings and improvements thereon, in the City of Portland, County of Cumberland and State of Maine, situated northerly of Congress Street and easterly of Locust Street, and bounded and described as follows, to wit: Beginning at a point on the easterly line of land formerly of Gertrude C. Maher, et als numbered 277 Congress Street, said point being distant five (5) feet northwesterly from the northwesterly face of the brick building upon land of said Gertrude C. Maher, et als, said point being also distant one hundred thirty-two (132) feet from the northerly line of Congress Street, measured along said easterly sideline of said Maher's land, thence from said point of beginning on a line parallel to and distant five (5) feet from the

northwesterly face of said brick building and on a course of S 60° W forty-six (46) feet to a point and other land of said Maher; thence northwesterly by said Maher's land and land formerly owned by John Dryden seventy-five and four tenths (75.4) feet to land now or formerly owned by O.H. Fullam; thence northeasterly by land of said Fullam forty-five and five tenths (45.5) feet to land formerly owned by John W. Swett; thence by said Swett land on a course of S 31° 13' E seventy five and seven tenths (75.7) feet to the point of beginning. Being a part of the premises conveyed to James Cunningham by two deeds, one from Eliza B. Merrill dated December 29, 1874 and recorded in the Cumberland County Registry of Deeds in Book 416, Page 458; and the other from Jane Griffen dated January 15, 1875 and recorded in said Registry of Deeds in Book 414, Page 213.

Excepting from the above described premises that portion conveyed to St. Paul's Parish by deed dated March 4, 1969 and recorded in said Registry of Deeds in Book 3077, Page 151.

Also conveyed herewith that portion described in a deed from St. Paul's Parish dated March 4, 1969 and recorded in said Registry of Deeds in Book 3077, Page 149.

Also, another certain lot or parcel of land, with the buildings and improvements thereon, situated on the northeasterly side of Locust Street, in said Portland and being the premises numbered 17 Locust Street and bounded and described as follows:

Beginning at a point made by the extension of the center of the division wall separating the house on the lot hereby conveyed from the house on the southeasterly side thereof; thence northeasterly by the center of said division wall seventy-three (73) feet to a stake; thence northerly at right angles with the first described line and keeping the distance of seventy-three (73) feet from Locust Street thirty (30) feet, more or less, to a point two hundred ten (210) feet from Congress Street; thence southwesterly parallel with Congress Street seventy-three (73) feet to Locust Street; thence southeasterly by said Locust Street thirty (30) feet, more or less, to the point begun at.

Also a certain other lot of land, with the buildings and improvements thereon, on the northwesterly side of and adjoining the lot above described and bounded as follows:

Beginning at a point on said Locust Street at the most westerly corner of the lot above described; thence northwesterly by said Locust Street three (3) feet and from these two bounds extending northeasterly holding said width of three (3) feet seventy-four and two tenths (74.2) feet, more or less, to land now or formerly of one Fullam.

Being the same premises conveyed from Nathan A. Brackett to Jeffrey S. Shafran and Theda J. Shafran by a deed recorded in said Registry of Deeds in Book 7226, Page 36. Reference is also made to a confirmatory deed of recent date from Portland Chevrah Kadisha into Jeffrey S. Shafran and Theda J. Shafran to be recorded in said Registry of Deeds herewith.

RECEIVED  
REGISTRY OF DEEDS  
OCT 12 11 12:03  
J. A. G. [Signature]

To: Portland Planning Board

This letter shall serve  
as my authorization for Ernest  
Paterno to act as my agent  
in matters related to the proposed  
zoning change for 15 Laurel Street.

Robert J. Trudick

6/9/99

\* Ernest Paterno  
11 Turner Street Apt #3  
Portland, ME 04101  
# 207 253 1503

Workshop Aug, 10

# CYRONI GLASS WORKS

15 Locust Street  
Portland, Maine 04101  
(207) 775-0418

My first introduction to glass was in 1989, while attending the Tyler School of Art. I was involved in ceramics, mainly using the Raku process, which caused me to walk by the glass studio quite often.

One day a fellow student offered me a chance to take a gather of glass out of the furnace. I was completely transfixed by the molten glass and the movements involved in controlling it. This day changed my life forever.

My education after Tyler continued through working with some of the most talented glass blowers in the U.S. With this continuing education, I have been able to achieve an agreement with the material. Making objects that come to mind in any color, shape or size has become possible as the result of much hard work.

Today, I create shapes utilizing the same tools that the great glass masters of Murano, Italy have used for over 4000 years. Combining a fine blend of Italian and Swedish techniques, with today's modern aesthetics, I produce unique contemporary art forms in glass.

Ernest Paterno

*Ernest Paterno**15 Locust St. Portland, ME 04101 Tel. (207) 775-0418*Education

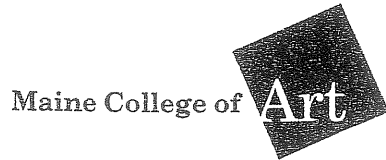
- 1992 *B.F.A Glass and Ceramics  
Tyler School of Art, Temple University  
Philadelphia, Pennsylvania*
- 1989 *Tyler Workshop in Scotland  
Glasgow School of Art  
Glasgow, Scotland*

Professional Experience

- 1999 *Owner Cyroni Glass Co.  
Portland, Maine*
- 1995-1999 *Head Gaffer  
Vitriesse Glass Studio  
Weston, Vermont*
- 1996-1999 *Assistant to Sam Stang  
Augusta Glass Studio  
Augusta, Missouri*
- 1993-1998 *Assistant to John Chiles  
Wemswell Glass Equipment  
Weston, Vermont*
- 1996-1998 *Assistant to Tom Farbanish  
Pleasant Gap, Pennsylvania*
- 1993-1995 *Co-Owner Foma Glassworks  
Westerly, Rhode Island*
- 1994 *Assistant to Sculptor Alvin Shier  
Niantic, Connecticut*
- 1992-1993 *Production Assistant  
Double Visions Glass Studio  
Reading, Pennsylvania*
- 1991-1992 *Undergraduate teaching Assistant in Glass  
Tyler School of Art  
Philadelphia, Pennsylvania*
- 1991 *Assistant to Glass Sculptor Jon Clarke  
Professor Tyler School of Art  
Philadelphia, Pennsylvania*

Skills: *welding, small metal casting, glass blowing, fusing, slumping and casting, neon fabrication, expert cane fabrication, machinery fabrication and knowledge of all aspects of setting up and running a glass studio, experience working with ceramics, business management skills.*

Att. 5.1



July 27, 1999


Planning Board  
City Hall  
389 Congress Street  
Portland, ME 04101

Dear Members of the Board,

It is my understanding that Ernest Paterno has requested a zoning change at 15 Locust Street. We at the Maine College of Art urge the Board to give this request all due consideration. We know that our students at the Maine College of Art are extremely eager to learn about glass blowing, and because we do not have facilities here at the College, Mr. Paterno's studio would provide MECA students access to important learning opportunities through our internship program. Mr. Paterno would also draw nationally recognized artists to his studio, and this too would be an important learning opportunity for MECA students, as well as an advantage to the community as a whole.

More and more, Portland is recognized as a center for the arts. Mr. Paterno's studio would add significantly to our worthiness of that recognition. I would be happy to answer any questions the Board might have regarding Mr. Paterno's request.

Sincerely,



George Smith  
Vice President for Academic Affairs  
Dean of the College

GS/jg





July 12, 1999

Members of the Planning Board  
City Hall, Congress Street  
Portland, Maine 04101

Greetings Planning Board Members:

I have known Ernest Paterno both personally and professionally for the past five years. He is a gifted artist and an outstanding craftsman. He is nationally known within the glassblowing world for his expertise in ancient techniques of Venetian cane making. Besides his work in glass, Ernest is also a multimedia sculptor who is adept in various fields such as small metal casting, electroforming, and neon art. His work is shown in galleries and private collections nationwide.

The presence of Mr. Paterno's proposed glassblowing studio would provide a rich opportunity for our arts community. The city of Portland has recently created a cultural plan intending to integrate the arts into neighborhood communities. His studio would help to achieve this goal. His work would help to educate others about this nearly lost art, as well as provide a service for artists, tourists, and others interested in glassblowing. I have already witnessed significant improvement in the atmosphere and appearance of the building and it's surroundings since Ernest has begun cleanup efforts there. As an artist and proud resident of Portland, I wholeheartedly support his efforts.

Sincerely,

A handwritten signature in cursive script that reads "Jill Dalton".

Jill Dalton  
Assistant to Graduate Studies

Att. 53

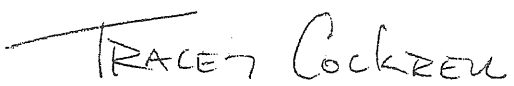


City of Portland  
Planning and Zoning Boards

Dear Board Members,

I am writing in support of a request made by Ernie Paterno to change the zoning, which governs a rented artist's studio on Locust Street. Mr. Paterno's intent is to cultivate a commercial glass-working shop in this location, as I am sure he has detailed for your consideration. In the time that I have known Mr. Paterno I have been impressed with his combination of business acumen and fine craftsmanship. He is knowledgeable, active and well connected in his field. He is developing an energetic and generous relationship with the Maine College of Art. His presence in the local arts community is multifaceted and rich with potential for providing a role model for students, offering workshops or classes through the Continuing Studies Department, collaborating with or serving local artists, and enriching the neighborhood of Munjoy Hill, to name a few examples. Mr. Paterno has generated a successful enterprise while relying on the studios of other glass artisans. Building a home base here offers him the opportunity to become a self-reliant business owner in the city of his choice. As a friend and colleague I would be delighted to see Ernie Paterno succeed in developing an active glass-working studio here in Portland. The location he has found provides the perfect home base. I am confident that, should the requested zoning change be approved, Ernie Paterno will build an active shop valued as an asset to the neighborhood as well as the city of Portland.

Sincerely,

  
Tracey Cockrell, Chairperson  
Sculpture Department

To: William Needleman, planner  
From: Alan Holt, urban designer and cultural liaison  
Date: July 27, 1999  
RE: 15 Locust Street

The proposal to accommodate an artist studio working space at 15 Locust Street is consistent with and encouraged by the arts and cultural components of the City's Comprehensive Plan. The three arts and culture plans that have been adopted as part of the Comprehensive Plan include the '91 Downtown Vision Plan, the '95 Plan for Portland's Arts District, and the '98 Community Cultural Plan.

One of the goals of the '91 Downtown Vision Plan is, "Support the cultural community by retaining and expanding performance and exhibition space, housing, studio space, and office/support space for artists, institutions, and organizations." In support of this goal, the '91 Plan established the following policy: "Artist Working Space: Develop programs to promote, encourage, and assist in the creation of affordable artist housing and studio space within and near the Downtown."

A goal of the '95 Arts District Plan includes, "Support the creative efforts of individual artists and safeguard their continuing presence in the community." In support of this goal, this Plan established the policy to, "Support pilot projects for artist-owned housing and other spaces."

The recently adopted Community Cultural Plan reaffirmed the earlier plans with the following goal: "Encourage and safeguard artists' continuing presence in the community." To support this goal, the plan established the policy to "Encourage and develop live/work and work spaces for artist, controlled by artists."

In my opinion, the Comprehensive Plan gives the Planning Board clear direction in supporting the proposed rezoning to accommodate an artist's working studio at 15 Locust Street.

Att. 7.1

- (6) *Minimum lot width:* Sixty (60) feet.

Minimum building setback from external subdivision property lines (PRUD):

- 1. Building length of one hundred (100) feet or less: Twenty-five (25) feet.
- 2. Building length of greater than one hundred (100) feet: Thirty-five (35) feet.

- (7) *Minimum recreation open space area (PRUD):* Two hundred (200) square feet per dwelling unit of common area designated on the site for recreation purposes. Such recreation areas shall be level graded, dry, accessible and properly drained. At a minimum, a contiguous area of six thousand (6,000) square feet, with a minimum dimension of fifty (50) feet, shall be provided and shall include one (1) or more of the uses set forth in section 14-526(a)(14)c.4., but shall at least be usable as a multipurpose game field. Such recreation areas shall be located at least twenty-five (25) feet from dwelling units.

(Ord. No. 537-84, 5-7-84; Ord. No. 84-88, § 4, 7-19-88; Ord. No. 58-97, § 2, 8-18-97; Ord. No. 165-97, § 5, 12-1-97)

**Editor's note**—Ord. No. 84-88, § 4, adopted July 19, 1988, amended § 14-130 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. 84-88.

**Sec. 14-131. Other requirements.**

[Other requirements are as follows:]

- (1) *Offstreet parking:* Off-street parking is required as provided in division 20 (off-street parking) of this article.
- (2) *Shoreland and flood plain management regulations:* Any lot or portion of a lot located in a shoreland zone as identified on the city shoreland zoning map or in a flood hazard zone shall be subject to the requirements of division 26 and/or division 26.5.
- (3) *Storage of vehicles:* Only one (1) unregistered motor vehicle may be stored outside on the premises for a period not exceeding thirty (30) days.

(Ord. No. 537-84, 5-7-84; Ord. No. 15-92, § 10, 6-15-92)

**Secs. 14-132—14-134. Reserved.**

**DIVISION 7. R-6 RESIDENTIAL ZONE\***

**Sec. 14-135. Purpose.**

The purpose of the R-6 residential zone is:

- (1) To set aside areas on the peninsula for housing characterized primarily by multifamily dwellings at a high density providing a wide range of housing for differing types of

**\*Editor's note**—Ord. No. 538-84, adopted May 7, 1984, repealed Div. 7, §§ 14-131—14-134, and enacted a new Div. 9, §§ 14-135—14-139, 14-145. However, in order to avoid duplication of division numbers and in consultation with the city, the provision have been included as Div. 7.

households; and to conserve the existing housing stock and residential character of neighborhoods by controlling the scale and external impacts of professional offices and other nonresidential uses.

(Ord. No. 538-84, 5-7-84)

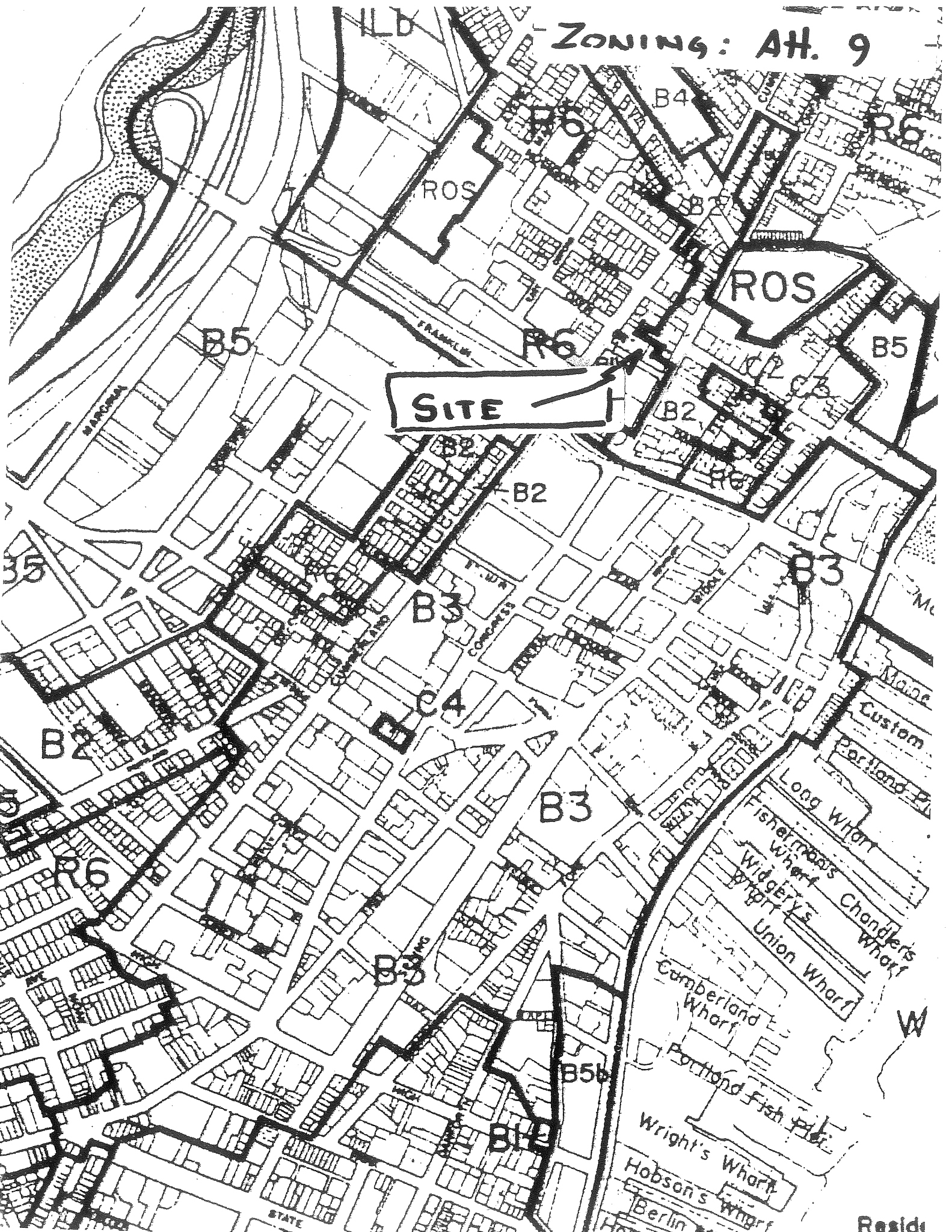
**Sec. 14-136. Permitted uses.**

The following uses are permitted in the R-6 residential zone:

(1) *Residential:*

- a. Single- and two-family dwellings. No building reviewed as a two-family dwelling in accordance with section 14-524 shall be altered to include any additional

# ZONING: AH. 9



**AGREEMENT REGARDING THE REZONING  
OF A PORTION OF 15 LOCUST STREET,  
PORTLAND, MAINE**

**AGREEMENT** made this    day of    , 1999 by **ROBERT FRIEDRICH** of 28 Church Street, Gorham, Maine 04038, owner of 15 Locust Street, (hereinafter "**FRIEDRICH**") with the **CITY OF PORTLAND**, a body corporate and politic, located in Cumberland County and State of Maine (hereinafter the "**CITY**") and

**W I T N E S S E T H:**

**WHEREAS, FRIEDRICH** did request the rezoning of a portion of the property located at 15 Locust Street, in Portland (see Attachment 1 and 2), in order to permit the establishment and operation of an artist/craftperson's studio, as limited herein. The rezoning is from an existing R-6 zone to a B-2 zone and is subject to conditions and limitations as set forth below; and

**WHEREAS,** the Planning Board of the City of Portland, pursuant to 30-A M.R.S.A. §4352(8), the Portland City Code §§14-60 through 14-62, and after notice and hearing and due deliberation thereon, recommended the rezoning of the property as aforesaid, subject, however, to certain conditions; and

**WHEREAS,** the **CITY** by and through its City Council has determined that said rezoning would be pursuant to and consistent with the **CITY'S** comprehensive land use plan and consistent with the existing and permitted uses within the original zone; and

**WHEREAS,** the **CITY** has determined that because of the unusual nature of the proposed development it is necessary or appropriate to impose by agreement the following conditions or restrictions in order to insure that the rezoning is consistent with the **CITY'S** comprehensive land use plan; and

**WHEREAS**, the **CITY** authorized the contract rezoning on \_\_\_\_\_, 1999;

**NOW, THEREFORE**, in consideration for the **CITY'S** rezoning of this property,

**FRIEDRICH** hereby covenants and agrees as follows:

1. The **CITY** shall amend the Zoning Map of the City of Portland, dated March 1958, as amended and on file in the Department of Planning and Urban Development, and incorporated by reference into the Zoning Ordinance by §14-49 of the Portland City Code, by adopting the map change amendment shown on Attachment 1.
2. The property shall be developed substantially in accordance with the site plan shown on Attachment 2 and shall be subject to full site plan review and approval by the Portland Planning Board or Authority, as applicable.
3. **FRIEDRICH** shall be authorized to establish and maintain a studio for an artist or craftperson in addition to uses permitted in the R-6 Residential zone, provided that the area of such the studio space shall not exceed the four thousand (4,000) square feet as shown on Attachment 2.
4. Parking shall be established and assigned as indicated on Attachment 2.
5. Use of the structure shall be limited to an artist and craftperson studio.
6. All activities relating to the studio shall be located within a completely enclosed structure except for the storage of 2 bottles of propane gas, which shall be located adjacent to the structure as shown on Attachment 2. Moreover, all other provisions of Portland City Ordinance §14-187 (External Effects) shall apply.
7. The provisions of this Agreement, including the permitted studio/craftperson use, are intended to be supplemental to the uses and requirements of the underlying R-6 zone.

The above stated restrictions, provisions and conditions are an essential part of the rezoning, shall run with the subject premises, shall bind **FRIEDRICH**, his successors and assigns, as permitted by this Agreement, of said property or any part thereof or interest therein, and any party in possession or occupancy of said property or any part thereof, and shall inure to the benefit of and be enforceable by the **CITY**, by and through its duly authorized representatives.



If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such determination shall not affect the validity of the remaining portions hereof.

Except as expressly modified herein, the rezoned portion of the subject premises shall be governed by and comply with the provisions of R-6 of the Land Use Code of the City of Portland and any applicable amendments thereto or replacement thereof.

In the event that **FRIEDRICH** or any successor fail to continue to utilize the property in accordance with this Agreement, or in the event of a breach of any condition(s) set forth in this Agreement, the Planning Board shall have the authority, after hearing, to resolve the issue resulting in the breach or the failure to operate. The resolution may include a recommendation to the City Council that the site be rezoned to R-6 or any successor zone and that this Agreement be terminated, requiring a cessation of the studio use.

Dated this \_\_\_ day of \_\_\_\_\_, 1999.

\_\_\_\_\_  
WITNESS

\_\_\_\_\_  
BY: Robert Friedrich

STATE OF MAINE  
CUMBERLAND, ss.

, 1999

Personally appeared the above-named Robert Friedrich, and acknowledged the foregoing instrument to be his free act and deed.

Before me,

\_\_\_\_\_  
Notary Public/Attorney at Law

front yard; except that, where a lot containing a structure which was in existence on May 1, 1996, has lawful, nonconforming parking in the front yard and part of such structure (which part existed prior to May 1, 1996) is removed, then the space which was formerly occupied by the structure may be used to accommodate additional parking in the front yard. Such parking spaces shall be subject to the other requirements of division 20 and division 21 of this article.

- (5) *Signs*: Signs shall be subject to the provisions of division 22 of this article.
- (6) *Exterior storage*: There shall be no exterior storage with the exception of receptacles for solid waste disposal. Such receptacles shall be shown on the approved site plan.
- (7) *Storage of vehicles*: Storage of vehicles is subject to the provisions of section 14-335.
- (8) *Shoreland and flood plain management regulations*: If the lot is located in a shoreland zone or in a flood hazard zone, then the requirements of division 26 and/or division 26.5 apply.

