

# DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK CITY OF PORTLAND

Please Read Application And Notes, If Any, Attached

## BUILDING INSPECTION PERMIT

Permit Number: 080462

PERMIT ISSUED  
006001 JUN 23 2008  
CITY OF PORTLAND

This is to certify that HORTON LLC/Monaghan Networks, Inc  
has permission to Change of use from Single Family to 2-1 single family & 1 single family w/ home occupation  
AT 116 STATE ST L 045 D005001

provided that the person or persons who accept this permit shall comply with all of the provisions of the Statutes of Maine and of the Ordinances of the City of Portland regulating the construction, maintenance and use of buildings and structures, and of the application on file in this department.

Apply to Public Works for street line and grade if nature of work requires such information.

Classification of inspection must be given and when permission procedure before this building or part thereof is closed or services closed-in. 4  
OUR NOTICES REQUIRED.

A certificate of occupancy must be procured by owner before this building or part thereof is occupied.

### OTHER REQUIRED APPROVALS

Fire Dept. \_\_\_\_\_  
Health Dept. \_\_\_\_\_  
Appeal Board \_\_\_\_\_  
Other \_\_\_\_\_  
Department Name

6/23/08 *Chris A. [Signature]*  
Director - Building & Inspection Services

**PENALTY FOR REMOVING THIS CARD**

**City of Portland, Maine - Building or Use Permit Application**

389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

Permit No: 08-0462	Issue Date: 6/23/08	CBL: <sup>new</sup> -006 # 045 D005001
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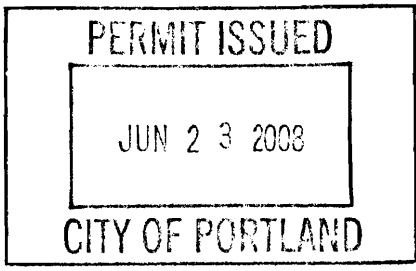
Location of Construction: 116 STATE ST	Owner Name: HORTON LLC	Owner Address: 100 COMMERCIAL ST	Phone:
Business Name:	Contractor Name: Monaghan Woodworks, Inc.	Contractor Address: 100 Commercial St Suite 311 Portland	Phone 2077752683
Lessee/Buyer's Name	Phone:	Permit Type: Change of Use - Dwellings	Zone: R-6

Past Use: Single Family Home w/ home occupation	Proposed Use: 2 Town Houses - Change of use from Single Family to 2 Town Houses -1 single family & 1 single family w/ home occupation	Permit Fee: \$1,945.00	Cost of Work: \$185,000.00	CEO District: 2
		FIRE DEPT: <input type="checkbox"/> Approved <input type="checkbox"/> Denied N/A	INSPECTION: Use Group: R-3 Type: JB IRC-2003	

Proposed Project Description: Change of use from Single Family to 2 Town Houses -1 single family & 1 single family w/ home occupation	Signature: Greg Cass	Signature:
PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.)		
Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied		
Signature:		Date:

Permit Taken By: Idobson	Date Applied For: 04/30/2008	<b>Zoning Approval</b>
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<ol style="list-style-type: none"> <li>This permit application does not preclude the Applicant(s) from meeting applicable State and Federal Rules.</li> <li>Building permits do not include plumbing, septic or electrical work.</li> <li>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..</li> </ol>	<b>Special Zone or Reviews</b> <input type="checkbox"/> Shoreland <input type="checkbox"/> Wetland <input type="checkbox"/> Flood Zone <input type="checkbox"/> Subdivision <input checked="" type="checkbox"/> Site Plan # 2009-0017 Maj <input type="checkbox"/> Minor <input checked="" type="checkbox"/> MM <input type="checkbox"/> Date: 6/3/09	<b>Zoning Appeal</b> <input type="checkbox"/> Variance <input type="checkbox"/> Miscellaneous <input type="checkbox"/> Conditional Use <input type="checkbox"/> Interpretation <input type="checkbox"/> Approved <input type="checkbox"/> Denied Date:	<b>Historic Preservation</b> <input type="checkbox"/> Not in District or Landmark <input type="checkbox"/> Does Not Require Review <input type="checkbox"/> Requires Review <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied Date: 6/5/08
	OK with conditions Date: 6/3/09	Date:	Date: 6/5/08 D. Andrews



**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 is 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 provision of the code(s) applicable to such permit.

SIGNATURE OF APPLICANT	ADDRESS	DATE	PHONE
NAME PERSON IN CHARGE OF WORK, TITLE		DATE	PHONE

**City of Portland, Maine - Building or Use Permit**

389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

Permit No: 08-0462	Date Applied For: 04/30/2008	CBL: 045 D005001
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Location of Construction: 116 STATE ST	Owner Name: HORTON LLC	Owner Address: 100 COMMERCIAL ST	Phone:
Business Name:	Contractor Name: Monaghan Woodworks, Inc.	Contractor Address: 100 Commercial St Suite 311 Portland	Phone (207) 775-2683
Lessee/Buyer's Name	Phone:	Permit Type: Change of Use - Dwellings	

Proposed Use: 2 Town Houses - Change of use from Single Family to 2 Town Houses -1 single family & 1 single family w/ home occupation	Proposed Project Description: Change of use from Single Family to 2 Town Houses -1 single family & 1 single family w/ home occupation
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Dept: Historic	Status: Approved	Reviewer: Deborah Andrews	Approval Date: 06/05/2008
Note:	Ok to Issue: <input checked="" type="checkbox"/>		
1) * Approved subject to conditions stipulated by HP Board on 3/5/08.			

Dept: Zoning	Status: Approved with Conditions	Reviewer: Marge Schmuckal	Approval Date: 06/03/2008
Note:	Ok to Issue: <input checked="" type="checkbox"/>		
1) ANY exterior work requires a separate review and approval thru Historic Preservation. This property is located within an Historic District.			
2) Before the home occupation can commence, this office needs a separate application for such a use showing how the home occupation is meeting the zoning ordinance under 14-410.			
3) Separate permits shall be required for future decks, sheds, pools, and/or garages.			
4) This property shall remain a two family family dwelling with one of the dwelling units having a home occupation. However, see the following condition referring to the home occupation. Any change of use shall require a separate permit application for review and approval.			
5) This permit is being approved on the basis of plans submitted. Any deviations shall require a separate approval before starting that work. It is understood that there will be no additions or decks associated with this permit. Any future additions or decks will need separate reviews and approvals PRIOR to commencement of such work.			

Dept: Building	Status: Approved with Conditions	Reviewer: Chris Hanson	Approval Date: 06/16/2008
Note:	Ok to Issue: <input checked="" type="checkbox"/>		
1) All penetrations through rated assemblies must be protected by an approved firestop system installed in accordance with ASTM 814 or UL 1479, per IBC 2003 Section 712.			
2) All penetrations between dwelling units and dwelling units and common areas shall be protected with approved firestop materials, and recessed lighting/vent fixtures shall not reduce the (1 hour) required rating.			
3) The basement is NOT approved as habitable space. A code compliant 2nd means of egress must be installed in order to change the use of this space.			
4) Hardwired interconnected battery backup smoke detectors shall be installed in all bedrooms, protecting the bedrooms, and on every level.			
5) Permit approved based on the plans submitted and reviewed w/owner/contractor, with additional information as agreed on and as noted on plans.			
6) Separate permits are required for any electrical, plumbing, or HVAC systems. Separate plans may need to be submitted for approval as a part of this process.			
7) ANY exterior work requires separate review and approval thru Historic Preservation			

Dept: Public Works	Status: Pending	Reviewer:	Approval Date:
Note:	Ok to Issue: <input type="checkbox"/>		

