

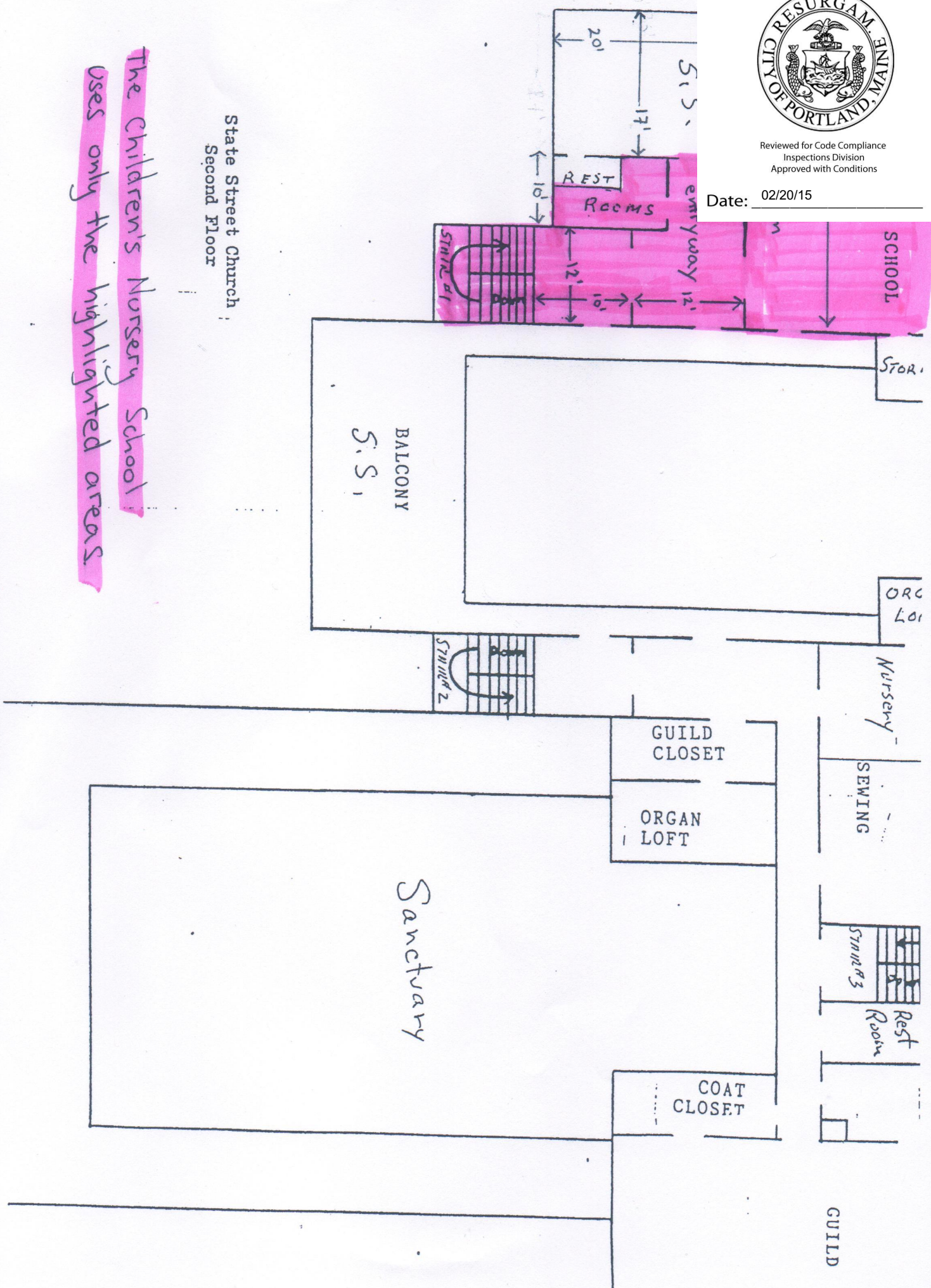


Reviewed for Code Compliance
Inspections Division
Approved with Conditions

Date: 02/20/15

State Street Church
Second Floor

The children's Nursery School