(Ord. No. 293-88, 4-4-88; Ord. No. 51-96, 7-15-96)

**Sec. 14-187. External effects.**

Every use in a B-2 zone shall be subject to the following requirements:

- (1) *Enclosed structure*: The use shall be operated within a completely enclosed structure except for those customarily operated in the open air.
- (2) *Noise*: The volume of sound, measured by a sound level meter with frequency weighting network (manufactured according to standards prescribed by the American Standards Association), generated shall not exceed sixty (60) decibels on the A scale between 7:00 a.m. and 9:00 p.m. and fifty-five (55) decibels on the A scale between 9:00 p.m. and 7:00 a.m., on impulse (less than one (1) second), at lot boundaries, excepting air raid sirens and similar warning devices.
- (3) *Vibration and heat*: Vibration inherently and recurrently generated and heat shall be imperceptible without instruments at lot boundaries.
- (4) *Glare, radiation or fumes*: Glare, radiation or fumes shall not be emitted to an obnoxious or dangerous degree beyond lot boundaries.

## LAND USE

§ 14-197

- (5) *Smoke*: Smoke shall not be emitted at a density in excess of twenty (20) percent opacity level as classified in Method 9 (Visible Emissions) of the Opacity Evaluation System of the U.S. Environmental Protection Agency.
- (6) *Materials or wastes*: No materials or wastes shall be deposited on any lot in such form or manner that they may be transferred beyond the lot boundaries by natural causes or forces. All material which might cause fumes or dust, or constitute a fire hazard if stored out-of-doors, shall be only in closed containers. Areas attracting large numbers of birds, rodents or insects are prohibited.
- (Ord. No. 293-88, 4-4-88)

**Secs. 14-188–14-195. Reserved.**

**DIVISION 11. A-B AIRPORT BUSINESS ZONE\***

**Sec. 14-196. Purpose.**

The purpose of the A-B airport business zone is:

- (1) To provide an area for the development of airport-related enterprises. Appropriate uses permitted in this district are those customarily associated with the operation of the airport terminal and individual airlines and accessory uses to provide for the comfort and convenience of the airport's patrons and employees.
- (Ord. No. 295-88, 5-23-88)

**Sec. 14-197. Permitted uses.**

The following uses are permitted in the A-B zone:

- (I) Administration;
- (2) Airline terminal including, but not limited to:
- a. Administration;
  - b. Concessions including, but not limited to, newsstands, florists, pharmacies and sundries, parcel storage, insurance sales, vending machines and video games;
  - c. Reservations and ticket sales;
  - d. Air freight operations;
  - e. Travel agency;
  - f. Physical plant service, repair and storage;
  - g. Cocktail lounges; and
  - h. Public waiting area.

---

\***Editor's note**—Ord. No. 295-88, adopted Apr. 4, 1988, repealed §§ 14-196–14-202 of Div. 11, A-B Business Zone, of this article and enacted in lieu thereof similar new provisions as set out in §§ 14-196–14-202. Formerly, such sections derived from §§ 62.9A.A–602.9A.G of the city's 1968 Code and from Ord. No. 348-71, § 2, adopted Aug. 2, 1971; Ord. No. 499-74, § 4, adopted Aug. 19, 1974; Ord. No. 334-76, § 6, adopted July 7, 1976; and Ord. No. 275-77, adopted May 16, 1977.

WHEREAS, the CITY authorized the contract rezoning on \_\_\_\_\_, 1999;

NOW, THEREFORE, in consideration for the CITY'S rezoning of this property,

**FRIEDRICH** hereby covenants and agrees as follows:

1. The CITY shall amend the Zoning Map of the City of Portland, dated March 1958, as amended and on file in the Department of Planning and Urban Development, and incorporated by reference into the Zoning Ordinance by §14-49 of the Portland City Code, by adopting the map change amendment shown on Exhibit A.
2. The property shall be developed substantially in accordance with the site plan shown on Exhibit B and shall be subject to full site plan review and approval by the Portland Planning Board or Authority, as applicable.
3. **FRIEDRICH** shall be authorized to establish and maintain a studio for an artist or craftperson in addition to uses permitted in the R-6 Residential zone, provided that the area of such the studio space shall not exceed the total cubic footage of the existing one-story structure as shown on Exhibit B.
4. Parking shall be established and assigned as indicated on Exhibit B.
5. Use of the structure shall be limited to an artist and craftperson studio.
6. All activities relating to the studio shall be located within a completely enclosed structure except for the storage of two (2) bottles of propane gas, which shall be located adjacent to the structure as shown on Exhibit B. Moreover, all other provisions of Portland City Ordinance §14-187 (External Effects) shall apply.
7. The provisions of this Agreement, including the permitted studio/craftperson use, are intended to be supplemental to the uses and requirements of the underlying R-6 zone.

The above stated restrictions, provisions and conditions are an essential part of the rezoning, shall run with the subject premises, shall bind **FRIEDRICH**, his successors and assigns, as permitted by this Agreement, of said property or any part thereof or interest therein, and any party in possession or occupancy of said property or any part thereof, and shall inure to the benefit of and be enforceable by the CITY, by and through its duly authorized representatives.

**AGREEMENT REGARDING THE REZONING  
OF A PORTION OF 15 LOCUST STREET,  
PORTLAND, MAINE**

**AGREEMENT** made this day of , 1999 by **ROBERT FRIEDRICH** of 28 Church Street, Gorham, Maine 04038, owner of 15 Locust Street, (hereinafter "**FRIEDRICH**") with the **CITY OF PORTLAND**, a body corporate and politic, located in Cumberland County and State of Maine (hereinafter the "**CITY**") and

**W I T N E S S E T H:**

**WHEREAS, FRIEDRICH** did request the rezoning of a portion of the property located at 15 Locust Street, in Portland (see Exhibit A and B), in order to permit the establishment and operation of an artist/craftperson's studio, as limited herein. The rezoning is from an existing R-6 zone to a B-2 zone and is subject to conditions and limitations as set forth below; and

**WHEREAS,** the Planning Board of the City of Portland, pursuant to 30-A M.R.S.A. §4352(8), the Portland City Code §§14-60 through 14-62, and after notice and hearing and due deliberation thereon, recommended the rezoning of the property as aforesaid, subject, however, to certain conditions; and

**WHEREAS,** the **CITY** by and through its City Council has determined that said rezoning would be pursuant to and consistent with the **CITY'S** comprehensive land use plan and consistent with the existing and permitted uses within the original zone; and

**WHEREAS,** the **CITY** has determined that because of the unusual nature of the proposed development it is necessary or appropriate to impose by agreement the following conditions or restrictions in order to insure that the rezoning is consistent with the **CITY'S** comprehensive land use plan; and

If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such determination shall not affect the validity of the remaining portions hereof.

Except as expressly modified herein, the rezoned portion of the subject premises shall be governed by and comply with the provisions of R-6 of the Land Use Code of the City of Portland and any applicable amendments thereto or replacement thereof.

In the event that **FRIEDRICH** or any successor fail to continue to utilize the property in accordance with this Agreement, or in the event of a breach of any condition(s) set forth in this Agreement, the Planning Board shall have the authority, after hearing, to resolve the issue resulting in the breach or the failure to operate. The resolution may include a recommendation to the City Council that the site be rezoned to R-6 or any successor zone and that this Agreement be terminated, requiring a cessation of the studio use.

Dated this \_\_\_ day of \_\_\_\_\_, 1999.

\_\_\_\_\_  
WITNESS

\_\_\_\_\_  
BY: Robert Friedrich

STATE OF MAINE  
CUMBERLAND, ss.

\_\_\_\_\_  
, 1999

Personally appeared the above-named Robert Friedrich, and acknowledged the foregoing instrument to be his free act and deed.

Before me,

\_\_\_\_\_  
Notary Public/Attorney at Law

If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such determination shall not affect the validity of the remaining portions hereof.

Except as expressly modified herein, the rezoned portion of the subject premises shall be governed by and comply with the provisions of R-6 of the Land Use Code of the City of Portland and any applicable amendments thereto or replacement thereof.

In the event that **FRIEDRICH** or any successor fail to continue to utilize the property in accordance with this Agreement, or in the event of a breach of any condition(s) set forth in this Agreement, the Planning Board shall have the authority, after hearing, to resolve the issue resulting in the breach or the failure to operate. The resolution may include a recommendation to the City Council that the site be rezoned to R-6 or any successor zone and that this Agreement be terminated, requiring a cessation of the studio use.

Dated this \_\_\_ day of \_\_\_\_\_, 1999.

\_\_\_\_\_  
WITNESS

\_\_\_\_\_  
BY: Robert Friedrich

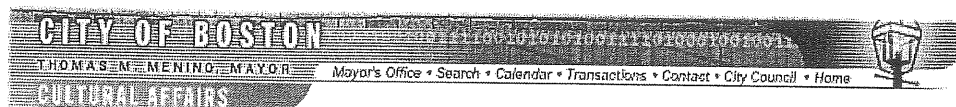
STATE OF MAINE  
CUMBERLAND, ss.

, 1999

Personally appeared the above-named Robert Friedrich, and acknowledged the foregoing instrument to be his free act and deed.

Before me,

\_\_\_\_\_  
Notary Public/Attorney at Law



Contact

Mission

Initiatives and Programs

Boston Open Studios Coalition

Artists live/work space

Boston Art Commission

Boston Film Bureau

Boston Cultural Grant

Guidelines

Cultural Survey Information

◊ EDUCATION

◊ CITY SERVICES

◊ PUBLIC SAFETY

◊ NEIGHBORHOODS

◊ ECONOMIC

DEVELOPMENT

◊ VISITORS

## Classification of Visual Artist Live/Work Space

### GUIDELINES

The following procedure is for landlords who wish to rehabilitate commercial buildings in M-2 areas into Legal Visual Artist Live/Work Space and establish property as legal Visual Artist Live/Work Space and to change the assessing classification from commercial to residential.

- Landlord contacts ISD for inspection of building to see what is needed to bring it up to code.
- Notification that a building permit has been pulled is sent to Assessing and Office of Cultural Affairs

Upon completion, notification of change of status is sent to both Assessing and Office of Cultural Affairs.

### REQUESTS FOR INFORMATION

Requests for information should be directed to

Sarah Hutt, Director of Technical Assistance  
 Mayor's Office of Cultural Affairs  
 Boston City Hall - Room 716  
 Boston, MA 02201  
 (617) 635-3245.

### TEXT AMENDMENT

Application No 143B

Boston Redevelopment Authority Light Manufacturing District

TEXT AMENDMENT NO. 114B\* EFFECTIVE

THE COMMONWEALTH OF MASSACHUSETTS

February 1, 1989+

### CITY OF BOSTON IN ZONING COMMISSION

The Zoning Commission of the City of Boston, acting under Chapter 665 of the

Acts of 1956 as amended, after due report, notice, and hearing does hereby amend the Boston Zoning code as follows:

By changing In clause (16) of Section 2-1, respecting the meaning of certain words and phrases,



**PLANNING REPORT #45-99**

**15 LOCUST CONTRACT ZONE**

**ROBERT FRIEDRICH, APPLICANT  
ERNEST PATERNO, AGENT**

Submitted to:

Portland Planning Board  
Portland, Maine

September 28, 1999

**I. INTRODUCTION**

A public hearing has been scheduled to consider a contract zone on 15 Locust Street proposed by Robert Friedrich.

Ernest Paterno, on behalf of the property owner, Robert Friedrich, proposes a Contract Zone for a portion of 15 Locust Street. The purpose of the Contract Zone would be to allow an existing 40 ft. by 50 ft. garage in the R-6 Residential Zone to be used as an Artist and Craftsperson Studio.

The applicant originally applied for a rezoning from R-6 to B-2 to allow for the proposed use, but at the suggestion of Planning Staff is pursuing the Contract Zone as a means to satisfy his need for studio space while protecting the residential neighbors from the higher impact uses allowed in the B-2 Zone.

The Board has held one workshop on this proposal.

224 notices were sent to area residents.

**II. FINDINGS**

Existing Zone:	R-6 Residential
Land Area:	9,900 +/-sq. ft. for total parcel
	3,250 +/-sq. ft. for re-zoned area

The Contract Zone would cover only the rear portion of the 15 Locust Street property, allowing for use of the existing garage building and a small buffer around the building for the proposed studio use. The front portion of 15 Locust Street is a 7 unit apartment building and would remain R-6.

The proposed rezoned property abuts Saint Paul's church to the east, East End Studios to the north, multi-unit residences on Cumberland Avenue to the west, and the apartment building at 15 Locust Street to the south.

The rear of the subject parcel abuts the East End Studios property (the former Tommy's Hardware site) which currently houses a variety of studio space and is zoned B-2. The garage sits within 5 feet of the property line abutting the B-2 Zone, and sits directly along the residential property line to the west.

**Proposed Use:**

Mr. Paterno proposes to create a glass blowing shop in the existing building. See Written Statement and Resume, Attachment #4. Mr. Paterno produces fine art quality glass and according to the submitted letters of support has attained a national reputation. See Attachment #5. No retail use is proposed with this contract and all of the activities are to be contained within the structure, with the exception of exterior propane tanks which would be located on the south side of the garage.

### III. LAND USE POLICY

#### Zoning:

The subject parcel is currently R-6. The conclusion of the Purpose of the R-6, Section 14-135 of the Portland Code, states that the purpose of the R-6 is to "...conserve the existing housing stock and residential character of neighborhoods by controlling the scale and external impacts of professional offices and other nonresidential uses."

The proposed contract zone would result in no loss of residences. The subject building is currently used for miscellaneous storage, and has historically been used for warehousing by the old Tommy's Dive Shop. The Board must rule whether the proposed uses allowed under "artist and craftspeople studios" would unduly impact the residential character of the neighborhood.

#### Parking:

Under zoning requirements, every existing residential unit requires one parking space. According to the applicant's site sketch, the 15 Locust Street parcel currently parks eight cars in the present condition, with one space being designated for the studio in front of the subject building garage door. No retail space is proposed.

The applicant verbally stated to staff that visitors and/or staff for the studio would need to park off site or walk to the site.

### IV. COMPREHENSIVE PLAN

Alan Holt, City Urban Designer, reviewed the submittal for compliance with the arts portions of the City's Comprehensive Plan. Mr. Holt outlines three sections of the Comp. Plan which support bringing studio space into the downtown community: The 1991 Downtown Vision Plan, The 1995 Plan for Portland's Arts District, and the 1998 Community Cultural Plan. See Alan Holt Memo, Attachment #6. Mr. Holt concludes that the Comprehensive Plan clearly encourages the development of working space for artists within the community.

### IV. SITE PLAN

The site sketches provided have been drawn by the applicant using the City's GIS digital maps of the area as a base map.

No formal site plan was required for this review as no site improvements have been proposed with the exception of two bottled propane tanks on the southwesterly side of the building. Installation of the tanks will require a building permit.

Installation of the propane tanks will include the use of screening material as a means to satisfy requirement (1) of the External Effects provision (City Code 14-187) which has been included in the contract at the request of the Board. See Contract Changes, below.

Fire Safety Officer, Lt Gaylen McDougal, has stated that installation of propane tanks will require a building permit, and that a fire safety review will occur at that time.

## V. CONTRACT ZONE

The attached copy of the proposed Contract Zone agreement is unchanged from the draft presented to the Board at the previous workshop, with the exception of the inclusion of the External Effects requirements from the B-2 zone. At the previous Workshop, the Board expressed concern that artist and craft person studios could have impacts on the abutting residences and that these issues had been addressed in the recent text amendments to the B-2 Business Zone. These provisions have been included in condition 6.

The actual text of the updated contract is included, Attachment 11; as have the External Effects requirements from the B-2, Attachment 13. As a point of clarification, the contract language refers to Attachments 1 and 2, which correspond to Attachments 10 and 12, respectively, of this report.

The conditions of the agreement are summarized below.

1. That the Zoning Map will be amended to reflect the proposed changes
2. That the site be developed according the attached plan.
3. That the applicant is permitted to establish and maintain an artist and craftsperson studio, not to exceed 4000 sq. ft. ft. in area.
4. That parking shall be established and assigned as shown on the plan.
5. That use is limited to studio space.
6. That, excepting the bottled gas, the activities of the studio will be completely enclosed, and that all provisions of 14-187, External Effects requirements shall apply. And,
7. That, excepting the studio use, all provisions and requirements of the R-6 zone continue to hold

## VI. MOTIONS FOR THE BOARD TO CONSIDER

On the basis of plans and materials submitted by the applicant, the policies of the comprehensive plan and the information provided in Planning Report # -99, and/or other findings as follows:

The Board finds that:

1. The proposed zone change [is or is not] consistent with the policies of the comprehensive plan.

The Planning Board therefore [recommends or does not recommend] to the City Council approval for the proposed contract rezoning.

Attachments:

1. Application
2. Subject Deed
3. Agent Authorization
4. Applicant's Written Statement and Resume
5. Alan Holt Memo
6. Letters of Support
7. Purpose of the R-6 Zone
8. Tax Map
9. Zoning Map
10. Applicant's Sketch Plan
11. Revised Contract
12. Map Change Amendment Map
13. External Effects, Portland Code 14-187

DRAFT

Att. 11

LOCUSTST.REZ  
08.03.99

**AGREEMENT BETWEEN  
CITY OF PORTLAND  
AND  
ROBERT FRIEDRICH**

**AGREEMENT** made this day of , 1999 by and between the **CITY OF PORTLAND**, a body corporate and politic, located in Cumberland County and State of Maine (hereinafter the "**CITY**") and **ROBERT FRIEDRICH** of 28 Church Street, Gorham, Maine 04038 (hereinafter "**FRIEDRICH**").

**WITNESSETH:**

**WHEREAS, FRIEDRICH** did request a rezoning of property located at 15 Locust Street, in Portland, in order to permit the establishment and operation of an artist/craftperson's studio, as limited herein; and

**WHEREAS,** the Planning Board of the City of Portland, pursuant to 30-A M.R.S.A. '4352(8), and after notice and hearing and due deliberation thereon, recommended the rezoning of the property as aforesaid, subject, however, to certain conditions; and

**WHEREAS,** the **CITY** by and through its City Council has determined that said rezoning would be pursuant to and consistent with the **CITY'S** comprehensive land use plan and consistent with the existing and permitted uses within the original zone; and

**WHEREAS,** the **CITY** has determined that because of the unusual nature of the proposed development it is necessary or appropriate to impose by agreement the following conditions or restrictions in order to insure that the rezoning is consistent with the **CITY'S** comprehensive land use plan; and

**WHEREAS,** the **CITY** authorized the execution of this Agreement on , 1999;

**NOW, THEREFORE,** in consideration of the mutual promises made by each party to the other, the

parties covenant and agree as follows:

1. The CITY shall amend the Zoning Map of the City of Portland, dated March 1958, as amended and on file in the Department of Planning and Urban Development, and incorporated by reference into the Zoning Ordinance by '14-49 of the Portland City Code, by adopting the map change amendment shown on Attachment 1.
2. The property shall be developed substantially in accordance with the site plan shown on Attachment 2.
3. **FRIEDRICH** shall be authorized to establish and maintain a studio for an artist or craftperson in addition to uses permitted in the R-6 Residential zone, provided that the area of such the studio space does not exceed four thousand (4,000) square feet.
4. Parking shall be established and assigned as indicated on Attachment 2.
5. Use of the structure shall be limited to Artist and Craftperson studio
6. All activities relating to the studio shall be located within a completely enclosed structure.
7. The provisions of this Agreement, including the permitted studio/craftperson use, are intended to be supplemental to the uses and requirements of the underlying R-6 zone.

The above stated restrictions, provisions and conditions are an essential part of the rezoning, shall run with the subject premises, shall bind **FRIEDRICH**, his successors and assigns, as permitted by this Agreement, of said property or any part thereof or interest therein, and any party in possession or occupancy of said property or any part thereof, and shall inure to the benefit of and be enforceable by the CITY, by and through its duly authorized representatives.

If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such determination shall not affect the validity of the remaining portions hereof.

Except as expressly modified herein, the use and occupancy of the subject premises shall be governed by and comply with the provisions of the Land Use Code of the City of Portland and any applicable amendments thereto or replacement thereof.

In the event that **FRIEDRICH** or any successor fail to continue to utilize the property in accordance with this Agreement, or in the event of a breach of any condition(s) set forth in this Agreement, the Planning Board shall have the authority, after hearing, to resolve the issue resulting in the breach or the failure to operate. The resolution may include a recommendation to the City Council that the site be rezoned to R-6 or any successor zone and that this Agreement be terminated, requiring a cessation of the studio use.

WITNESS:

\_\_\_\_\_

**CITY OF PORTLAND**

\_\_\_\_\_  
By: Robert B. Ganley  
Its City Manager

WITNESS:

\_\_\_\_\_

\_\_\_\_\_  
~~John Flood, D.V.M.~~  
\_\_\_\_\_  
\_\_\_\_\_, 1999

STATE OF MAINE  
CUMBERLAND, ss.

Personally appeared the above-named Robert B. Ganley, in his capacity as City Manager, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of the City of Portland.

Before me,



\_\_\_\_\_  
Notary Public/Attorney at Law

STATE OF MAINE  
CUMBERLAND, ss.

, 1999

Personally appeared the above-named Robert Friedrich, and acknowledged the foregoing instrument to be his free act and deed.

Before me,

\_\_\_\_\_  
Notary Public/Attorney at Law

**CITY OF PORTLAND, MAINE  
MEMORANDUM**

**TO:** Chair Carroll and Members of the Portland Planning Board

**FROM:** William Needelman, Planner

**DATE:** August 10, 1999

**SUBJECT:** Contract Zone, 15 Locust Street

Applicant: Robert Friedrich  
Agent/Tenant: Ernest Paterno

**Introduction:**

Ernest Paterno, on behalf of the property owner, Robert Friedrich, proposes a Contract Zone for a portion of 15 Locust Street. The purpose of the Contract Zone would be to allow an existing 40ft. by 50ft. garage in the R-6 Residential Zone to be used as an Artist and Craftsperson Studio.

The applicant originally applied for a rezoning from R-6 To B-2 to allow for the proposed use, but at the suggestion of Planning Staff is perusing the Contract Zone as a means to satisfy his need for studio space while protecting the residential neighbors from the higher impact uses allowed in the B-2 Zone.

The Contract Zone would cover only the rear portion of the 15 Locust Street property, allowing for use of the existing garage building and a small buffer around the building for the proposed studio use. The front portion of 15 Locust Street is a 7 unit apartment building and would remain R-6.

The proposed rezoned property abuts Saint Paul's church to the east, East End Studios to the north, multi-unit residences on Cumberland Avenue to the west, and the apartment building at 15 Locust Street to the south.

The rear of the subject parcel abuts the East End Studios property (the former Tommy's Hardware site) which currently houses a variety of studio space and is Zoned B-2. The garage sits within 5 feet of the property line abutting the B-2 Zone, and sits directly along the residential property line to the west.

**Issues:**

Proposed Use:

Mr. Paterno proposes to create a glass blowing shop in the existing building. See Written Statement and Resume, Attachment #4. Mr. Paterno produces fine art quality glass and according to the submitted letters of support has attained a national reputation. See Attachment #5. No retail use is proposed with this contract and all of the activities are to be contained within the structure, with the exception of exterior propane tanks which would be located on the south side of the garage.

Comprehensive Plan:

Alan Holt, City Urban Designer, reviewed the submittal for compliance with the arts portions of the City's Comprehensive Plan. Mr. Holt outlines three sections of the Comp. Plan which support bringing studio space into the downtown community: The 1991 Downtown Vision Plan, The 1995 Plan for Portland's Arts District, and the 1998 Community Cultural Plan. See Alan Holt Memo, Attachment #6. Mr. Holt concludes that the Comprehensive Plan clearly encourages the development of working space for artists within the community.

