

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

2008-0001

Application I. D. Number

1/2/2008

Application Date

Subdivision

Project Name/Description

Horton Llc

Applicant

100 Commercial St , Portland, ME 04101

Applicant's Mailing Address

Consultant/Agent

Applicant Ph: (207) 775-2252 Agent Fax:

Applicant or Agent Daytime Telephone, Fax

116 - 118 State St, Portland, Maine

Address of Proposed Site

045 D005001

Assessor's Reference: Chart-Block-Lot

Proposed Development (check all that apply): New Building Building Addition Change Of Use Residential Office Retail

Manufacturing Warehouse/Distribution Parking Lot Apt 0 Condo 0 Other (specify) _____

10725

R6

Proposed Building square Feet or # of Units

Acreage of Site

Zoning

Check Review Required:

- Site Plan (major/minor) Zoning Conditional - PB Subdivision # of lots 9
- 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 _____ Subdivision _____ Engineer Review _____ Date _____

Planning Approval Status:

Reviewer _____

- Approved Approved w/Conditions See Attached Denied

Approval Date _____ Approval Expiration _____ Extension to _____ Additional Sheets Attached

OK to Issue Building Permit _____ 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 | |



Site Plan Application

Department of Planning and Development
Portland Planning Board

Address of Proposed Development: 116 & 118 STATE ST. Zone: R6								
Project Name: 116, 118 STATE STREET								
Existing Building Size: 9,000 sq. ft.	Proposed Building Size: 9,400 sq. ft.							
Existing Acreage of Site: 10,725 sq. ft.	Proposed Acreage of Site: 10,725 sq. ft.							
Tax Assessor's Chart, Block & Lot: <table style="width: 100%; border: none;"> <tr> <td style="border: none;">Chart#</td> <td style="border: none;">Block #</td> <td style="border: none;">Lot#</td> </tr> <tr> <td style="border: none; text-align: center;">45</td> <td style="border: none; text-align: center;">D</td> <td style="border: none; text-align: center;">5</td> </tr> </table>	Chart#	Block #	Lot#	45	D	5	Property Owners Mailing address: 100 COMMERCIAL ST. PORTLAND, ME. 04101	Telephone #: 775-2252 Cell Phone #:
Chart#	Block #	Lot#						
45	D	5						
Consultant/Agent Contact Name and mailing address, Telephone # and Cell Phone # :	Applicant's Name/Mailing Address: HORTON, LLC. JACK SOLEY 100 COMMERCIAL ST. PORTLAND, ME. 04101	Telephone #: 775-2252 Cell Phone #:						
Fee For Service Deposit (all applications) <input checked="" type="checkbox"/> (\$200.00)								
Proposed Development (check all that apply) <input type="checkbox"/> New Building <input type="checkbox"/> Building Addition <input type="checkbox"/> Change of Use <input type="checkbox"/> Residential <input type="checkbox"/> Office <input type="checkbox"/> Retail <input type="checkbox"/> Manufacturing <input type="checkbox"/> Warehouse/Distribution <input type="checkbox"/> Parking lot <input checked="" type="checkbox"/> Subdivision (\$500.00) + amount of lots 9 (\$25.00 per lot) \$ 225.00 + major site plan fee if applicable <input type="checkbox"/> Site Location of Development (\$3,000.00) (except for residential projects which shall be \$200.00 per lot _____) <input type="checkbox"/> Traffic Movement (\$1,000.00) <input type="checkbox"/> Storm water Quality (\$250.00) <input type="checkbox"/> Section 14-403 Review (\$400.00 + \$25.00 per lot) <input type="checkbox"/> Other _____								
\$1,325.00 (total)								
Major Development (more than 10,000 sq. ft.) <input type="checkbox"/> Under 50,000 sq. ft. (\$500.00) <input type="checkbox"/> 50,000 - 100,000 sq. ft. (\$1,000.00) <input type="checkbox"/> Parking Lots over 100 spaces (\$1,000.00) <input type="checkbox"/> 100,000 - 200,000 sq. ft. (\$2,000.00) <input type="checkbox"/> 200,000 - 300,000 sq. ft. (\$3,000.00) <input type="checkbox"/> Over 300,000 sq. ft. (\$5,000.00) <input type="checkbox"/> After-the-fact Review (\$1,000.00 + applicable application fee)								
~ Please see next page ~								

Minor Site Plan Review

- Less than 10,000 sq. ft. (\$400.00)
- After-the-fact Review (\$1,000.00 + applicable application fee)

Plan Amendments

- Planning Staff Review (\$250.00)
- Planning Board Review (\$500.00)

Who billing will be sent to:

HORTON, LLC.
100 COMMERCIAL ST.
PORTLAND, ME. 04101

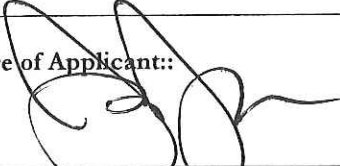
Submittals shall include (7) separate **folded** packets of the following:

- a. copy of application
- b. cover letter stating the nature of the project
- c. site plan containing the information found in the attached sample plans checklist
- d. 1 set of 11x17 plans

Section 14-522 of the Zoning Ordinance outlines the process which is available on our web site: portlandmaine.gov

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

This application is for site review only; a Building Permit application and associated fees will be required prior to construction.

Signature of Applicant: 	Date: 12/28/07
--	-------------------



Development Review Fee Schedule (effective July 15, 2005)

• Fee for Service Deposit (all applications)	\$200.00
Planning Services	\$30.00/hour
Legal Services	\$40.00/hour
• Major Site Plan Review (more than 10,000 sq. ft.)	
Under 50,000 sq. ft.	\$500.00
50,000 - 100,000 sq. ft.	\$1,000.00
Parking Lots over 100 spaces	\$1,000.00
100,000 - 200,000 sq. ft.	\$2,000.00
200,000 - 300,000 sq. ft.	\$3,000.00
Over 300,000 sq. ft.	\$5,000.00
• After-the-fact Major Site Plan Review	\$1,000.00 + applicable application fee
• Minor Site Plan Review (less than 10,000 sq. ft.)	\$400.00 (or up to 20,000 in an Industrial zone)
• After-the-fact Minor Site Plan Review	\$1,000.00 + applicable application fee
• Minor-Minor Site Plan Review (Single Families)	\$300.00
• Amendment to Plans	
Planning Board Review	\$500.00
Planning Staff Review	\$250.00
• Subdivision Fee	\$500.00 + \$25.00 per lot
• Section 14-403 Review	\$400.00 + \$25.00 per lot
• Site Location of Development	\$3,000.00
(except for residential projects which shall be \$200.00 per lot)	
• Traffic Movement Permit	\$1,000.00
• Storm water Quality Permit	\$250.00
• Street Vacation	\$2,000.00

Engineering Fees

- Engineer Review Fee - This fee is assessed by the Engineer
- Inspection Fee - This fee is 2% of the Performance Guarantee or as assessed by Planning or Public Works Engineer with \$300.00 being the minimum.

Zone Change

• Zoning Map Amendments	\$2,000.00
• Text Amendments	\$2,000.00
• Contract/Conditional Rezoning	
Under 5,000 sq. ft.	\$1,000.00
5,000 sq. ft. and over	\$3,000.00
• Conditional Use	\$100.00

Historic Preservation

• Administrative Review	\$50.00
• Minor Projects - Committee Review	\$100.00
• Major Projects - Committee Review	\$500.00
• After-the-fact Review	\$750.00
• HP Special Exception Sign Review	\$35.00

Noticing/Advertisements for Historic Preservation and Planning Board Review

- Legal Advertisement: Percent of total bill
(Legal Ads are placed in the newspaper for workshop and public hearing meetings)
- Notices: .55 cents each
(Notices are sent to abutters when the application is received in the Planning Division, workshop meeting and public hearing meeting)



City of Portland, Maine Site Plan Checklist

116, 118 STATE STREET
 116 & 118 STATE ST, PORTLAND, ME.

Application Number

Submitted () & Date (b,c)	Item	Required Information	Section 14-525
_____	(1)	Standard boundary survey (stamped by a registered surveyor, at a scale of not less than 1 inch to 100 feet and including:	1
_____	(2)	Name and address of applicant and name of proposed development	a
_____	(3)	Scale and north points	b
_____	(4)	Boundaries of the site	c
_____	(5)	Total land area of site	d
_____	(6)	Topography - existing and proposed (2 feet intervals or less)	e
_____	(7)	Plans based on the boundary survey including:	2
_____	(8)	Existing soil conditions	a
_____	(9)	Location of water courses, marshes, rock outcroppings and wooded areas	b
_____	(10)	Location, ground floor area and grade elevations of building and other structures existing and proposed, elevation drawings of exterior facades, and materials to be used	c
_____	(11)	Approx location of buildings or other structures on parcels abutting the site	d
_____	(12)	Location of on-site waste receptacles	e
_____	(13)	Public utilities	e
_____	(14)	Water and sewer mains	e
_____	(15)	Culverts, drains, existing and proposed, showing size and directions of flows	e
_____	(16)	Location and dimensions, and ownership of easements, public or private rights-of-way, both existing and proposed	f
_____	(17)	Location and dimensions of on-site pedestrian and vehicular access ways	g
_____	(18)	Parking areas	g
_____	(19)	Loading facilities	g
_____	(20)	Design of ingress and egress of vehicles to and from the site onto public streets	g
_____	(21)	Curb and sidewalks	g
_____	(22)	Landscape plan showing:	h
_____	(23)	Location of existing proposed vegetation	h
_____	(24)	Type of vegetation	h
_____	(25)	Quantity of plantings	h
_____	(26)	Size of proposed landscaping	h
_____	(27)	Existing areas to be preserved	h
_____	(28)	Preservation measures to be employed	h
_____	(29)	Details of planting and preservation specifications	h
_____	(30)	Location and dimensions of all fencing and screening	i
_____	(31)	Location and intensity of outdoor lighting system	j
_____	(32)	Location of fire hydrants, existing and proposed	k
_____	(33)	Written statement	c
_____	(34)	Description of proposed uses to be located on site	l
_____	(35)	Quantity and type of residential, if any	l
_____	(36)	Total land area of the site	b2
_____	(37)	Total floor area and ground coverage of each proposed building and structure	b2
_____	(38)	General summary of existing and proposed easements or other burdens	c3
_____	(39)	Method of handling solid waste disposal	4
_____	(40)	Applicant's evaluation of availability of off-site public facilities, including sewer, water and streets	5
_____	(41)	Description of any problems of drainage or topography, or a representation that there are none	6
_____	(42)	An estimate of the time period required for completion of the development	7
_____	(43)	A list of all state and federal regulatory approvals to which the development may be subject to	8

_____	(44)	The status of any pending applications	8
_____	(45)	Anticipated timeframe for obtaining such permits	h8
_____	(46)	A letter of non jurisdiction	h8
_____	(47)	Evidence of financial and technical capability to undertake and complete the development including a letter from a responsible financial institution stating that is has reviewed the planned development and would seriously consider financing it when approved.	

Note: Depending on the size and scope of the proposed development, the Planning Board or Planning Authority may request additional information, including (but not limited to):

- drainage patterns and facilities;
 - erosion and sedimentation controls to be used during construction;
 - a parking and/or traffic study;
 - emissions; and
 - a wind impact analysis.
- an environmental impact study;
 - a sun shadow study;
 - a study of particulates and any other noxious
 - a noise study;

Other comments:

Jack Soley
100 Commercial Street
Portland, ME 04101

December 28, 2007

Portland Planning Board
Department of Planning and Development
Portland, ME

RE: Application for Subdivision at 116/118 State Street

Planning Board:

The property at 116/118 State Street is comprised of two connected townhouses at the corner of Spring and State Streets with a large enclosed yard, in the R6 Zone. Currently the 116 side of the building is permitted for an office on the first floor and a single family unit above, while the 118 side is permitted for a single family unit with eight lodging rooms. My intention is to create nine condominium units within these structures; six two bedroom and three two bedroom condominiums. Consistent with its historical use, one of the two bedroom units at 116 State Street would maintain its permitting for a professional office.

Built in the Federal style in 1832, the brick building of 116/118 State Street is in the Historic District. Formally owned by Mercy Hospital, the building is three and one-half stories tall and is 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 building is 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 as well as gravel space for another two vehicles.

At the rear of 116 State Street, there is a flat roof addition (20th century) of approximately 400 square feet. The only exterior alterations proposed for the building are raising this flat roofed structure another level and adding an egress door below (please see enclosed elevations). This is the least visible portion of the building, though sight lines are possible from both State and High Streets. Landscaping for the property was established by Mercy Hospital and has matured well; the only substantial changes foreseen are the addition of coniferous trees around the perimeter of the rear courtyard.

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

Sincerely,


Jack Soley

11/8/06

From: Marge Schmuckal
To: Barbara Barhydt; jack@soley.com; RCox@maine.rr.com
Date: 11/8/2006 11:57:08 AM
Subject: Re: 118 State Street

A permit in 1941 states: To change use of dwelling house to lodging house, 5 on second floor, 1 on first and 2 on third floor". A statement submitted by Bertha Smith who was the owner of the property stated that the first floor was primarily still a single family for the owner with the rooming units dispersed in the building. So apparently it was a single family with 8 rooming units based on the information in the files.

Marge

>>> Barbara Barhydt 11/7/2006 11:33:18 AM >>>
Marge:

Did your research indicate how many lodgers or rooming units were permitted in the building?

Thanks.

Barbara

>>> Marge Schmuckal 11/7/2006 10:54:22 AM >>>
My further research shows that the last approved use of this property is a lodging house.

the bad news is that the Preservation and Replacement of Housing units does include lodging houses and rooming units. You should read that ordinance for compliance. You would need to comply with that ordinance 14-483.

Marge

CC: Alex Jaegerman ; Deb Andrews

* - office use - conditional use
date -

* - Mercy Hospital - find file

November 9, 2006

To: Joe Malone

From: Bill Connolly

Re: 116 and 118 State St.

Mercy Hospital has been using 116 State St. for offices for more than 30 years. Over the years, it has been used as a doctor's office, purchasing offices, development offices, and plant & engineering storage. Our most recent usage of the first floor has been for offices for medical affairs, patient registration administration, computer support/training, and a mission support office. The second floor housed our IS and Telecommunications network personnel offices. The third floor had an office for support services and software support administration.

Since the Spring of 1999, Mercy Hospital has used the second floor of 118 State St. exclusively as offices for behavioral health administration. The first floor was used our eating disorder program from the Spring of 1999 through September of 2002. Since that time, the first floor space has been used for in-house computer training labs and training office space.

Effective in July of this year, Mercy relocated all of the occupants of 116 and 118 State Street in preparation of selling the property.

Exemptions (N) 6

does not have lease to mercy for office (2)

Total of 9 units + one office

Bring it to down to fewer -

- can it use 3 or 4 -

-

Who applied + used office use

- if reduced it to two units -

Consequence:

• reduce to two - exception → replacement housing not apply

may apply

• can have fewer units -

76 Winter St - 3 unit -

- egress -

- H.P -

Sell as a 2-unit

Legalize illegal unit
- existed - 1985 - prior to 1995

notice to neighbors -



PORTLAND MAINE

Strengthening a Remarkable City, Building a Community for Life • www.portlandmaine.gov

Planning and Development Department
Lee D. Urban, Director

Planning Division
Alexander Jaegerman, Director

December 8, 2006

Joseph Malone CCIM,
Malone Commercial Brokers
5 Moulton Street
Portland, ME 04101

Re: 116-118 State Street: Housing Replacement Ordinance

Dear Mr. Malone:

On December 6, 2006, Lee Urban, Marge Schmuckal, Penny Littell, Barbara Barhydt and I met with you, as Mercy Hospital's representative regarding their property at 116-118 State Street. You asked to confirm the following in your December 6, 2006 e-mail:

... that 116-118 State street does qualify for the exemption outlined in item n (6) of the replacement ordinance. I was also told that who ever owns the property still must go thru the change of use process to "reduce" the number of units. I also understood that the number of units can not be fewer than two but could be as many as nine without penalty or fine under the replacement ordinance.

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.

12/6/06

- Joe Malone - representing mercy

- told zoning is Residential
office use is not ~~not~~ conforming

- Scheduled to close - next week -
(Soley's financing approved - not sure they
will be closing)

Joe wants to know how to advise / told appeal -
- extend closing
- or a new contract

Lawfully existing

1999 - used as office

1985 - Assessor's records 1985 - office

Permitted use - 1941 - Bertha Boarding House
118 State Lodging House -
her dwelling + lodging rooms
- 8 total

116 - Appeal - fr. Δ of resid to 1 unit
above - office on 1st floor

- If no use - can it be reinstated -
- conforming uses - can re-establish

Nurs - until 1985
one kitchen - 1 bath -
- can't Δ use w/o getting a permit

From: Gary Wood
To: Alex Jaegerman ; Barbara Barhydt; Lee Urban; Marge Schmuckal; Penny Littell
Date: 11/21/2006 11:44:09 AM
Subject: Re: 116-118 State St.

I don't want city staff taking the lead on any ammendments.

If they come to us thru one or more councilors that's fine but I believe that any major ammendments ,even from councilors, assuming that Mr Soley can find one to sponsor an ammendment, so close to the changing of the Council membership will be seen as a slap at the departing councilors and opposed on those grounds alone,regardless of the merit of the ammendment .

The exception to the above would be if a very narrow and fair ammendment could be drafted to address this situation and similar ones which are sure to come up sooner or later.In that regard it sounds like Penny's recollection is that that the Housing committee thought about this issue and intentionally decided to pull illegal conversions into the net..which when you think about it makes a lot of intellectual sense ...why should we reward law breakers by exempting them from one city law because they broke another city law.

I think it is worth confirming the Housing Committees thinking and position with Councilor Geraghty because if she has some sympathy for Mr Soley's plight and others in the same position, that would make it a lot easier to T up an ammendment for the Housing Committee and eliminate my concern about having it initiated by staff. I think the key factor would be how long ago the illegal conversion took place and how many times the building has changed hands since the original conversion.

I will talk to her if someone gets me those facts and they support some kind of grandfathering.

Lee's suggestion that the conversion was probably illegal because it didn't go thru a change of use application and is now a non permitted use in the zone is actually a lot more of a problem in my mind because if the facts end up supporting those conclusions then we should be filing a legal action against Mr Soley and he in turn can try to go after his predecessor in title, which when all is said and done is probably what he is going to have to do in any case, particularly if his predecessor in title is directly responsible for the illegal conversion. The only out from that situation that I can think of is a contract zoning application if appropriate.

If Mr Soley or someone else challenges the ordinance we have to do our best to defend it .

It sounds like in this case the replacement housing ordinance is only one of his problems. If I were him I would be filing a lawsuit against the person or entity that I bought the property from if they won't take the property back and give him his money back.

>>> Penny Littell 11/21/2006 10:35:17 AM >>>

when you state "our records show...", what records are you referring to?

also, as I recall, the amendment specifically used the words "lawfully existing" to bring into the net building that may be used for purposes other than housing but that never got the appropriate change of use status from the ZBA.

that being said, I am not sure this ordinance, as is, passes legal muster in any event. with the new Council an ammendment may be in order.

>>> Lee Urban 11/21/2006 10:18:41 AM >>>

I'm following up on my email of below and including Gary in this one because I chatted all-too-briefly with him at yesterday's Dept Head meeting about the issue.

Basically, Sec. 14-483(c)(1) of the ordinance known as "Preservation and Replacement of Housing Units" indicates that " . . . where three or more lawfully existing . . . dwelling units . . . are . . . converted to nonresidential uses . . ." the ordinance applies. And in this circumstance \$30,000 per unit will be due upon conversion. That could be as much as \$240,000, which is not much less that the purchase price of the building.

Our records show this building as containing dwelling units.

* Does that mean they are "lawfully existing units" when in fact there no longer are any units there?

* And what if the conversion to office uses took place before the ordinance was enacted?

*And what if those office uses are not allowed by the existing ordinance?

So what to do? We've thought about bumping this to the Planning Board for an interpretation because a "strict reading" might say that "lawfully existing" dwelling units are being converted but, as noted below, the City is not actually losing "existing" dwelling units.

We'll try to get together next week amongst ourselves. Meanwhile, Penny and/or Gary, any advice for us?

Thanks.

>>> Lee Urban 11/14/2006 6:53:19 AM >>>

Good morning, . . .

As I had indicated to Alex within minutes after Jack Soley and Russ Cox had left my office after dropping by to chat about the meeting which may have occurred just minutes before that with Alex and Barbara, I think Alex, Barbara and I independently came up with a possible solution that involves amending the Replacement Housing Ordinance.

This is a situation that cries out for a solution that recognizes that there can be paperwork in our files. that has not reflected reality for years. No, it's not our fault; but we need to step back and think about this.

Turning to the three questions:

1. I think it's not a good idea to have the ZBA have to face anything other than black and white decisions - it's either in the ordinance or it's not.
2. I don't know, but I think not unless Marge can find a provision in our ordinance.
3. Do we need to go the zone change route first? Can we think about saying if the Zoning Administrator determines upon receipt of appropriate evidence that the building hasn't been used as housing for at least X years prior to the effective date of the Replacement Housing Ordinance, there's no requirement for the \$30,000/unit fee? The fee is to be used to "replace" housing units that are removed, but no such units are being removed in this situation.

I'd like to chat more about this before the Wednesday afternoon meeting.

>>> Barbara Barhydt 11/13/2006 1:05:01 PM >>>

Hello:

Russ Cox and Tim Soley were in today to talk about the building they bought from Mercy Hospital. This is the third of fourth time I have talked with them and I know they have met with Marge several times. It is in the R-6 zone.

At this time, I am unclear on how to advise them regarding the next steps or process. They would like to meet on Wed afternoon (anytime) with all who need to be at the table. I am looking for guidance on this one.

The issues and questions they have raised include:

1. Applicability of Replacement Housing Ordinance. The only official record of use of this site is from 1941, which is residential (rooming house and SF) and an office on the first floor of one side. The ordinance specifies that the applicant can pay \$30,000 per room and that a rezoning cannot be used to circumvent

the ordinance. Can Marge's decision be appealed to the ZBA? Can the ZBA consider the other information they have collected from the tax records and from business directories?

2. If the ZBA finds that the building has been used as offices, does this eliminate a need to get a zone change for offices?

3. If they apply for a zone change now to Residential Professional Zone does that impact any reviews with the ZBA?

Thank you.

Barbara

From: Barbara Barhydt
To: Alex Jaegerman
Date: 11/29/2006 12:33:55 PM
Subject: Fwd: 116-118 State Street

I received this today. I need to respond and would like to discuss this with you first.

Barbara

>>> <rcox@maine.rr.com> 11/29/2006 11:27:18 AM >>>
Good morning Barbara -

The weeks are flying by and our costs related to 116/118 State Street mount daily - I'm not a little nervous regarding the project. As you know we have our application for a zone change (R6 to RP Zone) ready for your review so that we will be on the agenda for January's Planning Board meeting. As you indicated, we're in time for submission for that meeting; I'm simply wanting to know that we will in fact be on that meeting agenda with our submission after the City's housing issue meeting on Thursday. In good faith we've tried to pursue the right course regarding this thing and I don't want to see us incur the costs of further delays due to this interpretation anomaly of the city. Should the city's decision-making about this become protracted beyond Thursday then Jack and I would like an assurance that we will in fact be on the agenda for January.

Barbara, please know that we fully appreciate the work you and the Planning Office have put into this situation.

Please feel free to e-mail or call me: 329-5011,

Russ Cox

CC: Lee Urban

From: Lee Urban
To: Alex Jaegerman ; Barbara Barhydt ; Gary Wood; Marge Schmuckal; Penny Littell
Date: 11/29/2006 5:53:16 PM
Subject: State Street

This just in from Joe Malone:

Hi Lee

I did some further research on the state st. property and can provide you with evidence from landmarks that the property was originally built as two single family homes. I think this should make the other arguments moot. Please also note the ells were constructed prior to 1872 and were part of the original use as single family homes.

If you disagree with the above exemption scenario then consider this, the Portland Assessor's office shows the property as ALL office in 1985, no residential units of any sort.

SOOO what ya think???

I'm convinced that the cities own records show that there were no "legally existing" units and if you disagree then we should fall under the exemption. I will bring up the documentation by hand if you need it. Trust me I'm not trying to bust your chops, I just think we are not astray of the ordinance.

Joe Malone, CCIM
Malone Commercial Brokers
5 Moulton Street
Portland, ME 04101
207-772-2422 phone
207-774-5114 fax
207-233-8000 cell

From: "Joe Malone" <Joe@malonecb.com>
To: "Lee Urban" <LDU@portlandmaine.gov>
Date: 11/30/2006 7:03:52 AM
Subject: RE: state st

Lee

One more thought (please be patient) Current zoning would not allow 9 units, for apparently the last 20 years this "non conforming" use has been discontinued. If I should up and asked for this sort of use to be reinstated would I not be told the any sort of "grandfathering" would have long ago expired (isn't it 1 year). If this is right just one mow argument for you. Sorry I guess I am busting your chops after all, but I have an obligation to help my client to the best of my ability as poor as that might be.

Joe Malone, CCIM
Malone Commercial Brokers
5 Moulton Street
Portland, ME 04101
207-772-2422 phone
207-774-5114 fax
207-233-8000 cell

-----Original Message-----

From: Lee Urban [mailto:LDU@portlandmaine.gov]
Sent: Wednesday, November 29, 2006 5:52 PM
To: Joe Malone
Subject: Re: state st

Got it, Joe. Stand by.

>>> "Joe Malone" <Joe@malonecb.com> 11/29/2006 4:57:05 PM >>>
Hi Lee

I did some further research on the state st. property and can provide you with evidence from landmarks that the property was originally built as two single family homes. I think this should make the other arguments moot. Please also note the ells were constructed prior to 1872 and were part of the original use as single family homes.

If you disagree with the above exemption scenario then consider this, the Portland Assessor's office shows the property as ALL office in 1985, no residential units of any sort.

SOOO what ya think???

I'm convinced that the cities own records show that there were no "legally existing" units and if you disagree then we should fall under the exemption. I will bring up the documentation by hand if you need it. Trust me I'm not trying to bust your chops, I just think we are not astray of the ordinance.

Joe Malone, CCIM
Malone Commercial Brokers
5 Moulton Street
Portland, ME 04101
207-772-2422 phone
207-774-5114 fax
207-233-8000 cell



PORTLAND MAINE

Strengthening a Remarkable City, Building a Community for Life www.portlandmaine.gov

Corporation Counsel
Gary C. Wood

Associate Counsel
Elizabeth L. Boynton
Penny Littell
James R. Adolf
Mary E. Costigan

November 30, 2007

Mr. Jack Soley
100 Commercial Street
Portland, Maine 04101

Re: 116-118 State Street

Dear Mr. Soley:

At the request of David Marshall and Lee Urban I am writing to explain the City's determination that the change of use of 116-118 State Street from office/residential/lodging house to a number greater than two residential units also requires subdivision approval from the Portland Planning Board. This opinion is consistent with that given to you and Mr. Joseph Malone when inquiries were made of the City in December 2006.

In essence, the use of 116 State Street has historically been permitted as an office on the first floor and a single family above. 118 State Street contained a single family unit with eight lodging rooms (1 on the first floor, 5 on the second floor and 2 on the third floor). Your intention is now to create nine dwelling units within these structures. As was indicated last year, such activity requires subdivision and site plan (change of use) review that must be presented to the Planning Board. This is required by state law 30-A MRSA §4401. The definition of "subdivision" is as follows:

4. SUBDIVISION. "Subdivision" means the division of a tract or parcel of land into 3 or more lots within any 5-year period that begins on or after September 23, 1971. This definition applies whether the division is accomplished by sale, lease, development, building or otherwise. The term "**subdivision**" also includes the division of a new structure or structures on a tract or parcel of land into 3 or more dwelling units within a 5-year period, the construction or placement of 3 or more dwelling units on a single tract or parcel of land and the division of an existing structure or structures previously used for commercial or industrial use into 3 or more

dwelling units within a 5-year period.

The subdivision law also clarifies the term "dwelling unit" as "any part of a structure which, through sale or lease, is intended for human habitation, including single-family and multifamily housing, condominiums, apartments and time-share units." The state definition clearly excludes rooming units in the definition.

As the City understands your proposal, you seek to create nine dwelling units (units containing an independent living unit with private bath and kitchen facilities) in the structures presently located at 116-118 State Street. Under state law, this would qualify as a subdivision needing approval. Moreover obtaining this necessary approval protects you and future purchasers from any title issues which may arise if subdivision approval required by state law was not obtained.

Finally, I will briefly note that the criteria for qualifying as a "dwelling unit" for purposes of the City's Housing Replacement Ordinance (which clearly includes a rooming unit within that definition), is different and distinct from that defined by state law (which identifies a dwelling unit as self-contained, living facilities [see above definition]). The definition of dwelling unit in the Housing Replacement Ordinance includes, "...single-family dwellings, dwellings or dwelling units within two-family and multi-family buildings, lodging houses, rooming units, and sheltered care group homes. ..." Perhaps this is where your confusion arose. I trust this letter helps explain the present requirements for approval and the reasons therefore.

If I may be of further assistance to you, please do not hesitate to contact me.

Sincerely,



Penny Littell
Associate Corporation Counsel

Cc: David Marshall, Councilor
Lee Urban
Alex Jaegerman
Marge Schmuckal
Barbara Barhydt ✓
Gary Wood

O:\OFFICE\PENNY\Letters2007\Soley112707.doc

From: Barbara Barhydt
To: Jak Soley
Date: 12/12/2006 1:54:11 PM
Subject: Re: 116/118 State

Dear Jack:

Thank you for your call on Monday, December 11th. You asked what review process you needed to pursue for 116-118 State Street to change the lawfully documented uses of these properties from nine dwelling units to two single dwelling units. This is the original number of units in the structures; and, thus, the buildings could be returned to that original use under the Replacement Housing Ordinance. You would need to seek a change-of-use permit through the Building Inspections Office to create two bona fide dwelling units.

We also discussed that a subdivision review with the Planning Board would be required should you want to create three or more dwelling units in the two buildings.

You also mentioned that Greater Portland Landmarks and Mercy Hospital might be interested in the buildings for office space. A conversion to office uses would require a zone change application. I noted that the Housing Replacement Ordinance might still apply if the zone change comes at a later date and I offered to discuss this point with our attorney, Penny Littell. She confirmed the ordinance does apply to the elimination of units "within a five year period", so the question of applicability would come up again with a subsequent zone change application if the number of dwelling units is reduced to less than two units.

While we can advise you on ordinance applicability under various reuse options, a final determination can only be made after review of a written reuse proposal that clarifies your intentions.

Thank you.

Barbara

Barbara Barhydt
Acting Development Review Manager
Planning Division
389 Congress Street 4th Floor
Portland, ME 04101

(207) 874-8699
Fax: 756-8256
bab@portlandmaine.gov

>>> "Jak Soley" <jsoley@eastbrowncow.com> 12/8/2006 1:23:33 PM >>>
Hi Barbara,

I understand from Joe Malone that I need to formally apply to reduce the number of dwelling units at 116/118 State St. Could you please clarify which

From: Lee Urban
To: Alex Jaegerman ; Barbara Barhydt
Date: 12/12/2006 11:49:19 AM
Subject: Re: second draft- 116& 118 State St

Looks good to me, Barbara. As you might imagine, I've made some suggested non-substantive revisions that you might consider and am leaving a marked-up copy on your desk.

>>> Barbara Barhydt 12/12/2006 8:34:59 AM >>>
Second draft for your review and comment. Thank you.

Barbara

Dear Jack:

Thank you for your call ON Monday, December 11th. You asked what review you needed to pursue for 116-118 State Street to change the lawfully documented uses of these properties from nine dwelling units to two single dwelling units. This is the original number of units in the structures and thus, the buildings could be returned to that original use under the Replacement Housing Ordinance. You would need to seek a change of use permit through the Building Inspections Office to create two bona fide dwelling units. We also discussed that a subdivision review with the Planning Board would be required should you want to create three or more dwelling units in the two buildings.

You also mentioned that Portland Landmarks and Mercy might be interested in the buildings for office space. A conversion to office uses would require a zone change application. I offered that the Housing Replacement Ordinance might still apply if the zone change comes at a later date and I offered to discuss this point with our attorney, Penny Littell. She confirmed the ordinance does apply to the elimination of units "within a five year period", so the question of applicability would come up again with a subsequent zone change application, if the number of dwelling units is reduced to less than two units.

While we can advise you on ordinance applicability under various reuse options, a final determination can only be made after review of a written reuse proposal that clarifies your intentions.

Thank you.

Russ Cox - Jack Soley

116-118 State St.

Mercy - 1960 \pm - State + Spring

Commercial use \rightarrow offices

Marg Sch 116

1971

no evidence of offices ^{upper} _{stair} - apt above

Approved in 1971

- doctors on first floor - office - approved

ψ Soley - whole Building used as offices

- offices to 1



PORTLAND MAINE

Strengthening a Remarkable City, Building a Community for Life ® www.portlandmaine.gov

Corporation Counsel
Gary C. Wood

Associate Counsel
Elizabeth L. Boynton
Penny Littell
James R. Adolf
Mary E. Costigan

November 30, 2007

Mr. Jack Soley
100 Commercial Street
Portland, Maine 04101

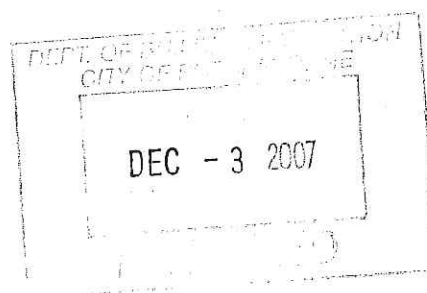
Re: 116-118 State Street

Dear Mr. Soley:

At the request of David Marshall and Lee Urban I am writing to explain the City's determination that the change of use of 116-118 State Street from office/residential/lodging house to a number greater than two residential units also requires subdivision approval from the Portland Planning Board. This opinion is consistent with that given to you and Mr. Joseph Malone when inquiries were made of the City in December 2006.

In essence, the use of 116 State Street has historically been permitted as an office on the first floor and a single family above. 118 State Street contained a single family unit with eight lodging rooms (1 on the first floor, 5 on the second floor and 2 on the third floor). Your intention is now to create nine dwelling units within these structures. As was indicated last year, such activity requires subdivision and site plan (change of use) review that must be presented to the Planning Board. This is required by state law 30-A MRSA §4401. The definition of "subdivision" is as follows:

4. SUBDIVISION. "Subdivision" means the division of a tract or parcel of land into 3 or more lots within any 5-year period that begins on or after September 23, 1971. This definition applies whether the division is accomplished by sale, lease, development, building or otherwise. The term "subdivision" also includes the division of a new structure or structures on a tract or parcel of land into 3 or more dwelling units within a 5-year period, the construction or placement of 3 or more dwelling units on a single tract or parcel of land and the division of an existing structure or structures previously used for commercial or industrial use into 3 or more



dwelling units within a 5-year period.

The subdivision law also clarifies the term "dwelling unit" as "any part of a structure which, through sale or lease, is intended for human habitation, including single-family and multifamily housing, condominiums, apartments and time-share units." The state definition clearly excludes rooming units in the definition.

As the City understands your proposal, you seek to create nine dwelling units (units containing an independent living unit with private bath and kitchen facilities) in the structures presently located at 116-118 State Street. Under state law, this would qualify as a subdivision needing approval. Moreover obtaining this necessary approval protects you and future purchasers from any title issues which may arise if subdivision approval required by state law was not obtained.

Finally, I will briefly note that the criteria for qualifying as a "dwelling unit" for purposes of the City's Housing Replacement Ordinance (which clearly includes a rooming unit within that definition), is different and distinct from that defined by state law (which identifies a dwelling unit as self-contained, living facilities [see above definition]). The definition of dwelling unit in the Housing Replacement Ordinance includes, "...single-family dwellings, dwellings or dwelling units within two-family and multi-family buildings, lodging houses, rooming units, and sheltered care group homes. ..." Perhaps this is where your confusion arose. I trust this letter helps explain the present requirements for approval and the reasons therefore.

If I may be of further assistance to you, please do not hesitate to contact me.

Sincerely,



Penny Littell
Associate Corporation Counsel

Cc: David Marshall, Councilor
Lee Urban
Alex Jaegerman
Marge Schmuckal ✓
Barbara Barhydt
Gary Wood



PORTLAND MAINE

Strengthening a Remarkable City, Building a Community for Life www.portlandmaine.gov

Planning and Development Department

Lee D. Urban, Director

Planning Division

Alexander Jaegerman, Director

December 8, 2006

Joseph Malone CCIM,
Malone Commercial Brokers
5 Moulton Street
Portland, ME 04101

Re: 116-118 State Street: Housing Replacement Ordinance

Dear Mr. Malone:

On December 6, 2006, Lee Urban, Marge Schmuckal, Penny Littell, Barbara Barhydt and I met with you, as Mercy Hospital's representative regarding their property at 116-118 State Street. You asked to confirm the following in your December 6, 2006 e-mail:

... that 116-118 State street does qualify for the exemption outlined in item n (6) of the replacement ordinance. I was also told that who ever owns the property still must go thru the change of use process to "reduce" the number of units. I also understood that the number of units can not be fewer than two but could be as many as nine without penalty or fine under the replacement ordinance.