uses only the highlighted areas



FLOOR PLAN - 159 State Street

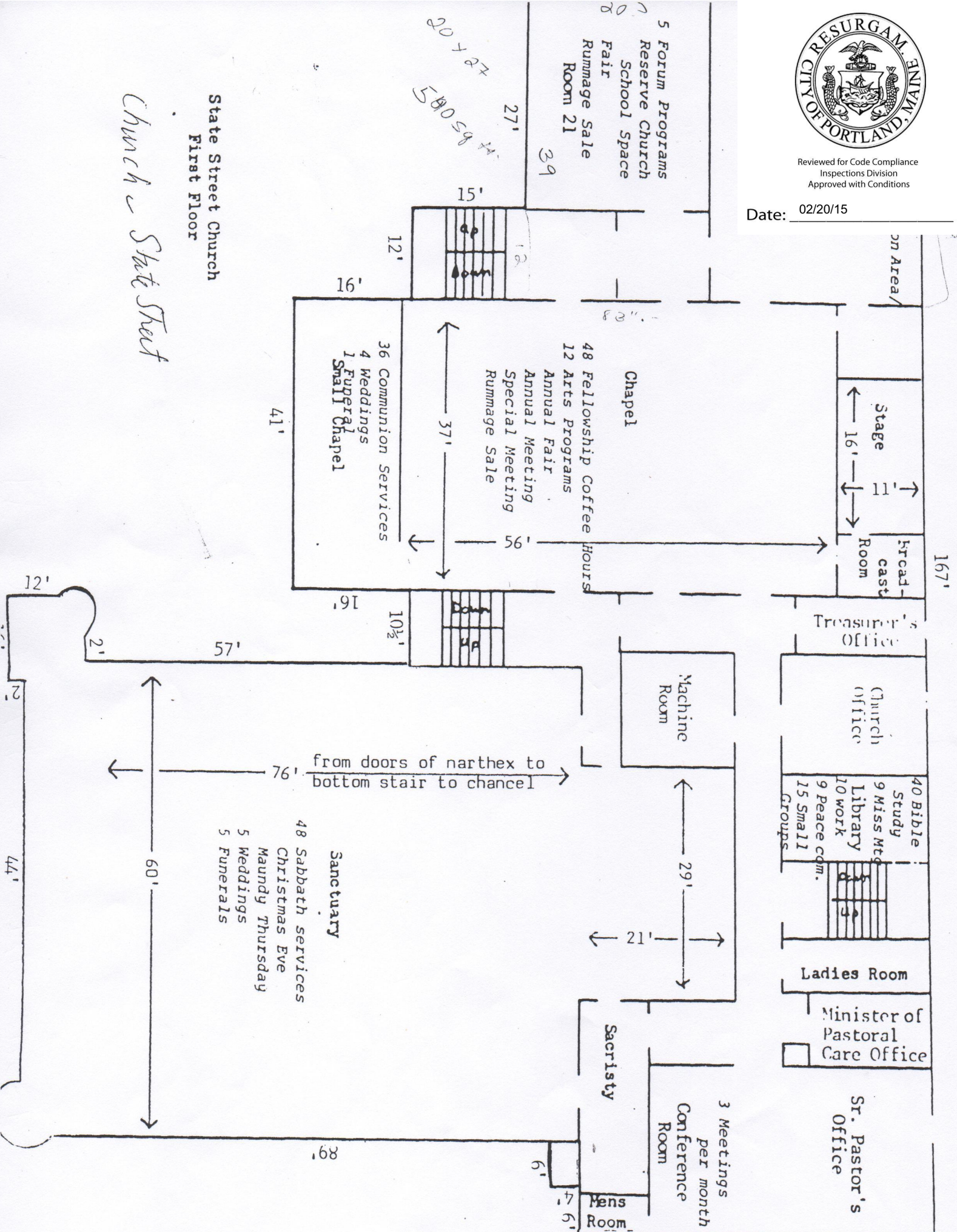


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State Street Church
First Floor