<b>Location of Construction:</b> 116 STATE ST	<b>Owner Name:</b> HORTON LLC	<b>Owner Address:</b> 100 COMMERCIAL ST	<b>Phone:</b>
<b>Business Name:</b>	<b>Contractor Name:</b> Monaghan Woodworks, Inc.	<b>Contractor Address:</b> 100 Commercial St Suite 311 Portland	<b>Phone</b> (207) 775-2683
<b>Lessee/Buyer's Name</b>	<b>Phone:</b>	<b>Permit Type:</b> Change of Use - Dwellings	

**Dept:** Zoning      **Status:**      **Reviewer:** Marge Schmuckal      **Approval Date:**  
**Note:**      **Ok to Issue:**

**Dept:** Parks      **Status:** Pending      **Reviewer:**      **Approval Date:**  
**Note:**      **Ok to Issue:**

**Dept:** Fire      **Status:** Approved      **Reviewer:** Capt Greg Cass      **Approval Date:**  
**Note:**      **Ok to Issue:**

**Dept:** DRC      **Status:** Pending      **Reviewer:**      **Approval Date:**  
**Note:**      **Ok to Issue:**

**Dept:** Planning      **Status:** Approved      **Reviewer:** Molly Casto      **Approval Date:** 05/06/2008  
**Note:**      **Ok to Issue:**

- 1) The applicant shall screen the solid waste receptacle area with opaque cedar fencing on all sides, as depicted in the fence detail included with the approved site plan.
- 2) The applicant shall modify the parking configuration to include four (4) parking spaces oriented to the southeast, as discussed in Tom Errico's review memorandum, dated April 3, 2008 and as depicted on the submitted parking diagram, included with the approved site plan.
- 3) The applicant shall widen the existing asphalt driveway apron to sixteen (16) feet as discussed in Tom Errico's review memorandum, dated April 3, 2008
- 4) Prior to construction activities in the City right-of-way, the applicant shall obtain a street opening permit from the City of Portland for approved improvements to the driveway apron . The driveway apron shall be replaced with brick as noted on the approved plans and as required by the City's sidewalk material policy.
- 5) The two existing street trees along the State Street frontage shall be protected throughout construction. Tree-protection measures shall include protecting the root zone with construction fencing installed outside the dripline and posting of signage prohibiting storage of materials or foot traffic over the root zone. Protective barriers and signage shall remain in place until completion of the project. If existing street trees are determined to be damaged as a result of construction activities within the one year defect guarantee period, the developer shall replace each damaged tree with a minimum 3" caliper, upright shade tree, species to be determined by the Portland City Arborist.
- 6) The applicant shall provide adequate evidence of sewer capacity issued by Portland's Department of Public Services for approval by the Planning Authority prior to the issuance of a Building Permit.

**Comments:**

5/6/2008-ldobson: See Permit#080421 for fees

5/16/2008-mes: I have been waiting for a stamped approved site plan.

6/3/2008-mes: I received the approved stamped site plan and the assessors assigned a new CBL # for this property - 045-D-006

**BUILDING PERMIT INSPECTION PROCEDURES**

**Please call 874-8703 or 874-8693 (ONLY )**

**to schedule your inspections as agreed upon**

**Permits expire in 6 months, if the project is not started or ceases for 6 months.**

The Owner or their designee is required to notify the inspections office for the following inspections and provide adequate notice. Notice must be called in 48-72 hours in advance in order to schedule an inspection:

**By initializing at each inspection time, you are agreeing that you understand the inspection procedure and additional fees from a "Stop Work Order" and "Stop Work Order Release" will be incurred if the procedure is not followed as stated below.**

**A Pre-construction Meeting will take place upon receipt of your building permit.**


  X   **Framing/Rough Plumbing/Electrical: Prior to Any Insulating or drywalling**

  X   **Final/Certificate of Occupancy: Prior to any occupancy of the structure or use.**  
**NOTE: There is a \$75.00 fee per inspection at this point.**

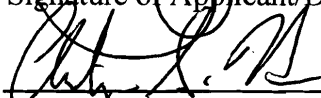
Certificate of Occupancy is not required for certain projects. Your inspector can advise you if your project requires a Certificate of Occupancy. All projects DO require a final inspection.

**If any of the inspections do not occur, the project cannot go on to the next phase, REGARDLESS OF THE NOTICE OR CIRCUMSTANCES.**

**CERIFICATE OF OCCUPANICES MUST BE ISSUED AND PAID FOR, BEFORE THE SPACE MAY BE OCCUPIED.**

  
\_\_\_\_\_  
Signature of Applicant/Designee

  0/23/08    
Date

  
\_\_\_\_\_  
Signature of Inspections Official

  6/23/08    
Date



# General Building Permit Application

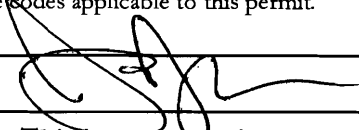
If you or the property owner owes real estate or personal property taxes or user charges on any property within the City, payment arrangements must be made before permits of any kind are accepted.

Location/Address of Construction: <u>116 STATE ST.</u>		
Total Square Footage of Proposed Structure/Area		Square Footage of Lot <u>~5,945 SF</u>
Tax Assessor's Chart, Block & Lot Chart#      Block#      Lot#  <u>45          D          5</u>	Applicant * <u>must be owner, Lessee or Buyer</u> * Name <u>HORTON, LLC</u> Address <u>100 COMMERCIAL ST.</u> City, State & Zip <u>PORTLAND, ME 04101</u>	Telephone:  <u>775-2252</u>
Lessee/DBA (If Applicable)	Owner (if different from Applicant) Name Address City, State & Zip	Cost Of Work: \$ <u>185,000.</u> C of O Fee: \$ _____ Total Fee: \$ _____
Current legal use (i.e. single family) <u>SINGLE W/ HOME OC1</u> If vacant, what was the previous use? _____ Proposed Specific use: <u>SINGLE W/ HOME OC1 &amp; SINGLE (2 TOWNHOUSES)</u> Is property part of a subdivision? <u>NO</u> If yes, please name _____ Project description: <u>PLEASE SEE ATTACHED</u>		
Contractor's name: <u>MONAETHAN WOODWORKS, INC.</u> Address: <u>100 COMMERCIAL ST.</u> City, State & Zip <u>PORTLAND, ME, 04101</u> Telephone: <u>775-2683</u> Who should we contact when the permit is ready: <u>JACK SOLEY</u> Telephone: <u>775-2252</u> Mailing address: <u>100 COMMERCIAL ST, PORTLAND 04101</u>		

**Please submit all of the information outlined on the applicable Checklist. Failure to do so will result in the automatic denial of your permit.**

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](http://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:  Date: 4/30/08

**This is not a permit; you may not commence ANY work until the permit is issued.**

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\_\_\_\_\_  
Signature of Applicant/Designee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Inspections Official

\_\_\_\_\_  
Date

## BUILDING PERMIT INSPECTION PROCEDURES

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Signature of Applicant/Designee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Inspections Official

\_\_\_\_\_  
Date



**City of Portland, Maine - Building or Use Permit**

389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

<b>Permit No:</b> 08-0462	<b>Date Applied For:</b> 04/30/2008	<b>CBL:</b> 045 D005001
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<b>Location of Construction:</b> 116 STATE ST	<b>Owner Name:</b> HORTON LLC	<b>Owner Address:</b> 100 COMMERCIAL ST	<b>Phone:</b>
<b>Business Name:</b>	<b>Contractor Name:</b> Monaghan Woodworks, Inc.	<b>Contractor Address:</b> 100 Commercial St Suite 311 Portland	<b>Phone</b> (207) 775-2683
<b>Lessee/Buyer's Name</b>	<b>Phone:</b>	<b>Permit Type:</b> Change of Use - Dwellings	

<b>Proposed Use:</b> 2 Town Houses - Change of use from Single Family to 2 Town Houses -1 single family & 1 single family w/ home occupation	<b>Proposed Project Description:</b> Change of use from Single Family to 2 Town Houses -1 single family & 1 single family w/ home occupation
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<b>Dept:</b> Historic	<b>Status:</b> Approved	<b>Reviewer:</b> Deborah Andrews	<b>Approval Date:</b> 06/05/2008
<b>Note:</b>			<b>Ok to Issue:</b> <input checked="" type="checkbox"/>
1) * Approved subject to conditions stipulated by HP Board on 3/5/08.			