Zoning:

The subject parcel is currently R-6. The conclusion of the Purpose of the R-6, Section 14-135 of the Portland Code, states that the purpose of the R-6 is to "...conserve the existing housing stock and residential character of neighborhoods by controlling the scale and external impacts of professional offices and other nonresidential uses."

The proposed contract zone would result in no loss of residences. The subject building is currently used for miscellaneous storage, and has historically been used for warehousing by the old Tommy's Dive Shop. The Board must rule whether the proposed uses allowed under "artist and crafts-person studios" would unduly impact the residential character of the neighborhood.

Proposed Use Impacts:

Parking:

According to the applicant, the 15 Locust Street parcel currently parks eight cars in the present condition, with room for one more in front of the subject building garage door. No formal parking plan has been submitted, but site visits by staff suggest that this is a reasonable assessment of the existing condition. No retail space is proposed.

The applicant verbally stated to staff that the space currently has space for one car and that visitors and/or staff for the studio would need to park off site.

Staff feels that it is reasonable to assume that some of the visitors and anticipated interns from MECA would travel by foot, alleviating some parking pressures.

Loss of Residences:

None.

Noise:

The applicant indicates that glass blowing is a quiet craft, and that all machinery will be housed in the interior of the building. One can anticipate open door operation during warm weather. No formal noise studies have been provided, and the applicant states that one would be difficult to produce before construction, as the equipment is mostly hand assembled. Neither the studio space at East End Studios nor a smaller glass blowing studio on near by Federal Street have fostered noise complaints to staff's knowledge.

Fire Safety:

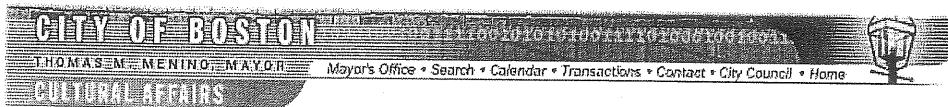
Comments from City Fire will be provided for the next meeting on this proposal.

Draft Contract Language: See draft contract, Attachment #11.

The intention is to add the permitted studio use from the B-2 Zone to the R-6 for the area directly around the subject building.

Attachments:

1. Application
2. Subject Deed
3. Agent Authorization
4. Applicant's Written Statement and Resume
5. Alan Holt Memo
6. Letters of Support
7. Purpose of the R-6 Zone
8. Tax Map
9. Zoning Map
10. Applicant's Sketch Plan
11. Draft Contract



[Contact](#)

[Mission](#)

[Initiatives and Programs](#)

[Boston Open Studios Coalition](#)

[Artists live/work space](#)

[Boston Art Commission](#)

[Boston Film Bureau](#)

[Boston Cultural Grant](#)

[Guidelines](#)

[Cultural Survey Information](#)

◊ EDUCATION

◊ CITY SERVICES

◊ PUBLIC SAFETY

◊ NEIGHBORHOODS

◊ ECONOMIC  
DEVELOPMENT

◊ VISITORS

## Classification of Visual Artist Live/Work Space

### GUIDELINES

The following procedure is for landlords who wish to rehabilitate commercial buildings in M-2 areas into Legal Visual Artist Live/Work Space and establish property as legal Visual Artist Live/Work Space and to change the assessing classification from commercial to residential.

- Landlord contacts ISD for inspection of building to see what is needed to bring it up to code.
- Notification that a building permit has been pulled is sent to Assessing and Office of Cultural Affairs

Upon completion, notification of change of status is sent to both Assessing and Office of Cultural Affairs.

### REQUESTS FOR INFORMATION

Requests for information should be directed to

Sarah Hutt, Director of Technical Assistance  
 Mayor's Office of Cultural Affairs  
 Boston City Hall - Room 716  
 Boston, MA 02201  
 (617) 635-3245.

### TEXT AMENDMENT

Application No 143B  
 Boston Redevelopment Authority Light Manufacturing District  
 TEXT AMENDMENT NO. 114B\* EFFECTIVE  
 THE COMMONWEALTH OF MASSACHUSETTS  
 February 1, 1989+

### CITY OF BOSTON IN ZONING COMMISSION

The Zoning Commission of the City of Boston, acting under Chapter 665 of the

Acts of 1956 as amended, after due report, notice, and hearing does hereby amend the Boston Zoning code as follows:

By changing In clause (16) of Section 2-1, respecting the meaning of certain words and phrases,

the period after the work "eating " to a comma and inserting thereafter the following:

but not including any use contained in artist's mixed-use spaces as defined in clause (3B).

2. By striking out, in Clauses (3A), (3B), and (3C) of Section 2-1 as amended in Text Amendment No. 94, the numbers "(3A)", "(3B)", and "(3C)" and by inserting in place thereof respectively the following numbers:

(3C)  
(3D)  
(3E)

3. By inserting, below clause (3) of Section 2-1, respecting the meaning of certain words and phrases, the following definitions:

(3A) "Art Use" the creation, manufacture, or assemblage of visual art, including two-or three-dimensional works of line art or craft or other fine art objects created, manufactured, or assembled for the purpose of sale, display, commission, consignment, or trade by artists or artisans; or classes held for art instruction.

(3B) "Artists" mixed-use", the use of all or a portion of a building for both art use and habitation.

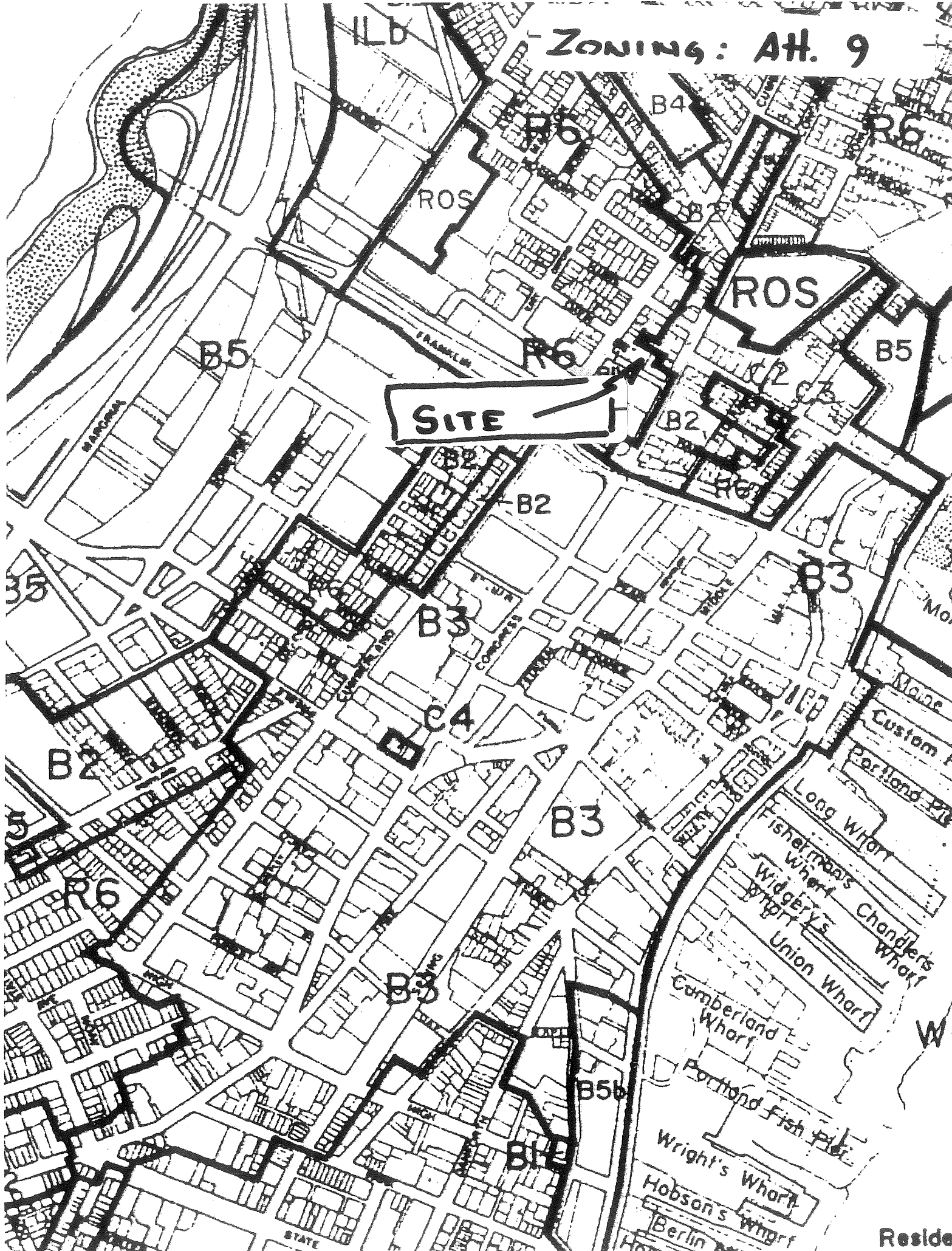
\*See also Text Amendment No. 114A.

+Date of public notice: December 9, 1988 (see St. 1956, c665, s.5)

[Mayor's Office](#) | [Search](#) | [Calendar](#) | [Transactions](#) | [Contact](#) | [City Council](#) | [Home](#) | [Year 2000 Program](#)

© Copyright 1996-1999 City of Boston. All rights reserved.

ZONING: AH. 9



**SITE**

Residence

SIC

Clearing lots not w/out

Jb. Pave Town around

Write Memorandum @ Nov 15 for @ Public Works



15 locust, 4

weed propane location

Board CHaz

- ① standards for environmental impacts from  
BZ
- ② hours of operation  
or
- ③ fully enclosed structures

14-97 - noise between board of operators  
external effects standards

Sept 14

**CITY OF PORTLAND, MAINE  
MEMORANDUM**

**TO:** Chair Carroll and Members of the Portland Planning Board

**FROM:** William Needelman, Planner

**DATE:** August 10, 1999

**SUBJECT:** Contract Zone, 15 Locust Street

Applicant: Robert Friedrich

Agent/Tenant: Ernest Paterno

**Introduction:**

Ernest Paterno, on behalf of the property owner, Robert Friedrich, proposes a Contract Zone for a portion of 15 Locust Street. The purpose of the Contract Zone would be to allow an existing 40ft. by 50ft. garage in the R-6 Residential Zone to be used as an Artist and Craftsperson Studio.

The applicant originally applied for a rezoning from R-6 To B-2 to allow for the proposed use, but at the suggestion of Planning Staff is perusing the Contract Zone as a means to satisfy his need for studio space while protecting the residential neighbors from the higher impact uses allowed in the B-2 Zone.

The Contract Zone would cover only the rear portion of the 15 Locust Street property, allowing for use of the existing garage building and a small buffer around the building for the proposed studio use. The front portion of 15 Locust Street is a 7 unit apartment building and would remain R-6.

The proposed rezoned property abuts Saint Paul's church to the east, East End Studios to the north, multi-unit residences on Cumberland Avenue to the west, and the apartment building at 15 Locust Street to the south.

The rear of the subject parcel abuts the East End Studios property (the former Tommy's Hardware site) which currently houses a variety of studio space and is Zoned B-2. The garage sits within 5 feet of the property line abutting the B-2 Zone, and sits directly along the residential property line to the west.

**Issues:**

**Proposed Use:**

Mr. Paterno proposes to create a glass blowing shop in the existing building. See Written Statement and Resume, Attachment #4. Mr. Paterno produces fine art quality glass and according to the submitted letters of support has attained a national reputation. See Attachment #5. No retail use is proposed with this contract and all of the activities are to be contained within the structure, with the exception of exterior propane tanks which would be located on the south side of the garage.

#### Comprehensive Plan:

Alan Holt, City Urban Designer, reviewed the submittal for compliance with the arts portions of the City's Comprehensive Plan. Mr. Holt outlines three sections of the Comp. Plan which support bringing studio space into the downtown community: The 1991 Downtown Vision Plan, The 1995 Plan for Portland's Arts District, and the 1998 Community Cultural Plan. See Alan Holt Memo, Attachment #6. Mr. Holt concludes that the Comprehensive Plan clearly encourages the development of working space for artists within the community.

#### Zoning:

The subject parcel is currently R-6. The conclusion of the Purpose of the R-6, Section 14-135 of the Portland Code, states that the purpose of the R-6 is to "...conserve the existing housing stock and residential character of neighborhoods by controlling the scale and external impacts of professional offices and other nonresidential uses."

The proposed contract zone would result in no loss of residences. The subject building is currently used for miscellaneous storage, and has historically been used for warehousing by the old Tommy's Dive Shop. The Board must rule whether the proposed uses allowed under "artist and craftspeople studios" would unduly impact the residential character of the neighborhood.

#### Proposed Use Impacts:

##### Parking:

According to the applicant, the 15 Locust Street parcel currently parks eight cars in the present condition, with room for one more in front of the subject building garage door. No formal parking plan has been submitted, but site visits by staff suggest that this is a reasonable assessment of the existing condition. No retail space is proposed.

The applicant verbally stated to staff that the space currently has space for one car and that visitors and/or staff for the studio would need to park off site.

Staff feels that it is reasonable to assume that some of the visitors and anticipated interns from MECA would travel by foot, alleviating some parking pressures.

##### Loss of Residences:

None.

##### Noise:

The applicant indicates that glass blowing is a quiet craft, and that all machinery will be housed in the interior of the building. One can anticipate open door operation during warm weather. No formal noise studies have been provided, and the applicant states that one would be difficult to produce before construction, as the equipment is mostly hand assembled. Neither the studio space at East End Studios nor a smaller glass blowing studio on near by Federal Street have fostered noise complaints to staff's knowledge.

Fire Safety:

Comments from City Fire will be provided for the next meeting on this proposal.

Draft Contract Language: See draft contract, Attachment #11.

The intention is to add the permitted studio use from the B-2 Zone to the R-6 for the area directly around the subject building.

Attachments:

1. Application
2. Subject Deed
3. Agent Authorization
4. Applicant's Written Statement and Resume
5. Alan Holt Memo
6. Letters of Support
7. Purpose of the R-6 Zone
8. Tax Map
9. Zoning Map
10. Applicant's Sketch Plan
11. Draft Contract

Att. 1.1



APPLICATION FOR ZONING AMENDMENT  
City of Portland, Maine  
Department of Planning and Urban Development  
Portland Planning Board

1. Applicant Information:  
Robert Friedrich  
Name  
28 Church St  
Address  
Gorham ME  
839-2017  
Phone Fax

2. Subject Property:  
15 Locust St Garage  
Address  
  
  
Assessor's Reference (Chart-Block-Lot)

3. Property Owner:  Applicant  Other  
Robert Friedrich  
Name  
28 Church St  
Address  
Gorham ME 04038  
207-839-2017  
Phone Fax

4. Right, Title, or Interest: Please identify the status of the applicant's right, title, or interest in the subject property:  
OWNER

Provide documentary evidence, attached to this application, of applicant's right, title, or interest in the subject property. (For example, a deed, option or contract to purchase or lease the subject property.)

5. Vicinity Map: Attach a map showing the subject parcel and abutting parcels, labeled as to ownership and/or current use. (Applicant may utilize the City Zoning Map or Parcel Map as a source.)

6. Existing Use:

Describe the existing use of the subject property: Storage

7. Current Zoning Designation(s): R6

8. Proposed Use of Property: Please describe the proposed use of the subject property. If construction or development is proposed, please describe any changes to the physical condition of the property.

artist studio

9. Sketch Plan: On a separate sheet please provide a sketch plan of the property, showing existing and proposed improvements, including such features as buildings, parking, driveways, walkways, landscape and property boundaries. This may be a professionally drawn plan, or a carefully drawn plan, to scale, by the applicant. (Scale to suit, range from 1"=10' to 1"=100'.)

10. Proposed Zoning: Please check all that apply:

A.  Zoning Map Amendment, from R6 to B2

B.  Zoning Text Amendment to Section 14- \_\_\_\_\_

For Zoning Text Amendment, attach on a separate sheet the exact language being proposed, including existing relevant text, in which language to be deleted is depicted as crossed out (~~example~~), and language to be added is depicted with underline (example).

C.  Conditional or Contract Zone

A conditional or contract rezoning may be requested by an applicant in cases where limitations, conditions, or special assurances related to the physical development and operation of the property are needed to ensure that the rezoning and subsequent development are consistent with the comprehensive plan and compatible with the surrounding neighborhood. (Please refer to Division 1.5, Sections 14-60 to 62)

44.13

11. **Application Fee:** A fee for this application for a zoning amendment must be submitted, by check payable to the City of Portland in accordance with Section 14-54 of the Municipal Code (see below). The applicant also agrees to pay all costs of publication (or advertising) of the Public Hearing Notice as required for this application. Such amount will be billed to the applicant following the appearance of the advertisement.

	<u>1-25 Units</u>	<u>26-50 Units</u>	<u>51-75 Units</u>	<u>75 &amp; Over</u>
Residential Zones	\$350.00	\$400.00	\$450.00	\$500.00
Nonresidential Zones	\$350.00	\$400.00	\$450.00	\$500.00
	0-15,000 sq. ft. or 0-5 acres (which-ever is less)	15,000-30,000 sq. ft. or 6-10 acres (which-ever is less)	30,000-45,000 sq. ft. or 10-15 acres (which-ever is less)	45,000-60,000 sq. ft. or 15-20 acres (which-ever is less)

- Legal Advertisements (one for workshop and one for public hearing) percent of total bill
- Notices (one for workshop and one for public hearing) 40 cents each
- Text Amendments \$300.00

\$ 350.00 Amount of Fee

12. **Signature:** The above information is true and accurate to the best of my knowledge.

6/11/99  
Date of Filing

[Signature]  
Signature of Applicant

**Further Information:**

Please contact the Planning Office for further information regarding the rezoning process. Applicants are encouraged to make an appointment to discuss their rezoning requests before filing the application.

Applicants are encouraged to include a letter or narrative to accompany the rezoning application which can provide additional background or context information, and describe the proposed rezoning and reasons for the request in a manner that best suits the situation.

In the event of withdrawal of the zoning amendment application by the applicant in writing prior to the submission of the advertisement copy to the newspaper to announce the public hearing, a refund of two-thirds of the amount of the zone change fee will be made to the applicant by the City of Portland.

Portland Planning Board  
Portland, Maine



Effective: July 6, 1998

11-110

WARRANTY DEED

KNOW ALL BY THESE PRESENTS, that JEFFREY S. SHAFRAN and THEDA J. of Portland, Maine, do hereby GRANT unto ROBERT FRIEDRICH of Portland, Maine, WITH WARRANTY COVENANTS, the premises located in the City of Portland, County of Cumberland and State of Maine and more particularly described on the attached Exhibit A.


DATED: March 3, 1996

  
\_\_\_\_\_  
Jeffrey S. Shafran  
  
\_\_\_\_\_  
Theda J. Shafran

STATE OF MAINE  
COUNTY OF CUMBERLAND

March 3, 1996

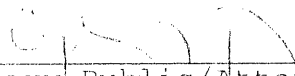
Then personally appeared before me the above named Theda J. Shafran and acknowledged the foregoing instrument to be her free act and deed.

  
\_\_\_\_\_  
Notary Public/Attorney-at-law  
Print Name Richard N. [unclear]  
My Commission Expires: \_\_\_\_\_

STATE OF MAINE  
COUNTY OF CUMBERLAND

March 5, 1996

Then personally appeared before me the above named Jeffrey S. Shafran and acknowledged the foregoing instrument to be his free act and deed.

  
\_\_\_\_\_  
Notary Public/Attorney-at-law  
Print Name [unclear]  
My Commission Expires: \_\_\_\_\_



Att. 2.2

EXHIBIT A TO WARRANTY DEED

GRANTORS: JEFFREY S. SHAFRAN and THEDA J. SHAFRAN  
GRANTEE: ROBERT FRIEDRICH

Certain lots or parcels of land, with the buildings and improvements thereon, situated on Locust Street in Portland, County of Cumberland and State of Maine, and more particularly bounded and described as follows:

Beginning on the easterly sideline of said Locust Street at the point which would be made by the extension thereto of the center of the division wall separating the house formerly occupied by Charles H. Kimball from the adjoining tenement on the north formerly occupied by John Dryden, said point being about one hundred eighty (180) feet northerly from the northerly corner of Congress and Locust Streets; thence northeasterly of said center of said division wall and parallel to Congress Street, seventy-three (73) feet to a point; thence southerly parallel to Locust Street thirty (30) feet to a point; thence westerly parallel with said center of said division wall and keeping the distance of thirty (30) feet therefrom seventy-three (73) feet to said easterly sideline of Locust Street; thence northerly by said Locust Street thirty (30) feet to the place of beginning.

And also a certain other parcel of land, with the buildings and improvements thereon, adjoining the above premises on the southerly side and bounded and described as follows, to wit: Beginning on the easterly side of Locust Street at a point one hundred twenty-five and forty-six hundredths (125.46) feet northerly from Congress Street; thence northeasterly parallel to Congress Street and five and thirty-one hundredths (5.31) feet northerly from the end of the main line of St. Paul's Church seventy-three (73) feet, more or less, to land formerly of James Cunningham; thence northwesterly by said Cunningham land about twenty-five (25) feet to the above described lot; thence southwesterly by said above described lot seventy-three (73) feet, more or less, to Locust Street; thence southeasterly by Locust Street twenty-five (25) feet to the place of beginning.

Also another lot of land, with the buildings and improvements thereon, in the City of Portland, County of Cumberland and State of Maine, situated northerly of Congress Street and easterly of Locust Street, and bounded and described as follows, to wit: Beginning at a point on the easterly line of land formerly of Gertrude C. Maher, et als numbered 277 Congress Street, said point being distant five (5) feet northwesterly from the northwesterly face of the brick building upon land of said Gertrude C. Maher, et als, said point being also distant one hundred thirty-two (132) feet from the northerly line of Congress Street, measured along said easterly sideline of said Maher's land, thence from said point of beginning on a line parallel to and distant five (5) feet from the

northwesterly face of said brick building and on a course of S 60° W forty-six (46) feet to a point and other land of said Maher; thence northwesterly by said Maher's land and land formerly owned by John Dryden seventy-five and four tenths (75.4) feet to land now or formerly owned by O.H. Fullam; thence northeasterly by land of said Fullam forty-five and five tenths (45.5) feet to land formerly owned by John W. Swett; thence by said Swett land on a course of S 31° 13' E seventy five and seven tenths (75.7) feet to the point of beginning. Being a part of the premises conveyed to James Cunningham by two deeds, one from Eliza B. Merrill dated December 29, 1874 and recorded in the Cumberland County Registry of Deeds in Book 416, Page 458; and the other from Jane Griffen dated January 15, 1875 and recorded in said Registry of Deeds in Book 414, Page 213.

Excepting from the above described premises that portion conveyed to St. Paul's Parish by deed dated March 4, 1969 and recorded in said Registry of Deeds in Book 3077, Page 151.

Also conveyed herewith that portion described in a deed from St. Paul's Parish dated March 4, 1969 and recorded in said Registry of Deeds in Book 3077, Page 149.