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.

Jack Soley
Russell Cox
100 Commercial Street
Portland, ME 04101

Alex Jaegerman
City of Portland
Director, Planning Division
19 November 2006

Re: 116-118 State Street: Housing replacement Ordinance

Dear Alex,

We have read the City of Portland ordinance Section 14-483 which details the loss of dwelling units as a result of demolition or conversion to other uses, and believe that this ordinance does not apply to the property at 116-118 State Street, a row house building with main entrances on State St. We have raised our concerns with Marge Schmuckal in planning, but we have not been able to find agreement on this issue. We maintain that this ordinance does not apply to the aforementioned property for the following reason:

The conversion from dwelling units to office space occurred well before the enactment of the current ordinance (2002), and is essentially a "grandfathered" use. In essence, the dwelling units no longer existed as the date of inception of the Ordinance.

Though it has been difficult to obtain exact dates, Mercy Hospital has confirmed in writing that 116 State Street has been used for office space for more than 30 (thirty) years. Bill Connolly, Mercy Property Manager, further attests that since at least the spring of 1999, 118 State Street has been used exclusively as offices. We have found documentation to support these claims in the form of a City assessor's report from 1985 which lists the entire building (116 & 118 State) as "office" as well as a City building permit application from 1971 which lists 116 State St. as "professional office".

The Ordinance exclusively addresses "lawfully existing dwellings or dwelling units". However, it is clear from City records and informal testimonials among City employees that 116/118 State has been regarded an office building for many years. Our intention is to officially record the historical utilization of the property.

Sincerely,



Jack Soley

CALCULATOR COST FORM

For subscribers using the MARSHALL VALUATION SERVICE Calculator Cost Method

SQUARE FOOT COSTS

1. Subscriber making survey DH Date of survey 3/85
 2. Name of building Mercy Hospital Office Owner Mercy Hospital
 3. Located at 102-118 State St + 166-186 Spring St.

	SECTION I (15)	SECTION II (15)	SECTION III	SECTION IV
4. Occupancy	Office	VAC-Bsm F		
5. Building class and quality	Cls. <u>C⁺</u> Qual. <u>Low</u>	Cls. <u>C</u> Qual. <u>AV</u>	Cls. _____ Qual. _____	Cls. _____ Qual. _____
6. Exterior wall	<u>Brick</u>	<u>Brick/ston</u>		
7. No. of stories & height per story.	No. <u>2⁺</u> Ht. <u>10'±</u>	No. <u>1</u> Ht. <u>7'±</u>	No. _____ Ht. _____	No. _____ Ht. _____
8. Average floor area	<u>3,235</u>	<u>3,235</u>		
9. Average perimeter	<u>312±</u>	<u>312±</u>		
10. Age and condition	Age _____ Cond. _____	Age _____ Cond. _____	Age _____ Cond. _____	Age _____ Cond. _____

11. Region: Western _____ Central _____ Eastern
 12. Climate: Mild _____ Moderate _____ Extreme

SECTION I	SECTION II	SECTION III	SECTION IV
26.04	11.81		

13. Base Square Foot Cost

SQUARE FOOT REFINEMENTS

14. Heating, cooling, ventilation

15. Elevator deduction

16. Miscellaneous

..... Total lines 13 through 16

+ 5.72	—		
—	—		
—	—		
31.76	11.81		

HEIGHT AND SIZE REFINEMENTS

18. Number of stories-multiplier

19. Height per story-multiplier (see Line 7)

20. Floor area-perimeter multiplier (see Lines 8 and 9)

21. Combined height and size multiplier (Lines 18 x 19 x 20)

—	—		
.953	.872		
1.105	1.105		
1.053	.964		

FINAL CALCULATIONS

22. Refined square foot cost (Line 17 x 21)

23. Current cost multiplier (Sect. 99 p. 3)

24. Local multiplier (Sect. 99 p. 5 thru 8)

25. Final sq. ft. cost (Line 22 x Line 23 x Line 24) ..

26. Area (Back of this form)

27. Line 25 x Line 26

28. Lump sums (Line 34)

29. Replacement Cost (Line 27 + Line 28)

30. Depreciation % (Sect. 97)

31. Depreciation amount (Line 29 x Line 30)

32. Depreciated Cost (Line 29 - Line 31)

SECTION I	SECTION II	SECTION III	SECTION IV
33.44	11.38		
1.01	1.01		
.96	.96		
32.42	11.03		
7,632	3,235		
247,430	35,680		
283,110			

TOTAL OF ALL SECTIONS

33. Replacement cost _____ Depreciated cost _____ Insurable value _____

See back of form for drawings and area and insurable value calculations.

R6 RESIDENCE ZONE



APPLICATION FOR PERMIT

Class of Building or Type of Structure

Portland, Maine, November 19, 1971

PERMIT ISSUED

DEC 20 1971

1580

CITY of PORTLAND

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

The undersigned hereby applies for a permit to erect alter repair demolish install the following building structure equipment in accordance with the Laws of the State of Maine, the Building Code and Zoning Ordinance of the City of Portland, plans and specifications, if any, submitted herewith and the following specifications:

Location 116 State Street Within Fire Limits? Dist. No.
Owner's name and address Mercy Hospital, 144 State St. Telephone
Lessee's name and address Telephone
Contractor's name and address Telephone
Architect Specifications Plans YES No. of sheets 2
Proposed use of building Doctor's Office and apt. No. families 1
Last use Dwelling No. families 1
Material brick No. stories 3 Heat Style of roof Roofing
Other buildings on same lot
Estimated cost \$

General Description of New Work

Fee \$5.00

Pd 12/20/71

To Change Use of 1st floor from dwelling to doctor's office - without alterations

Second floor apt. to use kitchen on 1st floor.

Appeal sustained 12/16/71

It is understood that this permit does not include installation of heating apparatus which is to be taken out separately by and in the name of the heating contractor. PERMIT TO BE ISSUED TO Rene Laliberty, 144 State St.

Details of New Work

Is any plumbing involved in this work? Is any electrical work involved in this work?
Is connection to be made to public sewer? If not, what is proposed for sewage?
Has septic tank notice been sent? Form notice sent?
Height average grade to top of plate Height average grade to highest point of roof
Size, front depth No. stories solid or filled land? earth or rock?
Material of foundation Thickness, top bottom cellar
Kind of roof Rise per foot Roof covering
No. of chimneys Material of chimneys of lining Kind of heat fuel
Framing Lumber-Kind Dressed or full size? Corner posts Sills
Size Girder Columns under girders Size Max. on centers
Studs (outside walls and carrying partitions) 2x4-16" O. C. Bridging in every floor and flat roof span over 8 feet.
Joists and rafters: 1st floor, 2nd, 3rd, roof
On centers: 1st floor, 2nd, 3rd, roof
Maximum span: 1st floor, 2nd, 3rd, roof
If one story building with masonry walls, thickness of walls? height?

If a Garage

No. cars now accommodated on same lot, to be accommodated number commercial cars to be accommodated
Will automobile repairing be done other than minor repairs to cars habitually stored in the proposed building?

APPROVED:

Miscellaneous

November 9, 2006

To: Joe Malone

From: Bill Connolly

Re: 116 and 118 State St.

Mercy Hospital has been using 116 State St. for offices for more than 30 years. Over the years, it has been used as a doctor's office, purchasing offices, development offices, and plant & engineering storage. Our most recent usage of the first floor has been for offices for medical affairs, patient registration administration, computer support/training, and a mission support office. The second floor housed our IS and Telecommunications network personnel offices. The third floor had an office for support services and software support administration.

Since the Spring of 1999, Mercy Hospital has used the second floor of 118 State St. exclusively as offices for behavioral health administration. The first floor was used our eating disorder program from the Spring of 1999 through September of 2002. Since that time, the first floor space has been used for in-house computer training labs and training office space.

Effective in July of this year, Mercy relocated all of the occupants of 116 and 118 State Street in preparation of selling the property.



PORTLAND MAINE

Strengthening a Remarkable City, Building a Community for Life * www.portlandmaine.gov

Planning and Development Department

Lee D. Urban, Director

Planning Division

Alexander Jaegerman, Director

December 1, 2006

Jack Soley and Russell Cox
100 Commercial Street
Portland, ME 04101

Re: 116-118 State Street: Housing Replacement Ordinance

Dear Mssrs. Soley and Cox:

The City of Portland Planning Authority has conducted a review of the information provided to Alex Jaegerman in a letter to him dated November 19, 2006 letter relative to the applicability of the Housing Replacement Ordinance of the Portland Land Use Code, §14-463 et seq., to property you recently purchased at 116-118 State Street. Upon review of the information and a reading of the language of Housing Replacement Ordinance, the Planning Authority is of the opinion that the Housing Replacement Ordinance does apply to the property.

In light of your situation and that of other property owners in the City, the Department will be asking the Housing Committee and the City Council to amend the Housing Replacement Ordinance to create a new effective date, namely October 7, 2002.

Pursuant to language of the Ordinance, §14-483(o), if you feel you are aggrieved by this determination, you may appeal to the Planning Board within 30 days of that decision.

Sincerely,

Alexander Jaegerman, Planning Division Director
Department of Planning and Development

cc: Lee Urban, Director, Department of Planning and Development
Penny Littell, Corporation Counsel
Marge Schmuckal, Zoning Administrator
Barbara Barhydt, Acting Development Review Services Manager ✓
Joseph Malone, CCIM, Malone Commercial Brokers

12/4/06 printed
dfb/web

City of Portland
Code of Ordinances
Sec. 14-477

Land Use
Chapter 14
Rev.10-18-06

In addition to any other remedies available, the board of appeals after notice and hearing may revoke any variance or other relief granted under this article when the provisions of this article or the conditions under which the relief was granted have not been complied with.

(Code 1968, § 602.24.G; Ord. No. 437-74, 7-1-74)

- Sec. 14-478. Reserved.**
- Sec. 14-479. Reserved.**
- Sec. 14-480. Reserved.**
- Sec. 14-481. Reserved.**
- Sec. 14-482. Reserved.**

DIVISION 29. PRESERVATION AND REPLACEMENT OF HOUSING UNITS

Sec. 14-483. Preservation and Replacement of Housing Units.

(a) *Purpose.* The City believes that it is in the public interest to promote and facilitate an adequate supply of housing, particularly affordable housing. Housing, because of its scarcity and high costs, has become an extremely valuable resource in the City, and is very difficult to replace once lost.

The purpose of this section is to limit the net loss of housing units in the City caused by the demolition of residential property, the conversion of housing units to nonresidential use or the elimination of housing units as the result of the reduction or consolidation of such units within a residential property.

The City believes that the preservation of housing by means of the procedures established in this section will contribute to the health, safety and welfare of its citizens.

It is anticipated that developments subject to this section which will require multiple approvals will be processed concurrently, so that action on one aspect of the development will not delay the project as a whole.

(b) *Definitions.* The following words shall be defined as set forth below for the purposes of this section.

Affiliate means any legal entity in common ownership with or

subject to control of either the applicant or the owner.

Dwelling and dwelling unit means and includes rooming units and sheltered care group homes, as each of those terms are defined in Section 14-47 of this Code. For the purposes of this section, "dwelling" and "dwelling units" refers to the loss of such units as a result of demolition, their conversion to non-residential uses or their elimination as a result of the reduction or consolidation of such units within a residential property.

Original site means the location where the demolition, conversion to non-residential use or elimination of dwellings and dwelling units will take place.

(c) *Application.* The provisions of this section will apply:

- (1) in all zoning districts in cases where three or more lawfully existing dwellings or dwelling units, including single-family dwellings, dwellings or dwelling units within two-family and multi-family buildings, lodging houses, rooming units, and sheltered care group homes, are demolished, converted to nonresidential uses, or eliminated through the reduction or consolidation of units within a residential property, within a five (5) year period, from and after July 1, 2002, either by the owner or an affiliate of the owner, except in cases in which the original site will be used as surface parking, this Section will apply to each dwelling unit demolished;
- (2) to premises, designed and intended for use as a dwelling, which have been vacant and which are not otherwise exempt under the provisions of sub-section (n); and
- (3) to dwellings or dwelling units, situated on various locations on the applicant's property or properties that are functionally connected with the applicant's use of the original site or in the general vicinity of the original site.

(d) *Historic Preservation.* Notwithstanding anything to the contrary in Chapter 14 Division 29, nothing in this ordinance shall permit the demolition, conversion, reduction or consolidation of dwelling units in residential property protected by the Historic Preservation Ordinance (Sections 14-601, et seq.), except as permitted by that ordinance.

(e) *Reuse of Original Site.* Any reuse of the original site and/or other properties of the applicant where housing has been demolished, converted or eliminated, shall be reviewed by the Planning Board as a Conditional Use and subject to Site Plan. In granting reuse approval the Planning Board shall require that impacts on adjoining residential uses shall be mitigated or buffered to the fullest degree, through the use of restrictions on access ways and points, buffering, screening, berming and landscaping, and through restrictions on noise and lighting. The Planning Board may require means of periodic or ongoing monitoring of effects from noise, light, trash or traffic when it finds that such monitoring will further the purposes of achieving mitigation or elimination of impacts.

(f) *Approval.* No dwelling nor dwelling units subject to the provisions of this section, shall be eligible for a demolition permit or change-of-use approval until the Planning Authority has approved such action in accordance with the provisions of this section.

- (1) The applicant files with the Planning Authority, on a form to be provided by the Planning Authority, a statement certifying the number of such units, as well as a description of the characteristics of each of those units.
- (2) The applicant submits a list containing the name of each tenant currently residing in the dwelling units, along with the current rent.
- (3) The applicant provides an affidavit verifying compliance with the notice requirement of sub-section (g).
- (4) The applicant demonstrates compliance with the requirements of subsection (g).

(g) *Notice to Tenants.* Prior to the demolition, conversion reduction or consolidation of dwelling units subject to the provisions of this section, the applicant will:

- (1) Deliver to each tenant who occupies such a dwelling unit a written notice to vacate the unit. The notice shall either be sent by certified mail, return receipt requested, or served in-hand. The notice will grant

the tenant not less than ninety (90) days from the date of receipt of the notice to vacate the unit.

- (2) The applicant will be required to file proof of service with the Planning Authority.

(h) *Housing Replacement by the Creation of New Units.* Applicants may meet the replacement requirement by creating new dwelling units, pursuant to a plan approved by the Planning Authority. Such a plan shall conform to the following provisions:

- (1) The replacement units shall be located within the City of Portland.
- (2) The replacement units may not previously have been on the market as of the date of application.
- (3) The replacement units shall be situated within a development which has not been a candidate for site plan approval as of the date of the application.
- (4) The replacement units shall be compatible in size, number of bedrooms, affordability, tenure and amenities, unless they are part of a qualified plan under subsection(h) (6) (c).
- (5) The replacement units shall have an exterior design in keeping with the character of the neighborhood in which they will be located.
- (6) Replacement units may be provided by the applicant in one or more of three (3) ways, including:
 - a. The construction of housing units within a new structure or a new addition
 - b. The conversion of a nonresidential building to residential use, or
 - c. The creation of new housing units under a plan which meets another important housing need within the City, as evidenced by its inclusion in the housing element of the City's Comprehensive Plan.
 - d. Replacement housing may be created in advance of

the application for the demolition, conversion, elimination or consolidation of housing at the original site provided the Planning Authority has approved the applicant's plan prior to replacement housing being built.

(i) *Availability of Replacement Housing Units.*

- (1) No building permit, demolition permit or change-of-use approval may be issued for the original site until the plan for the replacement units has been approved by the Planning Authority and a performance guarantee in the form of a Letter of Credit which comports with the requirements of sub-section (m) or equivalent cash escrow has been posted for the replacement units with the City.
- (2) Replacement units shall be available for occupancy before a certificate of occupancy may be issued for the new construction on the original site.
- (3) The replacement housing units shall be ready for occupancy within eighteen (18) months from the date on which the Planning Authority's approval was granted. Extensions, up to a total of 24 months, may be granted, provided the replacement housing units under construction are at least 30% complete.
- (4) Notwithstanding the foregoing sub-sections, in the event the replacement units are not completed within 24 months or the applicant wishes to obtain a certificate of occupancy for the original site prior to the availability of the replacement housing units, then the applicant can request that the City draw on the Letter of Credit, pursuant to Sub-section (l), to complete the replacement housing units, or deposit such funds in the City's Housing Development Fund.

(j) *Housing Replacement by Contribution to the City's Housing Development Fund.*

- (1) As an alternative to providing replacement housing as described in sub-section (h), the applicant may meet the requirements of this section by depositing \$30,000 for each rooming unit or \$50,000 for each dwelling unit, including multifamily apartments and single family home,

to be demolished or converted to nonresidential use or eliminated to the City's Housing Development Fund.

- (2) Beginning on January 1, 2004 and annually thereafter, the amount of the contribution shall be adjusted by multiplying this amount originally deposited for each unit by a fraction, the denominator of which shall be the "Consumer Price Index for Urban Wage Earners and Clerical Workers ("CPI-W")," U.S. City Average, "All Items Index," as published by the United States Bureau of Labor Statistics ("the Index") for January 1, 2003 Year, and the numerator of which shall be the Index for the same month in each subsequent year. In the event that the Index is not then in existence, the parties shall use such equivalent price index as is published by any successor governmental agency then in existence; or, if none, then by such nongovernmental agency as may then be publishing an equivalent price index, in lieu of and adjusted to the Index. If the Index shall cease to use 1982-84 equals 100 as the basis of calculation, or if a substantial change is made in the terms or number of items contained in the Index, the Base Index shall be adjusted to conform to such change, using such computation thereof, if available, as shall be employed by the United States Department of Labor in computing same. Notwithstanding anything herein to the contrary, contributions made after January 1, 2004 shall not be less than the amount originally required to be deposited pursuant to sub-section (i)(1) for each rooming or dwelling unit.

(k) *Status of Dwelling Units.* All dwelling units which are regulated by this section shall be deemed fit for human occupancy, including any dwelling unit which was posted against occupancy by the City's Building Authority because of deterioration caused by neglect of lack of maintenance and which is not otherwise exempt under the provisions of sub-section (n).

(l) *Contract Zone.* A contract zone may not be used to circumvent the application of this section. The terms of this section shall apply to any contract zone which involves dwelling units affected by this section. Notwithstanding the foregoing, nothing herein shall be deemed to prevent the City and the applicant from agreeing to terms which exceed those imposed by this section by means of a contract zone.

(m) *Letter of Credit.* Applicants who choose to comply with the provisions of this section by means of replacement housing shall provide a performance guarantee in the form of a Letter of Credit, acceptable to the City, in an amount equivalent to the amount the applicant would have been required to contribute to the City's Housing Development Fund if the applicant had chosen that option pursuant to sub-section (j)(1).

(n) *Exemptions.* The requirements of this section shall not be applicable to:

- (1) Demolition, conversion reduction or consolidation of housing, the purpose of which is determined by the Planning Authority, to create either an equivalent or greater number of new housing units.
- (2) Demolition, conversion, reduction or consolidation of housing for projects which the City Council determines at a public hearing to be of special merit to the City of Portland. A project may not be designated as a project of special merit unless the council determines that:
 - a. The project is consistent with the comprehensive plan of the City of Portland;
 - b. The project will provide significant public and civic benefits, including without limitation, social or other benefits which are significant to the community, and particularly desirable at the location proposed; and
 - c. Notice of the hearing before the Council shall be published in a newspaper of general circulation in the City of Portland not less than seven (7) days prior to final action and notice shall also be sent to all persons who would receive notice in the case of an appeal for a variance.
- (3) Property which has been ordered demolished by the City, pursuant to 17 M.R.S.A. §2851, et seq., as amended, except where it is determined by the Building Authority that the deterioration was caused by neglect or lack of maintenance.

- (4) Property which, although designed and intended for residential use, is, at the time of adoption of this Section a legally grandfathered, non-residential use.
- (5) Any demolition, conversion reduction or consolidation of housing units which was approved by the Planning Board under the Site Plan Review and Conditional Use Standards of Chapter 14 of the Portland Code prior to July 1, 2002 and which approval is still in effect.
- (6) Existing residential structures which, exclusive of additions thereto, contain more dwelling units than they were originally designed and built to accommodate and which are being modified to contain fewer dwelling units, subject to the condition that the number of dwelling units originally intended to be accommodated in such structures can be established by documentary evidence.

(o) *Appeals*. Any applicant aggrieved by a decision of the Building Authority under this section may appeal to the Planning Board within 30 days of that decision.

(Ord. 27-02/03, 10-7-02; Ord. No. 215-05/06, 5-1-06)

Sec. 14-484. Reserved.
Sec. 14-485. Reserved.
Sec. 14-486. Reserved.
Sec. 14-487. Reserved.
Sec. 14-488. Reserved.
Sec. 14-489. Reserved.
Sec. 14-490. Reserved.

ARTICLE IV. SUBDIVISIONS*

***Cross reference(s)**--Ordinances dedicating or accepting any plat or subdivision in the city saved from repeal, § 1-4(h).

State law reference(s)--Land subdivisions, 30-A M.R.S.A. § 4403.

Sec. 14-491. Authority and purpose.

R6 RESIDENCE ZONE



APPLICATION FOR PERMIT

Class of Building or Type of Structure

Portland, Maine, November 19, 1971

PERMIT ISSUED

DEC 20 1971

1580

CITY of PORTLAND

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

The undersigned hereby applies for a permit to erect alter repair demolish install the following building structure equipment in accordance with the Laws of the State of Maine, the Building Code and Zoning Ordinance of the City of Portland, plans and specifications, if any, submitted herewith and the following specifications:

Location 116 State Street Within Fire Limits? _____ Dist. No. _____

Owner's name and address Mercy Hospital, 144 State St. Telephone _____

Lessee's name and address _____ Telephone 277-1181

Contractor's name and address _____ Telephone _____

Architect _____ Specifications _____ Plans yes No. of sheets 1

Proposed use of building Doctor's Office and apt. No. families 1

Last use Dwelling No. families 1

Material brick No. stories 3 Heat _____ Style of roof _____ Roofing _____

Other buildings on same lot _____

Estimated cost \$ _____ Fee \$ 57.00

General Description of New Work

Pd. 12/20/71

To Change Use of 1st floor from dwelling to doctor's office - without alterations

Second floor apt. to use kitchen on 1st floor.

Appeal sustained 12/16/71

It is understood that this permit does not include installation of heating apparatus which is to be taken out separately by and in the name of the heating contractor. **PERMIT TO BE ISSUED TO** Rene Laliberty, 144 State St.

Details of New Work

Is any plumbing involved in this work? _____ Is any electrical work involved in this work? _____

Is connection to be made to public sewer? _____ If not, what is proposed for sewage? _____

Has septic tank notice been sent? _____ Form notice sent? _____

Height average grade to top of plate _____ Height average grade to highest point of roof _____

Size, front _____ depth _____ No. stories _____ solid or filled land? _____ earth or rock? _____

Material of foundation _____ Thickness, top _____ bottom _____ cellar _____

Kind of roof _____ Rise per foot _____ Roof covering _____

No. of chimneys _____ Material of chimneys _____ of lining _____ Kind of heat _____ fuel _____

Framing Lumber-Kind _____ Dressed or full size? _____ Corner posts _____ Sills _____

Size Girder _____ Columns under girders _____ Size _____ Max. on centers _____

Studs (outside walls and carrying partitions) 2x4-16" O. C. Bridging in every floor and flat roof span over 8 feet.

Joists and rafters: 1st floor _____, 2nd _____, 3rd _____, roof _____

On centers: 1st floor _____, 2nd _____, 3rd _____, roof _____

Maximum span: 1st floor _____, 2nd _____, 3rd _____, roof _____

If one story building with masonry walls, thickness of walls? _____ height? _____

If a Garage

No. cars now accommodated on same lot _____, to be accommodated _____ number commercial cars to be accommodated _____

Will automobile repairing be done other than minor repairs to cars habitually stored in the proposed building? _____

11-19-71

pd

CITY OF PORTLAND, MAINE
IN THE BOARD OF APPEALS

CONDITIONAL USE APPEAL

Mercy Hospital, owner of property at 116 State Street,
under the provisions of Section 24 of the Zoning Ordinance of the City of Portland,
hereby respectfully petitions the Board of Appeals to: permit and certificate of
occupancy for changing the use of a single family dwelling at the above
named location to a doctor's office on the first floor and an apartment
on the second floor. This permit is presently not issuable under the
Zoning Ordinance because this use is not allowable in an R-6 Residential
Zone in which the property is located unless authorized by the Board of
Appeals under provisions of Section 602 7A.7c.

LEGAL BASIS OF APPEAL: Such permit may be granted only if the Board of Appeals
finds that such use of the premises will not adversely affect property in the
same zone or neighborhood and will not be contrary to the intent and purpose of
the Ordinance.

Warren C. Kessler

Warren C. Kessler, Acting Executive Director
APPELLANT

DECISION

After public hearing held December 16, 1971, the Board of Appeals finds that
such use of the premises will not adversely affect property in the same zone or
neighborhood and will not be contrary to the intent and purpose of the Ordinance.

It is, therefore, determined that permit should be issued in this case.

W. C. Estabrook
Henry M. Shust
Edward W. [unclear]
BOARD OF APPEALS

CALCULATOR COST FORM

For subscribers using the MARSHALL VALUATION SERVICE Calculator Cost Method

SQUARE FOOT COSTS

1. Subscriber making survey DH Date of survey 3/85
 2. Name of building Mercy Hospital office Owner Mercy Hospital
 3. Located at 102-118 State St & 166-186 Spring St.

	SECTION I (15)	SECTION II (15)	SECTION III	SECTION IV
4. Occupancy	Office	Vac-BsmT		
5. Building class and quality	Cls. <u>C⁺</u> Qual. <u>Low</u>	Cls. <u>C</u> Qual. <u>AV</u>	Cls. _____ Qual. _____	Cls. _____ Qual. _____
6. Exterior wall	<u>Brick</u>	<u>Brick/ston</u>		
7. No. of stories & height per story.	No. <u>2+3</u> Ht. <u>10'±</u>	No. <u>1</u> Ht. <u>7'±</u>	No. _____ Ht. _____	No. _____ Ht. _____
8. Average floor area	<u>3,235</u>	<u>3,235</u>		
9. Average perimeter	<u>312±</u>	<u>312±</u>		
10. Age and condition	Age _____ Cond. _____	Age _____ Cond. _____	Age _____ Cond. _____	Age _____ Cond. _____

11. Region: Western _____ Central _____ Eastern
 12. Climate: Mild _____ Moderate _____ Extreme

SECTION I	SECTION II	SECTION III	SECTION IV
<u>26.04</u>	<u>11.81</u>		

13. Base Square Foot Cost

SQUARE FOOT REFINEMENTS

14. Heating, cooling, ventilation

15. Elevator deduction

16. Miscellaneous

..... Total lines 13 through 16

<u>+ 5.72</u>	—		
—	—		
—	—		
<u>31.76</u>	<u>11.81</u>		

HEIGHT AND SIZE REFINEMENTS

18. Number of stories-multiplier

19. Height per story-multiplier (see Line 7)

20. Floor area-perimeter multiplier (see Lines 8 and 9)

21. Combined height and size multiplier (Lines 18 x 19 x 20)

—	—		
<u>.953</u>	<u>.872</u>		
<u>1.105</u>	<u>1.105</u>		
<u>1.053</u>	<u>.964</u>		

FINAL CALCULATIONS

22. Refined square foot cost (Line 17 x 21)

23. Current cost multiplier (Sect. 99 p. 3)

24. Local multiplier (Sect. 99 p. 5 thru 8)

25. Final sq. ft. cost (Line 22 x Line 23 x Line 24) ..

26. Area (Back of this form)

27. Line 25 x Line 26

28. Lump sums (Line 34)

29. Replacement Cost (Line 27 + Line 28)

30. Depreciation % (Sect. 97)

31. Depreciation amount (Line 29 x Line 30)

32. Depreciated Cost (Line 29 - Line 31)

SECTION I	SECTION II	SECTION III	SECTION IV
<u>33.44</u>	<u>11.38</u>		
<u>1.01</u>	<u>1.01</u>		
<u>.96</u>	<u>.96</u>		
<u>32.42</u>	<u>11.03</u>		
<u>7,632</u>	<u>3,235</u>		
<u>247,430</u>	<u>35,680</u>		
<u>283,110</u>			

TOTAL OF ALL SECTIONS

33. Replacement cost _____ Depreciated cost _____ Insurable value _____

See back of form for drawings and area and insurable value calculations.

DESCRIPTION	DEVL. NO.	RECORD OF OWNERSHIP	USE	TRACT	BLOCK	NUMBER	CODE	NUMBER	CODE	NUMBER	CODE	NUMBER
045	001	49847	SA			0118	1599	0118	54			
MERCY HOSPITAL 405 STEVENS AVE CITY												
4500 1 STATE ST 1400 6 SPRING ST 1600 176 3611 50 FT 405 STEVENS AVE 49847 SF - 80-1												
							9.11700					

EXEMPT

BLDG. USED FOR OFFICE SPACE
71 PARKER DR. PARKING LOT

DTS	N	ACTUAL FRONTAGE	EFFECTIVE FRONTAGE	EFFECTIVE DEPTH	UNIT PRICE	DEPTH FACTOR	ACTUAL PRICE	INFLUENCE FACTOR	LAND VALUE	LAND USE		ASSESSMENT	INCREASE	DEGREE
										RESIDENTIAL	COMMERCIAL			
1	L										RESIDENTIAL			
2	L										Multi-Use Residential			
3	L										Residential Hotels			
4	L										Apartments & Rooms			
5	S										Booming Houses			
6	S										Condominiums			
7	S										Single Family			
8	S										Two Family			
9	S										Four Family			
0	G										Five to Ten Family			
1	A										Twenty One Plus Family			
2	A										Seasonal			
3	A										Garages, Sheds, Accessory Building			
4	A										COMMERCIAL			
5	A										Retail & Personal Services			
6	A										Office & Business Services			
7	A										Warehouses			
8	A										Warehouses			
9	A										Warehouses			
0	G										INDUSTRIAL			
1	A										Manufacturing & Construction			
2	A										Warehouses & Storage			
3	A										Warehouses & Storage			
4	A										Warehouses & Storage			
5	A										Warehouses & Storage			
6	A										Warehouses & Storage			
7	A										Warehouses & Storage			
8	A										Warehouses & Storage			
9	A										Warehouses & Storage			
0	G										LAND			
1	A										BLDG.			
2	A										BLDG.			
3	A										BLDG.			
4	A										BLDG.			
5	A										BLDG.			
6	A										BLDG.			
7	A										BLDG.			
8	A										BLDG.			
9	A										BLDG.			
0	G										BLDG.			

GENERAL PROPERTY FACTORS		RESIDENTIAL PROPERTY FACTORS		BUILDING PERMIT RECORD		
NEIGHBORHOOD I.D.	NUMBER OF LAND ENTRIES	NEIGHBORHOOD FACTORS	RESIDENTIAL PROPERTY FACTORS	PERMIT NO.	AMOUNT	DESCRIPTION
R						
1	1	TOPOGRAPHY RATING	TOPOGRAPHY RATING			
2	2	FAIR	EXCELLENT			
3	3	POOR	EXCELLENT			
4	4	VERY POOR	EXCELLENT			
5	5	NONE	EXCELLENT			
6	6	NONE	EXCELLENT			
7	7	NONE	EXCELLENT			
8	8	NONE	EXCELLENT			
9	9	NONE	EXCELLENT			
0	0	NONE	EXCELLENT			
1	1	ALLEY	ALLEY			
2	2	YES	ALLEY			
3	3	NO	ALLEY			
4	4	NO	ALLEY			
5	5	NO	ALLEY			
6	6	NO	ALLEY			
7	7	NO	ALLEY			
8	8	NO	ALLEY			
9	9	NO	ALLEY			
0	0	NO	ALLEY			
1	1	UTILITIES	UTILITIES			
2	2	SEWER	SEWER			
3	3	ELECTRICITY	ELECTRICITY			
4	4	PRIVATE	PRIVATE			
5	5	PUBLIC	PUBLIC			
6	6	SEWER	SEWER			
7	7	ELECTRICITY	ELECTRICITY			
8	8	PRIVATE	PRIVATE			
9	9	PUBLIC	PUBLIC			
0	0	NONE	NONE			
1	1	TYPICAL	TYPICAL			
2	2	POORER	POORER			
3	3	BETTER	BETTER			
4	4	NONE	NONE			
5	5	NONE	NONE			
6	6	NONE	NONE			
7	7	NONE	NONE			
8	8	NONE	NONE			
9	9	NONE	NONE			
0	0	NONE	NONE			



PORTLAND MAINE

Strengthening a Remarkable City, Building a Community for Life • www.portlandmaine.gov

Planning and Development Department
Lee D. Urban, Director

Planning Division
Alexander Jaegerman, Director

December 8, 2006

Joseph Malone CCIM,
Malone Commercial Brokers
5 Moulton Street
Portland, ME 04101

Re: 116-118 State Street: Housing Replacement Ordinance

Dear Mr. Malone:

On December 6, 2006, Lee Urban, Marge Schmuckal, Penny Littell, Barbara Barhydt and I met with you, as Mercy Hospital's representative regarding their property at 116-118 State Street. You asked to confirm the following in your December 6, 2006 e-mail:

... that 116-118 State street does qualify for the exemption outlined in item n (6) of the replacement ordinance. I was also told that who ever owns the property still must go thru the change of use process to "reduce" the number of units. I also understood that the number of units can not be fewer than two but could be as many as nine without penalty or fine under the replacement ordinance.

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.

Jack Soley
Russell Cox
100 Commercial Street
Portland, ME 04101

Alex Jaegerman
City of Portland
Director, Planning Division
19 November 2006

Re: 116-118 State Street: Housing replacement Ordinance

Dear Alex,

We have read the City of Portland ordinance Section 14-483 which details the loss of dwelling units as a result of demolition or conversion to other uses, and believe that this ordinance does not apply to the property at 116-118 State Street, a row house building with main entrances on State St. We have raised our concerns with Marge Schmuckal in planning, but we have not been able to find agreement on this issue. We maintain that this ordinance does not apply to the aforementioned property for the following reason:

The conversion from dwelling units to office space occurred well before the enactment of the current ordinance (2002), and is essentially a "grandfathered" use. In essence, the dwelling units no longer existed as the date of inception of the Ordinance.

Though it has been difficult to obtain exact dates, Mercy Hospital has confirmed in writing that 116 State Street has been used for office space for more than 30 (thirty) years. Bill Connolly, Mercy Property Manager, further attests that since at least the spring of 1999, 118 State Street has been used exclusively as offices. We have found documentation to support these claims in the form of a City assessor's report from 1985 which lists the entire building (116 & 118 State) as "office" as well as a City building permit application from 1971 which lists 116 State St. as "professional office".

The Ordinance exclusively addresses "lawfully existing dwellings or dwelling units". However, it is clear from City records and informal testimonials among City employees that 116/118 State has been regarded an office building for many years. Our intention is to officially record the historical utilization of the property.