<b>Dept:</b> Zoning	<b>Status:</b> Approved with Conditions	<b>Reviewer:</b> Marge Schmuckal	<b>Approval Date:</b> 06/03/2008
<b>Note:</b>			<b>Ok to Issue:</b> <input checked="" type="checkbox"/>
1) ANY exterior work requires a separate review and approval thru Historic Preservation. This property is located within an Historic District.			
2) Before the home occupation can commence, this office needs a separate application for such a use showing how the home occupation is meeting the zoning ordinance under 14-410.			
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<b>Dept:</b> Public Works	<b>Status:</b> Pending	<b>Reviewer:</b>	<b>Approval Date:</b>
<b>Note:</b>			<b>Ok to Issue:</b> <input type="checkbox"/>

<b>Location of Construction:</b> 116 STATE ST	<b>Owner Name:</b> HORTON LLC	<b>Owner Address:</b> 100 COMMERCIAL ST	<b>Phone:</b>
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**Dept:** Zoning      **Status:**      **Reviewer:** Marge Schmuckal      **Approval Date:**  
**Note:**      **Ok to Issue:**

**Dept:** Parks      **Status:** Pending      **Reviewer:**      **Approval Date:**  
**Note:**      **Ok to Issue:**

**Dept:** Fire      **Status:** Approved      **Reviewer:** Capt Greg Cass      **Approval Date:**  
**Note:**      **Ok to Issue:**

**Dept:** DRC      **Status:** Pending      **Reviewer:**      **Approval Date:**  
**Note:**      **Ok to Issue:**

**Dept:** Planning      **Status:** Approved      **Reviewer:** Molly Casto      **Approval Date:** 05/06/2008  
**Note:**      **Ok to Issue:**

**Comments:**

5/6/2008-ldobson: See Permit#080421 for fees

5/16/2008-mes: I have been waiting for a stamped approved site plan.

6/3/2008-mes: I received the approved stamped site plan and the assessors assigned a new CBL # for this property - 045-D-006

**City of Portland, Maine - Building or Use Permit**

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**Dept:** Public Works      **Status:** Pending      **Reviewer:**      **Approval Date:**      **Ok to Issue:**

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<b>Note:</b>			<b>Ok to Issue:</b> <input type="checkbox"/>
<b>Dept:</b> Fire	<b>Status:</b> Approved	<b>Reviewer:</b> Capt Greg Cass	<b>Approval Date:</b>
<b>Note:</b>			<b>Ok to Issue:</b> <input type="checkbox"/>
<b>Dept:</b> DRC	<b>Status:</b> Pending	<b>Reviewer:</b>	<b>Approval Date:</b>
<b>Note:</b>			<b>Ok to Issue:</b> <input type="checkbox"/>
<b>Dept:</b> Planning	<b>Status:</b> Approved	<b>Reviewer:</b> Molly Casto	<b>Approval Date:</b> 05/06/2008
<b>Note:</b>			<b>Ok to Issue:</b> <input type="checkbox"/>

**Comments:**  
5/6/2008-ldobson: See Permit#080421 for fees  
5/16/2008-mes: I have been waiting for a stamped approved site plan.  
6/3/2008-mes: I received the approved stamped site plan and the assessors assigned a new CBL # for this property - 045-D-006



# ASBESTOS BUILDING DEMOLITION NOTIFICATION

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION  
Lead & Asbestos Hazard Prevention Program  
17 State House Station, Augusta Maine 04333



Maine law requires the filing of the ASBESTOS BUILDING DEMOLITION NOTIFICATION with the Department prior to demolition of any building except a single-family home.

Building owners are required to provide this notification of the demolition of a building to the DEP at least 5 working days prior to the demolition. This notification is not required before the demolition of a single-family residence or related structure (e.g., garage, shed, barn). It is also not required if previous notification of the demolition has been provided to the DEP as part of an asbestos abatement project notification. Demolition means the tearing down or intentional burning of a building or part of a building.

Prior to demolition, building owners must determine if there is any asbestos-containing material(s) (ACM) in the building. An "asbestos inspection" by a DEP-licensed Asbestos Consultant is required for all buildings except single-family homes and residential buildings with 2-4 units built after 1980. In lieu of an asbestos inspection, pre-1981 residential buildings with 2-4 units can be surveyed to identify possible ACM by someone knowledgeable about ACM, such as a code enforcement officer or building inspector. If materials that may contain asbestos are found, then you can either assume they are ACM or hire a DEP-licensed Asbestos Consultant to test the materials.

Whenever more than 3 square feet or 3 linear feet of ACM is identified, the ACM must be abated in accordance with the Maine Asbestos Management Regulations by a DEP-licensed Asbestos Abatement Contractor. This includes materials presumed to be ACM. Check [www.maine.gov](http://www.maine.gov) for a listing of asbestos contractors.

Prior to issuing a local demolition permit, the DEP requests that municipalities have applicants for municipal demolition permits complete this form and fax it to the DEP at 207-287-7826. Municipalities should not issue local demolition permits if the required asbestos inspection or survey has not been performed and identified ACM removed.

Were regulated asbestos-containing building materials found?  yes  no

property address: <b>116 &amp; 118 STATE ST.</b>	building description: <input type="checkbox"/> pre-1981 residential with 2-4 units <input type="checkbox"/> post-1980 residential with 2-4 units <input checked="" type="checkbox"/> other: <b>SIDE BY SIDE SINGLE FAMILY RESIDENCES</b>
asbestos survey/inspection performed by: (name & address) <b>JACK SOLET 100 COMMERCIAL ST PORTLAND, ME 04101</b>	asbestos abatement contractor  telephone:
property owner: (name & address) <b>HORTON, LLC. 100 COMMERCIAL ST PORTLAND ME 04101</b>	demolition contractor: (name & address)  telephone:
demolition start date: <b>6/18/08</b>	demolition end date: <b>6/25/08</b>

This demolition notification does not take the place of the Asbestos Project Notification if applicable

I CERTIFY THAT THE ABOVE INFORMATION IS CORRECT

<b>JACK SOLET</b> Print Name: Owner/Agent	<b>PRES. HORTON, LLC.</b> Title	 Signature
<b>775-2252</b> Telephone #	<b>773-7422</b> FAX #	<b>6/16/08</b> Date

**Jak Soley**

**From:** Jak Soley  
**Sent:** Friday, May 16, 2008 9:31 AM  
**To:** 'Molly Casto'  
**Importance:** High

Hi Molly –

I just received a voice message from Capt. Cass confirming that it is acceptable not to find the exact U/L assembly listing. The closest listing is probably ANSI / UL 263 Design No. U901, for a 4 hour rating.

He also asked that we insure the integrity of the fire wall through the vertical elevation of the building, which we will insure during construction.

Please let me know if I need to do anything further.

