

**City of Portland, Maine – Building or Use Permit Application** 389 Congress Street, 04101, Tel: (207) 874-8703, FAX: 874-8716

Location of Construction: <b>116 Free Street</b>		Owner: <b>Paragrine Copp.</b>		Phone: <b>879-0847</b>		Permit No: <b>960324</b>	
Owner Address:		Leasee/Buyer's Name: <b>The Drop - On Center</b>		Phone:		BusinessName:	
Contractor Name:		Address:		Phone:			
Past Use: <b>Restaurant</b>		Proposed Use: <b>Community Center</b>		COST OF WORK: \$		PERMIT FEE: \$ <b>25.00</b>	
				FIRE DEPT. <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied		INSPECTION: Use Group <b>B3</b> Type <b>2B</b>	
Proposed Project Description: <b>Change Use</b>				Signature: <i>[Signature]</i>		Signature: <i>[Signature]</i>	
				PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.)		Zone: <b>B-3</b> CBL: <b>39-B-11</b>	
				Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved with Conditions <input type="checkbox"/> Denied		Zoning Approval: <b>Special Zone or Reviews:</b> <input type="checkbox"/> Shoreland <input type="checkbox"/> Wetland <input type="checkbox"/> Flood Zone <input type="checkbox"/> Subdivision <input type="checkbox"/> Site Plan <input checked="" type="checkbox"/> maj <input type="checkbox"/> minor <input type="checkbox"/> mm <input type="checkbox"/>	
Permit Taken By: <b>Victoria A. Dover</b>		Date Applied For: <b>April 1, 1996</b>					

**PERMIT ISSUED**  
**MAY - 1 1996**  
**CITY OF PORTLAND**

1. This permit application doesn't preclude the Applicant(s) from meeting applicable State and Federal rules.
2. Building permits do not include plumbing, septic or electrical work.
3. Building permits are void if work is not started within six (6) months of the date of issuance. False information may invalidate a building permit and stop all work..

APPEAL SUSTAINED **4/25/96**

**PERMIT ISSUED WITH LETTER**

**CERTIFICATION**

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

*[Signature]* **116 Free Street, Portland 04101** **879-0847**  
SIGNATURE OF APPLICANT **Mike Faust** ADDRESS: DATE: PHONE:

RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE PHONE:

White-Permit Desk Green-Assessor's Canary-D.P.W. Pink-Public File Ivory Card-Inspector

- Zoning Appeal**
- Variance
  - Miscellaneous
  - Conditional Use
  - Interpretation **4/25/96**
  - Approved
  - Denied

- Historic Preservation**
- Not in District or Landmark
  - Does Not Require Review
  - Requires Review

- Action:
- Approved
  - Approved with Conditions
  - Denied

Date: *[Signature]*

CEO DISTRICT *[Signature]*

*[Signature]*

Inspection Services  
P. Samuel Hoffses  
Chief



Planning and Urban Development  
Joseph E. Gray Jr.  
Director

**CITY OF PORTLAND**

May 1, 1996

Mike Faust  
Peregrine Corporation  
116 Free Street  
Portland, Maine 04101

RE: 116 Free Street

Dear Mike,

Your application to change the use of the 1st floor at 116 Free Street from a restaurant to a community center has been reviewed and a permit is herewith issued subject to the requirements listed below. This permit does not excuse the applicant from meeting applicable State and Federal laws.

**No Certificate of Occupancy will be issued until all requirements of this letter are met.**

Building and Fire Code Requirements

1. The sprinkler system shall be maintained to NFPA 13 Standards.
2. The Fire alarm system shall be maintained to NFPA 72 Standards.
3. Portable fire extinguisher shall be located as per NFPA 10. They shall bear the label of an approved agency and be of an approved type.

If you have any questions regarding these requirements, please do not hesitate to contact this office.