Also, another certain lot or parcel of land, with the buildings and improvements thereon, situated on the northeasterly side of Locust Street, in said Portland and being the premises numbered 17 Locust Street and bounded and described as follows:

Beginning at a point made by the extension of the center of the division wall separating the house on the lot hereby conveyed from the house on the southeasterly side thereof; thence northeasterly by the center of said division wall seventy-three (73) feet to a stake; thence northerly at right angles with the first described line and keeping the distance of seventy-three (73) feet from Locust Street thirty (30) feet, more or less, to a point two hundred ten (210) feet from Congress Street; thence southwesterly parallel with Congress Street seventy-three (73) feet to Locust Street; thence southeasterly by said Locust Street thirty (30) feet, more or less, to the point begun at.

Also a certain other lot of land, with the buildings and improvements thereon, on the northwesterly side of and adjoining the lot above described and bounded as follows:

Beginning at a point on said Locust Street at the most westerly corner of the lot above described; thence northwesterly by said Locust Street three (3) feet and from these two bounds extending northeasterly holding said width of three (3) feet seventy-four and two tenths (74.2) feet, more or less, to land now or formerly of one Fullam.

Att. 2.4

Being the same premises conveyed from Nathan A. Brackett to Jeffrey S. Shafran and Theda J. Shafran by a deed recorded in said Registry of Deeds in Book 7226, Page 36. Reference is also made to a confirmatory deed of recent date from Portland Chevrah Kadisha into Jeffrey S. Shafran and Theda J. Shafran to be recorded in said Registry of Deeds herewith.

RECEIVED  
REGISTRY OF DEEDS

NOV 13 11:50

CLERK OF COURTS

J. A. B. [Signature]

To: Portland Planning Board

This letter shall serve  
as my authorization for Ernest  
Paterno to act as my agent  
in matters related to the proposed  
zoning change for 15 Laurel Street.

Robert T. Trudick

6/9/99

\* Ernest Paterno  
11 Turner Street Apt #3  
Portland, ME 04101  
# 207 253 1503

Workshop Aug. 10

Att. 4.1

# CYRONI GLASS WORKS

15 Locust Street  
Portland, Maine 04101  
(207) 775-0418

My first introduction to glass was in 1989, while attending the Tyler School of Art. I was involved in ceramics, mainly using the Raku process, which caused me to walk by the glass studio quite often.

One day a fellow student offered me a chance to take a gather of glass out of the furnace. I was completely transfixed by the molten glass and the movements involved in controlling it. This day changed my life forever.

My education after Tyler continued through working with some of the most talented glass blowers in the U.S. With this continuing education, I have been able to achieve an agreement with the material. Making objects that come to mind in any color, shape or size has become possible as the result of much hard work.

Today, I create shapes utilizing the same tools that the great glass masters of Murano, Italy have used for over 4000 years. Combining a fine blend of Italian and Swedish techniques, with today's modern aesthetics, I produce unique contemporary art forms in glass.

Ernest Paterno

*Ernest Paterno**15 Locust St. Portland, ME 04101 Tel. (207) 775-0418*Education

- 1992 *B.F.A Glass and Ceramics  
Tyler School of Art, Temple University  
Philadelphia, Pennsylvania*
- 1989 *Tyler Workshop in Scotland  
Glasgow School of Art  
Glasgow, Scotland*

Professional Experience

- 1999 *Owner Cyroni Glass Co.  
Portland, Maine*
- 1995-1999 *Head Gaffer  
Vitriesse Glass Studio  
Weston, Vermont*
- 1996-1999 *Assistant to Sam Stang  
Augusta Glass Studio  
Augusta, Missouri*
- 1993-1998 *Assistant to John Chiles  
Wemswell Glass Equipment  
Weston, Vermont*
- 1996-1998 *Assistant to Tom Farbanish  
Pleasant Gap, Pennsylvania*
- 1993-1995 *Co-Owner Foma Glassworks  
Westerly, Rhode Island*
- 1994 *Assistant to Sculptor Alvin Sher  
Niantic, Connecticut*
- 1992-1993 *Production Assistant  
Double Visions Glass Studio  
Reading, Pennsylvania*
- 1991-1992 *Undergraduate teaching Assistant in Glass  
Tyler School of Art  
Philadelphia, Pennsylvania*
- 1991 *Assistant to Glass Sculptor Jon Clarke  
Professor Tyler School of Art  
Philadelphia, Pennsylvania*

Skills: *welding, small metal casting, glass blowing, fusing, slumping and casting, neon fabrication, expert cane fabrication, machinery fabrication and knowledge of all aspects of setting up and running a glass studio, experience working with ceramics, business management skills.*

Maine College of Art



July 27, 1999


Planning Board  
City Hall  
389 Congress Street  
Portland, ME 04101

Dear Members of the Board,

It is my understanding that Ernest Paterno has requested a zoning change at 15 Locust Street. We at the Maine College of Art urge the Board to give this request all due consideration. We know that our students at the Maine College of Art are extremely eager to learn about glass blowing, and because we do not have facilities here at the College, Mr. Paterno's studio would provide MECA students access to important learning opportunities through our internship program. Mr. Paterno would also draw nationally recognized artists to his studio, and this too would be an important learning opportunity for MECA students, as well as an advantage to the community as a whole.

More and more, Portland is recognized as a center for the arts. Mr. Paterno's studio would add significantly to our worthiness of that recognition. I would be happy to answer any questions the Board might have regarding Mr. Paterno's request.

Sincerely,



George Smith  
Vice President for Academic Affairs  
Dean of the College

GS/jg

AA. 5.1

Maine College of

Art

Att. 5.2

July 12, 1999

Members of the Planning Board  
City Hall, Congress Street  
Portland, Maine 04101

Greetings Planning Board Members:

I have known Ernest Paterno both personally and professionally for the past five years. He is a gifted artist and an outstanding craftsman. He is nationally known within the glassblowing world for his expertise in ancient techniques of Venetian cane making. Besides his work in glass, Ernest is also a multimedia sculptor who is adept in various fields such as small metal casting, electroforming, and neon art. His work is shown in galleries and private collections nationwide.

The presence of Mr. Paterno's proposed glassblowing studio would provide a rich opportunity for our arts community. The city of Portland has recently created a cultural plan intending to integrate the arts into neighborhood communities. His studio would help to achieve this goal. His work would help to educate others about this nearly lost art, as well as provide a service for artists, tourists, and others interested in glassblowing. I have already witnessed significant improvement in the atmosphere and appearance of the building and it's surroundings since Ernest has begun cleanup efforts there. As an artist and proud resident of Portland, I wholeheartedly support his efforts.

Sincerely,



Jill Dalton  
Assistant to Graduate Studies



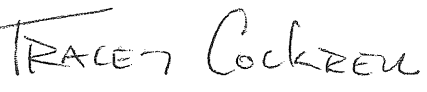
AA. 53  
Maine College of Art

City of Portland  
Planning and Zoning Boards

Dear Board Members,

I am writing in support of a request made by Ernie Paterno to change the zoning, which governs a rented artist's studio on Locust Street. Mr. Paterno's intent is to cultivate a commercial glass-working shop in this location, as I am sure he has detailed for your consideration. In the time that I have known Mr. Paterno I have been impressed with his combination of business acumen and fine craftsmanship. He is knowledgeable, active and well connected in his field. He is developing an energetic and generous relationship with the Maine College of Art. His presence in the local arts community is multifaceted and rich with potential for providing a role model for students, offering workshops or classes through the Continuing Studies Department, collaborating with or serving local artists, and enriching the neighborhood of Munjoy Hill, to name a few examples. Mr. Paterno has generated a successful enterprise while relying on the studios of other glass artisans. Building a home base here offers him the opportunity to become a self-reliant business owner in the city of his choice. As a friend and colleague I would be delighted to see Ernie Paterno succeed in developing an active glass-working studio here in Portland. The location he has found provides the perfect home base. I am confident that, should the requested zoning change be approved, Ernie Paterno will build an active shop valued as an asset to the neighborhood as well as the city of Portland.

Sincerely,

  
Tracey Cockrell, Chairperson  
Sculpture Department

To: William Needleman, planner  
From: Alan Holt, urban designer and cultural liaison  
Date: July 27, 1999  
RE: 15 Locust Street

The proposal to accommodate an artist studio working space at 15 Locust Street is consistent with and encouraged by the arts and cultural components of the City's Comprehensive Plan. The three arts and culture plans that have been adopted as part of the Comprehensive Plan include the '91 Downtown Vision Plan, the '95 Plan for Portland's Arts District, and the '98 Community Cultural Plan.

One of the goals of the '91 Downtown Vision Plan is, "Support the cultural community by retaining and expanding performance and exhibition space, housing, studio space, and office/support space for artists, institutions, and organizations." In support of this goal, the '91 Plan established the following policy: "Artist Working Space: Develop programs to promote, encourage, and assist in the creation of affordable artist housing and studio space within and near the Downtown."

A goal of the '95 Arts District Plan includes, "Support the creative efforts of individual artists and safeguard their continuing presence in the community." In support of this goal, this Plan established the policy to, "Support pilot projects for artist-owned housing and other spaces."

The recently adopted Community Cultural Plan reaffirmed the earlier plans with the following goal: "Encourage and safeguard artists' continuing presence in the community." To support this goal, the plan established the policy to "Encourage and develop live/work and work spaces for artist, controlled by artists."

In my opinion, the Comprehensive Plan gives the Planning Board clear direction in supporting the proposed rezoning to accommodate an artist's working studio at 15 Locust Street.

Att. 7.1

- (6) *Minimum lot width:* Sixty (60) feet.

Minimum building setback from external subdivision property lines (PRUD):

- 1. Building length of one hundred (100) feet or less: Twenty-five (25) feet.
- 2. Building length of greater than one hundred (100) feet: Thirty-five (35) feet.

- (7) *Minimum recreation open space area (PRUD):* Two hundred (200) square feet per dwelling unit of common area designated on the site for recreation purposes. Such recreation areas shall be level graded, dry, accessible and properly drained. At a minimum, a contiguous area of six thousand (6,000) square feet, with a minimum dimension of fifty (50) feet, shall be provided and shall include one (1) or more of the uses set forth in section 14-526(a)(14)c.4., but shall at least be usable as a multipurpose game field. Such recreation areas shall be located at least twenty-five (25) feet from dwelling units.

(Ord. No. 537-84, 5-7-84; Ord. No. 84-88, § 4, 7-19-88; Ord. No. 58-97, § 2, 8-18-97; Ord. No. 165-97, § 5, 12-1-97)

**Editor's note**—Ord. No. 84-88, § 4, adopted July 19, 1988, amended § 14-130 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. 84-88.

**Sec. 14-131. Other requirements.**

[Other requirements are as follows:]

- (1) *Offstreet parking:* Off-street parking is required as provided in division 20 (off-street parking) of this article.
- (2) *Shoreland and flood plain management regulations:* Any lot or portion of a lot located in a shoreland zone as identified on the city shoreland zoning map or in a flood hazard zone shall be subject to the requirements of division 26 and/or division 26.5.
- (3) *Storage of vehicles:* Only one (1) unregistered motor vehicle may be stored outside on the premises for a period not exceeding thirty (30) days.

(Ord. No. 537-84, 5-7-84; Ord. No. 15-92, § 10, 6-15-92)

**Secs. 14-132—14-134. Reserved.**

DIVISION 7. R-6 RESIDENTIAL ZONE\*

**Sec. 14-135. Purpose.**

The purpose of the R-6 residential zone is:

- (1) To set aside areas on the peninsula for housing characterized primarily by multifamily dwellings at a high density providing a wide range of housing for differing types of

**\*Editor's note**—Ord. No. 538-84, adopted May 7, 1984, repealed Div. 7, §§ 14-131—14-134, and enacted a new Div. 9, §§ 14-135—14-139, 14-145. However, in order to avoid duplication of division numbers and in consultation with the city, the provision have been included as Div. 7.

households; and to conserve the existing housing stock and residential character of neighborhoods by controlling the scale and external impacts of professional offices and other nonresidential uses.

(Ord. No. 538-84, 5-7-84)

**Sec. 14-136. Permitted uses.**

The following uses are permitted in the R-6 residential zone:

(1) *Residential:*

- a. Single- and two-family dwellings. No building reviewed as a two-family dwelling in accordance with section 14-524 shall be altered to include any additional

DRAFT

Att. 11

LOCUSTST.REZ  
08.03.99

**AGREEMENT BETWEEN  
CITY OF PORTLAND  
AND  
ROBERT FRIEDRICH**

**AGREEMENT** made this    day of    , 1999 by and between the **CITY OF PORTLAND**, a body corporate and politic, located in Cumberland County and State of Maine (hereinafter the "**CITY**") and **ROBERT FRIEDRICH** of 28 Church Street, Gorham, Maine 04038 (hereinafter "**FRIEDRICH**").

**W I T N E S S E T H:**

**WHEREAS, FRIEDRICH** did request a rezoning of property located at 15 Locust Street, in Portland, in order to permit the establishment and operation of an artist/craftperson's studio, as limited herein; and

**WHEREAS**, the Planning Board of the City of Portland, pursuant to 30-A M.R.S.A. '4352(8), and after notice and hearing and due deliberation thereon, recommended the rezoning of the property as aforesaid, subject, however, to certain conditions; and

**WHEREAS**, the **CITY** by and through its City Council has determined that said rezoning would be pursuant to and consistent with the **CITY'S** comprehensive land use plan and consistent with the existing and permitted uses within the original zone; and

**WHEREAS**, the **CITY** has determined that because of the unusual nature of the proposed development it is necessary or appropriate to impose by agreement the following conditions or restrictions in order to insure that the rezoning is consistent with the **CITY'S** comprehensive land use plan; and

**WHEREAS**, the **CITY** authorized the execution of this Agreement on    , 1999;

**NOW, THEREFORE**, in consideration of the mutual promises made by each party to the other, the

parties covenant and agree as follows:

1. The CITY shall amend the Zoning Map of the City of Portland, dated March 1958, as amended and on file in the Department of Planning and Urban Development, and incorporated by reference into the Zoning Ordinance by '14-49 of the Portland City Code, by adopting the map change amendment shown on Attachment 1.
2. The property shall be developed substantially in accordance with the site plan shown on Attachment 2.
3. **FRIEDRICH** shall be authorized to establish and maintain a studio for an artist or craftperson in addition to uses permitted in the R-6 Residential zone, provided that the area of such the studio space does not exceed four thousand (4,000) square feet.
4. Parking shall be established and assigned as indicated on Attachment 2.
5. Use of the structure shall be limited to Artist and craftperson studio
6. All activities relating to the studio shall be located within a completely enclosed structure.
7. The provisions of this Agreement, including the permitted studio/craftperson use, are intended to be supplemental to the uses and requirements of the underlying R-6 zone.

The above stated restrictions, provisions and conditions are an essential part of the rezoning, shall run with the subject premises, shall bind **FRIEDRICH**, his successors and assigns, as permitted by this Agreement, of said property or any part thereof or interest therein, and any party in possession or occupancy of said property or any part thereof, and shall inure to the benefit of and be enforceable by the CITY, by and through its duly authorized representatives.

If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such determination shall not affect the validity of the remaining portions hereof.

Except as expressly modified herein, the use and occupancy of the subject premises shall be governed by and comply with the provisions of the Land Use Code of the City of Portland and any applicable amendments thereto or replacement thereof.

In the event that **FRIEDRICH** or any successor fail to continue to utilize the property in accordance with this Agreement, or in the event of a breach of any condition(s) set forth in this Agreement, the Planning Board shall have the authority, after hearing, to resolve the issue resulting in the breach or the failure to operate. The resolution may include a recommendation to the City Council that the site be rezoned to R-6 or any successor zone and that this Agreement be terminated, requiring a cessation of the studio use.

WITNESS:

\_\_\_\_\_

**CITY OF PORTLAND**

By: Robert B. Ganley  
Its City Manager

WITNESS:

\_\_\_\_\_

~~John Flood, D.V.M.~~  
\_\_\_\_\_  
, 1999

STATE OF MAINE  
CUMBERLAND, ss.

Personally appeared the above-named Robert B. Ganley, in his capacity as City Manager, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of the City of Portland.

Before me,

\_\_\_\_\_  
Notary Public/Attorney at Law

STATE OF MAINE  
CUMBERLAND, ss.

, 1999

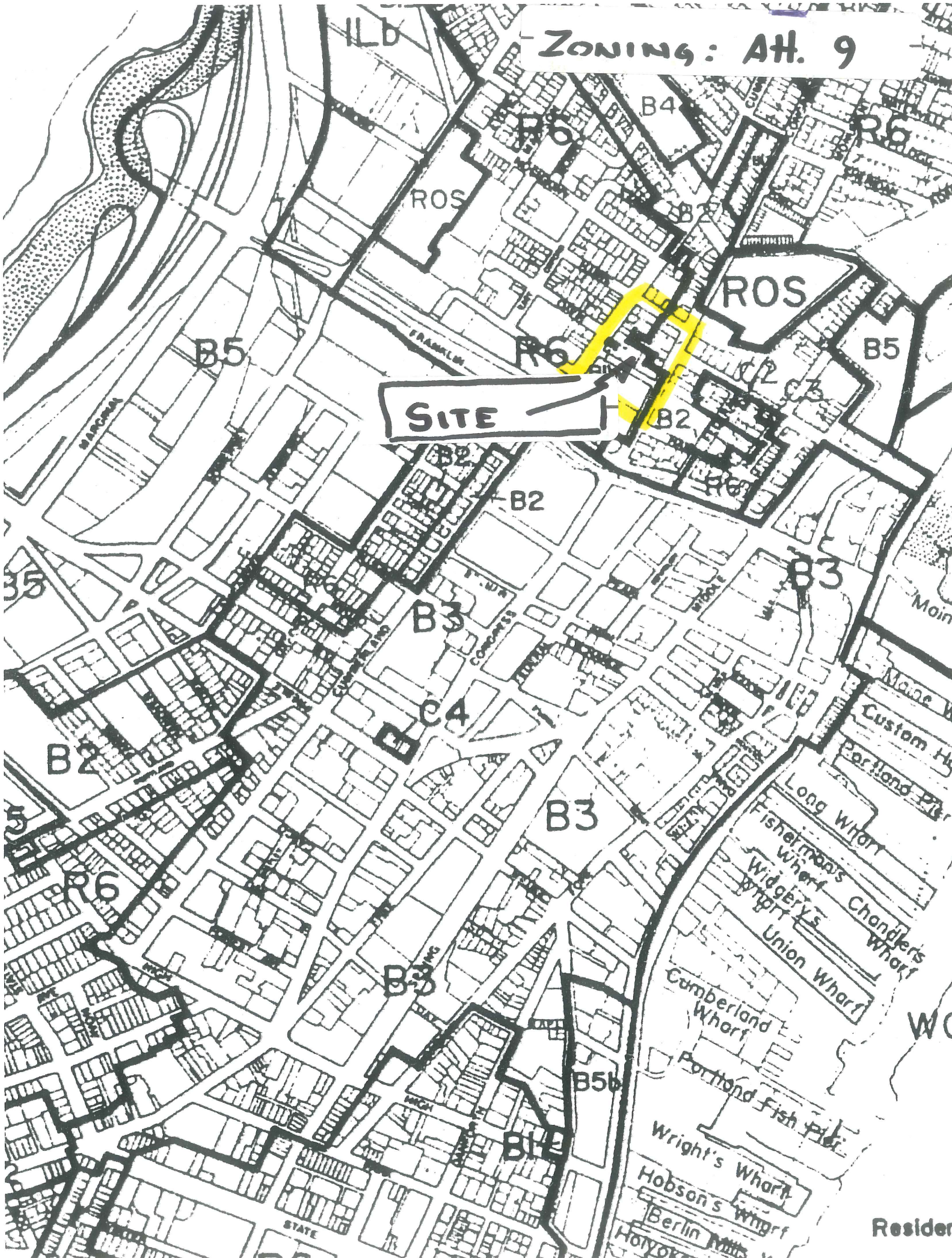
Personally appeared the above-named Robert Friedrich, and acknowledged the foregoing instrument to be his free act and deed.