Jack

6/16/2008

City of Portland  
GIS

**DISCLAIMER** : This is a product of the City of Portland MIS Department. The data depicted here have been developed with cooperation from other federal, state and local agencies. The City of Portland expressly disclaims responsibility for damages or liability that may arise from the use of this map.

Copyright 2007  
City of Portland  
389 Congress St.  
Portland, Maine  
04101

6/3/08 New ASSURMENT of a City of Portland Assessor

**CITY OF PORTLAND, MAINE**  
**HISTORIC PRESERVATION BOARD**

---

John Turk, Chair  
Rick Romano, Vice Chair  
Otis Baron  
Martha Deprez  
Michael Hammen  
Ted Oldham  
Cordelia Pitman

March 10, 2008

Jack Soley  
Horton, LLC  
100 Commercial Street  
Portland, ME 04101

MAR 20 2008

Re: 116-118 State Street – exterior alterations

Dear Mr. Soley:

At their March 5, 2008 meeting, the Portland Historic Preservation Board directed reviewed your request for a Certificate of Appropriateness for the exterior alterations at 116-118 State Street and voted 5-0 (Romano and Oldham absent) to direct this office to approve the application.

Approval is subject to the following conditions:

- No additional protrusions for mechanical or other systems shall be made on the State or Spring Street facades.
- The plywood panels on the Spring Street bay window are to be replaced with appropriate materials.
- The new wood doors to be installed on the southwest façade are to be reviewed and approved by historic preservation staff prior to installation.
- The proposed site alterations, including fencing, decks, and privacy screening, are to be reviewed and approved by historic preservation staff prior to installation

All improvements shall be carried out as shown on the plans and specifications submitted as part of your application dated 2/21/08. Changes to the approved plans and specifications and any additional work which may be undertaken must be reviewed and approved by this office prior to construction, alteration, or demolition. If, during the course of completing the approved work, conditions are encountered which prevent completing the approved work, or which require additional or alternative work, you must apply for and receive a Certificate of Appropriateness or Non-Applicability PRIOR to undertaking additional or alternative work.

This Certificate is granted upon condition that the work authorized herein is commenced within twelve (12) months after the date of issuance. If the work authorized by this Certificate is not commenced within



twelve (12) months after the date of issuance or if such work is suspended in significant part for a period of one year after the time the work is commenced, such Certificate shall expire and be of no further effect; provided that, for cause, one or more extensions of time for periods not exceeding ninety (90) days each may be allowed in writing by the Department.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott T. Hanson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Scott T. Hanson  
Preservation Compliance Coordinator

cc: Approval File  
Building Inspections

DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK

**CITY OF PORTLAND  
HISTORIC PRESERVATION  
CERTIFICATE OF APPROPRIATENESS**

This is to certify that

HOETON, LLC

has received approval for

EXTERIOR ALTERATIONS

at

116-118 STATE ST

provided that the person or persons, firm or corporation accepting this Certificate shall comply with all other applicable provisions of the Statutes of Maine and of the Ordinances of the City of Portland regulating the construction, maintenance and use of buildings and structures, and of the application on file in the Historic Preservation Office of the Planning Department. For more information on this project, call 874-8719.

Scott P. Hines

Historic Preservation Manager

NOTE: THIS IS NOT A BUILDING PERMIT

CURRENT LEGAL USE OF  
116 & 118 STATE ST.

As outlined in our meeting on December 6, 2006, Marge Schmuckal Zoning Administrator has determined that the lawfully existing uses for the buildings are as follows:

116 State Street:

Legal zoning use was established on 12/16/1971 when the ZBA granted a conditional use to change from a single family to a doctor's office on the first floor and a residential unit above the first floor.

118 State Street:

Legal zoning use was established on June 20, 1941 when a permit was issued to change the use of a single family dwelling to a single family dwelling with a lodging house with 1 lodging room on the 1st floor, 5 lodging rooms on the 2nd floor, and 2 lodging rooms on the third floor.

Thus, two dwelling units and seven rooming units constitute the total number of lawfully existing dwelling units in 116 and 118 State Street, as defined in the Replacement Housing Ordinance of the Portland Land Use Code, §14-463 et seq.

Horton, LLC  
100 Commercial Street  
Portland, ME 04101

April 23, 2008

City of Portland  
Portland, ME

RE: Application for Minor Subdivision at 116/118 State Street:  
"Townhouses at Eaton Shaw Block"

To Whom It May Concern:

The buildings of 116 and 118 State Street are currently two townhouses joined by a common wall at the corner of Spring and State Streets in the R6 zone. There is a large courtyard with perimeter fencing at the rear of the property. Except for the addition of a second story to the rear of the 116 structure, no substantial changes are being proposed to the structures other than cosmetic rehabilitation.

Currently the 116 townhouse is permitted for an office on the first floor and a single family unit above, while the 118 structure is permitted for a single family unit with eight lodging rooms. My intention is to create two condominium townhouse units within each of these structures; one two-bedroom and one three-bedroom townhouses at 116 State and two three-bedroom townhouses at 118 State. Consistent with its historical use, one of the three bedroom units at 116 State Street would maintain its permitting for a professional office.

Built in the Federal style in 1832, the brick buildings of 116 and 118 State Street are in the Historic District, though neither appear to be listed on the National Historic Registry. Formally owned by Mercy Hospital, the buildings are three and one-half stories tall and are in fair condition. The front and side yards, drive and parking fall within the "pre-existing structure" use standards of the City for the Historic District. The entire building comprises the sole structure between the elder housing complex of 100 State Street and Mercy Hospital. There are four asphalt parking spaces and room for on-site receptacles on the east side of the property.

At the rear of 116 State Street, we are proposing a flat roof addition of approximately 400 square feet. We would like to raise the existing flat roof structure another level (architecturally consistent in detail and height with the 118 side) and modify a portion of the first floor southwest façade furthest from Spring

Street (please see enclosed elevations). This is the least visible portion of the building and may in fact contribute positively to the overall visual massing of the building.

Landscaping for the property was established by Mercy Hospital and has matured well; the only substantial changes foreseen is the replacement of the chain link perimeter fence to one consistent with the standards of Historic Preservation and new tree plantings on the State Street esplanade as required by the City of Portland for new developments. There is no plan for additional outdoor lighting (ceiling sconces currently hang in the porticos of each entrance).


Parking for the property will not change from what was offered historically. Chapter (u) of the Code of Ordinances, Section 14-332, titled, "Exception for historic structures" states:

*"No parking in excess of that existing on or servicing the lot as of March 15, 1999 shall be required for any structure under Article IX of this Chapter, as a contributing structure in a local or National Register historical district, or a locally designated or National Register landmark building..."*

The Housing Replacement Ordinance and its relevancy to this property has been addressed in a letter also contained within this package.

Thank you for your attention to this matter. Please contact me with any further questions.