Sincerely,

P. Samuel Hoffses  
Chief, Code Enforcement Division

cc: Lt. McDougall, PFD

Inspection Services  
P. Samuel Hoffses  
Chief



Planning and Urban Development  
Joseph E. Gray Jr.  
Director

## CITY OF PORTLAND

Mike Faust  
Peregrine Corporation  
116 Free Street  
Portland, Maine 04101

April 5, 1996

RE: 116 Free Street

Dear Mr. Faust,

I am in receipt of your application requesting a change of use from a restaurant to a community center for members. This location falls within the Pedestrian Activities District (PAD) overlay zone. I have determined that the use you are proposing does not meet the ordinance criteria as outlined in Section 14-217. That section requires that the ground floor use should "not differ substantially from a required ground floor retail use in its effect on the continuity of pedestrian-oriented use and that the proposal establishes a ground floor use that generates pedestrian interest and activity".

However, you have the right to appeal my decision within thirty days. I have enclosed information outlining several appeal options open to you, along with instructions on how to submit an appeal application. If you wish to appeal my interpretation of the ordinances, you may submit an Interpretation Appeal (enclosed) to the Zoning Board of Appeals. However, you may wish to apply for a Conditional Use appeal (also enclosed) to the Planning Board as outlined in Sec. 14-218. Alex Jaegerman can supply further information as to Planning Board scheduling. Either appeal would be applied for in the Code Enforcement Office, room 315, City Hall between the hours of 7:00 am to 4:00 pm.

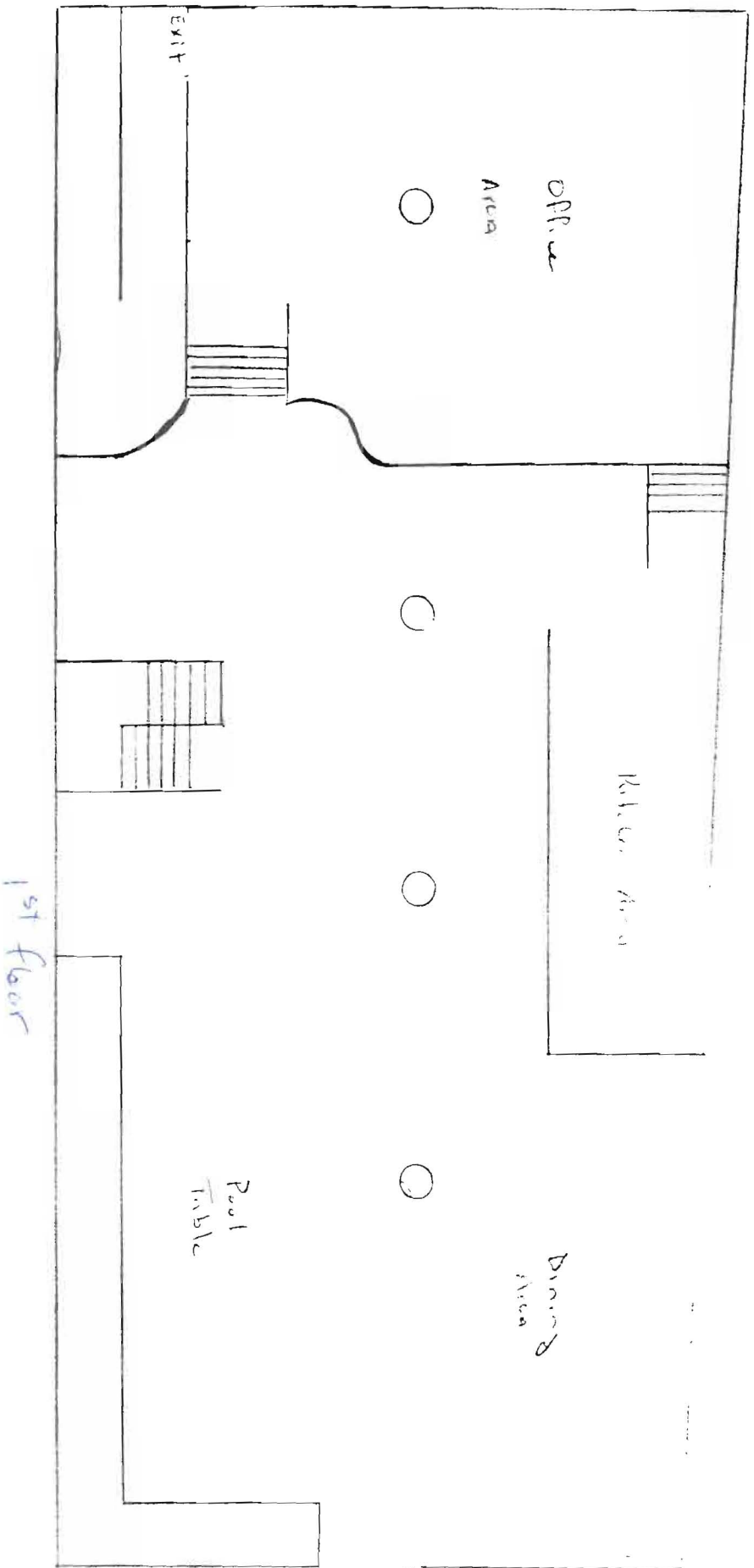
If you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