Church - State Street



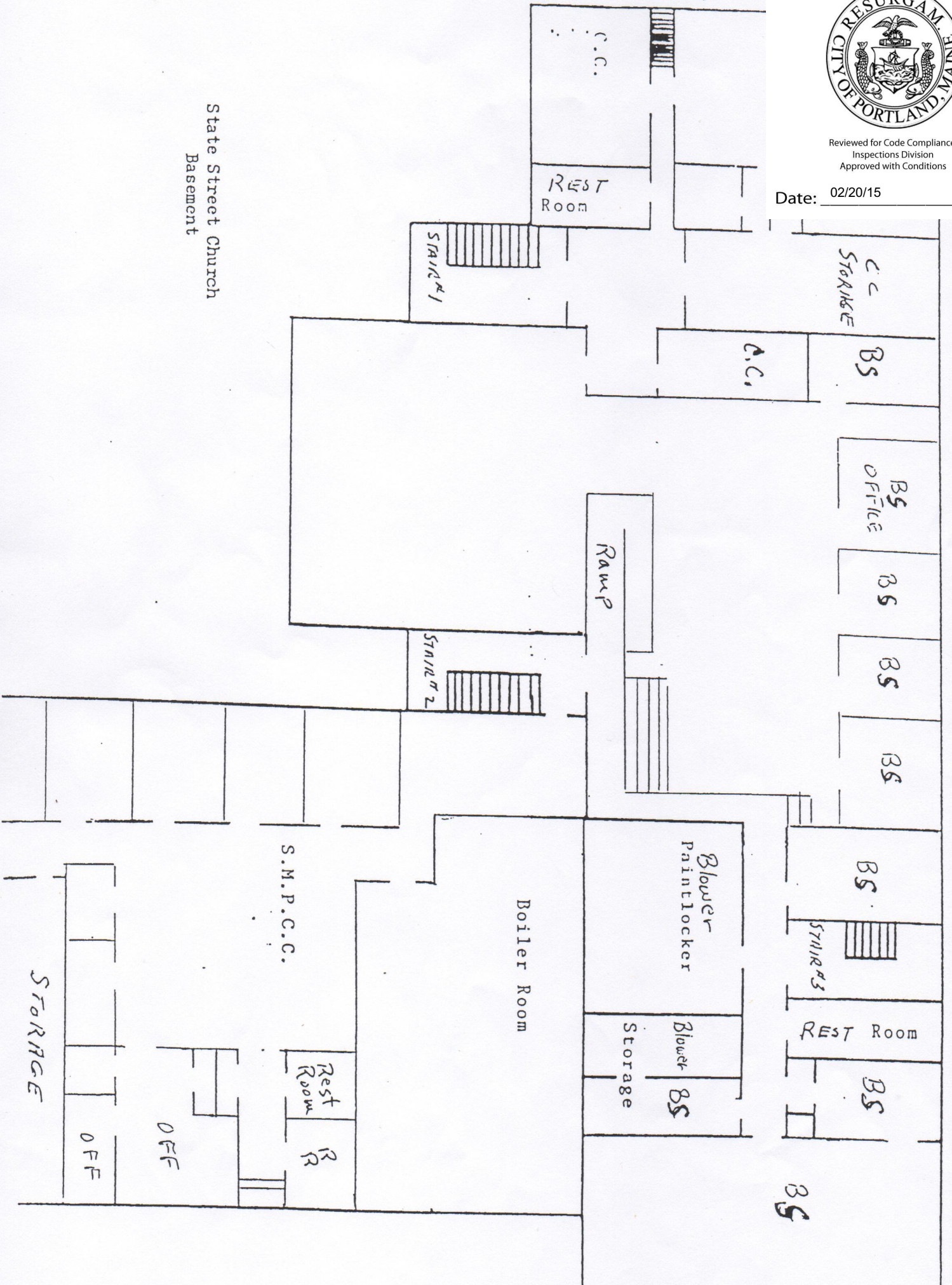


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ALLEY

State Street Church