Sincerely,



Jack Soley, Pres.  
Horton, LLC

# **Townhouses at the Eaton Shaw Block** **Portland, Maine - Window Schedule**

- **Window unit #'s 1 & 2 are for the first floor of #116 State St rear on the southwest elevation.**
- **Window unit #'s 3 & 4 are for the second floor of #116 State St rear on the southwest elevation.**
- **Window unit #'s 5 & 6 are for the second floor of #116 State St rear on the southeast elevation.**

**All other windows are existing and are to remain. All new windows shall match existing. New bedroom window units shall meet egress requirements.**

<b><u>Unit #</u></b>	<b><u>type</u></b>	<b><u>unit size</u></b>
1	dbl hung	2' 10"wide x 4' 6" high
2	dbl hung	2' 10"wide x 4' 6" high
3	dbl hung	2' 10"wide x 4' 6" high
4	dbl hung	2' 10"wide x 4' 6" high
5	dbl hung	2' 10"wide x 4' 6" high
6	dbl hung	2' 10"wide x 4' 6" high

Applicant: Horton LLC

Date: 3/6/08

Address: 116 State St

C-B-L: 045-D-005

CHECK-LIST AGAINST ZONING ORDINANCE

Date -

#08-0462

Zone Location - R-6 - Historic Overlay

Interior or corner lot -

Proposed Use/Work - To change the use from the historical legal use of a doctor's office on the 1st floor & a residential D.U. above to 2 residential condominiums (1 professional office somewhere) with a 2nd floor addition in rear

Lot Street Frontage - existing

Front Yard - existing - 5' scaled

Rear Yard - existing - 31' scaled

Side Yard - common wall

Projections -

Width of Lot -

Height - Existing - 45' max -

Lot Area - 4500<sup>#</sup> min - None given (4970 + 997.76 = 5967.76<sup>#</sup>)  
35 x 142 = 4970<sup>#</sup> 15.59 x 64 = 997.76

Lot Coverage/ Impervious Surface - No change

need lot plan

Area per Family - 1,000<sup>#</sup> - 2,000<sup>#</sup> min req. existing developed lot

Off-street Parking - Need not show any more parking than what is existing

Loading Bays - N/A

Site Plan - # 2008-0017

Shoreland Zoning/ Stream Protection - N/A

Flood Plains - Panel 13 - Zone C

The financial capability letter still talks about 9 condo D.U.  
PLANNING APPROVED THAT THE HOUSING REPLACEMENT ORDINANCE DOES NOT  
NO SUBDIVISION  
kick in

Is There A New TEAR Deck proposed on this side too?  
NO - will be A PATIO

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**MEMORANDUM**

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**To:** FILE

**From:** Marge Schmuckal

**Dept:** Zoning

**Subject:** Application ID: 2008-0017

**Date:** 3/6/2008

---

This project is located within the R-6 Zone with a Historic Overlay. The change of use is from the historical legal use of a doctor's office on the 1st floor and a residential dwelling unit above to 2 residential condominiums and the retention of a professional office somewhere and a 2nd floor addition in the rear. The floor plans do not match the written submittal. There is no doctor's office shown. The floor plans must match what is being proposed. Revised floor plans will be required if the applicant wants to retain the doctor's office use.

The site plan does not indicate the size of the lot for #116 State Street. The site plan should indicate the size of this separate lot.

The applicant need not show additional parking from what has existed on this site because the property is located within a Historic District which exempts the requirement to show additional parking.

It is noted that the submitted financial capability letter still talks about a prior proposal of 9 condominium dwelling units. Again, the submitted paperwork should reflect what is being proposed at this time.

The building and its traditional lot by description existed prior to 1957 and is legally nonconforming for setbacks with the adjoining wall with 118 State Street. All other zoning requirements are being met.

I am not sure whether a new deck is being proposed in the rear. It is suggested. Side setback would not be met with what may be proposed. I would need more information as to what is legally there now and what is being proposed.

Marge Schmuckal  
Zoning Administrator



Horton, LLC  
100 Commercial Street  
Portland, ME 04101

February 18, 2008

Molly Casto, Planner  
Department of Planning and Development  
Portland, ME

MAR - 7 2008

RE: Application for Minor Subdivision at 116/118 State Street:  
"Townhouses at Eaton Shaw Block"

Dear Molly:

The buildings of 116 and 118 State Street are currently two townhouses joined by a common wall at the corner of Spring and State Streets in the R6 zone. There is a large courtyard with perimeter fencing at the rear of the property. As established by the enclosed Owen Haskell boundary survey of 2/7/08, each existing townhouse lies on land defined by a separate deed, comprising two distinct properties.

yes

Currently the 116 townhouse is permitted for an office on the first floor and a single family unit above, while the 118 structure is permitted for a single family unit with eight lodging rooms. My intention is to create two condominium townhouse units within each of these deeded structures; one two-bedroom and one three-bedroom townhouses at 116 State and two three-bedroom townhouses at 118 State. Consistent with its historical use, one of the three bedroom units at 116 State Street would maintain its permitting for a professional office.

Not shown  
in floor plans

Built in the Federal style in 1832, the brick buildings of 116 and 118 State Street are in the Historic District, though neither appear to be listed on the National Historic Registry. Formally owned by Mercy Hospital, the buildings are three and one-half stories tall and are in fair condition. The front and side yards, drive and parking fall within the "pre-existing structure" use standards of the City for the Historic District. The entire building comprises the sole structure between the elder housing complex of 100 State Street and Mercy Hospital. There are six asphalt parking spaces and room for on-site receptacles on the east side of the property.

At the rear of 116 State Street, we are proposing a flat roof addition of approximately 400 square feet. We would like to raise the existing flat roof

structure another level (architecturally consistent in detail and height with the 118 side) and modify a portion of the first floor southwest façade furthest from Spring Street (please see enclosed elevations). This is the least visible portion of the building and may in fact contribute positively to the overall visual massing of the building.

Landscaping for the property was established by Mercy Hospital and has matured well; the only substantial changes foreseen is the replacement of the chain link perimeter fence to one consistent with the standards of Historic Preservation and new tree plantings on the State Street esplanade as required by the City of Portland for new developments. There is no plan for additional outdoor lighting (ceiling sconces currently hang in the porticos of each entrance).

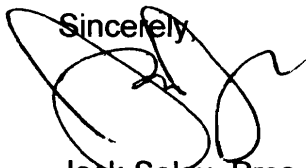
Parking for the property will not change from what was offered historically. Chapter (u) of the Code of Ordinances, Section 14-332, titled, "Exception for historic structures" states:

*"No parking in excess of that existing on or servicing the lot as of March 15, 1999 shall be required for any structure under Article IX of this Chapter, as a contributing structure in a local or National Register historical district, or a locally designated or National Register landmark building..."*

The Housing Replacement Ordinance and its relevancy to this property has been addressed in a letter also contained within this package.

Thank you for your attention to this matter. Please contact me with any further questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Jack Soley", written over the word "Sincerely,".

Jack Soley, Pres.  
Horton, LLC

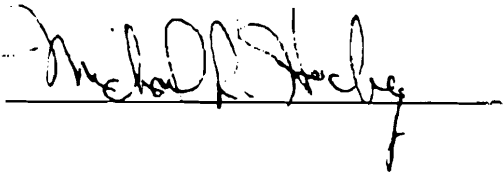
**QUITCLAIM DEED  
WITH COVENANT  
Maine Statutory Short Form**

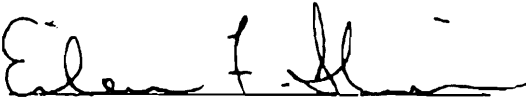
KNOW ALL PERSONS BY THESE PRESENTS, that **MERCY HOSPITAL**, a corporation organized and existing by law and having a place of business in the City of Portland, County of Cumberland, and State of Maine, for consideration paid, grants to **HORTON, LLC** of Portland, County of Cumberland, and State of Maine, whose mailing address is 100 Commercial Street, Portland, Maine 04101, with **QUITCLAIM COVENANTS**, the land, together with any improvements thereon, located in the City of Portland, County of Cumberland and State of Maine, and more particularly described in Exhibit "A" attached hereto and made a part hereof.

IN WITNESS WHEREOF, said **MERCY HOSPITAL** has caused this instrument to be signed and sealed this 15 day of December, 2006.