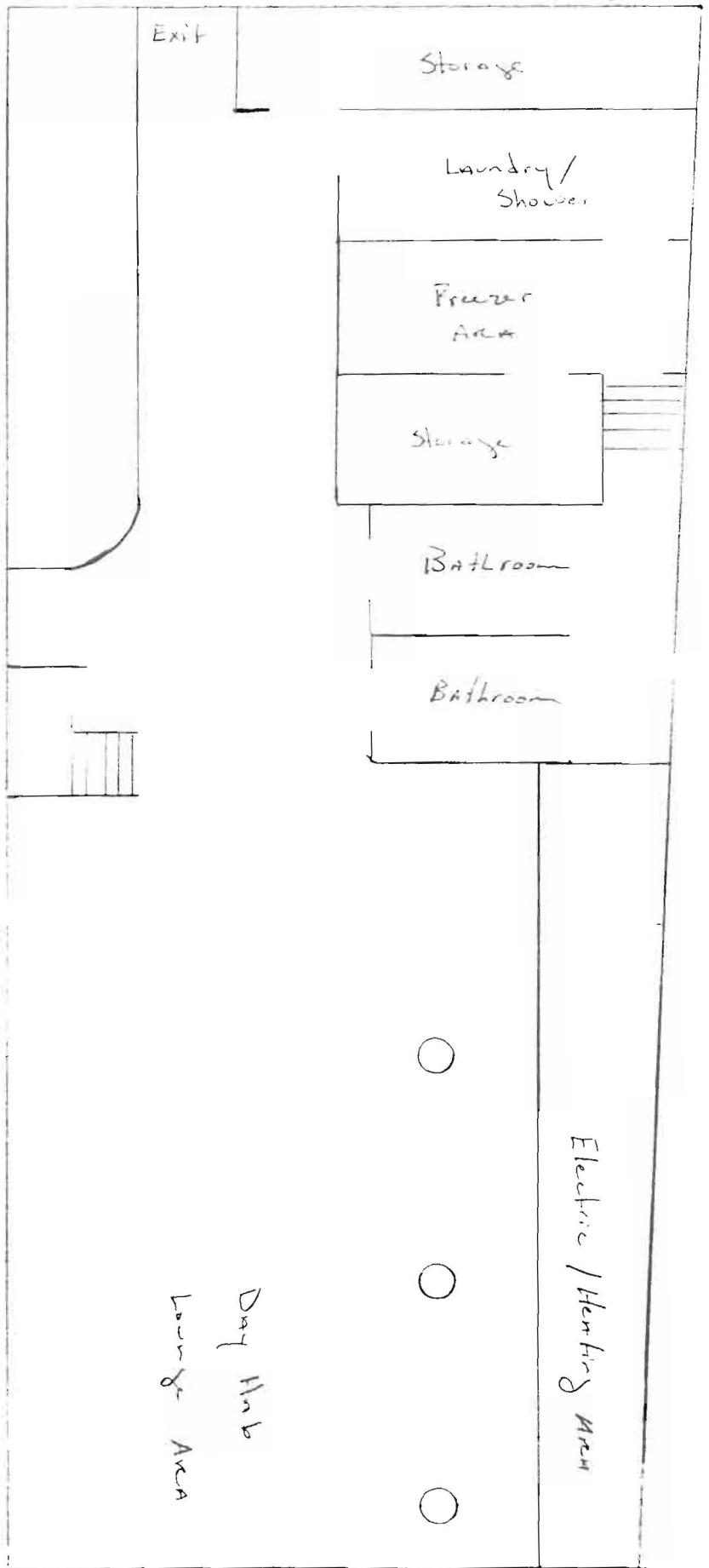
Marge Schmuckal  
Zoning Administrator

cc: Joseph E. Gray, Jr, Dir. of Planning & Urban Development  
P. Samuel Hoffses, Chief of Code Enforcement  
Alex Jaegerman, Chief Planner  
Charles Lane, Corporation Counsel  
Natalie Burns, Corporation Counsel  
Tammy Munson, Code Enforcement Officer