Before me,

\_\_\_\_\_  
Notary Public/Attorney at Law



ZONING: AH. 9



SITE

ILB

B4

ROS

ROS

B5

B5

B2

B3

B3

CA

B3

B3

B5b

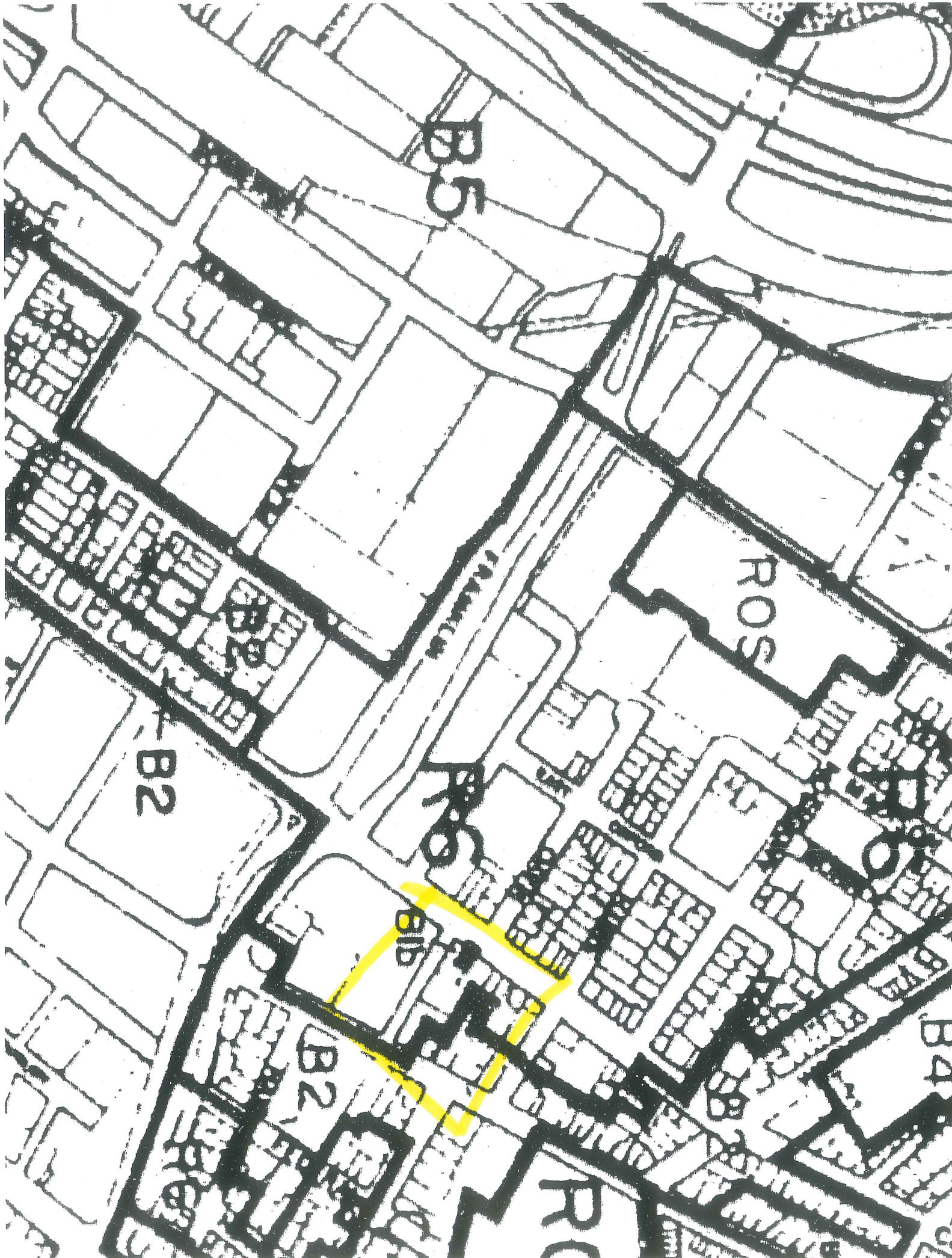
B2

STATE

Residen

WC

- Long Wharf
- Fisher's Wharf
- Widger's Wharf
- Union Wharf
- Chandler's Wharf
- Cumberland Wharf
- Portland Fish Pier
- Wright's Wharf
- Hobson's Wharf
- Berlin Wharf
- Holyoke



B5

ROS

B2

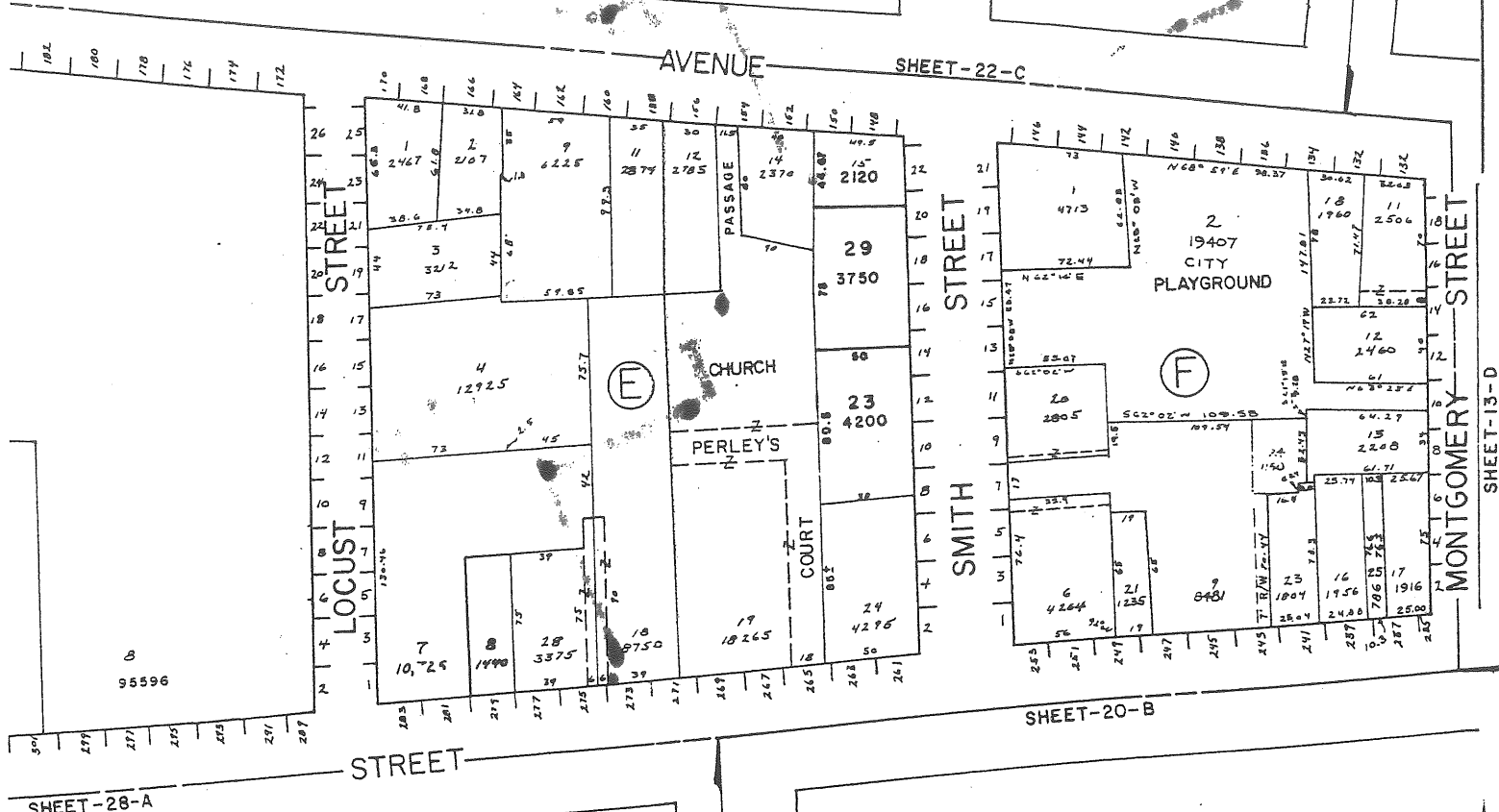
B1

BIP

B2

B4

RO



SHEET-28-A

SHEET-22-C

SHEET-20-B

SHEET-13-D

Dotted line = space for LP  
Tank  
1" = 60'  
N



# CYRONI GLASS WORKS

15 Locust Street  
Portland, Maine 04101  
(207) 775-0418

My first introduction to glass was in 1989, while attending the Tyler School of Art. I was involved in ceramics, mainly using the Raku process, which caused me to walk by the glass studio quite often.

One day a fellow student offered me a chance to take a gather of glass out of the furnace. I was completely transfixed by the molten glass and the movements involved in controlling it. This day changed my life forever.

My education after Tyler continued through working with some of the most talented glass blowers in the U.S. With this continuing education, I have been able to achieve an agreement with the material. Making objects that come to mind in any color, shape or size has become possible as the result of much hard work.

Today, I create shapes utilizing the same tools that the great glass masters of Murano, Italy have used for over 4000 years. Combining a fine blend of Italian and Swedish techniques, with today's modern aesthetics, I produce unique contemporary art forms in glass.

Ernest Paterno

## *Ernest Paterno*

*15 Locust St. Portland, ME 04101 Tel. (207) 775-0418*

---

### *Education*

- 1992 *B.F.A Glass and Ceramics  
Tyler School of Art, Temple University  
Philadelphia, Pennsylvania*
- 1989 *Tyler Workshop in Scotland  
Glasgow School of Art  
Glasgow, Scotland*

### *Professional Experience*

- 1999 *Owner Cyroni Glass Co.  
Portland, Maine*
- 1995-1999 *Head Gaffer  
Vitriesse Glass Studio  
Weston, Vermont*
- 1996-1999 *Assistant to Sam Stang  
Augusta Glass Studio  
Augusta, Missouri*
- 1993-1998 *Assistant to John Chiles  
Wemswell Glass Equipment  
Weston, Vermont*
- 1996-1998 *Assistant to Tom Farbanish  
Pleasant Gap, Pennsylvania*
- 1993-1995 *Co-Owner Foma Glassworks  
Westerly, Rhode Island*
- 1994 *Assistant to Sculptor Alvin Sfier  
Niantic, Connecticut*
- 1992-1993 *Production Assistant  
Double Visions Glass Studio  
Reading, Pennsylvania*
- 1991-1992 *Undergraduate teaching Assistant in Glass  
Tyler School of Art  
Philadelphia, Pennsylvania*
- 1991 *Assistant to Glass Sculptor Jon Clarke  
Professor Tyler School of Art  
Philadelphia, Pennsylvania*

*Skills:* *welding, small metal casting, glass blowing, fusing, slumping and casting, neon fabrication, expert cane fabrication, machinery fabrication and knowledge of all aspects of setting up and running a glass studio, experience working with ceramics, business management skills.*

*Example memo*

**CITY OF PORTLAND, MAINE  
MEMORANDUM**

**TO:** Chair John Carroll and Members of the Portland Planning Board

**FROM:** Barbara Barhydt, Senior Planner

**DATE:** June 5, 1998

**RE:** 1083-1091 Brighton Avenue, Zoning Map Amendment from Neighborhood Business B-1 to Community Business B-2

**Introduction**

Richard Holden, Jr. is requesting a zoning map amendment to rezone the Neighborhood Business B-1 portion of the property at 1083 to 1091 Brighton Avenue to Community Business B-2. Mr. Holden's property is located on Brighton Avenue between Taft and Holm Avenues. The property is zoned Neighborhood Business B-1 along Brighton Avenue and the zone extends approximately 350 feet along Holm from Brighton Avenue. The zone change request is for approximately 1.3 acres of the total 2.1 acre parcel. The rest of the property is zoned Residential R-3 and Mr. Holden is not seeking to rezone the R-3 portion of his property. There is a single family house under separate ownership at the corner of Brighton and Taft Avenues in the B-1 district, which is not included in this request for a zoning map amendment.

There is a 4,000 square foot professional office building located on the site with an adjoining parking lot. The parcels along Taft Avenue and the land to the rear of the professional building are undeveloped. The property is currently for sale. According to the applicant's cover letter, the B-1 designation limits the uses on the property and Mr. Holden is seeking "...greater flexibility in terms of future use of the property." A specific use is not proposed for the land at this time.

**Zoning and Land Uses in the Vicinity**

Mr. Holden's property at 1083-1091 Brighton Avenue is adjacent to residential zones and the B-2 zone (refer to zoning map, Attachment 3, and land use map, Attachment 4). The Barron Center and the Loring House are across Holm Avenue in a Residential R-5 zone. The northerly portion of Mr. Holden's property is zoned R-3. There are single family homes along Taft Avenue in an R-3 zone and one home on the corner of Brighton and Taft in the B-1 zone, which share property boundaries with Mr. Holden's property. Sagamore Village (R-5) is across from the homes on Taft Avenue.

A Community Business B-2 zone is located at the corner of Brighton and Taft Avenues. This zone encompasses a Burger King restaurant and a shopping center. The Residence Professional R-P zone extends along the northerly side of Brighton Avenue from Sagamore Village to Nason's Corner. A B-2 zone is across Brighton Avenue from Mr. Holden's property and it includes the Pine Tree Shopping Center, Forest City Chevrolet, Century Tire, Vallee's Restaurant, and a motel. The Commercial Corridor Zone B-4 extends along the west side of the Maine Turnpike.

**Policy Considerations**

Portland's Neighborhood Economic Development Study, prepared in 1982 and adopted as part of the City's comprehensive plan, shows B-1 as it is currently configured at 1083-1091 Brighton Avenue. The report describes the outer Brighton Avenue commercial district as a community center serving the adjoining neighborhoods.

The City's Transportation Plan seeks to create a comprehensive transportation plan linked with land use planning policies and excerpts from the plan are included as Attachment 5. The plan identifies Brighton Avenue as an arterial, which also serves as a transit corridor, and the Pine Tree Shopping Center is considered an established community commercial center. The land use policies of this plan recommend a land use pattern that achieves the following:

- a) opportunities for people to work and meet a larger share of their everyday needs within or adjacent to their neighborhood;
- b) encourages businesses to locate in established employment centers that are served by public transportation or have the critical mass to support alternative transportation modes. A specific action in the plan suggests allowing a wider range of small and mid-sized businesses near established community commercial centers, such as Pine Tree; and
- c) allows development along transit corridors and near community commercial centers to evolve at a density sufficient to make public transit, walking, and biking viable options. Such density should be coupled with policies that encourage or maintain a healthy share of owner-occupancy in these areas as well as compatible site design.

While the Transportation Plan encourages business development along transit corridors, it also raises the issue of arterials in neighborhoods. "Existing arterials carrying through-traffic cut through transportation districts with established neighborhoods, disrupting life in the neighborhoods and putting pressure on the street system that, if expanded in response to the traffic, will further chip away at the integrity of the neighborhoods." This is supported by a policy which states the City should develop and implement a strategy that balances the integrity of the neighborhood against the need to move traffic on the arterials.

This spring, the City Council requested the planning office to prepare a neighborhood plan for the outer Brighton Avenue area to address citizen concerns regarding the type and amount of development proposed for this area. A copy of the draft report is in the Planning Board's packet. The major issues identified by residents at a neighborhood meeting include increased traffic along Brighton Avenue and Capisic Street, increased number of pedestrian crossing accidents, impacts of the proposed Post Office distribution facility, traffic impacts of proposed Turnpike Interchange, and loss of neighborhood businesses to big box retailers. A second neighborhood meeting was held on May 29th to present the proposed future considerations contained in the draft report. The area along Brighton Avenue is labeled Transition Area #1 due to the current pressure for more intensive uses, such as the Rite Aid proposal and their interest in a drive-through window. The northerly side of Brighton Avenue has R-5, B-1, B-2, and R-P zoning. At this meeting, the neighbors were generally supportive of options to strengthen the neighborhood center concept for Nason's Corner and to maintain smaller scale development in the area; however, there were no specific comments regarding 1083-1091 Brighton Avenue or the immediate vicinity.

### **Zoning**

The purpose of the B-1 Neighborhood Business Zone is to provide limited areas for the location of small-scale commercial establishments intended to serve a local market. The business uses permitted in the zone (refer to Section 14-161 of Portland's Land Use Code) include professional offices, business services, personal services, offices of building tradesman provided that there is no exterior storage of building materials, and retail services, excluding gasoline sales, drive-in or drive-through sales or services. Other uses include lodging houses, day care facilities, bed and breakfasts, and accessory uses. Restaurants are a conditional use.

The B-2 zone permits more business uses than B-1 and the neighborhood business limitations or prohibitions, such as outdoor storage and drive-in or drive-through windows are removed in the B-2 zone. In general, the B-2 permitted uses generate more impacts, such as traffic and noise. The purpose section of the Community Business B-2 zone is established to: 1) to provide appropriate locations in the city for the development and operation of a mixture of commercial uses and services that have a



community-wide market such as shopping centers or cluster developments; and 2) the variety, sites and intensity of the permitted commercial uses in the B-2 zone are intended to be greater than those permitted in the B-1 neighborhood business zone. The permitted B-2 businesses (refer to Section 14-181 of Portland's Land Use Code) incorporate B-1 uses and add the following:

- a) restaurants;
- b) drinking establishments;
- c) billiard parlors;
- d) mortuaries of funeral homes;
- e) miscellaneous repair service, excluding motor vehicle repair services;
- f) communication studios or broadcast and receiving facilities;
- g) health clubs and gymnasiums;
- h) veterinary hospitals, but excluding outdoor kennels;
- i) theaters and performance halls;
- j) hotels or motels businesses; and
- k) major and minor businesses, as defined, provided that only a minor business shall be permitted on a lot abutting a residential zone. [Definitions: *Major businesses*: A business with more than two (2) pump islands or with a capacity to fuel more than eight (8) vehicles simultaneously, or providing repair services, including, but not limited to, tuneups, engine repair, brake work, muffler replacement, tire repair or similar activities. *Minor businesses*: A business with not more than two (2) pump islands, provided that no more than a total of eight (8) vehicles may be fueled simultaneously. Such businesses shall not include car washes or vacuums. Repair services shall be permitted, provided that there shall be no more than two (2) service bays.]

Car washes, automobile dealerships, drive-in or drive-through restaurants, printing and publishing establishments, wholesale distribution businesses, and research and development with related production establishments are conditional uses in the B-2 zone.

### **Planning Board Deliberations**

The Planning Board may want to consider the following points regarding Mr. Holden's zone change request:

- a. At this time there is no specific development proposal for Mr. Holden's property. The Planning Board may want to clarify with Mr. Holden the reasons for his request.
- b. The B-2 zone increases the number and intensity of uses that may be permitted on this site. As the applicant's cover letter states, the parcel is located across from the Pine Tree Shopping Center and other commercial uses, which are in a B-2 district. Mr. Holden's L-shaped property also has frontage on Taft and Holm Avenue, which are developed with homes and the Barron Center/Loring House.
- c. The City's commercial policies confirm that this area is suited for business uses. The Transportation Plan suggests a wider range of small and mid-sized businesses near established community commercial centers, such as Pine Tree, and also recommends balancing traffic demands on arterials with neighborhood integrity. The Outer Brighton Avenue Study is a draft report, which is a response to neighborhood concerns regarding development in the area.

The zone change request is for the B-1 portion of Mr. Holden's property only. It excludes the residentially zoned area of his parcel and the single family house on the corner of Taft and Brighton Avenues. The Board will want to address what land to include in a public hearing notice. This item is tentatively scheduled for a public hearing on July 14th.

### **Attachments:**

1. Zone Change Application
2. Letter from Applicant

3. Zoning Map
4. Land Use Map
5. Excerpts from Portland Transportation Plan

*Example Report*

**REZONING REQUEST**

**NEIGHBORHOOD BUSINESS (B-1) TO COMMUNITY BUSINESS (B-2) REZONING**

**VICINITY OF 1077-1091 BRIGHTON AVENUE**

**RICHARD HOLDEN, JR., APPLICANT**

Submitted to:

Portland Planning Board  
Portland, Maine

July 28, 1998

## I. INTRODUCTION

Richard Holden, Jr. is requesting a recommendation from the Planning Board for a map amendment to rezone a portion of his property at 1083 to 1091 Brighton Avenue from Neighborhood Business B-1 to Community Business B-2 (Tax Map 274, Block A, lots 1, 2, 3, 4, 5, 11, 12, 13, 14 and a portion of 8). Mr. Holden's land extends between Holm and Taft Avenues. The property is zoned Neighborhood Business B-1 along Brighton Avenue. The B-1 zone extends along Holm Avenue from Brighton Avenue for approximately 350 feet and along Taft Avenue for roughly 200 feet. The zone change would affect 1.3 acres of the total 2.1 acres of Mr. Holden's parcel. The remainder of Mr. Holden's land is zoned Residential R-3 (Tax Map 274, Block A, lots 9, 10, and a portion of 8) and it is not included in this request (Attachment 1).

There is a 4,000 square foot professional office building with an adjoining parking lot located on the site. The land to the rear of the professional building is undeveloped, including the frontage along Taft Avenue. The property is currently for sale and there is no development proposal at this time. According to the applicant's cover letter (Attachment 2), the B-1 designation limits the uses on the property and Mr. Holden is seeking "...greater flexibility in terms of future use of the property."

At the Planning Board's request, the notice for rezoning included the property at 1077 to 1081 Brighton Avenue (Tax Map 274, Block A, lots 6 and 7), which is a single family house under separate ownership in the B-1 district.

Two notices were sent to 80 area residents and notices appeared in the Portland Press Herald on July 13th, 14th, 20th and 21st (Attachment 3).

## II. ZONING AND LAND USES IN THE VICINITY

### 1. Zoning History of Vicinity

The City's 1946 zoning map indicates that the area on the northerly side of Brighton Avenue was zoned General Residence-C (single and two family homes) and the area to the south was zoned Single Residence-A (strictly single family zone). A narrow strip of the Local Business Zone ran along the Brighton Avenue frontage between Taft Avenue and Cabot Street. A major rezoning was enacted in 1956, which created business and industrial zones for the Pine Tree Shopping Center, tourist accommodations and an industrial park south of Brighton Avenue.

Rezoning along the northerly side Brighton Avenue occurred in the mid-1960's. There is a Council Order rezoning land in the vicinity of Brighton and Holm Avenues from B-1 to B-2 and R-5 in 1965. The accompanying map is missing, but it appears to be the area encompassing Burger King and the Shopping Center at 1041 Brighton Avenue. Mr. Holden's property was apparently rezoned in August, 1967. A Council Order endorsed rezoning in the vicinity of Brighton, Holm and Taft Avenues, but again there is no map and the order does not state the zoning category.

### 2. Current Zoning

Mr. Holden's property is adjacent to both residential and business zones (refer to zoning map, Attachment 4, and land use map, Attachment 5). The Barron Center and the Loring House are located across Holm Avenue from the site in a Residential R-5 zone. The northerly portion of Mr. Holden's property is zoned R-3. There are single family homes along Taft Avenue in the R-3 zone and Sagamore Village (R-5) is located across the street. One single family home is situated

on the corner of Brighton and Taft in the B-1 zone and it shares property boundaries with Mr. Holden's property. The Planning Board asked that this parcel be included in the public hearing notice for the rezoning from B-1 to B-2.

A Community Business B-2 zone is located at the corner of Brighton and Taft Avenues and it encompasses a Burger King restaurant and a shopping center. There is a traffic signal at this intersection. The Residence Professional R-P zone extends along the northerly side of Brighton Avenue from Sagamore Village to Nason's Corner. Across Brighton Avenue from Mr. Holden's property is a B-2 zone, which includes the Pine Tree Shopping Center, Forest City Chevrolet, Century Tire, Vallee's Restaurant, and a motel. The Commercial Corridor Zone B-4 extends along the west side of the Maine Turnpike. At the June 9, 1998 Planning Board workshop, the applicant submitted a list of the businesses in the vicinity, which is included as Attachment 6. Photographs of the area are found in Attachment 7.

### III. ZONING CONSIDERATIONS

The purpose of the B-1 Neighborhood Business Zone is *"to provide limited areas for the location of small-scale commercial establishments intended to serve a local market"*. The business uses permitted in the zone (refer to Attachment 8) include professional offices, business services, personal services, offices of building tradesman (with no exterior storage), and retail services, excluding gasoline sales, drive-in or drive-through sales or services. Restaurants are a conditional use in B-1.

The B-2 zone increases the number and intensity of uses that may be permitted on a site. The B-2 zone permits a broader range of uses than the B-1 district and the limitations or prohibitions found in B-1, such as no outdoor storage and no drive-in or drive-through windows, are removed in the B-2 zone. The purpose section of the Community Business B-2 zone states: *"1) to provide appropriate locations in the city for the development and operation of a mixture of commercial uses and services that have a community-wide market such as shopping centers or cluster developments; and 2) the variety, sites and intensity of the permitted commercial uses in the B-2 zone are intended to be greater than those permitted in the B-1 neighborhood business zone."*

The complete list of permitted uses in the B-2 zone are listed in Attachment 9. The B-2 zone incorporates all of the B-1 uses and adds business operations, such as restaurants, drinking establishments, billiard parlors, funeral homes, repair services, communication or broadcast facilities, health clubs and gymnasiums, veterinary hospitals, theaters and performance halls, motels, and major and minor businesses (businesses with fuel pump islands). The conditional uses in the B-2 zone include car washes, automobile dealerships, drive-in or drive-through restaurants, printing and publishing establishments, wholesale distribution businesses, and research and development with related production establishments.

### IV. LAND USE CONSIDERATIONS

#### 1. Commercial Policies

Portland's Neighborhood Economic Development Study, prepared in 1982 and adopted as part of the City's comprehensive plan, shows B-1 as it is currently configured at 1077-1091 Brighton Avenue. The report describes the outer Brighton Avenue commercial district as a community center serving the adjoining neighborhoods.

## 2. Transportation Plan

The City's Transportation Plan (excerpts, Attachment 10) identifies Brighton Avenue as an arterial, which also serves as a transit corridor, and the Pine Tree Shopping Center is considered an established community commercial center. The land use policies of this plan recommend a land use pattern that achieves the following:

- a) Opportunities for people to work and meet a larger share of their everyday needs within or adjacent to their neighborhood;
- b) Encourages businesses to locate in established employment centers that are served by public transportation or have the critical mass to support alternative transportation modes. A specific action in the plan suggests allowing a wider range of small and mid-sized businesses near established community commercial centers, such as the Pine Tree Shopping Center; and
- c) Allows development along transit corridors and near community commercial centers to evolve at a density sufficient to make public transit, walking, and biking viable options. Such density should be coupled with policies that encourage or maintain a healthy share of owner-occupancy in these areas as well as compatible site design.