Sincerely,



Jack Soley

LOT	DESCRIPTION	DEVL. NO.	TRACT	BLOCK	USE	RECORD OF OWNERSHIP	TAX YEAR	ACCOUNT NUMBER	DATE	TYPE	SALE PRICE	CODE	NUMBER
045	MERCY HOSPITAL 405 STEVENS AVE CITY	449,847 SF.	0118	54	54					1. LAND 2. L & B			
4500	1 STATE ST												
1180	6 SPRING ST												
1647	3611 50 FT												
4684	75												
49847	50 - 823	9.11700											

BEING USED FOR OFFICE SPACE
79 PAVED AREA PARKING LOT

EXEMPT

DTS	N	ACTUAL FRONTAGE	EFFECTIVE FRONTAGE	EFFECTIVE DEPTH	UNIT PRICE	DEPTH FACTOR	ACTUAL PRICE	INFLUENCE FACTOR	LAND VALUE	ASSESSMENT RECORD	
										ASSESSMENT	DEGREE
1	L									LAND	2610
2	L									BLDGS	32400
3	L									TOTAL	35010
4	L									LAND	69770
5	S									BLDGS	61230
6	S									TOTAL	131000
7	S									LAND	69770
8	S									BLDGS	68230
9	S									TOTAL	138000
10	A									LAND	74770
11	A									BLDGS	5000
12	A									TOTAL	79770
13	A									LAND	74770
14	A									BLDGS	5000
15	A									TOTAL	79770
16	A									LAND	74770
17	A									BLDGS	5000
18	A									TOTAL	79770
19	A									LAND	74770
20	A									BLDGS	5000
21	A									TOTAL	79770
22	A									LAND	74770
23	A									BLDGS	5000
24	A									TOTAL	79770
25	A									LAND	74770
26	A									BLDGS	5000
27	A									TOTAL	79770
28	A									LAND	74770
29	A									BLDGS	5000
30	A									TOTAL	79770

GROSS	GENERAL PROPERTY FACTORS		RESIDENTIAL PROPERTY FACTORS		BUILDING PERMIT RECORD	
	NEIGHBORHOOD I.D.	NEIGHBORHOOD FACTORS	NEIGHBORHOOD FACTORS	RESIDENTIAL PROPERTY FACTORS	PERMIT NO.	AMOUNT
1	TOPOGRAPHY RATING	1 RURAL	1 IMPROVING	1 EXCELLENT		
2	STREET OR ROAD	2 URBAN	2 SUBURBAN	2 SUBURBION		
3	PAVED	3 POOR	3 STATIC	3 IMPROVED		
4	UNPAVED	4 PROPOSED	4 INFLUENCE ON SUBJECT PROPERTY	4 IMPROVED		
5	SIDEWALK	5 YES	5 NONE	5 IMPROVED		
6	ALLEY	6 YES	6 DEVALUING	6 IMPROVED		
7	UTILITIES	7 YES	7 ENHANCING	7 IMPROVED		
8	WATER	8 SEWER	8 DESIRABILITY RATING	8 IMPROVED		
9	ELECTRICITY	9 GAS	9 EXCELLENT	9 IMPROVED		
10	PRIVATE	10 PUBLIC	10 AVERAGE	10 IMPROVED		
11	COMPARISON TO NEIGHBORING PROPERTIES	11 LOT	11 GOOD	11 IMPROVED		
12	1. TYPICAL	2. POORER	2. VERY POOR	2. IMPROVED		
13	3. BETTER	4. NONE	3. VERY GOOD	3. IMPROVED		
14	4. NONE	5. FAIR	4. POOR	4. IMPROVED		
15	5. POOR	6. VERY POOR	5. EXCELLENT	5. IMPROVED		
16	6. VERY POOR	7. POOR	6. AVERAGE	6. IMPROVED		
17	7. POOR	8. VERY POOR	7. EXCELLENT	7. IMPROVED		
18	8. VERY POOR	9. POOR	8. AVERAGE	8. IMPROVED		
19	9. POOR	10. VERY POOR	9. EXCELLENT	9. IMPROVED		
20	10. VERY POOR	11. POOR	10. AVERAGE	10. IMPROVED		
21	11. POOR	12. VERY POOR	11. EXCELLENT	11. IMPROVED		
22	12. VERY POOR	13. POOR	12. AVERAGE	12. IMPROVED		
23	13. POOR	14. VERY POOR	13. EXCELLENT	13. IMPROVED		
24	14. VERY POOR	15. POOR	14. AVERAGE	14. IMPROVED		
25	15. POOR	16. VERY POOR	15. EXCELLENT	15. IMPROVED		
26	16. VERY POOR	17. POOR	16. AVERAGE	16. IMPROVED		
27	17. POOR	18. VERY POOR	17. EXCELLENT	17. IMPROVED		
28	18. VERY POOR	19. POOR	18. AVERAGE	18. IMPROVED		
29	19. POOR	20. VERY POOR	19. EXCELLENT	19. IMPROVED		
30	20. VERY POOR	21. POOR	20. AVERAGE	20. IMPROVED		

CALCULATOR COST FORM

For subscribers using the MARSHALL VALUATION SERVICE Calculator Cost Method

SQUARE FOOT COSTS

1. Subscriber making survey DH Date of survey 3/85
 2. Name of building Mercy Hospital office Owner Mercy Hospital
 3. Located at 102-118 State St + 166-186 Spring St.

	SECTION I (15)	SECTION II (15)	SECTION III	SECTION IV
4. Occupancy	Office	VAC-BsmT		
5. Building class and quality	Cls. C ⁺ Qual. Low	Cls. C Qual. AV	Cls. Qual.	Cls. Qual.
6. Exterior wall	Brick	Brick/Stone		
7. No. of stories & height per story.	No. 2 Ht. 10'±	No. 1 Ht. 7'±	No. Ht.	No. Ht.
8. Average floor area	3,235	3,235		
9. Average perimeter	312±	312±		
10. Age and condition	18 74 ± Age Cond.	Age Cond.	Age Cond.	Age Cond.

11. Region: Western _____ Central _____ Eastern
 12. Climate: Mild _____ Moderate _____ Extreme

13. Base Square Foot Cost

SECTION I	SECTION II	SECTION III	SECTION IV
26.04	11.81		

SQUARE FOOT REFINEMENTS

14. Heating, cooling, ventilation

15. Elevator deduction

16. Miscellaneous

..... Total lines 13 through 16

+ 5.72	—		
—	—		
—	—		
31.76	11.81		

HEIGHT AND SIZE REFINEMENTS

18. Number of stories-multiplier

19. Height per story-multiplier (see Line 7)

20. Floor area-perimeter multiplier (see Lines 8 and 9)

21. Combined height and size multiplier (Lines 18 x 19 x 20)

—	—		
.953	.872		
1.105	1.105		
1.053	.964		

FINAL CALCULATIONS

22. Refined square foot cost (Line 17 x 21)

23. Current cost multiplier (Sect. 99 p. 3)

24. Local multiplier (Sect. 99 p. 5 thru 8)

25. Final sq. ft. cost (Line 22 x Line 23 x Line 24) ..

26. Area (Back of this form)

27. Line 25 x Line 26

28. Lump sums (Line 34)

29. Replacement Cost (Line 27 + Line 28)

30. Depreciation % (Sect. 97)

31. Depreciation amount (Line 29 x Line 30)

32. Depreciated Cost (Line 29 - Line 31)

SECTION I	SECTION II	SECTION III	SECTION IV
33.44	11.38		
1.01	1.01		
.96	.96		
32.42	11.03		
7,632	3,235		
247,430	35,680		
283,110			

TOTAL OF ALL SECTIONS

33. Replacement cost _____ Depreciated cost _____ Insurable value _____

See back of form for drawings and area and insurable value calculations.

R6 RESIDENCE ZONE



APPLICATION FOR PERMIT

Class of Building or Type of Structure

Portland, Maine, November 19, 1971

PERMIT ISSUED

DEC 20 1971

1580

CITY of PORTLAND

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

The undersigned hereby applies for a permit to erect alter repair demolish install the following building structure equipment in accordance with the Laws of the State of Maine, the Building Code and Zoning Ordinance of the City of Portland, plans and specifications, if any, submitted herewith and the following specifications:

Location 116 State Street Within Fire Limits? _____ Dist. No. _____
 Owner's name and address Mercy Hospital, 144 State St. Telephone _____
 Lessee's name and address _____ Telephone 119-1111
 Contractor's name and address _____ Telephone _____
 Architect _____ Specifications _____ Plans YES No. of sheets 1
 Proposed use of building Doctor's Office and apt. No. families 1
 Last use Dwelling No. families 1
 Material brick No. stories 3 Heat _____ Style of roof _____ Roofing _____
 Other buildings on same lot _____
 Estimated cost \$ _____

Fee \$ 57.00

Pd- 12/20/71

General Description of New Work

To Change Use of 1st floor from dwelling to doctor's office - without alterations
 Second floor apt. to use kitchen on 1st floor.

Appeal sustained 12/16/71

It is understood that this permit does not include installation of heating apparatus which is to be taken out separately by and in the name of the heating contractor. PERMIT TO BE ISSUED TO Rene Laliberty, 144 State St.

Details of New Work

Is any plumbing involved in this work? _____ Is any electrical work involved in this work? _____
 Is connection to be made to public sewer? _____ If not, what is proposed for sewage? _____
 Has septic tank notice been sent? _____ Form notice sent? _____
 Height average grade to top of plate _____ Height average grade to highest point of roof _____
 Size, front _____ depth _____ No. stories _____ solid or filled land? _____ earth or rock? _____
 Material of foundation _____ Thickness, top _____ bottom _____ cellar _____
 Kind of roof _____ Rise per foot _____ Roof covering _____
 No. of chimneys _____ Material of chimneys _____ of lining _____ Kind of heat _____ fuel _____
 Framing Lumber - Kind _____ Dressed or full size? _____ Corner posts _____ Sills _____
 Size Girder _____ Columns under girders _____ Size _____ Max. on centers _____
 Studs (outside walls and carrying partitions) 2x4-16" O. C. Bridging in every floor and flat roof span over 8 feet.
 Joists and rafters: 1st floor _____, 2nd _____, 3rd _____, roof _____
 On centers: 1st floor _____, 2nd _____, 3rd _____, roof _____
 Maximum span: 1st floor _____, 2nd _____, 3rd _____, roof _____
 If one story building with masonry walls, thickness of walls? _____ height? _____

If a Garage

No. cars now accommodated on same lot _____, to be accommodated _____ number commercial cars to be accommodated _____
 Will automobile repairing be done other than minor repairs to cars habitually stored in the proposed building? _____

UNPROCESSED

Miscellaneous

November 9, 2006

To: Joe Malone

From: Bill Connolly

Re: 116 and 118 State St.

Mercy Hospital has been using 116 State St. for offices for more than 30 years. Over the years, it has been used as a doctor's office, purchasing offices, development offices, and plant & engineering storage. Our most recent usage of the first floor has been for offices for medical affairs, patient registration administration, computer support/training, and a mission support office. The second floor housed our IS and Telecommunications network personnel offices. The third floor had an office for support services and software support administration.

Since the Spring of 1999, Mercy Hospital has used the second floor of 118 State St. exclusively as offices for behavioral health administration. The first floor was used our eating disorder program from the Spring of 1999 through September of 2002. Since that time, the first floor space has been used for in-house computer training labs and training office space.

Effective in July of this year, Mercy relocated all of the occupants of 116 and 118 State Street in preparation of selling the property.

Molly Casto, Planner
Portland Planning Division
389 Congress Street
Portland, Maine 04101-3509
207-874-8901
MPC@portlandmaine.gov

>>> "Jak Soley" <jsoley@eastbrowncow.com> 1/30/2008 8:43:33 PM >>>
Hi Molly - Thank you for faxing the 130 Eastern Prom material; my #
is
773-7422.

My understanding is that because the State St. townhouses both have separate deeds (which were never co-joined), I am able to divide each residence into two units without crossing the subdivision threshold. It is also my understanding that parking is grandfathered, though of course the six spaces on site will be assigned to the units.

I provided Marge with copies of historical deeds for the property; she did not give me anything in writing.

Jack

From: Molly Casto [mailto:MPC@portlandmaine.gov]
Sent: Wed 1/30/2008 5:11 PM
To: Jak Soley
Subject: follow up-116-118 State

**** High Priority ****

Hi Jack
I think the best way to proceed is this:

I can go ahead and fax you the example of a housing replacement exemption from 130 Eastern Prom. That will avoid a trip into City hall.

Let me know your fax number.

Please email me a synopsis of what you propose to do, which I can forward to Barbara, Penny, etc so we're all on the same page. Note your plans for condos (2 on each side), any ideas how parking would work, info on the deeds, the names on the titles. etc.

Include your questions that you want to discuss- e.g.: how would this affect housing replacement, can they be two projects, condo conversion, would they be minor site plan reviews...etc. You mentioned many of these on the phone today. I just want to convey them clearly to the group.

When Marge looked at the deeds with you, did she give you anything in writing? If so, I can get that from her myself. Did you and Marge look at how the separate deeds work in terms of the back yard and the parking area?

Once I get this information from you, I'll forward it on to Barbara, Penny, etc so they can research how to correctly move forward. Then, we should arrange a meeting to discuss your revised proposal, your questions and how to proceed.

This is an unusual scenario so, again, I want to be sure that we're providing correct information and guidance and you're getting the information you need. I appreciate your patience and your help in getting me this information in writing.

I'll look for an email from you. Feel free to get in touch if you have any questions.

-Molly

Molly Casto, Planner
Portland Planning Division
389 Congress Street
Portland, Maine 04101-3509
207-874-8901
MPC@portlandmaine.gov

From: "Jak Soley" <jsoley@eastbrowncow.com>
To: "Molly Casto" <mpc@portlandmaine.gov>
Date: 2/1/2008 3:24:17 PM
Subject: RE: follow up-116-118 State

Hi Molly -
Thank you for the explanation.

My chief concern now is that with the delays, if planning does require me to go through subdivision, I may miss the 2/12 meeting and get set back even further. After my meeting with Marge, I honestly thought the issues were resolved.

The market is changing rapidly and if this project is to get off the ground, I need to get some clear answers from the City quickly. Is there any indication from folks in legal/planning if this will be a subdivision after all?

Jack

From: Molly Casto [mailto:mpc@portlandmaine.gov]
Sent: Fri 2/1/2008 10:00 AM
To: Jak Soley
Subject: RE: follow up-116-118 State

Jack-

Let's tentatively plan on Wednesday. I'll get back to you to figure out a time early next week. I anticipate our meeting with you to be an opportunity for you to discuss your plans and for us to advise you on the feasibility of the new proposal, any exemptions or waivers you may need and how the process will work. It should work like a typical meeting we have with any developer to go over a concept plan. Given the unique nature of this scenario however, I just want to be sure that the people from legal counsel, zoning, planning, etc understand and discuss this in advance so they are prepared to address your questions and advise you correctly with you when you come in.

If you have any questions, please email me. I am working from home today and won't be picking up voicemail until monday.

-Molly

Molly Casto, Planner
Portland Planning Division
389 Congress Street
Portland, Maine 04101-3509
207-874-8901
MPC@portlandmaine.gov
>>> "Jak Soley" <jsoley@eastbrowncow.com> 01/31/08 11:30 AM >>>
I can meet anytime after 1:00 on Mon and most of the day on Wed.

Can you please give me a heads up after you meet with other folks in

planning so that I know how to prepare for our meeting? Thanks again
Molly for all your efforts.
Jack

From: Molly Casto [mailto:MPC@portlandmaine.gov]
Sent: Thu 1/31/2008 9:34 AM
To: Jak Soley
Subject: RE: follow up-116-118 State

great! that's helpful. Let me forward this information to everyone and,
from there I will get in touch with you to set up a meeting time. What
is your schedule like next week?

-Molly

Molly Casto, Planner
Portland Planning Division
389 Congress Street
Portland, Maine 04101-3509
207-874-8901
MPC@portlandmaine.gov

>>> "Jak Soley" <jsoley@eastbrowncow.com> 1/31/2008 9:16:47 AM >>>

The building and yard are divided directly through the center by the
deeds (the common interior brick wall serves as the dividing line).

The (new) six spaces I purchased from Mercy in '06, therefore they are
not associated with either side of the property specifically.

Jack

From: Molly Casto [mailto:MPC@portlandmaine.gov]
Sent: Thu 1/31/2008 9:00 AM
To: Jak Soley
Subject: RE: follow up-116-118 State

Jack-

Thank you for the prompt response.

Do you have any idea which unit (116 or 118) that parking is
associated
with? What about the back yard? Does it belong to one side? Is it
divided up the middle? If you don't know, it's ok. It's something
that
we'll eventually need to be clear on, however.

-Molly

Horton, LLC
100 Commercial Street
Portland, ME 04101

February 11, 2008

Alex Jaegerman
Director of the Planning Division
City of Portland
389 Congress Street
Portland, ME 04101

RE: Housing Replacement Ordinance - 116/118 State Street - R-6 Zone

Dear Mr. Jaegerman,

I am in receipt of a letter outlining the necessary criteria to establish exemption from the City's code which details the preservation and replacement of housing units. In summary, if the number of dwelling units decreases on a property, replacement housing must be built or the developer must pay of fee. However, according to section 14-480 of the zoning ordinance, "existing residential structures which, exclusive of additions thereto, contain more dwelling units than they were originally designated and built to accommodate and which are being modified to contain fewer dwelling units, subject to the condition that the number of dwelling units originally intended to be accommodated in such structures can be established by documentary evidence."

Through diligent and meticulous research at the following institutions (Portland Room of the Portland Public Library, Maine Historical Society, Portland Assessors and Portland Zoning of the City of Portland, and the Frances Peabody Research Library at Portland Landmarks) I have shown with reasonable certainty that the two townhouses (116 and 118 State Street) were both constructed as single family residences and were utilized as such until the second World War, when a permit was granted to house itinerate soldiers.

The attached primary source documents represent *the only known extant evidence* representing the structures pre-WWII. Quite possibly the original records were destroyed by the great fire of 1866 or the subsequent fire at City Hall of 1909. However, the surviving records clearly show that the two townhouses were used as single family residences during the years of 1886, 1896, 1909, 1924 and 1928. By example, the Sanborn Fire Insurance Maps in exhibit and dating from 1886 and 1909 record a single "D" (Dwelling) for each of the two townhouses, as does the City of Portland Assessor's determination ("One Fam., Dwelling").

In the files of Portland Landmarks, I was able to find historical notes which purport that the 116/118 structures were constructed in 1832. I was not able to corroborate this assertion at the Registry of Deeds, as those files no longer exist and were most certainly destroyed in the great Portland fire of 1866. In addition, the Portland Landmark notes profess that each side of the duplex was inhabited by a single tenant:

“William Trott bought the land for this house in 1807 from Joseph Ingraham. To that lot he added a strip of land he bought from James Barrett in 1815. In 1832 he sold the land to Eaton Shaw who with his partner, Ira Brett, built the house in 1832. Brett lived in 118 and Shaw lived in 116”

Unfortunately, the primary source for these historical notes is not cited on the file cards, though according to staff at Portland Landmarks, these cards have generally proven to be extraordinarily accurate.

Finally, I have consulted the Portland Directory from 1837, the first extant city directory subsequent to 1832. Unfortunately, many street names were omitted from this document, so it is not possible to conclusively determine the number of families at any single address.

Due to this supporting documentary evidence, I am confident that the townhouses at 116 and 118 State Street satisfy the exemption criteria from the Portland Zoning Ordinance Section 14-1480.

If you have any questions or need further information, please don't hesitate to contact me.

Sincerely,

Jack Soley, Pres.
Horton, LLC

Data Ca 1763

FILE NUMBER _____

Name of Structure The Bailey and Tinkham Houses Date Built 1832

Address 116-118 State Street

Owner 116 - Mary Morgan 118 - Bertha Smith How long? 116-1957
Fred Smith 118-1942

Occupant _____ How long? _____

Condition: INT. _____ EXT. Good-Excellent _____

Further References Nathan Gould's State Street Series, P. 11

Historical Notes William True bought the land for this house in 1807 from Joseph Ingraham. To that lot he added a strip of land he bought from James Barrett in 1815. In 1832 he sold the land to Eaton Shaw who with his partner, Ira Brett, built the house in 1832. Brett lived in 118 and Shaw lived in 116. Shaw set out the elms in front of the houses. Eaton Shaw taught school at 17, studied architecture in Boston, and at the time of the building of this house was in the grocery business with Mr. Brett on the south-east side of Monument Square. After disposing of the house he went to New York, but returned to Maine and joined the Methodist Conference, and from 1836

History continued from 1st card. The Bailey and Tinkham Houses. Eaton Shaw's wife, Mary Roberts Shaw, was the daughter of Moses Roberts, a Portland shipbuilder. His sons served in the Civil War. Mrs. Shaw lived to a remarkable age.

Ira Brett came from Paris* and was a carpenter by trade. After moving from this house he lived where the Jackson School now stands. He was the partner of Ezra Russell many years and lived on Hanover Street. He died in Newton, Mass. age 86, a respected citizen. His three sons were Portland carpenters.

Mr. Shaw sold his half of the house to Mason Greenwood, a merchant, in 1833 for \$3500. Greenwood sold to Franklin and Lucinda Tinkham in 1835 for \$3200. The property was owned by the Heirs of Franklin Tinkham and occupied by Samuel Stevens at the turn of the century.

Mr. Brett sold to John Robinson in 1834 who sold to Nehemiah Cram two months later. Cram never lived there. He sold to Mrs. Arthur McCellen in 1836 for \$4000. She lost her eyesight late in life and lived with relatives. Her house was sold to James Bailey in 1866 for \$7000. Mrs. McCellen died in 1867. He greatly improved the property. He was a good citizen, prosperous in business. His son continued to live there.

Frances Peabody
Room at Portland
Landmarks
"Street Files"

*Paris, Maine

116-118 State

Clip : Date _____
photo : taken _____
here : _____

to 1852 he was an effective preacher. He was two years the pastor of the Chestnut St. Methodist Church and was originator of the Cong St. Methodist Society. He was the first to occupy their pulpit. His health forced him to return to mercantile pursuits. He died in Portland age 80, honored and respected by his fellow citizens. History continued on next card.

Architectural Notes

Comments: (Please indicate date and your name)

~~FILE NUMBER _____~~

~~Name of Structure _____ Date Built _____~~

~~Address _____~~

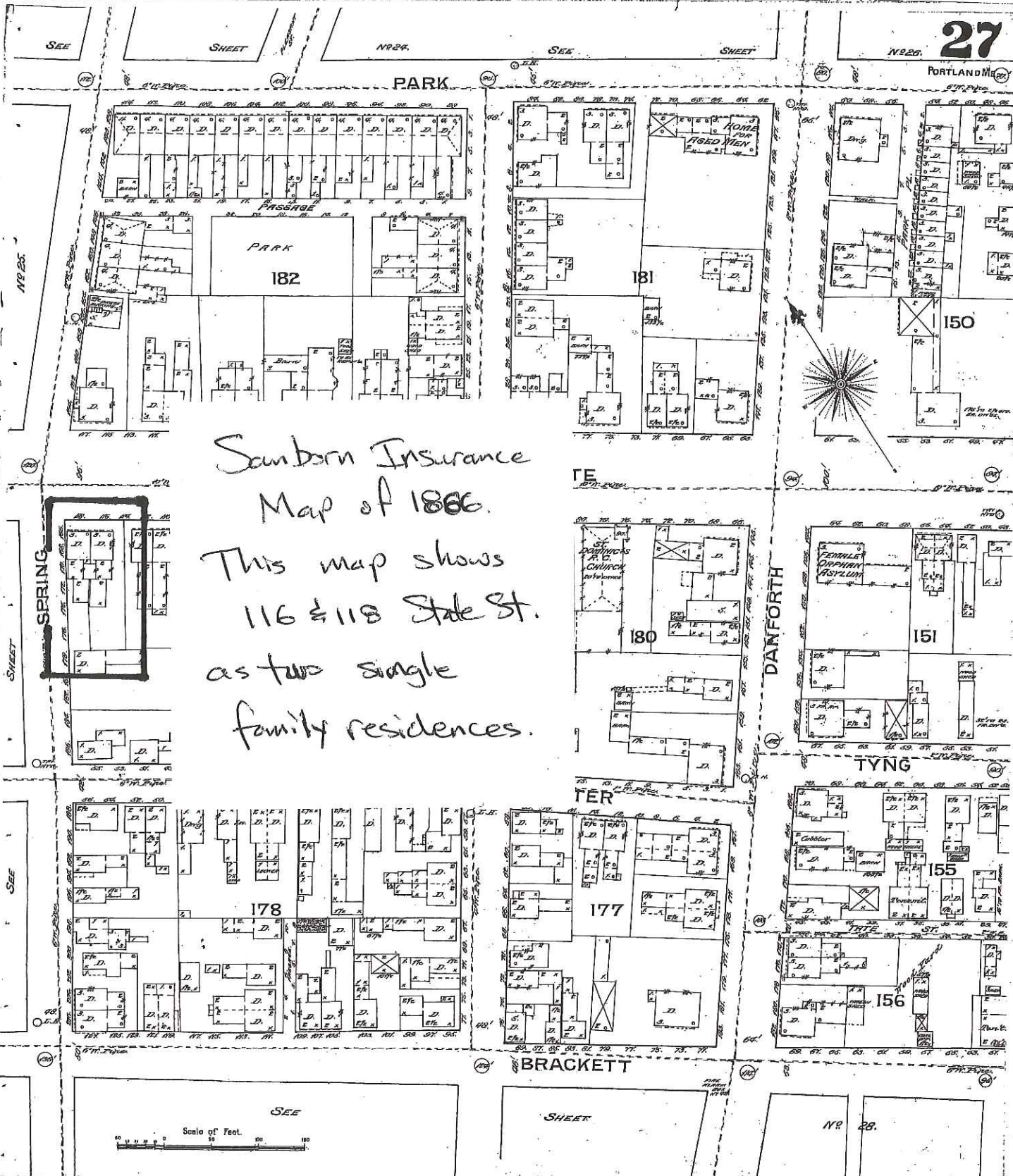
~~Owner _____ How long? _____~~

~~Occupant _____ How long? _____~~

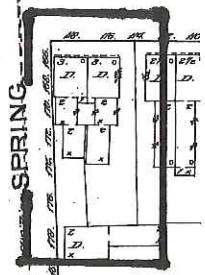
~~Condition: INT. _____ EXT. _____~~

~~Further References _____~~

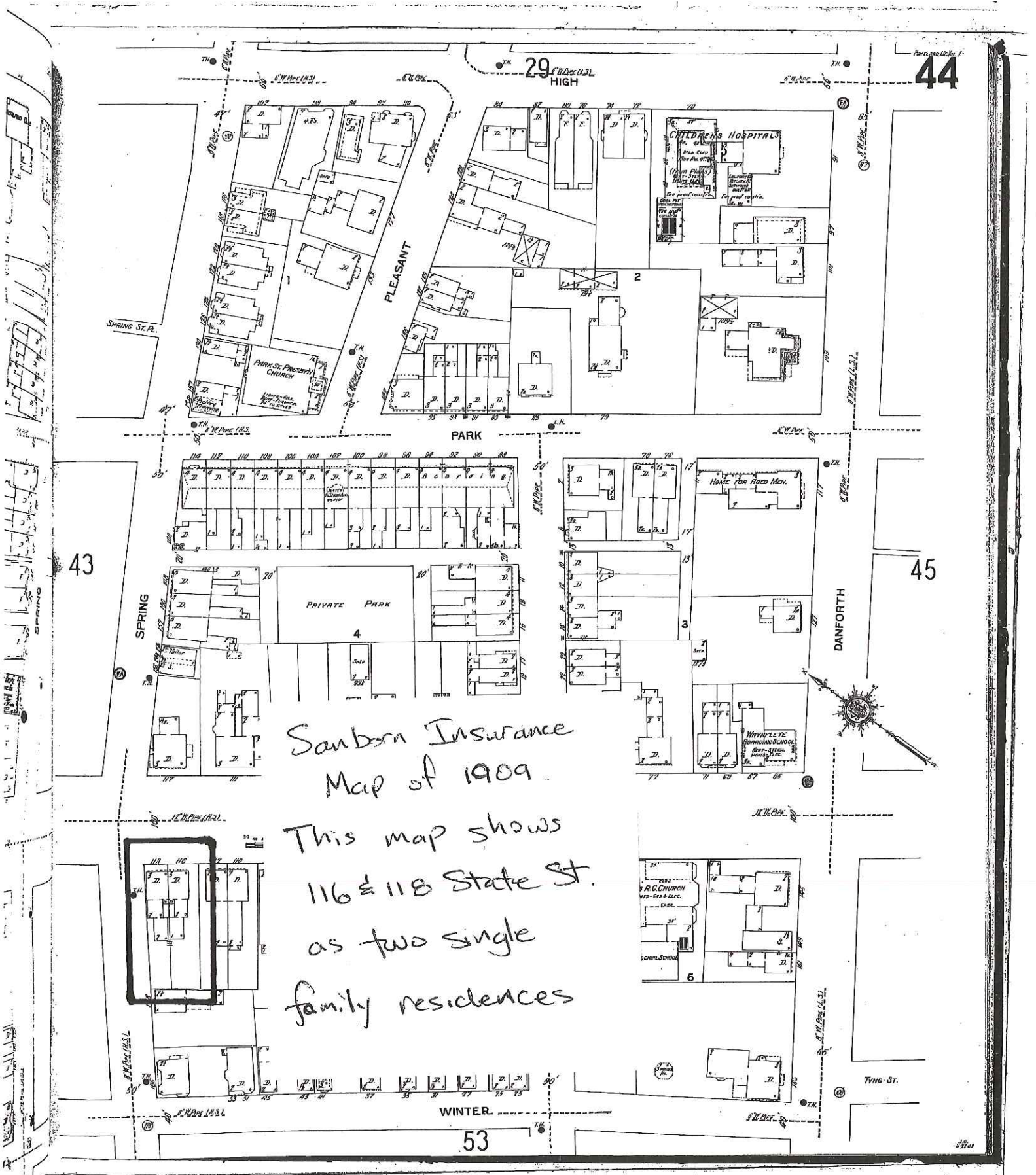
Historical Notes



Samborn Insurance
 Map of 1866.
 This map shows
 116 & 118 State St.
 as two single
 family residences.

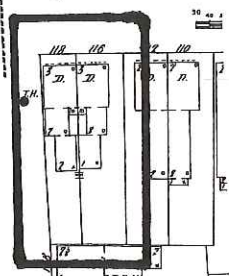


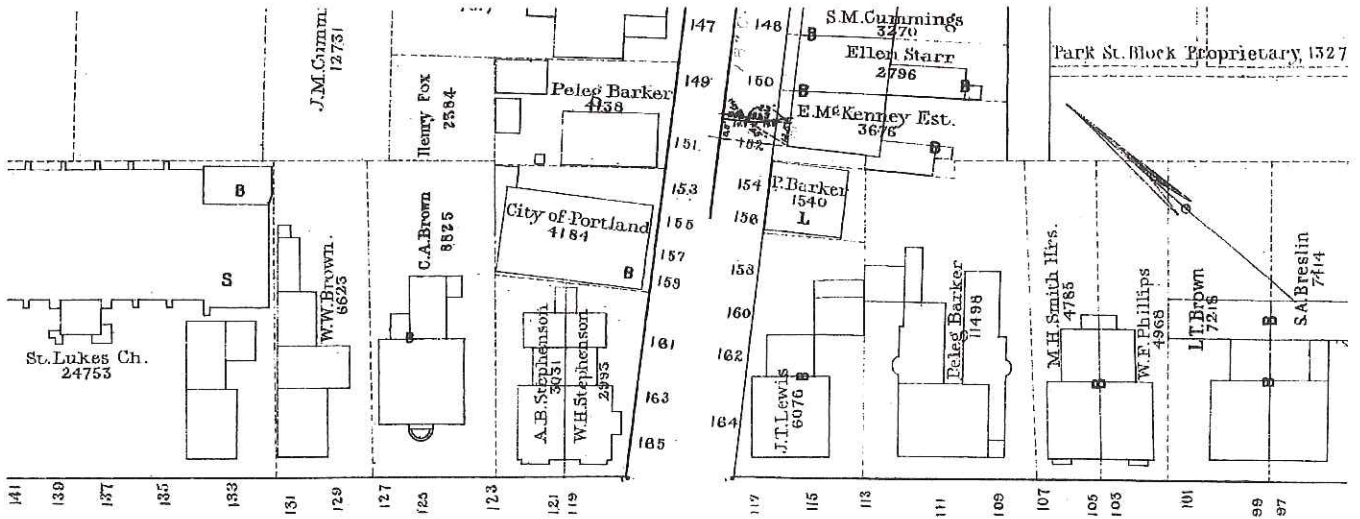
Scale of Feet.
 0 50 100 150



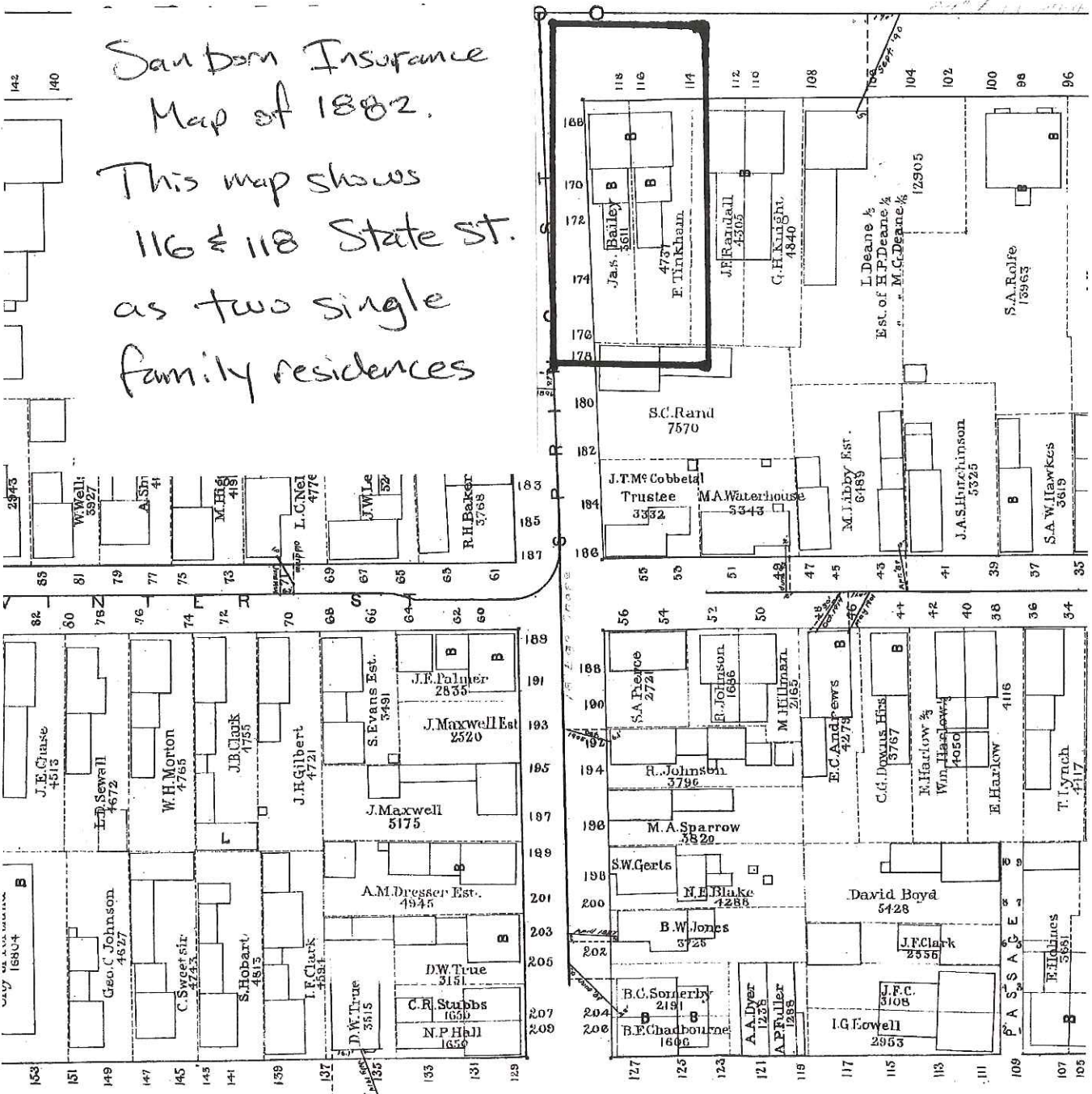
Sanborn Insurance
Map of 1909

This map shows
116 & 118 State St.
as two single
family residences





Sanborn Insurance
 Map of 1882.
 This map shows
 116 & 118 State St.
 as two single
 family residences





PORTLAND MAINE

Strengthening a Remarkable City, Building a Community for Life www.portlandmaine.gov

Planning and Development Department
Lee D. Urban, Director

Planning Division
Alexander Jaegerman, Director

February 28, 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 Jack:

Thank you for submitting two minor site plan applications on February 22, 2008 for two townhouse condominiums at 116 State Street and two townhouse condominiums at 118 State Street, both under the project name *Townhouses at the Eaton Shaw Block*. These proposals are each being reviewed for conformance with the standards for Site Plan (Article V) of the Portland City Code. Staff review of your submittals has generated the following requests and preliminary comments:

Boundary Survey:

1. A licensed surveyor must sign your boundary survey prior to approval. Currently the revised boundary survey contains a stamp but no signature. When you submit your final plan sets for approval, please be sure that all copies are signed.

Site Plan:

1. Please submit any revisions as full-size plan sheets for review and approval.
1. The plans still describe the proposal as a subdivision. Because this proposal has been revised and is no longer a subdivision, please revise your plans accordingly.
2. Because these proposals are being reviewed administratively, you no longer need a signature block on the site plan.
3. Your final plans must be stamped and signed by a registered architect.
4. Please note: The proposal is comprised of two individual projects under separate applications. Because they are contained within the same structure, however, one set of full size plans for the two proposals is adequate.

Additional Submittals:

15. Please submit the total estimated cost for each proposed development (116 and 118 State St, respectively).
16. Please submit a construction plan including estimated start and end dates and the proposed sequence of construction for each individual project (116 and 118 State St, respectively).
17. Please submit evidence of sewer capacity (when available).

Your submitted plans are undergoing separate review by the City Arborist and the Department of Public Works. I will forward additional review comments as soon as they are available. Please note that the Planning Authority may request additional information during our continued review of the proposal according to applicable laws, ordinances and regulations. If you have any questions, feel free to contact me at 874-8901 or by email at mpc@portlandmaine.gov.