Basement



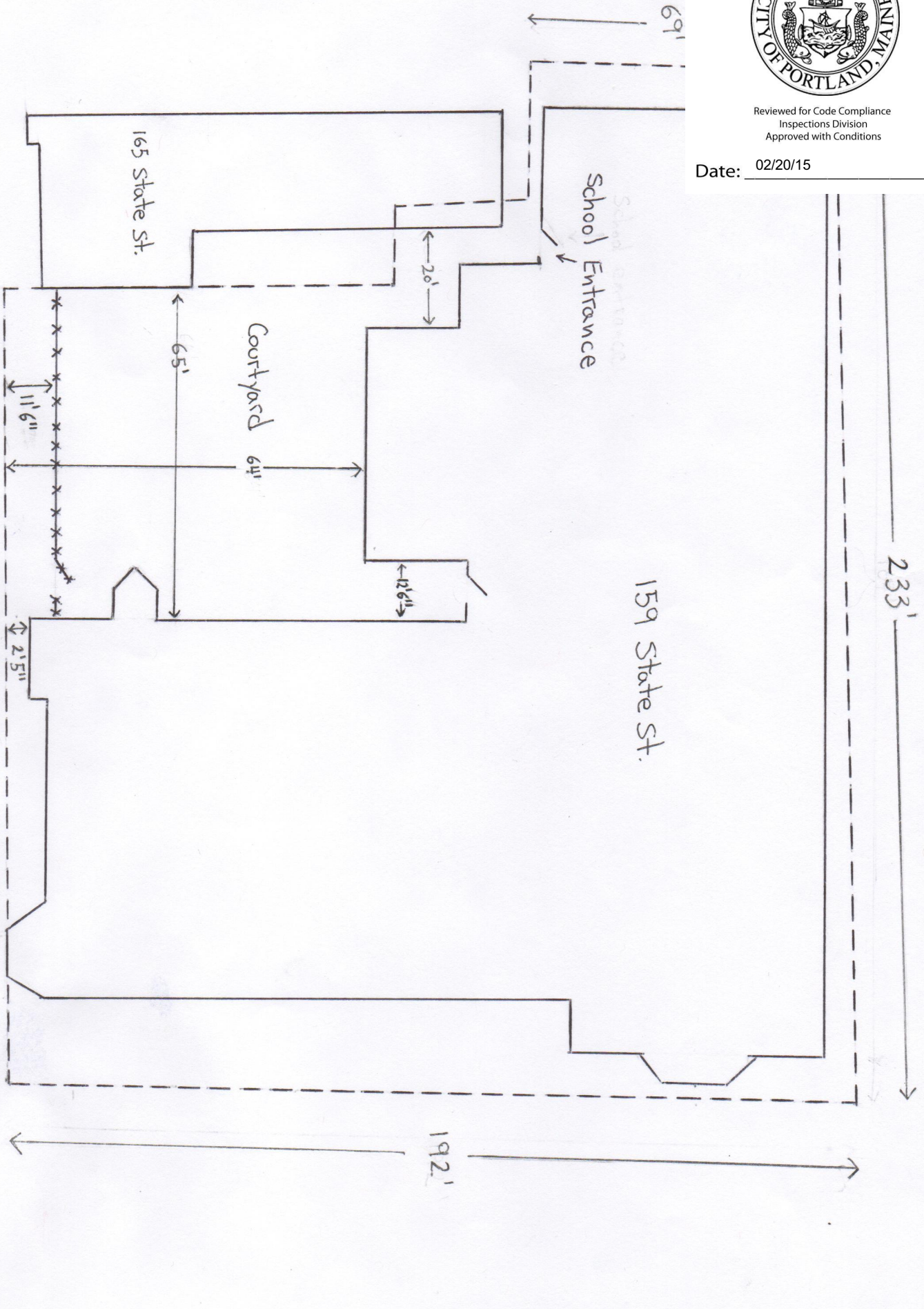


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*** Fence
--- Wall
- - - lot lines