While the Transportation Plan encourages business development along transit corridors, it also raises the issue of arterials in neighborhoods. "Existing arterials carrying through-traffic cut through transportation districts with established neighborhoods, disrupting life in the neighborhoods and putting pressure on the street system that, if expanded in response to the traffic, will further chip away at the integrity of the neighborhoods." This is supported by a policy which states the City should develop and implement a strategy that balances the integrity of the neighborhood against the need to move traffic on the arterials. The Transportation Plan also calls for higher density residential uses along arterials and this parcel could conceivably accommodate a multi-family development if zoned to a higher density district.

## 3. Nason's Corner/Outer Brighton Avenue Study

This spring, the City Council requested the planning office to prepare a neighborhood plan for Nason's Corner/Outer Brighton Avenue area to address citizen concerns regarding the type and amount of development proposed for this area. The draft report was presented on June 9 to the Planning Board and on June 22 to the City Council. The Council has referred the report to the Planning Board to address the zoning and other development controls recommended in the plan. The major issues identified in the report include increased traffic along Brighton Avenue and Capisic Street, increased number of pedestrian crossing accidents, impacts of the proposed Post Office distribution facility, traffic impacts of the proposed Turnpike Interchange, and the loss of neighborhood businesses to big box retailers. The area along Brighton Avenue is labeled Transition Area #1 due to the current pressure for more intensive uses and rezonings, such as the Rite Aid proposal and Mr. Holden's request. At a neighborhood meeting, the public was generally supportive of options to strengthen the neighborhood center concept for Nason's Corner and to maintain smaller scale development in the area.

4. Summary

The City's commercial policies in the Comprehensive Plan confirm that this area is suited for business uses. The Transportation Plan supports a wider range of small and mid-sized businesses near established community commercial centers, such as the Pine Tree Center, and also recommends balancing traffic demands on arterials with neighborhood integrity. While there are no specific recommendations in the Nason's Corner/Outer Brighton Avenue Study regarding Mr. Holden's property, there is a statement to limit intrusions of commercial zones into residential areas. This suggests the City may want to be sensitive about commercial rezonings, particularly where commercial zones extend along residential streets or commercial zoning is being considered for residentially zoned land. In general, the B-1 and R-P zones serve as a buffer between residential uses and more intensive development. They allow a variety of residential uses and limited commercial uses that are compatible with adjoining residential neighborhoods.

The parcel proposed for rezoning is 1.3 acres in size, which can accommodate a wide range of buildings. No specific development is proposed at this time. The policy issue before the Board is whether a compelling case has been made that the property is zoned more restrictively than appropriate for this location and would a more intense commercial district be logical and desirable here.

Because of this sites location relative to similar intensive commercial uses, a case can be made that Cabot Street could be the dividing line between the more intensive B-2 commercial uses and B-1 neighborhood uses.

The B-2 permitted uses generate more impacts, such as traffic and noise, and are typically at a larger scale. Community Business (B-2) zoning is appropriate where the surrounding context justifies more intense commercial uses. As the applicant's cover letter states, the parcel is located across from the Pine Tree Shopping Center, Burger King, and other commercial uses in the B-2 district. Mr. Holden's L-shaped property also has frontage on Taft and Holm Avenue, which are residentially developed with homes (R-3), Sagamore Village (R-5) and the Barron Center/Loring House (R-5).

## VI. MOTIONS FOR THE BOARD TO CONSIDER

On the basis of the materials submitted by the applicant and on the basis of information contained in Planning Report #33-98, the Planning board finds the rezoning from the Neighborhood Business B-1 to the Community Business B-2 to be **consistent/inconsistent** with the City's Comprehensive Plan and **recommends/does not recommend** the rezoning to the City Council.

### Attachments:

1. Zone Change Application
- 1a. Tax Map
2. Letter from Applicant
3. Public Notice/Vicinity Map
4. Zoning Map
5. Land Use Map
6. List of Businesses submitted by applicant at Planning Board workshop
7. Photographs of the Area
8. B-1 Zoning Text
9. B-2 Zoning Text
10. Excerpts from Portland Transportation Plan





15 locust st, Zone Change R5-B2

Does this open this site to  
uses (B2) that are incompatible  
w/ the R6?

~~Do we require a 10,000 sq ft minimum  
lot size?~~

No Retail

No Ex. Storage

Noise? Blower in sand proof room

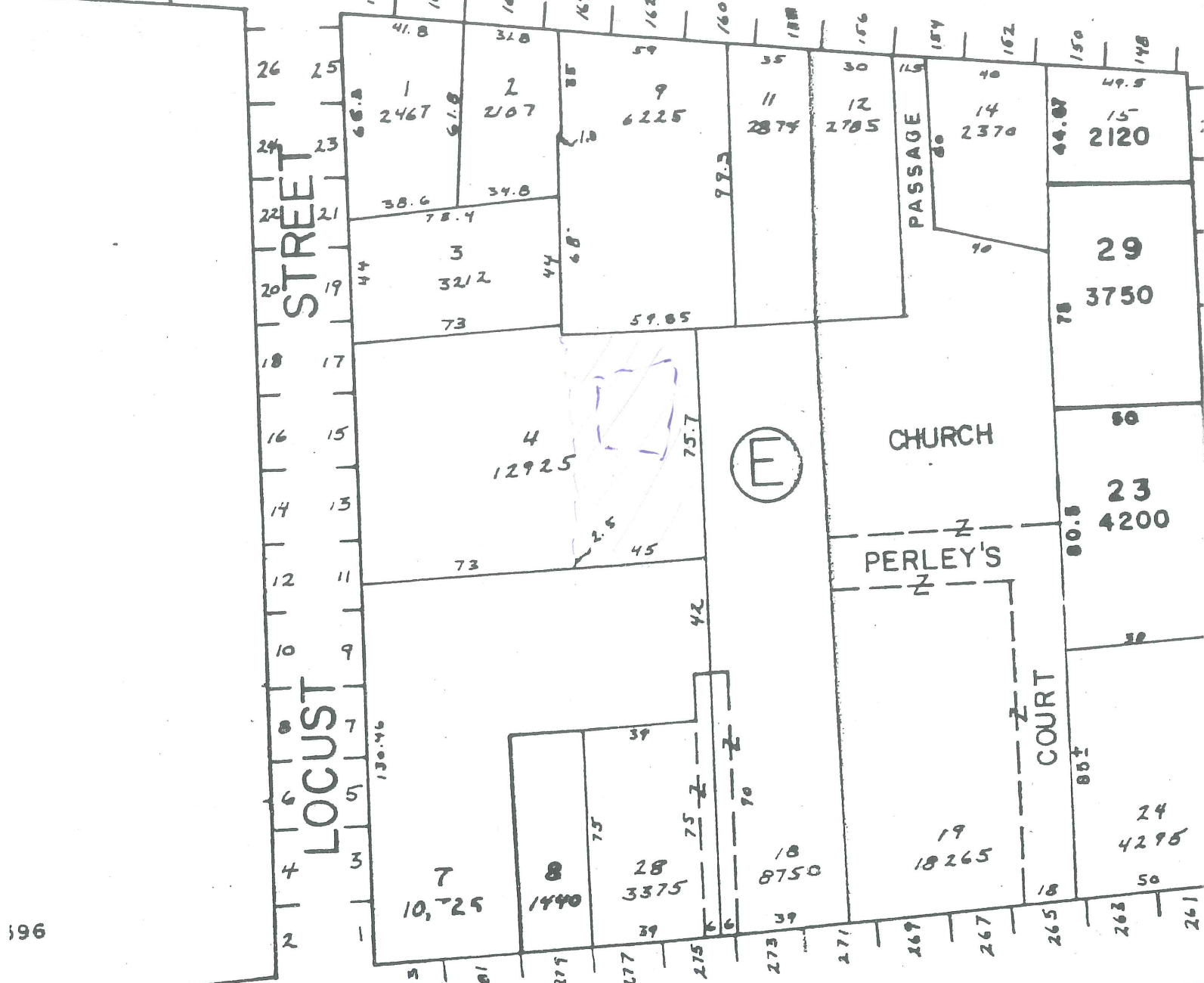
Hours - maintain 8-5 mostly

— Exhaust fan

Open roofs in summer

AVENUE ST

176 174 172



196 295 275 291 287

Congress STREET

A

B15

Cumberland Avenue

Catholic school

Soup kitchen + Thrift shop

Apartment building

Vietnamese Beef + Noodle shop  
Apartment building

Apartment building

Apartment building

Apartment building

\* 15 Locust St. \*

Apartment building

R-6

church

Parish hall

Rectory

MAINE Adoption + placement service

B2  
East End Studios

Locust Street

Congress Street



APPLICATION FOR ZONING AMENDMENT  
 City of Portland, Maine  
 Department of Planning and Urban Development  
 Portland Planning Board

1. **Applicant Information:**  
Robert Friedrich  
 Name  
28 Church St  
 Address  
Gorham ME  
  
839-2017  
 Phone Fax

2. **Subject Property:**  
15 Locust St Garage  
 Address  
  
 Assessor's Reference (Chart-Block-Lot)

3. **Property Owner:**  Applicant  Other  
Robert Friedrich  
 Name  
28 Church St  
 Address  
Gorham ME 04038  
  
207-839-2017  
 Phone Fax

4. **Right, Title, or Interest:** Please identify the status of the applicant's right, title, or interest in the subject property:  
owner

Provide documentary evidence, attached to this application, of applicant's right, title, or interest in the subject property. (For example, a deed, option or contract to purchase or lease the subject property.)

5. **Vicinity Map:** Attach a map showing the subject parcel and abutting parcels, labeled as to ownership and/or current use. (Applicant may utilize the City Zoning Map or Parcel Map as a source.)

6. Existing Use:

Describe the existing use of the subject property: storage

7. Current Zoning Designation(s): R6

8. Proposed Use of Property: Please describe the proposed use of the subject property. If construction or development is proposed, please describe any changes to the physical condition of the property.

artist studio

9. Sketch Plan: On a separate sheet please provide a sketch plan of the property, showing existing and proposed improvements, including such features as buildings, parking, driveways, walkways, landscape and property boundaries. This may be a professionally drawn plan, or a carefully drawn plan, to scale, by the applicant. (Scale to suit, range from 1"=10' to 1"=100'.)

10. Proposed Zoning: Please check all that apply:

A.  Zoning Map Amendment, from R6 to B2

B.  Zoning Text Amendment to Section 14- \_\_\_\_\_

For Zoning Text Amendment, attach on a separate sheet the exact language being proposed, including existing relevant text, in which language to be deleted is depicted as crossed out (~~example~~), and language to be added is depicted with underline (example).

C.  Conditional or Contract Zone

A conditional or contract rezoning may be requested by an applicant in cases where limitations, conditions, or special assurances related to the physical development and operation of the property are needed to ensure that the rezoning and subsequent development are consistent with the comprehensive plan and compatible with the surrounding neighborhood. (Please refer to Division 1.5, Sections 14-60 to 62)

11. **Application Fee:** A fee for this application for a zoning amendment must be submitted, by check payable to the City of Portland in accordance with Section 14-54 of the Municipal Code (see below). The applicant also agrees to pay all costs of publication (or advertising) of the Public Hearing Notice as required for this application. Such amount will be billed to the applicant following the appearance of the advertisement.

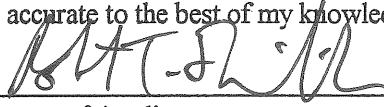
	<u>1-25 Units</u>	<u>26-50 Units</u>	<u>51-75 Units</u>	<u>75 &amp; Over</u>
Residential Zones	\$350.00	\$400.00	\$450.00	\$500.00
Nonresidential Zones	\$350.00	\$400.00	\$450.00	\$500.00
	0-15,000 sq. ft. or 0-5 acres (whichever is less)	15,000-30,000 sq. ft. or 6-10 acres (whichever is less)	30,000-45,000 sq. ft. or 10-15 acres (whichever is less)	45,000-60,000 sq. ft. or 15-20 acres (whichever is less)

- Legal Advertisements (one for workshop and one for public hearing) percent of total bill
- Notices (one for workshop and one for public hearing) 40 cents each
- Text Amendments \$300.00

\$ 350.00 Amount of Fee

12. **Signature:** The above information is true and accurate to the best of my knowledge.

6/11/99  
Date of Filing

  
Signature of Applicant

**Further Information:**

Please contact the Planning Office for further information regarding the rezoning process. Applicants are encouraged to make an appointment to discuss their rezoning requests before filing the application.

Applicants are encouraged to include a letter or narrative to accompany the rezoning application which can provide additional background or context information, and describe the proposed rezoning and reasons for the request in a manner that best suits the situation.

In the event of withdrawal of the zoning amendment application by the applicant in writing prior to the submission of the advertisement copy to the newspaper to announce the public hearing, a refund of two-thirds of the amount of the zone change fee will be made to the applicant by the City of Portland.

Portland Planning Board  
Portland, Maine

Effective: July 6, 1998

To: Portland Planning Board

This letter shall serve  
as my authorization for Ernest  
Paterno to act as my agent  
in matters related to the proposed  
zoning change for 15 Laurel Street.

Robert T. Trudick

6/9/99

\* Ernest Paterno  
11 Turner Street Apt #3  
Portland, ME 04101  
# 207 253 1503

Workshop Aug. 10

Cumberland Avenue

Catholic School

Soup kitchen + Thrift shop

Apartment building

Vietnamese Beef + Noodle Shop

Apartment building

Apartment building

Apartment building

Apartment building

\* 15 Locust St. \*

Apartment building

Parish hall

church

Rectory

Maine Adoption + placement service

East End Studios

Congress Street

Locust Street



15 locust st.

Wm. Penney

Can we create non conforming lots?

Should we push for contract zone

BRACKETST.REZ  
02.23.98

**AGREEMENT BETWEEN**  
**CITY OF PORTLAND**  
**AND**  
**ROBERT FRIEDRICH**

**AGREEMENT** made this    day of    , 1999 by and between the **CITY OF PORTLAND**, a body corporate and politic, located in Cumberland County and State of Maine (hereinafter the "**CITY**") and **ROBERT FRIEDRICH** of 28 Church Street, Gorham, Maine 04038 (hereinafter "**FRIEDRICH**").

**WITNESSETH:**

**WHEREAS, FRIEDRICH** did request a rezoning of property located at 15 Locust Street, in Portland, in order to permit the establishment and operation of an artist/craftperson's studio, as limited herein; and

**WHEREAS**, the Planning Board of the City of Portland, pursuant to 30-A M.R.S.A. '4352(8), and after notice and hearing and due deliberation thereon, recommended the rezoning of the property as aforesaid, subject, however, to certain conditions; and

**WHEREAS**, the **CITY** by and through its City Council has determined that said rezoning would be pursuant to and consistent with the **CITY'S** comprehensive land use plan and consistent with the existing and permitted uses within the original zone; and

**WHEREAS**, the **CITY** has determined that because of the unusual nature of the proposed development it is necessary or appropriate to impose by agreement the following conditions or restrictions in order to insure that the rezoning is consistent with the **CITY's** comprehensive land use plan; and

**WHEREAS**, the **CITY** authorized the execution of this Agreement on    , 1999;

**NOW, THEREFORE**, in consideration of the mutual promises made by each party to the other, the parties covenant and agree as follows:

1. The **CITY** shall amend the Zoning Map of the City of Portland, dated March 1958, as amended and on file in the Department of Planning and Urban Development, and incorporated by

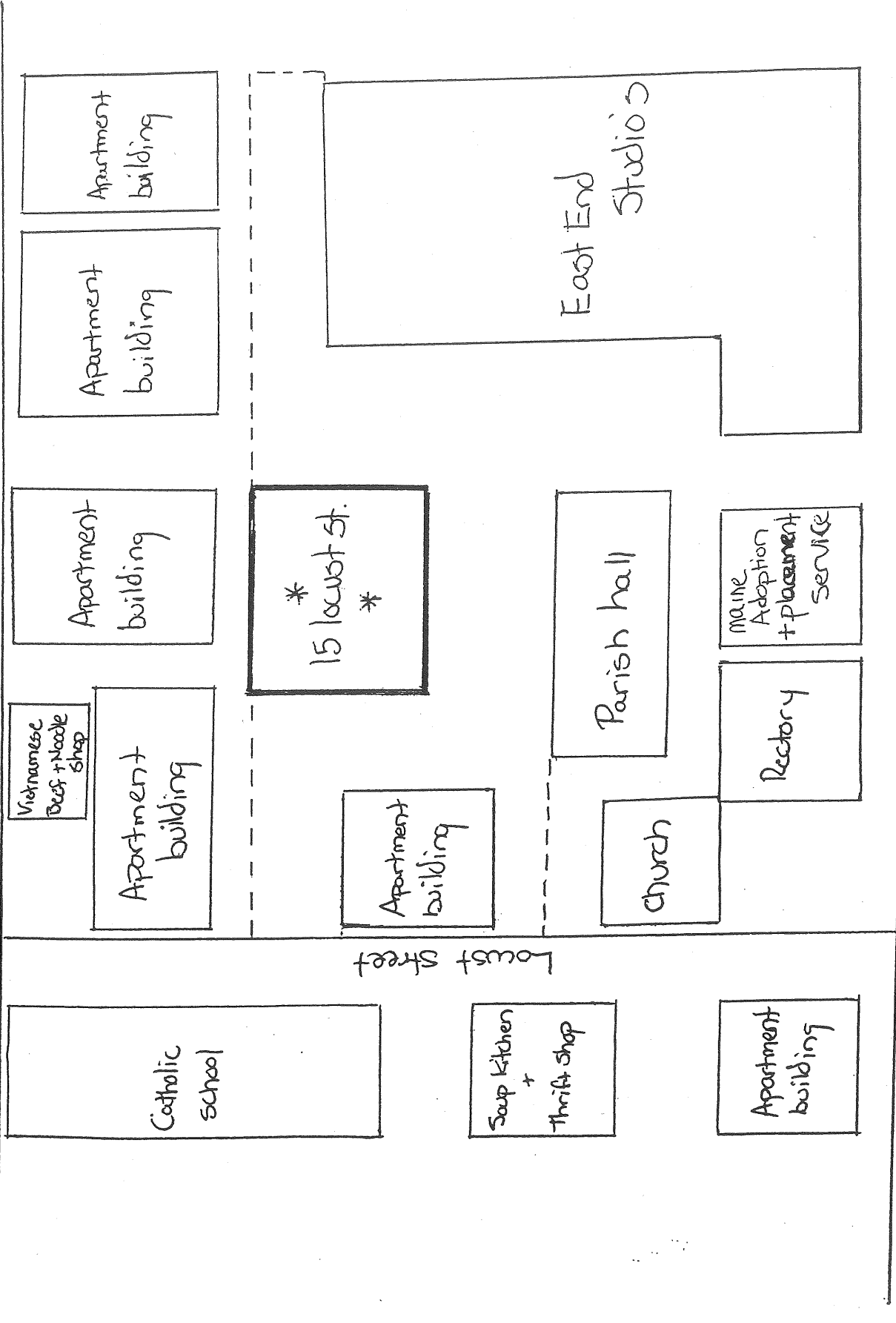
BRACKETST.REZ  
02.23.98

reference into the Zoning Ordinance by ' 14-49 of the Portland City Code, by adopting the map change amendment shown on Attachment 1.

2. The property shall be developed substantially in accordance with the site plan shown on Attachment 2.
3. **FRIEDRICH** shall be authorized to establish and maintain a studio for an artist or craftperson in addition to uses permitted in the R-6 Residential zone, provided that the area of such the studio space does not exceed four thousand (4,000) square feet.
  4. Parking shall be established and assigned as indicated on Attachment 2.
  5. Use of the structure shall be limited to \_\_\_\_\_.
6. All activities relating to the studio shall be located within a completely enclosed structure.
7. The provisions of this Agreement, including the permitted studio/craftperson use, are intended to be supplemental to the uses and requirements of the underlying R-6 zone.

The above stated restrictions, provisions and conditions are an essential part of the rezoning, shall run with the subject premises, shall bind **FRIEDRICH**, his successors and assigns, as permitted by this Agreement, of said property or any part thereof or interest therein, and any party in possession or occupancy of said property or any part thereof, and shall inure to the benefit of and be enforceable by the **CITY**, by and through its duly authorized representatives.

Cumberland Avenue



Congress Street

Apartment building

Apartment building

Apartment building

Vietnamese Beef + Noodle Shop

Apartment building

\* 15 Locust St. \*

Apartment building

East End Studios

Parish hall

MAINE Adoption + Placement Service

Rectory

church

Catholic school

Soup Kitchen + Thrift shop

Apartment building

- (6) *Materials or wastes:* No materials or wastes shall be deposited on any lot in such form or manner that they may be transferred beyond the lot boundaries by natural causes or forces. All materials which might cause fumes or dust, or constitute a fire hazard if stored out-of-doors, shall be only in closed containers. Areas attracting large numbers of birds, rodents or insects are prohibited.

(Ord. No. 292-88, 4-4-88)

Secs. 14-168—14-180. Reserved.

#### DIVISION 10. B-2 COMMUNITY BUSINESS ZONE\*

##### Sec. 14-181. Purpose.

The purpose of the B-2 community business zone is:

- (1) To provide appropriate locations in the city for the development and operation of a mixture of commercial uses and services that have a community-wide market such as shopping centers or cluster developments.
- (2) The variety, sites and intensity of the permitted commercial uses in the B-2 zone are intended to be greater than those permitted in the B-1 neighborhood business zone.

(Ord. No. 293-88, 4-4-88)

##### Sec. 14-182. Permitted uses.

The following uses are permitted in the B-2 zone:

- (1) *Residential:* Any residential use permitted in the residential zone abutting the lot. If there is no abutting residential zone, the nearest residential zone to the lot. In the case of two (2) or more abutting residential zones, the most restrictive such zone.
- (2) *Business:*
  - a. General, business and professional offices, as defined in section 14-47;
  - b. Personal services, as defined in section 14-47;
  - c. Offices of building tradesmen;
  - d. Retail establishments;
  - e. Restaurants;
  - f. Drinking establishments;
  - g. Billiard parlors;

\*Editor's note—Ord. No. 293-88, adopted Apr. 4, 1988, with an effective date of July 1, 1988, repealed §§ 14-181—14-187 of Div. 10, B-2 Business Zone, of this article and enacted in lieu thereof similar new provisions as set out in §§ 14-181—14-187. Formerly, such sections derived from §§ 602.9.A—602.9.G of the city's 1968 Code and from Ord. No. 74-72, adopted Mar. 6, 1972; Ord. No. 499-74, § 4, adopted Aug. 19, 1974; Ord. No. 334-76, § 6, adopted July 7, 1976; and Ord. No. 274-77, adopted May 16, 1977.

- h. Mortuaries or funeral homes;
- i. Miscellaneous repair services, excluding motor vehicle repair services;
- j. Communication studios or broadcast and receiving facilities;
- k. Health clubs and gymnasiums;
- l. Veterinary hospitals, but excluding outdoor kennels;
- m. Theaters and performance halls;
- n. Hotels or motels of less than one hundred fifty (150) rooms; and
- o. Major and minor businesses, as defined in section 14-47, provided that only a minor business shall be permitted on a lot abutting a residential zone.