116 Kree St  
Portland  
Change Use



116 Free St.  
Portland  
Change Use

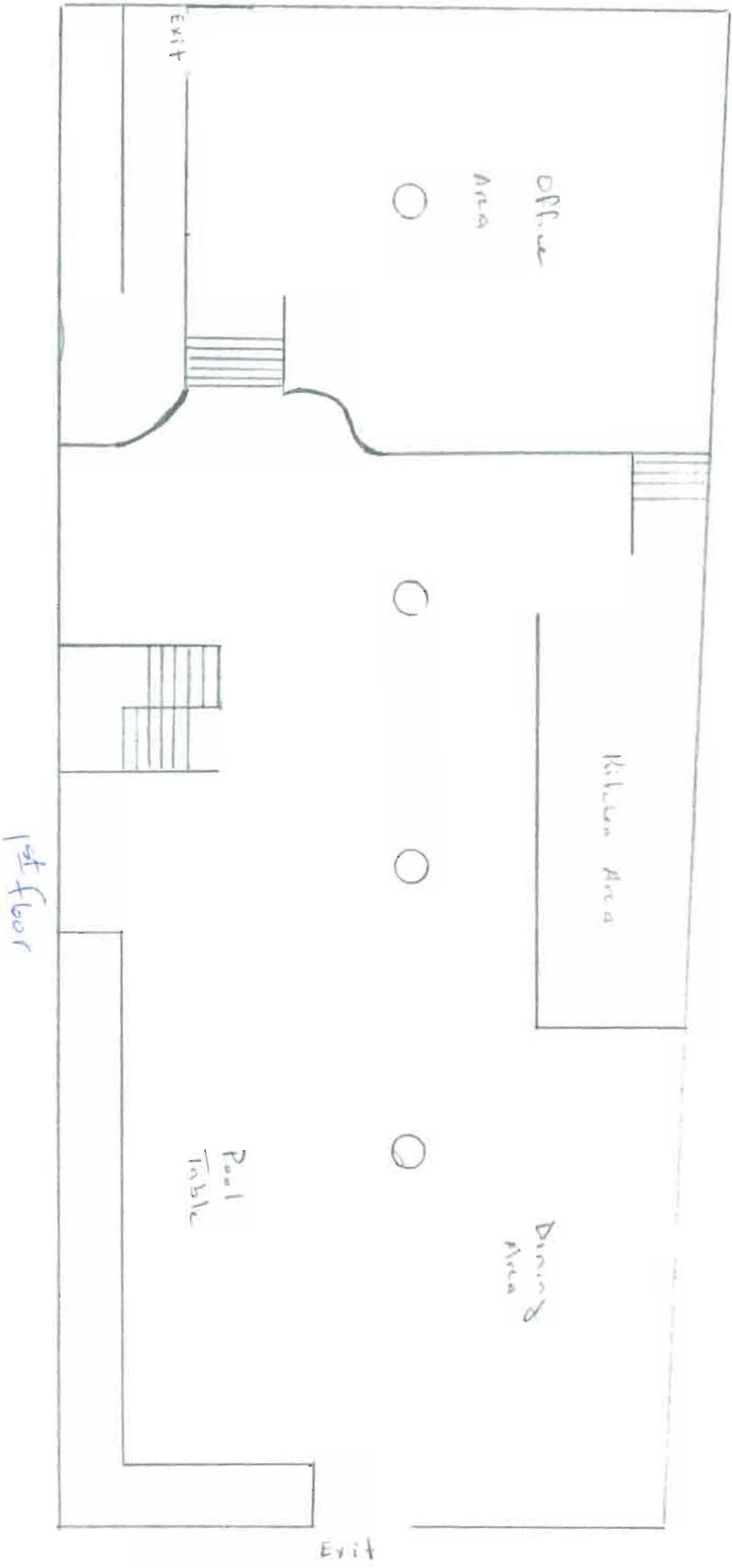


2nd floor

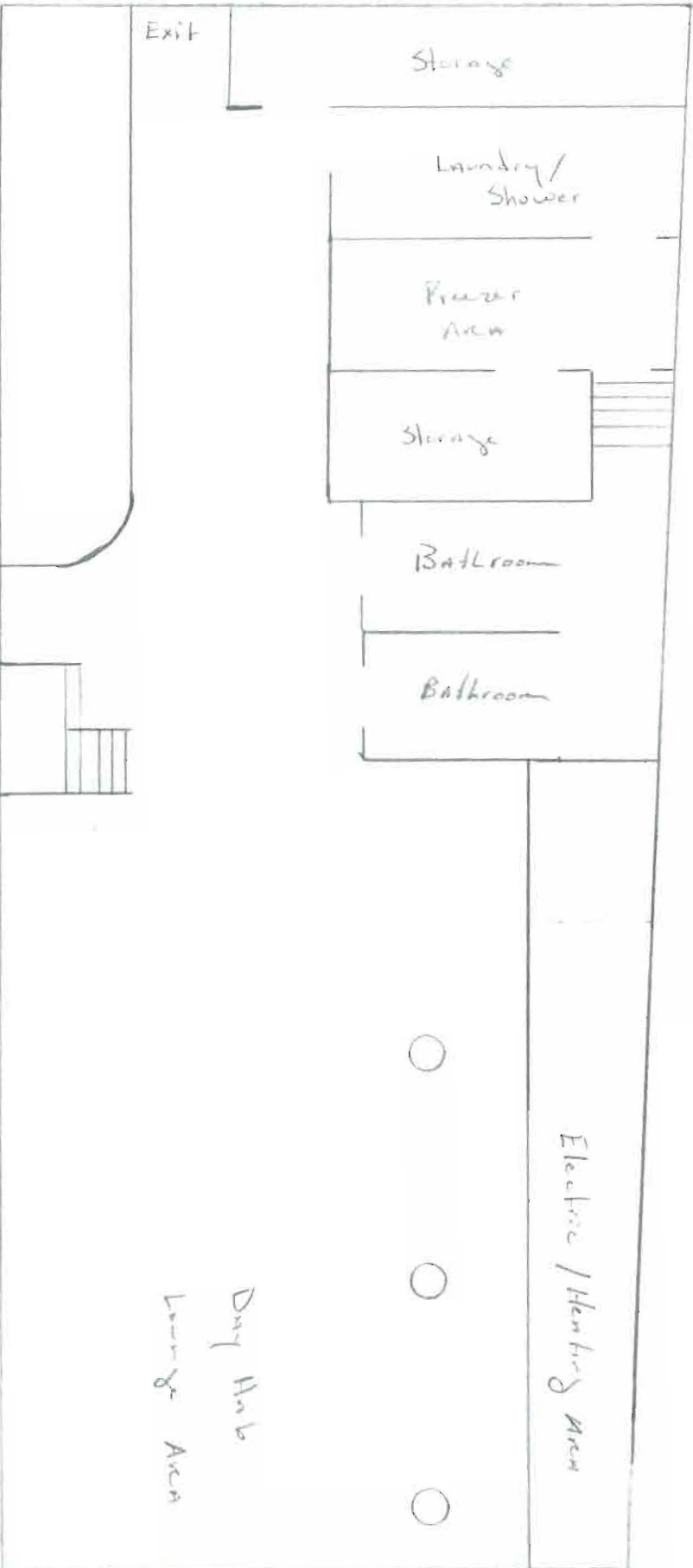


116 Free St  
Portland  
Change Use

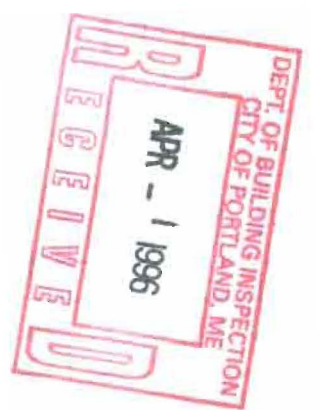
DEPT. OF BUILDING INSPECTION  
CITY OF PORTLAND, ME  
APR - 1 1996  
RECEIVED



116 Free St.  
Portland  
Change Use



2nd floor





CITY OF PORTLAND  
Planning and Urban Development Department

MEMORANDUM

TO: Joseph Gray, Jr., Director of Planning & Urban Development  
FROM: Marge Schmuckal, Zoning Administrator  
SUBJECT: 116 Free Street, Project for Supported Living  
DATE: April 8, 1996

This is a recent chronological history of the above address. Sometime during the week of March 11 - 15th Sam Hoffses, the Chief of Code Enforcement Division happened to be going by 116 Free Street. He noticed some new pool tables inside and let the Code Enforcement Officer, Tammy Munson, know that she should drop by and find