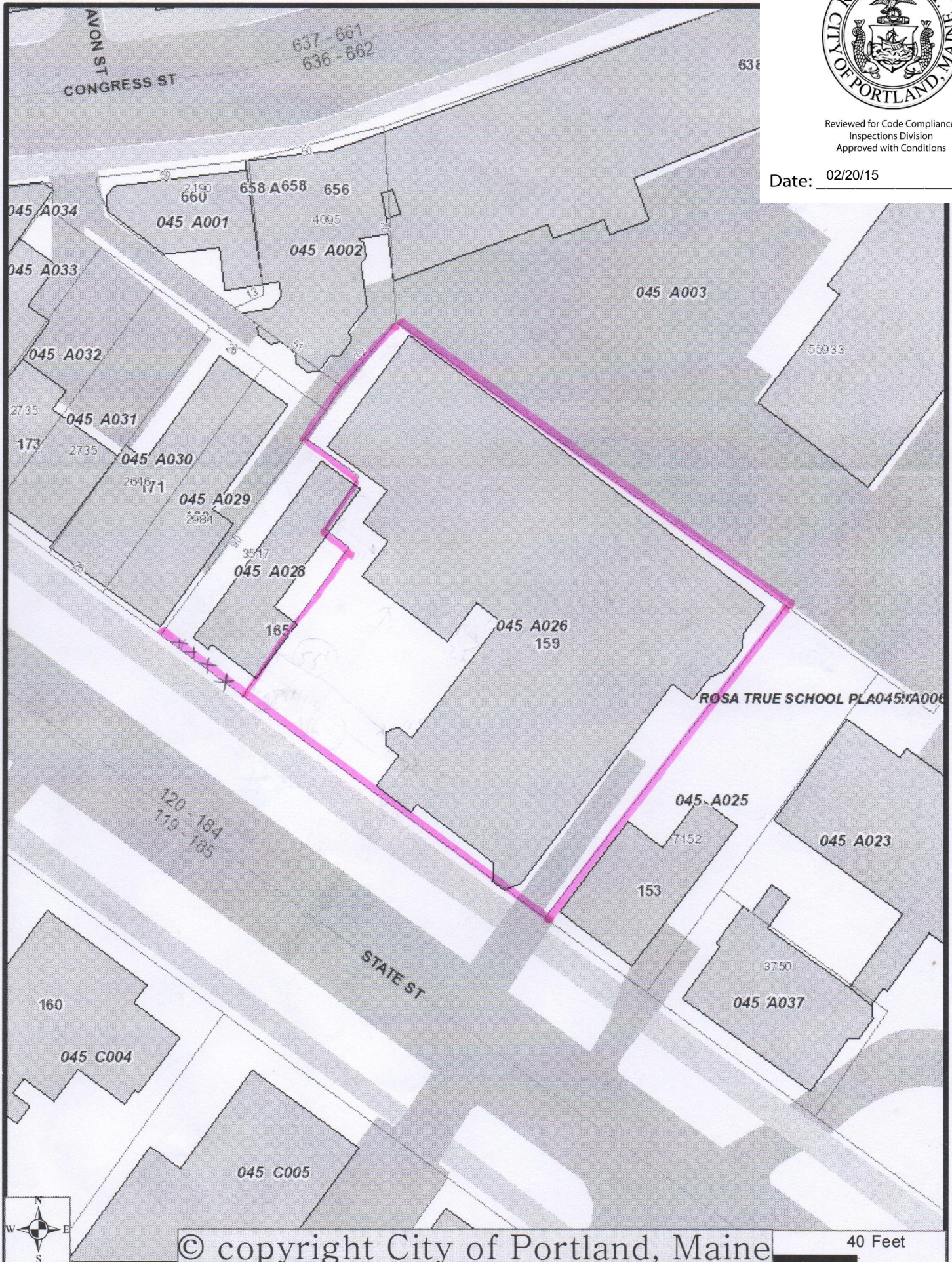
PLOT PLAN
State Street Congregational Church





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40 Feet

TAX MAP. 159 State Street



Jeff Levine, AICP, Director
Planning & Urban Development Department

Tammy Munso
Inspector

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Electronic Signature and Fee Payment Confirmation

Notice: Your electronic signature is considered a legal signature per state law.

By digitally signing the attached document(s), you are signifying your understanding this is a legal document and your electronic signature is considered a **legal signature** per Maine state law. You are also signifying your intent on paying your fees by the opportunities below.

I, the undersigned, intend and acknowledge that no permit application can be reviewed until payment of appropriate permit fees are **paid in full** to the Inspections Office, City of Portland Maine by method noted below:



Within 24-48 hours, once my complete permit application and corresponding paperwork has been electronically delivered, I intend to **call the Inspections Office** at 207-874-8703 and speak to an administrative representative and provide a credit/debit card over the phone.