Sincerely,



Molly Casto, Planner

cc: Barbara Barhydt, Development Review Services Manager

City of Portland
Department of Planning and Development
Planning Division
389 Congress Street, 4th Floor
Portland ME 04101
(207)874-8721 or (207)874-8719
Fax: (207)756-8258



FAX

To: Jack Soley

Company: East Brown Cow

Fax #: 207 773-7422

Date: March 13, 2008

From: Molly Casto, Planner

You should receive 5 page(s) including this cover sheet.

Comments:

Jack-

Attached are the emails and attachments that appear to have not gotten through to you. I also sent them to the other email address you provided.

On another note, I left a message for Dan Goyette, DPW Consulting Engineer asking if he would be able to meet us at the site on Monday morning. I'll call you on your cell when I hear from him.

Feel free to get in touch if you have any questions. I look forward to receiving your updated plans and materials.

From: Molly Casto
To: jack@soley.com
Date: 3/7/2008 9:36:50 AM
Subject: zoning comments - 116 and 118 State St

Jack-

Marge Schmuckal has submitted her comments pertaining to your submitted plans. As we discussed, 116 and 118 State St must be reviewed as two individual project proposals. Therefore, Marge has submitted individual memos for each. Threshold issues include the following:

-you need to clarify the size and proposed location of the two decks on the revised plans. There appear to be potential issues in terms of the side setback for these decks (namely for 118 State) so you may want to talk to Marge about the requirements to see if you need to modify the design. The min. side yard in the R-6 is ten (10) ft. Marge can be reached by phone at 874-8701.

-As we discussed, you need to update your letter of financial capacity to reflect the current projects. You may combine the two projects into a single letter from your financial institution, however, be sure that it correctly represents the two current proposals.

Let me know if you have any additional questions. At this point, I have provided review comments from Planning, Parks, Zoning and our Traffic Engineers. When I receive information from Public Works, I will forward it along. From there, you should be in the position to submit revised plans. Any other materials that have been requested can be submitted at any time.

Thanks and feel free to give a call if you have any questions. Did you ever receive the materials you requested from Jeff?

Have a nice weekend.

-Molly

Molly Casto, Planner
Portland Planning Division
389 Congress Street
Portland, Maine 04101-3509
207-874-8901
MPC@portlandmaine.gov

MEMORANDUM

To: FILE
From: Marge Schmuckal **Dept:** Zoning
Subject: Application ID: 2008-0018
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 single family and lodging house with 8 lodging rooms into two (2) residential condominiums. It also appears that a new deck may be added to the rear of the property.

The site plan does not indicate the size of the lot for #118 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.

If a new deck is being proposed in the rear as indicated, it would not be meeting side setback nor maximum lot coverage provisions. The plans are very sketchy as to what presently legally exists and what is proposed. I would want better plans to clarify this issue.

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 116 State Street. Apparently all other zoning requirements are being met.

Marge Schmuckal
Zoning Administrator

MEMORANDUM

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

From: Molly Casto
To: jack@soley.com
Date: 3/12/2008 10:47:05 AM
Subject: engineering comments

Jack-
hopefully my emails are coming through again. If not, we can figure out a better way to communicate.

The only comment from engineering (Public Works) is that they want you to rebuilt The sidewalk and curb along State St in front of The 116-118 and to replace The sidewalk ramp at The corner of State and Spring. Please incorporate this into your project revisions. I think you should be at The point of submit ting revisions at your convenience.

Thanks-
Molly

Molly Casto, Planner
Portland Planning Division
389 Congress Street
Portland, Maine 04101-3509
207-874-8901
MPC@portlandmaine.gov



Strengthening a Remarkable City, Building a Community for Life

www.portlandmaine.gov

Planning and Development Department
Lee D. Urban, Director

Planning Division
Alexander Jaegerman, 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 **with**in a

Molly Casto - Townhouses at Eaton Shaw Block

From: "Errico, Thomas A" <TERRICO@wilbursmith.com>
To: "Molly Casto" <MPC@portlandmaine.gov>
Date: 4/3/2008 10:11 AM
Subject: Townhouses at Eaton Shaw Block
CC: "James Carmody" <JPC@portlandmaine.gov>, "Katherine Earley" <KAS@portlandmaine.gov>

Molly –

As requested, I have conducted a review of the proposed parking layout and access conditions as illustrated on the March 24, 2008 plan prepared by the Michael Belleau Architect. My comments are noted below.

- The proposed parking area will not accommodate six (6) parking spaces, as requested by the applicant. We analyzed parking maneuvers using the software program Auto-Turn and have determined the parking area will not allow for safe and reasonable circulation. I did evaluate a few "conceptual" sketches that investigated provision of four (4) parking spaces. In my professional opinion, the only scenario that I would find acceptable is the layout of four (4) parking spaces aligned toward the west (spaces align parallel to the building). I have attached a PDF files that depicts the vehicle turning templates for a few circulation maneuvers. The applicant should revise the plan to illustrate the suggested parking layout for review and approval. I would note that the primary guiding principle of my evaluation was avoidance of backing maneuvers onto State Street.
- The driveway should be widened to approximately 16 feet. The applicant should revise the plan accordingly for review and approval.

If you have any questions or comments, please contact me.

Best regards,

Thomas A. Errico, P.E.
Senior Transportation Engineer
Wilbur Smith Associates
59 Middle Street
Portland, Maine 04101
w: 207.871.1785 f: 207.871.5825
TErrico@WilburSmith.com
www.WilburSmith.com



Portland Water District

FROM SEBAGO LAKE TO CASCO BAY

December 17, 2007

Jack Soley
100 Commercial Street
Portland, ME 04101

Re: 116/118 State Street, Portland - Ability to serve with PWD water

Dear Mr. Soley:

This letter is to confirm that there should be an adequate supply of clean and healthful water to serve the needs of the proposed apartment building on State Street in Portland. According to the attached map and service records, there is a 12-inch ductile iron water main on the southwesterly side of State Street and an 8-inch cast iron water main on the southeasterly side of Spring Street. The building is currently served through one ¾-inch service on State Street and one ¾-inch service on Spring Street. If you do not plan to reuse those services please be advised that you will need to shut and cut them at the main. There is a hydrant located adjacent to the property on Spring Street.

The current data from the nearest hydrant with valid test flow data indicates there should be adequate capacity of water to serve the domestic water needs of your proposed project as stated in your letter dated December 10, 2007.

Hydrant Location: On State Street, 150' northwest of Spring Street
Hydrant Number: POD-HYD00383
Static Pressure: 56 psi
Flow: 1034 gpm
Last Tested: 07/15/1988

While there is capacity to serve your proposed project from the water main in State Street, we would typically recommend something larger than two ¾-inch services to serve nine apartments. Please consult with your mechanical engineer regarding these results so that they can design your system to best fit the noted conditions. If the District can be of further assistance in this matter, please let us know.

Sincerely,
Portland Water District

Rico Spugnardi, P.E.
Business Development Engineer
rspugnardi@pwd.org

PO-Adequacy-116 118 State Street-Jack Soley 07

Bangor
Savings Bank
You matter more.

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,



Michael P. O'Reilly
Vice President
Commercial Lending

600

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 al 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 as the conservator of the said

501

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 292 PAGE 500 *Samuel P. Lyman* Register

Know All Men by These Presents,

71

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 herein-after described, of the said Arthens Wiggin,

Wiggin
Guard of
to
Mercy
Hospital
Guard

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-

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 to hold 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., 19 62.

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 32 M AM, and recorded in

BOOK 2657 PAGE 71

Lewis P. Thompson Register

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.

To have and to hold the aforegranted and bargained premises with all the privileges and appurtenances thereof, to the said Mercy Hospital, its

AM

successors heirs and assigns, to it and their use and behoof forever.

And I do covenant with the said Grantee, its ^{Successors} heirs and assigns, that I am lawfully seized in fee of the premises, that they are free of all incumbrances;

that I have good right to sell and convey the same to the said Grantee to hold as aforesaid; and that I and my heirs shall and will warrant and defend the same to the said Grantee, its successors heirs and assigns forever, against the lawful claims and demands of all persons.

In Witness Whereof, I, the said Mary G. Smith, also known as and called Mary Morgan Smith, being a widow and unmarried

XXXX

XXXXXXXXXXXXXXXXXXXXX

~~joining in this deed as Grantor, and relinquishing and conveying my right by descent and all other rights in the above described premises, have hereunto set my hand and seal this Twenty-seventh day of March in the year of our Lord one thousand nine hundred and seventy.~~

Signed, Sealed and Delivered in presence of

Halter D. Merrill

Mary G. Smith
ALSO KNOWN AS AND CALLED

Mary Morgan Smith

State of Maine, Cumberland, ss. March 27th A.D. 19 70
Personally appeared the above named Mary G. Smith,

and acknowledged the foregoing instrument to be her free act and deed.

MAR 27 1970
REGISTRY OF DEEDS, CUMBERLAND COUNTY, MAINE
Received at 4 H 20 P.M. and recorded in
BOOK 3121 PAGE 446
Before me, *Halter D. Merrill*
Notary Public
Edward B. ... Register



City of Portland, Maine Site Plan Checklist

- deed / sale
* - right title interest
- letter of fm.

Horton LLC
116-118 State St

2008-0001

Project Name, Address of Project

office 1st floor -

Application Number

correct applic / 9 condos - change of use

Section 14-525

Submitted () & Date (b,c)

Item

Required Information

1
a
b
c
d
e
2
a
b
c
c
c
c
c
g
g
g
g
g
h
h
h
h
h
h
i
j
k
c
1
1
b2
b2
c3
4
5
6
7
8

existing conditions ✓

- former owner ✓

recording plat -

- (1) Standard boundary survey (stamped by a registered surveyor, at a scale of not less than 1 inch to 100 feet and including:
- (2) Name and address of applicant and name of proposed development
- (3) Scale and north points
- (4) Boundaries of the site
- (5) Total land area of site
- (6) Topography - existing and proposed (2 feet intervals or less)
- (7) Plans based on the boundary survey including:
- (8) Existing soil conditions
- (9) Location of water courses, marshes, rock outcroppings and wooded areas
- (10) Location, ground floor area and grade elevations of building and other structures existing and proposed, elevation drawings of exterior facades, and materials to be used
- (11) Approx location of buildings or other structures on parcels abutting the site
- (12) Location of on-site waste receptacles
- (13) Public utilities
- (14) Water and sewer mains
- (15) Culverts, drains, existing and proposed, showing size and directions of flows
- (16) Location and dimensions, and ownership of easements, public or private rights-of-way, both existing and proposed
- (17) Location and dimensions of on-site pedestrian and vehicular access ways
- (18) Parking areas
- (19) Loading facilities
- (20) Design of ingress and egress of vehicles to and from the site onto public streets
- (21) Curb and sidewalks
- (22) Landscape plan showing:
- (23) Location of existing proposed vegetation
- (24) Type of vegetation - adding - nine conifers - size & type need to be shown -
- (25) - Quantity of plantings - street trees
- (26) - Size of proposed landscaping
- (27) Existing areas to be preserved
- (28) Preservation measures to be employed
- (29) Details of planting and preservation specifications
- (30) Location and dimensions of all fencing and screening
- (31) Location and intensity of outdoor lighting system
- (32) Location of fire hydrants, existing and proposed
- (33) Written statement
- (34) Description of proposed uses to be located on site
- (35) Quantity and type of residential, if any
- (36) Total land area of the site
- (37) Total floor area and ground coverage of each proposed building and structure
- (38) General summary of existing and proposed easements or other burdens
- (39) Method of handling solid waste disposal
- (40) Applicant's evaluation of availability of off-site public facilities, including sewer, water and streets
- (41) Description of any problems of drainage or topography, or a representation that there are none
- (42) An estimate of the time period required for completion of the development
- (43) A list of all state and federal regulatory approvals to which the development may be subject to

✓

not shown

- yes

- detail - not given

- not shown

✓

✓

not shown

PWD /

NO

_____	(44)	The status of any pending applications	8
_____	(45)	Anticipated timeframe for obtaining such permits	h8
_____	(46)	A letter of non jurisdiction	h8
_____	(47)	Evidence of financial and technical capability to undertake and complete the development including a letter from a responsible financial institution stating that is has reviewed the planned development and would seriously consider financing it when approved.	

Note: Depending on the size and scope of the proposed development, the Planning Board or Planning Authority may request additional information, including (but not limited to):

- drainage patterns and facilities;
 - erosion and sedimentation controls to be used during construction;
 - a parking and/or traffic study;
 - emissions; and
 - a wind impact analysis.
- an environmental impact study;
 - a sun shadow study;
 - a study of particulates and any other noxious
 - a noise study;

Other comments:

This page contains a detailed description of the Parcel ID you selected. Press the **New Search** button at the bottom of the screen to submit a new query.

Current Owner Information

Card Number	1 of 1
Parcel ID	045 D005001
Location	102 STATE ST
Land Use	MULTI-USE COMMERCIAL
<hr/>	
Owner Address	HORTON LLC 100 COMMERCIAL ST PORTLAND ME 04101
Book/Page	24679/281
Legal	45-D-5 STATE ST 112-118 SPRING ST 166-176 10758 SF

Current Assessed Valuation

Land	Building	Total
\$153,900	\$349,200	\$503,100

Building Information

Bldg #	Year Built	# Units	Bldg Sq. Ft.	Identical Units
1	1900	1	0	1

Total Acres	Total Buildings	Sq. Ft.	Structure Type	Building Name
0.247	0		MIXED RES/COMM	

Exterior/Interior Information

Section	Levels	Size	Use
1	B1/B1	3235	MULTI-USE STORAGE
1	01/01	3235	MULTI-USE OFFICE
1	02/02	2861	MULTI-USE APARTMENT
1	03/03	1536	MULTI-USE APARTMENT
1	A1/A1	1536	SUPPORT AREA

Height	Walls	Heating	A/C
8		NONE	NONE
10	BRICK/STONE	HW/STEAM	NONE
10	BRICK/STONE	HW/STEAM	NONE
10	BRICK/STONE	HW/STEAM	NONE
8	BRICK/STONE	HW/STEAM	NONE
		NONE	NONE
		NONE	NONE
		NONE	NONE
		NONE	NONE

Building Other Features

Line	Structure Type	Identical Units

Yard Improvements

Year Built	Structure Type	Length or Sq. Ft.	# Units
1900	ASPHALT PARKING	40000	1

Sales Information

Date	Type	Price	Book/Page
12/20/2006	LAND + BLDING	\$575,000	24679-281

Picture and Sketch

[Picture](#)[Sketch](#)[Tax Map](#)

[Click here](#) to view Tax Roll Information.

Any information concerning tax payments should be directed to the Treasury office at 874-8490 or [e-mailed](#).

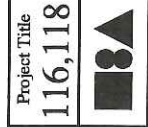
[New Search!](#)



1 EXISTING SOUTHEAST ELEVATION
 XA2.1 SCALE: 1/8" = 1'-0"

NOT FOR CONSTRUCTION!!

Note: Do not scale these drawings.
 These drawings are approximate.
 Contractor to verify all dimensions in field.
 This drawing property of Michael Belleau Architect
 and not to be copied or reproduced in part or whole.
 Copyright 2006 Michael Belleau Architect



Project Title
116,118 State Street
 Horton LLC
 100 Commercial St.
 Portland ME 04101
 Copyright 2007 Michael Belleau Architect
 61 Pleasant Street Portland ME 04101 (207)874-7668
 www.michaelbelleau.com

Drawing Title
EXIST. SOUTHEAST ELEV.
 Date: 12/28/07 Scale: 1/8" = 1'-0"
 Project Number: 07.04 Reference: NONE

Drawing Number
XA2.1

SPRING STREET SIDEWALK



1
XA2.2

EXISTING SOUTHWEST ELEVATION

SCALE: 1/8" = 1'-0"

NOT FOR CONSTRUCTION!!

Note: Do not scale these drawings.
These drawings are approximate.
Contractor to verify all dimensions in field.
This drawing property of Michael Belleau Architect
and not to be copied or reproduced in part or whole.
Copyright 2006 Michael Belleau Architect

Project Title

116,118 State Street



Copyright 2007 Michael Belleau Architect
61 Pleasant Street, Portland ME 04101 (207)874-7668
www.michaelbelleau.com

Horton LLC
100 Commercial St.
Portland ME 04101

Drawing Title

EXIST. SOUTHWEST ELEVATION

Date: 12/28/07

Scale: 1/8" = 1'-0"

Project Number: 07.04

Reference: NONE

Drawing Number

XA2.2



1 PROPOSED SOUTHWEST ELEVATION
 A2.2 SCALE: 1/8" = 1'-0"

NOT FOR CONSTRUCTION!!

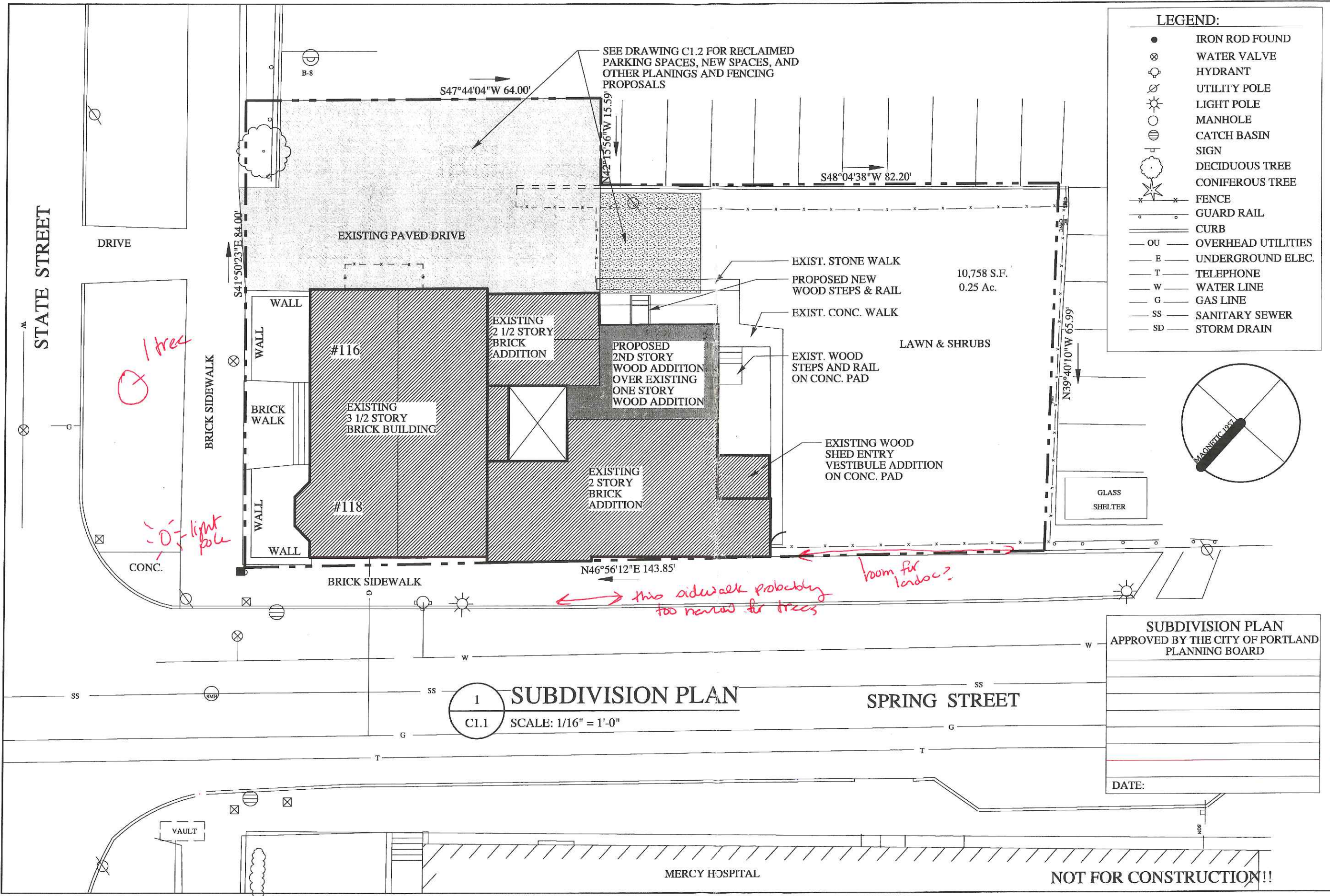
Note: Do not scale these drawings.
 These drawings are approximate.
 Contractor to verify all dimensions in field.
 This drawing property of Michael Belleau Architect
 and not to be copied or reproduced in part or whole.
 Copyright 2006 Michael Belleau Architect

Project Title
 116,118 State Street

Horton LLC
 100 Commercial St.
 Portland ME 04101
 Copyright 2007 Michael Belleau Architect
 61 Pleasant Street Portland ME 04101 (207)874-7668
 www.michaelbelleau.com

Drawing Title
 PROPOSED SOUTHWEST ELEV.
 Date: 12/28/07 Scale: 1/8" = 1'-0"
 Project Number: 07.04 Reference: NONE

Drawing Number
 A2.2



LEGEND:

- IRON ROD FOUND
- ⊗ WATER VALVE
- ⊙ HYDRANT
- ⊕ UTILITY POLE
- ☀ LIGHT POLE
- MANHOLE
- ⊖ CATCH BASIN
- ⊥ SIGN
- ☁ DECIDUOUS TREE
- ☎ CONIFEROUS TREE
- ⊗ FENCE
- ⊕ GUARD RAIL
- CURB
- OU — OVERHEAD UTILITIES
- E — UNDERGROUND ELEC.
- T — TELEPHONE
- W — WATER LINE
- G — GAS LINE
- SS — SANITARY SEWER
- SD — STORM DRAIN

SUBDIVISION PLAN
 APPROVED BY THE CITY OF PORTLAND
 PLANNING BOARD

DATE: _____

1
SUBDIVISION PLAN
 C1.1 SCALE: 1/16" = 1'-0"

NOT FOR CONSTRUCTION!!

Drawing Number: **C1.1**
 Drawing Title: **SUBDIVISION PLAN**
 Date: 12/28/07 Scale: 1/16" = 1'-0"
 Project Number: 07.04 Reference: NONE
 Horton LLC
 100 Commercial St.
 Portland ME 04101
 Copyright 2007 Michael Belleau Architect
 61 Pleasant Street Portland, ME 04101 (207)874-7668
 www.michaelbelleau.com
 Project Title: **116, 118 State Street**
 Note: Do not scale these drawings. These drawings are approximate. Contractor to verify all dimensions in field. This drawing property of Michael Belleau Architect and not to be copied or reproduced in part or whole.
 Copyright 2006 Michael Belleau Architect

*Jeff may ask for
addit. buffer b/t hospital
parking & use
Wedge + Arbutus.*

MERCY HOSPITAL TO REMOVE EXISTING
GUARDRAIL FROM THIS LOCATION
MERCY HOSPITAL TO PROVIDE AND INSTALL
NEW GUARDRAILS AS SHOWN ON THEIR PROPERTY

REMOVE PIECE OF EXIST. BITUM. CURB
AND PATCH WITH BITUM. PAVING
REMOVE 2 DECIDUOUS
AND 1 CONIF. TREES AND
PAVE AREA SHOWN WITH
GRAVEL FOR NEW PARKING

- LEGEND:**
- EXIST. DECIDUOUS TREE
 - EXIST. CONIFEROUS TREE
 - NEW CONIFEROUS TREE
 - CHAIN LINK FENCE
 - WOOD FENCE
 - GUARD RAIL
 - CURB

Drawing Number
C1.2

Project Title
SITE PLAN
Date: 12/28/07
Scale: AS NOTED
Project Number: 07.04
Reference: NONE

Project Title
116,118 State Street
Horton LLC
100 Commercial St.
Portland ME 04101
Copyright 2007 Michael Belleau Architect
61 Pleasant Street Portland ME 04101 (207)874-7668
www.michaelbelleau.com

Note: Do not scale these drawings.
These drawings are approximate.
Contractor to verify all dimensions in field.
This drawing property of Michael Belleau Architect
and not to be copied or reproduced in part or whole.
Copyright 2006 Michael Belleau Architect

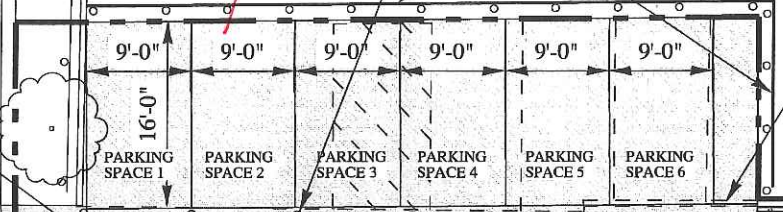
STATE STREET

REMOVE
A/C UNIT &
CHAIN LINK
FENCING-
PATCH WITH
BITUM. PAV'G

EXIST. DRIVE

*ex. street
tree*

BRICK SIDEWALK



PAVED DRIVE AND PARKING

*hug w/
lilies (?) under
window*

EXIST.
FLOWER
BED

#116

EXIST.
BRICK
WALK

EXIST.
FLOWER
BED

#118

BRICK SIDEWALK

CONC.

*existing
hip down*

*just
hug*

SPRING STREET

PROPOSED
2ND STORY
ADDITION

EXIST. STONE WALK
NEW WOOD STEPS
AND RAIL FROM
EXIST. EGRESS STAIR

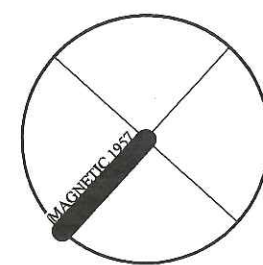
10,758 S.F.
0.25 Ac.

EXIST. CONC. WALK

EXIST. WOOD
STEPS AND RAIL
ON CONC. PAD

LAWN & SHRUBS

EXISTING FLOWER BEDS
AROUND PERIMETER FENCE



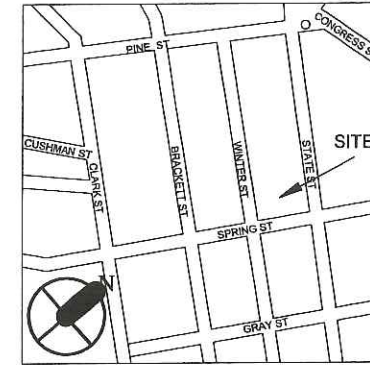
NOTE: CURRENT CHAIN LINK FENCE TO BE REPLACED
PENDING APPROVAL BY HISTORICAL PRESERVATION
NEW TREES AS REQUIRED BY CITY CODE

1 SITE PLAN
C1.2 SCALE: 1/16" = 1'-0"

** was not clear where
basement door is. (for trash removal).
only saw a bulkhead - there are other
doors but not sure where they lead.*

NOT FOR CONSTRUCTION!!

116,118 State Street Portland, Maine



LOCATION MAP N.T.S.

SUBDIVISION NOTES:

1. THE ENTIRE SITE SHALL BE DEVELOPED AND /OR MAINTAINED AS DEPICTED ON THE SITE PLAN. APPROVAL OF THE PLANNING AUTHORITY OR PLANNING BOARD SHALL BE REQUESTED FOR ANY ALTERATION TO OR DEVIATION FROM THE APPROVED SITE PLAN, INCLUDING, WITHOUT LIMITATION: TOPOGRAPHY, DRAINAGE, LANDSCAPING, RETENTION OF WOODED OR LAWN AREAS, ACCESS, SIZE, LOCATION, AND SURFACING OF PARKING AREAS AND LOCATION AND SIZE OF BUILDINGS.
2. PRIOR TO CONSTRUCTION, A PRECONSTRUCTION MEETING SHALL BE HELD AT THE PROJECT SITE WITH THE OWNER/BUILDER DEVELOPMENT REVIEW COORDINATOR, AND PUBLIC WORK'S REPRESENTATIVE TO REVIEW THE CONSTRUCTION SCHEDULE AND CRITICAL ASPECTS OF THE SITE WORK. AT THAT TIME, THE BUILDER SHALL PROVIDE THREE (3) COPIES OF A DETAILED CONSTRUCTION SCHEDULE TO THE ATTENDING CITY REPRESENTATIVE. IT SHALL BE THE BUILDER'S RESPONSIBILITY TO ARRANGE A MUTUALLY AGREEABLE TIME FOR THE PRECONSTRUCTION MEETING.
3. SUBDIVISION AT THE TIME OF APPROVAL IS DEFINED AS "SUBDIVISION SHALL MEAN THE DIVISION OF A LOT, TRACT OR PARCEL OF LAND INTO THREE (3) OR MORE LOTS, INCLUDING LOTS OF FORTY (40) ACRES OR MORE, WITHIN ANY FIVE-YEAR PERIOD WHETHER ACCOMPLISHED BY SALE, LEASE, DEVELOPMENT, BUILDINGS OR OTHERWISE AND AS FURTHER DEFINED IN 30-A MRSA SECTION 4401. THE TERM SUBDIVISION SHALL ALSO INCLUDE THE DIVISION OF A NEW STRUCTURE OR STRUCTURES ON A TRACT OR PARCEL OF LAND INTO THREE (3) OR MORE DWELLING UNITS WITHIN A FIVE-YEAR PERIOD AND THE DIVISION OF AN EXISTING STRUCTURE OR STRUCTURES PREVIOUSLY USED FOR COMMERCIAL OR INDUSTRIAL USE INTO THREE (3) OR MORE DWELLING UNITS WITHIN A FIVE-YEAR PERIOD. THE AREA INCLUDED IN THE EXPANSION OF AN EXISTING STRUCTURE IS DEEMED TO BE A NEW STRUCTURE FOR THE PURPOSE OF THIS PARAGRAPH. A DWELLING UNIT SHALL INCLUDE ANY PART OF A STRUCTURE WHICH, THROUGH SALE OR LEASE, IS INTENDED FOR HUMAN HABITATION, INCLUDING SINGLE-FAMILY AND MULTI-FAMILY HOUSING, CONDOMINIUMS, TIME-SHARE UNITS AND APARTMENTS."

GENERAL NOTES:

1. OWNER/DEVELOPER: HORTON, LLC, PORTLAND ME
2. ARCHITECT: MICHAEL BELLEAU ARCHITECT, PORTLAND ME
3. PROPERTY BOUNDARY, EXISTING CONDITIONS AND TOPOGRAPHY BASED ON BOUNDARY SURVEY, "BOUNDARY SURVEY ON STATE STREET & SPRING STREET, PORTLAND, MAINE", PREPARED FOR MERCY HOSPITAL BY OWEN HASKELL, INC, PORTLAND, MAINE, NOVEMBER 3, 2006.
4. ZONE: R-6
5. TAX MAPS CBL: 45-D-5
6. TOTAL PARCEL SIZE: 10,758 S.F. (0.25 ACRES)
7. STREET NUMBERS TO BE CLEARLY VISIBLE ON BUILDING FROM STREET.
8. BUILDING TO BE SERVICED BY PUBLIC GAS, WATER & SEWER.
9. THIS PROJECT IS THE "SUBDIVISION" OF 8,200 S.F. BUILDING WITH A PROPOSED SECOND STORY ADDITION INTO 9 APARTMENTS, ALL IN THE EXISTING BUILDING.
10. THIS APPROVAL IS DEPENDENT UPON, AND LIMITED TO, THE PROPOSALS AND PLANS CONTAINED IN THE APPLICATION AND SUPPORTING DOCUMENTS SUBMITTED AND AFFIRMED BY THE APPLICANT AND ANY VARIATION FROM THE PLANS, PROPOSALS AND SUPPORTING DOCUMENTS IS SUBJECT TO REVIEW AND APPROVAL BY THE PLANNING BOARD, EXCEPT FOR DEMINIMUS CHANGES WHICH THE DIRECTOR OF PLANNING AND ZONING MAY APPROVE.
11. DRAWING NOTES, UNLESS THEY INDICATE "NEW", REFER TO EXISTING CONSTRUCTION.

OWNER:
Horton LLC
100 Commercial St.
Portland ME 04101

ARCHITECT:

Michael Belleau Architect
61 Pleasant St., Suite 104D
Portland ME 04101

DRAWINGS INCLUDED IN THIS SUBMITTAL ARE:

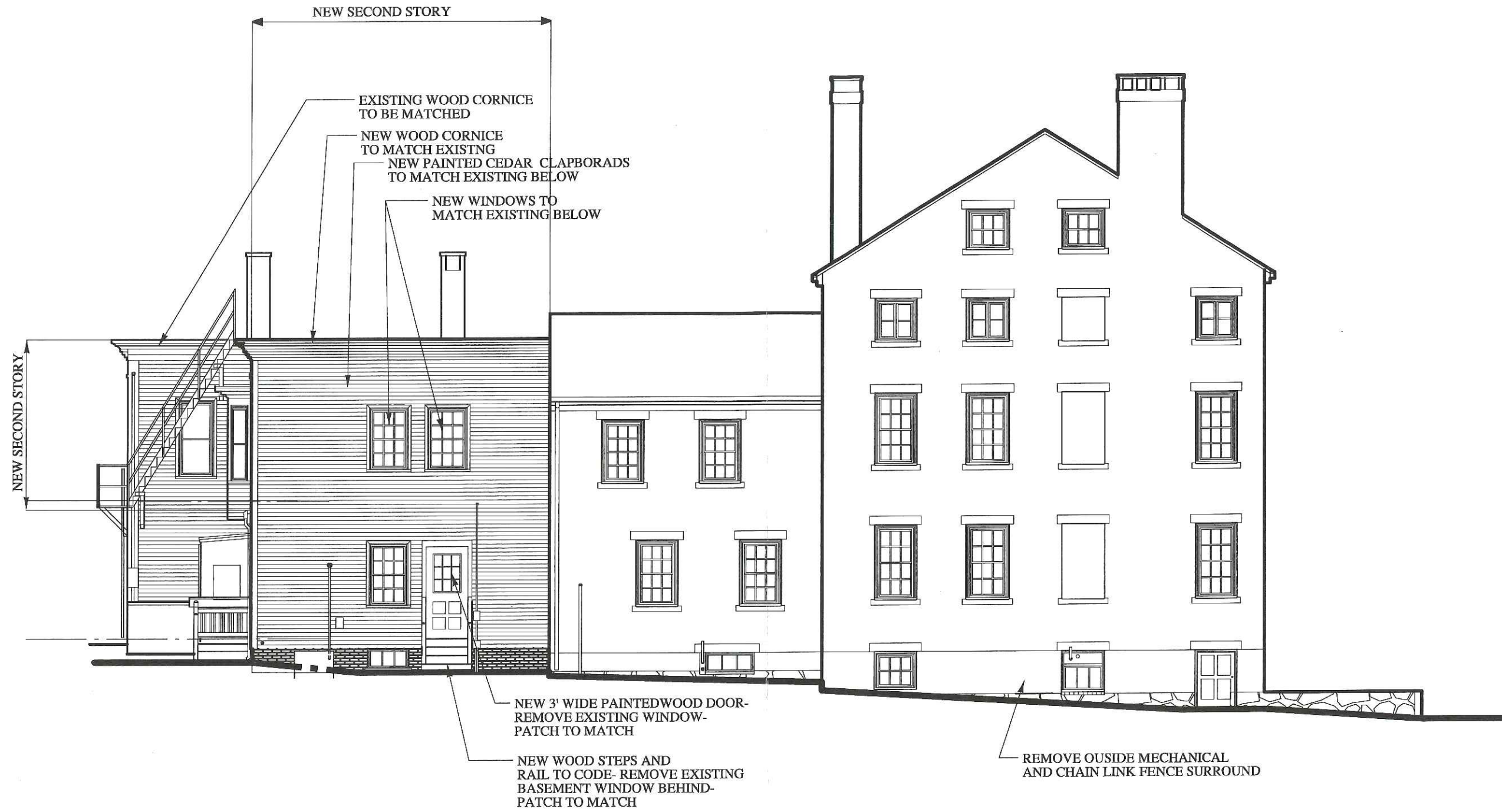
- C1.0 COVER SHEET/ LOCUS PLAN
- C1.1 SUBDIVISION PLAN
- C1.2 SITE PLAN
- C1.3 SITE DETAILS

- XA2.1 EXISTING SOUTHWEST ELEVATION
- XA2.2 EXISTING SOUTHEAST ELEVATION
- A2.1 PROPOSED SOUTHWEST ELEVATION
- A2.2 PROPOSED SOUTHEAST ELEVATION

**Preliminary Subdivision
Approval Drawings
12/28/07**

NOT FOR CONSTRUCTION!!

Drawing Number	C1.0		
	Drawing Title	Date	Scale
Project Title	COVER SHEET	12/28/07	N/A
	116,118 State Street	Project Number:	07.04
Horton LLC 100 Commercial St. Portland ME 04101		Reference: NONE	
Copyright 2007 Michael Belleau Architect 61 Pleasant Street Portland ME 04101 (207)874-7668 www.michaelbelleau.com			
<p>Note: Do not scale these drawings. These drawings are approximate. Contractor to verify all dimensions in field. This drawing property of Michael Belleau Architect and not to be copied or reproduced in part or whole. Copyright 2006 Michael Belleau Architect</p>			



1
A2.1

PROPOSED SOUTHEAST ELEVATION

SCALE: 1/8" = 1'-0"

NOT FOR CONSTRUCTION!!