WITNESS:

**MERCY HOSPITAL**






By: Eileen F. Skinner  
Its: President and CEO

MAINE REAL ESTATE TAX PAID

STATE OF MAINE  
COUNTY OF CUMBERLAND

December 15, 2006

Personally appeared the above-named Eileen F. Skinner, in her said capacity, and acknowledged the foregoing to be his/her free act and deed and that of said Mercy Hospital, before me.

  
Notary Public/Attorney at Law  
Notary Public, Maine  
My Commission Expires December 3, 2011  
Printed Name

SEAL

Doc#: 82675 Bk:24679 Pg: 282

**EXHIBIT A  
TO  
QUITCLAIM DEED  
WITH COVENANT**

A certain lot or parcel of land, with the buildings thereon, situated on the southwest corner of State and Spring Streets in the City of Portland, County of Cumberland, and the State of Maine, bounded and described as follows:

Beginning at the intersection of the southerly sideline of Spring Street and the westerly sideline of State Street;

Thence S 41° 50' 23" E along said State Street 84.00 feet;

Thence by the following courses and distances and distances across land now or formerly of Mercy Hospital:

- S 47° 44' 04" W 64.00 feet;
- N 42° 15' 56" W 15.59 feet;
- S 48° 04' 38" W 82.20 feet;
- N 39° 40' 10" W 65.99 feet to said Spring Street;

Thence N 46° 56' 12" E along said Spring Street 143.85 feet to the point of beginning, containing 10,758 square feet.

Reference is made to a Boundary Survey by Owen Haskell, Inc., dated November 3, 2006, Job #99294 P, Drawing #1A, to be recorded, for a further description of the above-described premises.

Meaning and intending to convey and hereby conveying the same premises conveyed to Mercy Hospital by deed of James Desmond, Conservator of Bertha Smith, dated November 3, 1965 and recorded in the Cumberland County Registry of Deeds in Book 2932, Page 500, and by deed of Mary S. Smith, a/k/a Mary Morgan Smith, dated March 29, 1970 and recorded in said Registry of Deeds in Book 3121, Page 446. Also conveying a portion of the premises conveyed to Mercy Hospital by deed of George H. Hinckley, Guardian of Arthena Wiggin, dated February 1, 1962 and recorded in said Registry of Deeds in Book 2657, Page 71, this conveyance being a conveyance of a portion of such premises that adjoins a portion of the property conveyed by the above-referenced Mary S. Smith deed.

S:\MMRCY\1\Deed.doc

Received  
Cumberland Register of Deeds  
Jan 20 2008 11:31:43AM  
Cumberland County  
John C. O'Brien

**OPERATING AGREEMENT  
OF  
HORTON, LLC  
(Member-Run)**

AGREEMENT made as of this 13<sup>th</sup> day of December 2006, by and among James J. Soley (hereinafter individually referred to as "Member," and referred to collectively as "Members" in the event that more than one Member is admitted in the future) and Horton, LLC (hereinafter referred to as the "Company").

**WITNESSETH:**

WHEREAS, James J. Soley, currently the sole member of the Company, does hereby enter into this contract and Operating Agreement for operation of the above named limited liability company pursuant to the provisions of the Maine Limited Liability Company Act, 31 M.R.S.A. § 601 et. seq. (the "Act"); and

NOW, THEREFORE, the Members agree as follows:

**ARTICLE 1**

Formation, Name, Purpose, Location, Registered Office

1.1 Formation. The Members hereby form a limited liability company pursuant to the Act on the terms and conditions stated herein to take effect upon the filing of the Company's articles of organization with the Secretary of State of the State of Maine ("Secretary of State").

1.2 Name. The name of the Company shall be **Horton, LLC**.

1.3 Purpose. The principal purpose of the Company is to engage in the business of holding and managing real estate.

1.4 Place of Business. The principal office of the Company shall be located at 100 Commercial Street, Portland, Maine, or at such other or additional locations as may be determined by the Members.

1.5 Registered Office and Registered Agent. The address of the Company's initial registered office shall be Petruccelli, Martin & Haddow, LLP, 50 Monument Square, Post Office Box 17555, Portland, Maine 04112-8555. The name and address of



January 15, 2008

City Planner  
City of Portland

Re: Horton LLC, 116-118 State Street, Portland, Maine

To Whom It May Concern:

Based upon meetings with the developer, information received to date, along with our experience with the developer, Horton LLC has the financial capacity and development expertise to complete the proposed development of 116-118 State Street into 9 condominium units. Please call me at 541-2710 with any further questions.

Sincerely,

A handwritten signature in black ink, appearing to read "M. O'Reilly", written over a horizontal line.

Michael P. O'Reilly  
Vice President  
Commercial Lending

*This is no longer the case*

**From:** Marge Schmuckal  
**To:** Molly Casto  
**Date:** 1/11/2008 9:56:05 AM  
**Subject:** Re: 116-118 State St- change of use

Molly,

It sounds like you do not have a lot of the paperwork that preceded this application. There have been many meetings and many letters concerning the use and such concerning this property. I am sending you two of those letters in intraoffice mail.

From a zoning standpoint, the last legal use by permit was:

116 State Street: a doctor's office on the first floor and a residential dwelling unit above the first floor.

118 State Street: a single family dwelling with a lodging house with 1 lodging room on the first floor, 5 lodging rooms on the 2nd floor, and 2 lodging rooms on the third floor.

I might point out that the above is the last legal zoning use. I do understand that previously the building was use illegally for other uses. I believe Mercy used the buildings as doctors' offices.

I hope this answers your question.

Marge

>>> Molly Casto 1/11/2008 9:01:27 AM >>>  
Hi Marge-

In your comments for 116-118 State St you note it is a change of use to 9 condos. According to the applicant, the previous use (before Mercy) was office (1 unit), 1 residential unit and 8 lodging rooms. Is that correct? Which use is considered the previous use the building is being changed from- Mercy offices or what was before? Neither 116 nor 118 State appear to exist on property lookup (?!)

I want to be clear from the Board and I guess this determination also has a big impact on Greg Cass's review.

thanks-  
Molly

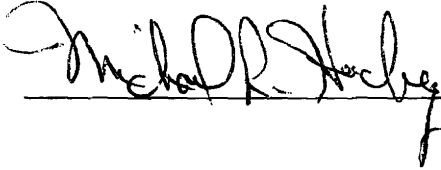
**QUITCLAIM DEED  
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Maine Statutory Short Form

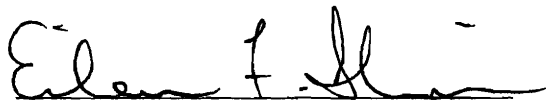
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WITNESS:

MERCY HOSPITAL

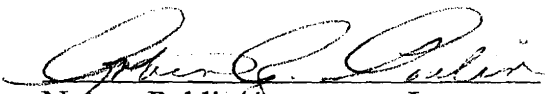
  
\_\_\_\_\_

  
By: Eileen F. Skinner  
Its: President and CEO

STATE OF MAINE  
COUNTY OF CUMBERLAND

December 15, 2006

Personally appeared the above-named Eileen F. Skinner, in her said capacity, and acknowledged the foregoing to be his/her free act and deed and that of said Mercy Hospital, before me.

  
Notary Public/Attorney at Law  
Notary Public, Maine  
My Commission Expires December 3, 2011  
Printed Name

SEAL

MAINE REAL ESTATE TAX PAID



**EXHIBIT A  
TO  
QUITCLAIM DEED  
WITH COVENANT**

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Thence S 41° 50' 23" E along said State Street 84.00 feet;

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N 42° 15' 56" W 15.59 feet;

S 48° 04' 38" W 82.20 feet;

N 39° 40' 10" W 65.99 feet to said Spring Street;

Thence N 46° 56' 12" E along said Spring Street 143.85 feet to the point of beginning, containing 10,758 square feet.