Within 24-48 hours, once my permit application and corresponding paperwork has been electronically delivered, I intend to **hand deliver** a payment method to the Inspections Office, Room 315, Portland City Hall.



I intend to deliver a payment method through the U.S. Postal Service mail once my permit paperwork has been electronically delivered.

Applicant Signature:

Date: 11/26/2014

I have provided digital copies and sent them on:

DBH
(dropped off at office)

Date: 11/26/2014

NOTE: All electronic paperwork must be delivered to buildinginspections@portlandmaine.gov or by physical means ie; a thumb drive or CD to the office.



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Jeanie Bourke - Re: 159 State St., BP#2014-02869 plan review comments

From: dan brouillette <brouillette.d@gmail.com>
To: Jeanie Bourke <JMB@portlandmaine.gov>
Date: 2/18/2015 7:56 PM
Subject: Re: 159 State St., BP#2014-02869 plan review comments

Date: 02/20/15

Hi Jeanie,

Thanks for helping us with this.

The room adjacent to the highlighted area is not part of our rental. The Church uses it on the weekends. We cap enrollment at 18 (we have 16 right now) and we have 4 adults in the room at all times for a total of 22 possible people.

We just underwent an inspection from a state fire inspector for our license (Ronald Peaslee [207-626-3880](tel:207-626-3880)). We passed inspection under the condition that the room aforementioned (not highlighted and not part of our school) be equipped with a fire alarm. The church has contacted an electrician and it will be done by March 6th.

We do have an external fire escape (as shown on the map) and it was approved for use by the inspector.

Finally, the church does have a fire alarm system, yet the sprinkler system is only present in the boiler room and above their ovens in the first floor kitchen.

Thanks again for your help and please let me know how I can continue to assist you.

Kindly,

Dan Brouillette
807-6234

On Fri, Feb 13, 2015 at 1:48 PM, Jeanie Bourke <JMB@portlandmaine.gov> wrote:

Hi Dan

I am reviewing this permit application for the change of use for the nursery school. I look for building code compliance and information that is required on the Certificate of Occupancy. I do have some questions I hope you can answer in order to approve this permit.

1. Does the building have a sprinkler and fire alarm system?
2. In looking at the 2nd floor plan, it appears the classroom is 702 SF. By code this room calculates to occupant load of 35. What is the typical enrollment for the school? There is another room that is not shaded pink (S.S), 340 SF, is this part of the school, either offices or classroom?
3. Please confirm if there is an exterior stair or fire escape from the classroom. It appears there is on the left side of the plan.

I look forward to hearing from you, just so you know, I am out of the office until Thursday next week.

Let me know if you have any questions,

Jeanie

Jeanie Bourke
CEO/LPI/Plan Reviewer

City of Portland
Planning & Urban Development Dept./ Inspections Division
389 Congress St. Rm 315
Portland, ME 04101
jmb@portlandmaine.gov
Direct: (207) 874-8715
Office: (207) 874-8703
Permit status can be viewed at: <http://www.portlandmaine.gov/792/Permit-Status>



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Date: 02/20/15

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.



November

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Approved with Conditions

Date: 02/20/15

COVER LETTER

Dear Members of the City of Portland's Planning and Urban Development Department,

We, The Children's Nursery School, are asking to change the use of the State Street Congregational Church/United Church of Christ at 159 State Street (045-A-006) to include hosting a nursery school.

The Zoning Board of Appeals granted us conditional use at 159 State Street on July 17, 2014. Additionally Maine's Department of Health and Human Services' Licensing Unit has approved the school at the 159 State Street location.

No construction is planned, or necessary, for this proposed change of use.

The Children's Nursery School is a state-licensed, 501 (c)(3) non-profit, parent-led cooperative preschool that was founded in 1975. We have a rich thirty-eight years of history behind us, including wonderful relationships with our host churches and neighbors. We thank you for helping us continue that tradition.