out what was happening there. She dropped by that same week and found out that there was a new use in the building. She notified them that permits/licenses were needed both from our Department and the City Clerk's office (since food service was involved).

It was not until the next week that there was any response to our notification to come in to City Hall and apply for the necessary permit(s) and/or license(s). On March 20, 1996 there was an application to the City Clerk's office for food service. It was also sometime during that week that I spoke to Mike Faust by phone and notified him that he did have to come in and apply for a change of use permit explaining exactly what was being done, along with floor plans.

During the next week, we realized that they still had not applied for their building permits as they were instructed, and that they were now in full operation. I again called Mike Faust on Friday March 29, 1996 to let him know that he needed to be in our office by close of day on Monday to apply for the required permits or we would be forced to close down the entire operation. They finally applied late on Monday April 1, 1996 for a building permit.

On review of their building permit, it was determined that they would not be able to meet the requirements of the Pedestrian Activities District (PAD) overlay zone (see attachment). By Ordinance they have thirty days to appeal my decision or they will have to discontinue the use entirely. They have all the necessary paperwork in order to apply for an appeal. It was also discussed within our department, that even if they appealed my decision, they were presently serving food from an unlicensed kitchen. Because of the illegal use, I was unable to sign off on their food service license. Our office never approved the license and therefore the license was never issued. Our office immediately closed down the kitchen until the use could be approved by our department.