Reference is made to a Boundary Survey by Owen Haskell, Inc., dated November 3, 2006, Job #99294 P, Drawing #1A, to be recorded, for a further description of the above-described premises.

Meaning and intending to convey and hereby conveying the same premises conveyed to Mercy Hospital by deed of James Desmond, Conservator of Bertha Smith, dated November 3, 1965 and recorded in the Cumberland County Registry of Deeds in Book 2932, Page 500, and by deed of Mary S. Smith, a/k/a Mary Morgan Smith, dated March 29, 1970 and recorded in said Registry of Deeds in Book 3121, Page 446. Also conveying a portion of the premises conveyed to Mercy Hospital by deed of George H. Hinckley, Guardian of Arthena Wiggin, dated February 1, 1962 and recorded in said Registry of Deeds in Book 2657, Page 71, this conveyance being a conveyance of a portion of such premises that adjoins a portion of the property conveyed by the above-referenced Mary S. Smith deed.

### Know All Men by These Presents,

That I, George H. Hinckley, of South Portland, in the County of Cumberland and State of Maine, Guardian of Arthens Wiggin of Portland, in said County and State,

having on the ninth day of October, A. D. 1961, obtained License from the Honorable Nathaniel M. Haskell, Judge of Probate within and for the County of Cumberland and State of Maine, to sell and convey at private sale the Real Estate hereinafter described, of the said Arthens Wiggin,

for the sum of Sixty-five Hundred (\$6500.00) - - - - - dollars, the same being an advantageous offer therefor, and having agreeably to the order and decree of said Court, given due notice upon the petition for license to make such sale, and having given the bond required by law, by virtue of the power and authority with which I am as aforesaid vested, and in consideration of the aforesaid sum of Sixty-five Hundred (\$6500.00) - - - dollars, to me paid by Mercy Hospital, a charitable corporation organized and existing under the laws of the State of Maine, and having an office or place of business at Portland, County of Cumberland and State of Maine, the receipt whereof I do hereby acknowledge, have given, granted and sold, and by these Presents do give, grant, sell and convey to the said Mercy Hospital, its Successors

~~Make~~ and Assigns forever, the following described Real Estate, viz:

A certain lot or parcel of land, with the buildings thereon, situated in Portland in the County of Cumberland and State of Maine, bounded and described as follows:

Commencing at the northerly corner of lot formerly owned by George H. Knight and in the range of the division wall of the house on the lot formerly owned by said Knight and the house hereby conveyed; thence running northwesterly by the southwesterly side of State Street, thirty (30) feet; thence southwesterly at right angles with said State Street one hundred forty-two (142) feet, more or less, to the estate formerly of Samuel Rand: thence at right angles with the last line by said Rand Estate southeasterly thirty (30) feet; thence through the center of the division wall aforesaid and at right angles with the line last mentioned to the point of commencement, being No. 112 State Street, as appears on the City of Portland Revaluation Plan of 1882, and the same property conveyed by John Randall to Joshua R. Randall, recorded in Cumberland Registry of Deeds, Book 438, Page 408.

Being the same premises conveyed to Arthens Wiggin by Casco Loan and Building Association by deed dated June 30, 1948, re-

Wiggin  
Guard  
of  
to  
Mercy  
Hospital  
Guard

corded in Cumberland County Registry of Deeds, Book 1921, Page 10.

This conveyance is made subject to the taxes assessed on said premises for the year 1961, which the Grantee herein assumes and agrees to pay as part consideration for this conveyance.



do hereby sell the same, with all the privileges and appurtenances to the same belonging, in manner as aforesaid to the said Mercy Hospital, its Successors ~~Heirs~~ and Assigns forever.

And I, the said George H. Hinckley, in my said capacity,



do pursuant to and with the said Mercy Hospital, its Successors ~~Heirs~~ and Assigns, that I have in all things observed the rules and directions of law relative to the selling of said Estate, and have good right and lawful authority to sell and convey the same in manner aforesaid.



In Witness Whereof, I hereunto set my hand and seal in my said capacity, this first day of FEBRUARY, in the year of our Lord one thousand nine hundred and Sixty-two.



Signed, Sealed and Delivered in presence of

Florence E. Tarr

[Signature]  
GUARDIAN OF ARTHENA WIGGIN.

State of Maine, Cumberland, ss. February 1st, A.D., 1962.

Personally appeared the above named  
George H. Hinckley

and acknowledged the foregoing instrument to be his free act and deed in said capacity.

Before me,

FEB 5 1962

Florence E. Tarr  
Justice of the Peace

REGISTRY OF DEEDS, CUMBERLAND COUNTY, MAINE  
Received at 10 H 52 M A M, and recorded in  
BOOK 2657 PAGE 71 Laural P. Thompson Register

3862  
**Know All Men by These Presents,**

**That** I, MARY G. SMITH, also known as and called MARY MORGAN SMITH, of portland, in the county of Cumberland and state of Maine,

in consideration of One Dollar and other valuable consideration

paid by MERCY HOSPITAL, a corporation organized and existing by law and having a place of business in the city of portland, in the county of Cumberland and state of Maine,

the receipt whereof I do hereby acknowledge, do hereby give, grant, bargain, sell and convey unto the said Mercy Hospital, its successors

heirs and assigns forever, a certain lot or parcel of land with the buildings thereon, situated on the southwesterly side of state street, in the city of portland, in the county of Cumberland and state of Maine, bounded and described as follows:

Beginning at a point distant on said state street twenty-six (26) feet southeasterly from the corner made by the intersection of said southwesterly side of state street with the southeasterly side of Spring Street, which point is opposite the center of the brick block there standing; thence running southeasterly by said state street thirty-five (35) feet to land now or formerly owned or occupied by one Randall; thence southwesterly at right angles with said state street, on a line parallel with the center partition of the block aforesaid, and holding the width of thirty-five (35) feet therefrom, one hundred forty-two (142) feet to land now or formerly owned by the heirs of Samuel Rand; thence northwesterly by said Rand land about thirty-five (35) feet to land now or formerly owned or occupied by the heirs of James Bailey; thence northeasterly by said Bailey land and through the center of the partition wall of said brick block to said state street at the point of beginning.

Being the same premises conveyed by Harry Finks to Mary Morgan Smith and Fred H. Smith, as joint tenants and not as tenants in common, by deed dated May 2, 1956, said deed being recorded in Cumberland County Registry of Deeds in Book 2287, page 79.

The said Fred H. Smith died February 3rd, 1968, and the grantor herein is the surviving grantee named in said joint tenancy deed.



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Smith.  
Conserv  
of  
  
to  
  
Mercy  
Hospital  
  
Deed

KNOW ALL MEN BY THESE PRESENTS, That I, James R. Desmond, of Cape Elizabeth, in the County of Cumberland and State of Maine, conservator of Bertha Smith of Portland, in said County of Cumberland and State of Maine, by virtue of the authority to me given by the Judge of Probate, in my capacity as conservator, and in consideration of One Dollar and other valuable considerations, to me in my said capacity paid by or in behalf of Mercy Hospital, a charitable corporation organized and existing under the laws of the State of Maine, and located in Portland in the County of Cumberland and State of Maine, the receipt whereof is hereby acknowledged, do hereby sell and convey unto the said Mercy Hospital, its successors and assigns, the following described real estate, which is the property of the said Bertha Smith, situated in Portland and bounded and described as follows:

A certain lot or parcel of land with the buildings thereon, situated on the southerly corner of State and Spring Streets in said Portland, and bounded as follows: Beginning at said southerly corner; thence Southeasterly by the westerly side line of State Street about twenty-six (26) feet to the center of the partition wall of the block of two brick houses standing on said corner; thence Southwesterly through the center of said partition wall one hundred and forty-two (142) feet to land formerly owned by Samuel Rand, deceased, and later by the heirs of the said Samuel Rand; thence Northwesterly adjoining said land to Spring Street; thence Northeasterly by the southerly side line of said street one hundred and forty-two (142) feet to the first bounds. Being the same premises conveyed to Hattie A. Bishop by Charles J. Bailey et als by their deed recorded in Cumberland County Registry of Deeds. Also being the same premises conveyed to the said Bertha M. Smith by Hattie A. Bishop by her deed dated May 29, 1941 and recorded in the Cumberland County Registry of Deeds in Book 1639 at Page 352. The taxes are to be pro rated as of the date of the transfer.