Note: Do not scale these drawings. These drawings are approximate. Contractor to verify all dimensions in field. This drawing property of Michael Belleau Architect and not to be copied or reproduced in part or whole.
Copyright 2006 Michael Belleau Architect

Project Title
116,118 State Street

Horton LLC
100 Commercial St.
Portland ME 04101
Copyright 2007 Michael Belleau Architect
61 Pleasant Street Portland ME 04101 (207)874-7668
www.michaelbelleau.com

Drawing Title
PROPOSED SOUTHEAST ELEV.
Date: 12/28/07
Project Number: 07.04

Drawing Number
A2.1

Scale: 1/8" = 1'-0"
Reference: NONE



PORTLAND MAINE

Strengthening a Remarkable City. Building a Community for Life • www.portlandmaine.gov

Planning and Development Department
Lee D. Urban, Director

Planning Division
Alexander Jaegerman, Director

January 11, 2008

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

RE: 116-118 State Street (Application #: 2008-0001)

Dear Jack:

Thank you for submitting an application for a proposed change of use and building renovation for nine condominium units at 116-118 State Street. This proposal being reviewed for conformance with the standards for Site Plan (Article V) and Subdivision (Article IV) of the Portland City Code. You have been scheduled for a Planning Board workshop session on January 22, 2008. The tentative start time for your workshop is 4:15pm. I suggest that you and/or your consultant arrive a few minutes early in case the Board is ahead of schedule. Staff review of your submittals has generated the following requests and preliminary comments:

Boundary Survey:

1. The boundary survey should include the name and address of the applicant and the name and address of the proposed development.
2. The survey should show existing and proposed (if applicable) contours of not more than 2 ft intervals.

Subdivision Plan (Recording Plat):

3. The recording plat must be stamped and signed by a registered land surveyor licensed in the State of Maine.
4. The recording plat should include existing contours at 2 ft intervals
5. The recording plat currently shows existing utilities. Please also include information on size and elevation of buried utilities.
6. Please include a note on the recording plat including the following information (fill in the relevant information): *This project is a subdivision of * square feet of land for one building with a proposed addition containing * dwelling units and * commercial office space(s).*
7. Is this building a historic structure appearing on the National Register of Historic Places? If it is, this information should be included as a note on the plat.

8. A vicinity sketch should be included on the recording plat, showing the location of the proposed development. The vicinity sketch should show the location of the proposed subdivision in proximity to the surrounding streets. This does not necessarily need to be to scale.

Site Plan:

1. If applicable, any existing easements should be identified on the plans.
2. Please include information on the floor area of each individual unit as a note on the plans.
3. Please include parcel ID information for all abutting properties on both the site plan and the subdivision plan.

Stormwater and Utilities

4. The site plan must contain more information pertaining to existing and proposed utilities. There are no connections, except gas, identified on the plans at this time.
 - a. The direction of flow for water and sewer utilities should be identified on the plans.
 - b. Overhead electric connections should be shown on the plans. As part of the requirements for subdivision (Article IV), all overhead electrical connections must be put underground.
5. Please show existing and proposed (if applicable) grade elevations.

Public Works will be providing additional detailed review comments on your submitted plans. I will forward these comments on to you as soon as they are available.

Solid Waste

6. Please include a note on the site plan addressing your proposal to store solid waste inside the building in the basement. Please identify the basement access on the plans. Please be aware that, if you choose to store trash inside the building, you will need to provide a fire rated enclosure. This enclosure will need to be included in your submitted floor plans.

Lighting

7. Please show the location and intensity of any proposed or existing exterior lighting on the site plan or on a separate lighting plan.
8. Please submit catalogue cuts for any proposed lighting fixtures.
9. You will need to submit a photometric plan for the site.

Landscaping

10. Please include species information for the existing landscaping to remain on the site.
11. Currently the plans identify existing deciduous and coniferous trees and show six (6) proposed coniferous trees. Please include information on the size, type location and quantity for any new plantings and the size and type for any new trees.
12. Clearly show preservation measures to be taken during construction for existing coniferous and deciduous trees. This should include notes on the plans, detail drawing and specifications. I can provide examples of these from other project plans for your reference, if necessary.
13. There are two existing street trees in the vicinity of the project (one along State and another along Spring). These should be identified on the site plan or on a separate landscaping plan if you choose to submit one. The City of Portland requires that developers include two (2) street trees per unit as part of their developments. These can

be either in the right of way along the esplanade or anywhere between the front plane of the building and the street. Where this is not feasible, the developer can instead pay into the City Tree Fund at a rate of \$250 per required tree.

Jeff Tarling, City Arborist will be reviewing your submitted plans and providing detailed comments pertaining to landscaping and the City Tree Fund. I will forward his comments as soon as they are available.

Parking, Traffic and Pedestrian Circulation

14. There is an existing tip-down at the intersection of Spring and State Streets. Please identify this more clearly on your site plan as a tip down.
15. City Technical and Design Standards require parking spaces to be 9 x 19 ft and aisles to be 24 feet wide. Currently, you show eight (8) parking spaces ranging between 9 x 18 ft and 9 x 16 ft. You are allowed a maximum allowance of 35% compact spaces in your parking lot design. Compact spaces must be a minimum of 7.5 ft x 15 ft.
16. Please show the dimensions of the driveway and proposed aisle on your plans.

In order to meet the technical standards listed above, you may have to reduce the amount of parking you plan to provide or acquire additional space for your proposed parking area. As you know, you are not required by City zoning to include any more parking than was there previously. As we discussed on the phone, you should be aware, however, that the Planning Board has the authority under the site plan standards to require additional parking on site if they determine that the proposal would place undue pressure on existing public parking infrastructure in the vicinity.

Additional Submittals:

17. Please submit floor plans for your proposed development
18. Please submit all proposed condominium documents for review.
19. Please submit the total estimated cost of the development
20. Please submit a construction plan including estimated start and end dates and the proposed sequence of construction.
21. Please submit evidence of financial capacity

As I mentioned, your submitted plans are undergoing separate review by the City Arborist and the Department of Public Works. I will forward additional review comments as soon as they are available. Please note that the Planning Authority may request additional information during our continued review of the proposal according to applicable laws, ordinances and regulations. If you have any questions, feel free to contact me at 874-8901 or by email at mpc@portlandmaine.gov.

Sincerely,



Molly Casto, Planner

cc: Barbara Barhydt, Development Review Services Manager

Horton, LLC
100 Commercial Street
Portland, ME 04101

February 18, 2008

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

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.

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.

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

PL 15 PL 15 PL 15 PL 15 PL 15

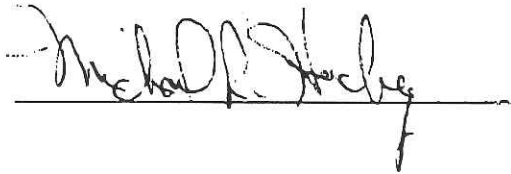
**QUITCLAIM DEED
WITH COVENANT**
Maine Statutory Short Form

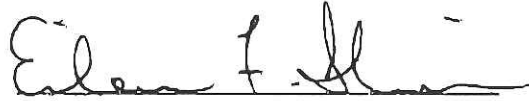
KNOW ALL PERSONS BY THESE PRESENTS, that **MERCY HOSPITAL**, a corporation organized and existing by law and having a place of business in the City of Portland, County of Cumberland, and State of Maine, for consideration paid, grants to **HORTON, LLC** of Portland, County of Cumberland, and State of 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

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

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:\MMRCY1\Deed.doc

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

AGREEMENT made as of this 13th 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. P. O'Reilly", written over a horizontal line.

Michael P. O'Reilly
Vice President
Commercial Lending

Townhouses at the Eaton Shaw Block

Portland, Maine

SUBDIVISION NOTES:

1. THE ENTIRE SITE SHALL BE DEVELOPED AND /OR MAINTAINED AS DEPICTED ON THE SITE PLAN. APPROVAL OF THE PLANNING AUTHORITY OR PLANNING BOARD SHALL BE REQUESTED FOR ANY ALTERATION TO OR DEVIATION FROM THE APPROVED SITE PLAN, INCLUDING, WITHOUT LIMITATION: TOPOGRAPHY, DRAINAGE, LANDSCAPING, RETENTION OF WOODED OR LAWN AREAS, ACCESS, SIZE, LOCATION, AND SURFACING OF PARKING AREAS AND LOCATION AND SIZE OF BUILDINGS.

2. PRIOR TO CONSTRUCTION, A PRECONSTRUCTION MEETING SHALL BE HELD AT THE PROJECT SITE WITH THE OWNER/BUILDER DEVELOPMENT REVIEW COORDINATOR, AND PUBLIC WORK'S REPRESENTATIVE TO REVIEW THE CONSTRUCTION SCHEDULE AND CRITICAL ASPECTS OF THE SITE WORK. AT THAT TIME, THE BUILDER SHALL PROVIDE THREE (3) COPIES OF A DETAILED CONSTRUCTION SCHEDULE TO THE ATTENDING CITY REPRESENTATIVE. IT SHALL BE THE BUILDER'S RESPONSIBILITY TO ARRANGE A MUTUALLY AGREEABLE TIME FOR THE PRECONSTRUCTION MEETING.

3. SUBDIVISION AT THE TIME OF APPROVAL IS DEFINED AS "SUBDIVISION SHALL MEAN THE DIVISION OF A LOT, TRACT OR PARCEL OF LAND INTO THREE (3) OR MORE LOTS, INCLUDING LOTS OF FORTY (40) ACRES OR MORE, WITHIN ANY FIVE-YEAR PERIOD WHETHER ACCOMPLISHED BY SALE, LEASE, DEVELOPMENT, BUILDINGS OR OTHERWISE AND AS FURTHER DEFINED IN 30-A MRSA SECTION 4401. THE TERM SUBDIVISION SHALL ALSO INCLUDE THE DIVISION OF A NEW STRUCTURE OR STRUCTURES ON A TRACT OR PARCEL OF LAND INTO THREE (3) OR MORE DWELLING UNITS WITHIN A FIVE-YEAR PERIOD AND THE DIVISION OF AN EXISTING STRUCTURE OR STRUCTURES PREVIOUSLY USED FOR COMMERCIAL OR INDUSTRIAL USE INTO THREE (3) OR MORE DWELLING UNITS WITHIN A FIVE-YEAR PERIOD. THE AREA INCLUDED IN THE EXPANSION OF AN EXISTING STRUCTURE IS DEEMED TO BE A NEW STRUCTURE FOR THE PURPOSE OF THIS PARAGRAPH. A DWELLING UNIT SHALL INCLUDE ANY PART OF A STRUCTURE WHICH, THROUGH SALE OR LEASE, IS INTENDED FOR HUMAN HABITATION, INCLUDING SINGLE-FAMILY AND MULTI-FAMILY HOUSING, CONDOMINIUMS, TIME-SHARE UNITS AND APARTMENTS."

No longer a Subdivision

GENERAL NOTES:

1. OWNER/DEVELOPER: HORTON, LLC, PORTLAND ME
 2. ARCHITECT: MICHAEL BELLEAU ARCHITECT, PORTLAND ME
 3. PROPERTY BOUNDARY, EXISTING CONDITIONS AND TOPOGRAPHY BASED ON BOUNDARY SURVEY, "BOUNDARY SURVEY ON STATE STREET & SPRING STREET, PORTLAND, MAINE", PREPARED FOR MERCY HOSPITAL BY OWEN HASKELL, INC, PORTLAND, MAINE, NOVEMBER 3, 2006 AND UPDATED FOR HORTON LLC ON 2/7/08.
 4. ZONE: R-6
 5. TAX MAPS CBL: 45-D-5
 6. TOTAL PARCEL SIZE: 10,758 S.F. (0.25 ACRES)
 7. STREET NUMBERS TO BE CLEARLY VISIBLE ON BUILDING FROM STREET.
 8. BUILDING TO BE SERVICED BY PUBLIC GAS, WATER & SEWER.
 9. THIS PROJECT IS THE "SUBDIVISION" OF 9,200 S.F. BUILDING WITH A PROPOSED SECOND STORY ADDITION INTO 4 TOWNHOUSE CONDOMINIUM UNITS, ALL IN THE EXISTING BUILDING.
 10. THIS APPROVAL IS DEPENDENT UPON, AND LIMITED TO, THE PROPOSALS AND PLANS CONTAINED IN THE APPLICATION AND SUPPORTING DOCUMENTS SUBMITTED AND AFFIRMED BY THE APPLICANT AND ANY VARIATION FROM THE PLANS, PROPOSALS AND SUPPORTING DOCUMENTS IS SUBJECT TO REVIEW AND APPROVAL BY THE PLANNING BOARD, EXCEPT FOR DEMINIMUS CHANGES WHICH THE DIRECTOR OF PLANNING AND ZONING MAY APPROVE.
 11. DRAWING NOTES, UNLESS THEY INDICATE "EXISTING", REFER TO NEW CONSTRUCTION.



LOCATION MAP N.T.S.

OWNER:
 Horton LLC
 100 Commercial St.
 Portland ME 04101

ARCHITECT:
 Michael Belleau Architect
 61 Pleasant St., Suite 104D
 Portland ME 04101

DRAWINGS INCLUDED IN THIS SUBMITTAL ARE:

- C1.0 COVER SHEET/ LOCUS PLAN
- C1.1 SUBDIVISION SITE PLAN

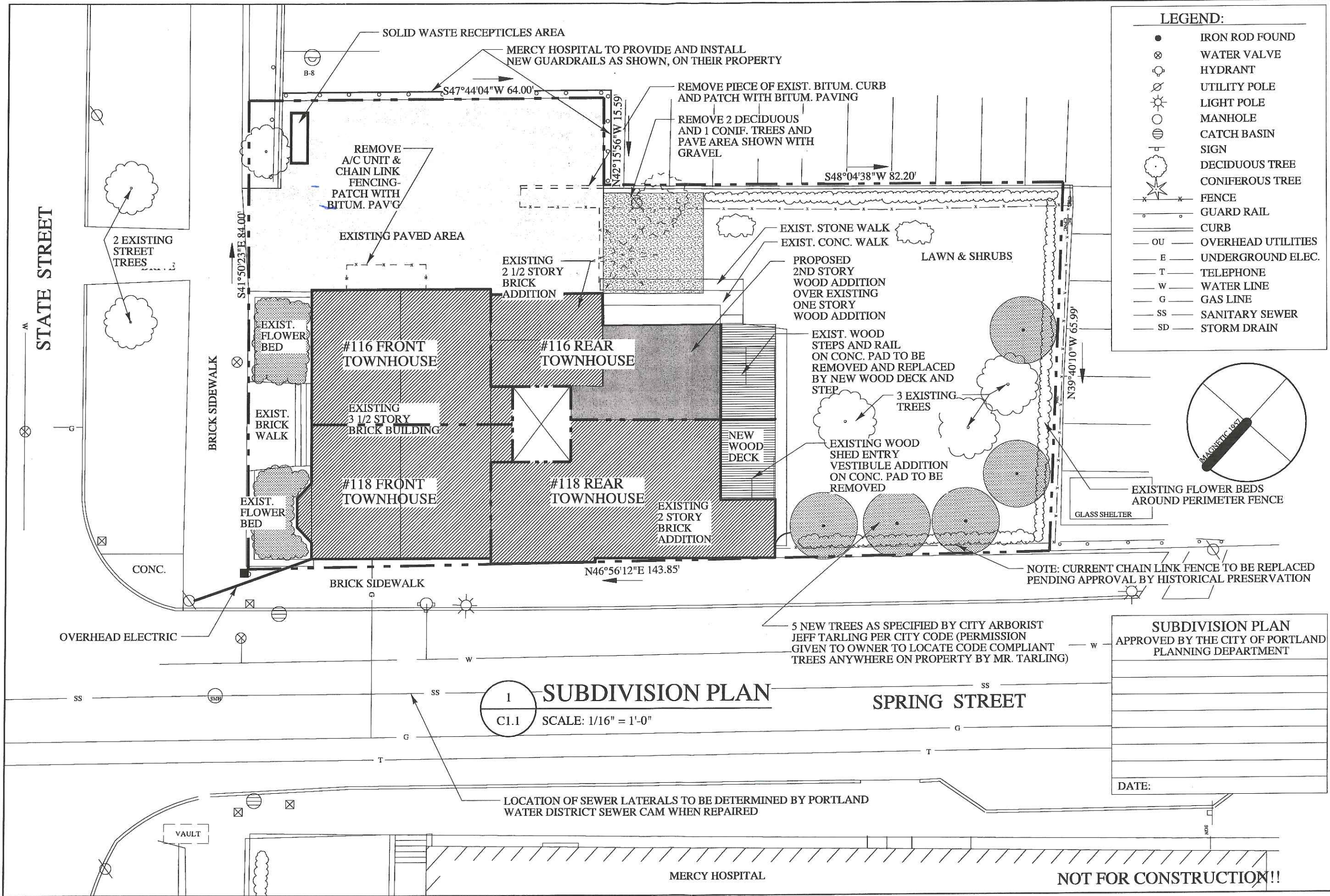
- A1.1 FIRST FLOOR PLAN
- A1.2 SECOND FLOOR PLAN
- A1.3 THIRD FLOOR PLAN

- XA2.1 EXISTING SOUTHWEST ELEVATION
- XA2.2 EXISTING SOUTHEAST ELEVATION
- A2.1 PROPOSED SOUTHWEST ELEVATION
- A2.2 PROPOSED SOUTHEAST ELEVATION

**Preliminary Subdivision
 Approval Drawings
 2/18/08**

NOT FOR CONSTRUCTION!!

Drawing Number	C1.0		
	Drawing Title	Date	Scale
Project Title	COVER SHEET	2/18/08	N/A
	Horton LLC 100 Commercial St. Portland ME 04101	Project Number: 07.04	Reference: NONE
Project Title: Townhouses at the Eaton Shaw Block Copyright 2007 Michael Belleau Architect 61 Pleasant Street Portland ME 04101 (207)874-7668 www.michaelbelleau.com			
Note: Do not scale these drawings. These drawings are approximate. Contractor to verify all dimensions in field. This drawing property of Michael Belleau Architect and not to be copied or reproduced in part or whole. Copyright 2008 Michael Belleau Architect			



LEGEND:

●	IRON ROD FOUND
⊗	WATER VALVE
⊙	HYDRANT
⊕	UTILITY POLE
⊙	LIGHT POLE
⊙	MANHOLE
⊙	CATCH BASIN
⊙	SIGN
⊙	DECIDUOUS TREE
⊙	CONIFEROUS TREE
⊗	FENCE
⊗	GUARD RAIL
⊗	CURB
OU	OVERHEAD UTILITIES
E	UNDERGROUND ELEC.
T	TELEPHONE
W	WATER LINE
G	GAS LINE
SS	SANITARY SEWER
SD	STORM DRAIN

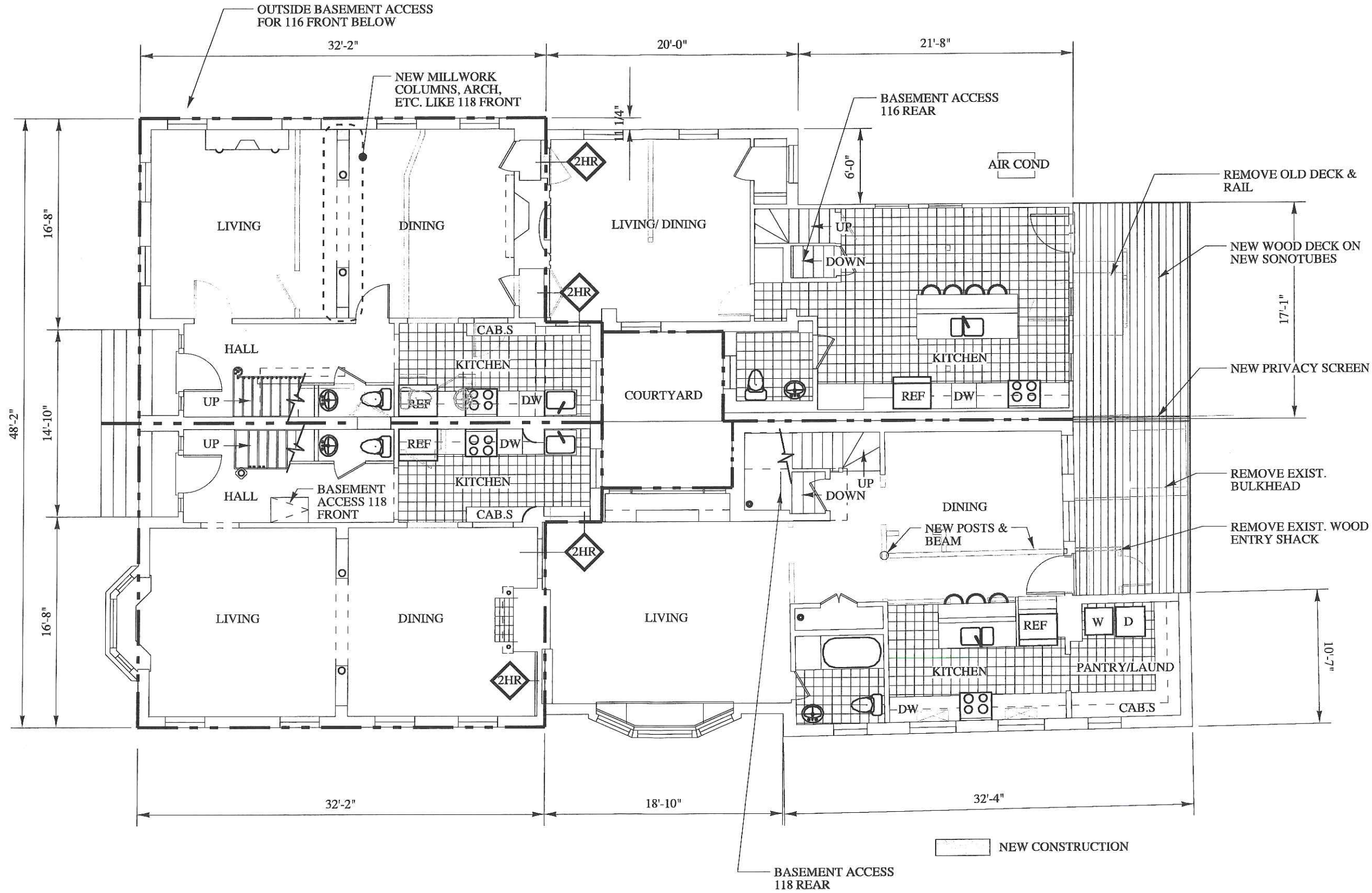
1 SUBDIVISION PLAN
 C1.1 SCALE: 1/16" = 1'-0"

SUBDIVISION PLAN
 APPROVED BY THE CITY OF PORTLAND
 PLANNING DEPARTMENT

DATE:

NOT FOR CONSTRUCTION!!

Drawing Number: **C1.1**
 Drawing Title: **SUBDIVISION PLAN**
 Date: 2/18/08
 Project Number: 07.04
 Reference: NONE
 Horton LLC
 100 Commercial St.
 Portland ME 04101
 Project Title: **Townhouses at the Eaton Shaw Block**
 Copyright 2007 Michael Belleau Architect
 61 Pleasant Street Portland ME 04101 (207)874-7668
 www.michaelbelleau.com
 Note: Do not scale these drawings. These drawings are approximate. Contractor to verify all dimensions in field. This drawing property of Michael Belleau Architect and not to be copied or reproduced in part or whole. Copyright 2008 Michael Belleau Architect



NEW CONSTRUCTION

NOT FOR CONSTRUCTION!!

Note: Do not scale these drawings. These drawings are approximate. Contractor to verify all dimensions in field. This drawing property of Michael Belleau Architect and not to be copied or reproduced in part or whole. Copyright 2008 Michael Belleau Architect



Project Title
Townhouses at the Eaton Shaw Block

Horton LLC
100 Commercial St.
Portland ME 04101

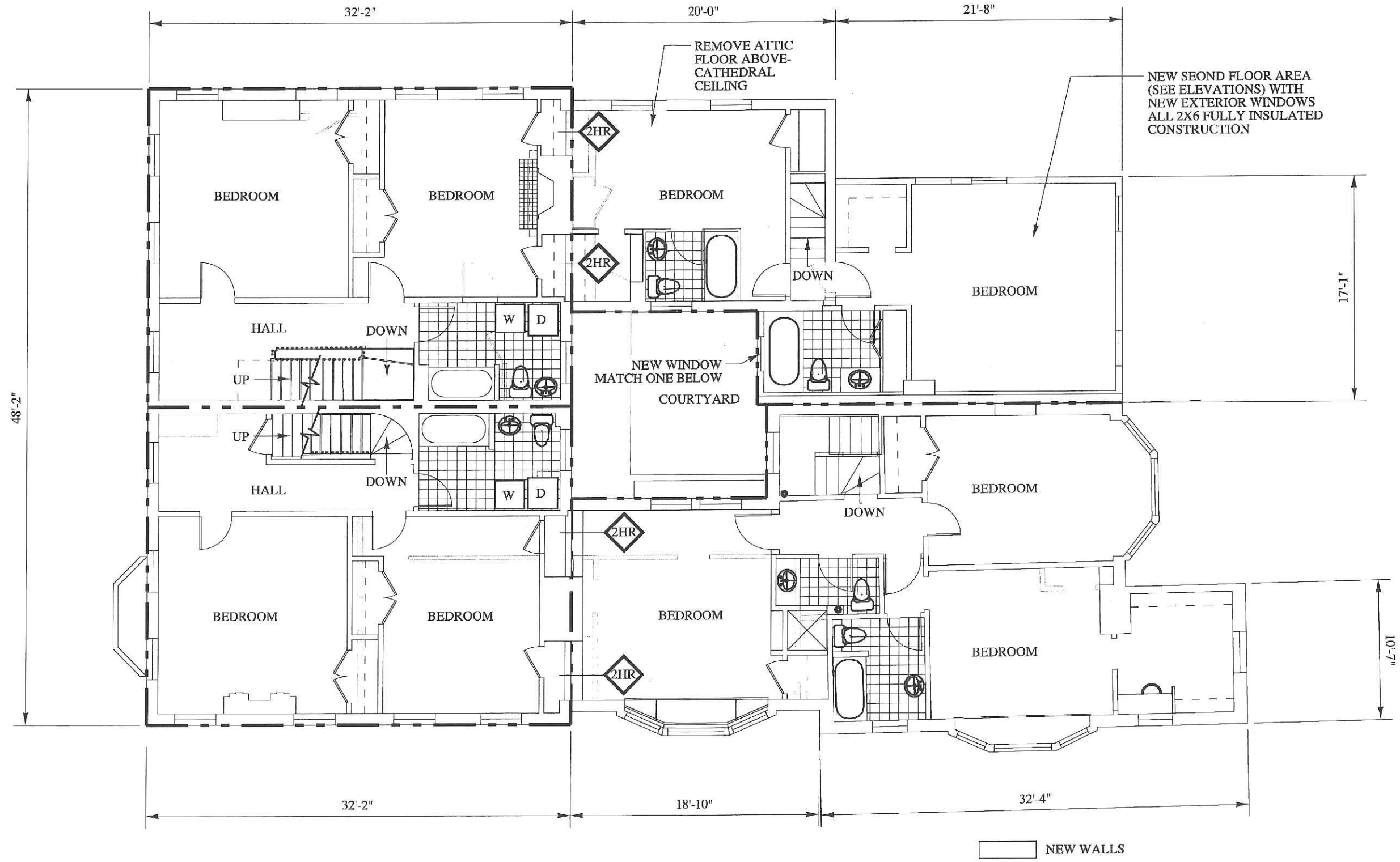
Copyright 2007 Michael Belleau Architect
61 Pleasant Street Portland ME 04101 (207)874-7668
www.michaelbelleau.com

Drawing Title
PROPOSED FIRST FLOOR PLAN

Date: 2/18/08
Scale: 1/8" = 1'-0"
Project Number: 07.04
Reference: NONE

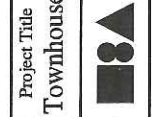
Drawing Number

A1.1



NOT FOR CONSTRUCTION!!

Note: Do not scale these drawings. These drawings are approximate. Contractor to verify all dimensions in field. This drawing property of Michael Belleau Architect and not to be copied or reproduced in part or whole. Copyright 2008 Michael Belleau Architect



Project Title
Townhouses at the Eaton Shaw Block

Horton LLC
100 Commercial St.
Portland ME 04101

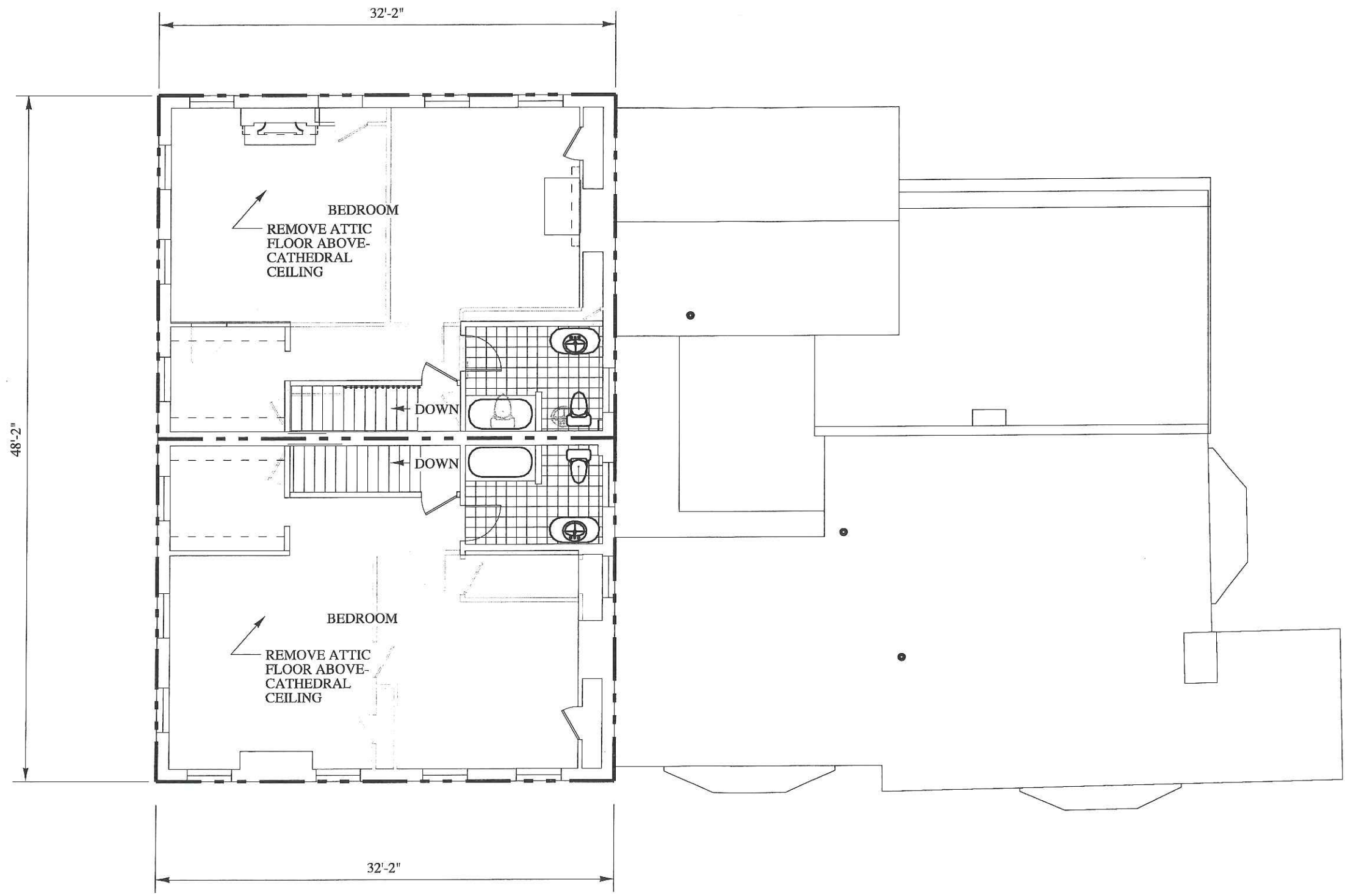
Copyright 2007 Michael Belleau Architect
61 Pleasant Street Portland ME 04101 (207)874-7668
www.michaelbelleau.com

Drawing Title
PROPOSED 2ND FLOOR PLAN

Date: 2/18/08
Scale: 1/8" = 1'-0"
Project Number: 07.04
Reference: NONE

Drawing Number

A1.2



NEW WALLS

NOT FOR CONSTRUCTION!!

Note: Do not scale these drawings. These drawings are approximate. Contractor to verify all dimensions in field. This drawing property of Michael Belleau Architect and not to be copied or reproduced in part or whole.
Copyright 2008 Michael Belleau Architect



Project Title
Townhouses at the Eaton Shaw Block

Horton LLC
100 Commercial St.
Portland ME 04101

Copyright 2007 Michael Belleau Architect
61 Pleasant Street Portland ME 04101 (207)874-7668
www.michaelbelleau.com

Drawing Title
PROPOSED THIRD FLOOR PLAN

Drawing Number

A1.3

Date: 2/18/08
Project Number: 07.04
Scale: 1/8" = 1'-0"
Reference: NONE



1 EXISTING SOUTHEAST ELEVATION
 XA2.1 SCALE: 1/8" = 1'-0"

NOT FOR CONSTRUCTION!!

Note: Do not scale these drawings.
 These drawings are approximate.
 Contractor to verify all dimensions in field.
 This drawing property of Michael Belleau Architect
 and not to be copied or reproduced in part or whole.
 Copyright 2008 Michael Belleau Architect



Project Title
 Townhouses at the Eaton Shaw Block

Horton LLC
 100 Commercial St
 Portland ME 04101

Copyright 2007 Michael Belleau Architect
 61 Pleasant Street Portland ME 04101 (207)874-7668
 www.michaelbelleau.com

Drawing Title
 EXIST. SOUTHEAST ELEV.

Date: 2/18/08
 Project Number: 07.04
 Scale: 1/8" = 1'-0"
 Reference: NONE

Drawing Number

XA2.1



SPRING STREET SIDEWALK

1 EXISTING SOUTHWEST ELEVATION
 XA2.2 SCALE: 1/8" = 1'-0"

NOT FOR CONSTRUCTION!!

Note: Do not scale these drawings.
 These drawings are approximate.
 Contractor to verify all dimensions in field.
 This drawing property of Michael Belleau Architect
 and not to be copied or reproduced in part or whole.
 Copyright 2008 Michael Belleau Architect



Project Title
 Townhouses at the Eaton Shaw Block

Horton LLC
 100 Commercial St.
 Portland ME 04101

Drawing Title
 EXIST. SOUTHWEST ELEVATION
 Date: 2/18/08
 Project Number: 07.04

Scale: 1/8" = 1'-0"
 Reference: NONE

Drawing Number

XA2.2



1
PROPOSED SOUTHEAST ELEVATION
 A2.1 SCALE: 1/8" = 1'-0"

NOT FOR CONSTRUCTION!!

Drawing Number

A2.1

Drawing Title
PROPOSED SOUTHEAST ELEV.