It has been our department's practice not to completely shut down any business (unless structurally unsafe or for fire safety reasons) during the appeal procedures. Other than the kitchen operations, the rest of the use is still open. As of yet, we have not received any official application for an appeal.

cc: P. Samuel Hoffses, Chief of Code Enforcement  
Tammy Munson, Code Enforcement Officer  
Jeanie Allen, Asst. City Clerk



(1) *Ground floor uses:*

- a. At least seventy-five (75) percent of the street level frontage of a building on a street located within the PAD overlay zone, including street level area within forty (40) feet of such frontage, shall be limited to the following uses:
  - i. Retail establishments as permitted in 14-217(a)(2)e;
  - ii. Personal services;
  - iii. Hotels;
  - iv. Copying centers;
  - v. *Restaurants*;
  - vi. Drinking establishments;
  - vii. Theaters, provided that only ticket and refreshment sales, lobbies, lounges and entrances shall be located within this area;
  - viii. Travel agencies;
  - ix. Real estate sales;
  - x. Visitor information services;
  - xi. Museums;
  - xii. Libraries;
  - xiii. Banks, financial and other business services, provided that only tellers and customer services shall be located in this area;
  - xiv. Municipal or county uses;
  - xv. Galleries and studios for artists and craftspeople including, but not limited to, carpenters, cabinetmakers and silkscreeners;
  - xvi. Other uses where the applicant can demonstrate to the zoning administrator that the proposed use will not differ substantially from a required ground floor retail use in its effect on the continuity of pedestrian-oriented use and that the proposal establishes a ground floor use that generates pedestrian interest and activity.

For those buildings which have frontage on more than one (1) street located within the PAD overlay zone, the street level area of each such frontage shall meet the above requirements.

- b. For those buildings which have forty (40) feet or less of frontage on a street within the PAD overlay zone, the above restrictions shall be reduced to fifty (50) percent of the frontage where required to accommodate a service entrance. For buildings which have frontage on more than one (1) street located within a PAD overlay zone, only one (1) such frontage shall be permitted to reduce the required retail area to fifty (50) percent of the frontage.
- c. In no event shall any required retail frontage area be used for any of the following:
  - i. Storage;
  - ii. Service entrances, including loading docks, dumpsters and compactors, except as provided in subsection b; or

Inspection Services  
P. Samuel Hoffses  
Chief



Planning and Urban Development  
Joseph E. Gray Jr.  
Director

## CITY OF PORTLAND

Mike Faust  
Peregrine Corporation  
116 Free Street  
Portland, Maine 04101

April 5, 1996

RE: 116 Free Street

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If you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

Marge Schmuckal  
Zoning Administrator

cc: Joseph E. Gray, Jr, Dir. of Planning & Urban Development  
P. Samuel Hoffses, Chief of Code Enforcement  
Alex Jaegerman, Chief Planner  
Charles Lane, Corporation Counsel  
Natalie Burns, Corporation Counsel  
Tammy Munson, Code Enforcement Officer



# CITY OF PORTLAND

## INTERPRETATION APPEAL

### DECISION

Applicant's name and address: Perognon Corporation

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

Owner's name and address if different Eng. Associates, 4402 Street

Address of property: 12 Eng. Street

#### For the Record

Names of witnesses (proponents, opponents and others):

<u>Raymond E. King</u>	<u>Raymond E. King</u>
<u>Robert E. King</u>	
<u>Robert E. King</u>	

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

None

#### Findings of Fact

1. The Board finds as fact that: \_\_\_\_\_

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

2. The finding(s) of fact above-stated is(are) based on the following reasons: \_\_\_\_\_

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

Motion: Grant the interpretative appeal to allow in the name of the Penguin Corporation located at 116 Green Street to allow a community center for members only in the P. 12 location only area of a B-3 zone.

Determinations

The Board determines that: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dated: April 25, 1996

Elizabeth L. Boudet  
Secretary of the Board