To Have and to Hold the above-granted premises unto the said Mercy Hospital and its successors and assigns forever. And I the said James R. Desmond, in my said capacity, do hereby covenant to and with the said Mercy Hospital, its successors and assigns, that I am the conservator of the said

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Bertha Smith, that I have authority from the Judge of Probate to convey these premises, and have in all respects acted in pursuance of said authority granted.

IN WITNESS WHEREOF, I, the said James R. Desmond, in my capacity as conservator as aforesaid have hereunto set my hand and seal this *third* day of November, A. D. 1965.

Signed, Sealed and Delivered in presence of

*William D. Mahoney James R. Desmond*

STATE OF MAINE

Cumberland, ss.

November 3, 1965

Then personally appeared the above named James R. Desmond and acknowledged the above instrument to be his free act and deed in his said capacity.

Before me,

*William D. Mahoney*  
Justice of the Peace



REGISTRY OF DEEDS, CUMBERLAND COUNTY, MAINE NOV 8 1965  
Received at 1 H 6 P.M. and recorded in  
BOOK 2932 PAGE 500 *Samuel P. Thayer* Register

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

**2008-0017**  
Application I. D. Number

**2/22/2008**  
Application Date

**Townhouses at Ethan Shaw Block**  
Project Name/Description

*change of use from:  
Drs. office on 1st floor  
and one residential A.D.U. ABOVE*

**Horton Llc**  
Applicant  
**100 Commercial St , Portland, ME 04101**  
Applicant's Mailing Address

**116 - 116 State St, Portland, Maine**  
Address of Proposed Site  
**045 D005001**  
Assessor's Reference: Chart-Block-Lot

Consultant/Agent  
**Applicant Ph: (207) 775-2252 Agent Fax:**  
Applicant or Agent Daytime Telephone, Fax

Proposed Development (check all that apply):  New Building  Building Addition  Change Of Use  Residential  Office  Retail  
 Manufacturing  Warehouse/Distribution  Parking Lot  Apt  0  Condo  2  Other (specify)

**5379** **0** **R6**  
Proposed Building square Feet or # of Units Acreage of Site Proposed Total Disturbed Area of the Site Zoning

**Check Review Required:**

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

Fees Paid: Site Plan **\$400.00** Subdivision Engineer Review Date **2/22/2008**

**Zoning Approval Status:**

Reviewer *Marge - Jasp.*

- Approved  Approved w/Conditions See Attached  Denied

Approval Date \_\_\_\_\_ Approval Expiration \_\_\_\_\_ Extension to \_\_\_\_\_  Additional Sheets Attached

Condition Compliance \_\_\_\_\_ signature \_\_\_\_\_ date \_\_\_\_\_

Performance Guarantee  Required\*  Not Required

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

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

*MAR - 1 2008*





Planning and Development Department  
Lee D. Urban, Director

Planning Division  
Alexander Jaeger, Jr., Director

May 6, 2008

Horton, LLC  
Attn: Jack Soley  
100 Commercial Street  
Portland, Maine 04101

**RE: Townhouses at the Eaton Shaw Block**

**116 State Street** - 2 townhouses. Minor site plan review (Application # 2008-0017)  
Chart: 45 Block: D Lot: 5

**118 State Street** - 2 townhouses. Minor site plan review (Application # 2008-0018)  
Chart: 45 Block: D Lot: 5

Dear Mr. Soley:

On May 6, 2008 the Portland Planning Authority approved a minor site plan for The Townhouses at the Eaton Shaw Block located at 116-118 State Street as shown on the approved plans prepared and submitted by Michael Belleau, Architect and dated April 18, 2008. This plan was approved with the following conditions:

Conditions of approval:

1. The applicant shall provide adequate evidence of sewer capacity issued by Portland's Department of Public Services for approval by the Planning Authority prior to the issuance of a Building Permit.
2. The two existing street trees along the State Street frontage shall be protected throughout construction. Tree-protection measures shall include protecting the root zone with construction fencing installed outside the dripline and posting of signage prohibiting storage of materials or foot traffic over the root zone. Protective barriers and signage shall remain in place until completion of the project. If existing street trees are determined to be damaged as a result of construction activities within the one year defect guarantee period, the

developer shall replace each damaged tree with a minimum 3" caliper, upright shade tree, species to be determined by the Portland City Arborist.

3. Prior to construction activities in the City right-of-way, the applicant shall obtain a street opening permit from the City of Portland for approved improvements to the driveway apron (*see standard condition of approval (7), listed below*). The driveway apron shall be replaced with brick as noted on the approved plans and as required by the City's sidewalk material policy.
4. The applicant shall widen the existing asphalt driveway apron to sixteen (16) feet as discussed in Tom Errico's review memorandum, dated April 3, 2008 (*attached*).
5. The applicant shall modify the parking configuration to include four (4) parking spaces oriented to the southeast, as discussed in Tom Errico's review memorandum, dated April 3, 2008 (*attached*) and as depicted on the submitted parking diagram, included with the approved site plan.
6. The applicant shall screen the solid waste receptacle area with opaque cedar fencing on all sides, as depicted in the fence detail included with the approved site plan.

The approval is based on the submitted site plan. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.

Please note the following provisions and requirements for all site plan approvals. I understand that you have already begun submitting some of the necessary materials to meet these requirements:

1. The above approvals do not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
2. Final sets of plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (\*.dwg), release AutoCAD 2005 or greater.
3. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and seven (7) final sets of plans must be submitted to and approved by the Planning Division and Public Works prior to the release of the subdivision plat for recording at the Registry of Deeds or prior to the release of a building permit, street opening permit or certificate of occupancy for site plans. If you need to make any modifications to the approved plans, you must submit a revised subdivision or site plan application for staff review and approval.
4. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a

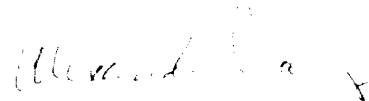
time period agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date.

5. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
6. Prior to construction, a pre-construction meeting shall be held at the project site with the contractor, development review coordinator, Public Work's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
7. If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

The Development Review Coordinator must be notified five (5) working days prior to date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874-8632. Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as all site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If there are any questions, please contact Molly Casto, Planner at 874-8901.

Sincerely,



Alexander Jaegerman  
Planning Division Director

Electronic Distribution:

cc: Lee D. Urban, Planning and Development Department Director  
Alexander Jaegerman, Planning Division Director  
Barbara Barhydt, Development Review Services Manager  
Molly Casto, Planner  
Philip DiPierro, Development Review Coordinator  
Marge Schmuckal, Zoning Administrator  
Jeanie Bourke, Inspections Division  
Lisa Danforth, Administrative Assistant  
Michael Bobinsky, Public Works Director