(3) *Institutional:*

- a. Private club or fraternal organization;
- b. Long term, extended and intermediate care facility;
- c. Clinics, as defined in section 14-47;
- d. Churches or other places of worship;
- e. Kindergarten, elementary, middle and secondary schools;
- f. College, university, trade schools; and
- g. Municipal buildings and uses.

(4) *Other:*

- a. Lodging houses;
- b. Day care facilities or babysitting services;
- c. Utility substations, as defined in section 14-47, subject to the requirements of article V (site plan);
- d. Accessory uses, as provided in section 14-404.
- e. Bed and breakfast, subject to the standards of article V (site plan). A bed and breakfast may include a meeting facility if the facility meets the following standards:
  - 1. The meeting facility shall be limited to the following types of uses:
    - (a) Private parties.
    - (b) Business meetings.
    - (c) Weddings.
    - (d) Receptions.
    - (e) Seminars.
    - (f) Business and educational conferences.
  - 2. The building in which the bed and breakfast and the meeting facility will be located was in existence on March 3, 1997, and was greater than four thousand (4,000) square feet in floor area on that date.

f. Studios for artists and craftspeople, provided that the area of such studios does not exceed four thousand (4,000) square feet for each studio space.  
(Ord. No. 293-88, 4-4-88; Ord. No. 39-96, § 2, 10-7-96; Ord. No. 125-97, § 6, 3-3-97; Ord. No. 164-97, § 2, 12-1-97)

**Sec. 14-183. Conditional uses.**

The following uses are permitted as provided in section 14-474 (conditional uses), if they meet the following requirements:

(1) *Business:*

- a. Reserved;
- b. Car washes;
- c. Automobile dealerships; and
- d. Drive-in or drive-through restaurants.

In addition to approval by the planning board with respect to the requirements of article V (site plan), these uses shall comply with the following conditions and standards in addition to the provisions of section 14-474:

- i. *Signs:* Signs shall not adversely affect visibility at intersections or access drives. Such signs shall be constructed, installed and maintained so as to ensure the safety of the public. Such signs shall advertise only services or goods available on the premises.
- ii. *Circulation:* No ingress and egress driveways shall be located within thirty (30) feet from an intersection. No entrance or exit for vehicles shall be in such proximity to a playground, school, church, other places of public assembly, or any residential zone that the nearness poses a threat or potential danger to the safety of the public.
- iii. *Drive-up features:* Drive-up features, such as gasoline pumps, vacuum cleaners and menu/order boards, shall not extend nearer than twenty-five (25) feet to the street line. The site must have adequate stacking capacity for vehicles waiting to use these service features without impeding vehicular circulation or creating hazards to vehicular circulation on adjoining streets.
- iv. *Car washes:* Car washes shall be designed to avoid the tracking of residual waters into the street.

(2) *Other:*

- a. Printing and publishing establishments except as provided in subsection b. below;
- b. Printing and publishing establishments in continuous operation at their current location since April 4, 1988, or earlier and which exceeded ten thousand (10,000) square feet of aggregate gross floor area at that time;
- c. Wholesale distribution establishments; and

d. Research and development and related production establishments.

Uses listed in this paragraph (2) (other) a., c. and d. shall be limited to ten thousand (10,000) square feet of aggregate gross floor area, and uses listed in this paragraph (2) (other) a., b., c. and d. shall be subject to the following conditions and standards in addition to the provision of section 14-474:

- i. *Traffic circulation:* The site shall have an adequate traffic circulation pattern designed to avoid hazards to vehicular circulation on adjoining streets. All stacking of motor vehicles shall be on site, and loading facilities shall be located to the rear of the building and shall not be visible from the street.
- ii. *Building and site design:* The exterior design of the structures, including architectural style, facade materials, roof pitch, building form, established setbacks and height, shall be of a commercial rather than industrial character. The site shall contain screening and landscaping which shall meet the requirements of the Technical Standards and Design Guidelines adopted pursuant to section 14-498 and section 14-526 for screening between land uses.

(Ord. No. 293-88, 4-4-88; Ord. No. 16-92, 6-15-92; Ord. No. 39-96, § 3, 10-7-96)

**Sec. 14-184. Prohibited uses.**

Uses not enumerated in sections 14-182 and 14-183 as either permitted uses or conditional uses are prohibited.

(Ord. No. 293-88, 4-4-88)

**Sec. 14-185. Dimensional requirements.**

In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, residential uses permitted under section 14-182(1) shall meet the requirements of such abutting or nearest residential zone, and nonresidential uses in the B-2 zone shall meet the following minimum requirements:

- (1) *Minimum lot size:*
  - a. Long-term and extended care facilities: Ten thousand (10,000) square feet for the first nine (9) residents, plus seven hundred fifty (750) square feet for each additional resident; provided, however, no more than two (2) acres shall be required.
  - b. Intermediate care facility: Ten thousand (10,000) square feet.
  - c. All other nonresidential uses: Ten thousand (10,000) square feet.
  - d. Where multiple uses are on one (1) lot, the highest applicable minimum lot size must be met.
- (2) *Minimum street frontage:* Fifty (50) feet.



**AGREEMENT BETWEEN  
CITY OF PORTLAND  
AND  
ROBERT FRIEDRICH**

**AGREEMENT** made this    day of    , 1999 by and between the **CITY OF PORTLAND**, a body corporate and politic, located in Cumberland County and State of Maine (hereinafter the "**CITY**") and **ROBERT FRIEDRICH** of 28 Church Street, Gorham, Maine 04038 (hereinafter "**FRIEDRICH**").

**WITNESSETH:**

**WHEREAS, FRIEDRICH** did request a rezoning of property located at 15 Locust Street, in Portland, in order to permit the establishment and operation of an artist/craftperson's studio, as limited herein; and

**WHEREAS**, the Planning Board of the City of Portland, pursuant to 30-A M.R.S.A. ' 4352(8), and after notice and hearing and due deliberation thereon, recommended the rezoning of the property as aforesaid, subject, however, to certain conditions; and

**WHEREAS**, the **CITY** by and through its City Council has determined that said rezoning would be pursuant to and consistent with the **CITY'S** comprehensive land use plan and consistent with the existing and permitted uses within the original zone; and

**WHEREAS**, the **CITY** has determined that because of the unusual nature of the proposed development it is necessary or appropriate to impose by agreement the following conditions or restrictions in order to insure that the rezoning is consistent with the **CITY'S** comprehensive land use plan; and

**WHEREAS**, the **CITY** authorized the execution of this Agreement on    , 1999;

**NOW, THEREFORE**, in consideration of the mutual promises made by each party to the other, the

parties covenant and agree as follows:

1. The **CITY** shall amend the Zoning Map of the City of Portland, dated March 1958, as amended and on file in the Department of Planning and Urban Development, and incorporated by reference into the Zoning Ordinance by ' 14-49 of the Portland City Code, by adopting the map change amendment shown on Attachment 1.
2. The property shall be developed substantially in accordance with the site plan shown on Attachment 2.
3. **FRIEDRICH** shall be authorized to establish and maintain a studio for an artist or craftperson in addition to uses permitted in the R-6 Residential zone, provided that the area of such the studio space does not exceed four thousand (4,000) square feet.
4. Parking shall be established and assigned as indicated on Attachment 2.
5. Use of the structure shall be limited to \_\_\_\_\_.
6. All activities relating to the studio shall be located within a completely enclosed structure.
7. The provisions of this Agreement, including the permitted studio/craftperson use, are intended to be supplemental to the uses and requirements of the underlying R-6 zone.

The above stated restrictions, provisions and conditions are an essential part of the rezoning, shall run with the subject premises, shall bind **FRIEDRICH**, his successors and assigns, as permitted by this Agreement, of said property or any part thereof or interest therein, and any party in possession or occupancy of said property or any part thereof, and shall inure to the benefit of and be enforceable by the **CITY**, by and through its duly authorized representatives.

If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such determination shall not affect the validity of the remaining portions hereof.

Except as expressly modified herein, the use and occupancy of the subject premises shall be governed by and comply with the provisions of the Land Use Code of the City of Portland and any applicable amendments thereto or replacement thereof.

In the event that **FRIEDRICH** or any successor fail to continue to utilize the property in accordance with this Agreement, or in the event of a breach of any condition(s) set forth in this Agreement, the Planning Board shall have the authority, after hearing, to resolve the issue resulting in the breach or the failure to operate. The resolution may include a recommendation to the City Council that the site be rezoned to R-6 or any successor zone and that this Agreement be terminated, requiring a cessation of the studio use.

WITNESS:

\_\_\_\_\_

**CITY OF PORTLAND**

\_\_\_\_\_  
By: Robert B. Ganley  
Its City Manager

WITNESS:

\_\_\_\_\_

\_\_\_\_\_  
John Flood, D.V.M.

STATE OF MAINE  
CUMBERLAND, ss.

, 1999

Personally appeared the above-named Robert B. Ganley, in his capacity as City Manager, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of the City of Portland.

Before me,

\_\_\_\_\_  
Notary Public/Attorney at Law

STATE OF MAINE  
CUMBERLAND, ss.

, 1999

Personally appeared the above-named Robert Friedrich, and acknowledged the foregoing instrument to be his free act and deed.

Before me,

\_\_\_\_\_  
Notary Public/Attorney at Law



July 27, 1999

Planning Board  
City Hall  
389 Congress Street  
Portland, ME 04101

Dear Members of the Board,

It is my understanding that Ernest Paterno has requested a zoning change at 15 Locust Street. We at the Maine College of Art urge the Board to give this request all due consideration. We know that our students at the Maine College of Art are extremely eager to learn about glass blowing, and because we do not have facilities here at the College, Mr. Paterno's studio would provide MECA students access to important learning opportunities through our internship program. Mr. Paterno would also draw nationally recognized artists to his studio, and this too would be an important learning opportunity for MECA students, as well as an advantage to the community as a whole.

More and more, Portland is recognized as a center for the arts. Mr. Paterno's studio would add significantly to our worthiness of that recognition. I would be happy to answer any questions the Board might have regarding Mr. Paterno's request.

Sincerely,

A blue ink handwritten signature, appearing to read "George Smith", is written over a thin blue horizontal line.

George Smith  
Vice President for Academic Affairs  
Dean of the College

GS/jg



July 12, 1999

Members of the Planning Board  
City Hall, Congress Street  
Portland, Maine 04101

Greetings Planning Board Members:

I have known Ernest Paterno both personally and professionally for the past five years. He is a gifted artist and an outstanding craftsman. He is nationally known within the glassblowing world for his expertise in ancient techniques of Venetian cane making. Besides his work in glass, Ernest is also a multimedia sculptor who is adept in various fields such as small metal casting, electroforming, and neon art. His work is shown in galleries and private collections nationwide.

The presence of Mr. Paterno's proposed glassblowing studio would provide a rich opportunity for our arts community. The city of Portland has recently created a cultural plan intending to integrate the arts into neighborhood communities. His studio would help to achieve this goal. His work would help to educate others about this nearly lost art, as well as provide a service for artists, tourists, and others interested in glassblowing. I have already witnessed significant improvement in the atmosphere and appearance of the building and its surroundings since Ernest has begun cleanup efforts there. As an artist and proud resident of Portland, I wholeheartedly support his efforts.

Sincerely,

A handwritten signature in black ink that reads "Jill Dalton". The signature is written in a cursive, flowing style.

Jill Dalton  
Assistant to Graduate Studies




City of Portland  
Planning and Zoning Boards

Dear Board Members,

I am writing in support of a request made by Ernie Paterno to change the zoning, which governs a rented artist's studio on Locust Street. Mr. Paterno's intent is to cultivate a commercial glass-working shop in this location, as I am sure he has detailed for your consideration. In the time that I have known Mr. Paterno I have been impressed with his combination of business acumen and fine craftsmanship. He is knowledgeable, active and well connected in his field. He is developing an energetic and generous relationship with the Maine College of Art. His presence in the local arts community is multifaceted and rich with potential for providing a role model for students, offering workshops or classes through the Continuing Studies Department, collaborating with or serving local artists, and enriching the neighborhood of Munjoy Hill, to name a few examples. Mr. Paterno has generated a successful enterprise while relying on the studios of other glass artisans. Building a home base here offers him the opportunity to become a self-reliant business owner in the city of his choice. As a friend and colleague I would be delighted to see Ernie Paterno succeed in developing an active glass-working studio here in Portland. The location he has found provides the perfect home base. I am confident that, should the requested zoning change be approved, Ernie Paterno will build an active shop valued as an asset to the neighborhood as well as the city of Portland.

Sincerely,

  
Tracey Cockrell, Chairperson  
Sculpture Department

Dotted line = space for LP Tank

1" = 20'  
↗

15 Locust St Garage

11-17 Locust St.  
(Apartments)

Locust Street





Nº21  
A.A. 8



Cumberland Ave.

15 Locust St.  
Contract Zone  
Applicant: Ernie Paterno

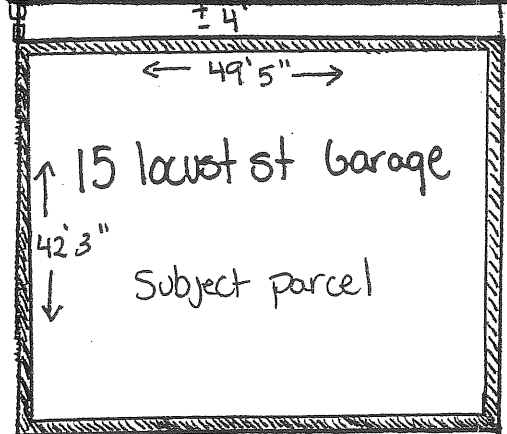
1" = 20'  
N

— = B2 Zoning line  
▤ = R6 Zoning line  
- - - = proposed zoning change

East End studio's  
(old Tommy's Hardware)

B2 Zoning line

Apartment building



15 Locust St Garage  
Subject parcel

Parish Hall

Maine Adoption and placement Service

Rectory

Parking for 9 cars

R6 Zoning line

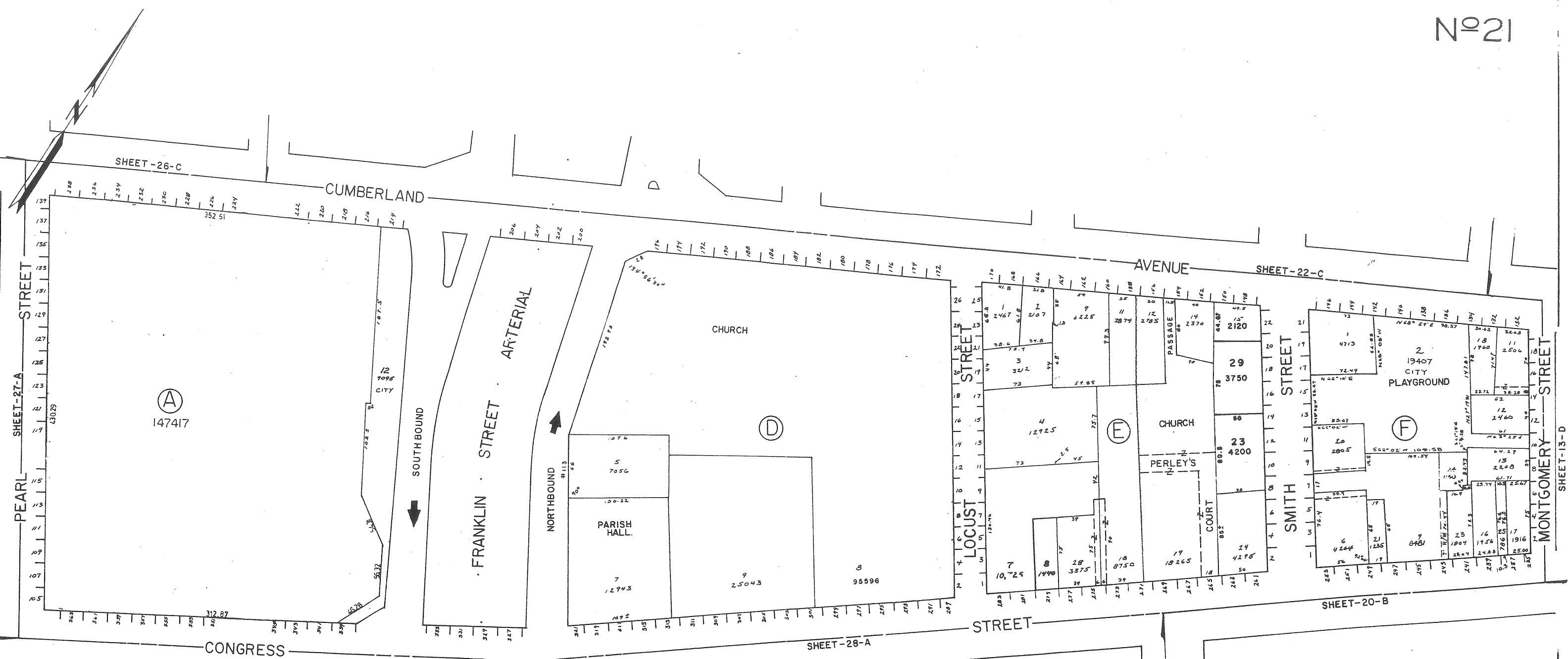
Apartment building

11-17 Locust St.  
(Apartments)  
7 units

church

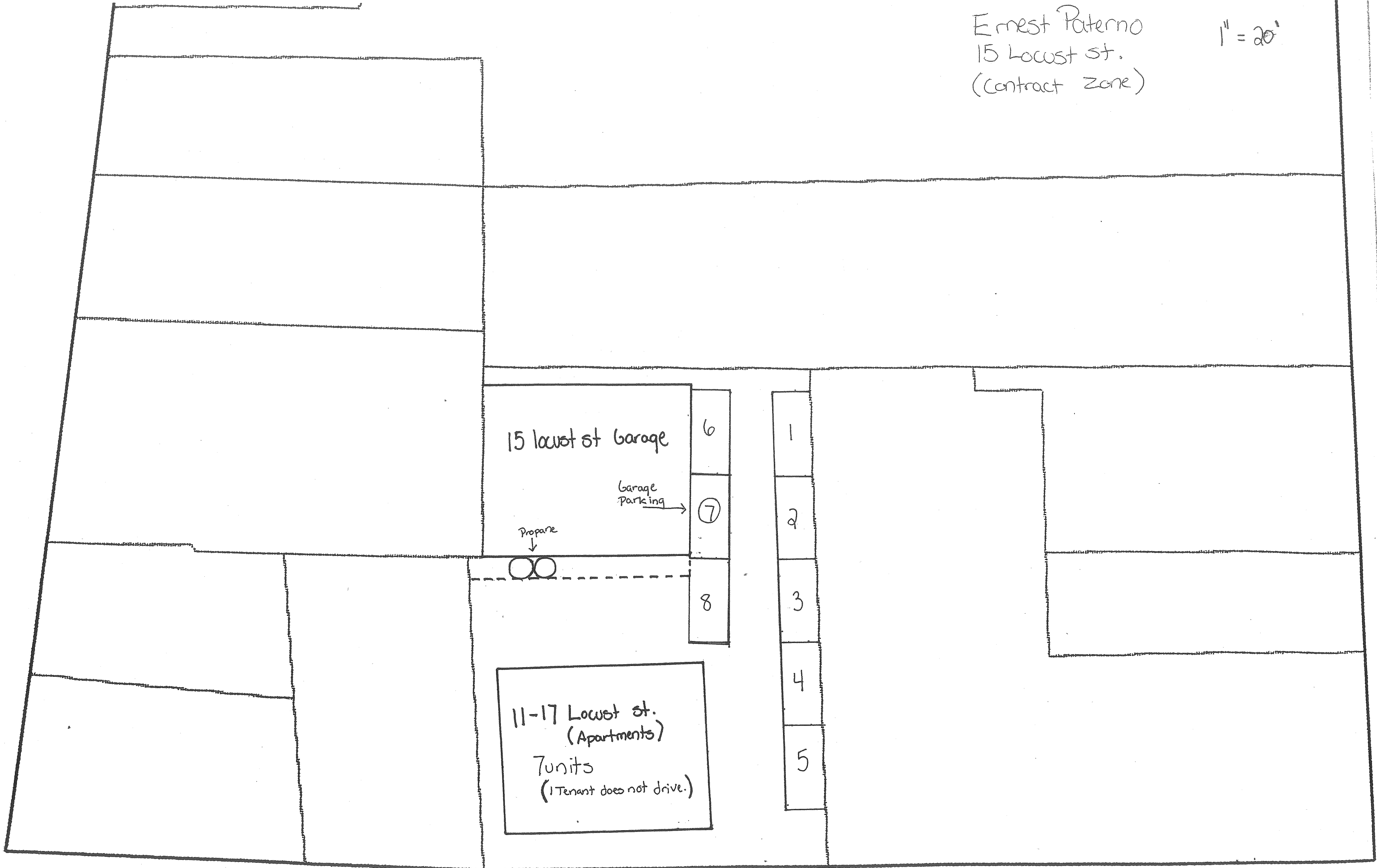
Locust St.

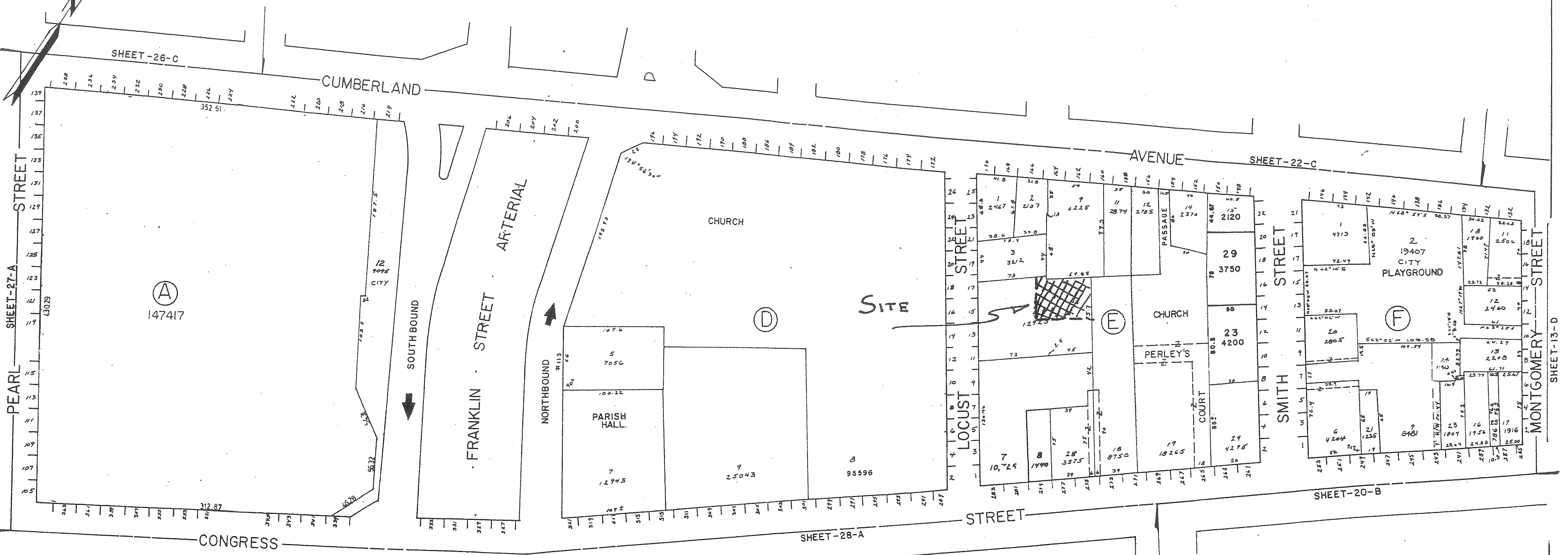
Att. 10



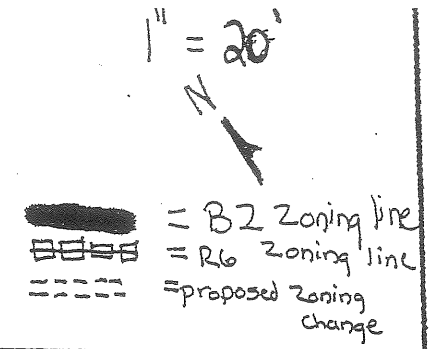
Ernest Paterno  
15 Locust st.  
(Contract zone)

1" = 20'





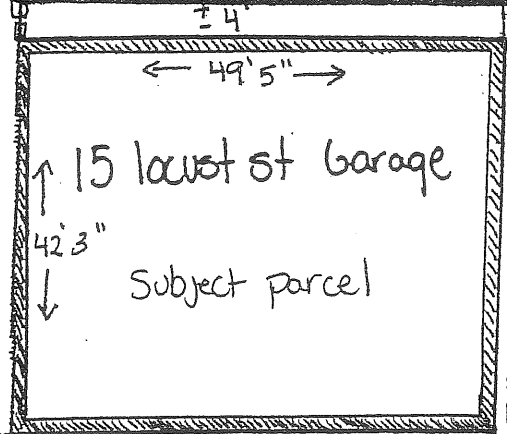
15 Locust St.  
Contract Zone  
Applicant: Emie Paterno



Cumberland Ave.