Date: 2/18/08
Scale: 1/8" = 1'-0"
Project Number: 07.04
Reference: NONE

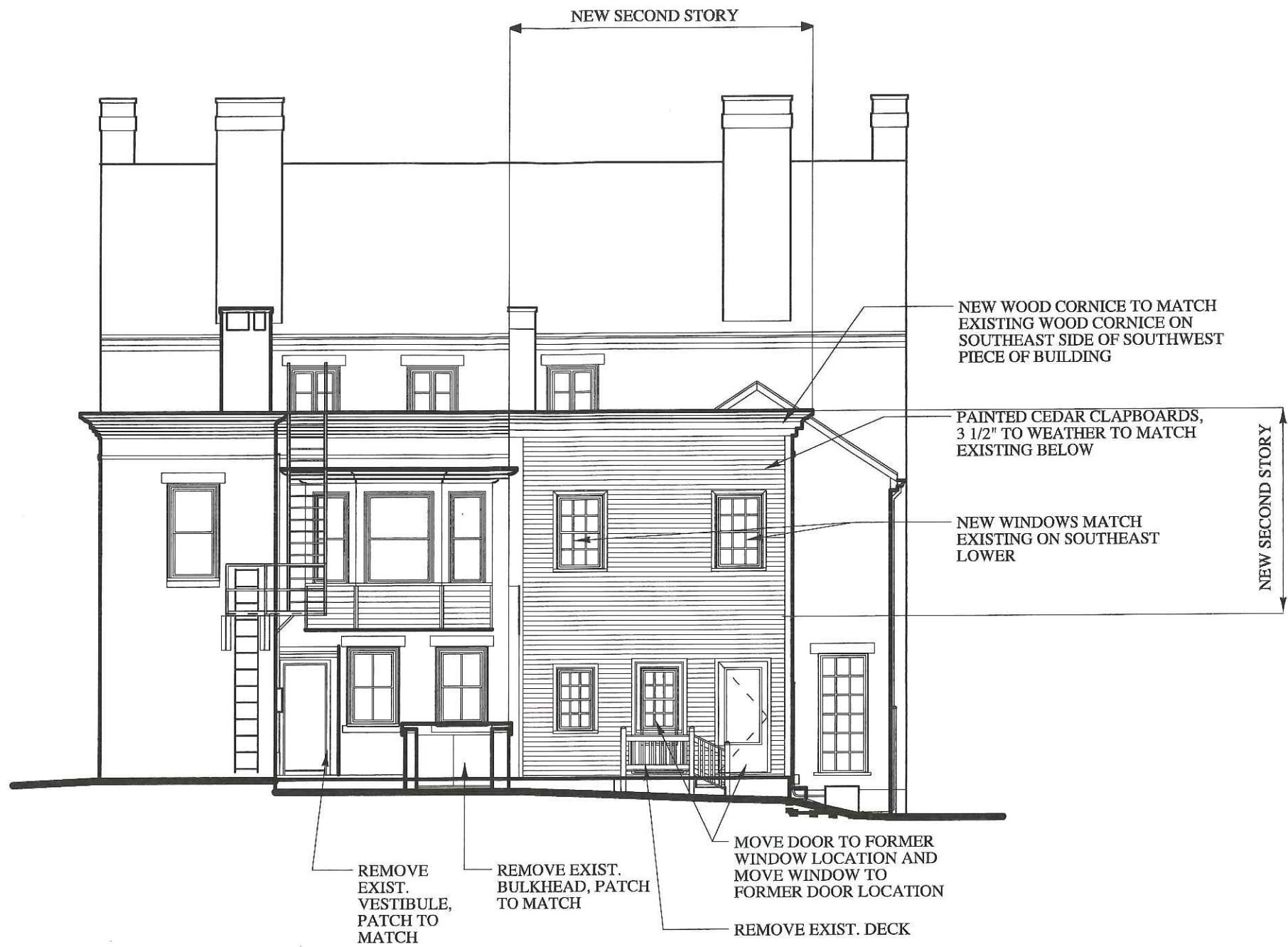
Horton LLC
100 Commercial St.
Portland ME 04101

Project Title
Townhouses at the Eaton Shaw Block

Copyright 2007 Michael Belleau Architect
61 Pleasant Street Portland ME 04101 (207)874-7668
www.michaelbelleau.com



Note: Do not scale these drawings. These drawings are approximate. Contractor to verify all dimensions in field. This drawing property of Michael Belleau Architect and not to be copied or reproduced in part or whole. Copyright 2008 Michael Belleau Architect



1
A2.2

PROPOSED SOUTHWEST ELEVATION

SCALE: 1/8" = 1'-0"

NOT FOR CONSTRUCTION!!

Note: Do not scale these drawings. These drawings are approximate. Contractor to verify all dimensions in field. This drawing property of Michael Belleau Architect and not to be copied or reproduced in part or whole.
Copyright 2008 Michael Belleau Architect

Project Title
Townhouses at the Eaton Shaw Block

Horton LLC
100 Commercial St.
Portland ME 04101

Copyright 2007 Michael Belleau Architect
61 Pleasant Street Portland ME 04101 (207)874-7668
www.michaelbelleau.com

Drawing Title
PROPOSED SOUTHWEST ELEV.

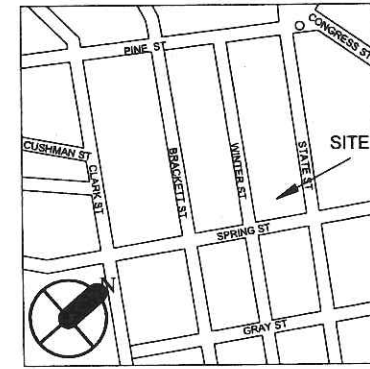
Date: 2/18/08
Project Number: 07.04

Scale: 1/8" = 1'-0"
Reference: NONE

Drawing Number
A2.2

Townhouses at the Eaton Shaw Block

Portland, Maine



LOCATION MAP N.T.S.

SUBDIVISION NOTES:

1. THE ENTIRE SITE SHALL BE DEVELOPED AND /OR MAINTAINED AS DEPICTED ON THE SITE PLAN. APPROVAL OF THE PLANNING AUTHORITY OR PLANNING BOARD SHALL BE REQUESTED FOR ANY ALTERATION TO OR DEVIATION FROM THE APPROVED SITE PLAN, INCLUDING, WITHOUT LIMITATION: TOPOGRAPHY, DRAINAGE, LANDSCAPING, RETENTION OF WOODED OR LAWN AREAS, ACCESS, SIZE, LOCATION, AND SURFACING OF PARKING AREAS AND LOCATION AND SIZE OF BUILDINGS.
2. PRIOR TO CONSTRUCTION, A PRECONSTRUCTION MEETING SHALL BE HELD AT THE PROJECT SITE WITH THE OWNER/BUILDER DEVELOPMENT REVIEW COORDINATOR, AND PUBLIC WORK'S REPRESENTATIVE TO REVIEW THE CONSTRUCTION SCHEDULE AND CRITICAL ASPECTS OF THE SITE WORK. AT THAT TIME, THE BUILDER SHALL PROVIDE THREE (3) COPIES OF A DETAILED CONSTRUCTION SCHEDULE TO THE ATTENDING CITY REPRESENTATIVE. IT SHALL BE THE BUILDER'S RESPONSIBILITY TO ARRANGE A MUTUALLY AGREEABLE TIME FOR THE PRECONSTRUCTION MEETING.
3. SUBDIVISION AT THE TIME OF APPROVAL IS DEFINED AS "SUBDIVISION SHALL MEAN THE DIVISION OF A LOT, TRACT OR PARCEL OF LAND INTO THREE (3) OR MORE LOTS, INCLUDING LOTS OF FORTY (40) ACRES OR MORE, WITHIN ANY FIVE-YEAR PERIOD WHETHER ACCOMPLISHED BY SALE, LEASE, DEVELOPMENT, BUILDINGS OR OTHERWISE AND AS FURTHER DEFINED IN 30-A MRSA SECTION 4401. THE TERM SUBDIVISION SHALL ALSO INCLUDE THE DIVISION OF A NEW STRUCTURE OR STRUCTURES ON A TRACT OR PARCEL OF LAND INTO THREE (3) OR MORE DWELLING UNITS WITHIN A FIVE-YEAR PERIOD AND THE DIVISION OF AN EXISTING STRUCTURE OR STRUCTURES PREVIOUSLY USED FOR COMMERCIAL OR INDUSTRIAL USE INTO THREE (3) OR MORE DWELLING UNITS WITHIN A FIVE-YEAR PERIOD. THE AREA INCLUDED IN THE EXPANSION OF AN EXISTING STRUCTURE IS DEEMED TO BE A NEW STRUCTURE FOR THE PURPOSE OF THIS PARAGRAPH. A DWELLING UNIT SHALL INCLUDE ANY PART OF A STRUCTURE WHICH, THROUGH SALE OR LEASE, IS INTENDED FOR HUMAN HABITATION, INCLUDING SINGLE-FAMILY AND MULTI-FAMILY HOUSING, CONDOMINIUMS, TIME-SHARE UNITS AND APARTMENTS."

GENERAL NOTES:

1. OWNER/DEVELOPER: HORTON, LLC, PORTLAND ME
2. ARCHITECT: MICHAEL BELLEAU ARCHITECT, PORTLAND ME
3. PROPERTY BOUNDARY, EXISTING CONDITIONS AND TOPOGRAPHY BASED ON BOUNDARY SURVEY, "BOUNDARY SURVEY ON STATE STREET & SPRING STREET, PORTLAND, MAINE", PREPARED FOR MERCY HOSPITAL BY OWEN HASKELL, INC, PORTLAND, MAINE, NOVEMBER 3, 2006 AND UPDATED FOR HORTON LLC ON 2/7/08.
4. ZONE: R-6
5. TAX MAPS CBL: 45-D-5
6. TOTAL PARCEL SIZE: 10,758 S.F. (0.25 ACRES)
7. STREET NUMBERS TO BE CLEARLY VISIBLE ON BUILDING FROM STREET.
8. BUILDING TO BE SERVICED BY PUBLIC GAS, WATER & SEWER.
9. THIS PROJECT IS THE "SUBDIVISION" OF 9,200 S.F. BUILDING WITH A PROPOSED SECOND STORY ADDITION INTO 4 TOWNHOUSE CONDOMINIUM UNITS, ALL IN THE EXISTING BUILDING.
10. THIS APPROVAL IS DEPENDENT UPON, AND LIMITED TO, THE PROPOSALS AND PLANS CONTAINED IN THE APPLICATION AND SUPPORTING DOCUMENTS SUBMITTED AND AFFIRMED BY THE APPLICANT AND ANY VARIATION FROM THE PLANS, PROPOSALS AND SUPPORTING DOCUMENTS IS SUBJECT TO REVIEW AND APPROVAL BY THE PLANNING BOARD, EXCEPT FOR DEMINIMUS CHANGES WHICH THE DIRECTOR OF PLANNING AND ZONING MAY APPROVE.
11. DRAWING NOTES, UNLESS THEY INDICATE "EXISTING", REFER TO NEW CONSTRUCTION.

OWNER:
 Horton LLC
 100 Commercial St.
 Portland ME 04101

ARCHITECT:

Michael Belleau Architect
 61 Pleasant St., Suite 104D
 Portland ME 04101

DRAWINGS INCLUDED IN THIS SUBMITTAL ARE:

- C1.0 COVER SHEET/ LOCUS PLAN
- C1.1 SUBDIVISION SITE PLAN
- A1.1 FIRST FLOOR PLAN
- A1.2 SECOND FLOOR PLAN
- A1.3 THIRD FLOOR PLAN
- XA2.1 EXISTING SOUTHWEST ELEVATION
- XA2.2 EXISTING SOUTHEAST ELEVATION
- A2.1 PROPOSED SOUTHWEST ELEVATION
- A2.2 PROPOSED SOUTHEAST ELEVATION

**Preliminary Subdivision
 Approval Drawings
 2/18/08**

NOT FOR CONSTRUCTION!!

*No longer a
 Subdivision*

Drawing Number

C1.0

Drawing Title

COVER SHEET

Horton LLC
 100 Commercial St.
 Portland, ME 04101

COVER SHEET

Michael Belleau Architect
 61 Pleasant Street Portland ME 04101 (207)874-7668
 www.michaelbelleau.com

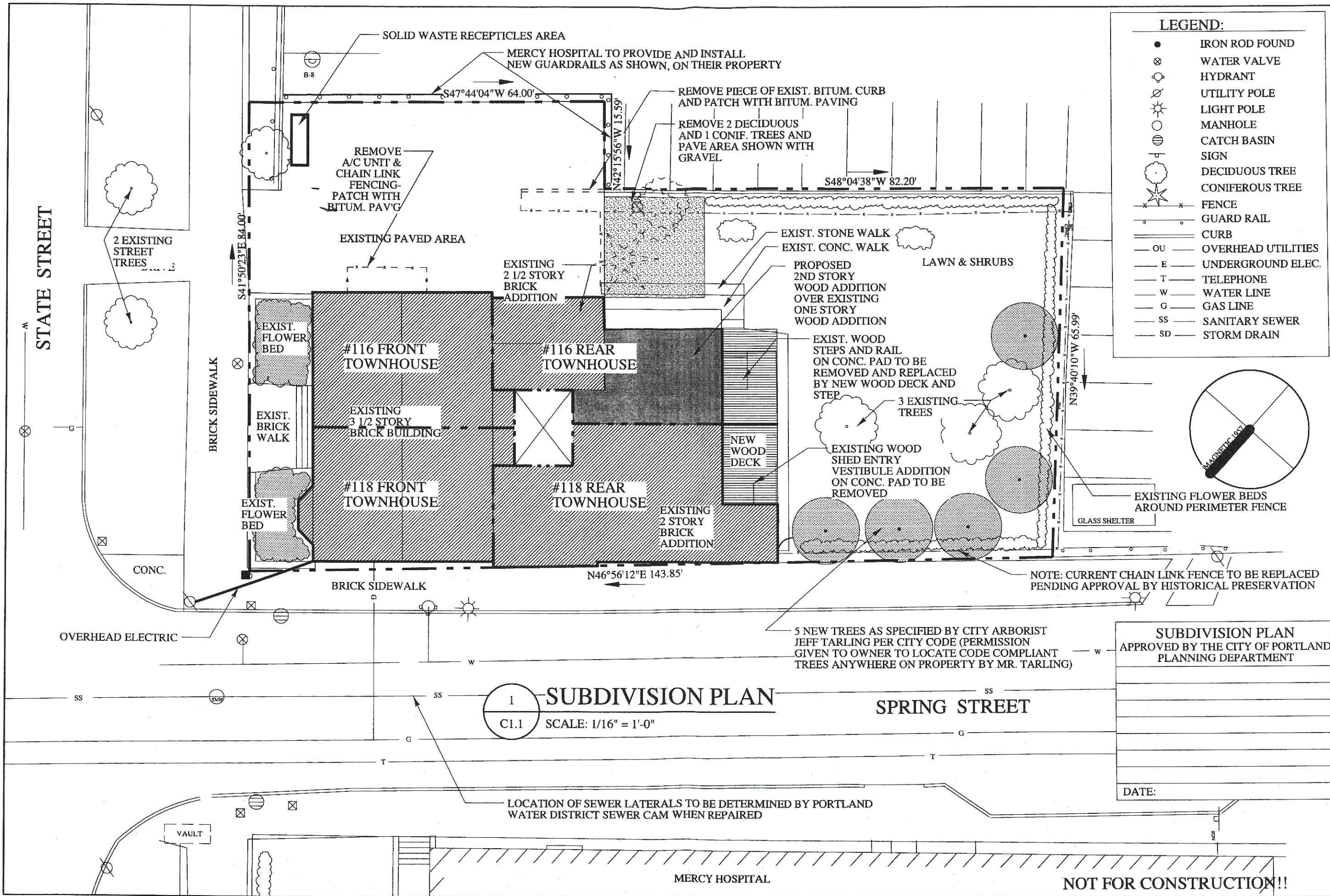
COVER SHEET

Project Title

Townhouses at the Eaton Shaw Block

Note: Do not scale these drawings. These drawings are approximate. Contractor to verify all dimensions in field. This drawing property of Michael Belleau Architect and not to be copied or reproduced in part or whole. Copyright 2008 Michael Belleau Architect

Date: 2/18/08
 Project Number: 07.04
 Scale: N/A
 Reference: NONE



LEGEND:

- IRON ROD FOUND
- ⊗ WATER VALVE
- ⊕ HYDRANT
- ⊙ UTILITY POLE
- ☀ LIGHT POLE
- MANHOLE
- ⊖ CATCH BASIN
- ⊞ SIGN
- ☁ DECIDUOUS TREE
- ☀ CONIFEROUS TREE
- ⊗ FENCE
- ⊕ GUARD RAIL
- CURB
- OU — OVERHEAD UTILITIES
- E — UNDERGROUND ELEC.
- T — TELEPHONE
- W — WATER LINE
- G — GAS LINE
- SS — SANITARY SEWER
- SD — STORM DRAIN

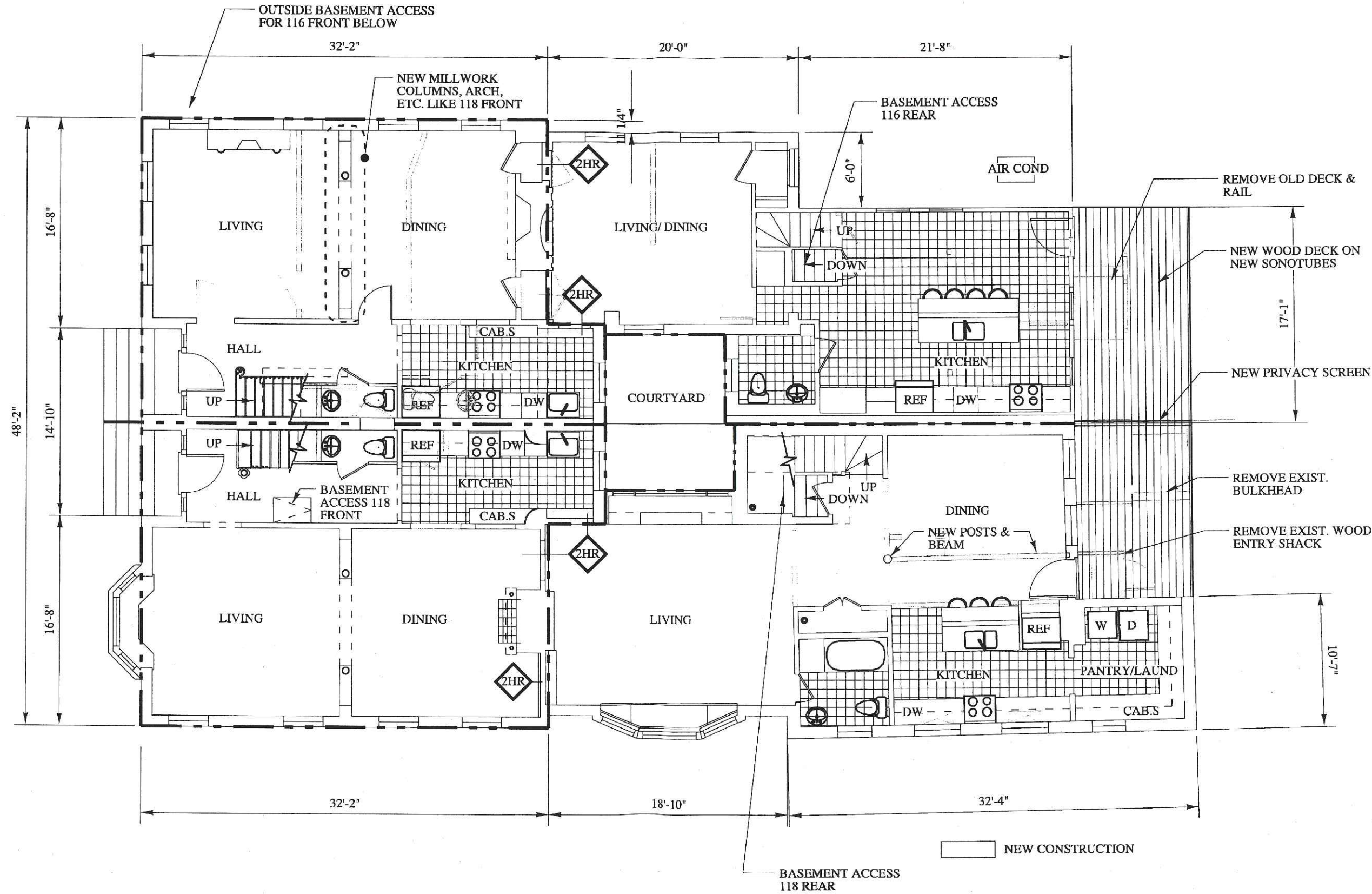
1 SUBDIVISION PLAN
 C1.1 SCALE: 1/16" = 1'-0"

SUBDIVISION PLAN
 APPROVED BY THE CITY OF PORTLAND
 PLANNING DEPARTMENT

DATE:

Drawing Number: **C1.1**
 Drawing Title: **SUBDIVISION PLAN**
 Date: 2/18/08 Scale: 1/16" = 1'-0"
 Project Number: 07.04 Reference: NONE
 Project Title: **Townhouses at the Eaton Shaw Block**
 Horton LLC
 100 Commercial St.
 Portland ME 04101
 Copyright 2007 Michael Belleau Architect
 61 Pleasant Street Portland ME 04101 (207)874-7668
 www.michaelbelleau.com
 Note: Do not scale these drawings. These drawings are approximate. Contractor to verify all dimensions in field. This drawing property of Michael Belleau Architect and not to be copied or reproduced in part or whole. Copyright 2008 Michael Belleau Architect

NOT FOR CONSTRUCTION!!



NEW CONSTRUCTION

Drawing Number
A1.1

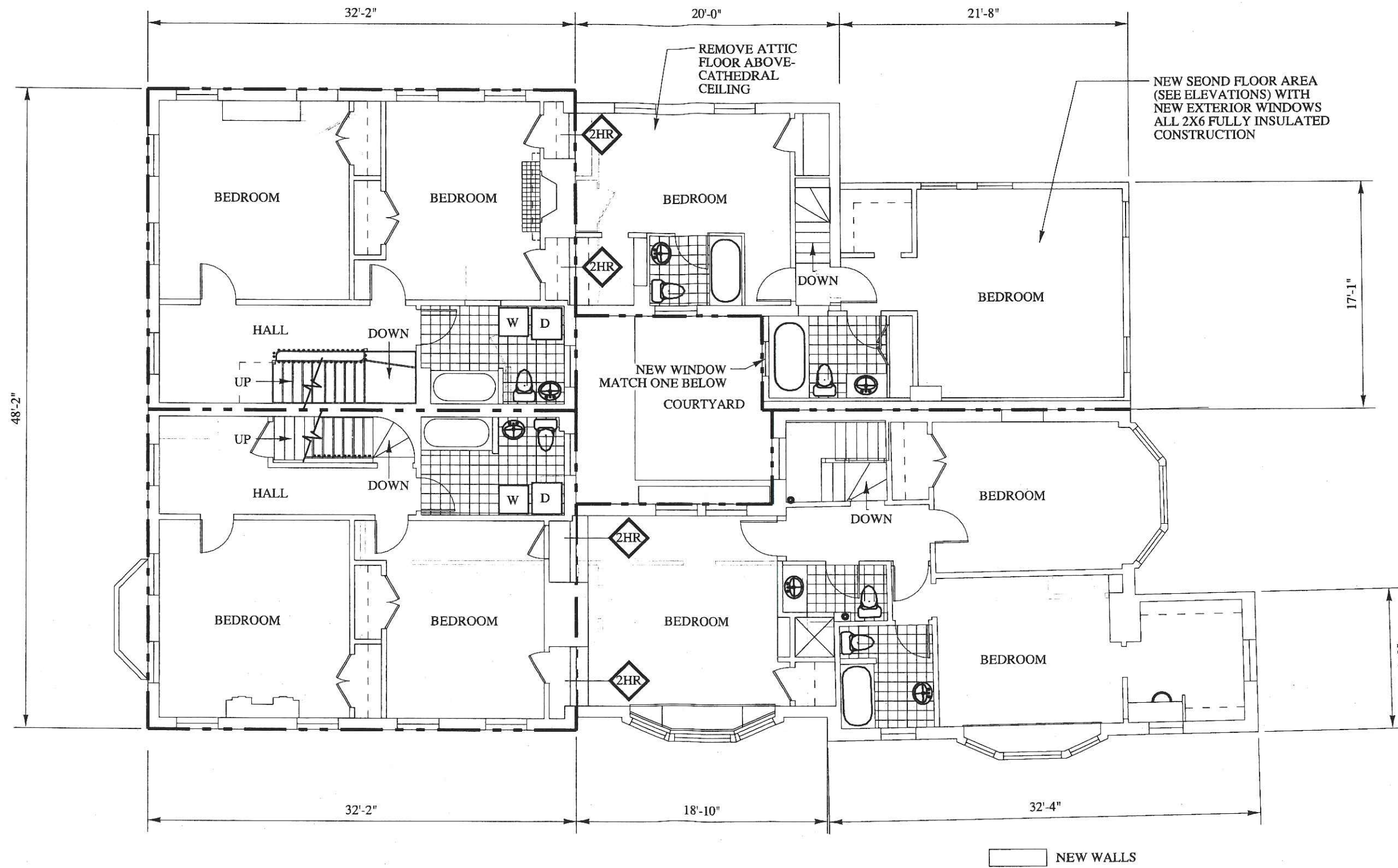
Drawing Title
PROPOSED FIRST FLOOR PLAN
Date: 2/18/08
Scale: 1/8" = 1'-0"
Project Number: 07.04
Reference: NONE

Project Title
Townhouses at the Eaton Shaw Block

Horton LLC
100 Commercial St.
Portland ME 04101
Copyright 2007 Michael Belleau Architect
61 Pleasant Street Portland ME 04101 (207)874-7668
www.michaelbelleau.com

Note: Do not scale these drawings. These drawings are approximate. Contractor to verify all dimensions in field. This drawing property of Michael Belleau Architect and not to be copied or reproduced in part or whole.
Copyright 2008 Michael Belleau Architect

NOT FOR CONSTRUCTION!!



NOT FOR CONSTRUCTION!!

Drawing Number

A1.2

Drawing Title
PROPOSED 2ND FLOOR PLAN

Date: 2/18/08
Scale: 1/8" = 1'-0"

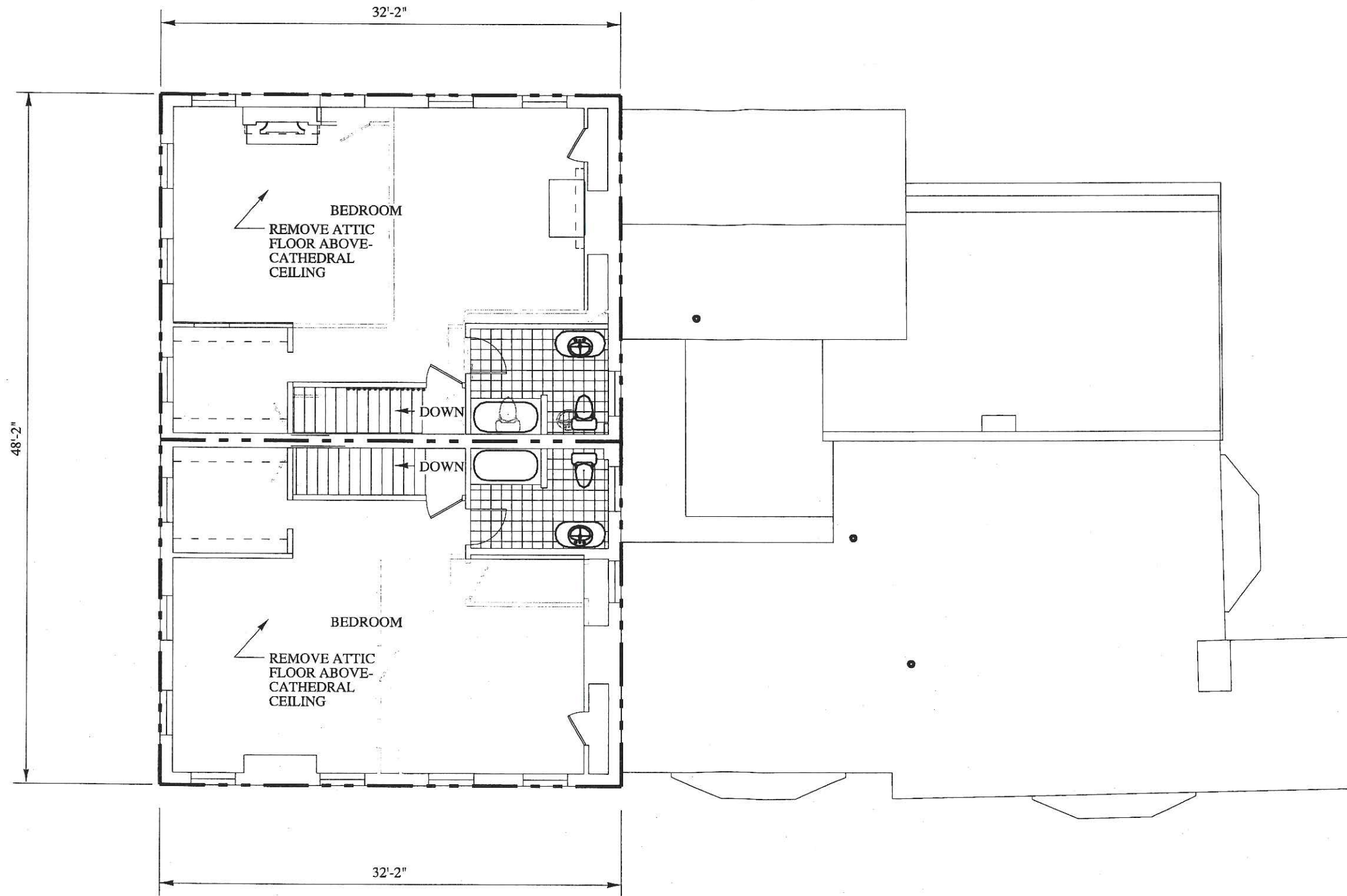
Project Number: 07.04
Reference: NONE

Project Title
Townhouses at the Eaton Shaw Block

Horton LLC
100 Commercial St.
Portland ME 04101

Copyright 2007 Michael Belleau Architect
61 Pleasant Street Portland ME 04101 (207)874-7668
www.michaelbelleau.com

Note: Do not scale these drawings.
These drawings are approximate.
Contractor to verify all dimensions in field.
This drawing property of Michael Belleau Architect
and not to be copied or reproduced in part or whole.
Copyright 2008 Michael Belleau Architect



NEW WALLS

NOT FOR CONSTRUCTION!!

Note: Do not scale these drawings. These drawings are approximate. Contractor to verify all dimensions in field. This drawing property of Michael Belleau Architect and not to be copied or reproduced in part or whole.
Copyright 2008 Michael Belleau Architect



Project Title
Townhouses at the Eaton Shaw Block

Horton LLC
100 Commercial St.
Portland ME 04101

Copyright 2007 Michael Belleau Architect
61 Pleasant Street Portland ME 04101 (207)874-7668
www.michaelbelleau.com

Drawing Title
PROPOSED THIRD FLOOR PLAN

Date: 2/18/08
Project Number: 07.04

Scale: 1/8" = 1'-0"
Reference: NONE

Drawing Number

A1.3



1 EXISTING SOUTHEAST ELEVATION
 XA2.1 SCALE: 1/8" = 1'-0"

NOT FOR CONSTRUCTION!!

Project Title

Townhouses at the Eaton Shaw Block

Horton LLC
 100 Commercial St.
 Portland ME 04101

Copyright 2007 Michael Belleau Architect
 61 Pleasant Street Portland ME 04101 (207)874-7668
 www.michaelbelleau.com

Drawing Title

EXIST. SOUTHEAST ELEV.

Date: 2/18/08 Scale: 1/8" = 1'-0"

Project Number: 07.04 Reference: NONE

Drawing Number

XA2.1

Note: Do not scale these drawings.
 These drawings are approximate.
 Contractor to verify all dimensions in field.
 This drawing property of Michael Belleau Architect
 and not to be copied or reproduced in part or whole.
 Copyright 2008 Michael Belleau Architect

SPRING STREET SIDEWALK



1 EXISTING SOUTHWEST ELEVATION
XA2.2 SCALE: 1/8" = 1'-0"

NOT FOR CONSTRUCTION!!

Note: Do not scale these drawings.
These drawings are approximate.
Contractor to verify all dimensions in field.
This drawing property of Michael Belleau Architect
and not to be copied or reproduced in part or whole.
Copyright 2008 Michael Belleau Architect



Project Title
Townhouses at the Eaton Shaw Block

Horton LLC
100 Commercial St.
Portland ME 04101

Copyright 2007 Michael Belleau Architect
61 Pleasant Street Portland ME 04101 (207)874-7668
www.michaelbelleau.com

Drawing Title
EXIST. SOUTHWEST ELEVATION

Date: 2/18/08
Project Number: 07.04

Scale: 1/8" = 1'-0"
Reference: NONE

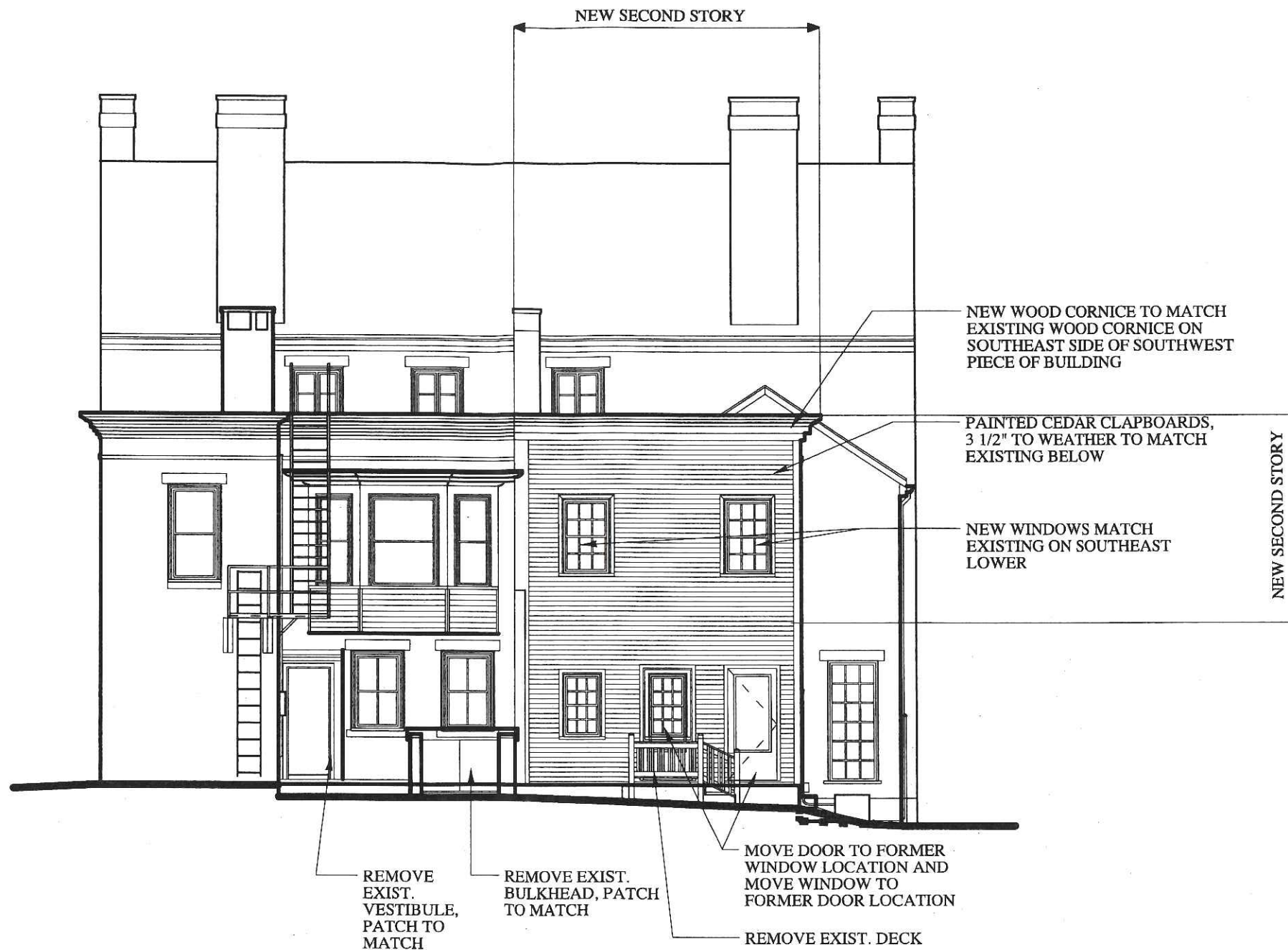
Drawing Number
XA2.2



1
PROPOSED SOUTHEAST ELEVATION
 A2.1 SCALE: 1/8" = 1'-0"

NOT FOR CONSTRUCTION!!