Sincerely,

Dan Brouillette

Co-chair, Board of Trustees
The Children's Nursery School
207-807-6234
brouillette.d@gmail.com

the children's
nursery
school



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LEASE AGREEMENT

This Lease Agreement ("Lease") is entered into this 21st day of June, ~~2012~~ ²⁰¹³, by and between **Street Church United Church of Christ** ("Landlord"), a Maine not-for-profit corporation, having an office at State Street, Portland, ME 04101, and **The Children's Nursery School** ("Tenant"), a Maine not-for-profit organization, with a mailing address of PO Box 8086, Portland, ME 04104.

Date: 02/20/15

WITNESSETH:

1. **Leased Premises.** For the rent and term and upon the terms, conditions, limitations and provisions hereinafter set forth, Landlord leases to Tenant and Tenant hires from Landlord a portion of the property owned by the Landlord located at 159 State Street in Portland, Maine, which portion is more particularly described on Schedule A attached hereto and made a part hereof.
2. **Term and Duration.** The term of this lease shall be twenty-four (24) months, commencing on July 1, 2013, and ending on June 30, 2015. Prior to the expiration date of the Lease, Tenant may extend the Lease for an additional two-year period, commencing on July 1, 2015, and extending to June 30, 2017, by providing the Landlord with prior written notice of its intention to extend said lease at least 90 days prior to expiration, at a rental rate to be determined by mutual agreement of the parties, but not less than the rate established in the second year of this lease.
3. **Rent and Additional Rent.** The Rent is payable in advance on the first day of each month to the Landlord at 159 State Street, Portland, ME 04101. Tenant agrees to pay the Landlord rent as follows.
 - Year one – July 1, 2013 to June 30, 2014, the Rent shall be **Nine Hundred Dollars (\$900) per month.**
 - Year two – July 1, 2014 to June 30, 2015, the Rent shall be **Nine Hundred Twenty-five Dollars (\$925) per month.**
4. **Taxes, Utilities, and Operating Expenses.** During the term of the lease, the Landlord agrees to pay:
 - a. The cost of all utilities, except telephone, used or consumed on the Premises, including, but not limited to, electricity, water, sewerage, and heat. The Landlord shall, at its expense, regularly maintain the heating, plumbing, and electrical systems so as to maintain the same in the condition they are in at the commencement of this Lease, reasonable wear and tear excepted. In the event that the heating, plumbing, or electrical systems need to be repaired or replaced, Landlord shall do so at its expense.
 - b. All operating expenses, which, for the purposes of this Lease, shall mean the following expenses: (1) premium expense for fire, casualty and liability coverage to cover the Landlord's property; (2) all costs of utility services; (3) all costs for common area cleaning; (4) all costs of maintaining the Building (as defined on Schedule A) including the operation and repair of heating equipment and any other common building equipment, roof repairs and all other repairs, improvements and replacements that are required by law or necessary to keep the building in a well maintained condition; (5) all cost of snow and ice removal and grounds care; (6) and all other costs of the management of the building.



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CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

Date: 02/20/15

R-6 Residential Zone Nursery School

Conditional Use Application

DECISION

Date of public hearing: July 17, 2014

Name and address of applicant: Daniel Brouillette
The Children's Nursery School
161A Grant Street
Portland, ME 04101

Location of property under appeal: 159 State Street

For the Record:

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

Daniel Brouillette - Nursery School

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

Application with attached plans



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Date: 02/20/15

Findings of Fact and Conclusions of Law:

The applicant requests approval of the use of the second floor of the State Congregational Church/United Church of Christ building at 159 State Street as a school. The program is run Mondays through Thursdays from 9 a.m. to 12:30 p.m., throughout the school year. Maximum enrollment is 18 children.

A. Conditional Use Standards pursuant to Portland City Code §14-474(c)(2):

1. The volume and type of vehicle traffic to be generated, hours of operation, expanse of pavement, and the number of parking spaces required are not substantially greater than would normally occur at surrounding uses or other allowable uses in the same zone.

Yes No

Reason and supporting facts:

low volume, similar to other church uses in area, hours of operation are limited.

2. The proposed use will not create unsanitary or harmful conditions by reason of noise, glare, dust, sewage disposal, emissions to the air, odor, lighting, or litter.

Yes No

Reason and supporting facts:

Buffered play area.
minor litter removed + brought home for disposal.