East End studios  
(old Tommy's Hardware)

Apartment building



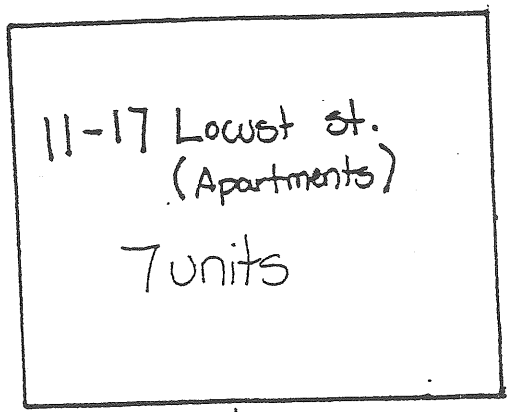
B2 Zoning line

Parish Hall

Maine Adoption and placement Service

Rectory

Apartment building



Parking for 9 cars

R6 Zoning line

church

Locust St.

Att. 10

Ernest Paterno  
15 Locust St.  
(Contract Zone)

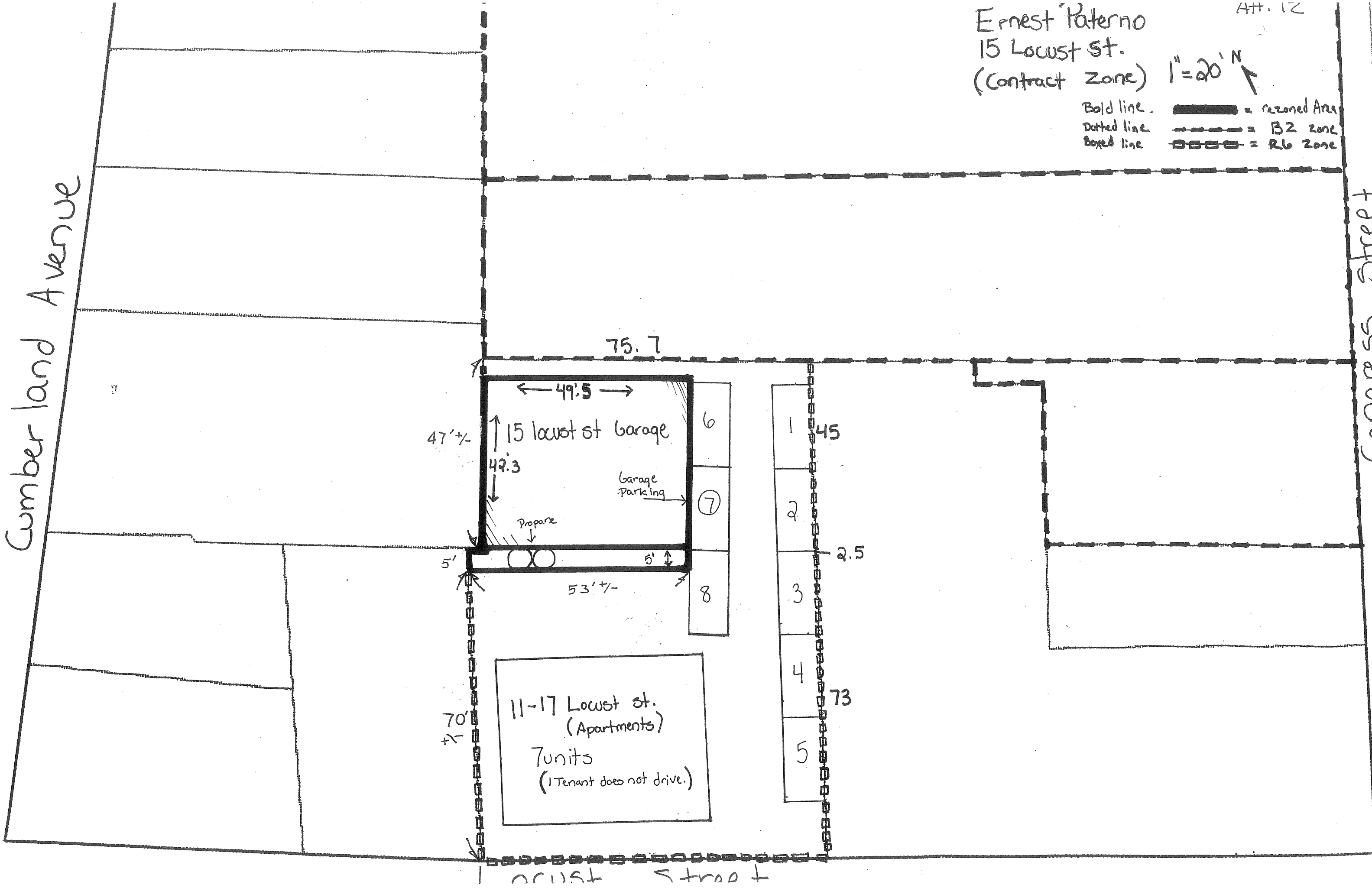
Att. 12

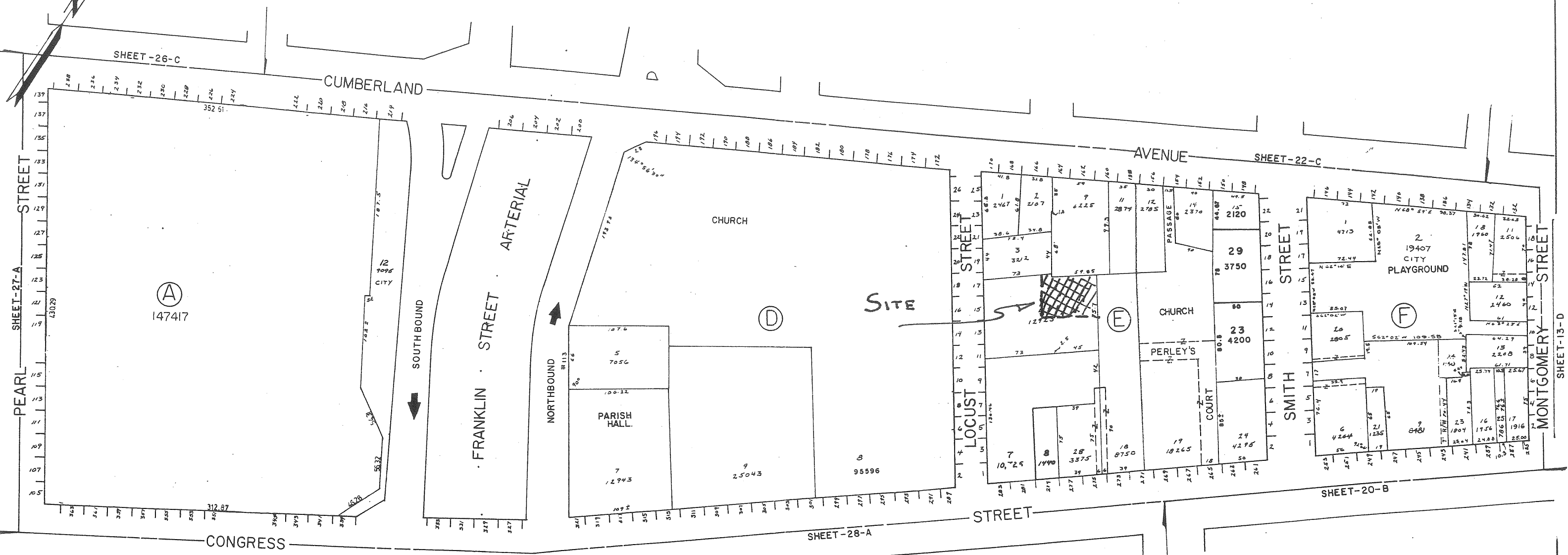
1" = 20' N

Bold line = rezoned Area  
Dotted line = B2 zone  
Boxed line = R6 zone

Cumberland Avenue

Canness Street







Cumberland Ave.

15 Locust St.  
Contract Zone  
Applicant: Ernie Paterno

1" = 20'

— = B2 Zoning line  
▨ = R6 Zoning line  
- - - = proposed Zoning change

East End studio's  
(old Tommy's Hardware)

B2 Zoning line

Apartment building

± 4'  
← 49' 5" →  
↑ 42' 3" ↓  
15 Locust St Garage  
Subject parcel

Parish Hall

Maine Adoption and placement Service

Congress St.

Rectory

Parking for 9 cars

R6 Zoning line

Apartment building

11-17 Locust St.  
(Apartments)  
7 units

church

Locust St.

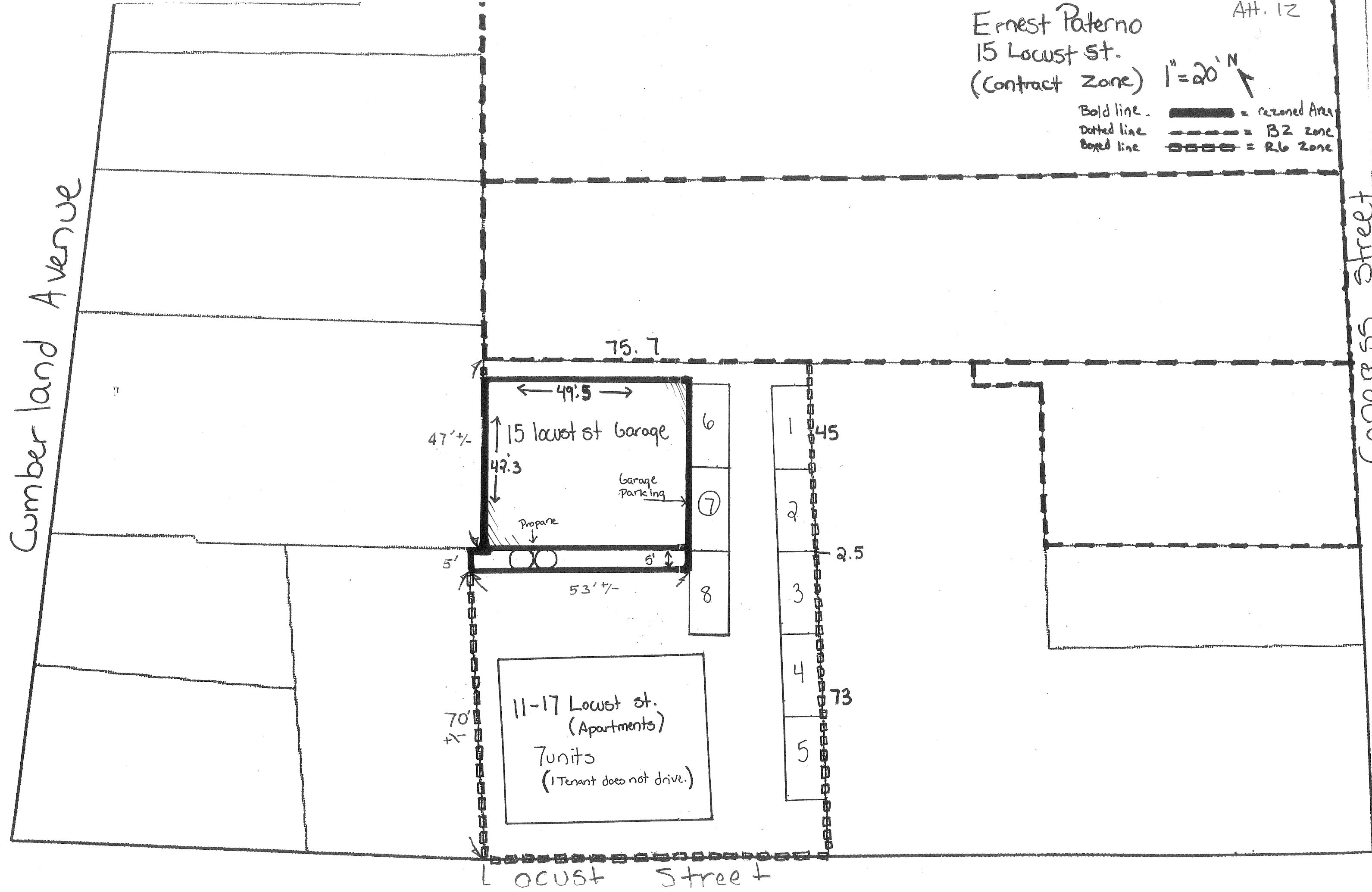
Att. 10

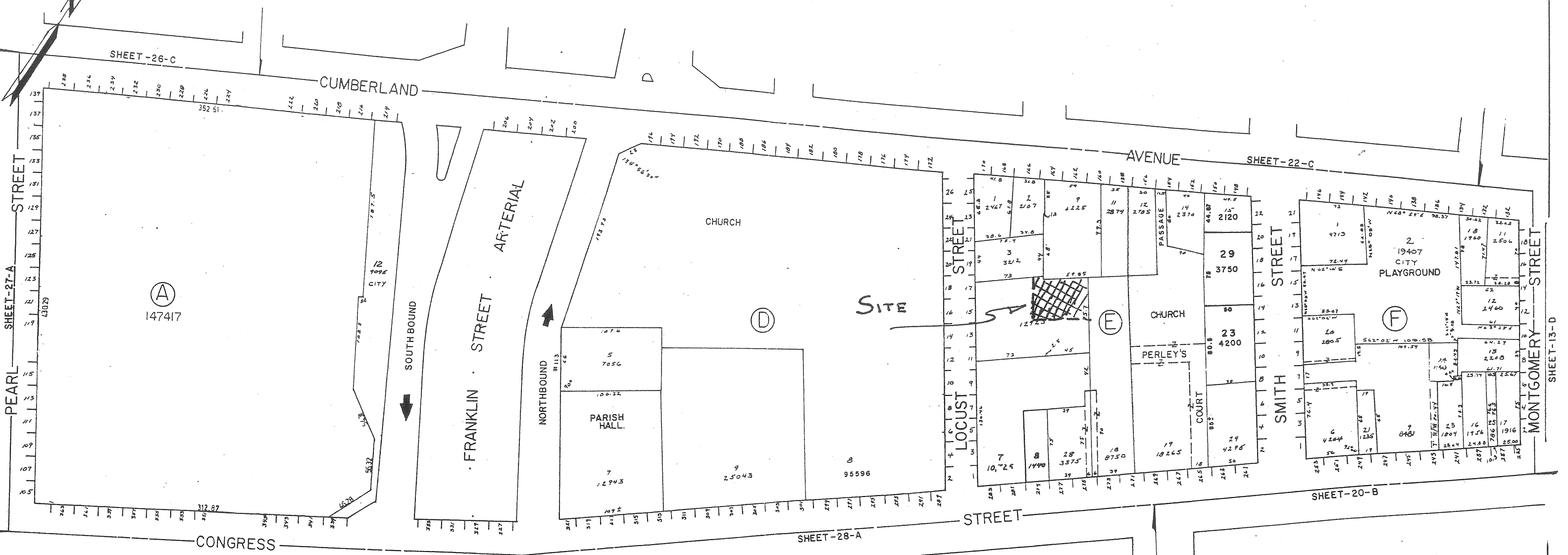
Ernest Paterno  
15 Locust St.  
(Contract Zone)

Att. 12

1" = 20' N

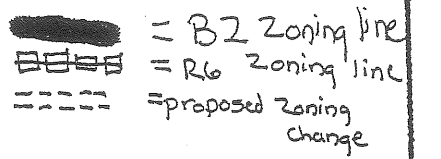
Bold line = rezoned Area  
Dotted line = B2 zone  
Boxed line = R6 zone





13 Locust St.  
Contract Zone  
Applicant: Emie Paterno

1" = 20'



Cumberland Ave.

Congress St.

East End studio's  
(old Tommy's Hardware)

Apartment building

15 Locust St Garage  
Subject parcel

Parish Hall

Maine Adoption and placement Service

Rectory

Apartment building

11-17 Locust St.  
(Apartments)  
7 units

church

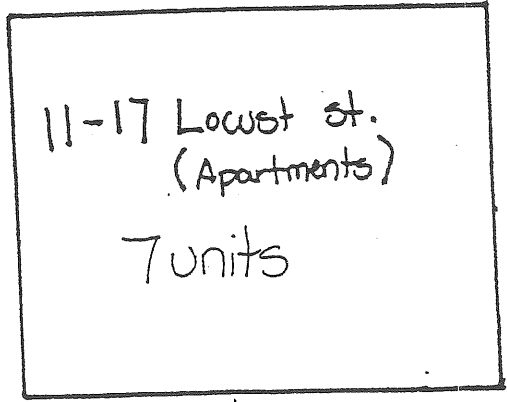
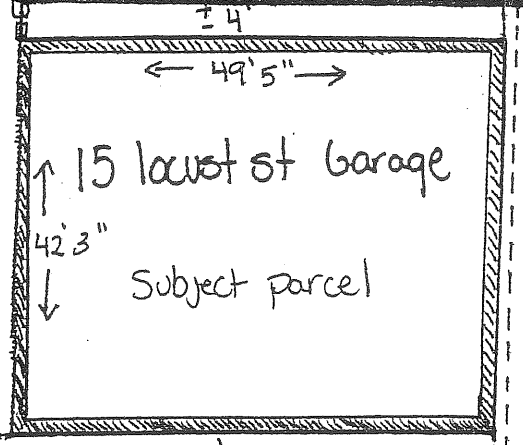
Parking for 9 cars

B2 Zoning line

R6 Zoning line

Locust St.

Att. 10



Ernest Paterno  
15 Locust St.  
(Contract Zone)

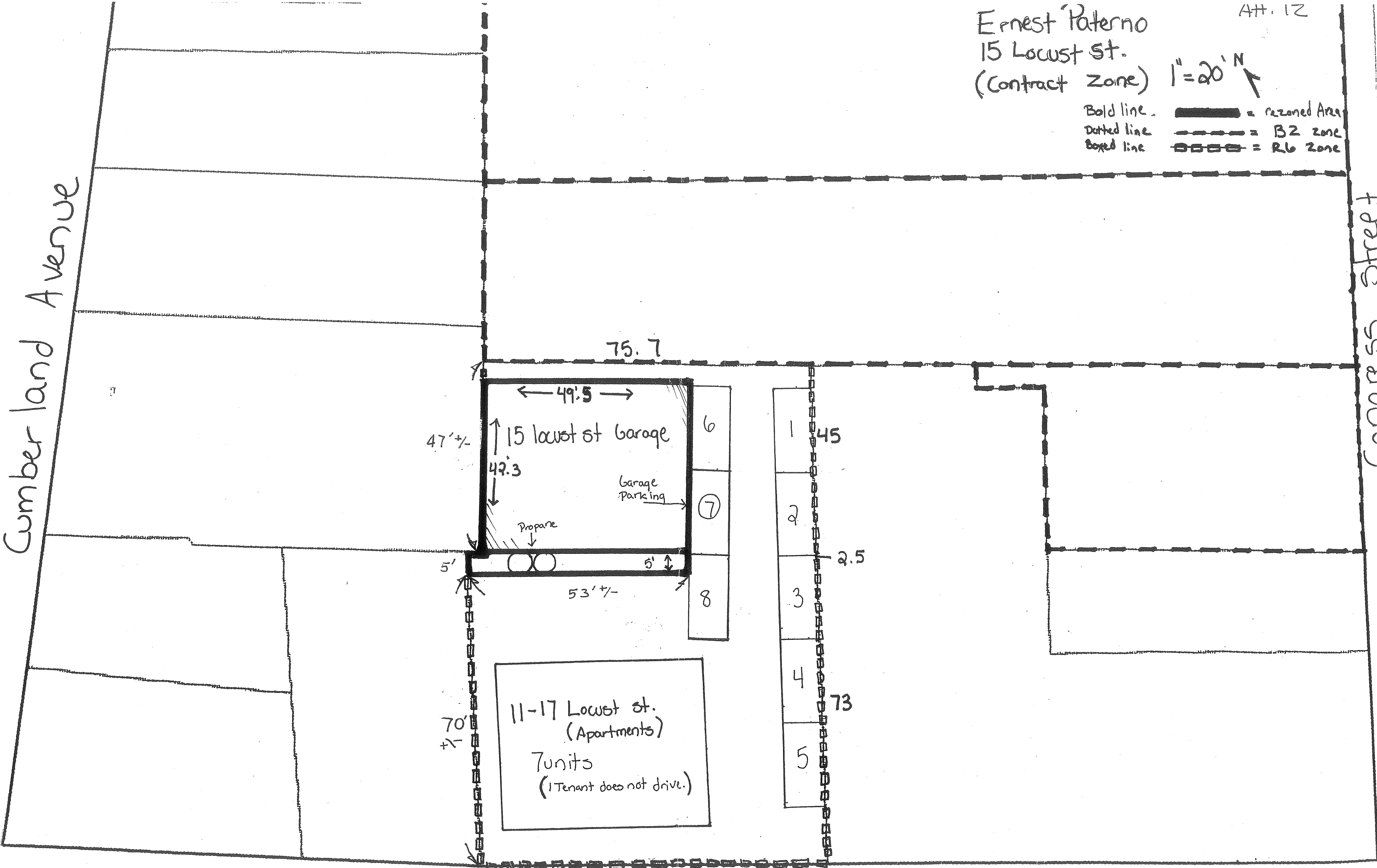
Att. 12

1" = 20' N

Bold line = rezoned Area  
Dotted line = B2 zone  
Boxed line = R6 zone

Cumberland Avenue

Canness Street



Locust Street