<p>Project Title Townhouses at the Eaton Shaw Block</p>	<p>Horton LLC 100 Commercial St. Portland ME 04101</p>	<p>Drawing Title PROPOSED SOUTHEAST ELEV.</p>	<p>Drawing Number A2.1</p>
<p>Copyright 2007 Michael Belleau Architect 61 Pleasant Street Portland ME 04101 (207)874-7668 www.michaelbelleau.com</p>	<p>Date: 2/18/08 Project Number: 07.04</p>	<p>Scale: 1/8" = 1'-0" Reference: NONE</p>	
<p>Note: Do not scale these drawings. These drawings are approximate. Contractor to verify all dimensions in field. This drawing property of Michael Belleau Architect and not to be copied or reproduced in part or whole. Copyright 2008 Michael Belleau Architect</p>			



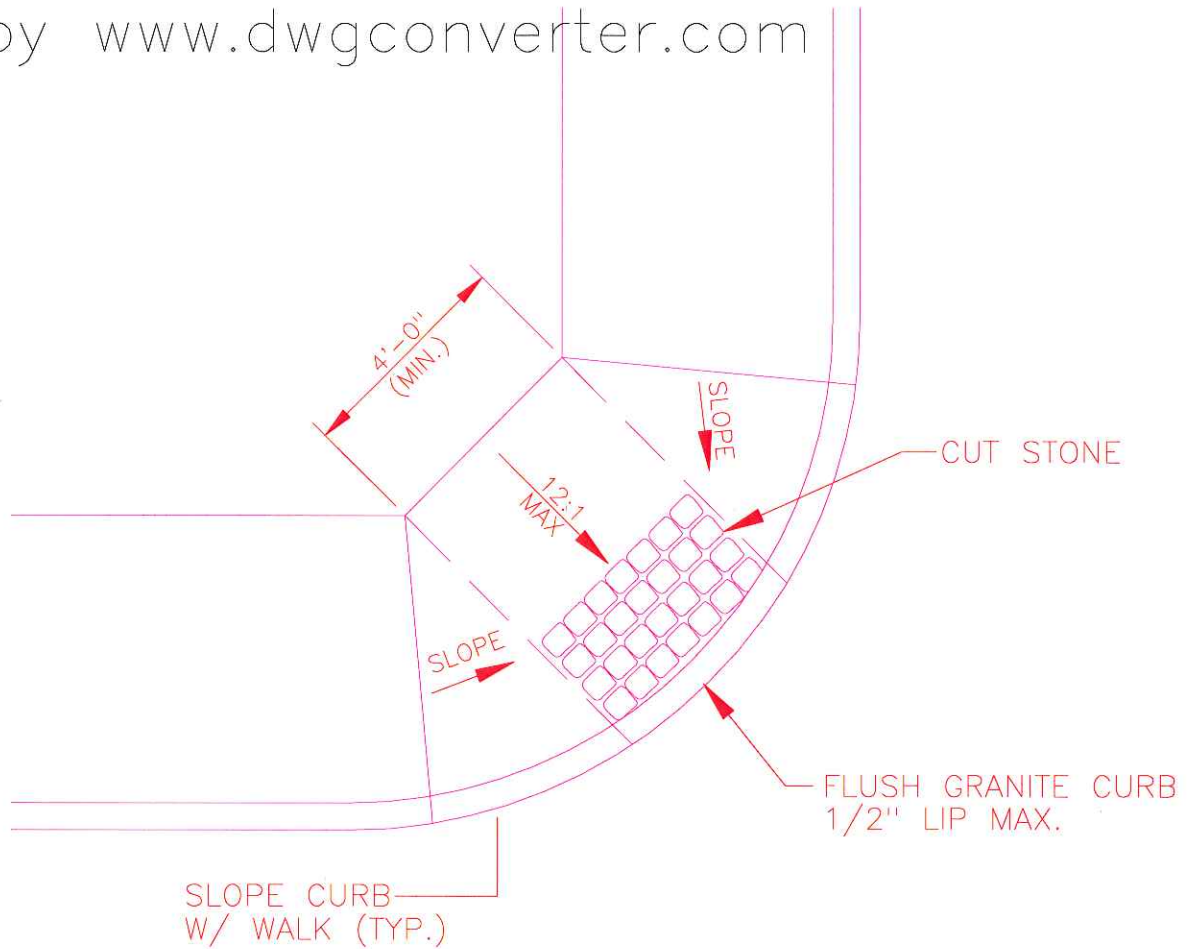
1 PROPOSED SOUTHWEST ELEVATION
 A2.2 SCALE: 1/8" = 1'-0"

NOT FOR CONSTRUCTION!!

Drawing Number A2.2	
Project Title Townhouses at the Eaton Shaw Block	Drawing Title PROPOSED SOUTHWEST ELEV.
Horton LLC 100 Commercial St. Portland ME 04101	Date: 2/18/08 Scale: 1/8" = 1'-0"
Copyright 2007 Michael Belleau Architect 61 Pleasant Street Portland ME 04101 (207)874-7668 www.michaelbelleau.com	Project Number: 07.04 Reference: NONE
<p>Note: Do not scale these drawings. These drawings are approximations. Contractor to verify all dimensions in field. This drawing property of Michael Belleau Architect and not to be copied or reproduced in part or whole. Copyright 2008 Michael Belleau Architect</p>	



erated by www.dwgconverter.com



NOTE: THE TWO (2) SLOPE SECTIONS SHOULD MATCH THE SURFACE MATERIAL USED FOR THE SIDEWALK CONSTRUCTION.

TYPICAL SIDEWALK ADA RAMP @ INTERSECTION

NOT TO SCALE

Townhouses at the Eaton Shaw Block

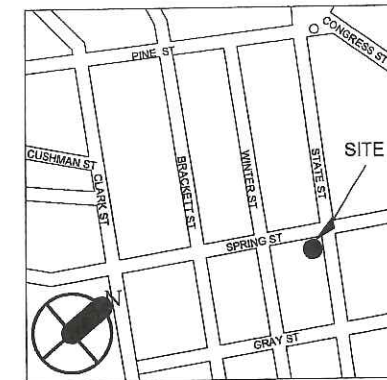
at current 116, 118 State Street
Portland, Maine

DEMOLITION NOTES:

1. CONTRACTOR TO SEE SURVEY PROVIDED BY OWNER, VISIT SITE TO VERIFY CONDITIONS AND CONTACT, "DIG SAFE", (1-800-225-4977) BEFORE DOING ANY WORK.
2. ALL DEMOLITION WORK IS RESPONSIBILITY OF CONTRACTOR.
3. CONTRACTOR TO VERIFY ALL EXISTING CONDITIONS AND TAKE ALL NECESSARY PRECAUTIONS TO ENSURE SAFETY OF ANYONE ON SITE, INCLUDING SHORING AND BRACING.
4. CONTRACTOR TO DISPOSE OF ALL MATERIAL APPROPRIATELY OFF SITE ACCORDING TO ALL APPLICABLE LAWS.
5. CONTRACTOR TO REMOVE ALL ELECTRICAL AND MECHANICAL WIRES, PIPES, BURNERS, EVERYTHING NOT REUSED ACCORDING TO ALL APPLICABLE LAWS AND IN AGREEMENT WITH OWNER AND A RECORD OF THIS ASPECT OF PROJECT IS TO BE KEPT BY OWNER AND AVAILABLE TO CITY AND ARCHITECT.
6. SAVE ANY APPLIANCES, PLUMBING, FIXTURES, ETC., AS DIRECTED BY OWNER.
7. EXISTING TREES TO REMAIN. PROTECT DURING DEMOLITION AND THROUGHOUT CONSTRUCTION. NO CONSTRUCTION MATERIALS, EQUIPMENT, OR ACTIVITIES PERMITTED WITHIN THE TREE PROTECTION ZONES.
8. CONTRACTOR TO REMOVE ALL ASBESTOS, LEAD PAINT, AND ANY OTHER HAZARDOUS MATERIALS IF REQUIRED BY ANY APPLICABLE LAWS, ETC.

GENERAL NOTES:

1. OWNER/DEVELOPER: HORTON, LLC, PORTLAND ME
2. ARCHITECT: MICHAEL BELLEAU ARCHITECT, PORTLAND ME
3. PROPERTY BOUNDARY, EXISTING SITE CONDITIONS AND TOPOGRAPHY BASED ON BOUNDARY SURVEY, "BOUNDARY SURVEY ON STATE STREET & SPRING STREET, PORTLAND, MAINE", PREPARED FOR MERCY HOSPITAL BY OWEN HASKELL, INC, PORTLAND, MAINE, NOVEMBER 3, 2006 AND UPDATED FOR HORTON LLC ON 2/7/08. ARCHITECT'S EXISTING CONDITIONS DRAWINGS ARE ONLY APPROXIMATIONS.
4. ZONE: R-6
5. TAX MAPS CBL: 45-D-5
6. TWO PARCELS-
SIZE OF 116 PARCEL ~ 5,945 S.F.
SIZE OF 118 PARCEL ~ 3,538 S.F.
SIZE OF COURTYARD EASEMENT ~ 160 S.F.
SIZE OF PAVED EASEMENT ~ 1,152 S.F.
7. STREET NUMBERS TO BE CLEARLY VISIBLE ON BUILDING FROM STREET.
8. BUILDING TO BE SERVICED BY PUBLIC GAS, WATER & SEWER.
9. THE SITE PLAN IS DEPENDENT UPON, AND LIMITED TO, THE PROPOSALS AND PLANS CONTAINED IN THE APPLICATION AND SUPPORTING DOCUMENTS SUBMITTED AND AFFIRMED BY THE APPLICANT AND ANY VARIATION FROM THE PLANS, PROPOSALS AND SUPPORTING DOCUMENTS IS SUBJECT TO REVIEW AND APPROVAL BY THE PLANNING BOARD, EXCEPT FOR DEMINIMUS CHANGES WHICH THE DIRECTOR OF PLANNING AND ZONING MAY APPROVE.
10. DRAWING NOTES, UNLESS THEY INDICATE "EXISTING", REFER TO NEW CONSTRUCTION.
11. DO NOT SCALE DRAWINGS! CONTRACTOR TO VERIFY ALL DIMENSIONS IN FIELD INCLUDING DOORS AND WINDOWS BEFORE ORDERING.
12. THESE DRAWINGS ARE FOR COMMUNICATING OWNERS DESIGN INTENSIONS AND DO NOT DESCRIBE THE ELECTRICAL, HEATING, PLUMBING, ETC. SYSTEMS NECESSARY TO COMPLETE. CONTRACTOR RESPONSIBLE FOR ALL ASPECTS OF THIS PROJECT. CONTRACTOR RESPONSIBLE FOR WEATHERABILITY/ BUILDING ENVELOPE. ARCHITECT NO LIABILITY. CONTRACTOR RESPONSIBLE FOR PROJECT MEETING ALL LOCAL, STATE, AND FEDERAL BUILDING, MECHANICAL, ELECTRICAL CODES, LAWS AND ORDINANCES.
13. CONTRACTOR TO VERIFY WHETHER RADON IS PRESENT AND INSTALL RADON VENTING SYSTEM IF NECESSARY.
14. CONTRACTOR TO INSPECT ALL CHIMNEYS AND HAVE PROFESSIONAL VERIFY ALL REGARDING SAFETY ISSUES INCLUDING, BUT NOT LIMITED TO: USE, WEATHERABILITY, STRUCTURE, CONDITION.
15. CONTRACTOR TO INSTALL RAILINGS AT STAIRS IF NONE EXIST, TO CODE AND RESTORE/ REPAIR ALL EXISTING RAILINGS AND STAIRS.
16. THESE DRAWINGS ARE NOT TO BE USED AS CONDOMINIUM DOCUMENTS.



LOCATION MAP N.T.S.

OWNER:
Horton LLC
100 Commercial St.
Portland ME 04101

ARCHITECT:
Michael Belleau Architect
61 Pleasant St., Suite 104D
Portland ME 04101

DRAWINGS INCLUDED IN THIS SUBMITTAL ARE:

- C1.0 COVER SHEET/ LOCUS PLAN
- C1.1 SITE PLAN
- C1.2 SITE DETAILS

- A1.0 BASEMENT FLOOR PLAN
- A1.1 FIRST FLOOR PLAN
- A1.2 SECOND FLOOR PLAN
- A1.3 THIRD FLOOR PLAN

- A2.1 SOUTHWEST ELEVATION
- A2.2 SOUTHEAST ELEVATION

- A3.1 WALL SECTIONS

- A4.1 EXTERIOR DETAILS

(Door and window schedules provided by owner- not in this set)

(Structural drawings provided by engineer- not in this set)

- S1.0 BASEMENT FRAMING, DETAILS
- S1.1 PARTIAL 2nd FL, ROOF FRAMING

THIS SET TO BE USED TO OBTAIN A BUILDING PERMIT ALONG WITH WINDOW AND DOOR SCHEDULES PROVIDED BY OWNER AND STRUCTURAL ENGINEER DRAWINGS TO BE PROVIDED BY ENGINEER. ARCHITECT NOT LIABLE FOR SCHEDULES OR ENGINEERING.

BUILDING PERMIT PARTIAL SET

CITY OF PORTLAND
APPROVED SITE PLAN
Subject to Dept. Conditions
Date of Approval: **APPROVED MAY 6 - 2008**

Drawing Number

C1.0

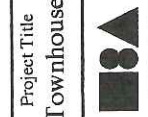
Drawing Title
COVER SHEET

Date: 4/18/08
Scale: N/A
Reference: NONE
Project Number: 07.04

Horton LLC
100 Commercial St.
Portland ME 04101

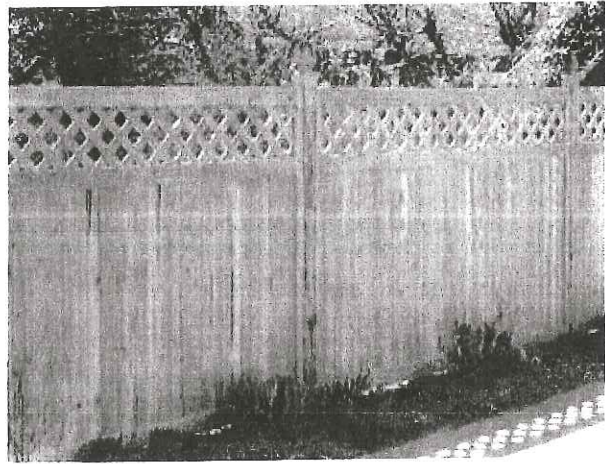
Project Title
Townhouses at the Eaton Shaw Block

Copyright 2008 Michael Belleau Architect
61 Pleasant Street, Portland ME 04101 (207)874-7668
www.michaelbelleau.com



Note: Do not scale these drawings. These drawings are approximate. Contractor to verify all dimensions in field. This drawing property of Michael Belleau Architect and not to be copied or reproduced in part or whole.
Copyright 2008 Michael Belleau Architect

fence detail drawing



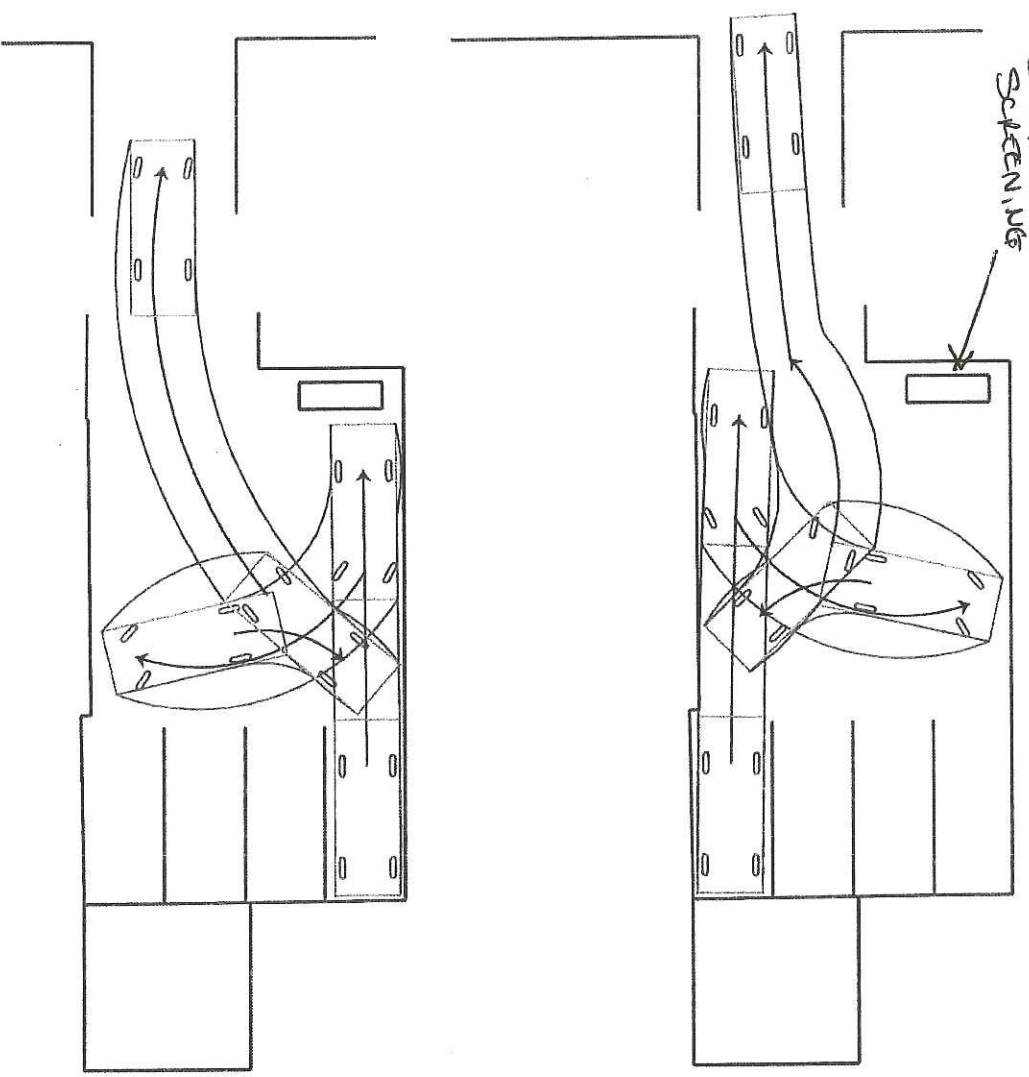
Cedar picket lattice topped fence used for screening of solid waste receptacles, *Townhouses at the Eaton Shaw Block.*

TDM BLUES PARKING DIAGRAM

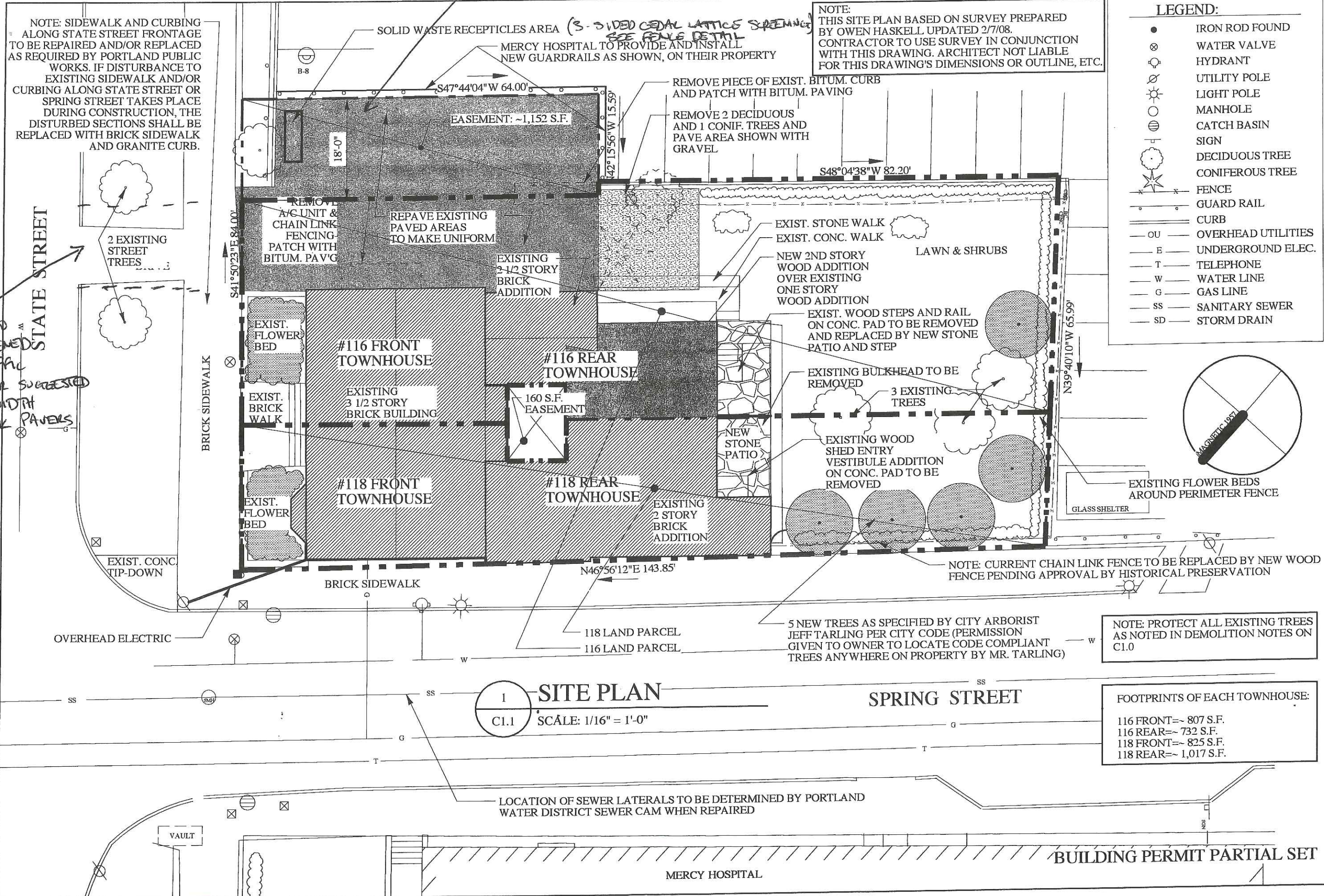
4-8.5' parking

reverse/4 direction turnaround

3 SIDED
SPACINGS



PARKING CONFIGURATION: SEE TDM EXHIBIT PARKING DIAGRAM (ATTACHED)



IRON TO BE WIDENED TO TRAFFIC NEED SUGGESTED 16' WIDTH 1/2 BRICK PAVERS

BICYCLE PARKING TO BE PROVIDED IN UNIT BASEMENTS (SECTION XVIII OF CITY TECHNICAL & DESIGN STANDARDS) FOR 2 BIKES EACH

Drawing Number: **C1.1**

Drawing Title: **SITE PLAN**

Date: 4/18/08

Scale: 1/16" = 1'-0"

Project Number: 07.04

Reference: NONE

Project Title: **Townhouses at the Eaton Shaw Block**

Horton LLC
100 Commercial St
Portland ME 04101

Copyright 2008 Michael Belleau Architect
61 Pleasant Street Portland ME 04101 (207)874-7668
www.michaelbelleau.com

Note: Do not scale these drawings. These drawings are approximate. Contractor to verify all dimensions in field. This drawing property of Michael Belleau Architect and not to be copied or reproduced in part or whole.
Copyright 2008 Michael Belleau Architect

BUILDING PERMIT PARTIAL SET

MERCY HOSPITAL

LOCATION OF SEWER LATERALS TO BE DETERMINED BY PORTLAND WATER DISTRICT SEWER CAM WHEN REPAIRED

VAULT

SPRING STREET

1 SITE PLAN

C1.1 SCALE: 1/16" = 1'-0"

118 LAND PARCEL
116 LAND PARCEL

OVERHEAD ELECTRIC

BRICK SIDEWALK

BRICK SIDEWALK

STATE STREET

EXISTING FLOWER BEDS AROUND PERIMETER FENCE

GLASS SHELTER

5 NEW TREES AS SPECIFIED BY CITY ARBORIST JEFF TARLING PER CITY CODE (PERMISSION GIVEN TO OWNER TO LOCATE CODE COMPLIANT TREES ANY WHERE ON PROPERTY BY MR. TARLING)

NOTE: CURRENT CHAIN LINK FENCE TO BE REPLACED BY NEW WOOD FENCE PENDING APPROVAL BY HISTORICAL PRESERVATION

EXISTING BULKHEAD TO BE REMOVED

EXISTING WOOD SHED ENTRY VESTIBULE ADDITION ON CONC. PAD TO BE REMOVED

NEW STONE PATIO

EXISTING 2 STORY BRICK ADDITION

160 S.F. EASEMENT

EXISTING 3 1/2 STORY BRICK BUILDING

#116 FRONT TOWNHOUSE

#116 REAR TOWNHOUSE

#118 FRONT TOWNHOUSE

#118 REAR TOWNHOUSE

EXIST. WOOD STEPS AND RAIL ON CONC. PAD TO BE REMOVED AND REPLACED BY NEW STONE PATIO AND STEP

NEW 2ND STORY WOOD ADDITION OVER EXISTING ONE STORY WOOD ADDITION

EXIST. CONC. WALK

EXIST. STONE WALK

REMOVE 2 DECIDUOUS AND 1 CONIF. TREES AND PAVE AREA SHOWN WITH GRAVEL

REMOVE PIECE OF EXIST. BITUM. CURB AND PATCH WITH BITUM. PAVING

MERCY HOSPITAL TO PROVIDE AND INSTALL NEW GUARDRAILS AS SHOWN, ON THEIR PROPERTY

SOLID WASTE RECEPTILES AREA (3-SIDED CEDAR LATTICE SCREENING) SEE FENCE DETAIL

S47°44'04" W 64.00'

142°15'56" W 15.59'

S48°04'38" W 82.20'

N39°40'10" W 65.99'

S41°50'23" E 84.00'

18'-0"

EASEMENT: ~1,152 S.F.

REMOVE A/C UNIT & CHAIN LINK FENCING PATCH WITH BITUM. PAVING

REPAVE EXISTING PAVED AREAS TO MAKE UNIFORM

EXISTING 2 1/2 STORY BRICK ADDITION

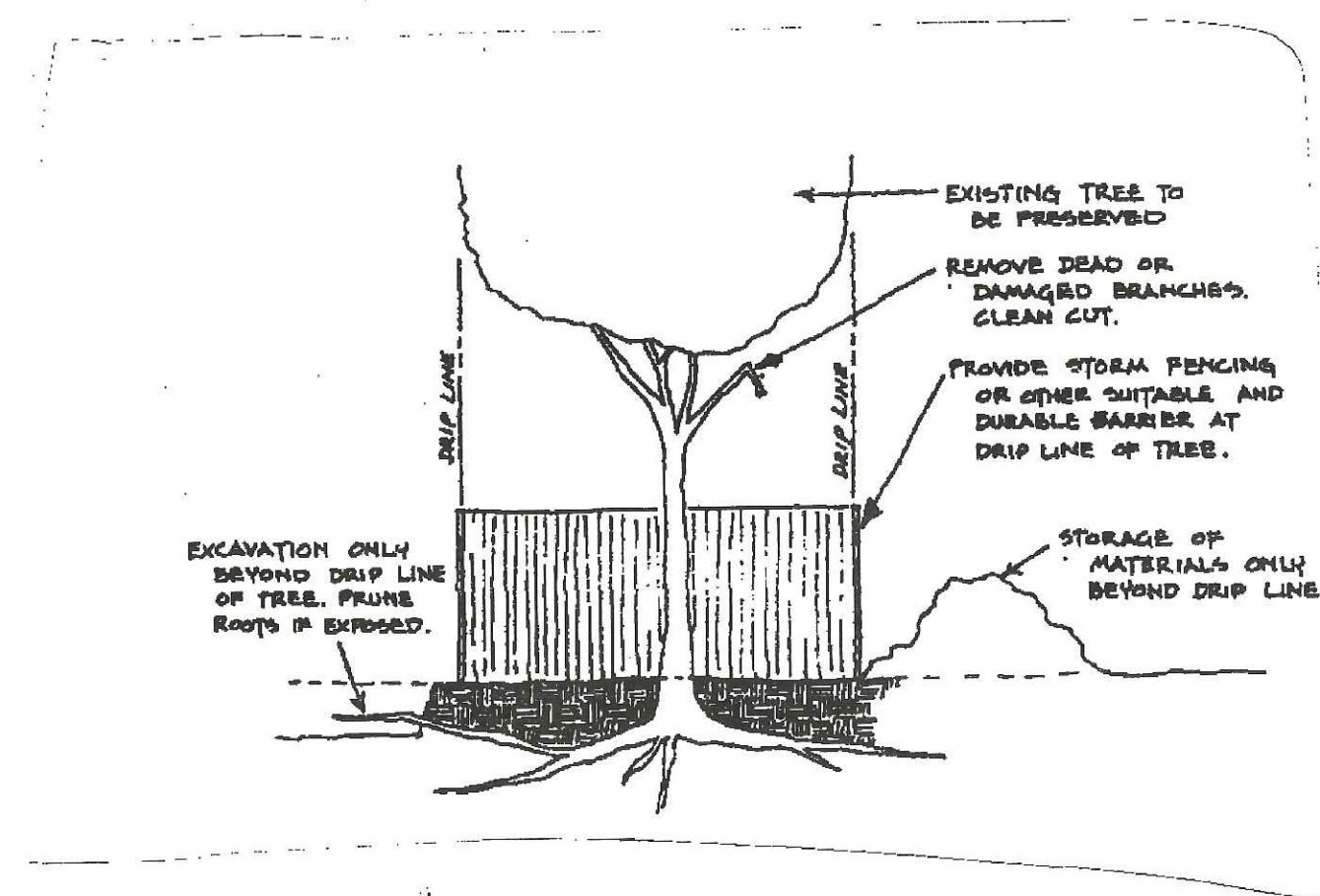
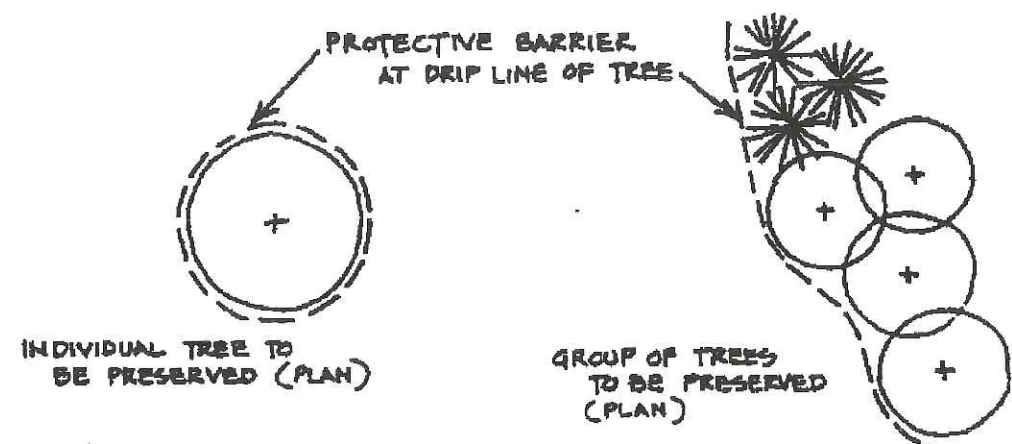
EXIST. FLOWER BED

EXIST. BRICK WALK

EXIST. FLOWER BED

EXIST. CONC. TIP-DOWN

B-8



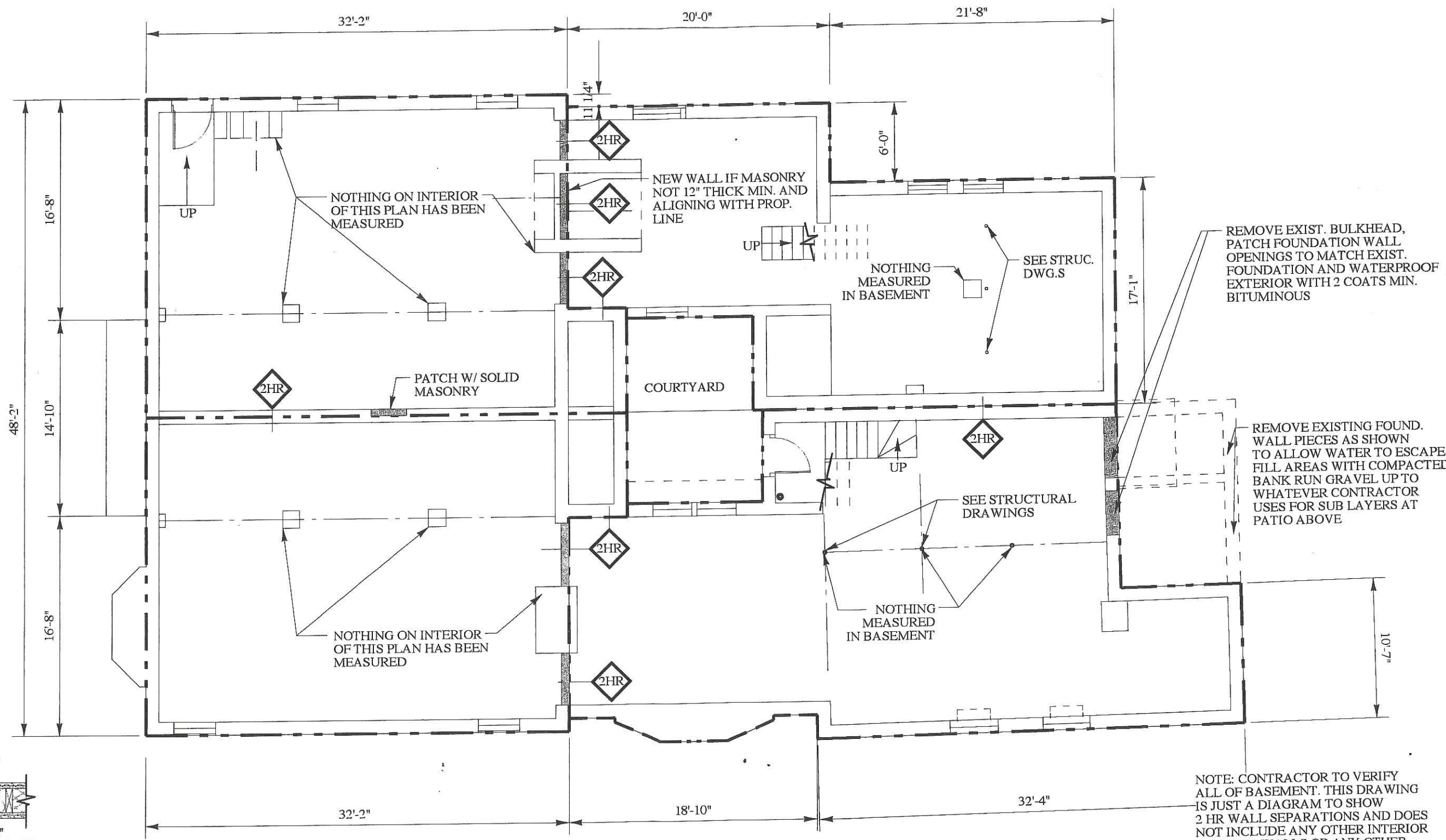
**ILLUSTRATION VI - 1
TREE PRESERVATION DETAIL**

VI - 25

BUILDING PERMIT PARTIAL SET

Drawing Title SITE DETAILS	Drawing Number C1.2	
	Project Title Townhouses at the Eaton Shaw Block	Date: 4/18/08
Project Title Townhouses at the Eaton Shaw Block	Project Number: 07.04	Reference: NONE
Project Title Townhouses at the Eaton Shaw Block	Horton LLC 100 Commercial St Portland ME 04101	Copyright 2008 Michael Belleau Architect 61 Pleasant Street Portland ME 04101 (207)874-7668 www.michaelbelleau.com

Note: Do not scale these drawings. These drawings are approximate. Contractor to verify all dimensions in field. This drawing property of Michael Belleau Architect and not to be copied or reproduced in part or whole. Copyright 2008 Michael Belleau Architect



2 LAYERS 5/8" THICK F.R. GYP. BD. EITHER SIDE OF 2X6, 16" O.C. (OR EXIST. CONSTRUCTION) WITH FULL BATT INSUL. TAKE GYP. BD. UP TIGHT TO DECKING OF FLOOR OR ROOF ABOVE- VERIFY THIS DETAIL WITH CITY

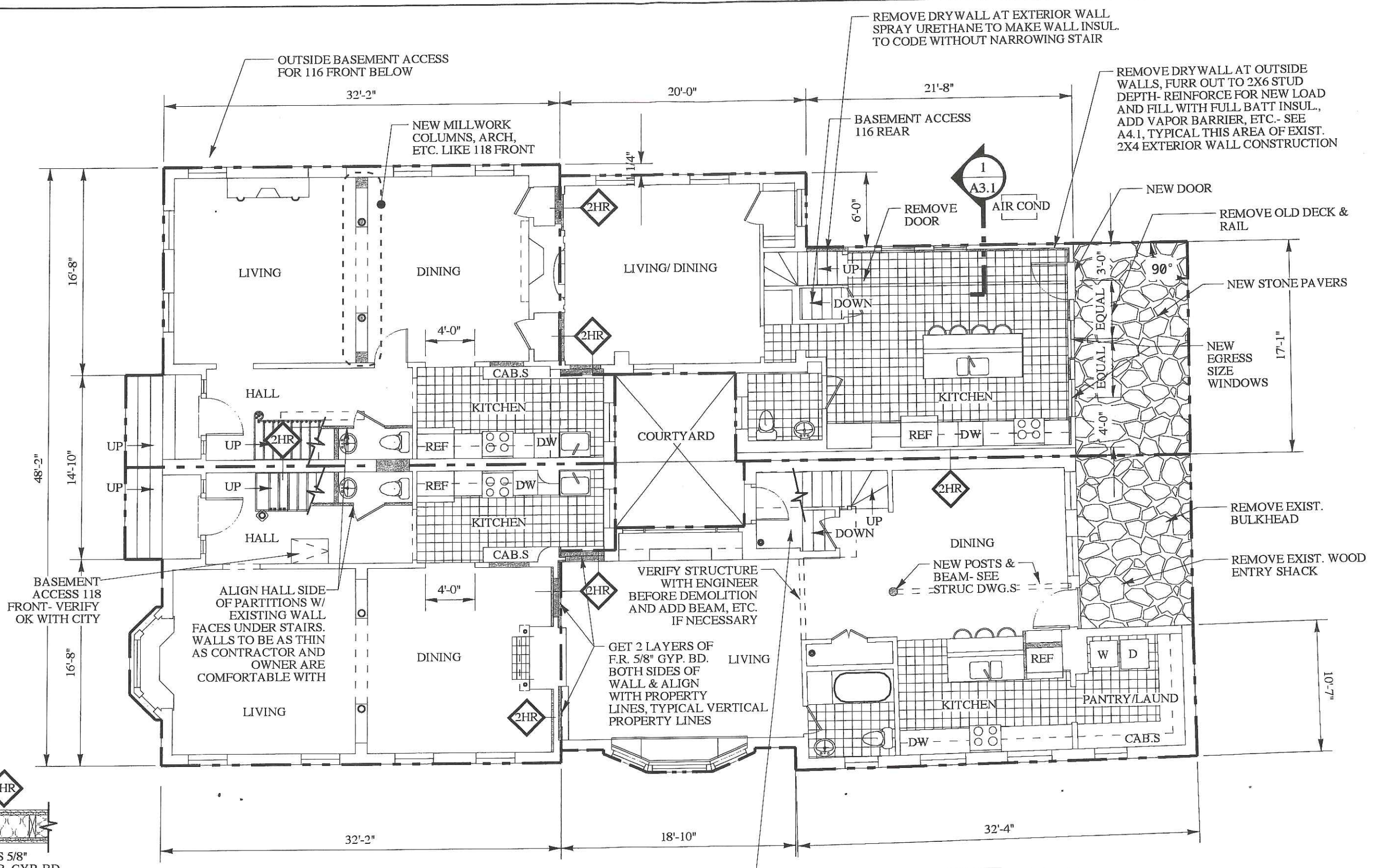
BASEMENT FLOOR PLAN
 SCALE: 1/8" = 1'-0"