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CITY OF PORTLAND, MAINE

3. The design and operation of the proposed use, including but not limited to landscaping, screening, signs, loading, deliveries, trash or waste generation, arrangement of structures, and materials storage will not have a substantially greater effect on surrounding properties than those associated with surrounding uses or other allowable uses in the zone.

Date: 02/20/15

Yes No

Reason and supporting facts:

Signs will comply with historic regulations
Loading + unloading will be brief.
Similar to other uses in area + neighborhood.

Conclusion: (check one)

Option 1: The Board finds that all relevant standards (1 through 3) described in section A above have been satisfied and therefore GRANTS the application.

moved by Bell City, Second Ave

Option 2: The Board finds that while all relevant standards (1 through 3) described in section A above have been satisfied, certain additional conditions must be imposed to minimize adverse effects on other property in the neighborhood, and therefore GRANTS the application SUBJECT TO THE FOLLOWING CONDITIONS:

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

Application with attached plans

Option 3: The Board finds that not all relevant standards (1 through 3) described in section A above have been satisfied and therefore DENIES the application.

Dated: 7-17-14

Board Chair

STATE STREET CHURCH
United Church of Christ
159 State Street
Portland, Maine 04101

Tel. (207) 774-6396
office@statestreetchurch.org
www.statestreetchurch.org

Rev. Jeanette A. Good, Ph.D., Pastor



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Inspections Division
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Date: 02/20/15

June 14, 2014

Dan Brouillette
Children's Nursery School
159 State Street
Portland, ME 04101

Dear Mr. Brouillette:

State Street Congregational Church, United Church of Christ, owns the property at 159 State Street in Portland, Maine. As the owner, the Church hereby grants permission to the Children's Nursery School to represent the property in the process of obtaining a conditional use permit from the City of Portland for the nursery school.

The Church is happy to assist you in any way that we can to help the Children's Nursery School obtain this conditional use permit.

Sincerely,

Martha Mater
Co-chair, Board of Trustees
State Street Church



General Building Permit Application

If you or the property owner owes real estate or personal property taxes or user within the City, payment arrangements must be made before permits of an

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Address/Location of Construction: <u>159 State St. Portland, Me.</u>		Date: <u>02/20/15</u>
Total Square Footage of Proposed Structure: <u>N/A</u>		
Tax Assessor's Chart, Block & Lot Chart# Block# Lot# <u>45 - A - 006</u>	Applicant Name: <u>Daniel Brouillette</u> Address 1: <u>161A Grant St.</u> City, State & Zip: <u>Portland, ME 04101</u>	Telephone: <u>207-807-6234</u> Email: <u>brouillette.d@gmail.com</u>
Lessee/Owner Name : (if different than applicant) Address: City, State & Zip: <u>SAME</u> Telephone & E-mail:	Contractor Name: (if different from Applicant) Address: City, State & Zip: Telephone & E-mail:	Cost Of Work: \$ _____ C of O Fee: \$ _____ Historic Rev \$ _____ Total Fees : \$ _____
Current use (i.e. single family) <u>Church</u> If vacant, what was the previous use? _____ Proposed Specific use: <u>Nursery School on 2nd Floor</u> Is property part of a subdivision? <u>NO</u> If yes, please name _____ Project description: <u>No construction - Change of Use</u>		
Who should we contact when the permit is ready: <u>Daniel Brouillette</u>		
Address: <u>161A Grant St.</u>		
City, State & Zip: <u>Portland, ME 04101</u>		
E-mail Address: <u>brouillette.d@gmail.com</u>		
Telephone: <u>207-807-6234</u>		

Please submit all of the information outlined on the applicable checklist. Failure to do so causes an automatic permit denial.

In order to be sure the City fully understands the full scope of the project, the Planning and Development Department may request additional information prior to the issuance of a permit. For further information or to download copies of this form and other applications visit the Inspections Division on-line at www.portlandmaine.gov, or stop by the Inspections Division office, room 315 City Hall or call 874-8703.

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

Signature: <u>DBH</u>	Date: <u>11/26/2014</u>
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This is not a permit; you may not commence ANY work until the permit is issued.