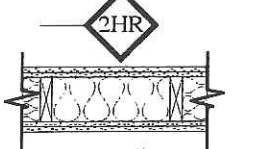
NEW WALLS

NOTE: CONTRACTOR TO VERIFY ALL OF BASEMENT. THIS DRAWING IS JUST A DIAGRAM TO SHOW 2 HR WALL SEPARATIONS AND DOES NOT INCLUDE ANY OTHER INTERIOR EXISTING WALLS OR ANY OTHER ITEMS IN BASEMENT. REMOVE ALL WALLS/ ITEMS AT OWNERS DIRECTION. DISPOSE OF ALL PROPERLY- SEE DEMO NOTES C1.0

BUILDING PERMIT PARTIAL SET

Drawing Number A1.0	
Project Title BASEMENT FLOOR PLAN	Date: 4/18/08
Horton LLC 100 Commercial St Portland ME 04101	Scale: 1/8" = 1'-0"
Townhouses at the Eaton Shaw Block	Reference: NONE
Copyright 2008 Michael Belleau Architect 61 Pleasant Street Portland ME 04101 (207)874-7668 www.michaelbelleau.com	Project Number: 07.04
Note: Do not scale these drawings. These drawings are approximate. Contractor to verify all dimensions in field. This drawing property of Michael Belleau Architect and not to be copied or reproduced in part or whole. Copyright 2008 Michael Belleau Architect	



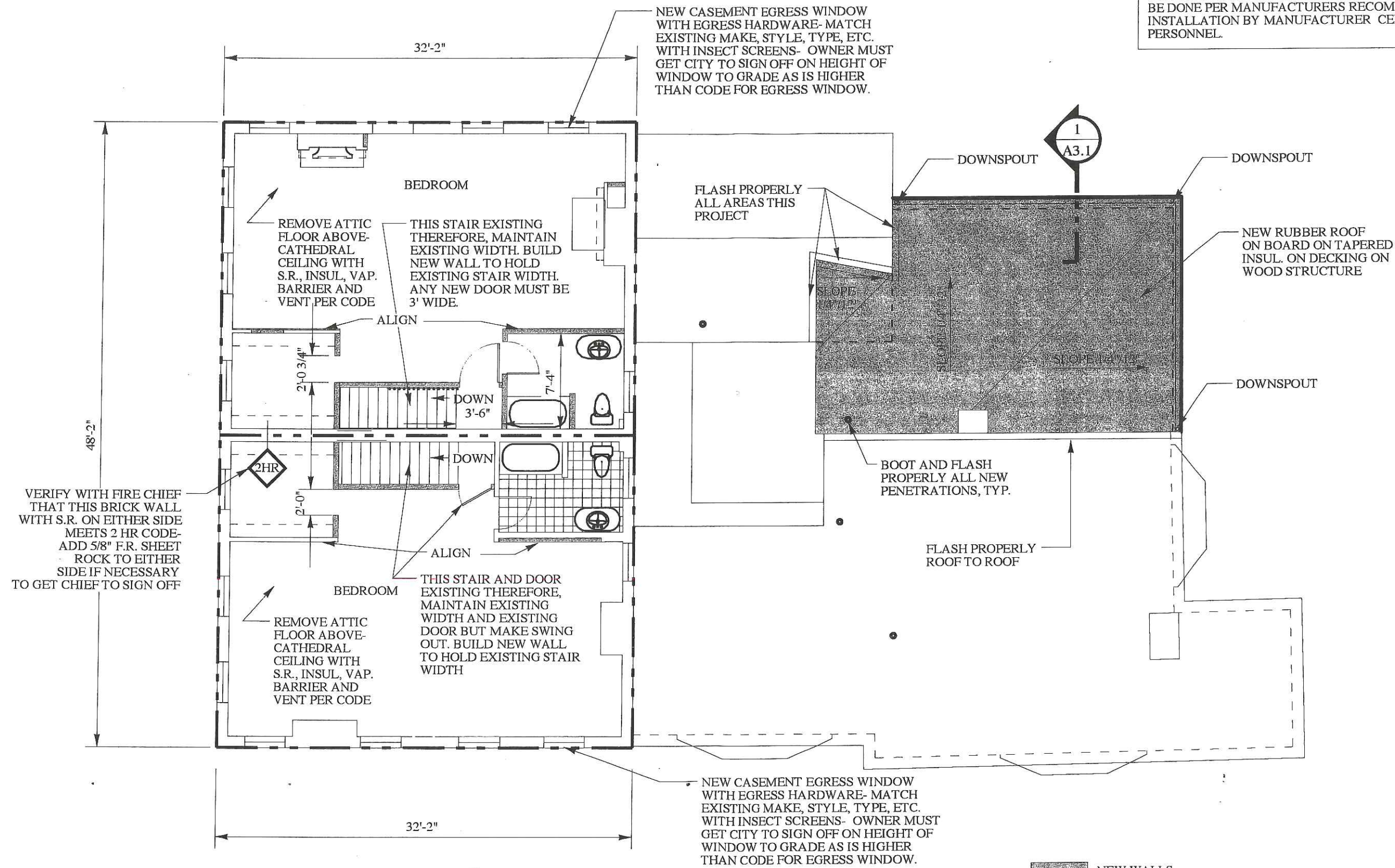


 2 LAYERS 5/8" THICK F.R. GYP. BD. EITHER SIDE OF 2X6, 16" O.C. (OR EXIST. CONSTRUCTION) WITH FULL BATT INSUL. TAKE GYP. BD. UP TIGHT TO DECKING OF FLOOR OR ROOF ABOVE- VERIFY THIS DETAIL WITH CITY

1 **FIRST FLOOR PLAN**
 A1.1 SCALE: 1/8" = 1'-0"

BUILDING PERMIT PARTIAL SET

Drawing Number	A1.1		
Drawing Title	FIRST FLOOR PLAN		
Date	4/18/08	Scale	1/8" = 1'-0"
Project Number	07.04	Reference	NONE
Project Title	Townhouses at the Eaton Shaw Block		
Client	Horton LLC 100 Commercial St Portland ME 04101		
Architect	Copyright: 2008 Michael Belleau Architect 61 Pleasant Street Portland ME 04101 (207)874-7608 www.michaelbelleau.com		
Notes	Note: Do not scale these drawings. These drawings are approximate. Contractor to verify all dimensions in field. This drawing property of Michael Belleau Architect and not to be copied or reproduced in part or whole. Copyright: 2008 Michael Belleau Architect		



NOTE: ALL RUBBER ROOFING AND FLASHING TO BE DONE PER MANUFACTURERS RECOMMENDED INSTALLATION BY MANUFACTURER CERTIFIED PERSONNEL.

NEW CASEMENT EGRESS WINDOW WITH EGRESS HARDWARE- MATCH EXISTING MAKE, STYLE, TYPE, ETC. WITH INSECT SCREENS- OWNER MUST GET CITY TO SIGN OFF ON HEIGHT OF WINDOW TO GRADE AS IS HIGHER THAN CODE FOR EGRESS WINDOW.

FLASH PROPERLY ALL AREAS THIS PROJECT

BOOT AND FLASH PROPERLY ALL NEW PENETRATIONS, TYP.

FLASH PROPERLY ROOF TO ROOF

NEW CASEMENT EGRESS WINDOW WITH EGRESS HARDWARE- MATCH EXISTING MAKE, STYLE, TYPE, ETC. WITH INSECT SCREENS- OWNER MUST GET CITY TO SIGN OFF ON HEIGHT OF WINDOW TO GRADE AS IS HIGHER THAN CODE FOR EGRESS WINDOW.

VERIFY WITH FIRE CHIEF THAT THIS BRICK WALL WITH S.R. ON EITHER SIDE MEETS 2 HR CODE- ADD 5/8" F.R. SHEET ROCK TO EITHER SIDE IF NECESSARY TO GET CHIEF TO SIGN OFF

REMOVE ATTIC FLOOR ABOVE- CATHEDRAL CEILING WITH S.R., INSUL, VAP. BARRIER AND VENT PER CODE

THIS STAIR EXISTING THEREFORE, MAINTAIN EXISTING WIDTH. BUILD NEW WALL TO HOLD EXISTING STAIR WIDTH. ANY NEW DOOR MUST BE 3' WIDE.

REMOVE ATTIC FLOOR ABOVE- CATHEDRAL CEILING WITH S.R., INSUL, VAP. BARRIER AND VENT PER CODE

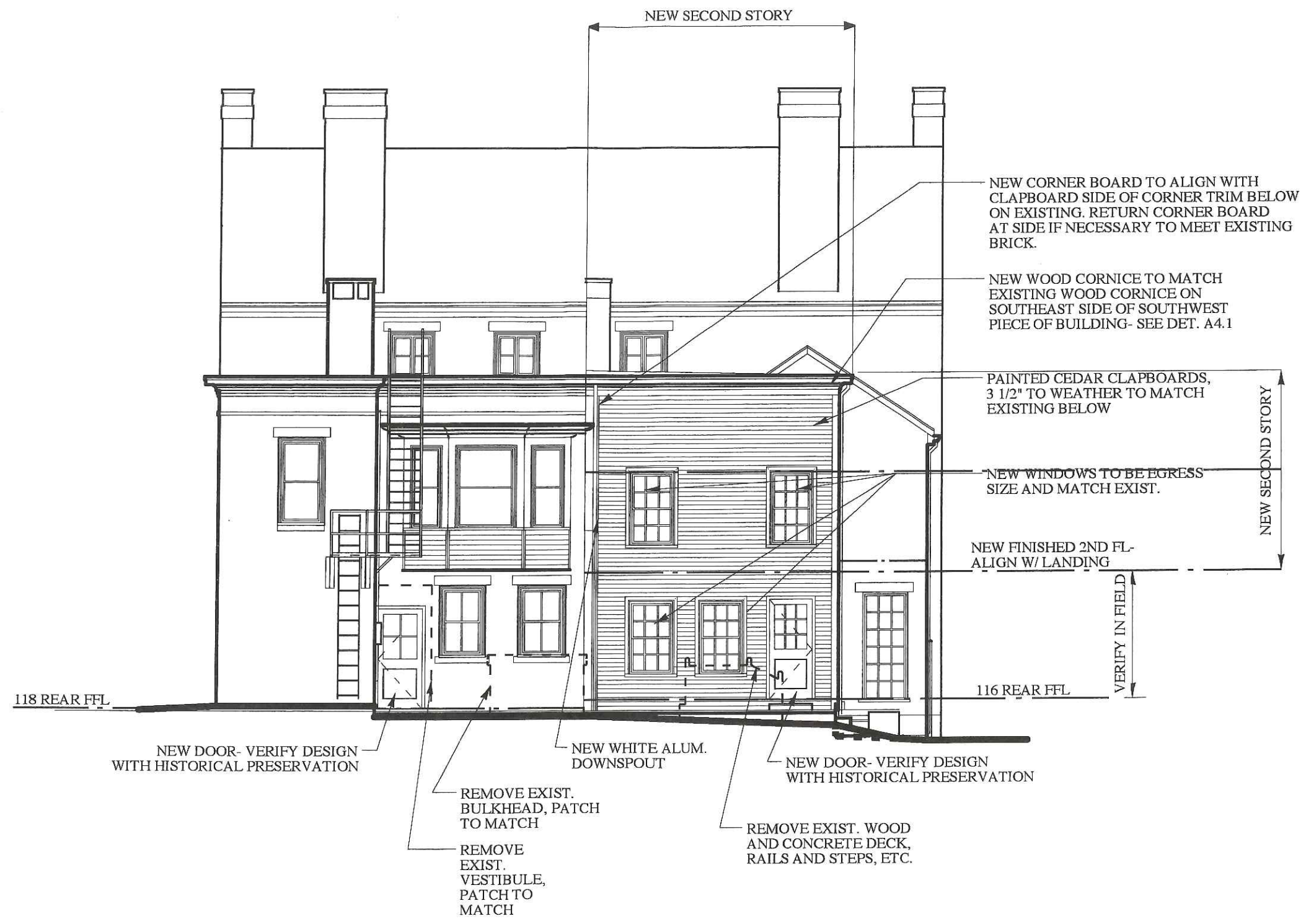
THIS STAIR AND DOOR EXISTING THEREFORE, MAINTAIN EXISTING WIDTH AND EXISTING DOOR BUT MAKE SWING OUT. BUILD NEW WALL TO HOLD EXISTING STAIR WIDTH

NEW WALLS

1 THIRD FLOOR PLAN
A1.3 SCALE: 1/8" = 1'-0"

Drawing Number	A1.3		
	THIRD FLOOR PLAN		
Date:	4/18/08	Scale:	1/8" = 1'-0"
Project Number:	07.04	Reference:	NONE
Project Title	Townhouses at the Eaton Shaw Block		
Horton LLC	100 Commercial St Portland ME 04101		
Michael Belleau Architect	61 Pleasant Street Portland ME 04101 (207)874-7688 www.michaelbelleau.com		
<p>Note: Do not scale these drawings. These drawings are approximate. Contractor to verify all dimensions in field. This drawing property of Michael Belleau Architect and not to be copied or reproduced in part or whole.</p> <p>Copyright 2008 Michael Belleau Architect</p>			

BUILDING PERMIT PARTIAL SET

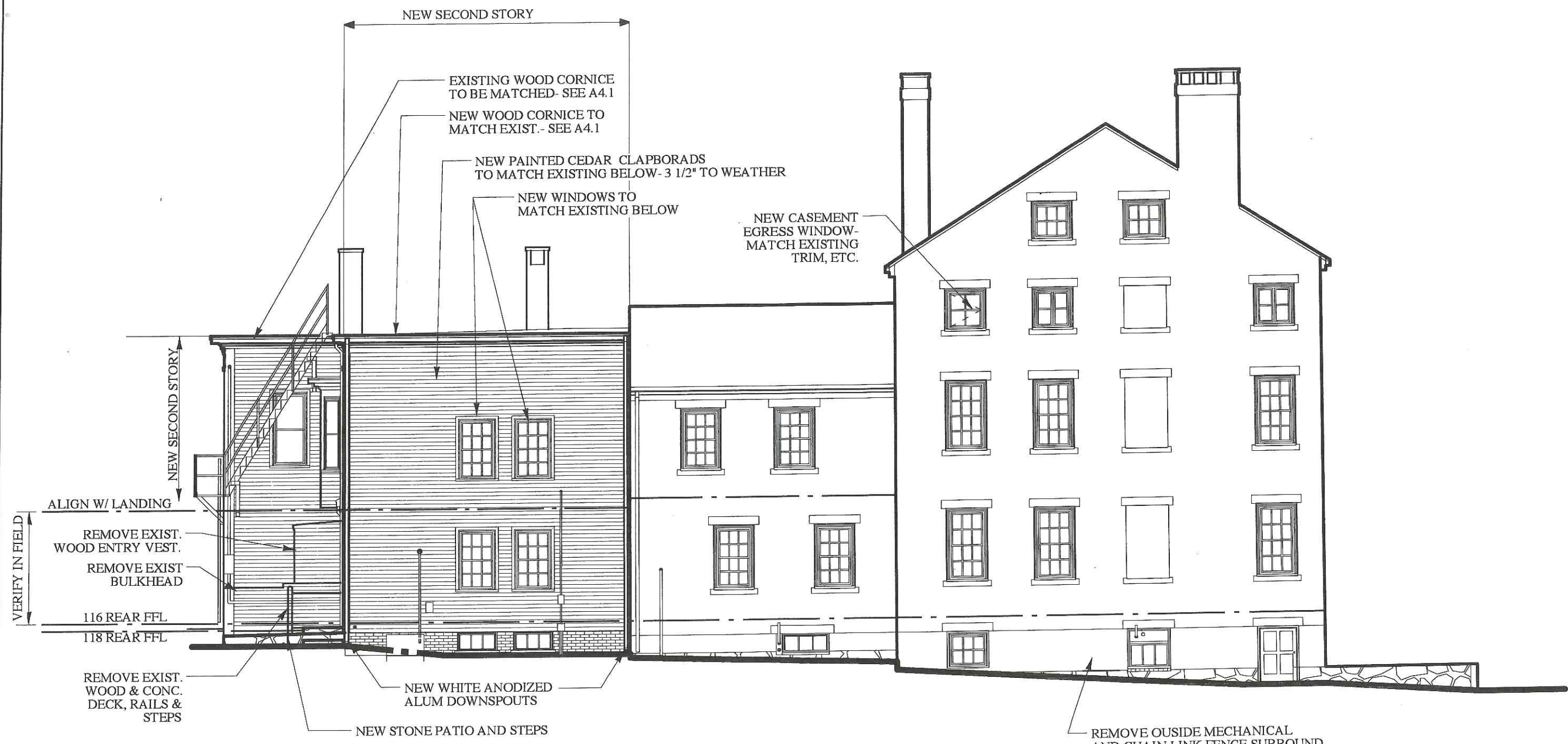


1
A2.2
SCALE: 1/8" = 1'-0"

SOUTHWEST ELEVATION

Drawing Number	A2.2		
	SOUTHWEST ELEV.		
Drawing Title	SOUTHWEST ELEV.		
	Date:	4/18/08	Scale: 1/8" = 1'-0"
Project Title	Townhouses at the Eaton Shaw Block		
	Project Number:	07.04	Reference: NONE
Horton LLC 100 Commercial St. Portland ME 04101 Copyright 2008 Michael Belleau Architect 61 Pleasant Street Portland ME 04101 (207)874-7668 www.michaelbelleau.com			
Note: Do not scale these drawings. These drawings are approximate. Contractor to verify all dimensions in field. This drawing property of Michael Belleau Architect and not to be copied or reproduced in part or whole. Copyright 2008 Michael Belleau Architect			

BUILDING PERMIT PARTIAL SET



1 **SOUTHEAST ELEVATION**
 A2.1 SCALE: 1/8" = 1'-0"

BUILDING PERMIT PARTIAL SET

Drawing Title SOUTHEAST ELEV.	Drawing Number A2.1
	Date: 4/18/08 Project Number: 07.04
Project Title Townhouses at the Eaton Shaw Block	Scale: 1/8" = 1'-0" Reference: NONE
Project Location Horton LLC 100 Commercial St Portland ME 04101	Copyright, 2008 Michael Belleau Architect 61 Pleasant Street, Portland ME 04101 (207)874-7668 www.michaelbelleau.com

Note: Do not scale these drawings. These drawings are approximate. Contractor to verify all dimensions in field. This drawing property of Michael Belleau Architect and not to be copied or reproduced in part or whole. Copyright, 2008, Michael Belleau Architect.

SPRING STREET SIDEWALK



1
XA2.2

EXISTING SOUTHWEST ELEVATION

SCALE: 1/8" = 1'-0"

NOT FOR CONSTRUCTION!!

Note: Do not scale these drawings.
These drawings are approximate.
Contractor to verify all dimensions in field.
This drawing property of Michael Belleau Architect
and not to be copied or reproduced in part or whole.
Copyright 2006 Michael Belleau Architect



Project Title
116,118 State Street

Horton LLC
100 Commercial St.
Portland ME 04101

Copyright 2007 Michael Belleau Architect
61 Pleasant Street Portland ME 04101 (207)874-7668
www.michaelbelleau.com

Drawing Title

EXIST. SOUTHWEST ELEVATION

Date: 12/28/07

Scale: 1/8" = 1'-0"

Project Number: 07.04

Reference: NONE

Drawing Number

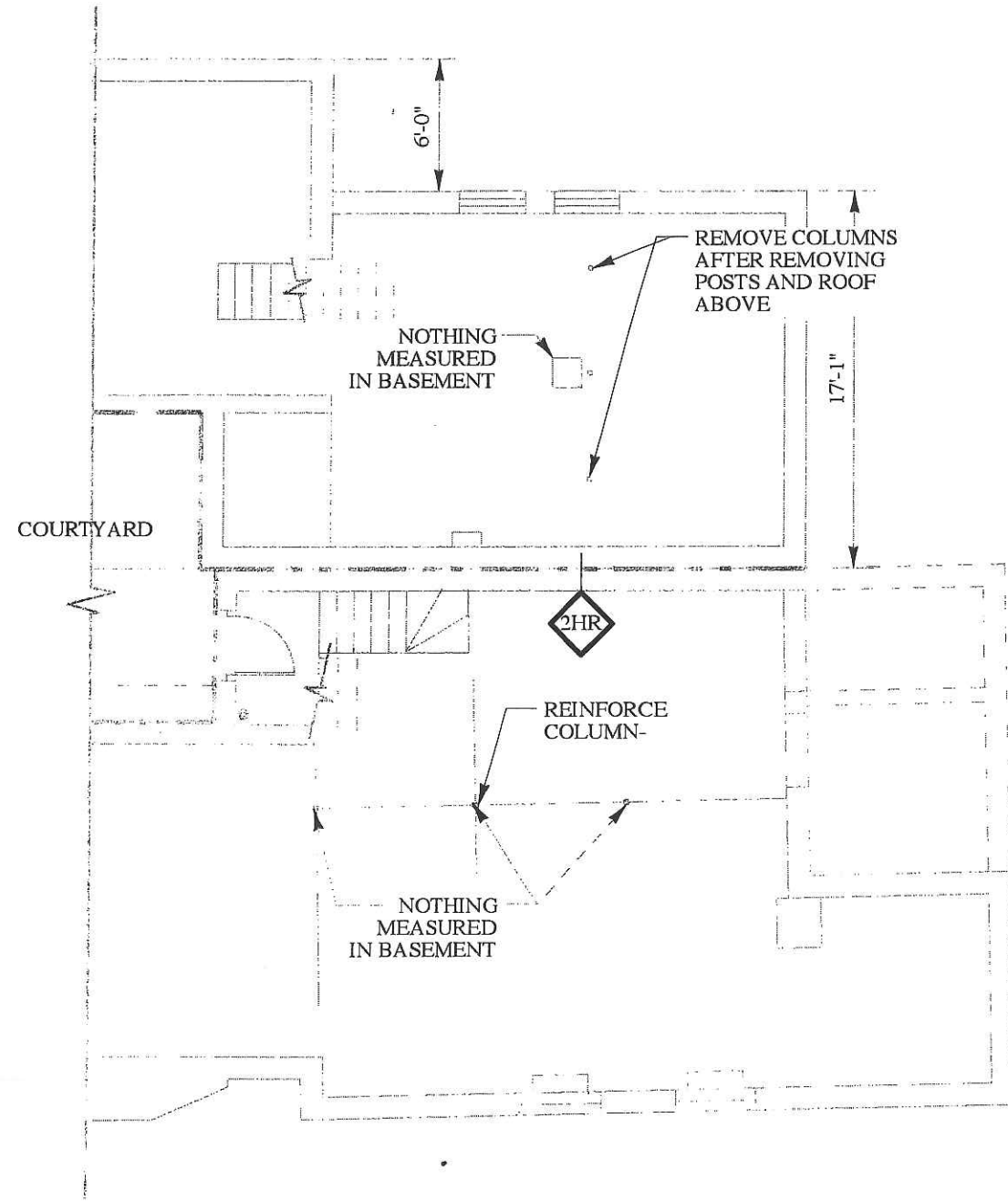
XA2.2



1
 XA2.1 EXISTING SOUTHEAST ELEVATION
 SCALE: 1/8" = 1'-0"

NOT FOR CONSTRUCTION!!

Project Title 116,118 State Street	Drawing Title EXIST. SOUTHEAST ELEV.		Drawing Number XA2.1
	Horton LLC 100 Commercial St. Portland ME 04101	Date: 12/28/07	
Copyright 2007 Michael Belleau Architect 61 Pleasant Street, Portland ME 04101 (207)874-7668 www.michaelbelleau.com	Project Number: 07.04	Reference: NONE	
Note: Do not scale these drawings. These drawings are approximate. Contractor to verify all dimensions in field. This drawing property of Michael Belleau Architect and not to be copied or reproduced in part or whole. Copyright 2006 Michael Belleau Architect			



1
S1.0

BASEMENT FRAMING PLAN

SCALE: 1/8" = 1'-0"

BUILDING PERMIT PARTIAL SET

Note: Do not scale these drawings.
These drawings are approximate.
Contractor to verify all dimensions in field.
This drawing property of Michael Belleau Architect
and not to be copied or reproduced in part or whole.
Copyright 2008 Michael Belleau Architect

Project Title

Townhouses at the Eaton Shaw Block

Horton LLC
100 Commercial St
Portland ME 04101

Drawing Title

BASEMENT FRAMING/ DETAILS

Drawing Number

S1.0

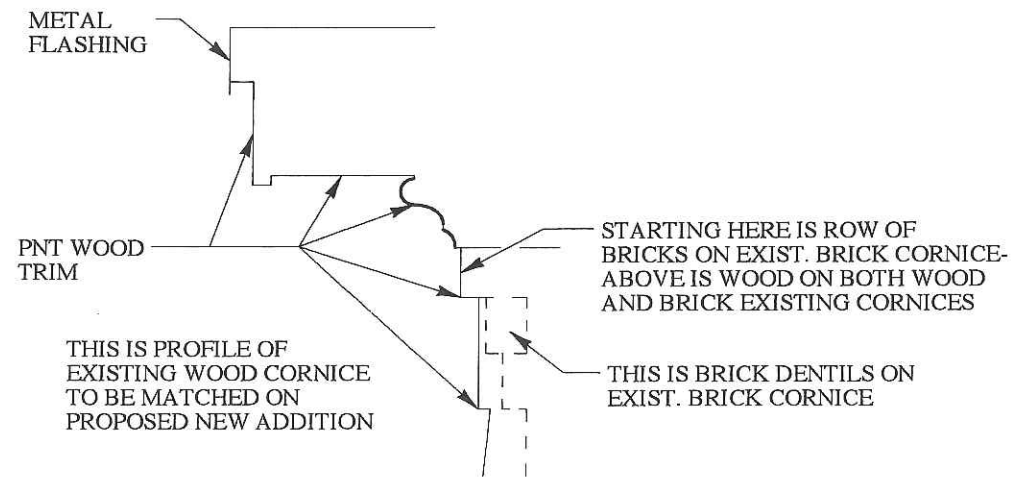
Copyright 2008 Michael Belleau Architect
61 Pleasant Street Portland ME 04101 (207)874-7668
www.michaelbelleau.com

Date: 4/18/08

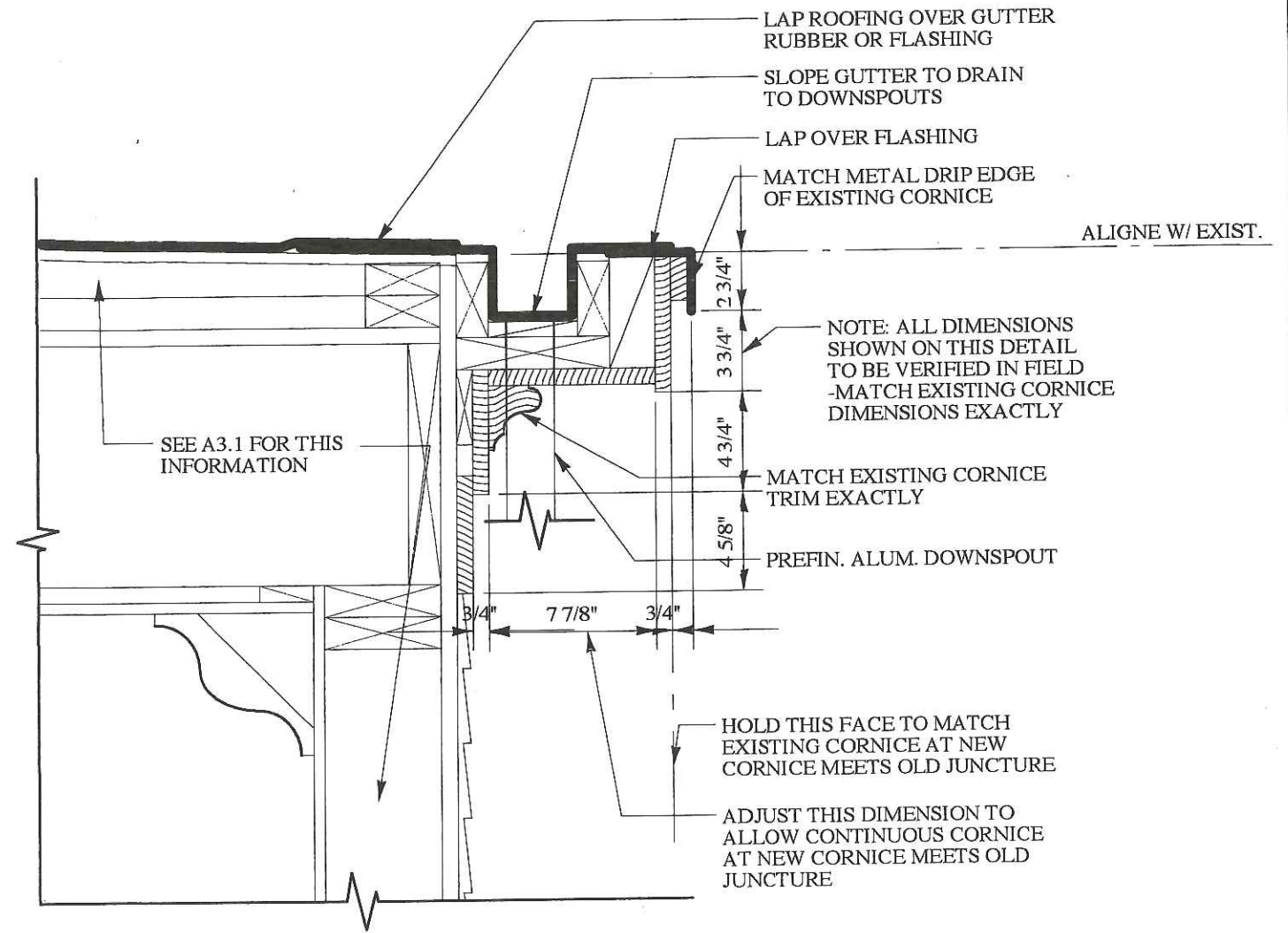
Scale: AS NOTED

Project Number: 07.04

Reference: NONE



2 EXISTING CORNICE
A4.1 SCALE: 1 1/2" = 1'-0"



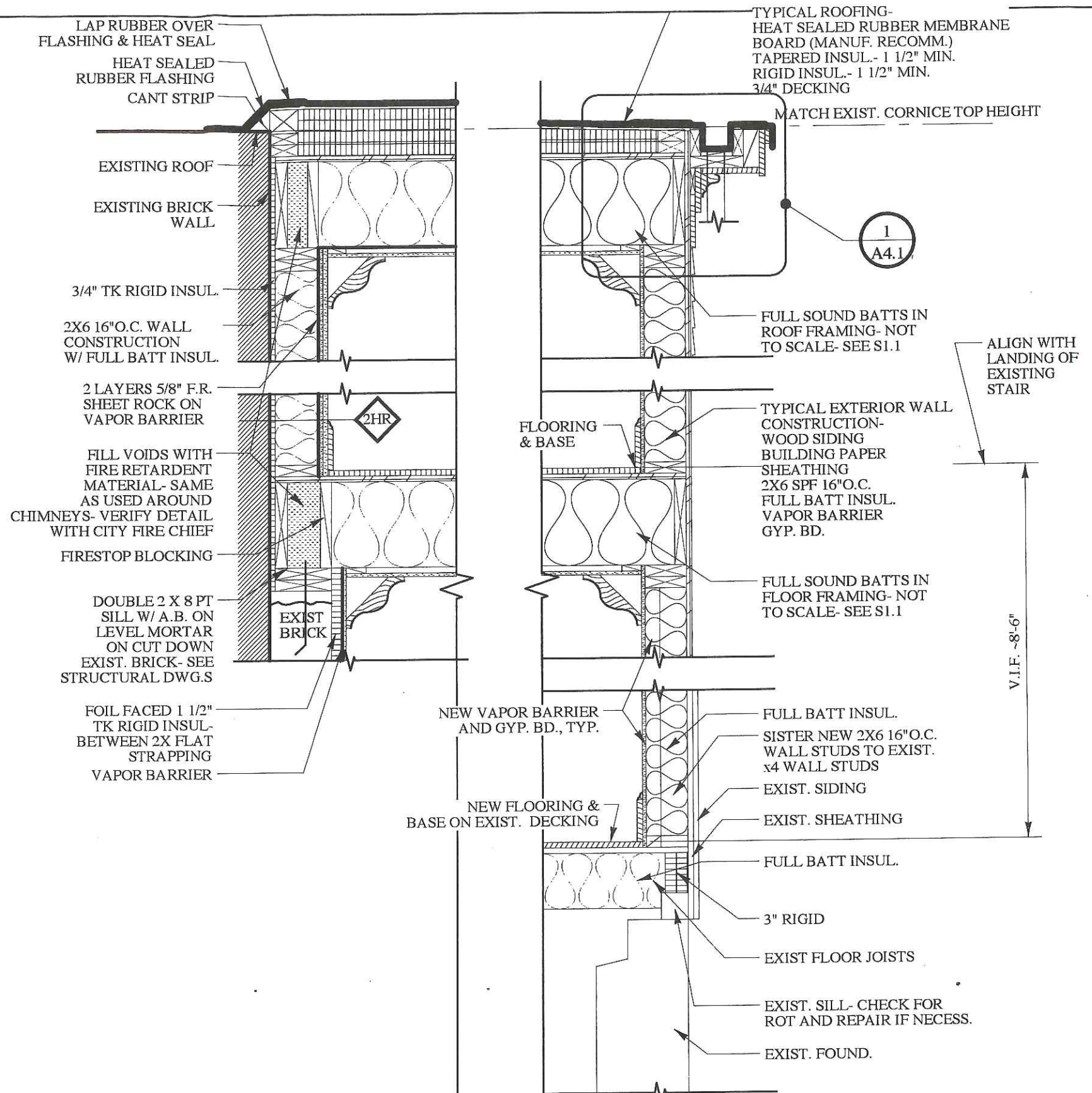
1 CORNICE DETAIL (NO CORNICE AT COURTYARD SIDE OF NEW ROOF- JUST METAL DRIP EDGE AND WOOD TRIM)
A4.1 SCALE: 1 1/2" = 1'-0"

Drawing Number
A4.1

Drawing Title
EXTERIOR DETAILS
Date: 4/18/08
Project Number: 07.04
Scale: AS NOTED
Reference: NONE

Project Title
Townhouses at the Eaton Shaw Block
Horton LLC
100 Commercial St.
Portland ME 04101
Copyright 2008 Michael Belleau Architect
61 Pleasant Street Portland ME 04101 (207)874-7668
www.michaelbelleau.com

Note: Do not scale these drawings.
These drawings are approximate.
Contractor to verify all dimensions in field.
This drawing property of Michael Belleau Architect
and not to be copied or reproduced in part or whole.
Copyright 2008 Michael Belleau Architect



2 WALL SECTION
 A3.1 SCALE: 3/4" = 1'-0"

1 WALL SECTION
 A3.1 SCALE: 3/4" = 1'-0"

BUILDING PERMIT PARTIAL SET

Drawing Number <h1>A3.1</h1>	Drawing Title <h2>WALL SECTIONS</h2>	Date: 4/18/08	Scale: AS NOTED	Reference: NONE
		Project Number: 07.04	Project Title Townhouses at the Eaton Shaw Block Horton LLC 100 Commercial St. Portland ME 04101 Copyright 2008 Michael Belleau Architect 61 Pleasant Street Portland ME 04101 (207)874-7668 www.michaelbelleau.com	
Note: Do not scale these drawings. These drawings are approximate. Contractor to verify all dimensions in field. This drawing property of Michael Belleau Architect and not to be copied or reproduced in part or whole. Copyright 2008 Michael Belleau Architect				